



A meeting of the Council will be held in the Civic Hall, Leeds on Thursday, 21st May, 2015 at 6.00 pm

Members of the Council are invited to attend and transact the following business:

1 Election of Lord Mayor

That Councillor Judith Chapman be elected Lord Mayor of the City of Leeds to hold office until immediately after the election of the Lord Mayor at the Annual Meeting of the Council in 2016.

2 Vote of Thanks to the Retiring Lord Mayor

To pass a vote of thanks to the retiring Lord Mayor.

3 Election of Vice Chair of Council

That Councillor Townsley be elected as Vice Chairman of Council to hold office until immediately after the election of the Lord Mayor at the Annual Meeting of the Council in 2016.

4 Minutes

1 - 14

To approve the minutes of the Council Meeting held on 1st April 2015.

5 Declarations of Interest

To receive any declarations of interest from Members

6 Announcements

To receive any announcements from the Lord Mayor or the Chief Executive.

7 Election of Leader

That Councillor Judith Blake be elected as Leader of the Council.

8 **Recommendations of the General Purposes Committee - Amendments to the Constitution** 15 - 62

That the recommendations of the General Purposes Committee as detailed in the report of the City Solicitor be approved.

9 **Establishment of Committees and Appointments** 63 - 120

- a) That Committees having Terms of Reference as detailed in Schedule 9(a) be established.
- b) That appointments be made to the Committees as detailed in Schedules 9 (b) (i), (ii) , (iii) (to follow)and (iv).
- c) That Chairs be appointed as detailed in Schedule 9(c) (to follow).
- d) That the Chair appointments made by Community Committees as detailed in Schedule 9(d)(i)and(ii)be noted, and any Chair appointments not yet made be determined (to follow).
- e) That appointments be made to joint authorities and joint committees as detailed in Schedule 9(e) (to follow).
- f) That appointments and nominations be made to the West Yorkshire Combined Authority as detailed in Schedule 9(f) (to follow).

10 **Scheme of Delegation (Council(Non-Executive) Functions)** 121 - 148

That the Officer Delegation Scheme (Council (Non-Executive) Functions as detailed in Schedule 10 be approved.

11 **Executive Arrangements** 149 - 150

That the arrangements for the discharge of executive functions, as set out by the Leader of the Council in Schedule 11, be received (to follow).

12 **Council Meeting Dates 2015/2016** 151 - 152

That the dates of the meetings of the Council for the Municipal Year 2015/2016 as detailed in Schedule 12 be approved.



Tom Riordan
Chief Executive

Please note: this meeting may be filmed for live or subsequent broadcast via the City Council's website on the internet - at the start of the meeting the Lord Mayor will confirm if all or part of the meeting is to be filmed. The images and sound recording may be used for training purposes by the Council. Generally the public gallery is not filmed. However, by entering the Council Chamber and using the public seating area you are consenting to being filmed and to the possible use of those images and sound recordings for webcasting and/or training purposes. If you have any queries regarding this, please contact the City Solicitor.

Third Party Recording

Recording of this meeting is allowed to enable those not present to see or hear the proceedings either as they take place (or later) and to enable the reporting of those proceedings. A copy of the recording protocol is available from the clerk.

Use of Recordings by Third Parties– code of practice

- a) Any published recording should be accompanied by a statement of when and where the recording was made, the context of the discussion that took place, and a clear identification of the main speakers and their role or title.
- b) Those making recordings must not edit the recording in a way that could lead to misinterpretation or misrepresentation of the proceedings or comments made by attendees. In particular there should be no internal editing of published extracts; recordings may start at any point and end at any point but the material between those points must be complete.

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Proceedings of the Meeting of the Leeds City Council held
Civic Hall, Leeds on Wednesday, 1st April, 2015

PRESENT: The Lord Mayor Councillor David Congreve in the Chair.

WARD

ADEL & WHARFEDALE

Barry John Anderson
John Leslie Carter

ALWOODLEY

Peter Mervyn Harrand
Neil Alan Buckley
Dan Cohen

ARDSLEY & ROBIN HOOD

Lisa Mulherin
Karen Renshaw
Jack Dunn

ARMLEY

Alice Smart
Alison Natalie Kay Lowe
James McKenna

BEESTON & HOLBECK

David Congreve
Angela Gabriel
Adam Ogilvie

BRAMLEY & STANNINGLEY

Kevin Ritchie
Caroline Gruen
Ted Hanley

BURMANTOFTS & RICHMOND HILL

Ron Grahame
Maureen Ingham
Asghar Khan

WARD

CALVERLEY & FARSLEY

Rod Wood

Joseph William Marjoram

CHAPEL ALLERTON

Eileen Taylor
Mohammed Rafique
Jane Dowson

CITY & HUNSLET

Mohammed Iqbal
Elizabeth Nash
Patrick Davey

CROSS GATES & WHINMOOR

Peter John Gruen
Debra Coupar
Pauleen Grahame

FARNLEY & WORTLEY

David Blackburn
Ann Blackburn

GARFORTH & SWILLINGTON

Stuart McKenna
Andrea McKenna
Mark Dobson

GIPTON & HAREHILLS

Kamila Maqsood
Roger Harington
Arif Hussain

GUISELEY & RAWDON

Pat Latty
Graham Latty
Paul John Spencer Wadsworth

HAREWOOD

Matthew Robinson
Ann Castle
Rachael Procter

HEADINGLEY

Jonathon Pryor
Janette Walker
Neil Walshaw

HORSFORTH

Brian Cleasby
Christopher Townsley
Dawn Collins

HYDE PARK & WOODHOUSE

Javaid Akhtar
Christine Denise Towler
Gerry Harper

KILLINGBECK & SEACROFT

Brian Michael Selby
Graham Hyde
Veronica Morgan

KIPPAX & METHLEY

Keith Ivor Wakefield
Mary Elizabeth Harland
James Lewis

KIRKSTALL

Fiona Venner
Lucinda Joy Yeadon
John Anthony Illingworth

MIDDLETON PARK

Kim Groves
Paul Anthony Truswell
Judith Blake

MOORTOWN

Sharon Hamilton
Alex Sobel
Rebecca Charlwood

MORLEY NORTH

Thomas Leadley
Robert Finnigan
Robert Gettings

MORLEY SOUTH

Shirley Varley
Neil Dawson

OTLEY & YEADON

Ryk Downes
Sandy Edward Charles Lay
Colin Campbell

PUDSEY

Mick Coulson
Josephine Patricia Jarosz
Richard Alwyn Lewis

ROTHWELL

Barry Stewart Golton
David Nagle
Karen Bruce

ROUNDHAY

Ghulam Hussain
Bill Urry
Christine Macniven

TEMPLE NEWSAM

Michael Lyons
Judith Cummins
Katherine Mitchell

WEETWOOD

Judith Mara Chapman
Jonathan Bentley
Susan Bentley

WETHERBY

John Michael Procter
Gerald Wilkinson
Alan James Lamb

103 Announcements

- a) The Lord Mayor informed Council that the following Councillors would not be seeking re-election to Council, and said a few words in respect of each Councillor and thanked them for their work over the years on behalf of the Council:-

Councillor JL Carter
Councillor Hanley
Councillor Marjoram
Councillor Mitchell
Councillor Morgan

- b) The Lord Mayor informed Council that George Mudie MP, a former Leader of Leeds City Council would be retiring as Member of Parliament for East Leeds at this years elections.
- c) The Lord Mayor informed Council that Victor Watson CBE, DL had recently passed away.
- d) The Lord Mayor informed Council that Honorary Alderman Gardiner had recently passed away.

Council stood in silent tribute.

104 Minutes

It was moved by Councillor Nash, seconded by Councillor G Latty and

RESOLVED – That the minutes of the meeting held on 25th February 2015 be approved.

105 Declaration of Interest

There were no declarations of interest.

106 Communications

The Executive Member (Children and Families) informed Council of the outcome of the recent OFSTED inspection and comments on this matter were also received from representatives of each political group.

107 Deputations

Two deputations were admitted to the meeting and addressed Council, as follows:-

- 1) Deputation regarding private sector housing and letting agencies.
- 2) Association of South Horsforth Residents regarding saving Leeds Green Belt.

RESOLVED – That the subject matter in respect of deputation 1 be referred to the Director of Environment & Neighbourhoods for consideration in consultation with the relevant Executive Member and that the subject matter in respect of deputations 2 be referred to the Director of City Development for consideration in consultation with the relevant Executive Member.

108 Report on Outer North West Community Committee

It was moved by Councillor Wadsworth, seconded by Councillor G Latty and

RESOLVED – That the report on the work of the Outer North West Community Committee be noted.

109 Report on Inner North East Community Committee

It was moved by Councillor Hamilton, seconded by Councillor Urry and

RESOLVED – That the report on the work of the Inner North East Community Committee be noted.

110 Report on Outer South Community Committee

It was moved by Councillor Bruce, seconded by Councillor Nagle and

RESOLVED – That the report on the work of the Outer South Community Committee be noted.

111 Questions

Q1 Councillor B Anderson to the Leader of Council

Does the Leader of Council agree with comments made by the Shadow Chancellor, Ed Balls, that cast doubt on the future of the second phase of HS2?

The Leader of Council replied.

Q2 Councillor Cleasby to the Executive Member (Neighbourhoods, Planning & Personnel).

Could the Executive Board member for Neighbourhoods, Planning & Personnel confirm what efforts have been made or are being made by Leeds City Council to ensure that the Leeds City College site, formerly known as Park Lane Horsforth Campus site, is retained for educational purposes?

The Executive Member (Neighbourhoods, Planning & Personnel) replied.

Q3 Councillor Hyde to the Executive Member (Cleaner, Stronger and Safer Communities).

Can the Executive Member please explain what lessons have been learnt from Operation Boypark?

The Executive Member (Cleaner, Stronger and Safer Communities) replied.

Q4 Councillor Finnigan to the Executive Member (Neighbourhoods, Planning and Personnel).

“Following the refusal of Planning Permission for his Cottingley Springs Expansion Plan could the Executive Board Member for Housing confirm if he agrees with the Planning Inspectors comments that the Councils rejection of alternative sites because of negative perception and fear of encroachment leads to relegating Traveller sites to isolated locations and to choosing greenfield and Green Belt sites before brownfield sites and does he also agree with her that this is in direct conflict with the Councils own planning policies?”

The Executive Member (Neighbourhoods, Planning and Personnel)replied.

Q5 Councillor Taylor to the Executive Member (Transport and the Economy).

Please could the Executive Member let members have his views on the implications of the proposed changes to the Local Authorities (Functions and Responsibilities) Regulations?

The Executive Member (Transport and the Economy) replied.

Q6 Councillor Wadsworth to the Executive Member (Neighbourhoods, Planning & Personnel).

Can the Executive Member for Planning provide an assurance that any conditions attached to approval for further development of High Royds will be sufficiently robust so as to ensure that any and all obligations are met by developers in a timely fashion?

The Executive Member (Neighbourhoods, Planning & Personnel) replied.

Q7 Councillor S Bentley to the Leader of Council

Does the Leader of the Council agree with me that it is important that as many people as possible are registered to vote in the next General and Council elections?

The Leader of Council replied.

Q8 Councillor Illingworth to the Chair of the West Yorkshire Combined Authority's Transport Committee

Please would the Chair of the West Yorkshire Combined Authority's Transport Committee update council on work on the new station at Kirtskall Forge?

The Chair of the West Yorkshire Combined Authority's Transport Committee replied.

Q9 Councillor Ingham to the Executive Member (Neighbourhoods, Planning & Personnel).

Could the Executive Member with responsibility for planning please update Council on its recent planning appeal performance?

The Executive Member (Neighbourhoods, Planning & Personnel) replied.

Q10 Councillor J Procter to the Executive Member (Neighbourhoods, Planning & Personnel).

Will the Executive Board Member for Neighbourhoods, Planning and Personnel confirm to Council when he intends to initiate the public consultation on site allocations?

The Executive Member (Neighbourhoods, Planning & Personnel) replied.

At the conclusion of question time, the following questions remained unanswered and it was noted that, under the provisions of Council Procedure Rule 11.6, written answers would be sent to each Member of Council:-

- Q11 Councillor Lay to the Executive Member (Neighbourhoods, Planning & Personnel).
- Q12 Councillor Macniven to the Executive Member (Adult Social Care).
- Q13 Councillor Selby to the Executive Member (Digital & Creative Technologies, Culture and Skills).
- Q14 Councillor Lamb to the Executive Member (Health and Well-being).
- Q15 Councillor Lay to the Executive Member (Digital & Creative Technologies, Culture and Skills).
- Q16 Councillor Dawson to the Executive Member (Neighbourhoods, Planning & Personnel).
- Q17 Councillor Urry to the Executive Member (Health and Well-being).
- Q18 Councillor Flynn to the Executive Member (Children and Families).
- Q19 Councillor Robinson to the Executive Member (Transport and the Economy)
- Q20 Councillor Castle to the Executive Member (Cleaner, Stronger and Safer Communities)
- Q21 Councillor Robinson to the Leader of Council
- Q22 Councillor Robinson to the Executive Member (Transport and the Economy)

112 Minutes

It was moved by Councillor Wakefield, seconded by Councillor Nash that the minutes be received in accordance with Council Procedure Rule 2.2(i).

RESOLVED – That the minutes be received in accordance with Council Procedure Rule 2.2(i)

Council Procedure Rule 4, providing for the winding up of business, was applied prior to all notified comments on the minutes having been debated.

113 Motion to Suspend Council Procedure Rule

During the debate under minute 112 above, it was moved by Councillor Nash, seconded by Councillor G Latty that under the provisions of Council Procedure Rule 22.1 that Council Procedure Rule 3.3 be suspended to allow consideration of the Executive Board minutes for an additional 10 minutes until 4.20pm, comments on the other minutes will then follow until 4.40pm with the Leader of Council commencing his summing up at 4.40pm for a period up to 10 minutes.

Upon being put to the vote, the motion was carried.

114 Back Bench Community Concerns

Council heard the following Community Concerns;

- 1) Councillor Gabriel - The need for high quality planning enforcement and building control.
- 2) Councillor J McKenna – Heritage Bid at 2 Branch Road, Armley.
- 3) Councillor Wilkinson – Overnight parking of HGV's in and around Wetherby.
- 4) Councillor Townsley - To raise issues regarding parking at Horsforth Rail Station
- 5) Councillor A Blackburn – Parking on pavements and grass verges.

During consideration of Community Concerns, the meeting was suspended at 5.00pm and resumed at 5.25pm.

115 White Paper Motion (in the name of Councillor A Carter) - Planning Matters

In accordance with Council Procedure Rule 12.5(b) it was moved by Councillor J Procter, seconded by Councillor Lamb that following the most recent Office of National Statistics (ONS) household projections for Leeds, this Council believes that the case for reducing Leeds' 70,000 housing target is now even stronger.

This Council therefore instructs officers from the planning department to begin work on reviewing the proposed housing number for Leeds immediately.

This Council notes the recent success achieved by campaigners opposing the Kirklees Knoll planning application in Farsley. Council welcomes the Government's decision to refuse this application as a clear sign that Greenbelt or Greenfield locations should only be proposed when there are no other options available.

An amendment was moved by Councillor Leadley, seconded by Councillor Varley,

Delete all after 'Following' and replace with ;

publication of detailed returns from the 2011 Census in 2013, and after noting the most recent Office of National Statistics (ONS) household projections for Leeds, this Council believes that the case for reducing Leeds' LDF Core Strategy housing target of 74,000 new dwellings is now even stronger.

Therefore this Council instructs officers in the Planning department to review the housing numbers proposed in the Leeds LDF Core Strategy without delay.

This Council notes the recent successes achieved by campaigners opposing the Planning applications at Kirklees Knoll at Farsley, and at Cottingley Springs. Council welcomes the decisions to refuse these applications as clear signs that greenfield and Green Belt locations should be proposed only when no other options are available.

A second amendment was moved by Councillor P Gruen, seconded by Councillor Rafique,

Delete all after "household projections for Leeds" and replace with:

this Council -once again- affirms its commitment to continually monitor and respond to the available evidence regarding upcoming housing need and delivery.

This Council welcomes that this approach has secured recognition of the Council's 5 year land supply and the importance of having an adopted Core Strategy in the

Kirklees Knoll appeal. Council notes the upcoming appeals, where these advances will no doubt be important considerations.

Council calls on officers to move ahead with analysis of ONS household projections, in line with the ongoing Site Allocation proposals.

The amendment in the name of Councillor Leadley was declared lost.

The amendment in the name of Councillor P Gruen was carried and upon being put to the vote, it was

RESOLVED - That following the most recent Office of National Statistics (ONS) household projections for Leeds this Council -once again- affirms its commitment to continually monitor and respond to the available evidence regarding upcoming housing need and delivery.

This Council welcomes that this approach has secured recognition of the Council's 5 year land supply and the importance of having an adopted Core Strategy in the Kirklees Knoll appeal. Council notes the upcoming appeals, where these advances will no doubt be important considerations.

Council calls on officers to move ahead with analysis of ONS household projections, in line with the ongoing Site Allocation proposals.

On the requisition of Councillor G Latty and Lamb, the voting on the amendments were recorded as follows;

Amendment in the name of Councillor Leadley

YES - 15

J Bentley, S Bentley, A Blackburn, D Blackburn, Campbell, Cleasby, Chapman Downes, Finnigan, Gettings, Golton, Lay, Leadley, Townsley and Varley.

NO – 60

Akhtar, Blake, Bruce, Charlwood, Coulson, Coupar, Cummins, Dawson, Dobson, Dunn, Gabriel, P Grahame, R Grahame, C Gruen, P Gruen, Groves, Hamilton, Hanley, Harington, Harland, Harper, A Hussain, G Hussain, G Hyde, Illingworth, Ingham, Iqbal, Jarosz, A Khan, J Lewis, R Lewis, Lowe, Lyons, Macniven, Maqsood, J McKenna, S McKenna, Mitchell, Morgan, Mulherin, Nagle, Nash, Ogilvie, Pryor, Rafique, Renshaw, Ritchie, Selby, Smart, Sobel, E Taylor, Towler, Truswell, Urry, Venner, Walker, Walshaw, Wakefield, Wilkinson and Yeadon.

ABSTAIN - 15

Anderson, Buckley, J L Carter, Castle, Cohen, Collins, Harrand, Lamb, G Latty, P Latty, J Procter, Robinson, Wadsworth, Wood and Wilkinson.

Amendment in the name of Councillor P Gruen

YES – 60

Akhtar, Blake, Bruce, Charlwood, Coulson, Coupar, Cummins, Dawson, Dobson, Dunn, Gabriel, P Grahame, R Grahame, C Gruen, P Gruen, Groves, Hamilton, Hanley, Harington, Harland, Harper, A Hussain, G Hussain, G Hyde, Illingworth, Ingham, Iqbal, Jarosz, A Khan, J Lewis, R Lewis, Lowe, Lyons, Macniven, Maqsood, J McKenna, S McKenna, Mitchell, Morgan, Mulherin, Nagle, Nash, Ogilvie, Pryor, Rafique, Renshaw, Ritchie, Selby, Smart, Sobel, E Taylor, Towler, Truswell, Urry, Venner, Walker, Walshaw, Wakefield, Wilkinson and Yeadon.

NO - 10

J Bentley, S Bentley, D Blackburn, Campbell, Cleasby, Chapman Downes, Golton, Lay and Townsley

ABSTAIN - 20

Anderson, A Blackburn, Buckley, J L Carter, Castle, Cohen, Collins, Finnigan, Gettings, Harrand, Lamb, G Latty, P Latty, Leadley, J Procter, Robinson, Wadsworth, Wood, Varley and Wilkinson.

116 White Paper Motion (in the name of Councillor Blake) - Children and Young People

It was moved by Councillor Blake, seconded by Councillor Smart that this Council is proud to put children, young people and families at the heart of our growth strategy for the city.

Council commends the progress made for the most vulnerable children in Leeds through the child friendly city ambition, in spite of the damaging policies of the coalition Government and exceptionally challenging financial context. Progress evidenced by: a safe, appropriate reduction in the number of children and young people in care; a significant rise in young people in education employment and training; and our best ever school attendance figures.

Council recognises the unfair disproportionate burden young people have had to bear from the recent financial crisis.

Council calls on the next Government to make a genuine commitment to improving outcomes for all children and young people and put in place meaningful policies to address the poverty, debt, unemployment and mental health challenges that have blighted too many young people growing up in the UK over the past five years.

Council calls on the new Government to: invest properly in early intervention, further and higher education, training, employment and accessible transport for young people; demonstrate compassion for the pressures and problems of growing up in today's society; and devolve more freedom to local services so that those working directly with our young people have the powers and permissions they need to make a difference.

Council believes that these measures will start to undo the damage that has been caused over the past five years and ensure that future generations do not suffer from the same massive burden of failing Government austerity measures with regard to young people.

An amendment was moved by Councillor Lamb, seconded by Councillor S Bentley

In paragraph one delete 'growth strategy for the'

In paragraph two delete 'the damaging policies of the coalition government and' in the first sentence

Delete paragraph three and replace with new paragraphs to read:

'This Council recognises that Leeds has a long standing commitment to cross party working on established city priorities such as improving services offered to children and young people in the city. This has enabled a whole council approach to driving the improvements in this directorate in recent years.

'Council further recognises that over the last five years the Government has striven to invest in the future for young people, even in the difficult economic climate inherited from the Labour government. The last five years has seen the introduction of Pupil Premium; expansion of apprenticeships; free childcare; Free School Meals; the lowest numbers of young people NEET since 2010; the highest ever number of disadvantaged young people entering university and early intervention success with the Troubled Families programme.'

Delete paragraphs four, five and six, and replace with new paragraphs to read:

'This Council gives thanks to the hard working Council staff who are doing valuable and important work in often difficult circumstances.

'We call upon the next government to continue to ensure that our children and young people get the best start in life, receive a good education, and continue to receive the opportunities that they need to achieve the most out of their lives.'

Motion will Read:

'This Council is proud to put children, young people and families at the heart of our city.

'Council commends the progress made for the most vulnerable children in Leeds through the child friendly city ambition, in spite of the exceptionally challenging financial context. Progress evidenced by: a safe, appropriate reduction in the number of children and young people in care; a significant rise in young people in education employment and training; and our best ever school attendance figures.

'This Council recognises that Leeds has a long standing commitment to cross party working on established city priorities such as improving services offered to children and young people in the city. This has enabled a whole council approach to driving the improvements in this directorate in recent years.

'Council further recognises that over the last five years the Government has striven to invest in the future for young people, even in the difficult economic climate inherited from the Labour government. The last five years has seen the introduction of Pupil Premium; expansion of apprenticeships; free childcare; Free School Meals; the lowest numbers of young people NEET since 2010; the highest ever number of disadvantaged young people entering university and early intervention success with the Troubled Families programme.

'This Council gives thanks to the hard working Council staff who are doing valuable and important work in often difficult circumstances.

'We call upon the next government to continue to ensure that our children and young people get the best start in life, receive a good education, and continue to receive the opportunities that they need to achieve the most out of their lives.'

The amendment in the name of Councillor Lamb was declared lost and upon being put to the vote it was;

RESOLVED - That this Council is proud to put children, young people and families at the heart of our growth strategy for the city.

Council commends the progress made for the most vulnerable children in Leeds through the child friendly city ambition, in spite of the damaging policies of the coalition Government and exceptionally challenging financial context. Progress evidenced by: a safe, appropriate reduction in the number of children and young people in care; a significant rise in young people in education employment and training; and our best ever school attendance figures.

Council recognises the unfair disproportionate burden young people have had to bear from the recent financial crisis.

Council calls on the next Government to make a genuine commitment to improving outcomes for all children and young people and put in place meaningful policies to address the poverty, debt, unemployment and mental health challenges that have blighted too many young people growing up in the UK over the past five years.

Council calls on the new Government to: invest properly in early intervention, further and higher education, training, employment and accessible transport for young people; demonstrate compassion for the pressures and problems of growing up in today's society; and devolve more freedom to local services so that those working directly with our young people have the powers and permissions they need to make a difference.

Council believes that these measures will start to undo the damage that has been caused over the past five years and ensure that future generations do not suffer from the same massive burden of failing Government austerity measures with regard to young people.

117 White Paper Motion (in the name of Councillor Lay) - Health Budget Devolution

It was moved by Councillor Lay, seconded by Councillor J Bentley that this council believes that it is best able to both understand and set local health priorities and calls on government to devolve the health and social care funding to Leeds City Region.

An amendment was moved by Councillor Buckley, seconded by Councillor G Latty

Delete all after "This Council" and replace with the following:

"regrets that West Yorkshire's leaders have failed to achieve a devolution agreement on the same scale as what has been achieved in Manchester, where, among other powers, the region is due to receive significant health and social care funding.

"Council believes that decisions about health priorities should be taken locally and therefore calls on West Yorkshire's leaders to work with government in order to get the funding package and powers that the Leeds City Region deserves, including responsibility for health and social care funding.

"Council further believes that entrenched opposition to new regional governance models should not be the reason that people in Leeds and the wider region miss out

on more powers and funding, and so urges West Yorkshire's leaders to consider all options on the table with a view to getting the best possible deal for local people."

A second amendment was moved by Councillor Mulherin, seconded by Councillor Coupar;

Add:

However, Council believes that any devolution of health powers should come with adequate funding to meet the growing financial pressures of and demand for the NHS and Social Care in the city region.

Council also believes that any devolution in relation to health funding should be accompanied by strong democratic accountability arrangements and not further bureaucratic layers.

Council believes that any new governance structures should be considered in a clear and transparent way. Council therefore calls on the next Government to create an independent commission to ensure delivery of the devolved powers in as timely a manner as possible."

Full Motion will the read:

"This council believes that it is best able to both understand and set local health priorities and calls on government to devolve the health and social care funding to Leeds City Region.

However, Council believes that any devolution of health powers should come with adequate funding to meet the growing financial pressures of and demand for the NHS and Social Care in the city region.

Council also believes that any devolution in relation to health funding should be accompanied by strong democratic accountability arrangements and not further bureaucratic layers.

Council believes that any new governance structures should be considered in a clear and transparent way. Council therefore calls on the next Government to create an independent commission to ensure delivery of the devolved powers in as timely a manner as possible."

The amendment in the name of Councillor Buckley was declared lost.

The amendment in the name of Councillor Mulherin was carried and upon being put to the vote, it was

RESOLVED - That this council believes that it is best able to both understand and set local health priorities and calls on government to devolve the health and social care funding to Leeds City Region.

However, Council believes that any devolution of health powers should come with adequate funding to meet the growing financial pressures of and demand for the NHS and Social Care in the city region.

Council also believes that any devolution in relation to health funding should be accompanied by strong democratic accountability arrangements and not further bureaucratic layers.

Council believes that any new governance structures should be considered in a clear and transparent way. Council therefore calls on the next Government to create an independent commission to ensure delivery of the devolved powers in as timely a manner as possible.

On the requisition of Councillor G Latty and J Procter, the voting on the amendments were recorded as follows;

Amendment in the name of Councillor Buckley

YES - 15

Anderson, Buckley, J L Carter, Castle, ,Cohen, Collins, Harrand, Lamb, G Latty, P Latty, J Procter, R Procter, Robinson, Wadsworth and Wood.

NO – 71

Akhtar, J Bentley, S Bentley, A Blackburn, D Blackburn, Blake, Bruce, Campbell, Chapman Charlwood, Cleasby, Coulson, Coupar, Dawson, Dobson, Downes, Dunn, Finnigan, Gabriel, Golton, P Grahame, R Grahame, C Gruen, P Gruen, Groves, Hamilton, Hanley, Harington, Harland, Harper, A Hussain, G Hussain, G Hyde, Illingworth, Ingham, Iqbal, Jarosz, A Khan, Lay , Leadley, J Lewis, R Lewis, Lowe, Lyons, Macniven, Maqsood, J McKenna, S McKenna, Morgan, Mulherin, Nagle, Nash, Ogilvie, Pryor, Rafique, Renshaw, Ritchie, Selby, Smart, Sobel, E Taylor, Towler, Truswell, Urry, Varley, Venner, Walker, Walshaw, Wakefield , Wilkinson and Yeadon.

ABSTAIN - 0

Amendment in the name of Councillor Mulherin

YES - 72

Akhtar, J Bentley, S Bentley, A Blackburn, D Blackburn, Blake, Bruce, Campbell, Chapman Charlwood, Cleasby, Coulson, Coupar, Cummins, Dawson, Dobson, Downes, Dunn, Finnigan, Gabriel, Golton, P Grahame, R Grahame, C Gruen, P Gruen, Groves, Hamilton, Hanley, Harington, Harland, Harper, A Hussain, G Hussain, G Hyde, Illingworth, Ingham, Iqbal, Jarosz, A Khan, Lay , Leadley, J Lewis, R Lewis, Lowe, Lyons, Macniven, Maqsood, J McKenna, S McKenna, Morgan, Mulherin, Nagle, Nash, Ogilvie, Pryor, Rafique, Renshaw, Ritchie, Selby, Smart, Sobel, E Taylor, Towler, Truswell, Urry, Varley, Venner, Walker, Walshaw, Wakefield , Wilkinson and Yeadon.

NO – 15

Anderson, Buckley, J L Carter, Castle, ,Cohen, Collins, Harrand, Lamb, G Latty, P Latty, J Procter, R Procter, Robinson, Wadsworth and Wood.

ABSTAIN - 0

118 Closing Remarks

Councillor J L Carter who was attending his last meeting of Council prior to his retirement as an Elected Member of Leeds City Council having served since 1972 briefly addressed the Council and thanked Members for their support over the last 43 years.

Council rose at 19.40

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Report of City Solicitor

Report to Full Council

Date: 21st May 2015

Subject: Recommendations of General Purposes Committee

Are specific electoral Wards affected? If relevant, name(s) of Ward(s):	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
Are there implications for equality and diversity and cohesion and integration?	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
Is the decision eligible for Call-In?	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
Does the report contain confidential or exempt information? If relevant, Access to Information Procedure Rule number: Appendix number:	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No

1 Purpose of this report

1.1 This report presents recommendations to full Council from General Purposes Committee.

2 Background information

2.1 General Purposes Committee is authorised:

- to consider proposals to amend the constitution and make recommendations to full Council; and
- to make recommendations to full Council in connection with the discharge of any of its functions.

2.2 At its meeting on 12th May 2015, General Purposes Committee considered items relating to:

- City Priority Plans
- Internal Audit Arrangements
- Realignment of Scrutiny Boards

- 2.3 This report sets out the recommendations from General Purposes Committee, relating to those items.

Background to City Priority Plans

- 2.4 The City Priority Plan was originally drawn up for the period 2011-15 as a city-wide partnership plan, bringing together a number of priorities to help deliver the longer term Vision for Leeds 2011-30. It identified the key outcomes and priorities to be delivered by the Council and its partners over those four years and informed a subset of five individual City Priority Plans for the five strategic partnership boards: the Children's Trust Board; Sustainable Economy and Culture Board; Safer and Stronger Communities Board; Health & Wellbeing Board; and Housing & Regeneration Board. The Council's contribution to the city-wide priorities was set out in the Council Business Plan.

Internal Audit Arrangements

- 2.5 The Public Sector Internal Audit Standards (PSIAS), which superseded the 2006 CIPFA Code of Practice for Internal Audit in Local Government in the UK, came into force on 1st April 2013.

Realignment of Scrutiny Boards

- 2.6 In May 2012 Council agreed to amend the Boards terms of reference to facilitate scrutiny of key partnerships in which the Council was involved. Consequently Scrutiny Boards were aligned to the then existing partnerships. Over the past two years these partnerships have either ceased to exist in their original form or have been disbanded completely.

3 Main issues

City Priority Plans

- 3.1 Since 2011, the Council Business Plan has evolved and is now termed the 'Best Council Plan'. On 18th March 2015, the Executive Board approved a refreshed Best Council Plan, updated for 2015/16. This Plan sets out the Council's objectives for the next twelve months and the direction and narrative for the five years up to 2020.
- 3.2 The themes of strong partnership working, tackling inequalities, improving outcomes for all our citizens and ultimately helping Leeds to become the best city in the UK - the Vision for Leeds - run throughout the Best Council Plan. There is therefore no longer a requirement for a separate 'City Priority Plan' document. GPC recommends that the reference to the City Priority Plan should be removed from within the Council's Policy Framework, and replaced where appropriate with reference to the Best Council Plan.
- 3.3 GPC recommend amendments to Articles 1 and 4 as shown at Appendix A and B attached.

Realignment of Scrutiny Boards

- 3.4 Each year, the Scrutiny Officer conducts a review of scrutiny arrangements to ensure that they are fit for purpose. This year, the focus of the review has been to consider the Board's terms of reference.
- 3.5 In the light of changes to the Council's key partnerships the Scrutiny Officer proposes that the terms of reference for Scrutiny Boards be drafted to mirror the executive Functions of the Council's directorates. This would maintain the same number of Scrutiny Boards and provide greater clarity over the respective remit of each Scrutiny Board.
- 3.6 A revision to the terms of reference as described above would also result in amendments to Scrutiny Board Procedure Rule 10.3 with the removal of the requirement that Scrutiny Boards should consider and report each municipal year on the activities of the Partnership Boards.
- 3.7 GPC recommend amendments to the terms of reference and to the Scrutiny Board Procedure Rules as set out in the attached Appendices C – I.
- 3.8 Article six of the Constitution describes the functions of the Council's Scrutiny Boards. The Council has adopted a Vision for Scrutiny, which is attached as an Annex to Article six. In addition to the amendments consequential on the realignment of the Scrutiny boards GPC recommends that the Vision be updated to reflect the growing need to manage the resources available to Scrutiny more closely and the importance of ensuring added value in the work undertaken by Scrutiny.
- 3.9 GPC recommend amendments to Article 6 (Scrutiny Boards) as set out in Appendix J.
- 3.10 Internal Audit Arrangements
- 3.11 The Accounts and Audit Regulations 2015 state that '*A relevant authority must undertake an effective internal audit to evaluate the effectiveness of its risk management, control and governance processes, taking into account public sector internal auditing standards or guidance*'.
- 3.12 The PSIAS require the Corporate Governance and Audit Committee to review and approve:
- The internal audit charter;
 - The risk-based audit plan;
 - Any additional significant work not already included in the audit plan. The Internal Audit Charter defines significant as the equivalent of 5% of the annual planned audit days and in 2015/16 this would be the equivalent of 210 days.

- 3.13 The Deputy Chief Executive, as the council's Section 151 Officer, is responsible under the Local Government Act for ensuring that there are arrangements in place for the proper administration of the Authority's financial affairs. Part of the function of Internal Audit is to provide assurance on these arrangements so it is necessary to consider the level and extent of internal audit coverage of the council's activities by developing a risk based audit plan. The audit plan is prepared by the Head of Audit and agreed by the Deputy Chief Executive in his role as the council's Section 151 Officer before being submitted to CGAC for review and approval. The Head of Audit should then report on performance against the plan at a frequency to be determined by the committee.
- 3.14 Finally the Head of Audit is required to report to CGAC on an annual basis:
- That the internal audit activity is organisationally independent; and
 - The results of the Quality Assurance and Improvement Programme together with any progress against improvement plans.
- 3.15 GPC recommend that amendments are made to the Corporate Governance and Audit Committee Terms of Reference as set out at Appendix K attached in order to give effect to these requirements.

4 Corporate Considerations

4.1 Consultation and Engagement

- 4.1.4 Consultation arrangements in relation to each proposal were detailed in the report to GPC who propose the amendments set out in this report.

4.2 Equality and Diversity / Cohesion and Integration

- 4.2.1 No significant implications arise from the proposed amendments.

4.3 Council policies and City Priorities

- 4.3.1 All amendments are in line with the Council's Code of Corporate Governance, particularly with regard to the principles of focussing on the Council's purpose and community needs; having clear responsibilities and arrangements for accountability; and taking informed and transparent decisions which are subject to effective scrutiny and risk management.

4.4 Resources and value for money

- 4.4.1 Resource and value for money implications are outlined as appropriate within the main body of this report.

4.5 Legal Implications, Access to Information and Call In

- 4.5.1 The amendments proposed are in line with legislation and bring the constitution up to date where relevant legislation has been introduced or updated.

4.6 Risk Management

4.6.1 There are no implications for this report.

5 Conclusions

5.1 A number of amendments are necessary to ensure that the Council's constitution is up to date and fit for purpose.

6 Recommendations

6.1 General Purposes Committee recommend that full Council approve amendments to the documents listed below as shown on the relevant appendix to this report:-

- Article 1 (Appendix A)
- Article 4 (Appendix B)
- Article 6 (Appendix J)
- Scrutiny Board Terms of Reference (Appendices C-H)
- Corporate Governance and Audit Committee Terms of Reference (Appendix K)
- Scrutiny Board Procedure Rules (Appendix I)

7 Background documents¹

7.1 None

¹ The background documents listed in this section are available to download from the Council's website, unless they contain confidential or exempt information. The list of background documents does not include published works.

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ARTICLE 1 – THE CONSTITUTION**1.1 POWERS OF THE COUNCIL**

The Council will exercise all its powers and duties in accordance with the law and this Constitution.

1.2 PURPOSE OF THE COUNCIL

The primary purposes of the Council are set out in its ~~City Priority Plans~~Best Council Plan. In delivering these objectives the Council will ensure the:

- operation of clear, accountable and efficient decision-making processes;
- design, securing and delivery of services which put the needs of the public first, are non-discriminatory and are appropriate to the different needs within the community; including having arrangements to make information accessible in appropriate formats if required;
- prioritisation of services and targeting resources to communities and individuals in greatest need;
- provision of an opportunity for citizens to get involved and make their views heard;
- resolution of the major issues confronting the city through effective partnerships with other public, private and voluntary organisations;
- consideration of the long-term implications of decisions on the environmental, social and economic well-being of the City; and
- consideration of the impact of decisions upon the City's diverse and disadvantaged communities and the positive promotion of equality of opportunity.

1.3 THE CONSTITUTION

This Constitution, (Parts 1 – 7), is the Constitution of Leeds City Council.

1.4 THE PURPOSE OF THE CONSTITUTION

The Constitution sets out everything anyone who has dealings with the Council would need to know about how the Council conducts its business, who takes which decisions and how to work with the Council.

The purpose of the Constitution, therefore, is to:

- enable the Council to provide visible, accountable and effective leadership to the community in partnership with citizens, businesses and other organisations;

Article 1 - The Constitution

- support the active involvement of citizens in the process of local authority decision-making;
- help Councillors represent their constituents more effectively;
- enable decisions to be taken efficiently and effectively;
- create a powerful and effective means of holding decision-makers to public account;
- ensure that no-one will review or scrutinise a decision in which they were directly involved;
- ensure that those responsible for decision making are clearly identifiable to local people and they explain the reasons for decisions; and
- provide a means of improving the delivery of services to the community.

1.5 INTERPRETATION AND REVIEW OF THE CONSTITUTION

Where the Constitution permits the Council to choose between different courses of action, the Council will always choose that option which it thinks is closest to the purposes stated above.

The Council will monitor and evaluate the operation of the Constitution as set out in Article 15.

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 Leeds Strategy²
 - Development plan documents³
 - Licensing Authority Policy Statement⁴
 - Plans and alterations which together comprise the Development Plan
 - Vision for Leeds⁵
 - Youth Justice Plan⁶
- (ii) other plans and strategies adopted by the Council⁷:
- Best Council Plan
 - Children and Young Peoples Plan⁸
 - ~~Sustainable Economy and Culture City Priority Plan~~
 - ~~Regeneration City Priority Plan~~
 - Local Flood Risk Management Strategy⁹

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

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

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, which is prepared and modified under Section 4 Local Government Act 2000.

⁶ Section 40 Crime and Disorder Act 1998 - this is included within the Children and Young Peoples Plan

⁷ In accordance with Schedule 4 of the Regulations

⁸ ~~This includes within it the Children and Families City Priority Plan~~

⁹ Section 9 Flood and Water Management Act 2010

- **Housing Land Transfer**

Housing Land Transfer means the approval or adoption of applications (whether in draft form or not) to the Secretary of State 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 Constitution¹⁰;
- 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.

¹⁰ Except as provided for by Article 15.2

Scrutiny Board (~~Strategy and Resources and Council Services~~)

The Scrutiny Board (~~Strategy and Resources and Council Services~~) is authorised to discharge the following overview and scrutiny functions¹:

1. to review or scrutinise decisions made or other action taken in connection with any council or executive function or any matter which affects the authority's area or the inhabitants of that area;²
- ~~2. to receive and consider requests for Scrutiny from any source;~~
- ~~3. to review or scrutinise the performance of such Trust / Partnership Boards as fall within its remit~~
- ~~2. to carry out such other reviews or policy development tasks as it may be requested to do by either the Executive Board or the Council;~~
- ~~3.4. _____ to act as the appropriate Scrutiny Board³ in relation to the Executive's initial proposals for a plan or strategy⁴ within the Budget and Policy Framework which falls within its remit;⁵~~
- ~~4.5. _____ to review or scrutinise executive decisions⁶ that have been Called In; and~~
- ~~5. to review outcomes, targets and priorities within the Council Business Plan;~~
- ~~6. to receive requests for scrutiny and councillor calls for action and undertake any subsequent work; and~~
- ~~7.6. _____ to make such reports and recommendations as it considers appropriate and to receive and monitor formal responses to any reports or recommendations made.~~

¹ In relation to functions delegated under the Officer Delegation Schemes for the Chief Executive, the Deputy Chief Executive, ~~the Assistant Chief Executive (Citizens and Communities) (except in relation to function (a))~~, and the City Solicitor (whether or not those functions are concurrently delegated to any other committee or officer); and any other function not within the terms of reference of any other Scrutiny Board.

² Including matters pertaining to outside bodies and partnerships to which the authority has made appointments

³ Under the Budget and Policy Framework Procedure Rules

~~⁴ Namely the Licensing Authority Policy Statement, the Vision for Leeds, the Council Business Plan and the Budget, and any other plan or policy which shall be added to the Policy Framework and is not included within the Terms of Reference of any other Scrutiny Board.~~

⁵ Including in relation to the Budget

~~⁶ Other than those within the Terms of Reference of any other Scrutiny Board~~

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Scrutiny Board (~~Safer and Stronger~~Citizens and Communities)

The Scrutiny Board (~~Safer and Stronger~~Citizens and Communities) is authorised to discharge the following overview and scrutiny functions¹:

1. to review or scrutinise decisions made or other action taken in connection with any council or executive function of any matter which affects the authority's area or the inhabitants of that area;²

2. to receive and consider requests for Scrutiny from any source;

- ~~2.3.~~ _____ to review ofr_ scrutinise the performance of the Safer and Stronger Communitiessuch Trust / Partnership Boards as fall within its remit³;

~~3. to carry out such other reviews or policy development tasks as it may be requested to do by either the Executive Board or the Council;~~

4. to act as the appropriate Scrutiny Board in relation to the Executive's initial proposals for a ~~relevant~~ plan or strategy⁴ within the Budget and Policy Framework which falls within its remit;⁵

5. to review or scrutinise executive decisions that have been Called In;

~~6. to exercise the functions of a crime and disorder committee⁶, including the following:~~

~~a. to review or scrutinise the exercise of crime and disorder functions⁷ by responsible authorities;⁸~~

~~b.a. _____ to review or scrutinise any local crime or disorder matter raised by a Member;⁹ and~~

¹ In relation to the functions delegated to the ~~Director of Environment and Housing under the Officer Delegation Scheme (Council Functions) and the Officer Delegation Scheme (Executive Functions) at paragraphs 1 (a) to (e) and 2 (d) to (l) and the Assistant Chief Executive (Citizens and Communities) under the Officer Delegation Scheme (Executive Functions) at paragraph (a)~~ whether or not those functions are concurrently delegated to any other committee or officer.

² Including matters pertaining to outside bodies and partnerships to which the authority has made appointments

~~³ The Scrutiny Board has a duty to do this each municipal year — Scrutiny Board Procedure Rule 10.3~~

~~⁴ Namely the Safer and Stronger Communities Plan~~

⁵ In accordance with Budget and Policy Framework Procedure Rules.

~~⁶ In accordance with Section 19 Police and Justice Act 2006~~

~~⁷ As defined by Section 6 Crime and Disorder Act 1998 (formulating and implementing crime and disorder strategies).~~

~~⁸ These are the authorities responsible for crime and disorder strategies set out in Section 5 of the Crime and Disorder Act 1998~~

~~⁹ 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.~~

~~7. to review outcomes, targets and priorities within the Council Business Plan and Best city... for communities priorities within the City Priority Plan;~~

~~8. to receive requests for scrutiny and councillor calls for action and undertake any subsequent work; and~~

9.6. _____ to make such reports and recommendations as it considers appropriate and to receive and monitor formal responses to any reports or recommendations made by the Board.

Scrutiny Board (~~Children and Families~~Children's Services)

The Scrutiny Board (~~Children and Families~~Children's Services) is authorised to discharge the following overview and scrutiny functions¹:

1. to review or scrutinise decisions made or other action taken in connection with any council or executive function or any matter which affects the authority's area or the inhabitants of that area;²
2. to receive and consider requests for Scrutiny from any source;
- ~~2.3.~~ to review or scrutinise the performance of ~~the Children's Trust Board;~~³ such Trust / Partnership Boards as fall within its remit
- ~~3.4.~~ to carry out such other reviews or policy development tasks as it may be requested to do by either the Executive Board or the Council;
- ~~4.5.~~ to act as the appropriate Scrutiny Board in relation to the Executive's initial proposals for a relevant plan or strategy⁴ within the Budget and Policy Framework which falls within its remit;⁵
- ~~5.6.~~ to review or scrutinise executive decisions that have been Called In;
and
- ~~6.~~ to review outcomes, targets and priorities within the Council Business Plan and the Best city... for children and young people priorities within the City Priority Plan;
- ~~7.~~ to receive requests for scrutiny and councillor calls for action and undertake any subsequent work; and
- ~~8.7.~~ to make such reports and recommendations as it considers appropriate and to receive and monitor formal responses to any reports or recommendations made.

¹ In relation to functions delegated to the Director of Children's Services under the Officer Delegation Scheme whether or not those functions are concurrently delegated to any other committee or officer.

² Including matters pertaining to outside bodies and partnerships to which the authority has made appointments.

~~³ The Scrutiny Board has a duty to do this each municipal year – Scrutiny Board Procedure Rule 10.3~~

~~⁴ Namely the Youth Justice Plan and the Children and Young Peoples Plan~~

⁵ In accordance with Budget and Policy Framework Procedure Rules.

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Scrutiny Board (~~Sustainable Economy and Culture~~City Development)

The Scrutiny Board (~~Sustainable Economy and Culture~~City Development) is authorised to discharge the following overview and scrutiny functions¹:

1. to review or scrutinise decisions made or other action taken in connection with any council or executive function, or any matter which affects the authority's area or the inhabitants of that area;²

~~2. to receive and consider requests for Scrutiny from any source;~~

~~2.3. _____ to review or scrutinise the performance of the Sustainable Economy and Culture Trust / Partnership Boards as fall within its remit;~~³

~~3. to carry out such other reviews or policy development tasks as it may be requested to do by either the Executive Board or the Council.~~

4. to act as the appropriate Scrutiny Board in relation to the Executive's initial proposals for a relevant plan or strategy⁴ within the Budget and Policy Framework which falls within its remit;⁵

5. to review or scrutinise executive decisions that have been Called In;

6. to review and scrutinise the exercise by risk management authorities⁶ of flood risk management functions⁷ which may affect the Leeds City Council area;⁸
and

~~7. to review outcomes, targets and priorities within the Council Business Plan and the Best City for business priorities within the City Priority Plan;~~

~~8. to receive requests for scrutiny and councillor calls for action and undertake any subsequent work; and~~

¹ In relation to functions delegated to the Director of City Development ~~under the Officer Delegation Scheme (Council (non-executive) Functions) and the Officer Delegation Scheme (Executive Functions) at paragraphs 1(a) to (c) and 2(a) to (o) and (q), and the Chief Planning Officer under the Officer Delegation Scheme (Council functions) at Section 2, and the Officer Delegation Scheme (Executive Functions) at paragraph (a)~~ whether or not those functions are concurrently delegated to any other committee or officer.

² Including matters pertaining to outside bodies and partnerships to which the authority has made appointments.

~~³ relating to economic led regeneration. The Scrutiny Board has a duty to do this each municipal year – Scrutiny Board Procedure Rule 10.3~~

~~⁴ Namely the Development Plan Documents, Plans and alterations which together comprise the Development Plan, the Sustainable Economy and Culture City Priority Plan and the Local Flood Risk Management Strategy.~~

⁵ In accordance with Budget and Policy Framework Procedure Rules.

⁶ As defined by Section 6 Flood and Water Management Act 2010

⁷ As defined by Section 4 Flood and Water Management Act 2010

⁸ In accordance with Section 9FH Local Government Act 2000

Council Committees' Terms of Reference

| 9.7. _____ to make such reports and recommendations as it considers appropriate and to receive and monitor formal responses to any reports or recommendations made.

Scrutiny Board (Environment and Housing ~~and Regeneration~~)

The Scrutiny Board (Environment and Housing ~~and Regeneration~~) is authorised to discharge the following overview and scrutiny functions¹:

1. to review or scrutinise decisions made or other action taken in connection with any council or executive function or any matter which affects the authority's area or the inhabitants of that area;²
2. to receive and consider requests for Scrutiny from any source;
3. to review or scrutinise the performance of such Trust / Partnership Boards as fall within its remit
- ~~2. to carry out such other reviews or policy development tasks as it may be requested to do by either the Executive Board or the Council;~~
- ~~3.4. _____ to act as the appropriate Scrutiny Board in relation to the Executive's initial proposals for a relevant plan or strategy³ within the Budget and Policy Framework which falls within its remit;⁴~~
- ~~4.5. _____ to review or scrutinise executive decisions that have been Called In;~~
- ~~5. to review outcomes, targets and priorities within the Council Business Plan and the Best city to live priorities within the City Priority Plan;~~
- ~~6. to receive requests for scrutiny and councillor calls for action and undertake any subsequent work; and~~
6. to exercise the functions of a crime and disorder committee⁵, including the following:
 - a. to review or scrutinise the exercise of crime and disorder functions⁶ by responsible authorities;⁷
 - b. to review or scrutinise any local crime or disorder matter raised by a Member;⁸ and

¹ In relation to functions delegated to the Director of Environment and Housing under the Officer Delegation Scheme (Executive Functions) ~~paragraphs 2(a) to (c), and to the Director of City Development under the Officer Delegation Scheme (Executive Functions) paragraph 2(p)~~ whether or not those functions are concurrently delegated to any other committee or officer.

² Including matters pertaining to outside bodies and partnerships to which the authority has made appointments.

~~³ Namely the Regeneration City Priority Plan.~~

⁴ In accordance with Budget and Policy Framework Procedure Rules.

⁵ In accordance with Section 19 Police and Justice Act 2006

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

⁷ These are the authorities responsible for crime and disorder strategies set out in Section 5 of the Crime and Disorder Act 1998

⁸ This is any matter concerning –

Council Committees' Terms of Reference

7. to make such reports and recommendations as it considers appropriate and to receive and monitor formal responses to any reports or recommendations made.

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.

Scrutiny Board (~~Health and Well-being and Adult Social Care Services, Public Health, NHS~~)

The Scrutiny Board (~~Health and Well-being and Adult Social Care Services, Public Health, NHS~~) is authorised to discharge

1. the following overview and scrutiny functions:¹

a) to review or scrutinise decisions made or other action taken in connection with any council or executive function or any matter which affects the authority's area or the inhabitants of that area;²

~~b) to receive and consider requests for Scrutiny from any source;~~

~~b) to review or scrutinise the performance of such Trust / Partnership Boards as fall within its remit to review or scrutinise the performance of the Health and Wellbeing Board;~~³

~~c) to carry out such other reviews or policy development tasks as it may be requested to do by the Executive Board, the Council or the Health and Wellbeing Board;~~

~~d) to act as the appropriate Scrutiny Board in relation to the Executive's initial proposals for a relevant plan or strategy⁴ within the Budget and Policy Framework which falls within its remit;⁵~~

~~e) to review or scrutinise executive decisions that have been Called In;~~

~~f) to review outcomes, targets and priorities within the Council Business Plan and the Best city for...health and wellbeing priorities in the City Priority Plan;~~

~~g) to receive requests for scrutiny and councillor calls for action and undertake any subsequent work; and~~

~~h) to make such reports and recommendations as it considers appropriate and to receive and monitor formal responses to any reports or recommendations made.~~

2. the following functions of the authority:⁶

¹ In relation to functions delegated to the Director of Adult Social Services and the Director of Public Health under the Officer Delegation Scheme whether or not those functions are concurrently delegated to any other committee or officer, and functions exercised by the Health and Wellbeing Board.

² Including matters pertaining to outside bodies or partnerships to which the authority has made appointments.

~~³ The Scrutiny Board has a duty to do this each municipal year – Scrutiny Board Procedure Rule 10.3~~

~~⁴ Namely the Health and Wellbeing City Priority Plan.~~

⁵ In accordance with Budget and Policy Framework Procedure Rules.

⁶ In accordance with regulations issued under Section 244 National Health Service Act 2006 (the regulations).

Council Committees' Terms of Reference

- a) to review and scrutinise any matter relating to the planning, provision and operation of the health service in its area and to make reports and recommendations on any such matter it has reviewed or scrutinised;
- b) to comment on, make recommendations about, or report to the Secretary of State in writing about such proposals as are referred to the authority by a relevant NHS body or a relevant health service provider; and
- c) to nominate Members to any joint overview and scrutiny committee appointed by the authority.⁷

⁷ such nominations to reflect the political balance of the 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.

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 and Families~~) shall confirm the appointment of 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.¹

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

The Scrutiny Officer², 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 Member's Code of Conduct.

¹ 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.

² Designated in accordance with Section 9FB Local Government Act 2000 (the 2000 Act). See further Article 6

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 Scrutiny 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 (~~Safer and Stronger~~Citizens and Communities) must meet as the Scrutiny Board considers appropriate to review or scrutinise the exercise of crime and disorder functions³ by responsible authorities⁴, but no less than once in every twelve month period⁵.

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 The Council shall appoint substitute members, comprising all other members of the other Scrutiny Boards.
- 4.3 A substitute Member shall be entitled to attend a meeting of a Scrutiny Board in place of a regular Member.

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 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 Rule 6.2 below, all meetings of a Scrutiny Board shall be open to the public in accordance with the Access to Information Procedure Rules⁶. This shall be without prejudice to any power of exclusion to suppress or prevent disorderly conduct or other misbehaviour at a meeting.

³ 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)

⁴ These are the bodies and persons responsible for crime and disorder strategies – Section 1(6) 2006 Act

⁵ Regulation 4 Crime and Disorder (Overview and Scrutiny) Regulations 2009

⁶ These are in Part 4 of the Constitution

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- 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. All oral evidence given to a Scrutiny Board may be recorded in full as shall appear to the Scrutiny Board to be appropriate, and shall be retained for an appropriate period of time to be determined in each case.

8.0 RIGHTS OF SCRUTINY BOARD MEMBERS TO DOCUMENTS

- 8.1 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.
- 8.2 When a Scrutiny Board conducts a review, every member of the Scrutiny Board⁷ shall have a right of access to any documents which are relevant to the subject matter of the review.
- 8.3 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.

9.0 AGENDA ITEMS

- 9.1 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.

⁷ 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.

10.0 WORK PROGRAMMING

10.1 No Scrutiny Board may undertake a review into:

- any decision of a Plans Panel, the Licensing Committee or a Licensing sub-committee;⁹
- any decisions which may be appealed against under the terms of reference of the Licensing Sub-Committees;
- any decision taken by an officer under delegated authority which falls within the terms of reference of a Plans Panel, the Licensing Committee or a Licensing Sub-Committee;¹⁰
- any decision taken prior to 24 May 1999¹¹, 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 a review; 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; or
 - individual personnel issues.

10.2 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.

~~10.3 At a time in the municipal year¹², all Scrutiny Boards will act as "critical friend" to the relevant partnership and consider and report on the following areas:~~

- ~~1. What contribution the Partnership Board is making to tackle poverty and inequality, and the progress being made against this?~~
- ~~2. How successfully the Board's partnership arrangements are working?~~
- ~~3. To what extent are significant benefits being seen from partnership working? How has partnership working ensured increased pace of change to address the issue in hand?~~

11.0 REQUESTS FOR SCRUTINY

Reviews requested by the Executive Board or Council

11.1 Where the Executive Board or Council resolves to recommend that a review should be undertaken into a particular matter, the Scrutiny Officer shall add this

⁹ In respect of a licence or permission granted to an individual or in respect of an individual premises

¹⁰ In respect of a licence or permission granted to an individual or in respect of an individual premises

¹¹ This was the date of the commencement of scrutiny arrangements in Leeds.

~~¹² The appropriate time for this review will be established by the Scrutiny officer in conjunction with Scrutiny Chairs and relevant Directors~~

Scrutiny Board Procedure Rules

recommendation to the agenda for the next Ordinary Meeting of the relevant Scrutiny Board.

Reviews requested by a member of a Scrutiny Board

- 11.2 Any member of a Scrutiny Board may propose that a review be undertaken by that Scrutiny Board into a particular matter. The Scrutiny Board will then consider whether to undertake the review. 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 administration.

Councillor calls for action

- 11.3 Any Member may refer any matter which is relevant to the functions of a Scrutiny Board¹³, but is not an excluded matter¹⁴, to that Scrutiny Board – a “councillor call for action”. In considering whether to refer a matter, the Member must have regard to any guidance issued by the Secretary of State.¹⁵
- 11.4 All such referrals must be submitted in writing to the Scrutiny Officer. The Scrutiny Officer shall add this to the agenda for the next Ordinary Meeting of the relevant Scrutiny Board.
- 11.5 The Scrutiny Officer shall acknowledge all such referrals.
- 11.6 At the next Ordinary Meeting, the Scrutiny Board shall consider any referral which the Scrutiny Officer has added to the agenda.
- 11.7 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.
- 11.8 In deciding whether to carry out a review, the Scrutiny Board may have regard to:
- any powers which the Member may exercise in relation to the matter¹⁶; and
 - any representations made by the Member.
- 11.9 If the Scrutiny Board decides not to carry out a review into the matter, the Scrutiny Officer will inform the referring Member about the decision of the Scrutiny Board, and the reasons for it.

Local crime and disorder matters

¹³ In accordance with Section 9FC Local Government Act 2000

¹⁴ An excluded matter means any matter which is a local crime and disorder matter under Section 19 Police and Justice Act 2006 (see below), or a matter of any description specified in an order made by the Secretary of State (SI 2012/1022).

¹⁵ ~~See further SBPR Guidance Notes~~

¹⁶ Under Section 236 of the [Local Government and Public Involvement in Health Act 2007 Act](#)

Scrutiny Board Procedure Rules

- 11.10 Any Member may refer any local crime and disorder matter¹⁷ to the Scrutiny Board (~~Safer and Stronger~~Citizens and Communities) as the Council's designated Crime and Disorder Committee..
- 11.11 All such referrals must be submitted in writing to the Scrutiny Officer. The Scrutiny Officer shall add this to the agenda for the next Ordinary Meeting of the Scrutiny Board.
- 11.12 The Scrutiny Officer shall acknowledge all such referrals.
- 11.13 At the next Ordinary Meeting, the Scrutiny Board shall consider any such referrals which the Scrutiny Officer has added to the agenda.
- 11.14 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.

Social care matters referred by Healthwatch Leeds¹⁸

- 11.15 Healthwatch Leeds may refer any matter relating to social care services¹⁹, to the relevant Scrutiny Board.
- 11.16 The Scrutiny Officer shall add any such referral to the agenda for the next Ordinary Meeting of the relevant Scrutiny Board.
- 11.17 The Scrutiny Officer shall acknowledge receipt of all such referrals on behalf of the Scrutiny Board, within 20 working days of its receipt.
- 11.18 At the next Ordinary Meeting, the Scrutiny Board shall consider any such referral which the Scrutiny Officer has added to the agenda.
- 11.19 In deciding whether to exercise any functions in relation to social care matter, the relevant Scrutiny Board must take into account any relevant information provided by Healthwatch Leeds.
- 11.20 The Scrutiny Officer will inform Healthwatch Leeds about any action taken in relation to the matter.

¹⁷ 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

¹⁸ For the purposes of these Rules, where relevant, any reference to Healthwatch Leeds should be construed as including reference to any relevant Local Healthwatch contractor

¹⁹ 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)

Requests for reviews from other sources

11.21 The appropriate Scrutiny Board shall consider a request from any other source²⁰ to conduct a review²¹, including any petition requesting Scrutiny²².

12.0 UNDERTAKING SCRUTINY INQUIRIES

12.1 Where a Scrutiny Board undertakes an Inquiry the Scrutiny Board shall consult with any relevant Director²³ and Executive Member on the terms of reference.

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

- consult with any relevant Director 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 evidence²⁴; and
- compile a preliminary list of documents which the Scrutiny Board require to be produced.

12.3 Where appropriate, all terms of reference for work undertaken by Scrutiny Boards will include:

“To review how and to what effect consideration has been given to the impact of a service or policy on all equality areas, as set out in the Council's equality and Diversity scheme”.

13.0 REPORTS AND RECOMMENDATIONS

13.1 At the conclusion of a review 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.

13.2 Where a Scrutiny Board is considering making specific recommendations it shall invite advice²⁵ from the appropriate Director(s) prior to it finalising its recommendations. The Director shall consult with the appropriate Executive Member before providing any such advice. The detail of that advice shall be reported to the Scrutiny Board and considered before the ~~report is~~Board's recommendations are finalised and published on the Council's website.

²⁰ including Scrutiny Chairs.

²¹ See further Scrutiny Board Procedure Rules Guidance Notes

²² Where a Scrutiny Board Chair receives a petition in their capacity as a Scrutiny Chair, the Chair will respond to the petition organiser only. Thereafter, the Scrutiny Officer will be responsible for notifying the petition organiser of the date on which the petition will be considered, and of the outcome of that meeting. The Scrutiny Officer will ensure that the appropriate Executive Board Member receives a copy of the petition.

²³ Any reference to a Director within these Rules should be deemed to include reference to all officers listed in Article 12 of the constitution.

²⁴ As an Inquiry proceeds it may become apparent that further witnesses are required

²⁵ Such advice may include but is not limited to the financial and resource implications of the recommendations being considered.

~~13.3 The review 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)²⁶;~~
- ~~• a list of all documentation that has been considered by the Board; and~~
- ~~• any conclusions and recommendations on the matter reviewed or scrutinised.~~

13.4 Where a Scrutiny Board is to publish or copy a report, it must comply with relevant statutory provisions relating to exempt or confidential information.

13.5 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 intention to submit a minority report should be declared within the Board meeting at the time the majority report is agreed and be both formally minuted and referred to in the final report as part of the Board's resolutions. The Chair can give this notice on behalf of a Member who cannot be present when the majority report is agreed. Where a Scrutiny Board has agreed its final report and there has been no declared intention to produce a minority report, a minority report cannot then be subsequently submitted. Where the intention to produce a minority report has been minuted, the Scrutiny Support Unit will contact the appropriate Member or Members to confirm submission dates. The minority report should be delivered to the Scrutiny Support Unit within 5 working days after the Scrutiny Board meeting. The Minority Report will be an appendix to the Scrutiny Board's Report.²⁷

Councillor calls for action

13.6 Where a Scrutiny Board is considering making a report or recommendations in relation to a matter referred as a councillor call for action, it may have regard to:

- any powers which the Member may exercise in relation to the matter²⁸; and
- any representations made by the Member.

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

13.8 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..

~~²⁶ 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.~~

²⁷ The Scrutiny Board Procedure Rules Guidance Note provides guidance on Minority Reports.

²⁸ Under Section 236 of the 2007 Act

Crime and disorder functions

- 13.9 Where the Scrutiny Board (~~Safer and Stronger~~Citizens and Communities) makes a report or recommendations to the Council or Executive about the exercise of crime and disorder functions by responsible authorities²⁹, the Scrutiny Officer will provide a copy to
- each of the responsible authorities; and
 - each of the co-operating persons and bodies.

13.10 Whenever the Scrutiny Board provides a copy of a report or recommendation the Scrutiny Officer will also notify any authority, person or body to whom it provides the copy, of the steps they must take³⁰.

Local crime and disorder matters

- 13.11 In deciding whether to make a report or recommendations in relation to a local crime and disorder matter, the Scrutiny Board will have regard to:
- any powers which the Member may exercise in relation to the matter; and
 - representations made by the Member about why it should make a report or recommendations

13.12 The Scrutiny 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.

- 13.13 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 matter³¹, the Scrutiny 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.

- 13.14 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 Scrutiny 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.

14.0 RESPONSES TO REPORTS AND RECOMMENDATIONS

- 14.1 Except as provided below, the Council, the Executive Board, Area-Community Committees or officers shall consider any report and recommendations of a

²⁹ See footnote 4

³⁰ In accordance with Section 19 (8B) 2006 Act.

³¹ See footnote 17

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Scrutiny Board within two months of it being received³². 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.³³

~~14.2 The Scrutiny Officer will place a copy of the response on the Council's web-site³⁴.~~

Partner authorities³⁵

14.3 Where a Scrutiny Board makes a report or recommendations to the Council or the Executive, and the report or any of the recommendations relates to functions of a relevant partner authority so far as exercisable in relation to the authority's area, or the inhabitants of that area, the Scrutiny Board may by notice³⁶ in writing require the relevant partner authority to have regard to the report or recommendation in question in exercising their functions. The notice must be accompanied by a copy of the report or recommendations³⁷.

Councillor calls for action

14.4 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.

Crime and disorder functions

14.5 Where a relevant authority, or co-operating person or body has been notified by the Scrutiny Officer, it must:

- consider the report or recommendations;
- respond in writing to the Scrutiny Board within 28 days of the date of the report or recommendations³⁸, 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

14.6 Where the Council or the Executive other relevant authority, person or body has been notified by the Scrutiny Officer, it must:

- consider the report or recommendations;
- respond in writing to the Scrutiny Board within 28 days of the date of the report or recommendations³⁹, indicating what (if any) action it proposes to take; and
- have regard to the report or recommendations in exercising its functions.

³² Or (if later) the notice – Section 9FE of the 2000 Act

³³ Section 9FE of the 2000 Act

~~³⁴ Confidential information must be excluded, and relevant exempt information may be excluded, in accordance with SI 2012/1021~~

³⁵ This means any person who is a partner authority for the purposes of Chapter 1 of Part 5 of the 2007 Act, other than a chief officer of police. This provision will not apply if the partner authority is a relevant NHS body and the report was provided to the body under Rule 18.

³⁶ Subject to provisions relating to confidential and exempt information in Section 9FG of the 2000 Act

³⁷ Subject to provisions relating to confidential and exempt information in Section 9FG of the 2000 Act

³⁸ or if this is not reasonably possible, as soon as reasonably possible thereafter

³⁹ or if this is not reasonably possible, as soon as reasonably possible thereafter

Flood risk management

- 14.7 A risk management authority must have regard to reports and recommendations of the relevant Scrutiny Board exercising statutory functions in relation to the scrutiny of flood risk management.
- 14.8 Where that Scrutiny Board requests a response to a report from a risk management authority, the risk management authority must:
- respond to the Board within 28 days or a longer period as agreed between the risk management authority and the Scrutiny Board, and
 - indicate what (if any) action the risk management authority proposes to take, if a response to a report is requested.

15.0 WITNESSES – GENERAL PRINCIPLES

- 15.1 Where a Scrutiny Board wishes to take evidence from a witness, the Scrutiny 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.
- 15.2 Those assisting the Scrutiny Board by giving evidence shall be treated with respect and courtesy⁴⁰.

16.0 MEMBERS AND OFFICERS GIVING ACCOUNT/ INFORMATION

- 16.1 A Scrutiny Board may require any Executive Member, or Member in relation to a matter where the Member has exercised functions⁴¹, the Chief Executive and/or any senior officer to attend before it to answer questions and provide information about any matter within its terms of reference;
- 16.2 It is the duty of those officers and Members to attend and to answer questions⁴².
- 16.3 The Chair of a Scrutiny Board will inform the Scrutiny Officer if the Scrutiny Board requires any Member (including an Executive Member) or officer to attend a Scrutiny Board under this provision. The Scrutiny 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.
- 16.4 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.

⁴⁰ see Member/Officer Protocol in Part 5 of the Constitution.

⁴¹ under Section 236 of the 2007 Act

⁴² A Member or officer is not obliged to answer any question which he would be entitled to answer in or for the purposes of proceedings in a Court Section 9FA of the 2000 Act .

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- 16.5 Where the Scrutiny Board requires the person to produce a report, then the Scrutiny Officer will give the Member or officer concerned sufficient notice to prepare it.
- 16.6 The Chair of the Scrutiny Board will inform the Scrutiny Officer where a Scrutiny Board requires a Director to attend a Scrutiny Board in person.
- 16.7 Directors may be accompanied by any other officer the Director feels appropriate.
- 16.8 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.
- 16.9 Where, in exceptional circumstances, the Member or officer is unable to attend on the required date, then the Scrutiny 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.

Crime and Disorder Committee

- 16.10 Subject to giving reasonable notice of the intended date of attendance, the Scrutiny Board (~~Safer and Stronger~~Citizens and Communities)⁴³ may require an officer or employee of a responsible authority⁴⁴ or of a co-operating person or body⁴⁵ in order to answer questions.
- 16.11 The Scrutiny Board (~~Safer and Stronger~~Citizens and Communities) may in writing request responsible authorities and co-operating persons and bodies to provide it with information.

Partner authorities

- 16.12 Scrutiny Board may in writing request a partner authority to provide such information, as the Scrutiny Board may reasonably require in order to discharge its functions, being information which relates to the functions of the relevant partner authority so far as exercisable in relation to the authority's area, or the inhabitants of that area.
- 16.13 A partner authority must comply with any such request.⁴⁶

Flood risk management

- 16.14 The Scrutiny Board exercising the authority's statutory functions in relation to the scrutiny of flood risk management may request information from any risk management authority. This may be a request to attend to give information orally to the Board.

⁴³ In its capacity as crime and disorder committee

⁴⁴ See footnote 4

⁴⁵ See footnote 4

⁴⁶ Subject to Regulations 5 and 6 Local Authorities (Overview and Scrutiny Committees) (England) Regulations 2012 (SI 2012/1021).

16.15 The risk management authority must comply with any such request made in writing within 28 days, or longer period as agreed between the risk management authority and the Board.

16.16 Where confidential information must be disclosed by a risk management authority, the Scrutiny Board must hold that meeting in private, and not disclose the information except as provided for in regulations.⁴⁷

17.0 ATTENDANCE BY OTHERS

17.1 A Scrutiny Board may invite members of the public or other persons to attend meetings, address it, discuss issues of local concern and/or answer questions on matters within its Terms of Reference⁴⁸.

18.0 HEALTH SCRUTINY FUNCTIONS EXERCISED BY THE SCRUTINY BOARD (~~HEALTH AND WELLBEING AND ADULT SOCIAL CARE SERVICES AND PUBLIC HEALTH~~)⁴⁹

18.1 Information and explanations

18.1.2 A relevant NHS body⁵⁰ or health service provider⁵¹ 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.⁵²

18.1.3 Subject to giving reasonable notice of the intended date of attendance, the Board may require any member or employee of a relevant NHS body or relevant health service provider to attend and answer such questions as appear to the Board to be necessary for discharging its functions.⁵³

18.2 Review and scrutiny of matters relating to the planning, provision and operation of the health service

18.2.1 Health matters referred by Healthwatch Leeds

Healthwatch Leeds may refer any matter relating to the planning, provision and operation of the health service, to the Scrutiny Board. The Scrutiny Officer shall

⁴⁷ See further Flood Risk Management Overview and Scrutiny Committee (England) Regulations 2011/697

⁴⁸ It may for example wish to hear from residents, stakeholders, Members or officers in other parts of the public sector.

⁴⁹ These are functions of the authority under Section 244 National Health Service Act 2006 delegated to the Board and exercised in accordance with regulations (SI 2013/218)

⁵⁰ The relevant NHS bodies for this purpose are: NHS England, CCGs which provide services to people living in the authority's area, and an NHS trust or NHS foundation trust which provides services to people who live in the authority's area.

⁵¹ A relevant health service provider for this purpose is a body or person other than an NHS trust or NHS foundation trust, which provides any relevant services to people living in the area of the authority.

⁵² In accordance with Regulation 26

⁵³ In accordance with Regulation 27.

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add any such referral to the agenda for the next Ordinary Meeting of the Scrutiny Board.

The Scrutiny Officer shall acknowledge receipt of all such referrals on behalf of the Scrutiny Board, within 20 working days of its receipt.

At the next Ordinary Meeting, the Scrutiny Board shall consider any such referral which the Scrutiny Officer has added to the agenda.

The Scrutiny Officer will inform Healthwatch Leeds about any action taken in relation to the matter.

18.2.2 Comments and relevant information

In exercising its functions to review and scrutinise any matter relating to the planning, provision and operation of the health service, the Scrutiny Board must:

- invite interested parties to comment on the matter, and
- take into account relevant information available to it, in particular any information provided by Healthwatch Leeds if it has referred the matter to the Board.

18.2.3 Reports and recommendations

The Scrutiny Board may make reports and recommendations to a relevant NHS body, health service provider, or to full Council ~~Such reports and recommendations must include:~~

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

Where the Scrutiny Board has completed its review and made reports and recommendations to relevant NHS bodies or health service providers, ~~the Scrutiny Officer will copy the report to:~~

~~Local MPs and MEPs;
Leeds Voice;
Healthwatch Leeds;
The Health and Wellbeing Board; and
Other bodies or organisations that have expressed an interest in the Inquiry.~~

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

Where the Scrutiny Board requests a response from a relevant NHS body or health service provider to whom it has made a report or recommendation, that body shall respond in writing to the Scrutiny Board within 28 days.

~~The response should also be copied to:~~

- ~~Local MPs and MEPs;~~
- ~~Leeds Voice;~~
- ~~Healthwatch Leeds;~~
- ~~The Health and Wellbeing Board; and~~
- ~~Other bodies or organisations that have expressed an interest in the Inquiry.~~

The Scrutiny Officer will also place a copy of the response on the Council's website.

18.3 Consultation by a relevant NHS body or health service provider

18.3.1 A relevant NHS body or health service provider⁵⁴ must consult the Scrutiny Board 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 service⁵⁵.

18.3.2 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 or health service provider shall notify the Scrutiny Board immediately of:

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

Comments and recommendations

18.3.3 The Scrutiny Board may make comments (including recommendations) about the proposal, by the date specified by the NHS body or health service provider.

18.3.4 If the Board has not commented or made a recommendation about a proposal, the Board must inform the NHS body or health service provider whether it proposes to make a report to the Secretary of State, or the date when it will decide whether to make such a report. If the latter, the Board must make the decision by the given date, and inform the relevant NHS body or health service provider about it.

18.3.5 The NHS body or health service provider must notify the Board if they disagree with any of the Board's recommendations, in which case the NHS body or health service provider must take such steps as are reasonably practicable to try to reach agreement.

18.3.6 Subject to 18.3.7 below, the Scrutiny Board may report to the Secretary of State in writing where:

(a) it is not satisfied that:

- consultation on any proposal has been adequate in relation to content or time allowed; or
- where no consultation has been carried out, the reasons given by the NHS body or health service provider are adequate; or

⁵⁴ Where the relevant NHS body or health service provider is an NHS trust, an NHS foundation trust or a relevant health service provider, and the proposal relates to services which a CCG or NHS England is responsible for arranging, the functions of the relevant NHS body or health service provider must be discharged by the responsible commissioner.

⁵⁵ Regulation 23, subject to exemptions set out in Regulation 24

(b) the Board considers that the proposal would not be in the interests of the health service in its area.

18.3.7 The Board may not make a report to the Secretary of State:

(a) where the relevant NHS body or health service provider has notified the Board that it disagrees with any recommendation, unless the Board is satisfied that:

- agreement has not been reached within a reasonable period of time;
- the relevant NHS body or health service provider has failed to comply with its duty to try to reach agreement; or

(b) where no comments or recommendations have been made, and the Board has not complied with 18.3.4 above.

18.3.8 A report to the Secretary in State must include:

- An explanation of the proposal;
- If the Board is not satisfied that consultation has been adequate, the reasons for this;
- If the Board is not satisfied that the reasons for not consulting are adequate, the reasons for this;
- Where the Board considers that the proposal would not be in the interests of the health service, a summary of the evidence considered, including any evidence of the effect or potential effect of the proposal on the sustainability of otherwise of the health services in the area of the authority;
- An explanation of any steps the Board has taken to try to reach agreement with the relevant NHS body or health service provider;
- Evidence that the Board has complied with the conditions in 18.3.7above;
- An explanation of the reasons for making the report;
- Any evidence in support of those reasons.

18.3.9 Where the Board has reported to the Secretary of State, the Secretary of State may (depending on the reasons in the report) make a decision about the adequacy of the consultation, reasons for non-consultation, or a final decision on the proposal.

18.3.10The Secretary of State may give a direction to NHS England or a CCG requiring consultation (or further consultation), or the matter to be determined in a particular way, or steps to be taken or not taken.

ARTICLE 6 – SCRUTINY BOARDS

6.1 ROLE

The Council will appoint the following Scrutiny Boards to exercise functions conferred by section 9F of the Local Government Act 2000 and in accordance with the National Health Service Act 2006, in accordance with their terms of reference¹.

- Scrutiny Board (~~Health and Well-being and~~ Adult Social Services and Public Health-Care)²
- Scrutiny Board (Strategy and Resources ~~and Council Services~~)
- Scrutiny Board (~~Children's Services and Families~~)
- Scrutiny Board (~~Sustainable Economy and Culture~~ City Development)³
- Scrutiny Board (~~Safer and Stronger~~ Citizens and Communities) ~~– which shall be the authority's crime and disorder committee~~
- Scrutiny Board (Environment and Housing ~~and Regeneration~~) ~~– which shall be the authority's crime and disorder committee~~

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 State⁴.

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
- 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.

The Scrutiny Board (~~Health and Well-being and~~ Adult Social Care Services and Public Health) will also exercise functions of the authority⁵ to:

- review or scrutinise any matter relating to the planning, provision and operation of health services in the authority's area;

¹ As set out at Part 3 Section 2A of the Constitution

² Which shall respond to any consultation made under the Local Authority (Overview and Scrutiny Committees Health Scrutiny Functions) Regulations 2002.

³ Which shall undertake the authority's statutory functions in relation to the scrutiny of flood risk management

⁴ Section 9FA Local Government Act 2000

⁵ In accordance with regulations issued under Section 244 National Health Service Act 2006

Article 6 - Scrutiny Boards

- make reports and recommendations on any such matter reviewed or scrutinised by it; and
- respond to consultation by any relevant NHS body or health service provider.

The Scrutiny Board (~~Safer and Stronger Communities~~ Environment and Housing) is the Council's crime and disorder committee. In this capacity it will:

- review or scrutinise the exercise of crime and disorder functions⁶ by responsible authorities⁷;
- review or scrutinise any Member referred local crime and disorder matter⁸; and
- make reports or recommendations to the Council or the Executive about the exercise of crime and disorder functions⁹ or any local crime and disorder matter in relation to a Member¹⁰.

6.3 SPECIFIC ROLES

Vision for Scrutiny

The Council has adopted a Vision for Scrutiny, which is attached at Annex 1.

Policy development and review

Within their Terms of Reference 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;

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

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

⁸ 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.

⁹ See footnote 6

¹⁰ See footnote 8

Article 6 - Scrutiny Boards

- 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

Within their terms of reference all Scrutiny Boards may:

- 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.

Matters which fall within the terms of reference of the Scrutiny Board (~~Health and Well-being, and~~ Adult Social ~~Care~~Services and Public Health) include:

- arrangements made by local NHS bodies to secure hospital and community health services to the inhabitants of the authority's area and the quality and safety of such services;
- the provision of family health services, personal medical services, personal dental services, pharmacy and NHS ophthalmic services;
- arrangements made by the authority for public health, health promotion, health improvement and for addressing health inequalities;
- the planning of health services by NHS bodies, including plans made in co-operation with local authority's Health and Wellbeing Board for improving both the health of the local population and the provision of health care to that population;
- any matter referred by Healthwatch Leeds; and
- the arrangements made by relevant NHS bodies and health service providers for consulting and involving patients and the public.

The Scrutiny Board may make recommendations to the authority, relevant NHS bodies, or relevant health service providers arising from the scrutiny process.

Article 6 - Scrutiny Boards

6.4 SCRUTINY OFFICER

The Council has designated the post of Head of Scrutiny and Member Development, as Scrutiny Officer¹¹.

The functions of the Scrutiny Officer are:

- (a) to promote the role of the Scrutiny Boards;
- (b) to provide support to the Scrutiny Boards and their members¹²;
- (c) to provide support and guidance to Members (including Executive Members), and officers¹³, in relation to the Scrutiny Boards' functions;
- (d) to report to Council¹⁴ annually about how the authority has carried out its overview and scrutiny functions.

6.5 PROCEEDINGS

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

6.6 SCRUTINY BOARD CHAIRS

Group spokespersons shall not be appointed to Chair a Scrutiny Board which corresponds to the same portfolio.¹⁵

6.7 CO-OPTED MEMBERS

Education Representatives

The following shall be appointed as voting representatives on each relevant Scrutiny Board dealing with educational matters¹⁶:

- (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.

¹¹ Under Section 9FB Local Government Act 2000.

¹² The Scrutiny Officer shall exercise overall responsibility for the finances made available to Scrutiny Boards.

¹³ The Scrutiny Officer shall exercise overall responsibility for the work programme of the officers employed to support the work of the Scrutiny Boards.

¹⁴ After consultation with the relevant Scrutiny Chairs

¹⁵ This does not apply to those groups who have less than 10% of the membership of the Council

¹⁶ 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

Article 6 - Scrutiny Boards

Crime and Disorder Committee

Subject to the following provisions, in its capacity as crime and disorder committee, the Scrutiny Board (~~Safer and Stronger Communities~~ Environment and Housing) may co-opt additional members to serve on the Board¹⁷.

The Scrutiny Board cannot in this capacity co-opt 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 Board¹⁸:

- (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

¹⁷ The Crime and Disorder (Overview and Scrutiny) Regulations 2009

¹⁸ 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.

Vision for Scrutiny at Leeds

“To promote democratic engagement through the provision of an influential scrutiny function which is held in high regard by its many stakeholders and which achieves measurable service improvements which add value for the people of Leeds through a member led process of examination and review”

To achieve this Scrutiny will follow the nationally agreed ‘Four Principles of Good Scrutiny’;

1. Provide ‘critical friend’ challenge to decision makers, through holding them to account for decisions made, engaging in policy review and policy development;
2. Promote Scrutiny as a means by which the voice and concerns of the public can be heard;
3. Ensure Scrutiny is carried out by ‘independent minded’ Board members;
4. Improve public services by ensuring reviews of policy and service performance are focused.

To succeed Council recognises that the following conditions need to be present;

- Parity of esteem between the Executive and Scrutiny
- Co-operation with statutory partners
- Member leadership and engagement
- ~~Clarity and focus of purpose~~
- Genuine non-partisan working
- Evidence based conclusions and recommendations
- Effective dedicated officer support
- Supportive Directors and senior officer culture

Council agrees that it is incumbent upon Scrutiny Boards to recognise that resources to support the Scrutiny function are, (like all other Council functions), under considerable pressure and that requests from Scrutiny Boards cannot always be met. Therefore Council agrees that constructive consultation should take place between the Executive and Scrutiny about the availability of resources prior to any work being undertaken.

Consequently, when establishing their work programmes Scrutiny Boards should

- **Seek the advice of the Scrutiny officer, the relevant Director and Executive Member about available resources**

- *Avoid duplication by having a full appreciation of any existing forums already having oversight of, or monitoring a particular issue (e.g. Plans Panel, Housing Advisory Board, established member working groups, other Scrutiny Boards)*
- *Ensure any Scrutiny undertaken has clarity and focus of purpose and will add value and can be delivered within our agreed time frame.*

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Corporate Governance and Audit Committee

The Corporate Governance and Audit Committee is authorised to discharge the following functions¹:

1. to consider the Council's arrangements relating to accounts² 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 Annual Governance Statement³; 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) and

5. to consider the Council's arrangements relating to internal audit requirements including:
 - (a) reviewing and approving the Internal Audit Charter;
 - (b) reviewing and approving the risk-based plan and any additional significant work⁴;
 - (c) considering the Annual Internal Audit Report
 - (d) monitoring the performance of internal audit

¹ 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.

² Item 45 Paragraph I Schedule 1 of Local Authorities (Functions and Responsibilities) (England) Regulations as amended.

³ The Annual Governance Statement is Leeds City Council's Statement on Internal Control which is approved under Regulation 4(3) of the Accounts and Audit (England) Regulations 2011.

⁴ As defined in the Internal Audit Charter

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ITEM 9 - ESTABLISHMENT OF COMMITTEES AND APPOINTMENTS

Schedule 9 (a) Terms of Reference for Committees, Boards and Panels

Schedule 9 (b)(i)(ii) , (iii) and (iv) detailing appointments to Committees, Boards and Panels

Schedule 9(C) detailing the appointment of Chairs to Committees, Boards and Panels

Schedule 9(d) (i) and(ii) detailing the appointment of Chairs to Community Committees

Schedule 9(e) detailing appointments to Outside Bodies and Joint Committees

Schedule 9(f) detailing appointments and nominations to the West Yorkshire Combined Authority

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Schedule 9(A) Approval of Committee Terms of Reference

(attached)

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Scrutiny Board (Strategy and Resources)

The Scrutiny Board (Strategy and Resources) is authorised to discharge the following overview and scrutiny functions¹:

1. to review or scrutinise decisions made or other action taken in connection with any council or executive function or any matter which affects the authority's area or the inhabitants of that area;²
2. to receive and consider requests for Scrutiny from any source;
3. to review or scrutinise the performance of such Trust / Partnership Boards as fall within its remit;
4. to act as the appropriate Scrutiny Board³ in relation to the Executive's initial proposals for a plan or strategy within the Budget and Policy Framework which falls within its remit;⁴
5. to review or scrutinise executive decisions that have been Called In; and
6. to make such reports and recommendations as it considers appropriate and to receive and monitor formal responses to any reports or recommendations made.

¹ In relation to functions delegated under the Officer Delegation Schemes for the Chief Executive, the Deputy Chief Executive, and the City Solicitor (whether or not those functions are concurrently delegated to any other committee or officer); and any other function not within the terms of reference of any other Scrutiny Board.

² Including matters pertaining to outside bodies and partnerships to which the authority has made appointments

³ Under the Budget and Policy Framework Procedure Rules

⁴ Including in relation to the Budget

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Scrutiny Board (Citizens and Communities)

The Scrutiny Board (Citizens and Communities) is authorised to discharge the following overview and scrutiny functions¹:

1. to review or scrutinise decisions made or other action taken in connection with any council or executive function of any matter which affects the authority's area or the inhabitants of that area;²
2. to receive and consider requests for Scrutiny from any source;
3. to review or scrutinise the performance of such Trust / Partnership Boards as fall within its remit;
4. to act as the appropriate Scrutiny Board in relation to the Executive's initial proposals for a plan or strategy within the Budget and Policy Framework which falls within its remit;³
5. to review or scrutinise executive decisions that have been Called In; and
6. to make such reports and recommendations as it considers appropriate and to receive and monitor formal responses to any reports or recommendations made by the Board.

¹ In relation to the functions delegated to the Assistant Chief Executive (Citizens and Communities) under the Officer Delegation Scheme whether or not those functions are concurrently delegated to any other committee or officer.

² Including matters pertaining to outside bodies and partnerships to which the authority has made appointments

³ In accordance with Budget and Policy Framework Procedure Rules.

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Scrutiny Board (Children's Services)

The Scrutiny Board (Children's Services) is authorised to discharge the following overview and scrutiny functions¹:

1. to review or scrutinise decisions made or other action taken in connection with any council or executive function or any matter which affects the authority's area or the inhabitants of that area;²
2. to receive and consider requests for Scrutiny from any source;
3. to review or scrutinise the performance of such Trust / Partnership Boards as fall within its remit;
4. to act as the appropriate Scrutiny Board in relation to the Executive's initial proposals for a relevant plan or strategy within the Budget and Policy Framework which falls within its remit;³
5. to review or scrutinise executive decisions that have been Called In; and
6. to make such reports and recommendations as it considers appropriate and to receive and monitor formal responses to any reports or recommendations made.

¹ In relation to functions delegated to the Director of Children's Services under the Officer Delegation Scheme whether or not those functions are concurrently delegated to any other committee or officer.

² Including matters pertaining to outside bodies and partnerships to which the authority has made appointments.

³ In accordance with Budget and Policy Framework Procedure Rules.

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Scrutiny Board (City Development)

The Scrutiny Board (City Development) is authorised to discharge the following overview and scrutiny functions¹:

1. to review or scrutinise decisions made or other action taken in connection with any council or executive function, or any matter which affects the authority's area or the inhabitants of that area;²
2. to receive and consider requests for Scrutiny from any source;
3. to review or scrutinise the performance of Trust / Partnership Boards as fall within its remit;
4. to act as the appropriate Scrutiny Board in relation to the Executive's initial proposals for a relevant plan or strategy within the Budget and Policy Framework which falls within its remit;³
5. to review or scrutinise executive decisions that have been Called In;
6. to review and scrutinise the exercise by risk management authorities⁴ of flood risk management functions⁵ which may affect the Leeds City Council area;⁶ and
7. to make such reports and recommendations as it considers appropriate and to receive and monitor formal responses to any reports or recommendations made.

¹ In relation to functions delegated to the Director of City Development and the Chief Planning Officer under the Officer Delegation Scheme whether or not those functions are concurrently delegated to any other committee or officer.

² Including matters pertaining to outside bodies and partnerships to which the authority has made appointments.

³ In accordance with Budget and Policy Framework Procedure Rules.

⁴ As defined by Section 6 Flood and Water Management Act 2010

⁵ As defined by Section 4 Flood and Water Management Act 2010

⁶ In accordance with Section 9FH Local Government Act 2000

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Scrutiny Board (Environment and Housing)

The Scrutiny Board (Environment and Housing) is authorised to discharge the following overview and scrutiny functions¹:

1. to review or scrutinise decisions made or other action taken in connection with any council or executive function or any matter which affects the authority's area or the inhabitants of that area;²
2. to receive and consider requests for Scrutiny from any source;
3. to review or scrutinise the performance of such Trust / Partnership Boards as fall within its remit;
4. to act as the appropriate Scrutiny Board in relation to the Executive's initial proposals for a relevant plan or strategy within the Budget and Policy Framework which falls within its remit;³
5. to review or scrutinise executive decisions that have been Called In;
6. to exercise the functions of a crime and disorder committee⁴, including the following:
 - a. to review or scrutinise the exercise of crime and disorder functions⁵ by responsible authorities;⁶
 - b. to review or scrutinise any local crime or disorder matter raised by a Member;⁷ and
7. to make such reports and recommendations as it considers appropriate and to receive and monitor formal responses to any reports or recommendations made.

¹ In relation to functions delegated to the Director of Environment and Housing under the Officer Delegation Scheme (Executive Functions) whether or not those functions are concurrently delegated to any other committee or officer.

² Including matters pertaining to outside bodies and partnerships to which the authority has made appointments.

³ In accordance with Budget and Policy Framework Procedure Rules.

⁴ In accordance with Section 19 Police and Justice Act 2006

⁵ As defined by Section 6 Crime and Disorder Act 1998 (formulating and implementing crime and disorder strategies).

⁶ These are the authorities responsible for crime and disorder strategies set out in Section 5 of the Crime and Disorder Act 1998

⁷ 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.

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Scrutiny Board (Adult Social Services, Public Health, NHS)

The Scrutiny Board (Adult Social Services, Public Health, NHS) is authorised to discharge

1. the following overview and scrutiny functions:¹
 - a) to review or scrutinise decisions made or other action taken in connection with any council or executive function or any matter which affects the authority's area or the inhabitants of that area;²
 - b) to receive and consider requests for Scrutiny from any source;
 - c) to review or scrutinise the performance of such Trust / Partnership Boards as fall within its remit;
 - d) to act as the appropriate Scrutiny Board in relation to the Executive's initial proposals for a relevant plan or strategy within the Budget and Policy Framework which falls within its remit;³
 - e) to review or scrutinise executive decisions that have been Called In; and
 - f) to make such reports and recommendations as it considers appropriate and to receive and monitor formal responses to any reports or recommendations made.
2. the following functions of the authority:⁴
 - a) to review and scrutinise any matter relating to the planning, provision and operation of the health service in its area and to make reports and recommendations on any such matter it has reviewed or scrutinised;
 - b) to comment on, make recommendations about, or report to the Secretary of State in writing about such proposals as are referred to the authority by a relevant NHS body or a relevant health service provider; and
 - c) to nominate Members to any joint overview and scrutiny committee appointed by the authority.⁵

¹ In relation to functions delegated to the Director of Adult Social Services and the Director of Public Health under the Officer Delegation Scheme whether or not those functions are concurrently delegated to any other committee or officer, and functions exercised by the Health and Wellbeing Board.

² Including matters pertaining to outside bodies or partnerships to which the authority has made appointments.

³ In accordance with Budget and Policy Framework Procedure Rules.

⁴ In accordance with regulations issued under Section 244 National Health Service Act 2006 (the regulations).

⁵ such nominations to reflect the political balance of the Board.

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Standards and Conduct Committee

The Standards and Conduct Committee is authorised to discharge the following functions:

1. To promote and maintain high standards of conduct by members and co-opted members of the authority¹.
2. To advise the authority in relation to the adoption, revision or replacement of the code dealing with the conduct that is expected of members and co-opted members of the authority when they are acting in that capacity.
3. To consider and determine written allegations that a member or co-opted member of the authority has failed to comply with the authority's code of conduct, or that a member or co-opted member of a parish council in the Leeds area has failed to comply with the parish council's code of conduct².
4. Following a determination of whether or not a member or co-opted member of the authority has failed to comply with the code of conduct, to consider whether or not action might be necessary, and to make recommendations³ on the form of action⁴.
5. To advise the authority in relation to the adoption, revision or replacement of the code dealing with the conduct that is expected of employees of the authority⁵.

¹ In accordance with Section 27 of the Localism Act 2011.

² In accordance with Section 28(6), (7) and (9) of the Localism Act 2011.

³ Including to full Council, the Leader, the Chief Executive, or the relevant Group Whip.

⁴ In accordance with Section 28(11) of the Localism Act 2011.

⁵ It is not the function of the Committee to determine or become involved in individual employee conduct or disciplinary cases.

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Corporate Governance and Audit Committee

The Corporate Governance and Audit Committee is authorised to discharge the following functions¹:

1. to consider the Council's arrangements relating to accounts² 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 Annual Governance Statement³; 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) and
5. to consider the Council's arrangements relating to internal audit requirements including:
 - (a) reviewing and approving the Internal Audit Charter;
 - (b) reviewing and approving the risk-based plan and any additional significant work⁴;
 - (c) considering the Annual Internal Audit Report
 - (d) monitoring the performance of internal audit

¹ 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.

² Item 45 Paragraph I Schedule 1 of Local Authorities (Functions and Responsibilities) (England) Regulations as amended.

³ The Annual Governance Statement is Leeds City Council's Statement on Internal Control which is approved under Regulation 4(3) of the Accounts and Audit (England) Regulations 2011.

⁴ As defined in the Internal Audit Charter

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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 any Council (non-executive) function¹ delegated² to a Director³ which does not fall within the terms of reference of any other 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.⁴

¹ These functions include local choice functions, which have been determined as non executive functions.

² Whether or not the post is vacant

³ 'Director' includes those Officers specified in Sections 1 and 2 of Part 3 of the Constitution.

⁴ 'Function' in this context does not include shared functions with the executive

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Community Committees

Within each Committee's area:

(Council functions)

1. To adopt and review a Community Plan¹;
2. to make Elected Member² appointments³ to Outside Bodies as determined by the Member Management Committee;
3. to advise or make representations to the Council or the Executive Board⁴ on all matters affecting community interests;⁵
4. to consider and respond to consultations on planning briefs and frameworks and on major development proposals;⁶
5. to consider proposals referred to the Committee by the Council or the Executive Board⁷ and to report back the Committee's views to the referring body;⁸
6. to receive and hear deputations;
7. to consider the performance, targeting, frequency and co-ordination of services and make recommendations to the Executive and to the Council's partners as appropriate;⁹

(Executive functions)¹⁰

8. *to promote and improve the economic, social and environmental well-being of the Committee's area*¹¹;
9. *to exercise Executive Functions*;¹²

¹ Which shall include such community engagement plans as necessary and appropriate to reflect the themes, neighbourhoods and communities in the area.

² Including the appointment of a suitable nominee as set out in the Appointments to Outside Bodies Procedure Rules

³ In accordance with the Appointments to Outside Bodies Procedure Rules at Part 4 of the Constitution.

⁴ Or to any committee appointed by the Council or the Executive

⁵ This is an advisory function under Section 102(4) Local Government Act 1972.

⁶ This is an advisory function under Section 102(4) Local Government Act 1972.

⁷ Or to any committee appointed by the Council or the Executive

⁸ This is an advisory function under Section 102(4) Local Government Act 1972.

⁹ This is an advisory function under Section 102(4) Local Government Act 1972

¹⁰ All executive functions will be exercisable concurrently with the Executive Board.

¹¹ In furtherance of, and subject to the limitations set out in the Community Committee Executive Delegation Scheme detailed in Part 3 Section 3D(a) of the Constitution, as determined from time to time by the Executive Board

¹² As determined from time to time by the Executive and in furtherance of, and subject to the limitations set out in the Community Committee Executive Delegation Scheme detailed in Part 3 Section 3D(a) of the Constitution and the Community Committee Procedure Rules in Part 4 of the Constitution.

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Employment Committee

The Employment Committee is authorised to discharge the following Council (non-executive)¹ functions².

1. to make recommendations to Council to appoint or dismiss the Chief Executive.
2. to take disciplinary action short of dismissal against the Chief Executive.
3. to hear any grievance submitted by the Chief Executive and referred to it by the Chief Officer Human Resources.
4. to hear any appeal referred to it by the Chief Officer Human Resources against the outcome of the first formal stage of a grievance against the Chief Executive.
5. to suspend the Chief Executive, Monitoring Officer or Deputy Chief Executive pending completion of the disciplinary process. Any such suspension must not last longer than two months (unless extended by the Designated Independent Person³).
6. to appoint or dismiss or take disciplinary action against Directors⁴.
7. to deal with appeals⁵ relating to grading, grievance and disciplinary action short of dismissal in respect of the Chief Executive.
8. to deal with appeals⁵ relating to grading, grievance and disciplinary action (including dismissal) in respect of Directors⁴.

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

² '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

³ Regulation 6 and Schedule 3 of the Local Authorities (Standing Orders) (England) Regulations 2001

⁴ 'Directors' in this context is to be construed as any officer referred to in sub-paragraph (b), (c), or (d) of paragraph 3 of Part II of Schedule 1 of the Local Authorities (Standing Orders)(England) Regulations 2001, namely:

- the Deputy Chief Executive, the Assistant Chief Executive, 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 to, 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.

⁵ Any such appeals shall be heard by a differently constituted Employment Committee from that which heard the original grievance or dealt with the original disciplinary proceedings, as the case may be

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Member Management Committee

The Member Management Committee is authorised to discharge the following functions¹:

1. to determine which outside bodies² require Elected Member ³ 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 Bodies⁴;
2. to determine requests to establish informal Working Groups of Members, except where such a request falls to be determined by another Committee⁵;
3. to act as an Advisory Body for the purposes of implementing practices and procedures affecting Elected Members⁶; and
4. to consider matters in relation to the Training and Development of Elected Members;
5. to represent the views of Elected Members to the executive, in relation to the provision to Elected Members of information, communication and associated technologies; and
6. to represent the views of Elected Members to the executive, in relation to the provision of accommodation for Elected Members.

¹ '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.

² Excluding those appointments which are reserved to full Council

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

⁴ Within the Appointments to Outside Bodies Procedure Rules, 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 Community Committee is the Appointing Body).

⁵ 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.

⁶ 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

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The Licensing Committee

With the exception¹ of

- any function of the licensing authority under the Licensing Act 2003 (the 2003 Act), the Gambling Act 2005 (the 2005 Act), or the Police Reform and Social Responsibility Act 2011 (the 2011 Act) reserved to full Council;² or
- any licensing function where full Council has referred a matter to another committee,³

the Licensing Committee is authorised to discharge⁴ the following functions⁵:

1. to discharge the licensing functions of the licensing authority;⁶
- 2.1 to discharge any other function of the authority referred to it by full Council;⁷
- 2.2 pursuant to the provision in section 2.1 above full Council has delegated to the Licensing Committee the following functions:
 - 2.2.1 the power to make a designated public places order in respect of alcohol consumption under the Criminal Justice and Police Act 2001⁸
 - 2.2.2 hackney carriages and private hire vehicles⁹
 - 2.2.3 sexual entertainment venues, sex shops and sex cinemas¹⁰
 - 2.2.4 performances of hypnotism¹¹
 - 2.2.5 charitable collections¹²
 - 2.2.6 the late night levy¹³

¹ In accordance with Section 7(2) of the 2003 Act or s154 (2) (a) and (c) of the 2005 Act.

² Part 3, Section 2A of the Constitution sets out functions of the licensing authority reserved to full Council, as licensing authority under the 2003 Act, 2005 Act or 2011 Act.

³ Under the provisions of Section 7(5)(a) of the 2003 Act.

⁴ 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.

⁵ '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.

⁶ This includes the power to set fees under Section 212 of the 2005 Act

⁷ 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 both 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.

⁸ Item 49 of Para I of Schedule 1 to the 2000 Regulations

⁹ Item 3 – 5 of Para. B of Schedule 1 to the 2000 Regulations

¹⁰ Item 15 of Para. B of Schedule 1 to the 2000 Regulations and Section 27 Policing and Crime Act 2009 and Schedule 3 Local Government (Miscellaneous Provisions) Act 1982

¹¹ Item 16 of Para. B of Schedule 1 to the 2000 Regulations

¹² Item 39 of Para. B of Schedule 1 to the 2000 Regulations

¹³ In accordance with Chapter 2 of Part 2 of the 2011 Act including decisions in relation to the late night supply period, permitted exemption categories and permitted reduction categories in accordance with Sections 132 and 133 of that Act.

Council Committees' Terms of Reference

- 3 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.
4. to make recommendations to full Council in connection with the discharge of its functions as licensing authority;¹⁴ and
5. to receive reports from, and to make recommendations and representations to other committees or bodies as appropriate.¹⁵

¹⁴ Including recommendations arising from the monitoring of the operation and impact of the licensing or Gambling policy by the Licensing Committee.

¹⁵ 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)).

Area Plans Panels

The Area Plans Panels are authorised¹ to discharge² the following functions³

1. all Council (non-executive)⁴ functions relating to:
 - (a) town and country planning and development management⁵ with the exception of functions which the City Plans Panel is authorised to discharge.
 - (b) safety certificates for sports grounds⁶;
 - (c) common land or town and village greens⁷;
 - (d) street works and highways⁸;
 - (e) public rights of way⁹
 - (f) the protection of hedgerows and the preservation of trees¹⁰; and
 - (g) high hedges¹¹
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 function¹², where full Council has referred a matter to the Area Plans Panel.

¹ 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)

² 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.

³ "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

⁴ Local Authorities (Functions and Responsibilities)(England)Regulations 2000 as amended

⁵ Items 5-31, Para. A of Schedule 1 of the 2000 Regulations

⁶ Items 26 and 27 of Para B of Schedule 1 of the 2000 Regulations

⁷ Items 37, 38 and 72 of Para B and Items 51-53 of Para I of Schedule 1 of the 2000 Regulations

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

⁹ Part I of Para I of Schedule 1 of the 2000 Regulations

¹⁰ Items 46 and 47 of Para I of Schedule 1 of the 2000 Regulations

¹¹ Item 47A of Para. I of Schedule 1 of the 2000 Regulations

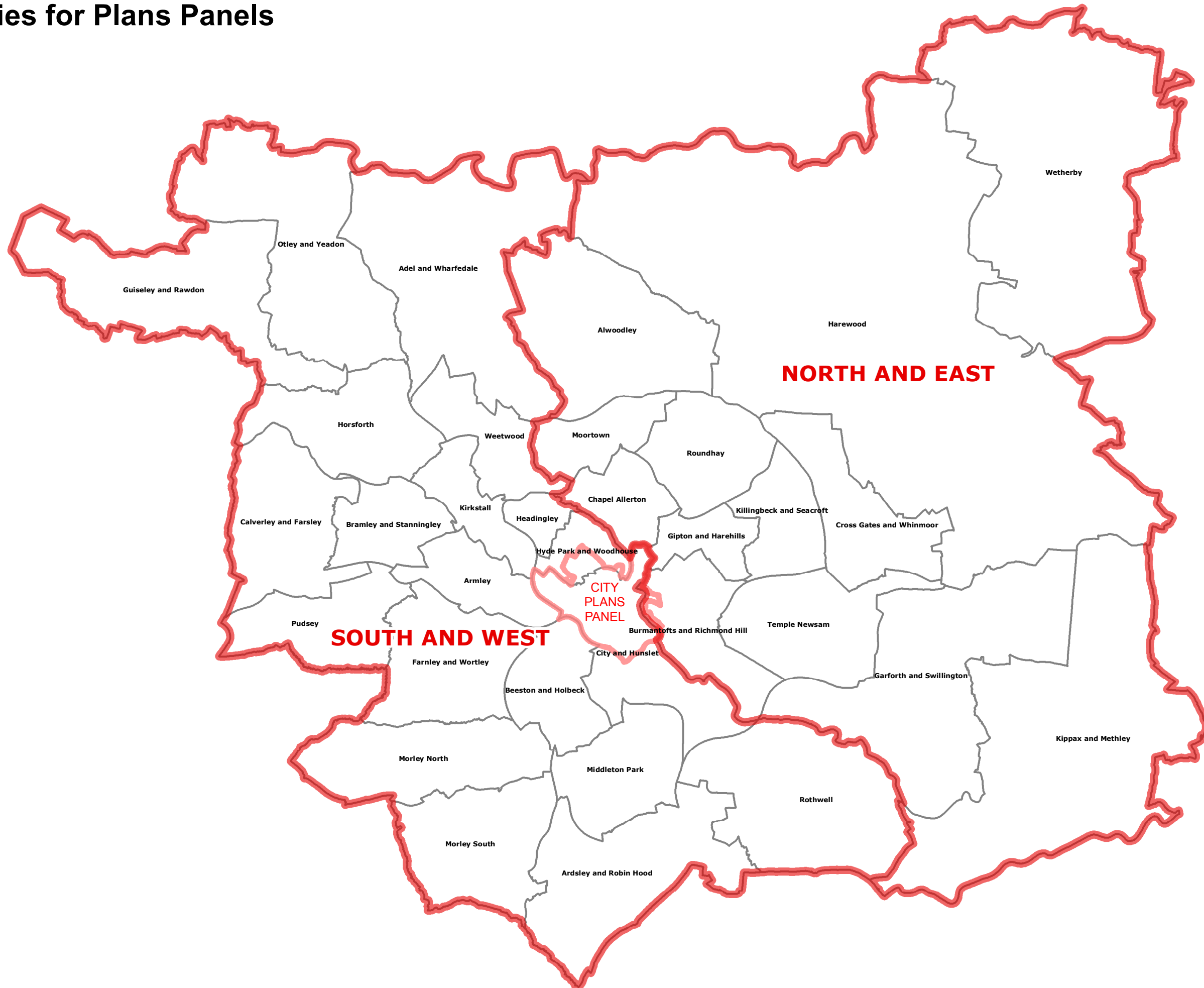
¹² (section 7 (5) (a) of the Licensing Act 2003) The matter must relate to:

- 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))

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Boundaries for Plans Panels



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City Plans Panel

The City Plans Panel is authorised to discharge¹ the following functions²

1. all Council (non-executive)³ functions relating to:
 - (a) town and country planning and development management⁴ in respect of the following types of applications:
 - proposals within the City Centre⁵
 - proposals that (in the opinion of the Chief Planning Officer having consulted the appropriate Executive Member⁶ and Chair of the relevant Area Plans Panel⁷ and the Chair of the City Plans Panel) are of major strategic significance (either individually or cumulatively) in terms of one or more of the following; job growth or retention; investment value and regeneration
 - residential schemes involving 200 residential units or more or a site area of 4 hectares or more if the number of units is not known.
 - non residential schemes involving proposed floor space of 5,000 square metres (gross) or more, or a site area of 2 hectare or more if the floor space is not known.
 - proposals that (in the opinion of the Chief Planning Officer having consulted the appropriate Executive Member and Chair of the relevant Area Plans Panel and the Chair of the City Plans Panel) are eligible for significant , time limited public funds (including PFI schemes)
 - (b) within the City Centre⁸ :
 - safety certificates for sports grounds⁹;
 - common land or town and village greens¹⁰;
 - street works and highways¹¹;
 - public rights of way¹²;
 - the protection of hedgerows and the preservation of trees¹³; and
 - high hedges¹⁴

¹ With the exception of any licensing function under the Licensing Act 2003, the City Plans 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.

² “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

³ Local Authorities (Functions and Responsibilities)(England)Regulations 2000 as amended

⁴ Items 5-31, Para. A of Schedule 1 of the 2000 Regulations

⁵ The City Centre for these purposes is the area indicated on the plan attached

⁶ An “appropriate Executive Member” is the Leader or other appropriate portfolio-holding Member of the Executive Board.

⁷ “relevant Area Plans Panel” means the Plans Panel which covers the geographical area within which the application is submitted

⁸ See footnote 5 for definition of City Centre

⁹ Items 26 and 27 of Para B of Schedule 1 of the 2000 Regulations

¹⁰ Items 37, 38 and 72 of Para B and Items 51-53 of Para I of Schedule 1 of the 2000 Regulations

¹¹ Items 41,46A to 55 of Para B of Schedule 1 of the 2000 Regulations

¹² Part I of Para I of Schedule 1 of the 2000 Regulations

¹³ Items 46 and 47 of Para I of Schedule 1 of the 2000 Regulations

Council Committees' Terms of Reference

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 function¹⁵ where full Council has referred a matter to the City Plans Panel.

¹⁴ Item 47A of Para. I of Schedule 1 of the 2000 Regulations

¹⁵ (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 City Plans Panel must consider a report of the Licensing Committee in respect of the matter before discharging the function concerned (Section 7 (6))

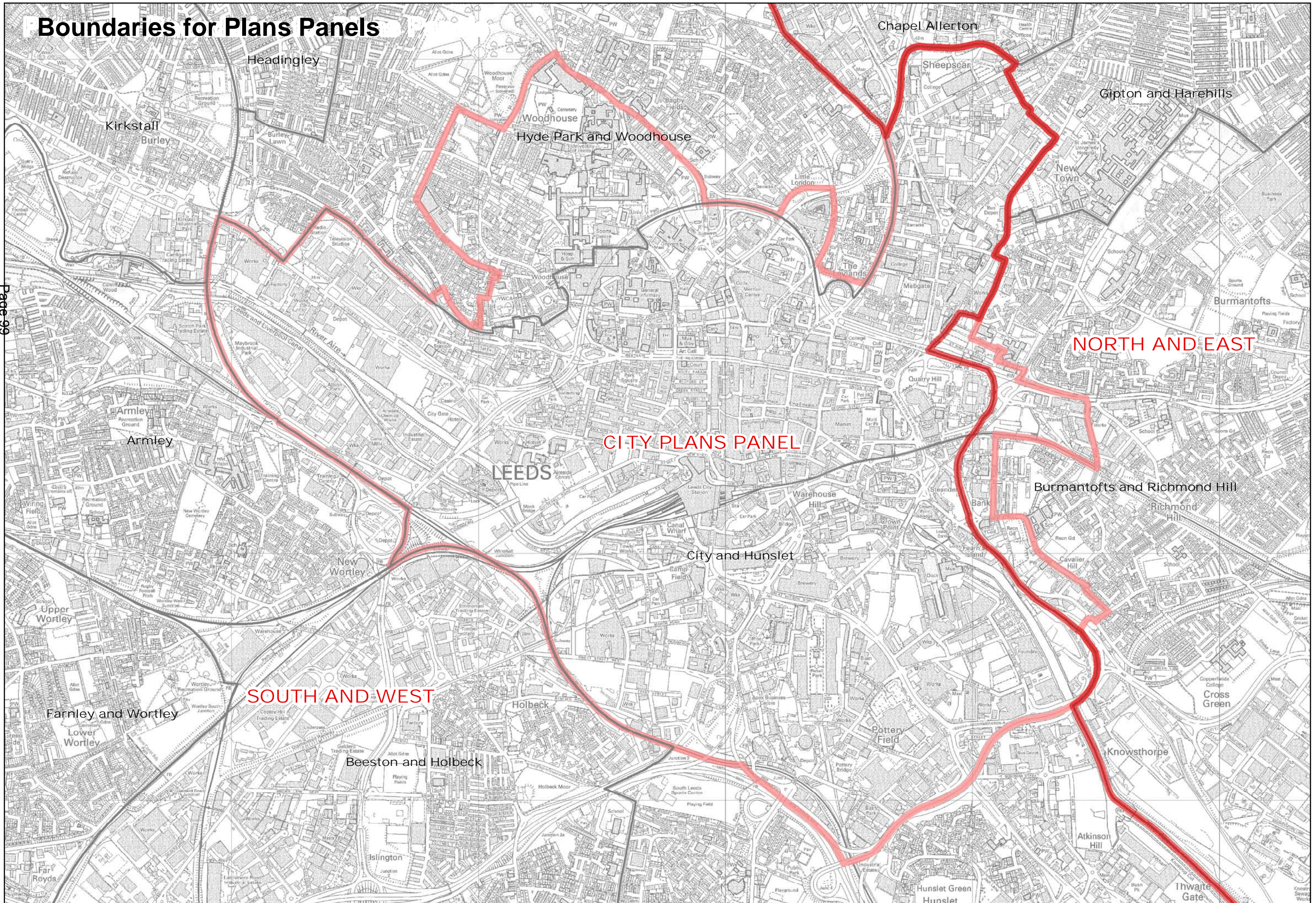
Part 3 Section 2B

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Boundaries for Plans Panels

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Health and Wellbeing Board

The Health and Wellbeing Board is authorised to carry out the following functions¹:

1. to encourage integrated working² in relation to arrangements for providing health, health-related or social care services;
2. to prepare and publish a joint strategic needs assessment (JSNA)³;
3. to prepare and publish a joint health and wellbeing strategy (JHWS)⁴;
4. to provide an opinion to the authority on whether the authority is discharging its duty to have regard to the JSNA, and the JHWS, in the exercise of its functions⁵;
5. to review the extent to which each Clinical Commissioning Group (CCG) has contributed to the delivery of the JHWS⁶;
6. to provide an opinion to each CCG on whether their draft commissioning plan takes proper account of the JHWS⁷;
7. to provide an opinion to NHS England on whether a commissioning plan published by a CCG takes proper account of the JHWS⁸;
8. to prepare a local pharmaceutical needs assessment⁹; and
9. to exercise any other functions of the authority which are referred to the Board by the authority¹⁰.

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

² In accordance with Section 195 Health and Social Care Act 2012. This includes encouraging arrangements under Section 75 National Health Service Act 2006 (the NHSA 2006).

³ Section 116 Local Government and Public Involvement in Health Act 2007 (the LGPIHA 2007)

⁴ Under Section 116A LGPIHA 2007

⁵ Under Section 116B LGPIHA 2007

⁶ Under Section 14Z15(3) and Section 14Z16 NHSA 2006

⁷ Section 14Z13(5) NHSA 2006

⁸ Section 14Z14 NHSA 2006

⁹ Section 128A NHSA 2006

¹⁰ The Leader may delegate executive functions to the Board at any time during the year, in accordance with the Executive and Decision Making Procedure Rules.

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ADVISORY COMMITTEE

Development Plan Panel

An advisory Committee¹ 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 are²

- 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 are²

- *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*

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

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

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ADVISORY COMMITTEE

Housing Advisory Board¹

In relation to the authority's role as housing authority², the Housing Advisory Board is authorised:

1. To consider and respond to the Executive in respect of proposals or consultations relating to:
 - The Housing Investment Plan and the Housing Service Plan;
 - The Key Lettings policy; and
 - Major projects under the capital programme.
2. To advise the Executive on the strategic direction of housing management;
3. To carry out such policy development tasks as may be requested by the Executive or the Council;
4. To review performance and make recommendations to the Executive as appropriate; and
5. To consider and advise on any other issue referred to the Housing Advisory Board by the Executive.

¹ Appointed by the Council as an advisory committee under Section 102(4) Local Government Act 1972

² 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.

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**Schedules 9(b)(i), (ii) and (iii) detailing appointments to
Committees, Boards and Panels**

(Schedules to follow)

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LEEDS CITY COUNCIL

ANNUAL MEETING

21st MAY 2015

APPROVAL OF MEMBERSHIP OF COMMUNITY COMMITTEES 2015/2016¹

Inner North West Community Committee

Councillor N Walshaw (Headingley)
Councillor J Pryor (Headingley)
Councillor J Walker (Headingley)
Councillor G Harper (Hyde Park & Woodhouse)
Councillor J Akhtar (Hyde Park and Woodhouse)
Councillor C Towler (Hyde Park & Woodhouse)
Councillor S Bentley (Weetwood)
Councillor J Chapman (Weetwood)
Councillor J Bentley (Weetwood)

Outer North West Community Committee

Councillor C Anderson (Adel & Wharfedale)
Councillor B Flynn (Adel & Wharfedale)
Councillor B Anderson (Adel & Wharfedale)
Councillor P Wadsworth (Guiseley & Rawdon)
Councillor P Latty (Guiseley & Rawdon)
Councillor G Latty (Guiseley & Rawdon)
Councillor D Collins (Horsforth)
Councillor B Cleasby (Horsforth)
Councillor C Townsley (Horsforth)
Councillor C Campbell (Otley & Yeadon)
Councillor R Downes (Otley & Yeadon)
Councillor S Lay (Otley & Yeadon)

¹ Exempt from proportionality under Statutory Instrument 1990/1553 Reg 16A

Inner North East Community Committee

Councillor M Rafique (Chapel Allerton)
Councillor J Dowson (Chapel Allerton)
Councillor E Taylor (Chapel Allerton)
Councillor R Charlwood (Moortown)
Councillor S Hamilton (Moortown)
Councillor A Sobel (Moortown)
Councillor C MacNiven (Roundhay)
Councillor G Hussain (Roundhay)
Councillor B Urry (Roundhay)

Outer North East Community Committee

Councillor D Cohen (Alwoodley)
Councillor P Harrand (Alwoodley)
Councillor N Buckley (Alwoodley)
Councillor R Procter (Harewood)
Councillor M Robinson (Harewood)
Councillor A Castle (Harewood)
Councillor A Lamb (Wetherby)
Councillor J Procter (Wetherby)
Councillor G Wilkinson (Wetherby)

Inner East Community Committee

Councillor A Khan (Burmantofts & Richmond Hill)
Councillor R Grahame (Burmantofts & Richmond Hill)
Councillor M Ingham (Burmantofts & Richmond Hill)
Councillor A Hussain (Gipton & Harehills)
Councillor K Maqsood (Gipton & Harehills)
Councillor R Harington (Gipton & Harehills)
Councillor C Dobson (Killingbeck & Seacroft)
Councillor B Selby (Killingbeck & Seacroft)
Councillor G Hyde (Killingbeck & Seacroft)

Outer East Community Committee

Councillor P Grahame (Crossgates & Whinmoor)
Councillor P Gruen (Crossgates & Whinmoor)
Councillor D Coupar (Crossgates & Whinmoor)
Councillor M Dobson (Garforth & Swillington)
Councillor S McKenna (Garforth & Swillington)
Councillor A McKenna (Garforth & Swillington)
Councillor J Lewis (Kippax & Methley)
Councillor K Wakefield (Kippax & Methley)
Councillor M Harland (Kippax & Methley)
Councillor H Hayden (Temple Newsam)
Councillor M Lyons (Temple Newsam)
Councillor J Cummins (Temple Newsam)

Inner South Community Committee

Councillor A Ogilvie (Beeston & Holbeck)
Councillor D Congreve (Beeston & Holbeck)
Councillor A Gabriel (Beeston & Holbeck)
Councillor P Davey (City & Hunslet)
Councillor M Iqbal (City & Hunslet)
Councillor E Nash (City & Hunslet)
Councillor J Blake (Middleton Park)
Councillor K Groves (Middleton Park)
Councillor P Truswell (Middleton Park)

Outer South Community Committee

Councillor J Dunn (Ardsley & Robin Hood)
Councillor L Mulherin (Ardsley & Robin Hood)
Councillor K Renshaw (Ardsley & Robin Hood)
Councillor R Gettings (Morley North)
Councillor T Leadley (Morley North)
Councillor R Finnigan (Morley North)
Councillor N Dawson (Morley South)
Councillor S Varley (Morley South)
Councillor J Elliott (Morley South)
Councillor K Bruce (Rothwell)
Councillor S Golton (Rothwell)
Councillor D Nagle (Rothwell)

Inner West Community Committee

Councillor J McKenna (Armley)
Councillor A Smart (Armley)
Councillor A Lowe (Armley)
Councillor J Heselwood (Bramley & Stanningley)
Councillor K Ritchie (Bramley & Stanningley)
Councillor C Gruen (Bramley & Stanningley)
Councillor J Illingworth (Kirkstall)
Councillor E Venner (Kirkstall)
Councillor L Yeadon (Kirkstall)

Outer West Community Committee

Councillor Mrs A Carter (Calverley & Farsley)
Councillor R Wood (Calverley & Farsley)
Councillor A Carter (Calverley & Farsley)
Councillor A Blackburn (Farnley & Wortley)
Councillor T Wilford (Farnley & Wortley)
Councillor D Blackburn (Farnley & Wortley)
Councillor R Lewis (Pudsey)
Councillor M Coulson (Pudsey)
Councillor J Jarosz (Pudsey)

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**Schedule 9(C) detailing the appointment of Chairs to
Committees, Boards and Panels**

(Schedule to follow)

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**Schedules 9(D) detailing the appointment of Chairs to
Community Committees**

(Schedules to follow)

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Schedule 9(E) detailing appointments to Outside Organisations and Joint Committees

(Schedule to follow)

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**Schedule 9(F) detailing appointments and nominations to
the West Yorkshire Combined Authority**

(Schedule to follow)

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Schedule 10 approval of Officer Delegation Scheme (Council(non-executive) functions)

(Schedule attached)

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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, Deputy Chief Executive, Assistant Chief Executive (Citizens and Communities), all Directors, City Solicitor and other named officers¹ are authorised²:
 - (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 comply³;
 - (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 (Citizens and Communities), all Directors and City Solicitor are authorised to carry out the following in respect of those functions for which they have delegated authority⁴:
 - (a) to make payments or provide other benefits in cases of maladministration⁵;

¹ These are all other officers listed in Article 12.

² 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.

³ 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.

⁴ 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.

⁵ 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)

- (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)⁶
 - (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'⁷ 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.

⁶ All officers are nominated for this purpose by the Head of Paid Service

⁷ 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 Executive¹ is authorised to discharge the following Council (non-executive) functions:

Functions relating to Elections

(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
(k)	Functions relating to community governance ²	
	i. Duties relating to community governance reviews	Section 79 of the Local Government and Public Involvement in Health Act 2007

¹ 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.

² 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)

	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
(l)	Functions relating to consultation and notification processes in relation to changing the name of an electoral area ³	S59 of the Local Government and Public Involvement in Health Act 2007
(m)	To dissolve small parish councils	Section 10 of the Local Government Act 1972
(n)	To make orders for grouping parishes, dissolving groups and separating parishes from groups	Section 11 of the Local Government Act 1972
(o)	To make temporary appointments to parish councils	Section 91 of the Local Government Act 1972

Functions relating to changing governance arrangements

(a)	To secure that copies of a document setting out new governance arrangements are available for public inspection, and to publish a notice about the change	Section 9KC Local Government Act 2000
(b)	To take any step, subject to timely consultation with General Purposes Committee in advance of any action being taken, under or for the purposes of complying with any order from the Secretary of State under Section 9N of the Local Government Act 2000, or related regulations	Section 9N Local Government Act 2000

³ The function of passing a resolution to change the name of an electoral area under s59(1) of the Local Government and Public Involvement in Health Act 2007 is reserved to full Council

Deputy Chief Executive

1. Subject to the Exception listed below, the Deputy Chief Executive¹ is authorised to discharge the following Council (non-executive) functions:

Functions relating to Human Resources

(a)	Functions relating to local government pensions, etc	Regulations under section 7, 12 or 24 of the Superannuation Act 1972
(b)	To make arrangements to consider and determine employee appeals in relation to grievances, grading and dismissal ²	Section 112 Local Government Act 1972
(c)	To determine employee terms and conditions	Section 112 Local Government Act 1972

Functions relating to standing orders

(a)	To make standing orders in relation to Finance and Officer Employment	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

¹ 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.

² Except in relation to those which are to be determined by the Employment Committee.

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Assistant Chief Executive (Citizens and Communities)

Subject to the exceptions listed below, the Assistant Chief Executive (Citizens and Communities)¹ is authorised to discharge the following Council (non-executive) functions:

1. Regulatory Functions

(a)	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)
-----	--	--

Exceptions²

The Assistant Chief Executive is not authorised to discharge the function above where objections have been received.

2. Functions of the Licensing Authority delegated by Full Council

Subject to the exception set out below, the Assistant Chief Executive (Citizens and Communities) is authorised to discharge the functions of the licensing authority as set out below:-

(a)	Any function of a Licensing Authority ³	Licensing Act 2003 and any regulations or orders made under that Act ⁴ .
(b)	Powers and functions relating to late night levy requirements	Chapter 2 of Part 2 of the Police Reform and Social Responsibility Act 2011 and any regulations made under that Chapter.

Exceptions:

- any function of the Licensing Authority reserved to full Council⁵;

¹ 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 Director remains responsible for any decision taken pursuant to such arrangements.

² 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 - (Section 101(2) Local Government Act 1972.

³ These functions will be carried out to support those matters which cannot be delegated by the Licensing Authority.

⁴ Including functions which, by virtue of the 2005 Act are delegated to the Licensing Committee.

⁵ Part 3, Section 2A of the Constitution sets out licensing functions reserved to full Council, as licensing authority under the 2011 Act.

3. Functions of the Licensing Authority delegated by Licensing Committee

Subject to the exceptions listed below, the Assistant Chief Executive (Citizens and Communities) is authorised to discharge the licensing functions⁶ of the licensing authority as set out below:-

(a)	Any function of a Licensing Authority	Licensing Act 2003 and any regulations or orders made under that Act ⁷ .
(b)	Powers and functions relating to late night levy requirements	Chapter 2 of Part 2 of the Police Reform and Social Responsibility Act 2011 and any regulations made under that chapter
(c)	Duty to comply with requirement to provide information to Gambling Commission.	Section 29 of the Gambling Act 2005
(d)	Functions relating to the exchange of information	Section 30 of the Gambling Act 2005
(e)	Functions relating to occasional use notices	Section 39 of the Gambling Act 2005
(f)	Power to designate officer of a licensing authority as an authorised person for a purpose relating to premises	Section 304 of the Gambling Act 2005
(g)	Power to institute criminal proceedings	Section 346 of the Gambling Act 2005
(h)	Power to exchange information	Section 350 of the Gambling Act 2005
(i)	Functions relating to the registration and regulation of small society lotteries	Part 5 of Schedule 11 to the Gambling Act 2005

Exceptions:

- any function of the Licensing Authority⁸ reserved to full Council⁹;
- any function of the Licensing Authority where full Council has referred a matter to a committee other than the Licensing Committee¹⁰;
- any function of the Licensing Authority reserved to the Licensing Committee;
- any function of the Licensing Authority within the terms of reference of the Licensing Sub-committees¹¹;and

⁶ "Licensing functions" means functions under the 2003 Act, the 2005 Act and the Police Reform and Social Responsibility Act 2011.

⁷ Including functions which, by virtue of the 2005 Act are delegated to the Licensing Committee.

⁸"Licensing functions" - see footnote 6 above

⁹ Part 3, Section 2A of the Constitution sets out licensing functions reserved to full Council, as licensing authority under the 2003 Act.

¹⁰ Under the provisions of Section 7(5)(a) of the 2003 Act.

¹¹ Except where a Licensing sub-committee has arranged for the discharge of any of their functions by an Officer.

- to object when the Authority is consultee and not the relevant authority considering an application under the 2003 Act

4. Functions related to the Licensing Functions delegated by Licensing Committee¹²

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

(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

¹² These functions were delegated to the Licensing Committee by full Council on 14 July 2010.

Exceptions

The Assistant Chief Executive (Citizens and Communities) is not authorised to discharge those functions marked ** above where the application is for the grant, renewal or transfer of a sexual entertainment venue licence irrespective of whether objections have been received, or the grant of a sex shop or sex cinema licence irrespective of whether objections have been made, or renewal or transfer of a sex shop or cinema licence where objections have been received

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

The Director of Children's Services¹

The Director of Children's Services² 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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¹ Appointed under Section 18 Children Act 2004

² 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.

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Director of City Development

The Director of City Development¹ is authorised to discharge the following Council (non-executive) functions:

(a)	To license market and street trading	Part III of, and Schedule 4 to, the Local Government (Miscellaneous Provisions) Act 1982
(b)	To issue, amend or replace safety certificates (whether general or special) for sports grounds	The Safety of Sports Grounds Act 1975
(c)	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
(d)	To grant a street works licence	Section 50 of the New Roads and Street Works Act 1991
(e)	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
(f)	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
(g)	To permit deposit of builder's skip on highway	Section 139 of the Highways Act 1980
(h)	To license planting, retention and maintenance of trees etc in part of highway	Section 142 of the Highways Act 1980
(i)	To authorise erection of stiles etc on footpaths or bridleways ²	Section 147 of the Highways Act 1980
(j)	To license works in relation to buildings etc which obstruct the highway	Section 169 of the Highways Act 1980
(k)	To consent to temporary deposits or excavations in streets	Section 171 of the Highways Act 1980

¹ 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.

² Functions (i), (q), (s) and (v) are also delegated to the Director of Environment and Housing whose powers are limited to areas contained within the Definitive Map of Public Rights of Way.

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

(l)	To dispense with obligation to erect hoarding or fence	Section 172 of the Highways Act 1980
(m)	To restrict the placing of rails, beams etc over highways	Section 178 of the Highways Act 1980
(n)	To consent to construction of cellars etc under street	Section 179 of the Highways Act 1980
(o)	To consent to the making of openings into cellars etc under streets and pavement lights and ventilators	Section 180 of the Highways Act 1980
(p)	To make a special extinguishment order	Section 118B of the Highways Act 1980
(q)	To assert and protect the rights of the public to use and enjoyment of highways	Section 130 of the Highways Act 1980
(r)	To serve notice of proposed action in relation to obstruction	Section 130A of the Highways Act 1980
(s)	To apply for variation of order under section 130B of the Highway Act 1980	Section 130B(7) of the Highways Act 1980
(t)	To make good damage and remove obstructions	Section 135B of the Highways Act 1980
(u)	To remove nuisances deposited on the highway	Section 149 of the Highways Act 1980
(v)	To designate footpath as cycle track	Section 3 of the Cycle Tracks Act 1984
(w)	To authorise stopping up or diversion of highway	Section 247 of the Town and Country Planning Act 1990
(x)	Functions in relation to the submission of the Transport and Works Act Order application for the New Generation Transport (NGT) Scheme	Minute 27, Full Council, 1 st July 2013

Chief Planning Officer

Subject to the exceptions listed below, the Chief Planning Officer¹ is authorised to discharge the following Council (non-executive) functions:

1 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, alone 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

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

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

		Planning Act 1990
(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)	Duties relating to applications for listed building 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
(w)	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
(x)	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
(y)	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
(z)	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
(aa)	To execute urgent works	Section 54 of Planning (Listed Buildings and Buildings and Conservation Areas) Act 1990

2 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

3 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

4 High Hedges

(a)	Complaints about high hedges	Part 8 of the Anti-Social Behaviour Act 2003
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Officer Delegation Scheme (Council (non-executive) functions)

Exceptions:

The Chief Planning Officer is not authorised² to discharge the following functions:

1 Town and Country Planning and Development Control

(a)	the determination of applications following a written request ³ to the Chief Planning Officer by a Ward Member <ul style="list-style-type: none">concerning an application within the Ward he/she represents, orconcerning an application within a neighbouring Ward where that Ward Member considers that the development would have a significant effect on the ward he/she represents that an application be referred to the relevant Plans Panel;
(b)	the determination of applications for development that would constitute a significant departure 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 ⁴ which the Chair ⁵ considers are sensitive, controversial or 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 Chair ⁶ 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, Directors or any other officer who carries out development management functions.

² 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).

³ This request must be made to the Chief Planning Officer and should normally be made within 21 days of the date of validation. The application can be legally determined after the 21 day statutory advertisement deadline if no such request has been received by that deadline. The request must set out the reason(s) for the 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).

⁴ "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 does require an Environmental Impact Assessment

⁵ In conjunction with the Chief Planning Officer

⁶ In conjunction with the Chief Planning Officer

2 Commons Registration

(a)	Where objections have been received.
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Director of Environment and Housing

The Director of Environment and Housing¹ 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)

¹ 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)

(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 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)
(s)	To license pleasure boats and pleasure vessels	Section 94 of the Public Health Acts Amendment Act 1907
(t)	To authorise erection of stiles etc on footpaths or bridleways ²	Section 147 of the Highways Act 1980
(u)	To create footpath bridleway or restricted byway by agreement	Section 25 of the Highways Act 1980
(v)	To create footpaths bridleways and restricted byways	Section 26 of the Highways Act 1980
(w)	Duty to keep register of information with respect to maps, statements and declarations	Section 31A of the Highways Act 1980
(x)	To stop up footpaths bridleways and restricted byways	Section 118 of the Highways Act 1980
(y)	To determine application for public path extinguishment order	Sections 118ZA and 118C(2) of the Highways Act 1980
(z)	To make a rail crossing extinguishment order	Section 118A of the Highways Act 1980
(aa)	To divert footpaths bridleways and restricted byways	Section 119 of the Highways Act 1980

² Functions (t) – (ww) are limited to areas contained within the Definitive Map of Public Rights of Way. Functions (t), (ii), (jj) and (rr) are also delegated to the Director of City Development whose powers are not limited to areas contained within the Definitive Map of Public Rights of Way.

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

(bb)	To make a public path diversion order	Sections 119ZA and 119C(4) of the Highways Act 1980
(cc)	To make a rail crossing diversion order	Section 119A of the Highways Act 1980
(dd)	To make a special diversion order	Section 119B of the Highways Act 1980
(ee)	To require applicant for order to enter into agreement	Section 119C(3) of the Highways Act 1980
(ff)	To make an SSSI diversion order	Section 12B of the Highways Act 1980
(gg)	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
(hh)	To decline to determine certain applications	Section 121C of the Highways Act 1980
(ii)	To assert and protect the rights of the public to use and enjoyment of highways	Section 130 of the Highways Act 1980
(jj)	To apply for variation of order under section 130B of the Highway Act 1980	Section 130B(7) of the Highways Act 1980
(kk)	To authorise temporary disturbance of surface of footpath bridleway or restricted byway	Section 135 Highways Act 1980
(ll)	To divert footpath bridleway or restricted byway temporarily	Section 135A 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
(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 footpath bridleway or restricted byway	Section 257 of the Town and Country Planning Act 1990
(uu)	To extinguish public rights of way over land held for planning purposes	Section 258 of the Town and Country Planning Act 1990
(vv)	To enter into agreements with respect to means of access	Section 35 of the Countryside and Rights of Way Act 2000
(ww)	To provide access in absence of agreement	Section 37 of the Countryside and Rights of Way Act 2000

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City Solicitor

1. The City Solicitor is the Monitoring Officer for the Council.
2. The City Solicitor is deputy Electoral Registration Officer¹.
3. The City Solicitor ² 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 ³
(b)	To make arrangements for appeals against exclusion of pupils from maintained Schools
(c)	To make arrangements for appeals regarding school admissions ⁴
(d)	To make arrangements for appeals by governing bodies ⁵

4. The City Solicitor is authorised to discharge the following Council (non-executive) functions:

To make standing orders in relation to Access to Information	Section 106 of, and paragraph 42 of Schedule 12 to the Local Government Act 1972
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5. Appointments to Committees Boards and Panels

The City Solicitor is authorised 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.

¹ The Head of Licensing and Registration is also appointed as deputy Electoral Registration Officer.

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

³ s34 (4) Social Security Act 1998

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

⁵ s95 (2) School Standards and Framework Act 1998

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Schedule 11 – Receipt of the arrangements for the discharge of executive functions as set out by the Leader of Council

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SCHEDULE 12

LEEDS CITY COUNCIL

COUNCIL MEETING

21ST MAY 2015

Calendar of Council Meetings for the Municipal Year 2015-2016

Council is asked to approve the following programme of Ordinary Council meetings:

Wednesday 8th July 2015

Wednesday 16th September 2015

Wednesday 11th November 2015

Wednesday 13th January 2016

Wednesday 24th February 2016

Wednesday 23rd March 2016

Thursday 19th May 2016– ANNUAL MEETING

The time of the meetings will be set out on the summons for the meeting and notified to Members in due course.

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