

Open

Council

Agenda

6.00 pm
Wednesday, 27th July 2011
The Council Chamber
Civic Centre, Stourport-On-Severn



PUBLIC INFORMATION

Access to the Meeting and Further Information

- The Council meeting is open to the public except for any exempt / confidential items, which are normally taken at the end of the meeting.
- Agenda Item 5 - Public Participation. Guidance on how to have your say is available on the Council's website:
http://www.wyreforestdc.gov.uk/wfdc_docs/policy/haveyoursay.pdf
- If you have any queries about this Agenda or require any further information, please ask.
- If you have any mobility issues, please let us know before the meeting so that we can arrange for you to have a seat on the ground floor.
- This agenda can be made available in larger print on request.

Please contact:

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COUNCIL MEETING

WEDNESDAY 27th July 2011

CIVIC CENTRE, STOURPORT-ON-SEVERN, WORCESTERSHIRE. DY13 8UJ

TO ALL MEMBERS OF THE COUNCIL, HONORARY ALDERMEN

PRESS AND PUBLIC

Dear Member

YOU ARE INVITED to attend a meeting of the Wyre Forest District Council to be held **at 6.00p.m. Wednesday 27th July 2011**, in the Council Chamber, Civic Centre, Stourport-on-Severn.

The Agenda for the meeting is enclosed.

Yours sincerely,

A handwritten signature in black ink that reads "I R Miller".

Ian Miller
Chief Executive

2011/2012

DECLARATIONS OF INTEREST – GUIDANCE NOTE

Code of Conduct – Members are reminded that under the Code of Conduct it is the responsibility of individual Members to declare any personal or personal and prejudicial interest in any item on this agenda. A Member who declares a personal interest may take part in the meeting and vote, unless the interest is also prejudicial. If the interest is prejudicial, as defined in the Code, the Member must leave the room. However, Members with a prejudicial interest can still participate if a prescribed exception applies or a dispensation has been granted.

Section 106 of the Local Government Finance Act 1992 – If any Member is two months or more in arrears with a Council Tax payment, they may not vote on any matter which might affect the calculation of the Council Tax, any limitation of it, its administration or related penalties or enforcement.

(A) TERMS OF REFERENCE OF THE COUNCIL

The Council

1. Is the ultimate decision making Body.
2. Determines the political Management Structure and any subsequent amendments to it.
3. Determines the Budget (but reserves powers to itself in relation to requirements).
4. Is responsible for appointing (and dismissing) the Leader of the Council.
5. Appoints at its Annual Meeting, the Regulatory Committees, the Overview and Scrutiny Committees and any other Committees/Forums necessary to conduct the Council's business.
6. Decides on matters where the Cabinet is not minded to determine a matter in accordance with Council policy.

(B) MATTERS RESERVED TO THE COUNCIL

1. **Those reserved by Law e.g. levying a rate, borrowing money, promotion of or opposition to a Bill in Parliament.**
2. Matters reserved to the Council by financial regulations.
3. The adoption and amendment of Standing Orders, including the powers and duties of Committees and other forums.
4. The making of any By-Laws, Rules or other regulations requiring the approval of the Secretary of State or a Minister of the Crown.
5. The determination of the objectives of the Council.
6. Matters of new policy or variation of existing policy and the allocation of resources.
7. Local Development Framework adoption.
8. Any function where a decision would be contrary to a plan, policy, budget or strategy previously adopted by the Council, which would be contrary to the Council's Standing Orders, Financial Regulations or Executive arrangements.
9. The Scheme of Delegations to Officers.

Wyre Forest District Council

Council

Wednesday, 27th July 2011

The Council Chamber, Civic Centre, Stourport-On-Severn

Part 1

Open to the press and public

Agenda item	Subject	Page Number
1.	Prayers Prayers to be said by the Reverend Linda Catlow from Stourport, Alveley, Callow Hill and Areley Kings Methodist Church.	-
2.	Apologies for Absence	-
3.	Declarations of Interest In accordance with the Code of Conduct, to invite Members to declare the existence and nature of any personal or personal and prejudicial interests in the following agenda items. Members should indicate the action they will be taking when the item is considered. Members are also invited to make any declaration in relation to Section 106 of the Local Government Finance Act 1992. (See guidance note on cover.)	-
4.	Minutes To confirm as a correct record the Minutes of the meeting held on the 18th May 2011.	7
5.	Public Participation In accordance with the Council's Scheme for Public Speaking at Meetings of Full Council, to allow Members of the public to present petitions, ask questions or make statements, details of which have been received by no later than 12 noon Monday 18th July 2011 . <i>If you wish to speak on an urgent matter that has arisen since the deadline and you could not reasonably have known about it at the time, you should register your interest in speaking no later than 9am on the day of the meeting of Council. In the case of a request to speak on an urgent matter, the Director of Legal and Corporate Services will rule on whether or not the matter is urgent and that ruling will be final.</i>	-
6.	Questions No questions have been received in accordance with Standing Orders (Section 7, 1.9) by Members of the Council, details of which should have been received by no later than 12 noon Monday 18th July 2011 . <i>In the case of an urgent matter that has arisen since the deadline above, and could not have reasonably been known at that time, it must be delivered in writing to the Director of Legal and Corporate Services no later than 9am on the day of Council.</i>	-

7.	<p>Chairman's Communications To note the engagements of the Chairman of the Council since the Council's last meeting.</p>	17
8.	<p>Leader of the Council Announcements and Reports To receive announcements and any matters to report from the Leader of the Council.</p>	-
9.	<p>Policy and Budget Framework Matters which require a Decision by Council.</p> <p>21st June</p> <ul style="list-style-type: none"> • Christmas Holiday Arrangements • Revised Media Protocol <p>19th July</p> <ul style="list-style-type: none"> • St Georges Hall Bewdley 	19
10.	<p>Constitutional Updates To consider amendments to the Constitution.</p>	21
11.	<p>Motions Submitted Under Standing Orders No motions have been received in accordance with Standing Order (Section 7, 4.1).</p> <p>Motions must be received in writing by the Director of Legal and Corporate Services no later than 12 noon Monday 18th July 2011.</p>	-
12.	<p>Urgent Motions Submitted Under Standing Orders To consider any motions in the order in which they have been received, which, by reason of special circumstances, should be considered as a matter of urgency, in accordance with Standing Order (Section 7 4.1 (viii)).</p>	-
13.	<p>To consider any other business, details of which have been communicated to the Director of Legal and Corporate Services before the commencement of the meeting, which the Chairman by reason of special circumstances considers to be of so urgent a nature that it cannot wait until the next meeting.</p>	-
14.	<p>Exclusion of the Press and Public</p> <p>To consider passing the following resolution:</p> <p>"That under Section 100A(4) of the Local Government Act 1972 the press and public be excluded from the meeting during the consideration of the following item of business on the grounds that it involves the likely disclosure of "exempt information" as defined in the paragraph 1 of Part 1 of Schedule 12A to the Act".</p>	-

WYRE FOREST DISTRICT COUNCIL

COUNCIL

THE COUNCIL CHAMBER, CIVIC CENTRE, STOURPORT-ON-SEVERN

18TH MAY 2011 (6.00PM)

PRESENT:

Councillors: M Ahmed, J Aston, J Baker, G Ballinger, R Bishop, A J Buckley, J-P Campion, S J M Clee, N J Desmond, H E Dyke, P Dyke, N Gale, B T Glass, D R Godwin, J Greener, I Hardiman, P B Harrison, J A Hart, M J Hart, P V Hayward, V Higgs, A T Hingley, J Holden, T Ingham, M B Kelly, H J Martin, D J McCann, C D Nicholls, F Oborski, T Onslow, J W Parish, J Phillips, M Price, K H Prosser, C Rogers, M A Salter, A M Sewell, J A Shaw, D R Sheppard, N J Thomas, S J Williams, and G C Yarranton

- C.1 Prayers**
Prayers were said by Pastor Rob Palmer of Franche Community Church, Kidderminster.
- C.2 Election of a Chairman**
Councillor S Clee was nominated as Chairman. This was moved by Councillor Campion and seconded by Councillor Hart.
- Decision: Councillor S Clee be elected Chairman of the Council for the current Municipal Year.**
- C.3 Chairman – Investiture and Declaration of Acceptance of Office**
After being invested with his Chain of Office, Councillor S Clee took his Declaration of Acceptance of Office as Chairman.
- C.4 Chairman’s Response**
The newly elected chairman expressed his thanks for his election.
- C.5 Retiring Chairman**
All Group Leaders thanked Councillor Yarranton for the excellent manner in which he represented the Council. In particular reflecting on the diligence and dignity in which he had carried out his role.
- C.6 Retiring Chairman – Presentation of Badges**
The Chairman presented Councillor Yarranton with a Past Chairman’s Badge of Office.

In response, Councillor Yarranton expressed gratitude to all colleagues that had supported him throughout the municipal year. Councillor Yarranton was delighted to announce that he had raised over £2100 and thanked all that had contributed so generously to his Charity, Kemp Hospice.

C.7 Appointment of Vice-Chairman

Councillor K Prosser be nominated as Vice-Chairman. This was moved by Councillor Campion and seconded by Councillor Hart.

Decision: Councillor K Prosser be elected Vice Chairman of the Council for the current Municipal Year.

C.8 Vice-Chairman – Investiture and Declaration of Acceptance of Office

After being invested with his Badge of Office, Councillor Prosser took his Declaration of Acceptance of Office as Vice-Chairman.

C.9 Vice-Chairman’s Response

In response, Councillor Prosser thanked Members for the honour of being appointed Vice-Chairman of the Council and he commented that he would support the Chairman to the best of his ability.

C.10 To appoint a Leader of the Council

Councillor J Campion was nominated as Leader of the Council. This was moved by Councillor Hart and seconded by Councillor Desmond.

Decision: That Councillor J-P Campion be appointed as Leader of the Council.

C.11 Apologies for Absence

There were no apologies for absence.

C.12 Declaration of Interests

There were no declarations of interest.

C.13 Minutes

Decision: The minutes of the meeting held on 23rd February 2011 be confirmed as a correct record and signed by the Chairman.

C.14 Public Participation

No members of the public wished to address Council in accordance with the Council’s scheme for public participation at meetings of Full Council.

C.15 Questions

No questions were received.

C.16 Chairman’s Communications

The Chairman paid tribute to the work of the past Chairman and Vice Chairman.

The Chairman welcomed Councillors Sewell, Higgs, Rogers and J Hart to their first Council meeting following the election in May.

The Chairman congratulated the Waste Management Service on their recent national award for Waste Collection Crew of the Year and on behalf of the team a certificate and award was presented to John Burgess, Waste Operative.

In response Councillor Desmond expressed his delight in the award and

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explained that the team carried out a exemplary role and were a credit to themselves and the authority.

C.17 Leader's Announcements and Report

The Leader of the Council made the following announcements:

The Council had been successful in defending its priority status in relation to the Landsbanki investment of £3m. This decision announced in mid April was made by the Icelandic District Court, and was the unanimous verdict of the three judges sitting on the panel. Members were advised that this was excellent news for the Council as the priority status would mean that the Council would receive the vast majority of the investment back during the winding up of the bank.

However Members were advised that an appeal against this decision had been made to the Icelandic Supreme Court and the appeal would be heard in the coming months, probably by September. Moreover, this was the final challenge that the Council could face on its status and once more the Council were working with the Local Government Association along with other public bodies in the UK and the Netherlands to defend the Council's position. The Leader of the Council remained confident that the Council would retain this status and would provide further updates when the more information was available.

In relation to the Council's other two investments with the Heritable and Kaupthing Singer and Friedlander, regular dividend payments are still being received. To date out of the original £6m invested the Council had received dividend payments of over £3.2m with a further payment of at least £250,000 expected next week. A full update of the position on the recovery of these investments was provided to the Corporate Resources Scrutiny Committee in April and further information would be contained within the Statement of Accounts.

However, there was one further update, since the Corporate Resources meeting, it had been announced that the forecast potential maximum recovery from the KSF investment has increased from 78% to 86%, if this was achieved it will mean that a further £400k will be recovered.

The Leader of the Council concluded that should further information emerge in relation to the recovery of these investments Members would be briefed accordingly.

C.18 Members' Annual Activity Report and Attendance 2010/2011

Council received the schedule of annual activity reports, records of Members attendance for the previous municipal year.

Decision: That the reports be noted.

C.19 Annual Reports for the Municipal Year 2010/2011

Council received Annual Reports from the Leader of the Council, Scrutiny Chairs and the Ethics and Standards Committee.

Decision: That the reports be noted.

C.20

Political and Constitutional Structures 2011/2012

The Council received a tabled paper on Political and Constitutional Structures for the municipal year 2011/2012.

Some Members expressed their frustration that the paper was tabled late. Members were advised that the agenda was marked that the papers would follow and that this complied with the constitution and legislation . A brief discussion ensued where comments were also made of the ability by some Members to access reports on CAIRO.

Council was advised of the move to Independent Community and Health Concern by Councillor Ballinger and Group Leaders were asked to confirm their nominations for Committee places. Members were advised of the key points contained within the report, in particular the changes to the frequency of committee meetings, the reduction in the size of the Cabinet from 6 members to 5 and that there would be only one scrutiny committee. Moreover that the changes would allow for significant savings.

A debate ensued on proposed amendments to the constitution. Members expressed their concerns that they had not had adequate time to consider the amendments and asked that they be deferred to the Council meeting in July.

Council agreed to consider the recommendations in two parts, recommendations 2.1 to 2.9, excluding 2.6.

In response to the paper a motion was proposed and seconded by the Labour Group.

- a) The proposed management structure be amended to include reference to the Transformation Board and to include two Scrutiny Committees, Corporate Resources and Community and Regeneration, both to consist of 14 Members.
- b) Consequently, item 2.3, 2.4 and 2.5 be appropriately amended.
- c) Item 2.7 not be approved.
- d) Individual votes be taken on the appointments to representatives to outside bodies for the following: Citizens Advice Bureau, Wyre Forest Cycle Forum and Wyre Forest Highways Partnership Forum.
- e) The revisions to the Councils Constitution be subject to a scrutiny process before a vote by Council.

A lengthy debate on the Labour motion ensued and clarification was given on the independent Members Councillors' Dyke's grouping with the Liberal Party.

The Leader of the Council gave clarification on role of the Transformation Board as a non decision making body and further explained that the proposed amendments to the Constitution had been shared with Group Leaders as they had been developed. Upon a vote the Labour amendment was lost.

A further motion was proposed by the Labour Group requesting that the item on the constitution was debated as a separate item. Members further

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debated this item and it was subsequently agreed that the Council would recess for 10 minutes at 7.23pm.

Upon the returning to the Chamber at 7.33, the Leader of the Council announced that pages 31 to 38 of the report would be withdrawn. Page 39 would be subject to one minor amendment and be retained; pages 41 and 42 would be retained down to and including paragraph 8. The Labour Group withdrew their amendment and thanked the Leader of the Council. The Leader indicated a further Member seminar would be held for all Members prior to the next Council meeting.

Decision:

- 1. The proposed Political Management Structure for 2011/2012 as set out in Appendix 1 of the report.**
- 2. The portfolios of the Cabinet Members as set out in appendix 2 of the report be noted.**
- 3. The political balance of the Council as set out in Appendix 3 of the report be noted.**
- 4. The Chairmen and Vice-Chairmen and other members of committees as contained in Appendix 4 of the report be agreed.**
- 5. The Municipal Calendar as set out in Appendix 5 of the report be adopted.**
- 6. The Overview and Scrutiny structure be approved.**
- 7. The revisions to the Constitutions regarding the delegations for Licensing and Planning be approved. The remaining amendments to the constitution be considered at the Council meeting in July.**
- 8. The Director of Legal and Corporate Services be authorised to settle any outstanding details relating to the political structures and to make changes as necessary to the Council's Constitution to give effect to the Council's decisions and any other revisions necessary to reflect needs or circumstances.**

Outside Bodies

Council considered an amendment to the substantive item and proposed that Councillor Kelly be appointed to the Community Housing Group. Upon a vote the amendment was lost.

Council considered an amendment to the substantive item and proposed that Councillor Higgs be nominated to the Citizens Advice Bureau. Upon a vote the amendment was lost.

Council considered an amendment to the substantive item and proposed that Councillor Kelly be nominated to the Wyre Forest Highways

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Partnership Forum. Upon a vote the amendment was lost.

At the withdrawal of Councillor Shaw as nominee to the Wyre Forest Cycle Forum Councillor Campion agreed to be the nominee. This was carried.

Decision: Subject to Councillor Campion being the representative on the Wyre Forest Cycle Forum the report be agreed.

C.21

Policy And Budget Framework

Recommendations of the Cabinet Meeting 15th March

Fees and Charges Policy

The Council considered a report on the fees and charges policy.

Decision: The Fees and Charges Policy be endorsed and adopted.

Recommendation of the Cabinet Meeting 19th April

Worcestershire Housing Strategy 2011-2016

The Council considered a report recommending the Worcestershire Housing Strategy and associated Action Plan 2011/12

Decision: The Worcestershire Housing Strategy and associated Action Plan 2011/12 be adopted.

Wyre Forest District Local Development Framework Development Plan Documents and Churchfields Master Plan Preferred Options Consultation

The Council considered a report on the Wyre Forest Local Development Plan Documents and Churchfields Master Plan Preferred Options Consultation.

Decision:

- 1. The Local Development Framework Development Plan Documents as detailed in the report to Cabinet be approved for the purposes of consultation in accordance with Regulation 25 of the Town and Country Planning (Local Development) (England) Regulations 2004, as amended by The Town and Country Planning (Local Development) (England) (Amendment) Regulations 2008.**
- 2. The Consultation Draft Churchfields Master Plan, set out in the report to Cabinet be approved for the purposes of public consultation and that it be given due weight as a material consideration in determining planning applications falling within its boundaries.**
- 3. The Director of Planning & Regulatory Services, in consultation with the Cabinet Member for Planning & Economic Regeneration, be given delegated power to determine the final format and presentation of all of the papers referred to in paragraphs 2.1 and 2.2 of the report to Cabinet.**

Recommendation of the Licensing and Environmental Committee 21st April 2011

Hackney Carriage and Private Hire Vehicle Testing

The Council considered a report on proposals to change the licensing conditions relating to the number of annual mechanical inspections of taxi's operating within the District of Wyre Forest.

Decision: To change the current system of mechanical Taxi inspections from the requirement to have 3 annual inspections carried out by the Council's testing station at Green Street and an MOT carried out by an external testing station to 2 annual inspections and an MOT test all carried out by the Council's testing station be agreed.

C.22 Motions Submitted Under Standing Orders

No notices of motion were received in accordance with Standing Orders.

C.23 Urgent Motions Submitted Under Standing Orders

No notices of motion were received.

C.24 Report of the Independent Remuneration Panel (IRP)

The Council considered a tabled report, together with supplementary paper written by the Leader of the Council on the report of the Independent Remuneration Panel, the purpose of which was to decide the allowances to be paid for the forthcoming municipal year.

Members expressed their dissatisfaction with paper being tabled as they felt it gave them insufficient time in which to respond. Members were advised that the phone allowance of £23 per month was proposed to be withdrawn for all Members, and although this was not a recommendation of the IRP it was a saving to the Council.

Members considered the proposals in detail. Members spoke in support of proposals, in particular asking Members to note the value of the work carried out by Vice Chairman and the value of the allowance in supporting Members to carry out their duties, for example unpaid leave or caring responsibilities.

Members also spoke against the proposals reminding Members that they were public servants and that upon joining a joint remuneration panel with other District Councils in Worcestershire notice should be taken of the recommendations, in particular that the allowance paid to Wyre Forest Members was in excess of those paid to their peers in the other Districts.

An amendment was proposed, but upon a vote it was lost. The substantive recommendation were then voted upon and carried.

Decision:

- 1. Council has REGARD to the conclusions and recommendations of the Independent Remuneration Panel (IRP) in making any amendments to the Members' Allowances**

Scheme for 2011/12;

- 2. Council RESOLVES to amend the Allowances Scheme for 2011/12 with effect from 18 May 2011;**
- 3. Council AUTHORISES the Director of Legal and Corporate Services to amend Part 17 of the Constitution as appropriate to give effect to the Council’s decisions;**
- 4. Council ACCEPTS the recommendations of the IRP except as follows:**

Basic allowance The IRP’s recommendations do not give sufficient recognition to the fact that allowances have been frozen since 2008; and that the freeze will continue for 2011/12 when RPI is currently running at 5.2% (April 2011). There has thus been a significant real terms reduction in the value of allowances. In recognition of this, it is proposed to set the public service discount at 30%. This results in a basic allowance of £4,900.

In addition, the total cost of basic allowances is expected to fall further in future if the Council seeks an electoral review by the Boundary Commission to reduce the number of Councillors. The appropriate level of allowances should be reviewed closer to the time that the size of the council is reduced.

Cabinet members and chairs of committees The IRP’s recommended multipliers for these posts are accepted, with the following exceptions:

Post	Multiplier	Allowance (£)
Deputy leader	1.875	9,188
Cabinet members	1.625	7,963
Chair of Planning and Licensing Committees	1.125	5,513
Chair of Audit Committee	0.5	2,450

It was felt that the IRP’s recommendations had not taken full account of relevant factors:

- the IRP’s recommendations were submitted before proposals about reducing the size of the Cabinet from 6 members to 5 and merging the two scrutiny committees into one. It was felt appropriate to retain broadly the present level of allowances for these roles, as the same work would be done by fewer members. In the case of the vice chair of the scrutiny committee, this could include chairing a proportion of any review panels established by the scrutiny committee;
- sufficient account had not been taken of the importance of the roles of the Chair of the Planning and Licensing Committee who lead decision-making committees that were subject to close public interest. Both committees require a high level of technical understanding and, in respect of the licensing committee, the chair has additional responsibilities liaising with the Taxi Trade with the

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- District supported by Worcestershire Regulatory Services;
- while the principle of a lower multiplier for the Chair of the Audit Committee was accepted, in view of the lower frequency of meetings compared to other committees, the recommendation from the IRP did not take sufficient account of the growing complexity of the process for approving accounts and auditing and the need for the Chair of the Committee to be fully conversant with them. For example, significant changes were being implemented this year as result of new International Financial Reporting Standards.

Allowances for vice chairs of Committees It was felt that the IRP had not given sufficient consideration to the preparation that vice chairs have to undertake in advance of meetings, including attendance at briefing and agenda setting meetings with officers – they do not know when they might be called upon to chair a meeting. It is therefore proposed to retain allowances for vice chairs with a multiplier of 0.25, with the exception of the vice chair of the Audit Committee where a lower multiplier of 0.125 would be appropriate for the reasons mentioned above.

Council DECIDES to cease payment of Councillors telephone allowance

The Council pays a telephone allowance of £23 a month to all councillors. Equivalent payments to relevant staff were brought to an end in 2010. While the telephone allowance lies outside the scheme of basic and SRA's and the IRP's recommendations, it is proposed to end the telephone allowance. The effect is to reduce further the overall payments made to all members, by £11,592 in a full year.

Councils NOTES that the proposed amended Councillor Allowance Scheme and reduced committee frequency will save £163,304 over the next four years.

The agreed rationalisation of meetings will save £4,521 pa and the revised Councillors Allowance scheme will save £36,305 pa. The total savings are £40,826 pa from this proposal.

C.25

Boundary Commission

The Council received a report proposing that a formal request be made to the Boundary Commission for England for a review of the size of the Council. A Supplementary paper was also circulated that proposed alternative recommendations to those reported.

Members robustly debated the report. Amongst the points raised were concerns regarding the amount of ward work and the ability of a reduced number of Members to support the community. Further, that it would be beneficial if wards and divisions remained coterminous, as it was felt there had been failings in the previous review of the Boundary Commission.

In response to questions regarding the validity of the statistics referred to in paragraph 10.2 of the report the Chief Executive advised Council the figures were derived from the budget consultation exercise carried out

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during Autumn 2010. At this point in the proceedings the Chairman had cause to reprimand Councillor Ballinger for inappropriate comments made about Council Officers. Councillor Ballinger apologised and withdrew his comments.

Further debate ensued, where Members reiterated their concerns regarding workloads, with particular reference to housing issues and also the validity of the statistics due to the small sample size. Members also voiced their frustration regarding the lateness of the supplementary paper.

Decision:

- 1. The Council resolves to invite the Local Government Boundary Commission for England to conduct an electoral review, with the aim of reducing the size of the council by 20 to 25%**
- 2. The Council resolves to invite the Commission to produce recommendations for the implementation through all-out elections in May 2015.**
- 3. The Council delegates to the Chief Executive decisions on any relevant steps to progress the resolutions.**

The meeting ended at 8.58p.m.

CHAIRMAN'S FUNCTIONS

2011/2012

May 2011

Thursday 19 th @ 7.30pm	The Richard Baxter Quinquennial Lecture, Kidderminster Town Hall
Tuesday 24 th @ 1.45pm	Citizenship Ceremony, County Hall*
Wednesday 25 th @ 7.00pm	Wyre Forest Parish Games Quiz and Presentation Ceremony, Stourport Sports Club
Thursday 26 th @ 7.30pm	Annual Meeting of Kidderminster Charter Trustees and Mayor Making Ceremony
Saturday 28 th /29 th	Canal Festival

June 2011

Wednesday 1 st @ 10.30am	Visit to Legal & Corporate Services Directorate
Sunday 5 th	Rock and Roll Event, Stourport Riverside*
Wednesday 8 th @ 10.00am	Visit to Community & Partnership Services Directorate
Thursday 9 th @ 2.30pm	Cutting of the Turf, Finepoint
Friday 10 th @ 7.30pm	Stourport on Severn Town Mayor's Civic Reception, Civic Hall
Saturday 11 th @ 10.45am	Bewdley Carnival, Mayors Parlour, Load Street, Bewdley
Sunday 12 th @ 10.30am	Bewdley Town Council Mayor's Sunday
Sunday 12 th @ 2.30pm	Wychavon Civic Service
Wednesday 15 th	Mrs Sheldon's Funeral
Wednesday 15 th @ 7.30pm	The King and I, Droitwich Spa
Friday 17 th @ 6.30pm	Worcestershire Welcome Awards, The Showground, Malvern
Saturday 18 th @ 10.30am	Kidderminster Carnival
Saturday 18 th @ 7.30pm	The Kidderminster Valentines, Town Hall
Sunday 19 th @ 10.30am	Mayor of Worcester Civic Service
Monday 20 th @ 10.00am	Flag Flying Ceremony, Armed Forces Day, Kidderminster Town Hall
Wednesday 22 nd @ 7.30pm	The League of Friends of the Kidderminster Hospitals Annual General Meeting
Sunday 26 th @ 10.30am	Kidderminster Mayor's Sunday
Tuesday 28 th @ 2.00pm	Citizenship Ceremony, County Hall*
Tuesday 28 th @ 5.30pm	Farewell Reception for Chief Constable Paul West, Hindlip Hall*
Thursday 30 th @ 12.00 noon	Unveiling of the Statue in Horsefair, Kidderminster
Thursday 30 th @ 1.00pm	Under Five's Fun Day, Brinton Park

July 2011

Friday 1 st @ 6.30pm	John Ruskin Exhibition, Bewdley Museum
Saturday 2 nd @ 7.30pm	Wyre Forest Symphony Orchestra, Kidderminster Town Hall
Sunday 3 rd @ 5.00pm	Wyre Forest District Council's Civic Service
Monday 4 th @ 5.00pm	"Twixt Severn & Stour" Industrial Heritage Trail Consultation Event, County Museum
Thursday 7 th @ 11.30am	Wyre Forest Disability Sports Event*
Monday 11 th @ 7.00pm	Pyramid Show, Wyre Forest Glades
Tuesday 12 th @ 7.30pm	Stone Parish Council Meeting
Thursday 14 th @ 10.30am	Photo Shoot – New Council Headquarters, hoarding
Thursday 14 th @ 3.00pm	VIP Launch of Castle Locks, Castle Road, Kidderminster
Thursday 14 th @ 6.00pm	Bewdley Business Partnership Meeting, Guildhall, Bewdley.
Monday 18 th @ 2.00pm	Memorial Service for Eunice Purcell, St Cassian's Church, Chaddesley Corbett
Wednesday 20 th @ 7.00pm	Meeting with Parish Chairmen and Cabinet Member
Friday 22 nd @ 7.00pm	Mayor of Worcester's Inaugural Banquet, The Guildhall



Leader's Report to Council 27th July 2011

Icelandic Update

At the update in May I advised Council that the ruling of the Icelandic District Court to confirm our "priority" status in relation to our Landsbanki investment of £3m had been appealed to the Icelandic Supreme Court.

We have now had confirmation that as expected the appeal will be during September this year and will be held on the 14th & 15th. Representatives from Local Government including Stephen Jones, Director of Finance at the Local Government Group will be present during the appeal, the result of which is expected in early October. Following this appeal there is no further right to have the decision reviewed. Once more I give my assurances to Council that as soon as any information is available then I will share this immediately.

Steady progress is also being made in relation to the recovery of the investments with the Heritable and Kaupthing Singer and Friedlander with regular dividend payments still being received.

So far the Council has received just over £3.6m in dividends from these two investments with further payments expected throughout the year. This means that for the Heritable the Council has recovered just over 60% of the original investment and currently around 58% for Kaupthing Singer and Friedlander.

As always if further information emerges in relation to the recovery of these investments then I will ensure that all members are briefed accordingly,

Leisure Review Consultation

Council should be aware that there is an ongoing consultation in relation to the future of the Councils leisure provision.

It is important to get views from all perspectives and would like to hear from people whether they use the leisure centres or not. Residents can fill in a questionnaire online at www.wyreforestdc.gov.uk or pick one up from the Leisure Centres, Worcestershire Hub or district libraries. The deadline for responses is 11th September 2011.

John Campion
Leader of the Council.

WYRE FOREST DISTRICT COUNCIL

COUNCIL
27TH JULY 2011

POLICY AND BUDGET FRAMEWORK
MATTERS WHICH REQUIRE A DECISION BY COUNCIL

RECOMMENDATIONS FROM THE CABINET –21ST JUNE 2011

Purpose of Report

To consider recommendations from the Cabinet on matters outside the policy framework or approved budget of the Council.

SUPPORTING INFORMATION

Would Councillors please note that the related reports and documents have not been included in the Council book, as they have already been sent to Members via the Cabinet agenda. Copies have been included in the electronic circulation of the Council agenda and a public inspection copy is available on request. The policy documents, referred to below, have been posted on the Council's website.

RECOMMENDATIONS TO COUNCIL	CABINET MEMBER
<p>Christmas Holiday Arrangements:</p> <p>The Council is asked to consider a proposal in relation to changes to the Christmas holidays arrangement for Wyre Forest District Council staff during the period between Christmas Day and New Year with effect from Christmas 2011.</p> <p>Recommended to Council: The Christmas holiday arrangements be changed as detailed in paragraph 3.4 of the report to Cabinet.</p>	<p>Councillor Nathan Desmond</p>
<p>Revised Media Protocol</p> <p>The Council is asked to consider a report on the development of the Revised Media Protocol for Wyre Forest District Council.</p> <p>Recommended to Council: The Revised Media Protocol for Wyre Forest District Council as detailed in the report to Cabinet and associated appendices be adopted.</p>	<p>Councillor Tracey Onslow</p>

WYRE FOREST DISTRICT COUNCIL

COUNCIL
27TH JULY 2011

POLICY AND BUDGET FRAMEWORK
MATTERS WHICH REQUIRE A DECISION BY COUNCIL

RECOMMENDATIONS FROM THE CABINET –19th JULY 2011

Purpose of Report

To consider recommendations from the Cabinet on matters outside the policy framework or approved budget of the Council.

SUPPORTING INFORMATION

Would Councillors please note that the related reports and documents have not been included in the Council book, as they have already been sent to Members via the Cabinet agenda. Copies have been included in the electronic circulation of the Council agenda and a public inspection copy is available on request. The policy documents, referred to below, have been posted on the Council's website.

RECOMMENDATIONS TO COUNCIL	CABINET MEMBER
<p>St Georges Hall, Bewdley</p> <p>The Council is asked to agree cash flow support to Bewdley Development Trust (BDT) to enable the drawdown of grant funding from the Rural Development Programme for England (RDPE) for the refurbishment/extension of St George's Hall, Bewdley.</p> <p>RECOMMENDED to Council:</p> <ol style="list-style-type: none"> 1. The Treasury Management Strategy Statement 2011/12 and Annual Investment Strategy 2011/12 be amended to enable cash flow support of up to £50k to be made available to support the refurbishment/extension of St George's Hall, Bewdley. 2. Approval is given to establish a scheme to provide cash flow support for similar local community capital projects in line with the localism agenda. The broad parameters of the scheme being; <ul style="list-style-type: none"> • Total limit of scheme £250,000 at any one time; • No more than £100,000 to support to any one community group; • Viable business case required to be provided to support any proposal; • Cabinet to determine any such applications following consideration by the Treasury Management Review Panel. 	<p>Councillor John-Paul Campion</p>

Agenda item No. 9

Media Protocol

Addendum

Paragraph 4 - to include 'for Members' after Media Spokesperson Directory.

Paragraph 6 - To read ' Council news releases must not be used to explain party political differences. Publicity of this type must be objective and explanatory and avoid personalisation of the issues or inappropriate personal image-making.

WYRE FOREST DISTRICT COUNCIL**COUNCIL****27th JULY 2011****Constitutional Amendments**

OPEN	
SUSTAINABLE COMMUNITY STRATEGY THEME:	-
CORPORATE PLAN PRIORITY:	Delivering Together with Less
CABINET MEMBER:	The Leader of the Council
DIRECTOR:	Ian Miller Chief Executive
CONTACT OFFICER:	Caroline Newlands Director of Legal and Corporate Services
APPENDICES:	Appendix 1 Revisions to the Constitution

1. PURPOSE OF REPORT

- 1.1 To consider amendments to the Constitution that were deferred at the meeting on 18 May.

2. RECOMMENDATION

The Council is asked to:

- 2.1 **Agree the revisions to the Constitution as set out in appendix 1.**

3. BACKGROUND

- 3.1 Following consideration of various proposed amendments to the constitution at the annual general meeting, Council agreed revised schemes of delegation in respect of planning and licensing. A briefing session was held for members on 13 May, and a further briefing seminar was held on 6 July, which was attended by over half the members of the council. This included a presentation on the remaining proposed changes and the opportunity for members to ask detailed questions about them. Members of the Transformation Board had previously been consulted on the amendments at their meetings in March and April. Council is now therefore asked to agree the amendments to the Constitution as detailed in Appendix 1.
- 3.2 Currently "Policy framework" is not defined in Article 4 of the Constitution. Clarity is needed to ensure Council remains focussed on strategic issues. Therefore, it is proposed to insert a definition of "policy framework" that relates to the statutory plans and strategies listed in Schedule 3 to the Local Authorities (Functions and Responsibilities (England) Regulations 2000 together with a limited number of other, genuinely strategic plans or strategies. The effect of such a change would be that Council would focus on strategic plans and strategies rather than the much wider raft of "policies" that currently might come before it.

- 3.3 Other plans and policies would fall to the Cabinet to agree, with the exception of policies in areas that are not executive functions: for example, policies relating to terms and conditions of staff would continue to be decided by full Council as this is not an executive function. The change to the definition of the policy framework would not affect the ability of the Overview and Scrutiny Committee to scrutinise a policy before it is agreed by the Cabinet.
- 3.4 It should also be noted that this narrower definition of the “policy framework” would not prevent the Council determining that the decision on adopting a particular plan or strategy should be taken by itself rather than by the Cabinet: see paragraph 1 of Schedule 4 to the 2000 Regulations. However this would require positive action by the Council in a particular case, rather than the blanket approach that is adopted at the moment.
- 3.5 It is proposed that the Scheme of Delegation is revised to ensure clarity and succinctness, therefore reflecting the modern working practices of the Council and ensuring that decisions are taken in a timely fashion. The amendments seek to provide greater clarity about where responsibility lies for functions. There are three broad categories of functions:
- “Executive Functions” which the Cabinet, and only the Cabinet, can exercise;
 - “Local Choice Functions”. It is for the Council to decide whether these are discharged by the Council, a committee, an officer or the Cabinet; and
 - Functions that are not Executive Functions. The Council can arrange for these to be discharged by a committee or an officer if it does not discharge them itself.
- 3.6 The Local Government Act 2000 sets out the process for determining functions of a local authority which are the responsibility of an executive of the authority. However, these have been heavily amended since enactment. Section 13(10) of the Act provides that “any function which is the responsibility of an executive of a local authority under executive arrangements may not be discharged by the authority” (i.e. the full council).
- 3.7 The main amendments replace Parts 4 and 6 of the Constitution with a revised Part 4 on responsibility for functions. As part of this, the Scheme of Delegation to Officers and Individual Members of the Cabinet has been fundamentally revised to provide a simpler and more generic approach. The result aims to be clearer to read and easier to understand.
- 3.8 Under the powers that the Leader now has as a consequence of the “strong leader” model, the Leader decides delegation of executive functions. Table 4 on page 34 of this report reflects his decisions on delegation of executive functions and is included in appendix 1 for information only.

4. KEY ISSUES

- 4.1 The proposed amendments bring greater clarity and succinctness to this important part of the constitution, and also ensure that it is up to date.

4.2 In the meeting on 18 May, a question was asked about the delegation to the head of paid service in respect of personnel matters and terms and conditions: see paragraph 1.12 on page 27 below. This reflects an existing delegation in the present scheme. The text of the current and new delegations is reproduced here to assist members.

The allocation of responsibility in respect of appeals is set out in table 2 on page 32 below and does not therefore appear in the new delegation to the head of paid service. The proposed delegation “to operate the procedures detailed in the personnel handbook etc” replaces over 20 detailed delegations, some of which are no longer relevant, on pages 45 to 55 of the current scheme of delegation. It is a good example of the more concise approach to drafting that has been adopted.

Current delegation (item 280.2, scheme of delegation, page 46)	New delegation (paragraph 1.12 of the new section 4 of the constitution)
<p>Conditions of employment</p> <p>Subject to any overriding policies or exceptions specified by the Council:</p> <ul style="list-style-type: none"> a) to determine changes to general conditions of employment; b) to offer fixed-term contracts to new and existing employees; c) to decide on creation, deletion, and grading of posts (except JNC or similar posts); d) to deal with any industrial relations matters. <p>Any disciplinary, grading or grievance appeals must be referred to the Appointments and Appeals Committee.</p>	<p>1.12 The Head of the Paid Service shall be authorised:-</p> <ul style="list-style-type: none"> (i) To operate the procedures detailed in the personnel handbook, or any document or handbook that supersedes this. (ii) Terms and Conditions of Staff – Subject to any overriding policies or exceptions specified by the Council, The Head of Paid Service is authorised to <ul style="list-style-type: none"> (a) to determine changes to general conditions of employment; (b) to offer fixed-term contracts to new and existing employees; (c) to decide on creation, deletion and grading of posts (except JNC or similar posts); (d) to deal with any industrial relations matters.

5. FINANCIAL IMPLICATIONS

5.1 There are no significant financial implications arising from this report.

6. LEGAL AND POLICY IMPLICATIONS

6.1 The proposals comply with the legislation governing constitutions of councils and the allocation of responsibility for functions.

7. EQUALITY IMPACT NEEDS ASSESSMENT

- 7.1 An equality assessment impact has been undertaken and it is considered that there are no discernable impacts on the six equality strands.

8. RISK MANAGEMENT

- 8.1 There are no risk management issues associated with the proposed changes. By providing clarity about the allocation of functions, and making the constitution easier to use, they reduce the risk of challenge to decisions.

9. CONCLUSION

- 9.1 The proposals contained within this report meet the requirements of the relevant legislation including the Local Government Act 2000. The amendments to the constitution will support effective and decisive decision making and have been carried out in accordance with legislative requirements.

10. CONSULTEES

- 10.1 The Leader of the Council
10.2 Transformation Board on amendments in appendix 1

11. BACKGROUND PAPERS

- 11.1 Local Government Act 2000, and the Local Authorities (Functions and Responsibilities (England) Regulations 2000

Revisions to the Constitution

In **article 4** of the constitution, insert at end

“Policy framework – definition

In this constitution, “policy framework” means:

Plans or strategies that are required under statute

Best Value performance plan

Crime and disorder reduction strategy

Development plan documents

Licensing authority policy statement

Plans and alterations which together comprise the Development Plan

Sustainable community strategy

Other plans or strategies

Corporate plan

Financial strategy, including any plan or strategy for the control of the authority’s borrowing, investments or capital expenditure or for determining the authority’s minimum revenue provision

Shared services strategy

Fees and charges strategy

Property rationalisation strategy.”

Allocation of responsibilities between the Council, Cabinet and committees and scheme of delegation

Amendments to Constitution

Omit section 4 (Responsibility for functions – non-Cabinet) and section 6 (scheme of delegations) in their entirety.

Insert a new section 4 as follows:

“Section 4 Responsibility for functions

- 1.1 This section of the constitution sets out responsibility for functions.
- 1.2 Table 1 sets out responsibility for functions that are not executive functions.
- 1.3 Table 2 sets out responsibility for functions that are “local choice functions” as listed in Schedule 2 to the Local Authorities (Functions and Responsibilities) (England) Regulations 2000 No 2853 (as amended).
- 1.4 Table 3 sets out the scheme of delegations to officers of functions that are not executive functions.
- 1.5 Table 4 sets out the scheme of delegations of executive functions to individual members of the Cabinet, committees of the Cabinet or officers.

Delegation to officers – general provisions and authorisations

- 1.6 Pursuant to Section 101 of the Local Government Act 1972 and Section 15(2) of the Local Government Act 2000, the Council or the Cabinet, as the case may be, delegate to each Officer full powers to act in all matters within their area of responsibility. This delegation includes responsibility for all day to day management and operational decisions, and taking action under statutory provisions relevant to their areas of responsibility including powers of enforcement; but is subject to any specific exclusions or limitations set out in section 4 of the Constitution.
- 1.7 For the purposes of the schemes of delegation reference to delegation to an Officer shall mean one of the following officers unless specifically indicated otherwise
- Chief Executive (Head of Paid Service)
 - Director of Community and Partnership Services
 - Director of Legal and Corporate Services (Monitoring Officer)
 - Director of Planning and Regulatory Services
 - Director of Resources(Section 151 Officer)
- 1.8 In cases of doubt as to which Officer has responsibility for a matter or the scope of the Officer's responsibility by reference to appropriate statutory provisions, the Head of Paid Service shall decide.
- 1.9 The delegation to Officers shall include the power:
- (i) to authorise the exercise of the delegated powers by such other officers as may be deemed appropriate for the proper and efficient performance of the work;
 - (ii) to designate particular officers as "appropriate" or "proper" officers for the purposes of any statutory provisions including, where necessary or convenient having regard to any professional or technical requirements, an officer who is not an employee of the Council;
 - (iii) following consultation with the Head of Paid Service, to authorise particular officers to attend in court including under Section 223 of the Local Government Act 1972 and Section 60(2) of the County Courts Act 1984 (conduct of court proceedings by officers who are not solicitors), and to authorise officers to prosecute, defend or appear on behalf of the Council;
 - (iv) to demand, collect, adjust, remit or recover any payments, fees or penalties due to the Council under statutory provisions.
 - (v) to make any determination, publish or transmit documents, serve any notice or make any Order or authorise the making of any Order under statutory provisions.
- 1.10 Every Officer may take any emergency action for the safety of the public or the protection of the property of the Council, in accordance with relevant statutory provisions including the Civil Contingencies Act 2004. This delegation includes power to take any decision, although it is normally the responsibility of the Cabinet, a Cabinet committee or individual Cabinet Member, where the decision has to be taken immediately in response to an emergency as defined in the Emergency Contingency Plan.

1.11 Other Officers as designated by the Head of Paid Service may act in place of the Officer concerned in exercise of any power conferred on an Officer by this Scheme of Delegation whenever a post is vacant or the Officer is for any reason unable to act.

Delegation to Particular Officers - Corporate Matters

1.12 The Head of the Paid Service shall be authorised:-

- (i) To operate the procedures detailed in the personnel handbook, or any document or handbook that supersedes this.
- (ii) Terms and Conditions of Staff – Subject to any overriding policies or exceptions specified by the Council, The Head of Paid Service is authorised to
 - (a) to determine the changes to general conditions of employment;
 - (b) to offer fixed-term contracts to new and existing employees;
 - (c) to decide on creation, deletion and grading of posts (except JNC or similar posts);
 - (d) to deal with any industrial relations matters.

1.13 The areas of responsibility mentioned in paragraph 1.6 include but are not limited to:

Director of Legal and Corporate Services

Corporate governance framework including ethical regime Electoral Registration & Elections Committee Administration Legal Advice & Support	Local Land Charges Asset Management Human Resources & Workforce Development
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The Officer shall be authorised:-

- (i) To exercise the required discretion whether or not to initiate, prosecute or defend legal proceedings on behalf of the Council under any statute, order, regulation or byelaw (including Section 222 of the Local Government Act 1972); in respect of property issues; or in any legal proceedings against the Council brought by any person or body. This authorisation is subject to the Officer being satisfied as to the evidence;
- (ii) To certify resolutions and documents as being true copies.
- (iii) To obtain Counsel's Opinion or instruct Counsel to appear on behalf of the Council whenever he/she considers such action advisable.
- (iv) To sign on behalf of the Council any deed or other document authorised by the Council or which it is necessary or desirable to give effect to any decision of the Council, unless any enactment otherwise requires or authorises or the Council has authorised some other person for some specific purpose.
- (v) To apply for any necessary consent or licence.

- (vi) To make any minor changes necessary to the Council's Constitution, arising from decisions of the Council and changes to legislation, including ad hoc appointments to outside bodies.

Director of Resources

Audit & Accountancy Revenues and Benefits Information and Communication Technology	Refuse Collection & Recycling Vehicle Fleet, Depot & Stores Payroll Health & Safety
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The Officer shall be authorised:

- (i) to write off debts up to £10,000 for any individual account, subject to consultation with the Cabinet Lead Member for Resources for amounts between £5,000 and £10,000;
- (ii) to amend the Council's Financial Regulations in order to meet legislative and operational requirements, in consultation with Cabinet Lead Member for Resources;
- (iii) to determine the most financially prudent funding method for capital projects (including borrowing, capital receipts or direct revenue funding);
- (iv) to have responsibility, in consultation with the Monitoring Officer, for the maintenance of a sound system of internal control which facilitates the effective exercise of the Council's functions and which includes arrangements for the management of risk, as required by the Accounts and Audit Regulations 2011;
- (v) to exercise functions in respect of the Council's Collection Fund.

Director of Community and Partnership Services

Customer services Communications Community Safety Cultural Services	Partnerships and equalities Parks and Green Spaces Policy and Performance
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Director of Planning and Regulatory Services

Environmental maintenance Environmental health and licensing (provided by Worcestershire Regulatory Services) Development Control Building Control	Planning policy Economic development and regeneration Housing Health and sustainability Land and Property Gazetteer
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Table 1: RESPONSIBILITY FOR FUNCTIONS – FUNCTIONS THAT ARE NOT EXECUTIVE FUNCTIONS

This table is subject to:

- (1) functions carried out by the District Council itself as set out in Article 4 or other provisions of the constitution;
- (2) the general provisions relating to delegations to officers set out in paragraphs 1.6 to 1.13 above and the delegations to officers set out in table 3 below.

<u>FUNCTION</u> <u>The letters refer to the groups of functions in Schedule 1 to the Local Authorities (Functions and Responsibilities) (England) Regulations 2000 No 2853 (as amended).</u>	DELEGATION OF FUNCTIONS (subject to the delegations to officers set out in table 3)
A. Functions relating to town and country planning and development control. Exception: adoption of the Plans and alterations which together comprise the Development Plan.	Planning Committee Council (to approve final document); Overview and Scrutiny Committee (to amend and update, prior to final approval by Council)
B. Licensing and registration functions (in so far as not covered by any other paragraph of Schedule 1 to SI 2000/2853) Exception: adoption of Licensing Authority Policy Statement	Licensing and Environmental Committee Council
C. <u>Functions relating to health and safety at work</u>	Bromsgrove District Council (Worcestershire Regulatory Services)
D. <u>Functions relating to elections</u>	Council
E. Functions relating to name and status of areas and individuals	Council
EB. Functions relating to community governance	Council
F. Power to make, amend, revoke, re-enact or enforce byelaws	Council
FA Functions relating to smoke-free premises etc	Bromsgrove District Council (Worcestershire Regulatory Services)
G. Power to promote or oppose local or personal Bills	Council
H. Functions relating to pensions etc	Council
I. Miscellaneous functions Note: only those relevant to district councils are listed in this table	
36. Power to make standing orders.	Council
37. Power to appoint staff, and to determine the terms and conditions on which they hold office (including procedures for their	Council Except: functions delegated to Appeals and Appointments committee, as set out in

dismissal).	its terms of reference in respect of dismissals; Except: functions conferred on Officers by the Employment Procedure Rules, including those required by legislation.
38. Power to make standing orders as to contracts.	Council
39. Duty to make arrangements for proper administration of financial affairs etc.	Duty to secure that an officer has these responsibilities: Council Duty to make arrangements for proper administration etc: Officer appointed by the Council under this provision
40. Power to appoint officers for particular purposes (appointment of "proper officers")	Officers
41. Power to make limestone pavement order.	Planning Committee
42. Power to make closing order with respect to take-away food shops	Bromsgrove District Council (Worcestershire Regulatory Services)
43. Duty to designate officer as the head of the authority's paid service, and to provide staff etc.	Council
44 Duty to designate officer as the monitoring officer, and to provide staff etc.	Council
44A Duty to provide staff etc to person nominated by monitoring officer	Council
44B Powers relating to overview and scrutiny committees (voting rights of co-opted members)	Making or amending scheme: Council Publicity etc for scheme: Officers
45 Duty to approve authority's statement of accounts	Audit Committee This includes ensuring that the statement of accounts is signed and dated by the person presiding at the committee at which approval was given.
46. Powers relating to the protection of important hedgerows.	Planning Committee
47. Powers relating to the preservation of trees.	Planning Committee
47A Powers relating to complaints about high hedges.	Planning Committee
48. Power to make payments or provide other benefits in cases of maladministration etc.	Officers Except payments over £500: Council
49. Power to make an order identifying a place as a designated public place for the purposes of police powers in relation to alcohol consumption	Council
50. Power to make or revoke an order designating a locality as an alcohol disorder zone	Council

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51. Power to apply for an enforcement order against unlawful works on common land	Planning Committee
52. Power to protect unclaimed registered common land and unclaimed town or village greens against unlawful interference	Planning Committee
53. Power to institute proceedings for offences in respect of unclaimed registered common land and unclaimed town or village greens	Planning Committee

Table 2: RESPONSIBILITY FOR LOCAL CHOICE FUNCTIONS

This table is subject to the general provisions relating to delegations to officers set out in paragraphs 1.6 to 1.13 above and the delegations to officers set out in table 3.

Responsibility for relevant functions in Schedule 2 to the 2000 Regulations is as follows:

Function	Responsible body (subject to the delegations to officers set out in table 3)
1. Functions under local Acts	Cabinet
2. Determination of appeals	1. Appeals in respect of the council's role as employer: Appointments and Appeals Committee as set out in its terms of reference, Head of Paid Service for other appeals 2. All other appeals: Cabinet
3. Appointment of review boards	Cabinet
7. Arrangements for questions on police matters at council meetings	Council
10. Contaminated land	Officers
11. Control of pollution or management of air quality	Officers Except declaration of air quality management area: Cabinet
12. Service of abatement notice	Bromsgrove District Council (Worcestershire Regulatory Services), so far as it relates to environmental health and licensing All other cases – Officers
13. Resolution to apply Schedule 2 to the Noise and Statutory Nuisance Act to the authority's area	Cabinet
14. Inspection of the authority's area to detect a statutory nuisance	Bromsgrove District Council (Worcestershire Regulatory Services), so far as it relates to environmental health and licensing All other cases - Officers
15. Investigation of any complaint as to existence of statutory nuisance	Bromsgrove District Council (Worcestershire Regulatory Services), so far as it relates to environmental health and licensing All other cases - Officers
16 & 17. Obtaining information as to interests in land	Bromsgrove District Council (Worcestershire Regulatory Services), so far as it relates to environmental health and licensing All other cases - Officers
19. Appointment of any individual to any office, body or committee of such a body	Council at annual general meeting Cabinet in respect of any vacancy that arises during the municipal year.
20. Making of agreements to place staff at disposal of other authorities	Officers
22. Functions relating to local area agreements	Cabinet

Table 3: DELEGATION TO OFFICERS OF FUNCTIONS THAT ARE NOT EXECUTIVE FUNCTIONS

Public rights of way

Responding to proposals for diversions and other alterations to public rights of way, subject to prior consultation with the Ward Member(s).

Making orders relating to a public right of way, subject to prior consultation with the Ward Member(s). In the event of any such Ward Member(s) objecting, to consult the Cabinet before deciding whether to make the order.

[Note (not part of the amendments) - delegations in respect of functions relating to town and country planning and development control and licensing and registration were agreed by the Council at its meeting on 18 May 2011. They are not repeated here although they form part of Table 3.]

Table 4: DELEGATION OF EXECUTIVE FUNCTIONS TO INDIVIDUAL CABINET MEMBERS, TO COMMITTEES OF THE CABINET OR TO OFFICERS

[Note (not part of the amendments) – these delegations have been agreed by the Leader in accordance with section 15(4) of the Local Government Act 2000. They are included for information and do not form part of the decision being sought from Council.]

Executive function(s)	Delegation to
<p>Estates management, land and property issues Acquisition or disposal of land or the granting or taking of any lesser interest:</p> <ul style="list-style-type: none"> - where the consideration to be paid or received by the Council is greater than £10,000 but less than £100,000 in amount or value; - where the consideration to be paid or received by the Council is not greater than £10,000 in amount or value. <p>These delegations do not apply in the case of disposals where the consent of the Secretary of State would be required (unless a general consent applies) or where there is a requirement to advertise the disposal of open space land under Section 123(2A) of the Local Government Act 1972.</p> <p>To accept surrenders of leases and tenancies of Council-owned property, where advantageous to the Council.</p>	<p>Cabinet Lead Member for Legal and Corporate Services</p> <p>Officers</p> <p>Officers</p>
<p>Fees and charges To set fees and charges in accordance with the Council’s policy on fees and charges in respect of the following issues:</p> <ul style="list-style-type: none"> - provision of copies of documents, plans etc.; - short term licences for use of car parks otherwise than in accordance with car parking charges order; - licence fee for casual fishing permits where the Council retains fishing rights; - charges set on a negotiated or discount basis for block bookings, school use, programmed use and special promotions; - varying the standard fee scales, as laid out in the Council’s Scheme for the recovery of Building Regulation costs under the Building (Local Authority) Regulations 1998, by plus or minus 10% to ensure that the Council remains competitive so long as the income fully covers the expenditure in the fee carrying account; 	<p>Officers</p>

<p>- the scale of fees for pre planning application advice, including conservation/heritage and arboricultural advice</p>	
<p>Road closure orders To make orders under Section 21 of the Town Police Clauses Act 1847 to ensure the temporary closure of roads for festivals, events and other appropriate purposes.</p>	<p>Officers</p>
<p>Conservation To amend the List of Buildings of Local Architectural and/or Historic Interest (The Local List) from time to time to add new properties meeting the criteria or remove those which no longer meet the criteria.</p> <p>Approving the award of grants under the Partnership Scheme in Conservation Areas in accordance with the Capital Programme, following consideration by the Overview and Scrutiny Committee in accordance with the protocol approved by the Cabinet.</p>	<p>Director of Planning and Regulatory Services, with the agreement of the Cabinet Lead Member for Planning and Economic Regeneration.</p> <p>Cabinet Lead Member for Planning and Economic Regeneration</p>
<p>Housing Determination of applications for the award of financial support for affordable housing through the Council's Capital Strategy, following consideration and recommendation by the Overview and Scrutiny Committee.</p>	<p>Cabinet Lead Member for Housing and Environmental Services</p>