
Recommendations from the Constitutional Review Working Party

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

1. RECOMMENDATIONS

Council is asked to RESOLVE that:-

- 1) that the Officer Scheme of Delegations be amended to grant Chief Officers delegated authority to act in the event of an emergency; and**
- 2) as a general rule there should be no full Council meetings in the pre-election period before a Borough election, unless the Proper Officer determines that a meeting is required.**

2. BACKGROUND

Officer Scheme of Delegations – Emergencies

- 2.1 A meeting of the Constitutional Review Working Party (CRWP) took place on 3rd March 2022. During the meeting of the CRWP, Members discussed the arrangements that would be in place in the Borough should there be an emergency.
- 2.2 In considering this matter, Members noted that the Council does not currently delegate authority to the Chief Executive or other senior officers to take action in the event of an emergency.
- 2.3 Consideration was given to the delegations in place for emergencies at other local authorities, including Calderdale Council and Cumbria

County Council. This provided useful information about the delegations the Council could grant, subject to Member agreement.

- 2.4 There is the risk that various civil emergencies could occur at any point, including cyber attacks or flooding, which might impact on the Council and / or on the community or groups living within the community in Redditch Borough. Should an emergency occur, the CRWP concluded that the Council would need to be able to respond quickly and therefore it would be helpful to delegate additional authority to Officers to act swiftly in those circumstances.
- 2.5 Members did discuss which officers should receive delegated authority to act in the event of an emergency. To ensure that action could be taken swiftly, the CRWP agreed that authority should be delegated to chief Officers to act in the event of an emergency as this would provide the Council with the flexibility to act quickly where needed.
- 2.6 The CRWP was keen to ensure that, should Officers need to use delegated authority in the event of an emergency, Members should be informed of the situation and the circumstances underpinning the use of the delegated authority as soon as possible. For this reason, it is proposed that where action and decisions are taken in the event of an emergency under delegated authority, this should be reported for Members' consideration at the following meeting of Council.
- 2.7 A copy of the proposed delegations that would apply in the event of an emergency has been attached at Appendix 1 for Members' consideration.

Full Council Meetings – Pre-Election Period

- 2.8 Currently Council meetings take place approximately 9 times per municipal year, with a final meeting usually taking place in March or April.
- 2.9 However, in the pre-election period there are limits placed on the Council, in terms of the communications that can be issued and the policy developments that can occur. The Council and Officers need to remain neutral, even as services continue to be delivered.
- 2.10 Many other Councils do not hold Council meetings during the pre-election period, which means that their authorities are not placed in a position where decisions need to be taken that would impact on the policy direction of the authority.

2.11 The Constitutional Review Working Party concluded that it would be sensible to avoid holding a Council meeting in the pre-election period in Redditch. Instead, the final Council meeting in an election year could take place in early or mid-March.

2.12 There is an opportunity if the business requires, for the Proper Officer to determine that there should be a meeting of Council in the pre-election period.

3. FINANCIAL IMPLICATIONS

3.1 No specific financial implications have been identified.

4. LEGAL IMPLICATIONS

4.1 Review and revision of the Constitution is governed by Article 15 of the Constitution.

4.2 Section 101 of the Local Government Act 1972 (as amended) gives a general power to local authorities to discharge functions through Officers. Local Authorities are required by the same Act to maintain a list of these, which is referred to as the Scheme of Delegation. This sets out those powers of the Council which can be carried out by Officers of the Council.

5. STRATEGIC PURPOSES - IMPLICATIONS

Relevant Strategic Purpose

5.1 The actions proposed in this report will help to ensure that the Council is effective and sustainable, including in the event of an emergency.

Climate Change Implications

5.2 There are no specific climate change implications.

6. OTHER IMPLICATIONS

Equalities and Diversity Implications

6.1 There are no specific equalities and diversity implications.

Operational Implications

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

Council. However, additional updates can be made throughout the year to the constitution to ensure that the content remains relevant.

6.3 There are already restrictions in the Council's constitution in respect of the business that can be considered at a Council meeting held in the pre-election period. This includes restrictions which prevent Motions and Questions on Notice from being considered at these Council meetings.

6.4 There is currently a Council meeting booked to take place on 3rd April 2023, which is a year when local elections are due to take place. Should Members agree that Council meetings should not take place in future in the pre-election period, this meeting, and the Executive Committee meeting reporting to that Council meeting, will need to be rescheduled.

7. RISK MANAGEMENT

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

8. APPENDICES and BACKGROUND PAPERS

Appendices:

Appendix 1 – Proposed Amendments to the Scheme of Delegations in the Event of an Emergency

Background Papers:

Calderdale Council's Scheme of Delegations: [Officer delegation scheme \(calderdale.gov.uk\)](https://www.calderdale.gov.uk/officer-delegation-scheme)

Cumbria County Council's Scheme of Delegations: [Constitution - Part 3A - Scheme of Delegation to Officers | Cumbria County Council](https://www.cumbria.gov.uk/constitution-part-3a-scheme-of-delegation-to-officers)

REDDITCH BOROUGH COUNCIL

Council
2022

11th April

9. REPORT SIGN OFF

Department	Name and Job Title	Date
Portfolio Holder	Councillor Mike Rouse	
Lead Director / Head of Service	Claire Felton, Head of Legal, Democratic and Property Services	18 th March 2022
Financial Services	James Howse, Executive Director of Resources	
Legal Services	Claire Felton, Head of Legal, Democratic and Property Services	18 th March 2022