

# Public Document Pack

Supplementary Information (1) – Annual Council Meeting 21st May 2009

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# Agenda Item 4



## Democratic Services

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15<sup>th</sup> May 2009

To: All Members of Council

Dear Councillor

### **ANNUAL COUNCIL MEETING – 21<sup>ST</sup> MAY 2009 ITEMS 7(A) AND (B), 6, 8 AND 10**

Further to the dispatch of the Council Summons earlier in the week, please find the following documents attached to this letter:

- Item 6 - The report of the Chief Democratic Services Officer on the recommendations of the General Purposes Committee with regard to amendments to the Constitution.
- Item 7(a) - Committee Terms of Reference
- Item 7(b) - The report of the Monitoring Officer with regard to the appointment of a Parish and Town Council Member and Independent Member to the Standards Committee.
- Item 8 - The Officer Delegation Scheme (Council (Non-Executive) Functions).
- Item 10 - The list presented by the Leader setting out the arrangements for the discharge of executive functions.

It is intended that the remaining schedules associated with Items 7(c), (d) and (e) will be circulated early next week.

Yours sincerely

Ian Walton  
Principal Governance Officer

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Originators: E Davenport /  
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## Report of the Chief Democratic Services Officer

### Full Council – annual meeting

Date: 21 May 2009

### Subject: Recommendations from General Purposes Committee – Constitution amendments

#### Electoral Wards Affected:

Ward Members consulted  
(referred to in report)

#### Specific Implications For:

Equality and Diversity   
Community Cohesion   
Narrowing the Gap

## Executive Summary

1. This report sets out recommendations to Council from the General Purposes Committee at its meeting on 13 May 2009, relating to amendments to the Constitution. The principal recommendations are detailed below.
2. The report sets out recommendations to amend Article 9 (for clarification) and Article 14 (to authorise directors to sign contracts up to the value of £100,000).
3. It also sets out a number of recommendations for minor amendments to:
  - the terms of reference of Standards Committee;
  - the list of functions reserved to full Council;
  - the terms of reference of Plans Panels; and
  - the Council delegation to the Chief Planning Officer.
4. The report sets out a recommendation for a minor amendment to the Council officer delegation scheme for clarification.
5. The report sets out a recommendation to amend the footnote to the terms of reference of the Scrutiny Board (City Development) to reflect two new concurrent chief officer posts.
6. The report also sets out a recommendation to amend the Council Procedure Rules, to secure the wider ten minute right to sum up in all instances.
7. The report also sets out recommendations in relation to the Council's scrutiny arrangements, principally in relation to legislative changes implementing:
  - Councillor calls for action;

- Scrutiny of crime and disorder functions; and
- Local Involvement Networks (LINks).

## **1.0 Purpose Of This Report**

1.1 This report presents recommendations to Council from the General Purposes Committee, for amendments to the constitution.

## **2.0 Background Information**

2.1 General Purposes Committee is authorised to consider proposals to amend the constitution, and make recommendations to full Council. At its meeting on 13 May 2009, the General Purposes Committee considered an item relating to the annual review of the constitution. This report sets out the recommendations from General Purposes Committee relating to that item.

## **3.0 Main Issues**

### Amendments to Articles

- 3.1 Article 9 sets out details in relation to the membership and functions of the Governance Committees. The General Purposes Committee recommend revised provisions about the Standards Committee, as follows:
- to re-order for clarity;
  - to remove the description of general functions;
  - to include full details of the relevant legislative provisions in the provisions in relation to membership of the Committee and in relation to the different types of Committee Members; and
  - to remove the reference to a Parish Council's Sub Committee.
- 3.2 Appendix 1 to this report sets out the revised Article 9.
- 3.3 Article 14.5 currently authorises the Chief Executive and the Assistant Chief Executive (Corporate Governance) to sign contracts on behalf of the Council. Both officers, however, subsequently sub-delegated this authority, (subject to exceptions), to directors (defined as including chief officers with concurrent delegations).
- 3.4 To promote accountability, the General Purposes Committee recommend Article 14.5 is revised for clarity and to directly authorise directors (or other person authorised by each of them) to sign contracts relating to functions within their remit, which are under £100,000<sup>1</sup>.
- 3.5 Appendix 2 to this report sets out the revised Article 14.5.

### Standards Committee's terms of reference

- 3.8 The General Purposes Committee also recommend Council to amend the Standards Committee's terms of reference for clarification, as follows:
- insert new Paragraph 1 to confirm the situation in law and in practice at Leeds, namely that it is full Council and not the Standards Committee which has the authority to adopt or revise the Members' Code of Conduct;
  - amend paragraphs 3 and 4 to clarify the distinction between them; and
  - remove the reference to the Members' Allowances Scheme to reflect amendments to that Scheme.

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<sup>1</sup> Contracts with a value above £100,000 must be executed as a deed by an authorised officer from the Procurement Unit (Contracts Procedure Rule 21.1).

- 3.10 The recommended amendments to the Standards Committee's terms of reference are set out in Appendix 3 to this report.

Legislative updates - Council functions

- 3.11 Functions which are carried out by **full Council** are set out in Part 3, Section 2A of the constitution.
- 3.13 Regulations which identify council functions have been amended to identify as council functions, the functions relating to changes in elections scheme<sup>2</sup> (that is, the power to move to full Council elections) introduced under the Local Government and Public Involvement in Health Act 2007.
- 3.14 The General Purposes Committee therefore recommend Council to amend Section 2A, to include these functions within the list of functions carried out by full Council.
- 3.15 Regulations have also now identified additional functions relating to common land as council functions. These need to be reflected in the terms of reference of Plans Panels, by way of an amendment to a footnote. The General Purposes Committee therefore recommend amendments to the terms of reference for Plans Panel, as set out in the Appendix 4 to this report.

Officer delegation scheme (council functions)

- 3.16 For the avoidance of doubt, the General Purposes Committee recommend to Council that the officer delegation scheme (council functions) confirms that officers with authority under the scheme may sub-delegate their authority.
- 3.17 The following wording is recommended as an insertion into the scheme, and by way of a footnote to each individual postholder:
- “The fact that a function has been delegated to the (officer) does not require the (officer) to give the matter his/her personal attention and the (officer) may arrange for such delegation to be exercised by an officer of suitable experience and seniority. However the (officer) remains responsible for any decision taken pursuant to such arrangements.”
- 3.18 The General Purposes Committee also recommend to Council that the officer delegation to the Chief Planning Officer, be amended to:
- refer to new functions relating to common land (subject to an exception where objections are received);
  - delete the existing exception to the Chief Planning Officer's functions in relation to hedgerows and trees; and
  - insert functions relating to safety certificates (these are concurrent with the Director of City Development, following the Leader confirming that the Chief Planning Officer is to have concurrent executive delegations with that officer).
- 3.19 Appendix 5 to this report sets out the delegation to the Chief Planning Officer, incorporating all of the recommended amendments.

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<sup>2</sup> These are functions relating to consulting on change of scheme for elections (Sections 33(2), 38 (2) and 40(2)), publicity (Sections 35, 41 and 52), notice to Electoral Commission (Sections 36 and 42), and power to alter the years of ordinary elections of parish councillors (Section 53).



- 3.20 The General Purposes Committee also recommend a minor amendment to the footnote to the terms of reference of the Scrutiny Board (City Development) to reflect that from the date of the annual meeting, there are two additional chief officers with concurrent executive delegations (the Chief Planning Officer and the Chief Officer (Libraries, Arts and Heritage) to those of the Director of City Development.

#### Council Procedure Rules

- 3.21 At the Council meeting held on 19<sup>th</sup> November 2008 a reference back was moved under the Environmental Services portfolio. In accordance with the provisions of Council Procedure Rule 14.8(b), the portfolio holder was allowed five minutes in which to sum up. In the absence of any comments on the minutes within the same portfolio, the portfolio holder was obliged to forego the ten minutes of summing up time allowed under Council Procedure Rule 14.5(a).
- 3.22 The five minutes restriction on the summing up in respect of a reference back arose from the assumption that the Member summing up would also have a ten minute right in relation to comments on their portfolio/committee and that the resultant combined fifteen minutes would be adequate for all purposes.
- 3.23 The General Purposes Committee considered that the portfolio holder/Chair should be allowed the ten minutes of summing up at the conclusion of a debate on their section of the minutes irrespective of the nature of that debate. The Committee therefore recommend that the Council Procedure Rule 14.8(b) be amended accordingly, as set out in appendix 6 to this report.

#### Scrutiny arrangements

- 3.24 The General Purposes Committee also recommend changes to the Council's scrutiny arrangements, principally in relation to legislative changes implementing:
- Councillor calls for action;
  - Scrutiny of crime and disorder functions (including local crime and disorder matters); and
  - Local Involvement Networks (LINKs).
- 3.25 In particular, the General Purposes Committee recommend Council to approve changes to the terms of reference for the Scrutiny Board (Environment and Neighbourhoods) so that it can act as the authority's crime and disorder committee. The recommended amendments are set out in Appendix 7 to this report.
- 3.26 The General Purposes Committee also recommend a revised Article 6 of the Constitution (as set out in Appendix 8 to this report), and Scrutiny Board Procedure Rules (as set out in Appendix 9) to implement all of the new provisions, as set out above, and for clarification.

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

- 4.1 It is in accordance with good governance principles to review and update the constitution on a regular basis, and in accordance with legislative changes.

### **5.0 Legal And Resource Implications**

- 5.1 The amendments proposed will update the Constitution in accordance with legislative changes. There are no resource implications arising from the proposed amendments.

## **6.0 Conclusions**

- 6.1 The Constitution should be amended to keep it up to date with the legislation, and clarify responsibilities.

## **7.0 Recommendations**

- 7.1 General Purposes Committee recommend Council to approve:
- 7.1.1 the amended Article 9 of the Constitution, attached as Appendix 1 to this report;
  - 7.1.2 the amended Article 14 of the Constitution, attached as Appendix 2 of this report;
  - 7.1.3 amendments to the Standards Committee's terms of reference as set out in Appendix 3 to this report;
  - 7.1.4 amendments to Section 2A, Part 3 of the Constitution (functions of full Council), as set out in paragraph 3.13 of this report;
  - 7.1.5 an amendment to the terms of reference of Plans Panel, relating to common land functions, as set out in Appendix 4 of this report;
  - 7.1.6 amendments to the delegation to the Chief Planning Officer, as set out in appendix 5 to this report;
  - 7.1.7 an amendment to the footnote to the terms of reference of the Scrutiny Board (City Development) to reflect the concurrent delegations to the Chief Planning Officer and the Chief Officer (Libraries, Arts and Heritage) as referred to in paragraph 3.20 of this report;
  - 7.1.8 the amendment to Council Procedure Rule 14.8(b) as detailed in appendix 6 to this report;
  - 7.1.9 the amendments to the terms of reference for the Scrutiny Board (Environment and Neighbourhoods) set out in appendix 7 to this report;
  - 7.1.10 the amended Article 6, attached as appendix 8 to this report; and
  - 7.1.11 the amended Scrutiny Board Procedure Rules, attached as appendix 9 to this report.

### Background Documents

Leeds City Council Constitution  
Police and Justice Act 2006  
Local Government and Public Involvement in Health Act 2007  
Crime and Disorder (Overview and Scrutiny) Regulations 2009  
Local Authorities (Functions and Responsibilities) (England) Regulations 2000  
Report to the General Purposes Committee 13 May 2009

## ARTICLE 9 – GOVERNANCE COMMITTEES

### 9.1 GENERAL PURPOSES COMMITTEE

9.1.1 In accordance with Article 15 the General Purposes Committee has authority to consider proposals for amending the constitution and making recommendations to full Council.

### 9.2 CORPORATE GOVERNANCE AND AUDIT COMMITTEE

9.2.1 Members of the Executive; and Political Group Leaders and Whips from the administration and the major opposition Group are precluded from being members of the Corporate Governance and Audit Committee.

9.2.2 The Chair of Standards Committee will be a non voting co-opted member of the Committee

### 9.3 STANDARDS COMMITTEE

9.3.1 The Council meeting will establish a Standards Committee.

9.3.2 The Terms of Reference for the Standards Committee, the Assessment Sub-Committee and the Review Sub-Committee are set out in Part 3, Section 2B of the Constitution.

#### 9.3.3 Membership

The Standards Committee will be composed of:

- Seven Elected members of Leeds City Council (Elected Members)
- Four Independent Members (Independent Members); and
- Three Parish Members (a Parish Member).<sup>2</sup>

#### 9.3.4 Elected Members

9.3.4.1 Shall be Councillors other than the leader, three of whom shall be representatives of the three largest political groups; and of the remaining four, at least one being a representative from a political group not being one of the three largest.

9.3.4.2 A maximum of one Elected Member may also be an Executive Member<sup>3</sup>.

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<sup>2</sup> Following appointment to the Standards Committee a Parish member will remain a Member of the Standards Committee until their term of office on the Committee expires, unless at any such time they cease to be Members of their Parish Council (i.e. they resign, are disqualified or are not re-elected or re-appointed to the Parish Council). A temporary cessation in their membership of their Parish Council during election periods is not to be taken as terminating their appointment to the Standards Committee.

<sup>3</sup> Regulation 4(b) Standards Committee (England) Regulations 2008

## *Article 9 - Governance Committees*

9.3.4.3 An Elected Member may also be a Member of a Parish or Town Council in the Leeds City Council Area.

### **9.3.5 Independent Members**

9.3.5.1 Shall be people who are not Members or officers of Leeds City Council or any other Relevant Authority<sup>4</sup> (although a person who is an independent member of the standards committee of another relevant authority may be appointed as an independent member of the standards committee), and

9.3.5.2 They shall not have been a Member or officer of Leeds City Council within the 5 years preceding the date of their appointment, and

9.3.5.3 They shall not be a relative or close friend of a Member or officer of Leeds City Council.<sup>5</sup>

9.3.5.4 Appointment of a new Independent Member to the Standards Committee will be made by Full Council upon the recommendation of a panel. The Panel will include the Assistant Chief Executive (Corporate Governance) and the Chair of the Standards Committee.

9.3.5.5 An Independent Member shall not be appointed to serve more than two terms.

9.3.5.6 Independent Members will be entitled to vote at meetings.

9.3.5.7 The Chair of the Committee will be appointed from the Independent Members appointed to it.<sup>6</sup>

### **9.3.6 Parish Members**

9.3.6.1 Shall be Members of a Parish or Town Council wholly or mainly in the Leeds City Council's area, and

9.3.6.2 Shall not also be Members of Leeds City Council<sup>7</sup>

9.3.6.3 A Parish Member must be present when matters relating to Parish Councils or their Members are being considered. The Parish Member is entitled to vote.

### **9.3.7 Sub Committees of the Standards Committee**

#### **9.3.5.2 Assessment Sub-Committee**

The Standards Committee shall appoint an Assessment Sub-Committee to exercise the function of assessing allegations of misconduct made against Members and

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<sup>4</sup> Section 49(6) Local Government Act 2000

<sup>5</sup> Regulation 5 (2 & 3) Standards Committee (England) Regulations 2008

<sup>6</sup> Section 53(4) Local Government Act 2000

<sup>7</sup> Regulation 4(2) Standards Committee (England) Regulations 2008

determining whether the allegations should be referred to the Monitoring Officer<sup>8</sup> for investigation or other action.<sup>9</sup>

The sub-committee membership will be composed of one Independent Member, two Elected Members and one Parish Member<sup>10</sup>.

The Chair of the Assessment Sub-Committee will be appointed from the Independent Members appointed to the Standards Committee.<sup>11</sup>

### 9.3.7.1 Review Sub-Committee

The Standards Committee shall appoint a Review Sub-Committee to exercise the function of reviewing a decision made by the Assessment Sub-Committee that no action should be taken in relation to an allegation.<sup>12</sup>

The Sub-Committee membership will be composed of one Independent Member, two Elected Members and one Parish Member<sup>13</sup>. Members of the Assessment Sub Committee which made the initial assessment of an allegation will not be eligible for membership of the Review Sub Committee in relation to the same allegation.

The Chair of the Review Sub-Committee will be appointed from the Independent Members appointed to the Standards Committee<sup>16</sup>

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<sup>8</sup> Or to the Standards Board for England Section 57A(2)(b) Local Government Act 2000

<sup>9</sup> Regulation 6, Standards Committee (England) Regulations 2008 No.1085/2008

<sup>10</sup> The Parish Member only need attend if the matters being discussed by the Sub-Committee involve a Town/Parish Council Member.

<sup>11</sup> Regulation 6, Standards Committee (England) Regulations 2008 No.1085/2008

<sup>12</sup> Regulation 6, Standards Committee (England) Regulations 2008 No.1085/2008, and Section 57B Local Government Act 2000

<sup>13</sup> The Parish Member only need attend if the matters being discussed by the Sub-Committee involve a Town/Parish Council Member.

<sup>16</sup> Regulation 6, Standards Committee (England) Regulations 2008 No.1085/2008

**ARTICLE 14 – FINANCE, CONTRACT AND LEGAL MATTERS****14.1 FINANCIAL MANAGEMENT**

The management of the Council's financial affairs will be conducted in accordance with the Financial Procedure Rules set out in Part 4 of this Constitution.

**14.2 CONTRACTS**

Every contract made by the Council will comply with the Contracts Procedure Rules set out in Part 4 of this Constitution.

**14.3 LEGAL PROCEEDINGS**

The Assistant Chief Executive (Corporate Governance) is authorised to institute, defend or participate in any legal proceedings in any case where such action is necessary to give effect to decisions of the Council or any part of it or in any case where the Assistant Chief Executive (Corporate Governance) considers that such action is necessary to protect the Council's interests.

**14.4 COMMON SEAL OF THE COUNCIL****• Custody**

The Common Seal of the Council will be kept in a safe place in the custody of the Assistant Chief Executive (Corporate Governance).

**• Authority to Use Seal**

A decision of the Council, or of any part of it, will be sufficient authority for sealing any document necessary to give effect to the decision. The Common Seal will be affixed to those documents which in the opinion of the Assistant Chief Executive (Corporate Governance) should be sealed. The affixing of the Common Seal will be attested by the Assistant Chief Executive (Corporate Governance) or some other person authorised by him/her.

**• Attestation**

The Common Seal shall be attested by the signature (including the facsimile of the signature by whatever process reproduced) of the Assistant Chief Executive (Corporate Governance) and entry shall be made by the Assistant Chief Executive (Corporate Governance) or some other person authorised by him/her in a book to be provided for that purpose of every deed and other document to which the Common Seal has been affixed.

## 14.5 SIGNATURE OF DOCUMENTS

- **Contracts in writing**

Any contract with a value exceeding £100,000 entered into on behalf of the local authority in the course of the discharge of an executive function shall be made in writing. Such contracts must either be signed by at least two officers of the authority or made under the common seal of the Council attested by at least one officer.

- **Signature of Contracts**

The Chief Executive and the Assistant Chief Executive (Corporate Governance) (or other person authorised by each of them) shall each be authorised to sign as Agent for the Council all contracts agreed to be entered into by the Council, or any part of it.

All Directors (or other person authorised by a Director) shall be authorised in relation to matters within their remit, to sign as Agent for the Council all contracts of a value below £100,000 agreed to be entered into by the Council or any part of it.

- **Authentication of Documents for Legal Proceedings**

Where any document will be a necessary step in legal proceedings on behalf of the Council, it shall be signed by the Chief Executive or the Assistant Chief Executive (Corporate Governance) or other person authorised by him/her unless any enactment otherwise requires or authorises, or the Council give the necessary authority to some other person for the purpose of such proceedings

## The Standards Committee

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

1. to advise the authority on the adoption or revision of a Code of Conduct for Members<sup>2</sup> and to promote, monitor and review the operation of the Members' Code of Conduct.
2. to consider and determine one or more local codes of conduct for Members or protocols for Member/officer relations<sup>3</sup> and to promote, monitor, review and amend such codes of conduct or protocols;
3. to appoint sub-committees<sup>4</sup> to consider and initially assess<sup>5</sup> or review decisions not to act<sup>6</sup> in respect of any written allegations<sup>7</sup> made against Members;
4. to consider and determine any complaints<sup>10</sup> made against Members and to determine any sanction to be imposed on a finding of misconduct;
5. to consider and determine applications for dispensations<sup>11</sup>;
6. to make recommendations to the Corporate Governance and Audit Committee where representations (on behalf of the Council) are required to be made to external agencies,<sup>12</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 and to make representations on its own behalf;

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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> Section 54(2)(a) Local Government Act 2000

<sup>3</sup> To be known as 'Local Codes'

<sup>4</sup> Regulation 6, Standards Committee (England) Regulations 2008 No. 1085/2008

<sup>5</sup> Section 57A Local Government Act 2000

<sup>6</sup> Section 57B Local Government Act 2000

<sup>7</sup> written allegations made by any person under section 57A Local Government Act 2000

<sup>10</sup> "complaints" for these purposes to mean allegations of breach of

- the Members Code of Conduct adopted by Leeds City Council; or
- the National Code of Local Government Conduct where the alleged breach is committed before 5 April 2002; or
- any of the Authority's Local Protocols/Codes which refer to the conduct of Members, other than the Code of Conduct;

which have been the subject of an investigation resulting in a finding of failure to comply (or in relation to which the Standards Committee have resolved not to accept a finding of no failure to comply) and are therefore referred to the Committee by the Monitoring Officer

<sup>11</sup> In accordance with the Relevant Authorities (Standards Committees) (Dispensations) Regulations 2002

<sup>12</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



## *Council Committees' Terms of Reference*

7. to provide advice and guidance to Members and officers and to make arrangements for training in matters relating to codes of conduct and protocols;
8. to consider and advise the Council with respect to the adoption or amendment of a Code of Conduct for Officers and to promote, monitor and review the Code of Conduct.<sup>13</sup>

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<sup>13</sup> It is not the function of the Committee to determine or become involved in individual officer conduct or disciplinary cases but rather to provide an overview of the application of the provisions of the Code across the Council.

## Plans Panels

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 control<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>; and
  - (g) high hedges<sup>11</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; and/or
  - (e) to determine whether a charge should be made or the amount of such charge.
  
3. to discharge any licensing function<sup>12</sup>, where full Council has referred a matter to the panel.

<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 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 as amended

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

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

<sup>7</sup> Items 37, 38 and 72 of Para B and Items 51-53 of Para I 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> Items 46 and 47 of Para I of Schedule 1 of the 2000 Regulations

<sup>11</sup> Item 47A of Para. I of Schedule 1 of the 2000 Regulations

<sup>12</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))

Officer Delegation Scheme (Council (non-executive) functions)

**Chief Planning Officer**

Subject to the exceptions listed below, the Chief Planning Officer<sup>1</sup> is authorised to discharge the following Council (non-executive) functions:

**Town and Country Planning and Development Control**

(a)	To determine application for planning permission	Sections 70(1)(a) and (b) and 72 of the Town and Country Planning Act 1990
(b)	To determine applications to develop land without compliance with conditions previously attached	Section 73 of the Town and Country Planning Act 1990
(c)	To grant planning permission for development already carried out	Section 73A of the Town and Country Planning Act 1990
(d)	To decline to determine application for planning permission	Section 70A of the Town and Country Planning Act 1990
(e)	Duties relating to the making of determinations of planning applications	Sections 69, 76 and 92 of the Town and Country Planning Act 1990 and Articles 8, 10 to 13, 15 to 22 and 25 and 26 of the Town and Country Planning (General Development Procedure) Order 1995 (SI 1995/419) and directions made thereunder
(f)	To determine application for planning permission made by a local authority, above or jointly with another person	Section 316 of the Town and Country Planning Act 1990 and the Town and Country Planning General Regulations 1992 (SI 1992/1492)
(g)	To make determinations, give approvals and agree certain other matters relating to the exercise of permitted development rights	Parts 6, 7, 11, 17, 19, 20, 21 to 24, 26, 30 and 31 of Schedule 2 to the Town and Country Planning (General Permitted Development) Order 1995 (SI 1995/418)
(h)	To enter into agreement regulating development or use of land	Section 106 of the Town and Country Planning Act 1990
(i)	To issue a certificate of existing or proposed lawful use or development	Sections 191(4) and 192(2) of the Town and Country Planning Act 1990
(j)	To serve a completion notice	Section 94(2) of the Town and Country Planning Act 1990
(k)	To grant consent for the display of advertisements	Section 220 of the Town and Country Planning Act 1990 and the Town and Country Planning (Control of Advertisements) Regulations 1992
(l)	To authorise entry onto land	Section 196A of the Town and Country Planning Act 1990
(m)	To require the discontinuance of a use of land	Section 102 of the Town and Country Planning Act 1990
(n)	To issue a temporary stop notice	Section 171E of the Town and Country Planning Act 1990

<sup>1</sup> The fact that a function has been delegated to the Chief Officer does not require the Chief Officer to give the matter his/her personal attention and the Chief Officer may arrange for such delegation to be exercised by an officer of suitable experience and seniority. However the Chief Officer remains responsible for any decision taken pursuant to such arrangements.

*Officer Delegation Scheme (Council (non-executive) functions)*

(o)	To serve a planning contravention notice, breach of condition notice or stop notice	Sections 171C, 187A and 183(1) of the Town and Country Planning Act 1990
(p)	To issue an enforcement notice	Section 172 of the Town and Country Planning Act 1990
(q)	To apply for an injunction restraining a breach of planning control	Section 187B of the Town and Country Planning Act 1990
(r)	To determine applications for hazardous substances consent, and related powers	Sections 9(1) and 10 of the Planning (Hazardous Substances) Act 1990
(s)	To determine conditions to which old mining permissions, relevant planning permissions relating to dormant sites or active Phase I or II sites, or mineral permissions relating to mining sites, as the case may be, are to be subject	Paragraph 2(6)(a) of Schedule 2 to the Planning and Compensation Act 1991, paragraph 9(6) of Schedule 13 to the Environment Act 1995 (c 25) and paragraph 6(5) of Schedule 14 to that Act
(t)	To require proper maintenance of land	Section 215(1) of the Town and Country Planning Act 1990
(u)	To determine application for listed building consent, and related powers	Sections 16(1) and (2), 17 and 33(1) of the Planning (Listed Buildings and Buildings and Conservation Areas) Act 1990
(v)	To determine applications for conservation area consent	Section 16(1) of the Planning (Listed Buildings and Conservation Areas Act 1990 , as applied by section 74(3) of that Act
(w)	Duties relating to applications for listed building consent and conservation area consent	Sections 13(1) and 14(1) and (4) of the Planning (Listed Buildings and Buildings and Conservation Areas) Act 1990 and regulations 3 to 6 and 13 of the Town and Country Planning (Listed Buildings and Buildings in Conservation Areas) Regulations 1990 and paragraphs 8, 15 and 26 of Department of the Environment , Transport and the Regions Circular 01/01
(x)	To serve a building preservation notice, and related powers	Sections 3(1) and 4(1) of the Planning (Listed Buildings and Buildings and Conservation areas) Act 1990
(y)	To issue enforcement notice in relation to demolition of listed building in conservation area	Section 38 of the Planning (Listed Buildings and Buildings and Conservation Areas) Act 1990
(z)	To acquire a listed building in need of repair and to serve a repairs notice	Sections 47 and 48 of the Planning (Listed Buildings and Buildings and Conservation Areas) Act 1990
(aa)	To apply for an injunction in relation to a listed building	Section 44A of the Planning (Listed Buildings and Buildings and Conservation Areas) Act 1990
(bb)	To execute urgent works	Section 54 of Planning (Listed Buildings and Buildings and Conservation Areas) Act 1990
(cc)	To issue, amend or replace safety certificates (whether general or special) for sports grounds	The Safety of Sports Grounds Act 1975

*Officer Delegation Scheme (Council (non-executive) functions)*

(dd)	To issue, cancel, amend or replace safety certificates for regulated stands at sports grounds	Part II of the Fire Safety and Safety of Places of Sport Act 1987
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**Commons Registration**

(a)	To register common land or town or village greens, except where the power is exercisable solely for the purpose of giving effect to (i) an exchange of lands affected by an order under section 19(3) of, or paragraph 6(4) of Schedule 3 to, the Acquisition of Land Act 1981 (c 67) or (ii) an order section 147 of the Inclosure Act 1845 (c8 & 9 Vict c 118)	Regulation 6 of the commons Registration (New Land) Regulations 1969 (SI 1969/1843)
(b)	To register variation of rights of common	Regulation 29 of the Commons Registration (General) Regulations 1966 (SI 1966/1471)
(c)	Functions relating to the registration of common land and town or village greens	<a href="#">Part 1 of the Commons Act 2006 (c.26)</a> and the <a href="#">Commons Registration (England) Regulations 2008</a> (S.I. 2008/1961)
(d)	Power to apply for an enforcement order against unlawful works on common land	<a href="#">Section 41</a> of the <a href="#">Commons Act 2006</a>
(e)	Power to protect unclaimed registered common land and unclaimed town or village greens against unlawful interference.	<a href="#">Section 45(2)(a)</a> of the <a href="#">Commons Act 2006</a> .
(f)	Power to institute proceedings for offences in respect of unclaimed registered common land and unclaimed town or village greens	<a href="#">Section 45(2)(b)</a> of the <a href="#">Commons Act 2006</a>

**Hedgerows and Trees**

(a)	The protection of important hedgerows	The Hedgerows Regulations 1997
(b)	The preservation of trees	Sections 197 to 214D of the Town and Country Planning Act 1990, and the Trees Regulations 1999

**High Hedges**

(a)	Complaints about high hedges	Part 8 of the Anti-Social Behaviour Act 2003
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**Exceptions:**

The Chief Planning Officer is not authorised<sup>2</sup> to discharge the following functions:

<sup>2</sup> Under this delegation scheme (council functions). A Plans Panel may however arrange for the discharge of **any** of its functions by the Chief Planning Officer - (Section 101(2) Local Government Act 1972).

**Town and Country Planning and Development Control**

(a)	the determination of applications following a written request <sup>4</sup> to the Chief Planning Officer by <ul style="list-style-type: none"> <li>• a Ward Member concerning an application within his/her ward</li> <li>• a Chair of a Area Committee, concerning an application within his/her Area Committee area</li> </ul> that an application be referred to the relevant Plans Panel;
(b)	the determination of applications for development that would constitute a significant departure <sup>5</sup> from the Development Plan, including a significant departure from any Local Development Framework currently in force;
(c)	the determination of applications for development that would be materially different from any supplementary planning guidance or planning brief approved by or on behalf of the Council;
(d)	the determination of applications for major development <sup>6</sup> which would have significant impacts on local communities;
(e)	the approval of applications, where approval would reverse a previous decision taken by Plans Panel;
(f)	the approval of applications, where approval would conflict with an objection raised by a statutory technical consultee;
(g)	where the Chief Planning Officer considers that the application should be referred to the relevant Plans Panel for determination because of the significance, impact or sensitivity of the proposal;
(h)	the determination of applications submitted in a personal capacity by or on behalf of Members, the Chief Executive, Deputy Chief Executive, an Assistant Chief Executive, Director, Chief Officer or any officer who carries out development control functions.

**Commons Registration**

(a)	Where objections have been received.
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<sup>4</sup> This request must be made to the Chief Planning Officer within 21 days of the date of notification and must include reason(s) for the requested referral based on material planning consideration(s) and must give rise to concerns affecting more than neighbouring properties (these being those which are notified by means of a letter as part of the Council's policy regarding publicity on householder planning applications).

<sup>5</sup> "Significant" in the context of the Town and Country Planning (Development Plans and Consultations) (Departures) Directions 1999.

<sup>6</sup> "Major Development" for these purposes means:

- Residential development involving the erection of ten or more dwellings or, if the number of dwellings are not known, sites of 0.5 hectares or more.
- Other development proposals (apart from minerals and waste development) where the application would result in the erection of gross floorspace of not less than 1,000 msq, or sites of 1 hectare or more.
- Minerals and waste development where the application may require an Environmental Impact Assessment

**COUNCIL PROCEDURE RULES****14.0 RULES OF DEBATE****14.1 No Speeches Until Motion Seconded**

A motion or amendment shall not be discussed unless it has been proposed and seconded.

**14.2 Right to require motion in writing**

Unless notice has already been given in accordance with Rules 12.1 or 13 it shall be put into writing and handed to the Lord Mayor before it is further discussed or put to the meeting

**14.3 Secunder's Speech**

A Member when seconding a motion or amendment may, if the intention to do so is declared, reserve that speech until a later period of the debate.

**14.4 Content of Speeches**

Members shall direct their speech to the question under discussion, a personal explanation or a point of order.

**14.5 Period Permitted for Speeches**

- (a) Except by the leave of Council (and as follows), no speaker may speak for more than five minutes. The speech of the mover of a motion or an amendment, the winding-up speech of the mover of a motion, or in relation to business moved under Rule 2.2 (o), the speech of an Executive Member or Chair when summing up on minutes within their portfolio or in respect of their committee, board or panel, shall not exceed ten minutes. (This rule shall not apply to the Lord Mayor or to matters which are not the ordinary business of the Council). In instances where there are two Executive portfolio holders within a single portfolio, the Support Executive Member shall be allowed to sum up in respect of his/her part of the portfolio for a period not exceeding ten minutes, immediately prior to the Lead Executive Member exercising his/her right to sum up.
- (b) The Member moving the business referred to in Rule 2.2 (o) (receipt of minutes) shall, in addition to the ten minutes allowed for winding up purposes, be allowed to speak for a period not exceeding five minutes to respond to comments made on the Leader's portfolio immediately after such comments have been made.
- (c) The summing up rights of an Executive Member or Chair as provided for in 14.5(a) above shall, in the absence of an Executive Member or Chair, be exercisable by such member as may be nominated by the absent member or, failing that, by the relevant Party Whip.

14.6 When a Member May Speak Again

A Member who has spoken on any motion shall not speak again whilst it is the subject of debate except:

- (i) if the motion has been amended since the Member last spoke, to move a further amendment;
- (ii) in exercise of a right of reply given by Rule 14.12;
- (iii) to raise a point of order in accordance with Rule 14.16; or
- (iv) to make a personal explanation, as defined in Rule 14.17.

For the purpose of this Rule only, comments on the minutes in each portfolio section of the Executive Board and each committee, board or panel moved under Rule 2.2(o) shall be regarded as being comments upon separate motions and such comments shall be relevant to such section of the minutes as are under debate.

14.7 Amendments to Motions

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

- (i) refer a subject of debate to an appropriate body or individual for consideration or reconsideration;
- (ii) leave out words;
- (iii) leave out words and insert or add others; or
- (iv) insert or add words.

provided that such omission, insertion or addition of words shall not have the effect solely of negating the motion

- (b) Subject to Rule 14.7(c), only one amendment may be moved and discussed at any time. No further amendment shall be moved until the amendment under discussion has been disposed of.
- (c) Amendments to White Paper motions shall be moved and discussed in the order in which notice thereof has been given and the voting thereon shall be taken after the winding-up speech of the mover of the original motion.

14.8 Amendments (Reference Back) to a Motion to receive the Minutes

- (a) Only one amendment may be moved to any given minute under a motion to receive the minutes. This shall be one to request the decision-maker to reconsider the decision.
- (b) The Executive Member or Chair responsible for the section of the minutes to which the amendment relates shall have five minutes to comment as the last



speaker in the debate on the amendment in addition to his/her rights under Rule 14.5(a). (In the event that the amendment is the sole matter discussed under the given section of the minutes then the ten minutes allowed under Rule 14.5(a) shall be applied.)

- (c) The vote will be taken on the amendment before proceeding to comments on that section of the minutes.
- (d) If a Member wishes to move a second or further amendment and has not given due notice thereof where required in accordance with Rule 13.1 the Member shall give notice of the proposed amendment during the discussion on the first or other earlier amendment and, subject to the consent of the Lord Mayor (which question shall not be open to discussion), may move this amendment at such time as the Lord Mayor shall decide. Subject to this, all amendments shall be considered in the order in which notice thereof has been given.

## Appendix 7

### **Scrutiny Board (Environment and Neighbourhoods)**

1. In relation to **Environment and Neighbourhoods**<sup>1</sup>, to exercise the functions of a Scrutiny Board including the following:
  - (a) to review or scrutinise the exercise of any council or executive function, or any other related matter<sup>2</sup>;
  - (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 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; and
  - (e) to review corporate performance indicators and to make such reports and recommendations as it considers appropriate;
  - (f) to review outcomes, targets and priorities within the Leeds Strategic Plan and to make such reports and recommendations as it considers appropriate; and
  - (g) to review or scrutinise executive decisions made but not implemented.<sup>4</sup>
2. To exercise the functions of a **crime and disorder committee**<sup>5</sup>, including the following:
  - (a) to review or scrutinise the exercise of crime and disorder functions<sup>6</sup> by responsible authorities<sup>7</sup>;
  - (b) to review or scrutinise any local crime and disorder matter in relation to a Member<sup>8</sup>;

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<sup>1</sup>These are the functions delegated to the Director of Environment and Neighbourhoods, the Chief Officer (Environmental Services), the Chief Officer (Housing Services) and the Chief Officer (Regeneration) under the officer delegation schemes (council functions) and the officer delegation scheme (executive functions), and the functions which the authority has agreed that another person should exercise as agent of the authority (Section 27 of the Housing Act 1985).

<sup>2</sup> including matters pertaining to outside bodies and partnerships to which appointments have been made by the authority

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

<sup>4</sup> which have been called-in under Rule 22 of the Scrutiny Board Procedure Rules.

<sup>5</sup> In accordance with Section 19 Police and Justice Act 2006

<sup>6</sup> As defined by Section 6 Crime and Disorder Act 1998 (formulating and implementing crime and disorder strategies).

<sup>7</sup> These are the authorities responsible for crime and disorder strategies (Section 5 of the Crime and Disorder Act 1998)

<sup>8</sup> This is any matter concerning-

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- (c) to make a report or recommendations to the Council or the Executive about the exercise of crime and disorder functions<sup>9</sup> or any local crime and disorder matter in relation to a Member<sup>10</sup>.
- 3. To receive and monitor formal responses to any reports or recommendations made by the Board.

- 
- (a) crime and disorder (including in particular forms of crime and disorder that involve anti-social behaviour or other behaviour adversely affecting the local environment) or
  - (b) the misuse of drugs alcohol and other substances in that area which affects all or part of the electoral area for which the Member is elected or any person who lives or works in that area.

<sup>9</sup> See footnote 6 above

<sup>10</sup> See footnote 8 above

**ARTICLE 6 – SCRUTINY BOARDS****6.1 ROLE**

The Council will appoint the Scrutiny Boards set out in the left hand column of the table below to exercise functions (conferred by section 21 of the Local Government Act 2000 and in accordance with the National Health Service Act 2006) in relation to the matters set out in the right hand column of the table.

<b>Scrutiny Board</b>	<b>Scope<sup>1</sup></b>
Scrutiny Board (Adult Social Care)	Matters relating to adult services.
Scrutiny Board (Central and Corporate Functions)	Matters relating to central and corporate functions;
Scrutiny Board (Children's Services)	Matters relating to children's services.
Scrutiny Board (City Development)	Matters relating to city development
Scrutiny Board (Environment and Neighbourhoods)	Matters relating to environment and neighbourhoods  The authority's crime and disorder committee <sup>2</sup>
Scrutiny Board (Health)	Matters relating to the planning, provision and operation of health services
Scrutiny Board (City and Regional Partnerships)	Matters relating to the authority's key and strategic partnerships.

**6.2 GENERAL FUNCTIONS**

In exercising, or deciding to exercise any of their functions, Scrutiny Boards must have regard to any guidance issued by the Secretary of State<sup>3</sup>.

Within their terms of reference, all Scrutiny Boards will

- review or scrutinise the exercise of any function of the Council or Executive;
- make reports or recommendations to Council or the Executive in connection with the exercise of any functions of the Council or the Executive; and

<sup>1</sup> See further Terms of Reference set out in Part 3 of the Constitution

<sup>2</sup> Section 19 Police and Justice Act 2006

<sup>3</sup> Section 21 Local Government Act 2000

## Article 6 - Scrutiny Boards

- make reports or recommendations to the Council or the Executive on any matter affecting the area or its inhabitants;
- exercise the right to Call-In decisions made but not yet implemented by the Executive, for reconsideration<sup>4</sup>

The Scrutiny Board (Health) will also:

- review or scrutinise any matter relating to the planning, provision and operation of health services in the authority's area;
- make reports and recommendations to local NHS bodies<sup>5</sup> and to the Council or the Executive on any matter reviewed or scrutinised by it; and
- be consulted by local NHS body<sup>6</sup>.

The Scrutiny Board (Environment and Neighbourhoods) is the Council's crime and disorder committee. In this capacity it will:

- review or scrutinise the exercise of crime and disorder functions<sup>7</sup> by responsible authorities<sup>8</sup>;
- review or scrutinise any local crime and disorder matter in relation to a Member<sup>9</sup>; and
- make reports or recommendations to the Council or the Executive about the exercise of crime and disorder functions<sup>10</sup> or any local crime and disorder matter in relation to a Member<sup>11</sup>.

### 6.3 SPECIFIC ROLES

#### Policy development and review

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<sup>4</sup> The Scrutiny Board (Health) cannot exercise the right to Call-in decisions, nor can the Scrutiny Board (Environment and Neighbourhoods) in its capacity as crime and disorder committee.

<sup>5</sup> NHS bodies in Leeds include the Primary Care Trust, the Leeds Teaching Hospitals NHS Trust, NHS Yorkshire and the Humber and the Leeds Mental Health Teaching NHS Trust

<sup>6</sup> in accordance with the Local Authority (Overview and Scrutiny Committees Health Scrutiny Functions) Regulations 2002 as amended

<sup>7</sup> As defined by Section 6 Crime and Disorder Act 1998 (formulating and implementing crime and disorder strategies).

<sup>8</sup> These are the authorities responsible for crime and disorder strategies (Section 5 of the Crime and Disorder Act 1998)

<sup>9</sup> This is any matter concerning-

(a) crime and disorder (including in particular forms of crime and disorder that involve anti-social behaviour or other behaviour adversely affecting the local environment) or

(b) the misuse of drugs alcohol and other substances in that area

which affects all or part of the electoral area for which the Member is elected or any person who lives or works in that area.

<sup>10</sup> See footnote 8

<sup>11</sup> See footnote 10

All Scrutiny Boards may:

- assist the Council and the Executive in the development of the Budget and Policy Framework by in-depth analysis of policy issues;
- conduct research, community and other consultation in the analysis of policy issues and possible options;
- consider and implement mechanisms to encourage and enhance community participation in the development of policy options;
- question Members of the Executive and Directors about their views on issues and proposals affecting the area; and
- liaise with other external organisations operating in the area, whether national, regional or local, to ensure that the interests of local people are enhanced by collaborative working.

### **Scrutiny**

All Scrutiny Boards may:

- review and scrutinise the decisions made by and performance of the Executive and/or committees and Directors both in relation to individual decisions and over time;
- review and scrutinise the performance of the Council and the Executive in relation to policy objectives, performance targets and/or particular service areas;
- question Members of the Executive, other Members<sup>12</sup> and/or committees and Directors about their decisions and performance, whether generally in comparison with service plans and targets over a period of time, or in relation to particular decisions, initiatives or projects;
- make recommendations to the Executive and/or appropriate committees and/or Council arising from the outcome of the scrutiny process;
- review and scrutinise the performance of other public bodies in the area and invite reports from them by requesting them to address the Scrutiny Board and local people about their activities and performance; and
- question and gather evidence.

The Scrutiny Board (Health) may also review or scrutinise:

- arrangements made by local NHS bodies to secure hospital and community health services to the inhabitants of the authority's area;

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<sup>12</sup> in relation to a matter where the Member has exercised functions under Section 236 Local Government and Public Involvement in Health Act 2007(exercise of functions by local Members)

## Article 6 - Scrutiny Boards

- the provision of such services to those inhabitants;
- the provision of family health services, personal medical services, personal dental services, pharmacy and NHS ophthalmic services;
- the public health, health protection and specialist health promotion arrangements in the area;
- the planning of health services by NHS bodies, including plans made in co-operation with local authorities setting out a strategy for improving both the health of the local population and the provision of health care to that population; and
- the arrangements made by NHS bodies for consulting and involving patients and the public;

and make recommendations to the local NHS bodies arising from the outcome of the scrutiny process.

### **Annual Report**

The Proper Officer<sup>13</sup> will produce an annual report for Council about the work of the Scrutiny function.

#### **6.4 FINANCE**

The Proper Officer<sup>14</sup> shall exercise overall responsibility for the finances made available to the Scrutiny Boards.

#### **6.5 OFFICERS**

The Proper Officer<sup>15</sup> shall exercise overall responsibility for the work programme of the officers employed to support the work of the Scrutiny Boards.

#### **6.6 PROCEEDINGS**

Scrutiny Boards will conduct their proceedings in accordance with the Scrutiny Board Procedure Rules set out in Part 4 of this Constitution.

#### **6.7 CO-OPTED MEMBERS**

##### Education Representatives

The following shall be appointed as voting representatives on each relevant Scrutiny Board dealing with educational matters<sup>16</sup>:

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<sup>13</sup> This is the Head of Scrutiny and Member Development. This will be done in consultation with the Scrutiny Board Chairs

<sup>14</sup> This is the Head of Scrutiny and Member Development.

<sup>15</sup> This is the Head of Scrutiny and Member Development

<sup>16</sup> A Scrutiny Board is a relevant Scrutiny Board where the Board's functions relate wholly or in part to any education functions which are the responsibility of the authority's executive

- (a) For a term of office which does not go beyond the next Annual Meeting of the Council:
- one Church of England diocese representative
  - one Roman Catholic diocese representative
- (b) For a four year term of office:
- three parent governor representatives

If the relevant Scrutiny Board deals with other matters, these representatives shall not vote on those other matters. They may stay in the meeting and speak.

#### Crime and Disorder Committee

Subject to the following provisions, in its capacity as crime and disorder committee, the Scrutiny Board (Environment and Neighbourhoods) may co-opt additional members to serve on the Board<sup>17</sup>.

The Scrutiny Board can only in this capacity co-opt as a member a person who:

- (a) is an employee, officer or member of a responsible authority<sup>18</sup> or of a co-operating person or body<sup>19</sup>; and
- (b) is not an Executive Member.

Unless the Scrutiny Board decides otherwise, any such co-opted member shall not be entitled to vote.

The Scrutiny Board may limit a co-opted person's membership to the exercise of the Board's powers in relation to a particular matter or type of matter.

The Scrutiny Board may withdraw the co-opted person's membership at any time.

#### Additional co-opted members

The following may be appointed to each Scrutiny Board<sup>20</sup>:

- (a) For a term of office which does not go beyond the next Annual Meeting of the Council:
- up to five **non-voting** co-opted members
- (b) For a term of office which relates to a particular Scrutiny Inquiry:
- up to two **non-voting** co-opted members

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<sup>17</sup> The Crime and Disorder (Overview and Scrutiny) Regulations 2009

<sup>18</sup> See footnote 9

<sup>19</sup> People or bodies with which the responsible authorities have a duty to co-operate (Section 19(2)(b) Police and Justice Act 2006)

<sup>20</sup> Co-option would normally only be appropriate where the co-opted member has some specialist skill or knowledge, which would be of assistance to the Scrutiny Board.





## SCRUTINY BOARD PROCEDURE RULES

### 1.0 GENERAL ARRANGEMENTS

1.1 The Council will have the Scrutiny Boards set out in Article 6 of its Constitution. It will appoint to them as it considers appropriate from time to time

1.2 No Scrutiny Board may include an Executive Board Member.

#### 1.3 Working Groups

A Scrutiny Board may appoint a Working Group as it feels appropriate and necessary to assist in ensuring the effectiveness and efficiency of its work<sup>1</sup>.

#### 1.4 Co-opted Members

Each Scrutiny Board shall be entitled to select non-voting co-opted members to assist in the discharge of the Board's role, in accordance with Article 6 of the Constitution.

Except as set out in Article 6, co-opted members may participate in the debate in the same way as Elected Members, but have no voting rights.

#### 1.5 Education Representatives

The Scrutiny Board (Children's Services) shall select education representatives in accordance with Article 6 of the Constitution.

Any education representative appointed in accordance with Article 6 of the Constitution, shall serve as an education representative on all relevant Scrutiny Boards.<sup>2</sup>

#### 1.6 Matters within the terms of reference of more than one Scrutiny Board

The Proper Officer, after consultation with Scrutiny Chairs, shall arrange for any matter to be dealt with, where it falls within the terms of reference of more than one Scrutiny Board.

### 2.0 DECLARATIONS OF INTEREST

2.1 Elected Members and voting co-opted members of Scrutiny Boards must observe the authority's Code of Conduct.

2.2 Where any non-voting co-opted member of a Scrutiny Board has an interest in an item, he/she must declare the interest and may be required by the Chair of the

<sup>1</sup> These must be appointed to carry out specific tasks such as visits to premises or other information gathering activities. The Scrutiny Board Procedure Rules Guidance Note provides guidance on Working Groups.

<sup>2</sup> A Scrutiny Board is a relevant Scrutiny Board where the Board's functions relate wholly or in part to any education functions which are the responsibility of the authority's executive.

### *Scrutiny Board Procedure Rules*

Scrutiny Board to withdraw from the meeting at which that issue is under discussion.

- 2.3 The Scrutiny Board (Health) may include Members who are involved in the executive of a particular NHS body<sup>3</sup>, as a member or an employee. Where such a Member has a personal or prejudicial<sup>4</sup> interest in a matter, they must declare the interest. If the interest is prejudicial they must not participate in any Inquiry or consultation process which concerns that NHS body. In addition Scrutiny Board (Health) Members may not be involved in any scrutiny exercise that may advantage the NHS body where they have a prejudicial interest.

## **3.0 FREQUENCY AND PLACE OF MEETINGS OF THE SCRUTINY BOARDS**

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

- 3.2 A Scrutiny Board meeting may be called by
- the Chair of the relevant Scrutiny Board; or
  - any three Members of the Board; or
  - the Proper Officer if he/she considers it necessary or appropriate.

- 3.3 A Scrutiny Board may sit at such place and at such time as it considers necessary and appropriate.

Crime and disorder functions

- 3.4 The Scrutiny Board (Environment and Neighbourhoods) must meet as the Scrutiny Board considers appropriate to review or scrutinise the exercise of crime and disorder functions<sup>5</sup> by responsible authorities<sup>6</sup>, but no less than once in every twelve month period<sup>7</sup>.

## **4.0 QUORUM / SUBSTITUTE MEMBERS**

- 4.1 The quorum for a Scrutiny Board shall be as set out for committees in the Council Procedures Rules in Part 4 of this Constitution.
- 4.2 A substitute Member shall be entitled to attend a Call In meeting of a Scrutiny Board in place of a regular Member.<sup>8</sup>

## **5.0 NOTICES OF MEETINGS**

- 5.1 Notices for all meetings of a Scrutiny Board shall be issued from the office of the Chief Executive. No matter shall be considered at such meeting without the prior

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<sup>3</sup> In Leeds this means the Leeds Primary Care Trust, the Leeds Teaching Hospitals NHS Trust, the Leeds Mental Health Teaching NHS Trust and the NHS Yorkshire and Humber.

<sup>4</sup> See the Members Code of Conduct paragraphs 8 to 12 on Interests

<sup>5</sup> As defined by Section 6 Crime and Disorder Act 1998 (the 1998 Act) (formulating and implementing crime and disorder strategies) - Section 19(11) Police and Justice Act 2006 (the 2006 Act)

<sup>6</sup> These are the bodies and persons responsible for crime and disorder strategies – Section 1(6) 2006 Act

<sup>7</sup> Crime and Disorder (Overview and Scrutiny) Regulations 2009 Regulation 4

<sup>8</sup> The defined pool of substitutes will be any member of a Scrutiny Board *excluding* those who have been signatures to the Call In.

agreement of the Chief Executive who shall first have been provided with any written report or with full details of any intended verbal report.

## **6.0 ADMISSION TO MEETINGS**

- 6.1 Subject to any statutory prohibitions and to sub-paragraph 6.2 below, all meetings of a Scrutiny Board shall be open to the public in accordance with the Access to Information Procedure Rules. This shall be without prejudice to any power of exclusion to suppress or prevent disorderly conduct or other misbehaviour at a meeting.
- 6.2 A Scrutiny Board may resolve to exclude the press and public from a meeting (whether the whole or part only of the proceedings) by passing a resolution under the Access to Information Procedure Rules.

## **7.0 MINUTES**

- 7.1 All meetings of each Scrutiny Board shall be minuted.
- 7.2 All oral evidence given to a Scrutiny Board shall be recorded in full, either in writing or by such other method (such as tape recording) as shall appear to the Scrutiny Board to be appropriate.
- 7.3 The tapes of oral evidence must be kept for an appropriate period of time to be determined in each case.<sup>9</sup>

## **8.0 CHAIRS**

- 8.1 The Chair of a Scrutiny Board will be appointed in accordance with the Council's Procedure Rules.

## **9.0 RIGHTS OF SCRUTINY BOARD MEMBERS TO DOCUMENTS**

- 9.1 In addition to their rights as Councillors, Members on a Scrutiny Board have additional rights to documents as set out in the Access to Information Procedure Rules in Part 4 of this Constitution.
- 9.2 When a Scrutiny Board conducts a review, every member of the Scrutiny Board<sup>10</sup> shall have a right of access to any documents which are relevant to the subject matter of the review.<sup>11</sup>
- 9.3 Nothing in the above paragraph prevents more detailed liaison between the Executive and a Scrutiny Board as appropriate depending on the particular matter under consideration.

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<sup>9</sup> The Scrutiny Board Procedure Rules Guidance Note provides guidance on the use of taped evidence to Scrutiny Boards.

<sup>10</sup> Information received as a member of a Scrutiny Board should be used only in this capacity. Such information should not for example be used by an elected Member to further their ward work.

<sup>11</sup> The Protocol for Elected Member/Education Leeds Relations sets out rights of access to information relating to the activity of Education Leeds. Rights of access are subject to the Data Protection Act 1998.

## 10.0 AGENDA ITEMS

10.1 A Scrutiny Board shall as a minimum consider the following business at an Ordinary Meeting:

- appeals against refusal of inspection of documents;
- exclusion of public;
- late items;
- declarations of interest;
- apologies for absence;
- minutes of the last meeting;
- the Scrutiny Board's work programme; and
- the business otherwise set out on the agenda for the meeting.

## 11.0 WORK PROGRAMMING

11.1 No Scrutiny Board may undertake a review into:

- any decision of a Regulatory Panel or the Licensing Committee or a Licensing sub-committee;<sup>12</sup>
- any decisions which may be appealed against to a Regulatory Panel;
- any decision taken by an officer under delegated authority which falls within the terms of reference of a Regulatory Panel or the Licensing Committee or a Licensing Sub-Committee;<sup>13</sup>
- any decision taken prior to 24 May 1999<sup>14</sup>, except where such a decision has influenced to a significant degree any action or decision taken subsequently to 24 May 1999 which is the subject of an Inquiry; or
- except in exceptional circumstances, any decision in respect of which there are:
  - ongoing judicial proceedings, Ombudsman or audit inquiry or complaint under the Council's formal complaints procedure;<sup>15</sup> or
  - individual personnel issues.

11.2 The role of the Scrutiny Boards in the development of the Council's Budget and Policy Framework is set out in the Budget and Policy Framework Procedure Rules.

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<sup>12</sup> In respect of a licence or permission granted to an individual or in respect of an individual premises

<sup>13</sup> In respect of a licence or permission granted to an individual or in respect of an individual premises

<sup>14</sup> This was the date of the commencement of scrutiny arrangements in Leeds.

<sup>15</sup> It might be appropriate for a Scrutiny Board to conduct an Inquiry at the conclusion of any of the proceedings referred to. For example it could investigate why proceedings were started. Such an Inquiry should not however act as an appeal against those proceedings.

- 11.3 In relation to the development of plans and strategies which are not part of the authority's Budget and Policy Framework, a Scrutiny Board may investigate the available options for policy development.

## 12.0 REQUESTS FOR SCRUTINY

### Inquiries requested by the Executive or Council

- 12.1 Where the Executive or Council resolves to recommend that an Inquiry should be undertaken into a particular matter, the Proper Officer shall add this recommendation to the agenda for the next Ordinary Meeting of the relevant Scrutiny Board. Where a Scrutiny Board decides not to undertake an Inquiry recommended by the Executive or Council, the reasons for the decision shall be minuted by Scrutiny Board.

### Inquiries requested by a member of a Scrutiny Board

- 12.2 Any member of a Scrutiny Board may propose an Inquiry be undertaken by that Scrutiny Board into a particular matter. The Scrutiny Board will then consider whether to undertake the Inquiry. In doing so, it shall take into account the wishes of all members of that Board including those who are not Members of the political group(s) forming the Council's administration on the Council.

### Councillor Calls for Action

- 12.3 Any Member may refer any local government matter<sup>16</sup> to the relevant Scrutiny Board. In considering whether to refer a matter, the Member must have regard to any guidance issued by the Secretary of State.
- 12.4 All such requests for an Inquiry must be submitted in writing to the Proper Officer. The Proper Officer shall add this to the agenda for the next Ordinary Meeting of the relevant Scrutiny Board.
- 12.5 The Proper Officer shall acknowledge all such requests for an Inquiry.
- 12.6 At the next Ordinary Meeting, the Scrutiny Board shall consider any request for an Inquiry which the Proper Officer has added to the agenda.
- 12.7 The Member making the request will be invited to attend the Scrutiny Board's meeting to make representations as to why it would be appropriate for the Board to exercise its functions in relation to the matter. The Scrutiny Board Chair will decide how much time will be given to the Member for addressing the Scrutiny Board.

### Local crime and disorder matters

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<sup>16</sup> This means a matter which relates to the discharge of any function of the authority, affects all or part of the electoral area for which the member is elected or any person who lives or works in that area, and which is not an excluded matter as defined by Section 21(11) Local Government Act 2000.

### *Scrutiny Board Procedure Rules*

- 12.8 Any Member may refer any local crime and disorder matter<sup>17</sup> to the Scrutiny Board (Environment and Neighbourhoods).
- 12.9 All such referrals must be submitted in writing to the Proper Officer. The Proper Officer shall add this to the agenda for the next Ordinary Meeting of the Scrutiny Board.
- 12.10 The Proper Officer shall acknowledge all such referrals.
- 12.11 At the next Ordinary Meeting, the Scrutiny Board shall consider any such referrals which the Proper Officer has added to the agenda.
- 12.12 The Member making the referral will be invited to attend the Scrutiny Board's meeting to make representations as to why it would be appropriate for the Board to exercise its functions in relation to the matter. The Scrutiny Board Chair will decide how much time will be given to the Member for addressing the Scrutiny Board.

#### Health and social care matters

- 12.13 The Local Involvement Network may refer any matter relating to:
- the planning, provision and operation of health services; or
  - social care services<sup>18</sup>
- to the relevant Scrutiny Board.
- 12.14 The Proper Officer shall add any such referral to the agenda for the next Ordinary Meeting of the relevant Scrutiny Board.
- 12.15 The Proper Officer shall acknowledge receipt of all such referrals on behalf of the Scrutiny Board, within 20 working days of its receipt.
- 12.16 At the next Ordinary Meeting, the Scrutiny Board shall consider any such referral which the Proper Officer has added to the agenda.

#### Requests for Inquiries from other sources

- 12.17 The appropriate Scrutiny Board shall consider a request from any other source<sup>19</sup> to conduct an Inquiry<sup>20</sup>.

### **13.0 SELECTING SCRUTINY INQUIRIES**

- 13.1 Before deciding to undertake a scrutiny Inquiry<sup>22</sup>, a Scrutiny Board must:

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<sup>17</sup> This means a matter concerning:

- crime and disorder (including in particular forms of crime and disorder that involve antisocial behaviour or other behaviour adversely affecting the local environment); or
- the misuse of drugs alcohol and other substances

which affects all or part of the electoral area for which the Member is elected or any person who lives or works in that area.(Section 19(11) 2006 Act)

<sup>18</sup> These are services provided as part of the Council's social services functions (Section 226 Local Government and Involvement in Health Act 2007 – the 2007 Act)

<sup>19</sup> including Scrutiny Chairs.

<sup>20</sup> See further Scrutiny Board Procedure Rules guidance notes

<sup>22</sup> That is, a full scrutiny Inquiry with formal terms of reference

- consider how the proposed Inquiry meets criteria approved from time to time<sup>23</sup>; and
- consider the current workload of the Scrutiny Board and the available resources required to carry out the work.

#### Councillor Calls for Action

13.2 In deciding whether to carry out an Inquiry into a local government matter<sup>26</sup> referred under Rule 12 the Scrutiny Board may have regard to:

- any powers which the Member may exercise in relation to the matter<sup>27</sup>; and
- any representations made by the Member.

13.3 If the Scrutiny Board decides not to carry out an Inquiry into the matter, the Proper Officer will inform the referring Member about the decision of the Scrutiny Board, and the reasons for its decision.

#### Health and social care matters

13.4 In deciding whether to exercise any functions in relation to any health or social care matter referred under Rule 12, the relevant Scrutiny Board must take into account any relevant information provided by the Local Involvement Network.

13.5 The Proper Officer will inform the Local Involvement Network about any action taken in relation to the matter.

#### General

13.6 Where any Scrutiny Board decides that there shall be an Inquiry, the Scrutiny Board shall

- consult with any relevant Director<sup>28</sup> and Executive Member.
- agree the Terms of Reference of the Inquiry;
- agree the period within which the Inquiry's Report is to be completed;
- compile a preliminary list of witnesses from whom the Scrutiny Board require evidence<sup>29</sup>; and
- compile a preliminary list of documents which the Scrutiny Board require to be produced.

## **14.0 INQUIRY REPORTS AND RECOMMENDATIONS**

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<sup>23</sup> set out in the Scrutiny Board Procedure Rules Guidance Notes

<sup>26</sup> See footnote 16

<sup>27</sup> Under Section 236 of the 2007 Act

<sup>28</sup> Any reference to a Director within these Rules should be deemed to include reference to all officers listed in Article 12 of the constitution. These include chief officers with concurrent delegations to directors, and in relation to Scrutiny Board Health, the Director of Public Health

<sup>29</sup> As an Inquiry proceeds it may become apparent that further witnesses are required



### *Scrutiny Board Procedure Rules*

14.1 At the conclusion of an Inquiry a Scrutiny Board shall, where it considers it to be appropriate, produce a written report summarising the evidence that it has taken and set out its recommendations.

14.2 Where a Scrutiny Board is considering making specific recommendations it shall invite advice from the appropriate Director(s) prior to it finalising its recommendations<sup>30</sup>. The detail of that advice shall be reported to the Scrutiny Board and considered before the report is finalised.

14.3 The Inquiry Report shall include:

- an explanation of the matter reviewed or scrutinised;
- a list of the participants involved in the Inquiry (save where the Board considers that a name of a witness should be withheld for reasons of confidentiality)<sup>31</sup> ;
- a list of all documentation that has been considered by the Board; and
- any conclusions and recommendations on the matter reviewed or scrutinised.

14.4 The Scrutiny Board should note whether any documents contain exempt or confidential information on the list of documents.<sup>32</sup>

14.5 Where any voting member of the Scrutiny Board does not agree with the content of the Board's Report, they may produce a Minority Report setting out their findings and recommendations. The Minority Report will be an appendix to the Scrutiny Board's Report.<sup>33</sup>

#### Councillor calls for action

14.6 Where a Scrutiny Board is considering making a report or recommendations in relation to a local government matter<sup>34</sup>, it may have regard to:

- any powers which the Member may exercise in relation to the matter<sup>35</sup>; and
- any representations made by the Member.

14.7 If the Scrutiny Board decides not to make a report or recommendations into the matter, the Proper Officer will inform the referring Member about the decision of the Scrutiny Board, and the reasons for its decision.

14.8 Where a Scrutiny Board has made a report or recommendations in relation to a local government matter, the Scrutiny Board must also send a copy of the report and recommendations to the Member who referred the matter under Rule 12<sup>36</sup>.

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<sup>30</sup> The Director shall consult with the appropriate Executive Member before providing any such advice.

<sup>31</sup> Where it is necessary to preserve the confidentiality of a witness, their name need not be disclosed nor where the evidence which they gave amounted to exempt information, need this be disclosed if it would breach the witness's confidentiality.

<sup>32</sup> In order to preclude inadvertent disclosure of any such document.

<sup>33</sup> The Scrutiny Board Procedure Rules Guidance Note provides guidance on Minority Reports.

<sup>34</sup> See footnote 16

<sup>35</sup> Under Section 236 of the 2007 Act

<sup>36</sup> Subject to the provisions of Section 21D LGA 2000 re confidential and exempt information

Health Service Scrutiny Functions

14.9 The Scrutiny Board (Health) may make reports and recommendations to local NHS bodies, or the Executive or Council. Such reports and recommendations shall include:

- an explanation of the matter reviewed or scrutinised;
- a summary of the evidence considered;
- a list of the participants involved; and
- any recommendations on the matter reviewed or scrutinised.

14.10 Where the Scrutiny Board (Health) has completed its scrutiny and made reports and recommendations to local NHS bodies scrutinised, the Proper Officer will copy the report to:

- Local MPs and MEPs;
- NHS Yorkshire and Humber;
- PCT and other NHS Trusts;
- Leeds Voice;
- Local Involvement Network; and
- Other bodies or organisations that have expressed an interest in the Inquiry.

14.11 The Proper Officer will place a copy of the report on the Council's web-site.

Crime and disorder functions

14.12 Where the Scrutiny Board (Environment and Neighbourhoods) makes a report or recommendations to the Council or Executive about the exercise of crime and disorder functions<sup>37</sup> by responsible authorities<sup>38</sup>, the Proper Officer will provide a copy to

- each of the responsible authorities<sup>39</sup>, and
- each of the co-operating persons and bodies<sup>40</sup>.

14.13 Whenever the Scrutiny Board provides a copy of a report or recommendation under Rule 14.12 the Proper Officer will also notify any authority, person or body to whom it provides the copy, of the steps they must take<sup>41</sup>.

Local crime and disorder matters

14.14 In deciding whether to make a report or recommendations in relation to a local crime and disorder matter<sup>42</sup> referred under Rule 12, the Scrutiny Board will have regard to:

- any powers which the Member may exercise in relation to the matter<sup>43</sup>; and
- representations made by the Member about why it should make a report or

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<sup>37</sup> See footnote 5.

<sup>38</sup> See footnote 6

<sup>39</sup> See footnote 6

<sup>40</sup> These are the persons or bodies with whom the responsible authorities have a duty to co-operate under Section 5(2) of the 1998 Act.

<sup>41</sup> In accordance with Section 19 (8B) 2006 Act.

<sup>42</sup> See footnote 17

<sup>43</sup> Under Section 236 of the 2007 Act

*Scrutiny Board Procedure Rules*  
recommendations.

14.15 The Proper Officer will inform the Member who submitted the referral about any decision of the Scrutiny Board not to make a report or recommendation, and the reasons for its decision.

14.16 Where the Scrutiny Board makes a report or recommendations to the Council or the Executive about any matter which is a local crime and disorder matter<sup>44</sup>, the Proper Officer will copy the report to:

- the Member who referred the matter to the Scrutiny Board; and
- to such of\_
  - (i) the responsible authorities; and
  - (ii) the co-operating persons and bodiesas it thinks appropriate.

14.17 Whenever the Scrutiny Board:

- makes a report or recommendation to the Council or to the Executive; or
- provides a copy of a report or recommendation, the Proper Officer will notify the Council or the Executive, authority, body or person receiving the report and recommendations, or a copy of it, of the steps they must take.

General

14.18 Any Scrutiny Board may publish their report or recommendations<sup>45</sup>. Subject to any provisions above, the Scrutiny Board shall submit its report to the Proper Officer for consideration by the Executive (if the proposals are consistent with the existing Budget and Policy Framework), or to the Council as appropriate.<sup>46</sup> The Scrutiny Board must require the Executive or the Council to:

- consider the report or recommendations;
- indicate what (if any) steps the Executive or the Council propose to take;
- publish their response<sup>47</sup>; and
- provide a copy to their response to the referring Member.<sup>48</sup>

## **15.0 RESPONSE TO INQUIRY REPORTS AND RECOMMENDATIONS**

General

15.1 Except as provided below, the Council, the Executive Board, Area Committees or officers shall consider any report and recommendations of a Scrutiny Board within two months of it being submitted by the Proper Officer. The Council or Executive is under a duty to respond to the Scrutiny Board, indicating what action (if any) it proposes to take and to publish its response.<sup>49</sup> Where a Scrutiny Board has sent a report or recommendations to another body, except as provided below the body

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<sup>44</sup> See footnote 17

<sup>45</sup> Section 21B LGA 2000

<sup>46</sup> A Scrutiny Board may also send a copy of a report to any relevant partnership.

<sup>47</sup> If the Scrutiny Board published the report or recommendation

<sup>48</sup> Where the report or recommendations are about a local government matter

<sup>49</sup> (Section 21B LGA 2000)

concerned will be asked to send its response to the Board within two months<sup>50</sup> of receipt of the report or recommendations.

15.2 The body should set out in response to the recommendations made:<sup>51</sup>;

- the views of the body
- details of any action already taken in response to the recommendations;
- proposed action and timescales; or
- reasons for inaction.

15.3 The Proper Officer will also place a copy of the response on the Council's web-site.

Councillor calls for action

15.4 Where a Scrutiny Board has made a Report in relation to a Councillor call for action, any response must also be sent to the Member who referred the matter under Rule 12.

Crime and Disorder Functions

15.5 Where a relevant authority, or co-operating person or body has been notified by the Proper Officer under Rule 14.11, it must:

- consider the report or recommendations;
- respond in writing to the Scrutiny Board within 28 days of the date of the report or recommendations<sup>52</sup>, indicating what (if any) action it proposes to take; and
- have regard to the report or recommendations in exercising its functions.

Local crime and disorder matters

15.6 Where the Council or the Executive other relevant authority, person or body has been notified by the Proper Officer under Rule 14.16, it must:

- consider the report or recommendations;
- respond in writing to the Scrutiny Board within 28 days of the date of the report or recommendations<sup>53</sup>, indicating what (if any) action it proposes to take; and
- have regard to the report or recommendations in exercising its functions.

Health Scrutiny Functions

15.7 Where the Scrutiny Board requests a response from a local NHS body to whom it has made a report or recommendation, that body shall respond to the Scrutiny Board within 28 days.

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<sup>50</sup> For NHS Bodies this time limit is 28 days (the Local Authority (Overview and Scrutiny Committee Health Scrutiny Functions) Regulations 2002. Where a Scrutiny Board has sent a report to a partnership the partnership is not required under these Rules to provide a response. Any partnership not otherwise required to provide a response will be invited to do so.

<sup>51</sup> Where a recommendation is to a Director, the Director shall consult with the appropriate Executive Member when formulating a proposed response. The Scrutiny Board report and proposed response will be considered by the Executive Board prior to a response being sent to the Scrutiny Board

<sup>52</sup> or if this is not reasonably possible, as soon as reasonably possible thereafter

<sup>53</sup> or if this is not reasonably possible, as soon as reasonably possible thereafter

## *Scrutiny Board Procedure Rules*

15.8 The response should also be copied to:

- Local MPs and MEPs;
- NHS Yorkshire and Humber;
- PCT and other NHS Trusts;
- Leeds Voice;
- Local Involvement Network; and
- Other bodies or organisations that have expressed an interest in the Inquiry

## **16.0 RECOMMENDATIONS MADE OUTSIDE THE FORMAL SCRUTINY INQUIRY PROCESS**

- 16.1 It is recognised that from time to time Scrutiny Boards may wish to make comment or issue recommendations which have been generated outside of the formal Scrutiny Inquiry process.
- 16.2 Where a Scrutiny Board makes a recommendation outside of the formal Scrutiny Board Inquiry process this will be set out in a Statement<sup>54</sup> from the Scrutiny Board.
- 16.3 Where a Scrutiny Board is considering making specific recommendations it shall invite advice from the appropriate Director(s) prior to it finalising its recommendations<sup>55</sup>. The detail of that advice shall be reported to the Scrutiny Board and considered before the Statement is finalised.
- 16.5 Where the Scrutiny Board (Health) has made recommendations to local NHS bodies scrutinised, the Proper Officer will copy the Statement to:
- Local MPs and MEPs;
  - NHS Yorkshire and Humber;
  - PCT and other NHS Trusts;
  - Leeds Voice;
  - Local Involvement Network; and
  - Other bodies or organisations that have expressed an interest in the issue.
- 16.6 Where a Scrutiny Board has sent a Statement to a body, the body concerned will be asked to send its response to any recommendations to the Board within 2 months<sup>56</sup> of receipt of the Statement.
- 16.7 The body should set out in response to the recommendations made:<sup>57</sup>
- the views of the body
  - details of any action already taken in response to the recommendations;
  - proposed action and timescales; or
  - reasons for inaction.

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<sup>54</sup> Statements from Scrutiny Boards result from work undertaken by a Scrutiny Board outside the formal Inquiry process in order to allow the Scrutiny Board to express comments and recommendations.

<sup>55</sup> The Director shall consult with the appropriate Executive Member before providing any such advice.

<sup>56</sup> For NHS Bodies this time limit is 28 days (the Local Authority (Overview and Scrutiny Committee Health Scrutiny Functions) Regulations 2002).

<sup>57</sup> Where a recommendation is to a Director, the Director shall consult with the appropriate Executive Member when formulating a proposed response. The Scrutiny Board report and proposed response will be considered by the Executive Board prior to a response being sent to the Scrutiny Board

16.8 In the case of responses from NHS bodies the response should also be copied to:

- Local MPs and MEPs;
- NHS Yorkshire and Humber;
- PCT and other NHS Trusts;
- Leeds Voice;
- Local Involvement Network; and
- Other bodies or organisations that have expressed an interest in the Inquiry.

The Proper Officer will also place a copy of the response on the Council's web-site

## **17.0 WITNESSES – GENERAL PRINCIPLES**

17.1 Where a Scrutiny Board wishes to take evidence from a witness, the Proper Officer shall notify the witness of:-

- the date upon which their evidence is to be taken;
- the matters upon which evidence is sought;
- any documents that the Scrutiny Board wishes to have produced; and
- the date upon which the Board requires any written evidence from the witness.

17.2 Those assisting the Scrutiny Board by giving evidence shall be treated with respect and courtesy<sup>58</sup>.

17.3. When a Member with a prejudicial interest in a matter is giving evidence to the Scrutiny Board<sup>59</sup>, they should ensure they act as a witness by moving to the area in which other witnesses are giving evidence. The Member should only be present in the room when giving the evidence and must leave the room once they have given their evidence and answered any questions.

## **18.0 MEMBERS AND OFFICERS GIVING ACCOUNT/ INFORMATION**

18.1 A Scrutiny Board may require any Executive Member, or Member in relation to a matter where the Member has exercised functions<sup>60</sup>, the Chief Executive and/or any senior officer to attend before it to answer questions and provide information about:

- any particular decisions or series of decisions;
- the extent to which actions taken implement Council policy; and/or
- their performance.

18.2 It is the duty of those officers and Members to attend.

18.3 The Chair of a Scrutiny Board will inform the Proper Officer if the Scrutiny Board requires any Member (including an Executive Member) or officer to attend a Scrutiny Board under this provision. The Proper Officer shall inform the Member or officer of this, giving at least 7 working days notice of the meeting at which he/she is required to attend.

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<sup>58</sup> see Member/Officer Protocol in Part 5 of the Constitution.

<sup>59</sup> Members' Code of Conduct paragraph 12(2)

<sup>60</sup> under Section 236 of the 2007 Act

## *Scrutiny Board Procedure Rules*

- 18.4 The notice will state:
- the nature of the item on which he/she is required to attend to give account; and
  - whether the Scrutiny Board requires him/her to produce any documents or reports.
- 18.5 Where the Scrutiny Board requires the person to produce a report, then the Proper Officer will give the Member or officer concerned sufficient notice to prepare it.
- 18.6 The Chair of the Scrutiny Board will inform the Proper Officer where a Scrutiny Board requires a Director to attend a Scrutiny Board in person.
- 18.7 Directors may be accompanied by any other officer the Director feels appropriate.
- 18.8 Where the Scrutiny Board does not require a Director to attend in person, he/she will be responsible for ensuring that an officer of sufficient knowledge and requisite seniority attends. Any such witness may be accompanied by such adviser(s) as he/she considers necessary.
- 18.9 Where, in exceptional circumstances, the Member or officer is unable to attend on the required date, then the Proper Officer shall, in consultation with the Chair of the Scrutiny Board and the Member or officer, arrange an alternative date for attendance, or agree an appropriate substitute.

### Health Scrutiny Functions

- 18.10 Scrutiny Board (Health) may require an officer of a local NHS body to attend and answer such questions as appear to the Scrutiny Board to be necessary for discharging its functions.<sup>61</sup>
- 18.11 Scrutiny Board (Health) in carrying out the review and scrutiny of a particular matter shall:
- invite interested parties to comment on the matter; and
  - take account of relevant information available to it and, in particular relevant information provided to it by the Local Involvement Network.
- 18.12 An NHS body must provide the Scrutiny Board with such information about the planning, provision and operation of health services in the area as the Board shall reasonably require in order to discharge its functions.<sup>62</sup>

### Crime and Disorder Committee

- 18.13 Subject to giving reasonable notice of the intended date of attendance, the Scrutiny Board (Environment and Neighbourhoods)<sup>63</sup> may require an officer or employee of

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<sup>61</sup> In accordance with Regulations 6 and 10 Local Authorities (Overview and Scrutiny Committees Health Scrutiny Functions) Regulations 2002 as amended. Officer includes a Chief Executive.

<sup>62</sup> Regulation 5 Local Authorities (Overview and Scrutiny Committees Health Scrutiny Functions) Regulations 2002 as amended.

<sup>63</sup> In its capacity as crime and disorder committee

a responsible authority<sup>64</sup> or of a co-operating person or body<sup>65</sup> in order to answer questions.

18.14 The Scrutiny Board (Environment and Neighbourhoods) may in writing request responsible authorities<sup>66</sup> and co-operating persons and bodies<sup>67</sup> to provide it with information<sup>68</sup>.

## **19.0 ATTENDANCE BY OTHERS**

19.1 A Scrutiny Board may invite members of the public or other persons to address it, discuss issues of local concern and/or answer questions<sup>69</sup>.

19.2 A Scrutiny Board may appoint advisers and assessors to assist them in their work.

19.3 A Member with a prejudicial interest in a matter may make representations and/or answer questions at a Scrutiny Board<sup>70</sup>. In such circumstances the Member should move to the area of the room in which such other members of the public or persons are seated, and should only be present in the room while making representations and/or answering questions. The Member must leave the room once they have made their representations and/or answered any questions until the end of that item.

## **20.0 EXECUTIVE DECISIONS OUTSIDE THE BUDGET OR POLICY FRAMEWORK**

20.1 The relevant Director shall seek the agreement of the Chair of the relevant Scrutiny Board that a decision can be taken as a matter of urgency where:

- a proposed decision is contrary to the Council's policy framework, or is not wholly in accordance with the budget approved by full Council; and
- the decision is a matter of urgency; and
- it is not practical to convene a quorate meeting of the full Council.

20.2 The Director shall give detailed reasons to the Chair about why it is not practical to convene a quorate meeting of full Council when seeking his/her agreement.

20.3 In the absence of the Chair of the relevant Scrutiny Board, the Director may obtain agreement from the Lord Mayor or in the absence of both, the Deputy Lord Mayor.

20.4 The Director must note on the record of the decision:

- the consent of the Chair of the relevant Scrutiny Board to the decision being taken as a matter of urgency; and

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<sup>64</sup> See footnote 6

<sup>65</sup> See footnote 40

<sup>66</sup> See footnote 6

<sup>67</sup> See footnote 40

<sup>68</sup> This must be provided in accordance with the Crime and Disorder (Overview and Scrutiny) Regulations 2009.

<sup>69</sup> It may for example wish to hear from residents, stakeholders, Members or officers in other parts of the public sector and shall invite such people to attend.

<sup>70</sup> Members' Code of Conduct paragraph 12(2)



## *Scrutiny Board Procedure Rules*

- the Chair's reasons for giving consent.

20.5 Following the decision, the decision taker will provide a full report to the next available Council meeting explaining:

- the decision;
- the reasons for it; and
- the reason why taking the decision was treated as a matter of urgency.

## **21.0 KEY DECISIONS NOT CONTAINED WITHIN THE FORWARD PLAN**

### General exception

21.1 Where it is proposed to take a Key Decision which has not been included in the Forward Plan, the relevant Director will give the Chair of the relevant Scrutiny Board not less than 5 days written notice of the matter on which the decision is to be made.

### Special urgency

21.2 If by virtue of the date by which a decision must be taken, it is not possible to give 5 days written notice of the matter, the decision taker (if an officer) or the Chair of the body making the decision shall seek the agreement of the Chair of the relevant Scrutiny Board that the decision cannot reasonably be deferred.

21.3 In the absence of the Chair of the relevant Scrutiny Board, the Director may obtain agreement from the Lord Mayor or in the absence of both, the Deputy Lord Mayor.

### Report to Council

21.4 A Scrutiny Board can require the Executive to submit a report to Council where it considers that a Key Decision has been taken which was not in the Forward Plan or which has not been the subject of the general exception or special urgency provisions<sup>71</sup>.

## **22.0 CALL-IN<sup>72</sup>**

22.1 Subject to the exceptions set out below, the following may be called in to be reviewed and scrutinised by the relevant Scrutiny Board<sup>73</sup>:

- all decisions of the Executive Board;
- executive decisions taken by Area Committees; and
- Key and Major Decisions taken by Officers.

22.2 The power to call in decisions does not extend to<sup>74</sup>;

- decisions made under regulatory arrangements;
- decisions made by Joint Committees; or

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<sup>71</sup> See Access to Information Procedure Rules

<sup>72</sup> There is a separate Guidance Note which sets out in full the operation of the Call-In

<sup>73</sup> Where a decision falls within the terms of reference of more than one Scrutiny Board, the Proper Officer will determine the relevant Scrutiny Board, after consultation with Scrutiny Chairs.

<sup>74</sup> A decision which is a direct consequence of implementing a previous key or major decision, cannot be called in – see definition of key and major decisions, guidance notes on delegated decision-making.

- decisions not taken by the authority.

- 22.3 When a decision is made which is subject to Call-In, the Chief Democratic Services Officer shall publish the decision, and make it available on the Council database within two days of the decision being made.
- 22.4 He/she will also send each elected Member of the relevant Scrutiny Board an electronic copy of the record of the decision within two days of it being made.
- 22.5 The notice will bear the date on which it is published. It will specify that the decision will come into force, and may then be implemented, on the expiry of five working days after the publication of the decision, unless the decision is called in.
- 22.6 During that period, the Proper Officer shall Call-In a decision for scrutiny by the relevant Scrutiny Board if:
- two non executive elected Members (who are not from the same political group) or
  - any five non executive elected Members
- request him/her to do so<sup>75</sup>. The Proper Officer will call a meeting of the relevant Scrutiny Board to review or scrutinise the decision.
- 22.7 A request for Scrutiny must be made on the approved pro forma and contain the original signatures of those Calling In the decision.
- 22.8 At the meeting the Scrutiny Board will invite signatories to the notification<sup>76</sup> to explain the reasons for the Call-In<sup>77</sup>. The relevant member of the Executive Board, Area Committee Chair or officer (as appropriate) shall be required to attend the Meeting and shall be given the opportunity to respond to the reasons given for the Call-In. The Scrutiny Board shall make such further enquiries as it considers necessary and appropriate. The Scrutiny Board may also extend the invitation to other relevant witnesses, as considered appropriate, in order to specifically assist the Board in its deliberations over the called in decision.
- 22.9 The Scrutiny Board shall then either;
- release the decision for implementation; or
  - recommend to the decision-maker that the decision should be reconsidered; or
  - where the decision is considered to fall outside the agreed budget or policy framework, recommend to the decision-maker that the decision should be reconsidered, and notify the decision-maker that if it is not, the Scrutiny Board will refer the matter to full Council.

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<sup>75</sup> A Member cannot be a signatory to call-in a decision of the Area Committee of which they are a member. This also excludes members of the Scrutiny Board to which the Call In will be referred.

<sup>76</sup> or their nominees

<sup>77</sup> The signatories should specify which of the principles of decision making (set out in Article 13.2 of the constitution) has not been followed. The signatories may also provide further written evidence provided this supports the stated reasons for calling in the decision.

### *Scrutiny Board Procedure Rules*

22.10 A Call In meeting may be adjourned for a maximum of 5 working days only if the Scrutiny Board resolves to receive information not available at the time and is considered crucial to the Scrutiny Board in order to reach a decision.

22.11 If the Scrutiny Board resolves that a decision is to be referred back for consideration, the Proper Officer will prepare a report<sup>78</sup> to the decision-maker within three working days of the Scrutiny Board meeting.

22.12 In exceptional circumstances, the Scrutiny Board may resolve to adjourn the meeting to consider information regarded as essential for the Board to come to a conclusion. The maximum time allowed for an adjournment is 5 working days.

## **23.0 CALL-IN EXCEPTIONS**

23.1 The Call-In procedure set out above shall not apply:

- where the decision being taken is stated by the decision maker to be urgent<sup>79</sup>; nor
- where the decision is in relation to a matter which has been the subject of a previous Call-In.<sup>80</sup>

## **24.0 NHS BODIES - CONSULTATION WITH THE SCRUTINY BOARD (HEALTH)**

24.1 A local NHS body must consult the Scrutiny Board (Health) where it has under consideration any substantial development of the health service in the authority's area, or for a substantial variation in the provision of a service<sup>81</sup>.

24.2 The Scrutiny Board may make comments on the proposal consulted on by such date as may be specified by the NHS body.

24.3 Where the NHS body is satisfied that a decision has to be taken without allowing time for consultation because of a risk to safety or welfare of patients or staff, the NHS body shall notify the Scrutiny Board immediately of:

- the decision taken; and
- the reason why no consultation has taken place.

24.4 Where the Scrutiny Board (Health) is not satisfied that:

- consultation on any proposal referred to in paragraph 24.1 has been adequate in relation to content or time allowed; or
- where paragraph 24.3 applies, the reasons given by the NHS body are adequate;

it may report this to the Secretary of State in writing. The Secretary of State may require the local NHS body concerned to carry out such consultation, or such further consultation, with the Scrutiny Board as he/she considers appropriate.

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<sup>78</sup> the provisions relating to a minority report do not apply to any decision of the Committee in relation to a matter which has been called in.

<sup>79</sup> A decision may be declared urgent by the decision-maker if they consider that any delay in implementing the decision would seriously prejudice the authority's interest or the public interest.

<sup>80</sup> This includes a decision which has been modified by the decision making body following a recommendation by a Scrutiny Board after call in of the earlier decision

<sup>81</sup> Under the Local Authority (Overview and Scrutiny Committees Health Scrutiny Functions) Regulations 2002 as amended.

24.5 Where further consultation has been required, the local NHS body shall, having regard to the outcome of such further consultation, reconsider any decision it has taken in relation to the proposal in question.

24.6 In any case where the Scrutiny Board (Health) considers that the proposal would not be in the interests of the health service in the authority's area, it may report this to the Secretary of State in writing. The Secretary of State may make a final decision on the proposal and require the local NHS body to take such action, or desist from taking such action, as he/she may direct.

## **25.0 ANNUAL REPORT TO COUNCIL**

25.1 The Proper Officer will report to Council<sup>82</sup> annually about how the authority has carried out its overview and scrutiny functions.

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<sup>82</sup> After consultation with the Scrutiny Chairs.

**SECTION 2B**

**COUNCIL COMMITTEES' TERMS  
OF REFERENCE**



**Scrutiny Board (Adult Social Care)**

1. In relation to **Adult Services**<sup>1</sup> to exercise the functions of a Scrutiny Board including the following:
  - (a) to review or scrutinise the exercise of any council or executive function, or any other related matter<sup>2</sup>;
  - (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;
  - (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;
  - (e) to review corporate performance indicators and to make such reports and recommendations as it considers appropriate;
  - (f) to review outcomes, targets and priorities within the Leeds Strategic Plan and to make such reports and recommendations as it considers appropriate; and
  - (g) to review or scrutinise executive decisions made but not implemented.<sup>4</sup>
  
2. To receive and monitor formal responses to any reports or recommendations made by the Board.

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<sup>1</sup> These are the functions delegated to the Director of Adult Social Services under the officer delegation scheme (council functions) and the officer delegation scheme (executive functions), including matters pertaining to outside bodies and partnerships to which appointments have been made by the authority

<sup>2</sup> including matters pertaining to outside bodies and partnerships to which appointments have been made by the authority

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

<sup>4</sup> which have been called-in under Rule 22 of the Scrutiny Board Procedure Rules.

## **Scrutiny Board (Central and Corporate Functions)**

1. In relation to matters concerning **Central and Corporate Functions**<sup>1</sup>, to exercise the functions of a Scrutiny Board including the following:
  - (a) to review or scrutinise the exercise of any council or executive function or any other related matter<sup>2</sup>;
  - (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, 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<sup>4</sup>;
  - (e) to review corporate performance indicators and to make such reports and recommendations as it considers appropriate;
  - (f) to review outcomes, targets and priorities within the Leeds Strategic Plan and to make such reports and recommendations as it considers appropriate;
  - (g) to review or scrutinise executive decisions made but not implemented;<sup>5</sup> and
  - (h) to monitor the implementation of the capital programme<sup>6</sup>.
  
2. To receive and monitor formal responses to any reports or recommendations made by the Board.

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<sup>1</sup> These are the functions delegated under the officer delegation scheme (council functions) and the officer delegation scheme (executive functions) to:

- the Chief Executive;
- the Deputy Chief Executive;
- the Assistant Chief Executive (Corporate Governance);
- the Assistant Chief Executive (Planning, Policy and Improvement); and
- the Director of Resources.

<sup>2</sup> including matters pertaining to outside bodies and partnerships to which appointments have been made by the authority

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

<sup>4</sup> including in relation to the Budget

<sup>5</sup> which have been called-in under Rule 22 of the Scrutiny Board Procedure Rules.

<sup>6</sup> Each Scrutiny Board may consider individual capital schemes that fall within its terms of reference.



**Scrutiny Board (Children's Services)**

1. In relation to **Children's Services**<sup>1</sup>, to exercise the functions of a Scrutiny Board including the following:
  - (a) to review or scrutinise the exercise of any council or executive function, or any other related matter<sup>2</sup>;
  - (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 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;
  - (e) to review corporate performance indicators and to make such reports and recommendations as it considers appropriate;
  - (f) to review outcomes, targets and priorities within the Leeds Strategic Plan and to make such reports and recommendations as it considers appropriate; and
  - (g) to review or scrutinise executive decisions made but not implemented.<sup>4</sup>
  
2. To receive and monitor formal responses to any reports or recommendations made by the Board.

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<sup>1</sup> These are the functions delegated under the officer delegation scheme (council functions) and the officer delegation scheme (executive functions) to:

- the Director of Children's Services; and
- the Chief Officer (Early Years and Youth Services);

but excluding those matters assigned to the Scrutiny Board (Health) under the Local Authority (Overview and Scrutiny Committees Health Scrutiny Functions) Regulations 2002 as amended.

<sup>2</sup> including matters pertaining to outside bodies and partnerships to which appointments have been made by the authority

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

<sup>4</sup> which have been called-in under Rule 22 of the Scrutiny Board Procedure Rules

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

1. In relation to **City Development**,<sup>1</sup> to exercise the functions of a Scrutiny Board including the following:
  - (a) to review or scrutinise the exercise of any council or executive function, or any other related matter<sup>2</sup>;
  - (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 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; and
  - (e) to review corporate performance indicators and to make such reports and recommendations as it considers appropriate;
  - (f) to review outcomes, targets and priorities within the Leeds Strategic Plan and to make such reports and recommendations as it considers appropriate; and
  - (g) to review or scrutinise executive decisions made but not implemented.<sup>4</sup>
  
2. To receive and monitor formal responses to any reports or recommendations made by the Board.

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<sup>1</sup> These are

- the functions delegated to the Director of City Development under (the officer delegation scheme (council functions) and of the officer delegation scheme (executive functions);
- the functions delegated to the Chief Planning Officer under the officer delegation scheme (council and executive functions);
- the functions delegated to the Chief Officer Highways and Transportation under the officer delegation schemes (council and executive functions); and
- the functions delegated to the Chief Libraries Arts and Heritage Officer under the officer delegation schemes (executive functions).

<sup>2</sup> including matters pertaining to outside bodies and partnerships to which appointments have been made by the authority

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

<sup>4</sup> which have been called-in under Rule 22 of the Scrutiny Board Procedure Rules.

**Scrutiny Board (City and Regional Partnerships)**

1. In relation to **city and regional partnerships**,<sup>1</sup> to exercise the functions of a Scrutiny Board including the following:
  - (a) to review or scrutinise the exercise of any council or executive function or any other related matter;
  - (b) to review how any partnership contributes to the outcomes, targets and priorities within the Leeds Strategic Plan;
  - (c) to receive and review external audit and inspection reports;
  - (d) to make reports or recommendations to the Council, the Executive or a relevant partnership in connection with the partnership's performance and functions, and the authority's engagement with the partnership;
  - (e) 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; and
  - (f) to review or scrutinise executive decisions made but not implemented.<sup>3</sup>
  
2. To receive and monitor formal responses to any reports or recommendations made by the Board.

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<sup>1</sup> These include:

- strategic and key partnerships identified as such under the Appointment to Outside Bodies Procedure Rules; and
- significant partnerships identified as such under the Council's Governance Framework.

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

<sup>3</sup> which have been called-in under Rule 22 of the Scrutiny Board Procedure Rules.

### **Scrutiny Board (Environment and Neighbourhoods)**

1. In relation to **Environment and Neighbourhoods**<sup>1</sup>, to exercise the functions of a Scrutiny Board including the following:
  - (a) to review or scrutinise the exercise of any council or executive function, or any other related matter<sup>2</sup>;
  - (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 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; and
  - (e) to review corporate performance indicators and to make such reports and recommendations as it considers appropriate;
  - (f) to review outcomes, targets and priorities within the Leeds Strategic Plan and to make such reports and recommendations as it considers appropriate; and
  - (g) to review or scrutinise executive decisions made but not implemented.<sup>4</sup>
  
2. To exercise the functions of a **crime and disorder committee**<sup>5</sup>, including the following:
  - (a) to review or scrutinise the exercise of crime and disorder functions<sup>6</sup> by responsible authorities<sup>7</sup>;
  - (b) to review or scrutinise any local crime and disorder matter in relation to a Member<sup>8</sup>;

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<sup>1</sup>These are the functions delegated to the Director of Environment and Neighbourhoods, the Chief Officer (Environmental Services), the Chief Officer (Housing Services) and the Chief Officer (Regeneration) under the officer delegation schemes (council functions) and the officer delegation scheme (executive functions), and the functions which the authority has agreed that another person should exercise as agent of the authority (Section 27 of the Housing Act 1985).

<sup>2</sup> including matters pertaining to outside bodies and partnerships to which appointments have been made by the authority

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

<sup>4</sup> which have been called-in under Rule 22 of the Scrutiny Board Procedure Rules.

<sup>5</sup> In accordance with Section 19 Police and Justice Act 2006

<sup>6</sup> As defined by Section 6 Crime and Disorder Act 1998 (formulating and implementing crime and disorder strategies).

<sup>7</sup> These are the authorities responsible for crime and disorder strategies (Section 5 of the Crime and Disorder Act 1998)

<sup>8</sup> This is any matter concerning-

(a) crime and disorder (including in particular forms of crime and disorder that involve anti-social behaviour or other behaviour adversely affecting the local environment) or

## *Council Committees' Terms of Reference*

- (c) to make a report or recommendations to the Council or the Executive about the exercise of crime and disorder functions<sup>9</sup> or any local crime and disorder matter in relation to a Member<sup>10</sup>.
- 3. To receive and monitor formal responses to any reports or recommendations made by the Board.

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(b) the misuse of drugs alcohol and other substances in that area which affects all or part of the electoral area for which the Member is elected or any person who lives or works in that area.

<sup>9</sup> See footnote 6 above

<sup>10</sup> See footnote 8 above

**Scrutiny Board (Health)<sup>1</sup>**

1. To review any matter relating to the planning, provision and operation of health services in relation to:
  - arrangements made by local NHS bodies<sup>2</sup> and the authority 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 Trust), personal medical services personal dental services, pharmacy and NHS ophthalmic services;
  - the public health arrangements in the area including 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 authority, 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 authority 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 authority 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 authority 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 authority and local NHS Bodies as appropriate.
5. In relation to matters in respect of which a local NHS body consults more than

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

<sup>2</sup> in Leeds this means the Primary Care Trust, the Leeds Teaching Hospitals NHS Trust, NHS Yorkshire and the Humber and the Leeds Mental Health Teaching NHS Trust

## *Council Committees' Terms of Reference*

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.

## **The Standards Committee**

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

1. to advise the authority on the adoption or revision of a Code of Conduct for Members<sup>2</sup> and to promote, monitor and review the operation of the Members' Code of Conduct.
2. to consider and determine one or more local codes of conduct for Members or protocols for Member/officer relations<sup>3</sup> and to promote, monitor, review and amend such codes of conduct or protocols;
3. to appoint sub-committees<sup>4</sup> to consider and initially assess<sup>5</sup> or review decisions not to act<sup>6</sup> in respect of any written allegations<sup>7</sup> made against Members;
4. to consider and determine any complaints<sup>8</sup> made against Members and to determine any sanction to be imposed on a finding of misconduct;
5. to consider and determine applications for dispensations<sup>9</sup>;
6. to make recommendations to the Corporate Governance and Audit Committee where representations (on behalf of the Council) are required to be made to external agencies,<sup>10</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 and to make representations on its own behalf;

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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> Section 54(2)(a) Local Government Act 2000

<sup>3</sup> To be known as 'Local Codes'

<sup>4</sup> Regulation 6, Standards Committee (England) Regulations 2008 No. 1085/2008

<sup>5</sup> Section 57A Local Government Act 2000

<sup>6</sup> Section 57B Local Government Act 2000

<sup>7</sup> written allegations made by any person under section 57A Local Government Act 2000

<sup>8</sup> "complaints" for these purposes to mean allegations of breach of

- the Members Code of Conduct adopted by Leeds City Council; or
- the National Code of Local Government Conduct where the alleged breach is committed before 5 April 2002; or
- any of the Authority's Local Protocols/Codes which refer to the conduct of Members, other than the Code of Conduct;

which have been the subject of an investigation resulting in a finding of failure to comply (or in relation to which the Standards Committee have resolved not to accept a finding of no failure to comply) and are therefore referred to the Committee by the Monitoring Officer

<sup>9</sup> In accordance with the Relevant Authorities (Standards Committees) (Dispensations) Regulations 2002

<sup>10</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



## *Council Committees' Terms of Reference*

7. to provide advice and guidance to Members and officers and to make arrangements for training in matters relating to codes of conduct and protocols;
8. to consider and advise the Council with respect to the adoption or amendment of a Code of Conduct for Officers and to promote, monitor and review the Code of Conduct.<sup>11</sup>

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<sup>11</sup> It is not the function of the Committee to determine or become involved in individual officer conduct or disciplinary cases but rather to provide an overview of the application of the provisions of the Code across the Council.

## **Corporate Governance and Audit Committee**

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

1. to consider the Council's arrangements relating to accounts<sup>2</sup> 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; and
  - (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.
2. 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; and
    - (ii) provide a basis for gaining the necessary assurance regarding governance prior to the approval of the Council's accounts.
3. to review the adequacy of policies and practices to ensure compliance with statutory and other guidance
4. to review the adequacy of the Council's Corporate Governance arrangements (including matters such as internal control and risk management)
5. 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
6. to make, on behalf of the Council, and having had regard to any recommendations of Standards Committee, representations to external agencies<sup>3</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.

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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> Item 45 Paragraph I Schedule 1 of Local Authorities (Functions and Responsibilities) (England) Regulations as amended.

<sup>3</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

**General Purposes Committee**

With the exception of any matter which falls within the terms of any other council committee, the General Purposes Committee is authorised:

1. to consider and determine Council (non-executive) functions<sup>1</sup> delegated to a Director<sup>2</sup> where the Director has decided not to exercise the delegated authority and has referred the matter to the Committee;
2. to consider proposals to amend the constitution and make recommendations to full Council; and
3. to make recommendations to full Council in connection with the discharge of any of its functions.<sup>3</sup>

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<sup>1</sup> Where the functions do not fall within the terms of reference of any other council committee. 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>2</sup> "Director" includes those Officers specified in Sections 1 and 2 of Part 3 of the Constitution.

<sup>3</sup> "Function" in this context does not include shared functions with the executive

## **Area Committees**

Within each Committee's area:

### **(Council functions)**

1. to make Elected Member<sup>1</sup> appointments<sup>2</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>3</sup>
3. to consider and respond to consultations on planning briefs and frameworks and on major development proposals affecting the Committee's area;<sup>4</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>5</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;<sup>6</sup>

### **(Executive functions)**<sup>7</sup>

7. *to promote and improve the economic, social and environmental well-being of the Committee's area*<sup>8</sup>;
8. *to exercise Area Functions*;<sup>9</sup>

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<sup>1</sup> Including the appointment of a suitable nominee as set out in the Appointments to Outside Bodies Procedure Rules

<sup>2</sup> In accordance with the Appointments to Outside Bodies Procedure Rules at Section 4 of the Constitution.

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

<sup>7</sup> All executive functions will be exercisable concurrently with the Executive Board.

<sup>8</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, as determined from time to time by the Executive Board

<sup>9</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**

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> Item 37 of para I of Schedule 1 to the Local Authorities (Functions and Responsibilities)(England) Regulations 2000 as amended

<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, namely:

- the Deputy Chief Executive, the Assistant Chief Executives, those named as Directors in the Council structure and any other officers who are required to report directly to, or who are directly accountable to, the Chief Executive in relation to most or all of the duties of their posts; and
- any officer who is required to report directly or is directly accountable to any officer included within the immediately preceding paragraph in relation to all or most of the duties of their post.

## **Member Management Committee**

The Member Management Committee is authorised to discharge the following functions<sup>1</sup>:

1. to determine which outside bodies<sup>2</sup> require Elected Member<sup>3</sup> representation or appointment 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>; and
4. to consider matters in relation to the Training and Development of Elected Members; and
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> "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> Excluding those appointments to joint committees which are reserved to full Council

<sup>3</sup> Including the appointment of a suitable nominee as set out in the Appointments to Outside Bodies Procedure Rules

<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

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

- any licensing function under the Licensing Act 2003 (the 2003 Act) or the Gambling Act 2005 (the 2005 Act) reserved to full Council;<sup>2</sup> or
- any licensing function where full Council has referred a matter to another committee,<sup>3</sup>

the Licensing Committee is authorised to discharge<sup>4</sup> the following functions<sup>5</sup>:

1. to discharge the licensing functions of the licensing authority;<sup>6</sup>
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> and
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 2003 Act or s154 (2) (a) and (c) of the 2005 Act.

<sup>2</sup> Part 3, Section 2A of the Constitution sets out licensing functions reserved to full Council, as licensing authority under the 2003 Act and under the 2005 Act.

<sup>3</sup> Under the provisions of Section 7(5)(a) of the 2003 Act.

<sup>4</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 see also Section 154 of the 2005 Act.

<sup>5</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>6</sup> This includes the power to set fees under Section 212 of the 2005 Act

<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) of the 2003 Act). Before exercising this power, the Council must consult with the Committee.

Pursuant to this provision on 11 January 2006 Council delegated to the Licensing Committee the power to make a designated public places order in respect of alcohol consumption under the Criminal Justice and Police Act 2001

<sup>8</sup> Including recommendations arising from the monitoring of the operation and impact of the licensing or Gambling 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**

### **Licensing and Regulatory Panel**

The Licensing and Regulatory Panel is authorised to discharge<sup>1</sup> the following functions:<sup>2</sup>

1. To discharge all Council (non-executive)<sup>3</sup> functions 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) sex shops and sex cinemas<sup>7</sup>
- (iv) performances of hypnotism<sup>8</sup>
- (v) acupuncture, ear-piercing and electrolysis<sup>9</sup>
- (vi) pleasure boats and vessels<sup>10</sup>
- (vii) market and street trading<sup>11</sup>
- (viii) scrap yards<sup>12</sup>
- (ix) dog breeding, pet shops, animal breeding, animal trainers and exhibitors, zoos, wild animals<sup>13</sup>
- (x) the employment of children<sup>14</sup>
- (xi) premises for the solemnisation of marriage<sup>15</sup>
- (xii) charitable collections<sup>16</sup>
- (xiii) operation of loudspeakers<sup>17</sup>
- (xiv) movement and sale of pigs and cattle<sup>18</sup>
- (xv) storage of celluloid<sup>19</sup>
- (xvi) meat product premises and dairy establishments<sup>20</sup>
- (xvii) motor salvage operators<sup>21</sup>

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<sup>1</sup> With the exception of any licensing function under the Licensing Act 2003, 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> "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> Local Authorities (Functions and Responsibilities) (England) Regulations 2000 as amended (the 2000 Regulations).

<sup>4</sup> Para. B of Schedule 1 to the 2000 Regulations

<sup>5</sup> Items 1 and 2 of Para. B of Schedule 1 to the 2000 Regulations

<sup>6</sup> Item 3 – 5 of Para. B of Schedule 1 to the 2000 Regulations

<sup>7</sup> Item 15 of Para. B of Schedule 1 to the 2000 Regulations

<sup>8</sup> Item 16 of Para. B of Schedule 1 to the 2000 Regulations

<sup>9</sup> Item 17 of Para. B of Schedule 1 to the 2000 Regulations

<sup>10</sup> Item 18 of Para. B of Schedule 1 to the 2000 Regulations

<sup>11</sup> Item 20 of Para. B of Schedule 1 to the 2000 Regulations

<sup>12</sup> Item 25 of Para. B of Schedule 1 to the 2000 Regulations

<sup>13</sup> Items 29 - 33 of Para. B of Schedule 1 to the 2000 Regulations

<sup>14</sup> Item 35 of Para. B of Schedule 1 to the 2000 Regulations

<sup>15</sup> Item 36 of Para. B of Schedule 1 to the 2000 Regulations

<sup>16</sup> Item 39 of Para. B of Schedule 1 to the 2000 Regulations

<sup>17</sup> Item 40 of Para. B of Schedule 1 to the 2000 Regulations

<sup>18</sup> Items 43 – 46 of Para. B of Schedule 1 to the 2000 Regulations

<sup>19</sup> Item 56 of Para. B of Schedule 1 to the 2000 Regulations

<sup>20</sup> Items 57 – 59 of Para. B of Schedule 1 to the 2000 Regulations



## *Council Committees' Terms of Reference*

(b) health and safety at work<sup>22</sup> to the extent that those functions are discharged otherwise than in the authority's capacity as an employer; and  
(c) smoke-free premises under the Health Act 2006 and regulations.<sup>23</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 a charge.

3. To discharge any licensing function<sup>24</sup>, where full Council has referred a matter to the Panel.<sup>25</sup>

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<sup>21</sup> Item 71 of Para. B of Schedule 1 to the 2000 Regulations

<sup>22</sup> Para. C of Schedule 1 to the 2000 Regulations

<sup>23</sup> Para FA, of Schedule 1 to the 2000 Regulations.

<sup>24</sup> Under the Licensing Act 2003

<sup>25</sup> (Section 7(5)(a) of the Licensing Act 2003). The matter must relate to

- a licensing function of the licensing authority under the Licensing Act 2003 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)).

## Plans Panels

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 control<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>; and
  - (g) high hedges<sup>11</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; and/or
  - (e) to determine whether a charge should be made or the amount of such charge.
3. to discharge any licensing function<sup>12</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 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 as amended

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

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

<sup>7</sup> Items 37, 38 and 72 of Para B and Items 51-53 of Para I 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> Items 46 and 47 of Para I of Schedule 1 of the 2000 Regulations

<sup>11</sup> Item 47A of Para. I of Schedule 1 of the 2000 Regulations

<sup>12</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 COMMITTEE**

**Development Plan Panel**

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 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>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.

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## Report of the Assistant Chief Executive (Corporate Governance)

### Council

Date: 21<sup>st</sup> May 2009

Subject: Appointment of additional Independent, reserve Independent and Parish Members of Standards Committee

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#### Electoral Wards Affected:

Ward Members consulted  
(referred to in report)

#### Specific Implications For:

Equality and Diversity

Community Cohesion

Narrowing the Gap

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### Executive Summary

1. The purpose of this report is to recommend that the Council appoint Mrs J Austin to the role of Independent Member of the Standards Committee, and Councillor P Cook to the role of Parish Member, with effect from 21<sup>st</sup> May 2009. The report also recommends that the Council appoint Mr G Tollefson as a reserve Independent Member until the Annual Meeting in 2010 (or earlier should a vacancy arise), when he would become a full independent Member with a four year term in order that he can fill the vacancy for an independent member left by Mr M Wilkinson when his final term of office expires. Finally, the report recommends that the Council reappoint Councillor Mrs Walker to the role of Parish Member for a further term, as her current term of office expires at the Annual Meeting this year.
2. Following the full Council meeting on 22<sup>nd</sup> April 2009 and the amendments agreed to Article 9 of the Council's Constitution, the Standards Committee currently has two vacancies for elected Members of Leeds City Council, one additional Parish Member and one additional Independent Member. Therefore during the next municipal year the Standards Committee will be comprised of seven elected Members (three from the largest political groups and four others), three Parish Members (who are not also Members of Leeds City Council) and four Independent Members.
3. Members are recommended to:
  - appoint Mrs J Austin to the role of Independent Member until the Annual Meeting in 2013;
  - appoint Mr G Tollefson to the role of reserve Independent Member until the Annual Meeting in 2010 or earlier should a vacancy arise when he will then become a full Independent Member for a four year term;
  - appoint Councillor P Cook to the role of Parish Member until the Annual Meeting in 2013; and

- reappoint Councillor Mrs P Walker to the role of Parish Member until the Annual Meeting in 2013.

## **1.0 Purpose Of This Report**

- 1.1 The purpose of this report is to recommend that the Council appoint Mrs J Austin to the role of Independent Member of the Standards Committee, and Councillor P Cook to the role of Parish Member, both with effect from 21<sup>st</sup> May 2009. The report also recommends that the Council appoint Mr G Tollefson as a reserve Independent Member until the Annual Meeting in 2010, in order that he can then be appointed as the Independent Member to fill the vacancy for such a Member left by Mr M Wilkinson when his final term of office expires. Finally, the report recommends that the Council reappoint Councillor Mrs Walker to the role of Parish Member for a further term, as her current term of office expires at the Annual Meeting this year.

## **2.0 Background Information**

### Independent Member position

- 2.1 Applicants for the position of Independent Member were asked to submit an application form, and applicants were then shortlisted against a role description which highlights essential and desirable criteria. Five candidates were shortlisted for this position and interviewed by a panel comprised of the Assistant Chief Executive (Corporate Governance) and the Chair of the Standards Committee.
- 2.2 Interview candidates were also asked to sign a form to confirm that they comply with the following requirements (some of which are set out in the relevant legislation):
- You have not been a member or employee of Leeds City Council within the five years before the date of appointment.
  - You are not a current member or employee of any other relevant authority (this includes other councils, police authorities, fire authorities and broads authorities or national park authorities).
  - You are not a relative or close friend of a member or employee of Leeds City Council.
  - You are not actively engaged in local party political activity or any similar pressure group.
  - You are not a member of any political party.
- 2.3 Independent Members are currently appointed for a term of office of four years, and can only serve two terms in total. This is to maintain their independence from the Council. According to Article 9 of the Council's Constitution, the interview Panel are able to recommend the appointment of a new Independent Member to the full Council for their approval.
- 2.4 At the end of the process the interview panel felt that there were two candidates for the Independent Member role who were worthy of recommendation for appointment. These were Mrs J Austin and Mr G Tollefson. Both these candidates met all the essential requirements of the role and demonstrated three of the four desirable requirements in their application. However, as there was only one vacancy the interview panel decided to recommend the appointment of Mrs J Austin

- 2.5 Given that the current Chair of the Standards Committee is due to retire at the Annual Meeting in 2010, it is proposed that Mr Tollefson be appointed as a reserve Independent Member in order to fill the Independent Member vacancy when it arises.

#### The role of a reserve Independent Member

- 2.6 A reserve Independent Member will not be a formal member of the Standards Committee and will not be able to vote but they may speak at the discretion of the Chair. They will be allowed to attend meetings of the Standards Committee to observe the proceedings and for training purposes. A reserve Independent Member would not be allowed to act as a substitute for another Independent Member, or take part in Assessment or Review Sub-Committee meetings (other than as an observer, for development purposes, and with the consent of all parties).
- 2.7 A reserve Independent Member would be required to attend training in accordance with the Standards Committee Training Plan, but would not receive an allowance for their position.

#### Potential benefits of appointing a reserve Independent Member

- 2.8 If full Council were minded to appoint a reserve Independent Member, the Council would not have to repeat the recruitment exercise in April 2010 in order to replace the vacancy due to arise in May 2010. The cost of the recruitment exercise was £3605.20. This amount does not include officer time or administration costs. However it should also be noted that officers supporting the Independent Remuneration Panel, of which Mr Tollefson is a Member, would have to conduct a similar recruitment exercise to replace Mr G Tollefson.
- 2.9 Furthermore, if Mr Tollefson is appointed as a full Independent Member at the Annual Meeting in 2010, he will already have gained some experience of the Standards Committee and the Council's operations, and will have received training in accordance with the Standards Committee Training Plan. In addition, should a vacancy arise prior to the Annual Meeting in 2010, for example due to a resignation, the Standards Committee would be able to fill this vacancy immediately, which would assist with the timely processing of complaints.
- 2.10 Finally, if the Council were to repeat the recruitment exercise for an Independent Member in 2010 there would be no guarantee that applicants of a similar calibre (meeting all the essential criteria and the majority of the desirable criteria) would apply.

#### Parish Member position

- 2.11 Candidates for the position of Parish Member were nominated by their Town or Parish Council at the request of the Yorkshire Local Councils Association (YLCA). All these nominees were then interviewed by an interview panel comprised of the Assistant Chief Executive (Corporate Governance), the Chair of the Standards

Committee and Councillor J Priestley (a current Parish Member on the Standards Committee).

- 2.12 Councillor Mrs Walker was asked to confirm that she wished to continue as a Parish Member of the Standards Committee, and the YLCA were asked to confirm whether they supported her reappointment. Following confirmation from the YLCA that they would support her reappointment unopposed, the interview panel decided to recommend to full Council that Councillor Mrs Walker should be reappointed for a further term of office. Parish Members are also appointed for terms of office of four years, but there is no restriction on the number of terms they may serve.

### **3.0 Main Issues**

#### **Biographies**

##### Mrs J Austin – recommended new Independent Member

- 3.1 Until September 2008 Mrs Austin worked for KPMG as a principal advisor within KPMG's Financial Services Advisory Group, which involved working as a project leader on a variety of strategic, regulatory and costing projects, and acting as the independent accountant in a number of Office of Fair Trading regulated assignments. Mrs Austin left this position to pursue other interests.
- 3.2 Mrs Austin has extensive experience of understanding and applying regulatory produced standards in a practical setting; chairing committees and working parties; and reviewing, analysing and investigating data, both financial and non-financial. Mrs Austin also recently completed a degree in psychology from the Open University.

##### Mr G Tollefson – recommended reserve Independent Member

- 3.3 Mr Tollefson retired from the NHS in January 2006 where he worked as a Senior Ambulance Service Manager. In 2007 and 2008 Mr Tollefson undertook some part time project work for St John Ambulance (South & West Yorkshire) in addition to being a senior volunteer with that organisation.
- 3.4 Mr Tollefson has served as a Magistrate in Leeds since 1994 and chairs Courts on a regular basis. In 2008 Mr Tollefson was appointed by the Ministry of Justice to the Lord Chancellor's Advisory Committee for Leeds, which is the body that handles all matters relating to standards, discipline and governance within the Leeds Magistrates' Courts.
- 3.5 Since retiring, Mr Tollefson has joined the Board of a large Practice Based Commissioning Group of General Practitioners in East and South Leeds, and has recently been invited by HM Lord Lieutenant for West Yorkshire to serve as one of her Deputies. Mr Tollefson is also currently a member of the Leeds City Council Independent Remuneration Panel.



- 3.6 Mr Tollefson is aware that he will have to resign from the Independent Remuneration Panel should he become an Independent Member of the Standards Committee, as the relevant Regulations prevent a co-opted Member of the Council being on the Independent Remuneration Panel. Mr Tollefson has indicated that he would be willing to resign from the Independent Remuneration Panel if required to do so. As the Independent Remuneration Panel make recommendations regarding allowances paid to members of the Standards Committee, and are considering such a matter at their next meeting on 15<sup>th</sup> June 2009, Mr Tollefson would be required to resign his position following appointment as a reserve Independent Member at the Annual Meeting on 21<sup>st</sup> May 2009.

Councillor P Cook – recommended new Parish Member

- 3.7 Councillor Cook was elected to Morley Town Council in 2007. He is a member of the Finance and General Purposes Committee.
- 3.8 Councillor Cook was a police officer for 30 years and retired in 1999. Councillor Cook has also previously worked as a security manager for art galleries and museums owned by Leeds City Council.

Councillor Mrs P Walker – recommended current Parish Member

- 3.9 Councillor Mrs Walker is a Member of Pool-in-Wharfedale Parish Council and has been for seven years. Councillor Mrs Walker has been a full Parish Member of the Leeds City Council Standards Committee since 2005.
- 3.10 Councillor Mrs Walker feels that in view of the fact that the Standards Committee has spent so many hours carefully setting up the system of maintaining standards for Leeds City Council, she would like to continue for one more term to see some of their work come to fruition.
- 3.11 The YLCA were asked whether they supported Councillor Mrs Walker's reappointment, and they agreed that there have been no adverse comments received in terms of Councillor Mrs Walker's role and that the potential of losing her input to the continuing Parish Audit work and knowledge of the local assessment arrangements would not serve the Parishes well. Therefore they agreed to put Councillor Mrs Walker's name forward for reappointment by the interview panel unopposed.

**4.0 Implications For Council Policy And Governance**

- 4.1 The successful candidates all conform with the legal requirements for the positions, which are set out in Article 9 of the Council's Constitution.
- 4.2 Having a high calibre of membership of the Standards Committee will assist the Council in meeting the principle of 'good conduct and behaviour' in the Council's Code of Corporate Governance.

## **5.0 Legal And Resource Implications**

- 5.1 The relevant Regulations require that the appointment of an Independent Member is made by the majority of Members of the authority.
- 5.2 The position of Independent Member attracts an allowance of £2,366 per annum, and the position of Parish Member attracts an allowance of £570 per annum. However both these sums can be met from within existing resources.

## **6.0 Conclusions**

- 6.1 The interview panel recommend that the Council appoint Mrs J Austin to the role of Independent Member of the Standards Committee, and Councillor P Cook to the role of Parish Member, both with effect from 21<sup>st</sup> May 2009. The report also recommends that the Council appoint Mr G Tollefson as a reserve Independent Member until the Annual Meeting in 2010, in order that he can then be appointed as the Independent Member to fill the vacancy for such a Member left by Mr M Wilkinson when his final term of office expires. Finally, the report recommends that the Council reappoint Councillor Mrs Walker to the role of Parish Member for a further term, as her current term of office expires at the Annual Meeting this year.

## **7.0 Recommendations**

- 7.1 Members are recommended, with immediate effect, to:
- appoint Mrs J Austin to the role of Independent Member until the Annual Meeting in 2013;
  - appoint Mr G Tollefson to the role of reserve Independent Member until the Annual Meeting in 2010 (or such earlier time should a vacancy arise) at which time he will become an independent member for a four year term;
  - appoint Councillor P Cook to the role of Parish Member until the Annual Meeting in 2013; and
  - reappoint Councillor Mrs P Walker to the role of Parish Member until the Annual Meeting in 2013.

## **Background Documents**

Standards Committee (England) Regulations 2008

“The Role and Make Up of Standards Committees” by the Standards Board for England

**SECTION 2C**

**OFFICER DELEGATION SCHEME  
(COUNCIL (NON-EXECUTIVE)  
FUNCTIONS)**

## **GENERAL DELEGATIONS TO OFFICERS**

1. The fact that a function has been delegated to an officer does not require that officer to give the matter his/her personal attention and that officer may arrange for such delegation to be exercised by an officer of suitable experience and seniority. However the officer to whom the delegation has been made remains responsible for any decision taken pursuant to such arrangements
  
2. Subject to the exception listed below, in respect of approvals, licences, permission or registrations which come within the terms of their delegated authority, the Chief Executive, the Assistant Chief Executive (Corporate Governance), all Directors<sup>1</sup> and other named officers<sup>2</sup> are authorised:
  - (a) to impose conditions, limitations or restrictions;
  - (b) to determine any terms to which they are subject;
  - (c) to determine whether and how to enforce any failure to comply<sup>3</sup>;
  - (d) to amend, modify, vary or revoke; and
  - (e) to determine whether a charge should be made or the amount of such a charge.
  
3. The Chief Executive, the Deputy Chief Executive, the Assistant Chief Executive (Corporate Governance), Assistant Chief Executive (Planning Policy and Improvement), all Directors and other named officers<sup>4</sup> are authorised to carry out the following in respect of those functions for which they have delegated authority<sup>5</sup>:
  - (a) to make payments or provide other benefits in cases of maladministration<sup>6</sup>, in accordance with guidance notes jointly prepared

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<sup>1</sup> An officer may consider in respect of any matter that the authority delegated under this scheme may not be exercised and if so, may refer the matter to the relevant committee for determination.

<sup>2</sup> These are the chief officers with delegations which are concurrent with a Director, and which are listed in Article 12.

<sup>3</sup> including

- any failure to comply with such an approval, consent, licence, permission or registration,
- any failure to comply with a condition, limitation or term; to which any such approval, consent, licence, permission or registration is subject; or
- any other contravention in relation to a matter with regard to which the function of determining an application for approval, consent, licence, permission or registration would not be the responsibility of the executive.

<sup>4</sup> See footnote 2 above

<sup>5</sup> An officer may consider in respect of any matter that the authority delegated under this scheme may not be exercised and if so, may refer the matter to the relevant committee for determination.

<sup>6</sup> Item 48 of Para I of Schedule 1 to the Local Authorities (Functions and Responsibilities)(England) Regulations 2000 as amended

## Officer Delegation Scheme (Council (non-executive) functions)

by the Assistant Chief Executive (Corporate Governance) and the Director of Resources;

- (b) functions relating to health and safety under any relevant statutory provision within the meaning of Part 1 of the Health and Safety at Work Act 1974, to the extent that these functions are discharged otherwise than in the Council's capacity as employer;
- (c)<sup>7</sup>
  - (i) to appoint staff within the approved establishment in accordance with the Council's Recruitment and Selection Procedure;
  - (ii) to appoint staff on a temporary basis to provide cover for absences or cater for peaks in workload subject to there being budgetary provision. Such staff should be employed on terms set out in the guidance issued by the Director of Resources; and
  - (iii) to determine issues relating to officers' terms and conditions of employment and to take such action and enter into such agreement as may be required to give effect to such determinations.
- (d) The enforcement of byelaws.

### **Exceptions:**

The Chief Planning Officer's authority is subject to those exceptions set out in the Chief Planning Officer's delegation within the Officer Delegation Scheme (Council (non-executive) functions).

The named officers'<sup>8</sup> authority is subject to an exception in respect of those matters where the relevant Director has directed that the delegated authority should not be exercised and that the matter be referred to him/her or the relevant committee for consideration.

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<sup>7</sup> All officers are nominated for this purpose by the Head of Paid Service

<sup>8</sup> See footnote 2 above

## **Chief Executive**

1. The Chief Executive is the Head of Paid Service for the Council.
2. The Chief Executive is the Electoral Registration Officer for the Council, and the Returning Officer for local elections.

The Chief Executive<sup>1</sup> is authorised to discharge the following Council (non-executive) functions:

(a)	To assign officers in relation to requisitions of the registration officer	Section 52(4) of the Representation of the People Act 1983
(b)	To provide assistance at European Parliamentary elections	Section 6(7) and (8) of the European Parliamentary Elections Act 2002
(c)	To divide constituency into polling districts	Section 18A to 18E of and Schedule A1 to the Representation of the People Act 1983
(d)	To divide electoral divisions into polling districts at local government elections	Section 31 of the Representation of the People Act 1983
(e)	Powers in respect of holding of elections	Section 39(4) of the Representation of the People Act 1983
(f)	To pay expenses properly incurred by electoral registration officer	Section 54 of the Representation of the People Act 1983
(g)	To fill vacancies in the event of insufficient nominations	Section 21 of the Representation of the People Act 1985
(h)	To declare vacancy in office in certain cases	Section 86 of the Local Government Act 1972
(i)	To give public notice of a casual vacancy	Section 87 of the Local Government Act 1972
(j)	To submit proposals to the Secretary of State for an order under section 10 (pilot schemes for local elections in England and Wales) of the Representation of the People Act 2000	Section 10 of the Representation of the People Act 2000

<sup>1</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 the Chief Executive 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.

**Assistant Chief Executive (Corporate Governance)**

1. The Assistant Chief Executive (Corporate Governance) is the Monitoring Officer for the Council.
2. The Assistant Chief Executive (Corporate Governance) is deputy Electoral Registration Officer<sup>1</sup>.
3. The Assistant Chief Executive (Corporate Governance) is authorised to discharge the following Local Choice Functions which have been assigned to full Council (see Part 3 Section 1 of the Constitution)

(a)	To appoint review boards under the Social Security Act 1998 <sup>2</sup>
(b)	To make arrangements for appeals against exclusion of pupils from maintained schools
(c)	To make arrangements for appeals regarding school admissions <sup>3</sup>
(d)	To make arrangements for appeals by governing bodies <sup>4</sup>
(e)	To make arrangements to enable questions to be put at Council meetings on the discharge of the functions of a police authority <sup>5</sup>

4. Subject to the exceptions listed below, the Assistant Chief Executive (Corporate Governance)<sup>6</sup> is authorised to discharge the following Council (non-executive) functions:

**Licensing and Regulatory:**

(a)	To license hackney carriages and private hire vehicles	(a) As to hackney carriages, the Town Police Clauses Act 1847 as extended by section 171 of the Public Health Act 1875 and section 15 of the Transport Act 1985 and sections 47, 57, 58, 60 and 79 of the Local Government (Miscellaneous Provisions) Act 1976 (b) As to private hire vehicles, sections 48, 57, 58, 60 and 79 of the Local Government (Miscellaneous Provisions) Act 1976
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<sup>1</sup> The Chief Officer (Legal Licensing and Registration) and the Electoral Services Manager are also appointed as deputy Electoral Services Managers.

<sup>2</sup> s34 (4) Social Security Act 1998

<sup>3</sup> s94 (1), (1A) and (4) School Standards and Framework Act 1998

<sup>4</sup> s95 (2) School Standards and Framework Act 1998

<sup>5</sup> s20 Police Act 1998

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

*Officer Delegation Scheme (Council (non-executive) functions)*

(b)	To license drivers of hackney carriages and private hire vehicles	Section 51, 53, 54, 59, 61 and 79 of the Local Government (Miscellaneous Provisions) Act 1976
(c)	To license operators of hackney carriages and private hire vehicles	Sections 55 to 58, 62 and 79 of the Local Government (Miscellaneous Provisions) Act 1976
(d)	*To licence sex shops and sex cinemas	The Local Government (Miscellaneous Provisions) Act 1982, Section 2, Schedule 3
(e)	*To license dealers in game and the killing and selling of game	Sections 5, 6, 17, 18 and 21 to 23 of the Game Act 1831; sections 2 to 16 of the Game Licensing Act 1860 section 4 of the customs and Inland Revenue Act 1883, sections 12(3) and 27 of the Local Government Act 1874 and section 213 of the Local Government Act 1972
(f)	*To license scrap yards	Section 1 of the Scrap Metal Dealers Act 1964
(g)	*To approve premises for the solemnisation of marriages	Section 46A of the Marriage Act 1949 and the Marriages (Approved Premises) Regulations 1995(SI 1995/510)
(h)	*To license persons to collect for charitable and other causes	Section 5 of the Police, Factories etc (Miscellaneous Provisions) Act 1916 and section 2 of the House to House Collections Act 1939
(i)	To register motor salvage operators	Part I of the Vehicles (Crime) Act 2001

**Functions relating to elections<sup>7</sup>:**

(a)	<b>Functions relating to community governance</b>	
i	Duties relating to community governance reviews	Section 79 of the Local Government and Public Involvement in Health Act 2007
ii	Functions relating to community governance petitions.	Sections 80, 83 to 85 of the Local Government and Public Involvement in Health Act 2007
iii	Functions relating to terms of reference of review	Sections 81(4) to (6) of the Local Government and Public Involvement in Health Act 2007
iv	Power to undertake a community governance review.	Section 82 of the Local Government and Public Involvement in Health Act 2007
v	Duties when undertaking review.	Section 93 to 95 of the Local Government and Public Involvement in Health Act 2007
vi	Duty to publicise outcome of review.	Section 96 of the Local Government and Public Involvement in Health Act 2007
vii	Duty to send two copies of order to Secretary of State and Electoral Commission.	Section 98(1) of the Local Government and Public Involvement in Health Act 2007

<sup>7</sup> Functions relating to making of recommendations under section 87 – 92 of the Local Government and Public Involvement in Health Act 2007 (Item 5 Paragraph EB of Schedule 1 of the Local Authorities (Functions and Responsibilities) (England) Regulations 2000/2853 ) are reserved to the relevant committee that is responsible for making recommendations to full council.



*Officer Delegation Scheme (Council (non-executive) functions)*

(b)	To dissolve small parish councils	Section 10 of the Local Government Act 1972
(c)	To make orders for grouping parishes, dissolving groups and separating parishes from groups	Section 11 of the Local Government Act 1972
(d)	To make temporary appointments to parish councils	Section 91 of the Local Government Act 1972

**Functions relating to changing governance arrangements:**

(a)	To consult prior to drawing up proposals <sup>8</sup>	S33E Local Government Act 2000
(b)	To make arrangements to hold a referendum <sup>9</sup>	S33K(2) Local Government Act 2000
(c)	To publish a notice if proposals are not approved in referendum	S33K(6) Local Government Act 2000
(d)	To implement new governance arrangements	S33G and S33H Local Government Act 2000
(e)	To comply with any direction from the Secretary of State	S33I Local Government Act 2000

**Functions relating to standing orders:**

(a)	To make standing orders	Section 106 of, and paragraph 42 of Schedule 12 to the Local Government Act 1972
(b)	To make standing orders as to contracts	Section 135 of the Local Government Act 1972

**Exceptions<sup>10</sup>:**

The Assistant Chief Executive (Corporate Governance) is not authorised to discharge those functions marked \*above where objections have been received.

**Licensing Functions delegated by Licensing Committee:**

<p>Subject to the exceptions listed below, the Assistant Chief Executive (Corporate Governance) is authorised to discharge the licensing functions<sup>11</sup> of the licensing authority.</p> <p><b><u>Exceptions:</u></b></p> <ul style="list-style-type: none"> <li>• any licensing function<sup>12</sup> reserved to full Council<sup>13</sup>; and</li> <li>• any licensing function where full Council has referred a matter to a committee other than the Licensing Committee<sup>14</sup>; and</li> <li>• any licensing function within the terms of reference of the Licensing Sub-committees<sup>15</sup>; and</li> </ul>	<p>Licensing Act 2003 and the Gambling Act 2005.</p>
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<sup>8</sup> Subject to consultation with party Leaders about the consultation plan

<sup>9</sup> Where the Council has decided to hold a referendum

<sup>10</sup> Under this delegation scheme (council functions). The Licensing and Regulatory Panel may however arrange for the discharge of any of its functions by the Assistant Chief Executive (Corporate Governance) - (Section 101(2) Local Government Act 1972.

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| <ul style="list-style-type: none"><li>• to object when the Authority is consultee and not the relevant authority considering an application under the 2003 Act</li></ul> |  |
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### **Appointments to Committees Boards and Panels**

To appoint members to vacancies during the period between the local elections and the Annual Council meeting, in consultation with appropriate whips, in order to secure that meetings necessary to be held during that period can proceed with adequate and appropriate membership levels.

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<sup>11</sup> “Licensing functions” means functions under the 2003 Act and the 2005 Act.

<sup>12</sup> “Licensing functions” means functions under the 2003 Act and the 2005 Act.

<sup>13</sup> Part 3, Section 2A of the Constitution sets out licensing functions reserved to full Council, as licensing authority under the 2003 Act.

<sup>14</sup> Under the provisions of Section 7(5)(a) of the 2003 Act

<sup>15</sup> Except where a Licensing sub-committee has arranged for the discharge of any of their functions to an Officer

**The Director of Children's Services<sup>1</sup>**

The Director of Children's Services<sup>2</sup> is authorised to discharge the following Council (non-executive) functions:

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

<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.

## Director of City Development

The Director of City Development<sup>1</sup> 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 market and street trading	Part III of , and Schedule 4 to, the Local Government (Miscellaneous Provisions) Act 1982
(c)	To issue, amend or replace safety certificates (whether general or special) for sports grounds	The Safety of Sports Grounds Act 1975
(d)	To issue, cancel, amend or replace safety certificates for regulated stands at sports grounds	Part II of the Fire Safety and Safety of Places of Sport Act 1987
(e)	To grant a street works licence	Section 50 of the New Roads and Street Works Act 1991
(f)	To grant permission for provision etc of services, amenities, recreation and refreshment facilities on highway and related powers	Sections 115E, 115F and 115K of the Highways Act 1980
(g)	To publish notice in respect of proposal to grant permission under section 115E of the Highways Act 1980	Section 115G of the Highways Act 1980
(h)	To permit deposit of builder's skip on highway	Section 139 of the Highways Act 1980
(i)	To license planting, retention and maintenance of trees etc in part of highway	Section 142 of the Highways Act 1980
(j)	To authorise erection of stiles etc on footpaths or bridleways	Section 147 of the Highways Act 1980
(k)	To license works in relation to buildings etc which obstruct the highway	Section 169 of the Highways Act 1980
(l)	To consent to temporary deposits or excavations in streets	Section 171 of the Highways Act 1980
(m)	To dispense with obligation to erect hoarding or fence	Section 172 of the Highways Act 1980
(n)	To restrict the placing of rails, beams etc over highways	Section 178 of the Highways Act 1980
(o)	To consent to construction of cellars etc under street	Section 179 of the Highways Act 1980
(p)	To consent to the making of openings into	Section 180 of the Highways Act 1980

<sup>1</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.

*Officer Delegation Scheme (Council (non-executive) functions)*

	cellars etc under streets and pavement lights and ventilators	
(q)	To create footpath bridleway or restricted byway by agreement	Section 25 of the Highways Act 1980
(r)	To create footpaths bridleways and restricted byways	Section 26 of the Highways Act 1980
(s)	Duty to keep register of information with respect to maps, statements and declarations	Section 31A of the Highways Act 1980
(t)	To stop up footpaths bridleways and restricted byways	Section 118 of the Highways Act 1980
(u)	To determine application for public path extinguishment order	Sections 118ZA and 118C(2) of the Highways Act 1980
(v)	To make a rail crossing extinguishment order	Section 118A of the Highways Act 1980
(w)	To make a special extinguishment order	Section 118B of the Highways Act 1980
(x)	To divert footpaths bridleways and restricted byways	Section 119 of the Highways Act 1980
(y)	To make a public path diversion order	Sections 119ZA and 119C(4) of the Highways Act 1980
(z)	To make a rail crossing diversion order	Section 119A of the Highways Act 1980
(aa)	To make a special diversion order	Section 119B of the Highways Act 1980
(bb)	To require applicant for order to enter into agreement	Section 119C(3) of the Highways Act 1980
(cc)	To make an SSSI diversion order	Section 12B of the Highways Act 1980
(dd)	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
(ee)	To decline to determine certain applications	Section 121C of the Highways Act 1980
(ff)	To assert and protect the rights of the public to use and enjoyment of highways	Section 130 of the Highways Act 1980
(gg)	To serve notice of proposed action in relation to obstruction	Section 130A of the Highways Act 1980
(hh)	To apply for variation of order under section 130B of the Highway Act 1980	Section 130B(7) of the Highways Act 1980
(ii)	To authorise temporary disturbance of surface of footpath bridleway or restricted byway	Section 135 Highways Act 1980
(jj)	To divert footpath bridleway or restricted byway temporarily	Section 135A of the Highways Act 1980
(kk)	To make good damage and remove obstructions	Section 135B of the Highways Act 1980
(ll)	To remove nuisances deposited on the highway	Section 149 of the Highways Act 1980
(mm)	To extinguish certain public rights of way	Section 32 of the Acquisition of Land Act 1981
(nn)	To keep definitive map and statement under review	Section 53 of the Wildlife and Countryside Act 1981
(oo)	To include modifications in other orders	Section 53A of the Wildlife and Countryside Act 1981

*Officer Delegation Scheme (Council (non-executive) functions)*

(pp)	To keep register of prescribed information with respect to applications under section 53(5) of the Wildlife and Countryside Act 1981	Section 53B of the Wildlife and Countryside Act 1981
(qq)	To prepare map and statement by way of consolidation of definitive map and statement	Section 57A of the Wildlife and Countryside Act 1981
(rr)	To designate footpath as cycle track	Section 3 of the Cycle Tracks Act 1984
(ss)	To extinguish public right of way over land acquired for clearance	Section 294 of the Housing Act 1981
(tt)	To authorise stopping up or diversion of highway	Section 257 of the Town and Country Planning Act 1990
(uu)	To authorise stopping up or diversion of footpath bridleway or restricted byway	Section 257 of the Town and Country Planning Act 1990
(vv)	To extinguish public rights of way over land held for planning purposes	Section 258 of the Town and Country Planning Act 1990
(ww)	To enter into agreements with respect to means of access	Section 35 of the Countryside and Rights of Way Act 2000
(xx)	To provide access in absence of agreement	Section 37 of the Countryside and Rights of Way Act 2000

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<sup>2</sup> Item 28 Paragraph B of Schedule 1 of the Local Authorities (Functions and Responsibilities) (England) Regulations 2000 deleted as this function no longer carried out by the local authority

## **Chief Officer Highways and Transportation**

With the exception of those matters where the Director of City Development has directed that the delegated authority should not be exercised and that the matter should be referred to him/her or the relevant committee for consideration, the Chief Officer Highways and Transportation <sup>1</sup> is authorised to carry out the following functions:

(a)	To grant a street works licence	Section 50 of the New Roads and Street Works Act 1991
(b)	To grant permission for provision etc of services, amenities, recreation and refreshment facilities on highway and related powers	Sections 115E, 115F and 115K of the Highways Act 1980
(c)	To publish notice in respect of proposal to grant permission under section 115E of the Highways Act 1980	Section 115G of the Highways Act 1980
(d)	To permit deposit of builder's skip on highway	Section 139 of the Highways Act 1980
(e)	To license planting, retention and maintenance of trees etc in part of highway	Section 142 of the Highways Act 1980
(f)	To authorise the erection of stiles etc on footpaths or bridleways	Section 147 of the Highways Act 1980
(g)	To license works in relation to buildings etc which obstruct the highway	Section 169 of the Highways Act 1980
(h)	To consent to temporary deposits or excavations in streets	Section 171 of the Highways Act 1980
(i)	To dispense with obligation to erect hoarding or fence	Section 172 of the Highways Act 1980
(j)	To restrict the placing of rails, beams etc over highways	Section 178 of the Highways Act 1980
(k)	To consent to construction of cellars etc under street	Section 179 of the Highways Act 1980
(l)	To consent to the making of openings into cellars etc under streets and pavement lights and ventilators	Section 180 of the Highways Act 1980
(m)	To assert and protect the rights of the public to use and enjoyment of highways	Section 130 of the Highways Act 1980
(n)	To serve notice of proposed action in relation to obstruction	Section 130A of the Highways Act 1980
(o)	To apply for variation of order under section 130B of the Highway Act 1980	Section 130B(7) of the Highways Act 1980
(p)	To make good damage and remove obstructions	Section 135B of the Highways Act 1980
(q)	To remove nuisances deposited on the	Section 149 of the Highways Act 1980

<sup>1</sup> The fact that a function has been delegated to the Chief Officer does not require the Chief Officer to give the matter his/her personal attention and the Chief Officer may arrange for such delegation to be exercised by an officer of suitable experience and seniority. However the Chief Officer remains responsible for any decision taken pursuant to such arrangements.

*Officer Delegation Scheme (Council (non-executive) functions)*

	highway	
(r)	To designate footpath as cycle track	Section 3 of the Cycle Tracks Act 1984
(s)	To authorise stopping up or diversion of highway	Section 257 of the Town and Country Planning Act 1990



**Chief Planning Officer**

Subject to the exceptions listed below, the Chief Planning Officer<sup>1</sup> is authorised to discharge the following Council (non-executive) functions:

**Town and Country Planning and Development Control**

(a)	To determine application for planning permission	Sections 70(1)(a) and (b) and 72 of the Town and Country Planning Act 1990
(b)	To determine applications to develop land without compliance with conditions previously attached	Section 73 of the Town and Country Planning Act 1990
(c)	To grant planning permission for development already carried out	Section 73A of the Town and Country Planning Act 1990
(d)	To decline to determine application for planning permission	Section 70A of the Town and Country Planning Act 1990
(e)	Duties relating to the making of determinations of planning applications	Sections 69, 76 and 92 of the Town and Country Planning Act 1990 and Articles 8, 10 to 13, 15 to 22 and 25 and 26 of the Town and Country Planning (General Development Procedure) Order 1995 (SI 1995/419) and directions made thereunder
(f)	To determine application for planning permission made by a local authority, above or jointly with another person	Section 316 of the Town and Country Planning Act 1990 and the Town and Country Planning General Regulations 1992 (SI 1992/1492)
(g)	To make determinations, give approvals and agree certain other matters relating to the exercise of permitted development rights	Parts 6, 7, 11, 17, 19, 20, 21 to 24, 26, 30 and 31 of Schedule 2 to the Town and Country Planning (General Permitted Development) Order 1995 (SI 1995/418)
(h)	To enter into agreement regulating development or use of land	Section 106 of the Town and Country Planning Act 1990
(i)	To issue a certificate of existing or proposed lawful use or development	Sections 191(4) and 192(2) of the Town and Country Planning Act 1990
(j)	To serve a completion notice	Section 94(2) of the Town and Country Planning Act 1990
(k)	To grant consent for the display of advertisements	Section 220 of the Town and Country Planning Act 1990 and the Town and Country Planning (Control of Advertisements) Regulations 1992
(l)	To authorise entry onto land	Section 196A of the Town and Country Planning Act 1990
(m)	To require the discontinuance of a use of land	Section 102 of the Town and Country Planning Act 1990
(n)	To issue a temporary stop notice	Section 171E of the Town and Country Planning Act 1990
(o)	To serve a planning contravention notice,	Sections 171C, 187A and 183(1) of the

<sup>1</sup> The fact that a function has been delegated to the Chief Officer does not require the Chief Officer to give the matter his/her personal attention and the Chief Officer may arrange for such delegation to be exercised by an officer of suitable experience and seniority. However the Chief Officer remains responsible for any decision taken pursuant to such arrangements.

*Officer Delegation Scheme (Council (non-executive) functions)*

	breach of condition notice or stop notice	Town and Country Planning Act 1990
(p)	To issue an enforcement notice	Section 172 of the Town and Country Planning Act 1990
(q)	To apply for an injunction restraining a breach of planning control	Section 187B of the Town and Country Planning Act 1990
(r)	To determine applications for hazardous substances consent, and related powers	Sections 9(1) and 10 of the Planning (Hazardous Substances) Act 1990
(s)	To determine conditions to which old mining permissions, relevant planning permissions relating to dormant sites or active Phase I or II sites, or mineral permissions relating to mining sites, as the case may be, are to be subject	Paragraph 2(6)(a) of Schedule 2 to the Planning and Compensation Act 1991, paragraph 9(6) of Schedule 13 to the Environment Act 1995 (c 25) and paragraph 6(5) of Schedule 14 to that Act
(t)	To require proper maintenance of land	Section 215(1) of the Town and Country Planning Act 1990
(u)	To determine application for listed building consent, and related powers	Sections 16(1) and (2), 17 and 33(1) of the Planning (Listed Buildings and Buildings and Conservation Areas) Act 1990
(v)	To determine applications for conservation area consent	Section 16(1) of the Planning (Listed Buildings and Conservation Areas Act 1990 , as applied by section 74(3) of that Act
(w)	Duties relating to applications for listed building consent and conservation area consent	Sections 13(1) and 14(1) and (4) of the Planning (Listed Buildings and Buildings and Conservation Areas) Act 1990 and regulations 3 to 6 and 13 of the Town and Country Planning (Listed Buildings and Buildings in Conservation Areas) Regulations 1990 and paragraphs 8, 15 and 26 of Department of the Environment , Transport and the Regions Circular 01/01
(x)	To serve a building preservation notice, and related powers	Sections 3(1) and 4(1) of the Planning (Listed Buildings and Buildings and Conservation areas) Act 1990
(y)	To issue enforcement notice in relation to demolition of listed building in conservation area	Section 38 of the Planning (Listed Buildings and Buildings and Conservation Areas) Act 1990
(z)	To acquire a listed building in need of repair and to serve a repairs notice	Sections 47 and 48 of the Planning (Listed Buildings and Buildings and Conservation Areas) Act 1990
(aa)	To apply for an injunction in relation to a listed building	Section 44A of the Planning (Listed Buildings and Buildings and Conservation Areas) Act 1990
(bb)	To execute urgent works	Section 54 of Planning (Listed Buildings and Buildings and Conservation Areas) Act 1990
(cc)	To issue, amend or replace safety certificates (whether general or special) for sports grounds	The Safety of Sports Grounds Act 1975

*Officer Delegation Scheme (Council (non-executive) functions)*

(dd)	To issue, cancel, amend or replace safety certificates for regulated stands at sports grounds	Part II of the Fire Safety and Safety of Places of Sport Act 1987
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**Commons Registration**

(a)	To register common land or town or village greens, except where the power is exercisable solely for the purpose of giving effect to (i) an exchange of lands affected by an order under section 19(3) of, or paragraph 6(4) of Schedule 3 to, the Acquisition of Land Act 1981 (c 67) or (ii) an order section 147 of the Inclosure Act 1845 (c8 & 9 Vict c 118)	Regulation 6 of the commons Registration (New Land) Regulations 1969 (SI 1969/1843)
(b)	To register variation of rights of common	Regulation 29 of the Commons Registration (General) Regulations 1966 (SI 1966/1471)
(c)	Functions relating to the registration of common land and town or village greens	Part 1 of the Commons Act 2006 (c.26) and the Commons Registration (England) Regulations 2008 (S.I. 2008/1961)
(d)	Power to apply for an enforcement order against unlawful works on common land	Section 41 of the Commons Act 2006
(e)	Power to protect unclaimed registered common land and unclaimed town or village greens against unlawful interference.	Section 45(2)(a) of the Commons Act 2006.
(f)	Power to institute proceedings for offences in respect of unclaimed registered common land and unclaimed town or village greens	Section 45(2)(b) of the Commons Act 2006

**Hedgerows and Trees**

(a)	The protection of important hedgerows	The Hedgerows Regulations 1997
(b)	The preservation of trees	Sections 197 to 214D of the Town and Country Planning Act 1990, and the Trees Regulations 1999

**High Hedges**

(a)	Complaints about high hedges	Part 8 of the Anti-Social Behaviour Act 2003
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**Exceptions:**

The Chief Planning Officer is not authorised<sup>2</sup> to discharge the following functions:

<sup>2</sup> Under this delegation scheme (council functions). A Plans Panel may however arrange for the discharge of **any** of its functions by the Chief Planning Officer - (Section 101(2) Local Government Act 1972).

**Town and Country Planning and Development Control**

(a)	the determination of applications following a written request <sup>4</sup> to the Chief Planning Officer by <ul style="list-style-type: none"> <li>• a Ward Member concerning an application within his/her ward</li> <li>• a Chair of a Area Committee, concerning an application within his/her Area Committee area</li> </ul> that an application be referred to the relevant Plans Panel;
(b)	the determination of applications for development that would constitute a significant departure <sup>5</sup> from the Development Plan, including a significant departure from any Local Development Framework currently in force;
(c)	the determination of applications for development that would be materially different from any supplementary planning guidance or planning brief approved by or on behalf of the Council;
(d)	the determination of applications for major development <sup>6</sup> which would have significant impacts on local communities;
(e)	the approval of applications, where approval would reverse a previous decision taken by Plans Panel;
(f)	the approval of applications, where approval would conflict with an objection raised by a statutory technical consultee;
(g)	where the Chief Planning Officer considers that the application should be referred to the relevant Plans Panel for determination because of the significance, impact or sensitivity of the proposal;
(h)	the determination of applications submitted in a personal capacity by or on behalf of Members, the Chief Executive, Deputy Chief Executive, an Assistant Chief Executive, Director, Chief Officer or any officer who carries out development control functions.

**Commons Registration**

(a)	Where objections have been received.
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<sup>4</sup> This request must be made to the Chief Planning Officer within 21 days of the date of notification and must include reason(s) for the requested referral based on material planning consideration(s) and must give rise to concerns affecting more than neighbouring properties (these being those which are notified by means of a letter as part of the Council's policy regarding publicity on householder planning applications).

<sup>5</sup> "Significant" in the context of the Town and Country Planning (Development Plans and Consultations) (Departures) Directions 1999.

<sup>6</sup> "Major Development" for these purposes means:

- Residential development involving the erection of ten or more dwellings or, if the number of dwellings are not known, sites of 0.5 hectares or more.
- Other development proposals (apart from minerals and waste development) where the application would result in the erection of gross floorspace of not less than 1,000 msq, or sites of 1 hectare or more.
- Minerals and waste development where the application may require an Environmental Impact Assessment

## **Director of Environment and Neighbourhoods**

The Director of Environment and Neighbourhoods<sup>1</sup> is authorised to discharge the following Council (non-executive) functions:

(a)	To issue licences authorising the use of land as a caravan site (“site licences”)	Section 3(3) of the Caravan Sites and Control of Development Act 1960
(b)	To license the use of moveable dwellings and camping sites	Section 269(1) of the Public Health Act 1936
(c)	To license premises for acupuncture, tattooing, ear-piercing and electrolysis	Sections 13 to 17 of the Local Government (Miscellaneous Provisions) Act 1982
(d)	To license premises for the breeding of dogs	Section 1 of the Breeding of Dogs Act 1973 and Section 1 of the Breeding and Sale of Dogs (Welfare) Act 1999
(e)	To license pet shops and other establishment where animals are bred or kept for the purposes of carrying on a business	Section 1 of the Pet Animals Act 1951, section 1 of the Animal Boarding Establishments Act 1963, the Riding Establishments Act 1964 and 1970, section 1 of the Breeding of Dogs Act 1973 and sections 1 and 8 of the Breeding and Sale of Dogs (Welfare) Act 1999
(f)	To register animal trainers and exhibitors	Section 1 of the Performing Animals (Regulation) Act 1925
(g)	To license zoos	Section 1 of the Zoo Licensing Act 1981
(h)	To license dangerous wild animals	Section 1 of the Dangerous Wild Animals Act 1976
(i)	To grant consent for the operation of a loudspeaker	Schedule 2 to the Noise and Statutory Nuisance Act 1993
(j)	To issue licences for the movement of pigs	Article 12 of the Pigs (Records, Identification and Movement) Order 1995 (SI 1996/11)
(k)	To license the sale of pigs	Article 13 of the Pigs (Records, Identification and Movement) Order 1995
(l)	To license collecting centres for the movement of pigs	Article 14 of the Pigs (Records, Identification and Movement) Order 1995
(m)	To issue a licence to move cattle from a market	Article 5(2) of the Cattle Identification Regulations 1998 (SI 1998/871)
(n)	To sanction use of parts of buildings for storage of celluloid	Section 1 of the Celluloid and Cinematograph Film Act 1922
(o)	Duty to enforce Chapter 1 and regulations made under it	Section 10(3) of the Health Act 2006
(p)	Power to authorise officers	Section 10(5) of, and paragraph 1 of

<sup>1</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.

*Officer Delegation Scheme (Council (non-executive) functions)*

		Schedule 2 to, the Health Act 2006
(q)	Functions related to fixed penalty notices	Paragraphs 13,15 and 16 of Schedule 1 to the Health Act 2006. Smoke-free (Vehicle Operators and Penalty Notices) Regulations 2007 (SI 2006/760)
(r)	Power to transfer enforcement functions to another enforcement authority	Smoke-free(Premises and Enforcement) Regulations 2006 (SI 2006/3368)

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<sup>2</sup> Items 24 and 68 Paragraph B Schedule 1 of the Local Authorities (Functions and Responsibilities) (England) Regulations 2000/2853 deleted as legislation stated in the Regulations is no longer in force. The functions are carried out under new legislation and are Executive functions.

<sup>3</sup> Items 34 and 57 – 63 and 66 – 67 Paragraph B Schedule 1 of the Local Authorities (Functions and Responsibilities) (England) Regulations 2000/2853 deleted as legislation stated in the Regulations is longer in force and the functions are no longer carried out by Leeds City Council

### **Chief Officer (Environmental Services)**

With the exception of those matters where the Director of Environment and Neighbourhoods has directed that the delegated authority should not be exercised and that the matter should be referred to him/her or the relevant committee for consideration, the Chief Officer (Environmental Services)<sup>1</sup> is authorised to carry out the following functions:

(a)	To license the use of moveable dwellings and camping sites	Section 269(1) of the Public Health Act 1936
(b)	To license premises for acupuncture, tattooing, ear-piercing and electrolysis	Sections 13 to 17 of the Local Government (Miscellaneous Provisions) Act 1982
(c)	To license premises for the breeding of dogs	Section 1 of the Breeding of Dogs Act 1973 and Section 1 of the Breeding and Sale of Dogs (Welfare) Act 1999
(d)	To license pet shops and other establishment where animals are bred or kept for the purposes of carrying on a business	Section 1 of the Pet Animals Act 1951, section 1 of the Animal Boarding Establishments Act 1963, the Riding Establishments Act 1964 and 1970, section 1 of the Breeding of Dogs Act 1973 and sections 1 and 8 of the Breeding and Sale of Dogs (Welfare) Act 1999
(e)	To register animal trainers and exhibitors	Section 1 of the Performing Animals (Regulation) Act 1925
(f)	To license zoos	Section 1 of the Zoo Licensing Act 1981
(g)	To license dangerous wild animals	Section 1 of the Dangerous Wild Animals Act 1976
(h)	To grant consent for the operation of a loudspeaker	Schedule 2 to the Noise and Statutory Nuisance Act 1993
(i)	To issue licences for the movement of pigs	Article 12 of the Pigs (Records, Identification and Movement) Order 1995 (SI 1996/11)
(j)	To license the sale of pigs	Article 13 of the Pigs (Records, Identification and Movement) Order 1995
(k)	To license collecting centres for the movement of pigs	Article 14 of the Pigs (Records, Identification and Movement) Order 1995
(l)	To issue a licence to move cattle from a market	Article 5(2) of the Cattle Identification Regulations 1998

<sup>1</sup> The fact that a function has been delegated to the Chief Officer does not require the Chief Officer to give the matter his/her personal attention and the Chief Officer may arrange for such delegation to be exercised by an officer of suitable experience and seniority. However the Chief Officer remains responsible for any decision taken pursuant to such arrangements.

*Officer Delegation Scheme (Council (non-executive) functions)*

		(SI 1998/871)
(m)	To sanction use of parts of buildings for storage of celluloid	Section 1 of the Celluloid and Cinematograph Film Act 1922
(n)	Duty to enforce Chapter 1 and regulations made under it	Section 10(3) of the Health Act 2006
(o)	Power to authorise officers	Section 10(5) of, and paragraph 1 of Schedule 2 to, the Health Act 2006
(p)	Functions related to fixed penalty notices	Paragraphs 13,15 and 16 of Schedule 1 to the Health Act 2006. Smoke-free (Vehicle Operators and Penalty Notices) Regulations 2007 (SI 2006/760)
(q)	Power to transfer enforcement functions to another enforcement authority	Smoke-free (Premises and Enforcement) Regulations 2006 (SI 2006/3368)

2  
3

<sup>2</sup> Items 24 and 68 Paragraph B Schedule 1 of the Local Authorities (Functions and Responsibilities) (England) Regulations 2000/2853 deleted as legislation stated in the Regulations is no longer in force. The functions are carried out under new legislation and are Executive functions.

<sup>3</sup> Items 34 and 57 – 63 and 66 – 67 Paragraph B Schedule 1 of the Local Authorities (Functions and Responsibilities) (England) Regulations 2000/2853 deleted as legislation stated in the Regulations is longer in force and the functions are no longer carried out by Leeds City Council.



**Chief Officer (Housing Services)**

With the exception of those matters where the Director of Environment and Neighbourhoods has directed that the delegated authority should not be exercised and that the matter should be referred to him/her or the relevant committee for consideration, the Chief Officer (Housing Services)<sup>1</sup> is authorised to carry out the following function:

To issue licences authorising the use of land as a caravan site (“site licences”)	Section 3(3) of the Caravan Sites and Control of Development Act 1960
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<sup>1</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.

### **Director of Resources**

The Director of Resources<sup>1</sup> is authorised to discharge the following Council (non-executive) functions:

(a)	Functions relating to local government pensions, etc	Regulations under section 7, 12 or 24 of the Superannuation Act 1972
(b)	To make Financial Procedure Rules	Paragraph 42 of Schedule 12 to the Local Government Act 1972
(c)	To make arrangements to consider and determine employee appeals in relation to grievances, grading and dismissal <sup>3</sup>	Section 112 Local Government Act 1972
(d)	To determine employee terms and conditions	Section 112 Local Government Act 1972

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<sup>1</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> Except in relation to those which are to be determined by the Employment Committee.

# **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.
- 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).
- 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:

Name	Address	Ward
* <sub>1</sub> Andrew Carter Conservative Group	15 Clarke Street Calverley Leeds LS28 5NH	Calverley and Farsley
* <sub>1</sub> Richard Brett Liberal Democrat Group	991 Scott Hall Road Leeds LS17 6HJ	Burmantofts and Richmond Hill
James Monaghan Liberal Democrat Group	Flat 21 Merchants House 66 North Street Leeds LS2 7PN	Headingley
John Leslie Carter Conservative Group	25 Oaklands Avenue Leeds LS16 8NR	Adel and Wharfedale
Stewart Golton Liberal Democrat Group	5 Farrer Lane Oulton Leeds LS26 8JP	Rothwell
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
Keith Wakefield	35 Beech Grove Avenue	Kippax and Methley

1

**Councillor Richard Brett****Leader**

Commencing 21 May 2009 – 30 November 2009

**Deputy Leader**

Commencing 1 December 2009 until Annual Meeting of Council 2010

**Councillor Andrew Carter****Deputy Leader**

Commencing 21 May 2009 – 30 November 2009

**Leader of Council**

Commencing 1 December 2009 until Annual Meeting of Council 2010

### *Executive Functions*

<b>Name</b>	<b>Address</b>	<b>Ward</b>
Labour Group	Garforth Leeds LS25 1EF	
Robert Finnigan Morley Borough Independent Group	c/o Morley Independent Office, Morley Town Hall, Leeds LS27 9DY	Morley North

- 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 Richard Lewis	121 Roker Lane, Pudsey, Leeds, LS28 9NB	Pudsey

**SECTION 3B (a) : EXECUTIVE MEMBER PORTFOLIOS**

EXECUTIVE MEMBER	DECISION MAKING OVERVIEW <sup>1</sup>
<p><b>Central and Corporate</b> Cllr Richard Brett Liberal Democrat Group</p>	<p>Chief Executive, Assistant Chief Executive (Corporate Governance), Assistant Chief Executive (Planning Policy and Improvement) and Director of Resources.</p>
<p><b>Development and Regeneration</b> Cllr Andrew Carter Conservative Group</p>	<p>Director of City Development <sup>2</sup> (excluding functions relating to culture and leisure, and environmental management), Chief Officer Highways and Transportation and Chief Planning Officer</p>
<p><b>Environmental Services</b> Cllr James Monaghan Liberal Democrat Group</p>	<p>Director of City Development (functions relating to environmental management<sup>3</sup> only), Director of Environment and Neighbourhoods (relating to statutory nuisances, air pollution, environmental protection, waste policy and streetscene functions)<sup>4</sup> and Chief Officer (Environmental Services)<sup>5</sup>(excluding functions relating to the condition and occupation of private housing; caravan sites).</p>
<p><b>Neighbourhoods and Housing</b> Cllr John Leslie Carter Conservative Group</p>	<p>Director of Environment and Neighbourhoods <sup>6</sup> (excluding functions relating to statutory nuisances, air pollution, environmental protection, waste policy and streetscene functions), the Chief Officer (Environmental Services) (functions relating to the condition and occupation of private housing; caravan sites only<sup>7</sup>), the Chief Officer (Housing Services) and the Chief Officer (Regeneration).</p>

<sup>1</sup> References are to functions delegated under the officer delegation scheme (executive functions)

<sup>2</sup> Functions 1 (a) – (c), 2 (a) – (k) delegated to the Director of City Development

<sup>3</sup> Function (l) delegated to the Director of City Development

<sup>4</sup> Functions 1(a) – (e) and 2 (i) - (l) delegated to the Director of Environment and Neighbourhoods,

<sup>5</sup> Functions 1(a) – (e) and 2 (c) – (e) delegated to the Chief Officer (Environmental Services)

<sup>6</sup> Functions 2(a) -(h) delegated to the Director of Environment and Neighbourhoods

<sup>7</sup> Functions 2(a) and (b) delegated to the Chief Officer (Environmental Services)

EXECUTIVE MEMBER	DECISION MAKING OVERVIEW <sup>1</sup>
<p><b>Children’s Services Lead Executive Member</b> Cllr Stewart Golton Liberal Democrat Group</p>	<p>Director of Children’s Services</p>
<p><b>Learning</b> Cllr Richard Harker Liberal Democrat Group</p>	<p>Director of Children’s Services (functions relating to early years, education and youth services)<sup>8</sup> and Chief Officer (Early Years and Youth Services)</p>
<p><b>Leisure</b> Cllr John Procter Conservative Group</p>	<p>Director of City Development (functions relating to culture and leisure)<sup>9</sup> and Chief Libraries Arts and Heritage Officer.</p>
<p><b>Adult Health and Social Care</b> Cllr Peter Harrand Conservative Group</p>	<p>Director of Adult Social Services</p>
<p><b>Leader of the Labour Group</b> Cllr Keith Wakefield Labour Group</p>	
<p><b>Leader of the Morley Independent Group</b> Cllr Robert Finnigan Morley Borough Independent Group</p>	

<sup>8</sup> Function (d) delegated to the Director of Children’s Services

<sup>9</sup> Functions 2(m) -(q) delegated to the Director of City Development

**SECTION 3B (b): EXECUTIVE MEMBERS  
OVERVIEW OF ROLES AND RESPONSIBILITIES**

<b>POST</b>	<b>AREA OF RESPONSIBILITY</b>
<p>Executive Member for Central and Corporate</p>	<p>To have political oversight for the following principal areas of Council activity:</p> <ul style="list-style-type: none"> <li>• Equality and diversity, communications, performance, customer services, procurement, risk management and international relations activities;</li> <li>• HQ support services including ICT, Human Resources, legal, financial services and corporate landlord;</li> <li>• Democratic services including member support, committee/scrutiny support, corporate governance and the Lord Mayor's office;</li> <li>• Corporate support for Public Private Partnership ventures;</li> <li>• Traded services comprising catering and cleaning, property maintenance, fleet services, and passenger transport services;</li> <li>• school crossing patrols.</li> </ul> <p>To provide a corporate overview of, and promote cross-sector support for, the 'Narrowing the Gap' aim of the Vision for Leeds.</p> <p>To chair the Leeds Initiative Board and represent the Council on key inter-sector and inter-authority partnerships.</p>
<p>Executive Member for Leisure</p>	<p>To have political oversight for the following principal areas of Council activity:</p> <ul style="list-style-type: none"> <li>• Libraries, record repositories, museums and art galleries, public entertainments, halls and venues and the arts;</li> <li>• Parks;</li> <li>• Sports facilities;</li> <li>• Countryside management;</li> <li>• Cemeteries, crematoria, burial grounds and mortuaries.</li> </ul> <p>To represent the Council on key inter-sector and inter-authority partnerships.</p>



POST	AREA OF RESPONSIBILITY
Executive Member for Development and Regeneration	<p>To have political oversight for the following principal areas of Council activity:</p> <ul style="list-style-type: none"> <li>• The provision of strategic property and asset management services;</li> <li>• Economic, transport and planning policy development;</li> <li>• Highway authority and road traffic authority services including highway design services;</li> <li>• Planning and building control services;</li> <li>• Land drainage activities;</li> <li>• The provision of architectural design related services;</li> <li>• Tourism and City Marketing;</li> <li>• Economic led regeneration.</li> </ul> <p>To represent the Council on key inter-sector and inter-authority partnerships.</p> <p>To provide a corporate overview of, and promote cross-sector support for,</p> <ol style="list-style-type: none"> <li>i) the 'Going up a League' and the 'Regional Capital' aims of the Vision for Leeds, and</li> <li>ii) Leeds Renaissance programmes</li> </ol>
Executive Member for Environmental Services	<p>To have political oversight for the following principal areas of Council activity:</p> <ul style="list-style-type: none"> <li>• Street cleaning;</li> <li>• Refuse collection;</li> <li>• Waste strategy;</li> <li>• Waste management;</li> <li>• Environmental enforcement;</li> <li>• Parking services and enforcement;</li> <li>• Sustainability, environmental policy and climate change;</li> <li>• Environmental protection (e.g. pest control, air pollution, food safety, health surveillance, health improvement, fuel savers team).</li> </ul> <p>To represent the Council on key inter-sector and inter-authority partnerships.</p>

*Executive Functions*

<b>POST</b>	<b>AREA OF RESPONSIBILITY</b>
Executive Member for Neighbourhoods and Housing	<p>To have political oversight for the following principal areas of Council activity:</p> <ul style="list-style-type: none"> <li>• Housing (condition and occupation);</li> <li>• Housing led regeneration;</li> <li>• The reduction of crime, disorder and anti-social behaviour;</li> <li>• Neighbourhood renewal and area-based working arrangements;</li> <li>• Jobs and Skills.</li> </ul> <p>To represent the Council on key inter-sector and inter-authority partnerships.</p>
Lead Executive Member for Children's Services	<p>To have overall political oversight for the following principal areas of Council activity:</p> <ul style="list-style-type: none"> <li>• 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);</li> <li>• social services functions so far as they relate to children (and young people leaving care);</li> <li>• health services – functions exercisable on behalf of an NHS body so far as they relate to children;</li> <li>• functions of the authority as LEA;</li> <li>• services relating to information, advice and guidance under the Learning and Skills Act 2000;</li> <li>• Operational responsibilities for the Youth Offending Service so far as they relate to the local authority.</li> </ul> <p>To represent the Council on key inter-sector and inter-authority partnerships.</p>
Executive Member for Learning	<p>To have political oversight for the following principal areas of Council activity on behalf of the Children's Services Lead Executive Member:</p> <ul style="list-style-type: none"> <li>• School-based learning;</li> <li>• Early years development and child care planning;</li> <li>• Youth services.</li> </ul> <p>To represent the Children's Services Lead Executive Member on appropriate inter-sector and inter-authority partnerships.</p>
Executive Member Adult Health and Social Care	<p>To have political oversight for the following principal areas of Council activity:</p> <ul style="list-style-type: none"> <li>• The provision of adult health and social care services.</li> </ul>

<b>POST</b>	<b>AREA OF RESPONSIBILITY</b>
	To represent the Council on key inter-sector and inter-authority partnerships.

<b>SECTION 3B (c): DEPUTY EXECUTIVE MEMBER SUPPORT</b>
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**Role and Responsibilities of Deputy Executive Members**

1. To commission research in order to provide the Executive Member with timely and accurate information
2. To provide, where requested, regular reports and updates to the Executive Member and advise on policy decisions
3. To monitor the performance of services within their remit
4. To deputise for the Executive Member at meetings <sup>1</sup>
5. To act as spokesperson or representative for an Executive Member where required
6. To consult with interested parties, ward councillors and citizens as part of the development and review of policy
7. To act as an advocate for the Council within the authority and outside.
8. To brief the Political Group

<b>APPOINTED DEPUTY EXECUTIVE MEMBERS</b>
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Councillor Brian Cleasby Liberal Democrat
--

Councillor Brenda Lancaster Liberal democrat
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Councillor Jamie Matthews Liberal Democrat
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Councillor Alan Taylor Liberal Democrat
--

Councillor Stuart Andrew Conservative Group
--

Councillor Valerie Kendall Conservative Group
--

Councillor Alan Lamb Conservative group
--

Councillor Paul Wadsworth Conservative Group
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<sup>1</sup> This excludes deputising at Executive Board meetings. Reference Executive Procedure Rule 2.3

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

**AREA COMMITTEES**

Within each Committee's area:

*(Council functions)*

1. *to make Elected Member<sup>1</sup> appointments<sup>2</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>3</sup>*
3. *to consider and respond to consultations on planning briefs and frameworks and on major development proposals affecting the Committee's area;<sup>4</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>5</sup>*
5. *to receive and hear deputations; and*
6. *to consider the performance, targeting, frequency and co-ordination of services and make recommendations to the Executive Board as appropriate<sup>6</sup>;*

**(Executive functions)<sup>7</sup>**

7. *to promote and improve the economic, social and environmental well-being of the Committee's area<sup>8</sup>; and*
8. *to exercise Area Functions;<sup>9</sup>*

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<sup>1</sup> Including the appointment of a suitable nominee as set out in the Appointments to Outside Bodies Procedure Rules

<sup>2</sup> In accordance with the Appointments to Outside Bodies Procedure Rules at Section 4 of the Constitution.

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

<sup>7</sup> All executive functions will be exercisable concurrently with the Executive Board.

<sup>8</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 as determined from time to time by the Executive Board.

<sup>9</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.

## **ACCESS TO INFORMATION APPEALS COMMITTEE**

To determine appeals under Access to Information Procedure Rule 25.3.

## **ADVISORY COMMITTEE TO THE EXECUTIVE**

### **DEVELOPMENT PLAN PANEL**

An advisory committee<sup>10</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>11</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>10</sup> Appointed by the Council in accordance with Section 102 (4) of the Local Government Act 1972.

<sup>11</sup> In accordance with the Local Authorities (Functions and Responsibilities) (England) Regulations 2000 as from time to time amended.

<b>SECTION 4 - JOINT ARRANGEMENTS</b>
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Set out below are details of these functions which are undertaken jointly by the five West Yorkshire authorities<sup>1</sup> i.e. Leeds, Kirklees, Bradford, Wakefield and Calderdale under the provisions of S101(5) of the Local Government Act 1972 and S20 of the Local Government Act 2000.

<b>Functions</b>	<b>Arrangements</b>	<b>Leeds representation</b>	<b>Lead Authority</b>
Archives, archaeology, grants to voluntary bodies, trading standards	West Yorkshire Joint Services Committee	4 Elected Members	Wakefield
	West Yorkshire Pension Fund Investment Panel	2 Elected Members	Bradford
	West Yorkshire Pension Fund Joint Advisory Group	3 Elected Members	Bradford
To promote and improve the economic well-being of the City Region	Leeds City Regions Leaders' Board <sup>2</sup>	1 Elected Member	Leeds

<sup>1</sup> except where otherwise stated below

<sup>2</sup> This is a joint committee of the five West Yorkshire authorities, and also Craven, Barnsley, Harrogate, North Yorkshire, Selby and York. The Member appointment to this is in accordance with arrangements agreed with the other authorities.

## **SECTION 3E: OFFICER DELEGATION SCHEME (EXECUTIVE FUNCTIONS)**

### **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. The Chief Executive, Deputy Chief Executive, Assistant Chief Executive (Corporate Governance), Assistant Chief Executive (Planning Policy and Improvement), 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) An officer 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 an officer 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.



## *Officer Delegation Scheme (Executive Functions)*

- (i) The fact that a function has been delegated to an officer under this scheme does not require that officer to give the matter his/her personal attention. The officer may arrange for such delegation to be exercised by an officer of suitable experience and seniority. However the officer specified under this scheme will remain responsible for any decision taken pursuant to such arrangements.

### **GENERAL DELEGATIONS TO OFFICERS**

The Chief Executive, the Deputy Chief Executive, the Assistant Chief Executive (Corporate Governance) Assistant Chief Executive (Planning Policy and Improvement), Directors and other named officers<sup>1</sup> 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, 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. They must consult with any Director or other officer 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 or other officer would wish to submit a tender or quotation or undertake the works/services competition free, in accordance with Contracts 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 Resources 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 in accordance with the Contracts Procedure Rules.

#### **3. Debts**

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<sup>1</sup> These are the chief officers with delegations which are concurrent with a Director, and which are listed in Article 12. The delegation of those chief officers under this scheme is subject to an exception in respect of those matters where the relevant Director has directed that the delegated authority should not be exercised and that the matter be referred to him/her for consideration. These chief officers must consult the relevant Director before taking any key or major decision.

## *Officer Delegation Scheme (Executive Functions)*

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<sup>2</sup> 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>3</sup>;
  - the Council's policies on these matters; and

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<sup>2</sup> In exceptional circumstances – Financial Procedure Rule 9.6

<sup>3</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

## *Officer Delegation Scheme (Executive Functions)*

- guidance and advice from the Assistant Chief Executive (Corporate Governance) on these matters.
- (b) To designate officers with specific responsibilities for these matters.
- (c) To advise the Assistant Chief Executive (Corporate Governance) 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 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>4</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 Assistant Chief Executive (Corporate Governance), to sign certificates for contracts which relate specifically to their delegated functions.

### **15. Budget and Policy Framework**

To canvas the views of local stakeholders, formulate and publish initial proposals within the budget and policy framework.

## **PERSONNEL**

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<sup>4</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)*

### **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) Decisions can be taken in relation to restructures except where the decision:
  - (i) involves changes to existing National or Local Agreements and policies; and/or
  - (ii) cannot be achieved within delegated powers in respect of budgets
- (b) Decisions are subject to:
  - (i) appropriate professional advice being sought;
  - (ii) prior consultation with all appropriate parties affected by the decision, including all officially recognised trade unions; and
  - (iii) appropriate consideration of pay and grading requirements.
- (c) Decisions in respect of restructures which involve changes to existing agreements or policies (as referred to in 17 (a) (i) above) and/or which have budgetary implications as set out in 17 (a) (ii) above are delegated to the Director of Resources and will be subject to consultation with the Assistant Chief Executive (Corporate Governance) 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 Resources 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 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.

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<sup>1</sup> An "appropriate Executive Member" is the Leader or other appropriate 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 to the Executive Board for consideration.

<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. The delegation also includes the appointment of the Chief Executive as "proper officer" for the purpose of any function delegated to him/her under these arrangements.

<sup>5</sup> "Director" for this purpose includes the Deputy Chief Executive, the Assistant Chief Executives and any Director or Chief Officer to whom functions have been delegated under this scheme.

## **The Assistant Chief Executive (Corporate Governance)**

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 Assistant Chief Executive (Corporate Governance)<sup>3</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>4</sup> of the Executive in relation to:
  - (i) the management of corporate governance;
  - (ii) land charges;
  - (iii) vehicle licensing, other licensing<sup>5</sup> and enforcement;
  - (iv) elections;
  - (v) data protection, human rights, freedom of information and the regulation of surveillance activities;
  - (vi) the registration of births, deaths, marriages and civil partnerships;
  - (vii) the management of matters relating to Members, the Lord Mayor, committees and scrutiny support;
  - (viii) parish councils; and
  - (ix) procurement and purchasing.

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

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

<sup>3</sup> The fact that a function has been delegated to the Assistant Chief Executive does not require the Assistant Chief Executive to give the matter his/her personal attention and the Assistant Chief Executive may arrange for such delegation to be exercised by an officer of suitable experience and seniority. However the Assistant 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. The delegation also includes the appointment of the Assistant Chief Executive 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.

<sup>5</sup> Under the Licensing Act 2003, and the Gambling Act 2005.

## **Assistant Chief Executive (Planning, Policy and Improvement)**

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 Assistant Chief Executive (Planning Policy and Improvement)<sup>3</sup> is authorised to discharge any function<sup>4</sup> of the Executive in relation to:

- (a) corporate planning and policy development;
- (b) corporate equality and diversity activities;
- (c) performance management;
- (d) service improvement and transformation;
- (e) international and external relations;
- (f) communications strategy and policy;
- (g) press and media relations;
- (h) knowledge and information management;
- (i) customer services and the promotion of welfare rights; and
- (j) The Leeds Initiative and related partnership activity.

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

<sup>2</sup> The Assistant 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 by the Executive Board.

<sup>3</sup> The fact that a function has been delegated to the Assistant Chief Executive does not require the Assistant 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 Assistant 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. The delegation also includes the appointment of the Assistant Chief Executive as “proper officer” for the purpose of any function delegated to him/her under these arrangements.

## **The Director Of Adult Social Services<sup>1</sup>**

With the exception of those matters where an 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 Adult Social Services<sup>4</sup> is authorised to discharge any function<sup>5</sup> of the Executive in relation to:

- (a) social services so far as those functions relate to adults<sup>6</sup>;
- (b) functions exercisable on behalf of an NHS body<sup>7</sup>, so far as those functions relate to adults<sup>8</sup>;
- (c) arrangements to protect and promote the welfare of vulnerable adults<sup>9</sup>, including vulnerable young people moving into adulthood.

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<sup>1</sup> Appointed under Section 6 Local Authority Social Services Act 1970

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

<sup>3</sup> The Director of Adult Social Services may consider in respect of any matter that the delegated authority should not be exercised and that it should be referred to the Executive Board 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 the delegate 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 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 of Adult Social Services Officer as "proper officer" for the purpose of any function delegated to him/her under these arrangements.

<sup>6</sup> That is, do not relate to:

(i) children or

(ii) young people leaving care under sections 23C and 24D of the Children Act 1989, so far as not falling within (i).

<sup>7</sup> Under Section 75 of the National Health Service Act 2006

<sup>8</sup> See footnote 6 above

<sup>9</sup> So far as not falling within (a) above. See also footnote 6 above



## **The Director Of Children's Services<sup>1</sup>**

With the exception of those matters where an 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<sup>9</sup> excluding vocational training and allied services;
- (e) provision of services so far as they relate to information, advice and guidance under the Learning and Skills Act 2000; and
- (f) operational responsibilities for the Youth Offending Service so far as they relate to the local authority.

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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 appropriate 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 75 of the National Health Service Act 2006

<sup>9</sup> Including early years development, childcare planning and youth services.

## **Chief Officer (Early Years And Youth Services)**

With the exception of those matters where

- (i) an appropriate Executive Member<sup>1</sup> or the Director of Children's Services 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>; or
- (ii) the Director of Children's Services has directed that the delegated authority should not be exercised and that the matter be referred to him/her for consideration

the Chief Officer (Early Years and Youth Services)<sup>3</sup> is authorised<sup>4</sup> to discharge any function<sup>5</sup> of the Executive in relation to:

- (a) early years development and child care planning;
- (b) youth services.

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

<sup>2</sup> The Chief 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 or to the Director of Children's Services

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

<sup>4</sup> The Chief Officer must consult the Director of Children's Services before taking any key or major decisions.

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

## **The Director Of City 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 matter 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 City 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; and
  - (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 and economic led regeneration;
  - (d) the management of the city centre (including the promotion of the city centre and management of public spaces);
  - (e) building control (whether under the Building Act 1984 or otherwise);
  - (f) the authority's role as highways authority and road traffic authority except in relation to parking enforcement;

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<sup>1</sup> An "appropriate Executive Member" is the Leader or other appropriate 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 City Development will be mindful of the potential for conflicts of interest arising and will make appropriate arrangements in this respect.

*Officer Delegation Scheme (Executive Functions)*

- (g) safety at sports grounds;
- (h) land drainage;
- (i) design services;
- (j) asset management;
- (k) street naming and numbering;
- (l) environmental management and the formulation and implementation of environmental improvement programmes;
- (m) tourism and promotions;
- (n) cultural services (including the arts, libraries, record repositories, museums and art galleries, public entertainments, halls and venues);
- (o) recreation services (including parks, countryside and sports facilities);
- (p) cemeteries, crematoria, burial grounds and mortuaries; and
- (q) countryside management (including all matters relating to the provision and maintenance of footpaths and bridleways), and the provision and maintenance of landscaping schemes.

## **Chief Officer Highways And Transportation**

With the exception of those matters where

- (i) an appropriate Executive Member<sup>1</sup> or the Director of City Development 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>; or
- (ii) the Director of City Development has directed that the delegated authority should not be exercised and that the matter be referred to him/her for consideration

the Chief Officer Highways and Transportation<sup>3</sup> is authorised<sup>4</sup> to discharge any function<sup>5</sup> of the Executive in relation to:

1. The following local choice function which has been assigned to the Executive (see Section 1 Part B of the Constitution): to make arrangements for the execution of highways works under Section 278 Highways Act 1980; and
2. Any function of the Executive in relation to:
  - (a) the authority's role as highways authority and road traffic authority, except in relation to parking enforcement, and
  - (b) land drainage.

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

<sup>2</sup> The Chief 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 or to the Director of City Development.

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

<sup>4</sup> The Chief Officer must consult the Director of City Development before taking any key or major decision.

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

**Chief Libraries Arts And Heritage Officer**

With the exception of those matters where

- (i) an appropriate Executive Member<sup>1</sup> or the Director of City Development 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>; or
- (ii) the Director of City Development has directed that the delegated authority should not be exercised and that the matter be referred to him/her for consideration,
- (iii) and with the exception of those matters reserved to the Executive Board<sup>3</sup>,

the Chief Libraries, Arts and Heritage Officer<sup>4</sup> is authorised to discharge any function<sup>5</sup> of the Executive in relation to cultural services (including the arts, libraries, museums and art galleries, public entertainments, halls and venues).

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

<sup>2</sup> The Chief 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>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 Chief Officer does not require the Chief Officer to give the matter his/her personal attention and the Chief Officer 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.

## **Chief Planning Officer**

With the exception of those matters where

- (i) an appropriate Executive Member<sup>1</sup> or the Director of City Development 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>; or
- (ii) the Director of City Development has directed that the delegated authority should not be exercised and that the matter be referred to him/her for consideration,
- (iii) and with the exception of those matters reserved to the Executive Board<sup>3</sup>,

the Chief Planning Officer<sup>4</sup> is authorised to discharge any function<sup>5</sup> of the Executive in relation to:

- (a) the authority's role as local planning authority<sup>6</sup>;
- (b) building control (whether under the Building Act 1984 or otherwise);
- (c) safety at sports grounds; and
- (d) street naming and numbering.

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

<sup>2</sup> The Chief 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>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 Chief Officer does not require the Chief Officer to give the matter his/her personal attention and the Chief Officer 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> 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 Officer. No such **Council functions** will be exercisable by the Director of City Development

## **The Director Of Environment And Neighbourhoods**

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 Environment and Neighbourhoods<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; and
  - (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<sup>6</sup> 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>7</sup>;
  - (b) the condition and occupation of housing;
  - (c) caravan sites and land occupied by travelling people;
  - (d) area based housing led regeneration;

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<sup>1</sup> An "appropriate Executive Member" is the Leader or other appropriate 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 to the Executive Board for consideration

<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>6</sup> Including functions relating to Supporting People

<sup>7</sup> These agreements have been made in accordance with Section 27 Housing Act 1985 - see further addendum 1



*Officer Delegation Scheme (Executive Functions)*

- (e) community planning and community initiatives;
- (f) community safety and the reduction of crime and disorder (including the management of closed circuit TV);
- (g) the management and oversight of area based working arrangements;
- (h) 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.
- (i) environmental and consumer protection, health and safety other than in relation to Council employees, public health (including the investigation and control of notifiable diseases);
- (j) animal welfare;
- (k) development and implementation of municipal waste policy; and
- (l) streetscene management and related enforcement functions, including parking enforcement, street and gully cleansing, refuse collection, waste management, public conveniences, graffiti removal, fly-tipping and dog warden services.

## **Chief Officer (Environmental Services)**

With the exception of those matters where

- (i) an appropriate Executive Member<sup>1</sup> or the Director of Environment and Neighbourhoods 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>; or
- (ii) the Director of Environment and Neighbourhoods has directed that the delegated authority should not be exercised and that the matter be referred to him/her for consideration

the Chief Officer (Environmental Services)<sup>3</sup> is authorised<sup>4</sup> 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) 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; and
  - (e) the control of pollution or management of air quality.
2. Any function of the Executive in relation to:
  - (a) the condition and occupation of private<sup>6</sup> housing;
  - (b) caravan sites;

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

<sup>2</sup> The Chief 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 or to the Director of Environment and Neighbourhoods

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

<sup>4</sup> The Chief Officer must consult the Director of Environment and Neighbourhoods before taking any key or major decisions.

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

<sup>6</sup> That is, housing which is not owned by the council.

*Officer Delegation Scheme (Executive Functions)*

- (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) animal welfare; and
- (e) streetscene management and related enforcement functions, including parking enforcement, street and gully cleansing, refuse collection, waste management, public conveniences, graffiti removal, fly-tipping and dog warden services.

## **Chief Officer (Housing Services)**

With the exception of those matters where

- (i) an appropriate Executive Member<sup>1</sup> or the Director of Environment and Neighbourhoods 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>; or
- (ii) the Director of Environment and Neighbourhoods has directed that the delegated authority should not be exercised and that the matter be referred to him/her for consideration

the Chief Officer (Housing Services)<sup>3</sup> is authorised<sup>4</sup> to discharge the following functions<sup>5</sup>:

- (a) the authority's role as housing authority<sup>6</sup> 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>7</sup>;
- (b) investment planning and delivery of private sector housing investment;
- (c) land occupied by travelling people; and
- (d) the delivery of housing regeneration through public/private partnerships<sup>8</sup>.

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

<sup>2</sup> The Chief 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 or to the Director of Environment and Neighbourhoods

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

<sup>4</sup> The Chief Officer must consult the Director of Environment and Neighbourhoods before taking any key or major decisions.

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

<sup>6</sup> Including functions relating to Supporting People

<sup>7</sup> These agreements have been made in accordance with Section 27 Housing Act 1985 - see further addendum 1.

<sup>8</sup> This does not include the power to procure such a partnership.

## **Chief Officer (Regeneration)**

With the exception of those matters where

- (i) an appropriate Executive Member<sup>1</sup> or the Director of Environment and Neighbourhoods 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>; or
- (ii) the Director of Environment and Neighbourhoods has directed that the delegated authority should not be exercised and that the matter be referred to him/her for consideration

the Chief Officer (Regeneration)<sup>3</sup> is authorised<sup>4</sup> to discharge the following functions<sup>5</sup>:

- (a) planning and procurement of area based, and housing led regeneration;
- (b) community planning and community initiatives;
- (c) the management and oversight of area based working arrangements; and
- (d) 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.

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

<sup>2</sup> The Chief 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 or to the Director of Environment and Neighbourhoods

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

<sup>4</sup> The Chief Officer must consult the Director of Environment and Neighbourhoods before taking any key or major decisions.

<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 Chief Officer as “proper officer” for the purpose of any function delegated to him/her under these arrangements.

## **The Director Of Resources**

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 Resources<sup>3</sup> is authorised to discharge any function<sup>4</sup> of the Executive in relation to:

- (a) making arrangements for the proper administration of the authority's financial affairs<sup>5</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 planning;
- (e) the management of matters relating to the application of information, communication and associated technologies to support the discharge of any function of the Executive;
- (f) the provision of services relating to building maintenance, catering, cleaning, transport (including fleet services and passenger transport services), and school crossing patrols; and
- (g) civic and community buildings<sup>6</sup>, accommodation and facilities management.

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<sup>1</sup> An "appropriate Executive Member" is the Leader or other appropriate 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 to the Executive Board for consideration

<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 Director of Resources has responsibility for these arrangements as Section 151 Officer

<sup>6</sup> That is, all council properties, except schools and Housing Revenue Account properties.

## **Addendum 1**

1. In accordance with Section 27 of the Housing Act 1985 (as amended) and the General Approval for Housing Management Agreements 1994, the authority delegated management and maintenance functions to:

### **Belle Isle Tenant Management Organisation**

The following functions were delegated<sup>3</sup>:

- the management and maintenance of Council housing, Council garages, land vested in Neighbourhoods and Housing and other assets as agreed with the Council to facilitate the day to day management of Council housing within the Tenant Management Organisation area. This excludes the management of estate shops;
- responsive repairs and maintenance of those assets delegated to the Tenant Management Organisation;
- the repair inspection process;
- the planned and cyclical maintenance of those assets delegated to the Tenant Management Organisation;
- the responsibility to consult with tenants on repairs and improvements to those assets delegated to the Tenant Management Organisation;
- the delivery of energy efficient responses to repairs and modernisation that contributes to the Council's Best Value performance responsibility;
- to contribute fully to the regeneration policies of the area within which the Tenant Management Organisation operates;
- management of leasehold self improvements;
- the management of Sheltered Housing schemes excluding the management of the wardens;
- the management of Supported Housing schemes including the staff;
- the responsibility to manage and maintain those premises used as housing offices;
- the management and maintenance and repair of tenant resource centres or meeting rooms within the Tenant Management Organisation area;
- to make best use of housing stock;
- the selection of tenants for vacant properties in accordance with the Council's lettings policy;
- the allocation of new tenancies in accordance with the Council's lettings policy;
- the notification to and signing up of new tenants in accordance with the Council's lettings policy;
- the transferring of tenants in accordance with the Council's lettings policy;
- the management of successions in accordance with the Council's lettings policy;
- the management of Mutual Exchanges in accordance with the Council's lettings policy;
- the collection of rent due and the recovery of current and former tenants arrears along with other charges falling due;

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<sup>3</sup> In respect of properties within the Leeds South Homes Limited in Belle Isle North and Belle Isle South

## *Officer Delegation Scheme (Executive Functions)*

- the processing of the tenants insurance scheme;
- the management of the terms and conditions of tenancies and the enforcement of the same;
- the environmental management of housing estates;
- the processing of requests for action to tackle Anti Social Behaviour;
- the development of tenant involvement structures including tenant compacts;
- the provision of information about service delivery, changes to service delivery and performance of service delivery to tenants;
- the letting of contracts in relation to the delegated functions in accordance with the Procurement Protocol;
- the provision of financial management of the revenue budget. The provision of financial and statistical returns as and when directed or requested;
- the provision of reports to tenants about the Tenant Management Organisation;
- the management of employee relations;
- the responsibility to proactively work with the local Area Housing Partnership;
- the preparation of an annual Service Improvement Plan;
- the management of performance in line with the performance management framework; and
- the negotiation of Service Level Agreements in accordance with value for money principles.

### **Arms' Length Management Organisations**

In accordance with the approval of the Secretary of State, the authority delegated<sup>4</sup> housing management functions as follows to:

**East North East Homes Leeds Ltd**  
**Aire Valley Homes Leeds Ltd**  
**West North West Homes Leeds Ltd**

#### **General**

- The management and maintenance of Council housing, council garages, land vested in Neighbourhoods & Housing Department, , and other assets as agreed with the Council to facilitate the day to day management of Council housing within the ALMO area (in this Annex collectively called "Assets")
- To make best use of housing stock

#### **Asset management and stock condition**

- The maintenance of stock condition data on such Assets
- The responsibility to consult with tenants on repairs and improvements to such Assets
- Clearance of such Assets and the responsibility to decant tenants where appropriate
- The delivery of energy efficient responses to repairs and modernisation in relation to such Assets that contributes to the Council's Best Value performance responsibility
- The responsibility to manage and maintain those premises used as housing offices as set out in Annex 9
- The management and maintenance and repair of tenant resource centres or meeting rooms within the ALMO area

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<sup>4</sup> By agreement s in 05 and 07



## *Officer Delegation Scheme (Executive Functions)*

- To contribute fully to the regeneration policies of the area within which the ALMO operates
- The responsibility to work proactively with the local Area Housing Partnership

### **Repairs and maintenance**

- The repair and maintenance, whether responsive or major, of such Assets
- The repair inspection process relating to such Assets
- The planned and cyclical maintenance of such Assets
- The modernisation and improvement of such Assets

### **Environmental**

- The environmental management of housing estates

### **Allocations**

- The selection of tenants for vacant properties in accordance with the Council's lettings policy
- The granting of new tenancies in accordance with the Council's lettings policy
- The notification to and signing up of new tenants in accordance with the Council's lettings policy
- Transferring tenants in accordance with the Council's lettings policy
- The management of successions in accordance with the Council's lettings policy
- The management of Mutual Exchanges in accordance with the Council's lettings policy

### **Income collection**

- The collection of rent due and the recovery of current and former tenants arrears along with other charges falling due

### **Tenants' Insurance**

- The processing of the tenants insurance scheme

### **Tenancy enforcement**

- The management of the terms and conditions of tenancies and the enforcement of the same
- The processing of requests for action to tackle Anti Social Behaviour

### **Sheltered housing**

- The management of Sheltered Housing schemes

### **Supported housing**

- The management of Supported Housing schemes including the staff

### **Leasehold**

- Leasehold management within the ALMO area

### **Information, consultation and involvement**

- The provision of information about service delivery, changes to service delivery and performance of service delivery to tenants
- The provision of reports to tenants about the ALMO
- The development of tenant involvement structures including tenant compacts

### **Financial management**

- The provision of financial management, both revenue and capital, to the ALMO
- The provision of financial and statistical returns as and when directed or requested

### **Procurement**

- The letting of contracts in accordance with the terms of this Agreement

### **Organisation**

- The preparation of Business Plans
- The management of performance in line with the Performance Management Framework
- The negotiation of Service Contracts/Service Level Agreements in accordance with value for money principles

*Officer Delegation Scheme (Executive Functions)*

- The management of employee relations