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**Report of the Director of Legal and Democratic Services**

**Council**

**Date: 28<sup>th</sup> February 2006**

**Subject: Members Allowances**

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**Electoral Wards Affected:**

**Specific Implications For:**

Ethnic minorities

Women

Disabled people

Narrowing the Gap

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**1.0 Purpose Of This Report**

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

**2.0 Background Information**

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 met on 20<sup>th</sup> January 2006 and has published a report, a copy of which is attached.

**3.0 Recommendations**

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

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



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**Report of the Director of Legal and Democratic Services**

**Full Council**

**Date: 5 April 2006**

**Subject: Amendments to the Constitution**

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**Electoral Wards Affected:**

N/A

**Specific Implications For:**

Ethnic minorities

Women

Disabled people

Narrowing the Gap

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**Executive Summary**

1. This report notifies Council of amendments to the Officer Delegation Scheme (Executive Functions) approved by the Leader, as a result of the Children Act 2004, with effect from 1 March 2006. The following changes have been made by the Leader :

- Director of Children's Services – new delegation of authority;
- Chief Social Services Officer – new delegation of authority;
- Director of Learning and Leisure – amended delegation of authority;
- Amended general delegations to officers – executive functions.

The delegation to the Director of Social Services ceased from this date.

2. The Leader also approved with effect from the same date, amendments to the Executive Members' Portfolios. These were amended only in so far as to reflect the amended delegations to Directors and to the Chief Social Services Officer.

3. In addition, under authority delegated to her under article 15, the Director of Legal and Democratic Services has also approved consequential amendments to the constitution, which are also outlined in this report, for Members' information.

## **1.0 Purpose Of This Report**

1.1 This report notifies Council of amendments to the constitution, further to the Children Act 2004.

## **2.0 Background Information**

- 2.1 The appointment of the Director of Children's Services was effective from 1<sup>st</sup> March 2006. The Director of Learning and Leisure was designated from that date as the Director of Adult Social Services. The services of an interim Chief Social Services Officer have also now been procured to support the Director of Adult Social Services, and to be responsible for the day-to-day management of social services departmental operations.
- 2.2 The Executive Procedure Rules (paragraph 1.4 (b)) allow for the Leader to make amendments to the Officer Scheme of Delegation (executive functions). The Leader has now approved amendments to implement the above, with effect from 1 March 2006. The Rules provide for any changes to be reported by the Director of Legal and Democratic Services to the next ordinary meeting of Council.
- 2.3 In addition, under authority delegated to her under Article 15, the Director of Legal and Democratic Services has also approved consequential amendments to the constitution, which are also outlined in this report, for Members' information.

## **3.0 Main Issues**

### **3.1 Officer Delegation Scheme (executive functions)**

3.1.1 The following paragraphs set out the amendments to the officer delegation scheme, approved by the Leader. The authority of each Director is subject to an exception whereby an appropriate Executive Member can direct that a matter be referred to the Executive Board (rather than be determined by the Director). This exception also applies to the authority of the Chief Social Services Officer.

### **3.2 Director of Children's Services (Appendix A)**

- 3.2.1 The authority delegated to the Director of Children's Services reflects Section 18 of the 2004 Act, which sets out the purposes for which a Director of Children's Services must be appointed.
- 3.2.2 The Director has delegated authority in respect of
- functions of the authority in its role as children's services authority (including arrangements to promote co-operation to improve the well-being of children);
  - social services functions so far as they relate to children (and young people leaving care);
  - health services – functions exercisable on behalf of an NHS body<sup>1</sup> so far as they relate to children;
  - functions of the authority as LEA (except in respect of vocational training and allied services<sup>2</sup>.)
- 3.2.3 Prior to 1<sup>st</sup> March, functions of the authority in its role as LEA were delegated to the Director of Leisure and Learning. The Director retains delegated authority in respect

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<sup>1</sup> Under Section 31 of the Health Act 1999

<sup>2</sup> These are delegated to the Director of Learning and Leisure – see paragraph 3.4 below

of early years childcare and youth services, but this is concurrent with authority delegated to the Director of Children's Services<sup>3</sup>.

3.2.4 Other functions delegated to the Director of Children's Services are concurrently delegated to the Chief Social Services Officer – see paragraph 3.3 below.

3.2.5 In respect of matters within her authority, the Director of Children's Services may direct the Chief Social Services Officer or the Director of Learning and Leisure to refer the matter either to the Executive Board or to her, for consideration – see further below.

### 3.3. Chief Social Services Officer (Appendix B)

3.3.1 The Chief Social Services Officer's delegated authority is similar to that previously delegated to the Director of Social Services, with the addition of authority in respect of functions of the authority as children's services authority, relating to the promotion of inter-agency co-operation.

3.3.2 The following functions of the Director of Children's Services are concurrently delegated to the Chief Social Services Officer:

- the functions of the authority in its role as children's services authority;
- social services functions relating to children (and young people leaving care); and
- health functions exercisable on behalf of an NHS body, in so far as they relate to children.

3.3.3 Exceptions to the authority of the Chief Social Services Officer are as follows:

- Firstly, that in respect of matters within her authority (i.e. as set out in paragraph 3.2.2 above), the Director of Children's Services may direct the Chief Social Services Officer to refer the matter either to the Executive Board or to her, for consideration; and
- Secondly, that the Director of Adult Social Services may direct the Chief Social Services Officer to refer a matter to the Executive Board for consideration, where the Director considers such action is required to promote the provision of more effective and/or better-integrated adult social services.

3.3.4 The delegation scheme also requires the Chief Social Services Officer to consult with the Director of Children's Services or the Director of Adult Services (whichever officer is appropriate) before taking a key<sup>4</sup> or major<sup>5</sup> decision.

### 3.4 The Director of Learning and Leisure (Appendix C)

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<sup>3</sup> these are all functions of the LEA

<sup>4</sup> A key decision is a decision relating to an executive function which is likely to:

- result in the authority incurring expenditure or making savings over £500,000 per annum; or
- to have a significant effect on communities living or working in an area comprising two or more wards and which is not the result of implementing a previous key decision.

<sup>5</sup> A major decision is decision relating to an executive function which is likely to:

- result in the authority incurring expenditure or making savings over £100,000 per annum; or
- to have a significant effect on communities living or working in an area (including one ward) and which is not a result of implementing a previous key or major decision.

- 3.4.1 The Director of Learning and Leisure retains functions in respect of leisure. He also retains authority in respect of early years childcare and youth services. The latter is concurrent with the authority delegated to the Director of Children's Services.
- 3.4.2 The delegation scheme requires the Director of Learning and Leisure to consult with the Director of Children's Services before making a key or major decision in relation to any of the functions concurrently delegated. The Director of Children's Services may also direct the Director of Learning and Leisure to refer any matter relating to these, to the Executive Board or to her for consideration.
- 3.4.3 Vocational training and allied services remain delegated to the Director of Learning and Leisure.

### 3.5 The Director of Adult Social Services

- 3.5.1 The Director of Adult Social Services may direct the Chief Social Services Officer to refer a matter to the Executive Board for consideration, where he considers such action is required to promote the provision of more effective and/or better-integrated adult social services.
- 3.5.2 Under her delegated authority<sup>6</sup>, the Monitoring Officer has also revised Article 12 of the constitution, updating it in accordance with the revised delegation scheme, and detailing the designation and responsibilities of the Director of Adult Social Services. The revised Article 12 is attached to this report (Appendix D).

### 3.6 Officer Delegation schemes (general delegations)

- 3.6.1 The Leader has also amended the officer delegation scheme (general functions)(executive functions), to enable the Chief Social Services Officer to discharge general functions delegated to all Directors, in relation to financial and other matters. The Director of Legal and Democratic Services has for the same reason amended the officer delegation scheme (general functions)(council functions) as a consequential amendment.

### 3.7 Executive Member portfolios

- 3.7.1 These were amended by the Leader, only in so far as to reflect the amended delegations to Directors and to the Chief Social Services Officer (Appendix E).

### 3.8 Interim arrangements

- 3.8.1 Pending such a time as the Chief Social Services Officer started in post, the Leader determined that the functions remitted to the Chief Social Services Officer could be exercisable by the Director of Children's Services.

## **4.0 Implications For Council Policy And Governance**

- 4.1 There are no implications for council policy which arise from noting this amendment.
- 4.2 It is part of the Comprehensive Performance Assessment Key Lines of Enquiry for the constitution to be kept under review. Amending the constitution in line with current legislation will have a positive effect on the governance of the Council.

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<sup>6</sup> Article 15 of the constitution

## **5.0 Legal And Resource Implications**

- 5.1 The purpose of this report is to notify Members of amendments which have previously been made. Therefore there are no legal or resource implications arising from noting the amendment.

## **6.0 Conclusions**

- 6.1 Amendments have been made to the constitution, to implement the appointment of the Director of Children's Services and other related appointments.

## **7.0 Recommendations**

- 7.1 The Council is asked to note the amendments to the constitution as set out in this report, and the attached appendices.

**THE DIRECTOR OF CHILDREN'S SERVICES<sup>1</sup>**

With the exception of those matters where the appropriate Executive Member<sup>2</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>3</sup>, the Director of Children's Services<sup>4</sup> is authorised to discharge any function<sup>5</sup> of the Executive in relation to:

- (a) the authority's role as children's services authority<sup>6</sup>;
- (b) social services, so far as those functions relate to
  - (i) children or
  - (ii) young people leaving care<sup>7</sup>;
- (c) functions exercisable on behalf of an NHS body<sup>8</sup>, so far as they relate to children;
- (d) the authority's role as local education authority excluding:
  - (i) vocational training and allied services; and
  - (ii) those functions specified in the second schedule of the Secretary of State's direction dated 29 March 2001<sup>9</sup>.

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<sup>1</sup> Appointed under Section 18 Children Act 2004

<sup>2</sup> An "appropriate Executive Member" is the Leader or other Portfolio-holding Member of the Executive Board

<sup>3</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>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 the delegated authority 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 to 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> Including functions in relation to:

- arrangements to promote co-operation to improve well-being of children;
- arrangements to safeguard and promote welfare of children;
- information data-bases;
- the Local Safeguarding Children Board.

<sup>7</sup> Under sections 23C and 24D of the Children Act 1989, so far as not falling within (i).

<sup>8</sup> Under Section 31 of the Health Act 1999

<sup>9</sup> See addendum 2. This exclusion will cease to have effect on 31<sup>st</sup> March 2006.

**THE CHIEF SOCIAL SERVICES OFFICER**

With the exception of matters where

- (i) an appropriate Executive Member<sup>1</sup>, the Director of Children's Services<sup>2</sup> or the Director of Adult Social Services<sup>3</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>4</sup>; or
- (ii) the Director of Children's Services<sup>5</sup> has directed that the matter be referred to him/her for consideration

the Chief Social Services Officer<sup>6</sup> is authorised<sup>7</sup> to discharge any function<sup>8</sup> of the Executive in relation to:

- (a) the authority's role as children's services authority<sup>9</sup>;
- (b) social services;
- (c) functions exercisable on behalf of an NHS body<sup>10</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> In relation to any function the Director of Children's Services is authorised to discharge.

<sup>3</sup> Where the Director of Adult Social Services considers such action is required to promote the provision of more effective and/or better integrated adult social services

<sup>4</sup> The Chief Social Services Officer 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>5</sup> In relation to any function the Director of Children's Services is authorised to discharge.

<sup>6</sup> The fact that a function has been delegated to the Chief Social Services Officer does not require the Chief Social Services Officer to give the matter his/her personal attention and the Chief Social Services Officer may arrange for such delegation to be exercised by an officer of suitable experience and seniority. However the Chief Social Services Officer remains responsible for any decision taken pursuant to such arrangements.

<sup>7</sup> The Chief Social Services Officer must consult the Director of Children's Services or the Director of Adult Social Services as appropriate before taking any key or major decisions.

<sup>8</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 Chief Social Services Officer as "proper officer" for the purpose of any function delegated to him/her under these arrangements.

<sup>9</sup> These include functions in relation to:

- arrangements to promote co-operation to improve well-being of children;
- arrangements to safeguard and promote welfare of children;
- information data-bases;
- the Local Safeguarding Children Board.

<sup>10</sup> Under Section 31 of the Health Act 1999



## Director of Learning and Leisure

The Director of Learning and Leisure is authorised to discharge the following Council (non-executive) functions:

(a)	To license pleasure boats and pleasure vessels	Section 94 of the Public Health Acts Amendment Act 1907
(b)	To license the employment of children	Part II of the Children and Young Persons Act 1933 bylaws made under that Part, and Part II of the Children and Young Persons Act 1963
(c)	To authorise erection of stiles etc on footpaths or bridleways	Section 147 of the Highways Act 1980
(d)	To create footpath or bridleway by agreement	Section 25 of the Highways Act 1980
(e)	To create footpaths and bridleways	Section 26 of the Highways Act 1980
(f)	Duty to keep register of information with respect to maps, statements and declarations	Section 31A of the Highways Act 1980
(g)	To stop up footpaths and bridleways	Section 118 of the Highways Act 1980
(h)	To determine application for public path extinguishment order	Sections 118ZA and 118C(2) of the Highways Act 1980
(i)	To make a rail crossing extinguishment order	Section 118A of the Highways Act 1980
(j)	To make a special extinguishment order	Section 118B of the Highways Act 1980
(k)	To divert footpaths and bridleways	Section 119 of the Highways Act 1980
(l)	To make a public path diversion order	Sections 119ZA and 119C(4) of the Highways Act 1980
(m)	To make a rail crossing diversion order	Section 119A of the Highways Act 1980
(n)	To make a special diversion order	Section 119B of the Highways Act 1980
(o)	To require applicant for order to enter into agreement	Section 119C(3) of the Highways Act 1980
(p)	To make an SSSI diversion order	Section 12B of the Highways Act 1980
(q)	To keep register with respect to applications under sections 118ZA, 118C, 119ZA and 119C of the Highways Act 1980	Section 121B of the Highways Act 1980
(r)	To decline to determine certain applications	Section 121C of the Highways Act 1980
(s)	To authorise temporary disturbance of surface of footpath or bridleway	Section 135 Highways Act 1980
(t)	To assert and protect the rights of the public to use and enjoyment of highways	Section 130 of the Highways Act 1980
(u)	To divert footpath or bridleway temporarily	Section 135A of the Highways Act 1980
(v)	To extinguish certain public rights of way	Section 32 of the Acquisition of Land Act 1981
(w)	To keep definitive map and statement under review	Section 53 of the Wildlife and Countryside Act 1981
(x)	To include modifications in other orders	Section 53A of the Wildlife and Countryside Act 1981
(y)	To keep register of prescribed information with respect to applications under section 53(5) of the Wildlife and Countryside Act	Section 53B of the Wildlife and Countryside Act 1981

**Appendix C**

	1981	
(z)	To reclassify roads used as public paths	Section 54 of the Wildlife and Countryside Act 1981
(aa)	To prepare map and statement by way of consolidation of definitive map and statement	Section 57A of the Wildlife and Countryside Act 1981
(bb)	To designate footpath as cycle track	Section 3 of the Cycle Tracks Act 1984
(cc)	To extinguish public right of way over land acquired for clearance	Section 294 of the Housing Act 1981
(dd)	To authorise stopping up or diversion of footpath or bridleway	Section 257 of the Town and Country Planning Act 1990
(ee)	To extinguish public rights of way over land held for planning purposes	Section 258 of the Town and Country Planning Act 1990
(ff)	To enter into agreements with respect to means of access	Section 35 of the Countryside and Rights of Way Act 2000
(gg)	To provide access in absence of agreement	Section 37 of the Countryside and Rights of Way Act 2000

## ARTICLE 12 - OFFICERS

### 12.1 MANAGEMENT STRUCTURE

- **General**

The full Council may engage such staff (referred to as officers) as it considers necessary to carry out its functions.

- **Chief Officers**

The full Council will engage persons for the following posts, who will be designated Chief Officer:

POST	FUNCTIONS AND AREAS OF RESPONSIBILITY
Chief Executive (and Head of Paid Service)	<p>Overall corporate management and operational responsibility (including overall management responsibility for all officers);</p> <p>Equality of opportunity in employment and service delivery; performance management and service development; policy development, external relations and communications, customer services and the promotion of welfare rights;</p> <p>Provision of professional advice to all parties in the decision making process;</p> <p>Together with the Monitoring Officer, responsibility for a system of record keeping for all the Council's decisions;</p> <p>Representing the Council on partnership and external bodies (as required by statute or the Council).</p>
Deputy Chief Executive	<p>Assisting the Chief Executive in the overall corporate management and operational responsibility of the Council;</p> <p>Taking the lead on corporate initiatives, particularly the delivery of the Council's organisational corporate objectives;</p> <p>Representing the Council on partnership and external bodies.</p>
Director of Legal and	The Solicitor to the Council and Monitoring Officer; provision

**Appendix D**

<b>POST</b>	<b>FUNCTIONS AND AREAS OF RESPONSIBILITY</b>
Democratic Services (and Monitoring Officer)	<p>of legal advice;</p> <p>Procurement and purchasing, electoral matters, land charges, vehicle and public entertainment and related licensing and enforcement duties; registration of births, deaths and marriages; and the management of matters relating to Members, the Lord Mayor, Committees and Scrutiny Support;</p> <p>Data protection, human rights, freedom of information and regulation of surveillance activities;</p> <p>Management of corporate governance.</p>
Director of Corporate Services (and Section 151 Officer)	<p>The Chief Finance Officer to the Council and Section 151 Officer; provision of financial advice;</p> <p>Ensuring financial prudence of decision making, administration of financial affairs including benefits, student support, the collection of revenue, Council tax and national non-domestic rates, internal audit, creditor payments and the Council's insurance arrangements;</p> <p>Industrial relations and employment matters including employee training and health and safety;</p> <p>Risk management, civil defence and emergency peace time planning;</p> <p>The application of information, communication and associated technologies to support the discharge of any of the Council's functions.</p>
Director of City Services	<p>The provision of services relating to building maintenance, catering, cleaning, transport (including corporate fleet management and maintenance and passenger transport) and school crossing patrols;</p> <p>Civic and community buildings, accommodation and facilities management;</p> <p>Matters relating to highways and road traffic (except those carried out by Director of Development) including parking enforcement;</p> <p>Streetscene management (and enforcement) including street and gully cleansing, refuse collection, waste management, public conveniences, graffiti removal, fly tipping and dog warden services.</p>
Director of Neighbourhoods and	<p>Housing (excluding those matters delegated to ALMOs), the condition and occupation of housing, caravan sites and land</p>

**Appendix D**

<b>POST</b>	<b>FUNCTIONS AND AREAS OF RESPONSIBILITY</b>
Housing	<p>occupied by travelling people; environmental and consumer protection; health and safety, public health (including the investigation and control of notifiable diseases); animal welfare;</p> <p>Regeneration, community planning and community initiatives, community safety and the reduction of crime and disorder;</p> <p>Management and oversight of area based working arrangements.</p>
Director of Development	<p>The management of land (including valuation, acquisition, appropriation, disposal and other dealings with land or any interest in land); the operation of retail and wholesale markets and car boot sales;</p> <p>The promotion of economic development and management of the city centre (including the promotion of the city centre and management of public spaces);</p> <p>Highways and road traffic regarding transportation and engineering services;</p> <p>Planning, building control (whether under the Building Act 1984 or otherwise); safety at sports grounds, land drainage, environmental management (including policy development on Waste Management) and the formulation and implementation of environmental improvement programmes;</p> <p>Design services and asset management.</p>
Director of Learning and Leisure	<p>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</p>

POST	FUNCTIONS AND AREAS OF RESPONSIBILITY
	<p>obtain employees;</p> <p>Cultural services (including the arts, libraries, record repositories, museums and art galleries, tourism and promotions, public entertainment, halls and venues);</p> <p>Recreation services (including parks, countryside and sports facilities), cemeteries, crematoria, burial grounds and mortuaries, countryside management (including all matters relating to the provision and maintenance of footpaths and bridleways), the provision and maintenance of landscaping schemes;</p> <p>Early years development and child care plans; youth services.</p>
Director of Children's Services <sup>1</sup>	The planning, commissioning and delivery of children's services (i.e. education, social and health services pertaining to children) and the promotion of arrangements for inter-agency co-operation.
Director of Adult Social Services <sup>2</sup>	<p>Responsibility for the strategic lead on the development of the Council's services to adult users of social services, and the promotion of joint commissioning with NHS bodies and other agencies to ensure that all of the assessed needs of such users are met.</p> <p>Responsibility for the overall quality, fitness for purpose and value for money of the Council's adult social services.</p>
Chief Social Services Officer	To ensure proper management of all the authority's social services functions to children and families, and adults.

Officer functions are further described in Part 3 of the Constitution.

- **Head of Paid Service, Monitoring Officer and Chief Finance Officer**

The Council will designate the following posts as shown:

DESIGNATION	POST	DEPUTY
Head of Paid Service	Chief Executive	Deputy Chief Executive
Monitoring Officer	Director of Legal and Democratic Services	Chief Legal Officer

<sup>1</sup> Appointed under Section 18 Children Act 2004

<sup>2</sup> Appointed under Section 6 of the Local Authority Social Services Act 1970

Chief Finance Officer	Director of Corporate Services	Chief Officer (Financial Management)
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The duties of both the Monitoring Officer and Chief Finance Officer (apart from the administration of the financial affairs of the Council) must be carried out personally, but can be carried out by a deputy nominated by them in cases of absence or illness.

Such posts will have the functions described in Article 12.2–12.4 below.

- **Structure**

The Head of Paid Service will determine and publicise a description of the overall departmental structure of the Council showing the management structure and deployment of officers. This is set out at Part 7 of this Constitution.

## 12.2 FUNCTIONS OF THE HEAD OF PAID SERVICE

- **Discharge of functions by the Council**

The Head of Paid Service will report to full Council on the manner in which the discharge of the Council's functions is co-ordinated, the number and grade of officers required for the discharge of functions and the organisation of officers.

- **Restrictions on functions**

The Head of Paid Service cannot be the Monitoring Officer but may hold the post of Chief Finance Officer if a qualified accountant.

## 12.3 FUNCTIONS OF THE MONITORING OFFICER

- **Maintaining the Constitution**

The Monitoring Officer will maintain an up-to-date version of the Constitution and will ensure that it is widely available for consultation by Members, staff and the public.

- **Ensuring lawfulness and fairness of decision making.**

After consulting with the Head of Paid Service and Chief Finance Officer, the Monitoring Officer will report to the full Council or to the Executive in relation to an executive function if he/she considers that any proposal, decision or omission would give rise to unlawfulness or if any decision or omission has given rise to maladministration. Such a report will have the effect of stopping the proposal or decision being implemented until the report has been considered.

- **Supporting the Standards Committee**

The Monitoring Officer will contribute to the promotion and maintenance of high standards of conduct through provision of support to the Standards Committee.

- **Receiving reports**

The Monitoring Officer will receive and act on reports made by Ethical Standards Officers and decisions of the Case Tribunals.

- **Conducting investigations.**

The Monitoring Officer will conduct investigations into matters referred by Ethical Standards Officers and make reports or recommendations in respect of them to the Standards Committee.

- **Proper officer for access to information.**

The Monitoring Officer will ensure that decisions, together with the reasons for those decisions and relevant officer reports and background papers are made publicly available as soon as possible.

- **Advising whether executive decisions are within the budget and policy framework**

The Monitoring Officer will advise whether decisions of the Executive are in accordance with the Budget and Policy Framework

- **Contributing to corporate management**

The Monitoring Officer will contribute to the corporate management of the Council, in particular through the provision of professional legal advice.

- **Providing advice**

The Monitoring Officer will provide advice on the scope of powers and authority to take decisions, maladministration, financial impropriety, probity and Budget and Policy Framework issues to all Councillors and will support and advise Councillors in their respective roles.

- **Restrictions on posts**

The Monitoring Officer cannot be the Chief Finance Officer or the Head of Paid Service.

## 12.4 FUNCTIONS OF THE CHIEF FINANCE OFFICER

- **Ensuring lawfulness and financial prudence of decision making**

After consulting with the Head of Paid Service and the Monitoring Officer, the Chief Finance Officer will report to the full Council or to the Executive in relation to an executive function and the Council's external auditor if he/she considers that any proposal, decision or course of action will involve incurring unlawful



expenditure, or is unlawful and is likely to cause a loss or deficiency or if the Council is about to enter an item of account unlawfully.

- **Administration of financial affairs**

The Chief Finance Officer will have responsibility for the administration of the financial affairs of the Council.

- **Contributing to corporate management**

The Chief Finance Officer will contribute to the corporate management of the Council, in particular through the provision of professional financial advice.

- **Providing advice**

The Chief Finance Officer will provide advice on the scope of powers and authority to take decisions, maladministration, financial impropriety, probity and Budget and Policy Framework issues to all Councillors and will support and advise Councillors and officers in their respective roles.

- **Give financial information**

The Chief Finance Officer will provide financial information to the media, members of the public and the community.

#### 12.5 **Duty to provide sufficient resources to the Monitoring Officer and Chief Finance Officer**

The Council will provide the Monitoring Officer and Chief Finance Officer with such officers, accommodation and other resources as are in their opinion sufficient to allow their duties to be performed.

#### 12.6 **Conduct**

Officers will comply with the codes of conduct and protocols set out in Part 5 of this Constitution.

#### 12.7 **Employment**

The recruitment, selection and dismissal of officers will comply with the Officer Employment Procedure Rules set out in Part 4 of this Constitution.

## SECTION 3B: EXECUTIVE MEMBER PORTFOLIOS

EXECUTIVE MEMBER	DECISION MAKING OVERVIEW
<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	Directors of Children's Services (functions pertaining to Learning) and Learning and Leisure (functions pertaining to Learning) <sup>1</sup>
<b>Leisure</b> Cllr John Procter Conservative Group	Director of Learning and Leisure (functions pertaining to Leisure) <sup>2</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> </ol> that relevant agencies, including the Council, work as closely as possible together to promote the well-being and safety of children in Leeds.
<b>Social Care and Health</b> Cllr Peter Harrand Conservative Group	Director of Children's Services (functions pertaining to social services) <sup>3</sup> and the Chief Social Services Officer
<b>Leader of the Green Group</b> Cllr David Blackburn Green Group	
<b>Leader of the Labour Group</b> Cllr Keith Wakefield Labour Group	

<sup>1</sup> Function (d) of the Officer Delegation to the Director of Children's services and functions (a), (b) and (g) of the Officer Delegation to the Director of Learning and Leisure.

<sup>2</sup> Functions (c), (d), (e) and (f) of the Officer Delegation to the Director of Learning and Leisure

<sup>3</sup> Functions (a), (b) and (c) of the Officer Delegation to the Director of Children's Services



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**Report of the Director of Legal and Democratic Services**

**Meeting: Council**

**Date: 5<sup>th</sup> April 2006**

**Subject: Recommendations of the Executive Board**

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**Electoral wards affected:**

**Specific implications for:**

Ethnic minorities

Women

Disabled people

Narrowing the gap

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**1.0 PURPOSE OF REPORT**

1.1 To present to Council the following documents:-

- The Children and Young People's Plan
- The Local Development Framework – Statement of Community Involvement
- The Food Safety Service Strategy Update 2005/2008

**2.0 INFORMATION**

2.1 The attached reports were considered by the Executive Board on 22<sup>nd</sup> March 2006 and in each case were referred to Council with recommendations for approval as detailed in each of the Executive Board minutes referring to them.

- (a) The Children and Young People's Plan (minute 232 refers)
- (b) The Local Development Framework – Statement of Community Involvement (minute 238 refers)
- (c) The Food Safety Service Strategy Update 2005/2008 (minute 244 refers)

2.2 The reports considered by the Board are attached to this report and copies of the full Plan, Statement and Strategy are attached to Members copies of the agenda and are available from the Clerk to the Council on 2474350.

### **3.0 RECOMMENDATIONS TO COUNCIL**

That Council approve the Children and Young People's Plan, the Local Development Framework – Statement of Community Involvement and the Food Safety Service Strategy Update 2005/2008 as recommended in minutes 232, 238 and 244 of the Executive Board of 22<sup>nd</sup> March 2006..