Public Document Pack

REDDITCH BOROUGH COUNCIL

CONSTITUTION

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The articles of constitution for the Council can be accessed from the following link:
The Articles

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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

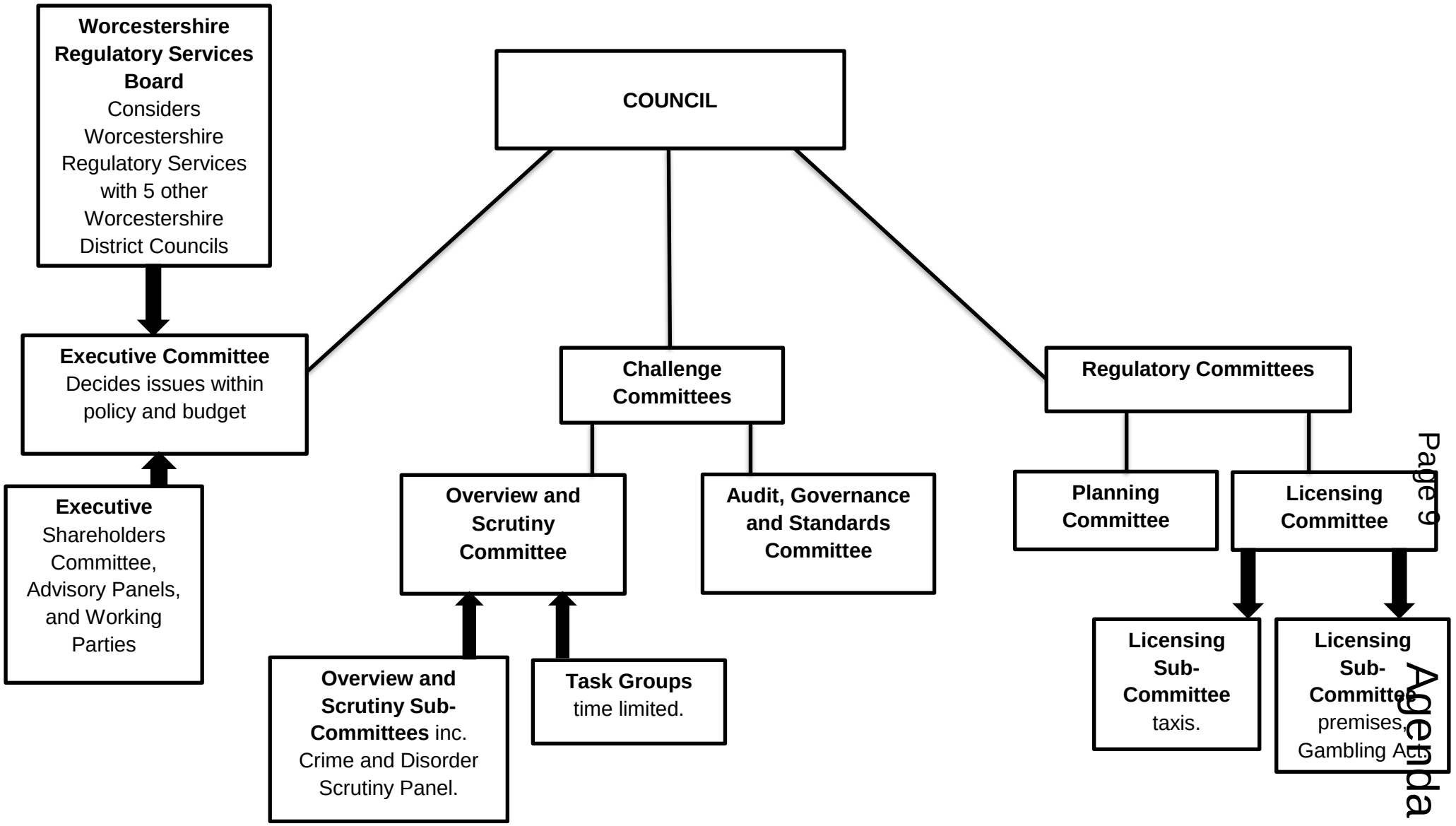
2.1 In 2009 Redditch Borough Council and Bromsgrove District Council took he decision to work in partnership. The first step was the appointment of a joint chief executive and in 2010 this was followed by the appointment of a joint management team. The co-operation between the Council was formally recorded 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.

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".

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Redditch Borough Council – Decision Making Structure

July 2016

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RESPONSIBILITY FOR FUNCTIONS

1. Council Functions

1.1 The **Council** will be responsible for those functions which under Regulation 2 of and Schedule 1 to the Responsibility for Functions Regulations (as amended) ("the Regulations") shall not be the responsibility of the Executive Committee.

1.2 Only the following functions which under Regulation 3(1) of and Schedule 2 to the Regulations may (but need not) be the responsibility of the Executive Committee, shall be the responsibility of the **Council**:

In respect of a Council function, the appointment of any individual to any body other than the authority, a joint committee of two or more authorities or to any committee or subcommittee of such a body and the revocation of such an appointment
Any function relating to contaminated land
The discharge of any function relating to the control of pollution or the management of air quality
The service of an abatement notice in respect of a statutory nuisance
The investigation of any complaint as to the existence of a statutory nuisance
The inspection of the authority's area to detect any statutory nuisance
The obtaining of information under section 330 of the Town and Country Planning Act 1990 as to interest in land
The obtaining of particulars of person interested in land under section 16 of the Local Government (Miscellaneous Provisions) Act 1976
The passing of a resolution that Schedule 2 to the Noise and Statutory Nuisance Act 1993 should apply in the Council's area

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

1.3 Council Functions delegated to Committees and Officers

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

2. Executive Committee Functions

2.1 All executive functions shall be the responsibility of the **Executive Committee** which shall take decisions in accordance with paragraph 7.6 of the Articles of Constitution (Part 2).

2.2 All functions not specifically reserved to Council or to any other committee or body by statute or other legislative enactment shall be the responsibility of the **Executive Committee**.

2.3 The following functions which under the Regulations may (but need not) be the responsibility of the Executive Committee, shall be the responsibility of the **Executive Committee**:

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

2.4 Executive Committee Functions delegated to Committees and Officers

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

PART 3 COMMITTEE TERMS OF REFERENCE

INTRODUCTION

This part of the Constitution sets out the terms of reference for the various committees in which elected members of the Council participate. For ease of reference it has been divided into two parts as follows: -

PART A: internal council committees

PART B: committees which operate jointly with other local authorities, known as "Joint Committees" and committees/boards for Council owned companies

PART A: INTERNAL COUNCIL COMMITTEES

AUDIT, GOVERNANCE AND STANDARDS

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

	c. To monitor the adequacy and effectiveness of the Council's system of internal control by ensuring that an adequate and effective system of internal financial controls is maintained, that financial procedures are regularly reviewed. d. To consider, monitor and review the Council's overall corporate governance arrangements. e. To enhance the profile, status and authority of the internal audit function which will demonstrate its independence. f. To focus audit resources by agreeing, and periodically reviewing, audit plans and monitoring delivery of the audit service. g. To receive and consider such internal audit reports that the Chair and/or Deputy Chief Executive considers necessary. <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. <u>Finance and Value for Money</u> i. To consider and approve the Council's Annual Statements of Accounts. j. To consider any report from the Internal Audit Manager in pursuance of Financial Regulations. k. To ensure good stewardship of the Council's resources and assist the Council to achieve value for money in the provision of its services. l. To keep under review, and make recommendations on, proposed amendments to Financial Regulations. m. To consider and make recommendations if appropriate on, the Annual Governance Statement. n. To review the annual strategy, treasury management policy and procedures and make recommendations to Council.

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

CRIME & DISORDER SCRUTINY PANEL

Number of Members	5
Politically Balanced Y/N	N
Quorum	3
Procedure Rules applicable	Council Procedure Rules (with the exception of Council Procedure Rules 1-4, 10, 14, 18.2, 20.1 and 22)
Terms of Reference	a. to hold the Redditch Community Safety Partnership to account for its decision making; b. to scrutinise the performance of the Redditch Community Safety Partnership; c. to undertake policy reviews of specific crime and disorder issues; d. to highlight and challenge people's perceptions of crime and disorder in the local area; e. to undertake community engagement and consultation to establish local people's priorities for crime and disorder issues; and f. to promote the positive work of the Redditch Community Safety Partnership.
Provisions relating to appointment of Chair	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.

ELECTORAL MATTERS COMMITTEE

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

EXECUTIVE COMMITTEE

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

LICENSING COMMITTEE

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

LICENSING SUB-COMMITTEE A

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

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

LICENSING SUB-COMMITTEE B

Taxis/sex establishments/other

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	N
Quorum	3
Procedure Rules applicable	Council Procedure Rules (with the exception of Council Procedure Rules 1-4, 10, 14, 18.2, 20.1 and 22). Quasi-judicial meetings rules apply.
Terms of Reference	To determine all matters referred to it including (but not limited to):- (1) private hire and hackney carriage driver, operator and vehicle licensing; (2) street trading consents; (3) sex shop applications; (4) pet shop licences; (5) animal boarding licences; (6) riding establishment licences.
Special provisions as to the Chair	The Chair must be a member of the Licensing Committee and must have received relevant quasi-judicial meetings training. The Chair to be elected for each meeting of the Sub-Committee.
Special provisions as to membership	Only those Councillors who have undertaken *appropriate training may sit on the Licensing Sub-Committee. **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 Council resolution to vary)
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	a. agree the scrutiny programme and the terms of reference for each scrutiny; b. establish time limited Task and Finish Groups to investigate issues in depth; or itself undertake selected reviews; c. agree reports prepared by the Task and Finish Groups; d. act as an interface with the Executive Committee; e. receive, comment and advise on the Council's policy framework such as the Corporate Plan and on other major policies; f. have responsibility for budget scrutiny and performance management scrutiny issues (with Task and Finish Groups established as necessary to take up any detailed work over the year); g. review and /or scrutinise decisions made or actions taken in connection with the discharge of any of the Council's functions whether or not the responsibility of the Executive Committee;

	h. exercise the right to call in, for reconsideration of decisions made but not yet implemented by the Executive Committee; i. decide how to deal with call ins (with Task and Finish Groups established as necessary to take up any detailed work); j. Undertake the role of a Crime and Disorder Overview and Scrutiny Committee under the Police and Justice Act 2006 through the Crime and Disorder Scrutiny Panel, a Sub Committee of the main Committee; k. Establish arrangements for any review of the performance of relevant external organisations which impact on the Council's functions and services and submit reports after comment, as appropriate, by the Executive and external organisations, to the Council; l. Monitor the quality of scrutinies; m. Monitor the implementation of any scrutiny recommendations accepted by the Executive Committee; and n. Oversee the development of Member skills and competencies in scrutiny.
Special provisions as to the Chair	The Chair and Vice-Chair will be a Member of a political group not forming part of the ruling administration.
Whipping arrangements	When considering any matter in respect of which a member of the Overview Committee is subject to a party whip, the Councillor must declare the existence of the whip, and the nature of it before the commencement of the Overview Committee's deliberations on the matter. The declaration, and the detail of the whipping arrangements, shall be recorded in the minutes of the meeting.
Special provisions as to membership	All Councillors except members of the Executive Committee may be Overview and Scrutiny members. However, no Member may be involved in scrutinising a decision in which he / she has been directly involved.

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	1. To exercise all powers and duties of the Council on all matters relating to development control, including but not limited to:- a. considering and determining applications for planning permission b. enforcement of planning control c. building preservation, Listed Buildings and Conservation areas d. Tree preservation orders e. Control of advertisements f. Footpath diversion orders under the Town and Country Planning legislation g. Certificates of Lawfulness 2. To comment on proposals for development submitted by Worcestershire County Council and other public authorities 3. To determine High Hedges applications in accordance with Part 8 of the Anti-Social Behaviour Act 2003

Special provisions as to the Chair	The Chair and the Vice-Chair, if members of the controlling Party Group, shall not be members of the Executive Committee.
Special provisions as to membership	Only those Councillors who have undertaken appropriate training as agreed by the Member Support Steering Group may sit on the Planning Committee.

SHAREHOLDERS COMMITTEE

Number of members	5 (must all be members of the Executive Committee)
Politically Balanced Y/N	N
Quorum	3
Procedure Rules applicable	Executive Committee Procedure Rules
Terms of Reference	1) To approve Rubicon Leisure's annual business plan. This should be determined in the financial year prior to the application of the plan. 2) To approve the appointment of the Managing Director of Rubicon Leisure. 3) To approve the dismissal / departure of the Managing Director of Rubicon Leisure. 4) To monitor the performance of Rubicon Leisure. 5) To monitor Rubicon Leisure's budget position. 6) Monitor Rubicon Leisure's business affairs, finances and accounts. 7) To oversee the strategic direction of Rubicon 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 Rubicon Leisure and impact on the Council.

	9) Reporting and making recommendations to Executive on areas outside of the Shareholder Committee's delegated authority. 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. 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.
Special provisions as to the Chair	The Chair must be a member of the Executive Committee.
Special provisions as to membership	Only Members of the Executive can sit as substitutes. The Leaders of each opposition group or their nominated substitute will be invited to attend meetings and be given full rights to participate in meetings although they will not be entitled to vote.

STANDARDS HEARINGS SUB-COMMITTEES
(Parent Committee – Audit, Governance and Standards Committee)

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

PART 3 COMMITTEE TERMS OF REFERENCE

PART B: JOINT COMMITTEES/ COMMITTEES FOR COUNCIL OWNED COMPANIES

JOINT APPOINTMENTS COMMITTEE FOR BROMSGROVE DISTRICT COUNCIL AND REDDITCH BOROUGH COUNCIL

Local Authority Membership	Redditch Borough Council and Bromsgrove District Council
Functions	• Appointment of Chief Executive/Head of Paid Service • Appointment of Joint Statutory Officer Posts
Number of Members	10 made up of the Leaders of Redditch Borough Council and Bromsgrove District Council plus 4 members appointed by Redditch Borough Council and 4 members appointed by Bromsgrove District Council.
Politically Balanced	Yes
Quorum	6 subject to each Council being represented at a meeting by at least 1 member.
Procedure Rules applicable	The Joint Appointments Committee Composition and Terms of Reference in Part 17, together with all other applicable rules set out under the Constitution and all applicable law.

PART 3 COMMITTEE TERMS OF REFERENCE

Terms of Reference	**1. Appointment of Chief Executive/ Head of Paid Service** a. Subject to (b) below, to undertake and determine on behalf of the Councils the recruitment and selection of the Joint Chief Executive/Head of Paid Service including the final approval of terms and conditions of employment for that post. b. The final decision as to the appointment of the Joint Chief Executive/ Head of Paid Service shall be reserved to full meetings of both Councils. c. To confirm into post or otherwise, the successful candidate following any probationary or trial period. **2. Appointment of Joint Statutory Officers Post** a. Subject to (b) below, to undertake and determine on behalf of the Councils the recruitment and selection of any Joint Statutory Officer Posts. (including the final approval of terms and conditions of employment for that post.) b. The final decision as to the appointment of the Joint Statutory Officer Posts shall be reserved to full meetings of both Councils. **3. General** a. To be responsible for ad-hoc employment matters affecting any Joint Statutory Officer Posts, except for any disciplinary matters which would be determined by the Statutory Officers Disciplinary Panel.
Special provisions as to Chairmanship	To be chaired alternately between the respective Leaders.

PART 3 COMMITTEE TERMS OF REFERENCE

Special provisions as to membership	All members of the Committee must have undertaken appropriate training on recruitment and selection with the respective Council, prior to participating in the recruitment process. No substitutes shall be permitted.
Additional information	There will be one standing Sub-Committee of the Joint Appointment Committee known as the Statutory Officer's Disciplinary Panel

PART 3 COMMITTEE TERMS OF REFERENCE

STATUTORY OFFICERS' DISCIPLINRY PANEL
(Parent Committee – Joint Appointments Committee)

Functions	To undertake the powers and functions as the "Investigating and Disciplinary Committee (IDC) in accordance with the provisions of the Joint Negotiating Committee (JNC) Handbook Model Disciplinary Procedure in relation to Statutory Officers pursuant to the Local Authorities (Standing Orders) (England) Regulations 2001 as amended by the Local Authorities (Standing Orders) (England)(Amendments) Regulations 2015.
Number of Members	5 members consisting of one of the Leaders plus 2 members appointed by the Joint Appointments Committee by Bromsgrove District Council and 2 by Redditch Borough Council. In the event of an Appeal hearing being required, then the other Leader and the 4 respective members from Bromsgrove District Council and Redditch Borough Council who have not already participated in the process will form the Panel.
Politically Balanced	Not applicable
Quorum	3 consisting of Leader and 1 member for each council.
Procedure Rules applicable	The Joint Appointments Committee Composition and Terms of Reference in Part 17, together with all other applicable rules set out under the Constitution and all applicable law.

PART 3 COMMITTEE TERMS OF REFERENCE

Terms of Reference	**1. <u>Disciplinary Action and Dismissal</u>** a. To hear disciplinary cases involving charges of misconduct or incapability concerning any Joint Statutory Officer holder. b. To make recommendations to Council regarding the dismissal against the Chief Executive, S151 officer or Monitoring Officer following a disciplinary or capability hearing in accordance with the terms and conditions of employment for Chief Officers of Local Authorities. c. To convene an Independent Panel as defined in the Local Authority (Standing Orders) (England) (Amendment) Regulations 2015. **2. Independent Panel** a. To offer the Council advice, views or recommendations on any proposal for the dismissal of a Statutory Chief Officer. In doing so the Independent Panel will consider:_ (i) The recommendation of the Panel and the reasons in support of that recommendation; (ii) The report of any independent investigator; (iii) Any oral and/or written representations from the officer. b. A minimum of 2 independent Persons must be invited to be appointed to the Panel in the following priority order:- (i) The relevant Independent Person who has been appointed by the Council and who is a local government elector; (ii) Any other relevant independent Person who has been appointed by the Council; and (iii) A relevant Independent Person who has been appointed by another local authority or local authorities.

Special provisions as to Chairmanship	To be chaired by the Leaders.
Special provisions as to membership	All members of the Committee must have undertaken appropriate training prior to participating in meetings. No substitutes shall be permitted.
Additional information	In order to comply with 1 (c) above, the membership of the Panel may also include Independent Persons as defined by the Local Authority (Standing Orders) (England) (Amendment) Regulations 2015.

Redditch Borough Council
Scheme of Delegation

1. This Scheme of Delegation will be updated regularly. However:

a) any reference to specific legislation or to statutory provisions shall be deemed to refer to any relevant aspects of any successive legislation or statutory provisions;

b) reference to a post holder shall be deemed to refer to any successor post holder(s) who is/are charged with the same responsibilities following any reorganisation or reallocation of functions, save that where there is any ambiguity as to who shall exercise a particular delegation of authority, the delegation shall refer to the higher-ranking Officer(s). For the avoidance of doubt, successor post holder(s) include Officers placed at the disposal of the Council under secondment arrangements pursuant to s113 of the Local Government Act 1972 or any other enactment or power.

Delegations to Committees and Sub-Committees

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

Delegations to Officers

3. All powers, duties and responsibilities appropriate and necessary for day to day operational activities shall be deemed to be delegated to the relevant Assistant Director 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.

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.

CHIEF EXECUTIVE'S OFFICE AND CORPORATE DELEGATIONS

1. Miscellaneous See service-specific delegations elsewhere

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

	registered provider and manager.		
Returning Officer / ERO Functions	To fulfil the duties of Returning Officer and Electoral Registration Officer for Redditch in accordance with statute.	External / Council	[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	1) In the absence of the Chief Executive, to exercise the various specific delegations (referred to elsewhere within Scheme of Delegations to Officers, etc.)	Council / Executive Committee	[Duty Officer (Deputy Chief Executive)] [Deputy Chief Executive] or [other Chief Executive Nominee]
	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	[Chief Executive]/ [Duty Officer (Deputy Chief Executive)]
	3) In the absence of the relevant Director, to exercise the various specific delegations set out in the Scheme, except in circumstances where statute debars such action.	Council / Executive Committee	Directors / relevant 3rd and 4th Tier Officers
	4) To reply on the Council's behalf, where time limits require, to all consultations from adjoining local authorities, the County Council, the LGA, the Government and other bodies.	Council / Executive Committee	[Chief Executive]/ [Deputy Chief Executive]/ Directors
	5) Other than as detailed elsewhere in this Scheme of	Executive Committee	

	Delegation to Officers and subject to the agreed policy of the Council to accept bookings of all other Council accommodation.		
Miscellaneous delegations	To apply for Licences, on behalf of the Council.	Executive Committee	Directors/Officers authorised by Directors
Civil Emergencies	1. To act in accordance with the delegated procedures set out in the Emergency Plan. 2. To enable Officers to undertake appropriate communications activity during an emergency without recourse to Members, should the situation require an immediate response. 3. To take any action and to incur expenditure essential to meet any immediate needs created by an emergency in accordance with the Financial Regulations. 4. To take any decisions, including key decisions, where any delay in taking the decision would seriously prejudice the Council's or the public interest to the extent that it is appropriate to exercise emergency powers. The Chief Executive will report any such decision to the next meeting of Council.	Executive Committee / the Leader	[The Chief Executive], [Deputy Chief Executive], Executive Directors and Directors, following consultation with the Leader or, in his/her absence, the Deputy Leader
2. <u>Proper Officer Delegations</u>			

Subject:	Detail:	Delegated by:	Delegated to:
Council Summons	To sign summonses to Council Meetings and to receive notices regarding addresses to which summons to meeting is to be sent under provisions of paragraphs 4(2)(b) and 4(3) of Schedule 12 to the Local Government Act 1972.		[Chief Executive] or in his/her absence the [Monitoring Officer]
Local Government Act 1972	To be appointed "Proper Officer" in relation to the following provisions of the Local Government Act 1972: a. Sections 83(1) to (4) - Witness and receipt of acceptance of office b. Section 84 – Receipt of declaration of resignation of office 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. d. Section 89 (1) (b): Receipt of notice of casual vacancy from two local electors e. Section 229(5): Certification of photographic copies of document f. Sections 234(1) and (2): Authentication of documents		a. [Chief Executive] b. [Chief Executive] c. [Chief Executive] d. [Assistant Director of Legal, Democratic and Procurement Services] e. [Assistant Director of Legal, Democratic and Procurement Services] f. [Assistant Director of Legal,

			Democratic and Procurement Services]
	g. Section 88 (2): Convening of meeting to fill casual vacancy in the office of Mayor		g. [Chief Executive]
	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".		h. [Assistant Director of Legal, Democratic and Procurement Services]
	i. Section 212(1) and (2): Proper Officer to act as Local Registrar for Land Charges Act 1925		i. [Assistant Director of Legal, Democratic and Procurement Services]
	j. Section 225: Deposit of documents		j. [Assistant Director of Legal, Democratic and Procurement Services]
	k. Section 236(9): To send copies of byelaws for parish records		k. [Assistant Director of Legal, Democratic and Procurement Services]
	l. Section 236(10): To send copies of byelaws to the County Council		l. [Assistant Director of Legal, Democratic and Procurement Services]
	m. Section 238: Certification of byelaws		m. [Director of Finance]
	n. Section 228 (3): Accounts of		

	"any Proper Officer" to be open to inspection by any member. o. Section 191: Function with respect to ordnance survey p. Sections 115(2) and 146(1)(a) and (b): Receipt of money due from officers declaration and certificates with regard to securities q. Section 151		n. [Assistant Director of Planning, Leisure and Culture Services] o. [Assistant Director of Planning, Leisure and Culture Services] p. [Director of Finance] q. [Director of Finance]

3. Regulation of Investigatory Powers Act (RIPA)			
Subject:	**Detail:**	**Delegated by:**	**Delegated to:**
	1. To review, revise and update the Council's RIPA policy.	1 – 7 Council	1. [Assistant Director of Legal, Democratic and Procurement 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).		2. [Assistant Director of Legal, Democratic and Procurement Services]
	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.		3. Directors authorised to do so under Appendix 2 of the RIPA policy.
	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		4. Directors authorised to do so under Appendix 2 of the RIPA policy.
	5. In relation to requests for Covert Human Intelligence Sources where the source is aged under 18, to sign all necessary documents and forms whether by way of Authorisation, Review, or Cancellation.		5. [Chief Executive] or in his absence the [Deputy Chief Executive].
	6. To maintain the central record of documents relating to RIPA policy, including authorisations.		6. The Information Management Team under the supervision of the [Assistant Director of Corporate

	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.		Services and Transformation]. 7. [Assistant Director of Legal, Democratic and Procurement Services].

Constitution Part 4 Table 4.03 – Corporate Services and Transformation

CORPORATE SERVICES AND TRANSFORMATION			
1. IT Services			
Subject	**Detail**	**Delegated by:**	**Delegated to:**
Members' IT	To supply and maintain Members' IT facilities in accordance with approved Policy(-ies)	Executive Committee	[Assistant Director – Corporate Services and Transformation] / [ICT Transformation Manager]
Corporate IT New Proposed Delegation	To determine all the Council's IT Policies and Strategies	Council	[Assistant Director – Corporate Services and Transformation] / [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	[Assistant Director – Corporate Services and Transformation]
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	[Assistant Director of Corporate Services and Transformation], following consultation with Ward and other relevant Members /Portfolio Holder

Constitution Part 4 Table 4.03 – Corporate Services and Transformation

Street Numbering	To prescribe street numbers and renumber premises where necessary, in accordance with approved policy.	Executive Committee	[Assistant Director – Corporate Services and Transformation]
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 [Assistant Director – Corporate Services and Transformation]

Constitution Part 4 Table 4.03 – Corporate Services and Transformation

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 and Marketing 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	[Assistant Director of Corporate Services and Transformation] / [ICT Transformation Manager]

Constitution Part 4 Table 4.03 – Corporate Services and Transformation

3. Human Resources			
Employees	Staffing Matters 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 Assistant Directors	Council	[Chief Executive]/ Executive Directors
	iii) to appoint staff below the level of Assistant Director	Council	Assistant Directors
	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
	ii) Within the Council's approved disciplinary and capability procedures, to take action against including (except in the case of the monitoring officer or the section 151 officer) dismissal of Executive Directors, subject, in the case of any Officer designated as Chief Finance Officer or Monitoring Officer, to compliance with the Local Authorities (Standing	Council	[Chief Executive]

Constitution Part 4 Table 4.03 – Corporate Services and Transformation

	Orders) (England) Regulations 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 Assistant Directors 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 Assistant Director level.	Council	Directors
	v) To consider and determine appeals in respect of discipline and dismissal for staff below the level of Assistant Director.	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	[Assistant Director – Corporate Services and Transformation]

Constitution Part 4 Table 4.03 – Corporate Services and Transformation

	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 Directors as appropriate.
	e. Appeals (job evaluation) To consider and determine appeals in respect of salary grading.	Council	Any Officer of Director level or above or a consultant selected by the [Assistant Director – Corporate Services and Transformation]
	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	[Assistant Director – Corporate Services and Transformation]
	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 [Assistant Director – Corporate Services and Transformation] and the relevant Portfolio Holder

Constitution Part 4 Table 4.03 – Corporate Services and Transformation

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

Constitution Part 4 Table 4.03 – Corporate Services and Transformation

	I. Training 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);	Executive Cttee	[Chief Executive]/ [Deputy Chief Executive]/ Directors
	Day to Day Activities		
	a. To control and mange own Directorates	Council/ Executive Committee	[Chief Executive]/ [Deputy Chief Executive]/ Directors or their nominated managers
	b. In the absence of any specific delegation and subject to supervision by their immediate line Managers**,** Service Managers are authorised to perform the duties for which they are employed, including the day-to-day management of their specific Service.	Council/Executive Committee	Various
	c. The day-to-day discharge of functions not otherwise covered by this scheme in accordance with any requirements of the Chief Executive.	Executive Committee	[Chief Executive] or in his absence the [Deputy Chief Executive]
	d. To respond to miscellaneous enquiries for which no delegated authority currently exists and to determine whether further formal decision is required and, if so, what.	Executive Committee	[Chief Executive], following consultation with Group Leaders and Monitoring Officer

Constitution Part 4 Table 4.03 – Corporate Services and Transformation

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
	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.)	Council / Executive Cttee/ Planning / Licensing Committees	Various

Constitution Part 4 Table 4.03 – Corporate Services and Transformation

4. Health and Safety			
Subject	**Detail:**	**Delegated by:**	**Delegated to:**
Approval of Health and Safety policies	To determine all health and safety policies	Council	[Assistant Director – Corporate Services and Transformation], following consultation with the Corporate Leadership Team, the Joint Corporate Health, Safety and Welfare Committee (where applicable), the Leader of the Council and the relevant Portfolio Holder

Constitution – Part 4 – Table 4.04 – Community Services

COMMUNITY SERVICES			
1.Community Safety			
Subject	**Detail**	**Delegated by:**	**Delegated to:**
Civil Injunctions	To seek a civil injunction in accordance with Sections 1 –21 of the Anti-Social Behaviour, Crime and Policing Act 2014.	Council	[Assistant Director 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	[Assistant Director of Community and Housing Services], [Assistant Director of Environmental and Housing Property Services] [and the [Assistant Director 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	[Assistant Director of Community and Housing Services], [Assistant Director of Environmental and Housing Property Services] and [Assistant Director of Planning, Regeneration and Leisure Services]

Constitution – Part 4 – Table 4.04 – Community Services

Closure Notices and Closure Orders	To issue Closure notices (up to 48 hours) and to apply for a Closure Order in accordance with Sections 76 – 93 of the Anti-Social Behaviour, Crime and Policing Act 2014.	Council	[Assistant Director of Community and Housing Services], [Assistant Director of Environmental and Housing Property Services], [Assistant Director 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	[Assistant Director of Community and Housing Services]

Constitution – Part 4 – Table 4.04 – Community Services

2. Private Sector Housing			
Subject	**Detail**	**Delegated by:**	**Delegated to:**
Power of entry	To exercise the powers of Authorised Officers in respect of entry, inspection and investigation in relation to housing conditions as specified in any legislation the enforcement of which is delegated to Director of Leisure, Environment and Community Services	Executive Committee	[Assistant Director of Community and Housing Services] / [Strategic Housing Services Manager] / [Private Sector Housing Manager] / [Housing Development & Strategy Manager] / [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		[Assistant Director of Community and Housing Services] / [Strategic Housing Services Manager] / [Private Sector Housing Manager] / [Housing Development & Strategy Manager] / [Private Sector Housing Officer]

Constitution – Part 4 – Table 4.04 – Community Services

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

Constitution – Part 4 – Table 4.04 – Community Services

2. Private Sector Housing			
Subject	**Detail**	**Delegated by:**	**Delegated to:**
Empty Dwellings - orders	To issue interim and final management orders in relation to empty dwellings under provisions of the Housing Act 2004 sections 133 & 136	Executive Committee	[Assistant Director of Community and Housing Services] / [Strategic Housing Services Manager]
Mortgage Rescue Scheme	To Agree each case for purchase through the Government's Mortgage Rescue Scheme Executive Committee October 2013	Executive Committee	[Assistant Director 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	[Assistant Director of Community and Housing Services] / [Strategic Housing Services Manager] / [Private Sector Housing Manager] / [Housing Development & Strategy Manager]
Property Tribunal	To make application to a Residential Property Tribunal in relation to enforcement or other provisions under the Housing Act 2004	Executive Committee	[Assistant Director of Community and Housing Services] / [Strategic Housing Services 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	[Assistant Director of Community and Housing Services] / [Strategic Housing Services Manager] / [Private Sector Housing Manager] / [Housing Development & Strategy Manager]
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	[Assistant Director of Community and Housing Services] / [Strategic Housing Services Manager] / [Private Sector Housing Manager] / [Housing Development

Constitution – Part 4 – Table 4.04 – Community Services

2. Private Sector Housing			
Subject	**Detail**	**Delegated by:**	**Delegated to:**
			& Strategy Manager] / [Private Sector Housing Officer]
Lifetime Grants - approval	To approve applications for Lifetime Grants under the Housing Assistance Scheme and any subsequent schemes for works of repair, improvement, adaptation or thermal efficiency and applications for Landlord (HMO) Lifetime Grant	Executive Committee	[Deputy Chief Executive] / [Assistant Director of Community and Housing Services] / [Strategic Housing Manager] / [Private Sector Housing Manager] / [Housing Development & Strategy Manager]
Disabled Facilities Grants	To approve applications for mandatory Disabled Facilities Grant	Executive Committee	[Assistant Director of Community and Housing Services] / [Strategic Housing Manager] / [Private Sector Housing Manager] / [Housing Development & Strategy Manager]
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 7th January 1999	Executive Committee	[Assistant Director 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	[Assistant Director of Community and Housing Services] / [Strategic Housing Manager] / [Private Sector Housing Manager] / [Housing Development & Strategy Manager]

Constitution – Part 4 – Table 4.04 – Community Services

Council land and premises - dealing with Trespassers	To authorise the exercise of Local Authority powers under the Criminal Justice & Public Order Act 1994 relating to occupation of council land and premises by trespassers.	Executive Committee	[Assistant Director of Community and Housing Services] / [Strategic Housing Manager] / [Private Sector Housing Manager] / [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	[Assistant Director of Community and Housing Services] / [Strategic Housing Manager] / [Private Sector Housing Manager] / [Housing Development & Strategy Manager].
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] / [Assistant Director 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	[Assistant Director 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	[Assistant Director of Community and Housing Services]
Energy Efficiency	To implement enforcement powers under the Energy	Executive	[Assistant Director of Community and Housing

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

3. <u>Transport & Concessionary Fares</u>

Subject	**Detail**	**Delegated by:**	**Delegated to:**
Dial-a-Ride / Shop-mobility	To deal with day-to-day management of the Dial-a-Ride and Shopmobility Schemes.	Executive Committee	[Assistant Director of Community and Housing Services] / [Dial a Ride and Shopmobility Manager]

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

Constitution – Part 4 – Table 4.04 – Community Services

4. Miscellaneous other

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] in consultation with AD?
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 (general)	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	[Assistant Director of Community and Housing Services] In consultation with the elected members' community grants panel.
Voluntary Sector Grants Scheme 2026/2027 to 2029/2030 (lower grants £500 to £2000)	To consider and agree decisions on lower grants	Executive Committee	[Assistant Director of Community and Housing Services] following consultation with the Officer Grants panel
Concessionary Rents	To administer the Concessionary Rents Policy and approve rent Relief following consultation with the Grants Panel.	Executive Committee	[Assistant Director of Community and Housing Services] in consultation with the [Deputy Chief Executive].

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

2. Grounds Maintenance and Landscaping

Subject:	Detail:	Delegated by:	Delegated to:
Grounds Maintenance & Landscaping.	Day-to-day management of all Council-owned parks, woodlands and open spaces.	Executive Committee.	[Assistant Director of Environmental and Housing Property Services] / [Assistant Director of Planning, Leisure and Culture Services] / [Environmental Services Manager].
Tree Preservation Orders	To initiate Tree Preservation Orders	Council	[Assistant Director of Environmental and Housing Property Services]
Tree Preservation Orders - Confirmation.	1. To confirm Tree Preservation Orders under the provisions of the Town & Country Planning Act 1990 in cases where:- a. objections have been received; or b. it is proposed that a tree be protected which is located on Council-owned land 2. to confirm Tree Preservation Orders in all other cases.	1. Council 2. Council	1. Planning Committee 2. [Assistant Director of Environmental and Housing Property Services]
Tree Preservation Orders - Applications for consent to carry out works - Regulation 16 Town and Country	1. To determine applications for consent to the cutting down, topping, lopping or uprooting of any tree which do not involve any of the following features: -	1.Council	1. [Assistant Director of Environmental and Housing Property Services]

Planning (Tree Preservation) (England) Regulations 2012 NOTE: applications in this category fall under the National Scheme of Delegations - Schedule 2 - para 10	a. The tree(s) to be felled/removed have been deemed by officers to have a CAVAT value of£150,000 or more and officers are minded to refuse the application; b.Permission is sought for major works consisting of a full crown reduction of greater than 20%and officers are minded to refuse the application. 2.Any applications not falling under paragraph (1) will be referred to the nominated officer and nominated member for consideration under the Gateway Test and shall be determined as follows: a. Where outcome of Gateway Test is referral for determination by Members at Planning Committee b. Where outcome of Gateway Test is for determination by officers	2a.Council 2b.Council	2a. Planning Committee 2b. [Assistant Director of Environmental and Housing Property Services]
Tree Preservation Orders – all other matters	To determine all applications / make all decisions / take all steps on behalf of the Local Planning Authority that relate to the protection of trees	Council	[Assistant Director of Environmental and Housing Property Services]

	not identified separately in the Scheme of Delegations		
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: 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 trees safe and if the Notice is not complied with to take the steps specified therein and recover such	Planning Committee.	[Assistant Director of Environmental and Housing Property Services].

	expenses. 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.	Planning Committee.	[Assistant Director of Environmental and Housing Property Services].
High Hedges.	1. To determine High Hedge applications submitted in accordance with Part 8 of the Anti-Social Behaviour Act 2003 and to issue a remedial notice where appropriate when: a. such applications are submitted by or on behalf of any officer of the Council or any Parish Council within the Borough of Redditch. b. such applications are submitted by or on behalf of any County, District or Parish Councillor whose ward is within the Borough of Redditch.	1. Council.	Planning Committee

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

3. Highways

Subject:	**Detail:**	**Delegated by:**	**Delegated to:**
Dedication of Land.	Acceptance of offers of dedication of land for highway purposes.	Executive Committee.	[Assistant Director of Environmental and Housing Property Services] following consultation with the County Council.
New Street Byelaws.	Issue of consents under New Street Byelaws following approval of applications by the Executive Committee.	Executive Committee	[Assistant Director of Environmental and Housing Property Services] following consultation with the 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.	[Assistant Director of Environmental and Housing Property Services] following consultation with the County Council.
Action – Highways Act 1989.	To take action in accordance with Highways Act 1989 Sections 219 – 225.	Executive Committee.	[Assistant Director of Environmental and Housing Property Services] / [Principal Solicitor], following consultation with Worcestershire County Council.
Street Signs and Bus Stops.	Siting of street signs and bus stops.	Executive Committee.	[Assistant Director of Environmental and Housing Property Services].
Street Furniture.	Siting of street furniture other than bus shelters.	Executive Committee.	[Assistant Director 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.	[Assistant Director of Environmental and Housing Property Services].

Traffic Management.	To approve or otherwise, local traffic management proposals and associated works.	Executive Committee.	[Assistant Director ofRegeneration and Property] following consultation with Worcestershire County Council.
Road Closures.	To deal with applications for temporary road closures for special events.	Executive Committee.	[Assistant Director 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	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”) b. To issue any passes or season tickets in accordance with the Order	Executive Committee	[Assistant Director of Regeneration and Property and Assistant Director of Legal, Democratic and Procurement Services]

SCHEME OF DELEGATION TO OFFICERS

4. Waste Management

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

5. Energy Efficiency and Climate Change			
Subject:	**Detail:**	**Delegated by:**	**Delegated to:**
Home Energy Conservation Reports.	Home Energy Conservation Act 1995 - to prepare, publish and submit to the Secretary of State, the Council's Home Energy Conservation Reports.	Executive Committee.	[Assistant Director ofCommunity and Housing Services].
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.	[Assistant Director of Environmental and Housing Property Services] and [Assistant Director of Community and Housing Services].
Warm Homes Local Grant	To administer the funding received from the Warm Homes Local Grant for the financial years 25/26 to 27/28 in line with grant conditions and any alterations to the delivery programme.	Executive Committee	[Assistant Director of Community and Housing Services

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CONSTITUTION – PART 4 – TABLE 4.06 - Housing

HOUSING SERVICES			
1. Housing Management - General			
Subject:	**Detail:**	**Delegated 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] / [Assistant Director 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	[Assistant Director of Community and Housing Services] / [St. David's House Manager]
Day-to-day management of housing stock	Day-to-day management of the Council's housing stock, housing land and housing landlord services: • Repairs and Maintenance* • Capital Works* • Voids management*** • Allocations management (in accordance with the Housing Allocations Policy)** • Tenancy management** • Rent account management** • Equipment and Adaptations management*** • Garage waiting list/allocation management**	Executive Committee	[Chief Executive] & [Deputy Chief Executive] & [Executive Director] / [Assistant Director of Community and Housing Services] / [Assistant Director of Environmental and Housing Services] [Repairs & Maintenance and Capital Manager]* [Housing Services Manager]** Repairs & Maintenance /Housing Services managers***
Home Support Service	Day to day management of the Home Support Service to include the collection and recovery of support service charges	Executive Committee	[Assistant Director of Community and Housing Services] / [Housing Services

CONSTITUTION – PART 4 – TABLE 4.06 - Housing

			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 Assistant Director of Legal, Democratic and Procurement Services to institute proceedings to recover such charges.	Executive Committee	[Assistant Director of Community and Housing Services] (with [Assistant Director of Legal, Democratic and Procurement 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	[Assistant Director of Community and Housing Services]/ [Homelessness Manager Homelessness 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] 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. To make any offers of accommodation in above cases.	Executive Committee Executive Committee	[Assistant Director of Community and Housing Services] / [Homelessness Manager] / [Housing Services Manager] [Chief Executive] & in their absence [Deputy Chief Executive] & [Executive Director] & in their absence[Director of Finance]

SCHEME OF DELEGATION TO OFFICERS

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

SCHEME OF DELEGATION TO OFFICERS

			Housing Services Manager
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	[Assistant Director of Community and Housing Services] / [Housing Services Manager] / [Assistant Director of Legal, Democratic and Procurement 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	[Assistant Director of Community and Housing Services]
Housing Management; Tenancy changes	In respect of secure tenancies authorise within the guidelines of the Housing Act 1985 and Housing Management policy and procedures • Tenancy changes • Decants (temporary or permanent re-housing)	Executive Committee	[Housing Services Manager]
Housing Rents / other Housing-related Debts	To collect and recover current housing rents and other housing-related debts.	Executive Committee	[Housing Services Manager]
Rent Account Write – offs of Debt and Credit balances	To authorise rent and sub-account credit balances and write-off's in accordance with Write-off policy.	Executive Committee	[Housing Services Manager]
Tenant Rent Account credit refunds	To authorise rent account credit refunds where a tenant has overpaid their rent leaving a credit in accordance with procedures up to £3,000.	Executive Committee	[Housing Performance and Database Manager] / [Housing Services Manager]

SCHEME OF DELEGATION TO OFFICERS

Right to Buy	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: • acceptance or denial of a Right to Buy application • To agree/disagree waiver of the discount period of a completed right to buy	Executive Committee	[Assistant Director 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] / [Assistant Director 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	[Assistant Director of Community and Housing Services] / [Assistant Director 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	[Assistant Director of Community and Housing Services] or [Repairs & Maintenance and Capital Manger], following consultation with the [Principal Solicitor].

SCHEME OF DELEGATION TO OFFICERS

Powers to Force Entry	To exercise the Councils powers within the guidelines of the Housing Act 1985 acting within policy and procedure to enforce entry to Council-owned properties in cases of emergency.	Executive Committee	[Deputy Chief Executive] & [Executive Director] / [Assistant Director of Environmental and Housing Property Services] / [Assistant Director of Community and Housing Services]/ [Housing Services Manager] / [Repairs & Maintenance and Capital Manager], in consultation with [Principal Solicitor] or if out of hours, the [Duty Officer]
To agree inspections and maintenance requirements to Council Housing Stock	Day to day repairs and maintenance of tenanted properties and voids	Executive Committee	[Assistant Director of Environmental and Housing Property Services] / [Assistant Director 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	[Assistant Director of Environmental and Housing Property Services] / [Assistant Director 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	[Assistant Director of Community and Housing] / [Assistant Director of Environmental and Housing Property Services] / [Repairs & Maintenance and Capital Manager Housing Services

SCHEME OF DELEGATION TO OFFICERS

			Manager]
Major property void works	To authorise major void works costing more than £10k	Executive Committee	[Deputy Chief Executive] & [Executive Director] /Assistant Director of Environmental and Housing Property Services] / [Assistant Director of Community and Housing Services]
Tenant Recharges	To authorise tenant recharges where works have been carried out and deemed as tenant responsibility	Executive Committee	[Assistant Director of Environmental and Housing Property Services] / [Assistant Director of Community and Housing Services] / [Repairs & Maintenance and Capital Manager]
Local Lettings Plan	To agree and adopt future local lettings policies.	Executive Committee	[Assistant Director of Community and Housing Services] following consultation with the Portfolio Holder for Housing
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	[Assistant Director of Community and Housing Services] and/or [Assistant Director of Environmental and Housing Property], following consultation with the Portfolio Holder for Housing
Housing Revenue Account – Rent Setting	To establish a Hardship Fund of £50,000 per annum to support homelessness prevention and this to be met from the HRA budget 2025/26 onwards.	Council	[Deputy Chief Executive] and [Assistant Director Community & Housing] following consultation with the

SCHEME OF DELEGATION TO OFFICERS

	(*Added during the 2024/25 municipal year*)		Housing Portfolio Holder

LEGAL, DEMOCRATIC AND PROCUREMENT

1. Democratic Services - General

Subject	Detail	Delegated by:	Delegated to:
Constitution	To make minor variations to the form, but not the substance, of the Council's Constitution and associated documents where errors or omissions (previously approved) are found, including those of a grammatical and typographical nature.	Council	[Assistant Director of Legal, Democratic and Procurement 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.	[Assistant Director of Legal, Democratic and Procurement Services] following consultation with Portfolio Holder for Performance, Engagement and Governance
Committee Membership	To accept nominations and fill vacancies which arise in any Council-approved Committee membership.	Council / Executive Committee	[Assistant Director of Legal, Democratic and Procurement Services] following consultation with [Leader] / Group Leaders
Outside Bodies	To appoint Officer representatives to outside bodies.	Council	[Chief Executive] following consultation with [Leader] / Group Leaders
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 committee chairs, leader of the council and group leaders.
Petitions	To respond to Petitions, in accordance with the approved Protocol.	Council	[Monitoring Officer]/ [Chief Executive]/ [Deputy Chief Executive] / Directors / Relevant Officers

2. Democratic Services - Members

Subject	Detail	Delegated by:	Delegated to:
Members Allowances	To keep, maintain, and operate the Scheme of Allowances to Members.	Executive	[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], 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	[Director of Finance]
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	[Director of Finance]

3. Legal Services *(See also separate delegations in other Sections)*

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	[Assistant Director of Legal, Democratic and Procurement 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 [Assistant Director of Legal, Democratic and Procurement 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 [Assistant Director of Legal, Democratic and Procurement Services] or [Principal Solicitor].

CONSTITUTION PART 4 - Table 4.07 – Legal, Democratic and Procurement

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	[Assistant Director of Legal, Democratic and Procurement Services] and [Principal Solicitor]
Independent Person Selection	To make any future appointments to the role of independent person.	Council / Standards Committee	[Assistant Director of Legal, Democratic and Procurement 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	[Assistant Director of Legal, Democratic and Procurement 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.

Miscellaneous delegations	1) Where an Officer has delegated powers to issue legal proceedings, they are also authorised to take action to enforce any judgment obtained. 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 / Executive / Planning / Licensing Committees Council / Executive / Planning / Licensing Committees	[Any officer of the level of Assistant Director or above in consultation with the legal team. [Any officer of the level of Assistant Director or above in consultation with the legal team and 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	[Assistant Director of Planning, Leisure and Culture Services]

CONSTITUTION PART 4 - Table 4.07 – Legal, Democratic and Procurement

4. Monitoring Officer			
Subject	**Detail**	**Delegated by:**	**Delegated to:**
Constitution and Scheme of Delegation – amendments	1. To make amendments to the Scheme of Delegation and other areas of the Constitution in order to reflect changes in legislation or regulations, job titles and the reallocation of functions of the Council between departments, provided that the amendments do not extend or reduce the existing delegations or other powers and duties currently listed in the Constitution 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 Council	[Monitoring Officer] [Monitoring Officer]

LEISURE AND CULTURE

1. Leisure - General

Subject	Detail	Delegated by:	Delegated to:
Allotments – Notices to Quit, etc.	Day to day management of allotments including to grant, transfer and accept the termination of allotment tenancies.	Executive Committee.	[Assistant Director of Planning, Leisure and culture Services] / [Assistant Director of Environmental and Housing Property]
Play Areas	Day-to-day management of play areas	Executive Committee	[Assistant Director of Planning, Leisure and Culture 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	[Assistant Director of Planning, Leisure and Culture Services] for open spaces. Rubicon Leisure if their facilities
Annual Events	To approve the use of facilities for various annual events.	Executive Committee	[Assistant Director of Planning, Leisure and Culture Services], or other

			appropriate Assistant Director of Service

Sports Development	Day-to-day operation of Sports Development, and the setting of fees and charges for their activities.	Executive Committee	[Assistant Director of Planning, Leisure and Culture 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	[Assistant Director of Planning, Leisure and culture 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	[Assistant Director of Planning, Leisure and Culture 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]

PART 4 – TABLE 4.08 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	[Assistant Director of Planning, Leisure and Culture Services] following consultation with the appropriate Portfolio Holder.

2. Civic Suite Hire/

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	[Assistant Director of Regeneration and Property 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	[Assistant Director of Regeneration and Property Services] following consultation with relevant Portfolio Holder
Concessionary Use	To agree requests for concessionary use of the Civic Suite.	Executive Committee	[Assistant Director of Regeneration and Property Services] and his / her authorised Managers, following consultation with relevant Portfolio Holder.

3. 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	[Assistant Director of Planning, Leisure and Culture Services]
Playing Pitches	To grant hire agreements for the use of such facilities in line with the Budget and Policy Framework.	Executive	[Assistant Director of Planning, Leisure and Culture 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	[Director of Finance] and [Assistant Director of Planning, Leisure and Culture Services], in consultation with the relevant Ward Councillor

PLANNING & REGENERATION			
1. <u>Building Control</u>			
Subject	**Detail**	**Delegated by:**	**Delegated to:**
Applications	To approve or reject applications deposited under Building Regulations, except applications which require a relaxation of Reg. B1 (Means of Escape) and to determine matters arising from the following associated statutory provisions:- Highways Act 1989 (Sections 169, 172 & 173) Building Act 1984 (Sections 8, 15, 16, 18-30, 32, 33, 36, 71, 72 (1)(b), 80, 81.	Executive	[Assistant Director of Planning, Leisure and Culture Services]/ [Building Control Manager]
Taking Action	To take action as appropriate under the following enactments:- Public Health Act 1936 Section 262. Local Government (Miscellaneous Provisions) Act 1976 - Dangerous Excavations. Building Act 1984, Sections 77 and 78	Executive	[Assistant Director of Planning, Leisure and Culture Services]/ [Building Control Manager] As above [Assistant Director of Planning, Leisure and Culture Services]/ [Building Control Manager]/[Principal Solicitor]
Entering Premises	To enter premises for the purposes of enforcement and administering the Building Regulations and appropriate provisions of the Building Act 1984 as set out above and additionally Section 94.	Executive	[Assistant Director of Planning, Leisure and Culture Services]/ [Building Control Manager]
Issuing Notices	To issue notices of the Council's decisions on all applications and	Executive	[Assistant Director of Planning,

	submissions made to it on Building Control Matters.		Leisure and Culture Services]/ [Building Control Manager]
Serving Requisitions	To serve requisitions for Information under Section 16 of the Local Government (Miscellaneous Provisions) Act 1976.		[Assistant Director of Planning, Leisure and Culture Services]/ [Building Control Manager]
Fees & Charges	Council's Scheme of Charges under the Building (Local Authority Charges) Regulations 1998 - To vary the standard fee scales of the Local Government Association Model Scheme by up to plus or minus 10%.		[Assistant Director of Planning, Leisure and Culture Services] in consultation with the [Chief Executive]

2. Development Management / Plans

Subject	Detail	Delegated by:	Delegated to:
Development Proposals by other planning authorities	To comment on proposals for development submitted by Worcestershire County Council and other public authorities.	Council	Assistant Director of Planning, Leisure and Culture Services
Article 4 Directions.	To make Directions under Article 4(1) of the Town & Country Planning (General Permitted Development) Order 1995.	Planning Committee	Assistant Director of Planning, Leisure and Culture Services.
Development Plans	Preparation of scoping reports and consultation with statutory consultees as required in connection with the preparation of draft SPD Sustainability Appraisals.	Council	[Assistant Director of Planning, Leisure and culture Services] and/or [Strategic DevelopmentManager]

3. Development Management – Further Delegations			
National Scheme of Delegations			
Subject	**Detail**	**Delegated by**	**Delegated to**
National Scheme of Delegations – Regulation 3 – nominated members and officers	1. To act as the nominated officer under the Town and Country Planning (Discharge of Local Planning Authority Functions) (England) Regulations 2026 2. To act as the nominated member under the Town and Country Planning (Discharge of Local Planning Authority Functions) (England) Regulations 2026	Council Council	Assistant Director of Planning, Leisure and Culture Service or their nominated deputy Chair of Planning Committee or in his/ her absence Vice Chair of Planning Committee
National Scheme of Delegations – Regulation 4 – applications that must be determined by an officer (Schedule 1)	To determine planning applications set out in Schedule 1 of the Town and Country Planning (Discharge of Local Planning Authority Functions) (England) Regulations 2026 [See list of Schedule 1 delegations at Appendix 1.]	Council	Assistant Director of Planning, Leisure and Culture Service or their nominated deputy
National Scheme of Delegations – Regulation 5 – Applications that may be determined by a	1. To carry out the function of agreeing whether a Schedule 2 application referred to the Gateway Test should be determined	Council	Assistant Director of Planning, Leisure and Culture Service or their nominated deputy (acting as the

committee or by an officer – The Gateway Test		by officers under delegated powers or determined by Planning Committee based on the test in set out on grounds a. and b. of regulation 5(3) 2. To determine any application referred to the Gateway Test where agreement cannot be reached between the nominated officer and the nominated member	 Council	nominated officer) following consultation with Chair of Planning Committee or in his/ her absence Vice Chair (acting as the nominated member) Assistant Director of Planning, Leisure and Culture Service
Schedule 2 applications		(* from Schedule 2)		
Para no *	Subject	Detail	Delegated by	Delegated to
1, 2 and 3	Applications for listed building consent (under section 10(1) of the Listed Buildings Act Applications for variation or discharge of listed building consent under section 19(1) of the Listed Buildings Act Applications for planning permission connected to an application made under section 10(1) or 19(1) of	1. To determine applications described in paras 1, 2 and 3 of Schedule 2 which do not involve any of the following features: - a. Complete or significant demolition of a listed building. b. That are linked to planning application for dwelling houses where the number of houses to be provided is 10 or more. c. That are linked to a planning application for the provision of a building or buildings with a floor space of 1000 square metres or	Council	Assistant Director of Planning Leisure and Culture Services

	the Listed Buildings Act	more. 2. Any applications of the type identified in a., b. or c. above will be referred to the nominated officer and nominated member for consideration under the Gateway Test and shall be determined as follows: a. Where outcome of Gateway Test is referral for determination by Members at Planning Committee b. Where outcome of Gateway Test is for determination by officers	Council Council	Planning Committee Assistant Director Planning Leisure and Culture Services
4	Applications made under paragraph 4 of Schedule 2 (and not identified separately under any other provisions of Schedule 2)	To determine an application for planning permission that is not: a. A householder application b. A minor commercial application c. A minor residential application	Council	Planning Committee following agreement by the nominated officer and nominated member that the application meets either ground A or ground B in the Gateway Test. In all other cases, Assistant Director of Planning, Leisure and Culture Services
5	An application made under section 73 (1) of the Town and Country Planning Act 1990 - application to vary existing	1. To determine applications made under Section 73 (1).	Council	Planning Committee following agreement by the nominated officer and nominated member that the application meets either ground A or ground B in the

	planning conditions (where the original planning permission was a Schedule 2 Planning Permission)			Gateway Test. In all other cases, Assistant Director of Planning, Leisure and Culture Services.
6	Applications made under section 73A (1) of the Town and Country Planning Act 1990 – retrospective application for planning permission	1. To determine applications made under Section 73A (1) for schemes which meet the following definitions: - • A householder application • A minor commercial application • A minor residential application 2. Any other retrospective applications will be referred to the nominated officer and nominated member for consideration under the Gateway Test and shall be determined as follows: a. Where outcome of Gateway Test is referral for determination by Members at Planning Committee b. Where outcome of Gateway Test is for determination by officers	Council Council Council	Assistant Director Planning Leisure and Culture Services Planning Committee Assistant Director Planning Leisure and Culture Services

7	Applications to modify or discharge a planning obligation under (a) section 106A(1) or (b) section 106A(3)	1. To determine applications made under the Town and Country Planning Act 1990 to modify or discharge a planning obligation under section 106A(1) or section 106A(3) where the application is connected to a Schedule 2 approval.	Council	Planning Committee following agreement by the nominated officer and nominated member that the application meets either ground a or ground b in the Gateway Test. In all other cases, Assistant Director of Planning, Leisure and Culture Services.
8	Large outline permission – reserved matter approval application	To determine applications for reserved matters approvals in relation to a large outline permissions [involving the provision of 500 or more dwellings or the provision of a building or buildings where the floorspace to be created by the development is 50,000 square metres or more]	Council	Planning Committee following agreement by the nominated officer and nominated member that the application meets either ground a or ground b in the Gateway Test. In all other cases, Assistant Director of Planning, Leisure and Culture Services.
9	Applications for advertisement consent made under section 9 (1) of the Town and Country Planning (Control of Advertisements) (England) Regulations 2007	1. To determine applications made under Section 9 (1) which do not involve any of the following features: - • Public safety objection from the Highway authority • Objection from a statutory consultee (including Conservation Officer)		Assistant Director Planning Leisure and Culture Services

		2. Any applications not falling under paragraph (1) will be referred to the nominated officer and nominated member for consideration under the Gateway Test and shall be determined as follows: a. Where outcome of Gateway Test is referral for determination by Members at Planning Committee b. Where outcome of Gateway Test is for determination by officers		Planning Committee Assistant Director Planning Leisure and Culture Services
10	Applications for consent to carry out works on or remove trees protected by TPOs (under regulation 16.1 of the Town and Country Planning (Tree Preservation) (England) Regulations 2012	SEE SEPARATE DELEGATIONS UNDER ENVIRONMENT SERVICES FOR TREES		
Own-Interest Applications				
Subject		Detail	Delegated by	Delegated to
Own Interest Applications as defined by Regulation 6 of the Town and Country Planning (Discharge of		To carry out the function of agreeing whether an own-interest application should be determined by Planning Committee or referred for an officer delegated	Council	Assistant Director of Planning, Leisure and Culture Service or their nominated deputy (acting as the

Local Planning Authority Functions) (England) Regulations 2026	decision		nominated officer) following consultation with Chair of Planning Committee or in his/ her absence Vice Chair (acting as the nominated member)
National Scheme of Delegations – Regulation 6 – additional classes of own interest under Regulation 6 (1) (b)	To discharge the function of identifying whether the authority, a member of the authority, or an officer of the authority "otherwise" has an interest in an application under Regulation 6 (1) of the Town and Country Planning (Discharge of Local Planning Authority Functions) (England) 2026	Council	Assistant Director of Planning, Leisure and Culture Service or their nominated deputy following consultation with Chair of Planning Committee or in his/ her absence Vice Chair

Relating to functions not listed in Schedule 1 or Scheule 2 or in other parts of Scheme of Delegations			
Subject	Detail	Delegated by	Delegated to
Decisions in relation to planning applications / functions for matters not listed in Schedule 1 or 2, or specifically identified in the Scheme of Delegations **For the avoidance of doubt this section applies only to planning functions which are not listed in either Schedule 1 or Scheule 2 or not**	1. To make decisions relating to planning applications / planning functions not listed in Schedule 1 or 2, or specifically identified in the Scheme of Delegations 2. To determine applications which in the opinion of the Assistant Director of Planning, Leisure and Culture Services following consultation with the Chair or Vice Chair of Planning Committee should	Council Council	Assistant Director of Planning, Leisure and Culture Services following consultation with the Chair or Vice Chair of Planning Committee. Planning Committee

specifically mentioned elsewhere in the Scheme of Delegations	considered by Planning Committee		

Additional general delegations			
Development Proposals by other Public Authorities.	To comment on proposals for development submitted by Worcestershire County Council and other public authorities.	Council.	Assistant Director of Planning, Leisure and Culture Services.
Entry of Premises - Proper Officer.	To be designated as the Proper Officer for the purposes of authorising persons to enter onto land in connections with the exercise of functions under sections, 324 and 325 of the Town & Country Planning Act 1990.	Planning Committee.	Assistant Director of Planning, Leisure and Culture Services.
Inspection Notices.	To serve notices of intended inspection under sections, 324 and 325 of the Town and Country Planning Act 1990.	Planning Committee.	Principal Solicitor.
Landscaping Schemes.	To approve landscaping/tree planting schemes submitted as a result of planning permissions subject to such conditions as may be appropriate.	Planning Committee.	Assistant Director of Planning, Leisure and Culture Services.
Planning Agreements and Unilateral Undertakings.	To negotiate with developers and to approve the amounts to be received by the Council as financial contributions in lieu of on-site provision of affordable housing or recreational facilities/open space and as contributions towards the costs of highways works, educational provision or any other kind of provision by the Council or County Council.	Planning Committee.	Assistant Director of Planning, Leisure and Culture Services.

Planning Agreements and Unilateral Undertakings.	To negotiate the legal, drafting and all terms of the agreements and undertaking, except for those which involve planning gain, restriction of the development or use of the land, obligations relating to the land and financial contributions. To execute and complete planning agreements.	Planning Committee. Planning Committee.	Principal Solicitor. Principal Solicitor.
Planning Agreements and Unilateral Undertakings.	To approve the enforcement of a planning obligation.	Planning Committee.	Assistant Director of Planning, Leisure and Culture Services.
Use of conditions	To impose conditions on applications which have been approved by the Planning Committee contrary to the Planning Officer's recommendation where such conditions are: a. Necessary. b. Relevant to planning. c. Relevant to the development which has been applied for. d. Enforceable. e. precise and f. Reasonable in all other aspects.	Planning Committee.	Assistant Director of Planning, Leisure and Culture Services.
Appeals.	To take all action to defend the Council where there has been an appeal against a refusal to grant planning permission, listed building consent, conservation area consent or any appeal arising out of the taking of	Planning Committee.	Assistant Director of Planning, Leisure and Culture Services in consultation with the Principal Solicitor.

	enforcement action		
Revocation and modification of certain applications	• To revoke or modify planning permissions under section 97 of the Town and Country Planning Act 1990 (planning applications and permissions in principle) • To revoke or modify listed building consent under section 23 of Planning (Listed Buildings & Conservation Area Acts) 1990	Planning Committee.	Assistant Director of Planning, Leisure and Culture Services.
Completion Notice.	To authorise and serve a completion notices under section 93H of the Town and Country Planning Act 1990	Planning Committee.	Assistant Director of Planning, Leisure and Culture Services.
Declining Planning Applications.	To decide to decline to determine application on the grounds set out in sections 70A and 70B of the Town and Country Planning Act 1990 and sections 81A and 81B of the Planning (Listed Buildings & Conservation Area Acts) 1990.	Planning Committee.	Assistant Director of Planning, Leisure and Culture Services.

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

	To agree a discounted rate for bulk orders, judged on a case-by-case basis.		Shared Prosperity Manager] []
Regeneration - Redditch Market:			
Day-to-day Management	To deal with the day-to-day management of the Redditch Market including the letting of stalls, kiosks and pitches.	Executive	[Head of Assistant Director of Regeneration and Property]
Fees & Charges The setting Committee.	The setting of fees / rents as published in the "Fees and Charges" booklet, or as agreed by the Executive Committee.	Executive	[Assistant Director of Regeneration and Property]
Refund of Fees	To deal with the refund of fees / rents due to inclement weather or, in other exceptional circumstances.	Executive	[Assistant Director of Regeneration and Property], in consultation with [Chief Executive]
Disruption Discount	To apply discounts to Redditch Market stall fees in cases where significant disruption to trading is experienced, up to a maximum of 50% of the otherwise applicable fee	Executive	[Assistant Director of Regeneration and Property]
Charity Stalls	To allocate up to two stalls per day free of charge to charitable / not for profit organisations when stalls are not required by licensed or casual traders.	Executive	[Assistant Director of Regeneration and Property]

4. Assets of Community Value

Subject	**Detail**	**Delegated by:**	**Delegated to:**
Community Right to Bid – Assets of Community Value	To manage the application process for Assets of Community Value in accordance with Council policy.	Executive	[Assistant Director of Planning, Leisure and Culture Services]

	To assess and decide compensation claims	Executive	[Assistant Director of Planning, Leisure and Culture Services]

5. Nationally Significant Infrastructure Project – Arrow Valley Solar

Subject	Detail	Delegated by:	Delegated to:
Arrow Valley Solar – Nationally Significant Infrastructure Project (NSIP under the Planning Act 2008)	1. To make representations and/or respond to consultations and engagement, from the Applicant and the Planning Inspectorate during all stages of the Development Consent Order process for the Arrow Valley Solar Project. 2. To permit the necessary Officers to attend the Preliminary Meeting, hearings, prepare and give evidence, as is required, during the examination of the Development Consent Order. 3. To deal with post-decision matters (if the Development Consent Order is granted for the Arrow Valley Solar Project).	Council	[Assistant Director of Planning, Leisure and Culture Services] following consultation with the Leader. [Assistant Director of Planning, Leisure and Culture Services] [Assistant Director of Planning, Leisure and Culture 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 determine renewal 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.

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.
- Animal Welfare Act 2006.
- Gambling Act 2005.
- Licensing Act 2003.

- Local Government (Miscellaneous Provisions) Acts 1976 and 1982.
- Town Police Clauses Act 1847.
- Zoo Licensing Act 1981.

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:

<u>Hackney Carriage and Private Hire Drivers</u>

- Determination of applications where the applicant does not meet the Council's application criteria.

- Revocation of a driver's licence except, where revocation is required with immediate effect due to actions of the driver meeting one of the three tests set out below, namely that since the grant of the licence they have:-

  (i) been convicted of an offence involving dishonesty, indecency or violence; or
  (ii) been convicted of an offence under or has failed to comply with the provision of the Act of 1847 or section 61 of the Local Government (Miscellaneous Provisions) Act 1976; or
  (iii) any other reasonable cause.

In such circumstances the Head of Worcestershire Regulatory Services, in consultation with the Council's Legal Department, will have the delegated authority to immediately revoke a driver's licence.

Where these delegated powers are used the following provisions shall apply: -

(i) The Chair/ Vice Chair of the Council's Licensing Committee will be notified as soon as is reasonably practicable; and
(ii) Details of the revocation of the licence will be reported to the next meeting of the Council's Licensing Committee.

<u>Hackney Carriage and Private Hire Vehicles</u>

- 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.

  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

PART 4 – TABLE 4.10 – Reg Services

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.
- 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.
- 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.

2. ENVIRONMENTAL HEALTH

HEAD OF REGULATORY SERVICES (WORCESTERSHIRE REGULATORY SERVICES)

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

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

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

RS2

Accommodation Agencies Act 1953.
Administration of Justice Act 1970 (Section 40).
Agriculture (Safety, Health & Welfare Provisions) Act 1956.
Agriculture Act 1970.
Agriculture Produce (Grading & Marking) Acts 1928 & 1931.
Animal Boarding Establishments Act 1963.
Animal By-Products Regulations 2005.
Animal Health & Welfare Act 1984.
Animal Health Act 1981.
Animal Health Act 2002.
Animal Welfare Act 2006.
Animals and Animal Products (Import & Export) (England) Regs 2006.
Anti-Social Behaviour Act 2003.
Avian Influenza (Preventative Measures)(England) Regulations 2006.
Avian Influenza (Vaccination)(England) Regulations 2006.

Biofuel (Labelling) Regulations 2004.
Bluetongue Regulations 2008.
Breeding and Sale of Dogs (Welfare) Act 1999.
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.
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.
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.
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.
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.

3. ENVIROCRIME AND PLANNING ENFORCEMENT

HEAD OF REGULATORY SERVICES (WORCESTERSHIRE REGULATORY SERVICES)

(i) In accordance with the Agreement for the Provision of Additional Shared Services dated 28th May 2025, the Council has delegated to the Head of Worcestershire Regulatory Services the discharge of the additional duties and functions listed below arising out of the legislation set out in Appendix RS 3.

Undertaking inspections and investigation of complaints

(a) Signing and service of notices
(b) Signing and issuing, revoking and varying, any licence, permit, order or other document
(c) Executing, or arranging for the execution of, works in default
(d) The exercise of powers of entry
(e) The engagement of specialist advisors/contractors to support/ supplement service activity
(f) To determine the most suitable disposal following investigation (including use of written warnings, Fixed Penalty Notices and Cautions), or to refer matters to legal services for consideration for commencing prosecutions
(g) The obtaining of warrants of entry

Arising out of or in connection with the following: -

- Planning Enforcement
- Community Protection Warnings and Notices in respect of waste issues or planning only
- Fly-tipping

- Dog Fouling
- Littering
- Duty of Care for Waste

(ii) The Head of Regulatory Services 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.

RS3

Town and Country Planning Act 1990 (as amended).
Town and Country Planning (Control of Advertisement) Regulations 2007.
Planning (Listed Buildings and Conservation Areas) Act 1990.
Environment Protection Act 1990.
Anti-Social Behaviour, Crime and Policing Act 2014 (sections 43-58).
Clean Neighbourhoods and Environment Act 2005.
Control of Pollution (Amendment) Act 1989.

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PART 4 – TABLE 4.11 - Resources

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	[Assistant Director of Finance 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	[Director of Finance] and Revenue Services Manager
Debt Collection / Recovery	To collect and recover all debts, except housing rents.	Executive Committee	[Assistant Director of Finance 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	[Director of Finance s]
Council Tax Support Scheme	To carry out statutory consultation on draft Council Tax Support Schemes in accordance with legislative guidelines.	Council	[Assistant Director of Finance and Customer Services] following consultation with the [Portfolio Holder]
Discretionary Rate Relief	To grant applications under the Non-Domestic Rates – Discretionary Rate Relief Scheme recommended for approval by Executive Committee on 11th February	Executive Committee	Assistant Director of Finance and Customer Services and the Welfare

PART 4 – TABLE 4.11 - Resources

	2004 where within budget with reference to Section 47 of the Local Government Finance Act 1988.		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	[Director of Finance] 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	[Director of Finance]
Offences under Social Security Administration Act	To administer formal cautions for offences under the Social Security Administration Act 1992.	Executive Committee	[Assistant Director of Finance 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	Assistant Director of Finance and Customer Services and the Welfare Support Manager
Essential Living Allowance	To administer the Essential Living Allowance scheme in accordance with Council Policy (agreed 12th March 2013)	Executive Committee	[Assistant Director of Finance and Customer Services] and [Assistant Director of Community and Housing Services]
Stock Exchange Transactions	To seal Stock Exchange Transactions.	Executive Committee	[Director of Finance]
Investment of Balances	To invest balances, other and special funds.	Executive Committee	[Director of Finance]
Investments	To determine action to be taken in respect of the Council's funds invested by approved external Fund Managers.	Executive Committee	[Director of Finance]
Legal	In respect of rates, Council Tax, penalties	Executive	[Director of

PART 4 – TABLE 4.11 - Resources

Processes- Rates, Council Tax , NNDR	and the National Non-Domestic Rate and representation in the Valuation Tribunal, Issue of all legal processes, including applications for committal.	Committee	Finance] and Assistant Director of Finance and Customer Services
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	[Assistant Director of Finance and Customer Services]
Borrowing	To borrow money.	Executive Committee	[Director of Finance]
Applications under LG Finance Act	To determine applications under Sections 43, 45, 49 and 64 of the Local Government Finance Act 1988.	Executive Committee	[Assistant Director of Finance and Customer Services]
Insolvency Procedures	To commence insolvency procedures, both against individuals and companies.	Executive Committee	[Assistant Director of Finance 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	[Assistant Director of Finance and Customer Services]/ [Director of Finance
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	[Assistant Director of Finance and Customer Services] / Director of Finance
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	[Director of Finance]
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	Executive Committee	[Assistant Director of Financial and Customer Services] /

PART 4 – TABLE 4.11 - Resources

	(Bankruptcy and Liquidation).		Director of Finance
Debts – Write-off - Irrecoverables	To write off debts due to the Council in accordance with Council policy.	Executive Committee	[S151 Officer] and Assistant Director of Finance and Customer Services in consultation with other relevant Directors
Deputy Money Laundering Officer	To appoint a Deputy Money Laundering Officer to act in absence of Director of Finance	Council	[Deputy S151 Officer]
Budgetary Control	1) To incur normal revenue expenditure, in accordance with Financial Procedure Rules and within the terms of budgets set by the Council.	Council / Executive Committee	[Chief Executive] / [Deputy Chief] Executive / Directors
	2) To approve and submit tenders on behalf of the Council up to a value of £250,000. The inclusion of an item in the capital programme shall not confer authority to incur expenditure until a financial report in a form specified in the Council's Procedure rules has been submitted to and approved by the Executive Committee.	Executive Committee	[Chief Executive] / [Deputy Chief] Executive/ Directors
	3) To adopt revised Statutory Fees and Charges, in cases where the Council has no discretion, subject to their annual notification to Members as part of the Fees and Charges Review report.	Executive Committee	[Chief Executive] / [Deputy Chief Executive]/ Directors /
	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 /
Tenders and Contracts	1) To invite tenders for contracts from the approved list in the case of selective tendering where provision had been	Executive Committee	[Chief Executive]/[Deputy Chief Executive]/

PART 4 – TABLE 4.11 - Resources

	made for those items within the revenue budget and capital budget.		Directors / Directors
	2) Subject to Contract Procedure Rules**,** to engage the services of consultants operating within their own sphere of professional competence.	Executive Committee	[Chief Executive]/ [Deputy Chief Executive] / Directors/ Various
	3) (In instances where professions in other Directorates are involved, the Director of that Directorate is to be contacted to establish whether the necessary expertise is available in-house and, if not, to advise and engage outside consultants accordingly.	Council	Various
	4) If there is no available professional advice within the Council the Director is authorised to seek appropriate consultants direct.)	Council	Various
	5) Further separate delegations under the Contract Procedure Rules.	Council	
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 following consultation with the ward member
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

PART 4 – TABLE 4.11 - Resources

2. Property, Assets and Facilities Management - Estates & Valuation

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

Leased Properties	satisfactory references.	Committee	Regeneration and Property] / [Principal Solicitor]
Rent Review Notices	To serve Rent Review Notices and agree new rents where proposal is to review rent to market value.	Executive Committee	[Assistant Director of Regeneration and Property]
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]
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	[Assistant Director of Regeneration and Property]
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	[Assistant Director of Regeneration and Property]
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	[Assistant Director of Regeneration and Property] / [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 Assistant Director of Legal, Democratic and Procurement Services / Assistant Director of Customer Access and Financial Support to include that vacant possession be granted to Council on determination of the lease.	Executive Committee	[Assistant Director of Regeneration and Property] with [Assistant Director of Legal, Democratic and Procurement 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	[Assistant Director of Regeneration and Property] /

PART 4 – TABLE 4.11 - Resources

			[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 Directors / Managers
	2) To seek Planning Permission on behalf of the Council.	Council	Directors, subject to prior consultation with Ward Members

PART 4 – TABLE 4.11 - Resources

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] / [Assistant Director of Finance and Customer Services]
'Minor Land' * Sales	** 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.* To conduct and conclude negotiations for the sale of the freehold or leasehold interest of any land or property falling within the limits described above (or such limit that may be revised at any time by the Executive Committee, to reflect rising prices).	Executive Committee	[Assistant Director of Finance and Customer Services]/ [Principal Solicitor]
Dedication of Council Land	To approve, and complete documentation in respect of, the dedication of Council land for the purposes of either footpaths, bridleways, cycle routes or roads, as requested in consultation with Worcestershire County Council.	Executive Committee	[Principal Solicitor]
Public Open Space	To accept, on behalf of the Council, land for Public Open Space, or land for other public purposes, in connection with the provisions of Section 106 of the Town & Country Planning Act 1990, or Section 111 of the Local Government Act 1972, following consultation with other appropriate Officers.	Executive Committee	[Assistant Director of Finance and Customer Services] / [Principal Solicitor]

4. Right to Buy

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	[Assistant Director of Finance and Customer Services]
Notices re Right to Buy	To serve notices in association with the Right to Buy Scheme.	Executive Committee	[Assistant Director of Finance 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	[Assistant Director of Finance and Customer Services]
Repayment of Discount	To refuse (but not to agree) to waive the Council's entitlement to repayment of discount.	Executive Committee	[Assistant Director of Finance 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	[Assistant Director of Finance and Customer Services]

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]

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 re-structures 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

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.

COUNCIL PROCEDURE RULES

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1. ANNUAL MEETING OF THE COUNCIL

1.1 Timing and business

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

The Annual Meeting will:

(a) elect a person to preside if the Mayor is not present;

(b) elect the Mayor;

(c) elect the Deputy Mayor;

(d) approve the minutes of the last meeting;

(e) receive any announcements from the Mayor, Leader and/or Chief Executive;

(f) elect the Council Leader;

(Any political party represented on the Council may appoint a Leader and a Deputy Leader of that party from time to time and, on notification of the name of such persons in writing to the Chief Executive, such persons shall be so recognised by the Council.)

(h) appoint such committees, sub-committees etc. as the Council considers appropriate to deal with matters which are neither reserved to the Council nor are Executive Committee functions (as set out in the tables in Part 3 of this Constitution);

(i) consider any business set out in the notice convening the meeting.

1.2 Selection of Councillors on Committees and Outside Bodies

At the Annual Meeting, the Council will:

(a) decide which committees to establish for the municipal year;

(b) decide the size and terms of reference for those committees;

(c) decide, where appropriate, the allocation of seats to political groups in accordance with the political balance rules;

(d) receive nominations of councillors to serve on each outside body and appoint to those outside bodies except where appointment to those bodies has been delegated by the Council or is exercisable only by the Executive Committee; details of ‘ex officio’ appointments will be set out on the agenda.

2. **ORDINARY MEETINGS**

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

Ordinary meetings will:

(a) elect a person to preside if the Mayor and Deputy Mayor are not present;

(b) approve the minutes of the last meeting;

(c) receive any declarations of interest from members;

(d) receive any announcements from the Mayor and/or the Head of Paid Service;

(e) receive any announcements from the Leader;

(f) deal with any business from the last Council meeting;

(g) deal with questions on notice from members of the Council, in the order in which they have been received;

(h) ~~receive minutes and/or reports from the Audit & Governance Committee~~;

(i) consider reports and/or recommendations from the Executive Committee including any proposals in relation to the Council's Budget and Policy Framework;

(j) receive minutes from the Executive Committee for information only and receive and answer questions on matters of clarification;

(k) ~~consider and (where appropriate) respond to recommendations from the Standards Committee~~;

(l) consider recommendations from and (where appropriate) respond to any other Committees of the Council;

(m) receive and consider reports from officers of the Council;

(k) receive reports about the business of joint arrangements and external organisations and answer questions on matters of clarification;

(n) consider motions (in the order in which they have been received);

(o) consider any other business specified in the summons to the meeting;

(p) to carry out all other matters, by law, which must be reserved to the Council;

(q) to consider urgent items of business not specified on the summons to the meeting pursuant to paragraph 14 below;

(r) other than items under sub-paragraphs (a) – (c), the order of business may be varied by the Mayor or by Council resolution.

3. EXTRAORDINARY MEETINGS

Calling extraordinary meetings

3.1 Any five members of the Council may sign a requisition and present it to the Mayor requesting him/her to convene an extraordinary meeting of the Council subject to paragraph 3.3 below.

3.2 A requisition presented under paragraph 3.1 must include details of the business it is proposed should be considered at the extraordinary meeting. In any event that business should:

(i) be about a matter for which the local authority has a responsibility or which affects the Borough of Redditch;

(ii) not be defamatory; frivolous or offensive;

(iii) not be substantially the same as a question which has been put at a meeting of the Council in the past six months;

(iv) relate to functions which are the responsibility of the full Council or the committee or sub-committee to which the question is directed;

(v) be of a strategic nature; or

(vi) relate to the Budget and Policy Framework; or

(vii) relate to functions undertaken by the Council; or

(viii) not be business which could more appropriately be dealt with by an officer.

3.3 On receiving a requisition under paragraph 3.1 the Mayor may:

(a) convene an extraordinary meeting of the Council to take place on a date not later than 14 days after the date of requisition, or on such other date as agreed between the Mayor and the signatories to the requisition; or

(b) in consultation with the Chief Executive and Monitoring Officer, refer the matter to the next available meeting of the Council if the Mayor is of the opinion that the business specified in the requisition is not so urgent as to require the calling of an extraordinary meeting; or

(c) in consultation with the Chief Executive and Monitoring Officer refer the matter to the next available meeting of the Executive or other committee if the Mayor is of the opinion that the business specified in the requisition could be more appropriately be dealt with in that manner; or

(d) decline to convene an extraordinary meeting if the Mayor, in consultation with the Chief Executive and Monitoring Officer, considers that the business specified in the requisition does not meet the requirements of paragraph 3.2.

3.4 The Chief Executive may call Council meetings in addition to ordinary meetings.

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

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

3.6 **Business**

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

4. TIME AND PLACE OF MEETINGS

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

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

5. NOTICE OF AND SUMMONS TO MEETINGS

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

6. CHAIRING THE MEETING

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

6.2 Where these rules provide for a maximum time to be devoted to an item or speech or other process, the Mayor may, if the Mayor and the majority of the

members present agree, extend that time if it is felt appropriate in the interests of effective conduct of Council business.

6.3 Any ruling of the Mayor shall not be challenged.

7. QUORUM

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

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

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

8. ADVICE FROM OFFICERS

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

9. QUESTIONS BY MEMBERS / MEMBERS OF THE PUBLIC

On reports of the Executive Committee or committees

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

Questions on notice

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

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

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

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

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

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

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

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

Notice of questions

9.3 A person may only ask a question under Rule 9.2 if either:

(a) he/she has given at least 5 clear working days' notice of the question to the Monitoring Officer; or

(b) if the question relates to urgent matters, he/she has the consent of the Mayor and the member to whom the question is to be put, and the content of the question is given to the Chief Executive not less than 2 hours before the start of the meeting.

Questions which may not be asked

9.5 The Chief Executive may reject a question

(a) if it is not about a matter for which the local authority has a responsibility or which affects the Borough of Redditch;

(a) is defamatory; frivolous or offensive;

(b) is substantially the same as a question which has been put at a meeting of the Council in the past six months;

(d) does not relate to functions which are the responsibility of the full Council or the committee or sub-committee to which the question is directed;

(e) it is not of a strategic nature;

(f) it does not relation to functions undertaken by the Council;

(g) it relates to specific planning or licensing applications; or

(h) the question could more appropriately be dealt with by an officer.

Reading the question at the meeting

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

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

Response

9.7 An answer may take the form of:

(a) a direct oral answer;

(b) where the desired information is in a publication of the Council or other published work, a reference to that publication; or

(c) where the reply cannot conveniently be given orally, a written answer circulated later to the questioner.

Supplementary question

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

Time limit for questions

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

10. ANNOUNCEMENTS

10.1 Subject to the Mayor's discretion, each person entitled to make an announcement may speak for a total of five minutes.

10.2 Announcements must not relate to items on the agenda or exempt or confidential items.

10.3 In respect of the Leader's announcements only, members may ask questions by way of clarification. Up to five minutes in total may be devoted to members' questions to the Leader on his/her announcements.

11. MOTIONS ON NOTICE

Notice

11.1 Except for procedural motions which can be moved without notice under Rule 12, written notice of every motion shall be delivered to the Monitoring Officer by post or by electronic means not later than close of business 9 clear working days before the date of the meeting.

11.2 No member shall be a signatory to more than one Notice of Motion on each agenda. Each Notice of Motion must clearly state the name of the Member submitting it.

11.3 The Monitoring Officer will maintain a record of all Notices received.

Motion set out in agenda

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

Scope

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

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

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

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

Rejection of Notices of Motion

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

(a) the scope of the motion exceeds that set out in Rule 11.5 above

(b) it is defamatory, frivolous or offensive,

(c) it is substantially the same as one submitted within the previous six months;

(d) it requests the Council to make a decision which is outside the powers or responsibility of the full Council;

(e) it is not of a strategic nature;

(f) it does not relate to functions undertaken by the Council.

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

Deferment of Motions

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

Referral of Motions

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

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

11.10 If a Notice of Motion is referred to an officer, the Monitoring Officer will inform the Council on the agenda of the contents of any Notice of Motion referred to the Executive Committee or a committee or an officer and, where appropriate,

of the timescales within which the officer will respond to the author of the Notice of Motion.

11.11 The Monitoring Officer will inform the member who submitted the Notice of Motion what action has been taken pursuant to Rules 11.6 to 11.10 above.

Time Limit for Consideration of Motions on Notice

11.12 At each meeting up to one hour shall be allowed for consideration of all Motions on Notice. This may only be exceeded with the agreement of the Council.

12. PROCEDURAL MOTIONS WITHOUT NOTICE

The following procedural motions may be moved without notice:

(a) to appoint a Chair for the meeting at which the motion is moved;

(b) in relation to the accuracy of the minutes;

(c) to change the order of business in the agenda;

(d) to refer something to an appropriate body or individual;

(e) to appoint a committee or member arising from an item on the summons for the meeting;

(f) to receive reports or adoption of recommendations of committees or officers and any resolutions following from them;

(g) to withdraw a motion;

(h) to amend a motion;

(i) to proceed to the next business;

(j) that the question be now put to the vote;

(k) to adjourn a debate;

(l) to adjourn a meeting;

(m) to suspend a particular council procedure rule;

(n) to exclude the public and press in accordance with the Access to Information Rules;

(o) to not hear further a member named under Rule 18.3 or to exclude them from the meeting under Rule 18.4; and

(p) to give the consent of the Council where its consent is required by this Constitution.

13. **MOTIONS - RULES OF DEBATE**

No speeches until motion seconded

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

Right to require motion or amendment in writing

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

13.3 **Seconder's speech**

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

13.4 **Content and length of speeches**

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

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

4 minutes – standard duration
5 minutes – mover of Motion / summing up.

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

13.5 **When a member may speak again**

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

(a) to move an amendment

(b) to speak once on an amendment moved by another member;

(c) if his/her first speech was on an amendment moved by another member, to speak on the main issue (whether or not the amendment on which he/she spoke was carried);

(d) in exercise of a right of reply;

(e) on a point of order; and

(f) by way of personal explanation, or

(g) to give notice of a further amendment.

13.6 **Amendments to motions**

(a) An amendment to a motion must be relevant to the motion and will either be:

(i) to refer the matter to an appropriate body or individual for consideration or reconsideration;

(ii) to leave out words;

(iii) to leave out words and add others; or

(iv) to add words;

so long as the effect of (ii) to (iv) is not to negate the motion (in other words the same outcome could be achieved by voting against the Motion).

(b) Only one amendment may be moved and discussed at any one time. No further amendment may be moved until the amendment under discussion has been disposed of.

(c) If an amendment is not carried, other amendments to the original motion may be moved.

(d) If an amendment is carried, the amended motion takes the place of the original motion. This becomes the substantive motion to which any further amendments are moved.

(e) After an amendment has been carried, the Mayor will read out the amended motion before accepting any further amendments, or if there are none, put it to the vote.

13.7 **Alteration of motion**

(a) An alteration to a motion must be either:

(i) to refer the matter to an appropriate body or individual for consideration or reconsideration;

(ii) to leave out words;

(iii) to leave out words and add others;

(iv) to add words;

so long as the effect of (ii) to (iv) is not to negate the motion (in other words the same outcome could be achieved by voting against the motion).

(b) A motion may be altered before it has been moved by the Member who submitted the motion (or another Member on his/her behalf) if the majority of those present agree.

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

13.8 **Withdrawal of motion**

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

13.9 **Right of reply**

(a) The mover of a motion has a right to reply at the end of the debate on the motion, immediately before it is put to the vote.

(b) If an amendment is moved, the mover of the original motion has the right of reply at the close of the debate on the amendment.

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

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

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

13.11 **Closure Motions**

(a) A member may move, without comment, the following motions at the end of a speech of another member:
    (i) to proceed to the next business;
    (ii) that the question be now put to the vote;
    (iii) to adjourn a debate; or
    (iv) to adjourn a meeting.

(b) If a motion to <u>proceed to next business</u> is seconded and the Mayor thinks the item has been sufficiently discussed, he/she will give the mover of the original motion a right of reply and then put the procedural motion to the vote.

(c) If a motion that the <u>question now be put</u> to the vote is seconded and the Mayor thinks the item has been sufficiently discussed, he/she will put the procedural motion to the vote. If it is passed he/she will give

the mover of the original motion a right of reply before putting his/her motion to the vote.

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

13.12 **Point of order**

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

13.13 **Personal explanation**

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

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

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

14. CONSIDERATION OF RECOMMENDATIONS FROM EXECUTIVE COMMITTEE AND REPORTS

14.1 Each report or recommendation from Executive Committee will be presented by the Leader, or other member of the Executive Committee.

14.2 The member of the Executive Committee presenting the report or recommendation may, with the consent of the Mayor, respond to all questions raised or points made during the debate.

14.3 The member of the Executive Committee presenting the report or recommendation has a right to reply at the end of the debate on the recommendation immediately before it is put to the vote.

14.4 The member of the Executive Committee presenting the report or recommendation may alter or amend the recommendation if the majority of

members present agree, provided such alteration or amendment is one which could be made as an amendment to a motion under Rule 13.6.

14.5 An amendment to a report or recommendation from Executive Committee may be made provided such amendment is one which could be made as an amendment to a motion under Rule 13.6 and the procedure set out in Rule 13 insofar as it applies to amendments to motions shall apply to amendments to recommendations from Executive Committee.

Speeches shall be subject to the standard timings indicated at Rule13.4 above.

Resolved Items

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

15. PREVIOUS DECISIONS AND MOTIONS

Motion to rescind a previous decision

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

16. URGENT ITEMS

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

17. VOTING

Majority

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

17.2 Changes to the Constitution shall be decided by a majority of the whole number of members present.

Mayor's casting vote

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

Show of hands

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

Named vote

17.5 If any member present at the meeting demands it, the names for and against the matter to be decided or abstaining from voting will be taken down in writing and entered into the minutes. A demand for a Named Vote must be made before the Mayor calls for a show of hands.

17.6 In the interests of the efficient conduct of the meeting the Mayor shall decide how such a demand shall be administered. The ruling of the Mayor shall be final and not subject to debate or discussion.

17.7 Immediately after any vote is taken on a budget or Council Tax decision at a budget decision meeting of the Council, the names of those who voted for or against the motion or abstained shall be recorded.

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

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

17.9 **Voting on appointments**

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

18. **MINUTES**

Signing the minutes

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

No requirement to sign minutes of previous meeting at extraordinary meeting

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

Form of minutes

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

19. **EXCLUSION OF PUBLIC**

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

20. **MEMBERS' CONDUCT**

Respect for Chair

20.1 When a member speaks at full Council he/she must address the meeting through the Mayor unless the Mayor agrees or directs otherwise.

20.2 Whenever the Mayor speaks during a debate, a member then speaking, and the other members of the Council, shall be silent.

Member not to be heard further

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

Member to leave the meeting

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

General disturbance

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

21. DISTURBANCE BY PUBLIC

Removal of member of the public

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

Clearance of part of meeting room

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

22. PUBLIC INVOLVEMENT IN COUNCIL MEETINGS

Public Speaking

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

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

off extraordinary meetings of the Council (unless called specifically for the purpose of considering such Petition or Deputation), or meetings which fall within a formal Election period.)

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

Presentation of Petitions at Council Meetings

22.3 Petitions may be presented at a meeting of the Council in accordance with the Council's approved Petitions protocol.

22.4 Petitions may be considered in conjunction with the Council's arrangements for Deputations, detailed separately below.

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

Hearing of Deputations

22.5 Any person may ask that a deputation be received by a meeting of the Council. Such a request shall be made to the Chief Executive at least 9 clear working days before the meeting. The person making the request shall indicate the matter to which the request relates, the number (which shall not be more than five), of names and addresses of the persons who will form the deputation, and the member or members of the deputation who will speak for them.

For the purposes of speaking to make a deputation at a meeting of Council, speakers may address Council by one of the options below:-

- By attending in person and addressing the committee verbally;
- By joining the meeting virtually by video link and addressing the committee verbally; or
- By providing a written statement in advance of the meeting to be read out by an officer (such statement to be provided at least 9 working days before the meeting).

22.6 On being called by the Mayor, the person or persons speaking for the deputation may make such remarks as he/she or they think fit, (provided that the remarks shall relate to the matter indicated when the request was made, and that the remarks do not constitute a personal attack upon any person). The person or persons speaking for the deputation shall be heard in silence. Alternatively, the written statement of the speaker will be read out by an officer.

22.7 Members of the Council may ask questions to the members of the deputation who are present in the meeting either physically or virtually. Such questions

shall be asked and answered without discussion. Unless the Mayor decides otherwise, not more than 15 minutes will be allowed to deal with all Deputations at a given Council meeting.

23. SUSPENSION AND AMENDMENT OF COUNCIL PROCEDURE RULES

Suspension

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

Amendment

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

24. APPLICATION TO COMMITTEES AND SUB-COMMITTEES

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

25. ELECTION OF CHAIRS AND VICE-CHAIRS OF COMMITTEES

25.1 Election of Chairs and Vice-Chairs following Annual Meeting of the Council

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

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

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

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

26. **EXTRAORDINARY MEETINGS OF COMMITTEES**

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

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

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

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

27.3 Substitute members may attend meetings in that capacity only:

(a) where the ordinary member will be absent for the whole of the meeting and his/her consent has been expressly given; and

(b) after notifying the Head of Legal, Equalities & Democratic Services, or his/her representative, before the commencement of the meeting of the intended substitution.

28. **CALCULATION OF TIME**

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

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

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ACCESS TO INFORMATION PROCEDURE RULES

1. SCOPE

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

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

2. ADDITIONAL RIGHTS TO INFORMATION

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

3. RIGHTS TO ATTEND MEETINGS

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

4. NOTICES OF MEETING

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

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

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

5. ACCESS TO AGENDA AND REPORTS BEFORE THE MEETING

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

The Council will make copies of the agenda and reports open to the public

available for inspection on the Council's website and at the Town Hall at least 5 clear days before the meeting.

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

(a) the item could not have been included on the agenda; and

(b) the item required a decision before the next scheduled meeting of the Council or Committee.

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

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

6. SUPPLY OF COPIES

The Council will supply copies of:

(a) any agenda and reports which are open to public inspection;

(b) any further statements or particulars necessary to indicate the nature of the items in the agenda; and

(c) if the Chief Executive thinks fit, copies of any other documents supplied to councillors in connection with an item

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

7. WITHDRAWAL OF ITEMS FROM AN AGENDA

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

8. ACCESS TO MINUTES ETC. AFTER THE MEETING

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

(a) the minutes of the meeting, or records of decisions taken, together with reasons, for all meetings of the Executive Committee, excluding any part of the minutes of proceedings which disclose exempt or confidential information;

(b) a summary of any proceedings not open to the public where the minutes open to inspection would not provide a coherent record;

(c) the agenda for the meeting; and

(d) reports relating to items when the meeting was open to the public.

9. BACKGROUND PAPERS

9.1 List of background papers

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

(a) disclose any facts or matters on which the report of an important part of the report is based; and

(b) which have been relied on to a material extent in preparing the report

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

9.2 Public inspection of background papers

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

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

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

10. SUMMARY OF THE RIGHTS OF THE PUBLIC

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

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

11. EXCLUSION OF ACCESS BY THE PUBLIC TO MEETINGS

11.1 Confidential information - requirement to exclude public

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

11.2 Exempt information - discretion to exclude public

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

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

11.3 Meaning of confidential information

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

11.4 Meaning of exempt information

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

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

	and Country Planning General Regulations 1992. Information is exempt information if and so long, as in all the circumstances of the case, the public interest in maintaining the exemption outweighs the public interest in disclosing the information.
2. Information which is likely to reveal the identity of any individual.	Information is not exempt information if it relates to proposed development for which the local planning authority may grant itself planning permission pursuant to regulation 3 of the Town and Country Planning General regulations 1992. Information is exempt information if and so long, as in all the circumstances of the case, the public interest in maintaining the exemption outweighs the public interest in disclosing the information.
3. Information relating to the financial or business affairs of any particular person (including the authority holding that information).	"Financial or business affairs" includes contemplated, as well as past or current, activities. Information falling within paragraph 3 is not exempt by virtue of that paragraph it if required to be registered under: a) the Companies Act 1985 b) the Friendly Societies Act 1974 c) the Friendly Societies Act 1992 d) the Industrial and Provident Societies Acts 1965 to 1978 e) the Building Societies Act 1986 f) the Charities Act 1993. "Registered" in relation to information required to be registered under the Building Societies Act 1986, means recorded in the public file of any building society (within the meaning of that Act).

	Information is not exempt information if it relates to proposed development for which the local planning authority may grant itself planning permission pursuant to regulation 3 of the Town and Country Planning General Regulations 1992. Information is exempt information if and so long, as in all the circumstances of the case, the public interest in maintaining the exemption outweighs the public interest in disclosing the information.
4. Information relating to any consultations or negotiations, or contemplated consultations or negotiations, in connection with any labour relations matters arising between the authority or a Minister of the Crown and employees of, or office holders under, the authority.	"Employee" means a person employed under a contract of service. "Labour relations matter" means: a) any of the matters specified in paragraphs (a) to (g) of section 218(1) of the Trade Union and Labour Relations (Consolidation) Act 1992 (matters which may be the subject of a trade dispute, within the meaning of that Act); or b) any dispute about a matter falling within paragraph (a) above; and for the purposes of this definition the enactments mentioned in paragraph (a) above, with the necessary modifications, shall apply in relation to office-holders under the authority as they apply in relation to employees of the authority. "office holder", in relation to the authority means the holder of any paid office appointments to which are or may be made or confirmed by the authority or by any joint board on which the authority is represented or by any person who holds any such office or is an employee of the authority.

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

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

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

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

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

13. APPLICATION OF RULES TO THE EXECUTIVE COMMITTEE

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

14. PROCEDURE BEFORE TAKING KEY DECISIONS

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

(a) a notice (called here a Work Programme) has been published in connection with the matter in question;

(b) at least 28 days have elapsed since the publication of the Work Programme*;* and

(c) where the decision is to be taken at a meeting of the Executive Committee or its Sub-Committees, notice of the meeting has been given in accordance with Rule 4 (Notice of Meetings).

15. THE WORK PROGRAMME

15.1 Period of Work Programme

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

15.2 Contents of Work Programme

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

(a) the matter in respect of which a key decision is to be made;

(b) where the decision taker is an individual, his/her name and title, if any and where the decision taker is a body, its name and details of membership;

(c) the date on which, or the period within which, the decision will be taken;

(d) a list of the documents submitted to the decision-maker for consideration in relation to the matter in respect of which the key decision is to be made;

(e) the address from which, subject to any prohibition or restriction on their disclosure, copies of, or extracts from, any document listed is available;

(f) that other documents relevant to those matters may be submitted to the decision maker; and

(g) the procedure for requesting details of those documents (if any) as they become available.

(h) which of the key decisions outlined may involve the consideration of exempt or confidential information, the reasons why and how the public may make representations when they consider the item should be considered in public.

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

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

16. **GENERAL EXCEPTION**

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

(a) the decision must be taken by such a date that it is impracticable to defer the decision until it has been included in the next Work Programme;

(b) the Chief Executive has informed the Chair of the Overview and Scrutiny Committee, or in his/her absence each member of the Committee, by notice, of the matter about which the decision is to be made;

(c) the Chief Executive has made copies of that notice available to the public at the offices of the Council and published it on the Council's website; and

(d) at least 5 clear days have elapsed since the Chief Executive complied with (a) and (b).

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

17. SPECIAL URGENCY

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

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

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

18. REPORT TO COUNCIL

18.1 When the Overview and Scrutiny Committee can require a report

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

(a) included in the Work Programme; or

(b) the subject of the general exception procedure (Rule 16); or

(c) the subject of an agreement with the Mayor / Deputy Mayor of the Council under the Special Urgency procedure (Rule 17)

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

18.2 **Executive Committee report to Council**

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

18.3 **Quarterly reports on special urgency decisions**

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

19. **RECORD OF DECISIONS**

19.1 **Meetings**

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

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

19.2 Officer Decisions

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

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

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

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

19.3 Publication of Decisions

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

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

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

21. ATTENDANCE AT MEETINGS OF THE EXECUTIVE COMMITTEE

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

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

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

21.3 The Head of Paid Service, the Section 151 Officer and the Monitoring Officer, and their nominees are entitled to attend any meeting of the Executive Committee and its Sub-Committees. The Executive Committee may not meet unless the Chief Executive has been given reasonable notice that a meeting is to take place.

21.4 A meeting of the Executive Committee or any of its Sub-Committees may only take place in the presence of the Chief Executive or his/her nominee with responsibility for recording and publicising the decisions.

21.5 In all cases, the provisions of Rule 19 (Record of Decisions) will apply.

22. OVERVIEW AND SCRUTINY COMMITTEE - ACCESS TO DOCUMENTS

22.1 Rights to copies

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

(a) any business transacted at a meeting of the Executive Committee or its committees; or

(b) any decision taken by an individual member of the Executive Committee.

(c) Any decision made by an officer in accordance with executive arrangements.

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

22.2 Limit on rights

The Overview and Scrutiny Committee will not be entitled to:

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

23. ADDITIONAL RIGHTS OF ACCESS FOR MEMBERS

23.1 Material relating to previous business

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

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

(b) it contains confidential information; or

(d) it contains the advice of a political adviser.

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

23.2 Material relating to Key Decisions

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

23.3 Nature of rights

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

BUDGET AND POLICY FRAMEWORK PROCEDURE RULES

(Subject to further review and update)

1. Definitions

In these Rules -

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

2. The framework for Executive Committee decisions

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

3. Process for developing the framework

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

(a) After consulting stakeholders in a manner appropriate to the matter under consideration, the Executive Committee will draw up initial proposals in relation to any plan, strategy or budget which forms part of the Council's budget and policy framework. Once drawn up the Proper Officer will serve copies of them on the Chair of the Overview and Scrutiny Committee together with dates when the Executive Committee will consider them further, which shall be at least 6 weeks after service of the notice on the Chair.

(b) The Overview and Scrutiny Committee will be convened within 28 days to consider whether to respond to the Executive Committee's initial proposals and whether any consultation by it is appropriate. If so the Overview and Scrutiny Committee will conduct a consultation exercise and will reflect any representations made to it in its response to the Executive Committee within the timescale set for decision by the Executive Committee.

(c) The Executive Committee will finalise its proposals for the Council to consider having taken into account the comments from the Overview and Scrutiny Committee.

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

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

(e) A copy of the decision / Notice of Decision (which shall be made public in accordance with Article 4) shall be given to the Leader and the Proper Officer. The decision / Notice of Decision shall be dated and shall state whether the decision shall be effective immediately, whether the Council adopts the Executive Committee's proposal without amendment or if the Executive Committee's proposal is amended by the Council and adopted as amended or if the Council substitutes its own proposals and adopts them or if the Executive Committee's proposal is referred back to the Executive Committee for further consideration.

(f) The Council's decision, whether or not in accordance with the recommendation of the Executive Committee, shall require a simple majority of those voting at the meeting.

(g) Unless the Executive Committee's proposal is referred back to the Executive Committee for further consideration the decision shall be implemented immediately

(h) In approving the policy and budgetary framework the Council will also specify the extent of virement within the budget and degree of in-year changes to the policy framework which may be undertaken by the Executive Committee in accordance with paragraphs 5 and 6 of these Rules if otherwise than as contained within the Council's Financial Procedure Rules (virement and in-year adjustments). Any other changes to the budget and policy framework are reserved to the Council.

4. <u>Decisions outside the budget or policy framework</u>

(a) Subject to the provisions of paragraph 5 (virement) the Executive Committee, and any Officers, or joint arrangements discharging Executive Committee functions may only take decisions which are in line with the budget and policy framework. If any of these bodies or persons wishes to make a decision which is contrary to the policy framework, or contrary to or not wholly in accordance with the budget approved by full Council, then that decision may only be taken further to approval of the budget / policy variations by the Council.

(b) If the Executive Committee, any Officers, or joint arrangements discharging Executive Committee functions want to make such a decision, they shall take advice from the Monitoring Officer and/or the Chief Finance Officer as to whether the decision they want to make would be contrary to the policy framework, or contrary to or not wholly in accordance with the budget. If the advice of either of those Officers is that the decision would not be in line with the existing budget and/or policy framework, then the decision must be referred by that body or person to the Council for decision.

5. Urgent Decisions outside of the Budget or Policy Framework

(a) The Executive Committee, a sub-committee of the Executive Committee, or officers or joint arrangements discharging Executive functions may take a decision which is contrary to the Council's Policy Framework or contrary to or not wholly in accordance with the Budget approved by the full Council, if the decision is a matter of urgency. However, the decision may only be taken:

i) if it is not practical to convene a quorate meeting of the full Council;

ii) subject to consultation with the Leader of the Opposition; and

iii) if the Chair of the Overview and Scrutiny Committee agrees that the decision is a matter of urgency.

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

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

6. Virement

(a) The Council shall have the budget heads set by the Council when approving its budget each year and will allocate an amount for expenditure under each heading.

(b) Steps taken by the Executive Committee or Officers, or joint arrangements discharging Executive Committee functions to implement Council policy shall not exceed those budgets allocated to each budget head excluding staffing budget heads.

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

7. In-year changes to policy framework

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

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

(a) Where the Overview and Scrutiny Committee is of the opinion that an Executive Committee decision is, or if made would be, contrary to the policy framework, or contrary to or not wholly in accordance with the Council's budget, then it shall seek advice from the Monitoring Officer and/or Chief Finance Officer.

(b) In respect of functions which are the responsibility of the Executive Committee, the Monitoring Officer's report and/or Chief Finance Officer's report shall be to the Executive Committee with a copy to every member of the Council.

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

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

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

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

OR

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

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

OR

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

9. Dispute Resolution on Budgets and Plans

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

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

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

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

10. Local Authorities Standing Orders (Amendment) Regulations 2002

1. In this Part -

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

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

3. Before the authority -

   (a) amends the draft plan or strategy;

   (b) approves, for the purpose of its submission to the Secretary of State or any Minister of the Crown for his approval, any plan or strategy (whether or not in the form of a draft) of which any part is required to be so submitted; or

   (c) adopts (with or without modification) the plan or strategy, it must inform the Executive Leader of any objections which it has to the draft plan or strategy and must give to him instructions requiring the executive to reconsider, in the light of those objections, the draft plan or strategy submitted to it.

4. Where the authority gives instructions in accordance with paragraph 3, it must specify a period of at least five working days beginning on the day after the date on which the Executive Leader receives the instructions on behalf of the Executive within which the Executive Leader may -

   (a) submit a revision of the draft plan or strategy as amended by the executive (the "revised draft plan or strategy"), with the Executive's reasons for any amendments made to the draft plan or strategy, to the authority for the authority's consideration; or

   (b) inform the authority of any disagreement that the Executive has with any of the authority's objections and the Executive's reasons for any such disagreement.

5. When the period specified by the authority, referred to in paragraph 4, has expired, the authority must, when -

   (a) amending the draft plan or strategy or, if there is one, the revised draft plan or strategy;

   (b) approving, for the purpose of its submission to the Secretary of State or any Minister of the Crown for his approval, any plan or strategy (whether or not in the form of a draft or revised draft) of which any part is required to be so submitted; or

   (c) adopting (with or without modification) the plan or strategy, take into account any amendments made to the draft plan or strategy that are included in any revised draft plan or strategy, the Executive's reasons for those amendments, any disagreement that the Executive has with any of the authority's objections and the Executive's reasons for that disagreement, which the Executive Leader submitted to the authority, or informed the authority of, within the period specified.

6. Subject to paragraph 10, where, before 8 February in any financial year, the authority's Executive submits to the authority for its consideration in relation to the following financial year –

(a) estimates of the amounts to be aggregated in making a calculation (whether originally or by way of substitute) in accordance with any of sections 32 to 37 or 43 to 49, of the Local Government Finance Act 1992;

(b) estimates of other amounts to be used for the purposes of such a calculation;

(c) estimates of such a calculation; or

(d) amounts required to be stated in a precept under Chapter IV of Part I of the Local Government Finance Act 1992, and following consideration of those estimates or amounts the authority has any objections to them, it must take the action set out in paragraph 7.

7. Before the authority makes a calculation (whether originally or by way of substitute) in accordance with any of the sections referred to in paragraph 6(a), or issues a precept under Chapter IV of Part I of the Local Government Finance Act 1992, it must inform the Executive Leader of any objections which it has to the Executive's estimates or amounts and must give to him instructions requiring the Executive to reconsider, in the light of those objections, those estimates and amounts in accordance with the authority's requirements.

8. Where the authority gives instructions in accordance with paragraph 7, it must specify a period of at least five working days beginning on the day after the date on which the Executive Leader receives the instructions on behalf of the Executive within which the Executive Leader may -

(a) submit a revision of the estimates or amounts as amended by the executive ("revised estimates or amounts"), which have been reconsidered in accordance with the authority's requirements, with the Executive's reasons for any amendments made to the estimates or amounts, to the authority for the authority's consideration; or

(b) inform the authority of any disagreement that the Executive has with any of the authority's objections and the Executive's reasons for any such disagreement.

9. When the period specified by the authority, referred to in paragraph 8, has expired, the authority must, when making calculations (whether originally or by way of substitute) in accordance with the sections referred to in paragraph 6(a), or issuing a precept under Chapter IV of Part I of the Local Government Finance Act 1992, take into account -

(a) any amendments to the estimates or amounts that are included in any revised estimates or amounts;

(b) the Executive's reasons for those amendments;

(c) any disagreement that the Executive has with any of the authority's objections; and

(d) the Executive's reasons for that disagreement, which the Executive Leader submitted to the authority, or informed the authority of, within the period specified.

10. Paragraphs 6 to 9 shall not apply in relation to -

(a) calculations or substitute calculations which an authority is required to make in accordance with section 52I, 52J, 52T or 52U of the Local Government Finance Act 1992; and

(b) amounts stated in a precept issued to give effect to calculations or substitute calculations made in accordance with section 52J or 52U of that Act.

EXECUTIVE COMMITTEE PROCEDURE RULES

1. Time and Place of Meeting

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

1.2 The place of Executive Committee meetings will be determined by the Chief Executive and notified in the agenda.

2. Notice of and Agenda for Meetings

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

3. Who may attend

3.1 Councillors who are not members of the Executive Committee may attend meetings of the Executive Committee including any part of such a meeting from which the public is excluded in accordance with the Access to Information Rules but shall not (subject to paragraph 3.2 below) be entitled to speak at such meetings unless invited to do so by the Chair.

3.2 If the Executive Committee is to consider a motion referred to it by the Council the proposer and seconder of that motion (if they are not members of the Executive Committee) shall have the right to attend and explain the reasons for the motion.

3.3 If the Executive Committee is to consider a matter referred to it under paragraph 9.7 below the Councillor proposing the item for consideration will be entitled to attend and address the Executive Committee.

4. Exclusion of the Public

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

5. Chairing the Meeting

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

6. Quorum

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

7. Advice from Officers

7.1 The Leader may invite officers to give advice at a meeting of the Executive Committee or any Executive Sub-Committee.

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

8. Business to be Conducted

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

a. consideration of the accuracy of the minutes of the last meeting;

b. declarations of interest;

c. matters referred to the Executive Committee (whether by the Overview and Scrutiny Committee or the Council) for reconsideration by the Executive Committee in accordance with the Budget and Policy Framework Rules or the Overview and Scrutiny Procedure Rules set out in Parts 9 and 11 of this Constitution);

d. consideration of minutes and/or reports from the Overview & Scrutiny Committee;

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

9. Items for consideration by the Executive Committee

9.1 The Leader may put on the agenda of any Executive Committee meeting any matter which s/he wishes whether or not it relates to a Executive Committee function. The Chief Executive will comply with the Leader's requests in this respect.

9.2 Any member of the Executive Committee may require the Chief Executive to place an item on the agenda of the next available Executive Committee meeting for consideration.

9.3 The Council may require the Chief Executive to place on the agenda of the next available Executive Committee meeting an item for consideration.

9.4 The Overview and Scrutiny Committee may require the Chief Executive to place on the agenda of the next available Executive Committee meeting an item for consideration.

9.5 The Audit and Governance Committee may require the Chief Executive to place on the agenda of the next available Executive Committee meeting an item for consideration.

9.6 A Councillor (who is not a member of the Executive Committee) may request the Leader to place an item on the agenda of the next available meeting of the Executive Committee for consideration and the Leader will decide whether the item should be placed on the agenda. In exercising his discretion the Leader should not act unreasonably and, if refused, reasons for his decision must be given in writing to the Councillor concerned. The Notice of Meeting will give the name of the Councillor who requested the consideration of the item.

9.7 The Monitoring Officer and/or Section 151 Officer may include an item for consideration on the agenda of a meeting of the Executive Committee and may require the Chief Executive to call such a meeting in pursuance of their statutory duties.

9.8 If any two of the Chief Executive, the Section 151 Officer and the Monitoring Officer are of the opinion that a meeting of the Executive Committee needs to consider a matter that requires a decision they may jointly include an item on the agenda of the next available meeting of the Executive Committee.

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

9.9 The Chief Executive may place on the agenda of the next available meeting of the Executive Committee an item to consider a report of a Chief Officer of the Council.

9.10 The Executive Committee will consider all reports and recommendations presented by the Overview and Scrutiny Committee and will provide the Committee with a response.

9.11 An Overview and Scrutiny report which includes one or more proposals which would require a departure from the Budget and Policy Framework will be considered in the first instance by the Executive Committee. The Executive Committee will decide whether to recommend to the Council that those proposals be implemented. If the Executive Committee decides not to recommend to Council that those proposals be implemented, its decision, together with the reasons for that decision, shall be reported back to the Overview & Scrutiny Committee.

10. Urgent Items

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

11. Voting

11.1 Any matter will be decided by a simple majority of those present in the room at the time the question was put.

11.2 If there are equal numbers of votes for and against, the Chair will have a second or casting vote.

11.3 Each item of business requiring a decision by the Executive Committee will be moved and seconded before the vote is taken.

12. Disturbance by the Public

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

13. Minutes

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

14. Publication of Executive Committee Decisions

14.1 Decisions made by the Executive Committee shall be published by electronic means, and shall be available at the main offices of the Council normally within 3 working days of being made. All Councillors will be sent copies of the records of all such decisions within the same timescale, by the person responsible for publishing the decision.

14.2 Those records, which will take the form of the minutes of a meeting of the Executive Committee, will bear the date on which they are published and will specify that the decisions will come into force, and may then be implemented, on the expiry of 5 working days after the publication of the decisions, unless three members of the Council object to them and call them in.

15. Exclusion of the Call-In Process

15.1 The call-in procedure set out in the Overview and Scrutiny Procedure Rules in Part 11 of this Constitution shall not apply where the decision being taken by the Executive Committee is urgent.

15.2 A decision will be urgent if any delay likely to be caused by the call in process would seriously prejudice the Council's or the public's interests.

15.3 The record of the decision and notice by which it is made public shall state whether in the opinion of the decision-making body, the decision is an urgent one, and therefore not subject to call-in. In such circumstances, the Mayor must agree both that the decision proposed is reasonable in all the circumstances and to it being treated as a matter of urgency.

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

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

16. PUBLIC INVOLVEMENT IN EXECUTIVE COMMITTEE MEETINGS

Public Speaking

16.1 Public speaking shall be permitted at meetings of the Executive Committee in terms of Questions to the Leader, Petitions and Deputations in relation to matters which fall within the Terms of Reference of the Committee, subject to the further considerations detailed below.

16.2 For the purpose of avoiding potential conflict of interest, other than in exceptional circumstances, which shall be determined by the Chief Executive Officer, in consultation with the Executive Leader, no Public Involvement shall be permitted at any 'exceptional' meeting of the Executive Committee, such as the Budget-setting meeting in February each year, other one-off extraordinary meetings of the Committee (unless called specifically for the purpose of considering such Petition or Deputation), or meetings which fall within a formal Election period.

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

Questions on notice

16.3 Subject to Rule 16.4, a member of the Public may ask the Executive Leader a question on any matter in relation to which the Executive Committee or any sub-committee has powers or duties.

The Leader may, if appropriate, refer it to another member for answer.

16.4 A member of the public may only ask a question under Rule 16.3 if either:

(a) s/he has given at least **5** clear working days' notice of the question to the Monitoring Officer; or

(b) if the question relates to urgent matters, he/she has the consent of the Leader and the content of the question is given to the Chief Executive not less than 2 hours before the start of the meeting.

Questions which may not be asked

16.5 The Chief Executive may reject a question

(a) if it is not about a matter for which the Executive Committee has responsibility;

(b) is defamatory; frivolous or offensive;

(c) is substantially the same as a question which has been put at a meeting of the Committee in the past six months; or

(d) the question could more appropriately be dealt with by an officer.

Reading the question at the meeting

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

Response

16.7 An answer may take the form of:

(a) a direct oral answer;

(b) where the desired information is in a publication of the Council or other published work, a reference to that publication; or

(c) where the reply cannot conveniently be given orally, a written answer circulated later to the questioner.

Supplementary question

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

Time limit for questions

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

Presentation of Petitions at Executive Committee Meetings

16.10 Petitions may be presented at a meeting of the Executive Committee in accordance with the Council's Petitions Protocol.

16.11 Petitions may be considered in conjunction with the Committee's arrangements for Deputations, detailed separately below.

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

Hearing of Deputations

16.12 Any person may ask that a deputation be received by a meeting of the Committee. Such a request shall be made to the Chief Executive at least **9** clear working days before the meeting. The person making the request shall indicate the matter to which the request relates, the number (which shall not be more than five), of names and addresses of the persons who will form the deputation, and the member or members of the deputation who will speak for them.

16.13 On being called by the Chair, the person or persons speaking for the deputation may make such remarks as he/she/they think fit (provided that the remarks shall relate to the matter indicated when the request was made, and that the remarks do not constitute a personal attack upon any person). The person or persons speaking for the deputation shall be heard in silence.

16.14 Committee members may ask questions to the members of the deputation. Such questions shall be asked and answered without discussion.

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

OVERVIEW AND SCRUTINY PROCEDURE RULES

1. Arrangements for Overview and Scrutiny

1.1 The Council will appoint an Overview and Scrutiny Committee as set out in Article 6 of this Constitution, with responsibility for:

a. the Council's overview functions;

b. the Council's scrutiny and call-in functions;

c. scrutiny of the budget, Councillor Calls for Action and of the Crime and Disorder Reduction Partnership; and

d. receipt of relevant petitions submitted under the Council's Petitions Protocol.

1.2 The Overview and Scrutiny Committee will comprise the number of Councillors agreed annually at the Council Annual Meeting. All Councillors except members of the Executive Committee may be members of the Overview and Scrutiny Committee.

1.3 The Committee may (except in relation to call-ins) appoint such Task and Finish Groups ('Task Groups') as it considers appropriate to enable it to perform the overview and scrutiny functions on behalf of the Council. Task Groups will operate in accordance with the Task Group Procedure Rules appended to these Overview and Scrutiny Procedure Rules at Appendix A.

1.4 Allocation of members to Task and Finish Groups shall be agreed by the Committee, in consultation with Leaders of Party Groups.

1.5 The Committee will appoint a standing Crime and Disorder Scrutiny Panel, as a formal 'sub-committee' of the Overview and Scrutiny Committee, as detailed separately at Appendix B.

2. Co-optees

2.1 The Overview and Scrutiny Committee and its Task Groups, subject to O&S Committee approval, shall be entitled to appoint such non-voting co-optees as they consider appropriate for the conduct of their business.

2.2 Two standing co-optees shall be appointed from the Unison Trade Union, who will have a role only in relation to matters which have employee relations considerations.

3. Meetings of the Committee

3.1 The Overview and Scrutiny Committee will normally meet a minimum of 9 times a year at times to be agreed by the Chair. However, in consultation with relevant Officers, the Chair may review this pattern at any time during the municipal year.

3.2 Extraordinary meetings may be called from time to time as and when appropriate.

3.4 An extraordinary meeting may be called by the Committee Chair or by any three Committee members.

4. Quorum

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

5. Participation in Meetings

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

6. Chair

6.1 The appointment of the Chair and Vice-Chair of the Overview and Scrutiny Committee shall be by the Council. Terms of office shall be as the Council shall determine (unless otherwise agreed, this will be until the Council's next Annual Meeting).

6.2 The Chair and Vice-Chair of the committee shall not be members of the controlling political group.

7. Work Programme

7.1 The committee will be responsible for setting its own work programme and in doing so shall take into account of:

a. the views of committee members who are not members of the largest political group on the Council;

b. the Forward Plan;

c. suggestions of matters for scrutiny made by the Council or by the Executive Committee;

d. suggestions of matters for scrutiny made by councillors, members of the public or partner organisations;

e. updates from the Council's representative on the County Health Overview & Scrutiny Committee.

and in doing so shall make provision for considering:

i. Councillor Calls for Action;

ii. Scrutiny of the Crime and Disorder Reduction Partnership;

iii. Petitions referred to the Committee in accordance with the adopted Petitions Protocol;

iv. Scrutiny of the budget (Medium Term Financial Plan);

v. the Council Plan and the Sustainable Community Strategy.

8. Procedure at meetings

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

a. consideration of the accuracy of the minutes of the last meeting;

b. declarations of interest (including whipping declarations);

c. minutes of recent Executive Committee meetings and responses of the Executive Committee to the Committee's reports.

d. the Forward Plan;

e. progress on ongoing Task and Finish Reviews;

f. any petitions referred to the Committee under the Council's adopted Petitions Protocol.

g. any Councillor Calls for Action which have been received;

h. scrutiny of the Medium Term Financial Plan (if appropriate);

i. scrutiny of the Crime and Disorder Reduction Partnership, via reports of the Crime and Disorder Scrutiny Panel;

j. reports from the quarterly leadings between the Leader of the Council and the chair of the Overview and Scrutiny Committee (if appropriate);

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

9. Agenda items

9.1 Any member of the Committee shall be entitled to give notice to the Chief Executive that s/he wishes an item relevant to the functions of the Committee to be included on the agenda for the Committee's next available meeting. On receipt of such a request the Chief Executive will ensure that it is included on the next available agenda.

9.2 Where a matter is referred to the Committee by the Council (including a matter referred by the Monitoring Officer under Council Procedure Rule 11.10 – Motion on Notice), it shall be considered at either the first or second ordinary meeting of the Committee following the referral.

9.3 The Committee shall also respond, as soon as its work programme permits, to requests to review particular areas of Council activity from the Council, the Executive Committee or the Leader (arising from his/her quarterly meeting with the committee Chair).

10. Rights of committee members to documents

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

11. Policy review and development

11.1 The role of the Overview and Scrutiny Committee in relation to the development of the Council's Budget and Policy Framework is set out in detail in the Budget and Policy Framework Procedure Rules in Part 9 of the Constitution.

11.2 In relation to the development of the Council's approach to other matters not forming part of its Budget and Policy Framework, the Overview and Scrutiny Committee may make proposals to the Executive Committee for developments in so far as they relate to matters within their terms of reference.

11.3 The Committee and any Task Group may:

a. hold enquiries and investigate the available options for future direction in policy development and may appoint advisers and assessors to assist them in this process;

b. conduct site visits, conduct public surveys, hold public meetings, commission research and do all other things that they reasonably consider necessary to inform their deliberations;

c. ask witnesses to attend to address them on any matter under consideration;

d. pay to any advisers, assessors and witnesses a reasonable fee and expenses for doing so, provided that the budget set by the Council each year for such purposes is not exceeded.

12. Members and officers giving account

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

a. any particular decision or series of decisions;

b. the extent to which the actions taken implement Council policy; and/or

c. his/her performance

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

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

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

13. Attendance by others

13.1 The Committee and/or Task Groups may invite people other than those people referred to in paragraph 12 above to attend a meeting to address it, discuss issues of local concern and/or answer questions. It may for example wish to hear from residents, stakeholders and members and officers in other parts of the public sector and shall invite such people to attend. The person invited will be given reasonable notice and the notice will state the nature of the item on which he/she is invited to attend and whether any papers are requested.

13.2 If the Committee is to consider a motion referred to it by the Council, the proposer and seconder of the motion shall (if they are not members of the Overview and Scrutiny Committee) have the right to attend the relevant meeting and to explain the reasons for their motion, although they may not propose, second or vote on recommendations by the Committee which arise from that motion.

13.3 If the Committee or a Task Group invites a person to address a meeting or to give evidence, the following principles will be observed:

a. the investigation will be conducted fairly and all members of the Committee or Task Group will be given the opportunity to ask questions of attendees, and to contribute and speak;

b. those assisting the Committee or Task Group by giving evidence will be treated with respect and courtesy (Witness Guidance notes are attached at Appendix C); and

c. the investigation will be conducted so as to maximise the efficiency of the investigation or analysis.

14. Reports from the Committee

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

14.2 If the Committee cannot agree on one single final report to the Council or Executive Committee, as appropriate, then no more than one minority report may be prepared and submitted for consideration by the Council or Executive Committee with the majority report.

14.3 The Executive Committee shall consider the Overview and Scrutiny Committee report within two months of it being submitted to the Chief Executive and shall issue a formal response to the report.

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

15.1 The agenda for Executive Committee meetings shall include an item to consider Overview and Scrutiny Committee minutes and/or reports and reports of the Overview and Scrutiny Committee referred to the Executive Committee shall be included at this point in the agenda (unless they have been considered in the context of the Executive Committee's deliberations on a substantive item on the agenda) within two months of the Overview and Scrutiny Committee completing its report/recommendations.

15.2 The Executive Committee will consider all reports and recommendations presented by the Overview and Scrutiny Committee and will provide the Overview and Scrutiny Committee with a response.

15.3 An Overview and Scrutiny Committee report which includes one or more proposals which would require a departure from the Budget and Policy Framework will be considered in the first instance by the Executive Committee. The Executive Committee will decide whether to recommend to the Council that those proposals be implemented.

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

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

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

16. Review of Overview and Scrutiny Committee reports

The Overview and Scrutiny Committee will review implementation of recommendations made in any report not sooner than 12 months after consideration of its report by the Executive Committee.

17. Call-in

17.1 Call-in should be used in only exceptional circumstances when members of the Overview and Scrutiny Committee have evidence which suggests that the Executive Committee did not take a decision in accordance with the principles of Decision Making in Article 13. Those principles are:-

a. consideration of the full facts of a matter;

b. proportionality (i.e. the action must be proportionate to the proposed outcome);

c. due consultation and the taking of professional advice from officers;

d. respect for human rights;

e. a presumption in favour of openness;

f. clarity of aims and desired outcomes;

g. due regard for the Council's environmental objectives;

h. due regard for the Council's duties in relation to crime and disorder;

i. clear explanations of the options considered and the reasons for the decision reached.

17.2 When a decision is made by the Executive Committee, or a Key Decision is made by an Officer with delegated authority from the Executive Committee, or under joint arrangements, the decision shall be published, including where possible by electronic means, and shall be available at the main offices of the Council normally within 3 working days of being made. All members of the Council will be sent copies of the records of all such decisions within the same timescale, by the person responsible for publishing the decision.

17.3 That decision (which may take the form of the minutes of a meeting of the Executive Committee) will bear the date on which it is published and will specify that the decision will come into force, and may then be implemented, on the expiry of 5 working days after the publication of the decision, unless the decision is the subject of a valid request for call-in.

17.4 A valid request is required to initiate call-in a decision referred to at 17.3 above. The request must be in writing addressed to the Monitoring Officer on the approved form (at Appendix D) giving the reasons for the request for call-in and must be:-

- signed by the Overview and Scrutiny Committee Chair; OR
- signed by any other 3 members of the Overview and Scrutiny Committee; OR
- signed by any 5 members of the Council who are not members of the Executive Committee.

and in any case must:-

- state the reason(s) for the call-in; and
- be delivered to the Monitoring Officer by hand, post or email, within 5 clear working days of the publication of the decision.

The decision on whether the call-in is valid will be taken by the Monitoring Officer following consultation with the Overview and Scrutiny Committee Chair. The final decision shall rest with the Monitoring Officer.
If the Monitoring Officer decides the call-in is valid the Monitoring Officer will notify the Chief Executive, who will notify the decision-taker of the request for call-in.

17.5 Implementation of the decision which is the subject of the call-in will be suspended from the date of receipt of the request for call-in pending consideration by the Overview and Scrutiny Committee.

17.6 The call-in will be considered by the Overview and Scrutiny Committee at either:

a. the next scheduled meeting of the Committee; or

b. a special meeting of the Committee to be convened by the Chief Executive within 10 working days of receipt of the request to call-in, or such other date as may be agreed by the Chief Executive in consultation with the author of the call-in and the Overview and Scrutiny Committee Chair.

17.7 The Overview and Scrutiny Committee will determine the call-in in such manner as it considers appropriate but in any event expeditiously and within a maximum of 20 working days from the date of the meeting at which the call-in is first considered by the Overview and Scrutiny Committee.

If more detailed evidence or consideration of the issues is required to determine the call-in, the Overview and Scrutiny Committee may during that period hold one or more additional meetings to determine the call-in.

17.8 The Overview and Scrutiny Committee may require the relevant Executive Committee member with responsibility or another member of the Executive Committee, if appropriate, to attend any meeting and explain the decision taken by Executive Committee.

17.9 Having considered the decision subject to the call-in, the Overview and Scrutiny Committee will either:

a. accept the decision without qualification or comment; or

b. require reconsideration of the decision setting out its reasons in a report; or

c. in exceptional circumstances refer the decision to the Council to consider whether the decision should be accepted without qualification or comment or reconsidered.

17.10 Exceptional circumstances referred to in paragraph 17.9c include, but are not limited to, decisions which the Overview and Scrutiny Committee considers:-

a. the Executive Committee cannot in law take; or

b. is reserved to the Council; or

c. is contrary or not wholly in accordance with the Budget and Policy Framework.

17.11 If the Overview and Scrutiny Committee accepts the decision without qualification or comment under paragraph 17.9a the decision may be implemented with immediate effect.

17.12 If the Overview and Scrutiny Committee refers the decision to the Executive Committee for reconsideration under paragraph 17.9b implementation of the decision is deferred pending the meeting of the Executive Committee at which it is reconsidered.

17.13 If the Overview and Scrutiny Committee refers the decision to the Council under paragraph 17.9c implementation of the decision is deferred pending the meeting of the Council at which it is considered. If the Council decides to request the Executive Committee to reconsider the decision, implementation of the decision remains deferred until the Executive Committee has reconsidered the matter.

17.14 Any report of the Overview and Scrutiny Committee or Council pursuant to paragraph 17.9b or c will be submitted to the Executive Committee which will consider that report within 10 working days and either:-

a. confirm the decision without modification; or

b. confirm the decision with modification; or

c. rescind the decision and if considered appropriate take a new one.

In each case the Executive Committee must give reasons for its decision. The decision taken by the Executive Committee following consideration of the report of the Overview and Scrutiny Committee or Council on the call-in is final.

17.15 The Chair or Vice-Chair of the Overview and Scrutiny Committee or, with the Chair's agreement, the Chair or other designated representative of a relevant Task and Finish Group, may attend any meeting of the Executive Committee at which a report of the Overview and Scrutiny Committee is being considered and may speak but not vote.

17.16 A decision of the Executive Committee may be called in only once.

17.17 The call-in procedure shall not apply where the decision being taken by the Executive Committee is urgent.

A decision will be urgent if any delay likely to be caused by the call-in process would seriously prejudice the interest of either the Council or public. The record of the decision, and notice by which it is made public shall state whether in the opinion of the decision making person or body, the decision is an urgent one, and therefore not subject to call-in***.***

The Mayor must agree both that the decision proposed is reasonable in all the circumstances and to it being treated as a matter of urgency. In the absence of the Mayor, the Deputy Mayor's consent shall be required. In the absence of both, the Chief Executive or his/her nominees' consent shall be required. Decisions taken as a matter of urgency must be reported to the next available meeting of the Council, together with the reasons for urgency.

17.18 The operation of the provisions relating to call-in and urgency shall be monitored annually by the Overview and Scrutiny Committee, and a report submitted to Council with proposals for review if necessary.

18. The party whip

When considering any matter in respect of which a member of any of the Overview and Scrutiny Committee is subject to a party whip, the Councillor must declare the existence of the whip and the nature of it before the commencement of the Overview and Scrutiny Committee's deliberations on the matter. The declaration, and the detail of the whipping arrangements, shall be recorded in the minutes of the meeting.

19. Petitions

19.1 All petitions submitted to the Council will be dealt with in accordance with the adopted Petitions Protocol.

19.2 The Overview and Scrutiny Committee will consider relevant petitions, and determine whether any further action is required, which may be action by Officers, by the Executive Committee, or by the full Council.

20. Public speaking

20.1 Members of the public, and other interested parties, shall be entitled to participate in Overview and Scrutiny Committee meetings.

20.2 A person wishing to address the Overview and Scrutiny Committee must give notice to the Democratic Services Team of his or her intention to do so by 12 noon two working days before the day of the Overview and Scrutiny Committee meeting in question.

20.3 Members of the public who register to speak at meetings of the Overview and Scrutiny Committee will each be allowed to speak for no more than three minutes.

20.4 Members of the public who register to participate in Overview under the rules set out in this section can do so using one of the three options below:-

- By attending in person and addressing the committee verbally;
- By joining the meeting virtually by video link and addressing the committee verbally; or
- By providing a written statement in advance of the meeting to be read out by an officer (such statement to be provided no later than the cut off point for registration to speak as set out in paragraph 20.2).

20.5 At any meetings not more than 15 minutes in total shall be devoted by the Overview and Scrutiny Committee to Public Speaking, provided that the Chair may at his or her discretion extend the time if the chair and a majority of those present agree.

20.6 The Committee Chair shall have the discretion:

(i) In exceptional circumstances, to allow late additions to the list of public speakers.

(ii) To decide not to allow speeches, which merely repeat representations made in earlier speeches and which are inaccurate.

(iii) Depending on circumstances, to vary the periods of time referred to in paragraphs 20.3 and 20.4 where s/he deems it appropriate.

20.6 Direct or open questioning and discussion / debate between Public speakers and either Members or Officers will not be allowed during Public Speaking. Any such matters raised may be answered by Members / Officers only after the close of Public Speaking, or will be addressed during the subsequent debate. At no time will direct discussion between Members or Officers with a Public Speaker be permitted.

20.7 After the close of Public Speaking, no other inputs will be permitted from the 'public gallery', other than at the discretion of the Chair, and subject to relevant Officer advice, if exceptional circumstances warrant this.

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PART 10

20.5 **APPENDIX A**

TASK GROUPS PROCEDURE NOTES

1. Appointment of Chair

The Chair of a Task Group will be a member of the Overview and Scrutiny Committee and will be appointed by the Overview and Scrutiny Committee.

2. Appointment to and membership of Task Groups

2.1 The Overview and Scrutiny Committee will arrange for written notice of the establishment of a Task Group, together with a general description of the nature of the work to be undertaken by the Task Group, to be given to;

- Party Group Leaders; and
- all Councillors who are not members of the Executive Committee

2.2 Members of the Executive Committee cannot become members of Task Groups.

2.3 The size of each Task Group may vary but as a general rule Task Groups should have a minimum of three members (for instance for 'short, sharp reviews) and normally no more than five members.

2.4 For purposes of continuity, Task Group members who cannot attend a meeting of a Task Group may not appoint a substitute member.

3. Co-opted members

3.1 The Overview and Scrutiny Committee or, with their agreement, a Task and Finish Group, may co-opt members to the Task Group who are not elected Councillors.

3.2 Co-opted members will have no voting rights.

4. Proportional allocation of seats

Task Groups are not covered by the requirement for seats to be allocated on the basis of political group proportionality.

5. Terms of reference

5.1 The Overview and Scrutiny Committee will determine the terms of reference for the Task Group by approving a 'Scoping Document' for each review (Appendix E refers).

5.3 The Overview and Scrutiny Committee will consider any request from the Task Group for modification of its terms of reference.

5.4 The Task Group will be responsible for identifying those witnesses who need to be called to give evidence.

6. Working

6.1 A Task Group should carry out its investigation in accordance with the Overview and Scrutiny Procedure Rules.

6.2 A Task Group does not have any powers to take any decisions. It should consider the issues it has been asked to investigate and submit a report to the Overview and Scrutiny Committee which will then decide whether or not to make any recommendations to the Executive Committee.

7. Timescales

Timescales for the work of Task and Finish Groups will be established in the approved Scoping Document for any given review. Task Groups will not be disbanded until the report of the Overview and Scrutiny Committee has been considered by the Executive Committee and any questions or issues raised by the Executive Committee have been resolved.

8. Monitoring

Task Groups will, normally via their Chair, provide the Overview and Scrutiny Committee with regular updates on their work. In considering those regular updates the Overview and Scrutiny Committee may suggest areas of work or issues for consideration or investigation by the Task Group which fall within the terms of reference.

9. Final report

9.1 The Overview and Scrutiny Committee will consider in detail the final report of the Task Group and the Task Group will respond to any requests by the Overview and Scrutiny Committee to substantiate and justify any proposals it brings forward.

9.2 Final Overview and Scrutiny Committee reports will be prepared and submitted in a form which the Committee agrees. However, all standard elements required in general Officer reports to the Executive Committee (such as Financial, Legal and other Implications sections) will be expected to be provided by the Overview and Scrutiny Committee, in adequate detail, before the Executive Committee considers a report.

9.2 Members of the Task Group who disagree with the majority report of the Task Group may produce one minority report, which may put forward alternative proposals. This will then be considered alongside the report of the Task Group by the Overview and Scrutiny Committee. The Overview and Scrutiny Committee will then decide which recommendations it wishes to support.

9.3 A Task Group Chair shall be responsible for ensuring that the recommendations in the final report of the Task Group fairly and accurately reflect the findings of the Task Group.

10. Agenda, Minutes of and Public Access to Task Group meetings

10.1 Agendas for Task Group meetings are usually only circulated to members of the Task Group, and relevant support / professional Officers / co-optees.

10.2 Members of the Overview and Scrutiny Committee are entitled to attend and participate in meetings of the Task Group at the discretion of the Task Group Chair but have no voting rights at Task Group meetings. The Task Group Chair will balance demand for such participation against the need to maintain the small size of the Task Group.

10.3 The public has no right to attend Task Group meetings, nor a right of access to the agendas and minutes (beyond those rights provided by the Freedom of Information Act). However, wider publication may be permitted, if the Task Group so determines, subject to the agreement of the Overview and Scrutiny Committee Chair.

APPENDIX B

CRIME AND DISORDER SCRUTINY PANEL

Terms of Reference

CONSTITUTION

The Panel will operate as a formal 'Sub-Committee' of the Overview and Scrutiny Committee and will be Redditch Borough Council's designated Crime and Disorder Scrutiny Committee in accordance with Sections 19 and 20 of the Police and Justice Act 2006.

The Panel shall comprise such number of Members as may be determined at the Annual Meeting of the Council.

The Chair of the Panel will be a member of a political group not forming part of the ruling administration. The Chair will also be a member of the parent Overview and Scrutiny Committee.

The Panel will have the power to commission specific policy reviews relating to the work of the Community Safety Partnership. These could be undertaken as Task and Finish Groups. Each Task and Finish Group established by the Crime and Disorder Scrutiny Panel will be led by an identified member of the Crime and Disorder Scrutiny Panel.

For the purposes of continuity, substitute membership on Task and Finish Groups is discouraged and allowed only at the Chair's discretion.

RULES OF OPERATION

The Panel has power to discuss, but no power to make decisions on, matters listed in the Terms of Reference below.

It shall meet as often as necessary, though it shall have at least 1 scheduled meeting per year.

Meetings shall normally take place early evening.

The Panel shall advise and make recommendations to the Overview and Scrutiny Committee. The Chair of the Scrutiny Panel will report on the work of the Panel at meetings of the Overview and Scrutiny Committee.

For the purpose of accountability, adequate notes shall be taken of business transacted, which shall be available for inspection by other Members of the Council, subject to proper control, in accordance with the Code of Conduct, of information deemed by the Proper Officer to be exempt.

TERMS OF REFERENCE

The Crime and Disorder Scrutiny Panel will be Redditch Borough Council's designated Crime and Disorder Scrutiny Panel in accordance with Sections 19 and 20 of the Police and Justice Act 2006.

The Panel will carry out the following functions:

a) to hold the Redditch Community Safety Partnership to account for its decision making;

b) to scrutinise the performance of the Redditch Community Safety Partnership;

c) to undertake policy reviews of specific crime and disorder issues;

d) to highlight and challenge people's perceptions of crime and disorder in the local area;

e) to undertake community engagement and consultation to establish local people's priorities for crime and disorder issues; and

f) to promote the positive work of the Redditch Community Safety Partnership.

OFFICER SUPPORT

The work of the Crime and Disorder Scrutiny Panel will be supported by Democratic Services Officers.

APPENDIX C

WITNESS GUIDANCE NOTES

Guidance for Witnesses Giving Evidence at Overview and Scrutiny Committee Meetings

What is Overview and Scrutiny?

The Councillors at Redditch Borough Council work to represent the interests of local residents. The Councillors on the Overview and Scrutiny Committee review local policies and make recommendations that are designed to improve existing services. The Committee often delegates review work to Task Groups which investigate an issue in detail and are dissolved once a project has been completed.
The Overview and Scrutiny process draws on evidence from Councillors, Council Officers and from sources outside the Council. The Overview and Scrutiny Committee cannot work successfully in isolation. The Council therefore often calls on the expertise of local people, service partners and community groups.

Why have I been invited to act as a witness?

You have been invited to act as a witness because your views are important to the Councillors. Your expert opinion can help Councillors to gain an understanding of the issue that they are reviewing. As a guest of the Committee you will not be interrogated or asked questions that seek to catch you out. The Councillors will attempt to put you at your ease as they realise that you have given up your time to help them. Notes will be taken of the proceedings. This is merely for the purpose of producing minutes of the meeting.

Is it compulsory to attend?

It depends on who you are. Councillors and Council Officers must attend meetings if requested by Overview and Scrutiny Committee members. Attendance is not compulsory for any other witnesses who are asked to attend a meeting.

Can someone be nominated to attend on my behalf?

If you cannot attend, you can nominate another person to come on your behalf. That person must be fully briefed on the issue. Committees sometimes invite an organisation to give evidence. In this case, it is up to you to decide who should attend.

It may be possible for the Committee to consider a written submission from you. The Committee may then come back to you at a later date if there are matters that have not been dealt with or where the Councillors would appreciate clarification about points you have raised in your written submission. This is something you can discuss with a Democratic Services Officer.

What if I cannot attend on the date of the Committee meeting?

If you are unable to attend the Committee meeting on the date suggested please contact the Democratic Services Officer to discuss whether attendance on a different date might be an option. Alternatively, if the Officer advises that it is important for the discussions to go ahead on this date you could nominate a representative to attend the meeting on your behalf.

Do witnesses get paid for attending Overview and Scrutiny meetings?

You will not be paid for giving evidence at an Overview and Scrutiny Committee meeting. However, we will reimburse reasonable expenses. Please retain your receipts and hand these to a Democratic Services Officer. The Officer will ensure that you are reimbursed for these costs.

Where are Overview and Scrutiny meetings held?

Most of Redditch Borough Council's Overview and Scrutiny meetings are held at Redditch Town Hall. The Town Hall is located in Walter Stranz Square in the Town Centre. The Town Hall's Committee Rooms are air-conditioned and have full access for people with disabilities. Parking facilities are available at the Town Hall during evenings and weekends. During office hours Car Park 2 is available adjacent to the Town Hall. The Democratic Services Officer will inform you of the exact arrangements for your meeting.

When you arrive at the Town Hall please report to reception and ask for the Democratic Services Officer. The Officer will provide you with an ID card, will discuss the proceedings with you and will show you to your seat in the Committee room. .

Who will be present at the meeting?

A number of Councillors and Council Officers, including the Democratic Services Officer, will be present at the meeting. Co-opted members may also attend the meeting if it addresses a topic which is of interest to them. Other witnesses may also have been invited to give evidence at the meeting.

Many Overview and Scrutiny Committee meetings are open to the public. You may therefore find that members of the public or press attend the proceedings. If you feel that the presence of the public or press would make you feel uncomfortable please contact the Democratic Services Officers to discuss the matter further.

Following recent changes in legislation it is now possible for people present at a public Committee meeting to film or record the proceedings. If you would prefer not to feature in any video recording please contact the Democratic Services Officer in advance of the meeting to discuss the matter further. These filming rights do not extend to Task Group meetings which are held in private.

Will I have to give a presentation?

Sometimes the Committee asks witnesses to give a short presentation.. The Democratic Services Officers will inform you in advance if you have been invited to deliver a presentation. On other occasions the Councillors will ask you to answer a number of questions. If you are expected to answer questions at the meeting you will be sent a copy of the questions in advance. You may find it convenient to prepare your answers before the meeting takes place. The Councillors may ask you some additional questions based on the answers that you provide. They may also ask for your opinion about evidence provided by other witnesses at the meeting.

Alternatively, you may be asked to submit written evidence to the meeting. Any written evidence should include the main points of your opinion about the subject being discussed. If you submit the written evidence in advance please assume that the Councillors have read the document before the meeting takes place.

How are witnesses treated at Overview and Scrutiny Committee meetings?

Redditch Borough Council is committed to treating witnesses in a respectful and courteous manner. Please be aware that information about individuals who give evidence, such as addresses, is only available to senior Officers. The Council will not give your personal details to other organisations or individuals.

What will happen after the meeting?

Once the Councillors have finished collecting evidence, they will produce a report summarising their findings. The report will make recommendations for future action. This report will acknowledge any sources of written and oral evidence provided to the Councillors.

As a valued contributor to the Committee the Council will keep you informed on future progress. We will send you a copy of the Overview and Scrutiny Committee's final report with its recommendations.

The Councillors will monitor the implementation of the group's recommendations. You may be invited to attend future meetings that monitor the outcomes of the proceedings.

Further Information:

If you have any concerns or wish to have an informal chat about contributing to the Overview and Scrutiny process at Redditch Borough Council please contact one of the Democratic Services Officers.

Contacts

Jess Bayley
Democratic S's Officer
Tel: (01527) 64252
Extension: 3268

Amanda Scarce
Democratic S's Officer
Tel: (01527) 881443

E-mails: jess.bayley@bromsgroveandredditch.gov.uk / a.scarce@bromsgroveandredditch.gov.uk .

Address: Redditch Borough Council, Town Hall, Walter Stranz Square, Redditch, Worcestershire B98 8AH

APPENDIX D

CALL- IN REQUEST FORM

I am / We are exercising the right to call in a decision in accordance with the Overview & Scrutiny Procedure Rules, on the basis that:

1. Details of the decision to be called in

1.1 The decision to be called in is that taken on *[insert date]*:

1.2 and the decision was to:

1.3 The decision was: *[delete as appropriate]*

- an Executive Committee Decision; OR
- a Key Decision made by an Officer under delegated powers.

2. Grounds for Call In

2.1 The reason for the request for call-in is that I / We have evidence which suggests that the decision was not taken in accordance with one or more of the principles of Decision Making in Article 13 of the Constitution, as indicated below:

[delete as appropriate]

- Decisions based on consideration of the full facts.
- Proportionality (action must be proportionate to the proposed outcome).
- Due consultation and the taking of professional officer advice.
- Respect for Human Rights.
- A presumption in favour of openness.
- Clarity of aims and desired outcomes.
- Due regard for the Council's environmental objectives.
- Due regard to the Council's duties in respect of Crime and Disorder.
- Clear explanations of the options considered and the reason for the decisions taken.

2.2 The evidence suggesting the decision was not taken in accordance with the principles indicated in 21.1 above is that:

3. Councillors requesting Call In

3.1 This request is delivered by:

Name: Signed:	
Name: Signed:	
Name: Signed:	
Name: Signed:	
Name: Signed:	
Name: Signed:	

Date:	

Note:

A request for Call-in may only be made by:

- **The Chair of the Overview & Scrutiny Committee; OR**
- **3 members of the Overview and Scrutiny Committee; OR**
- **Any 5 members of the Council, who are not members of either the Overview and Scrutiny Committee or the Executive Committee.**

Please return this form, by hand, post or e.mail, within 5 clear working days of publication of the decision to:

The Overview and Scrutiny Support Team,
Redditch Borough Council,
Town Hall, Walter Stranz Square,
Redditch, B98 8AH
Email: democratic@redditchbc.gov.uk

APPENDIX E

SCOPING DOCUMENT

Scrutiny Proposal Form

(This form should be completed by sponsoring Member(s), Officers and / or members of the public when proposing an item for Scrutiny).

Note: The matters detailed below have not yet received any detailed consideration. The Overview and Scrutiny Committee reserves the right to reject suggestions for scrutiny that fall outside the Borough Council's remit.

Proposer's name and designation		Date of referral	
Proposed topic title			
Link to national, regional and local priorities and targets			
Background to the issue			
Key Objectives Please keep to SMART objectives (Specific, Measurable, Achievable, Relevant and Timely)			

How long do you think is needed to complete this exercise? (Where possible please estimate the number of weeks, months and meetings required)	

Please return this form to:

The Overview and Scrutiny Support Team,
Redditch Borough Council,
Town Hall,
Walter Stranz Square,
Redditch, B98 8AH
Email: democratic@redditchbc.gov.uk

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AUDIT, GOVERNANCE AND STANDARDS COMMITTEE PROCEDURE RULES

1. Role of the Audit, Governance and Standards Committee

1.1 The Council has established an Audit, Governance and Standards Committee.

1.2 The Audit, Governance and Standards Committee will work in partnership with the Executive Committee and Officers to ensure good stewardship of the Council's resources and deliver better outcomes for the people of the Borough.

1.3 The ultimate responsibility for Audit rests with the Council's Section 151 Officer. Therefore the Audit, Governance and Standards Committee can make informed recommendations but it is not the role of the Audit, Governance and Standards Committee to be a substitute for management of Internal Audit.

1.4 The Audit, Governance and Standards Committee does not have the power to make decisions with regard to Internal Audit or to direct Officers with regard to Internal Audit.

2. Terms of Reference

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

<u>Audit and Governance</u>
<u>Internal and External Audit</u>

a. To review and monitor the annual audit plans of both the internal and external auditors;

b. To receive and comment upon the external auditors' reports;

c. To monitor the adequacy and effectiveness of the Council's system of internal control by ensuring that an adequate and effective system of internal financial controls is maintained, that financial procedures are regularly reviewed;

d. To consider, monitor and review the Council's overall corporate governance arrangements;

e. To enhance the profile, status and authority of the internal audit function which will demonstrate its independence;

f. To focus audit resources by agreeing, and periodically reviewing, audit plans and monitoring delivery of the audit service;

g. To receive and consider such internal audit reports that the Chair and/or Deputy Chief Executive considers necessary;

Risk

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

Finance and Value for Money

i. To consider and approve the Council's Annual Statements of Accounts;

j. To consider any report from the Internal Audit Manager in pursuance of Financial Regulations;

k. To ensure good stewardship of the Council's resources and assist the Council to achieve value for money in the provision of its services;

l. To keep under review, and make recommendations on, proposed amendments to Financial Regulations;

m. To consider and make recommendations if appropriate on, the Annual Governance Statement;

n. To review the annual strategy, treasury management policy and procedures and make recommendations to Council.

Standards

o. To promote and maintain high standards of conduct by Councillors and any co-opted members of Council bodies;

p. To assist the Councillors and co-opted members to observe the Members' Code of Conduct;

q. To advise the Council on the adoption or revision of the Members' Code of Conduct;

r. To monitor the operation of the Members' Code of Conduct;

s. To advise, train or arrange to train Councillors and co-opted members on matters relating to the Members' Code of Conduct;

t. To grant dispensations to Councillors and co-opted members from requirements relating to interests set out in the Members' Code of Conduct;

u. To deal with any report from the Monitoring Officer following an investigation into a complaint concerning the Members' Code of Conduct;

v. 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;

w. The exercise of u – w above in relation to the Parish Councils in theCouncil's area and the members of those parish Councils; and

x. 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.

3. Composition

The Audit, Governance and Standards Committee will comprise such number of Councillors as are determined at the Council's Annual Meeting.

All Councillors except for Party Group Leaders may be members of the Audit, Governance and Standards Committee or act as substitutes for members of the Committee.

4. Co-optees

The Audit, Governance and Standards Committee shall be entitled to appoint a number of people as non-voting co-optees.

5. Chair

a. The Committee's Chair and Vice-Chair will normally be appointed at the Council's Annual Meeting.

b. If the Chair / Vice-Chair are not so appointed, they shall be appointed at the first meeting of the Audit, Governance and Standards Committee.

The Chair and Vice-Chair shall not be members of the controlling political group.

6. Meetings of the Audit, Governance and Standards Committee

6.1 There shall be at least 4 ordinary meetings of the Audit, Governance and Standards Committee in each year.

6.2 Extraordinary meetings may be called from time to time as and when appropriate.

6.3 A meeting of the Audit, Governance and Standards Committee may be called by the Chair of the Audit, Governance and Standards Committee, by any 3 members of the Audit, Governance and Standards Committee or by the Chief Executive if s/he considers it necessary or appropriate.

7. Quorum

The quorum for a meeting of the Audit, Governance and Standards Committee shall be 4 members (to include at least one member of the Majority Group).

8. Attendance of Officers at meetings

8.1 The Section 151 Officer or his/her deputy shall be expected to attend each meeting of the Audit, Governance and Standards Committee.

8.2 The Audit Services Manager shall be expected to attend each meeting of the Audit, Governance and Standards Committee.

8.3 The Monitoring Officer shall be expected to attend each meeting of the Audit, Governance and Standards Committee when Standards issues are included on the agenda.

9. Participation in Meetings

No member of the Audit, Governance and Standards Committee may be involved in the consideration of a decision in which s/he has been directly involved. If any member of the Audit, Governance and Standards Committee finds that a decision in which s/he has been directly involved is to be considered, s/he shall declare the fact to the Audit, Governance and Standards Committee and take no part in the discussion and voting in the part of the meeting which relates to that decision.

10. Work Programme

The Audit, Governance and Standards Committee will be responsible for setting its own work programme and in doing so shall take into account of:

a. the views of members of the Audit, Governance and Standards Committee who are not members of the largest political group on the Council;
b. suggestions of matters for consideration made by the Executive Committee; and
c. suggestions of matters for consideration made by the Council.

11. Procedure at Audit, Governance and Standards Committee meetings

The Audit, Governance and Standards Committee shall at each meeting consider the following business:

a. consideration of the accuracy of the minutes of the previous meeting;
b. declarations of interest;
c. responses of the Executive Committee to reports of the Audit, Governance and Standards Committee; and
d. matters set out on the agenda for the meeting in accordance with paragraph 12 below.

12. Agenda items

12.1 Any member of the Audit, Governance and Standards Committee shall be entitled to give notice to the Section 151 Officer that s/he wishes an item relevant to the functions of the Audit, Governance and Standards Committee to be included on the agenda for the next available meeting of the Committee. On receipt of such a request the Section 151 Officer will ensure that it is included on the next available agenda.

12.2 Where a matter is referred to the Audit, Governance and Standards Committee by the Council (including a matter referred by the Monitoring Officer under Council Procedure Rule 11.10), it shall be considered at either the first or second ordinary meeting of the Audit, Governance and Standards Committee following the referral.

12.3 The Audit, Governance and Standards Committee shall also respond, as soon as its work programme permits, to requests from the Council or the Executive Committee to review particular areas of Council activity. The Audit, Governance and Standards Committee shall report its findings and any recommendations back to Council or Executive Committee (as appropriate).

13. Investigations and Enquiries

The Audit, Governance and Standards Committee may:

a. hold enquiries and investigate the available options for the future direction of Internal Audit and may appoint advisers and assessors to assist them in this process;

b. conduct site visits, conduct public surveys, hold public meetings, commission research and do all other things that it reasonably considers necessary to inform the Audit, Governance and Standards Committee in its deliberations;

c. invite witnesses to attend to address the Audit, Governance and Standards Committee on any matter under consideration; and / or

d. pay to any advisers, assessors and witnesses a reasonable fee and expenses for doing so, provided that any such budget set by the Council each year for such purposes is not exceeded.

14. Members and Officers giving account

14.1 The Audit, Governance and Standards Committee may review internal control mechanisms and systems that exist in any Council Department. As well as reviewing documentation, in fulfilling its Terms of Reference, it may require any member of the Executive Committee, the Chief Executive

and/or any senior Officer to attend before it to explain in relation to matters within their remit:

a. any particular decision or series of decisions;

b. the extent to which the actions taken implement Council policy; and /or

c. his/her performance,

and it is the duty of those persons to attend if so required.

14.2 If any Councillor or Officer is required to attend meetings of the Audit, Governance and Standards Committee under this provision, the Councillor or Officer will be given reasonable notice in writing of the meeting at which s/he is required to attend. The notice will state the nature of the item on which s/he is required to attend to give account and whether any papers are required to be produced for the Audit, Governance and Standards Committee. Where the account to be given to the Audit, Governance and Standards Committee will require the production of a report, then the Councillor or Officer concerned will be given sufficient notice to allow for preparation of that documentation.

14.3 If the Councillor or Officer is unable to attend on the required date, the Audit, Governance and Standards Committee shall in consultation with the Councillor or Officer arrange an alternative date for attendance.

15. Attendance by others

15.1 The Audit, Governance and Standards Committee may invite people other than those people referred to in paragraph 14 above to address it, discuss issues of local concern and/or answer questions. It may for example wish to hear from residents, stakeholders and Members and Officers in other parts of the public sector and shall invite such people to attend. Any such person invited will be given reasonable notice and the notice will state the nature of the item on which he/she is invited to attend and whether any papers are requested.

15.2 If the Audit, Governance and Standards Committee is to consider a motion referred to it by the Council meeting, the proposer and seconder of the motion shall (if they are not members of the Audit, Governance and Standards Committee) have the right to attend the relevant meeting and to explain the reasons for their motion, although they may not propose, second or vote on recommendations by the Audit, Governance and Standards Committee which arise from that motion.

15.3 If the Audit, Governance and Standards Committee invites a person to address a meeting or to give evidence, the following principles will be observed:

a. the investigation will be conducted fairly and all members of the Audit, Governance and Standards Committee will be given the opportunity to ask questions of attendees, and to contribute and speak;

b. those assisting the Audit, Governance and Standards Committee by giving evidence will be treated with respect and courtesy; and

c. the investigation will be conducted so as to maximise the efficiency of the investigation or analysis.

16. Reports from the Audit, Governance and Standards Committee

16.1 Once it has formed recommendations on proposals for development, the Audit, Governance and Standards Committee will make its findings public and will report to the Executive Committee.

16.2 The Audit, Governance and Standards Committee may report directly to full Council where the Section 151 Officer and/or Audit Services Manager advises the Audit, Governance and Standards Committee that it is appropriate to do so.

16.3 If the Audit, Governance and Standards Committee cannot agree on one single final report to the Council or Executive Committee as appropriate, then no more than one minority report may be prepared and submitted for consideration by the Council or Executive Committee with the majority report.

16.4 The Council or the Executive Committee shall consider the report of the Audit, Governance and Standards Committee within two months of it being submitted.

17. Consideration of Audit, Governance and Standards Committee Reports by the Executive Committee

The agenda for Executive Committee meetings shall (when appropriate) include an item at which minutes and/or reports of the Audit, Governance and Standards Committee will be considered. The minutes and/or reports of the Audit, Governance and Standards Committee referred to the Executive Committee shall be included at this point in the agenda (unless they have been considered in the context of the Executive Committee's deliberations on a substantive item on the agenda).

18. The party whip

The party whip must not be applied at Audit, Governance and Standards Committee meetings.

19. Finance

The Audit, Governance and Standards Committee may exercise overall responsibility for any finances made available to it.

20. Public speaking

20.1 Members of the public, and other interested parties, shall be entitled to participate in Audit, Governance and Standards Committee meetings.

20.2 A person wishing to address the Audit, Governance and Standards Committee must give notice to the Democratic Services Team of his or her intention to do so by 12 noon two working days before the day of the Audit, Standards and Governance Committee meeting in question.

20.3 Members of the public who register to speak at meetings of the Audit, Governance and Standards Committee will each be allowed to speak for no more than three minutes.

Members of the public who register to address a meeting of the Audit, Governance and Standards Committee under the rules set out in this section can do so using one of the three options below:-

- By attending in person and addressing the committee verbally;
- By joining the meeting virtually by video link and addressing the committee verbally; or
- By providing a written statement in advance of the meeting to be read out by an officer (such statement to be provided no later than the cut off point for registration to speak as set out in paragraph 20.2).

20.4 At any meetings not more than 15 minutes in total shall be devoted by the Audit, Governance and Standards Committee to Public Speaking, provided that the Chair may at his or her discretion extend the time if the chair and a majority of those present agree.

20.5 The Committee Chair shall have the discretion:

(i) In exceptional circumstances, to allow late additions to the list of public speakers.

(ii) To decide not to allow speeches, which merely repeat representations made in earlier speeches and which are inaccurate.

(iii) Depending on circumstances, to vary the periods of time referred to in paragraphs 20.3 and 20.4 where s/he deems it appropriate.

20.5 Direct or open questioning and discussion / debate between Public speakers and either Members or Officers will not be allowed during Public Speaking. Any such matters raised may be answered by Members / Officers only after the close of Public Speaking, or will be addressed during the subsequent debate. At no time will direct discussion between Members or Officers with a Public Speaker be permitted.

After the close of Public Speaking, no other inputs will be permitted from the 'public gallery', other than at the discretion of the Chair, and subject to relevant Officer advice, if exceptional circumstances warrant this.

PLANNING COMMITTEE PROCEDURE RULES

1. Terms of Reference of Planning Committee

1.1 The Council will appoint a Planning Committee.

1.2 The Terms of Reference of the Planning Committee are as set out in Part 4 of the Constitution.

2. Time and Place of Meetings

2.1 The Planning Committee shall normally meet on a monthly cycle on dates to be set by the Chief Executive, in consultation with the Committee Chair.

3. Composition of the Planning Committee

3.1 The Planning Committee will comprise such number of Councillors as may be determined annually at the Council's Annual Meeting provided that the total number does not exceed 13. [1]

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

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

4. Chair

4.1 The Planning Committee Chair and Vice-Chair will conventionally be appointed at the Council's Annual Meeting. Failing this, the Committee will appoint one of its members as Chair at its first meeting following the Annual Council Meeting.

4.2 Neither the Chair nor the Vice-Chair, if a member of the Controlling Party Group, will be a member of the Executive Committee.

5. Quorum

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

6. Application of Council Procedure Rules

[1] Regulation 7 of the Town and Country Planning (Discharge of Local Planning Authority Functions)(England) Regulations 2026

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

7. Procedure for Determining Applications for Planning Permission

7.1 A Planning Officer will present the Officers' report.

7.2 Members of the public who have registered to speak may then address the meeting in accordance with the agreed procedure for public speaking.

7.3 Ward Members who have registered to speak may address the meeting in accordance with the agreed procedure for public speaking.

7.4 The Applicant's / Supporters' side shall always speak last.

7.5 Committee Members will be invited to ask each Speaker questions of clarification, only to ascertain that they have understood their representations.

7.6 Officers shall respond to the representations, advising the Committee on their material relevance, or otherwise.

7.7 Committee Members will then be invited to ask Planning Officers questions of clarification.

7.8 The Chair will then open the debate. With the consent of the Chair, members of the Committee will be entitled to address the meeting more than once.

7.9 Before taking the vote the Chair will ascertain whether the motion before the Committee is clearly understood.

7.10 If no alternative recommendation is put forward the Chair will proceed to the vote.

7.11 If one or more alternative recommendations are put forward the Chair will deal with these one by one in accordance with the approved constitutional rules of debate (Council Procedural Rule 13);

7.12 At each stage, the Chair shall :

a) invite Planning Officers to advise the Committee on the extent to which the alternative recommendation and the reasons given for it fall within or outside planning policy; and/or

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

and only then proceed to the vote.

8. Public Speaking

8.1 Members of the public, and other interested parties, shall be entitled to participate in Planning Committee meetings and may address the Planning Committee in support of or against any application for planning permission

8.2 Public Speaking / participation shall be permitted in accordance with the approved Procedure (the current version is attached at Appendix 1 to these Procedure Rules).

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

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

10. Ward Members

10.1 Ward Members shall be entitled to participate in Planning Committee meetings to the extent set out under paragraph 8 of these Procedure Rules (Public Speaking) and may address the Planning Committee in support of or against any application.

10.2 A Ward Member wishing to address the Planning Committee must give notice to the Committee Services Team of his or her intention to do so by the same deadline set for Public Speakers, as detailed in the attached Procedure.

10.3 Time limits shall be the same for (Ward) Members who wish to speak in relation to a planning application as for any other Public Speaker.

11. Site Visits

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

12. Limit to length of Meetings

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

Any business remaining shall be deferred to the next available meeting

of the Committee, or to an earlier additional meeting, as considered most appropriate by the Committee, further to Officer advice.

13. Introduction of the National Scheme of Delegations

The Town and Country (Discharge of Local Planning Authority Functions) (England) Regulations 2026 ("the regulations") which come into force on 31st October 2026 impose new rules regarding the allocation of planning applications as between delegated officer decisions and decisions taken by Members sitting on Planning Committee. The rules apply to all local planning authorities in England.

The regulations bring to an end the ability of ward members to ask for planning applications in their ward to be "called in" to be determined by Planning Committee as opposed to being decided by officers.

Under the regulations certain applications can only be decided by officers under delegated powers. These are generally Schedule 1 applications. There is a separate list of applications, known as Schedule 2 applications, which may be decided either by officers under delegated powers or by Planning Committee. The regulations and guidance make clear that for Schedule 2 applications there is a presumption that decisions will be made under delegated powers by officers unless certain tests are met.

The tests are known as the "Gateway Test" and the regulations state that a Schedule 2 application should only be referred to Planning Committee if the application raises: -

- One or more issues of economic, social or environmental significance to the local area (Ground A); or

- One or more significant planning matters having regard to the development plan and any other material considerations (Ground B),

It is for individual Local Planning Authorities to make arrangements to ensure that Schedule 2 applications are filtered into those applications that will be decided under delegated powers and those that will be referred to Planning Committee. The arrangements that will apply for Redditch Borough Council are set out in Appendix 2 to these committee procedure rules and in the relevant sections of the Scheme of Delegations.

14. Appendices

Appendix 1. Procedure for Public Speaking.
Appendix 2. Arrangements for the National Scheme of Delegations

APPENDIX 1 PLANNING COMMITTEE - PROCEDURE FOR PUBLIC SPEAKING

1. A person wishing to address either in person or in writing the Planning Committee must give notice to the Democratic Services Team of his or her intention to do so by 12.00 noon two working days prior to the Planning Committee meeting in question. Members of the public registering to submit comments in writing must submit the written statement by the same deadline.

2. Members of the public who register to address a meeting of the Planning Committee under the rules set out in this Appendix can do so using one of the three options below:-

   - By attending in person and addressing the committee verbally;
   - By joining the meeting virtually by video link and addressing the committee verbally; or
   - By providing a written statement in advance of the meeting to be read out by an officer.

3. Agenda running orders will be reviewed by the Chair before the start of the meeting to enable the Committee to consider the most controversial items first. This will normally take into account the number of Public Speakers and written statements registered per item and/or the size of the public attendance in respect of any given application.

4. The order of speakers will follow the principles of natural justice to enable the applicant a fair right of reply to those opposing a development.

   The order of speaking will therefore be:

   a) **Objectors**
   b) Ward Member(s) objecting to application
      Members' questions to each objector (through Chair)*
      (Officer comment at each stage as appropriate.)

   c) **Supporters**
   d) Ward Member(s) supporting application
      Members' questions to each supporter (through Chair)*
      (Officer comment at each stage as appropriate.)

   e) Applicant(s)/ agent
      Members' questions to applicant/agent (through Chair)*
      (Officer comment at each stage as appropriate.)

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

5. Subject as mentioned at paragraphs 5 and/or 6 below, an applicant (or agent) and/or an individual objector or supporter will each be allowed to speak for no more than 3 minutes.

6. Subject as mentioned at paragraph 6 below, where there is a group of supporters or objectors with a common interest, the group will be allowed no more than 10 minutes within which to address the Committee.

7. The Committee Chair shall have the discretion:

   (i) in exceptional circumstances, to allow late additions to the list of public Speakers;

   (ii) to decide not to allow speeches, which merely repeat representations made in earlier speeches, which are inaccurate, or which are irrelevant to material Planning considerations; and

   (ii) depending upon circumstances, to vary the periods of time referred to in paragraphs 4 and/or 5 above where s/he deems it appropriate.

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

8. Members' questions will clearly extend this time but will enable issues to be fully understood.

9. For the purpose of ensuring a fair hearing, the Chair will offer the Supporters'/ Applicant's side an equivalent time to Objectors, or vice versa, where there is an imbalance between the two.

10. If several individual speakers register, it may be necessary, for the efficient conduct of the meeting, for the Chair to encourage a spokesperson to be identified. Where this is not possible, each speaker will be allowed, at the Chair's discretion, to speak separately and with suitable prompting where issues are being repeated that have been raised by a previous speaker.

11. Direct or open questioning and discussion / debate between Public Speakers and either Members or Officers will not be allowed during Public Speaking. Any such matters raised may be answered by Members / Officers only after the close of Public Speaking, or will be addressed during the subsequent debate. At no time will direct discussion between Members or Officers with a Public Speaker be permitted.

12. After the close of Public Speaking, no other inputs will be permitted from the ‘public gallery’, other than at the discretion of the Chair, and subject to relevant Officer advice, if exceptional circumstances warrant this.

END.

Planning Committee Procedure Rules – Appendix 2

The Town and Country (Discharge of Local Planning Authority Functions) (England) Regulations 2026

Arrangements for the National Scheme of Delegations

Background

1. This Appendix sets out the arrangements that the Council has adopted in order to implement the provisions of the new National Scheme of Delegations ("the new scheme"). The relevant regulations are the Town and Country Planning (Discharge of Local Planning Authority Functions) (England) Regulations 2026 ("the regulations"). Guidance for Local Authorities is set out in the Planning Committees and the National Scheme of Delegations of Planning Functions: Guidance for Local Planning Authorities in England ("the guidance").

2. The provisions relating to the introduction of the National Scheme of Delegations are set out in the constitution in the following sections: -

Constitution location	Document	Detail
Part 4 - document ref 04.9 – Planning Delegations	Scheme of Delegations for Planning - section for Development Management	Changes for development management decisions
Part 4 – document ref 04.5 Environmental Delegations	Scheme of Delegations - Environment – section on Grounds Maintenance and Landscaping	Changes for decisions for works to trees under regulation 16.1 of the Town and Country Planning (Tree Preservation) (England) Regulations 2012
Part 12	Planning Committee Procedure Rules	Updated for new scheme of delegations
Part 21	Planning Code of Practice	Updated for new scheme of delegations and own-interest applications

3. Under the Regulations planning applications are divided into Schedule 1 and Schedule 2 depending on type, scale and complexity of the application.

Schedule 1 applications	**Schedule 2 applications**
Must be delegated to officers	**Presumption of delegation to officers unless certain conditions are met by applying what is known as the Gateway Test.**
Examples: householder, minor residential, minor commercial, discharge of conditions, prior approval	*Examples: major applications, listed building consent matters, reserved matters applications.*

4. From 31st October 2026 the two categories will form the basis of the Scheme of Delegations for planning applications for all Local Planning Authorities in England. It is mandatory that the Council adopt and comply the new scheme; failure to comply may give rise to legal challenges being brought against the Council by way of judicial review.

5. Under the new scheme, the ability of Members to "call-in" planning applications in their wards will cease to apply. The new arrangements will also abolish any other previous trigger points for referral to Planning Committee such as the number of objections received.

6. Applications will be determined as follows: -

By Planning Committee

- Schedule 2 applications which meet the Gateway Test
- Own-interest applications

By officers under delegated powers

- All Schedule 1 applications
- Schedule 2 applications which do not meet the Gateway Test

<u>Regulation 3 – Nominated Members and Nominated Officers</u>

7. The Council has made arrangements for the position of "nominated member" to be held by the Chairman of Planning Committee or in his/her absence the Vice Chairman. See Scheme of Delegations part 0.49.

8. The Council has made arrangements for the position of “nominated officer” to be held by the Assistant Director of Planning, Leisure and Culture Services or in her absence a nominated deputy. See Scheme of Delegations part xx

9. The nominated member and the nominated officer are new positions created under the regulations. The holders of these positions will carry out the function of assessing whether or not Schedule 2 planning applications meet the conditions set out in the Gateway Test. Where the conditions are met the application will be referred to Planning Committee to be determined. Where the test is not met the application will be decided by officers under delegated powers.

Regulation 4 – Applications that must be determined by an officer

10. Schedule 1 applications must be decided by officers under delegated powers. The Council has made arrangements for this in the Scheme of Delegations part 0.49 and a copy of Schedule 1 is included as an Appendix.

Regulation 5 - Applications that may be determined by a committee or by an officer

11. Schedule 2 applications may be determined either by officers under delegated powers or by committee.

12. There is a presumption in favour of all Schedule 2 applications being delegated to officers. However, if certain conditions apply there may be cases where it is appropriate for applications to be decided by Planning Committee.

13. Under regulation 5 (3) a planning application should only be referred to planning committee if the proposal raises:
    - Ground A - one or more issues of economic, social or environmental significance to the local area, or
    - Ground B - one of more significant planning matters having regard to the development plan and any other material considerations.

    This is known as the Gateway Test.

14. As noted at paragraph 9, the task of assessing which Schedule 2 applications should be referred to Planning Committee, or in other words applying the Gateway Test, falls to the nominated member and the nominated officer.

Exceptions to Schedule 2 process for matters previously decided under delegated powers

15. The regulations and guidance recognise that some local planning authorities already operate under well thought out Schemes of Delegation that provide for a large percentage of routine matters to be decided by officers under delegated powers. This is regarded as good practice as it allows Planning Committee to concentrate on deciding the most complex and high profile planning applications.

16. To enable authorities already exercising good levels of delegation to continue to do so, the new scheme recognises that not all planning applications included in Schedule 2 need to be referred to the Gateway Test. This is particularly the case for types of applications that the government has placed into Category 2 that were traditionally decided by officers under delegated powers.[1]

17. The version of the Scheme of Delegations adopted by the Council for Scheule 2 applications therefore directs that applications previously decided by officers under the old scheme of delegations may continue to be decided by officers without the need for referral to the Gateway Test. In circumstances where the applications would previously have been referred to Planning Committee under the old scheme of delegations, then the Gateway Test will be applied to assess whether grounds exist for those matters to be referred to Planning Committee or whether they are suitable to be decided by officers under delegated powers.

Regulation 6 – Own-interest Applications

18. Separate provision is made in the Regulations for the determination of planning applications made by either the Council or by officers or members. These are referred to as “own-interest” applications.

19. The definition in regulation 6(1) covers applications of a type specified in Schedule 1 or Schedule 2 made by the local authority, by members of the local authority and by officers of the local authority.

20. Additionally, under Regulation 6 (1)(b) the nominated officer and nominated member may take the view that where the authority, or any of its members or officers “otherwise” has an interest in an application, then that application must also be treated as an own-interest application. For example, this may cover an application made by a close relative of an officer or a member.

[1] Guidance for Local Authorities is set out in the Planning Committees and the National Scheme of Delegations of Planning Functions: Guidance for Local Planning Authorities in England – para 13

21. Under Regulation 6 (4) the nominated officer and nominated member may decide to refer an own-interest applications to committee. In any situation where a referral to committee is not made then by default the application will be determined by officers.

22. Whilst the guidance indicates that there is discretion for own-interest applications to be decided by officers for reasons of openness and transparency own-interest applications should in the majority of cases be decided by committee. This will represent a continuation of the existing practice and be in compliance with the Planning Code of Practice. The specific parts of the Planning Code of Practice that link to own-interest applications are paragraphs 10.6 (applications by serving members), 10.9 (applications by serving officers) and 10.10 (applications made by the Council).

23. There may occasionally be exceptions to the presumption in favour of determination by planning committee when the nominated officer and nominated member may form the view that a minor or technical matter would be appropriate to be decided by officers under delegated powers.

<u>Practical arrangements to implement the regulations</u>

24. The following process will apply: -

24.1 Applications will be categorised by officers upon validation into one of the following categories: -

- Schedule 1 applications - for delegated decision
- Schedule 2 applications – identified in the Constitution for delegated decision
- Schedule 2 applications – for referral to the Gateway Test
- Own-interest applications

24.2 The nominated officer and the nominated member will meet no less than once a month to review Schedule 2 applications for referral to the Gateway Test. This will be known as the Gateway Meeting.

24.3 Officers will prepare a case summary for applications being considered at the Gateway Meeting to indicate whether in their view the application raises issues under either Ground A or Ground B.

24.4 The decision of the nominated officer and nominated member on allocation of a Schedule 2 application under the Gateway Test will be final. The aim will be for a consensus to be reached but in any cases where this is not possible the application must be determined by an officer of the authority.[2]

[2] Regulation 5 (2)

24.5 Officers will keep a written record of decisions made under the Gateway Test. A schedule of decisions made will be available to view online and be reported back to members of Planning Committee on a regular basis.

24.6 The Gateway Meeting will also consider any new own-interest applications that have been made, regardless of whether these fall into Schedule 1 or Schedule 2. The nominated officer and the nominated member may agree to refer such applications to committee.

24.7 As noted in paragraphs 22 above, and for reasons of openness and transparency, there will be a presumption in favour of referral to committee for own-interest applications.

25. There are no transition arrangements included in the regulations. This means that the allocation of planning applications into the categories of Schedule 1 and Schedule 2 will be applicable as from 31st October 2026. This may have the effect that planning applications previously on course for determination by officers under delegated powers, or by planning committee under the old scheme of delegations will be subject to a change of decision maker. The guidance is clear that the Council must comply with the new rules or risk legal challenge.[3]

[3] Guidance for Local Authorities is set out in the Planning Committees and the National Scheme of Delegations of Planning Functions: Guidance for Local Planning Authorities in England – para 4

Section 1 - Financial Procedure Rules

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PART A FINANCIAL REGULATION POLICY (1.0)

Background

1.1 Section 151 of the Local Government Act 1972 *requires that "Every local authority shall make arrangements for the proper administration of their financial affairs and shall secure that one of their Officers has responsibility for the administration of those affairs".*

1.2 The person with overall responsibility for Redditch Borough Council financial affairs under the act is the Chief Financial Officer (CFO) or Section 151 Officer. Redditch Borough Council uses the Chartered Institute of Public Finance (CIPFA) guidance in defining the role of their Section 151 Officer:

- is a key member of the leadership team, helping it to develop and implement strategy and to resource and deliver the authority's strategic objectives sustainably and in the public interest;
- must be actively involved in, and able to bring influence to bear on, all material business decisions to ensure immediate and longer-term implications, opportunities and risks are fully considered, and alignment with the authority's financial strategy; and
- must lead the promotion and delivery by the whole authority of good financial management so that public money is safeguarded at all times and used appropriately, economically, efficiently and effectively.

1.3 To deliver these responsibilities the Section 151 Officer:

- must lead and direct a finance function that is resourced to be fit for purpose; and
- must be professionally qualified and suitably experienced and adhere to ethical standards, ensuring compliance with legislation and codes of practice.

1.4 In accordance with the provisions set out in the Local Government Finance Act 1988 the Section 151 Officer has appointed a Deputy to act if they are unable to due to absence or illness.

1.5 The Financial Procedure Rules consist of this policy, the Financial Regulations and the Financial Guidance and apply to every Member and Officer of the Council and anyone acting on its behalf.

Purpose

1.6 The purpose of the Financial Procedures Rules are:

- Promote best value and improve service delivery;
- Set out procedures for employees and members to meet the Council's expected standards;
- Demonstrate that controls are in place.

PART B FINANCIAL REGULATIONS (2.0)

2.1 All Members and Officers must comply with these Financial Procedure Rules at all times as applicable.

2.2 All Members and Officers must at all times when engaged on Council activities act in the interest of the Council.

2.3 All activities must comply with legislation, approved service plans and other Council policies or procedure documents.

2.4 All activities must seek to achieve value for money.

2.5 Managers must ensure that there are controls in place for every system under their management.

2.6 Adequate records must be kept for all transactions in all systems.

2.7 Members and Officers have a general responsibility for taking reasonable action to provide for the security of assets under their control and for ensuring that the use of these resources is legal, properly authorised, provide value for money and achieves best value.

2.8 The Chief Executive, Directors, Auditors and other Officers designated by them must have unrestricted access to all assets and records held on behalf of the Council.

2.9 Members, Officers and others acting on behalf of the Council are required to have proper regard to the advice and guidance issued by the Section 151 Officer on the Financial Procedure Rules.

2.10 Every report to Members require approval by the Section 151 Officer, or a nominee designated by the Section 151 Officer, setting out the financial implications of the recommendation(s) proposed.

2.11 The Council's expectation of propriety and accountability is that Members and Officers at all levels shall lead by example in ensuring adherence to financial and legal requirements, rules, procedures and practices.

2.12 Members and Officers at all levels shall act in accordance with the Council's anti-fraud and anti-corruption policies.

2.13 The Council also expects that individuals and organisations (e.g. suppliers, contractors, service providers) that it comes into contact with, shall act towards the Council with integrity and without thought or actions involving fraud or corruption and to ensure this will seek to include appropriate contractual provision and include provision in its tendering specifications wherever possible

2.14 The Council's Scheme of Delegation is the formal record of delegation of financial decision making. This is available in Part 6 of the Constitution.

2.15 These rules will be formally reviewed every five years. The revised rules will be considered by Councillors before reporting to Council for approval. In the meantime, if material changes make a review of the Rules necessary, this must be subject of a report by the Section 151 Officer.

2.16 Should an instance of non-compliance with these rules be discovered, the Section 151 Officer will, after consultation with the Chief Executive, make a report to the Leader, Full Council and / or Executive, as appropriate. Non-compliance with financial rules may also lead to disciplinary action being taken.

2.17 Any departure from these Financial Procedure Rules may only be made with the prior written approval of the Section 151 Officer. All requests must set out the rule to be departed from, the reason for the request, the risks and the proposed mitigating controls. All dispensations shall be recorded and reported to Audit, Standards and Governance Committee as appropriate.

PART C FINANCIAL GUIDANCE

3. Emergency decisions

3.1 In accordance with the Council's Scheme of Delegation to Officers and the Contract Procedure Rules, the Chief Executive and in his/her absence the S151 Officer/Monitoring Officer or Executive Director, are empowered to take all necessary decisions in cases of emergency.

3.2 Any decisions made under the 'emergency decision' arrangements shall be reported to Executive and Council.

3.3 Nothing in these finance procedure rules shall prevent expenditure required to meet immediate needs caused by a sudden emergency to which the Civil Contingencies Act 2004 applies, provided that such expenditure shall be reported as soon as possible to the appropriate Executive member and the Executive and subsequently Council.

4.0 Income charging policy.

4.1 Local authorities have a wide discretion to levy charges for services. Where charges can be set at the discretion of the Council, Assistant Directors must comply with the income and charging principles, including:

a) The Council must aim to charge for all services where it is appropriate to do so, unless there are conflicting policies or legal reasons not to do so.

b) The Council must (subject to market conditions) aim to maximise income from fees and charges by ensuring that the full cost of provision and enforcement is recovered, unless there are contrary policies, legal or contractual reasons. Where the Council continues to subsidise the cost of services provided to customers, the level of subsidy must be clearly understood by the Service along with the impact on residents and partners.

c) Decisions to subsidise services, or to not make a charge for a service must be clearly linked to Council objectives, and the potential income that is not earned

must be a consideration in the decision. Executive is responsible for setting of fees and charges for services as part of the annual budget setting process. Any changes to fees and charges during the year will need to be approved by Council.

d) Any concessionary scheme must be based on ability to pay and be applied in a consistent and transparent approach across all Council services.

e) Where appropriate annual inflationary uplifts will be applied through the budget setting process, this will be agreed by Members as part of the budget setting process.

5.0 Income collection

5.1 The Section 151 Officer shall agree arrangements for the collection of all income and approve procedures and systems. In order to achieve this, the following controls must be followed:

a) All income due to the Council is identified, charged correctly and billed promptly.

b) All money received by an employee on behalf of the Council is paid without delay to the Section 151 Officer or to a nominated Officer or into the Council's specified bank account and is properly recorded.

c) All receipts given for money must be on an official receipt form.

d) All income is collected from the correct person, at the right time using the correct procedures and appropriate stationery and effective recovery action to pursue outstanding sums is taken within defined timescales.

e) A formal approval process for write-offs of uncollectable debts must be followed using the criteria detailed in Section 5.2.

f) Personal cheques shall not be cashed out of money held on behalf of the Council.

g) All income received shall be receipted immediately.

h) Officers shall record all cash received immediately; its use for either personal or official purposes is strictly forbidden.

i) All paying in records shall be retained securely in line with the Council's policies on the retention of documents.

j) It is important that VAT shall be properly recorded and that advice must be sought from the Section 151 Officer or their nominee as appropriate. Failure to do so may result in the Council being unable to reclaim VAT and, in some circumstances, a penalty payment imposed by HMRC.

k) Interest must be charged on unpaid debts, in accordance with the debt recovery policy.

l) Legal fees incurred in the recovery of unpaid debt will be charged to the debtor in accordance with the debt recovery policy subject to any court order.

m) Where use of recovery agents is permitted any costs from these agents must be recovered from the debtor (normally by the agents) where possible.

5.2 The Section 151 Officer has determined the following authorisations for writing off uncollectable debt:

Value	**Recommendation**	**Examined/ Approved**	**Authorised**
Credit balances	Rents Team Leader Neighbourhood & Tenancy Team Leader, Senior and Officers Housing Experience manager Housing Business Support Officer Housing Benefits Overpayments Officer	Appropriate Service Supervisors/ Team Leaders	Appropriate Service Managers
Debts up to £5,000	Rent Officer Rent Team Leader Charging Team Leader Charging Officer Revenue Officer Housing Benefits Overpayments Officers	Service Managers	Section 151 / Deputy Section 151
Debts over £5,000	Rent Officer Rent Team Leader Charging Team Leader Charging Officer Revenue Officer Housing Benefits Overpayments Officers	Service Managers	Executive or another delegated Committee
Debts remitted by Magistrates or where a term of imprisonment	Rent Officer Rent Team Leader Charging Team Leader Charging Officer	N/A	Section 151 / Deputy Section 151

has been served	Revenue Officer Housing Benefits Overpayments Officers		
Insolvency proceedings Administration Order (where claim has been formally acknowledged)	Rent Officer Rent Team Leader Charging Team Leader Charging Officer Revenue Officer Housing Benefits Overpayments Officers	N/A	Section 151 / Deputy Section 151 Officer
Debtor is deceased no prospect of dividend from estate	Rent Officer Rent Team Leader Charging Team Leader Charging Officer Revenue Officer Housing Benefits Overpayments Officers	N/A	Section 151 / Deputy Section 151 Officer
Debt matching agreements	Appropriate Service Managers		Section 151 / Deputy Section 151 Officer
Cases of hardship or discretionary write offs – up to £5,000	Appropriate Service Managers		Section 151 in conjunction with the Portfolio Holder for Finance
Cases of hardship or discretionary write offs – over £5,000	Appropriate Service Managers	Section 151	Executive

5.3 Once raised, a debtor's invoice may not be cancelled except by full payment, the issue of a credit note or by its formal writing off. A credit note will only be issued to correct a factual inaccuracy or administrative error in the calculation and/or billing of the original debt, or to recognise that an overpayment of housing benefit is being recovered from an on-going benefit entitlement.

5.4 The value of unrecoverable debts written off will be charged back against the cost centre / service from which the original invoice was raised, thus cancelling the original credit to the service. This will only be overwritten in exceptional circumstances with the approval of the Section 151 Officer.

5.5 A record will be maintained by the Section 151 Officer of all bad debts written off under delegated approval given by the Financial rules under Section 5.

5.6 Where a debt is considered no longer valid (for example when an invoice has been raised in error) this debt will be cancelled with the authority of the Section 151 Officer or nominated deputy.

6.0 Orders for goods, works and services

6.1 Orders shall not be issued for goods, work or services unless the cost is covered by an approved budget. No payment will be made without an authorised order, unless otherwise agreed by the Section 151 Officer or Assistant Director of Finance and Customer Services.

6.2 All orders given on behalf of the Council shall be approved in electronic or written form in accordance with signatory limits as outlined in the scheme of delegation and within the Contract Procedure Rules and clearly detailing the nature and quantity of the works or services required and any relevant contract or agreed prices. All orders are to be authorised by Officers nominated by the appropriate Assistant Director who shall be responsible for official orders issued from his or her Service.

6.3 The key controls for ordering and paying for work, goods and services are:

a) All works, goods and services are ordered only by appropriate persons and recorded.

b) All works, goods and services shall be ordered in accordance with the Contracts Procedure rules unless they are purchased from internal sources within the Council. Waivers must only be used in exceptional circumstances as outlined in the Contract Procedure Rules.

c) Works, goods and services received are checked to ensure they are in accordance with the order.

d) Payments are authorised by Officers who will certify that goods have been received to price, quantity and quality.

e) All payments are made to the correct person, for the correct amount and are properly recorded, regardless of the payment method.

f) All appropriate payment documents are retained and stored for the defined period in accordance with the Redditch Borough Council Records Management Policy'.

g) All expenditure is accurately recorded against the right budget and any exceptions corrected, including VAT.

h) That processes are in place to maintain the security and integrity of data for transacting business electronically.

7.0 Payments

7.1 Individual Officers shall ensure that payments are authorised by appropriate Officers who will certify that goods and services have been received and that price, quantity and quality are in accordance with the initial order.

7.2 Assistant Directors shall maintain for their area a list of Authorised Officers showing their signing levels with specimen signatures, this is to be held on the Council intranet (The Orb). This list must be reviewed at intervals to ensure is up to date and accurate and any changes being reported promptly.

7.3 The payment of all monies from the Council, with the exception of sums payable from advance accounts or GPC cards shall be by BACS or other instruments drawn on the Council's bank account by the Section 151 Officer, including cheques when payment by BACS is not possible for appropriate.

7.4 Payment must only be made if an invoice is addressed to Redditch Borough Council. Payment must not be made on the basis of a statement or reminder unless an exception is approved by the Section 151 Officer/Deputy Section 151 Officer.

7.5 Prepayment for goods or services must be avoided where possible, in order to minimise risk to the Council. If a prepayment is unavoidable then it must be approved by the Deputy S151 Officer.

7.6 Where an electronic file contains multiple payments, an Officer may authorise the whole file with one signature if his or her authorised limit is at least the value of the highest individual amount within that file.

7.7 Once certified, all accounts paid through the centralised payment system must be passed to the Payments Section that shall ensure that the required payment is made to the correct person by the agreed method of payment and that all expenditure including VAT is accurately recorded against the correct budget.

7.8 The use of feeder systems to generate payments must only be allowed if the Section 151 Officer is satisfied that the data integrity of the corporate financial system would not be compromised and that the feeder system works in accordance with these financial procedures.

7.9 Invoices do not need specific authorisation for payment in an electronic system where the invoice matches the authorised order and goods receipt, and all three are correctly entered into the system.

7.10 In accordance with the Public Contract Regulations 2015 and the Late Payment of Commercial Debts Regulations 2013, and to maximise performance under the contract; the Council has to process all undisputed invoices within 30 days of receipt. The same shall apply to contractors in respect of any subcontractor arrangements applied under the applicable Council contract(s). All Council contracts shall contain provisions to this effect. All accounts received must be recorded with the day of receipt. In the event of a claim for damages/interest for late payment, the amount must be charged to the budget of the Directorate responsible.

7.11 The Section 151 Officer shall ensure that all appropriate payment documentation is retained for the required period of time in accordance with the Redditch Borough Council Records Management Policy.

Direct Debits

7.12 Payment for goods and services by use of direct debit must only be for those services where a monthly or periodic charge is applied (for example: utility bills). Direct debits from any Council bank account must be applied for by the relevant service and must only be set up with the authority of the Assistant Director Finance and Customer Services, or in their absence by the Section 151 Officer.

7.13 The Assistant Director Finance and Customer Services is responsible for maintaining and regularly reviewing a list of direct debits that are drawn from the Council's bank accounts. Assistant Directors are responsible for checking and confirming the accuracy of direct debits within their service areas and are to inform the Assistant Director Finance and Customer Servies of any irregularities and also if a direct debit is no longer required.

8.0 Salaries, wages, pensions, travel and subsistence

8.1 Assistant Directors shall maintain for their area a list of Authorised Officers showing their signing levels with specimen signatures, this is to be held on the Council intranet. This list must be reviewed at intervals to ensure is up to date and accurate and any changes being reported promptly.

8.2 All claims for payment of allowances, subsistence, travelling and expenses must be submitted within two months of the period they relate to (and always by the end of April following the financial year end) on the approved form, duly certified in a form approved by the Section 151 Officer with all required supporting evidence including VAT receipts for expenses submitted where appropriate. Any exceptions shall require individual certification by both the Section 151 Officer and the Assistant Director.

8.3 The certification of claims by or on behalf of an Assistant Director shall be taken to mean that the Certifying Officer is satisfied that the journeys and the expenses incurred were necessary and authorised as being in line with the council's policies on travel and subsistence claims.

8.4 The Payroll Manager shall ensure that all appropriate payroll documents are retained for the required period of time in accordance with the Council Records Management Policy.

8.5 The Deputy Section 151 Officer must be responsible for the signing off of the payroll run prior to payment.

8.6 The Council reserves the right not to pay any travel and / or expense claims that are not submitted in a timely manner, without good reason. Line Managers are responsible for approving or not approving all claims. Any issues must be considered in accordance with established HR arrangements. .

9.0 Imprest accounts

9.1 The Section 151 Officer may provide petty cash advance / Imprest accounts for such employees as may need them for the purpose of defraying petty cash or other expenses. Petty cash shall be maintained in the Imprest account to meet minor expenditure on behalf of the Council. Payments in reimbursement of travelling or subsistence must not be paid out of petty cash accounts.

9.2 The Assistant Director of Finance and Customer Services must maintain a record of all advances made and reconcile to the Council's main financial system.

In summary Officers operating an Imprest account must comply with the following procedures:

a) Obtain and retain vouchers to support each payment from the Imprest account including official VAT receipts where appropriate.

b) Make adequate arrangements in their office for the safe custody of the account including vouchers and any other supporting documentation.

c) Produce upon demand by the Assistant Director of Finance and Customer Services cash and all vouchers to the total value of the Imprest account.

d) Record transactions promptly.

e) Reconcile and balance the account at least monthly with reconciliation sheets to be signed and retained by the Imprest holder.

f) Provide the Assistant Director of Finance and Customer Services with a certificate of the value of the account held at 31st March each year.

g) Ensure that the Imprest is never used to cash personal cheques or to make personal loans.

h) Ensure that the only payments into the account are the reimbursement payments and any notes/coinage relating to purchases made by a cash advance from the Imprest account.

i) Ensure income due to the Council is collected and banked as provided in accordance with the Council's Financial Procedure Rules and not through an Imprest account.

j) On leaving the Council's employment, ceasing to be entitled to hold an Imprest advance or no longer requiring an Imprest advance, Officers must request that the Assistant Director of Finance and Customer Services close the account. All funds and account documentation must be returned to the Assistant Director of Finance and Customer Services.

k) A bank Imprest account cannot become overdrawn.

l) Submit a claim for reimbursement at least monthly or return a nil claim.

10.0 Banking arrangements and Government Procurement cards

10.1 All arrangements with the Council's bank concerning the Council's bank accounts and for the ordering and issue of cheques shall be made by, or under arrangements approved by, the Section 151 Officer. The Section 151 Officer shall be authorised to open and operate such banking accounts, as he or she may consider necessary. This authority shall include the power to give the necessary directions to the bank as to signatures for withdrawals.

10.2 Apart from payments from Government Procurement cards, petty cash, Imprest accounts, the normal method of payment due from the Council shall be by BACS or cheque. Direct debit and periodical payment arrangements shall require the prior agreement and authorisation of the Section 151 Officer or Assistant Director of Finance and Customer Services.

10.3 All cheques and cheque stationery shall be ordered only on the authority of the Section 151 Officer or Assistant Director of Finance and Customer Services who shall be satisfied that proper arrangements are in place for their safe custody. Where the

signature is printed on the cheque by a Council system, the signature shall be that of the Section 151 Officer.

10.4 The Section 151 Officer or Assistant Director of Finance and Customer Services shall be responsible for authorising the issue of Government Procurement cards and determining spending limits. Cardholders are required to comply with the policy issued by the Section 151 Officer regulating the use of GPC cards as shown in Appendix B. Purchases must be made in accordance with the Contract Procedure rules. This policy must include the requirement for cardholders to provide the Exchequer Services Manager with a receipt and complete the online system with details of all items purchased including the general ledger code: this is due by 17th of each month.

10.5 See section 7 for regulations on the use of Direct Debits from the Council's bank accounts.

11.0 Preventing financial irregularities

11.1 All Officers are required under their contractual obligation to report financial irregularities at the earliest opportunity to their Manager or Section 151 Officer. The Section 151 Officer must report financial irregularities to the Chief Executive, Executive and the Audit, Standards and Governance Committee. Providers of services are required to highlight financial irregularities immediately as stipulated under the contract procedure rules.

11.2 The Section 151 Officer, in conjunction with audit, will determine the scope of any internal enquiries or investigations, subject to consultation with the relevant member of the Senior Leadership Team.

11.3 The Section 151 Officer, in consultation with the relevant member of the Senior Leadership Team, will decide whether any matter under investigation must be referred for Police investigation and take recovery action as appropriate on such matters.

11.4 The Section 151 Officer will inform the Chief Executive and Monitoring Officer if a suspected irregularity occurs involving Officers who are his or her responsibility.

11.5 All Officers and members must report financial irregularities to the Section 151 Officer.

11.6 The Section 151 Officer will advise the relevant Assistant Director if the outcome of an audit investigation indicates improper behaviour by a member of staff; or the Monitoring Officer if the outcome of an audit investigation indicates improper behaviour by an Elected Member. The Assistant Director or Monitoring Officer will then instigate the relevant disciplinary/standards procedure.

12.0 Money laundering

12.1 The Section 151 Officer is appointed as the Money Laundering Reporting Officer (MLRO). This Officer shall ensure that all Officers likely to receive payments from the public, businesses or professions are aware of the Authority's responsibilities under the Proceeds of Crime Act 2002, the Money Laundering, Terrorist Financing and Transfer of Funds (Information on the Payer) Regulations 2017. and any other relevant acts and

regulations, such as the Terrorism Act 2000. The Assistant Director of Finance and Customer Services is appointed as the Deputy Money Laundering Reporting Officer.

12.2 The MLRO shall receive reports from Officers about suspicious payments of any value for any purpose and payments in cash in excess of £10,000 including in aggregate.

12.3 The MLRO shall report any instance of suspected money laundering to the serious organised crime agency.

13.0 Asset management

Introduction

13.1 The asset management section of the Council's Financial Procedure Rules provides a framework of principles, minimum requirements, levels of authority and delegations to ensure that the Council's asset portfolio is managed effectively to achieve maximum value for money.

Overarching principles

13.2 A set of overarching principles govern the operation of this section of the Council's Financial Procedure Rules.

13.3 These are:

Property

a) All property owned or leased by Redditch Borough Council is held corporately.

b) Full Council is responsible for deciding the extent of the Property Portfolio and for agreeing acquisitions and disposals in line with the Council's Policy.

c) The Section 151 Officer, is responsible for ensuring that the occupation of all Redditch Borough Council property by Directorates or other tenants is in the interests of the Council as a whole.

d) The Section 151 Officer has the authority to intervene in property matters to protect Redditch Borough Council's overall interests.

e) Resolution of disputes on property matters is overseen by the Chief Executive.

f) All property transactions must be referred to the Section 151 Officer who shall seek the comments of all interested parties, including relevant Executive members, Directorates and local members, before the decision is taken to proceed. All decisions must be taken in accordance with the delegations set out in this section of the Council's Financial Procedure Rules, the functions scheme, and the decision-making procedures set out in the Council's Constitution.

General

g) Capital investment on assets must be linked to priorities identified through the corporate planning process using a clear and objective prioritisation policy.

h) Capital investment must be directed to obtain maximum benefit from available resources, taking account of economy, efficiency and effectiveness.

i) Revenue implications of capital investment must be considered, including the revenue costs of any borrowing required, and spend to save funding may be available to pump prime investment that can demonstrate a clear financial pay back.

Acquisitions and improvements to assets

13.4 Before an asset is acquired or improved the need for investment must be clearly identified and appraised.

13.5 Prior to allocation of resources a business case must be prepared and approved by the relevant Assistant Director.

13.6 The Section 151 Officer will present the scored business case to the Corporate Leadership Team. Where the acquisition proposed is part of the annual budget setting process the Strategic Leadership Team will make recommendations to Executive for inclusion in the Medium-Term Financial Plan. Where the proposal is outside of the budget setting process the approval will follow the Council's virement procedures provided that the capital budget approved by Council is not exceeded.

13.7 The use of compulsory purchase powers must be approved by Executive.

Property

13.8 Property is to be used efficiently, effectively and economically with due regard to legislative requirements.

13.9 The occupation and use of property by a Directorate is subject to the Section 151 Officer approving all material changes to property, including change of use, appropriations, granting/taking of interests, alterations or additions. Such changes must then be reported to the Assistant Director of Finance and Customer Services for correct accounting treatment and apportionment of charges.

13.10 The Section 151 Officer has the authority to undertake reviews of the property portfolio, or parts of it, to determine if it is optimised in terms of its utilisation, cost and value and within this to challenge the retention or use of existing properties occupied by Directorates or other tenants.

Disposals

13.11 Land, property and any other assets which are surplus to operational need are either to be reallocated to meet alternative needs or disposed of in line with statutory requirements and/or Redditch Borough Council policies.

13.12 Directorates shall notify the Section 151 Officer of:

a) Any property (or part) that is:

- Vacant.
- Held against a future operational need.
- Not used for the principal purpose for which it is held.
- Likely to be surplus to requirements (with estimated timescale).

b) Any statutory/process issues relevant to its disposal (e.g. prescribed consultation processes, reference to the Secretary of State, etc.).

c) Any other issues which need to be considered prior to disposal.

13.13 The Executive must be informed of any surplus property to enable it to declare as surplus and further agree to the marketing of any surplus assets subject to any delegation in the scheme of delegations.

13.14 Any proposal to dispose of any Council asset with a value of £200,000 or more, or which is otherwise considered significant by the Assistant Director of Regeneration, and Property Services and must be considered by Executive.

13.15 Any disposal below market value must be agreed in advance by the Section 151 Officer. Any disposal that is more that £2 million below market value will require approval from the Secretary of State.

Treatment of capital receipts

13.14 All capital receipts from disposals are deemed to be a corporate capital resource available for allocation in line with corporate priorities.

Financial Procedure Rules

13.15 All of the protocols set out in the Council's Financial Procedure Rules and the Financial Guidance (Part 3) and Chief Executive Schemes of Delegation must be adhered to. No transaction must be approved unless specific budgetary provision is identified, except where the purchase is approved under the authority given in Paragraph 3.0 for emergency decisions.

14.0 Audit

14.1 The Section 151 Officer has responsibility for maintaining an adequate and effective internal audit service. This service has been delegated to the Worcestershire Internal Audit Shared Services (WIASS).

14.2 The Section 151 Officer shall maintain strategic and annual audit plans that take account of the relative risks of the activities involved. He/she shall liaise with the Corporate Leadership Team on the audit strategy and plan.

14.3 WIASS is responsible for providing the Audit, Standards and Governance Committee with regular assurance reports that highlight any areas of concern regarding the effectiveness or level of compliance with agreed systems of internal control.

14.4 WIASS shall submit an annual report to the Audit, Standards and Governance Committee detailing internal audit activity for the previous year and reporting significant findings and areas of concern. WIASS shall also submit a quarterly progress report to the Audit, Standards and Governance Committee detailing progress against the audit programme.

14.5 WIASS shall provide a regular summary to the Leader, Chairman of Audit, Standards and Governance Committee and relevant Executive Member(s) of audit review reports following sharing of the detailed reports with Assistant Directors beforehand.

14.6 The Section 151 Officer, in conjunction with the Monitoring Officer, is responsible for producing an Annual Governance Statement for inclusion with the annual Statement of Accounts based on assurances provided by WIASS and also on risks and areas for improvement identified by Corporate Leadership Team. The AGS shall be reviewed by the Senior Leadership Team and Audit, Standards and Governance Committee.

14.7 Officers shall ensure that internal and external auditors are provided with:

a) Access at reasonable times to premises or land used by the Council.

b) Access at reasonable times to any employee or employees.

c) Access to all assets, records, documents, correspondence and control systems relating to any matter or business of the Council.

d) Any information and explanation considered necessary concerning any matter under examination.

14.8 Officers must account for cash, stores or any other Council property under their control and produce such items for inspection if required by WIASS.

14.9 Officers are required to consider and respond to audit reports and audit recommendations within two weeks.

14.10 Officers must ensure that any agreed actions arising from audit recommendations are carried out in a timely and efficient manner.

14.11 Where an appropriate response to audit recommendations has not been made within the agreed period, the Section 151 Officer shall refer the matter to the Chief Executive and/or the Audit, Standards and Governance Committee.

14.12 Officers are responsible for notifying the Section 151 Officer or WIASS immediately in writing/electronic medium of any suspected or alleged fraud, theft, irregularity, improper

use or misappropriation of Council property or resources. Pending investigation, all necessary steps must be taken to prevent further loss and secure records and documents against removal, destruction or alterations.

14.13 The Section 151 Officer is to investigate promptly all apparent, suspected or reported irregularity or fraud he/she becomes aware of. He/she shall report his/her findings to the Chief Executive to discuss and agree appropriate legal proceedings and/or disciplinary action, consulting with the relevant member(s) of the Corporate Leadership Team as appropriate.

14.14 Officers are responsible for ensuring that new systems for maintaining financial records, or records of assets, or changes to such systems are discussed and agreed with the Section 151 Officer prior to implementation.

14.15 Officers are responsible for ensuring that all paperwork and systems are up to date, kept securely and are made available for inspection by audit.

14.16 Officers shall ensure that all fundamental systems and other financial systems are reconciled on a regular basis and that records are up to date and available for audit inspection when required.

15.0 Revenue budget management

15.1 The Assistant Director of Finance and Customer Services shall prepare and review annually a Medium-Term Financial Plan and strategy to provide an estimate of resources available to the Council and identify budget pressures.

15.2 Proposed budgets over periods of one year or longer shall be prepared by Assistant Directors, in consultation with the Section 151 Officer, for consideration by the Executive, having regard to the views of the Overview and Scrutiny Committees, before submission to Council.

15.3 The Executive shall recommend an annual budget to Council that includes the following:

a) Annual capital and revenue budget.

b) Proposed contingencies, general reserves and specific reserves.

c) Council Tax requirement.

d) Treasury Management Policy and borrowing limits.

e) The Section 151 Officer statutory declaration on budget setting (section 25 statement on adequacy of balances and robustness of estimates).

15.4 Budget management ensures that resources allocated by Members are used for their intended purposes and that these resources are properly accounted for. Budgetary control is a continual process enabling the Council to review and adjust its budget targets during the financial year. It also provides the mechanism to call to account Managers responsible for defined elements of the budget.

15.5 The structure and format of the revenue budget must be sufficient to permit effective financial management.

15.6 The overall budget setting process for both revenue and capital is controlled by the S151 Officer.

15.7 Budgets will be distributed to budget holders for consultation. Budget holders will work with Finance Officers to prepare detailed income and expenditure estimates for the forthcoming year, taking into account known service level changes, contractual commitments and financial constraints.

15.8 Budget holders must provide information on any legislative changes, statutory duties, demographic changes, which impact upon service trends and activity levels to inform the financial planning and budget setting process.

16.0 Capital budget management

16.1 The Executive shall, following the submission of proposals by the Corporate Leadership Team, recommend to Council:

a) A capital programme for each financial year.

b) A future indication of a capital programme over a four-year period.

c) The recommended funding method for each capital project (including the use of prudential borrowing, capital receipts, revenue or other financing methods).

16.2 Following the approval of a capital programme, and subject to any conditions specified in that programme, or specified by the relevant Executive member, the relevant Assistant Director shall take all appropriate action to carry into effect the approved schemes, within the budget and timescale agreed in the capital programme. Any material variation in cost or timescale shall be reported to the Executive.

16.3 Executive Members will monitor capital expenditure once budgets are approved by Council.

16.4 If a project has not started within the specified timeframe, being two years behind the intended start date it will require resubmitting before proceeding.

16.5 Any report for a project or policy of a capital nature shall include details of:

a) The estimated cost of the proposal.

b) Any phasing of the capital expenditure.

c) The proposed method of financing, whether by loan, revenue or otherwise.

d) The effect on the revenue estimates in the first and subsequent years.

e) The additional staff and grades required both initially and ultimately.

f) An assessment and measurement of the need for the scheme and the benefits it will produce.

g) A technical and financial appraisal of the alternative approaches to meeting the need. (larger projects only)

h) Milestones for the project to include the opportunity for gateway reviews

17.0 Budgetary Control

17.1 Each Assistant Director shall be responsible for monitoring the revenue and any capital budget relevant to his/her Directorate to ensure that such budgets are properly spent and not exceeded.

17.2 Any new proposal or variation which would materially affect the finances of the Council shall require approval by the Executive. Any budget virements must comply with the Council's scheme of budget virement.

17.3 The Council operates within an overall annual cash limit. As a result, all individual budgets are cash limited. Each budget holder is required to operate within their cash limit.

17.4 Assistant Directors shall monitor spend and income against budgets monthly and ensure, so far as practicable, that expenditure in excess of their net approved budgets is not incurred without prior approval. If actual income is expected to be below budget, this must also be actively managed.

17.5 If it appears to an Assistant Director that his/her overall cash limited budget may be exceeded, he/she shall report the details as soon as practicable and identify mitigating action. The overall position is then reported to the Executive.

17.6 Action plans must be put in place by each Directorate at an early stage in the financial year in order to manage potential overspendings (e.g. due to additional spending or below target income). Assistant Directors must ensure Officers adhere to the savings targets and take mitigating action if delivery is deemed to be at risk.

17.7 It is the duty of Assistant Directors to ensure that responsibility for budgetary control is clearly allocated to appropriate Officers in their Directorates. Assistant Directors shall nominate a Budget Manager for each cost centre. As a general principle, budget responsibility must be aligned as closely as possible to the decision-making processes that commits expenditure.

17.8 Budget Managers are accountable for their budgets and the level of service to be delivered and must understand their financial responsibilities. Budget Managers must be responsible only for income and expenditure that they can influence.

17.9 Budget Managers are required to;

a) Follow an approved process for all expenditure.

b) Ensure that income and expenditure are properly recorded and accounted for.

c) Ensure that expenditure is committed only against an appropriate budget head.

d) Monitor performance levels/levels of service in conjunction with the budget and necessary action is taken to align service outputs and budget.

e) Monitor and control the gross expenditure budget position.

f) Investigate and report significant variances from approved budgets.

17.10 The Section 151 Officer shall establish an appropriate framework of budgetary control, monitored and reported through the financial system.

17.11 The Section 151 Officer shall provide Assistant Directors, budget holders and Executive members with quarterly financial management information reports in line with the Forward Plan.

17.12 The Section 151 Officer shall ensure that each Assistant Director has available timely information on receipts and payments on each budget which is sufficiently detailed to enable managers to fulfil their budgetary responsibilities.

17.13 The Financial Services Manager shall provide financial management training courses that all budget managers must attend.

17.14 All carry forwards or underspends or treatment of overspends at year end shall be subject to approval in accordance with arrangements determined by the Section 151 Officer approved by members as part of the budget process.

18.0 Virement

18.1 The Council operates a scheme of budget virement. This enables budget holders to manage budgets with a degree of flexibility within the overall policy framework determined by the Council and therefore optimise available use of resources.

18.2 Assistant Directors have authority to vire expenditure between individual budget heads in accordance with the virement policy.

18.3 Key controls for the virement policy are:

a) Any variation from this policy requires the approval of Council.

b) That the overall budget is developed by Executive and approved by Council. Assistant Directors and budget holders are authorised to incur expenditure in accordance with the estimates contained within the annual budget. The rules below cover virement; that is switching resources between budget heads. For the purposes of these rules a budget head is considered to be the standard service subdivision as defined by CIPFA. The scheme applies equally to a reduction in income as to an increase in expenditure.

18.4 All virements must be entered onto the finance system for approval by an authorised Officer. There will be no virements below £10,000 unless authorised by the Section 151 Officer or Assistant Director of Finance and Customer Services.

18.5 All virements below £200,000 and above £10,000 and within a single Executive Member Portfolio and a single Directorate budget must be approved by the service Assistant Director and the Assistant Director of Finance and Customer Services. Virements below £200,000 between two Directorate budgets or two Executive Member areas will require agreement of the Assistant Directors and Executive Members as well as the Section 151 Officer. Capital and corporate budgets above £10,000 and up to £200,000 will require the approval of the Assistant Director of Finance and Customer Services. All virements of above £200,000 shall be reported in the budget monitoring report provided to Executive.

18.6 There will be no virements from salary budget to other types of expenditure without approval from Executive.

18.7 Virements must not be aggregated or disaggregated in order to avoid the virement rules.

18.8 Where an approved budget is a lump sum budget or contingency intended for allocation during the year, its allocation will not be treated as a virement provided that the amount is used in accordance with the purposes for which it has been established and that Executive and / or Council has approved the basis and the terms including financial limits on which it will be allocated. Individual allocations in excess of the financial limits must be reported to Executive or Council as required.

18.9 All virements must be properly documented and approved.

18.10 Budget adjustments. Where there is a need to move a budget to a more appropriate cost centre or nominal code, without changing the purpose of the budget, then this is considered a 'budget adjustment' and must be made by the finance Officers with the authority of the Assistant Director of Finance and Customer Services

Supplementary Estimates

18.11 In-year increases in budgets are referred to as supplementary estimates and any request for additional budget that increases the Council's cost of provision of services (net revenue or capital budget) must only be approved by Council (as with the annual budget setting).

18.12 Where a request for additional expenditure budget is matched by additional grant or contribution income and therefore there is no increase to the net revenue or capital budget, then the expenditure budget must be increased and the income or financing budget increased equally with no impact on the Council's net cost of services. This must be authorised by the Section 151 Officer and must be reported to Executive in the next available budget update report.

19.0 Insurance and risk management

19.1 All organisations, whether they are in the private or public sector, face risks to people, property and continued operations. Risk is defined as the chance or possibility of loss, damage or injury caused by an unwanted or uncertain action or event. Risk

management is the planned and systematic approach to the identification, evaluation and control of risk.

19.3 Insurance has been the traditional means of protecting against loss, but this cannot be seen as the complete answer. By reducing or even preventing the incidence of losses (whether they result from crime or accident), the Council shall benefit from reduced costs of providing insurance cover and shall also avoid the disruption and wasted time caused by losses and insurance claims.

19.3 Through quarterly performance monitoring Audit, Standards and Governance Committee must be kept informed of items listed on the corporate risk registers.

19.4 The key controls for risk management and insurance are:

a) Robust systems are in place to identify, assess, prevent or contain significant operational risks on an integrated basis and these systems are promoted throughout the organisation.

b) Acceptable levels of retained risk are identified and evaluated and arrangements are in place for their funding, either by internal provision or external insurance as appropriate.

c) Managers know that they are responsible for managing relevant risks and are provided with appropriate and timely information on claims experience and risk management initiatives relating to their areas of responsibility.

d) Procedures are in place to investigate and process claims within required timescales.

e) A monitoring process is in place to review regularly the effectiveness of risk reduction strategies and the operation of these controls. The risk management process must be conducted on a continuing basis.

19.5 The Section 151 Officer shall effect all insurance cover and negotiate all claims in consultation with the relevant Officer where appropriate.

19.6 Assistant Directors shall give prompt notification to the Section 151 Officer of all new risks, properties, vehicles and other assets that are required to be insured or any alterations affecting existing insurances.

19.7 Assistant Directors shall promptly notify the Section 151 Officer in writing of any actual or potential loss, liability or damage or any event likely to lead to an insurance claim by or against the Council.

20.0 Loans, leasing and investments

20.1 The Section 151 Officer shall report to Executive, on an annual basis, with recommendations to Council to determine the limits for the borrowing of monies.

20.2 The Section 151 Officer shall borrow as necessary to finance the approved capital programme and deal with all matters in connection with the raising or repayment of loans and is authorised to borrow for meeting expenses pending the receipt of revenues.

20.3 All investments and all borrowing shall be made in the name of the Council.

20.4 Assistant Directors shall not enter into financial leasing arrangements except with the consent of the Section 151 Officer. Before entering into any lease agreement Assistant Directors shall submit details to the Assistant Director of Finance and Customer Services to enable a financial appraisal to be undertaken, including alternative financing options and implications for accounting treatment.

20.5 Loans to third parties will only be made in exceptional circumstances, and having followed the Council's decision-making process.

20.6 The Section 151 Officer shall arrange the borrowing and investment activities of the Council in such a manner as to comply with the CIPFA Code of Practice on Treasury Management and the Authority's Treasury Management Policy Statement.

20.7 The Section 151 Officer shall prepare an annual strategy with regard to investments, borrowing and the repayment of external debt. These are set out in the Treasury Management Strategy approved by full Council before the start of the new financial year.

20.8 The Treasury Management Strategy will include the following:

- Prospects for the economy and for interest rates;
- Borrowing requirement and strategy;
- Investment policy and strategy;
- Capital Financing Requirement (CFR)
- MRP statement;
- Prudential indicators for the next three years providing assurance that the Council's capital plans are affordable, prudent and sustainable; and
- The Treasury Management Policy Statement.

20.9 In addition, Executive will receive an annual treasury management report after the end of the financial year and will recommend to full Council for approval.

20.10 Executive will also receive treasury management reports as part of the quarterly budget monitoring updates.

21.0 Trust funds

21.1 The Section 151 Officer shall:

a) Arrange for all trust funds to be held wherever possible in the name of the Authority. All Officers acting as trustees by virtue of their official position, as declared in register of interest, shall deposit securities, etc. relating to the trust with the Section 151 Officer unless the deed otherwise provides.

b) Arrange where funds are held on behalf of third parties for their secure administration approved by the Section 151 Officer and to maintain written records of all transactions.

c) Ensure that trust funds are operated within any relevant legislation and the specific requirement for each trust.

22.0 Inventories and stocks and stores

22.1 The Section 151 Officer shall:

a) Advise on the form, layout and content of inventory records to be maintained by the Council.

b) Advise on the arrangements for the care and custody of stocks and stores in Directorates.

22.2 Assistant Directors shall:

a) Maintain inventories in a form approved by the Section 151 Officer to adequately record and describe all furniture, fittings and equipment, plant and machinery under their control. Disposable items such as stationery, goods for sale or materials may be held in store. They must be properly controlled and accounted for to ensure they are used only for Council purposes.

b) Be responsible for the care and custody of the stocks and stores within his or her services and arrange for periodical test examinations of stocks, ensure insurance cover is adequately provided and ensure that all stocks are checked at least once a year, where appropriate, as determined by the Section 151 Officer. This is to be under the supervision of persons without direct responsibility for the custody of the stocks or stores being checked.

c) Ensure attractive and portable items, such as computers, cameras and mobile technology devices are identified with security markings as belonging to the Council and appropriately controlled and secured.

d) Make sure that property is only used in the course of the Council's business unless the Assistant Director concerned has given permission otherwise.

e) Assistant Directors are responsible for investigating discrepancies and pursuing them to a satisfactory conclusion. Where this is not possible or the amount is over £250, this must be reported to the Section 151 Officer and Head of Internal Audit.

f) Adjustments in respect of stock deficiencies and surpluses shall be subject to the approval of the Section 151 Officer or Assistant Director of Finance and Customer Services.

g) Ensure that assets are identified, their location recorded and that they are appropriately marked and insured.

h) Ensure stocks are maintained at reasonable levels and subject to a regular independent physical check. All discrepancies must be investigated and pursued to a satisfactory conclusion.

i) Record the reasons for the chosen method of disposing of redundant stocks and equipment if not by competitive quotation or auction.

22.3 At any one time up to £5,000 may be written out of stock records with the Section 151 Officer approval. If the accumulated amount to be written out exceeds £10,000 during the financial year, a report must be made to Executive. Individual amounts in excess of £5,000 shall be approved by Executive.

22.4 Limit of the Council to write off and/or dispose of obsolete stock, per individual item:

- Estimated residual value up to £250 – Assistant Director
- Estimated residual value over £250 – Section 151 Officer

23.0 Working for third parties and shared services

23.1 Current legislation enables the Council to provide a range of services to certain other bodies. Such work may enable the Directorate to maintain economies of scale and existing expertise. Arrangements must be in place to ensure that any risk associated with this work is minimised.

23.2 All proposals for the Council to undertake work for a third party shall be properly costed in accordance with guidance provided by the Section 151 Officer. Financial advice must be obtained from the Assistant Director of Finance and Customer Services on the cost of providing the service.

23.3 All decisions for the Council to undertake work for a third party shall be made in accordance with the Council's formal decision-making processes and as set out in the Council's functions scheme and before any negotiations to work for third parties are concluded.

23.4 Officers must obtain statutory authority legal advice on the implications of providing the proposed service to the third party. All contracts for providing work for a third party shall be drawn up using guidance provided by the Council's Legal Services team.

23.5 Officers shall ensure that:

a) All contracts are properly documented and a register of all contracts to supply goods and services to third parties is maintained by each Directorate.

b) Appropriate identity checks on the third party are carried out in accordance with the Council's Anti-Money Laundering Policy and Guidance.

c) Appropriate insurance arrangements are in place for the third-party work.

d) The Council is not put at any risk of bad debts as a result of any third-party work.

e) Wherever possible, payment is received in advance of the delivery of the service under a third-party contract.

24.0 Value Added Tax

24.1 The Section 151 Officer is responsible for advising, in the light of guidance by appropriate bodies and relevant legislation as it applies, on all taxation issues that affect the Council. Written advice shall be made available to all relevant employees.

24.2 The Section 151 Officer is responsible for maintaining the Council's tax records, making all tax payments, receiving tax credits and submitting tax returns by their due date as appropriate.

24.3 The Section 151 Officer or his / her authorised representative shall be responsible for liaising with HM Revenue and Customs on all VAT related matters and for submitting and signing the necessary returns / claims in a timely manner.

24.4 VAT must be correctly claimed on expenditure (input tax) and valid tax invoices retained by the Council.

24.5 VAT must be correctly charged on income from works, goods and services supplied by the Council (output tax) and a valid VAT invoice or VAT receipt issued to any party outside of the Council, in accordance with the form approved by the Section 151 Officer.

24.6 Under no circumstances shall an Officer or Member use the auspices of the Council to purchase goods or services for their own private purposes to avoid paying VAT. To do so may result in disciplinary action.

25.0 Trading Accounts

25.1 All trading accounts shall be subject to the same standards of financial control and audit as core council services. The Section 151 Officer shall ensure that appropriate systems are in place for income recognition, expenditure control and performance monitoring.

25.2 Each trading service shall prepare an annual budget and medium-term financial forecast, approved by the relevant committee or delegated officer. These shall include projected income, expenditure, capital investment and net contribution to the Council's overall financial position.

25.3 Charges for trading services shall be reviewed annually as part of the annual budget setting process and approved by the Council or delegated committee. Income shall be recorded promptly and accurately, with appropriate segregation of duties and reconciliation procedures.

26.0 Funding Bids

26.1 Any funding bids need to be signed off by the Section 151 Officer, or in their absence, the Deputy S151 Officer. The Section 151 Officer must have been involved in the discussion of any funding bids from the initiation of the bid.

27. Accountable Bodies and Third Party Arrangements

27.1 Where the Council is required to act as an Accountable Body for external funding or partnership arrangements, the Section 151 officer must be satisfied that the appropriate financial control, audit, reporting and risk management arrangements are in place before funds are accepted and distributed.

27.2 Where the Council holds or administers monies on behalf of third parties or individuals, such funds must be accounted for separately from Council funds, subject to appropriate controls and open to inspection and audit.

28. Grant Claim Approval

28.1 All material grant claims, funding returns or requests for draw-down of external funding shall be submitted under arrangements approved by the Section 151 Officer. The Section 151 Officer, or a nominated deputy, must be satisfied as to accuracy, eligibility and compliance with grant conditions before submission.

29 Annual Assurance Statements on internal controls

29.1 Assistant Directors shall provide annual assurance statements to the Section 151 Officer confirming the adequacy and effectiveness of financial controls within their areas of responsibility, to support the Annual Governance Statement.

30. Decision-making and member led financial risk

30.1 Where Members choose to proceed with a course of action contrary to, or materially increasing risk beyond, the advice of the Section 151 Officer, this shall be explicitly recorded in the relevant decision report.

Appendix A

Responsibilities under the Financial Procedure Rules

This Appendix provides details of responsibilities under the Financial Procedure Rules. It lists in a single place, responsibilities that would otherwise be repeated in various sections of the Financial Procedure Rules. It confirms the overall responsibilities of the Council's Section 151 Officer, the Audit, Standards and Governance Committee and Members of the Corporate Leadership Team within the Financial Procedure Rules.

A1 Audit, Standards and Governance Committee responsibilities

A1.1 Day to day responsibility for the Council's finances rests with Assistant Directors and their Managers as set out in these Financial Procedure Rules with some functions delegated to the Audit, Standards and Governance Committee.

A1.2 Audit, Standards and Governance Committee shall oversee compliance with the Council's Financial Procedure Rules for those functions within their Terms of Reference. Corporate Leadership Team are responsible for ensuring those functions within their Terms of Reference operate within the Council's Financial Procedure Rules.

A2 Chief Financial Officer (Section 151 Officer) responsibilities

A2.1 The Section 151 Officer has been appointed under Section 151 of the Local Government Act 1972 as the Officer with responsibility for the proper administration of the Council's financial affairs.

A2.2 Reference in these Financial Procedure Rules to the Section 151 Officer shall be taken to include any Officer nominated by the Section 151 Officer to act on his/her behalf.

A2.3 The Section 151 Officer shall be entitled to attend a meeting of any body on which Members are represented where matters affecting the financial affairs of the Council are being discussed.

A2.4 The Section 151 Officer, under the general direction of Executive, is responsible for determining the basis for all accounting procedures and financial records for the Council and for exercising a check over all financial matters.

A2.5 The Section 151 Officer is responsible for maintaining a continuous review of the Financial Procedure Rules and advising the Audit & Governance Committee and Council of any additions or changes necessary.

A2.6 The Section 151 Officer is responsible for reporting, where appropriate, breaches of the Financial Procedure Rules or any other element of the Constitution that relates to the proper administration of the Council's financial affairs to the Council and/or Audit, Standards and Governance Committee.

A2.7 The Section 151 Officer is responsible for issuing advice and guidance to underpin the Financial Procedure Rules.

A2.8 The Section 151 Officer is responsible for maintaining adequate and effective audit arrangements for the Council and for ensuring that audit services complies with the public sector internal audit standards.

A2.9 The Section 151 Officer is responsible for ensuring, in conjunction with the relevant member of the Senior Leadership Team, that the Council's disciplinary procedures are followed where the outcome of an audit or other investigation indicates fraud or irregularity.

A2.10 The Section 151 Officer is responsible for ensuring that any case of fraud or loss or financial irregularity or bribery or corruption discovered or suspected to exist which involves the Council's interest shall be dealt with in accordance with the Council's Anti-Fraud and Anti-Corruption Policy.

A2.11 The Section 151 Officer is the Council's Money Laundering Reporting Officer and is also responsible for appointing a senior officer to be the Deputy to the Council's Money Laundering Reporting Officer.

A2.12 The Section 151 Officer has overall responsibility for making payments on behalf of the Council.

A2.13 The Section 151 Officer has overall responsibility for the Council's income and collection functions.

A2.14 The Section 151 officer is responsible through the collection account to advise whether or not the Council should enter into a business rates (BR) pooling arrangement with other councils, having taken appropriate advice on the matter.

A2.15 The Section 151 Officer is responsible for making payments to employees, former employees and Members on behalf of the Council.

A3 Corporate Leadership Team responsibilities

A3.1 Members of the Corporate Leadership Team are responsible for ensuring that all employees are aware of the content of the Financial Procedure Rules and other internal regulatory documents and that they are complied with.

A3.2 Members of the Corporate Leadership Team are responsible for consulting with the Section 151 Officer on any matter within their area of responsibility that is liable to materially affect the finances of the Council before any provisional or other commitment is incurred or before reporting the matter to a Executive member.

A3.3 Members of the Corporate Leadership Team are responsible for supplying the Section 151 Officer with all information necessary for the proper administration of the Council's affairs.

A3.4 Members of the Corporate Leadership Team shall allow the Section 151 Officer and his/her authorised representatives access to all documents and records on demand.

A3.5 Members of the Corporate Leadership Team shall maintain a sound system of internal control.

A3.6 Members of the Corporate Leadership Team are responsible for ensuring those functions within their Terms of Reference operate within the Council's Financial Procedure Rules.

A3.7 Members of the Corporate Leadership Team are responsible for informing Senior Leadership Team members promptly if the Council's Financial Procedure Rules are not being complied with.

Appendix B

GOVERNMENT PROCUREMENT CARDS (GPC)

GUIDANCE FOR CARDHOLDERS

Contact Details

Natwest Cardholder Helpline

Telephone:	0370 010 1152
Mon - Fri	8.00 a.m. - 6.00 p.m.
Sat	9.00 a.m. - 1.00 p.m.

Fax:

Lost or Stolen Cards

The Natwest General Procurement Card Loss Centre

Telephone: 0370 010 1152

Open 24 hours, 7 days a week.

Introduction

You have been selected to participate in the Government Procurement Card scheme (GPC). This scheme is designed to make it easier and more cost effective for employees to make low value purchases of goods and services for Council use. A low value purchase is not likely to exceed £250 and is likely to be substantially less. Using GPC you can purchase goods and services from suppliers who accept Mastercard.

GPC are not to be used to obtain cash except in exceptional circumstances and then only with the written permission of the Assistant Director of Finance and Customer Services / Deputy Section 151 Officer.

We have implemented this new purchasing concept for lower value purchases because we feel it will help you to more quickly and easily obtain the goods and services you need to get your job done. It will reduce paperwork associated with the traditional purchase order process resulting in cost savings for the Council and a saving in time for you.

Your feedback will help us to fine-tune the scheme as we integrate it into our purchasing processes. If you have any comments or questions about the GPC scheme, please contact your Administrator who is:

Exchequer Services Manager on 01527 64252 ext. 3614 or Steven Dodd on 01527 64252

You must contact immediately if your card is

- **Lost or Stolen**
- **Changes to current limits required**
- **Changes to Merchant Category Codes**
- **You are leaving us**
- **You Change your name or address**
- **You have a change of job**
- **You no longer require a GPC Card**

If your card is lost or stolen please also contact:

Nicola.parry@bromsgroveandredditch.gov.uk **and**
steven.dodd@bromsgroveandredditch.gov.uk

What We Expect From You

- Your Purchasing Card is personal to you, no one else is authorised to use your card. Do not allow any other employee to use your card or quote its number when ordering.
- The card number must always be kept confidential.
- Do not share your PIN number with anyone.
- The card must be used in accordance with this user/procedure guide, and the Employee Agreement.
- It is to be used for business related purchases only, where there is not a more cost effective way of making the purchase.
- Suppliers that have contracts on the ERP system must be used via that portal. GPC must not be used outside of the purchasing system unless prior agreement is sought from the exchequer services manager and the Deputy Section 151 officer.
- The types and values of purchases must be within the limits set. You are responsible for achieving best value for money.
- You are responsible for ensuring the security of the card.
- The card is restricted and officers are not permitted to obtain cash back facilities offered when making authorised purchases.
- You are responsible for reporting its loss, theft or misuse to Natwest Bank Card Loss Centre Telephone 0370 010 1152 and your Administrator as soon as you notice your card is missing.

- You will be asked to sign an Employee Agreement to this effect.
- Misuse of the card as determined by non-compliance with this cardholder guide may result in action being taken under the Council's disciplinary procedures. In such circumstances the Card Administrator has authorisation to cancel your card without further notice.
- Under no circumstance must the Card be used for paying an invoice.
- You will be responsible for keeping a record and receipts for all your transactions these must be entered onto the online system each time you use your card completing all of the fields including the Cost Centre and Account Code information. Failure to complete this will result in your card being cancelled.
- Full training and a username password will be given to you so that you can use the online system to record any purchases you make utilising the card. If you forget your password please contact the Card Administrator.
- You must retain all VAT receipts along with the credit card receipt and produce these monthly
- The responsibility of coding the statement is bestowed on the card holder.
- The compliance agreement which is sent at the time of the application must be signed and read. The agreement is to ensure all responsibility is adhered to and the consequences of misuse or none coding are clearly explained.

What is a Purchasing card?

GPC cards is an alternative method to the current buying process of paying for low value, high volume goods or services. By simplifying transaction processing, it assists purchasing efficiency and will save RBC time and money. The current indicated savings from the Audit Office equate to £28 per transaction however this does not include the paper and other associated print/environmental savings when the need not to produce orders, delivery note and invoices is taken into account.

The Purchasing card looks like any normal debit/credit card, but is a procurement card, which means your total balance on your monthly statement must be settled in full.

It also means that the supplier is paid much more quickly (typically 3 to 5 days) rather than waiting for us to settle their invoice.

The card can be used at any establishment displaying the Mastercard symbol, in the UK. But we are looking for you to use suppliers who are capable of providing VAT reporting to level 3, this to facilitate further efficiency savings as the banks monthly returns of purchases made ca be used to reclaim VAT from HMC&R. We are currently working with the Bank and the Suppliers we most commonly use to increase their VAT reporting capabilities to level 3.

Embossed on the card is the following:

Redditch Borough Council
Your Name
Expiry Date
Card Number

Your Purchasing card offers the opportunity to improve both the focus and flexibility of purchasing procedures whilst reducing the volume of purchase orders, invoices and associated paperwork for small value purchases, improving the cost effectiveness of processing these types of transactions.

Your card is to be used for business expenditure only.

Controls

Each card has a maximum monthly expenditure limit and individual transaction limit.

Monthly Expenditure limit

The total amount you can spend on your card each month.

Transaction Limit

The total amount you can spend on any single purchase.

Both of these limits are inclusive of VAT and any carriage.

The limits were set on your card application form based upon your estimated spend pattern.

Merchant Category Group code blocking

A further control has been applied to your Purchasing card.

Each supplier capable of accepting your GPC card will be classified by a certain Merchant Category Group code. By the way of an additional control, any number of these codes can be blocked or left unblocked to ensure compliance with business policies and to mirror each cardholder's buying profile.

Please make a note of these limits/controls.

If you try to purchase goods and services that are outside of these limits, your transaction will be declined and could lead to embarrassment. If you can prove that your limits are unrealistic to your work or the purchases you have to regularly make using the card please discuss with your line manager prior to requesting any increase in same

As detailed above, if you try to use your card with a supplier whose Merchant Category Group code has been blocked on your Purchasing card, this will also lead to your card being declined.

If this occurs, please contact the Administrator immediately to discuss how your card can be updated to reflect your requirements.

Queries on Goods

Faulty or damaged goods supplied

If the cardholder rejects the goods purchased as unsatisfactory, he/she must inform the supplier immediately, and try to reach an agreement to return the goods and obtain a refund. Natwest Bank is unable to become involved in any disputes between purchaser and supplier over the quality or suitability of goods purchased.

The supplier must arrange for a credit (refund) to be made to Natwest Bank Purchasing Card Account which will then appear on a subsequent statement. To aid reconciliation, we suggest the cardholder retains a record of the credit at the time the goods are returned, rather than waiting for the statement to arrive.

Please note that refunds from abroad may vary from the original transaction amount due to exchange rates.

Goods not supplied/wrong goods supplied

If an item is charged to the cardholder's account but the goods or services ordered have not been received or are incorrect, the cardholder must contact the supplier to confirm that the goods have been supplied or the correct goods are being despatched.

A refund can be claimed from the supplier only after allowing 60 days from the transaction date for delivery of the correct goods.

APPENDIX 1

Employee Agreement

a) I, …….. Hereby accept a Purchasing Card. As a cardholder I agree to comply with the terms of the attached policy regarding my use of the Card.

b) I have received and understood that I am being entrusted with a corporate charge card and will be making financial commitments on behalf of the company. I understand that the RBC is liable to the card provider for all the charges made on the card.

c) I agree to use this card for business purchases only and agree not to charge personal purchases. I understand that the RBC will audit the use of this card and report and take appropriate action on any discrepancies.

d) I will follow the established procedures for the use of the card. Failure to do so will result in cancellation of my card and disciplinary actions, including termination of employment.

e) I have been given a copy of the Purchasing Card Policy and User Guide and understand the requirements for the Card's use.

f) I agree to return the Card immediately upon request or upon termination of employment (including retirement). Should there be any organisational change, which cause my purchasing requirements to change, I agree to return my card and arrange for a new one, if appropriate.

g) If the card is lost or stolen, I agree to notify Natwest Bankimmediately by telephone and the Card Administrator as soon as possible thereafter.

Employees Signature…… Date…….

Card Number……..

Card Administrators Signature……. Date……

Appendix C

Glossary of terms

In the Financial Procedure Rules the words and phrases in the left hand column have the meaning given in the right hand column;

Asset	Something the Council owns that has value, such as premises, vehicles, equipment or cash.
Audit	A specialist team that examines, evaluates and reports on the adequacy of internal control systems.
Budget	A statement of the authority's plans for revenue and capital expenditure and income over a specified period of time.
Capital	Spending, usually on major assets like a building, where the benefit of the asset lasts for more than one year.
Capital Programme	A budget generally covering a 3-5 year period relating to items of capital expenditure.
Capital receipts	Proceeds from the sale of fixed assets, such as land or buildings.
Cash Limit	The most that can be spent in an area in one year.
CIPFA	The Chartered Institute of Public Finance and Accountancy is the leading professional accountancy body for public services in the UK. CIPFA has responsibility for setting good practice accounting standards for local government.
Financial Irregularities	Financial irregularities refer to actions or transactions that deviate from established financial rules, procedures or legal standards – often indicating errors, mismanagement or potential fraud.
Gross Expenditure	The total cost of providing the Council's services before taking into account income from government grants and fees and charges for services.
Imprests	Bank and petty cash floats.
Internal Control	The systems of control that help ensure the Council's objectives are achieved in an economical, efficient and effective way and consistent with safeguarding the Council's assets.
Inventory	A list of equipment and furniture.
Money Laundering	The practice of engaging in financial transactions in order to conceal the identity, source, and/or destination of money.
Officer	A person employed or appointed as a member of staff, including temporary staff and contractors.

Revenue budget	Budget relating to the day-to-day expenses associated with the provision of services.
Treasury Management	Management of the Council's cash balances on a daily basis, to obtain the best return while maintaining an acceptable level of risk.
Treasury Management Strategy	A document stating how the Council plans to borrow and optimise its return on its cash and investments in the coming financial year whilst ensuring the over-riding criterion of security of public money.
Virement	Transfers of budgets between one area and another.

Clarification of Post titles

Chief Executive	The Council's Head of Paid Service
S151 Officer	The Council's Chief Financial Officer (CFO) or Section 151 Officer
Assistant Director of Finance and Customer Services	The Council's Deputy Section 151 Officer

PART [14]

CONTRACT PROCEDURE RULES PART 1

1. INTRODUCTION

What are Contract Procedure Rules?

1.1 The Contract Procedure Rules (CPRs), the [Financial Procedure Rules] together with the Procurement Act 2023 (PA 2023) and the Procurement Regulations 2024 provide the framework for procurement activity across the Council, setting out how contracts for goods, works and services should be procured and managed, and detailing the record keeping and reporting requirements related to procurement and contract management activity. The CPRs apply to all Officers across the Council.

1.2 The CPRs should not be seen in isolation, but rather as part of the overall regulatory framework of the Council as set out in the Constitution.

Why are CPRs needed?

1.3 The Local Government Act 1972 requires the Council to have standing orders for how it enters into contracts. The Local Government Act 2000 (Constitutions) Direction requires the Council's constitution to include its rules, regulations and procedures in respect of contracts. These CPRs are the standing orders required by the Local Government 1972 Act and The Local Government Act 2000 (Constitutions) Direction. These CPRs form part of the Council's Constitution and are, in effect, the instructions of the Council to Officers when dealing with contracts on behalf of the Council. In acting on behalf of the Council, Officers must also have regard to any guidance and procedures issued to support compliance with the CPRs.

1.4 The Council is under a legal duty to promote Best Value and to consider the Public Services (Social Value) Act 2012 and comply with Public Sector Equality Duty under the Equality Act 2010. Every Officer engaged in the letting of contracts shall have regard to these duties and associated Council policies. Where compliance with these duties contradicts the requirements of any statutory legislation or specific best practice guidance, advice from Legal and Democratic Services must be obtained.

1.5 The CPRs apply to all contracts for the supply of works, goods and services, (including consultancy, utilities and concessions) to the Council, regardless of value

Exemptions

1.6 The following arrangements are exempted contracts under Schedule 2 of the Procurement Act 2023 (PA 2023) and therefore the sections in these CPRs which relate to procurements subject to the PA 2023 do not apply, including, without limitation:

1.6.1 The acquisition (by whatever means) (or the acquisition of an interest in or right over) of land, buildings or any other complete work or a contract

concerning an interest or right over any such things. In this instance, the financial regulations apply except where services or works are required by the Council as part of the land transaction. e.g. development agreements. **Note** that this does not apply to any external professional services linked to the purchase or sale.

1.6.2 Contracts of employment for the appointment of individual members of staff, including members of staff sourced through employment agencies under a corporate contract or contracts with individuals appointed to a public office (which may include the appointment of non-executive directors). Any ambiguity on whether a contract is an employment contract or a consultancy contract covered by these CPRs should be referred to HR.

1.6.3 Grant agreements.

1.6.4 Supply of works, goods and services by the Council to a third party. However, the Assistant Director Legal Democratic and Procurement Services must be consulted where the Council is contemplating this route.

1.6.5 Contacts procured with an entity over which the Council has a form of 'control' as defined in Schedule 2 of the PA 2023.

1.6.6 Contracts procured with another contracting authority (or contracting authorities) with the intention to achieve common goals in the exercise of public functions, solely in the public interest and where no more than 20% of the activities intended to be carried out are for reasons other than for the purpose of public functions.

1.6.7 Contracts procured in collaboration with other local authorities where the Council is not the lead authority (subject to the necessary approvals having been obtained from the appropriate decision maker at the Council). The CPRs of the lead authority shall apply. Assurance should be sought that the lead authority is in compliance with its own contract procedure rules and the PA 2023.

1.6.8 Purchases made at public auction.

1.6.9 Contracts relating to the placement of deposits or raising loans under the Financial Procedure Rules.

Note 1: Exemptions are not waivers. For waivers see Rule 2.16 – 2.22.

Note 2: These CPRs apply to any sponsorship agreement the Council is a party to and/or any arrangements in relation to or in connection with sponsorship.

Authority to conduct procurement activity

1.7 The authority for an Officer who needs to:

1.7.1 Undertake a procurement;

1.7.2 Award a contract;

1.7.3 Extend or vary a contract;

1.7.4 Terminate a contract during a contract period (early contract termination)

1.8 Will emanate from a function of the Council that is delegated to them by either of the following:

1.8.1 The Scheme of Delegation; or,

1.8.2 A bespoke decision taken by members.

Basic principles

Procurements below the WTO/GPA tender threshold

1.9 All procurement procedures below the WTO/GPA tender threshold must:

1.9.1 Support all relevant Council priorities and policies including the Medium Term Financial Plan,

1.9.2 Comply with all legislative requirements including the Human Rights Act 1998 and the Equality Act 2010,

1.9.3 Be funded through the allocation of an appropriately established budget or external grant funding.

1.9.4 Respect confidentiality during all stages of the formal tendering process. Officers must not disclose any information they have about potential suppliers to other persons/suppliers potentially competing for the same contract.

1.9.5 Where the estimated value of the contract exceeds £30,000 including VAT but is below the WTO/GPA tender threshold, comply with the obligations set out Part 6 of the PA 2023.

Procurements above the WTO GPA tender threshold

1.10 In addition to the above, all procurement procedures above the WTO/GPA tender threshold must:

1.10.1 Have regard to the importance of the objectives under the PA 2023 which are as follows:

(a) to deliver value for money by seeking to achieve the optimum combination of whole life costs and quality of outcome/s,

(b) to act, and be seen to act, with integrity,

(c) to maximise public benefit,

(d) to share information for the purpose of allowing suppliers and others to understand the Council's procurement policies and decisions,

(e) to treat suppliers the same unless a difference between the suppliers justifies different treatment. If this is the case, the Council must take all reasonable steps to ensure it does not put a supplier at an unfair advantage or disadvantage,

(f) to have regard to the fact that small and medium-sized enterprises may face particular barriers to participation and consider whether such barriers can be removed or reduced,

1.10.2 Have regard to the national procurement policy statement,

1.11 Ensure that all reasonable steps are taken to identify and keep under review any actual or potential conflicts of interest and where a conflict of interest is identified, ensure that all reasonable steps are taken to ensure the conflict does not put a supplier at an unfair advantage or disadvantage.

1.12 Where the estimated value of a procurement exceeds the WTO/GPA tender threshold, all Authorised Officers must comply with the relevant procurement legislation and have regard to the applicable Cabinet Office guidance. Under the UK Government's transitional arrangements, procurements that commence after the entry into force of the PA 2023 on 24 February 2025 must be conducted by reference to the PA 2023 only (together with the regulations made under the PA 2023 and any guidance published by the UK Government), whilst those that were commenced under the Public Contracts Regulations 2015 must continue to be procured and managed under those regulations. Any contracts awarded under the Public Contracts Regulations 2015 will continue to be managed under the Public Contracts Regulations 2015 until such a time as the contract or commercial tool (i.e. framework, dynamic purchasing system) ceases to exist.

All procurements

1.13 These CPRs shall be applied to the contracting activities of any arrangement for which the Council is the accountable body unless these CPRs state otherwise or the Council expressly agrees otherwise.

1.14 Records of procurement activity must be maintained as required by these CPRs and the award of contract must be published in accordance with the [Access to Information Rules] and the PA 2023

1.15 All contracts over £25,000 are to be entered on the Council's contracts register. This information must be updated if there is a change in the contract value. Contract Managers are responsible for notifying the Procurement Team of any updates and any additional contracts that need to be added to the register as soon as possible after they are awarded.

Authority to act

1.16 Where a new contract is required, or the variation or extension of an existing contract is required, the scheme of delegations in Part 2 of these CPRs provides the authority to take operational, executive and non-executive decisions relating to the area of responsibility.

Service specifications and options appraisal

1.17 At the start of any procurement activity, the Authorised Officer must develop the service specification and/or existing service design together with the requisite business case or service plan that identifies as a minimum:

1.17.1 Why the service is being commissioned; what is the need?

1.17.2 The budget available and the length of the proposed contract;

1.17.3 Assessment of the risks associated with the procurement and how they can be successfully managed;

1.17.4 What is the best form of community or service-user engagement or consultation? Consideration should be given to how service users can actively participate in the designing, delivery and quality-monitoring of their service;

1.17.5 Which, if any, social value outcomes will be achieved from the commissioning exercise, and how they can contribute towards meeting the Council's overall priorities;

1.17.6 Alternative options that have been considered;

1.17.7 Financial implications;

1.17.8 Where the procurement involves a potential change to services provided by the Council, ensures compliance with the Council's duty to consult under Section 3 of the Local Government Act 1999, and the Equality Act 2010;

1.17.9 Ensures that the application of the Transfer of Undertaking Protection of Employment Regulations 2006 (TUPE) is considered and obtain advice from the Procurement Team and Legal and Democratic Services before proceeding with ITT / ITQ;

1.17.10 Identifies the contract to be used for the procurement. Seek advice from the Procurement Team and Legal and Democratic Services at an early stage in the process;

1.17.11 Ensures contract management is considered early and that the mechanisms for monitoring the contract are embedded in the specification and contract.

1.18 The provision of CPR 1.17.5 above may apply to services contracts, or services together with the purchase or hire of goods or the carrying out of works, where it is proportionate and relevant to do so to enable or facilitate compliance with the duty imposed by section 1 of the Public Services (Social Value) Act 2012.

1.19 Decisions taken during the procurement process must be clearly documented and show options considered and recommendations to be taken forward.

Reserving below UK Threshold procurements

1.20 On a case by case basis, procurements below the WTO/GPA tender threshold may be reserved:

1.20.1 By supplier location: This means being able to run a competition and specify that only suppliers located in a geographical area can bid; or

1.20.2 By supplier type: For Small and Medium Sized Enterprises (SMEs) / Voluntary, Community and Social Enterprises (VCSEs), this means being able to run a competition and specify that only SMEs and VCSEs can bid.

1.21 Specific considerations and criteria must be met when using the provision of CPR 1.20 above, therefore Authorised Officers must engage with the Procurement Team and /or Legal and Democratic Services. for further guidance and written approval to use this provision. When opting to reserve a procurement by supplier location or supplier type, Authorised Officers are required to record the rationale / approval of their decision and keep with other procurement documents.

2. EVALUATION CRITERIA

Tender/Quotation acceptance

2.1 The Council shall only accept a Tender/Quote and award a contract to the bidder submitting the most advantageous Tender/Quote within budget.

2.2 For procurements of £50,000 and above the Authorised Officer shall produce a procurement evaluation report showing:

2.2.1 The subject matter, value and term (including potential extensions) of the contract;

2.2.2 The procurement route followed and the reason why that procurement route was chosen;

2.2.3 The name of each bidder who submitted a Tender and the result of each assessed Tender (i.e. total score);;

2.2.4 Any conflicts of interest detected and subsequent measures taken;

2.2.5 Details of due diligence checks carried out;

2.2.6 The recommendation on which bidder should be awarded the contract..

2.3 Written notification to successful and unsuccessful bidders of the outcome of a procurement process should be provided as soon as practicable and where applicable, in accordance with the PA 2023.

2.4 For procurements above the WTO/GPA tender threshold or where the relevant legislation provides for a standstill period, the contract cannot be formally awarded until the bidders have been informed and the mandatory standstill period has elapsed.

2.5 The successful bidder will not be allowed to commence provisions of the goods, services or works until a formal written contract has been completed. The Authorised Officer must ensure that a completed copy of the contract is added to the Council's contract register.

2.6 Where necessary the contract award notice and contract details notice must be published on the central digital platform. The contract details notice must be published within 30 days of the contract being entered into.

Authority to procure, award, sign / seal, vary or extend a contract

2.7 Officers are authorised to procure, award, sign or seal, vary or extend a contract pursuant to the delegations set out in Part 2 of these CPRs.

2.8 Authority to award, sign or seal, vary or extend a contract of a value of £200,000 or above (the Key Decision threshold) must be obtained from the Executive.

2.9 Contracts must be executed as deeds by affixing the common seal of the Council in the following circumstances:

2.9.1 Contracts of £200,000 or above (the Key Decision threshold) – unless agreed otherwise by Legal and Democratic Services;

2.9.2 Setting up a new framework;

2.9.3 All building and works-related contracts – unless agreed otherwise by Legal and Democratic Services; and

2.9.4 Other high risk contracts (as advised by Legal and Democratic Services) where a longer limitation period of 12 years is required.

2.10 Before a contract can be sealed by the Council, the Authorised Officer must provide the Legal and Democratic Services with the relevant decision to award in writing from the appropriate decision maker. The sealing of the contract by Legal and Democratic Services is simply affixing the common seal and does not indicate that legal advice has been sought or that the Legal and Democratic Services approve the contract.

2.11 Authorised Officers shall ensure that each contract is on one of the Council's standard contract templates or that the terms and conditions or the contract are/is approved by Legal and Democratic Services prior to going out to tender/quote.

Extension or variation of contracts under the Procurement Act 2023

2.12 Any extension or variation of a contract must comply with these CPRs, the PA 2023 and all applicable legislation.

Modifications to Contracts under the Public Contracts Regulations 2015 or Concessions Contract Regulations 2016

2.13 Modification to contracts under the Contracts awarded under the Public Contracts Regulations 2015 or the Concessions Contract Regulations 2016 must comply with these CPRs, the Contracts under the Public Contracts Regulations 2015 or Concessions Contract Regulations 2016 and all applicable legislation and will only be considered where they comply with Regulation 72 of the Public Contracts Regulations 2015 or Regulation 43 of the Concessions Contract Regulations 2016.

Direct Awards

2.14 A direct award is only to be used in exceptional circumstances and where expressly permitted under the PA 2023. Authorised Officers and/or Contract Managers are responsible for ensuring that direct awards are approved in advance of any action undertaken in all instances. As part of the approval process for use of a direct award, the Authorised Officer or Contract Manager must demonstrate that the price obtained is not in excess of the market price and that the contract represents best value.

2.15 Direct awards are governed by Chapter 3 of the PA 2023 which covers situations where a non-exempt contract above the WTO/GPA tender threshold is awarded without a competitive tendering procedure and is awarded directly to a supplier of the Council's choosing. The grounds for direct award under the PA 2023 include, but not limited to:

2.15.1 **Urgency**

(a) An urgent decision is required, for example for the protection of life or property, or to maintain the delivery of a public service, and in the opinion of the Monitoring Officer and the Deputy Chief Executive and Section 151 Officer, the waiver is in the Council's best interests, or necessary to meet the Council's obligations;

(b) The Council must be able to evidence that it is a genuine emergency, that the events causing extreme urgency were unforeseeable, that is impossible to comply with the usual timescales for a procurement including through a framework or accelerated procurement, and that the situation is not attributable to the Council;

(c) Such emergency contracts should be let for as short a period as possible to allow their replacement with a contract that is fully compliant with these CPRs at the earliest practicable opportunity.

2.15.2 **Single suppliers**

(a) Where the suppliers, works or services:

(i) Concerns the creation of acquisition of unique work or art or artistic performance;

(ii) Where a particular supplier s in possession of intellectual property or other exclusive rights and there are no reasonable alternatives, which means only the supplier with those rights can deliver the goods, services or works; or

(iii) Where, due to an absence of competition for technical reasons and provided there are no reasonable alternatives, only a particular supplier can supply the goods, services or works required.

Additional or repeat goods, services or works

2.15.3 Where the Council wishes to award a contract above the WTO/GPA tender threshold to an existing supplier, including:

(a) where the Council wises to buy additional or to partly replace existing goods, services or works which are the same or compatible with existing provisions (both those already supplied or that are contracted to be supplied); or

(b) where a contract has previously been awarded under a competitive tendering procedure and the tender notice or tender documents set out that the intention was to carry out a subsequent procurement of similar goods, services or works by direct award within five years of the original competitively tendered contract being awarded.

Waivers

2.16 A wavier to the CPRs should only be granted in exceptional circumstances.

2.17 A further waiver to the CPRs will generally not be granted where a waiver has previously been granted in respect of a contract.

2.18 A waiver to the CPRs is not required in the circumstances of instructing a barrister to provide specialist legal advice or for professional subscriptions.

2.19 A waiver to the CPRs must be approved in writing by the Deputy CEO S151 Officer Where the contract is £50,000 or above, the relevant Portfolio Holder must also be consulted.

2.20 A “waiver to the CPRs form” must be completed by the Authorised Officer or Contract Manager seeking the waiver and must be signed by the relevant Executive Director. Evidenced reasons as to the legitimate need for the waiver must be provided. The form is available from the Procurement Team.

2.21 The Authorised Officer or Contract Manager must ensure the waiver form is signed by the Monitoring Officer and the Deputy Chief Executive and Section 151 Officer [or the Chief Executive] and returned to the Procurement Team for recording on the waivers register.

2.22 Assistant Directors must monitor the use of waivers relevant to their department.

2.23 No waiver from the CPRs can be granted in respect of contracts above the WTO GPA tender threshold under the PA 2023.

3. RECORD KEEPING

3.1 Where the total value of a contract is up to £49,999 the Authorised Officer must maintain a record of:

3.1.1 ITQs / ITTs and quotations / tenders received;

3.1.2 Any exemption obtained and the reasons for the exemption;

3.1.3 Award criteria [in descending order of importance];

3.1.4 Written communications with the bidders during the procurement process; contractor awarded the contract;

3.1.5 Written communications with the successful contractor during the term of the contract.

3.2 Where the total value of a contract is £50,000 or above, the Authorised Officer must maintain a record of:

3.2.1 The information detailed in the procurement evaluation report produced in accordance with Rule 2.2 above;

3.2.2 The management of the contract;

3.2.3 Any exemption granted and the reasons for the exemption;

3.2.4 An evaluation of the contractor's performance;

3.2.5 Any other information as required under section 98 of the PA 2023 (where the contract is above the WTO/GPA tender threshold).

Contract Procedure Rules Part 2

Rules, Regulations and Procedure for Contracts pursuant to The Local Government Act 1972 and the Local Government Act 2000 (Constitutions) (England) Direction 2000

Total Value of Whole Contract Period Including VAT*	Competition Requirements	Requirements	Authority to Procure	Authority to Award Contract / Appoint Contractor	Sign / Seal
Up to £3,000	Evidence of Best Value	Must consider using existing corporate contract or an existing framework agreement provided costs are competitive and meets the Council's requirements for that contract; Consider local suppliers and/or local voluntary, charity and social enterprise (VCSE) sector interest; Competitive enquires must be undertaken and evidenced; Documents relating to the award of the contract must be recorded and retained for not less than 1 year (this can be in the form of an	Officers authorised by managers who report to Assistant Directors under the Scheme of Delegation	Officers authorised by managers who report to Assistant Directors under the Scheme of Delegation	Signature

*Estimating contract values is to be inclusive of VAT for the purpose of applying thresholds. The publication of procurement notices is to be exclusive of VAT.

**Procurement WTO / GPA Thresholds were last updated on 1 January 2026

		email); Award can be on price alone, but if the selected supplier is not the lowest quote, MAT evaluation should justify the selection; Consider using the Due North Electronic Portal Quick Quote Process.			
£3,001 - £29,999	3 Written Quotes	Must consider using existing corporate contract or an existing framework agreement provided costs are competitive and meets the Council's requirements for that contract; **OR** A minimum of 3 written quotations must be obtained from appropriately qualified and competent suppliers. Include 2 local suppliers and/or local VCSE and/or SME sector interest where appropriate; Consider using the Invitation to Quote/Tender by Advertisement procedure if appropriate;	Assistant Directors(as defined by AD pay grades) under the Scheme of Delegation	Assistant Directors(as defined by AD pay grades) under the Scheme of Delegation	Signature

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**Procurement WTO / GPA Thresholds were last updated on 1 January 2026

		Consider using the Due North Electronic Portal Quick Quote Process; Where 3 suppliers cannot be identified, the contract must be: • Openly advertised using the Due North Electronic Portal Quick Quote Process; or • Procured via a compliantly let framework agreement which meets the Council's requirements for that contract via the Due North Electronic Portal Quick Quote Process; Where the contract is advertised the Council's advertisement documentation must be used.			
£30,000 - £50,000	Invitation to Quote by Advertisement	Must consider using existing corporate contract or an existing framework agreement provided costs are competitive and meets the requirements of the Council for	Service Unit Managers, Executive Directors (as defined by pay grades) and the Chief Executive under the Scheme of	Service Unit Managers, Executive Directors (as defined by pay grades) and the Chief Executive under the Scheme of	Seal

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**Procurement WTO / GPA Thresholds were last updated on 1 January 2026

		that contract; **OR** Must advertise the contract via a below-threshold tender notice on the central digital platform. Adverts on the central digital platform or such other platform as may be prescribed must include full, unrestricted and free direct internet access to relevant contract documents; Once a below-threshold tender notice has been published, must advertise the contract and invite expressions of interest via the Due North Electronic Portal. Contract must be advertised for a minimum of 15 working days; The Council's invitation to quote by advertisement documentation must be used. A contract details notice must be published on central digital finder; The Authorised Officer must consult the Procurement Team and	Delegation	Delegation	

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**Procurement WTO / GPA Thresholds were last updated on 1 January 2026

		the Legal, Democratic and Property Services Team to determine the procurement exercise.			
£50,001 – WTO / GPA tender threshold: Goods & Services above • £173,100 (excl. VAT) • £207,720 (incl. VAT) Works above: • £4,327,500 (excl. VAT) • £5,193,000 (incl. VAT)	Invitation to Tender by Advertisement	Must consider using existing corporate contract or an existing framework agreement provided costs are competitive and meets the Council's requirements for that contract; **OR** Must advertise the contract via a below-threshold tender notice on the central digital platform or such other platform as may be prescribed. Adverts on the central digital platform must include full, unrestricted and free direct internet access to relevant contract documents; Once a below-threshold tender notice has been published, Officers must advertise the contract and invite expressions of interest via the Due North Electronic Portal;	**Up to £199,000**: Service Unit Managers, Executive Directors (as defined by pay grades) and the Chief Executive under the Scheme of Delegation **£200,000 and above (Key Decision threshold):** Executive or as otherwise delegated by Executive	**Up to £199,000**: Service Unit Managers, Executive Directors (as defined by pay grades) and the Chief Executive under the Scheme of Delegation **£200,000 and above (Key Decision threshold):** Executive or as otherwise delegated by Executive	Seal Seal

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		Contract must be advertised for a minimum of 15 working days; The Council's invitation to tender by advertisement documentation must be used; A below-threshold tender notice must be published on central digital platform; The Authorised Officer must consult early the Procurement Team and the Legal, Democratic and Property Services Team to determine procurement exercise.			
Above WTO / GPA Threshold** Goods & Services above • £173,100 (excl. VAT) • £207,720 (incl. VAT) Works above:	Compliant Procurement Procedure or by Invitation to Tender by Advertisement	Must consider using existing corporate contract or an existing framework agreement provided costs are competitive which meets the Council's requirements for that contract; **OR** The contract must also be advertised via a tender notice on the central digital platform; By the Invitation to Tender by Advertisement procedure using the	**Up to £199,000**: Service Unit Managers, Executive Directors (as defined by pay grades) and the Chief Executive under the Scheme of Delegation **£200,000 and above (Key Decision threshold):**	**Up to £199,000**: Service Unit Managers, Executive Directors (as defined by pay grades) and the Chief Executive under the Scheme of Delegation **£200,000 and above (Key Decision threshold):**	Seal Seal

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**Procurement WTO / GPA Thresholds were last updated on 1 January 2026

• £4,327,500 (excl. VAT) • £5,193,000 (incl. VAT)		Due North Electronic Portal. The Council's invitation to tender by advertisement documentation must be used; Adverts place on the central digital platform must include full, unrestricted and free direct internet access to relevant contract documents; The contract must be advertised for the periods specified in the Procurement Act 2024; The Authorised Officer must consult early the Procurement Team and the Legal, Democratic and Property Services Team to determine the procurement exercise;	Executive or as otherwise delegated by Executive	Executive or as otherwise delegated by Executive.	
Light Touch Regime	UK compliant Light Touch procurement process	Contracts involving the below supplies and services are subject to the 'light touch regime' if the value of the contract is above the WTO / GPA Threshold: • Health, social and related	**Up to £199,000**: Service Unit Managers, Executive Directors (as defined by pay grades) and the Chief Executive	**Up to £199,000**: Service Unit Managers, Executive Directors (as defined by pay grades) and the Chief Executive	Seal

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**Procurement WTO / GPA Thresholds were last updated on 1 January 2026

		services (unless included in the Health Care Services (Provider Selection Regime) Regulations 2023); • Administrative social, educational, healthcare and cultural services; • Compulsory social security services; • Benefit services; • Other community, social and personal services including services furnished by trade unions, political organisations, youth associations and 9 other membership organisation services; • Legal Services (subject to not being an exempt contract under the PA 23) ; • Other administrative services and government	under the Scheme of Delegation **£200,000 and above (Key Decision threshold):** Executive or as otherwise delegated by Executive	under the Scheme of Delegation **£200,000 and above (Key Decision threshold):** Executive or as otherwise delegated by Executive	Seal

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		services; • Provision of services to the community; • Prison related services, public security and rescue services; • Investigation and security services; • International services; • Postal services; • Miscellaneous services listed in Schedule 1 of The Procurement Regulations 2024. The Authorised Officer must consult the Procurement Team and the Legal, Democratic and Property Services Team undertaking procurement under the Light Touch Regime.			
Concessions	Compliant procurement process under	A concession contract is an agreement where suppliers are given the right to exploit works or	As Above	As Above	As Above

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	the Concessions Contracts Regulations 2016	services provided for their own gain. Suppliers can either receive consideration for their services: • Solely through third party sources; or • Partly through payment from the Council along with income from third parties (e.g. a services concession is where a supplier has a contract to manage a local authority's subsidised catering services for staff). The risk in the concession making a profit rests with the supplier, not the Council. The Authorised Officer must consult the Procurement Team and the Legal, Democratic and Property Services Team before undertaking a Concession procurement.			
Contracting under a Framework	Use the award procedure(s) as set out in	• When calling off a contract from a framework, a contract award notice must	Not applicable.	**Up to £199,000**: Service Unit	Seal

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**Procurement WTO / GPA Thresholds were last updated on 1 January 2026

	the framework	first be published. • After the call off from a framework, a contract details notice must be published. • Where the value of the call of contract is below the WTO / GPA tender threshold, a contract details notice must be published in relation to that notifiable below-threshold contract. • The contract must purchased via a compliantly let framework; • Procedures set out in the framework must be followed for direct awards and mini-competitions; • The Authorised Officer must consult early the Procurement Team and the Legal, Democratic and Property Services Team to		Managers, Executive Directors (as defined by pay grades) and the Chief Executive under the Scheme of Delegation **£200,000 and above (Key Decision threshold):** Executive or as otherwise delegated by Executive	Seal

*Estimating contract values is to be inclusive of VAT for the purpose of applying thresholds. The publication of procurement notices is to be exclusive of VAT.

**Procurement WTO / GPA Thresholds were last updated on 1 January 2026

		determine the procurement exercise.			

*Estimating contract values is to be inclusive of VAT for the purpose of applying thresholds. The publication of procurement notices is to be exclusive of VAT.

**Procurement WTO / GPA Thresholds were last updated on 1 January 2026

May 2026

OFFICER EMPLOYMENT PROCEDURE RULES

Definitions

(Mandatory provisions to be incorporated – The Local Authorities (Standing Orders) Regulations 2001(as amended) Schedule I Part II)

1. In this Part:

- "the 1989 Act" means the Local Government and Housing Act 1989;
- "the 2000 Act" means the Local Government Act 2000;
- "disciplinary action" has the same meaning as in the Local Authorities (Standing Orders) (England) Regulations 2001(as amended);
- "executive" and "executive leader" have the same meaning as in Part II of the 2000 Act;
- "member of staff" means a person appointed to or holding a paid office or employment under the authority; and
- "proper officer" means an officer appointed by the authority for the purposes of the provisions in this Part.

Appointment and Dismissal of Staff

2. Subject to paragraphs 3 and 7, the function of appointment and dismissal of, and taking disciplinary action against, a member of staff of the authority must be discharged, on behalf of the authority, by the officer designated under section 4(1) of the 1989 Act (designation and reports of head of paid service) as the head of the authority's paid service or by an officer nominated by him.

3. Paragraph 2 shall not apply to the appointment or dismissal of, or disciplinary action against:

(a) the officer designated as the head of the authority's paid service;
(b) a statutory chief officer within the meaning of section 2(6) of the 1989 Act (politically restricted posts);
(c) a non-statutory chief officer within the meaning of section 2(7) of the 1989 Act;
(d) a deputy chief officer within the meaning of section 2(8) of the 1989 Act; or
(e) a person appointed in pursuance of section 9 of the 1989 Act (assistants for political groups).

4. (1) Where a committee, sub-committee or officer is discharging, on behalf of the authority, the function of the appointment of an officer designated as the head of the authority's paid service, the authority must approve that appointment before an offer of appointment is made to that person

(1A) Where a committee, sub-committee or officer is discharging, on behalf of the authority, the function of the dismissal of an officer designated as the head of the authority's paid service, as the authority's chief finance officer, or as the authority's monitoring officer, the authority must approve that dismissal before notice is given to that person.

(2) Where a committee or a sub-committee of the authority is discharging, on behalf of the authority, the function of the appointment or dismissal of any officer referred to in sub-paragraph (a), (b), (c) or (d) of paragraph 3, at least one member of the executive must be a member of that committee or sub-committee.

5. (1) In this paragraph, "appointer" means, in relation to the appointment of a person as an officer of the authority, the authority or, where a committee, sub-committee or officer is discharging the function of appointment on behalf of the authority, that committee, sub-committee or officer, as the case may be.

(2) An offer of an appointment as an officer referred to in sub-paragraph (a), (b), (c) or (d) of paragraph 3 must not be made by the appointer until:

(a) the appointer has notified the proper officer of the name of the person to whom the appointer wishes to make the offer and any other particulars which the appointer considers are relevant to the appointment;

(b) the proper officer has notified every member of the executive of the authority of:

i. the name of the person to whom the appointer wishes to make the offer;

ii. any other particulars relevant to the appointment which the appointer has notified to the proper officer; and

iii. the period within which any objection to the making of the offer is to be made by the executive leader on behalf of the executive to the proper officer; and

(c) either:

i. the executive leader has, within the period specified in the notice under sub-paragraph (b)(iii), notified the appointer that neither s/he nor any other member of the executive has any objection to the making of the offer;

ii. the proper officer has notified the appointer that no objection was received by him within that period from the executive leader; or

iii. the appointer is satisfied that any objection received from the executive leader within that period is not material or is not well-founded.

6. (1) In this paragraph, "dismissor" means, in relation to the dismissal of an officer of the authority, the authority or, where a committee, sub-committee or another officer is discharging the function of dismissal on behalf of the authority, that committee, sub-committee or other officer, as the case may be.

(2) Notice of the dismissal of an officer referred to in sub-paragraph (a), (b), (c) or (d) of paragraph 3 must not be given by the dismissor until:

(a) the dismissor has notified the proper officer of the name of the person who the dismissor wishes to dismiss and any other particulars which the dismissor considers are relevant to the dismissal;

(b) the proper officer has notified every member of the executive of the authority of:

i. the name of the person who the dismissor wishes to dismiss;

ii. any other particulars relevant to the dismissal which the dismissor has notified to the proper officer; and

iii. the period within which any objection to the dismissal is to be made by the executive leader on behalf of the executive to the proper officer; and

(c) either:

i. the executive leader has, within the period specified in the notice under sub-paragraph (b)(iii), notified the dismissor that neither s/he nor any other member of the executive has any objection to the dismissal;

ii. the proper officer has notified the dismissor that no objection was received by him within that period from the executive leader; or

iii. the dismissor is satisfied that any objection received from the executive leader within that period is not material or is not well-founded.

7. Nothing in paragraph 2 shall prevent a person from serving as a member of any committee or sub-committee established by the authority to consider an appeal by:

(a) another person against any decision relating to the appointment of that other person as a member of staff of the authority; or

(b) a member of staff of the authority against any decision relating to the dismissal of, or taking disciplinary action against, that member of staff.

Disciplinary Action

(Mandatory provisions to be incorporated – The Local Authorities (Standing Orders) Regulations 2001 (as amended) Schedule 3)

8. In the following paragraphs –

(a) "the 2011 Act" means the Localism Act 2011;

(b) "chief finance officer", "disciplinary action", "head of the authority's paid service" and "monitoring officer" have the same meaning as in regulation 2 of the Local Authorities Standing Orders)(England) Regulations 2001;

(c) "independent person" means a person appointed under section 28(7) of the 2011 Act;

(d) "local government elector" means a persons registered as a local government elector in the register of electors in the authority's area in accordance with the Representation of the People Acts;

(e) "the Panel" means a committee appointed by the authority under section 102(4) of the Local Government Act 1972 for the purposes of advising the authority on matters relating to the dismissal of relevant officers of the authority;

(f) "relevant meeting" means a meeting of the authority to consider whether or not to approve a proposal to dismiss a relevant officer; and

(g) "relevant officer" meant the chief finance officer, head of the authority's paid service or monitoring officer , as the case may be.

9. . A relevant officer may not be dismissed by an authority unless the procedure set out in the following paragraphs is complied with

10. The authority must invite relevant independent persons to be considered for appointment to the Panel, with a view to appointing at least two such persons to the Panel.

11. In paragraph 10 “relevant independent person” means any independent person who has been appointed by the authority or, where there are fewer than two such persons, such independent persons as have been appointed by another authority or authorities as the authority considered appropriate.

12. Subject to paragraph 13, the authority must appoint to the Panel such relevant independent persons who have accepted an invitation in accordance with paragraph in accordance with the following priority order-

    (a) a relevant independent person who has been appointed by the authority and who is a local government elector;
    (b) any other relevant independent person who has been appointed by the authority;
    (c) a relevant independent person who has been appointed by another authority or authorities.

13. An authority is not required to appoint more than two relevant independent persons in accordance with paragraph 12 but may do so.

14. The authority must appoint any Panel at least 20 working days before the relevant meeting.

15. Before the taking of a vote at the relevant meeting on whether or not to approve such a dismissal, the authority must take into account, in particular_

    (a) Any advice, views or recommendations of the Panel;
    (b) The conclusions of any investigation into the proposed dismissal; and
    (c) Any representations from the relevant officer.

16. Any remuneration, allowance of fees paid by the authority to an independent person appointed to the Panel must not exceed the level of remuneration, allowance or fees payable to that independent person in respect of that person’s role as independent person under the 2011 Act”.

Declarations – relatives of existing councillors and officers

17. The Council will draw up a statement requiring any candidate for appointment as an Officer to state in writing whether they are the parent, grandparent, partner, child, stepchild, adopted child, grandchild, brother, sister, uncle, aunt, nephew or niece of an existing Councillor or Officer of the Council; or of the partner of such persons.

18. No candidate so related to a Councillor or an Officer will be appointed without the authority of the relevant Chief Officer or an Officer nominated by him/her.

Seeking support for appointment

19. The Council will disqualify any applicant who directly or indirectly seeks the support of any Councillor for any appointment with the Council. The content of this paragraph will be included in any recruitment information.

20. No Councillor will seek support for any person for any appointment with the Council.

Recruitment of Head of Paid Service and Chief Officers

21. Where the Council proposes to appoint a chief officer (within the meaning of the Local Authorities (Standing Orders) Regulations 1993) and it is not proposed that the appointment be made exclusively from among their existing officers, the Council shall—

(a) draw up a statement specifying—

(ii) the duties of the officer concerned; and

(ii) any qualifications or qualities to be sought in the person to be appointed;

(b) make arrangements for the post to be advertised in such a way as is likely to bring it to the attention of persons who are qualified to apply for it; and

(c) make arrangements for a copy of the statement mentioned in paragraph (a) to be sent to any person on request.

22. (1) Where a post has been advertised as provided in rule15(b), the Council shall—

(a) interview all qualified applicants for the post, or

(b) select a short list of such qualified applicants and interview those included on the short list.

(2) Where no qualified person has applied, the Council shall make further arrangements for advertisement in accordance with rule15(b).

23. The steps under rule 22 or 23 above may be taken by a committee, sub-committee or chief officer of the Council;

24. Any chief officer may be appointed by the Council, a committee or sub-committee of the authority or a relevant joint committee.

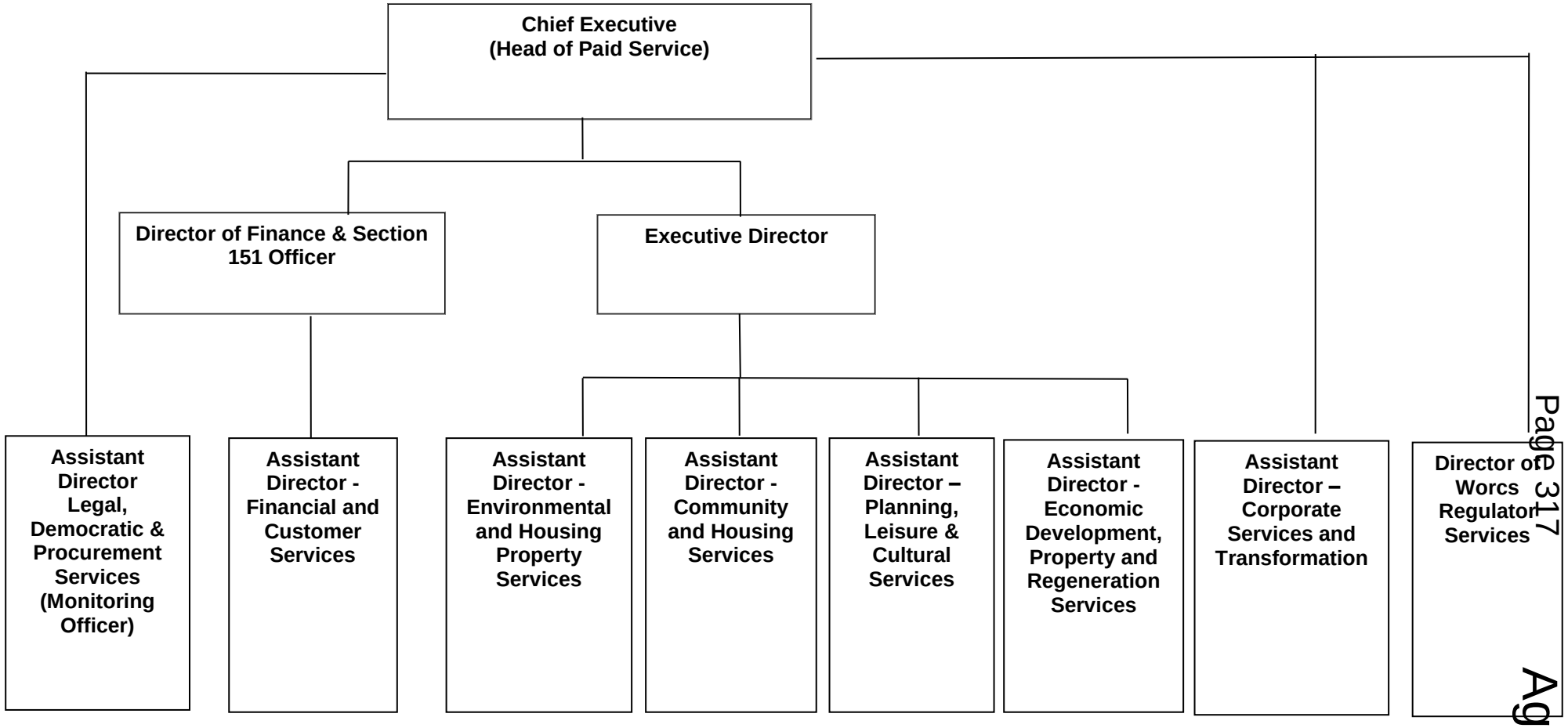
25. Where the duties of a chief officer include the discharge of functions of two or more local authorities under section 101(5) of the Local Government Act 1972

    (a) the steps under rule 22 or 23 above may be taken by a joint committee of those authorities, a sub-committee of that committee or a chief officer of any of the authorities concerned; and

    (b) any chief officer may be appointed by such a joint committee, a sub-committee of that committee or sub-committee of any of those authorities.

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Bromsgrove District Council and Redditch Borough Council
Single Management Structure



Chief Executive

- Communications, Marketing and Promotion (including oversight of web content)
- Printing & Reprographics
- Civic/Mayoral Support
- Corporate Administration/ Central Post Opening

Assistant Director – Corporate Services and Transformation

- I.C.T.
- Business Development
- 5G / Digital Champion
- Web Development
- Land and Property Gazetteer / GIS / Street Naming and Numbering
- Transformation, Business Process Re-engineering and Lean Systems
- Information Management
- Freedom of Information, Data Protection, Records Management
- Organisational Development (including Workforce Planning and Succession Planning)
- Training & Development (strategy)
- Performance Management & Improvement
- Policy (excluding service specific strategy)
- Consultation & Community Engagement
- Customer Insight
- Human Resources
- Training & Organisational Development
- Health & Safety
- Equalities & Diversity
- Commercialism – Operational efficiency

Director of Worcs Regulatory Services

- Health & safety
- Food Safety
- Food Standards
- Licenses (all)
- Pest & Dog Control
- Animal Health and Welfare
- Contaminated land
- Fair Trading
- Consumer and Business Advice
- Air Quality
- Metrology
- Product Safety
- Rogue Trading and Counterfeiting
- Underage Sales
- Statutory Nuisances
- Infectious Diseases

Assistant Director – – Legal, Democratic and Procurement Services

- Professional Legal Advice & Services
- Election & Electoral Services, Periodic Electoral Review
- Democratic Services & Member Support
- Monitoring Officer Role, Probity & Standards
- Governance
- Advice to Parishes
- Member Development
- Land Charges
- Procurement

Assistant Director – – Economic Development, Property and Regeneration

- Assets & Facilities Management
- Property
- Economic Development
- Town Centre Regeneration

Assistant Director – – Financial and Customer Services

- Accounts & Financial Management & Advice
- Audit
- Risk Management
- Payroll (RBC, BDC, WFDC)
- Revenues including corporate Income & Debt Management
- Benefits
- Customer Services including:
  - Centres and One Stop Shops
  - Complaints and Customer Feedback
  - Customer Service Strategy
  - Cashiers
  - Reception Services
  - Switchboard Services

Assistant Director – – Environmental & Housing Property Services

- Waste Management
- Place teams including:
  - Street Scene / Street Cleansing
  - Grounds Maintenance/ Landscaping
- Bereavement Services
- Stores and Depots
- Cesspools/Sewers
- Engineering and Design
- Fleet Management/Workshops
- Minor Works Team
- Abandoned Vehicles
- Street Naming and Numbering (operational)
- Tree management inc TPOs
- Land Drainage
- Car Parks/Civil Parking Enforcement
- Housing Property Capital and Compliance
- Repairs & Maintenance (including voids and Equipment and Adaptations)
- Mechanical and Electrical
- Commercialism – income Generation / cost reduction

Assistant Director – –Community and Housing Services

- Community Cohesion (Older and Young People) / Social Inclusion
- Community Safety
- Anti Social Behaviour Team
- CCTV & Lifeline Operation & Development
- Voluntary Sector & Community Networks, Grant Aid
- Transport
- Community Transport / Dial A Ride
- Bus Passes / Concessionary Fares
- Grant Aid
- Housing Strategy and Enabling
- Private Sector Housing
- Disabled Facilities Grants
- Travellers
- Shopmobility
- Children's Centres
- Climate Change / Energy Efficiency
- Homelessness
- Housing Options/Choice Based Lettings
- Housing Performance and Database
- Right to Buy
- St David's House Extra Care Housing
- Tenancy Management
- LSP & Other Strategic Partnerships

Assistant Director – – Planning, Leisure and Cultural Services

- Strategic Planning (Planning & Local Development Framework)
- Development Management (including Planning Enforcement)
- Building Control
- Emergency Planning / Business Continuity
- Conservation
- Leisure and Cultural Services Strategy incorporating
- Development Services (Sports and Arts Development)
- Parks and Events

REDDITCH BOROUGH COUNCIL

Scheme of Members Allowances 2026/27, as from 1st April 2026

The Members Allowances Scheme is agreed by the Council each year. It sets out the allowances which are paid to Councillors and the expenses they can claim.

The amounts of the allowances are reviewed each year by the Independent Remuneration Panel. This group of non-Councillors make recommendations to the Council, and it must take account of these when setting its allowances.

Basic Allowance and Special Responsibility Allowance

A Basic Allowance of £5,185.87 is paid to all Members of the Council. By law, the Council must pay an equal amount of Basic Allowance to each Councillor, unless they choose not to receive all or part of it. The Basic Allowance is paid automatically each month as part of the payroll process and Councillors do not need to claim.

In addition to the Basic Allowance referred to above, Special Responsibility Allowances are paid to the holders of the following Offices:

Position	**Multiplier of the 2023/24 Basic Allowance of £4,732***	**Special Responsibility Allowance**
Leader of the Council	3	£14,196, plus £7,098 as portfolio holder
Deputy Leader	1.75	£8,281, plus £7,098 as Executive Member with portfolio
Executive Members (Cabinet Portfolio Holders)	1.5	£7,098
Executive Members without Portfolio	1	£4,732
Chair of Overview and Scrutiny Committee	1.5	£7,098
Chairs of Overview and Scrutiny Task Groups	0.25	£1,183
Chair of Audit, Governance and Standards Committee	N/A	£3,500
Chair of Planning Committee	1	£4,732

Chair of Licensing Committee	0.75	£3,549
Political Group Leaders	N/A	£4,500

*To nearest decimal place

There is no limit on the number of Special Responsibility Allowances payable to any one Member.

These allowances are also paid automatically each month via payroll.

In addition to the allowances set out above, and for ease of reference, the following additional allowances are made:

Representatives on Major Outside Bodies

Local Government Association & General Assembly	£269 pa
West Midlands Councils (now named West Midlands Employers)	£269 pa

Part Year Payments

If a Councillor holds office for less than a full year, any allowances will be paid in proportion to the length of the period the office is held. This applies to Basic and Special Responsibility Allowances.

Civic Payments

An allowance of £3,690 is paid to the Mayor and £1,100 to the Deputy Mayor. This allowance is permitted in the Local Government Act 1972 and is separate to those which are reviewed by the Independent Remuneration Panel.

Local Government Pension Scheme

Since 11th May 2026, councillors in England have been eligible to join the Local Government Pension Scheme. This is on an opt-in basis and membership is not automatic. Councillors need to actively choose to opt in.

It should be noted that a Member's basic allowance or special responsibility allowance(s) (or both, as the case may be) shall be treated as an amount in respect of which such a pension is payable.

Travelling and Subsistence Allowances – require a claim to be made

Travelling and subsistence allowances can be paid to reimburse Councillors when they carry out an Approved Duty. Details of what constitutes an Approved Duty are set out elsewhere in this Scheme.

The Council will reimburse any business mileage at the published HM Revenue and Customs authorised non taxable rates (given below).

All claims for vehicle mileage must be submitted promptly at the end of each month. Claims which are more than 2 months old will be rejected.

Inland Revenue rates:

	First 10,000 business miles in tax year	Each mile after
Cars and vans	45 p	25 p
Motorcycles	24 p	24 p
Bicycles	20 p	20 p
Carrying Passengers (RBC Employee or fellow Member)	5p per person per mile	
Towing	6p	

(a) In situations where Members move out of the area, or otherwise change circumstances, a maximum distance for mileage to be paid for home to meetings mileage is 40 miles each way. No limit is set on mileage for journeys from home to conferences, training and seminars.

(b) Councillors may claim actual expenditure incurred on tolls or parking fees, in addition to travelling allowances. Proof of expenditure must be provided.

(c) Public transport costs can be reimbursed on production of receipts, again claimable for Approved Duties only.

(d) Subsistence allowances are available for Councillors where they are away from home and unable to make their own arrangements. Councillors are reimbursed for actual expenses incurred up to the following maximum amounts, subject to the production of receipts:-

Breakfast	£5.00
Lunch	£6.75
Evening Meal	£20.00

Childcare and Dependant Care Allowances

The Dependent Carer's Allowance is intended to provide support to a Councillor with responsibilities for childcare (under age 16) or a dependent relative when attending meetings of the Council. The allowance is to cover reasonable and legitimate costs, but payment cannot be made if a carer is a member of the Councillor's immediate family or under 16 years of age.

When making a claim, the Councillor should include Receipts. Payments are for the actual time that a carer is employed and therefore includes the travelling time of a Councillor to and from a meeting.

Approved Duties

The following Approved Duties are those for which travel and /or subsistence allowances may be claimed:-

(a) Meetings of the Council, Executive and other Committees and any meeting of a Council-appointed body, or involving Council-nominated representation; or one to which Officers have invited Members;

(b) Attendance at meetings required as part of Overview and Scrutiny, or similar Member-led Review;

(c) Opening tenders, when attendance is required as set out in Contract Standing Orders;

(d) Attendance at relevant meetings by Leaders, Portfolio Holders / O&S Chair where required by virtue of their position.

(e) Training events and briefings arranged via Council officers, either specifically for Redditch Councillors or in conjunction with other authorities.

(f) External conferences, seminars and training events, where attendance is appropriate to the role the Councillor carries out and has been agreed in advance with the Political Group Leader

Authority is delegated to the Democratic Services Manager to adjudicate on such duties, and to determine whether duties are approved or not for payment, within the above definitions. Any dispute arising on such adjudication will be settled in consultation with the Portfolio Holder for Corporate Management.

Claims for Allowances

Members should submit claims for allowances on a monthly basis. The Democratic Services Team will tell you the deadlines before the beginning of the financial year.

Foregoing an Allowance

A Councillor may, by giving written notice to the Council's Payroll Manager, choose to forego all or part of an allowance under this Scheme. If a Councillor has made this decision, s/he can change their mind, but not retrospectively.

Should a Councillor choose to donate all or part of his/her entitlement to allowances under this Scheme to registered charities of his/her choice the Councillor will need to make their own arrangements for donating such allowances to the charity following receipt of the allowances.

General Advice

Councillors who are members of more than one authority may not receive allowances from more than one authority for the same duties.

Quick guide to Members Allowances and Expenses

Allowances

Write to the Payroll Manager if you wish to receive a reduced amount or to decline to receive an allowance.

Basic allowance – paid to all Councillors via payroll.

Special Responsibility Allowance – paid to Councillors who hold posts with additional responsibility.

Expenses

What you can claim:

Travel expenses for car/public transport for carrying out approved duties. These include return journeys with a maximum mileage of 40 miles each way from home or work to:

- meetings of the Council, Executive and other Committee meetings, task group meetings;
- associated briefing meetings;
- meetings arranged by officers, including opening tenders;
- training events
- external conferences and training events where attendance has been agreed in advance with the Councillor's political group leader, or where there is no group leader, with the Chief Executive.

Subsistence allowances for when you are carrying out an approved duty, are not able to make your own arrangements and refreshments are not provided for you.

Reimbursement of reasonable costs for childcare or care of dependant relatives who live with you.

What you cannot claim:

First class travel

Expenses more than 2 months old

Subsistence allowances where you have received refreshments

Expenses where you can claim from another organisation.

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PART 18

Code of Conduct 2022

Definitions

For the purposes of this Code of Conduct, a "Councillor" means a member or co-opted member of a local authority or a directly elected mayor. A "co-opted member" is defined in the Localism Act 2011 Section 27(4) as "a person who is not a member of the authority but who

a) is a member of any committee or sub-committee of the authority, or;
b) is a member of, and represents the authority on, any joint committee or joint sub-committee of the authority;

and who is entitled to vote on any question that falls to be decided at any meeting of that committee or sub-committee".

For the purposes of this Code of Conduct, "local authority" includes county councils, district councils, London borough councils, parish councils, town councils, fire and rescue authorities, police authorities, joint authorities, economic prosperity boards, combined authorities and National Park authorities.

Purpose of the Code of Conduct

The purpose of this Code of Conduct is to assist you, as a Councillor, in modelling the behaviour that is expected of you, to provide a personal check and balance, and to set out the type of conduct that could lead to action being taken against you. It is also to protect you, the public, fellow Councillors, local authority officers and the reputation of local government. It sets out general principles of conduct expected of all Councillors and your specific obligations in relation to standards of conduct. The LGA encourages the use of support, training and mediation prior to action being taken using the Code. The fundamental aim of the Code is to create and maintain public confidence in the role of Councillor and local government.

General principles of Councillor conduct

Everyone in public office at all levels; all who serve the public or deliver public services, including ministers, civil servants, Councillors and local authority officers; should uphold the Ten Principles of Public Life, also known as the Nolan Principles. See Appendix A

Building on these principles, the following general principles have been developed specifically for the role of Councillor.

In accordance with the public trust placed in me, on all occasions:

- I act with integrity and honesty
- I act lawfully
- I treat all persons fairly and with respect; and
- I lead by example and act in a way that secures public confidence in the role of Councillor.

In undertaking my role:

- I impartially exercise my responsibilities in the interests of the local community
- I do not improperly seek to confer an advantage, or disadvantage, on any person
- I avoid conflicts of interest
- I exercise reasonable care and diligence; and
- I ensure that public resources are used prudently in accordance with my local authority's requirements and in the public interest.

Application of the Code of Conduct

This Code of Conduct applies to you as soon as you sign your declaration of acceptance of the office of Councillor or attend your first meeting as a co-opted member and continues to apply to you until you cease to be a Councillor.

This Code of Conduct applies to you when you are acting in your capacity as a Councillor which may include when:

- you misuse your position as a Councillor
- Your actions would give the impression to a reasonable member of the public with knowledge of all the facts that you are acting as a Councillor;

The Code applies to all forms of communication and interaction, including:

- at face-to-face meetings
- at online or telephone meetings
- in written communication
- in verbal communication
- in non-verbal communication
- in electronic and social media communication, posts, statements and comments.

You are also expected to uphold high standards of conduct and show leadership at all times when acting as a Councillor.

Where you act as a representative of the Council:

(a) on another relevant authority, you must, when acting for that other authority, comply with that other authority's code of conduct; or

(b) on any other body, you must, when acting for that other body, comply with the authority's code of conduct, except and insofar as it conflicts with any other lawful obligations to which that other body may be subject.

Your Monitoring Officer has statutory responsibility for the implementation of the Code of Conduct, and you are encouraged to seek advice from your Monitoring Officer on any matters that may relate to the Code of Conduct. Town and parish Councillors are encouraged to seek advice from their Clerk, who may refer matters to the Monitoring Officer.

Standards of Councillor conduct

This section sets out your obligations, which are the minimum standards of conduct required of you as a Councillor. Should your conduct fall short of these standards, a complaint may be

made against you, which may result in action being taken.

Guidance is included to help explain the reasons for the obligations and how they should be followed.

General Conduct

1. Respect

As a Councillor:

1.1 I treat other Councillors and members of the public with respect.

1.2 I treat local authority employees, employees and representatives of partner organisations and those volunteering for the local authority with respect and respect the role they play.

Respect means politeness and courtesy in behaviour, speech and in the written word. Debate and having different views are all part of a healthy democracy. As a Councillor you can express, challenge, criticise and disagree with views, ideas, opinions and policies in a robust but civil manner. You should not however, subject individuals, groups of people or organisations to personal attack.

As strategic leaders and employers, it is expected that Councillors will set a positive example to staff by treating them with politeness and courtesy at all times. 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.

In your contact with the public, you should treat them politely and courteously. Rude and offensive behaviour lowers the public's expectations and confidence in Councillors.

In return, you have a right to expect respectful behaviour from the public. If members of the public are being abusive, intimidatory or threatening you are entitled to stop any conversation or interaction in person or online and report them to the local authority, the relevant social media provider or the police. This also applies to fellow Councillors, where action could then be taken under the Councillor Code of Conduct, and local authority employees, where concerns should be raised in line with the local authority's Councillor-officer protocol.

2. Bullying, harassment and discrimination

As a Councillor:

2.1 I do not bully any person.

2.2 I do not harass any person.

2.3 I promote equalities and do not discriminate unlawfully against any person.

The Advisory, Conciliation and Arbitration Service (ACAS) characterises bullying as offensive, intimidating, malicious or insulting behaviour, an abuse or misuse of power through means that undermine, humiliate, denigrate or injure the recipient. Bullying might be a regular pattern of behaviour or a one-off incident, happen face-to-face, on social media, in emails or phone calls, happen in the workplace or at work social events and may not always be obvious or noticed by others.

The Protection from Harassment Act 1997 defines harassment as conduct that causes alarm or distress or puts people in fear of violence and must involve such conduct on at least

two occasions. It can include repeated attempts to impose unwanted communications and contact upon a person in a manner that could be expected to cause distress or fear in any reasonable person.

Unlawful discrimination is where someone is treated unfairly because of a protected characteristic. Protected characteristics are specific aspects of a person's identity defined by the Equality Act 2010. They are age, disability, gender reassignment, marriage and civil partnership, pregnancy and maternity, race, religion or belief, sex and sexual orientation.

The Equality Act 2010 places specific duties on local authorities. Councillors have a central role to play in ensuring that equality issues are integral to the local authority's performance and strategic aims, and that there is a strong vision and public commitment to equality across public services. Councillors must not do anything that is likely to cause the Council to breach its public commitment to equality and fostering good relations with all communities.

Appendix D sets out additional guidance that Councillors must read alongside this Code of Conduct.

3. Impartiality of officers of the council

As a Councillor:

3.1 I do not compromise, or attempt to compromise, the impartiality of anyone who works for, or on behalf of, the local authority.

Officers work for the local authority as a whole and must be politically neutral (unless they are political assistants). They should not be coerced or persuaded to act in a way that would undermine their neutrality. You can question officers in order to understand, for example, their reasons for proposing to act in a particular way, or the content of a report that they have written. However, you must not try and force them to act differently, change their advice, or alter the content of that report, if doing so would prejudice their professional integrity.

You must:

(a) when reaching decisions on any matter have regard to any relevant advice provided to you by the Council's officers and in particular by the Monitoring Officer and Section 151 Officer; and

(b) give reasons for all decisions in accordance with any statutory requirement and any reasonable additional requirements imposed by the Council.

4. Confidentiality and access to information

As a Councillor:

4.1 I do not disclose information:

- **a. given to me in confidence by anyone**
- **b. acquired by me which I believe, or ought reasonably to be aware, is of a confidential nature, unless**
  - **i. I have received the consent of a person authorised to give it;**
  - **ii. I am required by law to do so;**
  - **iii. the disclosure is made to a third party for the purpose of obtaining professional legal advice provided that the third party agrees not to disclose the information to any other person; or**

iv. the disclosure is:

1. **reasonable and in the public interest; and**
2. **made in good faith and in compliance with the reasonable requirements of the local authority; and**
3. **I have consulted the Monitoring Officer prior to its release.**

4.2 I do not improperly use knowledge gained solely as a result of my role as a Councillor for the advancement of myself, my friends, my family members, my employer or my business interests.

4.3 I do not prevent anyone from getting information that they are entitled to by law.

Local authorities must work openly and transparently, and their proceedings and printed materials are open to the public, except in certain legally defined circumstances. You should work on this basis, but there will be times when it is required by law that discussions, documents and other information relating to or held by the local authority must be treated in a confidential manner. Examples include information relating to ongoing negotiations or personal data relating to individuals.

With regards to personal data relating to individuals, you must not do anything that is likely to cause your authority to breach Data Protection law. You must seek to ensure you are familiar with how the Data Protection Act applies to your role in handling personal data through training, and if you are not sure you should seek advice from the Monitoring Officer.

5. Disrepute

As a Councillor:

5.1 I do not bring my role or local authority into disrepute.

As a Councillor, you are trusted to make decisions on behalf of your community and your actions and behaviour are subject to greater scrutiny than that of ordinary members of the public. You should be aware that your actions might have an adverse impact on you, other Councillors and/or your local authority and may lower the public's confidence in your or your local authority's ability to discharge your/its functions. For example, behaviour that is considered dishonest and/or deceitful can bring your local authority into disrepute.

You are able to hold the local authority and fellow Councillors to account and are able to constructively challenge and express concern about decisions and processes undertaken by the council whilst continuing to adhere to other aspects of this Code of Conduct.

6. Use of position

As a Councillor:

6.1 I do not use, or attempt to use, my position improperly to the advantage or disadvantage of myself or anyone else.

Your position as a member of the local authority provides you with certain opportunities, responsibilities, and privileges, and you make choices all the time that will impact others. However, you should not take advantage of these opportunities to further your own or others' private interests or to disadvantage anyone unfairly.

7. Use of local authority resources and facilities

As a Councillor:

7.1 I do not misuse council resources.

7.2 I will, when using the resources of the local authority or authorising their use by others:

(a) act in accordance with the local authority's requirements.

(b) ensure that such resources are not used for political purposes unless that use could reasonably be regarded as likely to facilitate, or be conducive to, the discharge of the functions of the local authority or of the office to which I have been elected or appointed; and

(c) have regard to any applicable Local Authority Code of Publicity during elections.

You may be provided with resources and facilities by the local authority to assist you in carrying out your duties as a Councillor.

Examples include:

- office support
- stationery
- equipment such as phones, and computers
- transport
- access and use of local authority buildings and rooms.

These are given to you to help you carry out your role as a Councillor more effectively and are not to be used for business or personal gain. They should be used in accordance with the purpose for which they have been provided and the local authority's own policies regarding their use.

8. Complying with the Code of Conduct

As a Councillor:

8.1 I undertake Code of Conduct training provided by my local authority.

8.2 I cooperate with any Code of Conduct investigation and/or determination.

8.3 I do not intimidate or attempt to intimidate any person who is likely to be involved with any investigation or proceedings.

8.4 I comply with any sanction imposed on me following a finding that I have breached the Code of Conduct.

It is extremely important for you as a Councillor to demonstrate high standards, for you to have your actions open to scrutiny and for you not to undermine public trust in the local authority or its governance. If you do not understand or are concerned about the local authority's processes in handling a complaint you should raise this with your Monitoring Officer.

Protecting your reputation and the reputation of the local authority

9. Interests

As a Councillor:

9.1 I register and disclose my interests.

Section 29 of the Localism Act 2011 requires the Monitoring Officer to establish and maintain a register of interests of members of the authority.

You need to register your interests so that the public, local authority employees and fellow Councillors know which of your interests might give rise to a conflict of interest. The register is a public document that can be consulted when (or before) an issue arises. The register also protects you by allowing you to demonstrate openness and a willingness to be held accountable. You are personally responsible for deciding whether or not you should disclose an interest in a meeting, but it can be helpful for you to know early on if others think that a potential conflict might arise. It is also important that the public know about any interest that might have to be disclosed by you or other Councillors when making or taking part in decisions, so that decision making is seen by the public as open and honest. This helps to ensure that public confidence in the integrity of local governance is maintained.

You should note that failure to register or disclose a disclosable pecuniary interest as set out in **Table 1**, is a criminal offence under the Localism Act 2011.

Appendix B sets out the detailed provisions on registering and disclosing interests. If in doubt, you should always seek advice from your Monitoring Officer.

10. Gifts and hospitality

As a Councillor:

10.1 I do not accept gifts or hospitality, irrespective of estimated value, which could give rise to real or substantive personal gain or a reasonable suspicion of influence on my part to show favour from persons seeking to acquire, develop or do business with the local authority or from persons who may apply to the local authority for any permission, license or other significant advantage.

10.2 I register with the Monitoring Officer any gift or hospitality with an estimated value of at least £15 within 28 days of its receipt.

10.3 I register with the Monitoring Officer any significant gift or hospitality that I have been offered but have refused to accept.

In order to protect your position and the reputation of the local authority, you should exercise caution in accepting any gifts or hospitality which are (or which you reasonably believe to be) offered to you because you are a Councillor. The presumption should always be not to accept significant gifts or hospitality. However, there may be times when such a refusal may be difficult if it is seen as rudeness in which case you could accept it but must ensure it is publicly registered. However, you do not need to register gifts and hospitality which are not related to your role as a Councillor, such as Christmas gifts from your friends and family. It is also important to note that it is appropriate to accept normal expenses and hospitality associated with your duties as a Councillor. If you are unsure, do contact your Monitoring Officer for guidance.

Appendices

Appendix A – The Ten Principles of Public Life

The principles are:

Selflessness – Members should serve only the public interest and should never improperly confer an advantage or disadvantage on any person.

Honesty and Integrity – Members should not place themselves in situations where their honesty and integrity may be questioned, should not behave improperly, and should, on all occasions, avoid the appearance of such behaviour.

Objectivity – Members should make decisions on merit, including when making appointments, awarding contracts, or recommending individuals for rewards or benefits.

Accountability – Members should be accountable to the public for their actions and the manner in which they carry out their responsibilities, and should co-operate fully and honestly with any scrutiny appropriate to their particular office.

Openness – Members should be as open as possible about their actions and those of their Authority and should be prepared to give reasons for those actions.

Personal judgement – Members may take account of the views of others, including their political groups, but should reach their own conclusions on the issues before them and act in accordance with those conclusions.

Respect for others – Members should promote equality by not discriminating unlawfully against any person, and by treating people with respect, regardless of their race, age, religion, gender, sexual orientation or disability. They should respect the impartiality and integrity of the authority's statutory officers and its other employees.

Duty to uphold the Law – Members should uphold the law and, on all occasions, act in accordance with the trust that the public is entitled to place in them.

Stewardship – Members should do whatever they are able to do to ensure that their authorities use their resources prudently and in accordance with the law.

Leadership – Members should promote and support these principles by leadership, and by example, and should act in a way that secures or preserves public confidence.

Appendix B Registering interests

Within 28 days of becoming a member or your re-election or re-appointment to office you must register with the Monitoring Officer the interests which fall within the categories set out in **Table 1** (**Disclosable Pecuniary Interests**) which are as described in "The Relevant Authorities (Disclosable Pecuniary Interests) Regulations 2012". You should also register details of your other personal interests which fall within the categories set out in **Table 2** (**Other Registerable Interests**).

"**Disclosable Pecuniary Interest"** means an interest of yourself, or of your partner if you are aware of your partner's interest, within the descriptions set out in Table 1 below.

"Partner" means a spouse or civil partner, or a person with whom you are living as husband or wife, or a person with whom you are living as if you are civil partners.

1. You must ensure that your register of interests is kept up-to-date and within 28 days of becoming aware of any new interest, or of any change to a registered interest, notify the Monitoring Officer.

2. A 'sensitive interest' is as an interest which, if disclosed, could lead to the Councillor, or a person connected with the Councillor, being subject to violence or intimidation.

3. Where you have a 'sensitive interest' you must notify the Monitoring Officer with the reasons why you believe it is a sensitive interest. If the Monitoring Officer agrees they will withhold the interest from the public register. The Monitoring Officer may state on the register that the Councillor has an interest the details of which are withheld.

Non participation in case of disclosable pecuniary interest

4. Where a matter arises at a meeting which directly relates to one of your Disclosable Pecuniary Interests as set out in **Table 1**, you must disclose the interest, not participate in any discussion or vote on the matter and must not remain in the room unless you have been granted a dispensation. If the interest has not already been recorded, notify the Monitoring Officer of the interest within 28 days beginning with the date of the meeting. If it is a 'sensitive interest', you do not have to disclose the nature of the interest, just that you have an interest.
   Dispensation may be granted in limited circumstances, to enable you to participate and vote on a matter in which you have a disclosable pecuniary interest.

5. [Where you have a disclosable pecuniary interest on a matter to be considered or is being considered by you as a Cabinet member in exercise of your executive function, you must notify the Monitoring Officer of the interest and must not take any steps or further steps in the matter apart from arranging for someone else to deal with it]

Disclosure of Other Registerable Interests

6. Where a matter arises at a meeting which ***directly relates*** to the financial interest or wellbeing of one of your Other Registerable Interests (as set out in **Table 2**), you must disclose the interest. You may speak on the matter only if members of the public are also allowed to speak at the meeting but otherwise must not take part in any discussion or vote on the matter and must not remain in the room unless you have been granted a dispensation. If it is a 'sensitive interest', you do not have to disclose the nature of the interest.

Disclosure of Non-Registerable Interests

7. Where a matter arises at a meeting which ***directly relates*** to your financial interest or well-being (and is not a Disclosable Pecuniary Interest set out in Table 1) or a financial interest or well-being of a relative or close associate, you must disclose the interest. You may speak on the matter only if members of the public are also allowed to speak at the meeting. Otherwise you must not take part in any discussion or vote on the matter and must not remain in the room unless you have been granted a dispensation. If it is a 'sensitive interest', you do not have to disclose the nature of the interest.

8. Where a matter arises at a meeting which ***affects*** –
    a. your own financial interest or well-being;
    b. a financial interest or well-being of a relative or close associate; or
    c. a financial interest or wellbeing of a body included under Other Registrable Interests as set out in **Table 2**

    you must disclose the interest. In order to determine whether you can remain in the meeting after disclosing your interest the following test should be applied

9. Where a matter (referred to in paragraph 8 above***) affects*** the financial interest or well-being:
    a. to a greater extent than it affects the financial interests of the majority of inhabitants of the ward affected by the decision and;
    b. a reasonable member of the public knowing all the facts would believe that it would affect your view of the wider public interest

    You may speak on the matter only if members of the public are also allowed to speak at the meeting. Otherwise you must not take part in any discussion or vote on the matter and must not remain in the room unless you have been granted a dispensation.

    If it is a 'sensitive interest', you do not have to disclose the nature of the interest.

10. [Where you have an Other Registerable Interest or Non-Registerable Interest on a matter to be considered or is being considered by you as a Cabinet member in exercise of your executive function, you must notify the Monitoring Officer of the interest and must not take any steps or further steps in the matter apart from arranging for someone else to deal with it]

Table 1: Disclosable Pecuniary Interests

This table sets out the explanation of Disclosable Pecuniary Interests as set out in the Relevant Authorities (Disclosable Pecuniary Interests) Regulations 2012.

Subject	Description
Employment, office, trade, profession or vocation	Any employment, office, trade, profession or vocation carried on for profit or gain.
Sponsorship	Any payment or provision of any other financial benefit (other than from the council) made to the Councillor during the previous 12-month period for expenses incurred by him/her in carrying out his/her duties as a Councillor, or towards his/her election expenses. This includes any payment or financial benefit from a trade union within the meaning of the Trade Union and Labour Relations (Consolidation) Act 1992.
Contracts	Any contract made between the Councillor or his/her spouse or civil partner or the person with whom the Councillor is living as if they were spouses/civil partners (or a firm in which such person is a partner, or an incorporated body of which such person is a director* or a body that such person has a beneficial interest in the securities of*) and the council — (a) under which goods or services are to be provided or works are to be executed; and (b) which has not been fully discharged.
Land and Property	Any beneficial interest in land which is within the area of the council. 'Land' excludes an easement, servitude, interest or right in or over land which does not give the Councillor or his/her spouse or civil partner or the person with whom the Councillor is living as if they were spouses/ civil partners (alone or jointly with another) a right to occupy or to receive income.
Licenses	Any licence (alone or jointly with others) to occupy land in the area of the council for a month or longer

Corporate tenancies	Any tenancy where (to the Councillor's knowledge)— (a) the landlord is the council; and (b) the tenant is a body that the Councillor, or his/her spouse or civil partner or the person with whom the Councillor is living as if they were spouses/ civil partners is a partner of or a director* of or has a beneficial interest in the securities* of.
Securities	Any beneficial interest in securities* of a body where— (a) that body (to the Councillor's knowledge) has a place of business or land in the area of the council; and (b) either— (i)) the total nominal value of the securities* exceeds £25,000 or one hundredth of the total issued share capital of that body; or (ii) if the share capital of that body is of more than one class, the total nominal value of the shares of any one class in which the Councillor, or his/ her spouse or civil partner or the person with whom the Councillor is living as if they were spouses/civil partners have a beneficial interest exceeds one hundredth of the total issued share capital of that class.

* 'director' includes a member of the committee of management of an industrial and provident society.

* 'securities' means shares, debentures, debenture stock, loan stock, bonds, units of a collective investment scheme within the meaning of the Financial Services and Markets Act 2000 and other securities of any description, other than money deposited with a building society.

Table 2: Other Registrable Interests

You must register as an Other Registerable Interest :

a) any unpaid directorships

b) any body of which you are a member or are in a position of general control or management and to which you not are not nominated or appointed by your authority

c) any body
- (i) exercising functions of a public nature
- (ii) directed to charitable purposes or
- (iii) one of whose principal purposes includes the influence of public opinion or policy (including any political party or trade union)

of which you are a member or in a position of general control or management

Appendix C – the Committee on Standards in Public Life and Best Practice Recommendations

The LGA has undertaken this review whilst the Government continues to consider the recommendations made by the Committee on Standards in Public Life in their report on Local Government Ethical Standards. If the Government chooses to implement any of the recommendations, this could require a change to this Code.

The recommendations cover:

- Recommendations for changes to the Localism Act 2011 to clarify in law when the Code of Conduct applies
- The introduction of sanctions
- An appeals process through the Local Government Ombudsman
- Changes to the Relevant Authorities (Disclosable Pecuniary Interests) Regulations 2012
- Updates to the Local Government Transparency Code
- Changes to the role and responsibilities of the Independent Person
- That the criminal offences in the Localism Act 2011 relating to Disclosable Pecuniary Interests should be abolished

Best Practice Recommendations

As included in The Local Government Ethical Standards report. These are:

Best practice 1: Local authorities should include prohibitions on bullying and harassment in codes of conduct. These should include a definition of bullying and harassment, supplemented with a list of examples of the sort of behaviour covered by such a definition.

Best practice 2: Councils should include provisions in their code of conduct requiring Councillors to comply with any formal standards investigation and prohibiting trivial or malicious allegations by Councillors.

Best practice 3: Principal authorities should review their code of conduct each year and regularly seek, where possible, the views of the public, community organisations and neighbouring authorities.

Best practice 4: An authority's code should be readily accessible to both Councillors and the public, in a prominent position on a council's website and available in council premises.

Best practice 5: Local authorities should update their gifts and hospitality register at least once per quarter, and publish it in an accessible format, such as CSV.

Best practice 6: Councils should publish a clear and straightforward public interest test against which allegations are filtered.

Best practice 7: Local authorities should have access to at least two Independent Persons.

Best practice 8: An Independent Person should be consulted as to whether to undertake a formal investigation on an allegation, and should be given the option to

review and comment on allegations which the responsible officer is minded to dismiss as being without merit, vexatious, or trivial.

Best practice 9: Where a local authority makes a decision on an allegation of misconduct following a formal investigation, a decision notice should be published as soon as possible on its website, including a brief statement of facts, the provisions of the code engaged by the allegations, the view of the Independent Person, the reasoning of the decision-maker, and any sanction applied.

Best practice 10: A local authority should have straightforward and accessible guidance on its website on how to make a complaint under the code of conduct, the process for handling complaints, and estimated timescales for investigations and outcomes.

Best practice 11: Formal standards complaints about the conduct of a parish Councillor towards a clerk should be made by the chair or by the parish council, rather than the clerk in all but exceptional circumstances.

Best practice 12: Monitoring Officers' roles should include providing advice, support and management of investigations and adjudications on alleged breaches to parish councils within the remit of the principal authority. They should be provided with adequate training, corporate support and resources to undertake this work.

Best practice 13: A local authority should have procedures in place to address any conflicts of interest when undertaking a standards investigation. Possible steps should include asking the Monitoring Officer from a different authority to undertake the investigation.

Best practice 14: Councils should report on separate bodies they have set up or which they own as part of their annual governance statement and give a full picture of their relationship with those bodies. Separate bodies created by local authorities should abide by the Nolan principle of openness and publish their board agendas and minutes and annual reports in an accessible place.

Best practice 15: Senior officers should meet regularly with political group leaders or group whips to discuss standards issues.

Appendix D

This Code of Conduct must be read alongside:

ACAS Guidance “If You’re Treated Unfairly at Work”
https://www.acas.org.uk/if-youre-treated-unfairly-at-work/being-bullied

Equality and Human Rights Commission – Public Sector Equality Duty Guidance

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MEMBERS' CODE ON GIFTS AND HOSPITALITY

Gifts and Hospitality

A Code of Conduct for Councillors

The acceptance of gifts and hospitality by Councillors is not merely an administrative issue. It reflects directly upon the perception of Councillors and of the authority as acting in the public interest or as acting for the personal advantage of friends and for what personal benefit Councillors can get out of their position.

The law on the acceptance of gifts and hospitality is set out in the authority's Code of Conduct for Members and in the Prevention of Corruption Acts. These requirements are then supplemented by the procedures which have been adopted by this authority, to provide a clear set of rules for the protection of both Councillors and the authority. Acceptance of a gift or hospitality in breach of the Code, or failure to declare receipt of such a gift or hospitality, can lead to disqualification from holding any public office for a period of up to five years. Corrupt acceptance of a gift or hospitality can lead to a heavy fine or up to 7 years' imprisonment.

This Code of Conduct sets out:

(a) the principles which you should apply whenever you have to decide whether it would be proper to accept any gift or hospitality

(b) a procedure for obtaining consent to accept a gift or hospitality, when you consider that it would be proper to accept it

(c) a procedure for declaring any gift or hospitality which you receive and for accounting for any gift to the authority

This Code does not apply to the acceptance of any facilities or hospitality which may be provided to you by this authority.

1 General Principles

In deciding whether it is proper to accept any gift or hospitality, you should apply the following principles. Even if the gift or hospitality comes within one of the general consents set out below, you should not accept it if to do so would be in breach of one or more of these principles:

(a) Never accept a gift or hospitality as an inducement or reward for anything you do as a Councillor.

As a Councillor, you must act in the public interest and must not be swayed in the discharge of your duties by the offer, prospect of an offer, or the non-offer of any inducement or reward for discharging those duties in a particular manner.

The Public Bodies (Corrupt Offences) Act 1889 provides that if you accept any gift, loan, fee, reward or advantage whatsoever as an inducement to or reward for doing or forbearing to do anything in respect of any matter or transaction in which the authority is concerned, you commit a criminal offence carrying a maximum term of imprisonment of 7 years

Further, the authority's Code of Conduct for Members provides that you must act in the public interest, serving the authority and the whole community, rather than acting in the interests of any particular individual or section of the community, and that it is a breach of the Code improperly to confer any advantage or disadvantage on any person, including yourself.

(b) You should only accept a gift or hospitality if there is a commensurate benefit to the authority.

The only proper reason for accepting any gift or hospitality is that there is a commensurate benefit for the authority which would not have been available but for the acceptance of that gift or hospitality.

Acceptance of hospitality can confer an advantage on the authority, such as an opportunity to progress the business of the authority expeditiously through a working lunch, or to canvass the interests of the authority and its area at a meeting. Acceptance of a gift is much less likely to confer such an advantage. But unless the benefit to the authority is clear, and is commensurate with the value of the gift or hospitality, the presumption must be that the gift or hospitality is purely for your personal benefit.

As set out above, the authority's code provides that you must not improperly confer any advantage on anyone, including yourself. Acceptance as a Councillor of a gift or hospitality for your own benefit or advantage, rather than for the benefit to the authority, would be a breach of the Code.

(c) Never accept a gift or hospitality if acceptance might be open to misinterpretation.

The appearance of impropriety can be just as damaging to the authority and to you as a Councillor as actual impropriety. The authority's ability to govern rests upon its reputation for acting fairly and in the public interest.

You must therefore consider whether the acceptance of the gift or hospitality is capable of being interpreted as a sign that you or the authority favours any particular person, company or section of the community or as placing you under any improper obligation to any person or organisation. If there is any possibility that it might be so interpreted, you must either refuse the gift or hospitality or take appropriate steps to ensure that such a misunderstanding cannot arise.

Certain occasions are particularly sensitive, and require the avoidance of any opportunity for such misunderstanding. These include:

(i) occasions when the authority is going through a competitive procurement process, in respect of any indication of favour for a particular tenderer.

(ii) determinations of planning applications or planning policy, in respect of any person or organisation which stands to gain or lose from the determination,

(iii) funding decisions, when the authority is determining a grant application by any person or organisation.

(d) Never accept a gift or hospitality which puts you under an improper obligation.

Recognise that some commercial organisations and private individuals see the provision of gifts and hospitality as a means of buying influence. If you accept a gift or hospitality improperly, it is possible that they may seek to use this fact to persuade you to determine an issue in their favour. Equally, if others note that you have been prepared to accept a gift or hospitality improperly, they may feel that they will no longer be able to secure impartial consideration from the authority.

(e) Never solicit a gift or hospitality.

You must never solicit or invite an offer of a gift or hospitality in connection with your position as a Councillor unless the acceptance of that gift or hospitality would be permitted under this Code. You should also take care to avoid giving any indication that you might be open to any such improper offer.

2 Consent Regimes

(a) General consent provisions.

For clarity, the authority has agreed that you may accept gifts and hospitality in the following circumstances:

(i) civic hospitality provided by another public authority

(ii) modest refreshment in connection with any meeting in the ordinary course of your work, such as tea, coffee, soft drinks and biscuits

(iii) tickets for sporting, cultural and entertainment events which are sponsored by the authority

(iv) small gifts of low intrinsic value below £15, branded with the name of the company or organisation making the gift, such as pens, pencils, mouse pads, calendars and diaries. However, you should take care not to display any such branded items when this might be taken as an indication of favour to a particular supplier or contractor, for example in the course of a procurement exercise

(v) a modest alcoholic or soft drink on the occasion of an accidental social meeting, such as a pint of beer from an employee of a contractor or party with whom you have done business on behalf of the authority if you meet accidentally in a public house, cafe or bar. In such cases, you should make reasonable efforts to return the offer where this is practicable

(vi) a modest working lunch not exceeding £10 a head in the course of a meeting in the offices of a party with whom the authority has an existing business connection where this is required in order to facilitate the conduct of that business. Councillors should not make such arrangements themselves, but request officers to settle the detailed arrangements, and officers are under instruction, when arranging any such meeting, to make it clear to the other party that such a lunch must not exceed a value of £10 a head

(vii) modest souvenir gifts with a value below £15 from another public authority given on the occasion of a visit by or to the authority

(viii) Hospitality received in the course of an external visit or meeting which has been duly authorised by the authority. Councillors should not make such arrangements themselves, but request officers to settle the detailed arrangements, and officers are under instruction to make it clear that any such hospitality for Councillors and officers is to be no more than commensurate with the nature of the visit

(ix) other unsolicited gifts, where it is impracticable to return them to the person or organisation making the gift, provided that the Councillor deals with the gift strictly in accordance with the following procedure:

The Councillor must, within 28 days of receipt of the gift, pass it to the Democratic Services team together with a written statement identifying the information set out in Paragraph 2(b) below. The Democratic Services team will then write to the person or organisation making the gift thanking them on your behalf for the gift and informing them that you have donated the gift to the Mayor's Charity Fund, on whose behalf it will be raffled or otherwise disposed of in due course, the proceeds being devoted to a charitable cause chosen by the Mayor.

(b) Special consent provisions

If you wish to accept any gift or hospitality which is in accordance with the General Principles set out in Paragraph 1, but is not within any of the general consents set out in Paragraph 2(a), you may only do so if you have previously obtained specific consent in accordance with the following procedure:

You must make an application in writing to the Monitoring Officer, setting out:

(i) the nature and your estimate of the market value of the gift or hospitality

(ii) who the invitation or offer has been made by or on behalf of

(iii) the connection which you have with the person or organisation making the offer or invitation, such as any work which you have undertaken for the authority in which they have been involved

(iv) any work, permission, concession or facility which you are aware that the person or organisation making the offer or invitation may seek from the authority

(v) any special circumstances which lead you to believe that acceptance of the gift or hospitality will not be improper

You must not accept the gift or hospitality until you have received the appropriate consent.

The Monitoring Officer will enter details of any approval in a register which will be available for public inspection on the occasion of the public inspection of the authority's accounts for the relevant year. But note that this does not relieve you of the obligation to register the receipt of gifts and hospitality in accordance with Paragraph 3, below.

3 Reporting

Where you accept any gift or hospitality which you estimate to have a market value or cost of provision of at least £15, you must, within 28 days after receipt of the gift or hospitality, make a declaration in writing to the Monitoring Officer, setting out the information set out in Paragraphs 2(b) above. A form for this purpose is attached to this Code, but you can send the same information by any convenient means. The Monitoring Officer will retain a copy of any such declaration in a register which will be available for public inspection until the approval of the authority's accounts for the year in question.

Even if the value of the gift or hospitality is less than £15, if you are concerned that its acceptance might be misinterpreted, and particularly where it comes from a contractor or tenderer, you may make a voluntary declaration in the same manner to ensure that there is nothing secret or underhand about the gift or hospitality.

4 Gifts to the authority

Gifts to the authority may take the form of the provision of land, goods or services, either to keep or to test with a view to future acquisition, an offer to carry out works or sponsorship of a function which is organised or supported by the authority. You should not solicit any such gift on behalf of the authority except where the authority has formally identified the opportunity for participation by an external party and how that participation is to be secured, for example in relation to sponsorship of public musical and theatrical performances and developers' contributions under Section 106 Agreements. If you receive such an offer on behalf of the authority, you must first consider whether it is appropriate for the authority to accept the offer (in terms of whether the acceptance of the gift might be seen as putting the authority under any improper obligation, whether there is a real benefit to the authority which would outweigh any dis-benefits). If you do not have delegated authority to accept the gift, you should report the offer directly to the Monitoring Officer who has such delegated authority, together with your recommendation. The Monitoring Officer will then write back to the person or organisation making the offer, to record the acceptance or non-acceptance of the gift, record the gift for audit purposes and ensure that the gift is properly applied for the benefit of the authority. If you have any concerns about the motives of the person or organisation making the offer, or whether it would be proper for the authority to accept the gift, you should consult the Monitoring Officer directly.

5 Definitions

(a) "Gift or hospitality" includes any:

(i) free gift of any goods or services

(ii) opportunity to acquire any goods or services at a discount or on terms which are more advantageous than those which are available to the general public

(iii) opportunity to obtain any goods or services which are not available to the general public

(iv) offer of food, drink, accommodation or entertainment, or the opportunity to attend any cultural, sporting or entertainment event.

(b) References to the "value" or "cost" of any gift or hospitality are references to the higher of:

(i) your estimate of the cost to the person or organisation of providing the gift or consideration

(ii) the open market price which a member of the public would have to pay for the gift or hospitality, if it were made available commercially to the public, less the cash sum of any contribution which you would be required to make toward that price to the person or organisation providing or offering the gift or hospitality.

To:

Declaration of Receipt of Gifts or Hospitality

Name	
What was the gift or hospitality?	
What is your best estimate of its market value or cost?	
Who provided it?	
When and where did you receive it?	
Does it come within one of the general consents set out in the Members' Code on gifts and Hospitality? If so, which?	
Did you get the consent of any officer before accepting it? If so, who?	
Were there any special circumstances justifying acceptance of this gift or hospitality?	
Do you have any contact in your role as Councillor with the person or organisation providing the gift or hospitality?	
Signed	Date

Agenda Item 19
PART 19

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Redditch Borough Council

To:

Declaration of Receipt of Gifts or Hospitality

Name	
What was the gift or hospitality?	
What is your best estimate of its market value or cost?	
Who provided it?	
When and where did you receive it?	
Does it come within one of the general consents set out in the Members Code on Gifts and Hospitality? If so, which?	
Did you get the consent of any officer before accepting it? If so, who?	
Were there any special circumstances justifying acceptance of this gift or hospitality?	
Do you have any contact in your role with the person or organisation providing the gift or hospitality?	
Signed	Date

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MEMBER OFFICER RELATIONS PROTOCOL

PROTOCOL FOR RELATIONS BETWEEN COUNCILLORS AND OFFICERS

1. INTRODUCTION

1.1 The purpose of this protocol is to guide Councillors and Officers of the Council in their relations with one another.

1.2 Given the variety and complexity of such relations, this Protocol does not seek to be either prescriptive or comprehensive. It seeks simply to offer guidance on some of the issues that most commonly arise. It is hoped, however, that the approach that it adopts to these issues will serve as a guide to dealing with other issues.

1.3 This Protocol is to a large extent no more than a written statement of current practice and convention. In some respects, however, it seeks to promote greater clarity and certainty.

1.4 This Protocol also seeks to reflect the principles underlying the respective rules of conduct which apply to Councillors and Officers. The purpose of the rules and this protocol is to enhance and maintain the integrity (real and perceived) of local government by demanding very high standards of personal conduct.

1.5 The former National Code of Local Government Conduct for Members says:

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

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

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

2. RESPECT AND COURTESY

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

Undue Pressure

2.2 It is important that in any dealings between Councillors and Officers, neither should seek to take unfair advantage of their position.

2.3 In their dealings with both Directors and staff (especially junior employees), Councillors need to be aware that it is easy for Officers to be overawed and feel at a disadvantage. Such feelings can be intensified where Members hold official and/or political office.

2.4 A Councillor should not apply undue pressure on an Officer either to do anything that he or she is not empowered to do, or to undertake work outside normal duties or outside normal hours. Particular care needs to be taken in connection with the use of Council property and services.

2.5 Similarly, an Officer must neither seek to use influence on an individual Councillor to make a decision in his or her personal favour, nor raise personal matters to do with his or her job, nor make claims or allegations about other Officers. The Council has formal procedures for consultation, grievance, and discipline. The one exception to this rule is the right of staff to report possible wrong doing under the Council's "Whistle-blowing" procedure.

Familiarity

2.6 Close personal familiarity should be avoided, where practicable.

Criticism of Officers by Councillors

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

Redress / Complaint

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

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

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

3. PROVISION OF INFORMATION

3.1 All Councillors will normally receive copies of all reports, other than:

- those relating to sensitive regulatory matters such as Employee and Housing-related Appeals; and

- Licensing Sub-Committee agendas which are sent only to those Members involved in considering specific applications under the Licensing Act 2003 (statutory requirement).

3.2 Ward Councillors and/or other relevant Members (Portfolio Holders / Chairs, etc.) should be routinely notified in advance about any significant, sensitive, or controversial issues likely to affect them (see also paragraphs 6.7 and 8.2 below).

4. POLITICAL ACTIVITY

4.1 Senior employees, except those who are not politically restricted, cannot be Councillors or Members of Parliament, nor can they “speak or publish written work for the public at large or to a section of the public with the apparent intention of affecting public support for a political party”.

4.2 Employees are employed by the Council as a whole. They serve the Council and are responsible to the Chief Executive and their respective Directors and not to individual members of the Council whatever office they might hold.

4.3 It is important though for there to be regular contact between the Chief Executive, Directors, senior employees and the Leaders of Political Groups on matters affecting the Council; and between Directors, other senior employees, and Members and Officers who provide support services to Councillors and Party Groups.

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

Correspondence

4.5 When a letter or e-mail is copied to anyone in addition to the addressee Councillor, it should always have a list of those receiving copies at the head of the letter or e-mail.

4.6 Official letters on behalf of the Council will normally be issued in the name of the appropriate Officer rather than that of a Councillor. It may be appropriate in certain circumstances (for instance representations to a Government Minister) for a letter to appear in the name of the Leader or a Chair or other Councillor, but this should be the exception rather than the norm. Where the Leader or a Chair or other Councillor issues a letter in these circumstances, he or she will arrange for copies to be sent to other members of the Council/Committee as the case may be. Letters on behalf of the Council would not normally be sent out in the name of a Councillor, save to confirm a decision of the Council, or occasionally in the case of Civic matters, by the Mayor.

Officer Advice to Political Groups

4.7 It is common practice for Party Groups to give preliminary consideration to matters of Council business. Officers may properly be called upon to provide information and advice in connection with such deliberations by Groups.

4.8 Information and advice may be available to all Groups on the same basis. Officers may be invited (but not singly) to address Group meetings.

4.9 Officer input in these circumstances will be limited to providing information and advice about matters of Council business. Group meetings, whilst they may form part of the preliminaries to Council decision making, are not empowered to make decisions on behalf of the Council. Conclusions reached at these meetings will not therefore rank as Council decisions and will not be interpreted as such by Officers.

5. COUNCILLORS' BRIEFING, AGENDAS AND REPORTS

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

5.2 Briefings to all members of a Committee, Task & Finish Group, or Working Party may sometimes be preferable, on occasions when the Council is meeting with representatives of outside bodies or other parties external to the Council.

5.3 Formal requests to Directors for a report to be prepared on a particular issue may only come from the Council, a Committee or Sub-Committee, the Leader, or the Chair of a Committee, Sub-Committee, Panel, Working Party, etc. in accordance with the provisions of the Council's Constitution.

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6. PRESS RELEASES AND PUBLICITY

6.1 All publicity activities carried out by the Council will be in accordance with the Code of Recommended Practice on Local Authority Publicity issued by the Department of the Environment, Transport and the Regions and the Council's own Media Protocol / Strategy as agreed from time to time.

6.2 News releases and press statements issued by the Council require Member approval, where they contain quotes by Members or sensitive information.

6.3 Where a news release is issued after a Council, Committee or Sub-Committee meeting, any comments must relate to matters discussed at that meeting. Advance news releases which contain matters due to be discussed, should be limited to factual information only.

6.4 The Communications Manager will be guided by the Leader, Committee Chair or Chief Executive on whether a news release should be issued before or after a meeting. The Communications Manager will give advice as to whether this is appropriate.

6.5 All news releases about decisions will contain the name and telephone number of the relevant Councillor spokesperson(s) or an appropriate Officer.

6.6 All news releases issued by Group Leaders, Chairs, Group Spokespersons or individual Councillors should state clearly that the release has been issued by that person not on behalf of the Council.

6.7 Particular care to observe the relevant Codes and Guidance will be exercised during formal election periods.

6.8 Ward Councillors and/or other relevant Members (Portfolio Holders / Chairs, etc.) should be notified in advance about any significant, sensitive, or controversial issues likely to affect them. This would include press releases relating to a particular Ward or significant matters likely to affect a Ward.

7. SPECIAL MEETING

7.1 If a special meeting of the Council or a Committee is needed, the Chief Executive shall consult with the Chair, Vice-Chair and the Leader (or their nominee) of any other party group represented on the Council, about the time and location of the special meeting.

7.2 Consultation with the same Members shall apply if a meeting needs to be deferred or cancelled.

8. INVOLVEMENT OF WARD COUNCILLORS

8.1 Whenever a public meeting is organised by the Council to consider a local issue, all the Councillors representing the Ward or Wards affected should, as a matter 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.

9. MEMBER ENQUIRIES

9.1 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.

Best practice for handling member enquiries APPENDIX 20.1



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Best practice for handling member enquiries

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 **earliest opportunity** 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 '*urgent*' and/or '*high importance'* 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 3rd 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.

CODE OF PRACTICE - PLANNING SERVICES

1. INTRODUCTION

1.1 The role of a Member serving on the Planning Committee involves balancing the representation of the needs and interests of individual constituents and the community, with the need to maintain an ethic of impartial decision-making on what can be highly controversial proposals.

1.2 This document has been prepared to guide Members and Officers in dealing with planning matters in a manner consistent with good practice, including the conduct of Members in its processes and procedures and should be read alongside the Councillors' Code of Conduct.

1.3 Failure to follow the recommendations set out in this Code of Practice, without good reason, may be regarded as being incompatible with good administration by the Local Government Ombudsman and affect how the Council, its Officers or Members may be perceived by others.

1.4 By setting out clearly what is expected of both Members and Officers, it is anticipated that this Code will engender greater mutual understanding and support between all those involved in the planning process. The Code has been produced in the spirit of looking for continuous improvements in the delivery of services, discharging duties responsibly in an open, professional and consistent way compatible with the Councillors' Code of Conduct and its Protocol for Members/Officer relations.

1.5 Both Members and Officers dealing with planning matters and advising Committees will be required to observe all the provisions of this Code.

1.6 The Code is set out in the form of a series of headings followed by a brief discussion of the issues involved and best practice advice.

2. THE ROLE OF COUNCILLORS

2.1 The role of Members is central to the planning system, which operates within a political arena. It is well recognised that planning is not an exact science and, provided that Members are properly briefed by Officers, they are well placed to make decisions.

Ward Interests

2.2 Members have a special duty to their ward constituents but their overriding responsibility is to the whole community. In terms of the planning process, this can produce a conflict of interest between Members legitimately and effectively giving vent to local, sometimes individual, concerns and the need to reflect the interests of the wider

community in decisions reached on planning merits alone. Much is often at stake in this process, and opposing views are often strongly held by those involved. Whilst Members should take account of these views, they should not favour any person, company, group or locality above the wider community interest, nor put themselves in a position where they appear to do so. Members should be mindful of the need to carefully weigh up all of the arguments before deciding what view to take. Where a Member of Planning Committee takes the view that they would wish to speak in relation to an application affecting their ward they may do so as Ward Councillor under the procedure for Public Speaking at Planning Committee. However, they will have to remain in the public gallery after they have spoken and take no part in the debate or vote on the application.

2.3 Members should also be very cautious about accepting gifts and hospitality. Members should abide by the Council's Code of Conduct for Gifts and Hospitality, including recording offers and/or acceptance of these in the register as required.

Interests arising from the Code of Conduct

2.4 Under the Council's Member Code of Conduct, Members will need to make sure they are clear whether they have a discloseable pecuniary interest or other discloseable interest when involving themselves in planning matters.

2.5 Members who are unsure as to whether an interest should be declared should seek the advice of the Council's Monitoring Officer **at an early stage.**

Lobbying

2.6 It is a fact of public life that Members will be subject to varying degrees of lobbying. This is part of the democratic process. However, when individuals or groups seek to influence the outcome of a planning decision, which should be treated upon its individual planning merits in the wider public interest, the impartiality of the decision may be questioned. Such problems might arise if Members indicate their voting intention or support for a particular cause in advance of all the relevant information and Officer advice. However, section 25 the Localism Act states that a member is not to be regarded as having a closed mind about a decision simply because they have previously expressed a view on it.

2.7 When being lobbied, Members should take care about expressing an opinion that may be taken as indicating that they have already made up their mind on the likely outcome of a planning application before they have heard all the evidence and arguments. If they do express an opinion, they should make it clear that they will only be in a position to make a final decision when all the facts are known and they have heard both sides of the argument at Committee. On occasion, the Member may

respond to lobbying by deciding to go public in support of a particular outcome, or even campaigning actively for it.

2.8 However, Members must not have a closed mind when they make a decision. Decisions taken by those with pre-determined views are vulnerable to successful legal challenge. At the point of making a decision, members must carefully consider all the evidence that is put before them and be prepared to modify or change their initial view in the light of the arguments and evidence presented. Then they must make their final decision at the meeting with an open mind based on all the evidence.

2.9 Where a Member has campaigned for or come to a final view prior to a meeting, the member should not take part in the decision making process. Depending on the circumstance and to preserve the appearance of propriety, the member should also consider whether or not to withdraw from the public gallery, after making his or her representations to the planning committee.

2.8 Members should not represent an applicant or individual objector and should not organise support or opposition for a planning application or other planning decision. In particular they should avoid representing applicants or objectors in discussions with Planning Officers which may take place before an application is considered by the Planning Committee. Instead they should suggest to those who are lobbying, that they should speak or write to the relevant Planning Officer, in order that their opinions can be included in the officer's report to committee. Any letters referred to and relied upon by Councillors in speaking on an application should be given to the Assistant Director Planning Leisure and Culture Services to be placed on the respective planning file immediately after the meeting.

2.9 Members should not lobby other Members in relation to planning applications. The process is apolitical and no political group meeting must take place prior to the committee meeting to discuss the planning applications. Members must not put pressure on Officers to make a particular recommendation or to exercise a delegation in a particular way. Following the introduction of the National Scheme of Delegation, Members should not place pressure on officers, or attempt to influence them in relation to their assessment of Schedule 2 applications for the purposes of the Gateway Test. Likewise, Members should not lobby the Chair and Vice Chair of Planning in relation to decision making regarding the Gateway Test.

2.10 Members of the Planning Committee need to take account of the general public's expectation that a planning application will be processed and determined in an open and fair manner. There is the possibility that an aggrieved party may seek judicial review on the way in which a decision has been arrived at, or complain to the Local Government Ombudsman on the grounds of maladministration.

3. MEMBERSHIP OF PARISH COUNCILS

3.1 Parish Councils are consulted and asked to comment on planning applications prior to their being considered by the Borough Council's Planning Committee. Sometimes, a member of the Planning Committee will also be a member of a Parish Council and such a situation could give rise to a perception that there is a conflict between these two roles.

3.2 Members of the Planning Committee may participate in the formulation of their Parish Council's comments on a planning application and may vote on motions put forward in connection with the making of such comments. However, in doing so, they must recognise that they have not yet received full information about the application e.g. the planning history, comments by other consultees and officer recommendation. They should therefore declare, at the Parish Council's meeting, that in assisting in the formulation of the Parish Council's comments, that they are only forming a preliminary view on the application, that they recognise that there is further information about the application which they have not yet received, and that they reserve the right to change their preliminary view, in the light of such further information, when the application is considered by the Borough Council's Planning Committee.

3.3 In this way, members of the Planning Committee, who are also members of Parish Councils, will avoid any perception that they have fettered their judgment on an application before knowing the full facts about it.

3.4 Members are advised to let the planning committee know any ward interest, participation in parish council responses to applications or any significant lobbying at the meeting, whether or not they decide that it is appropriate to participate in the debate and determination regarding an application.

4. PLANNING SITE VISITS PROCEDURE

4.1 Members of Planning Committee will have the opportunity to attend site visits for some of the planning applications which are decided by the Planning Committee.

4.2 The purpose of site visits is to allow Members to consider the general setting of the application site so that they will be in the best position to decide whether or not planning permission should be granted. In particular Members will be able to:-

- Observe the geography of the site including the boundaries and its relationship to adjoining properties;

- Consider the scale and impact of the proposed development in relation to the site;
- Use the visit to assess whether any planning conditions might need to be considered.

4.3 Site visits will not be arranged for sites that have been the subject of a site visit within the preceding 6 months.

4.4 The site visit does not constitute a meeting of the Planning Committee. Accordingly, Members should not form a collective view on the issue.

4.5 Since Members are attending a site merely to "see what is to be seen"; it is inappropriate to hear from either the applicant or his representative during the site visit. Similarly, it is inappropriate to hear from anybody else who wishes to make representations. This includes the Ward councillor for the area in which the site is located. The occasion is not a local hearing. Members should leave each site with no collective view – the occasion is simply to assist them individually to form a view.

4.6 When the application is next considered by the Planning Committee, the Chair of the Committee should remind Members that the application was the subject of a site visit, and then let the debate proceed normally.

5. THE ROLE OF OFFICERS

5.1 Officers, as the paid employees of the Council, have the principal responsibility for carrying out the Council's work. They should provide professional and impartial advice to Members to assist them in reaching their decisions and to the public at large on all planning matters. It is very important that such advice is consistent with the provisions of the prevailing planning policies and guidance so that the planning system is seen to be fair whatever the outcome.

5.2 The Planning Committee has given delegated authority to the Assistant Director Planning Leisure and Culture Services to approve certain categories of planning application as set out in the Council's Scheme of Delegation.

5.3 Any decisions delegated to Officers should be clearly recorded.

6. OFFICER REPORTS TO COMMITTEE

6.1 All reports shall provide a clear technical appraisal of the application including site location and description, planning history, consultations received and the policy contents for the recommendation, which should be justified in the Officers' written comments.

6.2 Reports should have a written recommendation of action; oral reporting (except to update a report) should be avoided and carefully minuted.

6.3 Reports should contain technical appraisals, which clearly justify a recommendation.

6.4 If the report's recommendation is contrary to the provisions of the development plan or Local Development Framework, the material considerations, which justify the departure, must be clearly stated.

6.5 Terms for Planning Obligations (Section 106 Agreements) must be clearly set out, discussed openly and recorded in the minutes.

6.6 The Monitoring Officer or his or her representative shall attend all Planning Committee meetings and provide advice, together with legal advice as required.

7. PRE-APPLICATION DISCUSSIONS

7.1 Officers are often asked informally during meetings whether planning permission is required for changes of use and/or for new development.

7.2 Officers will always endeavour to be as helpful as they can in this matter but can only offer an informal opinion as to whether or not planning permission is required for the development someone wishes to undertake, whether it is a new building, an extension to a home, or a change of use of land or building. Any advice that they offer in this respect is an individual opinion based on the information the enquirer has provided at the time. It is not binding on the Council.

7.3 For an official decision, enquirers should be invited to apply for a Certificate of Lawfulness of Proposed Use or Development, under Section 192 of the Town and Country Planning Act 1990. A fee is payable for the processing of such an application but the enquirer will be presented with a legally binding determination, in other words, an official decision of the Council telling him/her whether or not planning permission is required.

7.4 The fee varies according to the type of development proposed and staff will be able to advise on the amount payable. It is in the interests of the enquirer to have an official written determination relating to development should he/she want to sell his/her land/property or should any legal challenge arise relating to the work which has been undertaken.

7.5 The following guidelines have been adopted to ensure that all parties involved are treated fairly and that the Planning Officers' role is clearly understood:

- Planning Officers will give informal advice in the spirit of helpfulness. It is however only informal advice which is not binding on the Local Planning Authority;

- Planning Officers will negotiate and offer advice to overcome problems at application stage where a solution is apparent and the proposal can be determined within the statutory time limit as a consequence;

- The onus to negotiate falls upon the applicant/agent to offer alternatives to the original submission;

- Planning Officers cannot advise what a potential recommendation will be should an application be made.

8. DECISIONS CONTRARY TO THE DEVELOPMENT PLAN/ LOCAL DEVELOPMENT FRAMEWORK

8.1 The law requires that where the development plan/Local Development Framework is relevant, decisions should be taken in accordance with it, unless material planning considerations indicate otherwise. Members will receive training and guidance from officers as to what constitutes material planning considerations. In certain situations, legislation requires the Council to notify the relevant Secretary of State before granting permission contrary to the development plan. Officers will advise members if this process is necessary and will carry out the process.

9. DECISIONS CONTRARY TO OFFICER RECOMMENDATION

9.1 Members are perfectly entitled to reach different decisions to those recommended to them by Officers by attaching different weight to the various relevant planning criteria. That this happens from time to time is inevitable but it is essential that the public be left in no doubt as to how the decision was reached. Officer reports must be well structured and the public should not be given the impression that decisions reached contrary to advice are made hastily or new conditions imposed on the spur of the moment. A full detailed minute of the Committee's reasons should be made. The Officer should also be given an opportunity to explain the implications of the contrary decision.

9.2 Where a Member is minded to raise new issues, information or questions, they are advised to contact the respective Planning Officer or Assistant Director Planning Leisure and Culture Services before the meeting wherever possible.

9.3 Where a Member is minded to make a recommendation, which is contrary to the Officer recommendation, then the reasons should be clearly set out, particularly in the case of a refusal and in the case of an approval, the type of conditions proposed should be indicated.

9.4 If an imminent decision is thought to be perverse, the Assistant Director Planning Leisure and Culture Services or the Monitoring Officer should

so advise the Committee, but it remains the role of the Chair to decide whether or not it would be preferable to defer consideration to allow for a period of reflection on the advice given before proceeding.

9.5 Where an application is refused or conditions imposed contrary to an officer recommendation, it may not be in the Council's best interests for the Case Officer to give evidence at any subsequent public inquiry or hearing resulting from an appeal. In such circumstances it will be a matter for the Assistant Director Planning Leisure and Culture Services in consultation with the Head of Legal, Equalities and Democratic Services to establish whether a suitably experienced and qualified Officer exists within his establishment who is able to concur professionally with the decision taken. If so, then they will act as the Council's professional witness. If not, then the use of planning consultants will be explored. It is rarely in the Council's best interests for individual Members to represent the Council but this may be appropriate where factual evidence is in dispute particularly in enforcement appeals.

9.6 All planning approvals and refusals shall be fully minuted. Unless otherwise stated, these should accord with those set out in the Agenda subject to the incorporation of any further conditions or reasons (or variations) thought to be necessary by the Head of Planning & Regeneration to give full effect to the Council's wishes about any particular application.

10. DEALING WITH APPLICATIONS SUBMITTED BY MEMBERS AND OFFICERS AND COUNCIL SERVICE AREAS

General principles

10.1 The submission of planning applications and/or development plan proposals by serving Members, Officers, or their close friends and relatives can easily give rise to suspicions of impropriety, including proposals for the Council's own development. The following points should be taken into account:

Members

10.2 Serving Members of the Council who act as agents for people pursuing planning matters shall not be Members of the Planning Committee.

10.3 Members should take no part in the processing of their own applications or those of their immediate family or close friends or anyone with whom the Member has a close personal association.

10.4 As soon as a planning application is received from a Member, the Assistant Director Planning Leisure and Culture Services must inform the Council's Monitoring Officer, who will take such steps as are necessary to ensure that applications for dispensations from other

Members of the Planning Committee are considered as soon as possible.

10.5 Members who are members of the Planning Committee should declare an interest in respect of applications prepared by them or on their behalf and leave the meeting while such applications are under consideration.

10.6 Applications of currently serving Members should not be dealt with under delegated powers and should be decided by the Planning Committee.

Officers

10.7 Serving Officers in the planning department should never act as agents for people pursing a planning matter. If an officer in another department acts as such agent for people pursing a planning matter, the matter cannot be dealt with under delegated powers and should be decided by the Planning Committee.

10.8 Officers should take no part in the processing of their own planning applications or those of their immediate family or close friends.

10.9 Applications for Planning Consents made to Redditch Borough Council by Officers currently working for either Bromsgrove District Council or Redditch Borough Council or their family members, whether or not directly employed by them and should be decided by the Planning Committee.

Developments by the Council

10.10 Planning applications made by Council Service Areas must be processed in accordance with existing policy and treated in the same way as a private application except that all such applications shall be considered by the Planning Committee and not determined under delegated powers.

Applications submitted by former Members and former employees

10.11 There has been some considerable concern about former employees setting up their own consultancies and providing planning advice in the Redditch Borough area and about the consideration of applications by or on behalf of former Members. Both circumstances occur from time to time and the guiding principles should be that:-

(i) applications by former Members will be treated in the same way as any other application;

(ii) applications by former employees whether they are acting for themselves or an agent for others will be treated in exactly the same way as any other application.

Applications by Members of Political Associations

10.12 Where a planning application is made by someone who is not a Member, but is known to be a member of the same Political Association as some

of the members of the Planning Committee, those Members will need to give consideration as to whether they should declare an interest when the application is considered.

10.13 In some cases, no declaration will be necessary, but in other cases the relationship between the parties may be close enough to warrant a declaration of interest. Councillors should have regard to the Councillors' Code of Conduct and should err on the side of safety.

Implications of Introduction of National Scheme of Delegations

10.14 Since this Code was originally written the government has introduced the National Scheme of Delegations of Planning Functions. The relevant documents are: -

- The Town and Country Planning (Discharge of Local Planning Authority Functions) (England) Regulations 2026 ("the regulations") – made on 15th July 2026 - in force from 31st October 2026.
- The Planning Committees and the National Scheme of Delegations of Planning Functions: Guidance for Local Planning Authorities in England ("the guidance") – issued on 1st June 2026

10.15 The main effect of the regulations is to impose a mandatory scheme of delegation for the making of planning decisions on Councils in England. In summary applications are divided into Schedule 1 matters which must be decided by officers, and Schedule 2 matters which may be decided by officers or by Planning Committee. A test has been introduced ("the Gateway Test") to enable those Schedule 2 applications that might need to go to Planning Committee to be assessed against set criteria.

10.16 The Council has made arrangements to implement the provisions of the regulations. The changes are set out in the following updated parts of the constitution: -

- Scheme of Delegations for Development Management Part 0.49
- Scheme of Delegation for Trees (in relation to the carrying out of work on/ felling of TPO protected trees) Part 0.45
- Planning Committee Procedure Rules Part 12

10.17 Regulation 6 relates to planning applications made by serving Members, Officers or the Council itself. It introduces the term of "own-interest application" which is defined as an application to a relevant planning authority of a kind specified in Schedule 1 or Schedule 2 made by or on behalf of that authority, a member of that authority or an officer of that authority.

10.18 For ease of reference, the new term of own-interest applications encompasses the applications described in this code in the following paragraphs: -

- 10.6 - applications made by currently serving members or immediate family or close friends of members
- 10.9 – applications made by currently serving officers or immediate family or close friend of officers
- 10.10 – applications made by the Council

10.19 Whilst the regulations and guidance indicate that there is discretion for own-interest applications to be decided by officers under delegated powers, for reasons of openness and transparency the majority of own-interest applications should continue to be decided by committee in accordance with the practice that was in place prior to the introduction of the regulations. There may occasionally be exceptions to this when the nominated officer and nominated member may form the view that a minor or technical matter would be appropriate to be decided by officers under delegated powers."

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CODE OF PRACTICE IN RELATION TO LICENSING MATTERS UNDER THE LICENSNING ACT 2003 AND THE GAMBLING ACT 2005

1. Introduction

1.1 The Licensing Act 2003 and the Gambling Act 2005 gave local authorities responsibility for deciding on licences for regulated entertainment, and the use of premises for gambling activities.

1.2 Elected Members fulfil different roles: being a Ward councillor, representing their communities is one of them.

1.3 Members of the Licensing Committee constitute the Local Licensing Authority and are charged with discharging the licensing functions of the Council. This is a broad and strategic role, discharged within the statutory licensing framework.

1.4 When sitting on a Licensing Sub-Committee the role of the elected member is to balance the multiple needs and interests of the community, while prioritising the licensing objectives if the relevant Act as a member of the Local Licensing Authority.

1.5 Good decision making relies on ensuring that councillors act in a way that is lawful and is clearly seen to be fair, open and impartial.

1.6 This guidance should be read in conjunction with other parts of the Constitution, including the Member Code of Conduct and the procedure rules for meetings. It is intended to assist councillors to participate in any of these roles at Licensing Committee, without:

(a) opening up the local authority to accusations of pre-determination, bias or maladministration; or

(b) leaving themselves open to allegations under the Members' Code of Conduct.

2. Declaration of Interests

2.1 Members must always declare their interests in accordance with the Council's Code of Conduct.
Whether they can participate and to what extent will depend on the nature of any interest, which will ideally need to be considered prior to a meeting or raised at the time with the Legal Advisor.

2.2 Each councillor is personally responsible for deciding whether s/he has an interest that should be declared and the extent to which they can or

can not participate in a meeting and should seek advice fro the Monitoring Officer as soon as they can.

3. Improper Influence

3.1 Members are also reminded of their obligation under the Code of Conduct not to use their positions as members to confer on or secure for themselves any advantage or disadvantage. This means that Members should not use anything which is available to them as Members (but which is not available to members of the public), e.g. access to officers or other Council members, or access to papers, to influence the outcome of a licensing application. Should a Councillor have an interest in respect of an item before the Committee, they must observe the provisions of the Code of Conduct regarding their declaration of any such interest/s.

3.2 Each Councillor is personally responsible for deciding whether s/he has an interest that should be declared, although advice should be sought in advance from the Monitoring Officer, rather than having to have a discussion in the open forum at the meeting

4. Bias

4.1 Bias has been defined as an attitude of mind which prevents the [decision-maker] from making an objective determination of the issues that he has to resolve". The test for bias is 'whether a fair-minded and informed observer, having considered the facts would conclude that there was a real possibility of bias'. The appearance of bias is sufficient to result in 'procedural impropriety'

4.2 Predisposition and Predetermination: Localism Act 2011

The law on bias and predetermination (which is a particular form of bias) is part of the general legal obligation to act fairly. The Localism Act 2011 codified the case law on predisposition and predetermination that had developed in the preceding years. Decision makers are entitled to be **predisposed** to particular views as it is acknowledged that it is almost inevitable that councillors may form some kind of prior view about the merits of a particular proposal. However, **predetermination** occurs where someone closes their mind to any other possibility beyond that predisposition, with the effect that they are unable to apply their judgment fully and properly to the issue requiring a decision.

4.3 Even where a councillor may have expressed a view about a matter, provided they demonstrate that they have come to the Committee "with an open mind" and will listen to all the material presented at the Committee before deciding on how to exercise their vote, this is

acceptable. 'Predetermination' however, is not acceptable and would leave the decision open to challenge by Judicial Review.

4.4 It is each individual councillor's responsibility to consider whether their involvement with a particular matter / people / group, or their past comments or conduct before the decision-making stage, is such that it could give rise to a public perception that the councillor might not have an open mind. A councillor in this position will be judged on the objective test set out above – whether the reasonable onlooker with knowledge of the facts, would consider that s/he was biased. If in any doubt, early advice should be sought as to whether or not the councillor should be part of the decision-making process.

4.5 There will also be occasions when a Licensing Sub-Committee considers an application made by the Council itself, in respect of one of its buildings or a piece of its land. In such a situation, Members would not normally be excluded from the Sub-Committee in these circumstances as it would make the decision-making process unworkable, but any Member who has been a leading advocate for or against the application, or who is the Portfolio Holder responsible for the building or land concerned, should not sit on the Sub-Committee when such an application is considered. Applications made by the Council itself will always be referred to the Sub-Committee even where there are no representations, to minimise any potential appearance of bias on the part of the Council.

5. Lobbying of or by Councillors

5.1 The Licensing Act 2003 and the Gambling Act 2005 set out the grounds for making representations on licence applications and limits the parties which may make such representations. It should be borne in mind that one of the key aims of both pieces of legislation is to localise decision-making or 'democratise' the process and Members are therefore legitimately concerned with their locality and the needs/wishes of its constituents, including both the needs for entertainment facilities and employment, as well as the undesirability of crime and public nuisance.

5.2 Once a proposal is in the public domain, interested parties may seek to persuade Committee members, to either approve or refuse an application. Lobbying is a normal part of the political process, but unless care and common sense is exercised by all parties, lobbying can lead to the impartiality and integrity of a Committee member being called into question.

5.3 GUIDANCE

To avoid an appearance of bias the following rules should be adhered to:

- No Member sitting on the Licensing Sub-Committee can represent an applicant or another party. If s/he wishes to do so s/he must excuse him/herself from membership of the Sub-Committee which is considering the application and address the Sub-Committee as an Interested Party.

- If a Member who sits on the Licensing Sub-Committee is approached by persons wishing to lobby him/her as regards the licence application then that Member must politely explain that they cannot discuss the matter and refer the lobbyist to his/her Ward Member or the Licensing Officer who can explain the process of decision making. If the Member who sits on the Licensing Sub-Committee wishes to represent them then s/he will need to excuse him/herself from the Licensing Sub-Committee.

- Members who are part of the Licensing Sub-Committee must avoiding expressing personal opinions prior to Licensing Sub-Committee decision. To do so will indicate that the Member has made up his/her mind before hearing all the evidence and that their decision may not be based upon the licensing objectives relating to each piece of legislation nor the Licensing Authority's policy statements.

- Political group meetings should never be used to decide how any Members on the Licensing Sub-Committee should vote. The view of the Ombudsman is that using political whips in this manner may well amount to findings of maladministration.

- Councillors must not be members of the Licensing Sub-Committee if they are involved in campaigning on the particular application.

- Other Members (i.e. those which do not sit on the Licensing Sub-Committee) need to be careful when discussing issues relating to matters which may come before the Licensing Sub-Committee Members as this can easily be viewed as bias or pressure and may well open that Sub-Committee Member to accusations of such. There is no prohibition on discussing such issues with Committee Members but members should avoid taking measures which might be viewed as excessive e.g. attempting to obtain a commitment as to how the Member might vote.

6. Pre-application / pre-decision discussions

6.1 Although all applicants will be advised that all pre-decision discussions should be addressed to the officers in the Council's Licensing Section, Members of the Licensing Committee or Sub-Committee may also be approached by applicants before the meeting at which the application is to be decided. In such circumstances, a member should inform the person making the approach that they are unable to discuss the matter with him/her prior to the meeting at which the application will be decided and that he/she should address any enquiries to the relevant officer.

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7. Role of the Licensing Officer

7.1 Licensing Officers have no ability under the Licensing Act 2003 to make representations or to be a party to the hearing of an application by the Sub-Committee. In presenting applications to the Licensing Committee or Sub-Committee, the Licensing Officer will provide a summary report of the application, the representations, and his/her comments as to how these relate to the Licensing Act 2003, the Guidance and the local Licensing Policy Statement.

7.2 Decisions taken by officers, e.g. as to whether an application is vexatious or frivolous, will be fully recorded, together with the reasons for them.

8. Decision making

8.1 Reasons for decisions made by a Licensing Sub-Committee must be clearly documented in the Decision Notice, setting out clearly the rationale for the decision and also to ensure that any subsequent accusations of bias or predetermination. can be defended.

9. Site visits

9.1 A site visit will not normally be undertaken by members of a Licensing Sub-Committee in respect of premises licence applications unless for some particular reason members consider that it would be helpful to their consideration of the application

9.2 The site visit does not constitute a meeting of the Licensing Sub-Committee and members of a Sub-Committee must not discuss the merits of the application during the site visit, before or after the site visit or at any time until the Sub-Committee meets to consider the application. Members should leave each site with no collective view.

9.3 Since Members are attending a site merely to "see what is to be seen"; it is inappropriate to hear either the applicant or his representative. Similarly, it is inappropriate to hear anybody else who wishes to make representations such as the Ward Member or a Parish Councillor.

9.4 The Democratic Services Officer will report the site visit to the meeting of the Licensing Sub-Committee which considers the application.

10. Public speaking – Licensing Committee Meetings

10.1 Members of the public, and other interested parties, shall be entitled to participate in parent Licensing Committee meetings.

10.2 A person wishing to address the Licensing Committee must give notice to the Democratic Services Team of his or her intention to do so by 12 noon two working days before the day of the Licensing Committee meeting in question.

10.3 Members of the public who register to speak at meetings of the Licensing Committee will each be allowed to speak for no more than three minutes.

Members of the public who register to address a meeting of the parent Licensing Committee under the rules set out in this section can do so using one of the three options below:-

- By attending in person and addressing the committee verbally;
- By joining the meeting virtually by video link and addressing the committee verbally; or
- By providing a written statement in advance of the meeting to be read out by an officer (such statement to be provided no later than the cut off point for registration to speak as set out in paragraph 10.2).

10.4 At any meetings not more than 15 minutes in total shall be devoted by the Licensing Committee to Public Speaking, provided that the Chair may at his or her discretion extend the time if the Chair and a majority of those present agree.

10.5 The Committee Chair shall have the discretion:

(i) In exceptional circumstances, to allow late additions to the list of public speakers.

(ii) To decide not to allow speeches, which merely repeat representations made in earlier speeches and which are inaccurate.

(iii) Depending on circumstances, to vary the periods of time referred to in paragraphs 10.3 and 10.4 where s/he deems it appropriate.

10.6 Direct or open questioning and discussion / debate between Public Speakers and either Members or Officers will not be allowed during Public Speaking. Any such matters raised may be answered by Members / Officers only after the close of Public Speaking, or will be addressed during the subsequent debate. At no time will direct discussion between Members or Officers with a Public Speaker be permitted.

10.7 After the close of Public Speaking, no other inputs will be permitted from the 'public gallery', other than at the discretion of the Chair, and subject to relevant Officer advice, if exceptional circumstances warrant this.

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PROCEDURES FOR AUDITING THE COUNCIL

Local Authorities are subject to both internal and external audit.

1. Internal Audit

1.1. The requirement for an Internal Audit function for local authorities is implied by Section 151 of the Local Government Act 1972, which requires that authorities “make arrangements for the proper administration of their financial affairs and shall secure that one of their Officers has responsibility for the administration of those affairs"

1.2. Regulation 6 of the Accounts and Audit Regulations 2006 more specifically requires that "a relevant body shall maintain an adequate and effective system of internal audit of its accounting records and of its system of internal control in accordance with the proper practices in relation to internal control”.

1.3. Internal audit can be defined as an “independent, objective assurance and consulting activity designed to add value and improve an organisation's operations. It helps an organisation accomplish its objectives by bringing a systematic, disciplined approach to evaluate and improve the effectiveness of risk management, control, and governance processes”.

1.4. The Internal Audit function is provided under a service level agreement with Worcester City Council. The Service Manager of the Internal Audit function reports direct to the Council’s Section 151 Officer and has a link to the Head of Finance and Resources. However, the Audit Services Manager can also report direct to the Chief Executive and the Audit Committee Chair, if required.

2. External Audit

2.1 The Council has a statutory responsibility to prepare the Financial Accounts for each financial year in accordance with relevant legislation and accounting practice. In addition there is a legal requirement to have the accounts audited by an External Auditor within a prescribed framework. As part of the abolition of the Audit Commission, the contract for the provision of this External Audit Service for Council has been awarded to Grant Thornton.

The new External Audit contract will be effective for the 2012/13 Audit.

External Audit are under a duty to satisfy themselves that:

- The Council's Annual Statement of Accounts is prepared in accordance with current legislation.
- Proper practice has been observed in the completion of the accounts.
- The Council has made proper arrangements for value for money.

2.2 The Head of Finance and Resources and the Executive Director of Finance and Resources (S.151 Officer) shall ensure that the auditors are given access at all reasonable times to premises, personnel, documents and assets which the external auditors consider necessary for the purposes of their work.

2.3 The Head of Finance and Resources and the Executive Director of Finance and Resources (S.151 Officer) shall ensure that there is effective liaison between external and internal audit.

2.4 The Head of Finance and Resources and the Executive Director of Finance and Resources (S.151 Officer) shall report to Council and the Audit & Governance Committee on the external audits, Annual Management Letter and on any other reports prepared by the external auditors on specific matters and the Audit & Governance Committee shall decide how these reports are to be considered.

2.5 Information and contact details regarding the Council's current external auditors can be obtained from the Council's Financial Services Team.

End.

Redditch Borough Council

Protocol on Member Representation on Outside Bodies

1. ~~Introduction – Two Categories of Organisation~~

1.1. The Council appoints or nominates Members to sit on a wide range of outside bodies and organisations. These appointments broadly fall into two categories:

(a) those where the Councillor is appointed to represent the views of this Authority and to speak on our behalf

e.g. The Local Government Association
Joint Local Authority Committees

(b) those where he/she is appointed because they are a Councillor but once appointed, their duty is as a member of that outside organisation rather than as a representative of the Council

e.g. Redditch Co-Operative Homes

1.2 As a general rule, an appointment is likely fall into the second of the above categories if the organisation concerned is a distinct legal entity (i.e. if it can sue and be sued in its own name). Such an entity can take many forms e.g.

- Company
- Industrial & Provident Society
- Public Authority

This second category would also include charitable trusts

2. Category (a) – the Representative Role

2.1 Very little needs to be said about appointments to bodies within category (a). The Councillor is there to represent the views of the Borough Council, to speak up for the Council's interests, and those of the Borough as a whole.

2.2 As a general rule, it is unlikely that Councillors will be at risk of personal liability as a result of being appointed to any of the category (a) organisations. The nature of those organisations is not such as to be likely to give rise to additional liabilities.

2.3 However, Councillors should bear in mind to take care how they approach conflicts of interest and declarations of those interests, and if in doubt to seek guidance.

3. Category (b) – The Director/Trustee/Board Member role

3.1 It is the appointment of Councillors to positions within Category (b) organisations which potentially cause most difficulty. The most important point to bear in mind is that although the Council makes the initial nomination/appointment, after appointment the Councillor holds office according to the constitution of that other organisation. Appendix A sets out some further guidance notes for Members acting as Directors. In practice, various issues arise of which the following are the most common:

3.1.1 Period of appointment and removal

a) Once appointed, the Council can only remove a person from office if the constitution of the particular organisation gives the Council that power. The situation differs from organisation to organisation and it is therefore necessary for the Councillor to check the particular constitution, (or articles of association of a company, etc) of the organisation concerned.

3.1.2 To whom is the Councillor Responsible?

a) In the case of category (b) organisations, once a Councillor accepts an appointment as a director, board member, trustee etc of that organisation then they take on all the responsibilities of that position and their duty *when acting as a director or trustee etc* is to that organisation, not to the Council. They must act in accordance with what they consider to be the best interests of that organisation and are not there as a representative on behalf of the Council.

b) It would, for example, be a breach of their duty to an outside organisation to disclose confidential information about that organisation to the Council, even if it were relevant to something that the Council was discussing. This point about confidentiality applies both ways and it would be equally wrong to disclose confidential information belonging to the Council to an outside body.

c) The duty towards the outside organisation only applies when the Councillor is acting in their capacity as a director/trustee/board member of that organisation. When at Council meetings or acting in a Councillor role, he/she must act in the best interests of the Council (subject to the above point about confidentiality). It is therefore very important that Members have a clear understanding of "which hat they are wearing" at any time.

d) It may often be the case that a Councillor has been appointed to an outside body because he/she has a particular interest in the subject matter e.g. housing. In those circumstances it would not be unusual if the Councillor's own views and those of the particular organisation

were closely aligned. Alternatively, a Councillor may have gained particular knowledge about a subject because of their involvement on another body. It is perfectly proper that the Councillor should express those views/use that special knowledge during Council debates *because they are his/her own views.* However, a Councillor should never be seen to use their position on the Council to act as an advocate on behalf of an outside organisation during Council debates, because that would be putting the other organisations interests ahead of the Council's. This applies regardless of whether or not they were appointed by the Council.

.1.3 Conflicts of Interest

a) Where a director, trustee or member of an outside body has a conflict of interest because they are also a Councillor, then that interest must always be disclosed at any meeting of that outside organisation (this also applies where the person has an interest because of their personal circumstances). Whether or not he/she should continue to participate in that meeting will depend on the rules of that organisation: as a general guide, if there are no rules or procedures specified then he/she should abide by the same rules as apply at Council meetings.

b) Where a matter under discussion at a Council meeting concerns another local authority or an outside organisation to which a Councillor has been appointed as the Council's representative, the Council's Code of Conduct says that this does not have to be declared as a *Disclosable* interest unless a Member of the Public, knowing the circumstances, would reasonably regard membership of the body concerned as being likely to prejudice the Councillor's judgment of what is in the public interest.

However, there may be circumstances where the conflict of interest would be so great as to make it impossible for the person to act both as a Councillor and a member of the other organisation – for example, in the case of negotiations involving confidential information on both sides. In that situation the person should declare an interest and take no part in the matter in one or other forum i.e. decide whether to act as a Councillor or as a director/trustee in relation to the particular matter but not both. Equally, it could never be right for a Councillor to participate in the determination of a planning application made by an outside organisation of which s/he was a director or board member, even though nominated by the Council.

c) This advice in relation to potential conflicts of interest applies to both category (a) and (b) organisations.

3.2 Personal Liability

3.2.1 A Councillor who accepts appointment to a Category (b) outside body takes on a responsibility to act in accordance with the particular obligations and requirements applicable to that type of organisation, and so should ensure that they are fully understood. The Council's Legal Section will provide general guidance on these matters, but the outside organisation itself (or their advisors) is likely to be better placed to advise on the specific issues concerning that organisation. Appendix A contains some notes exploring the rights, duties and responsibilities of company directors.

3.2.2 Assuming that Councillor nominees to outside organisations understand and comply with the relevant legal obligations applicable to that type of organisation, Councillors are unlikely to incur personal liability as a result of their appointment.

3.2.3 In order to guard against personal liability, Councillors should:

- Make sure they understand the obligations and responsibilities they have taken on (see above);
- Ensure that the organisation concerned is properly advised and managed;
- Ensure that the organisation has appropriate insurance cover, including Directors' Liability insurance;
- Make sure that the legal framework of the organisation is appropriate to the activities that it conducts e.g. it would be inadvisable for bare trustees to be undertaking significant trading activities;
- Be diligent – attend Board meetings and make sure they know what is happening, and do not assume that legal formalities are being attended to by other people.

3.3 Indemnity

3.3.1 The question is sometimes raised as to whether the Council should indemnify Councillors against any personal liability as a result of being appointed as a member of an outside organisation. Whilst it is theoretically possible to give an indemnity to Councillors who are acting on the Council's behalf, the law is not ideally clear and a blanket approach is not appropriate

a) In the majority of instances, the Council's involvement ends once the nomination has been made. Although appointed by the Council, the Councillor is not acting as the Council's representative because the Councillor's responsibility is to act in the best interests of the Company rather than the Council.

b) The Council cannot regulate how Councillors behave on outside bodies or what decisions are made by those bodies. Therefore the Council cannot accept responsibility for matters over which it has no control.

c) There is still some uncertainty as to the extent of any indemnities which could be given. The Council could not, for example, indemnify Councillors

against their own fraud or wilful misconduct. It could potentially cause greater problems and create a false sense of security to give indemnities which later proved to be invalid.

d) In many instances the nature of the organisation's activities are low risk and an indemnity ought not to be necessary.

e) Many of these issues are better addressed by the organisations themselves taking out appropriate insurance cover and ensuring they have proper management procedures in place.

4. Non-Council Appointments

4.1 A Councillor may seek membership of, or appointment to, a voluntary organisation in a private capacity as long as there is no conflict of interest with his position as a Member of the Council. The role and responsibilities of the Member will be governed by the organisation's constitution or governing document.

4.2 If a Councillor is appointed to a body in a personal capacity they will not be indemnified by the Council and need to be mindful that the Code of Conduct may still apply to them in certain circumstances.

5. Further Advice

5.1 For further advice about any matters covered in this protocol, please contact the Monitoring Officer, Principal Solicitor or Democratic Services Manager.

APPENDIX A

Guidance Notes for Members acting as Directors of Outside Bodies

Duties

1. Members who are appointed as directors of outside bodies should note that when acting as a director, their prime duty is to that outside body. Members should therefore take careful note of which capacity they are acting in, at any given time.

2. A Director owes a fiduciary duty to the body to act honestly, in good faith, and in the best interests of the body as a whole. Directors are in the position of quasi-trustees who must take proper care of the assets of the body. The fiduciary duty of a director towards a body is very similar in nature to the fiduciary duty of a Councillor to Council Tax payers.

3. A Director owes a general duty of care and skill to the body, but no more than might reasonably be expected of someone of that person's particular knowledge and experience. A Director is not deemed to be an expert but is expected to use due diligence and to obtain expert advice if necessary.

4. In the same way as a Councillor in respect of Council decisions, a Director is under a duty to exercise independent judgment, although they may take account of third party interests which they represent. In such cases, a Director must disclose that position to the body and must strike a fine balance between the interests of the body and the interests of the third party (e.g. the Council). The Director cannot simply vote in accordance with a Council mandate since to do so would be a breach of duty.

5. The Director may encounter actual or potential situations where there is a conflict between the interests of the Council on the one hand, and those of the body on the other. In such circumstances the only proper manner to resolve the conflict is for the Member to resign from either the body or the Council.

6. Directors must not make a private profit from their position. They must disclose any interests they or their family have in relation to contracts entered into by the body. Whether they may vote on such matters will depend on the Articles or Constitution of that body.

7. Directors must ensure that they comply with the Companies Act in relation to keeping accounts, and making relevant returns to the Registrar of Companies. Failure to do so may incur fines and persistent default may lead to disqualification as a director.

Redditch Borough Council

Members' Roles

These role descriptions try to capture the essence of Members' roles. Activities not listed should not automatically be assumed to be outside the role. The document may be amended as often as the Council considers necessary to keep it relevant and up to date.

This document aims to describe the potential range of activities which Members may find themselves undertaking in their various roles, it does not seek to prescribe what Members must do.

This document should provide a direct and useful reference for anyone taking on, or considering taking on, the roles described. It should also therefore assist with identifying suitable training and development opportunities.

	Role	Page Number
1.	Councillor Core Role (including ward councillor responsibilities and ways of working)	2
2.	Leader of the Council	5
3.	Deputy Leader of the Council	7
4.	Party Group Leader	8
5.	Portfolio Holder / Executive Committee Member	9
6.	Mayor	12
7.	Deputy Mayor	13
8.	Overview and Scrutiny Chair	14
9.	Overview and Scrutiny Vice Chair	15
10.	Chair of the Crime and Disorder Scrutiny Panel	16
11.	Overview and Scrutiny Committee Member	17
12.	Committee Chair	18
13.	Committee Member	19

1. COUNCILLOR - CORE ROLE

Council Duties

- To represent electors and the people and businesses of Redditch by acting as effective advocates, campaigners, representatives and champions.
- To bring forward proposals supported by the community for securing improvements to the economic, social and environmental well-being of their Ward and the Borough as a whole, and to act in accordance with the highest standards of probity in public life, seeking to serve the community without personal gain.
- To attend meetings of the full Council and its Committees as necessary and contribute effectively.
- To contribute to the political management of the Council and undertake any other role allocated in respect of either Executive, non-Executive, Overview & Scrutiny or quasi-judicial / appeal functions.
- To undertake other official duties or act as representatives of the Borough Council on outside bodies / external organisations to which they have been appointed and to make arrangements to feed back on that organisation's deliberations.
- To participate in setting a budget, forming the Council's policy and scrutiny of practices and service delivery.
- To monitor performance against strategic purposes and measures in all areas of the Council's direct and indirect activity.
- To co-operate with other agencies to the benefit of people in the Borough.
- To promote and represent the Borough Council in the local community.
- To liaise with other levels of government, agencies or bodies which influence the well-being of the Borough and local area.
- To Chair Committees, Panels, Working Groups and other meetings as required.
- To undertake appropriate Member Development necessary to carry out their role(s) or designated responsibilities.

Community duties / Ward Councillor responsibilities

- To promote the economic, social and environmental well-being of the community.
- To find ways of effectively and regularly communicating with constituents.
- To be an advocate for constituents.
- To explore new ways of being accountable to constituents.
- To actively campaign for measures that will secure strong, safer communities.
- To help access funding from different sources for the benefit of the community.
- To deal effectively with the concerns of local residents in respect of issues pertaining to the Council and its partners.
- To liaise with other levels of government, agencies or bodies which influence the well-being of residents living in the Borough.
- To develop an understanding of and impact on the local community of the key strategies and plans developed by the Council together with those developed by external partners.
- To develop effective relationships with key individuals and partners in the Ward and to seek to secure the commitment of those individuals and partners in shaping and developing a shared vision for the community.
- To feed back to the community, where appropriate, decisions and issues which concern the Ward, business interests and/or individuals and to bring forward any views into the Borough Council's processes.
- To participate effectively in all relevant consultative processes within the local community, including those delivered by other organisations.
- To participate in any meetings to which s/he is invited to discuss petitions submitted by local residents or businesses pertaining to his /her ward.
- In undertaking their duties, to observe the Members' Code of Conduct, Members' Code of Conduct for Gifts and Hospitality and any other codes and protocols adopted by the Council.

The roles described above must be carried out in a manner which promotes equality of opportunity, dignity and due respect for Members, employees, service users, partners and constituents.

Ways of working

To enable Councillors to effectively fulfil their duties and responsibilities, Councillors:

- Should expect to be briefed, informed and involved in respect of any issue or initiative affecting their Ward.
- Have certain rights of access to information held by the Borough Council. Councillors should, however, recognise the need to respect any confidentiality of information made available to them to fulfil their responsibilities and respect the privacy of individuals.
- Should not involve themselves in any matter which relates to other Councillors' electoral areas without their prior knowledge and consent.
- May not serve (or act as a substitute) on the Planning or Licensing Committee unless they have undertaken the required training.
- Who serve on the Planning Committee must abide by the Planning Code of Practice for Councillors engaged in the determination of Planning Applications.
- Who serve on Licensing Committee, must abide by the Licensing Code of Good Practice.
- Should comply with the Council's Code of Conduct and protocols, or such other protocols as the council may from time to time adopt.
- Should comply with the Members / Officer Relations Protocol.
- Should promote the Council's policies on equalities and diversity in the workplace, in partnerships and in service provision.
- Should keep abreast of national best practice / new initiatives relating to local government so as to ensure the continuous improvement of Council services.
- Should make use of technology as an effective means of communication.
- Should always act in a manner which ensures that challenge to policy is kept at a political level and does not damage the reputation of individual officers.

2. LEADER OF THE COUNCIL

Key Purpose of the Role

- The Leader of the Council will provide visible strategic leadership and direction for the Council. In so doing s/he will adopt and promote the principles of mutual respect, constructive engagement and recognition that the common good of the Borough of Redditch and its citizens is paramount.
- The Leader of the Council, with the Chief Executive and Monitoring Officer, will determine the agenda of Executive Committee meetings.
- The Leader of the Council, with the Chief Executive, the Monitoring Officer and Mayor, will determine the agendas for Council meetings.
- The Leader of the Council will work with Portfolio Holders to ensure the effective delivery of services against agreed policies of the Council.
- The Leader will be the primary link between the Chief Executive, Executive Directors and Councillors. The Corporate Management Team will work closely with the Executive Committee in the formulation and development of new strategies, policies and objectives.
- The Leader of the Council will report regularly to Council and Committees in respect of strategic matters to engender corporate ownership and awareness.
- The Leader of the Council will enable Portfolio Holders to recognise the need to work as a collective team at a strategic level to achieve wider organisational objectives.
- The Leader of the Council will act as an ambassador of the whole Council, its citizens and businesses on external bodies that enhance the reputation and promote the environmental, social and economic wellbeing of the Borough of Redditch (outside civic and ceremonial roles and functions).

Key duties

- To Chair all meetings of the Executive Committee and manage its business / work programme / the Executive Committee's Work Programme
- To appoint Portfolio Holders to the Executive Committee and to allocate areas of responsibility to the Portfolio Holders.
- To act as a final arbitrator between Portfolio Holders within the Executive Committee.
- To report to Council on decisions taken by the Executive Committee.
- To represent the Borough at local, regional and national levels, acting as an ambassador and leading the development of key strategic partnerships with local communities, outside agencies and key stakeholders to deliver the Council's corporate objectives and provide high quality services to residents.
- To provide clear / strong, fair and visible political leadership for the Council, relating to all Members, citizens, staff and stakeholders.
- To act as the Council's spokesperson on all key corporate issues, consistent with the overall policy and budgetary framework agreed by the Council.
- To lead the development of local and regional policies which fulfil the Council's strategic purposes..

- To lead on the Council's effective decision-making processes and supporting administration.
- To lead the budget-making and performance management processes of the Council.
- To lead the Council's public participation activities, encouraging local people to take part in the Council's decision-making processes.
- To lead on all regional affairs.
- To lead in ensuring that the Council's strategies, plans, strategic purposes and measures are monitored, implemented and achieved.
- To ensure that the Council is open and responsive to the community, so that accountability is seen to operate.
- To ensure that decisions are taken properly, openly and, where appropriate, publicly and that key decisions are properly programmed and subject to effective public consultation.
- To develop and maintain a good relationship with the Chief Executive of the Council and other Officers, providing a contact point between the political and Officer groups and setting an example to the whole organisation.
- To meet regularly with the Chief Executive to monitor and review the progress of the Council towards delivering on the Council's strategic purposes.
- To lead in the performance appraisal procedures for the Chief Executive.
- To liaise with the Chair of the Overview and Scrutiny Committee when items which are not on the Executive Work Programme but which need to be considered urgently arise.
- To attend meetings of the Overview and Scrutiny Committee as required and to be subject to examination in respect of any Council policies or objectives.
- To ensure that recommendations from the Overview and Scrutiny Committee are fully considered in the formulation and development of Council policy. To nominate Council Members from his/her political group to serve on all appropriate member bodies, including, as appropriate, other outside bodies.
- To provide effective liaison between all political groups.
- To establish and maintain effective and efficient working relations with the leaders of other groups, the Executive Committee, the Chairs of other Committees, overview and scrutiny, other members and officers as appropriate.

The above activities are in addition to the responsibilities set out in the Core Councillor, Group Leader and Portfolio Holder Roles.

Members are advised that the Leader of the Council and relevant Portfolio Holder for Planning should not ideally sit on the Planning Committee.

3. **DEPUTY LEADER OF THE COUNCIL**

Key Purpose of the Role

The Deputy Leader will support and deputise for the Leader in his/her executive functions.

Key duties

- In the absence of the Leader of the Council, to undertake those duties expected of the Leader and encompassed in the role description for that position.
- To deputise for the Leader of the Council in his/her absence.
- To chair Executive Committee meetings in the absence of the Leader of the Council.
- To act as the Council's spokesperson on all key corporate issues, consistent with the Council's overall policy and budgetary framework, in the absence of the Leader.
- To hold and lead on any Portfolio Holder position which the Council may allocate.
- To undertake specified delegated / designated Leader duties.
- To share and support in general the full workload of the Leader.
- To establish and maintain effective and efficient working relations with the leaders of other groups, the Executive Committee, Chairs of other committees, overview and scrutiny, other Members and officers as appropriate.

The above activities are in addition to the responsibilities set out in the Core Councillor and Executive / Portfolio Holder Role.

4. **PARTY GROUP LEADER**

Key duties

- To provide clear political leadership for the Party represented.
- When in Opposition, to provide credible checks and balances, challenges and alternatives to the ruling party.
- To canvas a range of views within the Party in the formulation of policy.
- To integrate and represent Party policy at a local level.
- To co-operate with other Groups where appropriate, particularly in matters of a non-party political nature.
- To chair and/or attend meetings where appointed to a representative role within the Council.
- To liaise with other local and regional representatives of the party.
- To monitor the performance of the Council against its budget, policy and performance plan.
- To represent the views of his/her Group in relation to any matter on which Officers seek consultation and guidance.
- To provide effective leadership and management of and communications within his/her own Group;
- To ensure that members of his/her Group comply with local and national Codes of Conduct and protocols governing Member conduct and behaviour and, where necessary, to deal with any breaches of these codes or protocols.
- If appropriate, to ‘shadow’ one or more service of corporate area of the Borough Council’s activity;
- If appropriate, to appoint members of his/her Group to ‘shadow’ particular service or corporate areas of the Borough Council’s activity.

The above activities are in addition to the responsibilities set out in the Core Councillor Role.

Group Leaders cannot sit on the Audit, Governance and Standards Committee.

5. PORTFOLIO-HOLDER / EXECUTIVE COMMITTEE MEMBER

Portfolio Holder role

Portfolio Holders:

- provide visible leadership in the area of their portfolio functions and responsibilities to the Council;
- assist in the development of appropriate new strategies and policies for the consideration of the Executive Committee;
- ensure policies are implemented effectively;
- ensure effective delivery and operation of all projects and budgets within his/her portfolio; and
- participate in making collective decisions at meetings of the Executive Committee.

Executive Committee member (without portfolio)

- To participate in making decisions at meetings of the Executive Committee.

Executive duties

- To meet the Council's strategic purposes, as set out in the Council Plan.
- To ensure performance improvement in all services, consistent with Value for Money principles and within the policy and budgetary framework agreed by the Council. This includes responding appropriately to statutory reports on external inspections and service reviews.
- To facilitate and encourage public participation in the Council's activities by engaging key stakeholders in the Council's decision-making processes.
- To oversee the publication of consultation papers on key issues and ensure that there is appropriate public consultation.
- To consider budget priorities and actions on the delivery of Council services within the overall policy and budgetary framework agreed by the Council.
- To consult with the Overview and Scrutiny Committee on matters relating to the development and formulation of policy.
- To support positive relationships and practices through co-operative working with Officers and Trade Unions.
- To oversee the investigation of and responses to all Local Authority Ombudsman reports, including any findings of maladministration.

Portfolio Holder duties

- To provide pro-active political leadership and to be the principal political spokesperson for the designated function / service of the Council set out in the allocated Portfolio.
- To initiate (subject to any necessary Executive Committee/ Council approvals) and/or promote strategies, policies and programmes in the allocated Portfolio within the Council and externally.
- To provide political leadership in ensuring that service strategies, plans, objectives and targets within his/her area of responsibility are monitored, implemented and achieved.

- To present and consult on the Council's policies in the allocated Portfolio with the public, directly and through appropriate media.
- To engage actively and represent the Council in appropriate local, regional and national groupings involved with the service areas set out in the allocated Portfolio.
- To make recommendations about the implementation of strategies and policies within the allocated Portfolio.
- To report to the Council on decisions made, actions taken and progress achieved within the allocated Portfolio.
- To consult with and report as required to the Executive Committee and the Overview and Scrutiny Committee.
- To commission and consider reports from appropriate Officers as required for the efficient discharge of the Portfolio Holder's duties / responsibilities and to ensure these reports are listed on the Executive Committee's Work Programme.
- To keep abreast of national best practice / new initiatives in the areas covered by the Portfolio to help ensure high local service standards and provision. To consider and act on performance data and reports from the Executive Committee and the Overview and Scrutiny Committee.
- To take responsibility for monitoring progress in relation to strategic purposes and measures within the remit of his/her portfolio and to consider reports from the Executive and Overview and Scrutiny Committees in respect of this matter.
- To contribute to the corporate development of the Council's strategic purposes and measures through active engagement of the Executive Committee.
- To work closely with relevant Senior Officers of the Council to support the efficient management of the Council and to uphold high standards of performance and conduct and in enabling Officers to exercise any powers delegated to them.
- To attend meetings of the Overview and Scrutiny Committee as and when required.
- At meetings of the Executive, to present / speak to and to move any necessary motions in relation to reports within his/her areas of responsibility.
- To consult with local Ward Members about policy developments or service initiatives which have a specific relevance to their areas.
- To commission research, studies or the collection of information relating to policy issues or service delivery.
- To advise the Executive on how to respond to a scrutiny report relating to his/her area of responsibility.
- To meet with relevant Heads of Service on at least a bi-monthly basis to discuss the budget spending profile and ensure it is in accordance with the agreed budget.
- To examine and discuss with Heads of Service relevant budgets relating to his/her portfolio prior to consideration by the Executive Committee.
- To ensure that officers consult and keep informed, as necessary, Members, residents and businesses of the Borough of Redditch on all matter covered by his/her portfolio.
- To refer, as necessary, to the appropriate officer any issues which fall within the scope of their duties.
- To work in collaboration with the Leader, other Executive Committee Members, other relevant Members of the Council, MPs and external bodies, to enhance the image of the

Borough of Redditch and, where appropriate, to advocate for resources/inward investment and regeneration for the benefit of the residents of the Borough of Redditch.

- To establish and maintain effective and efficient working relations with the leaders of other groups, the Executive Committee, the Chairs of Committees, other Members and officers as appropriate.
- To work with the Leader, Chief Executive, Executive Directors and Heads of Service to ensure effective and efficient delivery of the Council Plan and, in particular, the continuous improvement of all services covered by his/her portfolio.

The above activities are in addition to the responsibilities set out in the Core Councillor Role.

Executive Committee Members cannot serve on the Overview and Scrutiny Committee, as substitutes on the Overview and Scrutiny Committee, on the Crime and Disorder Scrutiny Panel or on any Scrutiny Task Groups / Scrutiny Working Groups / Short Sharp Reviews.

Neither the Mayor nor the Deputy Mayor can serve on the Executive Committee.

6. MAYOR (Civic / Ceremonial)

Key Purpose of the Role

The Mayor of the Borough of Redditch is elected on an annual basis. S/he will chair Council meetings and represent the Council at ceremonial, civic and other functions inside and outside of Redditch. S/he will receive civic guests, delegations and visitors, host civic occasions and provide civic hospitality as required.

Key duties

- As the Borough's first citizen, the main role of the Mayor is to act as the non-political, Civic and Ceremonial Head of the Borough.
- To chair meetings of the full Council, to preserve order at the meetings and to ensure that proceedings are conducted impartially so that its business can be carried out fairly and efficiently and with regard to the rights of Councillors and the interests of the community.
- To uphold and promote the purposes of the Constitution and interpreting it where necessary.
- To ensure that the Council meeting is a forum for debate of matters of concern to the local community.
- To inform his/herself as to the business of the meeting.
- To ensure that discussions at Council are within the scope of the meeting and within the time limits allowed.
- To rule on a point of order and other incidental questions which require a decision at the time.
- To put relevant questions to the meeting and take a vote on them; causing a named vote or ballot to be taken if demanded; if necessary to give a second or casting vote; and to declare the result.
- To adjourn Council meetings when circumstances justify or require that course.
- To declare Council meetings closed when business is completed.
- To act in a proper and dignified manner at all times as befits the office.
- To establish and maintain effective and efficient working relations with the leaders of other groups, the Executive Committee, Chairs of other committees, overview and scrutiny, other Members and officers as appropriate.
- To determine any matter referred to him /her in relation to matters requiring an urgent decision pursuant to the Constitution.
- To maintain the historical and ceremonial traditions of the Office of Mayor.
- To promote as widely as possible the interest and reputation of the Borough Council and of Redditch locally, nationally and internationally.
- To promote, liaise and link with private and voluntary sector organisations in the Borough.
- To participate in and help initiate activities which enhance the economic, social, cultural and environmental well-being of the Borough and its residents.
- To act as patron / president to local organisations.
- To act as host to official visitors to the Borough.
- To attend annual civic events and local community activities.

- To represent the Borough at ceremonial events.
- To act as the Borough's representative on other occasions determined by Council.
- To carry out all duties in a manner appropriate to the status and tradition of the Office.

7. DEPUTY MAYOR

Key Purpose of the Role

The Deputy Mayor is elected to deputise and support the Mayor of the Borough of Redditch and will represent the Council at ceremonial, civic and other functions inside and outside of Redditch in that capacity as appropriate. S/he will receive civic guests, delegations and visitors, host civic occasions and provide civic hospitality as required.

To ensure their impartiality at meetings neither the Mayor nor the Deputy Mayor may serve on the Executive Committee.

Key duties

The Deputy Mayor will on occasions, perform these duties.

- To deputise, as necessary for the Mayor.
- To undertake specific tasks and responsibilities as requested by the Mayor.
- To work actively with the Mayor to manage the work of the Council meeting.
- To act as an ambassador for the Council both inside and external to the Borough of Redditch.

The above activities are in addition to the responsibilities set out in the Core Councillor Role.
To ensure their impartiality at meetings neither the Mayor nor the Deputy Mayor may serve on the Executive Committee.

7. OVERVIEW & SCRUTINY COMMITTEE CHAIR

Key Purpose of the Role:

The Overview and Scrutiny Committee Chair will chair Committee meetings covering the areas of responsibility determined by the Council in particular:

- scrutinising budgets, plans, policies and strategies proposed by the Executive Committee to ensure that is is effectively held to account;
- monitoring and reviewing policies, strategies and budget decisions and implementation of proposals;
- monitoring service performance and any related proposals;
- identifying and pursuing cross-cutting strategy issues and ensuring a corporate approach to overview and scrutiny.
- ensuring Councillors' information needs are met so that they can contribute fully to decision making; and
- initiating and developing constructive relationships with members of the Executive Committee and senior officers.

- **Key duties** To steer the Committee and manage its business in an efficient manner, ensuring effective engagement by all members and participants.
- To provide leadership and direction both for the Committee and for scrutiny arrangements within the Council.
- To promote the role of Overview and Scrutiny both within and outside the Council.
- To lead and encourage members of the Committee in the formulation of a scrutiny programme which is manageable, balanced and meets the criteria for chosen review topics.
- To engender a culture for scrutiny in which party political considerations are put aside, focussing instead on achieving the best outcomes for the community.
- To ensure that individual scrutiny exercises are conducted in an appropriate and timely manner.
- To Chair a Task Group, Short sharp Review Group or Scrutiny Working Group.
- To work with the Vice-Chair and relevant Officers to co-ordinate the activities and the work programme of the Overview and Scrutiny Committee.
- To foster and maintain a disciplined approach by the Members involved in Scrutiny having regard to high standards of behaviour and ethics.
- To monitor the Council's decision-making processes, ensuring that such decisions are consistent with Council policy.
- To scrutinise the activities of the Executive Committee.
- To invite members of the Executive Committee, Officers and others to attend meetings of the Scrutiny Committee to answer questions and to speak on proposals when presenting reports for pre-scrutiny..
- To own and present the reports of the Scrutiny Committee to the relevant bodies with the Council.
- To report annually to Council as part of the overview and scrutiny arrangements.
- To bring forward suggestions to ensure the future development of the Council's scrutiny practices.

- To respond on any matter referred to him/her in matters requiring an urgent decision pursuant to the Constitution.
- To act as a focus for liaison between the Council, communities and partners in the scrutiny function.
- To present recommendations made by the Overview and Scrutiny Committee at meetings of the Executive Committee as and when required.

To consider whether to permit any key decisions, for which 28 days' notice have not been provided, to be included on the Executive Committee agenda.

VICE CHAIR OF THE OVERVIEW AND SCRUTINY COMMITTEE

Key Purpose of the Role:

The Vice Chair will support and deputise for the Chair of the Overview and Scrutiny Committee.

Key duties

Vice-Chairs will on occasions, also perform this role

- To deputise for the Chair of the Committee.
- To undertake specific tasks and responsibilities as requested by the Chair.
- To work actively with the Chair to manage the work of the Committee.

The above activities are in addition to the responsibilities set out in the Core Councillor Role.

Members of the Overview and Scrutiny Committee cannot sit on the Executive Committee or be appointed as Portfolio Holders.

CHAIR OF THE CRIME AND DISORDER SCRUTINY PANEL

Key Purpose of the Role:

The Chair of the Crime and Disorder Scrutiny Panel chairs meetings of the Panel and ensures that the focus of these meetings is on the work of the North Worcestershire Community Safety Partnership in the Borough of Redditch.

Key duties

- To chair the Crime and Disorder Scrutiny Panel and manage its business in an efficient manner, ensuring effective engagement by all members and participants.
- To lead and encourage members of the Panel in the formulation of a work programme which is manageable, balanced and focuses on the work of the North Worcestershire Community Safety Partnership as a whole and not on individual partner organisations..
- To engender a culture for scrutiny in which party political considerations are put aside, focussing instead on achieving the best outcomes for the community.
- To Chair Task Groups launched by the Panel.
- To foster and maintain a disciplined approach by the Members involved in Crime and Disorder Scrutiny having regard to high standards of behaviour and ethics.
- To report to the Overview and Scrutiny Committee on the work of the Panel.
- To invite members of the Executive Committee, Officers and others to attend meetings of the panel to answer questions and to speak on proposals when presenting reports.
- To own and present the reports of the Crime and Disorder Scrutiny Panel to the relevant bodies with the Council.

The Chair of the Crime and Disorder Scrutiny Panel must be a member of the Overview and Scrutiny Committee.

Overview and Scrutiny Committee Members cannot serve on the Executive Committee or be appointed as Portfolio Holders.

8. OVERVIEW & SCRUTINY COMMITTEE MEMBER

Key Purpose of the Role

Overview and Scrutiny Committee Members contribute actively to the work of the Committee.

Key duties

- To scrutinise Executive Committee decisions, to assess how these contribute to effective service delivery and help to achieve the authority's Council Plan and whether they are in accordance with the Council's approved budgetary and policy framework.
- To review individual policies and projects to evaluate their effectiveness and success and consult with all relevant stakeholders in this process.
- To monitor how the Council is meeting the agreed strategic purposes, as set out in the Council Plan.
- To facilitate and encourage participation in the Council's activities by effectively engaging local residents, businesses, outside agencies and other key stakeholders in the Committee's work as appropriate.
- To check that the Council continues to improve performance in all services within the policy and budgetary framework agreed by the Council and recommend areas for improvement and change.
- To undertake reviews of the Council's services and make recommendations which positively contribute to improving service delivery.
- To put forward suggestions for areas for scrutiny and participate fully in the conduct of any scrutiny exercise.
- To Chair Scrutiny Task Groups, Working Groups and Short Sharp Reviews as and when required.
- To review any matters which impact on the Borough of Redditch. Overview and Scrutiny Committee Members are not confined to reviewing only Council services.
- To conduct research, and community or other consultation.
- To question and gather evidence from any person (with their consent).
- To promote the role of Overview and Scrutiny both within and outside the Council.
- To contribute to suggestions for the future development of the Council's scrutiny practices.

To report back to the Overview and Scrutiny Committee about the work of external scrutiny bodies to which they have been appointed. The above activities are in addition to the responsibilities set out in the Core Councillor Role.

Overview and Scrutiny Committee Members cannot serve on the Executive Committee or be appointed as Portfolio Holders.

9. COMMITTEE CHAIRS

Key Purpose of the Role

Ro Chair Committee meetings.

Key duties

- To enable the smooth and orderly conduct of business within the Council's Constitution.
- To provide leadership and direction for the Committee.
- To determine priorities in light of the volume of work presented to the Committee.
- To ensure an orderly debate or deliberation of the business in hand.
- To report on the workings of the Committee, Sub-Committee, Panel or Working Group to the Executive Committee or full Council, as appropriate, and to present, where appropriate, recommendations to the Council.
- To allow proper consideration of any item.
- To ensure that the Committee (Sub-Committee, etc.) takes balanced decisions based on all relevant evidence, with impartiality and fairness.
- To ensure, with the Chief Executive, that Committee decisions are recorded with full justifications / reasoning.
- To develop a thorough understanding of the subject area of the Committee, including relevant legislation and policies.
- To bring, where appropriate, the views of co-opted members (if any) to the attention of the Executive Committee or Council.
- To liaise with Officers in formulating agendas and to attend any meetings with Officers to discuss matters relevant to the business of the Committee, Sub-Committee, Panel or Working Group.
- Where appropriate, to liaise with other interested parties in establishing co-opted membership, and topics for consideration.
- Where applicable, to liaise with other tiers of local government and to contribute to any other joint working arrangements.
- Where applicable, to lead such site visits that may assist Members arriving at a considered decision.
- To undertake specific training including updates in the law pertaining to the work of the Committee.

Vice-Chairs will on occasions, also perform this role

The above activities are in addition to the responsibilities set out in the Core Councillor Role.

10. COMMITTEE MEMBER

Key Purpose of the Role

To attend and participate in Committee meetings as voting Members.

Key duties

- To participate in Committee discussions.
- To give proper consideration to items before and during meetings.
- To offer opinions based upon an understanding of the legal requirements of the subject discussed.
- To inform the Committee of constituent opinion (if appropriate).
- To take into consideration a range of views and issues when reaching a decision.
- To conduct oneself with dignity and decorum when offering views which differ from those of other Members.
- To undertake appropriate site visits.
- To undertake specific training including updates in the law pertaining to the work of the Committee.

The above activities are in addition to the responsibilities set out in the Core Councillor Role.

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REDDITCH BOROUGH COUNCIL
CORPORATE ANTI-BRIBERY POLICY

Bribery Act 2010

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Introduction

The Bribery Act 2010 came into force on 1st July 2011. The act makes it an offence for a United Kingdom citizen or resident to pay or receive a bribe, either directly or indirectly. The act applies to transactions that take place in the UK and abroad, and both in the public and private sectors.

Redditch District Council through myself and the Senior Management Team is determined to maintain its reputation as an authority which will not tolerate fraud, bribery, corruption or abuse of position for personal gain, wherever it may be found in any area of Council activity.

To achieve this goal the Council will work to identify and eliminate any form of bribery through the introduction of this anti-bribery policy and through a risk assessment process and ongoing monitoring and review.

Elected Members and employees should play a key role in anti-fraud initiatives. This includes providing a corporate framework within which anti-fraud arrangements can flourish, and the promotion of an anti-fraud culture across the whole Council. This should provide a sound defence against internal and external abuse of public funds.

Under the terms of this policy all employees and elected Members are prohibited from soliciting, arranging or accepting bribes intended for the benefit of the Council, or for their personal benefit, or for the benefit of the employee's family, associates or acquaintances. This Policy extends to all the Council's business dealings, transactions and decisions.

Through the 'Whistle Blowing Policy' employees are encouraged to report any suspicion of bribery, safe in the knowledge that they are able to report concerns in confidence and without risk of reprisal

Kevin Dicks
Chief Executive
Redditch Borough Council
November 2011

Policy Statement

Bribery is a criminal offence. The Council through its employees and elected Members does not, and will not, pay bribes or offer improper inducements to anyone for any purpose or, accept bribes or improper inducements. It is the Council's policy to conduct all business in an honest and ethical manner. The Council takes a zero-tolerance approach to bribery and corruption and is committed to acting professionally, fairly and with integrity in all business dealings and relationships. The Council will operate and enforce effective systems to counter bribery.

To use a third party as a conduit to channel bribes to others is a criminal offence. The Council does not, and will not, engage indirectly in or otherwise encourage bribery.

In this policy, **third party** means any individual or organisation we come into contact with during the course of our work. This includes actual and potential customers, suppliers, advisers, contractors, government and public bodies (including their advisers, representatives and officials), politicians and political parties. This list is not exhaustive.

This policy applies to all individuals, working at all levels and grades, including senior managers, officers, employees (whether permanent, fixed term or temporary), elected members (including independent Members), consultants, contractors, agents, trainees, seconded staff, casual and agency staff, volunteers, or any other person associated with the Council, wherever located.

This policy also applies to all of the Council's activities. For partners, joint ventures and suppliers, we will seek to promote the adoption of policies consistent with the principles set out in this document.

What is Bribery?

Bribery is an inducement or reward offered, promised or provided to gain personal, commercial, regulatory or contractual advantage.

It is unacceptable to:

- give, promise to give, or offer a payment, gift or hospitality with the expectation or hope that a business advantage will be received, or to reward a business advantage already given;

- give, promise to give, or offer a payment, gift or hospitality to a government official, agent or representative to "facilitate" or expedite a routine procedure;

- accept payment from a third party that you know or suspect that it is offered or provided with an expectation that a business advantage will be provided by the Council in return;

- retaliate against or threaten a person who has refused to commit a bribery offence or who has raised concerns under this policy;

- engage in activity in breach of this policy.

Objective of the Policy

This policy provides a coherent and consistent framework to enable Redditch Borough Council employees and elected Members to understand and implement arrangements enabling compliance. In conjunction with related policies and key documents it will also enable employees to identify and effectively report a potential breach.

Role of Employees

Employees are governed in their work by the various policies, protocols, codes, rules and procedures, particularly regarding conduct issues and are responsible for ensuring that they follow any instructions given to them by management, particularly in relation to the safekeeping of assets.

The Council requires that all staff, including those permanently employed, temporary agency staff and contractors:

- act honestly with integrity, at all times, and to safeguard the organisations resources for which they are responsible

- comply with the spirit, as well as the letter, of the laws and regulations of all jurisdictions in which the Council operates, in respect of the lawful and responsible conduct of activities

- read, understand and comply with this policy

- avoid any activity that may lead to, or suggest, a breach of this policy.

Any employee who breaches this policy will face disciplinary action, which could result in summary dismissal for gross misconduct. Disciplinary action will be taken in addition to, or instead of, criminal proceedings, depending on the circumstances of each individual case. The Council reserves the right to terminate its contractual relationship with other workers if they breach this policy.

Role of Elected Members

As elected representatives, all Members of the Council have a duty to the citizens of the Borough to protect the Council from any acts of fraud and bribery and ensure that resources are used prudently and within the law to safeguard public money, including ensuring they do not procure an advantage improperly. Elected Members are required to operate and adhere to the Council's Constitution, which incorporates a Code of Conduct for Members (Part 19 of the Constitution).

The Code includes rules regarding:

- The disclosure of relationships
- The declaration of gifts and hospitality
- Registering personal interests

Elected Members are also referred to the Code of Conduct for Councilors in relation to Gifts and Hospitality set out at Part 20 of the Constitution. This sets out the process that should be followed by elected Members when declaring gifts. See further below under "Record Keeping".

The Council's commitment to action

The Council commits to:

- setting out a clear anti-bribery policy and keeping it up to date;
- making all employees aware of their responsibilities under the terms of this policy;
- training all employees so that they can recognise and avoid the use of the bribery by themselves or others;
- encouraging employees to be vigilant and to report any suspicions of bribery, providing suitable lines of communication;
- ensuring that sensitive information is treated appropriately;
- rigorously investigating allegations of bribery, taking such cases to prosecution where relevant;
- assisting the Police or other authorities in more complex cases;
- taking action against any individual found to be involved in bribery;
- provide information to all employees to report breaches and suspected breaches of this policy;
- include appropriate clauses in contracts to prevent bribery.

Facilitation Payments

These are illegal, and will not be tolerated. Facilitation payments are unofficial payments made to public officials in order to secure or expedite actions.

Gifts and Hospitality

The Council's policy on gifts and hospitality for staff is found within the Officers' Code of Conduct. A copy is included in the Council's Constitution and is available on the Council's website and Intranet – 'Orb' *[insert link]*

The Officer's Code of Conduct makes it clear that one should not accept significant personal gifts from contractors and service providers such as food, drink, cars, clothes and jewellery.

Inexpensive calendars, diaries, blotting pads, pens etc (perhaps marked with the donor's name) are acceptable. If in any doubt about whether you should accept a gift, it is best to refuse it.

However, staff are prohibited from accepting a gift, or giving a gift to a third party if the following requirements are met:

- it is made with the intention of influencing a third party to obtain or retain business or a business advantage, or to reward the provision or retention of business or a business advantage, or in explicit or implicit exchange for favours or benefits;
- it is given in the Council's name, not the individuals;
- it includes cash or a cash equivalent (such as gift certificates or vouchers);
- if it is inappropriate for the circumstances;
- if the gift received is an inappropriate type and value, and given at an inappropriate time;
- it is given secretly and not openly;
- gifts should not be offered to, or accepted from, government officials or representatives, or politicians or political parties, without the prior approval of the relevant Head of Service.

Public Contracts and failure to prevent bribery

Under the Public Contract Regulations 2006 (which gives effect to EU law in the UK) a company is automatically and perpetually debarred from competing for public contracts where it is convicted of a corruption offence. There are no plans to amend the 2006 Regulations for this to include the crime of failure to prevent bribery. Organisations that are convicted of failing to prevent bribery are not automatically barred from participating in tenders for public contracts. However, the Council has the discretion to exclude organisations convicted of this offence.

Record Keeping

We must keep records and have appropriate internal controls in place which will evidence the business reasons for:-

- Receiving or declining gifts and hospitality which are offered to staff or elected Members;

- Providing gifts or hospitality on behalf of the Council to third parties.

Staff must ensure that any gift or hospitality for employees that is accepted, offered or refused, should be recorded in the Corporate Gift and Hospitality Register. The Register is held centrally by the Information Management Team.

Any gifts or hospitality received by elected Members must be reported to the Council's Monitoring Officer in accordance with Part 20 of the Constitution (Members' Code of Conduct on Gifts and Hospitality)

How to raise a concern

All elected Members and employees have a responsibility to help detect, prevent and report instances of bribery. If you have a concern, **please speak up** – your information and assistance will help. The sooner you act, the sooner it can be resolved.

<u>Staff</u>

In line with the reporting provisions of the Whistle blowing Policy, if staff believe or suspect that a conflict with this policy has occurred, or may occur in the future **but feel unable to report the matter to their Line Manager or Director, or have raised the matter in this way without success,** they should contact either the Chief Executive, the Monitoring Officer, Human Resources Manager, the Benefits Fraud Manager or the Audit Service.

Staff who do not have access to the intranet can contact any of these parties either in person or by telephone in the first instance.

Members

Members should contact either the Chief Executive, the Monitoring Officer, Human Resources Manager, the Benefits Fraud Manager or the Audit Service.

Preferably any disclosure will be made and resolved internally. However, where this proves inappropriate and you are not happy to speak to someone internally, concerns can be raised externally. Raising concerns in these ways may be more likely to be considered reasonable than making disclosures publicly (for instance, to the media),

Concerns can be anonymous. The Council will act as soon as possible to evaluate the situation. It is however, easier and quicker to evaluate allegations if they are not made anonymously, particularly where it is necessary to get clarification on the allegation made.

Bribery Act Offences

There are four key offences under the Act:

- bribing of another person (Section 1)
- accepting a bribe (Section 2)
- bribing a foreign official (Section 6)
- failing to prevent bribery (Section 7).

Section 7 is a corporate offence but an organisation will have a defence to this offence if it can show that it had in place 'adequate procedures' designed to prevent bribery by or of persons associated with the organisation.

Bribery Act Penalties

An individual guilty of an offence under sections 1, 2 or 6 is liable:

- on conviction in a magistrates court, to imprisonment for a maximum term of 12 months, or to a fine not exceeding £5000, or to both;

- on conviction in a crown court, to imprisonment for a maximum term of ten years, or to an unlimited fine, or both.

Organisations, if found guilty of an offence under section 7 are liable to an unlimited fine.

End.

Agenda Item 26
PART 26