### **Public Document Pack**



# Council

Mon 20 May 2024 7.00 pm

Parkside Market Street Bromsgrove Worcestershire B61 8DA





www.redditchbc.gov.uk

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

Town Hall, Walter Stranz Square, Redditch, B98 8AH Tel: (01527) 64252 (Ext. 3072) e.mail: jess.bayley-hill@bromsgroveandredditch.gov.uk

### **GUIDANCE ON FACE-TO-FACE MEETINGS**

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

Notes:

Although this is a public meeting, there are circumstances when Council might have to move into closed session to consider exempt or confidential information. For agenda items that are exempt, the public are excluded.





Council

.redditchbc.gov.uk

Monday, 20th May, 2024 7.00 pm Parkside Suite - Parkside

#### **Membership:** Agenda

Mr Salman Akbar (Mayor)

Cllrs:

- Joe Baker Wanda King Juliet Barker Smith Alan Mason Juma Begum Sachin Mathur William Boyd Gemma Monaco Brandon Clayton David Munro Claire Davies **Rita Rogers** Gary Slim Matthew Dormer James Fardoe Jen Snape Jane Spilsbury Andrew Frv Monica Stringfellow Bill Hartnett Sharon Harvey **Craig Warhurst** Chris Holz Ian Woodall Joanna Kane Paul Wren Sid Khan
- 1. Welcome

#### 2. **Apologies for Absence**

#### 3. **Declarations of Interest**

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

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

The existing Mayor, Mr Salman Akbar, will provide opening remarks and report on his Mayoral year.

#### 5. Election of the Mayor for 2024/25

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.

#### 6. Election of the Deputy Mayor for 2024/25

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

### Council

**7.** Minutes (Pages 7 - 20)

#### 8. Announcements

To consider Announcements under Procedure Rule 10:

- a) The new Mayor's Announcements, including the Mayor's charities.
- b) The Leader's Announcements.
- c) Chief Executive's Announcements.

#### **9.** Leader of the Council

Further to the local elections 2024 and change of political control, Members are invited to appoint a member of the Council to hold the office of Leader of the Council for the ensuing four years.

Members will also receive any announcements from the newly appointed Leader of the Council.

#### **10.** 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.

### **11.** Constitution Review (Pages 21 - 160)

## **12.** Appointments of Committees, Panels etc and their Chairs and Vice-Chairs (Pages 161 - 186)

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

#### **13.** Outside Bodies (Pages 187 - 198)

### **14. Regulatory Committees - Statement of Licensing Policies** (Pages 199 - 260)

The covering report and associated appendices were considered by Members at the Licensing Committee meeting held on 4<sup>th</sup> March 2024. The minute extract in relation to this item is also included in this agenda for Members' consideration.

### Council

#### 15. 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).

#### **16.** Urgent Business - general (if any)

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

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

This page is intentionally left blank

## Agenda Item 7

Monday, 26th February,

2024



www.redditchbc.gov.uk

### MINUTES

#### Present:

Council

Councillors Salman Akbar (Mayor), Karen Ashley (Deputy Mayor), and Councillors Imran Altaf, Joe Baker, Juliet Barker Smith, Brandon Clayton, Luke Court, Matthew Dormer, James Fardoe, Peter Fleming, Andrew Fry, Lucy Harrison, Bill Hartnett, Sharon Harvey, Joanna Kane, Sid Khan, Anthony Lovell, Emma Marshall, Kerrie Miles, Gemma Monaco, Timothy Pearman, Jane Spilsbury, Monica Stringfellow, Craig Warhurst and Ian Woodall.

#### Officers:

Peter Carpenter, Claire Felton and Sue Hanley.

#### **Democratic Services Officer:**

Jess Bayley-Hill.

#### 69. WELCOME

The Mayor welcomed all present to the meeting.

#### 70. APOLOGIES FOR ABSENCE

Apologies for absence were received from Councillors Joanne Beecham, Juma Begum, Alex Fogg, and Chris Holtz.

#### 71. DECLARATIONS OF INTEREST

There were no declarations of interest.

#### 72. MINUTES

#### **RESOLVED** that

The minutes of the meeting held on Monday, 29<sup>th</sup> January 2024 be approved as a true and correct record and signed by the Mayor.

#### Monday, 26th February, 2024

#### 73. ANNOUNCEMENTS

The following announcements were provided at the meeting:

a) <u>The Mayor's Announcements</u>

The Mayor announced that as this was the last Council meeting of the Municipal Year he wished to thank all Councillors for their service to Redditch and wished all well in the forthcoming elections. He also thanked the officers for their support throughout the year.

b) The Leader's Announcements

The Leader announced that he had attended a number of meetings including the West Midlands Combined Authority and the Economic Development and Housing Land Delivery Boards.

The Leader also announced that Councillor Joanne Beecham had stood down as Portfolio Holder for Leisure due to personal commitments and he thanked her for her work in that role. The Leader would now be the point of contact for that portfolio.

c) The Chief Executive's Announcements

The Interim Chief Executive confirmed that she did not have any announcements on this occasion.

#### 74. EXECUTIVE COMMITTEE

Members considered recommendations from meetings of the Executive Committee on 6th February 2024 and held immediately prior to the Council meeting. The Mayor explained that the proposed changes to the budget for the Parking SLA and the Termination of the North Worcestershire Economic Development Service had been incorporated into the Tranche 2 Medium Term Financial Plan and the recommendations on these items would be debated as part of the debate on the budget.

#### Carbon Reduction Strategy – Annual Review

The Council considered a report on progress with the Carbon Reduction Strategy which had been adopted following the Council declaring a climate emergency in 2022.

During consideration of the report Councillors welcomed the progress made with the actions and the development of an

### Council

#### Monday, 26th February, 2024

accessible dashboard to measure performance. They also thanked the officers involved for their work in supporting the Council's actions.

On being put to the vote, the recommendations were declared carried.

#### Non-Domestic Rates – Discretionary Rate Relief Policy

Council considered an updated policy for Discretionary Rate Relief. The policy had been amended following the Non-Domestic Rating Act 2023, which had removed the previous restriction on backdating relief for any period beginning on or after 1st April 2023 and revocation of associated Regulations. Local authorities would have full flexibility on the award, backdating and revocation of discretionary rate relief from 1<sup>st</sup> April 2024.

The revised policy defined the circumstances in which backdating of relief would be considered and when awards of discretionary relief would be revoked.

On being put to the vote, the recommendation was declared carried.

#### Pay Policy 2024/25

As required by the Localism Act the Council considered its Pay Policy for 2025/25.

The Statement set out policies relating to the remuneration of its chief officers, the remuneration of its lowest-paid employees, and the relationship between the remuneration of its chief officers, and the remuneration of its employees who were not chief officers.

On being put to the vote the recommendation was declared carried.

Medium Term Financial Plan (Including Treasury Management Strategy, Capital Strategy, Minimum Revenue Provision and Investment Strategy (Tranche Two) Including the Parking Enforcement Service Level Agreement and Termination of Shared Service Arrangement; North Worcestershire Economic Development and Regeneration

The Portfolio Holder for Finance and Enabling presented and proposed recommendations in the Council's Medium Term Financial Plan 2024/25 to 2026/27 together with the Treasury Management Strategy, Capital Strategy and Minimum Revenue Provision. Council also considered recommendations relating to the Parking Enforcement Service Level Agreement and Termination

### Council

#### Monday, 26th February, 2024

of Shared Service Arrangement: North Worcestershire Economic Development and Regeneration. Updated fees and charges for Licensing functions had been circulated separately to the report for Councillors' consideration.

The Council set its budget in two tranches. The initial tranche was published in the autumn and options were approved at Council in January. The second tranche was now being considered following receipt of the final Local Government settlement figures.

Following tranche 1 of the budget there was an overall budget pressure of £353k in the 2024/25 financial year reducing to a deficit of £93k and then £72k in the following two years. The financial settlement had since allowed opportunities for additional funding, including:

- Increasing the Council tax from 1.99% to 2.99%
- Increasing planning fees for small applications by 25% and other applications by 35%, and
- Additional grant funding of £244k due to the overall Local Government Settlement

In addition, £250k could be released from the budget at tranche 1 and the relevant reserve since the implications of the pay award had been worked through.

Additional pressures of £261k needed to be accounted for. These included:

- £40k for an increase in staffing numbers in Worcestershire Regulatory Services due to higher levels of Food Safety Compliance testing.
- £45k for Planning and Enforcement to address previous issues with recruitment difficulties by engaging Worcestershire Regulatory Services to provide effective enforcement on behalf of the Council.
- Play audits and Investment Strategy starting at £10k rising to £50k, as approved by Executive Committee in January 2024.
- £71k for the Housing Strategy Review to employ private sector housing officers to support increased statutory duties associated with damp and mould issues and implementing the new duties and responsibilities in the Renters Reform Bill.
- Following the withdrawal of Wyre Forest District Council from the current North Worcestershire economic development and regeneration shared service, £72k was earmarked for setting up a new Regeneration and Economic Development Service.

#### Monday, 26th February, 2024

Over the next 3 years £3m was due to be added to the Council's reserves. The Council's General fund was also due to increase to £4m by 2027 because of changes in the allocation of different types of reserve. This was approximately 10% of gross expenditure, above the 5% recommended as sustainable by the Government.

The Housing Revenue Account revenue expenditure was proposed to increase from  $\pounds 28m$  to  $\pounds 31m$  by 2027/28 and included an annual capital programme of  $\pounds 10m$ .

It was proposed to freeze Council tax in 2025/26 to recognise financial pressures faced by residents.

Councillor Matthew Dormer seconded the proposal.

During consideration of this item Councillor Joe Baker proposed an alternative budget on behalf of the Labour Group, which was based on the end point of the Administration's budget and assumed a Council Tax of 2.99% in 2024/25 with a proposed Council Tax freeze being maintained in 2025/26 if affordable. The alternative budget proposed the following:

- Reintroduction of the Street Market in Redditch, a capital cost of £5k a year over 20 years and net running costs of £33k - £38k in total.
- Retain the existing library building and convert it to provide catering and business units on the ground floor with community use, dining and conference facilities on the upper floors. Depending on scope of delivery this might fall within the £4.2m budget.
- Remove the increase charge from dial a ride which would be an additional cost of £18k in 2024/25 and for the three years of the Medium Term Financial Plan.
- Redevelop the grass area of the Forge Mill to enable small stalls to be erected for craft business. The preferred option for this would cost £21.4k per year.
- These proposals would leave a surplus in the budget by the 2026/27 financial year of £20,600.

In proposing the alternative budget Councillor Baker referred to

 The proposals for the library building being able to be worked up into a robust business case. The proposals would act as a catalyst for the rejuvenation of the town centre and would increase footfall. As a community hub it would support the public and businesses and provide facilities for more 'dwell' time as visitors would spend longer in the Town. Business

Monday, 26th February, 2024

leaders favoured the provision of a space to hold conferences and other events.

• The alternative budget would support those less fortunate in society by not increasing the dial a ride cost.

The alternative budget was seconded by Councillor Ian Woodall.

During debate on the amendment the following were the main points made:

- The reintroduction of the street market in the town centre would contradict the work of the BID which was reintroducing a market in March 2024.
- The proposal to introduce events at Forge Mill would encourage development of cultural activity in the Borough.
- Although it was the accountable body for finance, the Council was one member of the Town's Board so any changes to proposals for the library building could not be guaranteed to be achieved.
- The proposal to include business innovation at the library building potentially duplicated the development of a business innovation centre at the former Police Station in the town.
- The proposals would encourage the development of local entrepreneurship rather than bring in businesses based outside the Borough.
- In response to a member question regarding the status of contracts regarding the library building, the S151 Officer reported that the original Seddons contract for stage 4 RIBA design was signed off in October 2023 and there would be an updated costs schedule shortly. The agreement to lease with the County Council was due to be signed in the next week.
- A member suggested that the proposal to retain the library building offered the opportunity to keep the Redditch archives in the town, subject to consultation with the County Council. Members also referred to not demolishing the building supporting the Council's carbon reduction target.
- The view was expressed that as a valued service that the dial a ride service should be made more sustainable financially and reducing the charges would not help achieve this. However, it was suggested that residents relied on the service for attending medical appointments and the current charges should be retained.
- If pursued, the proposal to use the grass area at Forge Mill would need to be agreed with Rubicon Leisure Limited who ran the facility on behalf of the Council.
- The view was expressed that the proposals strengthened the town centre's viability and vitality and offered coworking spaces for small businesses.

### Council

#### Monday, 26th February, 2024

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, James Fardoe, Andy Fry, Bill Hartnett, Sharon Harvey, Joanna Kane, Sid Khan, Jane Spilsbury, Monica Stringfellow and Ian Woodall (11)

Members voting AGAINST the alternative budget:

Councillors Salman Akbar, Imran Altaf, Karen Ashley, Brandon Clayton, Luke Court, Matthew Dormer, Peter Fleming, Lucy Harrison, Anthony Lovell, Emma Marshall, Kerrie Miles, Gemma Monaco, Timothy Pearman and Craig Warhurst (14).

Members ABSTAINING in the vote:

No Councillors (0).

The vote on the alternative budget was therefore lost.

The Council then considered the content of the Medium Term Financial Plan recommendations from the Executive Committee. Points discussed included:

- the impact of inflation on the budget on an ongoing basis, especially relating to the cost of borrowing to fund the capital programme.
- In relation to the Housing Revenue Account the view was expressed that it did not include provision to address poor conditions such as damp and mould nor to increase the effectiveness of housing repairs. It was argued that there was a sum in the budget for resources to undertake a statutory housing review which would include dealing with damp and mould and to support new duties relating to the condition of the private and social housing stock.
- It was reported that the decision made by the County Council to move the archives out of Redditch Library was not related to the decision to demolish the library building.

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

#### Monday, 26th February, 2024

Members voting FOR the proposal:

Councillors Salman Akbar, Imran Altaf, Karen Ashley, Brandon Clayton, Luke Court, Matthew Dormer, Peter Fleming, Lucy Harrison, Anthony Lovell, Emma Marshall, Gemma Monaco, Timothy Pearman and Craig Warhurst (13)

Members voting AGAINST the proposal:

Councillors Joe Baker, Juliet Barker-Smith, James Fardoe, Andy Fry, Bill Hartnett, Sharon Harvey, Joanna Kane, Sid Khan, Jane Spilsbury, Monica Stringfellow and Ian Woodall (11)

Members ABSTAINING from the vote:

Councillor Kerrie Miles (1)

The proposal was declared carried.

**Council Tax Resolutions** 

The Portfolio Holder for Finance and Enabling presented the Executive Committee's recommendations on the Council Tax, which had been considered at a meeting immediately prior to the Council meeting. It was noted that the figure for the total precept in the table at paragraph 3.2 of the report should read £57,455,983.08m instead of £56,455,983.08m.

The recommendations were seconded by Councillor Matthew Dormer.

During consideration of the recommendations a member queried why the precept from Feckenham Parish Council had increased by 200%. Councillor Dormer responded that the precept from the Parish Council had been low for some time and the increase reflected its desire to progress certain initiatives.

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

Members voting FOR the proposal:

Councillors Salman Akbar, Imran Altaf, Joe Baker, Juliet Barker-Smith, Karen Ashley, Brandon Clayton, Luke Court, Matthew Dormer, James Fardoe, Peter Fleming, Andy Fry, Lucy Harrison, Bill Hartnett, Sharon Harvey, Joanna Kane, Sid Khan, Anthony Lovell, Emma Marshall, Kerrie Miles, Gemma Monaco, Timothy

#### Monday, 26th February, 2024

Pearman, Jane Spilsbury, Monica Stringfellow, Craig Warhurst and Ian Woodall (25)

Members voting AGAINST the proposal: (0)

Members ABSTAINING from the vote: (0)

#### **RESOLVED** that

- 1) The minutes of the meeting of the Executive Committee held on 6<sup>th</sup> February 2024 be received and all recommendations adopted. The following be approved:
- 2) The additional funding to the Council as per the Local Government Settlement on the 18<sup>th</sup> December 2023, including the estimated levels for 2024/5 and 2025/6.
- The Tranche 2 growth and savings proposals, as set out in Sections 3.27 – 3.35, including an increase of Council Tax of 2.99% for 2024/5.
- 4) A proposed Council Tax Freeze in 2025/6, subject to financial requirements allowing this to be possible.
- 5) The updated five year Capital Programme 2024/5 to 2028/29 along with its ongoing revenue costs.
- 6) The levels of Earmarked Reserve being carried forward into future years.
- 7) The level of General Fund balances following additions from the 2024/5 MTFP.
- 8) The HRA budget as set out in Sections 3.48 to 3.55.
- 9) Members take account of any feedback from the Tranche 2 consultation process undertaken.
- 10) The calculation for the Council Tax requirement for the Council's own purposes for 2024/25 (excluding Parish precepts) as £7,094,467.10.
- 11)That the following amounts be calculated for the year 2024/25 in accordance with sections 31 to 36 of the Act:
  - (a) £49,227,739.00 being the aggregate of the amounts which the Council estimates for the items set out in Section 31A (2) of the Act

### Council

Monday, 26th February, 2024

(taking into account all precepts issued to it by Parish Councils) *(i.e., Gross expenditure)* 

- (b) £42,133,272.00 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) £7,094,467.10 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) £271.86 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) £60,000 being the aggregate amount of all special items (Feckenham Parish precept) referred to in Section 34 (1) of the Act.
- (f) £269.58 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) £427.35 being the amount given by adding to the amount at 1.2.2(f), the amount of the special item 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,

Monday, 26th February, 2024

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 Paid	Feckenham Parish Council Precept £	Parish of Feckenham Total £	All other part s of the Cou ncil
				£
Α	6/9	105.18	284.90	179.72
В	7/9	122.71	332.38	209.67
С	8/9	140.24	379.87	239.63
D	1.00	157.77	427.35	269.58
E	11/9	192.83	522.32	329.49
F	13/9	227.89	617.28	389.39
G	15/9	262.95	712.25	449.30
Н	18/9	315.54	854.70	539.16

12) It be noted that for the year 2024/25, Worcestershire County Council, Police and Crime Commissioner for West Mercia and Hereford and Worcester Fire Authority have issued precepts to the Council in accordance with Section 40 of the Local Government Finance Act 1992 for each category of dwelling in the Council's area as indicated below:

	Valuation Bands							
	Α	В	С	D	E	F	G	Н
	£	£	£	£	£	£	£	£
Worcestershire County								
Council	1025.95	1196.94	1367.93	1538.92	1880.90	2222.88	2564.87	3077.84
Police and Crime Commissioner for West Mercia	185.00	215.83	246.67	277.50	339.17	400.83	462.50	555.00
Hereford and Worcester Fire Authority	64.81	75.62	86.42	97.22	118.82	140.43	162.03	194.44

Monday, 26th February, 2024

13) 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 2024/25. for each part of its area and for each of the categories of dwellings:

Valuation Band	Proportion of Band D Paid	Parish of Feckenham Total £	All other parts Precepts £
Α	6/9	1,560.66	1,455.48
В	7/9	1,820.77	1,698.06
С	8/9	2,080.89	1,940.65
D	1.00	2,340.99	2,183.22
E	11/9	2,861.21	2,668.38
F	13/9	3,381.42	3,153.53
G	15/9	3,901.65	3,638.70
Н	18/9	4,681.98	4,366.44

14)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 2024 to March 2025 as detailed below:

	Precept	Deficit on Collection Fund	Total to pay
	£	£	£
Worcestershire County Council	40,499,912.00	(523,331.44)	39,976,580.06
Police and Crime Commissioner for West Mercia	7,302,995.25	(94,435.15)	7,208,560.10
Hereford & Worcester Fire Authority	2,558,548.43	(33,705.20)	2,524,843.23

15) 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 £7,060,742.33 being the Council's own demand on the Collection Fund (£7,094,467.10) and Parish

Monday, 26th February, 2024

Precept (£60,000) and the distribution of the deficit on the Collection Fund (-£93,724.77).

- 16) That the Interim Director of Finance be authorised to make payments from the General Fund to Feckenham Parish Council the sums listed above (£60,000) by instalment after 1 April 2024 in respect of the precept levied on the Council.
- 17) 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.
- 18) 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.

#### 75. URGENT BUSINESS - RECORD OF DECISIONS

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

#### 76. URGENT BUSINESS - GENERAL (IF ANY)

The Mayor advised that there was one item of urgent business for the meeting, the Overview and Scrutiny Committee Annual Report 2023/24. This meeting of the Council was the last in the current Municipal Year at which to consider the report.

Councillor Sid Khan, the Chair of the Overview and Scrutiny Committee presented the report. In doing so he thanked the members of the Committee for their dedicated work during the year and the Democratic Services Team for their support. Other Councillors echoed his thanks including members of the Executive who referred to the constructive way in which the Chairs of the Committee and its sub Groups had engaged with them.

Councillor Khan summarised the work of the Committee during the year which included scrutiny of Executive Committee items such as the Corporate Peer Challenge Action Plan, Worcestershire Housing Strategy 2040 and Establishment of a Programme Office. The Budget and Performance Scrutiny Working Groups had played an active role in pre-scrutinising finance and budget related reports.

Councillor Khan reported that at 28<sup>th</sup> January 2024, 6 of the 9 recommendations made by Scrutiny bodies had been accepted by the Executive and 11 of 15 recommendations made to all Committees.

## Agenda Item 7

### Council

Monday, 26th February, 2024

#### **RESOLVED** that

#### The Overview and Scrutiny Annual Report 2023/24 be noted.

Immediately prior to the close of the meeting the Leader of the Council and Leader of the Labour Group thanked all the Councillors for their work in their communities and in supporting the governance of the Council.

The Meeting commenced at 7.01 pm and closed at 9.18 pm

#### **REDDITCH BOROUGH COUNCIL**

Page 21

### **Annual Council**

2024

20th May

#### **Constitution Review**

Relevant Portfolio Holder		Councillor TBC		
Portfolio Holder Consulted				
Relevant Head of Service		Claire Felton, Head of Legal,		
		Democratic and Property Services		
Report Author	Job Title	e: Head of Legal, Democratic and		
Claire Felton	Property Services			
	Contact	email:		
	c.felton@	bromsgroveandredditch.gov.uk		
	Contact T	Tel: (01527) 64252		
Wards Affected		All		
Ward Councillor(s) consulted	d	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. <u>RECOMMENDATIONS</u>

Council is asked to RESOLVE that:-

- 1) The current version of the Officer Scheme of Delegations is agreed as set out at Appendix A;
- 2) The introduction to the constitution be reduced in length;
- 3) The Articles, the Information Security Policy and the Members' ICT Policy be removed from the Council's constitution;
- 4) The Shareholder Committee Terms of Reference be amended as set out at Appendix B;
- Authority be delegated to officers to determine applications for licences to use vehicles as hackney carriages or private hire vehicles where the vehicle does not meet the Council's required criteria in respect of the age of the vehicle;
- The Council Procedure Rules be amended to clarify that Questions on Notice cannot be asked on the subject of specific Licensing or Planning applications at Council meetings;

### Agenda Item 11

#### **REDDITCH BOROUGH COUNCIL**

### Annual Council

20th May

- The Audit, Governance and Standards Committee Procedure Rules be amended to require the Monitoring Officer's report to be provided for the Committee's consideration on a quarterly basis;
- 8) The Joint Arrangements in the constitution be updated to remove referrals to the Joint WRS Board, West Midlands Combined Authority and Greater Birmingham and Solihull Local Enterprise Partnership (GBSLEP);
- 9) The Best Practice for Handling Member Enquiries Guidance be added as an appendix to the Protocol for Relations Between Councillors and Officers section of the constitution; and
- 10)The proposed terms of reference for the Employment Appeals Committee be approved.

#### 2. BACKGROUND

- 2.1 The report details proposed changes to the Council's constitution. Many of these changes were proposed at a meeting of the Constitutional Review Working Party (CRWP) held on 7<sup>th</sup> March 2024.
- 2.2 The constitution is currently the subject of a comprehensive review. This review is occurring in line with suggestions about governance at the Council received from local government peers during a Corporate Peer Challenge (CPC) held in 2023. The changes are designed to enhance the transparency and utility of the Council's constitution.
- 2.3 Council is invited to consider the recommendations detailed in the report and to determine whether these should be approved.

#### 3. OPERATIONAL ISSUES

#### Scheme of Delegations

- 3.1 The Council is required to review its scheme of delegations on an annual basis. This report presents the scheme for noting. The Council's Constitution currently requires that the Scheme of Delegations be approved by Members at the Annual Meeting of the Council.
- 3.2 The 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

2024

Agenda Item 11

**REDDITCH BOROUGH COUNCIL** 

Annual Council 2024

20th May

the decisions which are delegated by the Executive Committee / Leader to officers. In relation to certain regulatory decisions, the delegation is from Council to the relevant Committee, namely Planning Committee or Licensing Committee.

- 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 2023/24 municipal year. These have been highlighted in Appendix A 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.

#### Introduction to the Constitution

- 3.7 Currently, the Council's constitution contains an Introduction at the start of the document.
- 3.8 The Introduction provides an overview of the purpose of the constitution, key features in the constitution and the governance arrangements at the Council.
- 3.9 A lot of the information included in the current Introduction is repeated in later sections of the constitution. This extends the length of the document. In addition, it also creates the risk that when other parts of the constitution are updated, the updates may be missed in the Introduction, leading to conflicting advice in the document, which can cause confusion.
- 3.10 In this context, it is proposed that the length of the introduction to the constitution should be reduced to focus on key salient points that do not repeat information provided later in the constitution. The proposed updated introduction can be viewed at Appendix 2.

#### The Articles of Constitution

3.11 Currently, the Articles of Constitution for the Council are included at Part 2 of the Council's constitution.

### Agenda Item 11

**REDDITCH BOROUGH COUNCIL** 

20th May

- 3.12 The Articles of Constitution set out the basic legal rules governing the Council's business. It is therefore important for the Council to have Articles.
- 3.13 However, there is no specific requirement to include the Articles within the Council's constitution.
- 3.14 The Articles of Constitution are relatively lengthy and written in language appropriate for a legal document. They are not therefore necessarily user friendly.
- 3.15 It is proposed in this context that the Articles should be removed as a section of the Council's constitution.
- 3.16 Should this proposal be approved, the Articles of Constitution will continue to be made available for Members, Officers and the public to access on the Council's website.

#### Shareholder Committee Terms of Reference

3.17 Following discussion with Group Leaders it is recognised that the Shareholder Committee should be a sub-committee of the Executive and should not be politically balanced. It is proposed that the Terms of Reference are amended to reflect this.

#### Licensing Committee Process – Age Criteria for Licensed Vehicles

- 3.18 On 21<sup>st</sup> March 2022 the Licensing Committee approved a new Hackney Carriage and Private Hire Vehicle Licensing Policy which took effect on 1<sup>st</sup> September 2022. The policy sets out the criteria that must be met by vehicles that are licensed as hackney carriage and private hire vehicles including requirements in respect of the age of the vehicle.
- 3.18 Section 3.12 of the policy sets out how the Council will deal with applications to licence vehicles that do not meet the required criteria.

The policy currently states:

"This section applies where an application is received for the grant or renewal of a licence to use a vehicle as a hackney carriage or a private hire vehicle and the vehicle concerned does not meet the required criteria detailed in this policy.

### Agenda Item 11

**REDDITCH BOROUGH COUNCIL** 

Annual Council 2024

20th May

The application cannot be determined by officers under delegated powers, but the applicant can request that the application is determined at a hearing of the Council's Licensing Sub-Committee."

- 3.19 A considerable number of applications are made each year that require determination by a Licensing Sub-Committee because of the vehicle not complying with the Council's criteria in respect of its age. In such circumstances, the applicant for the licence must first have their vehicle mechanically tested by the Council's Taxi Engineer at Crossgates Depot.
- 3.20 Providing the vehicle is found to be mechanically safe and fit for use, the applicant is then required to present the vehicle for further visual inspection by Members at a later date at a Licensing Sub-Committee hearing. It is currently at the Licensing Sub-Committee hearing that Members then decide whether they consider that vehicle is of such exceptional standard so as to justify a decision to depart from the Council's Hackney Carriage and Private Hire Licensing Policy.
- 3.21 It is recognised that arranging and attending Licensing Sub-Committee hearings to determine applications for vehicles that do not meet the required criteria on account of their age, is time consuming and expensive for both Members and officers. It also requires the applicant for the licence to give up time to attend the hearing and present their vehicle for inspection by Members.
- 3.22 During the coronavirus pandemic, when restrictions were in place that prevented meetings from taking place in person, emergency delegations were put in place to authorise officers to determine applications for vehicles which did not meet the age criteria. The processes in place during this time appear to have worked well and allowed good quality decisions to be made professionally and efficiently. Once the coronavirus restrictions were lifted and face-to-face Council meetings resumed, these emergency delegations were removed and decision making on such applications returned to Licensing Sub-Committees with the first such Sub-Committee taking place in November 2021.
- 3.23 On 17<sup>th</sup> October 2022, the Licensing Committee considered a report inviting them to consider whether to direct officers to carry out consultation on delegating authority to determine this type of application to officers. After some debate as to the advantages and disadvantages of such an approach, Members resolved that consultation should be carried out on delegating authority to Officers to determine applications for licences to use vehicles as hackney

Agenda Item 11

**REDDITCH BOROUGH COUNCIL** 

20th May

carriages or private hire vehicles where the vehicle had not met the Council's required criteria in respect of the age of the vehicle.

- 3.24 This consultation was conducted between 21<sup>st</sup> October 2022 and 16<sup>th</sup> December 2022 and the results of the consultation were considered by the Licensing Committee on Monday 20<sup>th</sup> March 2023. The minutes of the Licensing Committee meeting on Monday 20<sup>th</sup> March 2023 can be seen at Appendix D.
- 3.25 After lengthy consideration and debate, the Licensing Committee resolved that officers should proceed with the actions required to delegate authority to determine applications for licences to use vehicles as hackney carriages or private hire vehicles where the vehicle does not meet the Council's required criteria in respect of the age of the vehicle. The first such action was to ask the CRWP to consider this matter and recommend to Council that the Council's constitution be amended to delegate authority to officers to determine applications for licences to use vehicles as hackney carriages or private hire vehicles where the vehicles where the vehicle does not meet the council that the Council's constitution be amended to delegate authority to officers to determine applications for licences to use vehicles as hackney carriages or private hire vehicles where the vehicle does not meet the Council's required criteria in respect of the age of the vehicle.
- 3.26 The CRWP initially considered this proposal at a meeting held on 31<sup>st</sup> July 2023. During this meeting, Members discussed the rationale for the proposed delegation to Officers. Some concerns were raised about whether it would be appropriate to reduce the level of Member involvement in determining such applications. However, other concerns were raised about the extent to which it was appropriate for Members to make a decision, given elected Members did not necessarily have the engineering expertise of the mechanics who would have already assessed the suitability of those vehicles to continue operating. It was also noted that Members sometimes struggled to attend Licensing Sub-Committee hearings during the day but these could not be rescheduled as evening meetings due to the detrimental impact it could have on drivers' livelihoods.
- 3.27 At the end of that meeting, Members suggested that it would be helpful to agree a compromise. Options suggested in these circumstances included the possibility of Members only considering applications in respect of age criteria in cases where these applications had been rejected and / or only receiving updates on applications where renewal of licenses had been approved, to provide assurance. Officers were asked to check the viability of these different options and to report back for Members' consideration.

Agenda Item 11

**REDDITCH BOROUGH COUNCIL** 

## Annual Council 2024

20th May

- 3.28 At a subsequent meeting of the CRWG, held on 7<sup>th</sup> March 2024, Officers reported that the compromise solutions that had been suggested by Members at the previous meeting would not be viable, due to legal restrictions on actions that could be taken. Instead, a decision needed to be taken as to whether or not to delegate authority to officers to determine applications for licences to use vehicles as hackney carriages or private hire vehicles where the vehicle does not meet the Council's required criteria in respect of the age of the vehicle.
- 3.29 The CRWG discussed the feedback provided and the previous concerns raised by Members. In doing so, it was noted that delegations could be rescinded at a later date, should Members determine that this was no longer necessary.
- 3.30 In this context, the CRWP agreed to propose that the Council should, for a trial 12-month period, delegate authority to officers to determine applications for licences to use vehicles as hackney carriages or private hire vehicles where the vehicle does not meet the Council's required criteria in respect of the age of the vehicle.

#### Council Procedure Rules

- 3.31 The Council Procedure Rules in the constitution detail the rules that need to be followed at meetings of full Council.
- 3.32 Members of the public and Councillors are permitted to ask Questions on Notice at ordinary meetings of full Council and the rules for submission of Questions on Notice are detailed in the Council Procedure Rules.
- 3.33 There are circumstances under which a Question on Notice submitted to the Council might be rejected, for example if the question is considered to be defamatory, frivolous or offensive.
- 3.34 There is currently no explicit rule in the Council Procedure Rules clarifying that the Council would not accept a Question on Notice on the subject of a specific Licensing or Planning application.
- 3.35 However, it would not be appropriate for Members to consider specific Questions on Notice, or supplementary Questions on Notice, concerning licensing or planning applications as these are subject to separate quasi-judicial decision-making processes.
- 3.36 Consideration of Questions on Notice on these subjects could also place Members of the Licensing and Planning Committees in a difficult

Agenda Item 11

**REDDITCH BOROUGH COUNCIL** 

20th May

position whereby they might be considered to be predetermined in terms of their views of a particular application.

3.37 Therefore, the CRWG is proposing that the Council Procedure Rules should be amended to specify that the Chief Executive may reject a Question on Notice if the subject of that question relates to specific licensing and planning applications.

Audit, Governance and Standards Committee Procedure Rules

- 3.38 The Audit, Governance and Standards Committee Procedure Rules detail the procedural rules in place for that Committee.
- 3.39 At meetings of the Committee, Members consider a report from the Monitoring Officer which provides an update on key standards matters, including numbers of complaints about Members, Member training and updates to the constitution.
- 3.40 Traditionally, four meetings of the Audit, Governance and Standards Committee have taken place each year. However, since the Council was issued with a Section 24 Notice in 2022, the Committee has been meeting six times a year and will continue to do so until all of the recommendations raised in the Section 24 Notice have been addressed.
- 3.41 The CRWP was advised that Monitoring Officer reports have been prepared for consideration at all of the Audit, Governance and Standards Committee meetings held during the 2023/24 municipal year. However, there have not been significant changes from a standards perspective in the time that has elapsed between meetings during the year.
- 3.42 In this context, it is proposed that it would be more appropriate in future for the Monitoring Officer's reports to be presented for the consideration of the Audit, Governance and Standards Committee on a quarterly basis. There would remain the potential for additional copies of this report to be drafted during the year should circumstances require.

#### Joint Arrangements

3.43 The Joint Arrangements section in the Council's constitution details joint arrangements in place with which Redditch Borough Council has some involvement, such as shared service arrangements.

Agenda Item 11

**REDDITCH BOROUGH COUNCIL** 

#### Annual Council 2024

20th May

- 3.44 The content of the Joint Arrangements section in the constitution has been reviewed by Officers and changes have been proposed by the CRWP to update the information that is provided, as detailed at Appendix G to the report.
- 3.45 This includes the proposal to remove reference to the former Greater Birmingham and Solihull Local Enterprise Partnership (GBSLEP) from the Joint Arrangements document, as this LEP no longer exists.
- 3.46 A further change is proposed to remove reference to the Joint Worcestershire Regulatory Services (WRS) Board from the Joint Arrangements section. This proposal is being made in a context in which Officers are proposing to update the Committee Terms of Reference, at Part 5 of the constitution. It is suggested that in future the updated Committee Terms of Reference should be divided into two parts; Part A will focus on the terms of reference for "internal Committees", such as the Planning Committee, and Part B will focus on the terms of reference for joint bodies with which the Council has some involvement.
- 3.47 The review of the content of the Committee Terms of Reference is currently still taking place and will be reported for Members' consideration in due course.

#### <u>Member Officer Relations Protocol – Addition of Member Enquiries</u> <u>Guidance</u>

- 3.48 At the meeting of the CRWP held on 7<sup>th</sup> March 2024 Members discussed the process followed at the Council for consideration and resolution of enquiries raised by Members with staff.
- 3.49 The Council's Business Improvement Team (BIT) reviewed the arrangements that were in place, in terms of staff responding to queries received from Members, prior to discussions at the CRWP meeting. This review identified that there were a range of approaches adopted by teams across the Council. Whilst many staff had positive working relationships with Councillors, approaches to responding to Members varied and there was a lack of consistency. In addition, timescales for responding to Members varied.
- 3.50 In this context, Officers have drafted guidance for staff in respect of responding to Member enquiries. The intention of this guidance is to enable greater consistency to emerge in respect of the processes that staff are expected to follow when responding to Members' queries. This guidance should also provide clarity about timescales and

## Agenda Item 11

**REDDITCH BOROUGH COUNCIL** 

20th May

expectations, to the benefit of elected Members and the residents that they serve.

- 3.51 Already included within the Council's constitution is the Member Officer Relations Protocol. This protocol outlines the appropriate working relationships between Members and Officers at Redditch Borough Council. It is suggested that the guidance would be appropriate to attach as an appendix to this protocol in the Council's constitution.
- 3.52 In considering this matter, Members are asked to note that the Corporate Management Team (CMT) will be monitoring data arising from the Member enquiries that are reported through this process so that any trends or areas of concern can be addressed as they emerge.

#### Employment Appeals Committee

- 3.53 Currently, the Council has a single Appointments Committee which is responsible for the appointment of statutory officers and may also be involved in the appointment of and / or appeals in respect of disciplinary action against Chief Officers employed by the Council.
- 3.54 To ensure that there is a clear demarcation on roles and responsibilities of Committees and Members appointed to those Committees, it is proposed that a separate Employment Appeals Committee should be established at the Council. Proposed terms of reference for the proposed Committee are attached at Appendix J for Members' consideration.

#### 4. FINANCIAL IMPLICATIONS

4.1 The proposed 12-month trial delegation of authority to officers in respect of the age criteria for licensed vehicles, if approved, will result in time saving (and therefore a cost saving) in respect of those officers employed in the Council's Legal and Democratic Services Teams who are involved in the facilitation of decision making at Licensing Sub-Committee hearings.

#### 5. <u>LEGAL IMPLICATIONS</u>

- 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

Agenda Item 11

REDDITCH BOROUGH COUNCIL

Annual Council 2024

20th May

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.

5.3 The Licensing Committee's consultation on the proposal to amend the Council's policies has minimised the risk of a successful legal challenge if the proposals are subsequently implemented.

#### 6. <u>OTHER - IMPLICATIONS</u>

#### 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 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.
- 6.3 Taking the proposed action to delegate authority to officers in respect of the vehicle age criteria would help those applying for licences to run and grow a successful business by streamlining and speeding up the relevant decision-making process, enabling them to get on with carrying out their business. This is because, delegating decision making to officers would mean that the applicant would only need to present their vehicle for inspection on one occasion, rather than having to present it at both Crossgates Depot and at a Licensing Sub-Committee hearing.

#### **Climate Change Implications**

6.4 Delegating authority to officers in respect of the age criteria for licensed vehicles would mean that licence applicants would only be required to present their vehicle for inspection once in order for a decision to be made. This would halve the number of vehicle journeys involved compared to the existing arrangements that are in place, resulting in fewer carbon emissions associated with this process.

#### **Equalities and Diversity Implications**

6.5 There are no equality and diversity implications.

## Agenda Item 11

**REDDITCH BOROUGH COUNCIL** 

**Annual Council** 

20th May

2024

#### 7. <u>RISK MANAGEMENT</u>

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 A – The Officer Scheme of Delegations.

- Appendix B Committee Terms of Reference Extract Shareholders Committee
- Appendix C Updated introduction to the constitution
- Appendix D Relevant Excerpt from the Council's Hackney Carriage and Private Hire Licensing Policy
- Appendix E Minutes from Licensing Committee 20<sup>th</sup> March 2023
- Appendix F Updated Council Procedure Rules in Track Changes
- Appendix G Updated Audit, Governance and Standards Committee Procedure Rules in Track changes
- Appendix H Updated Joint Arrangements in Track Changes
- Appendix I Member Officer Relations Protocol, Including Member Enquiries Guidance at Appendix 1 – Updated in Track Changes
- Appendix J Proposed Employment Appeals Committee Terms of Reference

Background papers

The Council's constitution

### Page 33 REDDITCH BOROUGH COUNCIL

**Annual Council** 

2024

20th May

Agenda Item 11

#### 9. <u>REPORT SIGN OFF</u>

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	April 2024
Financial Services	Pete Carpenter, Interim Section 151 Officer	April 2024
Legal Services	Claire Felton, Head of Legal, Democratic and Property Services	April 2024

This page is intentionally left blank

**APPENDIX A CONSTITUTION – PART 5 – INTRODUCTION** 

# Redditch Borough Council <u>Scheme of Delegation</u>

- 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.

**APPENDIX A 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.

### Agenda Item 11

#### Appendix A - CONSTITUTION – PART 5.01 – Chief Executive

#### CHIEF EXECUTIVE'S OFFICE AND CORPORATE DELEGATIONS **1. Miscellaneous** See service-specific delegations elsewhere Subject Detail **Delegated by: Delegated to:** Secretariat / To agree expenditure in relation to Council [Chief Executive] **Civic Support** civic support / civic events. [Chief Executive] Town To agree expenditure in relation to Executive Twinning town-twinning events, based on Committee 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. To pursue legal proceedings Council / [Chief Executive] Legal Proceedings -(whether by possession action, Executive or in his/her Occupation of injunction or otherwise) to recover absence the [Duty Committee Council Land possession of Council-owned land Officer (Deputy occupied without consent, or to Chief Executive)] secure the removal from other or in his/her land (not in the Council's absence - [another ownership) of a person or persons Director] (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. To agree variations to approved Executive [Chief Executive] Flags protocols for the flying of flags at following Committee the Town Hall. consultation with [Portfolio Holder – Finance and Enabling] [Chief Executive] National Care To identify and notify the National Council Standards – Care Standards Commission of the "Responsible Individual" for Responsible Individual the purposes of the Care Standards Act 2000. See Community Services delegations for reference to the registered provider and manager.

## Agenda Item 11

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> <li>In the absence of the Chief Executive, to exercise the various specific delegations (referred to elsewhere within Scheme of Delegations to Officers, etc.)</li> </ol>	Council / Executive Committee	[Duty Officer (Deputy Chief Executive)]
	2) In the absence of the Chief Executive, to exercise the Proper Officer functions which are the responsibility of the Chief Executive.	Council / Executive Committee	[Deputy Chief Executive] or [other Chief Executive Nominee]
	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.	Council / Executive Committee	[Chief Executive]/ [Duty Officer (Deputy Chief Executive)]
	<ol> <li>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.</li> </ol>	Council / Executive Committee	Directors / relevant 3 <sup>rd</sup> and 4 <sup>th</sup> Tier Officers
	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.	Executive Committee	[Chief Executive]/ [Deputy Chief Executive]/ Directors
Miscellaneous delegations	To apply for Licences, on behalf of the Council.	Executive Committee	Directors/Officers authorised by Directors

## Agenda Item 11

<b></b>	1	1	
Civil Emergencies	<ol> <li>To act in accordance with the delegated procedures set out in the Emergency Plan.</li> <li>To enable Officers to undertake appropriate communications activity during an emergency without recourse to Members, should the situation require an immediate response.</li> <li>To take any action and to incur expenditure essential to meet any immediate needs created by an emergency in accordance with the Financial Regulations.</li> <li>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.</li> </ol>	Executive Committee / the Leader	[The Chief Executive], [Deputy Chief Executive], Executive Directors and Heads of Service, following consultation with the Leader or, in his/her absence, the Deputy Leader
2. Proper Off	icer Delegations		
Subject:	Detail:	Delegated by:	Delegated to:
Council	To sign summonses to Council		[Chief Executive]
Summons	Meetings and to receive notices		or in his/her absence the
	regarding addresses to which		
	summons to meeting is to be sent		[Monitoring Officer]
	under provisions of paragraphs		
	4(2)(b) and $4(3)$ of Schedule 12 to		
	the Local Government Act 1972.		
Local	To be appointed "Proper Officer"		

## Agenda Item 11

Act 1972	provisions of the Local Government Act 1972:	
	a. Sections 83(1) to (4) - Witness and receipt of acceptance of office	a.[Chief Executive]
	<ul> <li>b. Section 84 – Receipt of declaration of resignation of office</li> </ul>	b.[Chief Executive]
	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.	c.[Chief Executive]
	d. Section 89 (1) (b): Receipt of notice of casual vacancy from two local electors	d.[Head of Legal, Democratic and Property Services]
	e. Section 229(5): Certification of photographic copies of document	e.[Legal, Democratic and Property Services]
	f. Sections 234(1) and (2): Authentication of documents	f. [Head of Legal, Democratic and Property Services]
	g. Section 88 (2): Convening of meeting to fill casual vacancy in the office of Mayor	g.[Chief Executive]
	<ul> <li>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".</li> </ul>	h.[Head of Legal, Democratic and Property Services]
	i. Section 212(1) and (2): Proper Officer to act as Local Registrar for Land Charges Act 1925	i. [Head of Legal, Democratic and Property Services]

## Agenda Item 11

j. Section 225: Deposit of documents	j. [Head of Legal, Democratic and Property Services]
<ul> <li>k. Section 236(9): To send copies of byelaws for parish records</li> </ul>	k.[Head of Legal, Democratic and Property Services]
<ol> <li>Section 236(10): To send copies of byelaws to the County Council</li> </ol>	I. [Head of Legal, Democratic and Property Services]
m. Section 238: Certification of byelaws	m.[Executive Director of Finance and Resources]
n. Section 228 (3): Accounts of "any Proper Officer" to be open to inspection by any member.	n. [Head of Planning, Regeneration and Leisure Services]
<ul> <li>Section 191: Function with respect to ordnance survey</li> </ul>	o. [Head of Planning, Regeneration and Leisure
<ul> <li>p. Sections 115(2) and 146(1)(a) and (b): Receipt of money due from officers declaration and certificates with regard to securities</li> </ul>	p. [Executive Director of Finance and Resources]
q. Section 151	q. [Executive Director of Finance and Resources]

## Agenda Item 11

Subject:	Detail:	Delegated by:	Delegated to:
	<ol> <li>To review, revise and update the Council's RIPA policy.</li> </ol>	1 – 7 Council	1. [Head of Legal, Democratic and Property Services.]
	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).		<ul> <li>2. [Head of Legal, Democratic and Property Services.]</li> <li>3. Heads of Service authorised to d</li> </ul>
	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. Heads of Service
	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		authorised to d so under Appendix 2 of the RIPA policy
	<ol> <li>In relation to requests for Covert Human Intelligence Sources where the source is aged under 18, to sign all necessary documents and forms whether by way of Authorisation, Review, or Cancellation.</li> </ol>		5. [Chief Executiv or in his absence the [Deputy Chief Executive].
	<ul> <li>6. To maintain the central record of documents relating to RIPA policy, including authorisations.</li> <li>(See also Transformation and Organisational Development delegations)</li> </ul>		6. The Information Management Team under the supervision of th [Head of Transformation, Organisational Development an Digital Strategy].

## Agenda Item 11

### Page 43

7. To carry out all necessary action to ensure that the Office of Surveillance Commissioners is satisfied with the Council's Policy and Procedures in respect of RIPA.	7. [Head of Legal, Democratic and Property Services].
---	--

This page is intentionally left blank

Г

٦

# Page 45 Agenda Item 11 Appendix A Constitution Part 5 Table 5.02 – Transformation and OD

TRANSFORMATION, ORGANISATIONAL DEVELOPMENT AND DIGITAL STRATEGY					
1. IT Service	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] / [ICT Transformation 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] / [ICT Transformation 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		

# Page 46 Agenda Item 11 Appendix A 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]

Page 47 Agenda Item 11
Appendix A Constitution Part 5 Table 5.02 – Transformation and OD

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

# Page 48 Agenda Item 11 Appendix A Constitution Part 5 Table 5.02 – Transformation and OD

3. Human Reso	ources		
<u>Employees</u>	<u>Staffing Matters</u> Within the terms of the Council's agreed policies and employment objectives, to deal with the following matters without reference to		
	Committee:		
	a. Appointments:		
	i) to appoint Executive Directors	Council	[Chief Executive]
	ii) to appoint Heads of Service	Council	[Chief Executive]/ Executive Directors
	iii) to appoint staff below the level of Head of Service	Council	Heads of Service
	b. Disciplinary and Capability Action		
	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).	N/a	Council
	<ul> <li>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</li> </ul>	Council	[Chief Executive]

# Page 49 Agenda Item 11 Appendix A Constitution Part 5 Table 5.02 – Transformation and OD

2004		
2001.		
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).	Council	[Chief Executive]/ Executive Directors
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.	Council	Heads of Service
v) To consider and determine appeals in respect of discipline and dismissal for staff below the level of Head of Service.	Council	Any one of the following: The [Chief Executive], the [Deputy Chief Executive] or any Directors.
c. Terms and conditions of employment 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 (except the Chief Executive).	Council	[Head of Service – Transformation, Organisational Development and Digital Strategy]

# Page 50 Agenda Item 11 Appendix A Constitution Part 5 Table 5.02 – Transformation and OD

h.	Overtime Payments	Council	[Chief Executive]/
g.	Early Retirement Payments 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.	Council	[Chief Executive] following consultation with [Head of Service – Transformation, Organisational Development and Digital Services] and the relevant Portfolio Holder
f.	Posts – Grading 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).	Council	[Head of Service – Transformation, Organisational Development and Digital Services ]
e.	Appeals (job evaluation) To consider and determine appeals in respect of salary grading.	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
d.	Restructures 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.	Executive Committee	[Chief Executive], [Deputy Chief Executive], Executive Directors and Heads of Service as appropriate.

# Page 51 Agenda Item 11 Appendix A Constitution Part 5 Table 5.02 – Transformation and OD

## Page 52 Agenda Item 11 Appendix A Constitution Part 5 Table 5.02 – Transformation and OD

	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 ); <b>y to Day Activities</b>	Cttee	[Deputy Chief Executive]/ Directors
	Fo control and mange own Directorates	Council/ Executive Committee	[Chief Executive]/ [Deputy Chief Executive]/ Directors or their nominated managers
c s li M f tl	n the absence of any specific delegation and subject to supervision by their immediate ine Managers, Service Managers are authorised to berform the duties for which hey are employed, including the day-to-day management of their specific Service.	Council/Execut ive Committee	Various
f b V	The day-to-day discharge of unctions not otherwise covered by this scheme in accordance with any requirements of the Chief Executive.	Executive Committee	[Chief Executive] or in his absence the [Deputy Chief Executive]
e a c f	To respond to miscellaneous enquiries for which no delegated authority currently exists and to determine whether further ormal decision is required and, f so, what.	Executive Committee	[Chief Executive], following consultation with Group Leaders and Monitoring Officer

# Page 53 Agenda Item 11 Appendix A Constitution Part 5 Table 5.02 – Transformation and OD

Miscellaneous	Operation of Scheme of Delegations		
	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.	Council / Executive Committee/ Planning / Licensing Committees	[Chief Executive]/ [Deputy Chief Executive]/ Directors
	<ul> <li>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.)</li> </ul>	Council / Executive Cttee/ Planning / Licensing Committees	Various

# Page 54 Agenda Item 11 Appendix A Constitution Part 5 Table 5.02 – Transformation and OD

### 4. Health and Safety

Subject	Detail:	Delegated by:	Delegated to:
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

#### Appendix A Constitution – Part 5 – Table 5.03 – Community Services

<b>COMMUNITY S</b>	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 [Principal 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.	Executive	[Head of Community and Housing Services], [Head of Environmental and Housing Property Services] and [Head of Planning, Regeneration and Leisure 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]

Page	57
------	----

2. Private Sec	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 Team Leader] / [Private Sector Housing Officer]		

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

Page 59

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]

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 <sup>th</sup> 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]

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]
Energy Efficiency (Private	To implement enforcement powers under the Energy Efficiency (Private Rented	Executive	[Head of Community and Housing Services]

#### Rented Property) (England & Wales) Property) **Regulations 2015** (England and Wales) Regulations 2015 First Homes To make amendments to the First [Head of Community and Executive Homes Policy to reflect any future Housing Services] Government Guidance. following consultation with the Housing Portfolio Holder.

#### Appendix A Constitution – Part 5 – Table 5.03 – Community Services

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)

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 ].	

### APPENDIX A CONSTITUTION - PART 5 - TABLE 5.04 - Env Services

#### ENVIRONMENTAL SERVICES

#### 1. <u>Cemeteries / Crematorium</u>

		<u> </u>	
<u>Subject:</u>	<u>Detail:</u>	<u>Delegated</u> by:	Delegated to:
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].

# Page 66 Agenda Item 11 constitution - part 5 - table 5.04

2. <u>Grounds Maintenance and Landscaping</u>				
Subject:	Detail:	Delegated by:	Delegated to:	
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	<ol> <li>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/regulation s are considered to fall within the delegation scheme and will be determined by officers, unless:</li> <li>Objections have been received where it is proposed that a tree preservation order protects a tree/trees previously unprotected; or</li> <li>It is proposed that a tree be protected which is located on Council-owned land.</li> <li>In all cases relating to trees, decisions made using delegated</li> </ol>	Council	[Head of Environmental and Housing Property Services]	

# Page 67 Agenda Item 11 CONSTITUTION - PART 5 - TABLE 5.04

	<ul> <li>reported to members at Planning Committee within six months of the decision being made, for information purposes.</li> <li>2. To initiate Tree Preservation Orders.</li> </ul>	Council	[Head of Environmental and Housing Property Services]
Trees - Dangerous.	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:	Planning Committee.	[Head of Environmental and Housing Property Services].
	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.		
	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		

## Page 68 Agenda Item 11 CONSTITUTION - PART 5 - TABLE 5.04

	<ul> <li>trees safe and if the Notice is not complied with to take the steps specified therein and recover such expenses.</li> <li>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.</li> </ul>	Planning Committee.	[Head of Environmental and Housing Property Services].
High Hedges.	<ol> <li>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:</li> <li>such applications are submitted by or on behalf of any officer of the Council or any Parish Council within the Borough of Redditch.</li> <li>such applications are submitted by or on behalf of any Council or any Parish Council within the Borough of Redditch.</li> </ol>	1. Council.	Planning Committee

Page 69 Agenda Item 11 CONSTITUTION – PART 5 – TABLE 5.04

<ul> <li>c. any County, District or Parish Councillor whose ward is within the Borough of Redditch is affected by such an application.</li> <li>2. In all other</li> </ul>	2. Planning	[Head of
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.	Committee	Environmental and Housing Property Services].

# Page 70 Agenda Item 11 CONSTITUTION – PART 5 – TABLE 5.04

#### 3. <u>Highways</u>

з. <u>підпways</u>			
<u>Subject:</u>	<u>Detail:</u>	<u>Delegated</u> by:	Delegated to:
Dedication of Land.	Acceptance of offers of dedication of land for highway purposes.	Executive Committee.	[Head of Environmental and Housing Property Services] following 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] following 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] following 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], following 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].

### Page 71 Agenda Item 11 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] following 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	<ul> <li>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")</li> <li>b. To issue any passes or season tickets in accordance with the Order</li> </ul>	Executive Committee	[Head of Environmental and Housing Property Services and Head of Legal, Democratic and Property Services]

### Page 72 Agenda Item 11 CONSTITUTION – PART 3 – TABLE 3.04

#### SCHEME OF DELEGATION TO OFFICERS

#### 4. Waste Management

Subject:	<u>Detail:</u>	<u>Delegated</u> by:	Delegated to:
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.

## 5. <u>Home Energy and Conservation</u>

Subject:	Detail:	Delegated by:	Delegated to:
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].

Subject:	<u>Detail:</u>	Delegated by:	Delegated to:
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].

#### **APPENDIX A CONSTITUTION – PART 5 – TABLE 5.05 - Housing**

#### HOUSING SERVICES

## 1. Housing Management - General

<u>Subject:</u>	<u>Detail:</u>	<u>Delegated</u> by:	Delegated to:
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	<ul> <li>Day-to-day management of the Council's housing stock, housing land and housing landlord services:</li> <li>Repairs and Maintenance*</li> <li>Capital Works*</li> <li>Voids management***</li> <li>Allocations management (in accordance with the Housing Allocations Policy)**</li> <li>Tenancy management**</li> <li>Rent account management**</li> <li>Equipment and Adaptations management***</li> <li>Garage waiting list/allocation management**</li> </ul>	Executive Committee	<ul> <li>[Chief Executive &amp; Deputy Chief Executive &amp; Executive Director for Leisure, Environment &amp; Community Services] / [Head of Community and Housing Services] / [Head of Environmental and Housing Services]</li> <li>[Repairs &amp; Maintenance and Capital Manager]*</li> <li>[Housing Services Manager]**</li> <li>Repairs &amp; Maintenance /Housing Services managers***</li> </ul>

### **APPENDIX A 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 Councils 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 [Principal Solicitor] following consultation with the relevant Portfolio Holder.
Staff/Elected Member relations Housing Applications	In accordance with the Council's Allocations Policy, to approve a housing application for staff members, Elected Members or relatives of either.	Executive Committee	[Head of Community and Housing Services] / [Housing Options Manager] / [Housing Services Manager]
	To make any offers of accommodation in above cases.	Executive Committee	[Chief Executive] & in their absence [Deputy Chief Executive & Executive Director for Leisure, Environment & Community Services] & in their absence [Executive Director of Finance & Corporate Resources]

Agenda Item 11 PART 5 - Table 5.05

Subject:	Detail:	Delegated by:	Delegated to:
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	<ul> <li>In respect of the management of Temporary accommodation for the purposes temporary housing for homeless families let under licences to authorise:</li> <li>the service of notice to quit</li> <li>Referral to the principle Solicitor to institute and complete proceedings for possession</li> </ul>	Executive Committee	[Head of Community and Housing Services] / [Housing Options Manager]
Housing Management: Introductory and Secure Tenancy breaches and unlawful occupiers	<ul> <li>In respect of the management of Introductory and Secure housing tenancies to authorise:</li> <li>The Service of Notice Seeking Possession (introductory and secure tenancies)</li> <li>Referral to the Principal Solicitor and complete proceedings for possession</li> </ul>	Executive Committee	[Head of Community and Housing Services] / [Housing Services Manager] [Deputy Chief Executive & Executive Director for Leisure, Environment & Community
Enforcement of possession proceedings for introductory and secure tenancy breaches	To sanction applications for Warrants of Possession in above cases.	Executive Committee	Services] / [Head of Community and Housing Services]/ [Housing Services Manager]
Dieaches	Warrants for no access for adherence to Health & Safety/ statutory requirements		[Head of Environmental and Housing Property Services] / Repairs & Maintenance/ Housing Services Managers



Offer of Alternative accommodation / Family of Deceased Tenant	To make one offer of suitable alternative accommodation to occupants who are members of the family of a deceased tenant and who have been in occupation for one year or more prior to the death of the tenant, and who are under-occupying property where they have no right of succession upon the death of the tenant; and,	Executive Committee	[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	<ul> <li>In respect of secure tenancies authorise within the guidelines of the Housing Act 1985 and Housing Management policy and procedures <ul> <li>Tenancy changes</li> <li>Decants (temporary or permanent re-housing)</li> </ul> </li> </ul>	Executive Committee	[Housing Services Manager]
Housing Rents / other Housing- related Debts	To collect and recover current housing rents and other housing-related debts.	Executive Committee	[Housing Services Manager]
Rent Account Write – offs of Debt and Credit balances	To authorise rent and sub-account credit balances and write-off's in accordance with Write-off policy.	Executive Committee	[Housing Services Manager]
Tenant Rent Account credit refunds	To authorise rent account credit refunds where a tenant has overpaid their rent leaving a credit in accordance with procedures up to £3,000.	Executive Committee	[Housing Performance and Database Manager] / [Housing Services Manager]

## Agenda Item 11 PART 5 - Table 5.05

Right to Buy	<ul> <li>In respect of the management of the right to buy process within the guidance of the Housing Act 1985 within policy and procedure to authorise: <ul> <li>acceptance or denial of a Right to Buy application</li> <li>To agree/disagree waiver of the discount period of a completed right to buy</li> </ul> </li> </ul>	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	To take enforcement action in relation to the Inspection and Maintenance e.g. gas, electrical and other statutory or essential inspections or maintenance	Executive Committee	[Head of Community and Housing Services] / [Head of Environmental and Housing Property Services] / [Repairs & Maintenance and Capital Manger] following consultation with [Principal Solicitor]
	To gain entry to properties where a tenant does not permit access to the Council or Council's contractor to undertake safety inspections, routine servicing or maintenance .	Executive Committee	[Head of Community and Housing Services] or [Repairs & Maintenance and Capital Manger], following consultation with the [Principal Solicitor].



Powers to Force Entry	To exercise the Councils powers within the guidelines of the Housing Act 1985 acting within policy and procedure to enforce entry to Council-owned properties in cases of emergency.	Executive Committee	[Deputy Chief Executive & Executive Director for Leisure, Environment & Community Services] / [Head of Environmental and Housing Property Services] / [Head of Community and Housing Services]/ [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 adaptions 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]



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.	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.	Executive Committee	[Head of Community and Housing Services] and/or [Head of Environmental and Housing Property], following consultation with the Portfolio Holder for Housing

This page is intentionally left blank

Agenda Item 11

APPENDIX A.7 CONSTITUTION PART 5 - Table 5.06

## LEGAL, EQUALITIES AND DEMOCRATIC

## 1. Democratic Services - General

Subject	Detail	Delegated	Delegated to:
<b>j</b>		by:	
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 Finance and Enabling
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

## Page 84 Agenda Item 11 APPENDIX A.7 CONSTITUTION PART 5 - Table 5.06

## 2. Democratic Services - Members

<b>O</b> al la st	Detail	Delever 11	Delever 11
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 & 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 & Resources]

Page 85 Agenda Item 11 APPENDIX A.7 CONSTITUTION PART 5 - Table 5.06

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].

Page 86 Agenda Item 11 APPENDIX A.7 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 make any future appointments to the role of independent person.	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).

Page 87 Agenda Item 11 APPENDIX A.7 CONSTITUTION PART 5 - Table 5.06

Miscellaneous delegations	<ol> <li>Where an Officer has delegated powers to issue legal proceedings, they are also authorised to take action to enforce any judgment obtained.</li> </ol>	Council / Exec / Planning / Licensing Committees	Various
	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.	Council / Exec / Planning / Licensing Committees	Various Officers, following consultation with [relevant Portfolio Holder]
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	-	-

Page 88 Agenda Item 11 APPENDIX A.7 CONSTITUTION PART 5 - Table 5.06

4. Monitoring Officer			
Subject	Detail	Delegated by:	Delegated to:
Constitution and Scheme of Delegation – amendments	<ol> <li>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</li> <li>To make amendments to that part of</li> </ol>	Council	[Monitoring Officer] [Monitoring
	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	Officer]

Agenda Item 11 APPENDIX A CONSTITUTION – PART 5 – TABLE 5.07 Leisure & Culture

#### LEISURE AND CULTURE

## 1. Leisure - General

Subject	Detail	Delegated by:	Delegated to:
Allotments –		Executive	
Notices to Quit, etc.	To grant, transfer and accept the termination of allotment tenancies.	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

Page 90 Agenda Item 11 APPENDIX A 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]

Page 91 Agenda Item 11
APPENDIX A 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.

Page 92 Agenda Item 11 APPENDIX A CONSTITUTION – PART 5 – TABLE 5.07 Leisure & Culture

## 2. Civic Suite Hire

		1	
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.

Page 93 Agenda Item 11 APPENDIX A CONSTITUTION – PART 5 – TABLE 5.07 Leisure & Culture

## 2. Parks and Open Spaces

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]

This page is intentionally left blank

APPENDIX A CONSTITUTION – PART 5 – TABLE 5.08 – Pig & Regen

Agenda Item 11

#### 2. Development Management / Plans Subject Detail Delegated by: Delegated to: When a ward member wishes to call in an application to Planning Committee Calling in for consideration, they will, within 21 days of receipt of the notification of that procedure application, contact the case officer and set out their reasons for wanting the for Ward application to be considered at committee rather than by officer delegation. Members for The Case Officer will, in writing, record the request and reasons and send a Planning written record to the Portfolio Holder, Planning Committee Chair and any other Committee ward member(s) for the area in which the application site is situated, of the request and reasons. 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. All planning decisions, actions or advice / Council [Head of Planning responses on behalf of the Local Planning Planning, Applications Authority within the list of Planning and Regeneration Associated legislation / regulations, are and Leisure considered to fall within the delegation Services] scheme and will be determined by Officers,

#### UNLESS:

1.	A Member makes a written request within 21 days of the application receipt for the application to be considered by the Planning Committee.	[Head of Planning, Regeneration and Leisure Services] /
	(see procedure set out above)	Planning
2.	The Planning Officer considers that the application should be considered by Committee.	officers
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	

# Page 96 Agenda Item 11 APPENDIX A CONSTITUTION – PART 5 – TABLE 5.08 – Pig & Regen

гт		
	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.	
	<ol> <li>There is a known involvement by a Council employee or other employee as in 5 above in any capacity - e.g. as agent or adviser</li> </ol>	
	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.	
	<ol> <li>The Council will be required to become party to a Planning Legal Agreement under Section 106 (applies only to those agreements where RBC would be a signatory and bear an obligation under the agreement – not to Unilateral Undertakings)</li> </ol>	
	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)	
	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.	
	b) The application is <b>not</b> a Householder application and between 5 and 10 individual letters of objection from separate addresses and raising material planning considerations are received	

## Agenda Item 11 APPENDIX A CONSTITUTION – PART 5 – TABLE 5.08 – Pig & Regen

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)	
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.	
10. The application has resulted in a formal objection being received (and has not been resolved through Officer negotiation) from a statutory consultee.	
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.	
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)	
Legislation / regulations under which decisions will be taken include:-	
<ul> <li>Town &amp; Country Planning Act 1990 (as amended)</li> </ul>	
Planning and Compensation Act 1991	
<ul> <li>Town &amp; Country Planning (General Permitted Development) Order 1995 (as amended)</li> </ul>	
Town & Country Planning (General	

# Page 98 Agenda Item 11 APPENDIX A CONSTITUTION – PART 5 – TABLE 5.08 – Pig & Regen

Development Procedure) Order 1995 (as amended)	
<ul> <li>Planning (Listed Buildings &amp; Conservation Areas) Act 1990 (as amended)</li> </ul>	
<ul> <li>Building Act 1984 (as amended)</li> </ul>	
<ul> <li>Circular 5/2000: Planning Appeals: Procedures (including inquiries into Called in Planning Applications)</li> </ul>	
<ul> <li>Circular 18/1984: Crown Land &amp; Crown Development</li> </ul>	
<ul> <li>Town &amp; Country Planning (Environmental Impact Assessment) Regulations 2011</li> </ul>	
• Highways Act 1980	
<ul> <li>Planning (Hazardous Substances) Act 1990</li> </ul>	
<ul> <li>Hedgerow Regulations 1997</li> </ul>	
<ul> <li>Goods Vehicles (Licensing of Operators) Act 1995</li> </ul>	
<ul> <li>Goods Vehicles (Licensing of Operators) Regulations 1995</li> </ul>	
<ul> <li>Town &amp; Country Planning (Control of Advertisements) Regulations 2007</li> </ul>	
Wildlife and Countryside Act 1981	
<ul> <li>Caravan Sites and Control of Development Act 1960</li> </ul>	
Acquisition of Land Act 1981	
Telecommunications Act 1991	
Electricity Act 1989	
<ul> <li>Planning and Compensation Act 1991</li> </ul>	
Flood and Water Management Act 2010	

# Page 99 Agenda Item 11 APPENDIX A CONSTITUTION – PART 5 – TABLE 5.08 – Pig & Regen

			]
	<ul> <li>Ancient Monuments and Archaeological Areas Act 1979</li> </ul>		
	<ul> <li>Local Government Planning and Land Act 1980</li> </ul>		
	<ul> <li>Planning Listed Buildings and Conservation Areas Regulations 1990 (as amended)</li> </ul>		
	Planning Act 2000		
	<ul> <li>Planning and Compulsory Purchase Act 2004</li> </ul>		
	<ul> <li>Clean Neighbourhoods and Environment Act 2005</li> </ul>		
	Localism Act 2011		
	<ul> <li>The Town and Country Planning (Permission in Principle) Order 2017 (as amended)</li> </ul>		
	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		
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]

## APPENDIX A CONSTITUTION – PART 5 – TABLE 5.08 – Pig & Regen

unless any of the following apply:-
<ol> <li>Deletion or addition of one or more of the heads of terms.</li> </ol>
<ol> <li>Significant change in overall area of land to be transferred to Redditch Borough Council.</li> </ol>
<ol> <li>Significant change in financial contributions to be provided to Redditch Borough Council [except where this is a result of (an)other Member decision(s)].</li> </ol>
<ol> <li>A Member makes a written request for a case to be considered by the Planning Committee, as set out above in the Calling in Procedure.</li> </ol>

**APPENDIX A 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.

Agenda Item 11

Agenda Item 11

**APPENDIX A 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
  - 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 Venicles

- 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.

Agenda Item 11

APPENDIX A 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/Stands

- 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.

Agenda Item 11

#### **APPENDIX A 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.

APPENDIX A 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.

Agenda Item 11

Agenda Item 11

#### APPENDIX A 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.

Agenda Item 11

#### APPENDIX A 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.

#### APPENDIX A 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.

Agenda Item 11

#### APPENDIX A 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.

### APPENDIX A 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.

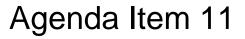
#### RESOURCES

#### 1. Finance - Accounts, Financial Management & Advice

Subject:	Detail:	Delegated by:	Delegated to:
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]

	ENDIX A CONSTITUTION – PART 5 – T	ABLE 5.10 - K	esources
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	- <del>[</del> 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 <sup>th</sup> 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]

APP	ENDIX A CONSTITUTION – PART 5 – T	ABLE 5.10 - R	esources
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]



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

#### **APPENDIX A 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	<ol> <li>To incur normal revenue expenditure, in accordance with Financial Procedure Rules and within the terms of budgets set by the Council.</li> </ol>	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
	<ol> <li>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.</li> </ol>	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	<ol> <li>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.</li> </ol>	Executive Committee	[Chief Executive]/[Deputy Chief Executive]/ Directors / Heads of Service
	<ol> <li>Subject to Contract Procedure Rules, to engage the services of consultants operating within their own sphere of professional</li> </ol>	Executive Committee	[Chief Executive]/ [Deputy Chief Executive] / Directors/Heads of Service

RBC May 2024

			1
	competence.		
	3) (In instances where professions in other Directorates are involved, the Director of that Directorate is to be contacted to establish whether the necessary expertise is available in- house and, if not, to advise and engage outside consultants accordingly.	Council	Various
	<ol> <li>If there is no available professional advice within the Council the Director is authorised to seek appropriate consultants direct.)</li> </ol>	Council	Various
	5) Further separate delegations under the Contract Procedure Rules.	Council	Various
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	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.	Council	S151 Officer

#### **APPENDIX A CONSTITUTION – PART 5 – TABLE 5.10 - Resources**

#### 2. Property, Assets and Facilities Management - Estates & Valuation **Delegated by:** Subject: Detail: **Delegated to:** [Head of Dav-to-Dav Day-to-day management of Land and Executive Management Financial and Property matters including implementing Committee Customer management measures for assets detailed Services] in the Asset Management Plan. The acceptance of an offer when a sale is Acceptance of [Head of Executive Offers at effected by auction. Financial and Committee Auction Customer Services] / [Principal Solicitor] Leased / [Head of To manage and control all leased / Executive tenanted properties excluding houses / flats Financial and Tenanted Committee let on residential secure tenancies under Customer Properties -Management the Housing Act including those available Services1 for letting and to include those held by the Council in advance of requirements or surplus or appropriated properties. Agreements -Easements / wayleaves / rights of way / [Head of Executive Various garden licences / grazing licences / Financial and Committee cultivation licences and all similar Customer agreements – to enter into such Services1 / agreements on behalf of the Council for any [Principal Solicitor] Council-owned land or property. To enter into miscellaneous agreements of [Head of Agreements -Executive Minor a minor nature affecting any land and / or Financial and Committee property not provided for elsewhere Customer including street trading licences. Services] / [Principal Solicitor] [Head of Disturbance / To negotiate and settle all disturbance or Executive home loss payments, within prior approved Financial and Home Loss Committee **Payments** budgets, or where such payments are to be Customer funded from a capital receipt. Services] / [Principal Solicitor] [Head of Assignment / The assignment or sub-letting of leased Executive Sub-letting properties, subject to appropriate Financial and Committee satisfactory references. Leased Customer **Properties** Services1 / [Principal Solicitor]

AFF	ENDIX A CONSTITUTION – PART 5 – T	ABLE 5.10 - R	esources
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]

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

Page 120

Subject:	Detail:	Delegated by:	Delegated to:
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	<ul> <li>* 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.</li> <li>To conduct and conclude negotiations for the sale of the freehold or leasehold interest of any land or property falling within the</li> </ul>	Executive Committee	[Head of Financial and Customer
	limits described above (or such limit that may be revised at any time by the Executive Committee, to reflect rising prices).		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]

### Page 121 Agenda Item 11 CONSTITUTION - PART 5 - TABLE 5.10

#### 4. Right to Buy

	1	1	ſ
Subject:	Detail:	Delegated by:	Delegated to:
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]

This page is intentionally left blank

### APPENDIX B - SHAREHOLDER COMMITTEE TERMS OF REFERENCE – COMMITTEE TERMS OF REFERENCE EXTRACT

		-	
Number of members	5 (must all be members of the Executive Committee)		
Politically Balanced Y/N	¥ <u>N</u>		
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). Executive Committee Procedure Rules		
Terms of Reference	<ol> <li>To approve Rubicon Leisure's annual business plan. This should be determined in the financial year prior to the application of the plan.</li> </ol>		
	<ol> <li>To approve the appointment of the Managing Director of Rubicon Leisure.</li> </ol>		
	<ol> <li>To approve the dismissal / departure of the Managing Director of Rubicon Leisure.</li> </ol>		
	4) To monitor the performance of Rubicon Leisure.		
	5) To monitor Rubicon Leisure's budget position.		
	6) Monitor Rubicon Leisure's business affairs,	•	Formatted: List Paragraph, Add space between paragraphs of the same style, No bullets or numbering
	finances and accounts.		Formatta da Liat Demonstra Add anna hatanan annanata
	7) To oversee the strategic direction of Rubicon		<b>Formatted:</b> List Paragraph, Add space between paragraphs of the same style, No bullets or numbering
	Leisure or proposed and adopted business		
	plans and budgets for future years to be		
	presented in draft as they are developed or the		
	review of future service developments and opportunities.		
	8) To consider the risks and opportunities faced by	•	Formatted: List Paragraph, Add space between paragraphs of the same style, No bullets or numbering
	Rubicon Leisure and impact on the Council.		
		] •	<b>Formatted:</b> List Paragraph, Add space between paragraphs of the same style, No bullets or numbering
			(

**RBC CONSTITUTION May 2024** 

	9) Reporting and making recommendations to	]
	Executive on areas outside of the Shareholder Committee's delegated authority.	<ul> <li>Formatted: List Paragraph, Add space between paragraphs of the same style, No bullets or numbering</li> </ul>
	5)10) Reporting to Full Council annually on the performance of the trading activities of Rubicon Leisure.	
	11) To undertake all other functions divested in the Committee as shareholder of Rubicon Leisure on behalf of the Council.	
	12) Reviewing the Terms of reference annually and make any necessary recommendations to Executive.	Formatted: List Paragraph, Add space between paragraphs of the same style, No bullets or numbering
	6)13) The Shareholder Committee will not have operational control over Rubicon Leisure. All decisions regarding the day to day operation and management of Rubicon Leisure rests with the Rubicon Leisure Board of Directors, which must ensure that Rubicon Leisure's business is conducted in accordance with the Shareholders' Agreement entered into between the Council and Rubicon Leisure and in accordance with the Rubicon Leisure Articles of Association.	Formatted: List Paragraph, Add space between paragraphs of the same style, No bullets or numbering
Special provisions as to the Chair	To avoid any potential conflict, this should not be the relevant Portfolio Holder for Leisure and Cultural Services. The Chair must be a member of the Executive Committee.	
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. Only Members of the Executive can sit as substitutes.	
	In cases where there is a single party membership of the Executive Committee, the option is available to co-opt a Member from a different political group as a non-voting member of the Committee.	

Page 124

**RBC CONSTITUTION May 2024** 

# Agenda Item 11

**RBC CONSTITUTION May 2024** 

This page is intentionally left blank

Agenda Item 11 PART 1

# APPENDIX C INTRODUCTION TO THE CONSTITUTION



#### INTRODUCTION

#### The Council's Constitution

- 1.1 Redditch Borough Council has a constitution which sets out how the Council operates, how decisions are made and the procedures which are followed to make sure that decisions are transparent, efficient and accountable to the local residents. Some of these processes are required by law, while others are a matter for the Council to choose. The Council must operate in accordance with its constitution and the rules set out there which the Council has agreed.
- 1.2 Because it has to be comprehensive and meet legal requirements and address technical concepts, the Constitution is both long and complex. It is made up of a number of key documents which are set out in the Index, together with background documents which can be found on the Council's website (insert link?). The background documents are not formally part of the Constitution but are relevant in that they provide explanation of the Constitution or are policies in their own right which may apply to elected members or officers.
- 1.3 The Council has chosen to operate a Leader and Cabinet model of governance. The structure diagram at Appendix 1 shows the formal relationships between the Council, the Executive and the other Committees and Boards (Non -executive).
- 1.4 Legislation provides that the Leader and Cabinet are responsible for what are called 'executive functions' (which cover most of the "day to day" political decisions), and the Council and committees are responsible for 'non-executive' functions.
- 1.5 More detail in relation to the operation of the Council and its committees and the role of elected members is set out in the "The Articles of the Constitution" which can be accessed using this link **:- insert link**

# Shared Services with Bromsgrove District Council and other local authorities

- 2.1 In 2009 Redditch Borough Council and Bromsgrove District Council took he decision to work in partnership. The first step was the appointment of a joint chief executive and in 2010 this was followed by the appointment of a joint management team. The co-operation between the Council was formally recorded in a legal agreement known as the "Overarching Framework Agreement" which was signed in 2011.
- 2.2 The overall aim was to introduce collaborative working, bringing teams together to provide services jointly across the two councils, and delivering savings and efficiencies for both councils. From the outset both Councils chose to remain politically independent, with separate processes for decision making and operating independent budgets and spending.

### Agenda Item 11 PART 1

- 2.3 Working practices have been put in place through the Overarching Framework Agreement and under the relevant local government legislation, and officers employed by one Council may carry out functions for the other in accordance with the Councils' respective Schemes of Delegation.
- 2.4 Reflecting the move towards greater sharing of resources between public bodies, the Council also collaborates with a number of other local authorities in Worcestershire to deliver services jointly. Further details of the arrangements for shared working with Bromsgrove District Council and with other partner councils are set out in Part 7 of the Constitution "Joint Arrangements".

This page is intentionally left blank

Page 131 Appendix D - Excerpt from Licensing Policy

# Agenda Item 11

#### 3.12.0 Consideration of applications to licence vehicles that do not meet the required criteria

- 3.12.1 This section applies where an application is received for the grant or renewal of a licence to use a vehicle as a hackney carriage or a private hire vehicle and the vehicle concerned does not meet the required criteria detailed in this policy.
- 3.12.2 The application cannot be determined by officers under delegated powers, but the applicant can request that the application is determined at a hearing of the Council's Licensing Sub-Committee.
- 3.12.3 In determining the application, the starting point will be that the application should be refused unless the vehicle is of such an exceptional standard as to justify a departure from this policy.
- 3.12.4 In considering whether the vehicle is of an exceptional standard, regard will be had to:
  - The age of the vehicle
  - The mileage of the vehicle
  - The make, model and specifications of the vehicle
  - The category the vehicle falls into on the table shown at 3.1.1 of this policy
  - The MOT and service history of the vehicle
  - The interior and exterior condition of the vehicle
  - Whether the vehicle has any exceptional features or performs or is designed for any specific function or use that the majority of other vehicles cannot perform.
- 3.12.5 The financial and other personal circumstances of the applicant for the grant or renewal of a licence will not be taken into account when reaching a decision.
- 3.12.6 The primary and overriding consideration will be whether the vehicle is safe and fit for use.

This page is intentionally left blank

# Agenda Item 11

# Licensing

Committee

Monday, 20 March 2023

### MINUTES APPENDIX E

ww.redditchbc.gov.uk

REDDITCH BOROUGH COUNCI

#### Present:

Councillor Salman Akbar (Chair), Councillor Tom Baker-Price (Vice-Chair) and Councillors Karen Ashley, Joanne Beecham, Michael Chalk, Brandon Clayton, Sharon Harvey, Sid Khan and Emma Marshall

#### Also Present:

Councillor Imran Altaf

#### Officers:

Vanessa Brown and Dave Etheridge

#### **Committee Services Officer:**

Gavin Day

#### 14. APOLOGIES

Apologies for absence were received from Councillors Andy Fry and Timothy Pearman.

#### 15. DECLARATIONS OF INTEREST

There were no declarations of interest.

#### 16. MINUTES

The minutes of the Licensing Committee of 9<sup>th</sup> January 2023 were presented to Members.

#### **RESOLVED** that

The minutes of the Licensing Committee held on the 9<sup>th</sup> January 2023 were approved as a true and accurate record and signed by the Chair.

Chair

#### 17. PUBLIC SPEAKING

At the invitation of the Chair a statement was read out from Mr Asim Nazir, Redditch Taxi Association (RTA) with regard to agenda item 5 (minute No 18).

#### 18. DELEGATING OUT OF AGE CRITERIA TO OFFICERS -CONSIDERATION OF CONSULTATION RESPONSES.

At the invitation of the Chair, the Principal Officer (Licensing) Worcestershire Regulatory Services (WRS) presented their report.

Officers informed the Committee that on 17<sup>th</sup> October 2022 Members had directed Officers to undertake a consultation with the relevant stakeholders regarding delegating decisions for age criteria applications to WRS Licensing Officers.

The consultation period was conducted between 21<sup>st</sup> October 2022 and 16<sup>th</sup> December 2022, and was undertaken using an online survey tool. In total 121 responses were received, the replies and other comments received were detailed on pages 97 to 105 of the Public Reports pack.

The results of the consultation were originally due to be considered by the Licensing Committee on 9<sup>th</sup> January 2023. However, shortly before that meeting was due to begin, concerns were raised with Officers that some respondents to the survey may have purposefully submitted multiple responses. After an initial inspection, it was decided that further analysis of the responses received was required and with the approval of the Chair the item was deferred.

On further analysis of the responses received, it was identified that of the 122 responses, 82 had come from IP addresses which had submitted multiple responses, with 42 coming from a single IP address. There were further concerns raised regarding the period of time in which the responses were submitted with all the 42 replies from the single IP address being submitted during a 90-minute period.

Officers drew Members' attention to Appendix 4 on page 107 of the Public Reports pack which detailed to Members where multiple responses were received from a single IP address.

Finally, Officers highlighted that after further discussion with Crossgates Depot, it was confirmed that a member of the safety inspection team would be available to assist with the age criteria extension vehicle examination should Members be minded to delegate the process to Officers.

Monday, 20 March 2023

During the course of a lengthy round of questions from Members, Officers clarified the following points:

- That Local Authorities across the country were evenly split with Officers and Members making decisions with regard to age criteria applications. Officers further highlighted that in the 5 other districts that Worcester Regulatory Services (WRS) covered, Worcester City Council and Wyre Forest District Council (DC) delegated this to Officers, and that Bromsgrove DC, Wychavon DC and Malvern Hills DC retained Member decisions referring applications to Sub-Committee meetings.
- The overall workload impact for Licencing Officers would be negligible, but there could be a time (and therefore cost implication) saving for Officers in the Legal and Democratic Services Departments, although this cost had not been calculated.
- That drivers would have their 6 monthly safety check and age criteria examination on the same day.
- Attempts would be made to alternate the decision-making Officer, in order to ensure one Licensing Officer did not make decisions on all the drivers in the Borough. To facilitate this the eight Licencing Officers employed by WRS would be utilised in rotation.
- The two Principal Licencing Officers would perform regular audits to ensure impartiality and that the process was being followed.
- To mitigate the risk to future consultations, Officers intended to restrict IPs to one submission each. However, it was highlighted that this would not be a fool proof method and that it was still possible for determined individuals to cause undue influence on any future consultations.
- A legal advisor would act in an advisory role for the process to ensure suitability of templates etc. However, they would not have any involvement on a case-by-case basis.
- An appeal against the decision would go to the Magistrates Court and there would be no mechanism for appeals to go before Members.
- If there were issues with the process or impartiality, WRS could then refer these applications to Members of the Sub-Committee on an individual or short-term basis immediately. To permanently return the decision-making process to the Sub-Committee, a further report would have to be presented to the Licencing (Parent) Committee for determination.
- Part of the review process during the Covid-19 pandemic had involved Officers taking pictures of the vehicle in order to support the decision made regarding any application which

Monday, 20 March 2023

was not approved, that process would be retained to further support a robust decision-making process with evidence for any refusals in the case of an appeal.

• That the Licensing Officer and mechanic would deliberate and come to a decision together, however, if there was a disagreement, the Licencing Officer would make the final decision.

Members then debated the results of the consultation.

Members supported a streamlined process which enabled Applicants to have a decision quicker, with less anxiety and less disruption to their work.

Members commented on the number of delegations that the Council gave to Officers and that Members were elected to make decisions and should be available to do so as that was part of their elected role.

Concerns were also raised regarding the impartiality of the Licensing Officers conducting the inspection if they had also processed the application. Members also expressed concern regarding one Officer essentially making the decision, as they would hold the overriding vote during a differing of opinion.

After comments from Members in regard to the impartiality of the proposed process, Officers agreed to report back to the Licencing Committee regularly with data on the number of decisions made, the outcomes (especially refusals) and the Officers involved. This would allow Members the opportunity to review the process and to ensure that there was a sufficient level of impartiality from WRS.

Members queried the possibility of having a more robust consultation process and raised ideas, which included a drop-in centre, approaching drivers on the ranks, inviting drivers to sit on a panel and sending a letter out to all drivers. However, Officers highlighted to Members that this might not be appropriate for a policy amendment and a reserved approach was advised, as historically responses to such consultations had not generated a large amount of interest.

Members raised their concerns with the corruption of the consultation data and were unhappy with the impact to the results. Members questioned the possibility of requiring respondents to include their name on future consultations, however, Officers advised Members to express caution as that could limit those wishing to submit responses to consultations.

Monday, 20 March 2023

In consideration of the above preamble Councillor Baker-Price proposed an Alternative Recommendation that the consultation be repeated with the proposed restriction of IPs to a single response, this was seconded by Councillor Khan. On being put to a vote the Alternative Recommendation was lost.

On being put to a vote it was

**RESOLVED** that

Officers proceed with the actions required to delegate authority to determine applications for licences to use vehicles as hackney carriages or private hire vehicles where the vehicle does not meet the Council's required criteria in respect of the age of the vehicle.

# 19. REVIEW OF SEX ESTABLISHMENT LICENSING POLICY - CONSIDERATION OF CONSULTATION RESPONSES.

At the invitation of the Chair, the Principal Officer (Licensing) WRS, (WRS) presented their report, as detailed on pages 109 to 113 of the Public Reports Pack.

Officers highlighted to Members that they had updated the policy as it had not been reviewed since 2015. Officers further clarified that there were no sex establishments in the Borough and that there had not been any enquiries.

The only response to the consultation was from the Office for the Director of Public Health who had requested that they be consulted with on any applications received for a sex establishment licence. Officers saw no problem with this request. The relevant stakeholders list was detailed on page 112 of the Public Reports pack and had been updated to reflect this.

Members were all in agreement with the updated policy and the need to periodically review policies.

On being put to a vote it was

#### **RESOLVED** that

the revised Sex Establishment Licensing Policy, as detailed on pages 109 to 113 of the Public Reports pack be approved and to take effect on 1<sup>st</sup> April 2023.

Monday, 20 March 2023

#### 20. HACKNEY CARRIAGE TABLE OF FARES - ANNUAL REVIEW

The Principal Officer (Licensing) WRS, presented their report and in doing so drew Members' attention to pages 148 to 153 of the Public Reports pack.

Officers highlighted that RTA were consulted with prior to the report and that they had confirmed they did not want a further increase in the table of fares, due to concerns that the cost of living had already impacted on the number of customers.

Taking into account the latest fuel price, the current rate of inflation and the views expressed by RTA, Officers had recommended that no changes were made to the table of fares.

Officers clarified the following after questions from Members:

- That in the general countrywide league table of fares, Redditch sat in the lower middle portion.
- That the table of fares indicated the maximum fare, a driver could choose to charge less.
- There were costs incurred in calibrating the fare machines, it may not be cost effective for drivers to increase fares by small incremental amounts due to this charge.

Members sympathised with the drivers and the competitive market against UBER, Members therefore respected the trades desire to keep the maximum fare low now that fuel costs were on a steady decline.

On being put to a vote it was

#### **RESOLVED** that

# the Licensing Committee note the contents of the report and that no further action was required.

#### 21. VERBAL UPDATE - BLEED CONTROL KITS IN LICENSED PREMISES

The Principal Officer (Licensing) WRS, provided a verbal update on bleed control kits in licensed premises.

Officers informed Members that WRS would only be able to mandate having bleed control kits by attaching a condition to a license and that would only be possible at the application or review stage process, so unfortunately WRS could not put a blanket requirement for all licensed premises to have a bleed control kit.

### Licensing Committee

Monday, 20 March 2023

Officers further informed the Committee of the work being done by WRS in conjunction with Inspector Field of the Safer Neighbourhood Team, West Mercia Police and Mr Pete Martin who was a local anti-knife campaigner.

Through the efforts of Inspector Field and Mr Martin, more venues were agreeing to purchase bleed control kits. Mr Martin was also keeping a track of where kits were being adopted and updated WRS with any new establishments regularly.

To further combat knife crime, premises owners were being encouraged to use handheld metal detectors and a portable knife arch owned by West Mercia Police, the uptake of these measures varied between different establishments.

Officers from WRS and West Mercia Police have worked together to produce a letter to urge venues to purchase bleed control kits, this letter was being hand delivered by uniformed Police Officers to each venue. It was further highlighted by Officers that there was legislation which would be coming into place, that would impose a legal duty upon owners to mitigate terrorism risks for any publicly accessible place, therefore, premises owners were being urged to become compliant prior to this legislation coming into place.

#### **RESOLVED** that

the Verbal update on bleed control kits in licenced premises be noted.

#### 22. WORK PROGRAMME

The Chair requested that the table of fares be added to the work programme for the coming Municipal year.

The Chair further requested that a report be presented to a future meeting of the Committee on the MOT provision/process at Crossgate Depot, as there had been some reports of difficulty getting an MOT timeslot by drivers.

Members asked that the start time of the meeting be discussed with the Chair in the next Municipal year as they expressed the opinion that an earlier time of 18:00 hours would be more suitable.

#### **RESOLVED** that

the Licensing Committee Work Programme 2023/2024 be updated to include the items discussed, as detailed in the preamble above.

# Agenda Item 11

### Licensing Committee

Monday, 20 March 2023

The Meeting commenced at 7.00 pm and closed at 9.37 pm

### **APPENDIX F - COUNCIL PROCEDURE RULES - EXTRACT**

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

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

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

#### **Questions on notice**

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

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

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

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

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

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

#### Notice of questions

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

#### Questions which may not be asked

- 9.5 The Chief Executive may reject a question
  - (a) if it is not about a matter for which the local authority has a responsibility or which affects the Borough of Redditch;
  - (a) is defamatory; frivolous or offensive;
  - (b) is substantially the same as a question which has been put at a meeting of the Council in the past six months;
  - (d) does not relate to functions which are the responsibility of the full Council or the committee or sub-committee to which the question is directed;
  - (e) it is not of a strategic nature;
  - (f) it does not relation to functions undertaken by the Council;
  - (g) it relates to specific licensing or planning applications; or
  - (g) the question could more appropriately be dealt with by an officer.

#### Reading the question at the meeting

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

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

#### Response

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

#### Supplementary question

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

#### Time limit for questions

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

# Agenda Item 11

## **PART 12**

## APPENDIX G - AUDIT, GOVERNANCE AND STANDARDS COMMITTEE PROCEDURE RULES - EXTRACT

## 1. Role of the Audit, Governance and Standards Committee

- 1.1 The Council has established an Audit, Governance and Standards Committee.
- 1.2 The Audit, Governance and Standards Committee will work in partnership with the Executive Committee and Officers to ensure good stewardship of the Council's resources and deliver better outcomes for the people of the Borough.
- 1.3 The ultimate responsibility for Audit rests with the Council's Section 151 Officer. Therefore the Audit, Governance and Standards Committee can make informed recommendations but it is not the role of the Audit, Governance and Standards Committee to be a substitute for management of Internal Audit.
- 1.4 The Audit, Governance and Standards Committee does not have the power to make decisions with regard to Internal Audit or to direct Officers with regard to Internal Audit.

## 2. Terms of Reference

2.1 The Terms of Reference of the Audit, Governance and Standards Committee are as follows:

Audit and Governance Internal and External Audit

- a. To review and monitor the annual audit plans of both the internal and external auditors;
- b. To receive and comment upon the external auditors' reports;
- c. To monitor the adequacy and effectiveness of the Council's system of internal control by ensuring that an adequate and effective system of internal financial controls is maintained, that financial procedures are regularly reviewed;
- d. To consider, monitor and review the Council's overall corporate governance arrangements;
- e. To enhance the profile, status and authority of the internal audit function which will demonstrate its independence;

# Agenda Item 11

## **PART 12**

- f. To focus audit resources by agreeing, and periodically reviewing, audit plans and monitoring delivery of the audit service;
- g. To receive and consider such internal audit reports that the Chair and/or Deputy Chief Executive considers necessary;

## <u>Risk</u>

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

## Finance and Value for Money

- i. To consider and approve the Council's Annual Statements of Accounts;
- j. To consider any report from the Internal Audit Manager in pursuance of Financial Regulations;
- To ensure good stewardship of the Council's resources and assist the Council to achieve value for money in the provision of its services;
- I. To keep under review, and make recommendations on, proposed amendments to Financial Regulations;
- m. To consider and make recommendations if appropriate on, the Annual Governance Statement;

## **Standards**

- n. To promote and maintain high standards of conduct by Councillors and any co-opted members of Council bodies;
- o. To assist the Councillors and co-opted members to observe the Members' Code of Conduct;
- p. To advise the Council on the adoption or revision of the Members' Code of Conduct;
- q. To monitor the operation of the Members' Code of Conduct;
- r. To advise, train or arrange to train Councillors and co-opted members on matters relating to the Members' Code of Conduct;
- s. To grant dispensations to Councillors and co-opted members from requirements relating to interests set out in the Members' Code of Conduct;
- t. To deal with any report from the Monitoring Officer following an investigation into a complaint concerning the Members' Code of Conduct;

# Agenda Item 11

## **PART 12**

- u. To consider and determine allegations that a Councillor or co-opted Councillor may have failed to follow the Code of Conduct and where a breach of the Code is established making recommendations as to any sanctions to the appropriate person or body;
- v. The exercise of t u above in relation to the Parish Councils in the Council's area and the members of those parish Councils; and
- w. To monitor and review the operation of the Member Officer Relations Protocol.
- 2.2 Within those Terms of Reference, the Audit, Governance and Standards Committee will:
  - a. agree annual and strategic audit plans;
  - b. review Internal Audit's progress against the audit plan and consider Internal Audit performance measures;
  - c. receive and consider a summary of work undertaken by Internal Audit since the last meeting, plus current status;
  - d. receive and consider executive summaries of financial process / procedures;
  - e. receive and consider executive summaries of Value For Money reports;
  - f. receive and consider executive summaries of contract audit reports;
  - g. receive and consider executive summaries of any special investigations undertaken by Internal Audit;
  - h. receive and consider a chronological summary of Internal Audit reports awaiting departmental response and address any evident problems;
  - i. monitor the proportion of key recommendations actioned since the previous meeting; and
  - j. consider all external audit reports including the Annual Audit Letter:
  - k. receive and consider a quarterly report from the Monitoring Officer detailing any Code of Conduct issues, Member training updates and any dispensations sought-

This page is intentionally left blank

## Agenda Item 11

## PART 7

### **APPENDIX H - JOINT ARRANGEMENTS**

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

- Shared Services with Bromsgrove District Council
- Other arrangements

[Further information in relation to Joint Committees that the Council participates in are referenced in Part B of the Committee Terms of Reference]

Commented [SS1]: WRS section now moved to committee terms of reference - Part 5 - also section on WMCA Commented [SS2]: GBSLEP has been disbanded

### 1. Shared Services with Bromsgrove District Council

The Council operates shared services with Bromsgrove District Council. Whilst both councils are politically independent, they have a joint chief executive and a joint management team. The shared services arrangement is facilitated primarily by the Local Government Act 1972 and the Local Government Act 2000, and operates in accordance with service specific agreements and the Overarching Framework Agreement between the two councils.

In 2009 Redditch Borough Council and Bromsgrove District Council took the decision to work in partnership. The first step was the appointment of a joint chief executive and in 2010 this was followed by the appointment of a joint management team. The co-operation between the Council was formally recorded in a legal agreement known as the "Overarching Framework Agreement" which was signed in 2011.

The overall aim was to introduce collaborative working, bringing teams together to provide services jointly across the two councils, and delivering savings and efficiencies for both councils. From the outset both Councils chose to remain politically independent, with separate processes for decision making and operating independent budgets and spending.

Working practices have been put in place through the Overarching Framework Agreement and under the relevant local government legislation, and officers employed by one Council may carry out functions for the other in accordance with the Councils' respective Schemes of Delegation.

Since the introduction of shared services savings and efficiencies have been found by the reduction in senior management posts and subsequent restructures as teams have been brought together. All services are now delivered by joint teams across the Council save for Housing Services, which are provided by Redditch Borough Council only.

Other benefits have included increased resilience for teams, cultivation of greater expertise and specialism amongst staff and economies of scale. As collaborative working has developed over time, further savings and

14826728-1

May 2024

## PART 7

efficiencies have been achieved from procurement initiatives, services reviews and service re-designs.

### 2. Other arrangements

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

### a. Worcestershire Internal Audit Shared Service

The Council operates a shared service arrangement with Malvern Hills District Council, Bromsgrove District Council, Worcester City Council, and Wychavon District Council under which the authorities collaborate and provide one shared Internal Audit Service for all the authorities. The service is hosted by Worcester City Council and is regulated by a formal agreement.

### b. Payroll Service

The Council has entered into an arrangement with Bromsgrove District Council and Wyre Forest District Council for the authorities to collaborate and provide one shared service for Payroll services across the three authorities. The service is hosted by Redditch Borough Council and regulated by a formal agreement.

### c. North Worcestershire Building Control Service

The Council has agreed to enter into an arrangement with Bromsgrove District Council and Wyre Forest District Council for the authorities to collaborate and provide one shared service for building control services across the three authorities. The shared service is hosted by Bromsgrove District Council and is regulated by a formal agreement.

### d. North Worcestershire Water Management

The Council has agreed to enter into an arrangement with Bromsgrove District Council and Wyre Forest District Council for the authorities to collaborate and provide one shared service for land drainage service across the three authorities. The shared service is hosted by Wyre Forest District Council and is regulated by a formal agreement.

### e. North Worcestershire Emergency Planning

The Council has agreed to enter into an arrangement with Bromsgrove District Council and Wyre Forest District Council for the authorities to collaborate and provide one shared service for emergency planning across the three authorities. The shared service is hosted by Wyre Forest District Council and is regulated by a formal agreement.

14826728-1

## Agenda Item 11

## **PART 21**

### **APPENDIX I - MEMBER OFFICER RELATIONS PROTOCOL**

## PROTOCOL FOR RELATIONS BETWEEN COUNCILLORS AND OFFICERS

### 1. INTRODUCTION

- 1.1 The purpose of this protocol is to guide Councillors and Officers of the Council in their relations with one another.
- 1.2 Given the variety and complexity of such relations, this Protocol does not seek to be either prescriptive or comprehensive. It seeks simply to offer guidance on some of the issues that most commonly arise. It is hoped, however, that the approach that it adopts to these issues will serve as a guide to dealing with other issues.
- 1.3 This Protocol is to a large extent no more than a written statement of current practice and convention. In some respects, however, it seeks to promote greater clarity and certainty.
- 1.4 This Protocol also seeks to reflect the principles underlying the respective rules of conduct which apply to Councillors and Officers. The purpose of the rules and this protocol is to enhance and maintain the integrity (real and perceived) of local government by demanding very high standards of personal conduct.
- 1.5 The former National Code of Local Government Conduct for Members says:

"Both Councillors and employees are servants of the public and they are indispensable to one another. But their responsibilities are distinct. Councillors are responsible to the electorate and serve only so long as their term of office lasts. Employees are responsible to the Council. Their job is to give advice to Councillors and the Council, and to carry out the Council's work under the direction and control of the Council, its Committees and Sub-Committees.

Mutual respect between Councillors and employees is essential to good local government. Close personal familiarity between individual Councillors and employees can damage this relationship and prove embarrassing to other Councillors and employees."

(\*The National Code of Conduct has now been replaced by a local Code. Nonetheless the points made above remain relevant.)

# Agenda Item 11

## **PART 21**

### 2. RESPECT AND COURTESY

2.1 For the effective conduct of Council business there must be mutual respect, trust and courtesy in all meetings and contacts, both formal and informal, between Councillors and Officers. This too plays a very important part in the Council's reputation and how it is seen in public. It is very important that both Councillors and Officers remember their respective obligations to enhance the Council's reputation and to do what they can to avoid criticism of other Councillors, or other Officers, in public places.

### Undue Pressure

- 2.2 It is important that in any dealings between Councillors and Officers, neither should seek to take unfair advantage of their position.
- 2.3 In their dealings with both Directors and staff (especially junior employees), Councillors need to be aware that it is easy for Officers to be overawed and feel at a disadvantage. Such feelings can be intensified where Members hold official and/or political office.
- 2.4 A Councillor should not apply undue pressure on an Officer either to do anything that he or she is not empowered to do, or to undertake work outside normal duties or outside normal hours. Particular care needs to be taken in connection with the use of Council property and services.
- 2.5 Similarly, an Officer must neither seek to use influence on an individual Councillor to make a decision in his or her personal favour, nor raise personal matters to do with his or her job, nor make claims or allegations about other Officers. The Council has formal procedures for consultation, grievance, and discipline. The one exception to this rule is the right of staff to report possible wrong doing under the Council's "Whistle-blowing" procedure.

### Familiarity

2.6 Close personal familiarity should be avoided, where practicable.

### Criticism of Officers by Councillors

2.7 Councillors have the right to criticise reports or the actions taken by Officers but they should always be constructive, relate to the subject matter of the report and should not be personal.

### Redress / Complaint

2.8 If a Councillor considers that he or she has not been treated with proper respect or courtesy, he or she may raise it with the employee's line Manager or Director without delay if it is not possible to resolve it through direct discussion.

# Agenda Item 11

## **PART 21**

If the issue still remains unresolved, appropriate disciplinary action may be taken against an employee by the Director in accordance with the Council's normal procedures.

2.9 If an employee feels the same way about a Councillor, and a direct discussion is impractical or fails to resolve the matter, he or she should raise the matter with the line Manager or Director without delay. In such circumstances, the Director will take such action as is appropriate either by approaching the individual Councillor and/or Party Group Leader or, if appropriate, by referring the matter to the Monitoring Officer. The Director will tell the Chief Executive if the Party Group Leader becomes involved, or in any other case where that is appropriate. Feedback should be given to the employee on the outcome.

### 3. PROVISION OF INFORMATION

- 3.1 All Councillors will normally receive copies of all reports, other than:
  - those relating to sensitive regulatory matters such as Employee and Housing-related Appeals; and
  - Licensing Sub-Committee agendas which are sent only to those Members involved in considering specific applications under the Licensing Act 2003 (statutory requirement).
- 3.2 Ward Councillors and/or other relevant Members (Portfolio Holders / Chairs, etc.) should be routinely notified in advance about any significant, sensitive, or controversial issues likely to affect them (see also paragraphs 6.7 and 8.2 below).

### 4. POLITICAL ACTIVITY

- 4.1 Senior employees, except those who are not politically restricted, cannot be Councillors or Members of Parliament, nor can they "speak or publish written work for the public at large or to a section of the public with the apparent intention of affecting public support for a political party".
- 4.2 Employees are employed by the Council as a whole. They serve the Council and are responsible to the Chief Executive and their respective Directors and not to individual members of the Council whatever office they might hold.
- 4.3 It is important though for there to be regular contact between the Chief Executive, Directors, senior employees and the Leaders of Political Groups on matters affecting the Council; and between Directors, other senior employees, and Members and Officers who provide support services to Councillors and Party Groups.

## Agenda Item 11

## **PART 21**

4.4 The only basis on which the Council can lawfully provide support services (such as stationery, typing, printing, photocopying, transport, etc.) to Councillors is to assist them in discharging their role as Councillors. Such support services must therefore only be used on Council business. They should never be used in connection with party political or campaigning activity or for private purposes.

### **Correspondence**

- 4.5 When a letter or e-mail is copied to anyone in addition to the addressee Councillor, it should always have a list of those receiving copies at the head of the letter or e-mail.
- 4.6 Official letters on behalf of the Council will normally be issued in the name of the appropriate Officer rather than that of a Councillor. It may be appropriate in certain circumstances (for instance representations to a Government Minister) for a letter to appear in the name of the Leader or a Chair or other Councillor, but this should be the exception rather than the norm. Where the Leader or a Chair or other Councillor issues a letter in these circumstances, he or she will arrange for copies to be sent to other members of the Council/Committee as the case may be. Letters on behalf of the Council would not normally be sent out in the name of a Councillor, save to confirm a decision of the Council, or occasionally in the case of Civic matters, by the Mayor.

#### Officer Advice to Political Groups

- 4.7 It is common practice for Party Groups to give preliminary consideration to matters of Council business. Officers may properly be called upon to provide information and advice in connection with such deliberations by Groups.
- 4.8 Information and advice may be available to all Groups on the same basis. Officers may be invited (but not singly) to address Group meetings.
- 4.9 Officer input in these circumstances will be limited to providing information and advice about matters of Council business. Group meetings, whilst they may form part of the preliminaries to Council decision making, are not empowered to make decisions on behalf of the Council. Conclusions reached at these meetings will not therefore rank as Council decisions and will not be interpreted as such by Officers.

### 5. COUNCILLORS' BRIEFING, AGENDAS AND REPORTS

5.1 Briefings on agendas will be given by Directors or their nominees to the Chairs and Vice-Chairs of Council Committees, Sub-Committees, Panels, Working Parties, etc.

## Agenda Item 11

## **PART 21**

- 5.2 Briefings to <u>all members</u> of a Committee, Task & Finish Group, or Working Party may sometimes be preferable, on occasions when the Council is meeting with representatives of outside bodies or other parties external to the Council.
- 5.3 Formal requests to Directors for a report to be prepared on a particular issue may only come from the Council, a Committee or Sub-Committee, the Leader, or the Chair of a Committee, Sub-Committee, Panel, Working Party, etc. in accordance with the provisions of the Council's Constitution.

### 6. PRESS RELEASES AND PUBLICITY

- 6.1 All publicity activities carried out by the Council will be in accordance with the Code of Recommended Practice on Local Authority Publicity issued by the Department of the Environment, Transport and the Regions and the Council's own Media Protocol / Strategy as agreed from time to time.
- 6.2 News releases and press statements issued by the Council require Member approval, where they contain quotes by Members or sensitive information.
- 6.3 Where a news release is issued after a Council, Committee or Sub-Committee meeting, any comments must relate to matters discussed at that meeting. Advance news releases which contain matters due to be discussed, should be limited to factual information only.
- 6.4 The Communications Manager will be guided by the Leader, Committee Chair or Chief Executive on whether a news release should be issued before or after a meeting. The Communications Manager will give advice as to whether this is appropriate.
- 6.5 All news releases about decisions will contain the name and telephone number of the relevant Councillor spokesperson(s) or an appropriate Officer.
- 6.6 All news releases issued by Group Leaders, Chairs, Group Spokespersons or individual Councillors should state clearly that the release has been issued by that person not on behalf of the Council.
- 6.7 Particular care to observe the relevant Codes and Guidance will be exercised during formal election periods.
- 6.8 Ward Councillors and/or other relevant Members (Portfolio Holders / Chairs, etc.) should be notified in advance about any significant, sensitive, or controversial issues likely to affect them. This would include press releases relating to a particular Ward or significant matters likely to affect a Ward.

# Agenda Item 11

## **PART 21**

### 7. SPECIAL MEETING

- 7.1 If a special meeting of the Council or a Committee is needed, the Chief Executive shall consult with the Chair, Vice-Chair and the Leader (or their nominee) of any other party group represented on the Council, about the time and location of the special meeting.
- 7.2 Consultation with the same Members shall apply if a meeting needs to be deferred or cancelled.

### 8. INVOLVEMENT OF WARD COUNCILLORS

- 8.1 Whenever a public meeting is organised by the Council to consider a local issue, all the Councillors representing the Ward or Wards affected should, as a matter or course, be invited to attend the meeting, and the maximum possible notice should be given. Similarly, whenever the Council undertakes any form of consultative exercise on a local issue, the Ward Councillors should be consulted at the outset of the exercise.
- 8.2 Ward Councillors should be notified in advance about any significant, sensitive, or controversial issues likely to affect them. This would include press releases relating to a particular Ward or significant matters likely to affect a Ward.

## 7. MEMBER ENQUIRIES

7.1 Officers will respond to enquiries received through from Members in accordance with the 'Best Practice for Handling Member Enquiries', attached at Appendix 1 to this part of the constitution.

END

Formatted: Font: Bold

Agenda Item 11

# **Best practice for** handling member enquiries **APPENDIX I.1**







Bromsgrove District Council

www.bromsgrove.gov.uk



www.redditchbc.gov.uk

## Page 158 Best practice for handling member enquiries Agenda Item 11

Members routinely make enquiries to the corporate and operational teams on behalf of constituents and/or centred around issues relating to their wards, with an expectation that we reply in a timely and accurate manner. Whilst the range of enquiries vary in complexity and type, the nature of which we deal with these should be courtesy and consistent.

# Please note: member complaints will follow the corporate complaint route i.e. when normal service routes have failed.

Service areas can still be flexible and have fluidity in relation to professional judgement along with system management, although it is an expectation that certain standards of best practice are adhered to. The guidance below is to be followed by all for all member enquiries across both authorities:

- Acknowledgement of member enquiry is undertaken within **2 working days** with clarity being provided on the next steps along with person dealing with enquiry.
- Full response to initial enquiry should be provided at the <u>earliest opportunity</u> and should be clear and concise to ensure that repeat demand or escalation is preventable. Maximum response time for a full reply should be no more than 10 working days (10 working days should apply in exceptional or complex cases only).
- Whilst having a consistence approach to replying should be paramount, some member enquiries will naturally fall within an '<u>urgent</u>' and/or '<u>high importance'</u> level and immediacy of response will need to be applied in these cases.
- Any member enquiry received must adhere to GDPR standards and cautious to be given in relation to confidential or highly sensitive matters. If you have any doubts, then please check before replying.
- Where the enquiry is complex in nature, requires multiple or 3<sup>rd</sup> party response or will take a longer time period for reply, *members* are to be kept informed of progress and timescales on a regular basis, as agreed with the Member, and lines of communication remain open and two-way.
- Where the member enquiry requires escalation to assist in resolving the matter internally i.e. not satisfied with response,

delays in acknowledgement or routine updates, then these will be forwarded to the PAs or external escalation mechanism (WRS) where this will be logged formally on the corporate complaints system (as a councillor complaint) and assigned to the relevant member of the corporate management team. **These escalations will be routinely reviewed by CMT as part of the quarterly monitoring.** 

- Acknowledgement and full responses should be dealt with in a professional manner, ensuring the use of formal writing and correct use of language.
- To aid members in contacting the correct managers/officers when raising enquiries, contact information should be pro-actively and routinely shared with members (especially when changes to personnel or process occurs) via mod.gov and it is expected that ALL out of office replies are activated with signposting to alternative contact in their absence.
- You are encouraged to be proactive with your portfolio holders and members on service changes especially where you have identified potential impacts to local residents and businesses, so that thorough and clear responses and channels of communication directly to service areas are easily accessible.
- Political awareness training to be rolled out to **ALL** staff who deal with member enquiries.

The purpose of this guidance is to have a clear, consistent and courteous approach across both authorities to member enquiries and to build and maintain good working relationships. The corporate management team expect that member enquiries are dealt with promptly and professionally, with escalations being raised on a rare and exceptional basis.

Best practice for handling member enquiries | Bromsgrove District & Redditch Borough Councils

## **APPENDIX J – EMPLOYMENT APPEALS COMMITTEE**

Number of Members	5
Politically Balanced Y/N	Υ
Quorum	3
Procedure Rules applicable	Applicable Council Procedure Rules
Terms of Reference	To hear, consider and determine appeals in accordance with the Council's policies and procedures
Special provisions as to the Chair	None
Special provisions as to membership	Only those Councillors who have undertaken appropriate training may sit on the Committee.

This page is intentionally left blank

## Agenda Item 12

**REDDITCH BOROUGH COUNCIL** 

Page 161

## **Annual Council**

20th May

2024

## **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	Job Title: Principal Democratic Services Officer		
Jess Bayley-Hill		mail: <u>jess.bayley-</u>	
	hill@bron	nsgroveandredditch.gov.uk	
	Contact T	el: (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 of		nort places contect the report outbor in	

If you have any questions about this report, please contact the report author in advance of the meeting.

## 1. <u>RECOMMENDATIONS</u>

## 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) appointments by political group leaders to the places on each Committee etc. be noted;
- 3) the Council appoints Chairs and Vice-Chairs to the Committees and other bodies as set out in Appendix 2;
- 4) appointments to Working Groups and other bodies listed in Appendix 2 be agreed; and
- 5) the terms of reference for the Committees as set out at Appendix 3 be confirmed.

## 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.

Agenda Item 12

**REDDITCH BOROUGH COUNCIL** 

## **Annual Council**

20th May

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.
- 3.2 The terms of reference for Committees are generally reported for noting as part of the report to the Annual Council meeting in respect of the political balance and Committee appointments.
- 3.3 On this occasion, as changes are proposed to the terms of reference of the Shareholders Committee in a separate report to the Annual Council meeting, the Committee terms of reference at Appendix 3 to this report do not include the terms of reference for that Committee. The proposed new terms of reference for that Committee can be viewed in an appendix to the report relating to review of the Council's constitution.
- 3.4 In addition, proposed amendments to the terms of reference for the Appointments Committee have been highlighted in track changes in Appendix 3 to the report. These amendments would apply if Members agree to establish a separate Employment Appeals Committee during consideration of the Constitution Review report.

## 4. FINANCIAL IMPLICATIONS

4.1 There are no financial implications arising from this report. The current level of Member allowances will continue to be paid to Members until such time as this is reviewed.

## 5. <u>LEGAL IMPLICATIONS</u>

- 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;

2024

Agenda Item 12

**REDDITCH BOROUGH COUNCIL** 

Annual	Council
2024	

20th May

- 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 21 Labour, 5 Conservative and one non-aligned (Green Party) Members.
- 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. <u>RISK MANAGEMENT</u>

7.1 There are no specific risks arising from this report.

## 8. APPENDICES and BACKGROUND PAPERS

**Appendices** 

Agenda Item 12

**REDDITCH BOROUGH COUNCIL** 

Annual Council 2024

20th May

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

### **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
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	a) To consider and recommend to Council matters relating to the appointment of the Head of Paid Service (Chief Executive), the Monitoring Officer and Section 151 Officer as defined in the Local Authorities (Standing Orders) Regulations 2001;
	<li>b) To consider and recommend to Council matters relating to the appointment of Chief Officers in cases where the Chief Executive is not in a position to act on his her delegated powers;</li>
	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

# Agenda Item 12

	<ul> <li>d) To consider and decide on any other disciplinary and appointment matters involving other senior officers as and when required.</li> <li>c)</li> </ul>	Nui at:	r <b>matted:</b> Indent: Left: 0 cm, Hanging: 0.75 cm, mbered + Level: 1 + Numbering Style: a, b, c, + Start 1 + Alignment: Left + Aligned at: 0.63 cm + Indent at:
Special provisions as to the Chair	None.	1.2	7 cm
Special provisions as to membership	When considering the appointment of the Head of Paid Service, the Monitoring Officer or Chief Finance Officer, or the appointment <del>or dismissal</del> 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.		
	Only those Members who have undertaken appropriate training may sit on the Appointments Committee.		
	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.		

**RBC CONSTITUTION May 2024** 

## AUDIT, GOVERNANCE AND STANDARDS COMMITTEE TERMS OF REFERENCE

Number of members	9 Councillors
Number of Co-opted, non-voting members	<ol> <li>Independent non-voting Member for the purpose of Audit and Governance.</li> <li>Parish Representative, who may not also be a Borough Councillor, for the purpose of Standards.</li> </ol>
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	<ul> <li><u>Audit and Governance</u> <u>Internal and External Audit</u></li> <li>a. To review and monitor the annual audit plans of both the internal and external auditors.</li> <li>b. To receive and comment upon the external auditors' reports.</li> <li>c. To monitor the adequacy and effectiveness of</li> </ul>
	the Council's system of internal control by ensuring that an adequate and effective

# Agenda Item 12

<ul> <li>system of internal financial controls is maintained, that financial procedures are regularly reviewed.</li> <li>d. To consider, monitor and review the Council's overall corporate governance arrangements.</li> <li>e. To enhance the profile, status and authority of the internal audit function which will demonstrate its independence.</li> <li>f. To focus audit resources by agreeing, and periodically reviewing, audit plans and monitoring delivery of the audit service.</li> <li>g. To receive and consider such internal audit reports that the Chair and/or Deputy Chief Executive considers necessary.</li> <li>Risk</li> <li>h. To consider, monitor and review the effectiveness of the Council's risk strategies, policies and management arrangements and seek assurances that action is being taken to address identified risk related issues.</li> <li>Finance and Value for Money</li> <li>i. To consider any report from the Internal Audit Manager in pursuance of Financial Regulations.</li> <li>k. To ensure good stewardship of the Council's resources.</li> <li>l. To keep under review, and make recommendations on, proposed amendments to Financial Regulations.</li> <li>m. To consider and make recommendations if appropriate on, the Annual Governance Statement.</li> <li>Standards</li> <li>n. To promote and maintain high standards of conduct by Councillors and any co-opted members of Council bodies.</li> </ul>
<ul> <li>overall corporate governance arrangements.</li> <li>e. To enhance the profile, status and authority of the internal audit function which will demonstrate its independence.</li> <li>f. To focus audit resources by agreeing, and periodically reviewing, audit plans and monitoring delivery of the audit service.</li> <li>g. To receive and consider such internal audit reports that the Chair and/or Deputy Chief Executive considers necessary.</li> <li>Risk</li> <li>h. To consider, monitor and review the effectiveness of the Council's risk strategies, policies and management arrangements and seek assurances that action is being taken to address identified risk related issues.</li> <li>Finance and Value for Money</li> <li>i. To consider and approve the Council's Annual Statements of Accounts.</li> <li>j. To consider any report from the Internal Audit Manager in pursuance of Financial Regulations.</li> <li>k. To ensure good stewardship of the Council's resources.</li> <li>l. To keep under review, and make recommendations on, proposed amendments to Financial Regulations.</li> <li>m. To consider and make recommendations if appropriate on, the Annual Governance Statement.</li> <li>Standards</li> <li>n. To promote and maintain high standards of conduct by Councillors and any co-opted</li> </ul>
<ul> <li>effectiveness of the Council's risk strategies, policies and management arrangements and seek assurances that action is being taken to address identified risk related issues.</li> <li><u>Finance and Value for Money</u></li> <li>i. To consider and approve the Council's Annual Statements of Accounts.</li> <li>j. To consider any report from the Internal Audit Manager in pursuance of Financial Regulations.</li> <li>k. To ensure good stewardship of the Council's resources and assist the Council to achieve value for money in the provision of its services.</li> <li>l. To keep under review, and make recommendations on, proposed amendments to Financial Regulations.</li> <li>m. To consider and make recommendations if appropriate on, the Annual Governance Statement.</li> <li><u>Standards</u></li> <li>n. To promote and maintain high standards of conduct by Councillors and any co-opted</li> </ul>
<ul> <li>i. To consider and approve the Council's Annual Statements of Accounts.</li> <li>j. To consider any report from the Internal Audit Manager in pursuance of Financial Regulations.</li> <li>k. To ensure good stewardship of the Council's resources and assist the Council to achieve value for money in the provision of its services.</li> <li>l. To keep under review, and make recommendations on, proposed amendments to Financial Regulations.</li> <li>m. To consider and make recommendations if appropriate on, the Annual Governance Statement.</li> <li>Standards</li> <li>n. To promote and maintain high standards of conduct by Councillors and any co-opted</li> </ul>
<ul> <li>Statements of Accounts.</li> <li>j. To consider any report from the Internal Audit Manager in pursuance of Financial Regulations.</li> <li>k. To ensure good stewardship of the Council's resources and assist the Council to achieve value for money in the provision of its services.</li> <li>l. To keep under review, and make recommendations on, proposed amendments to Financial Regulations.</li> <li>m. To consider and make recommendations if appropriate on, the Annual Governance Statement.</li> <li>Standards</li> <li>n. To promote and maintain high standards of conduct by Councillors and any co-opted</li> </ul>
<ul> <li>Manager in pursuance of Financial Regulations.</li> <li>k. To ensure good stewardship of the Council's resources and assist the Council to achieve value for money in the provision of its services.</li> <li>I. To keep under review, and make recommendations on, proposed amendments to Financial Regulations.</li> <li>m. To consider and make recommendations if appropriate on, the Annual Governance Statement.</li> <li>Standards</li> <li>n. To promote and maintain high standards of conduct by Councillors and any co-opted</li> </ul>
<ul> <li>resources and assist the Council to achieve value for money in the provision of its services.</li> <li>I. To keep under review, and make recommendations on, proposed amendments to Financial Regulations.</li> <li>m. To consider and make recommendations if appropriate on, the Annual Governance Statement.</li> <li><u>Standards</u></li> <li>n. To promote and maintain high standards of conduct by Councillors and any co-opted</li> </ul>
recommendations on, proposed amendments to Financial Regulations. m. To consider and make recommendations if appropriate on, the Annual Governance Statement. <u>Standards</u> n. To promote and maintain high standards of conduct by Councillors and any co-opted
appropriate on, the Annual Governance Statement. <u>Standards</u> n. To promote and maintain high standards of conduct by Councillors and any co-opted
n. To promote and maintain high standards of conduct by Councillors and any co-opted
conduct by Councillors and any co-opted

# Agenda Item 12

	o. To assist the Councillors and co-opted members to observe the Members' Code of Conduct.
	<ul> <li>p. To advise the Council on the adoption or revision of the Members' Code of Conduct.</li> </ul>
	<ul> <li>q. To monitor the operation of the Members' Code of Conduct.</li> </ul>
	<ul> <li>To advise, train or arrange to train Councillors and co-opted members on matters relating to the Members' Code of Conduct.</li> </ul>
	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.
	<ul> <li>The exercise of t – u above in relation to the Parish Councils in the Council's area and the members of those parish Councils.</li> </ul>
	w. To monitor and review the operation of the Member Officer Relations Protocol.
Special provisions as to membership	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.)
	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.

# Agenda Item 12

Page 170

att	te lead Portfolio Holder for finance is required to tend meetings of the Committee though cannot a member of the Committee.
-----	---

## CRIME & DISORDER SCRUTINY PANEL

Number of Members	5
Politically Balanced Y/N	Ν
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	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;
	<ul> <li>c. to undertake policy reviews of specific crime and disorder issues;</li> </ul>
	<ul> <li>d. to highlight and challenge people's perceptions of crime and disorder in the local area;</li> </ul>
	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	The Chair of the Panel will be a member of a political group not forming part of the ruling administration. The Chair will also be a member of the parent Overview and Scrutiny Committee.

	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.

# Agenda Item 12

## 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	Ν
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.

# Agenda Item 12

### 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 Membership to be agreed by Officers, in consultation with the Chair, as required per application and to include a 4th reserve member.
Politically Balanced Y/N	Ν
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. *Quasi-Judicial meetings training / Licensing and Gambling Act requirements training.

### LICENSING SUB-COMMITTEE B

## Taxis/sex establishments/other

Г

## Parent Committee – Licensing Committee

Number of Members	3 members of the Licensing Committee Membership to be agreed by Officers, in consultation with the Chair, as required per application and to include a 4th reserve member.
Politically Balanced Y/N	Ν
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	<ul> <li>To determine all matters referred to it including (but not limited to):-</li> <li>(1) private hire and hackney carriage driver, operator and vehicle licensing;</li> <li>(2) street trading consents;</li> <li>(3) sex shop applications;</li> <li>(4) pet shop licences;</li> <li>(5) animal boarding licences;</li> <li>(6) riding establishment licences.</li> </ul>
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. *Quasi-Judicial meetings training.

## 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> <li>a. agree the scrutiny programme and the terms of reference for each scrutiny;</li> <li>b. establish time limited Task and Finish Groups to investigate issues in depth; or itself undertake selected reviews;</li> <li>c. agree reports prepared by the Task and Finish Groups;</li> <li>d. act as an interface with the Executive Committee;</li> <li>e. receive, comment and advise on the Council's policy framework such as the Corporate Plan and on other major policies;</li> <li>f. have responsibility for budget scrutiny and performance management scrutiny issues (with Task and Finish Groups established as necessary to take up any detailed work over the year);</li> <li>g. review and /or scrutinise decisions made or actions taken in connection with the discharge of any of the Council's functions whether or not the responsibility of the Executive Committee;</li> <li>h. exercise the right to call in, for reconsideration of decisions made but not yet implemented by the Executive Committee;</li> </ul>

# Agenda Item 12

	<ul> <li>decide how to deal with call ins (with Task and Finish Groups established as necessary to take up any detailed work);</li> </ul>
	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;
	I. 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.
	·

## 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> <li>To exercise all powers and duties of the Council on all matters relating to development control, including but not limited to:-         <ul> <li>a. considering and determining applications for planning permission</li> <li>b. enforcement of planning control</li> <li>c. building preservation, Listed Buildings and Conservation areas</li> <li>d. Tree preservation orders</li> <li>e. Control of advertisements</li> <li>f. Footpath diversion orders under the Town and Country Planning legislation</li> <li>g. Certificates of Lawfulness</li> </ul> </li> <li>To comment on proposals for development submitted by Worcestershire County Council and other public authorities</li> <li>To determine High Hedges applications in accordance with Part 8 of the Anti-Social Behaviour Act 2003</li> </ol>
Special provisions as to the Chair	The Chair and the Vice-Chair, if members of the controlling Party Group, shall not be members of the Executive Committee.

#### SHAREHOLDER COMMITTEE TERMS OF REFERENCE

As the terms of reference for the Shareholders Committee are the subject of review through the separate report to Annual Council in respect of constitution review, they have not been included in this appendix to the Committee Appointments report.

#### 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	Ν
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.
	* Specific Standards Hearing-related training.

# Agenda Item 12

#### STATUTORY OFFICERS DISCIPLINARY ACTION PANEL

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

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

**REDDITCH BOROUGH COUNCIL** 

Page 187

### **Annual Council**

20<sup>th</sup> May

2024

### Appointments to Outside Bodies 2024-25

Relevant Portfolio Holder		To be confirmed	
Portfolio Holder Consulted		No	
Relevant Head of Service		Claire Felton, Head of Legal,	
		Democratic and Property Services	
Report Author	Job Title: Head of Leg	al, Democratic and Property Services	
Claire Felton	Contact email: <u>claire.felton@bromsgroveandredditch.gov.uk</u>		
	Contact Tel: (01527)	64252	
Wards Affected No specific ward relevance		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			

If you have any questions about this report, please contact the report author in advance of the meeting.

#### 1. <u>RECOMMENDATIONS</u>

# 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 2024/25.

#### 4. FINANCIAL IMPLICATIONS

4.1 There are no financial implications.

# Agenda Item 13

**REDDITCH BOROUGH COUNCIL** 

## **Annual Council**

2024

# Agenda Item 13

**REDDITCH BOROUGH COUNCIL** 

### **Annual Council**

2024

20<sup>th</sup> May

## 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. <u>OTHER - IMPLICATIONS</u>

### **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 climate change implications.

### Equalities and Diversity Implications

6.4 There are no equalities and diversity implications.

### 7. <u>RISK MANAGEMENT</u>

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.

### Page 190 REDDITCH BOROUGH COUNCIL

Agenda Item 13

## **Annual Council**

20<sup>th</sup> May

2024

### 8. APPENDICES and BACKGROUND PAPERS

Appendix 1 – List of Outside Bodies

Details of the various organisations referred to are held by Democratic Services. A protocol for appointments to outside bodies, Part 26 of the constitution, gives advice for councillors appointed.

### **REDDITCH BOROUGH COUNCIL**

Page 191

## **Annual Council**

20<sup>th</sup> May 2024

### <u>APPENDIX 1 - BOROUGH COUNCIL REPRESENTATIVES ON</u> <u>OUTSIDE BODIES – NOMINATIONS FOR 2024/2025</u>

### STRATEGIC APPOINTMENTS TO NOTE:

Organisation	Appointee 2023/24	Appointment Requirements	Nomination 2024/25
Local Government Association	Councillor Matt Dormer	1 Representative (usually Leader)	
		Term: 1 Year	
		No liability issues identified.	
West Mercia Police and Crime Panel	Councillor Beecham	1 representative (Relevant Portfolio Holder) and 1 substitute.	
	Cub.	Tarmi 4 Vaar	Sub:
	Sub: Councillor Ashley	Term: 1 Year	
	Councillor Asilicy	Quorum 6 out of 17 (including at least 3 members from the Worcestershire authorities and 3 from the non-Worcestershire authorities)	
		No liability issues identified.	
Assembly of the District Councils' Network	Councillor Matt Dormer	1 representative	
		Term: 1 Year	
		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.	
		No liability issues identified.	
West Midlands Employers (WME) Shareholder Board	New	1 representative (preferably the Leader)	
		Preferred Term: 4 years	
		To represent the Council at meetings of the WME Shareholders Committee. There are 6 scheduled meetings per year plus an induction session to attend.	

### Page 192

### REDDITCH BOROUGH COUNCIL

## Annual Council

Organisation	Appointee 2023/24	Appointment Requirements	Nomination 2024/25
Worcestershire Local Transport Board <i>(WLTB)</i>	Councillor Matt Dormer Sub:	2 representatives from North Worcestershire Councils plus one substitute.	Sub:
	Councillor Karen May (Bromsgrove District Council)	2 representatives not to be drawn from the Council supplying the "main" representative on Worcestershire LEP	
Corporate Parenting Board	Councillor Harrison	1 Representative - Must be relevant Portfolio Holder	
(Worcestershire County Council)		Term: 1 Year	
		(Monthly meetings – approx. 2 hrs each time – generally Friday mornings – 9.30a.m. start)	
		No liability issues identified.	
Redditch Partnership (Local Strategic	Councillor Matt Dormer	1 Representative – Leader	
Partnership including Redditch District Collaborative)		Term: 1 Year	
		No liability issues identified.	
Redditch Partnership Business Leaders Group	Councillor Matt Dormer	1 Representative – Leader - Economic Development Portfolio Holder	
(Formerly an Economic Theme Group)		Term: 1 Year	
Redditch BID Limited	Councillor Matt Dormer	1 Representative to act as a director of the company.	
(Company no 11964088)		Term: 1 Year	
		No liability issues identified	
Redditch Town's Fund Board	Councillor Matt Dormer	1 Representative – Leader	
		Term: 1 Year	
		No liability issues identified.	

## Page 193

### **REDDITCH BOROUGH COUNCIL**

## Annual Council

Organisation	Appointee 2023/24	Appointment Requirements	Nomination 2024/25
North Worcestershire Community Safety	Councillor Harrison	1 representative (relevant Portfolio Holder) and 1 named substitute	
Partnership	Sub: Councillor Beecham	Term: 1 Year	Sub:
		Each district Council has a place on the Partnership Board as an Invitee to Participate.	
		No liability issues identified.	
Waste Management Board	Councillor Clayton	1 representative (relevant Portfolio Holder)	
(Lead Officer – Guy Revans)	Sub: Councillor Marshall	Term: 1 Year	Sub:
		<u>Note</u> : Meets Friday <u>mornings</u> - 4 times per year	
		No liability issues identified	
Worcestershire Health and Wellbeing Board	Councillor Harrison	1 representative and 1 substitute	
	Sub: Councillor Beecham	Term: 1 Year	Sub:
Health Improvement Group	Councillor Harrison	1 Representative (relevant Portfolio Holder)	
	Sub: Councillor Beecham	Term: 1 Year	Sub:
West Midlands Combined Authority Board	Councillor Matt Dormer	1 Representative (Leader by Office) and 1 substitute	
	Sub: Councillor Craig Warhurst	Term: 1 Year	Sub:
West Midlands Combined Authority Housing and Land Delivery Board	Councillor Matt Dormer	1 Representative (Must be relevant Portfolio Holder, function to include Housing and/or Land Use)	
	Sub: Councillor Craig Warhurst	Term: 1 Year	
West Midlands Combined Authority – Audit Risk and	Councillor Ashley	Worcestershire Non-constituent Authorities	
Assurance Committee	Sub:	1 Representative and 1 substitute.	Sub:
	Councillor Clayton	Must be members of the majority group	

### Page 194 REDDITCH BOROUGH COUNCIL

## Annual Council

Organisation	Appointee 2023/24	Appointment Requirements	Nomination 2024/25
West Midlands Combined	Councillor Matt	1 Representative – Leader	
Authority – Economic Growth Board	Dormer	Non-constituent Authorities	
		Term: 1 Year	
West Midlands Combined Authority – Overview and	Councillor Marshall	Worcestershire Non-constituent Authorities	
Scrutiny Committee	Sub: Councillor Ashley	1 representative and 1 substitute.	Sub:
		Must be members of the majority group and ideally members of O&S	
West Midlands Combined Authority - Transport	Councillor Marshall	Worcestershire Non-constituent Authorities	
Delivery Overview & Scrutiny Committee	Sub: Councillor Clayton	1 representative and 1 substitute.	Sub:
Worcestershire Local Enterprise Partnership	Cllr Marcus Hart (Wyre Forest District Council)	1 representative on behalf of the 3 North Worcestershire authorities	
	Sub: Cllr Karen May (BDC)		
Herefordshire and Worcestershire Integrated Care Partnership	Councillor Harrison	1 representative (Ideally Relevant Portfolio) and one named substitute	
Assembly		Term: 1 Year	

### Page 195 REDDITCH BOROUGH COUNCIL

## Annual Council

20<sup>th</sup> May 2024

### LOCAL APPOINTMENTS

Worcestershire Health Overview and Scrutiny Committee (Worcestershire County Council)	Councillor Marshall	<ul> <li>1 representative (Must be a member of the Redditch Overview and Scrutiny Committee)</li> <li>Term: 1 year.</li> <li>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.</li> </ul>	
Redditch Highways & Transportation Forum Members Discussion Group (Worcestershire County Council)	Councillor Brandon Clayton Councillor Andrew Fry	Up to 2 Representatives Term: 1 Year Role is that of non-voting observers only. No liability issues identified.	
Worcestershire Local Access Forum (Worcestershire County Council)	Councillor Anthony Lovell	1 representative from north Worcestershire District Councils. 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	<ul> <li>1 Representative (Must be a ward member for Winyates Ward)</li> <li>Term: 1 year</li> <li>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.</li> <li>No liability issues identified.</li> </ul>	

## Page 196

### **REDDITCH BOROUGH COUNCIL**

## Annual Council

Citizens Advice Bromsgrove and Redditch	New 2016	1 representative and 1 substitute.	
bioinsgrove and Reduitor	No appointments made since 2017	Term: 3 years	
		Appointments will be trustees of the CAB which is a charitable company limited by guarantee.	
Redditch	Councillors Altaf, Fardoe, Hartnett	4 Representatives	
Co-operative Homes	and Lovell	Term: 1 year	
		Liability appears to be limited providing there are no breaches of duty or trust.	
Redditch One World Link Executive Committee	Councillor Ashley and 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	Councillor Clayton	1 Representative plus 1 Deputy.	
Traffic Penalty Tribunal (Civil Parking Enforcement)	Deputy: Councillor Pearman	Term: 1 Year	Deputy:
		No liabilities identified / unlikely to be any liabilities.	
Where Next' Association	Councillor Lovell	2 Representatives – 2 places variation previously agreed	
	Councillor Spilsbury	Term: 1 Year	
		Liability appears to be limited.	
Worcestershire Armed Forces Covenant	Councillor Alex Fogg	1 Representative	
Partnership		Term: 1 year to Council's AGM	
		Nature of representation: to represent the Borough Council.	
Tardebigge Relief in Need and Sickness Charity	Councillor Harrison (Exp 2025)	2 Representatives (However, only one position is due for appointment in 2024).	
	Councillor Baker (Exp 2026)	Term: 4 years.	

### **REDDITCH BOROUGH COUNCIL**

Page 197

## Annual Council

Eadie Mews Trust (Formerly Smallwood Almshouses Trust)	Councillor Pearman (Exp 2025)	1 Representative Term: 4 years	
Feckenham Educational Endowment	Councillor Clayton	1 Representative Term: 1 Year	

This page is intentionally left blank





Public Docement Pack Agenda Item 14

# Licensing

Committee

Monday, 4th March, 2024

## MINUTES

dditchbc.aov.uk

### Present:

Councillor Karen Ashley (Chair), Councillor Timothy Pearman (Vice-Chair) and Councillors Salman Akbar, Juma Begum, Sharon Harvey, Chris Holz, Emma Marshall, Monica Stringfellow and Sid Khan

### Officers:

Vanessa Brown and Dave Etheridge

### **Democratic Services Officers:**

Gavin Day

30. REVIEW OF STATEMENT OF LICENSING POLICY UNDER LICENSING ACT 2003 - CONSIDERATION OF RESPONSES TO CONSULTATION ON REVISED STATEMENT OF LICENSING POLICY

The Principal Licensing Officer, Worcestershire Regulatory Services (WRS), presented the report to Members. The purpose of the report was to consider the responses to the consultation regarding the statement of licencing policy.

Officers detailed that during the Licencing Committee held on the 5<sup>th</sup> October 2023, Members directed Officers to begin the consultation process for the renewed statement of licencing policy, this was detailed on pages 27 to 74 of the Public Reports Pack.

The consultation was advertised using a variety of outlets which included the Council's website, social media and letters sent to consultees. The consultation period was between 11<sup>th</sup> October 2023 to 15<sup>th</sup> December 2023.

Two responses were received by Officers, detailed on pages 23 to 25 of the Public Reports pack.

1. West Mercia Police, who supported the policy without amendment.

2. The Wine/Spirit trade who did not raise any objection but provided further information to Officers regarding some suggested guidance in relation to rapid delivery services.

Officers asked Members to resolve to recommend to Council that the revised Statement of Licensing Policy shown at Appendix 3 be approved and published to take effect on 1<sup>st</sup> June 2024.

Members enquired about the "ask Angela" initiative and bleed kits and if WRS provided training on those initiatives. Officers replied that there was no direct training provided, however, WRS would direct new applicants to guidance which included the areas in question, it would also encouraged licence holders to adopt those initiatives.

Members enquired about government progress regarding Martin's Law and Counter Terrorism policy. Officers detailed that the legislation was under review at a central government level and that once it was finalised, WRS would be able to signpost licence holders to appropriate guidance. Officers further detailed that it was not known what role local Authorities would take, as draft legislation mentioned "regulators", however, no information was available on who those regulators would be. The Bill was likely to be introduced in late 2024.

On being put to a vote it was

### **Recommended to Council that**

the revised Statement of Licensing Policy shown at Appendix 3 on pages 27 to 74 of the Public Reports pack be approved and published to take effect on 1<sup>st</sup> June 2024

The Meeting commenced at 7.00 pm and closed at 8.04 pm

# Agenda Item 14

**REDDITCH BOROUGH COUNCIL** 

### LICENSING COMMITTEE

4th March 2024

#### LICENSING ACT 2003 REVIEW OF STATEMENT OF LICENSING POLICY

Relevant Portfolio Holder	Councillor L Harrison
Portfolio Holder Consulted	No
Relevant Head of Service	Simon Wilkes – Head of
	Worcestershire Regulatory Services
Wards Affected	All Wards
Ward Councillor Consulted	N/A
Non-Key Decision	

### 1. <u>SUMMARY OF PROPOSALS</u>

- 1.1 The Council's current Statement of Licensing Policy under the Licensing Act 2003 took effect on the 1<sup>st</sup> June 2019.
- 1.2 In accordance with the provisions of the Act, the Council is required to determine and publish a Statement of Licensing Policy at least every five years. A new Statement of Principles must therefore be published by 1<sup>st</sup> June 2024.
- 1.3 The Licensing Committee has previously approved a draft revised Statement of Licensing Policy for the purpose of consultation with relevant parties and the results of that consultation exercise are now being reported back to Members.

#### 2. <u>RECOMMENDATIONS</u>

2.1 Members are asked to RECOMMEND;

to Council that the revised Statement of Licensing Policy shown at Appendix 3 be approved and published to take effect on 1<sup>st</sup> June 2024.

### 3. KEY ISSUES

### **Financial Implications**

3.1 The costs of carrying out the consultation exercise were met from existing budgets held by Worcestershire Regulatory Services.

### LICENSING COMMITTEE

### 4<sup>th</sup> March 2024

### Legal Implications

- 3.2 The Council has a statutory duty to have a Statement of Licensing Policy. It is important that the Statement of Licensing Policy provides an open and transparent policy regarding the Council's functions under the Licensing Act 2003. The Statement of Licensing Policy forms an essential part of the decision-making process for licensing applications.
- 3.3 The Act also requires that the Statement of Licensing Policy should be kept under review and must be re-published at least every five years.
- 3.4 When revising its Statement of Licensing Policy, the Council is required to consult with:-
  - the chief officer of police for the authority's area;
  - the fire and rescue authority for that area;
  - each local authority in England whose public health functions within the meaning of the National Health Service Act 2006 are exercisable in respect of an area any part of which is in the licensing authority's area;
  - such persons as the licensing authority considers to be representative of holders of premises licences issued by that authority;
  - such persons as the licensing authority considers to be representative of holders of club premises certificates issued by that authority;
  - such persons as the licensing authority considers to be representative of holders of personal licences issued by that authority; and
  - such other persons as the licensing authority considers to be representative of businesses and residents in its area.

#### Service / Operational Implications

- 3.5 Redditch Borough Council's existing Statement of Licensing Policy was published with effect from 1<sup>st</sup> June 2019.
- 3.6 Section 5 of the Licensing Act 2003 requires licensing authorities to review Statements of Licensing Policy every five years, and therefore a reviewed Statement of Licensing Policy must be approved by Council and published before 1<sup>st</sup> June 2024.
- 3.7 On 5<sup>th</sup> October 2023, the Licensing Committee approved a draft revised Statement of Licensing Policy for the purpose of consultation with relevant parties.

Agenda Item 14

**REDDITCH BOROUGH COUNCIL** 

### LICENSING COMMITTEE

#### 4th March 2024

- 3.8 The draft revised policy remains based on the same template as the existing policy, which all of the Statements of Licensing Policy across Worcestershire are now based upon.
- 3.9 The draft revised policy contained a number of amendments and some additional sections that have been added to the document to reflect changes to legislation and guidance that have taken effect since the last Statement of Licensing Policy took effect on 1<sup>st</sup> June 2019.
- 3.10 The main changes that had been made are summarised in the table shown at **Appendix 1**.
- 3.11 Consultation on the revised draft Statement of Principles was undertaken with all relevant parties including:
  - The Chief Officer of West Mercia Police
  - Hereford and Worcester Fire and Rescue Services
  - Worcestershire County Council (Public Health)
  - All other responsible authorities identified under the Act
  - Relevant Trade Associations
  - Redditch Borough Councillors
  - Feckenham Parish Council
  - The general public
- 3.12 The consultation was undertaken via an online survey that was made available via the Council's website and publicised via social media. A link to the survey was also sent by email to relevant stakeholders. The consultation survey was open for completion between 11<sup>th</sup> October and 15<sup>th</sup> December 2023.
- 3.13 There have been two responses to the consultation survey from a consultee responding on behalf of the Chief Officer of West Mercia Police and the Head of Compliance at the Wine and Spirit Trade Association. The responses received by these respondents can be seen at **Appendix 2.**
- 3.14 The respondent on behalf of the Chief Officer of Police is supportive of all of the proposed amendments to the Statement of Policy document and does not believe any further revisions are required.
- 3.15 The Wine and Spirit Trade Association representative has provided a link to some best practise guidance that they have been involved in producing in respect of rapid delivery services delivering age restricted products. Whilst this is not something that officers believe should be directly referenced within the Statement of Licensing Policy, this guidance is useful and could be shared and promoted with holders of licences and those applying for licences who offer this type of service.

Agenda Item 14

**REDDITCH BOROUGH COUNCIL** 

### LICENSING COMMITTEE

### 4th March 2024

- 3.16 Having considered the responses received during the consultation exercise, officers do not feel that any amendments need to be made to the version of the draft revised Statement of Licensing Policy that was consulted upon.
- 3.17 Therefore, Members are now asked to consider the responses received during the consultation and resolve to recommend to Council that the revised Statement of Licensing Policy at **Appendix 3** be approved and published to take effect on 1<sup>st</sup> June 2024.

### 4. **RISK MANAGEMENT**

4.1 Failing to prepare and publish a new Statement of Licensing Policy before 1<sup>st</sup> June 2024 would leave the Council in a position where it was failing to comply with its duties as a licensing authority under the provisions of the Licensing Act 2003.

### 5. <u>APPENDICES</u>

- Appendix 1 Summary of proposed amendments
- Appendix 2 Responses to consultation survey
- Appendix 3 Draft Revised Statement of Licensing Policy

### AUTHOR OF REPORT

Name:	Dave Etheridge – Principal Officer (Licensing) Worcestershire Regulatory Services
E Mail:	dave.etheridge@worcsregservices.gov.uk
Tel:	(01905) 822799

### Summary of Amendments Made in Draft Revised Statement of Licensing Policy

Section Heading	Paragraph	Description of amendment	Reason for amendment
Table of contents and throughout document	Various	Changes to section, paragraph and page numbers	Required as a result of additional paragraphs and sections being added to the draft revised Statement of Licensing Policy
Introduction	1.6	Population estimate revised	To reflect latest data from 2021 census
Introduction	1.8 – 1.10	Amended wording relating to Council's vision and strategic purposes	To reflect the vision and strategic purposes that are set out in the current version of the Council Plan
Front Cover and Purpose of the Statement of Licensing Policy	4.7	Dates changed	To reflect when the revised Statement of Licensing Policy will take effect and when it will need to be revised next.
Applications for Premises Licences and Club Premises Certificates	6.20	Insertion of paragraph making specific reference to the safety of women and girls, including encouragement to implement schemes such as "Ask for Angela"	To prevent crime and disorder and promote public safety by encouraging operators of licensed premises to do all that they can to ensure that all people, particularly women and girls, feel safe on a night out.
Applications for Premises Licences and Club Premises Certificates	6.21	Insertion of paragraph making reference to provision of bleed control kits in licensed premises	To promote public safety by encouraging operators of licensed premises to acquire a bleed control kit that is kept on their premises and that staff are provided training on how to use the kit.

Section Heading	Paragraph	Description of amendment	Reason for amendment
Applications for Premises Licences and Club Premises Certificates	6.22	Insertion of paragraph making reference to the conduct of risk assessments to consider the need for the provision of hand-held metal detectors (knife wands)	To prevent crime and disorder and promote public safety by encouraging operators of licensed premises to conduct a a risk assessment to consider the need for the provision and use of hand-held metal detectors, sometimes referred to as "knife wands" to deter and prevent people from carrying knives and other weapons into their premises.
Applications for Premises Licences and Club Premises Certificates	6.36	Insertion of wording to make clear that a photocard driving licence issued in the UK is an acceptable document to accept as proof of age alongside photocard driving licences that are issued in European Union countries.	To reflect the withdrawal of the UK from the European Union since the current Statement of Licensing Policy was adopted.
Applications for Premises Licences and Club Premises Certificates	6.37	Insertion of reference to alcohol delivery services and age-verification procedures	To protect children from harm by making clear that the licensing authority expects those that offer alcohol deliver services to have in place robust age-verification procedures at both the point of sale and the point of delivery to ensure that alcohol is not purchased by, or delivered to, children.
Martyn's Law	10.1 – 10.6	Insertion of section to provide information regarding upcoming legislation commonly referred to as "Martyn's Law"	To provide information to licence holders on upcoming legislation that aims to keep people safe, enhance national security and reduce the risk to the public from terrorism by the protection of public venues.

Section Heading	Paragraph	Description of amendment	Reason for amendment
Equalities	19.1 – 19.6	Section rewritten and expanded to include reference to the public sector equality duty and confirm that the licensing authority will have regard to this when determining individual applications for authorisations. Also now encourages applicants and licence holders to consider access and facilities for customers with protected characteristics in the design and layout of their premises. Also now signposts the website of the Equality Advisory Support Service (EASS)	In order to provide information to applicants, licence holders and the general public on how the Council will seek to fulfil their duties under the Equality Act 2010 and in order to try and help others to fulfil their own such duties.
Relationship with Planning	21.4 – 21.6	Additional paragraphs inserted making reference to the "agent of change" principle. This is the expectation in the National Planning Policy Framework that new development can be integrated effectively with existing businesses and community facilities (such as places of worship, pubs, music venues and sports clubs).	To provide information regarding this principle to applicants, licence holders and the general public.

This page is intentionally left blank



### West Mercia Police Response to Consultation Survey Questions

Do you agree with the proposed changes being made to section six of the draft revised Statement of Licensing Policy relating to "Applications for Premises Licences and Club Premises Certificates"?

Yes

Please provide an explanation and reasons for the answer you have given

The changes I see as a positive step towards the prevent agenda and makes it clear the responsibilities needed towards knife crime.

Do you agree with the inclusion proposed new section of the draft revised Statement of Licensing Policy relating to the Terrorism (Protection of Premises) Bill, also known as Martyn's Law?

Yes

Please provide an explanation and reasons for the answer you have given

As above

Do you agree with the changes being proposed to section 19 of the draft revised Statement of Licensing Policy relating to "Equalities"?

Yes

Please provide an explanation and reasons for the answer you have given

No response

Do you agree with the changes being proposed to section 21 of the draft revised Statement of Licensing Policy relating to the "Relationship with Planning"?

Yes

Please provide an explanation and reasons for the answer you have given

No response

Do you think the Council should make any other changes or add anything further to its draft revised Statement of Licensing Policy?

NO

If answering YES, what changes or additions would you suggest the Council should make?

No response

If you have any other comments to make in connection with this consultation, you can enter them here:

As a key partner, it is great to see the licensing committee take steps to address local concerns towards knife crime.

In what capacity are you responding to this consultation?

On behalf of Chief Officer of West Mercia Police



#### Email response received from The Wine and Spirit Trade Association:

From: Kelly Moss <

Sent: 12 October 2023 09:57

To: WRS Enquiries <<u>enquiries@worcsregservices.gov.uk</u>>

**Subject:** RE: Redditch Borough Council Consultation on Draft Revised Statement of Licensing Policy (2024-2029)

This email originated from outside of the organisation

**STOP** : Were you expecting this email? Does it look genuine?

**THINK :** Before you CLICK on any links or OPEN any attachments.

Hi Dave,

Thank you for sending this information through.

I've had a quick look and noticed that you've added information on fast deliveries of alcohol, recommending that age verification take place at the point of sale and on delivery. We've done a lot of work on 'rapid delivery services' and have produced <u>best practice</u> for these service providers. Please feel free to extract any information that might be helpful to you and refer to this in your policy or generally promote to businesses in your area.

Many thanks,

Kelly

Under the GDPR you have rights which you can exercise in relation to the personal information we hold about you. Please refer to our <u>Privacy Notice</u> for information. If you want to contact us about the personal information we hold on you, or to unsubscribe from any of our services, please do so via <u>GDPR@wsta.co.uk</u>

Please consider the environment before printing this e-mail. Thank you.

This page is intentionally left blank



www.redditchbc.gov.uk

## **LICENSING ACT 2003**

## \*\*\*DRAFT\*\*\*

## **STATEMENT OF LICENSING POLICY**

## 2024-2029

Redditch Borough Council,

Town Hall, Walter Stranz Square, Redditch, Worcestershire, B97 9SB

www.redditchbc.gov.uk

Revised for the five year period from  $\mathbf{1}^{st}$  June 2024

### **Table of Contents**

1. Introduction	4
2. Licensing Objectives and Aims	6
3. Scope of the Licensing Authority's Functions	7
4. Purpose of the Statement of Licensing Policy	8
5. General Principles	9
6. Applications for Premises Licences and Club Premises Certificates	10
7. Representations	18
8. Licensing Hours	22
9. Conditions on Licences and Certificates	23
10. Terrorism (Protection of Premises Bill) / Martyn's Law	24
11. Reviews	25
12. Minor Variations	27
13. Cumulative Impact	28
14. Personal Licences – New Applications	29
15. Personal Licences – Suspension and Revocation	31
16. Immigration Act 2016 – Entitlement to Work	34

17. Enforcement and Complaints	35
18. Integrating Strategies and Partnership Working	36
19. Equalities	37
20. Administration, Exercise and Delegation of Functions	38
21. Relationship with Planning	39
22. Temporary Event Notices	40
23. Live Music Act 2012 and other Entertainment Licensing Deregulation	41
24. Sexual Entertainment Venues	43
25. Early Morning Alcohol Restriction Orders (EMROs)	44
26. Late Night Levy	45
27. Late Night Refreshment – Local Powers to Deregulate	46
28. Suspension of Licences and Certificates for Non-Payment of Annual Fees	47
Appendix A – Table of Delegated Functions	48

### 1.0 Introduction

- 1.1 Redditch Borough Council (the Council) is a licensing authority under the Licensing Act 2003 and therefore has responsibilities for the administration and enforcement of the Act within the Borough.
- 1.2 These include, among other duties, the granting of premises licences, club premises certificates, temporary events notices and personal licences in the Borough in respect of the sale and/or supply of alcohol, the provision of regulated entertainment and late night refreshment.
- 1.3 Redditch Borough is within the County of Worcestershire and borders Warwickshire County to the east and southeast. It is surrounded by Bromsgrove District to the west and north, Stratford District to the east and southeast and Wychavon District to the southwest.
- 1.4 The Borough is situated at the outer edge of the Green Belt boundary for the West Midlands. Redditch offers easy access to the countryside and prominent local areas, including culturally rich areas such as Stratford upon Avon and naturally rich areas such as the Cotswolds.
- 1.5 The Borough lies 15 miles south of the Birmingham conurbation and Birmingham airport is approximately a 25-minute drive away.
- 1.6 Redditch Borough consists of the main town of Redditch, the villages of Astwood Bank and Feckenham and several other hamlets. It covers an area of 5,435 hectares (13,430 acres) with a population of 87,000 (2021 Census).
- 1.7 The Borough is split into the urban area of Redditch in the north, accounting for 50% of the area and 93% of the population; and the rural area to the south with 7% of the population. The rural area consists predominantly of Green Belt land, but also open countryside, as well as the villages of Astwood Bank and Feckenham.
- 1.8 The Council vision, as set out in the Council Plan, is to enrich the lives and aspirations of our residents, businesses and visitors through the provision of efficiently run and high quality services, ensuring that all in need receive appropriate help, support and opportunities.
- 1.9 The Council Plan also sets out the Council's strategic purposes which are:
  - Run and grow a successful business
  - Finding somewhere to live
  - Aspiration, work and financial independence
  - Living independent, active and healthy lives
  - Communities which are safe, well maintained and green
- 1.10 This policy statement aims to support the Council in achieving its vision and working towards these strategic purposes.

#### 2.0 Licensing Objectives and Aims

2.1 The Licensing Act 2003 provides a clear focus on the promotion of four key licensing objectives. As a licensing authority Redditch Borough Council will always seek to carry out its licensing functions with a view to promoting these four objectives.

The licensing objectives are:

- The prevention of crime and disorder
- Public safety
- The prevention of public nuisance
- The protection of children from harm
- 2.2 Each objective is of equal importance. There are no other statutory licensing objectives, so the promotion of the four objectives is the paramount consideration at all times.
- 2.3 However, the licensing authority recognises that the legislation also supports a number of other key aims and purposes. It is recognised that these are also vitally important and should be aims for everyone involved in licensing work.

They include:

- Protecting the public and local residents from crime, anti-social behaviour and noise nuisance caused by irresponsible licensed premises;
- Giving the police and licensing authorities the powers they need to effectively manage and police the night-time economy and take action against those premises that are causing problems;
- Recognising the important role which pubs and other licensed premises play in our local communities by minimising the regulatory burden on business, encouraging innovation and supporting responsible premises;
- Providing a regulatory framework for alcohol which reflects the needs of local communities and empowers local authorities to make and enforce decisions about the most appropriate licensing strategies for their local area; and
- Encouraging greater community involvement in licensing decisions and giving local residents the opportunity to have their say regarding licensing decisions that may impact upon them.

## Agenda Item 14

## 3.0 Scope of the Licensing Authority's Functions

- 3.1 As a licensing authority the Council is responsible for the authorisation of 'licensable activities'. The licensable activities that are required to be authorised under the Act are as follows:
  - The sale by retail of alcohol,
  - the supply of alcohol by or on behalf of a club to, or to the order of, a member of the club,
  - the provision of regulated entertainment, and
  - the provision of late night refreshment
- 3.2 The licensing authority is responsible for four different types of authorisation or permission, as follows:
  - Premises licence to use premises for licensable activities.
  - Club premises certificate to allow a qualifying club to use premises for qualifying club activities.
  - Temporary event notice to carry out licensable activities on a temporary basis for an event.
  - Personal licence to allow a person to sell or authorise the sale of alcohol from premises in respect of which there is a premises licence.

### 4.0 **Purpose of the Statement of Licensing Policy**

- 4.1 This statement of policy has been prepared and updated in accordance with the latest amended provisions of the 2003 Act and the latest revised guidance issued under section 182 of the Act. The statement sets out the principles the licensing authority will generally apply to promote the licensing objectives when making decisions on applications made under the Act.
- 4.2 The main purpose of this policy is to provide clarity to applicants, responsible authorities and other persons on how the licensing authority will determine applications for the supply of alcohol, the provision of regulated entertainment and the provision of late night refreshment and also to provide a basis for all licensing decisions taken by the licensing authority. It will also inform elected Members of the parameters within which licensing decisions can be made.
- 4.3 This policy sets out the process the licensing authority will adopt in dealing with licence applications with particular regard to the various types of premises and permissions and the various conditions that can be attached to licences if relevant representations are made. It also highlights the Council's undertaking to avoid duplication with other statutory provisions and its commitment to work in partnership with other enforcement agencies.
- 4.4 When carrying out its licensing functions the Council will always have regard to this statement of policy and the Guidance issued by the Secretary of State under section 182 of the Licensing Act 2003.
- 4.5 The licensing authority may depart from this policy or the Guidance if the individual circumstances of any case merit such a decision in the interests of promoting the four licensing objectives. Whenever the licensing authority takes a decision to depart from this policy or the Guidance, clear reasons will be given.
- 4.6 The Licensing Authority has a duty under Section 17 of the Crime and Disorder Act 1998 to do all it can to prevent Crime and Disorder in the Borough.
- 4.7 The statement of policy took effect on 1<sup>st</sup> June 2024 and will be kept under review. A revised statement of policy will be published no later than 1<sup>st</sup> June 2029.

## 5.0 General Principles

- 5.1 Every application received by the licensing authority will be considered on its own individual merits.
- 5.2 If an application for a premises licence or club premises certificate has been made lawfully and there have been no representations from responsible authorities or other persons, the licensing authority must grant the application, subject only to conditions that are consistent with the operating schedule and any relevant mandatory conditions.
- 5.3 The licensing authority will aim to carry out its licensing functions in a way that promotes tourism, increases leisure and culture provision and encourages economic development within the Borough.
- 5.4 However the licensing authority will also always try and balance the needs of the wider community, local community and commercial premises, against the needs of those whose quality of life may be adversely affected by the carrying on of licensable activities, particularly within residential areas.
- 5.5 In particular the licensing authority will attempt to control any potential negative impacts from the carrying on of licensable activities, such as increased crime and disorder, anti-social behaviour, noise, nuisance, risks to public safety and harm to children.
- 5.6 The licensing authority's aim is to facilitate well run and managed premises with licence holders displaying sensitivity to the impact of the premises on local residents.
- 5.7 The licensing authority acknowledges that licensing law is not the primary mechanism for the general control of anti-social behaviour by individuals once they are beyond the direct control of the individual, club or business holding the authorisation concerned. As a matter of policy, however, the licensing authority expects every holder of an authorisation to take all reasonable steps to minimise the impact of their activities and anti-social behaviour by their patrons within the immediate surroundings of their premises.
- 5.8 "Need" concerns the commercial demand for another pub, restaurant or hotel and is a matter for the planning authority and for the market. Need is not a matter that the licensing authority can consider in carrying out its licensing functions.

#### 6.0 Applications for Premises Licences and Club Premises Certificates

- 6.1 The relevant application forms and associated documents can be obtained from the licensing authority's website or from licensing officers during normal office hours.
- 6.2 Along with the application form, applicants must also submit an operating schedule and plans of the premises to which the application relates. The licensing authority would like any plans submitted to be drawn to a recognised scale, i.e. 1:50 or 1:100, or 1:150, or 1:200. The plans should also be clear and legible in all material respects, i.e. they must be accessible and provides sufficient detail for the licensing authority to be able to determine the application, including the relative size of any features relevant to the application. This should include details and the location of any fire safety equipment provided at the premises. The licensing authority does not require plans to be professionally drawn as long as they clearly show all the prescribed information.
- 6.3 Through their operating schedule, applicants will be expected to demonstrate the positive steps that they will take to promote the four licensing objectives.

#### **Operating Schedules**

- 6.4 The operating schedule is a key document and, if prepared comprehensively, will form the basis on which premises can be licensed without the need for additional extensive conditions. All applicants for the grant or variation of a premises licence or club premises certificate are required to provide an operating schedule as part of their application. The licensing authority expects an operating schedule to indicate the positive steps that the applicant proposes to take to promote the licensing objectives.
- 6.5 In completing an operating schedule, applicants are expected to have regard to this statement of licensing policy and to demonstrate suitable knowledge of their local area when describing the steps that they propose to take in order to promote the licensing objectives.
- 6.6 The licensing authority will provide general advice on the drafting of operating schedules and applicants are strongly recommended to discuss their operating schedules with the licensing authority and other responsible authorities prior to submitting them.
- 6.7 The complexity and detail required in the operating schedule will depend upon the nature and use of the premises concerned. For premises such as a public house where regulated entertainment is not provided, only a relatively simple document may be required. However for an operating schedule accompanying an application for a major entertainment venue or event, it will be expected that issues such as public safety and the prevention of crime and disorder will be addressed in detail.
- 6.8 The operating schedule must be set out on the prescribed form and include a statement of the following:-
  - Full details of the licensable activities to be carried on at and the intended use of the premises;

- The times during which the licensable activities will take place;
- Any other times when the premises are to be open to the public;
- Where the licence is only required for a limited period, that period;
- Where the licensable activities include the supply of alcohol, the name and address of the individual to be specified as the designated premises supervisor;
- Whether alcohol will be supplied for consumption on or off the premises or both;
- The steps which the applicant proposes to promote the licensing objectives.
- 6.9 For some premises, it is possible that no measures will be appropriate to promote one or more of the licensing objectives, for example, because they are adequately covered by other existing legislation. It is however important that all operating schedules should be precise and clear about the measures that are proposed to promote each of the licensing objectives.

#### Guidance on Completing an Operating Schedule

6.10 The following guidance is intended to assist applicants by setting out considerations that they should have in mind when drawing up their operating schedules. The guidance is designed to alert applicants to any matters that responsible authorities are likely to consider when deciding whether to make representations on an application or whether to call for a review.

#### (a) Prevention of Crime and Disorder

- 6.11 Licensed premises, especially those offering late night/early morning entertainment, alcohol and refreshment for large numbers of people, can sometimes be a source of crime and disorder problems.
- 6.12 The licensing authority will expect operating schedules, where appropriate, to satisfactorily address these issues from the design of the premises through to the daily operation of the business.
- 6.13 The licensing authority will normally look to the police as the main source of advice on crime and disorder and therefore applicants are recommended to seek advice from West Mercia Police in relation to what steps they can take to promote the prevention of crime and disorder.
- 6.14 In addition when planning and preparing operating schedules applicants are advised to take into account local planning and transport policies, tourism, cultural and crime and disorder reduction strategies as appropriate.
- 6.15 In addition to the requirements for the licensing authority to promote the licensing objectives, it also has a duty under Section 17 of the Crime and Disorder Act 1988 to do all it can to prevent crime and disorder in the Borough.

- 6.16 When considering all licence applications the licensing authority will take into account the measures proposed to deal with the potential for, and the prevention of, crime and disorder having regard to all circumstances of the application. Applicants should include information on these issues within the operating schedule for the premises.
- 6.17 In particular, the licensing authority will consider the actions, which are appropriate for the premises that the applicant has taken, or is proposing to take with regard to the following:
  - i) the ability of the person in charge of the premises to monitor the premises at all times that it is open; although this does not mean that the designated premises supervisor has to be present at all times.
  - ii) the training given to staff regarding crime prevention measures for the premises;
  - iii) physical security features installed in the premises (e.g. position of cash registers, CCTV, toughened drinking glasses etc.);
  - iv) management attitudes (e.g. responsible pricing promotions, willingness to stagger trading, willingness to limit sales of bottles or canned alcohol for immediate consumption and preventing the sale of alcohol to people who are drunk);
  - v) any other measure as may be appropriate (e.g. participation in local Pubwatch and/or Shopwatch schemes or 'Behave or be Banned' schemes (BOBS), restrictions on 'happy hours', music wind-down policies);
  - vi) the measures employed to prevent the consumption or supply of illegal drugs, including any search procedures and entry policies;
  - vii) where the premises are subject to age restrictions, the procedures in place to conduct age verification checks;
  - viii) the likelihood of any violence, public order of policing problems if the licence is granted.
  - ix) the employment of door safety staff licensed by the Security Industries Association (SIA)
- 6.18 Applicants for late night entertainment and alcohol premises should show that they can comply with the Home Office Guidance 'Safer Clubbing' in relation to the control of illegal drugs on their premises. They should agree a protocol with the licensing authority and West Mercia Police on the handling of illegal drugs found on their premises.
- 6.19 The licensing authority in setting its policies and practices considering applications for licensed premises will have due regard to the current Crime and Disorder Strategy for the Area. Regard will be had to the relatively low crime levels in the area and any disproportionate effects likely to be perceived by residents and members of the public due to nuisance, anti-social behaviour and disorder arising or likely to arise as the result of granting a licence.
- 6.20 The licensing authority expects those that operate licensed premises to do all that they can to ensure all people, particularly women and girls, feel safe on a night out. Therefore, we would encourage licence holders to implement schemes such as "Ask for Angela" and to promote such schemes to both staff and customers. We would also encourage licence holders to ensure staff receive awareness training in relation to drink-spiking and that other measures to tackle drink-spiking are taken where appropriate.

- 6.21 Whilst knife crime in licensed premises is thankfully very rare, the consequences of a stab wound can be potentially catastrophic, even fatal. A bleed control kit contains equipment such as tourniquets, bandages and gels which could prevent people from bleeding to death while waiting for paramedics to arrive. The licensing authority would strongly encourage every licence holder to acquire a bleed control kit that is kept on their premises and that staff are provided training on how to use the kit.
- 6.22 The licensing authority would also encourage licence holders to conduct a risk assessment to consider the need for the provision and use of hand-held metal detectors, sometimes referred to as "knife wands" to deter and prevent people from carrying knives and other weapons into their premises.

#### (b) Public Safety

- 6.23 The Licensing Act 2003 covers a wide range of premises that require licensing including cinemas, nightclubs, public houses, village and community halls, schools, cafes, restaurants and fast food outlets/takeaways. Each of these types of premises present a mixture of risks, some of which may be common to most premises whilst others will be unique to specific operations. Risk assessments must reflect the local nature of risks applying to each event and or venue. The licensing authority will expect operating schedules, where appropriate, to satisfactorily address these public safety issues. Applicants are encouraged to seek advice from licensing authority officers and the Fire Safety Section of Hereford and Worcester Fire and Rescue Service.
- 6.24 Where an inspection is required for premises the licensing authority will try where possible to reduce inconvenience, confusion and inconsistency by co-ordinating inspections and visits with the fire authority, police, building control and environmental health officers, as appropriate.
- 6.25 The identification of a safe capacity limit for premises ensures that persons can be evacuated safely from premises in cases of emergency and may be one means of promoting the Act's public safety objective. The design and layout of premises are important factors when determining a safe occupant capacity. Other factors that may influence safe occupancy limits and may need to be considered when assessing the appropriate capacity for premises or events include:
  - the nature of the premises or event
  - the nature of the licensable activities being provided
  - the provision or removal of such items as temporary structures, such as a stage, or furniture
  - the number of staff available to supervise customers both ordinarily and in the event of an emergency
  - the age spectrum of the customers
  - the attendance by customers with disabilities, or whose first language is not English
  - availability of suitable and sufficient sanitary facilities
  - nature and provision of facilities for ventilation

- 6.26 The licensing authority encourages applicants for premises licences that provide regulated entertainment (or any other premises providing a licensable activity where occupant capacity may be a public safety issue) to seek advice regarding safe occupancy levels from the Fire Safety Section of Hereford and Worcester Fire and Rescue Service.
- 6.27 Where the licensing authority's discretion has been engaged following receipt of a relevant representation and it believes it is appropriate for reasons of public safety to impose a condition identifying an occupancy limit, the licensing authority will not normally seek to impose an occupancy limit different to that identified by the Fire Authority if this differs from the figure set in the applicant's Fire Risk Assessment.

#### (c) Prevention of Public Nuisance

- 6.28 Licensed premises, especially those operating late at night and in the early hours of the morning, can sometimes cause a range of nuisances impacting on people living, working or sleeping in the area surrounding the premises.
- 6.29 The licensing authority is keen to protect the amenity of residents and businesses within the area surrounding a licensed premises that are affected by the carrying on of licensable activities at that premises.
- 6.30 In addition, the licensing authority is aware of the importance of the licensed trade to the local economy and its culture and leisure aspirations. The licensing authority will, therefore, try and work together with all affected parties, statutory agencies and licensed businesses to ensure a mutually beneficial co-existence.
- 6.31 When considering all licence applications, the licensing authority will take into account the adequacy of measures proposed to deal with the potential for nuisance and/or anti-social behaviour having regard to all the circumstances of the application.
- 6.32 In particular the licensing authority will consider the action that is appropriate for the premises that the applicant has taken or is proposing with regard to the following:
  - i) prevention of noise and vibration escaping from the premises, including music, noise from ventilation equipment, and human voices. Such measures may include the installation of soundproofing, air conditioning, acoustic lobbies and sound limitation devices;
  - ii) The structural suitability of the premises to provide the licensable activities sought including for example matters such as whether the premises benefits from double glazing and lobbied doors.
  - iii) preventing disturbance by customers arriving at or leaving the premises, particularly between 11.00 pm and 7.00 am;
  - iv) preventing queuing by pedestrians or vehicular traffic, or if some queuing is inevitable, ensuring the queues are diverted away from neighbouring premises, or are otherwise managed, to prevent disturbance or obstruction;
  - v) ensuring staff leave the premises quietly;
  - vi) arrangements for parking by patrons and staff, and the effect of the parking on local residents;
  - vii) provision for public transport (including taxis and private hire vehicles) for patrons;

- viii) whether licensed taxis or private hire vehicles are likely to disturb local residents;
- ix) whether routes to and from the premises on foot, by car or other services pass residential premises;
- the installation of any special measures where licensed premises are, or are proposed to be, located near sensitive premises such as nursing homes, hospitals, hospices or places of worship;
- xi) the use of gardens and other open-air areas;
- xii) the location of external lighting, including security lighting that is installed;
- xiii) other appropriate measures to prevent nuisance, such as the employment of registered door supervisors or the use of CCTV;
- xiv) preventing the consumption or supply of illegal drugs, including search procedures;
- whether the premises would lead to increased refuse storage or disposal problems, or additional litter (including fly posters and illegal placards) in the vicinity of the premises;
- xvi) the history of previous nuisance complaints proved to have taken place at the premises, particularly where statutory notices have been served on the present licensees.
- 6.33 The licensing authority is keen to stress, however, that as well as the licensing function there are other mechanisms for addressing issues of unruly behaviour that occur away from licensed premises. These include:
  - planning controls;
  - powers to designate parts of the Borough as places where alcohol may not be consumed publicly and the confiscation of alcohol in these areas;
  - police powers to close some premises for up to 24 hours in extreme cases of disorder or excessive noise;
  - police enforcement of the law with regard to disorder and anti-social behaviour;
  - the power of responsible authorities or interested parties to request a review of the licence;
  - enforcement action against those selling alcohol to people who are already drunk.

#### (d) Protection of Children from Harm

- 6.34 The licensing authority recognises that there are a range of activities for which licences may be sought meaning that children can be expected to visit many of these premises, often on their own, for food and /or other entertainment.
- 6.35 The Licensing Act 2003 does not prevent children having free access to any licensed premises. The licensing authority recognises that limitations may have to be considered where it is deemed necessary to protect children from harm. The following are examples of premises that may raise concerns:
  - where there have been convictions for serving alcohol to minors, or with a reputation for under-age drinking;
  - with a known association with drug taking or dealing;
  - where there is a strong element of gambling on the premises;
  - where entertainment of an adult or sexual nature is provided;

- where there is a presumption that children under 18 should not be allowed (e.g. to nightclubs, except when under 18 discos are being held).
- 6.36 The licensing authority expects personal licence holders to *seek* to ensure alcohol is not served to children under the age of 18, except in limited conditions allowed for by law. The licensing authority recommends that the only way to verify a person's proof of age is with reference to the following:-
  - passport
  - a photocard driving licence issued in the UK or in a European Union country;
  - a Proof of Age Standards Scheme card;
  - a Citizen Card, supported by the Home Office (details from www.citizencard.net);
  - an official identity card issued by HM Forces or by a European Union country bearing the photograph and date of birth of the bearer.
- 6.37 In recent years there has been an increase in the number of licensed premises offering alcohol delivery services. The licensing authority expects those licence holders who provide such a service to have in place robust age-verification procedures at both the point of sale and the point of delivery to ensure that alcohol is not purchased by, or delivered to, children. These procedures should include the provision of training for delivery staff on requesting and verifying acceptable proof of age documentation at the point of delivery.
- 6.38 When deciding whether to limit the access of children to premises the licensing authority will judge each application on its own merits and a range of conditions may be imposed depending on the circumstances. To assist with this the licensing authority will consult with West Mercia Police and the Worcestershire Safeguarding Children Board if practical or other agencies as the licensing authority consider appropriate.
- 6.39 Where concerns have been identified in respect of individual premises and it is felt that access to the premises by children should be restricted the options available include:
  - limitations on the hours when children may be present;
  - age limitations for persons under 18;
  - limitations or exclusion when certain activities are taking place;
  - full exclusion of persons under 18 when certain licensable activities are taking place;
  - limitation of access to certain parts of the premises for under 18s;
  - a requirement for an accompanying adult to be present.
- 6.40 However these options are not exhaustive and other options may be considered as the Council considers appropriate. The licensing authority also commends the adoption of the Portman Group Code of Practice on the Naming, Packaging and Promotion of Alcoholic Drinks by prospective licensees where the licence applies to the sale of alcohol.

- 6.41 The Licensing Act details a number of offences that are designed to protect children in licensed premises and the licensing authority will work closely with the Police and Trading Standards Services to ensure appropriate and effective enforcement is undertaken, especially in relation to the sale and supply of alcohol to children.
- 6.42 The Licensing Authority will not impose any conditions that specifically require the access of children to the premises.
- 6.43 Where no conditions or restrictions are imposed, the issue of access for children remains a matter of discretion for individual licensees or clubs subject to any relevant provisions in law.
- 6.44 Films cover a vast range of subjects, some of which deal with adult themes and/or contain, for example scenes of horror or violence that may be considered unsuitable for children with certain age ranges. Where a premises is used for film exhibitions, the licensing authority will normally impose conditions restricting access only to persons who meet the required age limit in line with any certificate granted by the British Board of Film Classification or the licensing authority itself.
- 6.45 The Licensing Authority will expect licensees to ensure that age restrictions for film exhibitions are properly complied with.
- 6.46 In considering applications, the licensing authority will take into account any evidence that age restrictions for film exhibitions are not being properly observed.
- 6.47 Many children attend or take part in an entertainment arranged especially for them, for example children's shows, dance and drama or school productions. Specific additional arrangements may need to be operated to ensure their safety. For example:
  - an adult member of staff to be stationed at each and every exit from any level and to the outside and subject to there being a minimum of one member of staff to fifty children or part thereof.
  - no child is to be permitted in the front row of any balcony unless they are supervised by an adult.
- 6.48 Children taking part in performances is governed by the Children and Young Persons Act 1963 (sections 37 and 39) and The Children (Performances and Activities) (England) Regulations 2014. This legislation is overseen locally by Worcestershire County Council and further information can be found here www.worcestershire.gov.uk/childreninentertainment

## 7.0 Representations

- 7.1 When an application is made for the grant, variation or review of a premises licence or club premises certificate, representations about the application can be made by responsible authorities or other persons.
- 7.2 Representations must be made to the licensing authority within the statutory period of 28 days beginning on the day after the relevant application is received by the licensing authority. Representations must be made in writing
- 7.3 Representations can be made either in support of an application or to express objections to an application being granted. However the licensing authority can only accept "relevant representations." A representation is "relevant" if it relates to the likely effect of the grant of the licence on the promotion of at least one of the licensing objectives.
- 7.4 An example of a representation that would not be relevant would be a representation from a local businessperson about the commercial damage that competition from a new licensed premises would do to their own business. On the other hand, a representation by a businessperson that nuisance caused by new premises would deter customers from entering the local area, and the steps proposed by the applicant to prevent that nuisance were inadequate, would be a relevant representation.
- 7.5 In other words, representations should relate to the impact of licensable activities carried on from premises on the licensing objectives.
- 7.6 For representations in relation to variations to be relevant, they should be confined to the subject matter of the variation.
- 7.7 Whilst the licensing authority expects representations to be evidence based, there is no requirement for a responsible authority or other person to produce a recorded history of problems at premises to support their representations, and it is recognised that in fact this would not be possible for new premises.

#### (a) Representations from Responsible Authorities

- 7.8 Responsible authorities are a group of public bodies that must be fully notified of applications and that are entitled to make representations to the licensing authority in relation to the application for the grant, variation or review of a premises licence or club premises certificate. A full list of contact details for the responsible authorities is provided on the licensing authority's website.
- 7.9 Whilst all responsible authorities may make representations regarding applications for licences and club premises certificates and full variation applications, it is the responsibility of each responsible authority to determine when they have appropriate grounds to do so.
- 7.10 The licensing authority recognises that every responsible authority can make representations relating to any of the four licensing objectives. However the licensing authority would normally expect representations about the promotion of individual licensing objectives to come from the most relevant responsible authority with expertise in that particular area. For example the licensing authority would expect representations about the prevention of crime and disorder to come

primarily from the police and representations about the prevention of public nuisance to come primarily from environmental health.

- 7.11 The licensing authority recognises that the police should be its main source of advice on matters relating to the promotion of the crime and disorder licensing objective, but also may be able to make relevant representations with regards to the other licensing objectives if they have evidence to support such representations.
- 7.12 The licensing authority will accept all reasonable and proportionate representations made by the police unless it has evidence that do so would not be appropriate for the promotion of the licensing objectives. However the licensing authority will still expect any police representations to be evidence based and able to withstand scrutiny at a hearing.
- 7.13 The licensing authority recognises Worcestershire Safeguarding Children Board as being the body that is competent to advise it on the licensing objective of the protection of children from harm.
- 7.14 The licensing authority recognises that, although public health is not a licensing objective, health bodies may hold information which other responsible authorities do not, but which would assist the licensing authority in exercising its functions.
- 7.15 For example, drunkenness can lead to accidents and injuries from violence, resulting in attendances at emergency departments and the use of ambulance services. Some of these incidents will be reported to the police, but many will not. Such information might be relevant to the public safety objective and in some cases the crime and disorder objective.
- 7.16 As a result of the Police Reform and Social Responsibility Act 2011, the licensing authority is also now a responsible authority and can therefore make representations if it deems it appropriate to do so.
- 7.17 However the licensing authority will not normally act as a responsible authority on behalf of other parties (for example, local residents, local councillors or community groups) although there are occasions where the authority may decide to do so.
- 7.18 Such parties can make relevant representations to the licensing authority in their own right, and the licensing authority expects them to make representations themselves where they are reasonably able to do so.
- 7.19 The licensing authority also expects that other responsible authorities should intervene where the basis for the intervention falls within the remit of that other responsible authority. Each responsible authority has equal standing under the 2003 Act and may act independently without waiting for representations from any other responsible authority.
- 7.20 In cases where a licensing authority is also acting as responsible authority in relation to the same process, the licensing authority will seek to achieve a separation of responsibilities within the authority to ensure procedural fairness and eliminate conflicts of interest. This will be achieved by allocating the different responsibilities to different licensing officers or other officers within the local authority to ensure a proper separation of responsibilities.

- 7.21 The Director of Public Health has been prescribed as a responsible authority since April 2013.
- 7.22 There is not a specific licensing objective related directly to health within the current legislation. When making a representation, the Director of Public Health is most likely to relate such representations to the objectives on public safety and protecting children from harm. This is likely to include the prevention of accidents, injuries and other immediate harms that can result from alcohol consumption, such as unconsciousness or alcohol poisoning.
- 7.23 Health bodies hold valuable information which may not be recorded by other agencies, including analysis of data on attendance at emergency departments and

the use of ambulance services following alcohol related incidents. Sometimes it may be possible to link ambulance callouts and attendance to irresponsible practices at specific premises. Anonymised data can be collated about incidents relating to specific premises and presented to Licensing Sub-Committees when representations are made.

#### (b) Representations from Other Persons

- 7.24 Relevant representations about applications can also be made by any other person, regardless of their geographical position in relation to the relevant premises. However the licensing authority will usually give greater weight to representations that are made by people who can demonstrate that they would be directly affected by the carrying on of licensable activities at the premises concerned.
- 7.25 The licensing authority will also reject as invalid, any representations from other persons that are deemed to be frivolous or vexatious. A representation might be considered to be vexatious if it appears to be intended to cause aggravation or annoyance, whether to a competitor or other person, without reasonable cause. Frivolous representations are essentially categorised by a lack of seriousness. Frivolous representations would concern issues which, at most, are minor and in relation to which no remedial steps would be warranted or proportionate.
- 7.26 Decisions as to the validity of representations will normally be made by officers of the licensing authority. In borderline cases, the benefit of the doubt about any aspect of a representation will be given to the person making that representation. The subsequent hearing would then provide an opportunity for the person or body making the representation to amplify and clarify it.
- 7.27 Any person who is aggrieved by a rejection of their representations on either of these grounds may lodge a complaint through the authority's corporate complaints procedure. A person may also challenge such a decision by way of judicial review.
- 7.28 Where a notice of a hearing is given to an applicant, the licensing authority is required to provide the applicant with copies of the relevant representations that have been made.
- 7.29 The licensing authority will normally provide copies of the relevant representations to the applicant in full and without redaction. However in exceptional circumstances, where a person satisfies the licensing authority that they have genuine reasons to fear intimidation or violence if their personal details, such as

name and address, are divulged to the applicant, the copies of the representations may be redacted accordingly.

- 7.30 In such circumstances the licensing authority will still provide some details to the applicant (such as street name or general location within a street), so that the applicant can fully prepare their response to any particular representation.
- 7.31 Alternatively persons may wish to contact the relevant responsible authority or their local Councillor with details of how they consider that the licensing objectives are being undermined so that the responsible authority can make representations on their behalf if appropriate and justified.
- 7.32 Further guidance on making representations is provided on the licensing authority's website.

## 8.0 Licensing Hours

- 8.1 The licensing authority recognises the variety of premises for which licences will be sought and that fixed and artificially early closing times in certain areas can lead to peaks of disorder and disturbance on the streets when people tend to leave licensed premises at the same time.
- 8.2 When determining what licensing hours are appropriate for a premises the licensing authority will always consider each application on its own merits and will not impose predetermined licensed opening hours, without giving individual consideration to the merits of each application. The licensing authority will take into account requests for licensable hours in the light of:
  - environmental quality;
  - residential amenity;
  - the character or function of a particular area; and
  - the nature of the proposed activities to be provided at the premises.
- 8.3 Consideration may be given to imposing stricter restrictions on licensing hours when it is appropriate to control noise and disturbance from particular licensed premises, such as those in mainly residential areas.
- 8.4 In accordance with established practice, the licensing authority encourages applicants, to include measures of good practice in their operating schedules such as a policy of prohibiting new persons from being admitted to their premises after 11.00 pm in order to reduce the risk of disorder and disturbance to members of the public late at night, where this is appropriate to the premises concerned.
- 8.5 Generally the licensing authority will consider licensing shops, stores and supermarkets to sell alcohol for consumption off the premises during the normal hours they intend to open for shopping purposes. There may, however, be instances where it is considered that there are good reasons for restricting those hours, for example, where police representations are made in respect of isolated shops known to be the focus of disorder and public nuisance.

## Agenda Item 14

## 9.0 Conditions on Licences and Certificates

- 9.1 Conditions on a premises licence or club premises certificate are important in setting the parameters within which premises can lawfully operate. The licensing authority will ensure any conditions that are imposed on a premises licence or club premises certificate:
  - Are appropriate for the promotion of the licensing objectives;
  - Are precise and enforceable;
  - Are unambiguous and clear in what they intend to achieve;
  - Do not duplicate other statutory requirements or other duties or responsibilities placed on the business by other legislation;
  - Are tailored to the individual type, location and characteristics of the premises and events concerned;
  - Are not standardised and may therefore be unlawful if it cannot be demonstrated that they are appropriate for the promotion of the licensing objectives in an individual case;
  - Do not replicate offences set out in the 2003 Act or other legislation;
  - Are proportionate, justifiable and capable of being met, (for example, whilst beer glasses may be available in toughened glass, wine glasses may not);
  - Do not seek to manage the behaviour of customers once they are beyond the direct management of the licence holder and their staff, but may impact on the behaviour of customers in the immediate vicinity of the premises or as they enter or leave; and
  - Are written in a prescriptive format.
- 9.2 Although the licensing authority may use standardised forms of wording in conditions to cover commonly arising situations and circumstances, "blanket conditions" will not be applied to licences and specific conditions may be drawn up and applied to meet local need and circumstances.

#### **10.0** Terrorism (Protection of Premises Bill) / Martyn's Law

- 10.1 The Government has committed to introducing legislation with a view to ensuring stronger protections against terrorism in public places. This legislation is often referred to as "Martyn's Law" in tribute to Martyn Hett who was killed alongside 21 others in the Manchester Arena terrorist attack in 2017.
- 10.2 Martyn's Law will aim to keep people safe, enhance our national security and reduce the risk to the public from terrorism by the protection of public venues.
- 10.3 It will place a requirement on those responsible for certain locations to consider the threat from terrorism and implement appropriate and proportionate mitigation measures.
- 10.4 The legislation will ensure parties are prepared, ready to respond and know what to do in the event of an attack. Better protection will be delivered through enhanced security systems, staff training, and clearer processes.
- 10.5 Whilst this legislation is still under development and not yet in force, the licensing authority would encourage all premises to undertake basic, low-cost activities to improve their preparedness, including terrorism protection training for staff and evaluating the best procedures to put in place to minimise the impact of any attack.
- 10.6 Further information and guidance is provided at <u>www.protectuk.police.uk</u>

#### 11.0 Reviews

- 11.1 At any stage, following the grant or a premises licence or club premises certificate, a responsible authority or any other person, may apply to the licensing authority for a review of the licence or certificate because of a problem arising at the premises in connection with any of the four licensing objectives.
- 11.2 In every case the application for review must relate to particular premises for which a licence or certificate is in force and must be relevant to the promotion of the licensing objectives.
- 11.3 Any responsible authority under the 2003 Act may apply for a review of a premises licence or club premises certificate. Therefore, the relevant licensing authority may apply for a review if it is concerned about licensed activities at premises and wants to intervene early without waiting for representations from other persons.
- 11.4 However, the licensing authority will not normally act as a responsible authority in applying for reviews on behalf of other persons, such as local residents or community groups. These individuals or groups are entitled to apply for a review for a licence or certificate in their own right if they have grounds to do so.
- 11.5 The licensing authority also expects other responsible authorities to intervene where the basis for the intervention falls within the remit of that other authority. For example, the police should take appropriate steps where the basis for the review is concern about crime and disorder. Likewise, where there are concerns about noise nuisance, it is expected that environmental health will make the application for review.
- 11.6 Where responsible authorities have concerns about problems identified at premises, the licensing authority considers it good practice for them to give licence holders early warning of their concerns and the need for improvement, and where possible they should advise the licence or certificate holder of the steps they need to take to address those concerns.
- 11.7 A failure by the holder to respond to such warnings is expected to lead to a decision to apply for a review. The licensing authority believes that co-operation at a local level in promoting the licensing objectives should be encouraged and reviews should not be used to undermine this co-operation.
- 11.8 If the application for a review has been made by a person other than a responsible authority (for example, a local resident, residents' association, local business or trade association), before taking action the licensing authority will first consider whether the complaint being made is relevant, frivolous, vexatious or repetitious.
- 11.9 A review application might be considered to be vexatious if it appears to be intended to cause aggravation or annoyance, whether to a competitor or other person, without reasonable cause. Frivolous applications are essentially categorised by a lack of seriousness. Frivolous applications would concern issues which, at most, are minor and in relation to which no remedial steps would be warranted or proportionate.

- 11.10 The licensing authority considers a repetitious ground for review to be one that is identical or substantially similar to:
  - a ground for review specified in an earlier application for review made in relation to the same premises licence or certificate which has already been determined; or
  - representations considered by the licensing authority when the premises licence or certificate was granted; or
  - representations which would have been made when the application for the premises licence was first made and which were excluded then by reason of the prior issue of a provisional statement; and, in addition to the above grounds, a reasonable interval has not elapsed since that earlier review or grant.
- 11.11 The licensing authority is aware of the need to prevent attempts to review licences merely as a further means of challenging the grant of the licence following the failure of representations to persuade the licensing authority on an earlier occasion.
- 11.12 The licensing authority believes that more than one review originating from a person other than a responsible authority in relation to a particular premises should not normally be permitted within a 12 month period on similar grounds save in compelling circumstances or where it arises following a closure order.
- 11.13 The exclusion of a complaint on the grounds that it is repetitious does not apply to responsible authorities which may make more than one application for a review of a licence or certificate within a 12 month period.
- 11.14 Guidance on applying for a review of a licence or certificate, along with the necessary forms, can be found on the licensing authority's website.

#### **12.0** Minor Variations

- 12.1 Variations to premises licences or club premises certificates that could not impact adversely on the licensing objectives are subject to a simplified 'minor variations' process. Under this process, the applicant is not required to advertise the variation in a newspaper or circular, or copy it to responsible authorities. However, they must display it on a white notice (to distinguish it from the blue notice used for full variations and new applications).
- 12.2 Minor variations will generally fall into four categories: minor changes to the structure or layout of premises; small adjustments to licensing hours; the removal of out of date, irrelevant or unenforceable conditions or addition of volunteered conditions; and the addition of certain licensable activities. In all cases the overall test is whether the proposed variation could impact adversely on any of the four licensing objectives.
- 12.3 On receipt of an application for a minor variation, the licensing authority will consider whether the variation could impact adversely on the licensing objectives. Decisions on minor variations will normally be delegated to licensing officers who will look at each application on its own individual merits.
- 12.4 In considering the application, the officer will consult relevant responsible authorities if there is any doubt about the impact of the variation on the licensing objectives and they need specialist advice, and take their views into account in reaching a decision.
- 12.5 The officer will also carefully consider any relevant representations received from other persons that are received within a period of ten working days from the 'initial day', that is to say, the day after the application is received by the licensing authority.
- 12.6 The officer will then determine the application and will contact the applicant within 15 working days, beginning on the first working day after the authority received the application, with effect either that the minor variation is granted or the application is refused.

## **13.0** Cumulative Impact

- 13.1 Cumulative impact is the potential impact on the promotion of the licensing objectives of a number of licensed premises concentrated in one area.
- 13.2 In some areas where the number, type or density of licensed premises, such as those selling alcohol or providing late night refreshment, is high or exceptional, serious problems of nuisance and disorder may arise outside or some distance from those premises. Such problems generally occur as a result of large numbers of drinkers being concentrated in an area, for example when leaving premises at peak times or when queuing at fast food outlets or for public transport.
- 13.3 Queuing in itself may lead to conflict, disorder and anti-social behaviour. Moreover, large concentrations of people may also attract criminal activities such as drug dealing, pick pocketing and street robbery. Local services such as public transport, public lavatory provision and street cleaning may not be able to meet the demand posed by such concentrations of drinkers leading to issues such as street fouling, littering, traffic and public nuisance caused by concentrations of people who cannot be effectively dispersed quickly.
- 13.4 Variable licensing hours may facilitate a more gradual dispersal of customers from premises. However, in some cases, the impact on surrounding areas of the behaviour of the customers of all premises taken together will be greater than the impact of customers of individual premises. These conditions are more likely to arise in town and city centres, but may also arise in other urban centres and the suburbs, for example on smaller high streets with high concentrations of licensed premises.
- 13.5 With effect from 6 April 2018, the Policing and Crime Act 2017 introduced the concept of cumulative impact assessments into the Licensing Act 2003 by inserting into the Act a new section 5A.
- 13.6 A cumulative impact assessment (CIA) may be published by a licensing authority to help it to limit the number or types of licence applications granted in areas where there is evidence to show that the number or density of licensed premises in the area is having a cumulative impact and leading to problems which are undermining the licensing objectives. CIAs relate to applications for new premises licences and club premises certificates and applications to vary existing premises licences and club premises certificates in a specified area.
- 13.7 At the current time the licensing authority has not published a CIA as there is not currently an evidential basis on which to base such a decision.
- 13.8 If the licensing authority were to consider the publication of a CIA in the future, it would do so in accordance with the requirements of section 5A of the Licensing Act 2003 and with regard to the guidance issued by the Secretary of State under section 182 of the Licensing Act 2003.

#### 14.0 Personal Licences – New Applications

- 14.1 A personal licence is a licence issued to an individual authorising them to make or authorise the sale of alcohol in accordance with a premises licence. Every premises licence that authorises the sale of alcohol must specify an individual who acts as the designated premises supervisor (DPS). The DPS must hold a personal licence.
- 14.2 Applications for personal licences should be made to the licensing authority for the area where the applicant is ordinarily resident at the time they make their application.
- 14.3 (a) The applicant is aged 18 or over
  - (b) The applicant is entitled to work in the United Kingdom
  - (c) The applicant possesses a licensing qualification or is a person of a prescribed description
  - (d) The applicant has not forfeited a personal licence in the five year period prior to their application being made
  - (e) The applicant has not been convicted or any relevant offence or any foreign offence or required to pay an immigration penalty
- 14.4 The licensing authority must reject an application if the applicant fails to meet one or more of the requirements set out in (a) to (d) above.
- 14.5 Where the applicant meets the requirements in (a) to (d) but does not meet the requirements of (e), the licensing authority must give the chief officer of police for its area a notice to this effect. Having received such a notice, if the chief officer of police is satisfied that the granting of the application would undermine the crime prevention objective, he must within 14 days, give the licensing authority a notice to that effect.
- 14.6 Where the applicant fails to meet the requirements of (e) as a result of a conviction for an immigration offence or because they have been required to pay an immigration penalty, the licensing authority must give a notice to the Secretary of State for the Home Department to that effect. The Home Office may object to an application on grounds that granting the personal licence would be prejudicial to the prevention of illegal working in licensed premises.
- 14.7 Where an objection to the grant of a personal licence is received from either the chief officer of police or the Home Office, the applicant is entitled to a hearing before the licensing authority. If no objections are received, the licensing authority must grant the application.
- 14.8 At a hearing to determine a personal licence application to which the chief officer of police or Home Office have objected, the licensing authority will have regard to all of the circumstances including the following:
  - The need to assess each case on its merits
  - The duty to promote the crime prevention objective
  - The objection notice given by the Police or Home Office
  - The guidance issued by the Secretary of State under section 182 of the Licensing Act 2003
  - The seriousness of the relevant offence

- The sentence or penalty imposed on the applicant for the relevant offence
- Any representations made by the applicant
- Any other evidence as to the previous character of the applicant
- 14.9 If, having considered all of the circumstances, the licensing authority considers that it is appropriate for either the promotion of the crime prevention objective or for the prevention of illegal working in licensed premises to reject the application, it must do so. In all other cases the application must be granted.
- 14.10 If an application is refused, the applicant will be entitled to appeal against the decision they make. Similarly, if the application is granted despite a police objection notice or an objection from the Home Office, the chief officer of police or Home Office are entitled to appeal against the licensing authority's determination. The licensing authority will therefore record in full the reasons for any decision that it makes.

#### **15.0** Personal Licences – Suspension and Revocation

- 15.1 Section 138 of the Policing and Crime Act 2017 amended the Licensing Act 2003 and gave the power to a licensing authority to suspend or revoke personal licences that it has issued with effect from 6 April 2017.
- 15.2 When a licensing authority has granted a personal licence and becomes aware that the licence holder has been convicted of a relevant offence or foreign offence or been required to pay an immigration penalty, a licensing authority may revoke the licence or suspend it for a period of up to six months. This applies to convictions received and civil immigration penalties which a person has been required to pay at any time before or after the licence was granted, as long as the conviction was received after 6 April 2017, or the requirement to pay the civil penalty arose after 6 April 2017. Only magistrates' courts can order the forfeiture or suspension of a personal licence for convictions received prior to 6 April 2017.
- 15.3 The process which must be undertaken by the licensing authority to suspend or revoke a personal licence is set out at section 132A of the 2003 Act. The decision to revoke or suspend a personal licence must be made by the licensing committee or sub-committee, but the actions required before making a final decision may be made by a licensing officer.
- 15.4 The licensing authority may not take action if the licence holder has appealed against the conviction or the sentence imposed in relation to the offence, until the appeal is disposed of. Where an appeal is not lodged, the licensing authority may not take action until the time limit for making an appeal has expired.
- 15.5 If a licensing authority is considering revoking or suspending a personal licence, the authority must give notice to the licence holder. This notice must invite the holder to make representations about the conviction, any decision of a court in relation to the licence, or any decision by an appellate court if the licence holder has appealed such a decision. The licence holder may also decide to include any other information, for example, about their personal circumstances.
- 15.6 The licence holder must be given 28 days to make their representation, beginning on the day the notice was issued. The licensing authority does not need to hold a hearing to consider the representations. Before deciding whether to revoke or suspend the licence the licensing authority must consider any representations made by the licence holder, any decisions made by the court or appellate court in respect of the personal licence of which the licensing authority is aware, and any other information which the licensing authority considers relevant.
- 15.7 The licensing authority may not be aware of whether the court considered whether to revoke or suspend the licence, and there is no obligation on the licensing authority to find this out before making a decision themselves. Where the court has considered the personal licence and decided not to take action, this does not prevent the licensing authority from deciding to take action itself. Licensing authorities have different aims to courts in that they must fulfil their statutory duty to promote the licensing objectives, and therefore it is appropriate for the licensing authority to come to its own decision about the licence.

- 15.8 If the licensing authority, having considered a suspension and revocation and subsequently considered all the information made available to it, proposes not to revoke the licence it must give notice to the chief officer of police in the licensing authority's area, and invite the chief officer to make representations about whether the licence should be suspended or revoked, having regard to the prevention of crime. The chief officer may make representations within the period of 14 days from the day they receive the notice from the licensing authority.
- 15.9 Any representations made by the chief officer of police must be taken into account by the licensing authority in deciding whether to suspend or revoke the licence.
- 15.10 Convictions may come to light via police in another area, for example if the personal licence holder no longer lives in the area of the licensing authority which issued the licence, or if the offence took place in another police force area. In this instance it would be good practice for the police providing the information to notify the police force in the licensing authority area, because it is the local chief officer who must provide representations if the licensing authority proposes not to revoke the licence.
- 15.11 Where the licence holder is convicted of immigration offences or has been required to pay a civil penalty for immigration matters, the licensing authority should notify Home Office Immigration Enforcement and allow representations to be made in the same way.
- 15.12 In deciding whether to suspend or revoke a personal licence, the licensing authority will have regard to all of the circumstances including the following:
  - The need to assess each case on its merits
  - The duty to promote the licensing objectives
  - The guidance issued by the Secretary of State under section 182 of the Licensing Act 2003
  - The seriousness of the relevant offence
  - The sentence or penalty imposed on the licence holder for the relevant offence
  - Any representations made by the Police or Home Office Immigration Enforcement
  - Any representations made by the holder of the licence
  - Any evidence as to the previous character of the holder of the licence
- 15.13 The licensing authority must notify the licence holder and the chief officer of police of the decision made (even if the police did not make representations). The licence holder may appeal the licensing authority's decision to revoke or suspend their personal licence. A decision to revoke or suspend the licence does not take effect until the end of the period allowed for appealing the decision (21 days); or if the decision is appealed against, until the appeal is disposed of.
- 15.14 If the personal licence holder is a DPS, the licensing authority may notify the premises licence holder once the decision to revoke or suspend the licence has been made if it becomes necessary to do so in order for the licensing authority to be able to carry out their functions.

# Agenda Item 14

15.15 The licensing authority may also notify any person who has declared an interest in the premises under section 178 of the 2003 Act if it becomes necessary to do so in order for the licensing authority to be able to carry out their functions.

#### 16.0 Immigration Act 2016 – Entitlement to Work

- 16.1 Section 36 of and Schedule 4 to the Immigration Act 2016 made a number of amendments to the Licensing Act 2003 to introduce immigration safeguards in respect of licensing applications made in England and Wales on or after 6 April 2017. The intention of these changes is to prevent illegal working in premises licensed for the sale of alcohol or late night refreshment.
- 16.2 The statutory prevention of crime and disorder licensing objective in the Licensing Act 2003 includes the prevention of immigration crime and the prevention of illegal working in licensed premises. The Council will work with the Home Office (Immigration Enforcement) as well as the police, in respect of these matters.
- 16.3 Section 36 of and Schedule 4 to the Immigration Act 2016 (the 2016 Act) amended the 2003 Act to provide that in England and Wales:
  - Premises licences to sell alcohol or provide late night refreshment and personal licences cannot be issued to an individual who does not have permission to be in the UK, or is not entitled to undertake work relating to the carrying on of a licensable activity;
  - Licences issued to those with limited permission to be in the UK will lapse when their permission to be in the UK and work in a licensable activity comes to an end;
  - Immigration offences, including civil penalties, are 'relevant offences' as defined by the 2003 Act;
  - The Home Secretary (in practice Home Office (Immigration Enforcement)) was added to the list of responsible authorities in the licensing regime, which requires Home Office (Immigration Enforcement) to receive premises licence applications (except regulated entertainment only licences) and applications to transfer premises licences, and in some limited circumstances personal licence applications, and permits Home Office (Immigration Enforcement) to make appropriate representations and objections to the grant of a licence; and
  - Immigration officers are permitted to enter premises which they have reason to believe are being used to sell alcohol or provide late night refreshment, to investigate whether immigration offences are being committed in connection with the licensable activity.
- 16.4 The licensing authority will have regard to any guidance issued by the Home Office in relation to the immigration related provisions now contained in the Licensing Act 2003.
- 16.5 The licensing authority will also work in partnership with the Home Office (Immigration Enforcement) and West Mercia Police with a view to preventing illegal working in premises licensed for the sale of alcohol or late night refreshment.

## 17.0 Enforcement and Complaints

- 17.1 Once licensed, it is essential that premises are maintained and operated so as to ensure the continued promotion of the licensing objectives and compliance with the specific requirements of the Licensing Act 2003. The licensing authority will monitor premises and take any appropriate enforcement action to ensure compliance. Only complaints linked to a licensing objective will be investigated.
- 17.2 The licensing authority's general approach to enforcement will be to target problem and high-risk premises which require greater attention, while providing a lighter touch for low risk premises or those that are well run. Principles of risk assessment and targeted inspections (in line with the recommendations of the Hampton review) will prevail and inspections will not be undertaken routinely but when and if they are judged necessary. This should ensure that resources are used efficiently and are more effectively concentrated on problem premises.
- 17.3 In most cases a graduated form of response will be taken to resolve issues of noncompliance, although it is recognised that in serious cases a prosecution or application for review are the appropriate means of disposal.
- 17.4 All decisions and enforcement actions taken by the licensing authority will be in accordance with the Council's Corporate Enforcement Policy and the principles of consistency, transparency and proportionality set out in the Regulator's Compliance Code.
- 17.5 The licensing authority will continue to employ officers to investigate allegations of unlicensed activities and to ensure that licence conditions are complied with, and will seek to work actively with West Mercia Police and other relevant partners in enforcing licensing legislation.
- 17.6 The licensing authority is happy to investigate complaints against licensed premises of any description. In the first instance, complainants will be encouraged to raise the complaint directly with the licensee or business concerned.
- 17.7 Where a person has made a complaint then the licensing authority may initially arrange a mediation meeting to try and address, clarify and resolve the issues of concern. This process will not override the right of any person to ask the licensing authority to review a licence or certificate or for any licence/certificate holder to decline to participate in a mediation meeting.

## Agenda Item 14

## **18.0** Integrating Strategies and Partnership Working

- 18.1 The Council regards its licensing function as the most appropriate tool in ensuring that the licensing objectives are promoted and will avoid, as far as is possible, any duplication with other regulatory regimes and legislation.
- 18.2 Licensing Committee, when appropriate, will be informed of relevant county and local strategies. The report may include information relating to:
  - Local crime prevention strategies;
  - Needs of the local tourist economy;
  - Any cultural strategy for the area;
  - Employment issues in the area;
  - Any relevant planning matters so as to ensure the clear distinction between licensing and planning functions, and
  - Local relevant partnerships and their objectives.

#### 19.0 Equalities

- 19.1 Under the Equality Act 2010 it is against the law to discriminate against anyone because of age, gender reassignment, being married or in a civil partnership, being pregnant or on maternity leave, disability, race including colour, nationality, ethnic or national origin, religion or belief, sex, or sexual orientation.
- 19.2 The Equality Act 2010 requires public bodies to have due regard to the need to eliminate discrimination, advance equality of opportunity and foster good relations between different people when carrying out their activities.
- 19.3 The licensing authority will look to discharge this duty by making arrangements where appropriate to provide information in a format that meet the requirements of those with special needs such as large type, audio information and information in foreign languages. Specific needs will be dealt with on an individual basis.
- 19.4 The licensing authority has had regard to this duty when publishing this statement of policy and will have regard to the duty when determining applications for relevant authorisations under the Licensing Act 2003.
- 19.5 In the design and layout of premises, applicants and licence holders are encouraged to consider access and facilities for customers with protected characteristics.
- 19.6 Any person who is concerned that a premises is failing to comply with the Equality Act should make their complaint to the premises in the first instance. Advice can also be sought from the Equality Advisory Support Service (EASS) - www.equalityadvisoryservice.com

#### 20.0 Administration, Exercise and Delegation of Functions

- 20.1 One of the major principles underlying the Licensing Act 2003 is that the licensing functions contained within the Act should be delegated to an appropriate level so as to ensure speedy, efficient and cost effective service delivery.
- 20.2 The licensing authority will be involved in a wide range of licensing decisions and functions and has established a Licensing Committee to administer them. Appreciating the need to provide an efficient service to all parties involved in the licensing process, the Committee has delegated certain decisions and functions and has established a number of Sub-Committees to deal with those matters.
- 20.3 In addition, it is expected that many of the decisions and functions will be largely administrative with no perceived areas of contention and, in the interests of efficiency and effectiveness, these are delegated to officers. Attached at Appendix A to this licensing policy is a table of delegated functions setting out the agreed delegation of decisions and functions to the Council's Licensing Committee, Sub-Committees and officers.
- 20.4 These delegations are without prejudice to officers referring an application to a Sub-Committee or the Licensing Committee if considered appropriate in the circumstances of the case.

#### 21.0 Relationship with Planning

- 21.1 Planning permission, building control approval and licensing regimes will be properly separated to avoid duplication and inefficiency. The planning and licensing regimes involve consideration of different (albeit related) matters. Licensing committees are not bound by decisions made by a planning committee, and vice versa.
- 21.2 There is no legal basis for the licensing authority to refuse a licence application because the relevant premises does not have planning permission, or where there are conditions on the relevant planning permission.
- 21.3 There are circumstances when as a condition of planning permission, a terminal hour has been set for the use of premises for commercial purposes. Where these hours are different to the licensing hours, the applicant must observe the earlier closing time. Premises operating in breach of their planning permission would be liable to prosecution under planning law.
- 21.4 Where there is an application for planning permission, the National Planning Policy Framework expects new development can be integrated effectively with existing businesses and community facilities (such as places of worship, pubs, music venues and sports clubs).
- 21.5 Existing businesses and facilities should not have unreasonable restrictions placed on them as a result of development permitted after they were established.
- 21.6 Where the operation of an existing business or community facility could have a significant adverse effect on new development (including changes of use) in its vicinity, the applicant (or 'agent of change') should be required by the local planning authority to provide suitable mitigation before the development has been completed.

## 22.0 Temporary Event Notices

- 22.1 The Licensing Act 2003 provides for certain occasions when small scale events (for no more than 499 people at a time and lasting for no more than 168 hours) do not need a licence providing that advance notice is given to the licensing authority, police and environmental health. The police and environmental health can only object to a Temporary Event Notice if the event is likely to undermine the licensing objectives.
- 22.2 The law states that for a standard temporary event notice, at least ten working day's notice must be given but the licensing authority recommends that, wherever possible, at least two month's notice be given to hold these events, to allow it to help organisers plan their events safely. Any longer period than this may mean that organisers do not have all the details available at the time of submitting the notice, and any lesser time means that planning may be rushed and haphazard.
- 22.3 Organisers of temporary events are strongly advised to contact the licensing authority for advice at the earliest opportunity when planning events. Where necessary discussions will be held with the police to avoid any unnecessary objections being made that may arise from misunderstandings or confusion as to what is being proposed.
- 21.4 Since 25 April 2012 it has been possible for individuals to serve a very limited number of "late" temporary event notices each year, providing that these are served on all relevant parties at least five working days before the day on which the event is due to begin.
- 22.5 However event organisers should be aware that a late temporary event notice can be prevented by a single objection from the police or environmental health and there is no right to a hearing in such circumstances.
- 22.6 Therefore late temporary event notices should normally only be served in exceptional circumstances, such as when an event has to be postponed and rearranged at short notice due to adverse weather conditions. The licensing authority does not expect late temporary event notices to be served simply on the basis that the event organiser has been disorganised in addressing the licensing arrangements for their event.

#### 23.0 Live Music Act 2012 and other Entertainment Licensing Deregulation

- 23.1 The Live Music Act 2012 came into force on 1<sup>st</sup> October 2012 and is designed to encourage more performances of 'live' music. The Act removes the licensing requirements for:
  - amplified 'live' music between 8am and 11pm before audiences of no more than 200 people on premises authorised to sell alcohol for consumption on the premises
  - amplified 'live' music between 8am and 11pm before audiences of no more than 200 people in workplaces not otherwise licensed under the 2003 Act (or licensed only for the provision of late night refreshment)
  - unamplified 'live' music between 8am and 11pm in all venues
  - the provision of entertainment facilities
- 23.2 Where licensable activities continue to take place on premises any licence conditions relating to 'live' music will be suspended, but it will be possible to impose new, or reinstate existing conditions following a review.
- 23.3 When considering whether an activity constitutes the provision of regulated entertainment each case will be treated on its own merits. There will inevitably be a degree of judgement as to whether a performance is live music or not, so organisers are encouraged to check with the licensing authority if in doubt.
- 23.4 There was a further deregulation of entertainment licensing in June 2013 when the Licensing Act 2003 (Descriptions of Entertainment) (Amendment) Order 2013) came into force on 27 June 2013. The effect of the order is that no authorisation is required for the following activities to the extent that they take place between 08:00-23:00 on any day:
  - a performance of a play in the presence of any audience of no more than 500 people
  - an indoor sporting event in the presence of any audience of no more than 1000 people
  - a performances of dance in the presence of any audience of no more than 500 people
- 23.5 Entertainment licensing requirements were further deregulated as a result of the Legislative Reform (Entertainment Licensing) Order 2014, which came into force on 6 April 2015.
- 23.6 The 2014 Order deregulated entertainment licensing in the following ways:
  - The provision of regulated entertainment by or on behalf of local authorities, health care providers, or schools on their own defined premises became exempt from entertainment licensing between 08.00-23.00 on the same day, with no audience limit.
  - The audience limit for a performance of live amplified music in relevant alcohol licensed premises or in a workplace between 08.00-23.00 on the same day was raised from 200 to 500.

- Local authorities, health care providers and schools are now exempt from entertainment licensing when making their own defined premises available to third parties for live and recorded music activities between 08:00-23:00 on the same day for audiences of up to 500.
- Community premises not licensed to supply alcohol are now exempt from entertainment licensing requirements for live and recorded music between 08:00-23:00 on the same day for audiences of up to 500.
- Travelling circuses are now exempt from entertainment licensing in respect of all descriptions of entertainment, except an exhibition of a film or a boxing or wrestling entertainment, where the entertainment or sport takes place between 08:00-23:00 on the same day, with no audience limit.
- Greco-Roman and freestyle wrestling are now deregulated between 08:00-23:00 for audiences of up to 1000 people.
- An exhibition of film that is incidental to another activity (where that other activity is not itself a description of entertainment set out in paragraph 2 of Schedule 1 to the 2003 Act) is exempt now from licensing.
- 23.7 The exhibition of films in community premises has also been deregulated as a result of section 76 of the Deregulation Act 2015.
- 23.8 No licence is required for an exhibition of film on community premises between 08:00 and 23:00 on any day provided that:
  - the film entertainment is not provided with a view to profit;
  - the film entertainment is in the presence of an audience of no more than 500 people;
  - the admission of children is subject to such restrictions as are necessary to comply with the recommendation issued by the BBFC or relevant licensing authority regarding the admission of children; and
  - a person concerned in the organisation or management of the exhibition of the film has obtained the prior written consent of the management committee of the premises, or if there is no management committee, a person who has control of the premises in connection with the carrying on by that person of a trade, business or other undertaking, or failing that a person with a relevant property interest in the premises.

#### 24.0 Sexual Entertainment Venues

- 24.1 The Council may adopt a policy in relation to sex establishments, including sexual entertainment venues under the Local Government (Miscellaneous Provisions) Act 1982, as amended by the Policing and Crime Act 2009. This policy may include standard conditions attached to such licences. Where there are similar conditions attached to licences under both regulatory regimes, the more onerous will apply.
- 24.2 There is an exemption under the Local Government (Miscellaneous Provisions) Act 1982 that allows premises to provide sexual entertainment no more than 11 times per year and no more frequently than monthly. Any concerns related to the provision of occasional sexual entertainment may still lead to a review of the relevant premises licence or club premises certificate and the imposition of conditions.
- 24.3 Any premises that wants to provide sexual entertainment under the exemption must still be authorised under the Licensing Act 2003 for the performance of dance and the playing or recorded music.

#### 25.0 Early Morning Alcohol Restriction Orders (EMROs)

- 25.1 The power to introduce an EMRO enables a licensing authority to prohibit the sale of alcohol for a specified time period between the hours of 12am and 6am in the whole or part of its area, if it is satisfied that this would be appropriate for the promotion of the licensing objectives.
- 25.2 EMROs are designed to address recurring problems such as high levels of alcohol-related crime and disorder in specific areas at specific times; serious public nuisance; and other instances of alcohol-related anti-social behaviour which is not directly attributable to specific premises.
- 25.3 Before introducing an EMRO the licensing authority must be satisfied that it has sufficient evidence to demonstrate that its decision is appropriate for the promotion of the licensing objectives. This requirement will be considered in the same manner as other licensing decisions, such as the determination of applications for the grant of premises licences. The licensing authority will consider evidence from partners, including responsible authorities and local Community Safety Partnerships, alongside its own evidence, to determine whether an EMRO would be appropriate for the promotion of the licensing objectives.
- 25.4 The licensing authority will normally only consider the use of EMROs as a last resort in dealing with recurring problems and will always consider the potential burden that would be imposed on premises licence holders as well as the potential benefits in terms of promoting the licensing objectives.
- 25.5 It is recognised that there are other measures that could be taken instead of making an EMRO which include:
  - introducing a special policy on cumulative impact;
  - reviewing licences of specific problem premises;
  - encouraging the creation of business-led best practice schemes in the area; and
  - using other mechanisms set out in the Secretary of State's Guidance to Licensing Authorities under Section 182 of the Licensing Act 2003.
- 25.6 The licensing authority is not currently satisfied that it is appropriate to make any EMROs.

#### 26.0 Late Night Levy

- 26.1 The late night levy is a power, conferred on licensing authorities by provision in Chapter 2 of Part 2 of the Police Reform and Social Responsibility Act 2011. This enables licensing authorities to charge a levy to persons who are licensed to sell alcohol late at night in the authority's area, as a means of raising a contribution towards the costs of policing the late-night economy.
- 26.2 The levy is a power and the Government has recognised that some licensing authorities will not consider that it is appropriate to exercise it.
- 26.3 At the present time this licensing authority does not have a large number of premises which are licensed to sell alcohol during the late night supply period. Therefore, at this stage, the licensing authority does not believe that the levy will generate enough revenue to make it an appropriate option in its area.
- 26.4 The decision to introduce the levy is for the licensing authority to make. However the licensing authority will keep the need for a levy under review in consultation with the chief officer of police and police and crime commissioner ("PCC") for the police area.
- 26.5 When considering whether to introduce a levy the licensing authority notes that any financial risk (for example lower than expected revenue) rests at a local level and this will be fully considered prior to making any decision about local implementation.
- 26.6 The licensing authority will decide whether or not it believes it has a viable proposal to introduce the levy before incurring the costs of the formal consultation process.
- 26.7 If the licensing authority decides to give further consideration to the introduction of a levy in the future, it will do so in accordance with the relevant regulations and with reference to any relevant guidance issued by the Home Office.
- 26.8 Any decision to introduce, vary or end the requirement for the levy will be made by the full Council. Other decisions in relation to the introduction and administration of the levy would be delegated to the Licensing Committee.

#### 27.0 Late Night Refreshment – Local Powers to Deregulate

- 27.1 Section 71 of the Deregulation Act 2015 inserted paragraph 2A into Schedule 2 of the Licensing Act 2003 in relation to the provision of late night refreshment.
- 27.2 This amendment created a discretionary power to licensing authorities to exempt premises in certain circumstances, from the requirement to have a licence to provide late night refreshment.
- 27.3 The powers allow a relevant licensing authority to exempt the supply of late night refreshment if it takes place:
  - on or from premises which are wholly situated in a designated area;
  - on or from premises which are of a designated description; or
  - during a designated period (beginning no earlier than 23.00 and ending no later than 05.00.
- 27.4 The licensing authority does not currently consider it appropriate to exercise the discretionary powers within paragraph 2A of Schedule 2 to the Licensing Act 2003.
- 27.5 If the licensing authority was going to consider exercising the powers in the future, it would only do so having careful considered the risks to the promotion of the licensing objectives and having carried out a comprehensive consultation exercise with relevant stakeholders.

#### 28.0 Suspension of Licences and Certificates for Non-Payment of Annual Fees

- 28.1 As a result of powers introduced under the Police Reform and Social Responsibility Act 2011, the licensing authority must suspend premises licences and club premises certificates if the holder of the relevant authorisation fails to pay their annual fee.
- 28.2 However, this does not apply immediately if the payment was not made before or at the time of the due date because of an administrative error, or because the holder disputed liability for the fee before or at the time of the due date. In either of these cases, there is a grace period of 21 days. This period will be used by the licensing authority to contact the licence or certificate holder in attempt to resolve the dispute or error. If the dispute or error is not resolved during this 21-day period, the licence or certificate will be suspended.
- 28.3 When suspending a licence of certificate a notice of suspension will be given in writing to the licence or certificate holder. The police and any other relevant responsible authorities will also be notified of the suspension at the same time.
- 28.4 A premises licence or certificate that has been suspended does not have effect to authorise licensable activities. However, it can for example be subject to a hearing or, in the case of a premises licence, an application for transfer. The licence will nevertheless only be reinstated when the outstanding fee has been paid. Formally, the debt is owed by the holder who held the licence at the time it was suspended. However, it may be more likely in practice that the new holder will actually make the payment.
- 28.5 Once payment has been received a written acknowledgement will be given to the licence/certificate holder and the suspension will be lifted. The police and any other relevant responsible authorities will be notified that the suspension has been lifted at the same time.

## Appendix A - Table of Delegated Functions

Matter to be dealt with	Full Committee	Sub Committee	Officers
Application for personal licence		If the police or Home Office give an objection notice	If no objection notice is given by the police or Home Office.
Decision whether to suspend or revoke a personal licence		All cases	
Application for premises licence/club premises certificate		If relevant representations are made	If no relevant representations are made or all representations made are withdrawn
Application for provisional statement		If relevant representations are made	If no relevant representations are made or all representations made are withdrawn
Application to vary premises licence/club premises certificate		If relevant representations are made	If no relevant representations are made or all representations made are withdrawn
Application to vary designated personal licence holder		If the police or Home Office give an objection notice	If no objection notice is given by the police or Home Office.
Application for the mandatory alcohol condition under the Licensing Act 2003 requiring a Designated Premises Supervisor in respect of a premises licence to be disapplied		If a police representation is made	All other cases
Decision whether to consult other responsible authorities on minor variation application			All cases

Determination of minor variation application		All cases
Request to be removed as designated premises supervisor		All cases
Application for transfer of premises licence	If the police or Home Office give an objection notice	If no objection notice is given by the police or Home Office.
Application for interim authority	If the police or Home Office give an objection notice	If no objection notice is given by the police or Home Office.
Application to review premises licence/club premises certificate	All cases	
Decision on whether a complaint or objection is irrelevant, frivolous, vexatious etc		All cases
Decision for licensing authority to act in their capacity as a responsible authority		All cases
Acknowledgement of receipt of a temporary events notice		All cases
Determination of a police or environmental health objection to a temporary event notice	All cases	
Decision to suspend a licence or certificate for non-payment of the annual fee.		All cases