

A meeting of the Council will be held in the Civic Hall, Leeds on Thursday, 19th May, 2016 at 6.00 pm

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

1 Election of Lord Mayor

That Councillor Gerry Harper 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 Council in 2017.

2 Election of Vice Chair of Council

That Councillor Jim McKenna be elected as Vice Chairman of Council to hold office until immediately after the election of the Lord Mayor at the Annual Meeting of Council in 2017.

3 Vote of Thanks to the Retiring Lord Mayor

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

4 **Minutes** 1 - 16

To approve the minutes of the Council Meeting held on 23rd March 2016.

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 Recommendations of the General Purposes Committee - 17 - 50 Amendments to the Constitution

That the recommendations of the General Purposes Committee as detailed in the report of the Head of Governance Services be approved.

- a) That Committees having Terms of Reference as detailed in Schedule 8(a) be established.
- b) That appointments be made to the Committees as detailed in Schedules 8 (b) (i), (ii), (iii) (to follow) and (iv).
- c) That Chairs be appointed as detailed in Schedule 8(c) (to follow).
- d) That Chair appointments be noted in respect of Community Committees as detailed in Schedule 8(d)(i) and be agreed in respect of 8(d)(ii).(to follow).
- e) That appointments be made to joint authorities and joint committees as detailed in Schedule 8(e) (to follow).
- f) That appointments and nominations be made to the West Yorkshire Combined Authority as detailed in Schedule 8(f) (to follow).

9 Scheme of Delegation (Council(Non-Executive) Functions) 111 - 138

That the Officer Delegation Scheme (Council (Non-Executive) Functions as detailed in Schedule 9 be approved.

10 **Executive Arrangements**

139 - 140

That the arrangements for the discharge of executive functions, as set out by the Leader of the Council in Schedule 10, be received (to follow).

11 Council Meeting Dates 2016/2017

141 - 142

That the dates of the meetings of the Council for the Municipal Year 2016/2017 as detailed in Schedule 11 be approved.

Tom Riordan
Chief Executive

Civic Hall Leeds LS1 1UR 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.



Agenda Item 4



Proceedings of the Meeting of the Leeds City Council held Civic Hall, Leeds on Wednesday, 23rd March, 2016

PRESENT: The Lord Mayor Councillor Judith Chapman in the Chair.

WARD WARD

ADEL & WHARFEDALE CALVERLEY & FARSLEY

Caroline Anderson Amanda Carter Billy Flynn Rod Wood

Barry John Anderson Andrew Carter

ALWOODLEY CHAPEL ALLERTON

Dan Cohen Mohammed Rafique
Peter Mervyn Harrand Jane Dowson
Neil Alan Buckley Eileen Taylor

ARDSLEY & ROBIN HOOD CITY & HUNSLET

Lisa Mulherin Mohammed Iqbal Karen Renshaw Elizabeth Nash

ARMLEY CROSS GATES & WHINMOOR

James McKenna Pauleen Grahame
Alice Smart Peter John Gruen
Alison Natalie Kay Lowe Debra Coupar

BEESTON & HOLBECK FARNLEY & WORTLEY

Adam Ogilvie Ann Blackburn
David Congreve Terry Wilford
Angela Gabriel

BRAMLEY & STANNINGLEY GARFORTH & SWILLINGTON

Julie HeselwoodMark DobsonKevin RitchieStuart McKennaCaroline GruenAndrea McKenna

BURMANTOFTS & RICHMOND HILL GIPTON & HAREHILLS

Asghar Khan
Ron Grahame
Kamila Maqsood
Roger Harington

GUISELEY & RAWDON

Paul John Spencer Wadsworth Pat Latty Graham Latty

HAREWOOD

Rachael Procter Matthew Robinson Ann Castle

HEADINGLEY

Neil Walshaw Jonathon Pryor Janette Walker

HORSFORTH

Dawn Collins Brian Cleasby Christopher Townsley

HYDE PARK & WOODHOUSE

Gerry Harper Javaid Akhtar Christine Denise Towler KILLINGBECK & SEACROFT

Catherine Dobson Brian Michael Selby Graham Hyde

KIPPAX & METHLEY

James Lewis Keith Ivor Wakefield Mary Elizabeth Harland

KIRKSTALL

John Anthony Illingworth Fiona Venner Lucinda Joy Yeadon

MIDDLETON PARK

Judith Blake Kim Groves

MOORTOWN

Rebecca Charlwood Sharon Hamilton Alex Sobel

MORLEY NORTH

Robert Gettings Thomas Leadley Robert Finnigan

MORLEY SOUTH

Neil Dawson Shirley Varley Judith Elliott

OTLEY & YEADON

Colin Campbell

PUDSEY

Richard Alwyn Lewis Mick Coulson Josephine Patricia Jarosz **ROTHWELL**

Karen Bruce Barry Stewart Golton David Nagle ROUNDHAY

Christine Macniven Ghulam Hussain Bill Urry

TEMPLE NEWSAM

Helen Hayden Michael Lyons

WEETWOOD

Susan Bentley Judith Mara Chapman Jonathan Bentley

WETHERBY

Alan James Lamb John Michael Procter Gerald Wilkinson

109 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 Castle
Councillor Cummins
Councillor Ingham
Councillor Andrea McKenna
Councillor Urry

- b) The Lord Mayor reminded Council that the firewalk for her charity would take place on Friday 1st April.
- c) The Lord Mayor referred to the terrible events in Belgium and offered her sympathy to those affected by the events.

Council stood in silent tribute.

110 Minutes

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

RESOLVED – That the minutes of the meeting held on 24th February 2016 be approved.

111 Declarations of Interest

There were no declarations of interests.

112 Communications

The Chief Executive informed Council of the receipt of correspondence from Robert Goodwill MP regarding flooding in Leeds, a copy of which had been circulated to all Members of Council.

113 Deputations

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

- 1) Parents of children in the villages of East Keswick and Bardsey regarding the impact of the Schools Transport Policy.
- 2) Local groups regarding the Government's Prevent Programme.
- 3) Leeds Beckett Student Union regarding lighting in Beckett Park.

RESOLVED – That the subject matter in respect of deputation 1 be referred to the Executive Board for consideration that the subject matter in respect of deputation 2 be referred to the Assistant Chief Executive (Citizens and Communities) for consideration in consultation with the relevant Executive Member and the subject matter in respect of deputation 3 be referred to the Director of Environment and Housing for consideration in consultation with the relevant Executive Member.

114 Recommendations of the General Purposes Committee - Pay Policy Statement 2016/17

It was moved by Councillor Blake, seconded by Councillor Charlwood and

RESOLVED -

- (a) That the updated 2016/17 financial year pay policy statement as set out in Addendum 1 of the attached report to General Purposes Committee be approved:
- (b) That any required in year amendment to the Annual Pay Policy Statement in respect of exit payment caps or as a consequence of changes to Leeds City Council's policy statement on Pension Scheme Discretions be delegated to the Chief Officer (HR).
- (c) That the assurance provided by the Deputy Chief Executive be noted.

115 Recommendations of the Standards and Conduct Committee - Annual Report from the Standards and Conduct Committee

It was moved by Councillor Nash, seconded by Councillor Selby and

RESOLVED - That the annual report of the Standards and Conduct Committee, as presented by the report of the City Solicitor, be received.

116 Report on Attendance at Meetings

It was moved by Councillor Charlwood, seconded by Councillor Campbell and

RESOLVED – That the absence of Councillor Downes from meetings of the authority for a period of six months from this meeting be approved.

117 Report on the Inner North East Community Committee

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

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

118 Report on the 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.

119 Questions

Q1 Councillor Andrew Carter to the Leader of Council :-

Will the Leader of Council confirm the number of PCSOs operating in Leeds in 2016/17?

The Executive Member (Environmental Protection and Community Safety) replied in accordance with Council Procedure Rule 11.3(b).

Q2 Councillor Townsley to the Executive Member (Regeneration, Transport and Planning):-

Does the executive member agree that it is a missed opportunity to not install an Automatic Number Plate Recognition camera on the newly constructed A65/A6120 ring road roundabout so that the police have a tool with which to gather evidence, as recommended by three years' worth of emails from council officers?

The Executive Member (Regeneration, Transport and Planning) replied.

Q3 Councillor Igbal to the Leader of Council:-

Please will the Leader of Council update members on recent announcements concerning flood defences in Leeds?

The Leader of Council replied.

Q4 Councillor A Blackburn to the Executive Member (Environmental Protection and Community Safety):-

Can the Executive Member for Environmental Protection and Community Safety tell me what the procedure is for informing bin collection crews of any highways work that may affect their ability to complete their round?

The Executive Member (Environmental Protection and Community Safety) replied.

Q5 Councillor Taylor to the Executive Member (Children and Families):-

Can the Executive Member for Children's Services please comment on the Chancellor's recent education announcements?

The Executive Member (Children and Families) replied.

Q6 Councillor B Anderson to the Leader of Council:-

Does the Leader of Council agree with comments attributed to Jeremy Corbyn regarding the legalisation of prostitution?

The Leader of Council replied.

Q7 Councillor Cleasby to the Executive Member (Regeneration, Transport and Planning):-

Could the executive member please update council on the airport link road consultation?

The Executive Member (Regeneration, Transport and Planning) replied.

Q8 Councillor Pryor to the Executive Member (Health, Wellbeing and Adults):-

Following the Deputation in January from service users can the Executive Member for Health, Wellbeing and Adults update Council on the future of the BHA Skyline Service?

The Executive Member (Health, Wellbeing and Adults) 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:-

- Q9 Councillor Finnigan to the Executive Member (Regeneration, Transport and Planning)
- Q10 Councillor Urry to the Executive Member (Communities)

- Q11 Councillor Lamb to the Executive Member (Children and Families).
- Q12 Councillor Golton to the Executive Member (Environmental Protection and Community Safety).
- Q13 Councillor A Khan to the Executive Member (Regeneration, Transport and Planning).
- Q14 Councillor Smart to the Executive Member (Employment, Enterprise and Opportunity).
- Q15 Councillor Robinson to the Executive Member (Children and Families).
- Q16 Councillor J Bentley to the Executive Member (Children and Families).
- Q17 Councillor Venner to the Executive Member (Environmental Protection and Community Safety).
- Q18 Councillor Robinson to the Executive Member (Regeneration, Transport and Planning).
- Q19 Councillor S Bentley to the Executive Member (Environmental Protection and Community Safety).
- Q20 Councillor Robinson to the Leader of Council.
- Q21 Councillor B Cleasby to the Leader of Council.

120 Minutes

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

An amendment(reference back) was submitted by Councillor Campbell to add the following at the end of item 11:

'To ask the Executive Board to reconsider the decision in relation to Police and Community Support Officers, contained in minute 156 of the Executive Board minutes of 9th March 2016.'

Prior to debating the minutes it was moved by Councillor Campbell, seconded by Councillor Lamb that under the provisions of Council Procedure Rule 13.2(c) that the order of business be changed so that the reference back in his name falling within the Environmental Protection and Community Safety Portfolio of the Executive Board minutes be heard first within the Executive Board minutes (prior to the Communities portfolio).

Upon being put to the vote, the motion to reorder the reference back was declared lost.

The amendment (reference back) was declared lost and upon being put to the vote it was

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.

On the requisition of Councillor Campbell and Lamb, the voting on Councillor Campbell's request to reorder the reference back was recorded as follows:

YES -27

B Anderson, C Anderson, J Bentley, S Bentley, A Blackburn, Buckley, Campbell, Amanda Carter, Cleasby, Cohen, Collins, Elliott, Finnigan, Flynn, Golton, Harrand, Lamb, G Latty, P Latty, Leadley, J Procter, Robinson, Townsley, Varley, Wadsworth, Wilford, and Wilkinson

No - 56

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

ABSTAIN - 0

At the conclusion of this item Council adjourned from 16.20 to 16.50

121 Report on Devolution

It was moved by Councillor Blake, seconded by Councillor J Lewis and

RESOLVED - That the report of the Chief Executive updating Members on matters in respect of devolution be received.

122 White Paper Motion (in the name of Councillor Andrew Carter) - Royal Commission on Local Government Finance

It was moved by Councillor Andrew Carter, seconded by Councillor Finnigan that this Council calls upon Her Majesty's Government to set up a Royal Commission on Local Government Finance and the wider relationship between Central and Local Government.

An amendment was moved by Councillor J Lewis seconded by Councillor Dawson

After "between Central and Local Government" add:

"This Council regrets the high level of centralisation in England and believes local authorities should have more control over public spending in their areas. Council believes the distribution of public funds should primarily be based on responding to the needs and deprivation of local populations.

"This Council notes the Government's stated intention to localise business rates and calls for a quick settlement in this regard to end any uncertainty about any such localisation on local government finance."

Full motion will then read:

"This Council calls upon Her Majesty's Government to set up a Royal Commission on Local Government Finance and the wider relationship between Central and Local Government.

"This Council regrets the high level of centralisation in England and believes local authorities should have more control over public spending in their areas. Council believes the distribution of public funds should primarily be based on responding to the needs and deprivation of local populations.

"This Council notes the Government's stated intention to localise business rates and calls for a fair and quick settlement in this regard to end any uncertainty about any such localisation on local government finance."

Under the provisions of Council Procedure Rule 14.9(b), and with the consent of the seconder Councillor Andrew Carter sought leave of Council to alter the wording of the motion in his name by the inclusion of the amendment in the name of Councillor J Lewis.

Council was adjourned at this point in order that procedural advice could be taken on the matter, upon the resumption of the meeting the Lord Mayor called for the vote on Councillor Carter's request and the vote was lost.

The amendment in the name of Councillor J Lewis was carried and upon being put to the vote it was;

RESOLVED – That this Council calls upon Her Majesty's Government to set up a Royal Commission on Local Government Finance and the wider relationship between Central and Local Government.

"This Council regrets the high level of centralisation in England and believes local authorities should have more control over public spending in their areas. Council believes the distribution of public funds should primarily be based on responding to the needs and deprivation of local populations.

"This Council notes the Government's stated intention to localise business rates and calls for a fair and quick settlement in this regard to end any uncertainty about any such localisation on local government finance.

On the requisition of Councillor Andrew Carter and J Procter, the voting on Councillor Carter's request to incorporate the amendment into his motion was recorded as follows:

YES -27

B Anderson, C Anderson, J Bentley, S Bentley, A Blackburn, Buckley, Campbell, Amanda Carter, Andrew Carter, Castle, Cleasby, Cohen, Finnigan, Flynn, Gettings, Golton, Harrand, Lamb, G Latty, P Latty, Leadley, J Procter, Robinson, Wadsworth, Wilford, Wilkinson and Wood.

No - 54

Akhtar, Blake, Bruce, Charlwood, Congreve, Coulson, Coupar, Dawson, C Dobson, M Dobson, Dowson, Gabriel, P Grahame, R Grahame, C Gruen, P Gruen, Groves, Hamilton, Harington, Harland, Harper, Hayden, Heselwood, G Hussain, Hyde, Illingworth, Iqbal, Jarosz, A Khan, J Lewis, R Lewis, Lowe, Lyons, Macniven, Maqsood, J McKenna, S McKenna, Mulherin, Nagle, Nash, Ogilvie, Pryor, Rafique, Renshaw, Ritchie, Selby, Smart, E Taylor, Urry, Venner, Walker, Walshaw, Wakefield and Yeadon.

ABSTAIN - 0

123 White Paper Motion (in the name of Councillor Golton) - Pharmacies

Under the provisions of Council Procedure Rule 14.9(a), leave of Council was given to alter the wording of the motion in the name of Councillor Golton to include the amendment in the name of Councillor Mulherin.

Under the provisions of Council Procedure Rule 13.2(d) and 14.10 and with the consent of the seconder, leave of Council was given to Councillor Mulherin to withdraw the amendment in her name.

It was moved by Councillor Golton, seconded by Councillor Mulherin that this council opposes the government's cut of £170 million to the community pharmacies budget and is alarmed at the statement from the community and social care minister that up to 3,000 pharmacies could close as a result of this cut.

This council recognises the important role that independent pharmacies play in local communities particularly to vulnerable residents and those living in remote communities.

This council resolves to:

- Respond to the public consultation currently underway, clearly expressing council's opposition to the cut in pharmacy budget and any resulting programme of closures.
- Utilise the public health contracts it holds with pharmacies to minimise the
 effect of government cuts to the pharmacies budget to minimise the number
 of closures in Leeds.
- Ask the Chief Executive to write to the government minister setting out council's concerns about these plans and ask to see their health impact assessment.
- Requests the Chief Executive write to Leeds' MPs, asking them to join us and call on the government to shelve these plans and protect this vital service.

An amendment was moved by Councillor Buckley seconded by Councillor Robinson

Delete Paragraph 1 and insert after 'those living in remote communities':

'Council believes that by modernising services and using services such as on line pharmacy provision the needs of some customers could be better catered for.

This Council further believes that any proposed closures of pharmacies should be the subject of local consultation to ensure that vulnerable groups will not be adversely impacted by the proposals.

This Council believes that the needs of vulnerable service users should be protected wherever possible and calls for an Executive Board report exploring how series users in Leeds will be impacted and where services could be modernised and efficiency increased.'

Motion would read:

'This council recognises the important role that independent pharmacies play in local communities particularly to older residents and those living in remote communities.

Council believes that by modernising services and using services such as on line pharmacy provision the needs of some customers could be better catered for.

This Council further believes that any proposed closures of pharmacies should be the subject of local consultation to ensure that vulnerable groups will not be adversely impacted by the proposals.

This Council believes that the needs of vulnerable service users should be protected wherever possible and calls for an Executive Board report exploring how service users in Leeds will be impacted and where services could be modernised and efficiency increased.'

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

RESOLVED - That this council opposes the government's cut of £170 million to the community pharmacies budget and is alarmed at the statement from the community and social care minister that up to 3,000 pharmacies could close as a result of this cut.

This council recognises the important role that independent pharmacies play in local communities particularly to vulnerable residents and those living in remote communities.

This council resolves to:

- Respond to the public consultation currently underway, clearly expressing council's opposition to the cut in pharmacy budget and any resulting programme of closures.
- Utilise the public health contracts it holds with pharmacies to minimise the
 effect of government cuts to the pharmacies budget to minimise the number
 of closures in Leeds.
- Ask the Chief Executive to write to the government minister setting out council's concerns about these plans and ask to see their health impact assessment.
- Requests the Chief Executive write to Leeds' MPs, asking them to join us and call on the government to shelve these plans and protect this vital service.
- White Paper Motion (in the name of Councillor J Lewis) Trade Union Bill
 Prior to the debate on the motion and following a request from a Member the City
 Solicitor provided guidance to Council on the issue of the registration and disclosure
 of potential Interests in the matter being discussed.

It was moved by Councillor Blake, seconded by Councillor Heselwood that as a major employer in the local area, this Council welcomes the positive benefits that arise from the relationship that we have with recognised Trade Unions. This Council believes that the relationship between employers and their employees through their collective representatives would be damaged by reducing facility time for elected representatives and by removing the ability of union members to pay union dues direct from their wages.

This Council believes that the Trade Union bill, far from assisting employer-employee relations or improving workplace democracy, is an ideologically driven attack on the fundamental rights and freedoms of workers to organise or take strike action. It is also deliberately designed to dramatically reduce funding to the main Party in opposition to the Government, and as such is a threat to our democracy.

The Council notes that the Bill and secondary legislation will:

 Allow agency labour to be used to substitute for striking workers, currently outlawed, which would be deeply divisive and with agency workers often

- doing unfamiliar jobs, could pose a serious health and safety risk to themselves and others
- Introduce very high thresholds for industrial ballots, with an extra threshold in certain public services, without doing anything to improve the ability of workers to participate in ballots
- Severely restrict the right to picket and peacefully protest including organising campaigns through social media
- Significantly reduce Trade Union facility time and withdraw check-off union contributions in the public sector, irrespective of the wishes of the employer
- Require union members to 'contract in' to their union's Political Fund every 5
 years, thereby significantly reducing the ability of Trade Unions either to
 campaign on political issues or to support political parties.

This Council commits to promote the positive role that Trade Unions bring to society and therefore calls on the Government to scrap the Trade Union Bill and all associated regulation/secondary legislation.

Should the Trade Union Bill receive Royal Assent enabling the legislation to come into effect, Council requests that Executive Board receive a report on the implications of the Bill for Leeds City Council, its employees, Trade Unions and the effect on maintaining positive industrial relations.

An amendment was moved by Councillor A Blackburn seconded by Councillor Wilford.

To delete the last sentence of the second paragraph,

i.e. delete: "It is also deliberately designed to dramatically reduce funding to the main Party in opposition to the Government, and as such is a threat to our democracy.."

The rest of the text remains unchanged.

A second amendment was moved by Councillor J Bentley seconded by Councillor Cleasby

Remove all except paragraph 4.

Replace "commits to promote" in paragraph 4 with "acknowledges".

Add the following to the end of the motion:

"This council believes that our democracy is distorted by the large sums of money donated to political parties by a very small number of individuals, businesses and trade unions and that the entire system of party funding is in urgent need of fundamental reform."

A third amendment was moved by Councillor Lamb seconded by Councillor J Procter

Delete Paragraph 1. In Paragraph 2 delete all after 'This Council' and replace with:

'believes that the Trade Union Bill delivers overdue reform of Trade Unions and the relationship between them and public sector organisations. The positive impacts of the bill are clear:

- Giving trade union members the right to opt in to pay political contributions
- Reduced intimidation of non-striking workers
- Deliver savings to the public purse
- A reduction in disruption to hard working families caused by strikes based on out dated ballots with less than 30% of Trade Union Membership support
- Increase the notice period for strike action, giving employers more time to prepare contingency plans and reduce disruption for the public

Council recognises the valuable role that TUs play in a variety of organisations and the role they play in Leeds, but notes TUs involvement in political campaigning, largely for one party, and that TUs should therefore be funded entirely by subscriptions from their members.

Council calls on the Chief Executive to write to the Department for Business, Innovation & Skills setting out the Council's support for the reforms in the Bill.

Council further calls for an end to Leeds City Council subsidy of Trade Unions.'

Motion will read:

'This Council believes that the Trade Union Bill delivers overdue reform of Trade Unions and the relationship between them and public sector organisations. The positive impacts of the bill are clear:

- Giving trade union members the right to opt in to pay political contributions
- Reduced intimidation of non-striking workers
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Council calls on the Chief Executive to write to the Department for Business, Innovation & Skills setting out the Council's support for the reforms in the Bill.

Council further calls for an end to Leeds City Council subsidy of Trade Unions.'

The amendments in the name of Councillors A Blackburn, J Bentley and Lamb were declared lost and upon being put to the vote it was

RESOLVED – That as a major employer in the local area, this Council welcomes the positive benefits that arise from the relationship that we have with recognised Trade Unions. This Council believes that the relationship between employers and their employees through their collective representatives would be damaged by reducing facility time for elected representatives and by removing the ability of union members to pay union dues direct from their wages.

This Council believes that the Trade Union bill, far from assisting employer-employee relations or improving workplace democracy, is an ideologically driven attack on the fundamental rights and freedoms of workers to organise or take strike action. It is also deliberately designed to dramatically reduce funding to the main Party in opposition to the Government, and as such is a threat to our democracy.

The Council notes that the Bill and secondary legislation will:

- Allow agency labour to be used to substitute for striking workers, currently outlawed, which would be deeply divisive and with agency workers often doing unfamiliar jobs, could pose a serious health and safety risk to themselves and others
- Introduce very high thresholds for industrial ballots, with an extra threshold in certain public services, without doing anything to improve the ability of workers to participate in ballots
- Severely restrict the right to picket and peacefully protest including organising campaigns through social media
- Significantly reduce Trade Union facility time and withdraw check-off union contributions in the public sector, irrespective of the wishes of the employer
- Require union members to 'contract in' to their union's Political Fund every 5
 years, thereby significantly reducing the ability of Trade Unions either to
 campaign on political issues or to support political parties.

This Council commits to promote the positive role that Trade Unions bring to society and therefore calls on the Government to scrap the Trade Union Bill and all associated regulation/secondary legislation.

Should the Trade Union Bill receive Royal Assent enabling the legislation to come into effect, Council requests that Executive Board receive a report on the implications of the Bill for Leeds City Council, its employees, Trade Unions and the effect on maintaining positive industrial relations.

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

Voting on the amendment in the name of Councillor A Blackburn was recorded as follows:

YES - 2

A Blackburn and Wilford

No - 74

Akhtar, B Anderson, C Anderson, J Bentley, S Bentley, Blake, Bruce, Buckley, Campbell, Amanda Carter, Andrew Carter, Castle, Charlwood, Cleasby, Congreve, Coulson, Coupar, Dawson, C Dobson, M Dobson, Dowson, Flynn, Gabriel, Golton, P Grahame, C Gruen, P Gruen, Groves, Hamilton, Harington, Harland, Harper, Harrand, Hayden, Heselwood, G Hussain, Hyde, Illingworth, Jarosz, A Khan, Lamb, G Latty, P Latty, J Lewis, R Lewis, Lowe, Lyons, Macniven, Maqsood, J McKenna, S McKenna, Mulherin, Nagle, Nash, Ogilvie, J Procter, Pryor, Rafique, Renshaw, Ritchie, Robinson, Selby, Smart, Sobel, E Taylor, Urry, Venner, Wadsworth, Walker, Walshaw, Wakefield, Wilkinson, Wood and Yeadon.

ABSTAIN - 3

R Grahame, Finnigan and Leadley

Voting on the amendment in the name of Councillor J Bentley was recorded as follows:

YES -7

J Bentley, S Bentley, Campbell, Cleasby, Finnigan, Golton and Leadley

No - 71

Akhtar, B Anderson, C Anderson, A Blackburn, Blake, Bruce, Buckley, Amanda Carter, Andrew Carter, Castle, Charlwood, Congreve, Coulson, Coupar, Dawson, C Dobson, M Dobson, Dowson, Flynn, Gabriel, P Grahame, , C Gruen, P Gruen, Groves, Hamilton, Harington, Harland, Harper, Harrand, Hayden, Heselwood, G Hussain, Hyde, Illingworth, Jarosz, A Khan, Lamb, G Latty, P Latty, J Lewis, R Lewis, Lowe, Lyons, Macniven, Maqsood, J McKenna, S McKenna, Mulherin, Nagle, Nash, Ogilvie, J Procter, Pryor, Rafique, Renshaw, Ritchie, Robinson, Selby, Smart, Sobel, E Taylor, Urry, Venner, Wadsworth, Walker, Walshaw, Wakefield, Wilford, Wilkinson, Wood and Yeadon.

ABSTAIN - 1

R Grahame

Voting on the amendment in the name of Councillor Lamb was recorded as follows;

YES -16

B Anderson, C Anderson, Buckley, Amanda Carter, Andrew Carter, Castle, Flynn, Harrand, Lamb, G Latty, P Latty, J Procter, Robinson, Wadsworth, Wilkinson and Wood.

No - 63

Akhtar, J Bentley, S Bentley, A Blackburn, Blake, Bruce, Campbell, Charlwood, Cleasby, Congreve, Coulson, Coupar, Dawson, C Dobson, M Dobson, Dowson, Finnigan, Gabriel, Golton, P Grahame, R Grahame, C Gruen, P Gruen, Groves, Hamilton, Harington, Harland, Harper, Hayden, Heselwood, G Hussain, Hyde, Illingworth, Jarosz, A Khan, Leadley, J Lewis, R Lewis, Lowe, Lyons, Macniven, Maqsood, J McKenna, S McKenna, Mulherin, Nagle, Nash, Ogilvie, Pryor, Rafique, Renshaw, Ritchie, Selby, Smart, Sobel, E Taylor, Urry, Venner, Walker, Walshaw, Wakefield, Wilford, and Yeadon.

ABSTAIN - 0

Voting on the motion in the name of Councillor J Lewis

YES -16

B Anderson, C Anderson, Buckley, Amanda Carter, Andrew Carter, Castle, Flynn, Harrand, Lamb, G Latty, P Latty, J Procter, Robinson, Wadsworth, Wilkinson and Wood.

No - 54

Akhtar, Blake, Bruce, Charlwood, Congreve, Coulson, Coupar, Dawson, C Dobson, M Dobson, Dowson, Gabriel, P Grahame, R Grahame, C Gruen, P Gruen, Groves,

Hamilton, Harington, Harland, Harper, Hayden, Heselwood, G Hussain, Hyde, Illingworth, Jarosz, A Khan, J Lewis, R Lewis, Lowe, Lyons, Macniven, Maqsood, J McKenna, S McKenna, Mulherin, Nagle, Nash, Ogilvie, Pryor, Rafique, Renshaw, Ritchie, Selby, Smart, Sobel, E Taylor, Urry, Venner, Walker, Walshaw, Wakefield, and Yeadon.

ABSTAIN - 4

A Blackburn, Finnigan, Leadley and Wilford

Council rose at 7.30 pm



Agenda Item 7



Report author: Kate Sadler

Tel: 0113 39 51711

Report of Head of Governance Services

Report to Full Council

Date: 19th May 2016

Subject: Amendments to the Constitution

| Are specific electoral wards affected? If relevant, name(s) of ward(s): | ☐ Yes | ⊠ No |
|--|-------|------|
| Are there implications for equality and diversity and cohesion and integration? | ☐ Yes | ⊠ No |
| Is the decision eligible for call-In? | ☐ Yes | ⊠ No |
| Does the report contain confidential or exempt information? If relevant, access to information procedure rule number: Appendix number: | ☐ Yes | ⊠ No |

Summary of main issues

- 1. At its meeting of 9th May 2016 General Purposes Committee considered a report from the Head of Planning Services in relation to proposed amendments to the Plans Panel terms of reference intended to achieve an appropriate balance of workloads between committees and to enable decisions to be taken at the appropriate panel when a matter has significant local impact..
- 2. The meeting also considered a report from the Head of Governance Services in relation to proposed amendments to the Council Procedure Rules, in the light of feedback received following introduction of the changes on a trial basis. The report also recommended a minor amendment to the delegation made to the City Solicitor in the Officer Delegation Scheme (Council (non-executive) Functions).

Recommendations

- General Purposes Committee recommends that Full Council approve the amendments to the following documents which form part of the constitution for the reasons set out in this report:
 - City Plans Panel Terms of Reference (Appendix 1)
 - Council Procedure Rules (Appendix 2)
 - Officer Delegation Scheme (Council (non-executive) Functions) City Solicitor (Appendix 3)

1 Purpose of this report

- 1.1 This report presents recommendations from General Purposes Committee to Full Council regarding proposed amendments to the constitution in relation to;
 - Plans Panel terms of reference
 - Council Procedure Rules; and
 - Officer Delegation Scheme (Council (non-executive) Functions) City Solicitor

2 Background information

- 2.1 Plans Panels
- 2.2 Full Council agreed the formation of three new Plans Panels; North and East, South and West and City Panel, in August 2012. Their terms of reference set out the matters to be considered by each Panel, with certain matters being reserved to City Panel.
- 2.3 A review has been conducted by the Joint Member Officer Working Group, to consider the terms of reference with a view to ensuring an appropriate balance of workloads across the panels and to ensure that the appropriate panel is able to take decision on matters which have local impact.
- 2.4 Council Procedure Rules
- 2.5 In June General Purposes Committee approved the introduction of a number of changes to Council meetings for a trial period, which was extended in October 2015 for the remainder of the municipal year. All political groups have given feedback in relation to the trial.
- 2.6 City Solicitor
- 2.7 The City Solicitor receives delegations from Council giving her authority to perform her role in relation to Council Functions. The delegations include all those functions specifically mentioned in the Local Authorities (Functions and Responsibilities) (England) Regulations 2000 but not the implied authority to take the relevant necessary legal action to give effect to decisions taken in relation to Council functions. The City Solicitor's correlative executive delegations do include express authority in relation to executive functions.

3 Main issues

- 3.1 Plans Panels
- 3.2 General Purposes Committee recommend amendments to the City Panel's terms of reference, as shown at Appendix 1 attached. By raising the thresholds at which matters are reserved to City Panel these amendments will enable the City Panel to concentrate activity on those matters which have a greater than local significance and require consideration within a wider strategic context.

3.3 In turn the Area Panels will be able to consider applications which are greater in size or scale and are of significance in the locality although they do not raise issues of city wide strategic importance.

Council Procedure Rules

- 3.4 Following consideration of feedback received from political groups General Purposes Committee recommends the following changes to the Council Procedure Rules as set out in Appendix 2 attached:-
- 3.4.1 Meetings to start at the earlier time of 1p.m. to allow more time in meetings;
- 3.4.2 Removal of Backbench Community Concerns as Community Committees have an enhanced remit to lead on local issues:
- 3.4.3 Introduction of a regular report in relation to matters devolved to and of significance for the West Yorkshire Combined Authority;
- 3.4.4 Introduction of a defined period for consideration of minutes from the Health and Wellbeing Board, prior to consideration of Executive Board Minutes, with time being released by the rotated consideration of other committee minutes being removed:
- 3.4.5 Implementation of a cycle of annual reports from Scrutiny Boards, Community Committees, Plans Panels, Licensing Committee and Standards Committee providing an opportunity for input from all political groups;
- 3.4.6 Increased time for the consideration of White Paper Motions;
- 3.4.7 Removal of restrictions on seconders from the same group being permitted to speak; and
- 3.4.8 Introduction of an earlier deadline for submitting White Paper amendments;
- In addition General Purposes Committee considered amendments proposed by the Head of Governance Services as a result of his annual review of the Constitution. It is recommended that amendments are made to substitution arrangements to enable group leaders and deputy group leaders to substitute for absent members at General Purposes Committee and to enable any non-executive member to substitute for a Scrutiny Board member.
- 3.6 Members may wish to note that the Head of Governance Services intends to use his sub-delegated authority to make consequential amendments to the Scrutiny board Procedure Rules in the event that Council approves the amendment to substitution arrangements for Scrutiny Boards.

- Officer Delegation Scheme (Council (non-executive) Functions) City Solicitor.
- 3.7 It is recommended that an amendment is made to the Council delegation to the City Solicitor in order to give express authority to take any action intended to give effect to a decision of the Council, a council committee or an officer acting in accordance with the officer delegation scheme as shown at Appendix 3 attached to this report.

4 Corporate considerations

4.1 Consultation and engagement

- 4.1.1 The Joint Member Officer Working Group has been consulted and approved the proposed changes to the City Plans Panel's terms of reference on 30th March 2016.
- 4.1.2 Consultation has taken place with the Leader of Council, each opposition Group Leader and with group whips, meaning that all political groups have had opportunity to give feedback in relation to the trialled amendments to the Council Procedure Rules. The details of this feedback are set out in the Head of Governance Services report to General Purposes Committee.
- 4.1.3 The City Solicitor has been consulted in relation to the amendment to her delegations and supports the proposal.

4.2 Equality and diversity / cohesion and integration

4.2.1 There are no specific implications for this report.

4.3 Council policies and best council plan

- 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.
- 4.3.2 In addition all proposals are in line with the Council's value of being open, honest and trusted. Proposals which give clarity over the Council's decision making processes support quality decision making which in turn promotes trust.

4.4 Resources and value for money

4.4.1 The proposal to remove the consideration of the other minutes block from the Council agenda will result in approximately £5k savings in printing costs. All Members may however request to continue to receive these minutes for information via email.

4.5 Legal Implications, access to information and call In

4.5.1 The amendments proposed are in line with legislation and common law.

4.6 Risk management

4.6.1 There are no specific implications for this report.

5 Conclusions

5.1 General Purposes Committee has considered the proposals and is satisfied that the recommendations being made should be approved.

6 Recommendations

- 6.1 General Purposes Committee recommends that Full Council approves amendments to the following documents within the Constitution, as shown on the appendices attached:-
 - City Plans Panel Terms of Reference (Appendix 1)
 - Council Procedure Rules (Appendix 2)
 - Officer Delegation Scheme (Council (non-executive) Functions City Solicitor (Appendix 3).

7 Background documents¹

7.1 None

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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.



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 and regeneration; importance to the city economically, culturally or recreationally;
 - residential schemes of 300 or more dwellings which have greater than local significant and should be considered within a wider strategic context;
 - non residential schemes involving proposed floor space of 10,000 square metres (gross) or more, which would have a greater than local significance and should be considered within a wider strategic context;
 - proposals that are eligible for significant, time limited public funds (including PFI schemes);
 - proposals that are contrary to adopted policy which are being brought forward for approval and could have significant strategic implications for other proposals in the city; or
 - proposals for significant infrastructure provision which affects more than one area of the city that should be considered within a wider strategic context.

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

Council Committees' Terms of Reference

- (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
- 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.

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

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))

COUNCIL PROCEDURE RULES

1.0 ANNUAL MEETING OF COUNCIL

1.1 Timing and Business

In a year when there is an ordinary election of Councillors, the annual meeting will take place within 21 days of the retirement of the outgoing Councillors. In any other year, the annual meeting will take place in March, April or May.

The annual meeting will:

- (a) elect a person to preside if the Lord Mayor and Deputy Lord Mayor are not present;
- (b) elect the Lord Mayor;
- (c) elect a Deputy Lord Mayor (or Vice Chair of Council);
- (d) pass a vote of thanks to the retiring Lord Mayor;
- (e) approve the minutes of the last meeting;
- (f) receive any declarations of interest from Members;
- (g) receive any announcements from the Lord Mayor and/or Head of Paid Service:
- (h) elect the Leader¹;
- (i) consider any recommendations made by General Purposes Committee;
- (j) establish such committees² as are required by statute and such other committees as it considers appropriate to deal with matters which are neither reserved to the Council nor are executive functions (as set out in Part 3, Section 2A of this Constitution);³
- (k) No appointments under Rule 1 shall be for a period beyond the next Annual Meeting of the Council but they may be altered at any meeting of the Council;
- (I) agree the scheme of delegation or such part of it as the Constitution determines it is for the Council to agree (as set out in Part 3, Section 2C of this Constitution);

¹ Only as required by Article 7. If the Council fails to elect the Leader at the relevant annual meeting, or a vacancy in the office arises, the Leader is to be elected at a subsequent meeting.

² Such committees may be known as boards or panels.

³ References in these Rules to any committee established under Rule 1.1(j) shall be construed as including any other committee established by Full Council during municipal year.

- (m) receive the documents presented by the Leader in accordance with Executive and Decision Making Procedure Rules;
- (n) approve a programme of ordinary meetings of the Council for the year; and
- (o) consider any business set out in the notice convening the meeting.

1.2 Selection of Councillors on Committees and Outside Bodies

At the annual meeting, the Council will:

- (a) decide which committees to establish for the municipal year;
- (b) decide the size and terms of reference for those committees;
- (c) decide the allocation of seats to political groups in accordance with the political balance rules;
- (d) appoint to those committees and outside bodies except where appointments to those bodies has been delegated by the Council; and
- (e) appoint the Chair of those committees.

2.0 ORDINARY MEETINGS

2.1 <u>Council Meetings</u>

The Council may amend the programme of ordinary meetings agreed at the annual meeting.

All ordinary meetings shall be held at the **Civic Hall, Leeds**, at **1.00pm**, unless full Council decides otherwise.

2.2 Order of Business

Except as otherwise provided by Rule 2.3 or by statute, the order of business at every meeting of the Council, (other than the Annual meeting, any Extraordinary Meeting or the Budget Meeting⁴, or a State of the City meeting⁵ where the business to be transacted at the meeting will be specified in the Summons), shall be to:

- (a) choose a person to preside if the Lord Mayor and Vice Chair of Council are absent:
- (b) approve as a correct record and sign the minutes of the last meeting of the Council except where the meeting is a meeting called under paragraph 3 (extraordinary meetings) of Schedule 12 to the Local Government Act 1972,

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⁴ Business over and above the budget is usually admitted by agreement but there is a presumption that such agreement will not include the attendance of deputations or question time.

⁵ Or such other similarly styled meeting

in which case the next following meeting of the Council (being a meeting called other than under that paragraph) shall be treated as a suitable meeting for the purposes of paragraph 41(1) and (2) (signing of minutes) of that Schedule;

- (c) receive any declarations of interest from Members;
- (d) receive such communications as the Lord Mayor, the Leader, Deputy Leader, or Members of the Executive Board, or the Chief Executive consider to be appropriate;
- (e) receive deputations (if any) in accordance with Rule 10;
- (f) consider any recommendation of the Executive Board, and committees, established under Rule 1.1(j)⁶, and any sub-committees thereof;
- (g) receive such reports as the Chief Executive, Monitoring Officer or Section 151 Officer consider appropriate⁷;
- (h) deal with Executive questions (if any) in accordance with Rule 11;
- (i) receive the minutes of the Health and Wellbeing Board and Executive Board;
- (j) consider White Paper Motions (if any) submitted in accordance with Rule 12.

2.3 Variation of Order of Business

Business falling under items Rule 2.2 (a) or (b) shall not be displaced, but subject thereto the foregoing order of business may be varied by a resolution passed on a motion (which need not be in writing) duly moved and seconded, which shall be moved and put without discussion.

3.0 TIME LIMITS FOR BUSINESS

- 3.1 Each deputation shall be for no more than 5 minutes
- 3.2 A period of 30 minutes will be allowed for Executive Questions.
- 3.3 Consideration of all business to dispose of the motion to receive Health and Wellbeing Board and Executive Board minutes shall not continue beyond 4.20 pm.

The motion to receive the minutes shall be conducted as follows;

⁶ Annual reports will be received from the following committees: Scrutiny (jointly); Community Committees (jointly); Plans Panels (jointly); Licensing Committee; Standards Committee.

⁷ In the case of a report relating to devolved matters, consideration of this report will take place after the tea break time; be time limited to 30 minutes; and will enable all groups the to contribute to the debate.

- Consideration of Health and Wellbeing Board will be for a period of twenty minutes at the conclusion of which comments on Executive Board minutes will be heard until 4.10 p.m.
- The Leader of Council will sum up for a period of up to ten minutes from 4.10pm.
- 3.4 Each White Paper Motion shall be limited to forty five minutes, at the conclusion of which voting shall commence.

4.0 WINDING UP OF BUSINESS

4.1 At the conclusion of the speech being delivered at the expiry of a specified time period, the Lord Mayor shall put to the vote, without further discussion, all that is necessary to dispose of the matter under debate⁸ provided that:

Executive Questions

Where a question has been commenced orally (but has not been completed within the time allotted for question time) that question is completed including any supplementary to that question and the response thereto.

Consideration of Minutes

The Leader of Council has had the opportunity to sum up (for a period of not more than 10 minutes).

White Paper Motions/ Amendments

The Mover of the motion has had the opportunity to sum up (for a period of not more than 4 minutes).

Reference Back

The relevant Executive Board Member or Chair has had the opportunity to sum up (for a period of not more than 3 minutes) on the reference back.

5.0 EXTRAORDINARY MEETINGS

Those listed below may request the Proper Officer to call Council Meetings in addition to ordinary meetings:

- (a) the Council by resolution;
- (b) the Lord Mayor;

⁸ For clarification, "all that is necessary properly to dispose of the matter under debate" means, as relevant, for the original motion properly to be moved and seconded; for any and all amendment(s) properly to be moved and seconded; and for the mover of the original motion to have an opportunity to exercise their right of reply/right to sum up.

- (c) the Chief Executive, the Monitoring Officer and Section 151 Officer; and
- (d) any five Members of the Council if they have signed a requisition presented to the Lord Mayor and s/he has refused to call a meeting or has failed to call a meeting within seven clear days⁹ of the presentation of the requisition.

6.0 NOTICE OF AND SUMMONS TO MEETINGS

- 6.1 The Chief Executive will give notice to the public of the time and place of any meeting in accordance with the Access to Information Procedure Rules. At least five clear days before a meeting, the Chief Executive will send a summons signed by him/her to every Member of the Council or leave it at their usual place of residence. The summons will give the date, time and place of each meeting and specify the business to be transacted, and will be accompanied by such reports as are available.
- 6.2 The notices for all meetings of committees established under Rule 1.1(j) shall be issued from the office of the Chief Executive and no matter shall be considered at such meeting without the prior agreement of the Chief Executive who shall first have been furnished with any written report or with details of any intended verbal report.

7.0 POWERS AND DUTIES OF THE LORD MAYOR

- 7.1 Any power or duty of the Lord Mayor in relation to the conduct of a meeting may be exercised by the Vice Chair, or in the absence of the Vice Chair, the person elected to preside at the meeting.
- 7.2 Any duty of the Chief Executive in relation to the conduct of a meeting may be exercised in the Chief Executive's absence by the City Solicitor.

8.0 QUORUM

- 8.1 The quorum of a meeting will be one quarter of the whole number of Members¹⁰.
- 8.2 If during any meeting of the Council, any Member draws to the attention of the Lord Mayor that there does not appear to be a quorum present, the Lord Mayor shall direct the Chief Executive to call over the names of the Members of the Council. If there is less than a quarter present, the Lord Mayor shall declare the meeting adjourned. The names of the Members present and those absent shall be recorded in the minutes of the Council.
- 8.3 The consideration of any business not transacted shall be adjourned to a time fixed by the Lord Mayor at the time the meeting is adjourned or, if the Lord Mayor does not fix a time, to the next ordinary meeting of the Council.

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⁹ Not including the date the requisition was received and not including weekends or bank holidays ¹⁰ Where more than one third of the Members are disqualified at the same time, and until the number of Members in office is increased to not less than two thirds of the whole, the quorum shall be determined by reference to the number of Members remaining qualified

9.0 COMMUNICATIONS

9.1 There shall be no discussion on any matter referred to in communications from the Lord Mayor, the Chief Executive or Executive Members as are thought necessary to be read, but any Member shall be at liberty to move a motion, without notice, to refer any of such communications to the appropriate committee and such motion, on being seconded, shall be at once put to the vote.

10.0 DEPUTATIONS

- 10.1 The Council will not receive more than four deputations at any ordinary meeting. 11
- 10.2 A request for permission to bring a Deputation must be submitted, to the Head of Governance Services, at least fourteen clear days in advance of the Council meeting for which permission is sought.
- 10.3 A copy of the proposed deputation speech must accompany the permission request.
- 10.4 Deputations shall be relevant to some matter in relation to which the Council has powers or duties or which affects the City of Leeds.
- 10.5 Deputation requests which relate solely to the interests of an individual or company, or which present, or may appear to present unsubstantiated allegations or claims in respect of an individual, group of individuals, a company or any other body, or are in any way vexatious or otherwise significantly prejudicial to the interests of the Council or the City of Leeds, will not be permitted.
- 10.6 Requests concerning matters being considered by a Plans Panel, the Licensing Committee (or a sub-committee) will not be received.
- 10.7 The suitability of a Deputation shall be determined by the Chief Executive.

 Permission to attend Council and present a Deputation shall be issued by the Chief Executive.
- 10.8 Eligible deputations shall be heard in the order in which permission is granted.
- 10.9 A deputation shall consist of at least two and no more than five people. One person from a deputation may address the Council, for no longer than five minutes¹².
- 10.10 Where two or more deputations present opposing views on the same matter, the Council will not receive more than one of these related deputations at the same meeting.

¹¹ Except the Annual Meeting, an Extraordinary Meeting, the Budget Meeting and a State of the City (or other similarly styled) meeting where deputations shall not be heard.

¹² Including the reading of any written material

- 10.11 The Council shall not normally receive a deputation on a matter that has been the subject of a deputation in the previous six months, except as a result of a refusal at 10.10.
- 10.12 The Council shall not debate any matter raised by a deputation when it is presented.
- 10.13 Any Member of the Council may move a motion without notice, that the deputation be or not be received, or that the subject matter be referred to the appropriate committee¹³. The Lord Mayor will put such a motion on being seconded, to the vote without debate.

11.0 EXECUTIVE QUESTIONS

11.1 Questions on Notice

- (a) Executive Questions may be put at each ordinary meeting of the Council (except, the Budget Meeting or a State of the City meeting¹⁴).
- (b) During question time, a Member may ask the Leader of the Council, the Deputy Leader, any Executive Member¹⁵ or the Chair of any executive committee¹⁶ through the Lord Mayor, any question on any matter in relation to which the Council has powers or duties, or which affects the City of Leeds¹⁷.
- (c) A question shall not be asked in the absence of the Member in whose name it stands unless they have given authority for it to be asked by some other Member of the Council.

11.2 Notice of Questions

Notice in writing of the question must be given to the Chief Executive before 10.00am on the Monday preceding the Council meeting. Questions from an individual or group will be taken in the order in which notice of the question is received from that individual or group.

11.3 Response

(a) Every question shall be put and answered without discussion but the person to whom a question has been put may decline to answer.

¹³ Or to the officer with appropriate delegated authority who shall consider the matter in consultation with the relevant Executive Member.

¹⁴ or other such styled meeting. Questions cannot be put at the Annual Meeting or any Extraordinary Meeting.

¹⁵ In relation to any matter within their portfolio.

¹⁶ In relation to any matter within the committee's terms of reference.

A Member may also ask a Member of the Council appointed by full Council to another body, any question about functions discharged by that other body. Any question about any function discharged by the West Yorkshire Fire and Rescue Authority must be directed to a Member nominated by that Authority..

(b) A Member to whom a question is addressed¹⁸ shall have discretion to nominate a Member to answer such question where the Member considers that the answer would most appropriately be given by such nominee.

11.4 Form of Response

An answer may take the form of:

- (a) a direct oral answer, or where the desired information is contained in a publication of the Council or of the relevant Joint Authority or Joint Committee, a reference to that publication; or
- (b) where the reply to the question cannot conveniently be given orally, a written answer circulated to Members of the Council. Written answers wherever possible should be sent out by the Chief Executive within 10 working days.

11.5 <u>Supplementary Question</u>

The Member who asked a question during question time may ask one supplementary question, arising directly out of the original question.

11.6 Unanswered Questions

Where the answer has not been commenced during question time, it shall be answered by written answer circulated to Members of the Council. If the answer to a question has been commenced orally but has not been completed within question time it may be completed orally including any supplementary to that question and the response thereto.

12.0 MOTIONS ON NOTICE

12.1 Notice

Except for motions which can be moved without notice under Rule 13, written notice of every motion signed by the Member or Members of Council giving notice must be delivered at the office of the Chief Executive prior to 10.00am of the day preceding the day for issue of the Summons. The proposer of a Motion shall have the right to correct or withdraw a Motion up to 10.00 am on the day the Summons is to be issued.

12.2 White Paper Motions

The number of White Paper motions admissible for full debate at any given meeting shall be limited to three¹⁹ ²⁰.

¹⁸ Except in relation to functions discharged by the West Yorkshire Fire and Rescue Authority – see footnote 15 above

¹⁹One to the Labour Group, one to the Conservative Group, one to be shared on a rota agreed by the other political groups.

12.3 <u>Scope</u>

- (a) Every motion shall be relevant to some matter in relation to which the Council has powers or duties or which affects the City of Leeds.
- (b) All the notices of motion received by the Chief Executive shall be submitted to the Lord Mayor. If the Lord Mayor considers that any such motion relates to matters other than of a local nature or is similar to a matter which in the past six months has been rejected at a meeting of the Council, the Member concerned shall ask leave of the Council to introduce such a motion before proceeding to address Council on it. Once the motion is dealt with, no-one can propose a similar motion for six months.
- (c) There shall be no speech or discussion upon asking for such leave to so introduce a motion. The fact that any such motion requires the leave of the Council shall be indicated in the Council Summons.
- (d) If it appears to the Lord Mayor that any motion requiring notice relates only in part to the matters stated in (b) above, the Lord Mayor may invite the Member of the Council concerned to amend the motion in agreement with the Lord Mayor either by omitting the part relating to such matters or by dividing the motion so that the part relating to such matters is stated in terms of a separate motion, but without addition to the terms of the original motion. In such event the original motion shall appear on the Council Summons with the indication that it requires the leave of the Council, but it shall be competent for the Member concerned to move without leave the part agreed by that Member with the Lord Mayor as not relating to the matters above stated, and after that motion has been disposed of, if the Member so wishes, to move with leave of Council the remaining part of the motion.

12.4 Motion Set Out in Agenda

- (a) The Chief Executive shall set out in the Summons for every meeting of the Council all motions of which notice has been duly given, and notice of all business which in the judgement of the Chief Executive requires to be brought before the Council.
- (b) The business under any notice upon the Council Summons shall not be proceeded with in the absence of the Member or Members of the Council in whose name or names it stands, unless they have given authority in writing for it to be taken up by some other Member or Members of the Council, or it is business which, by law, the Council must transact or business emanating from a committee the notice whereof stands in the name of the Chair of that committee in which latter case the resolution may be moved, without authority in writing, by some other Member of the committee.

²⁰ Where submitted, the first White Paper considered will be that submitted by the Conservative Group

13.0 MOTIONS/AMENDMENTS

13.1 Motions and amendments requiring notice

- a) Except as set out in Rule 13.2 below, and as provided in Rule 14.8, no amendment to a motion (including an amendment to refer back any business for further consideration) shall be moved at any meeting of the Council unless notice thereof in writing setting out the amendment and signed by the Member or Members giving it, has been received by the Chief Executive:
 - no later than 10.00am on the working day before the commencement of the meeting; or
 - no later than 10.00 am on the third working day after the issue of the Summons if the amendment is to the Budget Motion.

13.2 Motions without notice

The following motions and amendments may be moved without notice:

- (a) appointment of a Chair of the meeting at which the motion is made;
- (b) in relation to the accuracy of a report, minutes or recommendation before Council;
- (c) to change the order of business in the agenda;
- (d) that leave be given to withdraw an item of business including a motion or amendment;
- (e) that the Council proceed to the next business;
- (f) that the question be now put;
- (g) that the debate be adjourned;
- (h) that the meeting be adjourned
- (i) authorising the sealing of documents;
- (j) suspending Council Procedure Rules, in accordance with Rule 22.1;
- (k) motion to exclude the press and public in accordance with the Access to Information Rules;
- (I) that a Member named under Rule 20, be not further heard or leave the meeting;

- (m) giving consent of the Council where its consent is required by this Constitution; and
- (n) that a communication be referred to the appropriate Committee

14.0 RULES OF DEBATE

14.1 Period Permitted for Speeches

Except by the leave of Council (and as follows);

- a. A Member may address Council under the Communications item for up to 3 minutes.
- b. A Member moving a White Paper motion may speak for up to 5 minutes.
- c. A Member seconding a White Paper motion may speak for up to 4 minutes²¹,
- d. A Member may speak for up to 4 minutes when contributing to, or summing up on, White Paper debates.
- e. A Member moving any other motion may speak for up to 4 minutes.
- f. A Member moving any amendment may speak for up to 4 minutes.
- g. An Executive Board Member or other such Member as may be determined appropriate, may speak for up to 6 minutes²² when summing up on comments made on Minutes.
- h. An Executive Board Member responsible for the section of the minutes to which an amendment (reference back) relates shall have 3 minutes to comment as the last speaker in the debate on the amendment (reference back).
- i. The Leader of Council may speak for up to ten minutes when summing up on the Minutes.
- j. A Member contributing to, or summing up on, any business other than set out above, may speak for up to 3 minutes.
- k. On resuming an adjourned debate, the Member who moved its adjournment is entitled to speak first for up to 3 minutes.

14.2 No Speeches Until Motion Seconded

²¹ A Member when seconding a White Paper motion, or an amendment to a White Paper Motion, may reserve that speech until a later period of the debate.

²² Where the Executive Board Member is the Leader of Council the time available for summing up on his/her portfolio shall be 5 minutes.

All other motions or amendments shall not be discussed unless it has been proposed and seconded.

14.3 Right to require motion in writing

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

14.4 Content of Speeches

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

14.5 When a Member May Speak Again

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

- (i) if the motion has been amended since the Member last spoke, to move a further amendment
- (ii) in exercise of a right of reply
- (iii) to raise a point of order in accordance with Rule 14.15
- (iv) to make a personal explanation in accordance with Rule 14.16

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

14.6 Amendments to Motions

- (a) An amendment must be relevant to the motion and will be to:-
 - (i) refer a subject of debate to an appropriate body or individual for consideration or reconsideration;
 - (ii) leave out words;
 - (iii) leave out words and insert or add others; or
 - (iv) insert or add words,

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

- (b) Subject to Rule 14.6(c), only one amendment may be moved and discussed at any time. No further amendment shall be moved until the amendment under discussion has been disposed of.
- (c) Amendments to White Paper motions shall be moved and discussed in the order in which notice thereof has been given and the voting thereon shall be taken after the winding-up speech of the mover of the original motion.

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

- (a) Only one amendment may be moved to any given minute under a motion to receive the minutes. This shall be one to request the decision-maker to reconsider the decision.
- (b) The Executive Member or Chair responsible for the section of the minutes to which the amendment relates shall have 3 minutes to comment as the last speaker in the debate on the amendment in addition to his/her rights under Rule 14.1(g). In the event that the amendment is the sole matter discussed under the given section of the minutes then the six minutes allowed under Rule 14.1(g) shall be applied.
- (c) The vote will be taken on the amendment before proceeding to comments on that section of the minutes.

14.8 Further Amendments

- (a) If any amendment is lost, other amendments may be moved on the original motion provided that, where necessary, due notice has been given in accordance with Rule 13.1.
- (b) If an amendment is carried, the motion as amended takes the place of the original motion upon which any further such amendments may be moved but this does not prevent any further amendments being moved by references to the wording of the original motion.
- (c) If a Member wishes to move a second or further amendment and has not given due notice thereof where required in accordance with Rule 13.1 the Member shall give notice of the proposed amendment during the discussion on the first or other earlier amendment and, subject to the consent of the Lord Mayor (which question shall not be open to discussion), may move this amendment at such time as the Lord Mayor shall decide. Subject to this, all amendments shall be considered in the order in which notice has been given.

14.9 Alteration of Motion

A Member may with the consent of the Council signified without discussion:

(a) alter a motion of which that Member has given notice; or

(b) with the further consent of the seconder, alter a motion which that Member has moved

if (in either case) the alteration is one which could be made as an amendment thereto.

14.10 Withdrawal of Motion or Minutes

A motion or amendment shall not be withdrawn except with the consent of the seconder and of the Council. There shall be no discussion upon an application to withdraw a motion or amendment but any Member shall be at liberty to move that the leave applied for be given and the Council without discussion shall vote thereon.

14.11 Right of Reply

- (a) The mover of a motion has a right to reply at the close of debate of the motion immediately before it is put to the vote.
- (b) If an amendment is moved, the mover of the original motion shall also have a right of reply at the close of the debate on the amendment but may not otherwise speak on the amendment.
- (c) The mover of the amendment has no right of reply to the debate on such amendment.

14.12 Motions that May Be Moved During Debate

When a motion is under debate no motion shall be moved except the following:-

- (a) to amend the motion;
- (b) to adjourn the meeting;
- (c) to adjourn the debate;
- (d) to proceed to the next business;
- (e) that the question be now put;
- (f) that a Member be not further heard;
- (g) by the Lord Mayor under Rule 20 that a Member leave a meeting;
- (h) to exclude the press and public in accordance with the Access to Information Procedure Rules; or
- (i) to give consent to the withdrawal of a motion or amendment.

14.13 Closure Motions

- (a) A Member may move, without comment, at the conclusion of a speech of another Member.
 - (i) to proceed to the next business;
 - (ii) that the question be now put;
 - (iii) to adjourn a debate; or
 - (iv) to adjourn a meeting

on the seconding of which the Lord Mayor shall proceed as set out in paragraphs (b), (c) and (d) below.

- (b) If a motion to proceed to the next business is seconded, the Lord Mayor will first give the mover of the original motion a right of reply in accordance with time limits for speaking set out in Procedure Rule 14.1. The Lord Mayor will then put to the vote the motion to proceed to the next business.
- (c) If a motion that the question be now put is seconded, the Lord Mayor will first put to the vote the motion that the question be now put, and if it is passed then give the mover of the original motion a right of reply in accordance with time limits for speaking set out in Procedure Rule 14.1 before putting a motion to the vote.
- (d) If a motion to adjourn the debate or the meeting is seconded, the Lord Mayor shall put the adjournment motion to the vote without giving the mover of the original motion a right of reply on that occasion and no amendment to the motion shall be permitted unless it relates to the time of adjournment.

14.14 Resumption of Adjourned Debate

On resuming an adjourned debate, the Member who moved its adjournment is entitled to speak first.

14.15 Points of Order

A Member may raise a point of order at any time and will, with the consent of the Lord Mayor, be entitled to be heard immediately. A point of order may relate only to an alleged breach of these Council Procedure Rules or statutory provision. The Member must specify the Rule or statutory provision and the way in which s/he considers it has been broken. The Lord Mayor's ruling is final.

14.16 Personal explanation

A Member may make a personal explanation at any time. A personal explanation may only relate to some material part of an earlier speech by the Member which may appear to have been misunderstood in the present debate. The ruling of the Lord Mayor on the admissibility of a personal explanation will be final.

14.17 Lord Mayor's Ruling Final

The ruling of the Lord Mayor on a point of order or on the admissibility of a personal explanation shall not be open to discussion.

14.18 Interpretation of Council Procedure Rules

The ruling of the Lord Mayor as to the construction or application of any of these Rules, or as to any proceedings of the Council, shall not be challenged at any meeting of the Council and is final.

15.0 RESCINDING RESOLUTIONS OF COUNCIL

15.1 No resolution of the Council shall be rescinded or varied, except upon motion made on a notice which shall refer to the resolution sought to be rescinded or varied. Provided that this Rule shall not apply to motions moved in pursuance of a recommendation by the Executive Board or a committee established under Rule 1.1(j) or a sub-committee thereof.

16.0 VOTING

16.1 Majority

Unless this Constitution or the law provides otherwise, any matter will be decided by a simple majority of those Members voting and present in the room at the time the question was put.

16.2 Casting Vote

At any meeting of the Council or a committee established under Rule 1.1(j), or a sub-committee thereof, the Chair shall, in case of an equal division of votes have a second or casting vote.

16.3 Show of Hands

- (a) Unless a recorded vote is demanded under Rules 16.4 and 16.5, the Lord Mayor will take the vote by show of hands or if there is no dissent, by the affirmation of the meeting.
- (b) The result of a vote by show of hands will be announced provisionally by the Lord Mayor who will then allow a further reasonable period for any two Members to requisition a recorded vote. If any such requisition is made, the show of hands shall be disregarded and the voting will be recorded to show how each Member present voted.
- (c) If no such requisition is made before the Lord Mayor announces the next item of business or the closure of the meeting, as appropriate, the result of the show of hands as announced by the Lord Mayor will there upon become final.

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16.4 Recorded Vote

Where a recorded vote is required in accordance with paragraphs (a) or (b) below then the minute of the proceedings shall include a record of the names of persons who cast a vote for the decision or against the decision or who abstained from voting.

A recorded vote is required in the following circumstances:-

- (a) Any vote required to be recorded by law²³, or
- (b) Any vote where, before the vote is taken on any matter before Council, any two Members of the Council demand that the votes are recorded.

16.5 Right to Require Individual Vote to be Recorded

Where immediately after a vote is taken at a meeting if any Member so requires, there shall be recorded in the minutes of the proceedings of that meeting whether that person cast his/her vote for the question, against the question or whether s/he abstained from voting.

16.6 Division Bells

- (a) Where a closing speech has started there will be a single ring of the bell.
- (b) In any situation where it has been agreed that a recorded vote shall be taken, there will be two rings of the bell and at least half a minute will elapse between the end of the final ring and the taking of the vote.

16.7 Voting on Appointments

If there are more than two people nominated for any position to be filled by the Council, and there is not a clear majority in favour of one person, then the name of the person with the least number of votes shall be taken off the list and a new vote shall be taken. The process will continue until there is a majority of votes for one person.

17.0 MINUTES

17.1 Signing the Minutes

(a) The Lord Mayor will put the question that the minutes of the previous meeting or meetings of the Council be approved as a correct record.

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²³ Including but not limited to the requirement to record a vote in relation to a budget decision in accordance with paragraph 11 of Schedule 2, Part 2 of the Local Authorities (Standing Orders) (England) Regulations 2001.

(b) No discussion will take place upon the minutes, except upon their accuracy, and any question of their accuracy shall be raised by motion. If no such question is raised, or it is raised then as soon as it has been disposed of, the Lord Mayor will sign the minutes.

17.2 No requirement to sign minutes of previous meeting at Extraordinary Meeting

Where in relation to any meeting, the next meeting for the purpose of signing the minutes is a meeting called under paragraph 3 of Schedule 12 to the Local Government Act 1972 (an Extraordinary Meeting) then the next following meeting (being a meeting called otherwise than under that paragraph) will be treated as a suitable meeting for the purposes of paragraph 41(1) and (2) of Schedule 12 relating to signing of minutes.

17.3 Form of Minutes

Minutes will contain all motions and amendments in the exact form and order the Lord Mayor put them.

18.0 RECORD OF ATTENDANCE

18.1 The clerk for the meeting will record the attendance of all Members present during the whole or part of a meeting.

19.0 EXCLUSION OF PUBLIC

- 19.1 Subject to any statutory prohibitions and to paragraph 19.2 below, meetings of the Council and committees established under Rule 1.1(j) and any sub-committees thereof, shall be open to the public²⁴. This shall be without prejudice to any power of exclusion to suppress or prevent disorderly conduct or other misbehaviour at a meeting.
- 19.2 The Council and committees established under Rule 1.1(j) and any sub-committees thereof may by resolution exclude the press and public from a meeting (whether during the whole part or part only of the proceedings) in accordance with the Access to Information Procedure Rules in Part 4 of this Constitution.

20.0 MEMBERS' CONDUCT

20.1 Standing to Speak

A Member when speaking at full Council must stand and address the Lord Mayor. If two or more Members rise, the Lord Mayor will call on one to speak and the other or others must sit. While the Member is speaking, the other Members must remain seated unless rising on a point of order or personal explanation. Members shall

²⁴ The Recording Protocol: Third Party Recording of Committees, Boards and Panels, set out at Appendix 1 to the Access to Information Procedure Rules applies.

speak of each other by their titles of "Lord Mayor" or "Councillor" as the case may be

20.2 Lord Mayor Standing

When the Lord Mayor rises during a debate, any Member speaking at the time must stop and sit down. The meeting must be silent.

20.3 Member not to be Heard Further

If at a meeting any Member indulges in misconduct by behaving irregularly, improperly, offensively, or by wilfully obstructing the business of the Council, any other Member (including the Lord Mayor) may move "that the Member named be not further heard" and the motion, if seconded will, with the leave of the Lord Mayor, be put and voted on without further discussion.

20.4 Member to Leave the Meeting

If the Member named continues the misconduct after a motion under the foregoing paragraph has been carried, the Lord Mayor shall either move "That the Member named do leave the meeting" (in which case the motion shall be put and determined without seconding or discussion) or adjourn the meeting of the Council for such period as the Lord Mayor shall consider expedient.

20.5 General Disturbance

In the event of general disturbance which in the opinion of the Lord Mayor renders the orderly dispatch of business impossible, the Lord Mayor may, without question, adjourn the meeting of the Council for such period as s/he considers expedient.

21.0 DISTURBANCE BY THE PUBLIC

- 21.1 If a Member of the public interrupts the proceedings at any meeting the Lord Mayor will warn the person concerned. If that person continues the interruption, the Lord Mayor will order their removal from the meeting room.
- 21.2 In the case of general disturbance in any part of the meeting room open to the public the Lord Mayor may call for that part to be cleared.

22.0 SUSPENSION AND AMENDMENT OF COUNCIL PROCEDURE RULES

22.1 Suspension

Any Council Procedure Rule except Rule 16.5 and 17.2 may be suspended by a motion made and seconded and carried by a majority of the Members present at the meeting. A motion to suspend in relation to the proposed introduction of an emergency motion²⁵ should include the wording of the motion proposed to be

considered. The motion to suspend should not include the reasons why the suspension is being proposed. Suspension is only for the duration of the meeting.

22.2 Amendment

Any motion to add to, vary or revoke these Council Procedure Rules will, when proposed and seconded, stand adjourned without discussion to the next ordinary meeting of the Council.

23.0 INTEREST OF MEMBERS AND OFFICERS

- 23.1 Members must comply with the Members' Code of Conduct.
- 23.2 Directors shall record in a book kept for the purpose particulars of any notice given by an officer of the Council of a personal interest in a contract and each such book shall be open during office hours to the inspection of any Members of the Council.

24.0 MOTIONS AFFECTING COUNCIL EMPLOYEES

24.1 If any question arises at a meeting of the Council or a committee established under Rule 1.1(j) and any sub-committee thereof, open to the public as to the appointment, promotion, dismissal, salary, superannuation or conditions of service, or as to the conduct of any person employed by the Council, such question shall not be the subject of discussion until the Council, committee, or sub-committee, has decided whether or not the power of exclusion of the public under section 100A of the Local Government Act 1972 shall be exercised.

25.0 APPLICATION TO COMMITTEES AND SUB COMMITTEES

25.1 All of the Council Procedure Rules apply to meetings of full Council. None of the Rules apply to meetings of the Executive (see Executive and Decision Making Procedure Rules). Only the following Rules apply to meetings of committees and sub-committees:

6.2, 8, 16.1, 16.2, 16.5, 17, 18, 19, 21, 23 - 28.

25.2 References to "Lord Mayor" shall read "the Chair".

26.0 SUBSTITUTE MEMBERS

26.1 Allocation

(a) In relation to each Plans Panel, the Council shall appoint substitute members, comprising all other members of the other Plans Panels, the Development Plan Panel and the Licensing Committee. A nominated member shall be entitled to attend meetings in place of a regular member, subject to the substitute member having received appropriate training.

²⁵ And all subsequent amendments.

- (b) In relation to the Member Management Committee, an Executive Member, Deputy Executive Member, Whip or Assistant Whip shall be entitled to attend meetings in place of a regular member of the Committee.
- (c) In relation to the Development Plan Panel, the Council shall appoint substitute Members, comprising all Members of the Plans Panels and the Licensing Committee. A nominated Member shall be entitled to attend meetings in place of a regular Member, subject to the substitute Member having received appropriate training.
- (d) In relation to the Corporate Governance and Audit Committee, the Council shall appoint substitute members via nominations from group Whips. Each Whip shall nominate one substitute for each member that sits on the Committee. Whips may not nominate any members that would be excluded from full membership under the provisions of Article 9 of the Constitution.
- (e) In relation to the General Purposes Committee, an Executive Member, Deputy Executive Member, group leader or deputy group leader, group whip or assistant whip, shall be entitled to attend meetings in place of a regular member of the Committee.
- (f) In relation to Scrutiny Boards, any non-executive member is eligible to attend in the place of an absent scrutiny board member.
- (g) In relation to Standards and Conduct Committee, the Council shall appoint substitute members via nominations from group Whips. Each Whip shall nominate one substitute for each member that sits on the Committee. A nominated member shall be entitled to attend meetings in place of a regular member, subject to the substitute member having received appropriate training.
- (h) In relation to the Health and Wellbeing Board
 - the Council shall appoint substitute Members via nominations from group Whips. Each Whip shall nominate one substitute for each Member that sits on the Board; and
 - any non-voting representative of each Clinical Commissioning Group and of Healthwatch Leeds appointed by the Health and Wellbeing Board, may substitute for a relevant voting representative.
 - the named substitute from the Third Sector can attend and participate in meetings and vote in the absence of the Third Sector member appointed to the Board.
- i) In relation to Community Committees
 - Elected members cannot be substituted
 - Where a representative from a designated organisation has been coopted on to the Community Committee, that member can be substituted by another representative from that organisation, subject

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26.2 Substitution

A substitute member shall be entitled to attend in place of a regular member provided that the Committee Clerk has been notified of this before the meeting begins. Once the meeting has begun, the regular member in respect of whom notification has been received, shall no longer be entitled to attend that meeting as a member of the committee concerned.

26.3 Powers and Duties

A substitute member shall be for all purposes a duly appointed member of the committee to which s/he is appointed as a substitute member for the meeting in question. Substitute members will have all the powers and duties of any regular member of the committee, but will not be able to exercise any special powers or duties exercisable by the person for whom they are substituting.

27.0 SPECIAL MEETINGS OF COMMITTEES

27.1 The Chair of a committee established under Rule 1.1(j), may call a meeting at any time. A special meeting shall also be called on the requisition of any three Members of such committees delivered in writing to the Chief Executive. The Agenda for such a special meeting shall set out the business to be considered thereat and no business other than that set out in the Agenda shall be considered at that meeting.

28.0 QUORUM OF COMMITTEES AND SUB-COMMITTEES

- 28.1 Four Members (including the Chair) shall form a quorum in committees established under Rule 1.1(j), except as follows:
- 28.2 The quorum for the Employment Committee shall be two, including one Member of the Executive Board.
- 28.3 The quorum for a meeting of a Community Committee shall be satisfied if at least one third of the Elected Ward Members are present, and at least one Elected Ward Member from each ward within the area is present. In the case of those Committees comprised of only two wards, the quorum shall be satisfied if three Members are present and at least one Elected Ward Member from each ward within the area is present.
- 28.4 The quorum for the Licensing Committee shall be as set out in the Licensing Procedure Rules.
- 28.5 The quorum of any sub-committee shall be determined by the appointing committee.
- 28.6 The quorum of the Health and Wellbeing Board shall be four, including one councillor and a CCG representative.

| 28.7 | The quorum of the Housing Advisory Board shall be four, including two Councillors |
|------|---|
| | and one tenant/leaseholder voting co-opted member. |

28.8 Except where authorised by statute, business shall not be transacted at a meeting unless a quorum is present



Appendix 3

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 | Section 106 of, and paragraph 42 of |
|--|-------------------------------------|
| Access to Information | Schedule 12 to the Local Government |
| | Act 1972 |

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.

6. Provision of Legal Services

The City Solicitor is authorised to take any action intended to give effect to a decision of the Council (including decisions taken by a Council committee in accordance with its terms of reference or by a Director in accordance with this scheme of delegation.)

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



ITEM 8 - ESTABLISHMENT OF COMMITTEES AND APPOINTMENTS

Schedule 8 (a) Terms of Reference for Committees, Boards and Panels (attached)

Schedule 8 (b)(i)(ii), (iii) (to follow) and (iv) (attached) detailing appointments to Committees, Boards and Panels

Schedule 8(c) detailing the appointment of Chairs to Committees, Boards and Panels (to follow)

Schedule 8(d) (i) and (ii) detailing the appointment of Chairs to Community Committees (to follow)

Schedule 8(e) detailing appointments to Outside Bodies and Joint Committees (to follow)

Schedule 8(f) detailing appointments and nominations to the West Yorkshire Combined Authority (to follow)



| Schedule 8(a) Approval of *Committee Terms of Reference |
|--|
| (attached) |
| |
| |
| |
| *The terms of reference for the Plans Panels is subject to approval of item 7 on this agenda – Recommendations of the General Purposes Committee |
| |
| |



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

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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



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.



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.

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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.



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



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
 - 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.

or works in that area.

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 antisocial 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



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
 - 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.



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.
- 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.



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

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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



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



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 area¹¹;
- 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.



Employment Committee

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

- 1. to make recommendations to Council to appoint the Head of Paid Service.
- 2. to make recommendations to Council as to the dismissal of the Head of Paid Service, the Monitoring Officer or the Chief Finance Officer.
- 3. to take disciplinary action³ short of dismissal against the Head of Paid Service, the Monitoring Officer or the Chief Finance Officer.
- 4. to hear any grievance submitted by the Head of Paid Service and referred to it by the Chief Officer Human Resources.
- 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 Head of Paid Service.
- 6. to appoint the Monitoring Officer and the Chief Finance Officer.
- 7. to suspend, and keep under review the suspension of, the Head of Paid Service, the Monitoring Officer or the Chief Finance Officer.
- 8. to appoint or dismiss or take disciplinary action short of dismissal⁴ against Directors⁵.
- 9. to deal with appeals⁶ relating to grading, grievance and disciplinary action short of dismissal in respect of the Head of Paid Service, the Monitoring Officer and the Chief Finance Officer.

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 'Disciplinary action' has the meaning set out in the Local Authorities (Standing Orders) (England) Regulations 2001 (as amended)

⁴ Provided that Directors shall retain their delegated authority in accordance with proper processes and procedures to take disciplinary action short of dismissal and to deal with appeals as appropriate ⁵ '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, 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 Head of Paid Service 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.

⁶ 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

Council Committees' Terms of Reference

10. to deal with appeals⁷ relating to grading, grievance, dismissal and disciplinary action short of dismissal in respect of Directors⁸.

.

⁷ 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 ⁸ '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, 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 Head of Paid Service 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.

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;
- 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



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 subcommittees, 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.

- 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 grounds ⁶;
 - (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))





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 and regeneration; importance to the city economically, culturally or recreationally;
 - residential schemes of 300 or more dwellings which have greater than local significant and should be considered within a wider strategic context;
 - non residential schemes involving proposed floor space of 10,000 square metres (gross) or more, which would have a greater than local significance and should be considered within a wider strategic context;
 - proposals that are eligible for significant, time limited public funds (including PFI schemes);
 - proposals that are contrary to adopted policy which are being brought forward for approval and could have significant strategic implications for other proposals in the city; or
 - proposals for significant infrastructure provision which affects more than one area of the city that should be considered within a wider strategic context.

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

Council Committees' Terms of Reference

- (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
- 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.

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

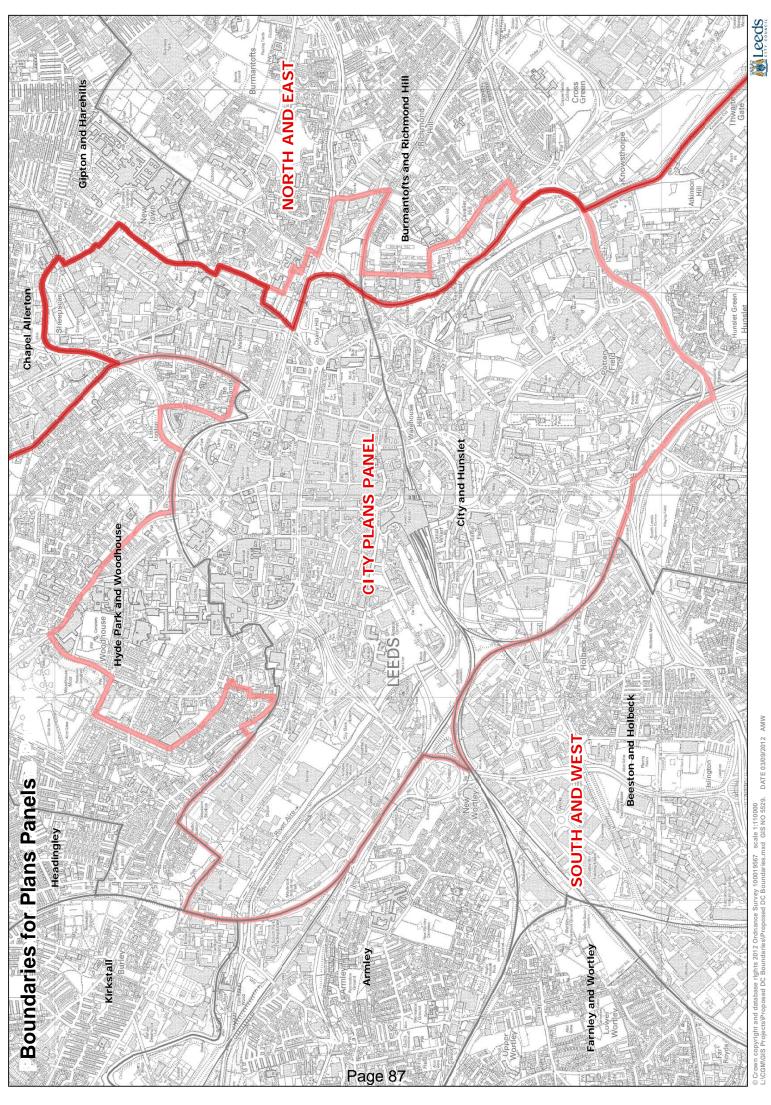
¹³ Items 46 and 47 of Para I of Schedule 1 of the 2000 Regulations

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))



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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.



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.



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.



Independent Panel

The Independent Panel is authorised to discharge the following functions¹:

1. to advise the authority on matters relating to the dismissal of relevant officers of the authority².

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 In accordance with the Local Authorities (Standing Orders) (England) (Amendment) Regulations 2015



Schedules 8(b)(i), (ii) and (iii) detailing appointments to Committees, Boards and Panels

(Schedules to follow)



LEEDS CITY COUNCIL

ANNUAL MEETING

19th MAY 2016

APPROVAL OF MEMBERSHIP OF COMMUNITY COMMITTEES 2016/20171

Inner North West Community Committee

Councillor A Garthwaite (Headingley)

Councillor N Walshaw (Headingley)

Councillor J Pryor (Headingley)

Councillor C Towler (Hyde Park & Woodhouse)

Councillor G Harper (Hyde Park & Woodhouse)

Councillor J Akhtar (Hyde Park and Woodhouse)

Councillor J Bentley (Weetwood)

Councillor S Bentley (Weetwood)

Councillor J Chapman (Weetwood)

Outer North West Community Committee

Councillor B Anderson (Adel & Wharfedale)

Councillor C Anderson (Adel & Wharfedale)

Councillor B Flynn (Adel & Wharfedale)

Councillor G Latty (Guiseley & Rawdon)

Councillor P Wadsworth(Guiseley & Rawdon)

Councillor P Latty(Guiseley & Rawdon)

Councillor C Townsley (Horsforth)

Councillor D Collins (Horsforth)

Councillor B Cleasby (Horsforth)

Councillor S Lay (Otley & Yeadon)

Councillor C Campbell (Otley & Yeadon)

Councillor R Downes(Otley & Yeadon)

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

Inner North East Community Committee

Councillor E Taylor (Chapel Allerton)

Councillor M Rafique (Chapel Allerton)

Councillor J Dowson (Chapel Allerton)

Councillor A Sobel (Moortown)

Councillor R Charlwood (Moortown)

Councillor S Hamilton (Moortown)

Councillor E J Tunnicliffe (Roundhay)

Councillor C MacNiven (Roundhay)

Councillor G Hussain (Roundhay)

Outer North East Community Committee

Councillor N Buckley (Alwoodley)

Councillor D Cohen (Alwoodley)

Councillor P Harrand (Alwoodley)

Councillor R Stephenson (Harewood)

Councillor R Procter (Harewood)

Councillor M Robinson (Harewood)

Councillor G Wilkinson (Wetherby)

Councillor A Lamb (Wetherby)

Councillor J Procter (Wetherby)

Inner East Community Committee

Councillor D Ragan (Burmantofts & Richmond Hill)

Councillor A Khan (Burmantofts & Richmond Hill)

Councillor R Grahame (Burmantofts & Richmond Hill)

Councillor S Arif (Gipton & Harehills)

Councillor A Hussain (Gipton & Harehills)

Councillor K Magsood (Gipton & Harehills)

Councillor G Hyde (Killingbeck & Seacroft)

Councillor C Dobson (Killingbeck & Seacroft)

Councillor B Selby (Killingbeck & Seacroft)

Outer East Community Committee

Councillor J Walker (Crossgates & Whinmoor)

Councillor P Grahame (Crossgates & Whinmoor)

Councillor P Gruen (Crossgates & Whinmoor)

Councillor S Field (Garforth & Swillington)

Councillor M Dobson (Garforth & Swillington)

Councillor S McKenna (Garforth & Swillington)

Councillor M Harland (Kippax & Methley)

Councillor J Lewis (Kippax & Methley)

Councillor K Wakefield (Kippax & Methley)

Councillor D Coupar (Temple Newsam)

Councillor H Hayden(Temple Newsam)

Councillor M Lyons (Temple Newsam)

Inner South Community Committee

Councillor A Gabriel (Beeston & Holbeck)

Councillor A Ogilvie (Beeston & Holbeck)

Councillor D Congreve (Beeston & Holbeck)

Councillor E Nash (City & Hunslet)

Councillor P Davey (City & Hunslet)

Councillor M Iqbal (City & Hunslet)

Councillor P Truswell (Middleton Park)

Councillor J Blake (Middleton Park)

Councillor K Groves (Middleton Park)

Outer South Community Committee

Councillor K Renshaw (Ardsley & Robin Hood)

Councillor J Dunn (Ardsley & Robin Hood)

Councillor L Mulherin (Ardsley & Robin Hood)

Councillor R Finnigan (Morley North)

Councillor R Gettings (Morley North)

Councillor T Leadley (Morley North)

Councillor J Elliott (Morley South)

Councillor N Dawson(Morley South)

Councillor S Varley (Morley South)

Councillor D Nagle (Rothwell)

Councillor K Bruce (Rothwell)

Councillor S Golton (Rothwell)

Inner West Community Committee

Councillor A Lowe (Armley)

Councillor J McKenna (Armley)

Councillor A Smart (Armley)

Councillor C Gruen (Bramley & Stanningley)

Councillor J Heselwood (Bramley & Stanningley)

Councillor K Ritchie (Bramley & Stanningley)

Councillor L Yeadon (Kirkstall)

Councillor J Illingworth (Kirkstall)

Councillor F Venner (Kirkstall)

Outer West Community Committee

Councillor Andrew Carter (Calverley & Farsley)

Councillor Mrs A Carter(Calverley & Farsley)

Councillor R Wood (Calverley & Farsley)

Councillor D Blackburn (Farnley & Wortley)

Councillor A Blackburn (Farnley & Wortley)

Councillor T Wilford (Farnley & Wortley)

Councillor J Jarosz (Pudsey)

Councillor R Lewis (Pudsey)

Councillor M Coulson (Pudsey)



Schedule 8(c)detailing the appointment of Chairs to Committees, Boards and Panels

(Schedule to follow)



Schedules 8(d) Chairs of Community Committees
(Schedules to follow)



Schedule 8(e) detailing appointments to Outside Organisations and Joint Committees

(Schedule to follow)



Schedule 8(f) detailing appointments and nominations to the West Yorkshire Combined Authority

(Schedule to follow)



| Ag | end | da | Item | 9 |
|----|-----|----|------|---|
| _ | | | | |

Schedule 9 approval of *Officer Delegation Scheme (Council(non-executive) functions)

(Schedule attached)

^{*}The Officer Delegation Scheme (Council(non-executive) functions) for the City Solicitor (point 6) is subject to approval of item 7 on this agenda – Recommendations of the General Purposes Committee.



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.
- 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

- (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' authority is subject to an exception in respect of those matters where the relevant Director has directed that the delegated authority should not be exercised and that the matter be referred to him/her or the relevant committee for consideration.

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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 | |
| | 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.

| | 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) | not | nctions relating to consultation and ification processes in relation to changing name of an electoral area ³ | S59 of the Local Government and Public Involvement in Health Act 2007 |
| (m) | То | dissolve small parish councils | Section 10 of the Local Government Act 1972 |
| (n) | diss | make orders for grouping parishes, solving groups and separating parishes n groups | Section 11 of the Local Government Act 1972 |
| (o) | | make temporary appointments to parish incils | 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

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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 | Section 46A of the Marriage Act 1949 |
|-----|-----------------------------|--------------------------------------|
| | solemnisation of marriages | 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 Gambling Act 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

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

licensing authority under the 2011 Act.

⁶ "Licensing functions" means functions under the Licensing Act 2003 Act, the Gambling Act 2005 2005 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&}quot;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

 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 Committee¹³

| (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 |

an Officer.

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

¹³ These delegations include functions where these have been delegated to Leeds City Council by any other Council.

| | Collections Act 1939 |
|--|----------------------|
| | |

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.

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

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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.



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 |

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.



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.

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)

| (I) | 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 |
| (0) | 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 |

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 and 92 of the Town and Country Planning Act 1990 and Articles 5, 10,12, 15 to 18, 15 20 to 242, 25 to 30 and 32 to 35 25 and 26 of the Town and Country Planning (General Development Management Procedure) Order 2015/595 ² 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 1 to 19 of Schedule 2 to the Town and Country Planning (General Permitted Development) Order 2015 (SI 2015/596) ³ |
| (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 and 192 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 |

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.

²² This Order replaced 1995/419 which is cited in the Functions and Responsibilities Regulations

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³ This Order replaced 1995/418 which is cited in the Functions and Responsibilities Regulations

| (m) | To require the discontinuance of a use of land | Section 102 of the Town and Country Planning Act 1990 |
|------|--|---|
| (n) | To issue a temporary stop notice | Section 171E of the Town and Country Planning Act 1990 |
| (0) | 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 | Section 13(1) 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 Arrangements for Handling Heritage Applications Direction 2015 and The Conservation Areas Direction 2015 ⁴ |
| (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 |

⁴ This Direction replaced Circular 01/01 cited in the Functions and Responsibilities Regulations

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) |
| (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 Town & Country Planning (Tree Preservation)(England) Regulations 2012 ⁵ |

4 High Hedges

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

⁵ These Regulations replace the Regulations cited in the Functions and Responsibilities Regulations.

Exceptions:

The Chief Planning Officer is not authorised⁶ to discharge the following functions:

1 Town and Country Planning and Development Control

| (a) | the determination of applications following a written request ⁷ to the Chief Planning Officer by a Ward Member |
|-----|---|
| | concerning an application within the Ward he/she represents, or |
| | concerning 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 ⁸ which the Chair ⁹ 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 ¹⁰ 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. |

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⁶ 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).

⁷ 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).

⁸ "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 an Environmental Statement is required.

⁹ In conjunction with the Chief Planning Officer

¹⁰ In conjunction with the Chief Planning Officer

2 Commons Registration

(a) Where objections have been received.



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) |

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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 |
|------|--|---|
| (1) | 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 |
| (II) | 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 |
| (00) | 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 |



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 | Section 106 of, and paragraph 42 of |
|--|-------------------------------------|
| Access to Information | Schedule 12 to the Local Government |
| | Act 1972 |

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.

6. Provision of Legal Services

The City Solicitor is authorised to take any action intended to give effect to a decision of the Council (including decisions taken by a Council committee in accordance with its terms of reference or by a Director in accordance with this scheme of delegation.)

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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



| Agenda Item |
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| Schedule 10 – Receipt of the arrangements for the discharge of executive functions as set out by the Leader of Council |
| |
| (To follow) |
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Agenda Item 11

SCHEDULE 11

COUNCIL MEETING 19th MAY 2016

Calendar of Council Meetings for the Municipal Year 2016-2017

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

Wednesday 29th June 2016 at 1.00pm

Wednesday 14th September 2016 at 1.00pm

Wednesday 9th November 2016 at 1.00pm

Wednesday 11th January 2017 at 1.00pm

Wednesday 22nd February 2017 at 1.00pm

Wednesday 29th March 2017 at 1.00pm

Thursday 25th May 2017– ANNUAL MEETING at 6.00pm

