

**SECTION 2B**

**COUNCIL COMMITTEE TERMS OF  
REFERENCE**

**SECTION 2B: COUNCIL COMMITTEE TERMS OF REFERENCE**

**CONTENTS**

<u>Name of Committee</u>	<u>Membership</u>
Overview and Scrutiny Committee	9 Members of the authority
Scrutiny Board – Children and Young People	10 Members of the authority
Scrutiny Board - Health and Wellbeing	11 Members of the authority
Scrutiny Board – Transforming Services	11 Members of the authority
Scrutiny Board – Environment & Community Safety	11 Members of the authority
Scrutiny Board – Thriving Communities	11 Members of the authority
Scrutiny Board – City Development	10 Members of the authority
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The Standards Committee	See Article 9
Area Committees	Membership as outlined in Article 10
Employment Committee	Minimum of 3 Members of the authority comprising at least 1 Member of the executive
Corporate Governance and Audit Committee	6 Members, comprising the Leaders of each political group and a Labour Party nominee
Member Management Committee	8 Members, comprising Leader nominations from each party group
Licensing Committee	15 Members of the authority
<b>Regulatory Panels</b>	
Plans Panels:	
(a) Plans Panel (East)	12 Members of the authority
(b) Plans Panel (West)	14 Members of the authority
(c) Plans Panel (City Centre)	6 Members of the authority
Licensing and Regulatory Panel	9 Members of the authority
<b>Advisory Committee</b>	
Development Plan Panel	9 Members of the authority

## Terms of Reference

### The Overview and Scrutiny Committee

The Overview and Scrutiny Committee is authorised to carry out the following:

#### Advisory functions

1. To receive and consider reports on
  - the authority's strategic outcomes for the coming year;
  - the authority's performance in relation to the strategic outcomes;
  - details of the executive's Forward Plan;
  - requests for Inquiries from the executive and/or full Council;
  - requests for Inquiries from any other source<sup>1</sup>;
2. To identify areas for Scrutiny Inquiry which appear to the Committee to be necessary to be undertaken and to recommend such Inquiries to the relevant Scrutiny Board.
3. To determine which Scrutiny Board is the appropriate Scrutiny Board in respect of each Plan or Strategy within the Budget and Policy Framework.
4. To develop common practice in relation to the discharge of overview and scrutiny functions.
5. To produce an annual report for Council;

#### Scrutiny functions

1. To exercise the functions of a Scrutiny Board in relation to the strategic outcome<sup>2</sup> **people and culture**, including the following:
  - a) to review or scrutinise the exercise of any Council or Executive function, or any other matter that may affect either or both of the strategic outcomes;
  - b) to make reports or recommendations to Council or the executive in connection with the exercise of any functions of the Council or the executive related to the strategic outcome including proposals for changes to policies and practices;
  - c) to receive and review external audit and inspection reports;
  - d) to act as the appropriate Scrutiny Board<sup>3</sup> in relation to the executive's initial proposals for a plan or strategy within the Budget and Policy Framework;

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<sup>1</sup> Including for example, an external body or individual

<sup>2</sup> as set out in the Corporate Plan 2005-2008

<sup>3</sup> Under the Budget and Policy Framework Procedure Rules

- e) to consider any notice or departmental response reported in accordance with Financial Procedure Rules or Contract Procedure Rules.
- 2 To receive and monitor formal responses to any reports or recommendations made by the Committee.

### Overview and Scrutiny Function

- 1 To appoint an ad hoc Scrutiny Commission<sup>1</sup> to undertake an Inquiry where the subject of an Inquiry falls within the terms of reference of more than one Scrutiny Board.
- 2 To contribute to the corporate assessment of departmental performance;
- 3 To exercise the functions of a Scrutiny Board where a matter falls within the terms of reference of more than one Scrutiny Board, including the following
- 4 To exercise the functions of a Scrutiny Board in respect of any matter not included within the terms of reference of any other Scrutiny Board;
- 5 To exercise call-in powers in relation to executive decisions made but not implemented;<sup>2</sup>
- 6 To receive and monitor formal responses to any reports or recommendations made by Scrutiny Commissions.

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<sup>1</sup> A Scrutiny Commission will be a sub-committee of the Committee

<sup>2</sup> as set out in section 21(3) of the Local Government Act 2000 and in accordance with the Scrutiny Board Procedure Rules

## **Scrutiny Board (Children and Young People)**

### **Terms of Reference**

1. To exercise the functions of a Scrutiny Board in relation to the strategic outcome<sup>1</sup> **our children and young people are healthy, safe and successful** including the following:
  - a) To review or scrutinise the exercise of any Council or Executive function, or any other matter, that may affect the strategic outcome, having regard to any recommendation of the Overview and Scrutiny Committee;
  - b) To make reports or recommendations to Council or the executive in connection with the exercise of any functions of the Council or the executive related to the strategic outcome including proposals for changes to policies and practices;
  - c) To receive and review external audit and inspection reports;
  - d) To act as the appropriate Scrutiny Board<sup>2</sup> in relation to the executive's initial proposals for a plan or strategy within the Budget and Policy Framework.
2. To receive and monitor formal responses to any reports or recommendations made by the Board.

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<sup>1</sup> set out in the Corporate Plan 2005 -2008

<sup>2</sup> Under the Budget and Policy Framework Procedure Rules

## **Scrutiny Board (Health and Wellbeing)**

### **Terms of Reference**

#### **Health Service Scrutiny<sup>1</sup>**

1. To review any matter relating to the planning, provision and operation of health services within the framework set out below:
  - arrangements made by local NHS bodies<sup>2</sup> and the Council to secure hospital and community health and health related services to the inhabitants of the authority's area;
  - the provision of such services to those inhabitants;
  - the provision of family health services (Primary Care Trusts), personal medical services personal dental services, pharmacy and NHS ophthalmic services;
  - the public health arrangements in the area; e. g. arrangements by local NHS bodies for the surveillance of, and response to, outbreaks of communicable disease or the provision of specialist health promotion services;
  - the planning of health and health related services by local NHS bodies and the Council, including plans made in co-operation with partners for setting out a strategy for improving both the health of the local population and the provision of health care to that population;
  - the arrangements made by local NHS bodies and the Council for consulting and involving patients and the public under the duty placed on them by Section 11 of the Health and Social Care Act 2001;
  - any proposals for a substantial development or variation of health services within the authority's area.
2. To consider such proposals as are referred to it by local NHS bodies and the Council and to report back the result of its considerations to the referring body and others as appropriate.
3. To review how and to what effect health policy is being implemented, and health improvement achieved, by the Council and local NHS bodies and to make reports and recommendations as appropriate.
4. To receive representations from area Committees or relevant groups of interest and to report to the Council and local NHS Bodies as appropriate.

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<sup>1</sup> Under the Local Authority (Overview and Scrutiny Committees Health Scrutiny Functions) 2002 as amended.

<sup>2</sup> in Leeds this means the 5 Primary Care Trusts, the Leeds Teaching Hospitals NHS Trust, the Leeds Mental Health Teaching NHS Trust and West Yorkshire Strategic Health Authority

5. In relation to matters in respect of which a local NHS body consults more than one scrutiny committee within its area, or in relation to matters which a number of West Yorkshire Metropolitan Councils elect to jointly scrutinise a function or service provided by the NHS body to;
  - i) nominate members to a joint committee, such nominations to reflect the political balance of the Board;
  - (ii) delegate its scrutiny functions to another local authority.

Other Scrutiny Functions:

6. In relation to any matter which does not fall within paragraphs 1-5 above, to exercise the functions of a Scrutiny Board in relation to the strategic outcome<sup>1</sup> **that at each stage of life, people are able to live healthy, fulfilling lives** including the following:
  - a) To review or scrutinise the exercise of any Council or Executive function, or any other matter, that may affect the strategic outcome, having regard to any recommendation of the Overview and Scrutiny Committee;
  - b) To make reports or recommendations to Council or the executive in connection with the exercise of any functions of the Council or the executive related to the strategic outcome including proposals for changes to policies and practices;
  - c) To receive and review external audit and inspection reports;
  - d) To act as the appropriate Scrutiny Board<sup>2</sup> in relation to the executive's initial proposals for a plan or strategy within the Budget and Policy Framework.
7. To receive and monitor formal responses to any reports or recommendations made by the Board.

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<sup>1</sup> set out in the Corporate Plan 2005 -2008

<sup>2</sup> Under the Budget and Policy Framework Procedure Rules

## **Scrutiny Board (Transforming Services)**

### **Terms of Reference**

1. To exercise the functions of a Scrutiny Board in relation to the strategic outcome<sup>1</sup> **Transforming Our Services** including the following:
  - a) To review or scrutinise the exercise of any Council or Executive function, or any other matter, that may affect the strategic outcome, having regard to any recommendation of the Overview and Scrutiny Committee;
  - b) To make reports or recommendations to Council or the executive in connection with the exercise of any functions of the Council or the executive related to the strategic outcome including proposals for changes to policies and practices;
  - d) To receive and review external audit and inspection reports;
  - d) To act as the appropriate Scrutiny Board<sup>2</sup> in relation to the executive's initial proposals for a plan or strategy within the Budget and Policy Framework.
2. To receive and monitor formal responses to any reports or recommendations made by the Board.

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<sup>1</sup> set out in the Corporate Plan 2005 -2008

<sup>2</sup> Under the Budget and Policy Framework Procedure Rules



**Scrutiny Board (Environment and Community Safety)**

**Terms of Reference**

1. To exercise the functions of a Scrutiny Board in relation to the strategic outcome<sup>1</sup> **all neighbourhoods are safe, clean, green and well maintained** including the following:
  - a) To review or scrutinise the exercise of any Council or Executive function, or any other matter, that may affect the strategic outcome, having regard to any recommendation of the Overview and Scrutiny Committee;
  - b) To make reports or recommendations to Council or the executive in connection with the exercise of any functions of the Council or the executive related to the strategic outcome including proposals for changes to policies and practices;
  - c) To receive and review external audit and inspection reports;
  - d) To act as the appropriate Scrutiny Board<sup>2</sup> in relation to the executive's initial proposals for a plan or strategy within the Budget and Policy Framework.
2. To receive and monitor formal responses to any reports or recommendations made by the Board.

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<sup>1</sup> set out in the Corporate Plan 2005 -2008

<sup>2</sup> Under the Budget and Policy Framework Procedure Rules

## **Scrutiny Board (Thriving Communities)**

### **Terms of Reference**

1. To exercise the functions of a Scrutiny Board in relation to the strategic outcome<sup>1</sup> **all communities are thriving and harmonious places where people are happy to live** including the following:
  - a) To review or scrutinise the exercise of any Council or Executive function, or any other matter, that may affect the strategic outcome, having regard to any recommendation of the Overview and Scrutiny Committee;
  - b) To make reports or recommendations to Council or the executive in connection with the exercise of any functions of the Council or the executive related to the strategic outcome including proposals for changes to policies and practices;
  - c) To receive and review external audit and inspection reports;
  - d) To act as the appropriate Scrutiny Board<sup>2</sup> in relation to the executive's initial proposals for a plan or strategy within the Budget and Policy Framework.
2. To receive and monitor formal responses to any reports or recommendations made by the Board.

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<sup>1</sup> set out in the Corporate Plan 2005 -2008

<sup>2</sup> Under the Budget and Policy Framework Procedure Rules

## **Scrutiny Board (City Development)**

### **Terms of Reference**

1. To exercise the functions of a Scrutiny Board in relation to the strategic outcome<sup>1</sup> **Leeds as a highly competitive international city** including the following:
  - a) To review or scrutinise the exercise of any Council or Executive function, or any other matter, that may affect the strategic outcome, having regard to any recommendation of the Overview and Scrutiny Committee;
  - b) To make reports or recommendations to Council or the executive in connection with the exercise of any functions of the Council or the executive related to the strategic outcome including proposals for changes to policies and practices;
  - c) To receive and review external audit and inspection reports;
  - d) To act as the appropriate Scrutiny Board<sup>2</sup> in relation to the executive's initial proposals for a plan or strategy within the Budget and Policy Framework.
2. To receive and monitor formal responses to any reports or recommendations made by the Board.

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<sup>1</sup> set out in the Corporate Plan 2005 -2008

<sup>2</sup> Under the Budget and Policy Framework Procedure Rules

## **The Standards Committee**

### **Terms of Reference**

The Standards Committee is authorised to discharge the following functions<sup>1</sup>:-

1. to consider and determine one or more codes of conduct for Members or protocols for Member/officer relations and to promote, monitor, review and amend such codes of conduct or protocols;
2. to consider and determine any allegations<sup>2</sup> of misconduct<sup>3</sup> made against Members and to determine any sanction to be imposed on a finding of misconduct;
3. to make representations to and to liaise with external agencies<sup>4</sup> about any matter relating to general principles of conduct, model codes of conduct and the codes of conduct or protocols approved from time to time by or on behalf of the Council;
4. to provide advice and guidance to Members and officers and to make arrangements for training in matters relating to codes of conduct and protocols.

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<sup>1</sup> 'Functions' for these purposes shall be construed in a broad and inclusive fashion and shall include the doing of anything which is calculated to facilitate or is conducive or incidental to the discharge of any of the specified functions. The functions derive from Part 3 of the Local Government Act 2000 and are discharged both in relation to Leeds City Council and its Members, and parish councils wholly or mainly in its area and the Members of those parish councils.

<sup>2</sup> Such allegations shall include complaints referred to the committee by Ethical Standards Officers under section 60(2) and (4) or Section 64(2) of the Local Government Act 2000 and may include other allegations considered in reports submitted to the Council or the Standards Committee by external agencies

<sup>3</sup> "misconduct" for these purposes means a breach of

- the Code of Conduct adopted where an allegation has been referred under Section 60(2) or (4) or Section 64(2) of the Local Government Act by an Ethical Standards Officer; or
- the National Code of Local Government Conduct where the alleged breach is committed before 5 April 2002; or
- any of the Authority's Protocols/Codes which refer to the conduct of Members, other than the Code of Conduct
- a breach of the Members' Allowances Scheme in relation to the requirement to submit six monthly reports, or a gross neglect of duties highlighted by such a report.

<sup>4</sup> Such external agencies may include, but are not restricted to, the District or Approved Auditor, the Commission for Local Government, the Standards Board for England, an Ethical Standards Officer, the Adjudication Panel for England or an adjudication case panel

## **AREA COMMITTEES**

Within each Committee's area:

### **(Council functions)**

1. to make Elected Member appointments<sup>1</sup> to Outside Bodies as determined by the Member Management Committee;
2. to advise or make representations to the Council, the Executive Board, Scrutiny Boards or Regulatory Panels on all matters affecting community interests;<sup>2</sup>
3. to consider and respond to consultations on planning briefs and frameworks and on major development proposals affecting the Committee's area;<sup>3</sup>
4. to consider proposals referred to the Committee by the Council, Executive Board, Scrutiny Boards or Regulatory Panels and to report back the Committee's views to the referring body;<sup>4</sup>
5. to receive and hear depositions;
6. to consider the performance, targeting, frequency and co-ordination of services and make recommendations to the Executive Board as appropriate;<sup>5</sup>

### **(Executive functions)**<sup>6</sup>

7. *to promote and improve the economic, social and environmental well-being of the Committee's area*<sup>7</sup>;

*to exercise Area Functions*;<sup>8</sup>

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<sup>1</sup> In accordance with the Appointments to Outside Bodies Procedure Rules at Section 4 of the Constitution.

<sup>2</sup> This is an advisory function under Section 102(4) Local Government Act 1972.

<sup>3</sup> This is an advisory function under Section 102(4) Local Government Act 1972.

<sup>4</sup> This is an advisory function under Section 102(4) Local Government Act 1972.

<sup>5</sup> This is an advisory function under Section 102(4) Local Government Act 1972

<sup>6</sup> All executive functions will be exercisable concurrently with the Executive Board.

<sup>7</sup> In accordance with Section 2 of the Local Government Act 2000, and in furtherance of, and subject to the limitations set out in the Well-being Schedule detailed in Part 3 Section 3D of the Constitution approved by the Leader and submitted to Council on 28 June.

<sup>8</sup> As determined from time to time by the Executive Board and in furtherance of, and subject to the limitations set out in the Area Function Schedule(s) detailed in Part 3 Section 3D of the Constitution and the Area Committee Procedure Rules in Part 4 of the Constitution.

## **Employment Committee**

### **Terms of Reference**

The Employment Committee is authorised to discharge the following Council (non-executive)<sup>1</sup> functions<sup>2</sup>.

1. To make recommendations to Council to appoint or dismiss the Chief Executive.
2. To appoint or dismiss or take disciplinary action against the Deputy Chief Executive and directors<sup>3</sup>.
3. To deal with appeals relating to grading, grievance and discipline in respect of the Chief Executive, Deputy Chief Executive and directors.

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<sup>1</sup> Para 37 of Section I of the Functions Regulations

<sup>2</sup> "Functions" for these purposes shall be construed in a broad and inclusive fashion and shall include the doing of anything which is calculated to facilitate or is conducive or incidental to the discharge of any of the specified functions

<sup>3</sup> "directors" in this context is to be construed as any officer referred to in sub-paragraph (b), (c), or (d) of paragraph 3 of the Local Authorities (Standing Orders)(England) Regulations 2001

## **Corporate Governance and Audit Committee**

### **Terms of Reference**

The Corporate Governance and Audit Committee is authorised to discharge the following functions<sup>1</sup>:

1. To consider and determine Council (non-executive) functions<sup>2</sup> delegated to a Director<sup>3</sup> where the Director has decided not to exercise the delegated authority and has referred the matter to the Committee.
2. To consider and determine the Council's arrangements relating to accounts including:
  - (a) The approval of the statement of accounts and any material amendment of the accounts recommended by the auditors
  - (b) The approval of the Statement on Internal Control
  - (c) With the exception of any matter, which may result in the accounts being qualified, responding to the Council's auditors in respect of any matter where it is not considered appropriate to make the amendments recommended by the auditors
3. To consider the Council's arrangements relating to external audit requirements including:
  - (a) Agreement and review of the nature and scope of the annual audit plan,
  - (b) The receipt of external audit reports so as to:
    - (i) Inform the operation of Council's current or future audit arrangements;
    - (ii) Provide a basis for gaining the necessary assurance regarding governance prior to the approval of the Council's accounts.
4. To review the adequacy of policies and practices to ensure compliance with statutory and other guidance
5. To review the adequacy of the Council's Corporate Governance arrangements (including matters such as internal control and risk management)
6. To consider the Council's arrangements relating to internal audit requirements including:
  - (a) Considering the Annual Internal Audit Report
  - (b) Monitoring the performance of internal audit
7. To consider proposals to amend the Constitution and make recommendations to full Council<sup>1</sup>

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<sup>1</sup> Functions" for these purposes shall be construed in a broad and inclusive fashion and shall include the doing of anything which is calculated to facilitate or is conducive or incidental to the discharge of any of the specified functions.

<sup>2</sup> These functions, which include those local choice functions, which have been determined as non executive functions, are detailed in Sections 1 and 2 of Part 3 of the Constitution.

<sup>3</sup> Director" includes those Officers specified in Sections 1 and 2 of Part 3 of the Constitution.

## **Member Management Committee**

### **Terms of Reference**

The Member Management Committee is authorised to discharge the following functions<sup>2</sup>

1. To determine which outside bodies<sup>3</sup> should have Member representation and to act as Appointing Body for the purposes of making appointments to outside bodies categorised as Strategic and Key Partnership Outside Bodies<sup>4</sup>.
2. To consider requests to establish informal Working Groups of Members<sup>5</sup>
3. To act as an Advisory Body for the purposes of implementing practices and procedures affecting Elected Members<sup>6</sup>
4. To consider matters in relation to the Training and Development of Elected Members.
5. To consider matters in relation to the provision of information, communication and associated technologies in support of Elected Members.

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<sup>1</sup> As outlined in Article 15 of the Constitution

<sup>2</sup> "Functions" for these purposes shall be construed in a broad and inclusive fashion and shall include the doing of anything which is calculated to facilitate or is conducive or incidental to the discharge of any of the specified functions.

<sup>3</sup> Excluding those appointments to joint committees which are reserved to full Council

<sup>4</sup> Within the Protocol for making Local Authority Appointments to Outside Bodies, such bodies are categorised as either Strategic and Key Partnership bodies (for which this Committee is the Appointing Body) or Community and Local Engagement bodies (for which the relevant Area Committee is the Appointing Body).

<sup>5</sup> This Committee will not be the sole body for appointing Working Groups and, specifically, those Working Groups referred to in the Scrutiny Board Procedure rules are excluded. However, the Committee may be asked to consider cases where it is necessary to set up an ad hoc Working Group to reflect a wide range of Member views and there are no clear criteria for determining membership.

<sup>6</sup> This Committee may not vary the requirements of the Constitution but there may be cases where alternative arrangements may have general implications for Members and it is appropriate to seek a view which reflects a broad view of Members before determining how a particular matter should be progressed



## **The Licensing Committee**

### **Terms of Reference**

With the exception<sup>1</sup> of

- any licensing function<sup>2</sup> reserved to full Council;<sup>3</sup> or
- any licensing function where full Council has referred a matter to another committee;<sup>4</sup>

the Licensing Committee is authorised to discharge<sup>5</sup> the following functions<sup>6</sup>:

1. To discharge the licensing functions of the licensing authority;
2. To discharge any other function of the authority referred to it by full Council;<sup>7</sup>
3. To make recommendations to full Council in connection with the discharge of its functions as licensing authority;<sup>8</sup>
4. To receive reports from, and to make recommendations and representations to other committees or bodies as appropriate.<sup>9</sup>

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<sup>1</sup> In accordance with Section 7(2) of the Licensing Act 2003 (the 2003 Act).

<sup>2</sup> "Licensing functions" mean functions under the Licensing Act 2003 (the 2003 Act).

<sup>3</sup> Part 3, Section 2A of the Constitution sets out licensing functions reserved to full Council, as licensing authority under the 2003 Act.

<sup>4</sup> Under the provisions of Section 7(5)(a) of the 2003 Act.

<sup>5</sup> The Committee may arrange for any of its functions to be discharged by one or more sub-committees, or by an officer, subject to the exceptions set out in Section 10(4) of the 2003 Act.

<sup>6</sup> "Functions" for these purposes shall be construed in a broad and inclusive fashion and shall include the doing of anything which is calculated to facilitate or is conducive or incidental to the discharge of any of the specified functions.

<sup>7</sup> Full Council may arrange for the Licensing Committee to discharge any function of the authority which relates to a matter referred to the Committee but is not a licensing function (Section 7(3)). It may also refer a matter to the Committee where a matter relates to a licensing function and to a function of the authority which is not a licensing function, and arrange for the Committee to discharge the other function (Section 7(5)(b)). Before exercising this power, the Council must consult with the Committee.

<sup>8</sup> Including recommendations arising from the monitoring of the operation and impact of the licensing policy by the Licensing Committee.

<sup>9</sup> Where the licensing authority exercises its power under Section 7(5)(a) of the 2003 Act the other Committee must consider a report of the Licensing Committee. Where the Council does not make arrangements under Section 7(3), it must (unless the matter is urgent) consider a report of the Licensing Committee with respect to the matter before discharging the function (Section 7(4)).

## **REGULATORY PANELS**

### **Plans Panels**

#### **Terms of Reference**

The Plans Panels are authorised<sup>1</sup> to discharge<sup>2</sup> the following functions<sup>3</sup>

1. All Council (non-executive)<sup>4</sup> functions relating to:
  - (a) town and country planning and development contro<sup>5</sup>;
  - (b) safety certificates for sports grounds and fire certificates<sup>6</sup>;
  - (c) common land or town and village greens<sup>7</sup>;
  - (d) street works and highways<sup>8</sup>;
  - (e) public rights of way<sup>9</sup>;
  - (f) the protection of hedgerows and the preservation of trees<sup>10</sup>.
  
2. In respect of any approval, consent, licence, permission, or registration which they may grant:
  - (a) to impose conditions limitations or restrictions
  - (b) to determine any terms
  - (c) to determine whether and how to enforce any failure to comply
  - (d) to amend, modify, vary or revoke
  - (e) to determine whether a charge should be made or the amount of such charge.
  
3. To discharge any licensing function<sup>11</sup>, where full council has referred a matter to the panel.

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<sup>1</sup> Each Plans Panel is authorised to discharge functions in respect of its own geographical area as indicated on the plan attached (A larger scale more detailed copy of the plan is maintained by the Chief Planning and Development Services Officer )

<sup>2</sup> With the exception of any licensing function under the Licensing Act 2003, the Panels and the Council may arrange for any of these functions to be discharged by an officer – the functions for the time being so delegated are detailed in Section 2 of Part 3 of this Constitution.

<sup>3</sup> "Functions" for these purposes shall be construed in a broad and inclusive fashion and shall include the doing of anything which is calculated to facilitate or is conducive or incidental to the discharge of any of the specified functions

<sup>4</sup> Local Authorities (Functions and Responsibilities)(England)Regulations 2000

<sup>5</sup> Items 5-31, Para. A of Schedule 1 of the 2000 Regulations

<sup>6</sup> Items 26, 27 and 28 of Para B of Schedule 1 of the 2000 Regulations

<sup>7</sup> Items 37 and 38 of Para B of Schedule 1 of the 2000 Regulations

<sup>8</sup> Items 41,46A to 55 of Para B of Schedule 1 of the 2000 Regulations

<sup>9</sup> Part I of Para I of Schedule 1 of the 2000 Regulations

<sup>10</sup> Paras 46 and 47 of Para I of Schedule 1 of the 2000 Regulations

<sup>11</sup> (section 7 (5) (a) of the Licensing Act 2003) The matter must relate to:

- a licensing function of the licensing authority and
- a function which is not a licensing function

Unless the matter is urgent, the Panel must consider a report of the Licensing Committee in respect of the matter before discharging the function concerned (Section 7 (6))

## **Licensing and Regulatory Panel**

### **Terms of Reference**

1. The Licensing and Regulatory Panel are authorised to discharge<sup>1</sup> all Council (non-executive)<sup>2</sup> functions<sup>3</sup> relating to:

(a) licensing and registration functions<sup>4</sup> in respect of:

- (i) caravan sites<sup>5</sup>
- (ii) hackney carriages and private hire vehicles<sup>6</sup>
- (iii) pool promoters<sup>7</sup>
- (iv) track betting licences<sup>8</sup>
- (v) amusement machines<sup>9</sup>
- (vi) lotteries<sup>10</sup>
- (vii) amusements with prizes<sup>11</sup>
- (viii) cinemas and cinema clubs<sup>12</sup>
- (ix) theatres<sup>13</sup>
- (x) entertainment licences<sup>14</sup>
- (xi) sex shops and sex cinemas<sup>15</sup>
- (xii) performances of hypnotism<sup>16</sup>
- (xiii) acupuncture, ear-piercing and electrolysis<sup>17</sup>
- (xiv) pleasure boats and vessels<sup>18</sup>
- (xv) market and street trading<sup>19</sup>
- (xvi) night cafes<sup>20</sup>
- (xvii) game<sup>21</sup>
- (xviii) premises for the preparation of food<sup>22</sup>

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<sup>1</sup> The Panel and the Council may arrange for any of these functions to be discharged by an officer – the functions for the time being so delegated are detailed in Section 2 of Part 3 of this Constitution

<sup>2</sup> Local Authorities (Functions and Responsibilities) (England) Regulations 2000

<sup>3</sup> "Functions for these purposes shall be construed in a broad and inclusive fashion and shall include the doing of anything which is calculated to facilitate or is conducive or incidental to the discharge of any of the specified functions

<sup>4</sup> Section B

<sup>5</sup> Paras 1 and 2 of Section B

<sup>6</sup> Paras 3 – 5 of Section B

<sup>7</sup> Para 6 of Section B

<sup>8</sup> Paras 7 and 8 of Section B

<sup>9</sup> Para 9 of Section B

<sup>10</sup> Para 10 of Section B

<sup>11</sup> Para 11 of Section B

<sup>12</sup> Para 12 of Section B

<sup>13</sup> Para 13 of Section B

<sup>14</sup> Para 14 of Section B

<sup>15</sup> Para 15 of Section B (The Panel is also authorised to register door staff as a term of entertainment licences).

<sup>16</sup> Para 16 of Section B

<sup>17</sup> Para 17 of Section B

<sup>18</sup> Para 18 of Section B

<sup>19</sup> Para 20 of Section B

<sup>20</sup> Para 21 of Section B

<sup>21</sup> Para 23 of Section B

<sup>22</sup> Para 24 of Section B

- (xix) scrap yards<sup>1</sup>
  - (xx) dog breeding, pet shops, animal breeding, animal trainers and exhibitors, zoos, wild animals<sup>2</sup>
  - (xxi) knackers' yards<sup>3</sup>
  - (xxii) the employment of children<sup>4</sup>
  - (xxiii) premises for the solemnisation of marriage<sup>5</sup>
  - (xxiv) charitable collections<sup>6</sup>
  - (xxv) operation of loudspeakers<sup>7</sup>
  - (xxvi) movement and sale of pigs and cattle<sup>8</sup>
  - (xxvii) storage of celluloid<sup>9</sup>
  - (xxviii) meat product premises and dairy establishments<sup>10</sup>
  - (xxix) egg products, butchers and fish products<sup>11</sup>
  - (xxx) auction and wholesale markets<sup>12</sup>
  - (xxxi) food business premises<sup>13</sup>
  - (xxxii) motor salvage operators<sup>14</sup>
- (b) health and safety at work<sup>15</sup> to the extent that those functions are discharged otherwise than in the authority's capacity as an employer.
2. In respect of any approval, consent, licence, permission, or registration which they may grant, the Panel is authorised to:
- (a) impose conditions limitations or restrictions;
  - (b) determine any terms;
  - (c) determine whether and how to enforce any failure to comply;
  - (d) amend, modify, vary or revoke;
  - (e) determine whether a charge should be made or the amount of such a charge.
3. To make an order identifying a place as a designated public place for the purposes of police powers in relation to alcohol consumption.<sup>16</sup>
4. To discharge any licensing function<sup>17</sup>, where full Council has referred a matter to the Panel.<sup>18</sup>

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<sup>1</sup> Para 25 of Section B

<sup>2</sup> Para 29 - 33 of Section B

<sup>3</sup> Para 34 of Section B

<sup>4</sup> Para 35 of Section B

<sup>5</sup> Para 36 of Section B

<sup>6</sup> Para 39 of Section B

<sup>7</sup> Para 40 of Section B

<sup>8</sup> Paras 43 – 46 of Section B

<sup>9</sup> Para 56 of Section B

<sup>10</sup> Paras 57 – 59 of Section B

<sup>11</sup> Paras 60 - 63 of Section B

<sup>12</sup> Para 66 of Section B

<sup>13</sup> Para 67 of Section B

<sup>14</sup> Para 71 of Section B

<sup>15</sup> Section C

<sup>16</sup> Item 49 of Para.I of Schedule 1 of the 2000 Regulations.

<sup>17</sup> Under the Licensing Act 2003

<sup>18</sup>(Section 7(5)(a) of the Licensing Act 2003). The matter must relate to a licensing function of the licensing authority and a function which is not a licensing function.

Unless the matter is urgent, the Panel must consider a report of the Licensing Committee in respect of the matter before discharging the function concerned (Section 7(6)).

## **Advisory Committees**

### **Development Plan Panel**

#### **Terms of Reference**

An advisory Committee<sup>1</sup> authorised to make recommendations regarding:

1. the Authority's Unitary Development Plan; and
2. the Local Development Framework.

In particular

To advise the Council in relation to functions which are<sup>2</sup>

- specified as being Executive Functions or
- being Local Choice Functions, are reserved to the Council; and

*To advise the Executive in relation to functions which are<sup>2</sup>*

- *specified as being Executive Functions, or*
- *being Local Choice Functions, are not reserved to the Council, or*
- *are functions which are not specified as being either Non Executive Functions or Local Choice Functions and by default are Executive Functions*

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<sup>1</sup> Appointed by the Council in accordance with Section 102(4) of the Local Government Act 1972.

<sup>2</sup> In accordance with the Local Authorities (Functions and Responsibilities) (England) Regulations 2000 as from time to time amended.

# COUNCIL SUMMONS

## SCHEDULE 8(b) (i)

### LEEDS CITY COUNCIL

#### ANNUAL MEETING

23<sup>rd</sup> MAY 2005

#### MEMBERSHIP OF COMMITTEES/BOARDS/PANELS

Party Whips are authorised to allocate seats in accordance with the proportions set out on this schedule and such appointments will subsequently be reported to Council.

	<b>LABOUR</b>	<b>LIBERAL DEMOCRAT</b>	<b>CONSERVATIVE</b>	<b>MORLEY BOROUGH IND</b>	<b>GREEN</b>
1	<u>SCRUTINY BOARDS</u>				
	(a) <u>Overview and Scrutiny Committee</u>				
	E Minkin (Chair) G Driver* P Gruen	C Campbell C Townsley	B Anderson J Bale	T Leadley*	C Nash*
	*Chairs allocated to Scrutiny Commissions				
	(b) <u>Scrutiny Board (Children and Young People)</u>				
	L Mulherin T Murray K Renshaw B Selby	R Brett P Ewens K Hussain	J Bale (Chair) R D Feldman V Kendall		
	(c) <u>Scrutiny Board (Health and Wellbeing)</u>				
	M Coulson A Harrison J Illingworth J Jarosz J Lewis	B Lancaster (Chair) J Akhtar S Bentley	A Castle G Wilkinson		A Blackburn
	(d) <u>Scrutiny Board (Transforming Services)</u>				
	P Grahame (Chair) A D Atkinson J Illingworth A Ogilvie	P Ewens L Rhodes-Clayton A Taylor	Mrs R Feldman A Shelbrooke P Wadsworth	J Elliott	

LABOUR	LIBERAL DEMOCRAT	CONSERVATIVE	MORLEY BOROUGH IND	GREEN
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(e) Scrutiny Board (Environment and Community Safety)

S Armitage	G Kirkland	B Anderson(Chair)	G Beevers
R Lewis	R Pryke	R Procter	
A Lowe	L Rhodes-Clayton	F Robinson	
M Rafique			

(f) Scrutiny Board (Thriving Communities)

S Bruce	R Pryke (Chair)	M Lobley	R Finnigan
P Davey	A Barker	M Phillips	
A Gabriel	M Galdas	D Schofield	
S Hamilton			

(g) Scrutiny Board (City Development)

B Atha	B Cleasby (Chair)	G Latty	T Grayshon
R Harington	A Barker	A Millard	
G Hyde	S Golton		
J McKenna			

2 STANDARDS COMMITTEE

E Nash	G Kirkland	J L Carter
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3 EMPLOYMENT COMMITTEE

Minimum of 3 Members comprising at least one member of the Executive.

4 LICENSING COMMITTEE

S Armitage	D Wilson (Chair)	R D Feldman	S McArdle
J Dowson	R Downes	G Wilkinson	
J Dunn	D Hollingsworth	(2 Whip's	
T Hanley	C Townsley	nominees)	
R Harington			
G Hyde			

5 REGULATORY PANELSThe Regulatory Panel

For the purposes of Council Procedure Rule 26.1 (Appointment of Substitute Members) the members of the Regulatory Panels shall form a single Regulatory Panel (The Regulatory Panel) comprising all of the members appointed to any of the Regulatory Panels subject to the proposed substitute members having received appropriate training for the relevant Panel prior to their acting as a substitute

(a) Plans Panel (East)

D Congreve	R Brett	C Fox (Chair)	S McArdle
P Gruen	A Taylor	J Procter	
M Lyons	D Wilson	Mrs R Feldman	
K Parker			
B Selby			

(b) Plans Panel (West)

M Coulson	C Campbell (Chair)	S Andrew	T Leadley	A Blackburn
T Hanley	R Downes	Mrs A Carter		
J Harper	B Jennings	A Castle		
E Minkin				
N Taggart (Whip's nominee)				

(c) City Centre Plans Panel

J McKenna	M Hamilton	Mrs A Carter (Chair)	D Blackburn
E Minkin			
E Nash			

(d) Licensing and Regulatory

S Armitage	R Downes	R D Feldman (Chair)
J Dunn	D Hollingsworth	G Wilkinson
R Harington	D Wilson	
G Hyde		



**LEEDS CITY COUNCIL**

**ANNUAL MEETING**

**23<sup>rd</sup> MAY 2005**

**MEMBERSHIP OF CORPORATE GOVERNANCE AND AUDIT COMMITTEE, MEMBER  
MANAGEMENT COMMITTEE AND DEVELOPMENT PLAN PANEL**

APPOINTMENTS IN ACCORDANCE WITH SECTION 17 OF THE LOCAL GOVERNMENT  
AND HOUSING ACT 1989

Party Whips are authorised to allocate seats in accordance with the principles set out on this  
schedule and such appointments will subsequently be reported to the Council

**LABOUR**

**LIBERAL  
DEMOCRAT**

**CONSERVATIVE**

**MORLEY  
BOROUGH  
IND**

**GREEN**

Corporate Governance and Audit Committee

K Wakefield  
P Gruen

\*M Harris (Chair)

\*\*A Carter

R Finnigan

D Blackburn

Member Management Committee

P Gruen  
T Hanley

\*\*M Hamilton  
S Bentley

\*J Procter (Chair)  
G Latty

T Leadley

A Blackburn

Development Plan Panel

J Blake  
D Congreve  
N Taggart

B Cleasby  
D Morton

A Carter (Chair)  
J Procter

T Leadley

D Blackburn

\*Chair for the period 24<sup>th</sup> May 2005 to 30<sup>th</sup> November 2005

\*\*Chair for the period 1<sup>st</sup> December 2005 to the date of  
the Annual Meeting of Council 2006

**LEEDS CITY COUNCIL**

**ANNUAL MEETING**

**23<sup>RD</sup> MAY 2005**

**APPOINTMENTS TO OUTSIDE ORGANISATIONS**

Party Whips are authorised to allocate seats in accordance with the allocations set out on this schedule and such appointments will subsequently be reported to Council.

<b>LABOUR</b>	<b>LIBERAL DEMOCRAT</b>	<b>CONSERVATIVE</b>	<b>MORLEY BOROUGH IND</b>	<b>GREEN</b>
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**WEST YORKSHIRE FIRE AND RESCUE AUTHORITY**

Councillors

D Congreve	D Hollingsworth	Mrs A Carter	R Finnigan
M Coulson	G Kirkland	P Harrand	
A Harrison			

**WEST YORKSHIRE PASSENGER TRANSPORT AUTHORITY**

Councillors

J Jarosz	J Akhtar	D Schofield	T Grayshon
J Lewis	R Downes	(Whip's nominee)	
M Lyons			

**NOMINATIONS TO SERVE ON THE WEST YORKSHIRE POLICE AUTHORITY**

Councillors

R Lewis	R Brett	J L Carter
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**LEEDS BRADFORD AIRPORT**

Councillors

A D Atkinson	C Campbell	B Anderson
	S Golton	A Carter
	M Harris	

Alternate Members – Upto a maximum of **6** alternate members to be agreed

Alternate Members -

M Davey	A Barker	J Procter
	M Hamilton	

**LABOUR**

**LIBERAL  
DEMOCRAT**

**CONSERVATIVE**

**MORLEY  
BOROUGH  
IND**

**GREEN**

**WEST YORKSHIRE PENSION FUND JOINT ADVISORY GROUP**

Councillors

M Davey

R Harker

R D Feldman

**WEST YORKSHIRE PENSION FUND INVESTMENT PANEL**

Councillors

M Davey

R D Feldman

**WEST YORKSHIRE JOINT SERVICES COMMITTEE**

Councillors

N Taggart

M Harris

A Carter

K Wakefield

Appointments to this Committee consist of the Leader plus three members. A Panel of three named substitutes is also appointed and a ratio of 1:1:1 is suggested.

Substitutes

A Ogilvie

M Hamilton

B Anderson

**SECTION THREE**

**EXECUTIVE FUNCTIONS**

## SECTION 3A: RESPONSIBILITY FOR EXECUTIVE FUNCTIONS

3.1 Executive functions include those local choice functions identified in Section 1 as the responsibility of the executive, and all other functions of the Authority not specified in Section 2.

However, in accordance with the Functions Regulations, the following are NOT functions of the executive:

- Imposing conditions, limitations or restrictions on approvals, licences, permissions or registrations on a non-executive function
- Determining any terms to which any such approval etc. is subject<sup>1</sup>
- Determining whether and how to enforce any failure to comply with such approvals or any of the attached conditions etc.<sup>2</sup>
- Amending, modifying, varying or revoking any such approval<sup>3</sup>
- Determining whether a charge should be made for such approvals or the amount of such charge<sup>4</sup>
- Making, amending, revoking or replacing the Members Allowance Scheme or determining any amounts or rates in the scheme<sup>5</sup>
- Subject to any Regulations under S20 of the Local Government Act 2000, making arrangements for the joint exercise of functions under S101(5) of the Local Government Act 1972 and making appointments to committees/joint committees under S.102 of the 1972 Act<sup>6</sup>
- Any functions reserved to full Council under legislation which pre-dates the Regulations<sup>7</sup>
- Amending, modifying, varying or revoking any plan or strategy unless it is required to give effect to the requirements of the Secretary of State or Minister submitted for approval or where full Council when approving the plan/strategy authorised the executive to do so<sup>8</sup>
- The adoption/approval of a plan/strategy which is not in the policy framework, if full Council has determined that full Council should take the decision<sup>9</sup>
- Where the decision is contrary to or not wholly in accordance with the budget and policy framework<sup>10</sup>

3.2 All executive functions will be discharged by the executive as a whole, save to the extent that such functions are delegated to Joint Committees (see Joint Arrangements) to Area Committees under Part 3D of the Constitution, or Officers (see Officer Delegation Scheme executive functions).

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<sup>1</sup> Reg. 2(2)

<sup>2</sup> Reg. 2(3)

<sup>3</sup> Reg. 2(4)

<sup>4</sup> Reg. 2(6)

<sup>5</sup> Reg. 2(5) and 2 (6)

<sup>6</sup> Reg. 2(8)

<sup>7</sup> Reg. 2(11)

<sup>8</sup> Reg. 4

<sup>9</sup> Reg. 5(1)

<sup>10</sup> Reg. 5(1)

3.3 The names, addresses and wards of the Leader and the Members of the Authority appointed by the Leader to the executive as follows:

<b>Name</b>	<b>Address</b>	<b>Ward</b>
<b>*Leader<sup>11</sup></b> Mark Harris Liberal Democrat Group	25 Gledhow Wood Avenue Leeds LS8 1 NY	Moortown
<b>*Leader<sup>11</sup></b> Andrew Carter Conservative Group	15 Clarke Street Calverley Leeds LS28 5NH	Calverley and Farsley
Steve Smith Liberal Democrat Group	129 Holmsley Lane Woodlesford Leeds LS26 8SB	Rothwell
John Leslie Carter Conservative Group	25 Oaklands Avenue Leeds LS16 8NR	Adel and Wharfedale
Brian Jennings Liberal Democrat Group	Red Lodge West Park Drive Leeds LS16 5AS	Weetwood
John Procter Conservative Group	Tithe House Tithe Barn Lane Bardsley Leeds LS17 9DX	Wetherby
Richard Harker Liberal Democrat Group	3 The Cross Leeds LS16 9AX	Moortown
Peter Harrand Conservative Group	8 Overdale Avenue Leeds LS17 8TE	Alwoodley
David Blackburn Green Group	9 Cobden Grove Leeds LS12 5PA	Farnley and Wortley
Keith Wakefield Labour Group	35 Beech Grove Avenue Garforth Leeds LS25 1EF	Kippax and Methley

11

**Councillor Mark Harris**

**Leader of Council**

24<sup>th</sup> May 2005 to 30<sup>th</sup> November 2005

**Deputy Leader**

1<sup>st</sup> December until the date of the Annual Meeting of Council 2006

**Councillor Andrew Carter**

**Deputy Leader**

24<sup>th</sup> May 2005 until 30<sup>th</sup> November 2005

**Leader of Council**

commencing 1<sup>st</sup> December 2005 until the date of the Annual Meeting of Council 2006

- 3.4 The Leader has identified the following advisory member who will be able to attend and speak at meetings of the Executive Board to assist the Labour nominated Executive Member. However the adviser will not be able to vote and will not be a co-optee.

<b>Name</b>	<b>Address</b>	<b>Ward</b>
Cllr Judith Blake	Woodview Billams Hill Otley LS21 2DZ	Middleton Park

**SECTION 3B: EXECUTIVE MEMBER PORTFOLIOS**

<b>EXECUTIVE MEMBER</b>	<b>ROLE OR DECISION MAKING OVERVIEW</b>
<b>Central and Corporate</b> Cllr Mark Harris Liberal Democrat Group	Chief Executive and Director of Corporate Services
<b>Development</b> Cllr Andrew Carter Conservative Group	Director of Development
<b>City Services</b> Cllr Steve Smith Liberal Democrat Group	Director of City Services
<b>Neighbourhoods and Housing</b> Cllr John Leslie Carter Conservative Group	Director of Neighbourhoods and Housing
<b>Learning</b> Cllr Richard Harker Liberal Democrat Group	Director of Learning and Leisure (functions pertaining to Learning <sup>12</sup> )
<b>Leisure</b> Cllr John Procter Conservative Group	Director of Learning and Leisure (functions pertaining to the Leisure <sup>13</sup> )
<b>Children's Services</b> Cllr Brian Jennings Liberal Democrat Group	To oversee the preparation and implementation of policies and arrangements required to secure the achievement of the outcomes set out in the Children Act 2004 and, more particularly, to ensure: <ol style="list-style-type: none"> <li>1. That the voice of children in the city is heard;</li> <li>2. That the delivery of council services to them is effectively co-ordinated: and</li> <li>3. That relevant agencies, including the council, work as closely as possible together to promote the well-being and safety of children in Leeds.</li> </ol>
<b>Social Care and Health</b> Cllr Peter Harrand Conservative Group	Director of Social Services
<b>Narrowing the Gap</b> Cllr David Blackburn Green Group	To promote, and oversee the monitoring of, activity by the council and partner agencies aimed at, or contributing to, narrowing the gap between the most disadvantaged people and communities and the rest of the city.
<b>Leader of the Labour Group</b> Cllr Keith Wakefield Labour Group	

<sup>12</sup> Functions a - c & h of the Officer Delegation to the Director of Learning and Leisure

<sup>13</sup> Functions d - g of the Officer Delegation to the Director of Learning and Leisure



**SECTION 3B (a): EXECUTIVE MEMBER AND LEAD MEMBER SUPPORT**

<b>EXECUTIVE MEMBER</b>	<b>APPOINTED LEAD MEMBER SUPPORT</b>
<b>Central and Corporate</b> Cllr Mark Harris Liberal Democrat Group	Cllr M Galdas Cllr A Millard
<b>Development</b> Cllr Andrew Carter Conservative Group	Cllr S Golton Cllr S Andrew
<b>City Services</b> Cllr Steve Smith Liberal Democrat Group	Cllr K Hussain Cllr M Lobley
<b>Neighbourhoods and Housing</b> Cllr John Leslie Carter Conservative Group	Cllr R Brett Cllr Mrs A Carter
<b>Learning</b> Cllr Richard Harker Liberal Democrat Group	Cllr S Bentley Cllr A Shelbrooke
<b>Leisure</b> Cllr John Procter Conservative Group	Cllr C Townsley Cllr P Wadsworth
<b>Children's Services</b> Cllr Brian Jennings Liberal Democrat Group	Cllr Mrs R Feldman
<b>Social Care and Health</b> Cllr Peter Harrand Conservative Group	Cllr J Akhtar Cllr M Phillips
<b>Narrowing the Gap</b> Cllr David Blackburn Green Group	A lead member will be nominated in each of the portfolios above to provide a link on activities in support of the Narrowing the Gap agenda.
<b>Leader of the Labour Group</b> Cllr Keith Wakefield Labour Group	Cllr L Mulherin Cllr A Ogilvie

## **SECTION 3C: EXECUTIVE COMMITTEE AND ADVISORY COMMITTEE TERMS OF REFERENCE**

### **AREA COMMITTEES**

Within each Committee's area:

*(Council functions)*

1. *to make Elected Member appointments<sup>14</sup> to Outside Bodies as determined by the Member Management Committee;*
2. *to advise or make representations to the Council, the Executive Board, Scrutiny Boards or Regulatory Panels on all matters affecting community interests;<sup>15</sup>*
3. *to consider and respond to consultations on planning briefs and frameworks and on major development proposals affecting the Committee's area;<sup>16</sup>*
4. *to consider proposals referred to the Committee by the Council, Executive Board, Scrutiny Boards or Regulatory Panels and to report back the Committee's views to the referring body;<sup>17</sup>*
5. *to receive and hear deputations;*
6. *to consider the performance, targeting, frequency and co-ordination of services and make recommendations to the Executive Board as appropriate;*

### **(Executive functions)<sup>18</sup>**

7. *to promote and improve the economic, social and environmental well-being of the Committee's area<sup>19</sup>;*
8. *to exercise Area Functions;<sup>20</sup>*

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<sup>14</sup> In accordance with the Appointments to Outside Bodies Procedure Rules at Section 4 of the Constitution.

<sup>15</sup> This is an advisory function under Section 102(4) Local Government Act 1972.

<sup>16</sup> This is an advisory function under Section 102(4) Local Government Act 1972.

<sup>17</sup> This is an advisory function under Section 102(4) Local Government Act 1972.

<sup>18</sup> All executive functions will be exercisable concurrently with the Executive Board.

<sup>19</sup> In accordance with Section 2 of the Local Government Act 2000, and in furtherance of, and subject to the limitations set out in the Well-being Schedule detailed in Part 3 Section 3D of the Constitution approved by the Leader and submitted to Council on 28 June.

<sup>20</sup> As determined from time to time by the Executive Board and in furtherance of, and subject to the limitations set out in the Area Function Schedule(s) detailed in Part 3 Section 3D of the Constitution and the Area Committee Procedure Rules in Part 4 of the Constitution.

## **ADVISORY COMMITTEE TO THE EXECUTIVE**

### **DEVELOPMENT PLAN PANEL**

An advisory Committee<sup>21</sup> authorised to make recommendations regarding:

1. the Local Authority's Unitary Development Plan; and
2. the Local Development Framework

In particular

*To advise the Council in relation to functions which are<sup>22</sup>*

- *specified as being Non Executive Functions or*
- *being Local Choice Functions, are reserved to the Council; and*

To advise the Executive in relation to functions which are<sup>22</sup>

- specified as being Executive functions, or
- being Local Choice Functions, are not reserved to the Council, or
- are functions which are not specified as being either Non Executive Functions or Local Choice Functions and by default are Executive Functions.

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<sup>21</sup> Appointed by the Council in accordance with Section 102 (4) of the Local Government Act 1972.

<sup>22</sup> In accordance with the Local Authorities (Functions and Responsibilities) (England) Regulations 2000 as from time to time amended.

**SECTION 3D: AREA COMMITTEE FUNCTION SCHEDULES**

## AREA FUNCTION SCHEDULE

<b>DESCRIPTION OF FUNCTION:</b>		<b>Leeds Community Safety – CCTV</b>
<p>The reduction of crime and disorder via LeedsWatch by preventing and detecting crime in the areas where CCTV cameras operate. CCTV provides reassurance to communities within the target areas thereby improving the quality of life for people in those areas. LeedsWatch works with West Yorkshire Police and other elements of Leeds Community Safety (including the Anti-Social Behaviour Unit and Neighbourhood Wardens Service) to target crime reduction activity in high victimisation areas thus taking a co-ordinated approach to reducing (ASB) and crime across the target areas.</p>		
<b>EXECUTIVE MEMBER(S) PORTFOLIO:</b>		
Executive Member – Neighbourhoods and Housing		
<b>RESPONSIBLE DIRECTOR(S):</b>		
Director of Neighbourhoods and Housing		
<b>MINIMUM SERVICE EXPECTATIONS</b> <i>(to be applicable to all Area Committee areas)</i>		
<ul style="list-style-type: none"> <li>• Provide 24 hour 365 days a year monitoring of CCTV in areas of operation.</li> <li>• Contribute to reducing the fear of crime by facilitating the apprehension and prosecution of offenders and assisting in preventing and aiding detection of crime committed in public areas where CCTV in areas of operation.</li> </ul> <p><b>Monitoring and Performance</b></p> <p>Leeds Community Safety will provide quarterly monitoring reports on performance management to the Area Management Board. The CCTV element will work under its current structure and adjust its reporting procedure to fit in with management reporting requirements. Contribute to vehicle crime BV128 - Vehicle crime per 100,000 population (549).</p> <ul style="list-style-type: none"> <li>• Provide quarterly performance data in areas of operation.</li> <li>• Report on use of CCTV mobile cameras (where local budgets made available).</li> </ul>		
<b>CURRENT AND TARGET PERFORMANCE</b>		
<b>Issue/Performance Indicator(s)</b>	<b>2004/5</b>	<b>2005/6</b>
LeedsWatch provides a 24 hours, 365 days monitoring service across the city where cameras are in operation. The service has to meet a number of specific targets as defined by different funding streams and agreements, e.g. NRF targets are specific to NRF areas.	<b>Result</b>	<b>Target</b>
<b>TOTAL RESOURCES AVAILABLE ON AN AREA BASIS</b>		
Revenue 2005/06: Net Expenditure £691,810, (2004/05 Gross Expenditure £532,000, Net Budget £238,000). This is subject to a review of how best the CCTV Service can more fully and appropriately report, at area level, on achievements and outcomes.		
<b>AGREED BY THE EXECUTIVE BOARD:</b>		
Date: 18 <sup>th</sup> May 2005		

## AREA FUNCTION SCHEDULE

<b>FUNCTION:</b>	<b>Leeds Community Safety – CCTV</b>
<b>Description of what the delegated budget represents</b>	
All costs associated with fixed camera locations, e.g. staffing, monitoring and transmission costs.	
<b>Details of the service elements that have not been delegated and the reason why they were not delegated</b>	
Central mangement/project development and maintenance contracts (which is city wide). Mobile CCTV retained and is city wide.	
<b>Description of the formula used for apportioning budgets to each area</b>	
Budgets apportioned according to where cameras are actually located - fixed costs	
<b>Reasons why this particular formula was selected</b>	
Delegated budgets account for most fixed costs apart from city wide and centralised functions	
<b>Breakdown of the total budget delegated (currently unavailable)</b>	
	<b>£000s</b>
<b>Expenditure Type</b>	
Employee Costs	
Premises Costs	
Supplies & Services Costs	
Transportation Costs	
Capital Costs	
<b>Gross Expenditure</b>	_____
Income	
<b>Net Budget</b>	_____ <b>691.8</b>

## **AREA FUNCTION SCHEDULE**

<b>DESCRIPTION OF FUNCTION: Leeds Community Safety - Public Reassurance</b>		
The provision of a range of services, via uniformed patrols of Neighbourhood Wardens and PCSOs. to reassure, reduce anti-social behaviour and the fear of crime.		
<b>EXECUTIVE MEMBER(S) PORTFOLIO:</b>		
Executive Member – Neighbourhoods and Housing		
<b>RESPONSIBLE DIRECTOR(S):</b>		
Director of Neighbourhoods and Housing		
<b>MINIMUM SERVICE EXPECTATIONS</b> <i>(to be applicable to all Area Committee areas)</i>		
<p><b><i>To maximise the impact in terms of public reassurance of both Neighbourhood Wardens and Police Community Support Officers through the management of their performance matrix of a wide range of duties.</i></b></p> <ul style="list-style-type: none"> <li>• Neighbourhood Wardens will provide a local patrolling function, assistance in dealing with anti-social behaviour, co-ordination to maintain the physical appearance of areas and offer support to local residents with community safety issues in line with the achievement of Council Policy</li> <li>• Police Community Support Officers will undertake focussed uniform patrols, as tasked, throughout the area in order to support police officers in minimising incidents of anti-social behaviour and reducing the fear of crime.</li> </ul> <p>To manage the above resources to ensure that grant funding to the Council is maximised as part of their deployment. This will include the achievement of specified outputs, outcomes and milestones in accordance with appropriate grant conditions.</p>		
<b>CURRENT AND TARGET PERFORMANCE</b>		
<b>Issue/Performance Indicator(s)</b>	<b>2004/05 Result</b>	<b>2005/06 Target</b>
To increase the level of Public Reassurance		
<b>TOTAL RESOURCES AVAILABLE ON AN AREA BASIS</b>		
<b>Financial Resources Available (2005/06)</b>		
Revenue: Net Expenditure £610,400 (2004/05 Gross Expenditure £980,000, Net Budget £382,000). This is subject to a review of how best the Wardens Service can more fully and appropriately report, at area level, on achievements and outcomes.		
<b>Other Resources Available (2005/06)</b>		
A range of resources are also available through other partner agencies. Close working with partners should seek to ensure that both Council & partner resources are used to complement the above activity and outcomes.		
<b>AGREED BY THE EXECUTIVE BOARD:</b>		
Date: 18 <sup>th</sup> May 2004		

## AREA FUNCTION SCHEDULE

<b>FUNCTION:</b>		<b>Leeds Community Safety – Public Reassurance</b>
<b>Description of what the delegated budget represents</b>		
95% of actual staff located within areas for 05/06		
<b>Details of the service elements that have not been delegated and the reason why they were not delegated</b>		
5% retained as contingency to allow flexibility		
<b>Description of the formula used for apportioning budgets to each area</b>		
a) External funding streams determined location of staff, internal funding has been used to allocate additional staff to areas on basis of need and demand.		
b) 5% contingency to allow for shortfall in staff due to sickness etc.		
<b>Reasons why this particular formula was selected</b>		
a) No other option as funding predefined location of staff which was also demand led.		
b) Contingency is there to try and cover any gaps in cover.		
<b>Breakdown of the total budget delegated</b>		
		<b>£000s</b>
<b>Expenditure Type</b>		
Employee Costs		
Premises Costs		
Supplies & Services Costs		
Transportation Costs		
Capital Costs		
<b>Gross Expenditure</b>		_____
Income		_____
<b>Net Budget</b>		<u><b>610.4</b></u>



## **AREA FUNCTION SCHEDULE**

<b>DESCRIPTION OF FUNCTION:</b>		
<i>Area Committee Revenue &amp; Capital Well-Being Budgets</i>		
<b>EXECUTIVE MEMBER(S) PORTFOLIO:</b>		
Executive Member – Neighbourhoods & Housing		
<b>RESPONSIBLE DIRECTOR(S):</b>		
Director of Neighbourhoods & Housing		
<b>MINIMUM SERVICE EXPECTATIONS</b> <i>(to be applicable to all Area Committee areas)</i>		
<p><i>Decisions taken in relation to the utilisation of Well-Being budgets within the framework of the Council's Constitution and in accordance with Section 2 of the Local Government Act 2000. Specifically Area Committees will seek to:</i></p> <ol style="list-style-type: none"> <li><i>1. enhance service delivery outcomes within their area</i></li> <li><i>2. support the social, economic and environmental well being of their area (in accordance with approved Area Delivery Plans – 2005/06 only)</i></li> </ol>		
<b>CURRENT AND TARGET PERFORMANCE*</b>		
<b>Issue/Performance Indicator(s)</b>	<b>2004/5 Result</b>	<b>2005/6 Target</b>
No specific indicators apply – although Area Committees may wish to reflect these within their Area Delivery Plans following decisions in relation to the allocation of these funds		
<b>TOTAL RESOURCES AVAILABLE ON AN AREA BASIS</b>		
Revenue 2005/06 : Gross Expenditure £1,890,711, Net Budget £1,890,711 (2004/05 Gross Expenditure £1,890,711, Net Budget £1,890,711)		
Capital: £3,500,000 (3 year programme commencing 2004/05 to 2006/07)		
<b>AGREED BY THE EXECUTIVE BOARD:</b>		
Date: 18 <sup>th</sup> May 2005		

## AREA FUNCTION SCHEDULE

<b>DESCRIPTION OF FUNCTION:</b>			<b>Public Conveniences</b>
<b>Public Conveniences</b> - The scheduled cleansing and maintenance of public conveniences.			
<b>EXECUTIVE MEMBER(S) PORTFOLIO:</b>			
Executive Member - City Services			
<b>RESPONSIBLE DIRECTOR(S):</b>			
Director of City Services			
<b>MINIMUM SERVICE EXPECTATIONS</b> (to be applicable to all Area Committee areas)			
1. Daily opening and closing of facilities. 2. Daily cleaning of facilities. 3. Maintenance of facilities as required. All in accordance with the Public conveniences Policy and Strategy			
<b>CURRENT AND TARGET PERFORMANCE</b>			
<b>Issue/Performance Indicator(s)</b>	<b>2004/5 Result</b>	<b>2005/6 Target</b>	
None set			
<b>TOTAL RESOURCES AVAILABLE ON AN AREA BASIS</b>			
Gross Expenditure - £185,000, Net Expenditure £185,000 (2004/05 £210,000, Net Expenditure £210,000)  No. of Public Convenience's – TBA			
<b>AGREED BY THE EXECUTIVE BOARD:</b>			
Date: 18 <sup>th</sup> May 2005			

## AREA FUNCTION SCHEDULE

<b>FUNCTION:</b>		<b>Public Conveniences</b>
<b>Description of what the delegated budget represents</b>		
All expenditure (except capital) associated with providing this service.		
<b>Details of the service elements that have not been delegated and the reason why they were not delegated</b>		
Not applicable		
<b>Description of the formula used for apportioning budgets to each area</b>		
Expenditure apportioned equally on a pro rata basis based on the number of public conveniences in each area.		
<b>Reasons why this particular formula was selected</b>		
In the absence of any other data this was determined to be the most equitable method.		
<b>Breakdown of the total budget delegated</b>		
		<b>£000s</b>
<b>Expenditure Type</b>		
Employee Costs		64
Premises Costs		97
Supplies & Services Costs		16
Transportation Costs		8
Capital Costs		0
<b>Gross Expenditure</b>		<b>185</b>
Income		0
<b>Net Budget</b>		<b>185</b>

## **AREA FUNCTION SCHEDULE**

<b>DESCRIPTION OF FUNCTION:</b> <b>Waste Management – Bring Banks</b>		
The provision of bring banks and the management of contracts to ensure products are collected and recycled.		
<b>EXECUTIVE MEMBER(S) PORTFOLIO:</b>		
Executive Member - City Services		
<b>RESPONSIBLE DIRECTOR(S):</b>		
Director of City Services		
<b>MINIMUM SERVICE EXPECTATIONS</b>		
To provide bring banks at suitable locations throughout the city to enable the public to dispose of items such as glass, plastic, etc. All in accordance with the Integrated Waste Management Strategy and Action Plan.		
<b>CURRENT AND TARGET PERFORMANCE*</b>		
<b>Issue/Performance Indicator(s)</b>	<b>2004/5 Result</b>	<b>2005/6 Target</b>
None set		
<b>TOTAL RESOURCES AVAILABLE ON AN AREA BASIS</b>		
Revenue: Gross Expenditure £23,954, Net Expenditure £23,954		
<b>AGREED BY THE EXECUTIVE BOARD:</b>		
Date: 18 <sup>th</sup> May 2005		

## AREA FUNCTION SCHEDULE

<b>FUNCTION:</b>		<b>Waste Management – Bring Banks</b>
<b>Description of what the delegated budget represents</b>		
Apportionment relates to repairs & maintenance and transport costs associated with non Household Waste Site bring banks.		
<b>Details of the service elements that have not been delegated and the reason why they were not delegated</b>		
Waste Management is a city wide, demand led operation, with a significant level of expenditure that relates to disposal costs that cannot readily be allocated or apportioned .		
In addition the incidence of Household Waste Sites are not distributed geographically equally across the City. Therefore allocation to areas would have to be on a geographical basis and would not be a reflection of where users of these sites reside.		
<b>Description of the formula used for apportioning budgets to each area</b>		
In the absence of any other data this was determined to be the most equitable method.		
<b>Reasons why this particular formula was selected</b>		
Expenditure apportioned equally on a pro rata basis based on the number of Bring Banks in each area.		
<b>Breakdown of the total budget delegated</b>		
<b>Expenditure Type</b>		<b>£000s</b>
Employee Costs		0
Premises Costs		0
Supplies & Services Costs		24
Transportation Costs		0
Capital Costs		0
<b>Gross Expenditure</b>		<b>24</b>
Income		0
<b>Net Budget</b>		<b>24</b>

## AREA FUNCTION SCHEDULE

<b>DESCRIPTION OF FUNCTION:</b>		<b>Youth Service</b>
<p>The delivery of Youth Service area based programmes in respect of: -</p> <ul style="list-style-type: none"> <li>- centre based youth work</li> <li>- detached youth work</li> <li>- Connexions project work with individuals and small groups</li> </ul>		
<b>EXECUTIVE MEMBER(S) PORTFOLIO:</b>		
Executive Member – Leisure		
<b>RESPONSIBLE DIRECTOR(S):</b>		
Director of Learning and Leisure		
<b>MINIMUM SERVICE EXPECTATIONS</b>		
<p><i>To contribute to the achievement of an improvement in the Council's overall 'reach' target for Youth Services in respect of young people aged 13-19.</i></p> <ul style="list-style-type: none"> <li>• Ensure appropriate targeting of resources to achieve maximum coverage of <ul style="list-style-type: none"> <li>- The key local communities to be prioritised for youth work</li> <li>- The particular social issues of the area to be tackled</li> <li>- Curriculum priorities within the area</li> </ul> </li> <li>• Ensure services provided are in accordance with the Council's Youth Service policy, together with any national expectations or targets upon which the associated Youth Service funding is based.</li> </ul> <p><i>The above minimum standards also relate to services provided through 'contracting' arrangements with voluntary organisations in operation in some parts of the city.</i></p>		
<b>CURRENT AND TARGET PERFORMANCE</b>		
<b>Issue/Performance Indicator(s)</b>	<b>2004/5</b>	<b>2005/6</b>
<b>Youth Service – Number of Clients</b>		
The level of "reach" into the resident 13 – 19 population	<b>Result</b>	<b>Target</b>
<b>TOTAL RESOURCES AVAILABLE ON AN AREA BASIS</b>		
Revenue: £3,308,600 net expenditure (2004/05 £3,366,750 gross expenditure, £3,117,030 net expenditure). This is subject to a review of how best the Youth Service can more fully and appropriately report, at area level, on achievements and outcomes.		
<b>AGREED BY THE EXECUTIVE BOARD:</b>		
Date: 18 <sup>th</sup> May 2005		

## AREA FUNCTION SCHEDULE

<b>FUNCTION:</b>		<b>Youth Service</b>
<b>Description of what the delegated budget represents</b>		
Area full and part time youth workers, Connexions Youth (fully funded by grants) and Youth contracts with the Voluntary sector.		
<b>Details of the service elements that have not been delegated and the reason why they were not delegated</b>		
<ol style="list-style-type: none"> <li>1. Central functions such as training, quality assurance, service planning and performance.</li> <li>2. City Wide projects, particularly those externally funded.</li> <li>3. Central senior management and administration.</li> </ol> <p>None of these functions can be monitored on an area basis.</p>		
<b>Description of the formula used for apportioning budgets to each area</b>		
50% population, 50% targeted		
<b>Reasons why this particular formula was selected</b>		
<ol style="list-style-type: none"> <li>1. In line with CIT approach and Closing the Gap policy.</li> <li>2. National expectations for Youth Service to offer a targeted service nested within a universal service.</li> <li>3. Key aim of Youth Service is to support socially excluded young people.</li> </ol>		
<b>Breakdown of the total budget delegated</b>		
		<i>£000s</i>
<b>Expenditure Type</b>		
Employee Costs		
Premises Costs		
Supplies & Services Costs		
Transportation Costs		
Capital Costs		
<b>Gross Expenditure</b>		_____
Income		_____
<b>Net Budget</b>		<u><u>3308.6</u></u>

## **FOREWORD**

### **1. General roles and responsibilities of Members and Officers**

- (a) Members set policy priorities and strategies to reflect local interests and needs and are also responsible for allocating funding between individual priority areas. Directors and their staff implement these strategies and policies by delivering services and major initiatives. It is officers therefore, who have responsibility for managing the Council's day to day operations, within a policy and budgetary framework laid down by Members.
- (b) Under the executive arrangements, both full Council and the executive have specific functions and these can be delegated to Committees or officers. Where Council or the executive have established a committee to discharge their respective functions then subject to any limitations imposed by the Council/executive respectively, that committee can also delegate its functions to an officer. The functions delegated to officers by the executive are set out in this Officer Delegation Scheme. The functions delegated to officers in relation to Council functions are set out in Section 2 of Part 3 of the Constitution.
- (c) The fact that a function stands delegated to an officer under these arrangements shall not preclude the executive, from exercising the function directly.
- (d) A Director may consider that a delegated authority should not be exercised and that it should be referred to the executive for determination.
- (e) An appropriate Executive Member may request that a Director refrains from exercising a delegated authority in respect of a particular matter and refer it instead to the executive, for a decision.
- (f) The executive may determine to reserve decisions about particular matters to itself.
- (g) In addition to the delegations set out in this scheme, the executive can arrange for further delegations on specific matters.
- (h) Whilst the exercise of a function by an officer under these arrangements is not made subject to the satisfaction of any prior condition, an officer shall, when exercising a discretion remitted to him/her, be under a duty to satisfy himself/herself that the decision conforms to the Council's budget and policy framework and other approved policies and that, in reaching the decision, he/she has observed approved practices and procedures, including those in relation to community consultation.



## **GENERAL DELEGATIONS TO OFFICERS**

The Chief Executive, the Deputy Chief Executive, Directors or other named officer are authorised to carry into effect without reference to the Executive Board or to any of its committees, matters of day to day management and administration and, in particular, the following functions:

### **FINANCIAL**

#### **1. Revenue Expenditure**

- (a) Following approval of departmental revenue budgets, Directors have authority to incur expenditure within those estimates with the exception of items being subject to separate release in accordance with Appendix B to Financial Procedure Rules. Directors must consult with any Director who may be able to provide the works or service required or who may otherwise advise on or assist with this provision to ascertain whether that Director would wish to submit a tender or quotation or undertake the works/ services competition free, in accordance with Contract Procedure Rules.
- (b) To incur expenditure within the Revenue Budget in accordance with the virement procedures and delegated limits set out in Financial Procedure Rules.
- (c) In an emergency to incur immediately necessary expenditure which shall be reported to the Director of Corporate Services at the first opportunity.

#### **2. Capital Expenditure**

- (a) To incur expenditure on capital schemes in accordance with the arrangements set out in Financial Procedure Rules.
- (b) To accept tenders for construction works within specific limits as set out in Financial Procedure Rules.

#### **3. Debts**

To write off debts (other than local taxation) in accordance with the procedures and maximum values set out in Financial Procedure Rules.

#### **4. Disposal of Property**

To dispose of property (including obsolete vehicles and plant, stores, old materials and scrap), other than property for resale, in accordance with the requirements of Financial Procedure Rules and Contracts Procedure Rules.

#### **5. Payments**

To approve payments to suppliers prior to the receipt of goods in accordance with the limits set out in Financial Procedure Rules.

## **6. Cash Imprests and Disbursements**

- (a) To authorise individual establishment cash imprests in accordance with the limits set out in Financial Procedure Rules.
- (b) To approve individual payments from cash imprests in excess of the limit set out in Financial Procedure Rules.

## **7. Stores Deficiencies and Surpluses**

To authorise the making good or otherwise of stores deficiencies up to the limit specified in Financial Procedure Rules.

## **GENERAL**

## **8. Lost Property**

To take responsibility, as identified in the Financial Procedure Rules for lost property found on Council premises, including the registration of found items and the designation of a responsible officer to follow the found property procedures.

## **9. Data Protection, Human Rights, Surveillance Activities, Freedom of Information**

- (a) To implement and ensure compliance with:
  - the rules on data protection, human rights, surveillance activities, and freedom of information<sup>1</sup>
  - the Council's policies on these matters
  - guidance and advice from the Director of Legal and Democratic Services on these matters.
- (b) To designate officers with specific responsibilities for these matters.
- (c) To advise the Director of Legal and Democratic Services of any new types of data processed, of new ways of processing personal data and of any new persons or organisations to whom data is given.

## **10. Media**

To issue statements to the press and other news media about their delegated functions within the settled framework of Council policy.

## **11. Authorising Officers**

To authorise officers possessing such qualifications as may be required by law or in accordance with the Council's policy, to take samples, carry out inspection, enter

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<sup>1</sup> Contained within the following: Data Protection Act 1998, Human Rights Act 1998, Freedom of Information Act 2000 and the Regulation of Investigatory Powers Act 2000 and subsidiary legislation  
Part 3 Section 3E (General)  
Page 2 of 4  
Issue 1 – May 2005

premises and generally perform the functions of a duly authorised officer of the Council (however described) and to issue any necessary certificates of authority.

**12. Corporate Procedures**

To take any action remitted to him/her under corporate procedures.<sup>2</sup>

**13. Local Choice Functions** (see Section 1, Part 3 of the Constitution)

- (a) Functions under a local act, unless otherwise specified in Regulation 2 or Schedule 1 of the Local Authorities (Functions and Responsibilities) Regulations 2000.
- (b) To obtain particulars of persons interested in land.

**14. Signature of Contracts - Local Government (Contracts) Act 1997**

- (a) Subject to the approval of the Director of Legal and Democratic Services, to sign certificates for contracts which relate specifically to their delegated functions.

**15. Budget and Policy Framework**

The Chief Executive, the Deputy Chief Executive, a Director or other named officer shall have power to canvas the views of local stakeholders, formulate and publish initial proposals within the budget and policy framework.

**PERSONNEL**

**16. Miscellaneous Employment Issues**

To deal with employment issues in accordance with agreed procedures and the relevant national conditions of service as modified or extended by any local or national agreements.

**17. Changes to Staffing Structures**

- (a) To agree changes to staffing structures except where the restructure:
  - (a) involves the loss of one or more posts not currently vacant
  - (b) involves the regrading of posts or the grading of new posts
  - (c) involves changes to existing National or Local Agreements and policies
  - (d) cannot be achieved within the Director's delegated powers in respect of budgets
- (b) Decisions made by Directors are subject to the prior notification of the Director of Corporate Services and prior consultation with all appropriate parties affected by the decision, notably the Trade Unions.

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<sup>2</sup> Where, under approved procedures, a function stands remitted to a committee or sub-committee or officer post that has not been re-established, the Chief Executive shall be authorised to determine by whom that function shall be discharged pending the review of such procedures.

*Officer Delegation Scheme (Executive Functions)*

- (c) Decisions in respect of restructures which involve regradings, loss of posts, changes to existing agreements or policies or have budgetary implications as set out above are delegated to the Director of Corporate Services and subject to consultation with the Director of Legal and Democratic Services and other appropriate parties.
- (d) Proposals which involve additional Council expenditure outside officer delegations or which involve issues outside existing Council policy will be referred to the Council or appropriate committee.

**18. Trade Union Facilities Scheme - Time off for duties as an Elected National Union Officer**

The Director of Corporate Services is authorised to deal with this as a corporate not a departmental issue.

**THE CHIEF EXECUTIVE**

With the exception of those matters where an appropriate Executive Member<sup>1</sup> has directed that the delegated authority should not be exercised and that the matter should be referred to the Executive Board, for consideration<sup>2</sup>, the Chief Executive<sup>3</sup> is authorised to:

- (a) discharge any function of the executive in relation to:
  - (i) equality of opportunity in employment and service delivery;
  - (ii) performance management and service development;
  - (iii) policy development, external relations and communications;
  - (iv) customer services and the promotion of welfare rights;
- (b) discharge any function<sup>4</sup> of the executive not otherwise delegated to a Director,<sup>5</sup> including civic and ceremonial functions of the Council;
- (c) act as the Council's "proper officer" for the purpose of any function not otherwise delegated under these arrangements.

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<sup>1</sup> An "appropriate Executive Member" is the Leader or other Portfolio-holding Member of the Executive Board.

<sup>2</sup> The Chief Executive may consider in respect of any matter that the delegated authority should not be exercised and that it should be referred for consideration to the Executive Board.

<sup>3</sup> The fact that a function has been delegated to the Chief Executive does not require the Chief Executive to give the matter his/her personal attention and he/she may arrange for such delegation to be exercised by an officer of suitable experience and seniority. However, the Chief Executive remains responsible for any decision taken pursuant to such arrangements.

<sup>4</sup> "Function" for these purposes is to be construed in a broad and inclusive fashion, and includes the doing of anything which is calculated to facilitate or is conducive or incidental to the discharge of any of the specified functions.

<sup>5</sup> "Director" for these purposes includes the Deputy Chief Executive or any Director to whom functions have been delegated.

**THE DIRECTOR OF CITY SERVICES**

With the exception of those matters where an appropriate Executive Member<sup>1</sup>, has directed that the delegated authority should not be exercised and that the matter should be referred to the Executive Board, for consideration<sup>2</sup>, the Director of City Services<sup>3</sup> is authorised to discharge any function<sup>4</sup> of the executive in relation to:

- (a) the provision of services relating to building maintenance, catering, cleaning, transport (including corporate fleet management and maintenance, and passenger transport) and school crossing patrols;
- (b) civic and community buildings, accommodation and facilities management;
- (c) the authority's roles as highway authority and road traffic authority (except as otherwise delegated to the Director of Development) including parking enforcement;
- (d) streetscene management and related enforcement functions, including street and gully cleansing, refuse collection, waste management, public conveniences, graffiti removal, fly-tipping and dog warden services.

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<sup>1</sup> An "appropriate Executive Member" is the Leader or other Portfolio-holding Member of the Executive Board.

<sup>2</sup> The Director may consider in respect of any matter that the delegated authority should not be exercised and that it should be referred for consideration to the Executive Board.

<sup>3</sup> The fact that a function has been delegated to the Director does not require the Director to give the matter his/her personal attention and the Director may arrange for such delegation to be exercised by an officer of suitable experience and seniority. However the Director remains responsible for any decision taken pursuant to such arrangements.

<sup>4</sup> "Function" for these purposes is to be construed in a broad and inclusive fashion and includes the doing of anything which is calculated to facilitate or is conducive or incidental to the discharge of any of the specified functions. The delegation also includes the appointment of the Director as "proper officer" for the purpose of any function delegated to him/her under these arrangements.

**THE DIRECTOR OF CORPORATE SERVICES**

With the exception of those matters where an appropriate Executive Member<sup>1</sup> has directed that the delegated authority should not be exercised and that the matter should be referred to the Executive Board for consideration, the Director of Corporate Services<sup>2</sup> is authorised to discharge any function<sup>3</sup> of the executive in relation to:

- (a) making arrangements for the proper administration of the authority's financial affairs<sup>4</sup> including administration of benefits, student support, the collection of revenue, council tax and national non domestic rates, internal audit, creditor payments, pensions and the Council's insurance arrangements;
- (b) industrial relations and employment matters, including employee training and health and safety;
- (c) risk management;
- (d) civil defence and emergency peace time planning;
- (e) the management of matters relating to the application of information, communication and associated technologies to support the discharge of any function<sup>4</sup> of the executive.

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<sup>1</sup> An "appropriate Executive Member" is the Leader or other portfolio-holding Member of the Executive Board.

<sup>2</sup> The fact that a function has been delegated to the Director does not require the Director to give the matter his/her personal attention and the Director may arrange for such delegation to be exercised by an officer of suitable experience and seniority. However the Director remains responsible for any decision taken pursuant to such arrangements.

<sup>3</sup> "Function" for these purposes is to be construed in a broad and inclusive fashion and includes the doing of anything which is calculated to facilitate or is conducive or incidental to the discharge of any of the specified functions. The delegation also includes the appointment of the Director as "proper officer" for the purpose of any function delegated to him/her under these arrangements.

<sup>4</sup> The Director of Corporate Services has responsibility for these arrangements as Section 151 Officer.

## **THE DIRECTOR OF DEVELOPMENT**

With the exception of those matters where an appropriate Executive Member<sup>1</sup> has directed that the delegated authority should not be exercised and that the latter should be referred to the Executive Board for consideration<sup>2</sup> and with the exception of those matters reserved to the Executive Board<sup>3</sup>, the Director of Development<sup>4</sup> is authorised to discharge the following functions<sup>5</sup>:

1. Local choice functions which have been assigned to the executive (see Section 1 Part 3 of the Constitution):
  - (a) any function related to contaminated land;
  - (b) obtaining of information as to interests in land;
  - (c) the making of arrangements for the execution of highways works under S278 Highways Act 1980.
  
2. Any function of the executive<sup>6</sup> in relation to:
  - (a) the management of land (including valuation, acquisition, appropriation, disposal and other dealings with land or any interest in land);
  - (b) the operation of retail and wholesale markets and car boot sales;
  - (c) the promotion of economic development;
  - (d) the management of the city centre (including the promotion of the city centre and management of public spaces);
  - (e) the authority's role as local planning authority<sup>7</sup>;
  - (f) building control (whether under the Building Act 1984 or otherwise);
  - (g) the authority's role as highways authority and road traffic authority relating to transportation and engineering services;
  - (h) safety at sports grounds;
  - (i) land drainage;
  - (j) environmental management (including policy development on waste management) and the formulation and implementation of environmental improvement programmes;
  - (k) design services;
  - (l) asset management.
  - (m) street naming and numbering

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<sup>1</sup> An "appropriate Executive Member" is the Leader or other portfolio-holding Member of the Executive Board.

<sup>2</sup> The Director may consider in respect of any matter that the delegated authority should not be exercised and that it should be referred for consideration to the Executive Board.

<sup>3</sup> Certain disposals of land are currently required to be referred to an appropriate committee for consideration.

<sup>4</sup> The fact that a function has been delegated to the Director does not require the Director to give the matter his/her personal attention and the Director may arrange for such delegation to be exercised by an officer of suitable experience and seniority. However the Director remains responsible for any decision taken pursuant to such arrangements.

<sup>5</sup> "Function" for these purposes is to be construed in a broad and inclusive fashion and includes the doing of anything which is calculated to facilitate or is conducive or incidental to the discharge of any of the specified functions. The delegation also includes the appointment of the Director as "proper officer" for the purpose of any function delegated to him/her under these arrangements.

<sup>6</sup> The Director of Development will be mindful of the potential for conflicts of interest arising and will make appropriate arrangements in this respect.

<sup>7</sup> Save where any such functions are exercisable by a Plans Panel, the discharge of all **Council functions** relating to town and country planning and development control has been delegated to the Chief Planning Services Officer. No such **Council functions** will be exercisable by the Director.



*Officer Delegation Scheme (Executive Functions)*

(n) tourism and promotions

**THE DIRECTOR OF LEARNING AND LEISURE**

With the exception of those matters where an appropriate Executive Member<sup>1</sup>, has directed that the delegated authority should not be exercised and that the matter should be referred to the Executive Board, for consideration<sup>2</sup>, the Director of Learning and Leisure<sup>3</sup> is authorised to discharge any function<sup>4</sup> of the executive in relation to:

- (a) vocational training and allied services for persons over compulsory school age, and the promotion of arrangements to assist persons to obtain employment and employers to obtain employees;
- (b) the authority's role as education authority<sup>5</sup> excluding those functions specified in the second schedule of the Secretary of State's direction dated 29 March 2001<sup>6</sup>;
- (c) early years development and child care planning;
- (d) cultural services (including the arts, libraries, record repositories, museums and art galleries, public entertainments, halls and venues);
- (e) recreation services (including parks, countryside and sports facilities);
- (f) cemeteries, crematoria, burial grounds and mortuaries;
- (g) countryside management (including all matters relating to the provision and maintenance of footpaths and bridleway), and the provision and maintenance of landscaping schemes;
- (h) youth services.

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<sup>1</sup> An "appropriate Executive Member" is the Leader or other Portfolio-holding Member of the Executive Board.

<sup>2</sup> The Director may consider in respect of any matter that the delegated authority should not be exercised and that it should be referred for consideration to the Executive Board.

<sup>3</sup> The fact that a function has been delegated to the Director does not require the Director to give the matter his/her personal attention and the Director may arrange for such delegation to be exercised by an officer of suitable experience and seniority. However the Director remains responsible for any decision taken pursuant to such arrangements.

<sup>4</sup> "Function" for these purposes is to be construed in a broad and inclusive fashion and includes the doing of anything which is calculated to facilitate or is conducive or incidental to the discharge of any of the specified functions. The delegation also includes the appointment of the Director as "proper officer" for the purpose of any function delegated to him/her under these arrangements.

<sup>5</sup> The Chief Learning Officer will be designated as the Chief Education Officer for any functions specifically conferred upon the Chief Education Officer by legislation.

<sup>6</sup> See addendum 2

**THE DIRECTOR OF LEGAL AND DEMOCRATIC SERVICES**

With the exception of those matters where an appropriate Executive Member<sup>1</sup> has directed that the delegated authority should not be exercised and that the matter should be referred to the Executive Board for consideration, the Director of Legal and Democratic Services<sup>2</sup> is authorised to:

- (a) act as Solicitor to the Council and to take any action intended to give effect to a decision of the executive or an officer, including the commencement, defence, withdrawal or settlement of proceedings, and the authorisation of Council officers to conduct legal matters in court.
- (b) discharge any function<sup>3</sup> of the executive in relation to:
  - (i) procurement and purchasing;
  - (ii) land charges;
  - (iii) vehicle, public entertainment and related licensing and enforcement;
  - (iv) elections;
  - (v) data protection, human rights, freedom of information and the regulation of surveillance activities;
  - (vi) the registration of births, deaths and marriages;
  - (vii) the management of matters relating to Members, the Lord Mayor, Committees and Scrutiny Support.
  - (viii) the management of corporate governance

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<sup>1</sup> An "appropriate Executive Member" is the Leader or other portfolio-holding Member of the Executive Board

<sup>2</sup> The fact that a function has been delegated to the Director does not require the Director to give the matter his/her personal attention and the Director may arrange for such delegation to be exercised by an officer of suitable experience and seniority. However the Director remains responsible for any decision taken pursuant to such arrangements.

<sup>3</sup> "Function" for these purposes is to be construed in a broad and inclusive fashion and includes the doing of anything which is calculated to facilitate or is conducive or incidental to the discharge of any of the specified functions. The delegation also includes the appointment of the Director as "proper officer" for the purpose of any function delegated to him/her under these arrangements. Note, however, for purposes of data protection, human rights, freedom of information, and the regulation of surveillance activities "function" is limited to preparing policies and strategies for approval, guidance and advice, notification and dealings with the Information Commissioner generally, and monitoring compliance.

**THE DIRECTOR OF NEIGHBOURHOODS AND HOUSING**

With the exception of those matters where an appropriate Executive Member<sup>1</sup>, has directed that the delegated authority should not be exercised and that the matter should be referred to the Executive Board, for consideration<sup>2</sup>, the Director of Neighbourhoods and Housing<sup>3</sup> is authorised to discharge the following functions:

1. Local choice functions which have been assigned to the executive (see Section 1 Part 3 of the Constitution):
  - (a) the service of an abatement notice in respect of a statutory nuisance;
  - (b) the passing of a resolution that schedule 2 of the Noise and Statutory Nuisance Act 1993 should apply in the authority's area;
  - (c) the inspection of the authority's area to detect any statutory nuisance;
  - (d) the investigation of any complaint as to the existence of a statutory nuisance;
  - (e) the control of pollution or management of air quality.
  
2. Any function<sup>4</sup> of the executive in relation to
  - (a) the authority's role as housing authority excluding those functions which the authority has agreed, with the approval of the Secretary of State, that another person should exercise as agent of the authority<sup>5</sup>;
  - (b) the condition and occupation of housing, caravan sites and land occupied by travelling people;
  - (c) environmental and consumer protection, health and safety other than in relation to Council employees, public health (including the investigation and control of notifiable diseases);
  - (d) regeneration, community planning and community initiatives;
  - (e) community safety and the reduction of crime and disorder (including the management of closed circuit TV);
  - (f) the management and oversight of area based working arrangements
  - (g) animal welfare.

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<sup>1</sup> An "appropriate Executive Member" is the Leader or other Portfolio-holding Member of the Executive Board.

<sup>2</sup> The Director may consider in respect of any matter that the delegated authority should not be exercised and that it should be referred for consideration to the Executive Board.

<sup>3</sup> The fact that a function has been delegated to the Director does not require the Director to give the matter his/her personal attention and the Director may arrange for such delegation to be exercised by an officer of suitable experience and seniority. However the Director remains responsible for any decision taken pursuant to such arrangements.

<sup>4</sup> "Function" for these purposes is to be construed in a broad and inclusive fashion and includes the doing of anything which is calculated to facilitate or is conducive or incidental to the discharge of any of the specified functions. The delegation also includes the appointment of the Director as "proper officer" for the purpose of any function delegated to him/her under these arrangements.

<sup>5</sup> These agreements have been made in accordance with Section 27 Housing Act 1985 - see further addendum 1

**THE DIRECTOR OF SOCIAL SERVICES**

With the exception of those matters where an appropriate Executive Member has directed that the delegated authority should not be exercised and that the matter should be referred to the Executive Board for consideration<sup>2</sup>, the Director of Social Services<sup>3</sup> is authorised to discharge any of the authority's social services functions<sup>4</sup>.

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<sup>1</sup> An 'appropriate' Executive Member' is the Leader or other Portfolio – holding Member of the Executive Board.

<sup>2</sup> The Director may consider in respect of any matter that the delegated authority should not be exercised and that it should be referred for consideration to the Executive Board

<sup>3</sup> The fact that a function has been delegated to a Director does not require the Director to give the matter his/her personal attention and the Director may arrange for such delegation to be exercised by an officer of suitable experience and seniority. However, the Director remains responsible for any decision taken pursuant to such arrangements.

<sup>4</sup> "Function" for these purposes is to be construed in a broad and inclusive fashion and includes the doing of anything which is calculated to facilitate or is conducive or incidental to the discharge of any of the specified functions. The delegation also includes the appointment of the Director as "proper officer" for the purpose of any function delegated to him/her under these arrangements.

## ADDENDUM 1

### **Estate Management Boards:**

1. In accordance with the approval of the Secretary of State, the authority delegated management and maintenance functions to:

#### **Halton Moor Estate Management Society Ltd<sup>1</sup>**

The following functions were delegated:<sup>2</sup>

- a) the sanctioning of payments from budget heads for the Estate
  - b) the maintenance of a waiting list of potential tenants and the selection of tenants for properties
  - c) the collection of rent and the recovery of arrears
  - d) the establishment of tenancy conditions, the issuing of tenancy agreements and the enforcement of conditions
  - e) the day to day repair and maintenance of the properties, and the preparation of programmes for cyclical and planned maintenance
  - f) acting as the Council's agent and client for the carrying out of capital programmes and environmental improvements
  - g) the management of the Housing Management Office and the supervision of staff seconded to work for the Society
  - h) the carrying out of residents' consultation, and provision for regular information to residents
  - i) the cleaning and maintenance of common areas of flats, grassed areas, and open spaces of the Estate where payment for the work is from the Council's Housing Revenue Account
2. In accordance with the approval of the Secretary of State, the authority delegated management and maintenance functions to:

#### **Belle Isle (North) Estate Ltd<sup>3</sup>**

The following functions were delegated:<sup>4</sup>

- a) the supervision of a reasonable standard of housing service
- b) the maintenance of a waiting list of potential tenants and the selection of tenants for properties
- c) issuing of tenancy agreements and the enforcement of conditions
- d) collection of rents and the recovery of rent arrears
- e) repair and maintenance of houses
- f) carrying out of major works
- g) undertaking of environmental improvements
- h) carrying out of residents' consultations
- i) management of the Housing Management Office and supervision of office staff

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<sup>1</sup> By agreement dated 28 October 1993

<sup>2</sup> In respect of properties identified in the above agreement

<sup>3</sup> By agreement dated 13 March 1991 and varied 18 November 1997

<sup>4</sup> In respect of properties identified in the above agreement

*Officer Delegation Scheme (Executive Functions)*

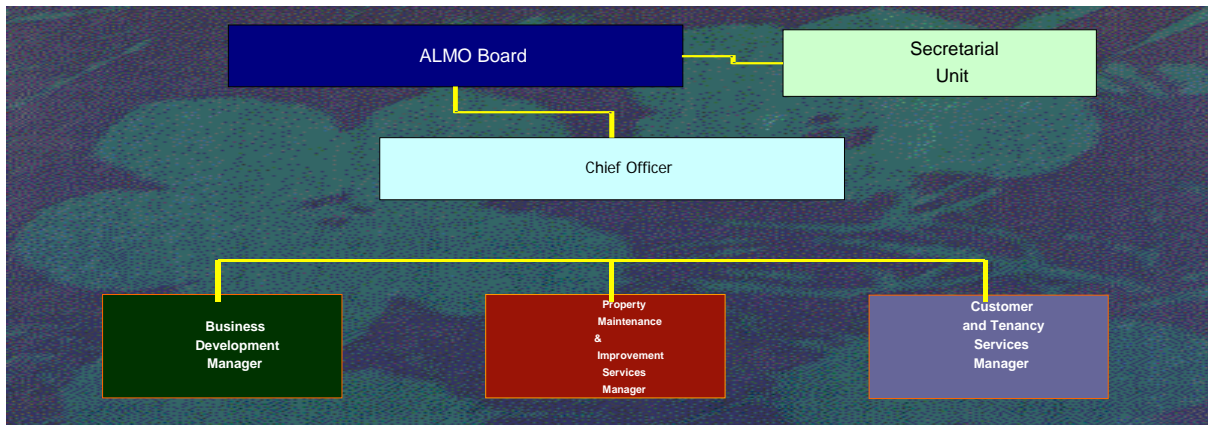
- j) monitoring and evaluation of the performance of the EMB, and the provision of regular information to tenants
- k) training of EMB Members

**Arms' Length Management Organisations**

In accordance with the approval of the Secretary of State, the authority delegated<sup>5</sup> management functions to:

- Leeds East Homes Ltd**
- Leeds North East Homes Ltd**
- Leeds North West Homes Ltd**
- Leeds South Homes Ltd**
- Leeds South East Homes Ltd**
- Leeds West Homes Ltd**

The following functions were delegated<sup>6</sup>:



Financial Returns	Repairs and maintenance	Housing land and other assets (Day to Day Mgmt) (exc. Shops)
Financial management	Responsive repairs	Making best use of housing stock
Leasehold/Services Charges recovery	Stock Condition (Local Authority Housing)	Selection of tenants for vacant properties
Insurance/liabilities/tenants/employee/employers	Planned & cyclical maintenance	Notification to and signing of new tenants
Letting of contracts in relation to delegated activities (non construction)	Modernisation and improvements	Transfer waiting list management

<sup>5</sup> By agreements dated 31 January 2003

<sup>6</sup> In respect of properties identified in the above agreements

Officer Delegation Scheme (Executive Functions)

Reports to Tenants	Redevelopment and renewal	Transfers are held on the overall Leeds waiting list. Therefore management of the list will be a council matter. Transferring tenants will be ALMO business.
Information to Tenants	Regeneration	Granting of new tenancies
RSL Liaison	Energy efficiency	Successions
EMB Liaison	Inspection and repairs	Mutual Exchange management
Service Level Agreements	Major repairs	Tenancy Mgmt and enforcement of tenancy conditions
Performance Management	Sheltered housing schemes (Not wardens)	Terminations Legal processes dealt with by Council
Employee Relations	Supported housing schemes (not staff)	Estate management
Business Planning	Temp Accom.	Illegal occupation
	Leasehold Management	Requests for Anti Social Behaviour Orders
	Letting of contracts in relation to delegated activities	Caretaking housing schemes
	Garages	Environmental services to estates/HRA dwellings
	Shops (repairs)	Sheltered housing schemes (Not wardens)
	Estate Offices	Supported housing schemes (not staff)
	Tenant Resource Centres or Tenant Offices	Temporary accommodation
	Meeting Rooms (repairs)	Leasehold Management (day to day)
	Clearance	Rent Collection
	Consultation on repairs/improvements	Recovery of arrears
	Decanting tenants	Recovery of other charges
		Insurance claim



*Officer Delegation Scheme (Executive Functions)*



process
Tenant Compact(s)
Tenant association development
Information to Tenants
Reports to Tenants
Garages
Shops and buildings
Estate Offices (man)
Tenant Resource Centres or Tenant Offices
Meeting Rooms

## **ADDENDUM 2**

By a direction made under Section 497A (4) and (5) of the Education Act 1996 dated 29<sup>th</sup> March 2001, the Secretary of State required the Council to ensure that specific education functions were carried out by a Contractor for a period of five years. Those functions relate to the provision of education:

- (a) for persons of compulsory school age (whether at school or otherwise) or
- (b) for persons of any age above or below that age who are registered as pupils at schools maintained by the Council

The First Schedule of the Direction specifies those functions to be performed by the Council and the Second Schedule specifies those functions to be performed by the Contractor.

**LEEDS CITY COUNCIL**

**ANNUAL MEETING**

**23<sup>rd</sup> MAY 2005**

**APPOINTMENT OF LEAD MEMBERS**

To authorise Group Leaders to appoint Lead Members to support members of the Executive in the discharge of their responsibilities in the proportions:

Labour

L Mulherin  
A Ogilvie

Liberal Democrat

J Akhtar  
S Bentley  
R Brett  
M Galdas  
S Golton  
K Hussain  
C Townsley

Conservative

S Andrew  
Mrs R Feldman  
M Lobley  
A Millard  
M Phillips  
A Shelbrooke  
P Wadsworth

**LEEDS CITY COUNCIL**

**COUNCIL MEETING**

**23<sup>rd</sup> MAY 2005**

**Calendar of Council Meetings for the Municipal Year 2005/2006**

The following is a proposed list of dates for Council meetings for the municipal year:

22nd June 2005 at 2.00 pm  
20th July 2005 at 2.00 pm  
14th September 2005 at 2.00 pm  
1st November 2005 at 2.00 pm  
11th January 2006 at 2.00 pm  
28th February 2006 at 2.00 pm  
5th April 2006 at 2.00pm  
22nd May 2006 at 6.00 pm – Annual Meeting

Dates of individual panels and boards will be subject to confirmation following the appointment of Chairs



**LEEDS**  
CITY COUNCIL

AGENDA  
ITEM NO.:

Originator: Nick de la Taste

Tel: 24 74560

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**REPORT OF : DIRECTOR OF LEGAL AND DEMOCRATIC SERVICES**

**REPORT TO : COUNCIL**

**DATE : 23<sup>rd</sup> MAY 2005**

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**SUBJECT : MEMBERS ALLOWANCES**

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**Electoral Wards Affected :**

**Specific Implications For :**

Ethnic Minorities

Women

Disabled People

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## **1.0 INTRODUCTION**

1.1 This report advises Council of the receipt of two reports from the Independent Remuneration Panel.

## **2.0 BACKGROUND**

2.1 Council is required to determine a Members' Allowances Scheme, having regard to recommendations from an Independent Remuneration Panel.

2.2 In determining or varying its Members' Allowances Scheme, Council may modify, accept or reject any such recommendations from the Independent Remuneration Panel as it considers appropriate.

2.3 Council is advised that the Independent Remuneration Panel has published two reports, copies of which are attached

## **3.0 RECOMMENDATIONS**

3.1 Council is asked to consider the recommendations of the Independent Remuneration Panel as detailed in the attached reports.

3.2 Council is asked to authorise the Director of Legal and Democratic Services to make any consequential changes to the Members' Allowances Scheme.

# **LEEDS CITY COUNCIL**

## **Report of Panel on Members' Allowances**

**May 2005**

### **Introduction**

1. The Independent Panel on Members' Allowances was appointed by the Council to make recommendations on Members' Allowances in accordance with relevant Regulations and the Government's statutory guidance. The Panel comprises Rodney Brooke CBE (Chair), Trevor Nuttall and Carolyn Stephenson.
2. The Panel issued its first report in May 1999. It updated its recommendations in October 2002 following new Government guidance. The Council adopted those recommendations with modifications. It made further recommendations in October 2003 and June 2004, which again were accepted with modifications.
3. The Panel has now been asked to consider a number of issues arising out of changes in responsibilities and other matters.

### **Licensing**

4. The Licensing Act 2003 transferred alcohol licensing functions from the Magistrates to the Council. They will impose a substantial burden on the Council and specifically on those members who have to consider the matter. In June 2004 the Panel were asked to consider the Special Responsibility Allowances which should be paid to the members undertaking this work. Because of the uncertainty of extent of the workload, the Panel deferred consideration of the issue.
5. The 2003 Act requires local authorities acting as licensing authorities to create a licensing committee. The authority must delegate the majority of its functions to that licensing committee. Essentially the only matters which are the responsibility of the Council and not the licensing committee are those that relate to the issuing of a licensing policy. Section 6 (1) of the 2003 Act requires the licensing authority to establish a licensing committee which consists of at least 10 but not more than 15 Members. Section 9 (1) provides further that the licensing committee may establish one or more sub-committees consisting of three Members of the licensing committee. The guidance issued by the Secretary of State under Section 182 of the 2003 Act makes it clear that government intends the bulk of work of the licensing committee to be carried out by these three Member sub-committees.
6. Leeds City Council (as licensing authority) has created a licensing committee consisting of 15 Members of the Council. The licensing

committee met on 2 March 2005 and resolved to create 5 sub-committees. Those sub-committees will deal with the bulk of contested licensing applications since the 2003 Act prevents delegation of a decision on whether to grant, vary or review a licence to officers where a representation has been received.

7. The licensing committee (rather than the sub-committees) will deal with questions relating to the review of licences which has not been delegated to sub-committees and will deal with reviews of the operation of the licensing committee including making recommendations, if any are required, for changes to the policy.
8. The Act is subject to a transitional period in which existing licence holders may apply to convert their licences to new style licences under the 2003 Act. That period commenced on 7 February 2005 and will end on 6 August 2005.
9. Within the Leeds district it is estimated that there are some 3,500 premises which will require a licence under the new system. In addition to that there will be a large number of applications for personal licences. The best estimate that can be given of the number of personal licences that will be issued by Leeds City Council is in the region of 6,000.
10. On conversion of a licence only the Police are entitled to object on limited grounds relating to crime and disorder. The number of Police objections to such conversions is unknown but is not likely to be substantial. This is because of the limited ground the Police have to challenge such conversions.
11. However, the 2003 Act provides that at the same time as making an application to convert, an applicant can also seek to vary the terms of the licence. Variations could include the removal of existing conditions, adding new licensable activities or the extension of hours. As a result of the way the 2003 Act and the regulations made under it have been drawn, it is necessary for the vast majority of premises to seek a variation at the same time as a conversion in order to continue to enjoy, for example, extended opening hours on bank holidays.
12. All applications to convert and vary must be advertised to the public and must be served on the responsible authorities as defined by the 2003 Act. For the Leeds district this involves the licence holder/applicant serving nine separate agencies with copies of the application. Each of the responsible authorities and any interested party can make a representation on an application. If a representation is received then a hearing must take place. The hearing must generally be within 20 working days of the close of the objection period.
13. It is anticipated that the vast majority of the 3,500 premises seeking a licence will seek a variation. What is unknown is how many of those variations will result in a representation being made by either the

responsible authorities or by interested parties (local residents or businesses). If any representation is made, then a hearing must be convened before one of the sub-committees. It should also be noted that a failure to determine an application within a period of two months from the date that it is lodged will result in the conversion being deemed granted and the variation being deemed to be refused with a right of appeal to the Magistrates Court. There will be a heavy work load for the licensing sub-committees in the transitional period.

14. The pressure of business will be compounded by the relatively short period of time within which these applications can be made. Applications to convert or to convert and simultaneously vary must be received by the Council before the 6 August 2005. Applicants who fail to meet that deadline will need to apply for a new licence after that date. So far few applications have been made. This is in part due to the late publication of the relevant application forms by government and in part due to the fact that an annual fee is payable on the anniversary of the grant of the licence. It is thus in the interest of licensees to wait until near the end of the transitional period before submitting an application. As a result, the Council can expect a high volume of applications in July and August and an equally high number of hearings throughout August, September and October. Based on forecasts from the Government when calculating the costs of the new regime, Leeds can expect between 800 and 1200 hearings from its 3500 premises.
15. The five sub-committees created by the licensing committee each have three nominated Members. In order to accommodate the potential volume of business, sub-committee hearings have been allocated for Monday, Wednesday and Friday in each week. It is expected that two sub-committees will sit simultaneously on each of those days and that the sittings will last a full day. A member of a licensing sub-committee could need to sit on five full days in each four week period. Some Members cannot commit to this number of hearings and, accordingly, arrangements have been made to enable any Member of the licensing committee to substitute for another Member on any sub-committee. Given that substitution is very likely, there are no Chairs appointed for the sub-committees. The sub-committees will appoint their Chairs at each hearing.
16. It is clear that, for some time during 2005, the councillors dealing with liquor licensing will carry a burden substantially greater than the normal workload expected of councillors. Because of this workload, Regulation 5(1)(h) of the Local Authorities (Members' Allowances) Regulations 2003 specifically recognises membership of any sub-committee that deals with licensing as conferring eligibility for a special responsibility allowance.
17. It would be possible to pay each Member of the licensing committee an additional flat rate special responsibility allowance. In theory, the rota established will impose on every member a similar amount of work.



However, in practice hearings will take place only where there is business to be concluded. Not all members will be available on their allocated days. The practice of substituting one member of a sub-committee for another member is expected to be widespread. The result is that some members of the licensing committee could bear a much heavier burden of work than others. The Panel feels that the special responsibility allowance should bear a reasonable relationship to the actual workload undertaken. This conclusion has been shared by a number of other local authorities whose schemes the Panel studied.

18. The Panel therefore recommends that there should be two elements to the special responsibility allowance for members of the licensing committee. The first should be a flat rate to reflect the general level of knowledge and responsibility that all members will be expected to acquire and bear. The second element would reflect the different attendance rates by the members, through a retrospective payment of an additional allowance based upon the numbers of hearings attended. **The Panel recommends that a flat rate special responsibility allowance of £513 be paid to members of the licensing committee.** This is the amount currently paid to statutory co-optees on the Council's committees and to members of the Council's standards committee. In return for this flat rate special responsibility allowance, members would be expected to attend licensing sub-committees on ten days or part-days. To recognise those assuming an extra burden, **the Panel recommends that members attending on between 11 and 15 days or part days should receive an additional special responsibility allowance of £513. Those attending on between 16 and 20 days or part days should receive a further £513. Those attending on more than 21 days or part days should receive a further £513.** The maximum individual special responsibility allowance thus payable for this responsibility would be £2,052.
19. Since it is expected that the workload will assume normal proportions after the initial period of adjustment, **the Panel recommends that the new special responsibility allowances be payable during the 2005-06 municipal year only.**
20. The City Council has adopted the Panel's strong recommendation that no member of the Council should be able to draw more than one special responsibility allowance for City Council duties. However, the duties for which the new special responsibility allowances are payable are different in kind to the other special responsibility allowances, insofar as they reflect workload rather than responsibility. Given that additional workload, we believe that it is reasonable that the special responsibility allowances we recommend for members of the licensing committee be additional to any other special responsibility allowances to which those members are entitled. **The Panel recommends that the special responsibility allowances payable to members of the licensing committee be additional to any other special**

**responsibility allowances to which those members are entitled.**

### **City Centre Plans Panel**

21. When the Panel last considered the Members' Allowance Scheme, the Council organisation included only two Plans Panels which, between them, covered the Council's geographical area. The Chair of each of these Panels receive a special responsibility allowance, currently £11,869.
22. On 12<sup>th</sup> January 2005, the Council resolved to reallocate Planning matters for the City Centre to a third Panel, the Chair of which was appointed from that date. There is ample business to justify the creation of a third Panel.
23. **The Panel recommends that the Chair of the City Centre Plans Panel should receive a special responsibility allowance of £11,869 pa.**

### **Travelling and Subsistence Allowance**

24. The Councillors' basic allowance includes the cost of travelling and subsistence within the Leeds metropolitan area. Councillors travelling outside the area are eligible to claim travel and subsistence at the rates claimable by officers. Some confusion has arisen and to clarify the issue, **the Panel recommends that the Scheme should be re-worded as follows:**

**The Councillor's basic allowance includes the cost of travelling and subsistence when undertaking Council business within the Leeds metropolitan area. Councillors travelling to undertake Council business outside this area are eligible to claim travel and subsistence allowances at the rates claimable by Officers from the point of origin in the metropolitan area and back to the end of the journey within the metropolitan area.**

### **SUMMARY OF RECOMMENDATIONS**

25. **A flat rate special responsibility allowance of £513 should be paid to members of the licensing committee.**
26. **In addition to the flat rate, members of the licensing committee attending licensing sub-committees on between 11 and 15 days or part days should receive an additional special responsibility allowance of £513. Members attending licensing sub-committees on between 16 and 20 days or part days should receive a further £513. Members attending**

**licensing sub-committees on more than 21 days or part days should receive a further £513.**

**27. The special responsibility allowances payable to members of the licensing committee should be made in the 2005-06 municipal year only but they should be additional to any other special responsibility allowances to which those members are entitled.**

**28. The Chair of the City Centre Plans Panel should receive a special responsibility allowance of £11,869 pa.**

**29. For clarification, the provision in the Members' Allowances Scheme relating to travelling and subsistence allowances should be re-worded as follows:**

**The Councillor's basic allowance includes the cost of travelling and subsistence when undertaking Council business within the Leeds metropolitan area. Councillors travelling to undertake Council business outside this area are eligible to claim travel and subsistence allowances at the rates claimable by Officers from the point of origin in the metropolitan area and back to the end of the journey within the metropolitan area.**

**Rodney Brooke  
Trevor Nuttall  
Carolyn Stephenson**

**5 May 2005**

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# LEEDS CITY COUNCIL

## Second Report of Panel on Members' Allowances

May 2005

### Introduction

1. The Independent Panel on Members' Allowances was appointed by the Council to make recommendations on Members' Allowances in accordance with relevant Regulations and the Government's statutory guidance. The Panel comprises Rodney Brooke CBE (Chair), Trevor Nuttall and Carolyn Stephenson.
2. The Panel issued its first report in May 1999. It updated its recommendations in October 2002 following new Government guidance. The Council adopted those recommendations with modifications. It made further recommendations in October 2003 and June 2004, which again were accepted with modifications. Earlier in May 2005 it also made a number of recommendations on changes to the allowances scheme.
3. The Panel has now been asked to consider a further matter arising out of changes in the organisation of the scrutiny function within the Council.

### Present Organisation

4. The Council currently has eight Scrutiny Boards, the Chair of each receiving an allowance of £17,780 p.a. In addition, the Council has an Overview and Scrutiny Committee, largely made up of the Chairs of the eight Scrutiny Boards. One of these chairs the Overview and Scrutiny Committee and, hence, there is no separate allowance for the Chair of the Overview and Scrutiny Committee.

### Proposed organisation

5. The Council plans to replace the present structure with one Overview and Scrutiny Committee, six Scrutiny Boards and three Scrutiny Commissions.
6. The **Overview and Scrutiny Committee** will be responsible for the Scrutiny of cross-cutting issues and will act as a Scrutiny Board in relation to one of the strategic priorities as identified within the newly agreed Corporate Plan. It will also have more of a co-ordinating role than the existing Overview and Scrutiny Committee in that it will receive and prioritise requests for scrutiny and decide whether or not these should be allocated to the relevant Scrutiny Boards in order for an inquiry to be carried out (notwithstanding the fact that Scrutiny Boards themselves will continue to have the authority to receive requests for scrutiny and initiate inquiries).

In cases where a potential inquiry is of a cross cutting, high profile nature, then the Overview and Scrutiny Committee may allocate the inquiry to a Scrutiny Commission

(see below). In addition, the Overview and Scrutiny Committee will take on a number of functions that are currently allocated to Scrutiny Boards, principally:

- Scrutinising matters falling within the remit of the Chief Executive's Department and the Corporate Services Department.
- Scrutiny of the Budget, Corporate Plan and Community Strategy
- Receiving requests for scrutiny
- Receiving performance management reports
- Call in of executive decisions.

7. The six new **Scrutiny Boards** will have broadly the same functions as the existing eight Scrutiny Boards, subject to the changed role of the Overview and Scrutiny Committee. Their respective terms of reference will, however, be linked to specific strategic priorities as identified within the Corporate Plan rather than to specific departments of the Council which is the present case (other than for the Board which deals with NHS matters). Scrutiny Boards will determine their own work programmes but, in doing so, will be required formally to consider any inquiry proposals put before them by the Overview and Scrutiny Committee.

8. As required, sub-committees of the Overview and Scrutiny Committee will be established as **Scrutiny Commissions** in order to undertake cross cutting enquiries or enquiries of particularly high corporate significance. Membership of each Commission will be drawn from across the membership of all the Scrutiny Boards and each one will be appropriately politically balanced. Three Members of the Overview and Scrutiny Committee will be designated as Scrutiny Commission Chairs.

9. The Chairs of the current eight Scrutiny Boards currently receive a special responsibility allowance of £17,780. Since the responsibilities of the new six Scrutiny Boards are substantially unchanged, **the Panel recommends that the Chairs of the six Scrutiny Boards should receive a special responsibility allowance of £17,780.**

10. The new Overview and Scrutiny Committee will combine the functions of a Scrutiny Board with additional responsibilities in relation to co-ordination of the overview and scrutiny function as a whole. This justifies, we believe, a special responsibility allowance slightly greater than that paid to the Chairs of the Scrutiny Boards. Bearing in mind the importance of the overview and scrutiny function, we believe that the Chair of the Overview and Scrutiny Committee should receive an allowance equal to that paid to members of the Executive Board (£20,205). Accordingly **the Panel recommends that the Chair of the Overview and Scrutiny Committee should receive a special responsibility allowance of £20,205.**

11. It is intended that the new Scrutiny Commissions will have the same range of powers and responsibilities as the Scrutiny Boards. Given that the intention is that they should investigate specific issues of cross-cutting significance, it seems likely that these will involve periods of concentrated activity with, perhaps, periods of

dormancy between those investigations. It is difficult to assess the relative responsibility and workload of the Chairs of the Scrutiny Commissions without the benefit of experience. In practice the workload may be rather less than the workload of the Scrutiny Boards. Equally, it could be as great. Having this in mind, **the Panel recommends that the Chairs of the three Scrutiny Commissions receive a special responsibility allowance of £11,869, but that the amount be reviewed before the end of the municipal year, having regard to experience of the operation and workload of the Scrutiny Commissions.**

## **SUMMARY OF RECOMMENDATIONS**

**12. A special responsibility allowance of £17,780 should be paid to the Chairs of the six Scrutiny Boards.**

**13. A special responsibility allowance of £20,205 should be paid to the Chair of the Overview and Scrutiny Committee.**

**14. (a) A special responsibility allowance of £11,869 should be paid to the Chairs of the three Scrutiny Commissions.**

**(b) The amount of this special responsibility allowance be reviewed before the end of the municipal year, having regard to experience of the operation and workload of the Scrutiny Commissions.**

**Rodney Brooke (Chair)  
Trevor Nuttall  
Carolyn Stephenson**

**16 May 2005**

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