



GENERAL PURPOSES COMMITTEE

Meeting to be held in Civic Hall, Leeds on
Wednesday, 23rd March, 2011 at 09.00am

MEMBERSHIP

Councillors

S Bentley	-	Weetwood;
A Blackburn	-	Farnley and Wortley;
J Blake	-	Middleton Park;
A Carter	-	Calverley and Farsley;
J L Carter	-	Adel and Wharfedale;
R Finnigan	-	Morley North;
S Golton	-	Rothwell;
P Gruen	-	Cross Gates and Whinmoor;
A Lowe	-	Armley;
J Procter	-	Wetherby;
N Taggart	-	Bramley and Stanningley;
K Wakefield (Chair)	-	Kippax and Methley;

Agenda compiled by:
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A G E N D A

Item No	Ward/Equal Opportunities	Item Not Open		Page No
1			<p>APPEALS AGAINST REFUSAL OF INSPECTION OF DOCUMENTS</p> <p>To consider any appeals in accordance with Procedure Rule 25 of the Access to Information Procedure Rules (in the event of an appeal the press and public will be excluded).</p> <p>(*In accordance with Procedure Rule 25, written notice of an appeal must be received by the Chief Democratic Services Officer at least 24 hours before the meeting)</p>	
2			<p>EXEMPT INFORMATION - POSSIBLE EXCLUSION OF THE PRESS AND PUBLIC</p> <p>1 To highlight reports or appendices which officers have identified as containing exempt information, and where officers consider that the public interest in maintaining the exemption outweighs the public interest in disclosing the information, for the reasons outlined in the report.</p> <p>2 To consider whether or not to accept the officers recommendation in respect of the above information.</p> <p>3 If so, to formally pass the following resolution:-</p> <p>RESOLVED – That the press and public be excluded from the meeting during consideration of the following parts of the agenda designated as containing exempt information on the grounds that it is likely, in view of the nature of the business to be transacted or the nature of the proceedings, that if members of the press and public were present there would be disclosure to them of exempt information, as follows:-</p>	

Item No	Ward/Equal Opportunities	Item Not Open		Page No
3			<p>LATE ITEMS</p> <p>To identify items which have been admitted to the agenda by the Chair for consideration.</p> <p>(The special circumstances shall be specified in the minutes)</p>	
4			<p>DECLARATION OF INTERESTS</p> <p>To declare any personal/prejudicial interests for the purpose of Section 81(3) of the Local Government Act 2000 and paragraphs 8 to 12 of the Members' Code of Conduct.</p>	
5			<p>APOLOGIES FOR ABSENCE</p> <p>To receive any apologies for absence from the meeting.</p>	
6			<p>MINUTES OF THE PREVIOUS MEETING</p> <p>To confirm as a correct record the minutes held on 4th February 2011.</p>	1 - 4
7			<p>AMENDMENT TO OFFICER DELEGATION SCHEME (COUNCIL (NON-EXECUTIVE) FUNCTIONS).</p> <p>To receive a report of the Assistant Chief Executive (Corporate Governance) recommending an amendment to the Officer Delegation Scheme (Council (non-executive) Functions) to appoint the Assistant Chief Executive (Corporate Governance), Head of Licensing and Registration and Electoral Services Manager as deputy Returning Officers and deputy Electoral Registration Officers.</p>	5 - 26

Item No	Ward/Equal Opportunities	Item Not Open		Page No
8			<p>CHANGES TO THE BUDGET AND POLICY FRAMEWORK</p> <p>To receive a report of the Assistant Chief Executive (Planning, Policy and Improvement) proposing a number of changes to Article 4 of the Constitution, the Budget and Policy framework, which reflects changes to the city's partnership and planning framework.</p>	27 - 36
9			<p>WORK PROGRAMME</p> <p>To receive a report of the Assistant Chief Executive (Corporate Governance) notifying and inviting comment from the Committee upon the work programme.</p>	37 - 40

Agenda Item 6

GENERAL PURPOSES COMMITTEE

FRIDAY, 4TH FEBRUARY, 2011

PRESENT: Councillor K Wakefield in the Chair

Councillors S Bentley, A Blackburn,
J Blake, J L Carter, R Finnigan, S Golton,
P Gruen, M Lobley (as substitute for A
Carter), A Lowe, J Procter and N Taggart

Apologies Councillor A Carter

35 Appeals against refusal of inspection of documents

There were no appeals against the refusal of inspection of documents.

36 Exempt Information - possible exclusion of the press and public

There were no resolutions to exclude the public.

37 Late items

There were no late items added to the agenda. However supplementary information had been received by the Committee with regards to Agenda item 9 – The Chief Planning Officer Delegation report. The supplementary information had been circulated for greater clarification.

38 Declaration of Interests

Councillor Finnigan declared a personal interest in Agenda Item 8 – (Minute 43 refers) as a Member of the Morley Borough Independent Party which had instigated the boundary review.

39 Apologies for absence

Apologies were received from Councillor A Carter.

40 Minutes Of the Previous Meeting

RESOLVED – That the minutes of the General Purposes Committee meeting held on 5th November 2010 were approved as a correct record.

41 Matters Arising

The Assistant Chief Executive (Corporate Governance) confirmed that in relation to Minute 33, Petitions Scheme, that an electronic petitions facility has been introduced by the Council although the legislation requiring this is now likely to be repealed.

Draft minutes to be approved at the meeting
to be held on Wednesday, 23rd March, 2011

42 Police Accountability White Paper

The Assistant Chief Executive (Corporate Governance) presented her report which detailed the response of the Minister of State for Policing and Criminal Justice to the White Paper Resolution in respect of the Police Accountability White Paper approved at the Council meeting on 15th September 2010.

Members of the Committee discussed the response of the Minister for State for Policing and Criminal Justice and agreed that the comparison between the proposed West Yorkshire's Policing arrangements and London's was unfair as London still maintained the Metropolitan Police Authority.

RESOLVED – Members of the General Purposes Committee resolved to respond to the Minister for State to convey their dissatisfaction with his reasoning and to highlight the areas of difference between the proposed arrangements for West Yorkshire and those already in place in London.

(At 9.10am during the discussion of this item Councillors Lobley and Taggart entered the meeting.)

43 Aligning Ward and Parish Boundaries

The Assistant Chief Executive (Corporate Governance) presented her report which presented the recommendation of the Electoral Working Group to align ward and parish boundaries and in particular to make amendments to parish boundaries in Morley North and Morley South.

Members raised the importance of ensuring that voters were allocated to the nearest polling station to their residence.

RESOLVED – Members of the General Purposes Committee resolved to:

- (a) agree the proposals of the Electoral Working Group to review the parish boundaries in Morley North and Morley South;
- (b) agree the involvement of the Electoral Working Group undertake a community governance review as proposed in the report;
- (c) agree the terms of reference for the community governance review attached to the report
- (d) agree that final recommendations should be considered and agreed by the General Purposes Committee; and
- (e) agree the timetable for conducting the community governance review as attached at appendix A.

44 Chief Planning Officer Delegation Scheme

The Head of Development and Regulatory (Legal, Licensing and Registration) presented a report of the Chief Planning Officer. The report proposed amendments to the constitution in respect of the delegation to the Chief Planning Officer.

The Committee discussed the proposed changes in detail. Members particularly discussed the importance of ward Members being able to recommend planning applications to be heard at Plans Panel. Members also debated the '21 day representations rule' and the difficulties in submitting representations within this deadline, but that the proposed amendments allow for representations to be made after this deadline.

Members also discussed Section 3 (f) of Appendix 1 where the word 'technical' had been removed from the sentence. It was considered that the term 'statutory technical consultee' should be maintained as is.

RESOLVED – Members of the General Purposes Committee resolved to recommend to full Council to approve the amendments to the delegation to the Chief Planning Officer as set out at Appendix 1 to the report, as amended by the supplementary information and also subject to the term 'statutory technical consultee' remaining unchanged.

45 Work Programme

The Assistant Chief Executive (Corporate Governance) submitted a report notifying Members of the draft work programme for the 2010/11 municipal year.

RESOLVED - Members of the General Purposes Committee resolved to agree that the draft work programme for 2010/11 be noted.

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Originator: Nicolé Jackson
Tel: 0113 24 74414

Report of the Assistant Chief Executive (Corporate Governance)

General Purposes Committee

Date: 23 March 2011

Subject: Amendment to Officer Delegation Scheme (Council (non-executive) Functions).

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 requests the Committee to recommend an amendment to the Officer Delegation Scheme (Council (non-executive) Functions) to appoint the Assistant Chief Executive (Corporate Governance), Head of Licensing and Registration and Electoral Services Manager as deputy Returning Officers and deputy Electoral Registration Officers, and due to a restructure to delete the Chief Legal Licensing and Registration Officer from the respective roles.

1.0 Purpose Of This Report

- 1.1 This report requests the Committee to recommend an amendment to the Officer Delegation Scheme (Council (non-executive) Functions) to appoint the Assistant Chief Executive (Corporate Governance), Head of Licensing and Registration and Electoral Services Manager as deputy Returning Officers and deputy Electoral Registration Officers.

2.0 Background Information

- 2.1 Under Item 1 of Para. D of Schedule 1 of the 2000 Regulations the Council must appoint an Electoral Registration Officer. The Chief Executive is appointed as the Electoral Registration Officer. It is common practice to ensure deputies are appointed to this post to support the Electoral Registration Officer in his role. It is proposed that the Assistant Chief Executive (Corporate Governance), Head of Licensing and Registration, and Electoral Services Manager are appointed as deputy Electoral Registration Officers.
- 2.2 Under Item 6 of Para. D of Schedule 1 of the 2000 Regulations the Council must appoint a Returning Officer for local government elections. The Chief Executive is appointed as the Returning Officer. It is common practice to ensure deputies are appointed to this post to support the Returning Officer in his role. It is proposed that the Assistant Chief Executive (Corporate Governance), Head of Licensing and Registration, and Electoral Services Manager are appointed as deputy Returning Officers.
- 2.3 Due to a restructure in which the Head of Licensing and Registration now reports directly to the Assistant Chief Executive (Corporate Governance) rather than the Chief Legal, Licensing and Registration Officer, it is proposed to delete the latter as a Deputy Electoral Registration Officer or Returning Officer.

3.0 Main Issues

- 3.1 These proposals are to create dedicated deputies to the appointed Electoral Registration Officer and Returning Officer to support him in those roles. This is common and accepted practice in many local authorities.
- 3.2 As this relates to a Council Function this delegation has to be made by full Council and should therefore be recommended by the General Purposes Committee. This Committee is therefore invited to resolve to recommend the proposed amendment as set out at Appendices 1 and 2 to this report.

4.0 Implications For Council Policy And Governance

- 4.1 Under its Code of Corporate Governance, the Council is committed to ensuring that the necessary roles and responsibilities for the governance of the Council are identified and allocated, so that it is clear who is accountable for decisions.

5.0 Legal And Resource Implications

- 5.1 In accordance with the Local Government Act 2000 the Council is required to prepare a constitution and keep it up to date. The proposed amendment set out in this report will ensure that the Constitution accurately reflects the decision making accountability in the Council.

6.0 Conclusions

- 6.1 General Purposes Committee is requested to recommend amendments to the Officer Delegation Scheme (Council (non-executive) Functions) to appoint deputy Electoral Registration Officers and deputy Returning Officers.

7.0 Recommendations

- 7.1 General Purposes Committee is requested to:-
 - 7.1.1 Recommend to Full Council the amendment to the Officer Delegation Scheme (Council (non-executive) Functions) set out at Appendices 1 and 2 to this report.

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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 **Returning Officer and deputy** Electoral Registration Officer¹.
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)

Deleted: .

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

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

Regulatory⁷:

(a)	*To license scrap yards	Section 1 of the Scrap Metal Dealers Act 1964
(b)	*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)

¹ The **Head of Licensing and Registration** and the Electoral Services Manager are also appointed as deputy Electoral **Registration Officers and deputy Returning Officers.**

² s34 (4) Social Security Act 1998

³ s94 (1), (1A) and (4) School Standards and Framework Act 1998

⁴ s95 (2) School Standards and Framework Act 1998

⁵ s20 Police Act 1996

⁶ 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.

⁷ The function of licensing dealers in game and the killing and selling of game, listed at paragraph 23 of part B of Schedule 1 to the Functions and Responsibilities Regulations 2000, has been removed from the delegation scheme as the local authority's responsibility in this regard was repealed under the Regulatory Reform (Game) Order 2007.

Deleted: Chief Officer (Legal Licensing and Registration)

Deleted: Services Managers

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

(c)	To register motor salvage operators	Part I of the Vehicles (Crime) Act 2001
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Functions relating to elections⁸:

(a)	Functions relating to community governance	
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
(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 ⁹	S33E Local Government Act 2000
(b)	To make arrangements to hold a referendum ¹⁰	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:

⁸ 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.

⁹ Subject to consultation with party Leaders about the consultation plan

¹⁰ Where the Council has decided to hold a referendum

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

(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

Exceptions¹¹:

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)¹² is authorised to discharge the licensing functions¹³ of the licensing authority.</p> <p>Exceptions:</p> <ul style="list-style-type: none"> • any licensing function¹⁴ reserved to full Council¹⁵; and • any licensing function where full Council has referred a matter to a committee other than the Licensing Committee¹⁶; and • any licensing function within the terms of reference of the Licensing Sub-committees¹⁷; and • to object when the Authority is consultee and not the relevant authority considering an application under the 2003 Act 	Licensing Act 2003 and the Gambling Act 2005.
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Functions related to the Licensing Functions delegated by Licensing Committee¹⁸

Subject to the exceptions listed below, the Assistant Chief Executive (Corporate Governance)¹⁹ is authorised to discharge the functions set out in the following table that are delegated to the Assistant Chief Executive (Corporate Governance) by Licensing Committee

¹¹ Under this delegation scheme (council functions). The General Purposes Committee 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.

¹² 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.

¹³ "Licensing functions" means functions under the 2003 Act and the 2005 Act.

¹⁴ "Licensing functions" means functions under the 2003 Act and the 2005 Act.

¹⁵ Part 3, Section 2A of the Constitution sets out licensing functions reserved to full Council, as licensing authority under the 2003 Act.

¹⁶ Under the provisions of Section 7(5)(a) of the 2003 Act

¹⁷ Except where a Licensing sub-committee has arranged for the discharge of any of their functions to an Officer

¹⁸ These functions were delegated to the Licensing Committee by full Council on 14 July 2010

¹⁹ 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)

(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
(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 license sex shops and sex cinemas and sexual entertainment venues.	The Local Government (Miscellaneous Provisions) Act 1982, Section 2, Schedule 3, the Policing and Crime Act 2009, Section 27.
(e)	To license performances of hypnotism.	The Hypnotism Act 1952
(f)	*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

Exceptions

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

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.

Responsibilities for Council (non-executive) Functions

FUNCTIONS OF THE FULL COUNCIL

<u>Council (non-executive) functions¹</u>	<u>Related appointments of Officers by full Council</u>
<p>Members' allowances²</p> <p>To make, amend, revoke or replace a Members' allowances scheme.</p> <p>To determine the amount of allowance payable for:</p> <ul style="list-style-type: none"> • Chairman's expenses • Vice-Chairman's expenses • financial loss allowance • allowances for attending conferences and meetings <p>To determine the rates at which payments are to be made for travelling and subsistence allowances.</p> <p>To determine the amount of any allowance payable under the Members' allowances scheme or the rates at which payments are to be made.</p>	
<p>Electoral Arrangements</p> <p>To make a request under section 14A(1) Local Government Act 1992 for single member electoral areas.³</p> <p>To change a scheme for elections under section 32(1) or 39(1)⁴ of the Local Government and Public Involvement in Health Act 2007.⁵</p> <p>To pass a resolution to change the name of an electoral area⁶ under Section 59(1) of the 2007 Act</p>	

¹ In accordance with the Local Authorities (Functions and Responsibilities) (England) Regulations 2000, as amended (the 2000 Regulations).

² Regulation 2(5) & (6) of the 2000 Regulations

³ Regulation 2(6A) of the 2000 Regulations. The council may only make such a request where it has whole council elections.

⁴ Where a council has whole council elections

⁵ Regulation 2(6B) of the 2000 Regulations

⁶ Schedule 1, Para D item 22 of the 2000 Regulations. Functions relating to consultation and notification processes under Section 59 have been delegated to the Assistant Chief Executive (Corporate Governance).

Responsibilities for Council (non-executive) Functions

<u>Council (non-executive) functions¹</u>	<u>Related appointments of Officers by full Council</u>
<p>Governance arrangements⁷</p> <p>To decide whether to make proposals for a change in governance arrangements of the kind set out in sections 33A and 33B of the Local Government Act 2000 (the 2000 Act).⁸</p> <p>To decide whether a change of the kind set out in section 33A of the 2000 Act should be subject to approval in a referendum under section 33E(5) of the 2000 Act.⁹</p> <p>To pass a resolution to make a change in governance arrangements under section 33F of the 2000 Act.¹⁰</p> <p>To include provision in executive arrangements for the council to remove the executive leader by resolution under section 44C(1) of the 2000 Act.¹¹</p> <p>To pass a resolution to remove the executive leader under section 44C(2) of the 2000 Act.¹²</p> <p>To make a change in governance arrangements under paragraph 3 of Schedule 4 to the 2007 Act¹³.</p>	
<p>Community governance reviews</p> <p>To make an order giving effect to recommendations made in a community governance review under Section 86 of the 2007 Act¹⁴.</p>	
<p>Arrangements for the discharge of functions/appointments of committees¹⁵</p> <p>Subject to any provisions of regulations under section 20 Local Government Act 2000,</p> <p>(a) to make arrangements for the discharge of functions by a committee or officer under section 101(5) of the 1972 Act; and</p>	

⁷ Section 48(5) Local Government Act 2000 provides that the functions listed below relating to the passing of a resolution may not be delegated under Section 101 of the Local Government Act 1972. Further Section 48(6) provides that these functions are required to be Council Functions .

⁸ Regulation 2(6C(a)) of the 2000 Regulations

⁹ Regulation 2(6C(b)) of the 2000 Regulations

¹⁰ Regulation 2(6C(c)) of the 2000 Regulations

¹¹ Regulation 2(6D(a)) of the 2000 Regulations

¹² Regulation 2(6D(b)) of the 2000 Regulations

¹³ Regulation 2(6F) of the 2000 Regulations.

¹⁴ Regulation 2(6E) of the 2000 Regulations

Responsibilities for Council (non-executive) Functions

<u>Council (non-executive) functions</u> ¹	<u>Related appointments of Officers by full Council</u>
to make appointments under section 102 (appointment of committees) of the 1972 Act.	
<p>Functions to be discharged by the authority, by virtue of other enactments¹⁶</p> <p>To discharge any function which by virtue of any enactment passed or made before the making of the Local Authorities (Functions and Responsibilities) (England) Regulations 2000, may be discharged only by an authority.</p>	
<p>Formulating plans and strategies¹⁷</p> <p>In connection with the discharge of the function:</p> <p>(a) of formulating or preparing a plan or strategy of a specified description¹⁸;</p> <p>(b) of formulating a plan or strategy for the control of the authority's borrowing, investments or capital expenditure or for determining the authority's minimum revenue provision; or</p> <p>(c) of formulating or preparing any other plan or strategy whose adoption or approval is a matter for determination by the authority¹⁹</p> <p>to the extent of the following actions:</p> <p>(a) to give instructions requiring the Executive to reconsider any draft plan or strategy submitted by the Executive for the authority's consideration;</p> <p>(b) to amend any draft plan or strategy submitted by the Executive for the authority's consideration;</p> <p>(c) to approve, for the purposes of public consultation in accordance with Regulation 10 or 22 of the Town & Country Planning (Development Plans) (England) Regulations 1999, draft proposals associated with the preparation of alterations to or the replacement of a development plan;</p>	

¹⁵ Regulation 2(8) of the 2000 Regulations

¹⁶ Regulation 2(11) of the 2000 Regulations

¹⁷ Regulation 4(1),(2) and (3) of the 2000 Regulations

¹⁸ Specified in column (1) of Schedule 3 to the 2000 Regulations

¹⁹ By virtue of Regulation 5(1) of the 2000 Regulations

Responsibilities for Council (non-executive) Functions

<u>Council (non-executive) functions¹</u>	<u>Related appointments of Officers by full Council</u>
<p>(d) to approve for the purpose of its submission to the Secretary of State or any Minister of the Crown for is approval any plan or strategy (whether or not in the form of a draft) of which any part is required to be so submitted;</p> <p>(e) the approval, for the purpose of its submission to the Secretary of State for independent examination under section 20 of the Planning and Compulsory Purchase Act 2004, of a development plan document; and</p> <p>(f) to adopt (with or without modification) the plan or strategy.</p>	
<p>Budget and Policy framework²⁰</p> <p>To amend, modify, revise, vary, withdraw or revoke any plan or strategy detailed in the policy framework at Article 4 of this Constitution, or for the control of the authority's borrowing, investments or capital expenditure, save where such amendment, modification, revision , variation, withdrawal or revocation:</p> <p>(i) is required for giving effect to requirements of the Secretary of State or a Minister of the Crown in relation to a plan or strategy submitted for his approval, or to any part so submitted;</p> <p>(ii) is recommended by the person carrying out, under section 20 of the Planning and Compulsory Purchase Act 2004, an independent examination of a development plan document; or</p> <p>(iii) is authorised by a determination made by the authority when approving or adopting the plan or strategy as the case may be.</p>	

²⁰ Regulation 4(4) of the 2000 Regulations
 Part 3 Section 2A
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Council (non-executive) functions¹	Related appointments of Officers by full Council
<p>Joint local development documents²¹</p> <p>To make an agreement to prepare one or more joint development plan documents, in connection with the discharge of functions under Section 28 of the Planning and Compulsory Purchase Act 2004;</p> <p>Except to the extent of the function above, any function under section 28 Planning and Compulsory Purchase Act 2004 is to be a function of the Executive²²</p>	
<p>Applications for disposals of land²³</p> <p>To authorise the making of an application</p> <ul style="list-style-type: none"> • under Sub-Section (5) of Section 135 (Programmes for Disposals) of the Leasehold Reform, Housing and Urban Development Act 1993, or for the inclusion of a disposal in a disposals programme • for consent to that disposal under Section 32 (power to dispose of land held for the purposes of Part II) or Section 43 (consent required for certain disposals not within Section 32) of the Housing Act 1985 <p>(The function of making the application is the responsibility of the Executive)</p>	
<p>Financial calculations and precepts²⁴</p> <p>To</p> <ul style="list-style-type: none"> • make calculations in accordance with Sections 32-37, 43-49,52I,52J,52T,52U of the Local Government Finance Act 1992, whether originally or by way of substitute, or • issue a precept under Chapter IV of Part 1 of that Act <p>save to the extent of:</p> <p>(a) the preparation for submission to the authority for their consideration of:</p> <p style="padding-left: 40px;">(i) estimates of the amounts to be aggregated in making the calculation or other amounts to be used for the purposes of the calculation and</p>	

²¹ Regulation 4(4A) and 4(4C) of the 2000 Regulations

²² Regulation 4(4B) of the 2000 Regulations

²³ Regulation 4(5), 4(6) and 4(7) of the 2000 Regulations

²⁴ Regulation 4(9),4(10) & 4(11) of the 2000 Regulations

Responsibilities for Council (non-executive) Functions

<u>Council (non-executive) functions¹</u>	<u>Related appointments of Officers by full Council</u>
<p>estimates of the calculation; or</p> <p>(ii) the amounts required to be stated in the precept;</p> <p>(b) the reconsideration of those estimates and amounts in accordance with the authority's requirements;</p> <p>(c) the submission for the authority's consideration of revised estimates and amounts.</p> <p>(which functions shall be the responsibility of the Executive)</p>	
<p>Deregulation authorisations/revocations²⁵</p> <p>To authorise a person to exercise a function pursuant to an Order under Section 70 of the Deregulation and Contracting Out Act 1994, where the Section 70 function is not the responsibility of the Executive; and</p> <p>To revoke any such authorisation.</p>	
<p>Adoption of plans and strategies²⁶</p> <p>To adopt or approve a plan or strategy (whether statutory or non-statutory) other than a plan or strategy</p> <ul style="list-style-type: none"> • for the control of the authority's borrowing, investments or capital expenditure; or • of a description referred to in Schedule 3 of the 2000 Regulations <p>where the Council determines that the decision whether the plan or strategy should be adopted or approved should be taken by them.</p>	
<p>Determinations about matters concerned with budget/borrowing/capital expenditure contrary to the Budget and Policy Framework etc.²⁷</p> <p>To determine any matter in the discharge of a function which is</p> <ul style="list-style-type: none"> • the responsibility of the Executive; and • is concerned with the authority's budget, or their borrowing or capital expenditure, <p>where the individual or body by whom, by virtue of any of sections 14 to 17 of the Local Government Act 2000 or</p>	

²⁵ Regulation 4(12) & 4(13) of the 2000 Regulations

²⁶ Regulation 5(1) of the 2000 Regulations

²⁷ Regulation 5(1) of the 2000 Regulations

Council (non-executive) functions¹	Related appointments of Officers by full Council
<p>provision made under section 18 or 20 of that Act, the determination is to be made,</p> <p>(a) is minded to determine the matter contrary to, or not entirely in accordance with</p> <p style="padding-left: 40px;">(i) the authority's budget; or</p> <p style="padding-left: 40px;">(ii) the plan or strategy for the time being approved or adopted by the authority in relation to their borrowing or capital expenditure; and</p> <p>(b) is not authorised by the authority's executive arrangements, financial regulations, standing orders or other rules or procedures to make a determination in those terms.</p>	
<p>The Determination of matters which are the responsibility of the Executive etc.²⁸</p> <p>The determination of any matter in the discharge of a function-</p> <p>(a) which is the responsibility of the Executive; and</p> <p>(b) in relation to which a plan or strategy (whether statutory or non-statutory) has been adopted or approved by the authority,</p> <p>where the individual or body by whom, by virtue of any of the sections 14 to 17 of the Local Government Act 2000 or provision made under section 18 or 20 of that Act, the determination is to be made, is minded to determine the matter in terms contrary to the plan or, as the case may be, the strategy adopted or approved by the authority; <u>except</u> in relation to the discharge of a function where:</p> <p>(a) the circumstances which render necessary the making of the determination may reasonably be regarded as urgent; and</p> <p>(b) the individual or body by whom the determination is to be made has obtained from the Chair of a relevant Scrutiny Board, or if there is no such person, or if the Chair of every relevant Scrutiny Board is unable to act, from the Chair of the authority, or in their</p>	

²⁸ Regulation 5(1) and (2) of the 2000 Regulations

Responsibilities for Council (non-executive) Functions

<u>Council (non-executive) functions¹</u>	<u>Related appointments of Officers by full Council</u>
absence, from the vice-chair, a statement in writing that the determination needs to be made as a matter of urgency.	
Functions relating to licensing²⁹ To discharge functions relating to <ul style="list-style-type: none"> • the statement of licensing policy;³⁰ • the passing of a resolution not to issue a casino premises licence³¹ • establishing a licensing committee,³² and • the exercise and delegation of functions;³³ 	
To appoint an electoral registration officer³⁴	The Chief Executive is appointed as Electoral Registration Officer The Assistant Chief Executive (Corporate Governance), the <u>Head of Licensing and Registration</u> and the Electoral Services Manager are appointed as deputy Electoral Registration Officers.
To appoint returning officer for local government elections³⁵	The Chief Executive is appointed as the Returning Officer <u>The Assistant Chief Executive (Corporate Governance), the Head of Licensing and Registration and the Electoral Services Manager are appointed as deputy Returning Officers.</u>
Schemes of elections To consult on change of scheme for elections ³⁶ Duties relating to publicity ³⁷ Duties relating to notice to Electoral Commission ³⁸ To alter years of ordinary elections of parish councillors ³⁹	

Deleted: Chief Officer (Legal Licensing and Registration)

²⁹ Item 14A of Para. B of Schedule 1 of the 2000 Regulations

³⁰ Section 5 of the Licensing Act 2003 and Section 349 of the Gambling Act 2005

³¹ Item 14B of Para B of Schedule 1 of the 2000 Regulations

³² Section 6 of the Licensing Act 2003

³³ Section 7(3),(4),(5),(7) and (9) of the Licensing Act 2003

³⁴ Item 1 of Para. D of Schedule 1 of the 2000 Regulations

³⁵ Item 6 of Para. D of Schedule 1 of the 2000 Regulations

Part 3 Section 2A

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Responsibilities for Council (non-executive) Functions

Council (non-executive) functions¹	Related appointments of Officers by full Council
To change the name of the district or parish⁴⁰	
To confer title of honorary alderman / honorary alderwoman or to admit to be an honorary freeman / honorary freewoman of the district⁴¹	
To make, amend, revoke or re- enact byelaws⁴²	
To promote or oppose local Bills in Parliament⁴³	
To make arrangements for proper administration of financial affairs etc⁴⁴	Director of Resources is appointed as Section 151 Officer
To appoint officers for particular purposes (appointment of proper officers)⁴⁵	Each Director is appointed as the Proper Officer for matters within his/her remit. The Chief Executive is appointed as the Proper Officer for the purpose of any other matter.
To designate an officer as the head of the authority's paid service, and to provide staff etc⁴⁶	The Chief Executive is appointed as Head of Paid Service
To designate an officer as the Monitoring Officer, and to provide staff etc⁴⁷	The Assistant Chief Executive (Corporate Governance) is appointed as the Monitoring Officer
Duty to provide staff, etc to person nominated by Monitoring Officer⁴⁸	
Powers relating to overview and scrutiny committees (voting rights of co-opted members)⁴⁹	

³⁶ Sections 33(2), 38 (2) and 40(2) of the Local Government and Public Involvement in Health Act 2007

³⁷ Sections 35, 41 and 52 of the Local Government and Public Involvement in Health Act 2007

³⁸ Sections 36 and 42 of the Local Government and Public Involvement in Health Act 2007

³⁹ Section 53 of the Local Government and Public Involvement in Health Act 2007

⁴⁰ Items 1 and 2 of Para E of Schedule 1 of the 2000 Regulations

⁴¹ Item 3 of Para E of Schedule 1 of the 2000 Regulations

⁴² Para F of Schedule 1 of the 2000 Regulations

⁴³ Para G of Schedule 1 of the 2000 Regulations

⁴⁴ Item 39 of Para. I of Schedule 1 of the 2000 Regulations

⁴⁵ Item 40 of Para. I of Schedule 1 of the 2000 Regulations

⁴⁶ Item 43 of Para I of Schedule 1 of the 2000 Regulations

⁴⁷ Item 44 of Para I of Schedule 1 of the 2000 Regulations

⁴⁸ Item 44A of Para I of Schedule 1 of the 2000 Regulations

Responsibilities for Council (non-executive) Functions

<u>Council (non-executive) functions¹</u>	<u>Related appointments of Officers by full Council</u>
To appoint Members to police authorities⁵⁰	
<p>To act as Appointing Body for the purposes of making appointments to⁵¹:</p> <ul style="list-style-type: none"> • West Yorkshire Joint Services Committee • West Yorkshire Police Authority joint committee (appointments panel) • West Yorkshire Fire and Rescue Authority • West Yorkshire Integrated Transport Authority • West Yorkshire Debt Management Joint Advisory Group • West Yorkshire Pension Fund Investment Panel 	

⁴⁹ Item 44B of Para I of Schedule 1 of the 2000 Regulations

⁵⁰ Para.2 to 4 of Schedule 2 Police Act 1996. This is a local choice function, under Schedule 2 of the 2000 Regulations.

⁵¹ This is a local choice function under Schedule 2 of the 2000 Regulations. Other appointments have been delegated to Member Management Committee.

Summary of delegated functions (Council (non-executive) functions)

Council (non-executive) functions ⁵²	<u>Decision Making Body</u>	Delegation of functions to Officers (to the extent set out in Section 2C)
<p>Functions relating to elections⁵³</p> <p>Functions relating to local government pensions⁵⁴</p> <p>Standing Orders To make and amend Standing Orders and Contract Standing Orders⁵⁵</p>	<p>Full Council</p> <p>Full Council</p> <p>Full Council</p>	<p>The Chief Executive</p> <p>The Assistant Chief Executive (Corporate Governance)</p> <p>Director of Resources</p> <p>Director of Resources in relation to Financial Procedure Rules</p> <p>Assistant Chief Executive (Corporate Governance) in respect of any other Rules</p>
<p>Appointment of Staff⁵⁶</p> <p>To appoint staff at director level and make recommendations regarding the appointment or dismissal of Head of Paid Service; to take disciplinary action including dismissal in relation to staff at director level; to deal with appeals relating to grievances, grading and discipline in respect of employees at director level and above; and to suspend the Chief Executive, Monitoring Officer or Director of Resources, for up to 2 months.</p> <p>Other staff</p>	<p>Employment Committee</p>	<p>All Directors⁵⁷</p>

⁵² Under the Local Authorities (Functions and Responsibilities) Regulations 2000 (the 2000 Regulations) as amended.

⁵³ Items 2-5, 7-15 and 17-21 Para D of Schedule 1 of the 2000 Regulations

⁵⁴ Item 1 of Para H of Schedule 1 of the 2000 Regulations

⁵⁵ Items 36 and 38 of Para I of Schedule 1 of the 2000 Regulations

⁵⁶ Item 37 of Para I of Schedule 1 of the 2000 Regulations

⁵⁷ See further paragraph 2 of Part 3 Section 2C of the Constitution.

Responsibilities for Council (non-executive) Functions

Council (non-executive) Functions¹	<u>Decision Making Body</u>	Delegation of functions to Officers (to the extent set out in Section 2C)
<p>Maladministration To make payments or provide benefits in cases of maladministration⁵⁸</p> <p>Statement of Accounts⁵⁹</p>	<p>General Purposes Committee</p> <p>Corporate Governance and Audit Committee</p>	<p>All Directors⁶⁰</p>
<p>Functions relating to licensing⁶¹</p> <p>Designated Public Places Orders To make an order identifying a place as a designated public place for the purposes of police powers in relation to alcohol consumption⁶²</p> <p>Alcohol Disorder Zones The power to designate an area as an Alcohol Disorder Zone⁶³</p> <p>Hackney carriages and private hire vehicles⁶⁴</p> <p>Sexual entertainment venues, sex shops and sex cinemas⁶⁵</p> <p>Performances of hypnotism⁶⁶</p> <p>Charitable collections⁶⁷</p>	<p>Licensing Committee</p> <p>Licensing Committee</p> <p>Licensing Committee</p> <p>Licensing Committee</p> <p>Licensing Committee</p> <p>Licensing Committee</p>	<p>Director of Environment and Neighbourhoods</p> <p>Assistant Chief Executive (Corporate Governance)</p> <p>Assistant Chief Executive (Corporate Governance)</p> <p>Assistant Chief Executive (Corporate Governance)</p> <p>Assistant Chief Executive (Corporate Governance)</p>

⁵⁸ Item 48 of Para I of Schedule 1 of the 2000 Regulations

⁵⁹ Item 45 of Para I of Schedule 1 of the 2000 Regulations

⁶⁰ See further paragraph 2 of Part 3 Section 2C of the Constitution.

⁶¹ Item 14A Para B of Schedule 1 of the 2000 Regulations and (in relation to gambling) Sections 154 (1), s232, Schedule 10 paragraph 6, Schedule 12 paragraph 28, Schedule 13 paragraph 3 and Schedule 14 paragraph 7 of the Gambling Act 2005

⁶² Item 49 Para I of Schedule 1 of the 2000 Regulations

⁶³ Item 50 Para I of Schedule 1 to the 2000 Regulations

Part 3 Section 2A

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Responsibilities for Council (non-executive) Functions

Council (non-executive) Functions¹	<u>Decision Making Body</u>	Delegation of functions to Officers (to the extent set out in Section 2C)
Public Rights of Way⁷⁶ The preservation of trees and the protection of important hedgerows⁷⁷ Complaints about high hedges⁷⁸	Plans Panels Plans Panels Plans Panels	Director of City Development Chief Planning Officer Chief Planning Officer
See Terms of Reference, Section 2B	Standards Committee	

⁷⁶ Part 1 of Para I of Schedule 1 of the 2000 Regulations

⁷⁷ Items 46 and 47 of Para I of Schedule 1 of the 2000 Regulations

⁷⁸ Item 47A of Para I of Schedule 1 of the 2000 Regulations



Originator: H Pinches

Tel: 22 43347

Report of the Assistant Chief Executive (Planning, Policy and Improvement)

General Purposes Committee

Date: 23rd March 2011

Subject: Changes to the Budget and Policy Framework

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 proposes a number of changes to Article 4 of the Constitution, the Budget and Policy framework, which reflects changes to the city's partnership and planning framework as discussed at Executive Board in December 2010. These changes bring consistency to these arrangements and ensure that all of the city's strategic partnership plans are subject to full Council approval regardless of the varying legal requirements. This ensures clear democratic accountability in the setting of both the Council's priorities as well as those which it shares with partners across the city.

1.0 Purpose Of This Report

- 1.1 To consider proposed amendments to the Budget and Policy Framework and make recommendations to full Council to amend Article 4 of the Constitution.

2.0 Background Information

- 2.1 The Constitution provides the framework within which the Council conducts its business and makes decisions. It describes who is responsible for making decisions, how decisions are made and the procedures which are followed to ensure that these are efficient, transparent and accountable to local people. Some of these processes are required by law, while others are a matter for the Council to choose. The Articles in Part 2 of the Constitution set out the basic rules governing the Council's business.
- 2.2 Article 4 contains the Budget and Policy Framework; this specifies which policies and plans should be approved by the full Council and cannot be delegated, nor approved by the Executive. Some of these policies are required to be approved by full Council by law, others are recommended to be included within non-statutory guidance and others have been adopted locally.
- 2.3 Increasingly, we do not have sole responsibility for the preparation of all plans and strategies as many are now prepared under partnership arrangements and include actions and targets to which other bodies contribute. However, we do have a lead role in co-ordinating such plans as well as providing leadership for the strategic partnerships arrangements.
- 2.4 The democratic accountability provided by subjecting these plans to full Council approval, particularly bearing in mind their impact on the people of Leeds, is very important. In addition, the requirements of the approval process also ensure consultation between the Executive and the relevant Scrutiny Boards during the development of the plans and strategies.
- 2.5 A number of changes to the city and council planning and partnership framework have been progressed over the past few months and this report sets out how these changes impact upon the budget and policy framework. The General Purposes Committee is asked to consider these changes and make recommendations to full Council for the amendment of the constitution. In addition there have also been a number of changes to the statutory requirements, and a number of other changes are proposed, which also need to be reflected in Article 4.

3.0 Main Issues

- 3.1 As explained above it is important that certain key strategic plans and policies are subject to the right level of member involvement and scrutiny prior to their approval. These plans and strategies are listed within the Budget and Policy framework in Article 4 of the Constitution to ensure full Council is the only body which can approve these and to ensure full scrutiny of any proposals. This list needs updating in light of a number of proposed changes to the council and city planning framework.
- 3.2 In particular, a whole system approach has been applied through these amendments which better link the partnerships structures, strategic plans and performance management arrangements. This will in turn ensure that the Council is very clear about its own priorities, as well as those which it shares with partners across the city. It also seeks to bring some consistency in policy setting/planning across all of the strategic partnerships so that each one of these, regardless of any

specific statutory arrangements, are required to prepare a strategic plan setting out their priorities which is subject to the rigorous approval of being part of the budget and policy framework.

3.3 The revised planning framework for the Council/City is shown in appendix 1 and the role and function of the key strategic plans is set out below:

3.3.1 **Vision for Leeds 2011 to 2030** - is the Leeds Sustainable Community Strategy which sets-out the long term ambition and aspirations for the city. It is being developed by the Leeds Initiative in conjunction with all local partners, including the public, private, and voluntary, community, and faith sectors. The draft Vision is currently the subject of an extensive consultation with the public and stakeholders through the 'What if Leeds' campaign.

3.3.2 **City Priority Plans 2011 to 2015** – these are new city-wide partnership plans which identify the key outcomes and priorities to be delivered by the council and its partners over the next 4 years. Collectively these plans directly replace the Leeds Strategic Plan and are aligned to the Strategic Partnerships which are listed below.

- Children and Families Board
- Health and Wellbeing Board
- Sustainable Economy and Culture Board
- Regeneration Board
- Safer and Stronger Communities Board

3.3.3 These partnerships will own the plans and be responsible for ensuring the delivery of the agreed priorities. These plans will be restricted to a very small set of outcomes and agreed priorities so that they are the absolute must do's for each of the partnerships to move forward in delivering our long term vision for Leeds. For each priority, the plan will also include a list of the high level actions and these will be monitored through partnership performance management processes as well as being subject to the Council's Scrutiny process. In addition to the very focused City Priority Plans some of the partnerships have opted to, or are required by statute, to produce a much broader partnership plan eg the Children and Young Peoples Plan which covers all aspects of partnership working. Where these broader partnerships plans are in place then these will be included within the Budget and Policy Framework rather than the relevant City Priority Plan but within these plans it will be made very clear which parts of the plan comprise the City Priority Plan.

3.3.4 **Council Business Plan 2011 to 2015** – this is the single plan for the council that brings together all the priorities for the council alongside the medium term financial plan. It will have two main elements. A small number of cross council priorities and a set of directorate priorities. There will be a limited number of cross council priorities which will be clearly aligned to the council's values and their delivery will be measured through key performance indicators. The directorate element of the plan will outline their own priorities, and may include service transformation, service delivery and any major contributions to the relevant City Priority Plans. As such it will include the most significant 'must do' priorities which will have the biggest impact on the individual directorate and council-wide. Each priority will have a small number of clearly defined milestones and/or targets which can be used to monitor progress. It is envisaged that the business and financial plans of our key partners will similarly support the delivery of the City Priority Plans.

3.4 In addition there are a number of changes, and pending changes, to the legal requirements for local authorities and local strategic partnerships to have certain plans in place including:

- Recent regulations have removed the statutory requirement for a Children’s Trust Board to approve a Children and Young People’s Plan, and the Department of Education have stated that there is no requirement for local authorities to produce one;
- The Crime and Disorder Reduction Strategy (CDRS) – currently the Safer Leeds Plan – remains statutory although there are proposals within the Policing Reform Bill to remove this requirement. However, this is unlikely to come into effect until 2012. There are a number of specific requirements within the CDRS and these are fulfilled by the Safer and Stronger Communities Plan;
- The legal requirement to have a Local Area Agreement which was previously fulfilled by the Leeds Strategic Plan has been removed.
- From April 2012 there will be a requirement to produce a Health and Wellbeing Strategy.

3.5 To provide some certainty to the policy framework and in order to ensure clear democratic accountability and transparency it is proposed that the following specific changes be made to the Article 4:

Article 4 - Current Budget and Policy Framework	Article 4 - Revisions to Budget and Policy Framework
Sustainable Community Strategy	This is the Vision for Leeds, so for transparency, it is proposed to remove the reference to the Strategy and refer explicitly to the Vision for Leeds.
Leeds Strategic Plan	To remove as this has been replaced by the 5 City Priority Plans.
Children and Young Peoples' Plan	To remain, but amend position to reflect that it is no longer statutory, and to indicate that this plan also fulfils the legal requirement to produce a Youth Justice Plan. In addition it will incorporate within it the Children and Families City Priority Plan.
Crime and Disorder Reduction Strategy (CDRS)	This will be fulfilled by the Safer and Stronger Communities Plan, which will also incorporate the Safer and Stronger Communities City Priority Plan.
Health and Well Being Plan	To be removed and replaced by the Health and Wellbeing City Priority Plan.
Economic Development Strategy	To replace with the Sustainable Economy and Culture City Priority Plan.
Leeds Housing Strategy	To replace with the Regeneration City Priority Plan.
Climate Change Strategy	Remove as this will be covered within the Sustainable Economy and Culture City Priority Plan.

3.6 These amendments are set out in Appendix 2.

3.7 As a result, a number of consequential amendments to the Constitution would be required, to reflect that the Leeds Strategic Plan has been replaced by the City Priority Plans. The following documents require the removal of the term “Strategic Plan” or “Leeds Strategic Plan”, as applicable, and insertion in its place of the term “City Priority Plans”:

- Part 1 Summary and Explanation
- Article 1 – The Constitution
- Area Committee Procedure Rules footnote 4
- Roles of Members and Officers in Decision Making
- Code of Corporate Governance

3.8 In addition, Members will note that the terms of reference of Scrutiny Boards, except for Scrutiny Board (Health), currently refer to the Leeds Strategic Plan, and it is proposed that item 1(g) in each of the terms of reference be amended to read as follows:

“To review outcomes, targets and priorities within any relevant City Priority Plans and to make such reports and recommendations as it considers appropriate;”

4.0 Implications For Council Policy And Governance

4.1 These changes ensure that the most important strategic policy and plans developed by the Council both on its own, and with its partners, are subject to full council approval. However, it is proposed that in year amendments would be suitably delegated in order to be able to ensure that the plans remain live and relevant.

5.0 Legal And Resource Implications

5.1 There may be further changes required in due course to reflect changes to the legal requirements to have certain plans and strategies. However, these amendments to Article 4 would bring consistency and transparency to our most important plans and strategies regardless of the differing legal requirements. It would also mean that Members time is used most efficiently so that where a broader partnership plan is in place which includes the City Priority Plan this is only considered once by Members.

6.0 Conclusions

6.1 In conclusion this report sets out changes to Article 4 of the Constitution, and other consequential amendments to the Constitution, to reflect changes to the Council’s planning and partnership framework,

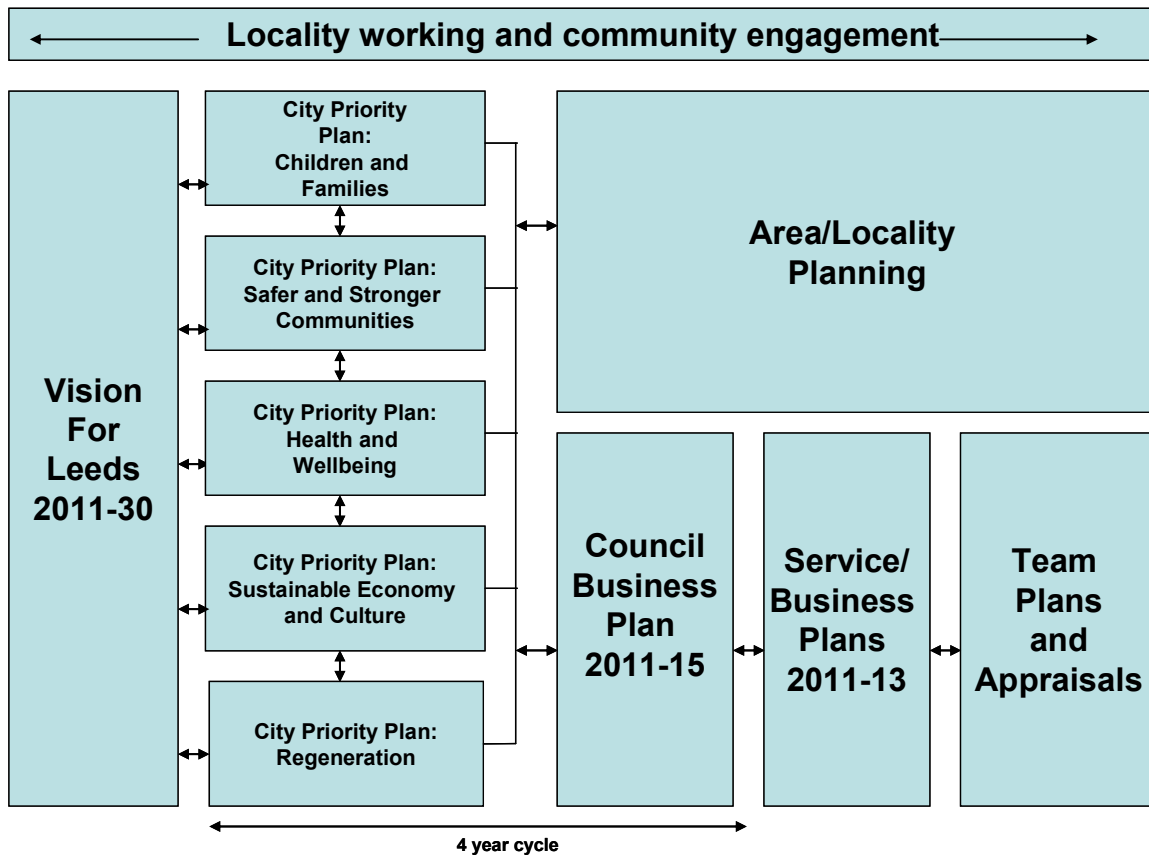
7.0 Recommendations

7.1 General Purposes Committee are asked to recommend that full Council approve the changes to Article 4, as set out in Appendix 2 to this report, and the consequential amendments set out in paragraphs 3.7 and 3.8, the amendments to be of effect from the new municipal year 2011/12.

8.0 Background Documents Used

- Article 4 of the Constitution
- Executive Board Report on Planning and Partnership Arrangements 15 Dec 2010

Appendix 1 – Council Planning Framework



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ARTICLE 4 – THE FULL COUNCIL

4.1 MEANINGS

• Policy Framework

The Policy Framework means the following plans and strategies:

(i) those required by the Local Authorities (Functions and Responsibilities) (England) 2000 to be adopted by the Council¹:

- [Safer and Stronger Communities Plan](#)²
- Development plan documents³
- Licensing Authority Policy Statement⁴
- Local Transport Plan
- Plans and alterations which together comprise the Development Plan
- [Vision for Leeds](#)⁵
- Youth Justice Plan⁶

Deleted: <#>Children and Young Peoples Plan¶
Crime and Disorder Reduction Strategy

Deleted: Sustainable Community Strategy

(ii) other plans and strategies adopted by the Council⁹:

- Council Business Plan
- [Children and Young Peoples Plan](#)¹⁰
- [Health and Wellbeing City Priority Plan](#)
- [Sustainable Economy and Culture City Priority Plan](#)
- [Regeneration City Priority Plan](#)

Deleted: (ii) . other plans and strategies adopted by the Council in accordance with ODPM guidance which recommends adoption by the Council as part of the Policy Framework'.¶
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<#>Leeds Strategic Plan⁸ ¶
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Additional plans and strategies may be approved or adopted as part of the Policy Framework from time to time.

• Budget

The budget includes the allocation of financial resources to different services and projects, proposed contingency funds, the Council Tax base, setting the Council

¹ The 2000 Regulations specify that the council's annual library plan needs to be part of this framework. The council is not however currently required to produce a library plan.

² This [fulfils the requirement to produce a Crime and Disorder Reduction Strategy and also includes within it the Safer and Stronger Communities City Priority Plan](#).

³ Section 15 Planning and Compulsory Purchase Act 2004

⁴ This is the policy statement under the Gambling Act 2005.

⁵ [This is the authority's Sustainable Community Strategy](#). When preparing or modifying this strategy, the authority must (Section 4 Local Government Act 2000):

- consult and seek the participation of each partner authority (as defined by Section 10-4 of the Local Government and Public Involvement in Health Act 2007) and such other persons as it considers appropriate; and
- have regard to any guidance issued by the Secretary of State.

⁶ Section 40 Crime and Disorder Act 1998 - [this is included within the Children and Young Peoples Plan](#)

⁹ In accordance with Schedule 4 of the Regulations

¹⁰ [This includes within it the Children and Families City Priority Plan](#)

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Tax and decisions relating to the control of the Council's borrowing requirement, the control of its capital expenditure and setting of virement limits.

- **Housing Land Transfer**

Housing Land Transfer means the approval or adoption of applications (whether in draft form or not) to the Secretary of State for approval of a programme of disposal of 500 or more properties to a person under the Leasehold Reform, Housing and Urban Development Act 1993 or to dispose of land used for residential purposes where approval is required under sections 32 or 43 of the Housing Act 1985.

4.2 **FUNCTIONS OF THE FULL COUNCIL**

Only the Council will exercise the following functions:

- adopting and changing the Constitution;
- appointing the Leader;
- all local choice functions set out in Part 3 of this Constitution which the Council decides should be undertaken by itself rather than the Executive, except where those functions have been delegated by the Council;
- all those functions of the full Council set out in Section 2A of Part 3 of the Constitution; and
- all other matters which, by law, must be reserved to the Council.

4.3 **COUNCIL MEETINGS**

There are three types of Council meeting:

- The annual meeting
- Ordinary meetings
- Extraordinary meetings

and they will be conducted in accordance with the Council Procedure Rules in Part 4 of this Constitution.

4.4 **RESPONSIBILITY FOR FUNCTIONS**

The Council will maintain the documents in Part 3 of this Constitution setting out the responsibilities for the Council's functions which are not the responsibility of the Executive.



Originator: Phil Garnett

Tel: 51632

Report of the Assistant Chief Executive (Corporate Governance)

General Purposes Committee

Date: 23rd March 2011

Subject: Work Programme 2010/11

Electoral Wards Affected:

Ward Members consulted
(referred to in report)

Specific Implications For:

Equality and Diversity

Community Cohesion

Narrowing the Gap

1.0 Purpose Of This Report

1.1 The purpose of this report is to notify members of the Committee of the draft work programme for the current municipal year. The draft work programme is attached at Appendix 1 to this report.

2.0 Background Information

2.1 The work programme provides information about future items for the General Purposes Committee agenda, when items will be presented and the which officer will be responsible for the item.

3.0 Main Issues

3.1 The draft work programme for 2010/11 is attached at Appendix 1.

3.3 Members are requested to consider whether they wish to add any items to the work programme.

4.0 Implications for Council Policy And Governance

4.1 There are no implications for Council Policy and Governance.

5.0 Legal And Resource Implications

5.1 There are no legal or resource implications.

6.0 Recommendations

- 6.1 Members are asked to note the draft work programme and advise officers of any additional items they wish to add.

**GENERAL PURPOSES COMMITTEE
WORK PROGRAMME 2010/11**

ITEM	DESCRIPTION	RESPONSIBLE OFFICER
17th May 2011 2pm		
Review of Call in	To receive a report considering the Call in procedure.	(Head of Scrutiny and Member Development) Peter Marrington
Amendments to the constitution	To receive a report considering amendments of the Constitution.	Assistant Chief Executive (Corporate Governance) Nicolé Jackson
Senior Officer Remuneration	To receive a report considering senior officer remuneration governance	Director of Resources Alan Gay
Unscheduled		

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