
GENERAL PURPOSES COMMITTEE

Meeting to be held in Civic Hall, Leeds, LS1 1UR on
Wednesday, 1st February, 2017 at 10.00 am

MEMBERSHIP**Councillors**

D Blackburn	Farnley and Wortley;
J Blake (Chair)	Middleton Park;
Mrs A Carter	Calverley and Farsley;
R Charlwood	Moortown;
S Golton	Rothwell;
G Latty	Guiseley and Rawdon;
J Lewis	Kippax and Methley;
A Lowe	Armley;
A Ogilvie	Beeston and Holbeck;
J Pryor	Headingley;
S Varley	Morley South;
L Yeadon	Kirkstall;

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A G E N D A

Item No	Ward/Equal Opportunities	Item Not Open		Page No
1			<p>APPEALS AGAINST REFUSAL OF INSPECTION OF DOCUMENTS</p> <p>To consider any appeals in accordance with Procedure Rule 15.2 of the Access to Information Procedure Rules (in the event of an appeal the press and public will be excluded).</p> <p>(*In accordance with Procedure Rule 15.2, written notice of an appeal must be received by the Head of Governance Services at least 24 hours before the meeting)</p>	
2			<p>EXEMPT INFORMATION - POSSIBLE EXCLUSION OF THE PRESS AND PUBLIC</p> <p>1 To highlight reports or appendices which officers have identified as containing exempt information, and where officers consider that the public interest in maintaining the exemption outweighs the public interest in disclosing the information, for the reasons outlined in the report.</p> <p>2 To consider whether or not to accept the officers recommendation in respect of the above information.</p> <p>3 If so, to formally pass the following resolution:-</p> <p>RESOLVED – That the press and public be excluded from the meeting during consideration of the following parts of the agenda designated as containing exempt information on the grounds that it is likely, in view of the nature of the business to be transacted or the nature of the proceedings, that if members of the press and public were present there would be disclosure to them of exempt information, as follows:-</p>	

Item No	Ward/Equal Opportunities	Item Not Open		Page No
3			<p>LATE ITEMS</p> <p>To identify items which have been admitted to the agenda by the Chair for consideration</p> <p>(The special circumstances shall be specified in the minutes)</p>	
4			<p>DECLARATION OF DISCLOSABLE PECUNIARY AND OTHER INTERESTS</p> <p>To disclose or draw attention to any disclosable pecuniary interests for the purposes of Section 31 of the Localism Act 2000 and paragraphs 13-18 of the Members' Code of Conduct. Also to declare any other significant interests which the Member wishes to declare in the public interest, in accordance with paragraphs 19-20 of the Members' Code of Conduct.</p>	
5			<p>APOLOGIES FOR ABSENCE</p> <p>To receive any apologies for absence from the meeting.</p>	
6			<p>MINUTES - 5TH DECEMBER 2016</p> <p>To receive and approve the minutes of the meeting held on Monday 5th December 2016.</p>	1 - 2
7			<p>CONSTITUTIONAL AMENDMENTS</p> <p>To receive a report of the City Solicitor which recommends amendments to the Constitution which are necessary to reflect the new organisational structure developed by the Head of Paid Service.</p>	3 - 78

Item No	Ward/Equal Opportunities	Item Not Open		Page No
			<p>THIRD PARTY RECORDING</p> <p>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 contacts named on the front of this agenda.</p> <p>Use of Recordings by Third Parties– code of practice</p> <ul style="list-style-type: none"> 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. 	

GENERAL PURPOSES COMMITTEE

MONDAY, 5TH DECEMBER, 2016

PRESENT: Councillor J Blake in the Chair

Councillors D Blackburn, C Dobson(as
substitute for Councillor Lowe), S Golton,
G Latty, J Lewis, A Ogilvie, J Pryor,
S Varley and L Yeadon

Apologies Councillors R Charlwood A Lowe and
J Procter.

1 APPEALS AGAINST REFUSAL OF INSPECTION OF DOCUMENTS

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

2 EXEMPT INFORMATION - POSSIBLE EXCLUSION OF THE PRESS AND PUBLIC

There were no resolutions to exclude the public.

3 LATE ITEMS

No late items were submitted to the agenda for consideration, Members did however consider additional information from the Morley Borough Independent Group Whip in respect of the item on Substitution Arrangements for Council Meetings (minute 7 refers).

4 DECLARATION OF DISCLOSABLE PECUNIARY AND OTHER INTERESTS

There were no declarations of interest.

5 APOLOGIES FOR ABSENCE

Apologies for absence were received from Councillor Charlwood, Councillor Lowe and Councillor J Procter. Councillor C Dobson attended as substitute for Councillor Lowe.

6 Minutes - 9th May 2016

RESOLVED - That the minutes of the meeting held on 9th May 2016 be approved as a correct record.

7 SUBSTITUTION ARRANGEMENTS FOR COUNCIL COMMITTEES

The City Solicitor submitted a report recommending amendments to the Council Procedures Rules to allow greater flexibility around the appointment of substitutes to Plans Panels, the report also recommended provision for substitution for the Council's Housing Advisory Board.

Members also considered correspondence from the Morley Borough Independent Group Whip in respect of paragraph 3.3 of the report which set out the current practice between the smaller political groups in respect of substitute arrangements.

In discussing this matter Members agreed that in relation to each Plans Panel, the Council shall appoint a list of substitute members comprising all other members of the other Plans Panels, the Development Plan Panel and the Licensing Committee. In addition the list may include any Members, nominated by their group Whip, who are not members of these committees, but have received appropriate training. A nominated member shall be entitled to attend meetings in place of a regular member, subject to the substitute member having received appropriate training.

RESOLVED – That the proposed amendments to the Council Procedure Rules set out at Appendix A to this report be recommended to Full Council for approval.

Report of City Solicitor

Report to General Purposes Committee

Date: 1st February 2017

Subject: Constitutional Amendments

Are specific electoral wards affected? If yes, name(s) of ward(s):	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
Are there implications for equality and diversity and cohesion and integration?	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
Is the decision eligible for call-in?	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
Does the report contain confidential or exempt information? If relevant, access to information procedure rule number: Appendix number:	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No

Summary of main issues

1. The Constitution sets out the way in which the Council discharges its functions, including arrangements for the delegation of functions to both committees and officers.
2. The Head of Paid Service has agreed a new organisational structure which is to take effect in April 2017. As a result amendments to the constitution are necessary to reflect the new arrangements in respect of Corporate Leadership Team.
3. In particular amendments need to reflect the new management structure, including alterations to the designation of statutory officers, and the Officer Delegation Scheme (Council (non-executive) Functions) will need to be brought up to date.
4. Consequential amendments to the Scrutiny Board Terms of Reference are also required.

Recommendations

5. General Purposes Committee is requested to recommend that Council approve the amendments listed below with effect from 1st April 2017:-
 - 5.1 Part 2 - Article 12 (Appendix A)
 - 5.2 Part 2 – Article 15 (Appendix B)
 - 5.3 Part 3 – Section 1 – Local Choice Functions (Appendix C)

5.4 Part 3 – Section 2A – Functions of the Full Council (Appendix D)

5.5 Part 3 – Section 2B – Scrutiny Board Terms of Reference (Appendices E1-E6)

5.6 Part 3 – Section 2C – Officer Delegation Scheme (Council (non-executive) Functions):

- General Delegations (Appendix F)
- Chief Executive (Appendix G)
- Director of Resources and Housing (Appendix H)
- Chief Officer (Financial Services) (Appendix I)
- City Solicitor (Appendix J)
- Director of Communities and Environment (Appendix K)
- Director of City Development (Appendix L)
- Chief Planning Officer (Appendix M)
- Director of Children and Families (Appendix N)
- Note the removal of Deputy Chief Executive, Assistant Chief Executive (Citizens and Communities), and Director of Environment and Housing

6. General Purposes Committee is also requested to recommend that Council appoint the Director of Communities and Environment as the Deputy Electoral Registration Officer and the Chief Officer (Financial Services) as the Council's S151 Officer and note that the Chief Officer (Financial Services) will designate a deputy and communicate details to Members before taking up the S151 responsibilities on 1st April.

1. Purpose of this report

- 1.1 This report recommends amendments to the Constitution which are necessary to reflect the new organisational structure developed by the Head of Paid Service.

2. Background information

Organisational Structure

- 2.1 By delegated decision dated 24th January 2017 the Head of Paid Service has approved a new organisational staffing structure.
- 2.2 The structure was developed working with Members and officers, to support the Council's ambition of being a compassionate city with a strong economy, and to ensure the Council's continued improvement while making significant savings.
- 2.3 As the Council is placing a greater emphasis on work in localities, services from citizens and communities will merge with some of those from environment and housing. This will enable a greater impact on reducing inequalities across the city and particularly in some of the most deprived neighbourhoods. The merger will create a new Communities and Environment directorate.
- 2.4 Following the retirement of the current post holder at the end of March 2017, the role of deputy chief executive will be deleted. The work of the strategy and resources directorate will however continue. The existing Director of Environment and Housing will be re-designated as Director of Resources and Housing and will, in addition to corporate responsibilities, retain responsibility for work areas including housing and sustainability.
- 2.5 Subject to approval by Full Council it is proposed to appoint the Chief Officer (Financial Services) as S151 officer. The post holder, will report to the Director of Resources and Housing, will be entitled to sufficient resources and to attendance at such meetings of the Council, Executive Board and other formal and informal decision making forums¹, and will have the degree of independence necessary to fulfil the role.
- 2.6 To improve the Council's partnership work with health colleagues, bring together related commissioning functions, and ensure delivery of the sustainability and transformation plan there will be one directorate for adult social services and public health. The Director of Public Health will retain his statutory responsibilities whilst becoming part of the Director of Adults and Health's leadership team.

Executive Arrangements

- 2.7 By a delegated decision dated 24th January 2017 the Leader has amended the following documents forming part of her executive arrangements with effect from 1st April 2017:-
- Executive Members' Oversight of Officer Executive Delegations
 - Officer Delegation Scheme (Executive Functions)
 - General Delegations
 - Chief Executive
 - Director of Resources and Housing
 - Chief Officer (Financial Services)
 - City Solicitor

¹ Including Corporate Leadership Team

- Director of Communities and Environment
- Director of City Development
- Chief Planning Officer
- Director of Children and Families
- Director of Adults and Health
- Director of Public Health

Consequential amendments

2.8 The City Solicitor intends to use her authority as Monitoring Officer to make further amendments to the constitution to ensure that the new arrangements for the delegation of functions are reflected throughout the constitution. In particular amendments will be required to:

- Community Committee Procedure Rules
- Contracts Procedure Rules
- Financial Regulations
- Officer Employment Procedure Rules
- Protocol for the Co-ordination of external inspection reports
- Management Structure Diagram

3. Main issues

Designation of Deputy Electoral Registration Officer and S151 Officer

- 3.1 Part 3, Section 2A Functions of the Full Council sets out those functions which are reserved to full council, and details the officers appointed by Council in respect of relevant functions.
- 3.2 The Deputy Chief Executive is the Council's current s.151 Officer. Section 151 of the Local Government Act 1972 requires that every local authority shall make arrangements for the proper administration of their financial affairs and shall secure that one of their officers has responsibility for the administration of those affairs. The Chief Officer (Financial Services) is the current Deputy Section 151 Officer and has the relevant qualifications, professional membership and experience to carry out this role.
- 3.3 General Purposes Committee are requested to recommend that full Council:-
- 3.3.1 appoint the Director of Communities and Environment as Deputy Electoral Registration Officer in addition to the Head of Elections, Licensing and Registration (whilst noting that the Assistant Chief Executive (Citizens and Communities) will no longer exist to exercise the role);
- 3.3.2 appoint the Chief Officer (Financial Services) as S151 Officer (whilst noting that the Deputy Chief Executive will no longer exist to exercise the role.); and
- 3.3.3 approve the amended Functions of Full Council attached at Appendix D

Article 12 - Officers

- 3.4 Article 12 details the council's senior management team and sets out the designations of statutory officers. General Purposes Committee are requested to recommend that full Council approve the amendments proposed to Article 12 as shown at Appendix A attached to reflect the new organisational structure and the designation of Chief Officer (Financial Services) as the S151 Officer.

- 3.5 It has not yet been determined which post will act as deputy to the S151 Officer. GPC are requested to recommend that Council note that the Chief Officer (Financial Services) will designate a deputy and communicate details to Members before taking up the S151 responsibilities on 1st April. The Monitoring Officer will accordingly further amend Article 12 under her delegated authority in Article 15 and publish as a significant operational decision.

Article 15 – Review and Revision of the Constitution

- 3.6 Article 15 includes details as to which person or body has authority to amend each of the documents within the Council's Constitution. General Purposes Committee are requested to recommend the amendments proposed at Appendix B attached to ensure that appropriate officers can take the necessary decisions to keep documents up to date and fit for purpose.

Responsibility for Local Choice Functions

- 3.7 This document, shown at Appendix C attached, sets out details of local choice functions; whether they are to be treated as Council or Executive functions and which officers are responsible. Amendments are necessary to reflect the new organisational arrangements.

Officer Delegation Scheme

- 3.8 As a result of the changes made to the organisational structure General Purposes Committee is requested to recommend that Council approve the Officer Delegation Scheme (Council (non-executive) Functions) which will comprise delegations to the Directors as follows:-
- 3.9 General Delegations (Appendix F) – amendments reflect the titles of Directors within the new organisational structure.
- 3.10 Chief Executive (Appendix G) – there are no amendments from the existing scheme.
- 3.11 Director of Resources and Housing (Appendix H) – includes the existing delegations to the Deputy Chief Executive (other than those in relation to making standing orders in relation to finance which are delegated to the Chief Officer (Financial Services) below).
- 3.12 Chief Officer (Financial Services) (Appendix I) – this is a new delegation reflecting the separation of the role from the Director of Strategy and Resources and permits the Chief Officer (Financial Services) to make standing orders in relation to finance.
- 3.13 City Solicitor (Appendix J) – there are no amendments from the existing scheme.
- 3.14 Director of Communities and Environment (Appendix K) – includes the existing delegations to the Assistant Chief Executive (Citizens and Communities) and the Director of Environment and Housing.
- 3.15 Director of City Development (Appendix L) – there are no amendments from the existing scheme.
- 3.16 Chief Planning Officer (Appendix M) – there are no amendments from the existing scheme.
- 3.17 Director of Children and Families (Appendix N) – there are no amendments from the existing scheme.
- 3.18 The Committee will note that there are no specific delegations to the Director of Adults and Health or the Director of Public Health. The existing delegations to

Deputy Chief Executive, Assistant Chief Executive (Citizens and Communities) and Director of Environment and Neighbourhood will be removed from the Officer Delegation Scheme (Council (non-executive) Functions).

Scrutiny Board Terms of Reference

- 3.19 General Purposes Committee are requested to recommend that full Council approve amendments to the Scrutiny Boards terms of reference, as shown at Appendices E1 to E6 attached, indicating which Directors are responsible for each of the functions within their remit (the committee may wish to note that these changes do not alter the remit of any of the Scrutiny Boards)

4. Corporate considerations

4.1 Consultation and engagement

- 4.1.1 The Head of Paid Services has engaged officers and Members in developing these changes, in part by making the changes in response to issues raised about where existing organisational arrangements don't work. As some of the reasons for the changes are to make financial savings, consultation has also been carried out through the budget setting process. Whilst the changes are significant, the main emphasis of change continues to be on the culture change through the values.

4.2 Equality and diversity / cohesion and integration

- 4.2.1 There are no implications for this report.

4.3 Council policies and best council plan

- 4.3.1 The changes outlined within this report support the Council's ambition of being a compassionate city with a strong economy.

4.4 Resources and value for money

- 4.4.1 The organisational structure which underlies the changes proposed in this report intends to enable the best use of the Council's human resources to deliver council services. The changes to organisational shape, including JNC reductions, deliver a financial saving to the Council which is reported elsewhere in budget papers.

4.5 Legal implications, access to information, and call-in

- 4.5.1 As a council decision this report will not be open to Call In. The committee's recommendations will be reported to the next ordinary meeting of Council.

4.6 Risk management

- 4.6.1 The proposed amendments will ensure that the Council's constitution remains up to date and fit for purpose and that decision making arrangements are robust.

5. Conclusions

- 5.1 Changes to the organisational structure require amendments to the Constitution as detailed in this report.

6. Recommendations

- 6.1 General Purposes Committee is requested to recommend that Council approve the amendments listed below with effect from 1st April 2017:-

6.1.1 Part 2 - Article 12 (Appendix A)

6.1.2 Part 2 – Article 15 (Appendix B)

6.1.3 Part 3 – Section 1 – Local Choice Functions (Appendix C)

6.1.4 Part 3 – Section 2A – Functions of the Full Council (Appendix D)

6.1.5 Part 3 – Section 2B – Scrutiny Board Terms of Reference (Appendices E1-E6)

6.1.6 Part 3 – Section 2C – Officer Delegation Scheme (Council (non-executive) Functions):

- General Delegations (Appendix F)
- Chief Executive (Appendix G)
- Director of Resources and Housing (Appendix H)
- Chief Officer (Financial Services) (Appendix I)
- City Solicitor (Appendix J)
- Director of Communities and Environment (Appendix K)
- Director of City Development (Appendix L)
- Chief Planning Officer (Appendix M)
- Director of Children and Families (Appendix N)
- Note the removal of Deputy Chief Executive, Assistant Chief Executive (Citizens and Communities), and Director of Environment and Housing

- 6.2 General Purposes Committee is also requested to recommend that Council appoint the Director of Communities and Environment as the Deputy Electoral Registration Officer and the Chief Officer (Financial Services) as the Council's S151 Officer and note that the Chief Officer (Financial Services) will designate a deputy and communicate details to Members before taking up the S151 responsibilities on 1st April.

7. Background documents²

- 7.1 None

² The background documents listed in this section are available to download from the Council's website, unless they contain confidential or exempt information. The list of background documents does not include published works.

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ARTICLE 12 - OFFICERS

12.1 MANAGEMENT STRUCTURE

- **General**

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

- **Chief Officers**

The full Council will engage persons for the following posts, who will be designated Chief Officer¹ and will have the functions responsibilities set out in the Officer Delegation Scheme (Council (non-executive) Functions) at Part 3 Section 2C and the Officer Delegation Scheme (Executive Functions) at Part 3 Section 3E of this Constitution.

- Chief Executive
- [Director of Resources and Housing](#)
- [Chief Officer \(Financial Services\)](#)
- [City Solicitor](#)
- [Director of Communities and Environment](#)
- Director of City Development
- Chief Planning Officer
- Director of [Children and Families](#)
- [Director of Adults and Health](#)
- Director of Public Health

¹ Any reference to a Director within the constitution shall be deemed to include reference to all officers listed in this Article, except where the context requires otherwise.

Article 12 – Officers

• Head of Paid Service, Monitoring Officer and Chief Finance Officer

The Council will designate the following posts as shown:

DESIGNATION	POST	DEPUTY
Head of Paid Service ²	Chief Executive	Director of Resources and Housing
Monitoring Officer ³	City Solicitor	Head of Governance and Scrutiny Support
S151 Officer (referred to in this Constitution as Chief Finance Officer) ⁴	Chief Officer (Financial Services)	
Director of Children's Services ⁵	Director of Children and Families	Deputy Director of Children's Services (Safeguarding, Specialist and Targeted Services)
		Deputy Director of Children's Services (Learning, Skills and Universal Services)
Director of Adult Social Services ⁶	Director of Adults and Health	Chief Officer, Access & Care Delivery
		Chief Officer, Resources & Strategy
		Chief Officer, Commissioning
		Chief Officer, Health Partnerships
		Director of Public Health
Director of Public Health ⁷	Director of Public Health	Deputy Director of Public Health Consultant in Public Health / Medicine

By law, some functions of the Monitoring Officer and Chief Finance Officer (apart from the administration of the financial affairs of the Council) must be carried out personally, or carried out by a deputy nominated by them in cases of absence or illness⁸.

² Designated under Section 4 Local Government and Housing Act 1989

³ Designated under Section 5 Local Government and Housing Act 1989

⁴ Appointed in accordance with Section 151 Local Government Act 1972

⁵ Appointed under Section 18 Children Act 2004

⁶ Appointed under Section 6 Local Authority Social Services Act 1970

⁷ Appointed under Section 73A National Health Service Act 2006

⁸ See further Section 5/5A Local Government and Housing Act 1989

Article 12 – Officers

In addition to the functions detailed in the Officer Delegation Scheme (Council (non-executive) Functions) and the Officer Delegation Scheme (Executive Functions) such posts will have the functions described in Article 12.2–12.5 below.

12.2 FUNCTIONS OF THE HEAD OF PAID SERVICE

- **Structure**

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

- **Discharge of functions by the Council**

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

- **Politically restricted posts**

The Head of Paid Service will grant and supervise exemptions from political restriction⁹, in consultation with the Monitoring Officer.

- **Dispensations**

Following consultation with the Chair of the Standards and Conduct Committee, the Head of Paid Service will consider and determine written requests for dispensations.¹⁰

- **Chair of Leeds Safeguarding Children Board and Leeds Safeguarding Adults Board**

Following consultation with appropriate partners, the Head of Paid Service will appoint or dismiss and hold to account the Chairs of the LSCB¹¹ and LSAB¹²

- **Restrictions on functions**

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

12.3 FUNCTIONS OF THE MONITORING OFFICER

⁹ Section 3A Local Government and Housing Act 1989

¹⁰ In accordance with Section 33 of the Localism Act 2011.

¹¹ Regulation 4 LSCB Regulations 2006 and "Working Together to Safeguard Children" statutory guidance March 2015

¹² Care Act 2014 and "The Care and Support Statutory Guidance"

- **Maintaining the Constitution**

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

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

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

- **Reporting on maladministration or injustice**

The Monitoring Officer will prepare reports as required by the Local Government Act 1974 and the Local Government and Housing Act 1989 in relation to complaints which have been the subject of investigation by the Local Government Ombudsman and which have revealed maladministration, whether or not that maladministration has caused injustice.

- **Supporting the Standards and Conduct Committee**

The Monitoring Officer will contribute to the promotion and maintenance of high standards of conduct through provision of support to the Standards and Conduct Committee¹³.

- **Functions relating to the Members' register of interests**

The Monitoring Officer will establish, maintain and publish the register of Members' interests¹⁴.

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

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

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

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

¹³ Including any action under the procedure for considering complaints alleging a failure to comply with the Members' Code of Conduct

¹⁴ In relation to Leeds City Councillors, voting co-opted Members of Leeds City Council, and Members of Parish and Town Councils in the Leeds area

Article 12 – Officers

- **Contributing to corporate management**

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

- **Providing advice**

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

- **Reporting on resources**

The Monitoring Officer will report to the Council, as necessary on the staff, accommodation and resources s/he requires to discharge his/her statutory functions.

- **Receiving copies of certificates**

The Monitoring Officer will receive copies of certificates under the Local Authorities (Contracts) Regulations 1997.

- **Restrictions on posts**

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

12.4 FUNCTIONS OF THE CHIEF FINANCE OFFICER

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

After consulting with the Head of Paid Service and the Monitoring Officer, the Chief Finance Officer will report to the full Council or to the Executive in relation to an executive function and the Council's external auditor if he/she considers that any proposal, decision or course of action will involve incurring unlawful expenditure, or is unlawful and is likely to cause a loss or deficiency or if the Council is about to enter an item of account unlawfully.

- **Administration of financial affairs**

The Chief Finance Officer will make arrangements for the administration of the financial affairs of the Council in accordance with section 151 of the Local Government Act 1972.

- **Contributing to corporate management**

Article 12 – Officers

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

- **Providing advice**

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

- **Give financial information**

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

12.5 **FUNCTIONS OF THE DIRECTOR OF PUBLIC HEALTH**

- **Annual Report**

The Director of Public Health has statutory responsibility for writing the annual report on the health of the local population.

12.6 **DUTY TO PROVIDE SUFFICIENT RESOURCES**

The Council will provide all Statutory Officers with such officers, accommodation and other resources as are in their opinion sufficient to allow their duties to be performed.

12.7 **CONDUCT**

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

12.8 **EMPLOYMENT**

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

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ARTICLE 15 - REVIEW AND REVISION OF THE CONSTITUTION

15.1 DUTY TO MONITOR AND REVIEW THE CONSTITUTION

15.1.1 The Monitoring Officer will monitor and review the operation of the Constitution to ensure that the aims and principles of the Constitution are given full effect.

- **Protocol for monitoring and review of constitution**

15.1.2 A key role for the Monitoring Officer is to be aware of the strengths and weaknesses of the Constitution adopted by the Council, and to make recommendations for ways in which it could be amended in order better to achieve the purposes set out in Article 1. In undertaking this task the Monitoring Officer may:

- (a) observe meetings of different parts of the Member and officer structure;
- (b) undertake an audit trail of a sample of decisions;
- (c) record and analyse issues raised with him/her by Members, officers, the public and other relevant stakeholders; and/or
- (d) compare practices in this authority with those in other comparable authorities, or national examples of best practice.

15.2 CHANGES TO THE CONSTITUTION

- **Approval**

15.2.1 Changes to Parts 1 and 2 of the Constitution will only be approved by the full Council after consideration of the proposal by the General Purposes Committee and following advice from the Monitoring Officer, save that authority to make certain changes is delegated to the Monitoring Officer as detailed at 15.2.3 below. Changes to the Constitution may be made by simple majority.

15.2.2 Changes to Parts 3 to 7 of the Constitution will be approved by the body or person to whom such authority has been delegated as indicated in the table set out at Annex 1 attached. Where the approval of full Council is required for such changes in Parts 3 to 5 of the Constitution, then they will only be approved by full Council after consideration of the proposal by the General Purposes Committee and following advice from the Monitoring Officer.

15.2.3 The Monitoring Officer is authorised to make any changes to any Part of the Constitution which are required:

- as a result of legislative change or decisions of the Council¹ or Executive² to enable him/her to maintain it up to date;
- or for the purposes of clarification only.

15.2.4 All changes made by officers under delegated authority will be recorded as delegated decisions.

¹ Including Council Committees and Officers acting under delegated authority.

² Including Committees of the Executive and Officers acting under delegated authority.

ANNEX 1

Part of Constitution	Title of Document	Body/Person with authority to change the document
Part 3 Section 1	Responsibility for Local Choice Functions	Full Council
Part 3 Section 2A	Functions of the Full Council	Full Council
Part 3 Section 2B	Council Committees' Terms of Reference	Full Council
Part 3 Section 2C	Officer Delegation Scheme (Council (Non-Executive) Functions)	Full Council
Part 3 Section 2D	Council (Non-Executive) Delegations to and from other authorities	Full Council
Part 3 Section 3A	Responsibility for Executive Functions	Leader of Council
Part 3 Section 3B(a)	Executive Member Portfolios	Leader of Council
Part 3 Section 3B(b)	Executive Members: Oversight of Officer Executive Delegations	Leader of Council
Part 3 Section 3B(c)	Support to Executive Members	Leader of Council
Part 3 Section 3C	Executive Committee and Advisory Committee Terms of Reference	Leader of Council
Part 3 Section 3D	Community Committee Executive Delegation Scheme	Executive Board
Part 3 Section 3E	Officer Delegation Scheme (Executive Functions)	Leader of Council
Part 3 Section 3F	Executive Delegations to Other Authorities	Leader of Council
Part 3 Section 4	Joint Arrangements	Full Council (in relation to Council Functions) Leader of Council (in relation to Executive Functions)
Part 4 a	Council Procedure Rules	Full Council
Part 4 b	Executive and Decision Making Procedure Rules	Executive Board (in relation to Executive Functions set out at Rules 1.1 to 1.4, 2.1 and 3.1) Full Council (all other)
Part 4 c	Scrutiny Board Procedure Rules	Full Council
Part 4 d	Scrutiny Board Procedure Rules Guidance Notes	<u>Head of Governance and Scrutiny Support</u>

Article 15 – Review and Revision of the Constitution

Part 4 e	Community Committee Procedure Rules	Leader of Council (in relation to executive functions set out in section 3.1-3.5 and section 8) Full Council (all other)
Part 4 f	Budget and Policy Framework Procedure Rules	Full Council
Part 4 g	Access to Information Procedure Rules	City Solicitor
Part 4 h	Appointments to Outside Bodies Procedure Rules	Full Council
Part 4 i	Contracts Procedure Rules	Director of Resources and Housing
Part 4 j	Financial Regulations	Chief Finance Officer
Part 4 k	Officer Employment Procedure Rules	Director of Resources and Housing
Part 4 l	Procedure for Considering Complaints Alleging a Failure to Comply with a Members' Code of Conduct within the Area of Leeds Metropolitan District Council	Full Council
Part 4 m	Licensing Procedure Rules	Licensing Committee
Part 5 a	Members Code of Conduct	Full Council
Part 5 b	Employee Code of Conduct	Director of Resources and Housing
Part 5 c	Protocol on Member/Officer Relations	Standards and Conduct Authority
Part 5 d	Protocol – Roles of Members and Officers in Decision Making	Executive Board
Part 5 e	Monitoring Officer Protocol	Standards and Conduct Committee
Part 5 f	Protocol for the Co-ordination of External Inspection Reports	Director of Resources and Housing
Part 5 g	Planning Code of Good Practice	A joint meeting of the Plans Panels
Part 5 h	Protocol for Public Speaking at Plans Panels	A joint meeting of the Plans Panels
Part 5 i	Code of Practice for Determining Licensing Matters	Licensing Committee
Part 5 j	Code of Corporate Governance	Corporate Governance and Audit Committee
Part 6	Members' Allowances Scheme	Full Council
Part 7	Management Structure	Director of Resources and Housing

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SECTION 1: RESPONSIBILITY FOR LOCAL CHOICE FUNCTIONS

Local Choice Functions ¹	Decision Making Body	Delegation of functions to Committees or officers (to the extent set out below or Section 2C for Council (non-executive) functions and section 3D for executive functions)
Functions under a local Act (other than one specified or referred to in Reg 2 or Schedule 1 of the Regulations 2000)	Executive Board	The relevant Director for the function concerned.
To determine appeals against any decision of the authority.	Executive Board generally ² except in respect of matters referred under the terms of reference of the Licensing Sub-Committees and the Employment Committee.	The Director of Resources and Housing ³
To appoint review boards under the Social Security Act 1998 ⁴	Full Council	City Solicitor
To make arrangements for appeals against exclusion of pupils from maintained schools	Full Council	Director of Children and Families
To make arrangements for appeals regarding school admissions ⁵	Full Council	Admitting Authorities and Director of Children and Families ⁶
To make arrangements for appeals by governing bodies ⁷	Full Council	Director of Children and Families
Any function relating to contaminated land ⁸	Executive Board	Director of City Development

¹ Local Authorities (Functions and Responsibilities) Regulations 2000, Schedule 2

² Including appeals in relation to access to information by Members under s100F Local Government Act 1972, Regulation 17 Local Authorities (Executive Arrangements) (Access to Information) (England) Regulations 2000, and the common law “need to know” rules

³ In relation to arrangements for employee appeals, save those dealt with by the Employment Committee

⁴ s34(4) Social Security Act 1998

⁵ S94(1), (1A) and (4) School Standards and Framework Act 1998

⁶ The Director of Children’s Services will be responsible for clerking functions set out in paragraph’s 1.10 to 1.11 of the School Admission Appeals Code, with the relevant admitting authority making all other necessary arrangements.

⁷ S95(2) School Standards and Framework Act 1998

⁸ Part IIA Environmental Protection Act 1990 and subordinate legislation

Responsibility for Local Choice Functions

Local Choice Functions¹	Decision Making Body	Delegation of functions to Committees or officers (to the extent set out below or Section 2C for Council (non-executive) functions and section 3D for executive functions)
The control of pollution or the management of air quality ⁹	Executive Board	Director of <u>Communities and Environment</u>
To serve an abatement notice in respect of a statutory nuisance ¹⁰	Executive Board	Director of <u>Communities and Environment</u>
To pass a resolution that Schedule 2 of the Noise and Statutory Nuisance Act 1993 should apply in the authority's area ¹¹	Executive Board	Director of <u>Communities and Environment</u>
To inspect the authority's area to detect any statutory nuisance ¹²	Executive Board	Director of <u>Communities and Environment</u>
To investigate any complaint about the existence of a statutory nuisance ¹³	Executive Board	Director of <u>Communities and Environment</u>
To obtain information about interests in land ¹⁴	Executive Board	Director of City Development
To obtain particulars of persons interested in land ¹⁵	Executive Board	All Directors in pursuance of their delegated authority
To make agreements for the execution of highways works ¹⁶	Executive Board	Director of City Development
To appoint any individual	Full Council ¹⁷	

⁹ Pollution Prevention and Control Act 1999; Part IV Environment Act 1995; Part I Environmental Protection Act 1990; Clean Air Act 1993

¹⁰ s80(I) Environmental Protection Act 1990

¹¹ s8 Noise and Statutory Nuisance Act 1993

¹² S79 Environmental Protection Act 1990

¹³ s79 Environmental Protection Act 1990

¹⁴ s330 Town and Country Planning Act 1990

¹⁵ s16 Local Government (Miscellaneous Provisions) Act 1976

¹⁶ Section 278 Highways Act 1980

¹⁷ Full Council acts as Appointing Body for the purposes of making appointments to:

- West Yorkshire Joint Services Committee
- West Yorkshire Fire and Rescue Authority
- West Yorkshire Police and Crime Panel
- West Yorkshire Combined Authority
- West Yorkshire Pension Fund Joint Advisory Group

Responsibility for Local Choice Functions

Local Choice Functions¹	Decision Making Body	Delegation of functions to Committees or officers (to the extent set out below or Section 2C for Council (non-executive) functions and section 3D for executive functions)
(a) to any office other than an office in which he is employed by the authority and to revoke any such appointment		
To appoint any individual (b) to any body other than – (i) the authority; (ii) a joint Committee of two or more authorities; or (c) to any Committee or sub Committee of such a body and to revoke any such appointment	Full Council	Member Management Committee ¹⁸ Community Committees ¹⁹
To make agreements with other local authorities for the placing of staff at the disposal of those other authorities	Executive Board	
Functions relating to local area agreements ²⁰	Executive Board	

-
- West Yorkshire Pension Fund Investment Panel

¹⁸ In accordance with the Member Appointments to Outside Bodies Procedure Rules and delegations provided by Full Council:-

- determination of which outside bodies should have Member representation; and
 - (by determining the category of each such outside body), determination of how such appointments should be made; and
- act as the appointing body for the purposes of making appointments to outside bodies categorised as Strategic and Key Partnership Outside Bodies

¹⁹ In accordance with the Appointments to Outside Bodies Procedure Rules and delegations provided by the Member Management Committee, act as the appointing body for the purposes of making appointments to outside bodies categorised as Community and Local Engagement Bodies

²⁰ Sections 106, 110, 111 and 113 of the Local Government and Public Involvement in Health Act 2007

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Responsibilities for Council (non-executive) Functions

FUNCTIONS OF THE FULL COUNCIL

<u>Council (non-executive) functions¹</u>	<u>Related appointments of Officers by full Council</u>
<p>*Members' allowances²</p> <p>To make, amend, revoke or replace a Members' allowances scheme.</p> <p>To determine the amount of allowance payable for:</p> <ul style="list-style-type: none"> • Chairman's expenses • Vice-Chairman's expenses • financial loss allowance • allowances for attending conferences and meetings <p>To determine the rates at which payments are to be made for travelling and subsistence allowances.</p> <p>To determine the amount of any allowance payable under the Members' allowances scheme or the rates at which payments are to be made.</p>	
<p>*Electoral Arrangements</p> <p>To make a request for review of single-member electoral areas, under Section 57 Local Democracy, Economic Development and Construction Act 2009</p> <p>To change a scheme for elections under section 32(1) or 39(1)³ of the Local Government and Public Involvement in Health Act 2007.⁴</p> <p>To pass a resolution to change the name of an electoral area⁵ under Section 59(1) of the 2007 Act</p>	

¹ In accordance with the Local Authorities (Functions and Responsibilities) (England) Regulations 2000, as amended (the 2000 Regulations), Section 101 (arrangements for discharge of functions by local authorities) of the Local Government Act 1972 shall not apply to any function below marked *

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

³ Where a council has whole council elections

⁴ Regulation 2(6B) of the 2000 Regulations

⁵ Schedule 1, Para D item 22 of the 2000 Regulations. Functions relating to consultation and notification processes under Section 59 have been delegated to the Chief Executive.

Responsibilities for Council (non-executive) Functions

<u>Council (non-executive) functions¹</u>	<u>Related appointments of Officers by full Council</u>
<p>*Governance arrangements⁶</p> <p>To resolve to:</p> <ul style="list-style-type: none"> • operate a different form of governance⁷; or • vary executive arrangements so that they provide for a different form of executive⁸; or • otherwise vary executive arrangements⁹. <p>To elect a Leader.¹⁰</p> <p>To pass a resolution to remove the executive leader¹¹.</p>	
<p>*Community governance reviews</p> <p>To make an order giving effect to recommendations made in a community governance review under Section 86 of the 2007 Act¹².</p>	
<p>Arrangements for the discharge of functions/appointments of committees¹³</p> <p>Subject to any provisions of regulations under section 9EB Local Government Act 2000,</p> <ul style="list-style-type: none"> (a) to make arrangements for the discharge of functions by a committee or officer under section 101(5) of the 1972 Act; and (b) to make appointments under section 102 (appointment of committees) of the 1972 Act. 	
<p>Functions to be discharged by the authority, by virtue of other enactments¹⁴</p> <p>To discharge any function which by virtue of any enactment passed or made before the making of the Local Authorities (Functions and Responsibilities) (England) Regulations 2000, may be discharged only by an authority.</p>	

⁶ Section 9R(6) of the Local Government Act 2000 (the 2000 Act) provides that Section 101 of the Local Government Act 1972 does not apply to the passing of any resolution under Part 1A of the 2000 Act. Further Section 9R(7) provides that functions under Part 1A are required to be Council Functions

⁷ Under Section 9K Local Government Act 2000

⁸ Under Section 9KA of the 2000 Act

⁹ Under Section 9KB of the 2000 Act,.

¹⁰ Under section 9C(3)(a). This cannot be delegated by virtue of Section 9C(6) of the 2000 Act

¹¹ In accordance with Section 9IC of the 2000 Act

¹² Regulation 2(6E) of the 2000 Regulations

¹³ Regulation 2(8) of the 2000 Regulations

¹⁴ Regulation 2(11) of the 2000 Regulations

<u>Council (non-executive) functions¹</u>	<u>Related appointments of Officers by full Council</u>
<p>Formulating plans and strategies¹⁵</p> <p>In connection with the discharge of the function:</p> <p>(a) of formulating or preparing a plan or strategy of a specified description¹⁶;</p> <p>(b) of formulating a plan or strategy for the control of the authority's borrowing, investments or capital expenditure or for determining the authority's minimum revenue provision; or</p> <p>(c) of formulating or preparing any other plan or strategy whose adoption or approval is a matter for determination by the authority¹⁷</p> <p>to the extent of the following actions:</p> <p>(a) to give instructions requiring the Executive to reconsider any draft plan or strategy submitted by the Executive for the authority's consideration;</p> <p>(b) to amend any draft plan or strategy submitted by the Executive for the authority's consideration;</p> <p>(c) to approve, for the purposes of public consultation in accordance with Regulation 10 or 22 of the Town & Country Planning (Development Plans) (England) Regulations 1999, draft proposals associated with the preparation of alterations to or the replacement of a development plan;</p> <p>(d) to approve for the purpose of its submission to the Secretary of State or any Minister of the Crown for is approval any plan or strategy (whether or not in the form of a draft) of which any part is required to be so submitted;</p> <p>(e) the approval, for the purpose of its submission to the Secretary of State for independent examination under section 20 of the Planning and Compulsory Purchase Act 2004, of a development plan document; and</p> <p>(f) to adopt (with or without modification) the plan or strategy.</p>	

¹⁵ Regulation 4(1),(2) and (3) of the 2000 Regulations

¹⁶ Specified in column (1) of Schedule 3 to the 2000 Regulations

¹⁷ By virtue of Regulation 5(1) of the 2000 Regulations

<u>Council (non-executive) functions¹</u>	<u>Related appointments of Officers by full Council</u>
<p>Budget and Policy framework¹⁸</p> <p>To amend, modify, revise, vary, withdraw or revoke any plan or strategy detailed in the policy framework at Article 4 of this Constitution, or for the control of the authority's borrowing, investments or capital expenditure, save where such amendment, modification, revision , variation, withdrawal or revocation:</p> <ul style="list-style-type: none"> (i) is required for giving effect to requirements of the Secretary of State or a Minister of the Crown in relation to a plan or strategy submitted for his approval, or to any part so submitted; (ii) is recommended by the person carrying out, under section 20 of the Planning and Compulsory Purchase Act 2004, an independent examination of a development plan document; or (iii) is authorised by a determination made by the authority when approving or adopting the plan or strategy as the case may be. 	

¹⁸ Regulation 4(4) of the 2000 Regulations

Responsibilities for Council (non-executive) Functions

<u>Council (non-executive) functions¹</u>	<u>Related appointments of Officers by full Council</u>
<p>Joint local development documents¹⁹</p> <p>To make an agreement to prepare one or more joint development plan documents, in connection with the discharge of functions under Section 28 of the Planning and Compulsory Purchase Act 2004;</p> <p>Except to the extent of the function above, any function under section 28 Planning and Compulsory Purchase Act 2004 is to be a function of the Executive²⁰</p>	
<p>Applications for disposals of land²¹</p> <ul style="list-style-type: none"> To authorise the making of an application for consent to that disposal under Section 32 (power to dispose of land held for the purposes of Part II) or Section 43 (consent required for certain disposals not within Section 32) of the Housing Act 1985 <p>(The function of making the application is the responsibility of the Executive)</p>	

¹⁹ Regulation 4(4A) and 4(4C) of the 2000 Regulations

²⁰ Regulation 4(4B) of the 2000 Regulations

²¹ Regulation 4(5), 4(6) and 4(7) of the 2000 Regulations

Responsibilities for Council (non-executive) Functions

<u>Council (non-executive) functions¹</u>	<u>Related appointments of Officers by full Council</u>
<p>Financial calculations and precepts²²</p> <p>To make calculations and determinations in accordance with Sections 31A – 31B, 34, 36– 36A, 42B, 48, 52ZB, 52ZF and 52ZJ of the Local Government Finance Act 1992²³, whether originally or by way of substitute, save to the extent of:</p> <ul style="list-style-type: none"> (a) the preparation for submission to the authority for their consideration of estimates of the amounts to be aggregated in making the calculation or determination or other amounts to be used for the purposes of the calculation and estimates of the calculation; or (b) the reconsideration of those estimates and amounts in accordance with the authority's requirements; (c) the submission for the authority's consideration of revised estimates and amounts. <p>(which functions shall be the responsibility of the Executive)</p>	
<p>Deregulation authorisations/revocations²⁴</p> <p>To authorise a person to exercise a function pursuant to an Order under Section 70 of the Deregulation and Contracting Out Act 1994, where the Section 70 function is not the responsibility of the Executive; and</p> <p>To revoke any such authorisation.</p>	

²² Regulation 4(9),4(10) & 4(11) of the 2000 Regulations

²³ Sections 35, 42A, 45-47, 49 and 52ZJ do not require decisions to be taken by Leeds City Council and are not therefore included here.

²⁴ Regulation 4(12) & 4(13) of the 2000 Regulations

Responsibilities for Council (non-executive) Functions

<u>Council (non-executive) functions¹</u>	<u>Related appointments of Officers by full Council</u>
<p>Adoption of plans and strategies²⁵</p> <p>To adopt or approve a plan or strategy (whether statutory or non-statutory) other than a plan or strategy</p> <ul style="list-style-type: none"> • for the control of the authority's borrowing, investments or capital expenditure; or • of a description referred to in Schedule 3 of the 2000 Regulations <p>where the Council determines that the decision whether the plan or strategy should be adopted or approved should be taken by them.</p>	
<p>Determinations about matters concerned with budget/borrowing/capital expenditure contrary to the Budget and Policy Framework etc.²⁶</p> <p>To determine any matter in the discharge of a function which is</p> <ul style="list-style-type: none"> • the responsibility of the Executive; and • is concerned with the authority's budget, or their borrowing or capital expenditure, <p>where the individual or body by whom, by virtue of any of section 9E of the Local Government Act 2000 or provision made under section 9EB of that Act, the determination is to be made,</p> <p>(a) is minded to determine the matter contrary to, or not entirely in accordance with</p> <ol style="list-style-type: none"> (i) the authority's budget; or (ii) the plan or strategy for the time being approved or adopted by the authority in relation to their borrowing or capital expenditure; and <p>(b) is not authorised by the authority's executive arrangements, financial regulations, standing orders or other rules or procedures to make a determination in those terms.</p>	

²⁵ Regulation 5(1) of the 2000 Regulations

²⁶ Regulation 5(1) of the 2000 Regulations

<u>Council (non-executive) functions¹</u>	<u>Related appointments of Officers by full Council</u>
<p>The Determination of matters which are the responsibility of the Executive etc.²⁷</p> <p>The determination of any matter in the discharge of a function-</p> <p>(a) which is the responsibility of the Executive; and</p> <p>(b) in relation to which a plan or strategy (whether statutory or non-statutory) has been adopted or approved by the authority,</p> <p>where the individual or body by whom, by virtue of section 9E of the Local Government Act 2000 or provision made under section 9EB of that Act, the determination is to be made, is minded to determine the matter in terms contrary to the plan or, as the case may be, the strategy adopted or approved by the authority; <u>except</u> in relation to the discharge of a function where:</p> <p>(a) the circumstances which render necessary the making of the determination may reasonably be regarded as urgent; and</p> <p>(b) the individual or body by whom the determination is to be made has obtained from the Chair of a relevant Scrutiny Board, or if there is no such person, or if the Chair of every relevant Scrutiny Board is unable to act, from the Chair of the authority, or in their absence, from the vice-chair, a statement in writing that the determination needs to be made as a matter of urgency.</p>	

²⁷ Regulation 5(1) and (2) of the 2000 Regulations

Responsibilities for Council (non-executive) Functions

<u>Council (non-executive) functions¹</u>	<u>Related appointments of Officers by full Council</u>
Functions of a licensing authority²⁸ To discharge functions relating to <ul style="list-style-type: none"> • the statement of licensing policy;²⁹ • the passing of a resolution not to issue a casino premises licence³⁰; • the decision to apply the late night levy requirement and the date on which the requirement is first to apply³¹; • the proportion of the net amount of levy payments to be paid to the relevant local policing body³²; • the decision to cease to apply the late night levy requirement³³; • establishing a licensing committee;³⁴ and • the exercise and delegation of functions;³⁵ 	
To appoint an electoral registration officer³⁶	The Chief Executive is appointed as Electoral Registration Officer The Head of Elections, Licensing and Registration and Director of Communities and Environment are appointed as deputy Electoral Registration Officers.
To appoint returning officer for local government elections³⁷	The Chief Executive is appointed as the Returning Officer

²⁸ Item 14A of Para. B of Schedule 1 of the 2000 Regulations

²⁹ Section 5 of the Licensing Act 2003 and Section 349 of the Gambling Act 2005

³⁰ Item 14B of Para B of Schedule 1 of the 2000 Regulations

³¹ Sections 125 and 132(1)(a) Police Reform and Social Responsibility Act 2011

³² Section 132(1)(b)(iv) or Section 133(1)(d) Police Reform and Social Responsibility Act 2011

³³ Section 133(1)(a) Police Reform and Social Responsibility Act 2011

³⁴ Section 6 of the Licensing Act 2003

³⁵ Section 7(3),(4),(5),(7) and (9) of the Licensing Act 2003

³⁶ Item 1 of Para. D of Schedule 1 of the 2000 Regulations

³⁷ Item 6 of Para. D of Schedule 1 of the 2000 Regulations

Responsibilities for Council (non-executive) Functions

Schemes of elections To consult on change of scheme for elections ³⁸ Duties relating to publicity ³⁹ Duties relating to notice to Electoral Commission ⁴⁰ To alter years of ordinary elections of parish councillors ⁴¹	
To change the name of the district or parish⁴²	
To confer title of honorary alderman / honorary alderwoman or to admit to be an honorary freeman / honorary freewoman of the district⁴³	
To make, amend, revoke or re- enact byelaws⁴⁴	
To promote or oppose local Bills in Parliament⁴⁵	
To make arrangements for proper administration of financial affairs etc⁴⁶	Chief Officer (Financial Services) is appointed as Section 151 Officer
To appoint officers for particular purposes (appointment of proper officers)⁴⁷	Each Director is appointed as the Proper Officer for matters within his/her remit. The Chief Executive is appointed as the Proper Officer for the purpose of any other matter.
To designate an officer as the head of the authority's paid service, and to provide staff etc⁴⁸	The Chief Executive is appointed as Head of Paid Service
To designate an officer as the Monitoring Officer, and to provide staff etc⁴⁹	The City Solicitor is appointed as the Monitoring Officer
Duty to provide staff, etc to person nominated by Monitoring Officer⁵⁰	

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

³⁹ Sections 35, 41 and 52 of the Local Government and Public Involvement in Health Act 2007

⁴⁰ Sections 36 and 42 of the Local Government and Public Involvement in Health Act 2007

⁴¹ Section 53 of the Local Government and Public Involvement in Health Act 2007

⁴² Items 1 and 2 of Para E of Schedule 1 of the 2000 Regulations

⁴³ Item 3 of Para E of Schedule 1 of the 2000 Regulations

⁴⁴ Para F of Schedule 1 of the 2000 Regulations

⁴⁵ Para G of Schedule 1 of the 2000 Regulations

⁴⁶ Item 39 of Para. I of Schedule 1 of the 2000 Regulations

⁴⁷ Item 40 of Para. I of Schedule 1 of the 2000 Regulations

⁴⁸ Item 43 of Para I of Schedule 1 of the 2000 Regulations

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

⁵⁰ Item 44A of Para I of Schedule 1 of the 2000 Regulations

Responsibilities for Council (non-executive) Functions

Powers relating to overview and scrutiny committees (voting rights of co-opted members)⁵¹	
To act as Appointing Body⁵² for the purposes of making appointments to: <ul style="list-style-type: none"> • West Yorkshire Joint Services Committee • West Yorkshire Police and Crime Panel • West Yorkshire Fire and Rescue Authority • West Yorkshire Combined Authority • West Yorkshire Pension Fund Joint Advisory Group • West Yorkshire Pension Fund Investment Panel 	
To approve a pay policy statement⁵³	
To adopt, revise or replace a Members' Code of Conduct⁵⁴	

⁵¹ Item 44B of Para I of Schedule 1 of the 2000 Regulations

⁵² Other appointments have been delegated to Member Management Committee and Community Committees

⁵³ Sections 38 and 39 Localism Act 2011

⁵⁴ Section 28 Localism Act 2011

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Scrutiny Board (Strategy and Resources)

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

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

¹ In relation to functions delegated under the Officer Delegation Schemes for the Chief Executive, the [Director of Resources and Housing \(All Council functions and Executive functions 1-9\)](#), the [Chief Officer \(Financial Services\)](#) and the City Solicitor (whether or not those functions are concurrently delegated to any other committee or officer); and any other function not within the terms of reference of any other Scrutiny Board.

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

³ Under the Budget and Policy Framework Procedure Rules

⁴ Including in relation to the Budget

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Scrutiny Board (Citizens and Communities)

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

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

¹ In relation to the functions delegated to the ~~Assistant Chief Executive (Citizens and Communities)~~ Director of Communities and Environment under the Officer Delegation Scheme (Council Functions 1a and 2 to 4, and Executive Functions 1 to 4 and 15 to 19) whether or not those functions are concurrently delegated to any other committee or officer.

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

³ In accordance with Budget and Policy Framework Procedure Rules.

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Scrutiny Board (Children's Services)

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

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

¹ In relation to functions delegated to the [Director of City Development \(Executive function 5\)](#) and Director of [Children and Families](#) under the Officer Delegation Scheme whether or not those functions are concurrently delegated to any other committee or officer.

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

³ In accordance with Budget and Policy Framework Procedure Rules.

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Scrutiny Board (City Development)

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

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

¹ In relation to functions delegated to the ~~the~~ Director of City Development ([All Council functions and Executive functions 1 to 4 and 6 to 11](#)) and the Chief Planning Officer under the Officer Delegation Scheme whether or not those functions are concurrently delegated to any other committee or officer.

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

³ In accordance with Budget and Policy Framework Procedure Rules.

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

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

⁶ In accordance with Section 9FH Local Government Act 2000

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Scrutiny Board (Environment and Housing)

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

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

¹ In relation to functions delegated to the ~~Director of Environment and Housing~~ Director of Resources and Housing (Executive functions 10 to 12) and the Director of Communities and Environment (Council functions 1b to 1xx and Executive functions 5 to 14) under the Officer Delegation Scheme (~~Executive Functions~~) whether or not those functions are concurrently delegated to any other committee or officer.

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

³ In accordance with Budget and Policy Framework Procedure Rules.

⁴ In accordance with Section 19 Police and Justice Act 2006

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

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

⁷ This is any matter concerning –

- a) crime and disorder (including in particular forms of crime and disorder that involve anti-social behaviour or other behaviour adversely affecting the local environment), or
- b) the misuse of drugs, alcohol and other substances in that area.

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

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

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

1. the following overview and scrutiny functions:¹

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

2. the following functions of the authority:⁴

- a) to review and scrutinise any matter relating to the planning, provision and operation of the health service in its area and to make reports and recommendations on any such matter it has reviewed or scrutinised;
- b) to comment on, make recommendations about, or report to the Secretary of State in writing about such proposals as are referred to the authority by a relevant NHS body or a relevant health service provider; and
- c) to nominate Members to any joint overview and scrutiny committee appointed by the authority.⁵

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

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

³ In accordance with Budget and Policy Framework Procedure Rules.

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

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

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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, all Directors, Chief Officer (Financial Services), City Solicitor and other named officers¹ are authorised²:
 - (a) to impose conditions, limitations or restrictions;
 - (b) to determine any terms to which they are subject;
 - (c) to determine whether and how to enforce any failure to comply³;
 - (d) to amend, modify, vary or revoke; and
 - (e) to determine whether a charge should be made or the amount of such a charge.
3. The Chief Executive, all Directors, Chief Officer (Financial Services) 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;
 - (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

¹ These are all other officers listed in Article 12.

² An officer may consider in respect of any matter that the authority delegated under this scheme may not be exercised and if so, may refer the matter to the relevant committee for determination.

³ including

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

⁴ An officer may consider in respect of any matter that the authority delegated under this scheme may not be exercised and if so, may refer the matter to the relevant committee for determination.

⁵ Item 48 of Para I of Schedule 1 to the Local Authorities (Functions and Responsibilities)(England) Regulations 2000 as amended

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

Act 1974, to the extent that these functions are discharged otherwise than in the Council's capacity as employer;

- (c)⁶
 - (i) to appoint staff within the approved establishment in accordance with the Council's Recruitment and Selection Procedure;
 - (ii) to appoint staff on a temporary basis to provide cover for absences or cater for peaks in workload subject to there being budgetary provision. Such staff should be employed on terms set out in the guidance issued by the Director of Resources; and
 - (iii) to determine issues relating to officers' terms and conditions of employment and to take such action and enter into such agreement as may be required to give effect to such determinations.
- (d) The enforcement of byelaws.

Exceptions:

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

The named officers'⁷ authority is subject to an exception in respect of those matters where the relevant Director has directed that the delegated authority should not be exercised and that the matter be referred to him/her or the relevant committee for consideration.

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

⁷ See footnote 2 above

Chief Executive

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

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

Functions relating to Elections

(a)	To assign officers in relation to requisitions of the registration officer	Section 52(4) of the Representation of the People Act 1983
(b)	To provide assistance at European Parliamentary elections	Section 6(7) and (8) of the European Parliamentary Elections Act 2002
(c)	To divide constituency into polling districts	Section 18A to 18E of and Schedule A1 to the Representation of the People Act 1983
(d)	To divide electoral divisions into polling districts at local government elections	Section 31 of the Representation of the People Act 1983
(e)	Powers in respect of holding of elections	Section 39(4) of the Representation of the People Act 1983
(f)	To pay expenses properly incurred by electoral registration officer	Section 54 of the Representation of the People Act 1983
(g)	To fill vacancies in the event of insufficient nominations	Section 21 of the Representation of the People Act 1985
(h)	To declare vacancy in office in certain cases	Section 86 of the Local Government Act 1972
(i)	To give public notice of a casual vacancy	Section 87 of the Local Government Act 1972
(j)	To submit proposals to the Secretary of State for an order under section 10 (pilot schemes for local elections in England and Wales) of the Representation of the People Act 2000	Section 10 of the Representation of the People Act 2000
(k)	Functions relating to community governance ²	
	i. Duties relating to community governance reviews	Section 79 of the Local Government and Public Involvement in Health Act 2007

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

² Functions relating to making of recommendations under section 87 – 92 of the Local Government and Public Involvement in Health Act 2007 (Item 5 Paragraph EB of Schedule 1 of the Local Authorities (Functions and Responsibilities) (England) Regulations 2000/2853) are reserved to the relevant committee that is responsible for making recommendations to full Council.

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

	ii. Functions relating to community governance petitions.	Sections 80, 83 to 85 of the Local Government and Public Involvement in Health Act 2007
	iii. Functions relating to terms of reference of review	Sections 81(4) to (6) of the Local Government and Public Involvement in Health Act 2007
	iv. Power to undertake a community governance review.	Section 82 of the Local Government and Public Involvement in Health Act 2007
	v. Duties when undertaking review.	Section 93 to 95 of the Local Government and Public Involvement in Health Act 2007
	vi. Duty to publicise outcome of review.	Section 96 of the Local Government and Public Involvement in Health Act 2007
	vii. Duty to send two copies of order to Secretary of State and Electoral Commission.	Section 98(1) of the Local Government and Public Involvement in Health Act 2007
(l)	Functions relating to consultation and notification processes in relation to changing the name of an electoral area ³	S59 of the Local Government and Public Involvement in Health Act 2007
(m)	To dissolve small parish councils	Section 10 of the Local Government Act 1972
(n)	To make orders for grouping parishes, dissolving groups and separating parishes from groups	Section 11 of the Local Government Act 1972
(o)	To make temporary appointments to parish councils	Section 91 of the Local Government Act 1972

Functions relating to changing governance arrangements

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

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

Director of Resources and Housing

1. Subject to the Exception listed below, the Director of Resources and Housing¹ 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 Officer Employment	Section 106 of, and paragraph 42 of Schedule 12 to the Local Government Act 1972
(b)	To make standing orders as to contracts	Section 135 of the Local Government Act 1972

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

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

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Chief Officer (Financial Services)

1. Subject to the Exception listed below, the Chief Officer (Financial Services)¹ is authorised to discharge the following Council (non-executive) functions²:

Functions relating to standing orders

(a)	To make standing orders in relation to Finance	Section 106 of, and paragraph 42 of Schedule 12 to the Local Government Act 1972
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¹ The fact that a function has been delegated to the Chief Officer does not require the Chief Officer to give the matter his/her personal attention and the Chief Officer may arrange for such delegation to be exercised by an officer of suitable experience and seniority, however, the Chief Officer remains responsible for any decision taken pursuant to such arrangements.

² The Chief Officer (Financial Services) has responsibility for these functions as the Council's S151 Officer.

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City Solicitor

1. The City Solicitor is the Monitoring Officer for the Council.
2. The City Solicitor ¹ 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 ²
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3. The City Solicitor is authorised to discharge the following Council (non-executive) functions:

To make standing orders in relation to Access to Information	Section 106 of, and paragraph 42 of Schedule 12 to the Local Government Act 1972
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4. 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.

5. 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 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.

² s34 (4) Social Security Act 1998

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Director of Communities and Environment

Subject to the exceptions listed below, the Director of Communities and Environment¹ is authorised to discharge the following Council (non-executive) functions:

1. Regulatory Functions

(a)	To approve premises for the solemnisation of marriages	Section 46A of the Marriage Act 1949 and the Marriages (Approved Premises) Regulations 1995(SI 1995/510)
(b)	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
(c)	To license the use of moveable dwellings and camping sites	Section 269(1) of the Public Health Act 1936
(d)	To license premises for acupuncture, tattooing, ear-piercing and electrolysis	Sections 13 to 17 of the Local Government (Miscellaneous Provisions) Act 1982
(e)	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
(f)	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

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.

(g)	To register animal trainers and exhibitors	Section 1 of the Performing Animals (Regulation) Act 1925
(h)	To license zoos	Section 1 of the Zoo Licensing Act 1981
(i)	To license dangerous wild animals	Section 1 of the Dangerous Wild Animals Act 1976
(j)	To grant consent for the operation of a loudspeaker	Schedule 2 to the Noise and Statutory Nuisance Act 1993
(k)	To issue licences for the movement of pigs	Article 12 of the Pigs (Records, Identification and Movement) Order 1995 (SI 1996/11)
(l)	To license the sale of pigs	Article 13 of the Pigs (Records, Identification and Movement) Order 1995
(m)	To license collecting centres for the movement of pigs	Article 14 of the Pigs (Records, Identification and Movement) Order 1995
(n)	To issue a licence to move cattle from a market	Article 5(2) of the Cattle Identification Regulations 1998 (SI 1998/871)
(o)	To sanction use of parts of buildings for storage of celluloid	Section 1 of the Celluloid and Cinematograph Film Act 1922
(p)	Duty to enforce Chapter 1 and regulations made under it	Section 10(3) of the Health Act 2006

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

(q)	Power to authorise officers	Section 10(5) of, and paragraph 1 of Schedule 2 to, the Health Act 2006
(r)	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)
(s)	Power to transfer enforcement functions to another enforcement authority	Smoke-free(Premises and Enforcement) Regulations 2006 (SI 2006/3368)
(t)	To license pleasure boats and pleasure vessels	Section 94 of the Public Health Acts Amendment Act 1907
(u)	To authorise erection of stiles etc on footpaths or bridleways ²	Section 147 of the Highways Act 1980
(v)	To create footpath bridleway or restricted byway by agreement	Section 25 of the Highways Act 1980
(w)	To create footpaths bridleways and restricted byways	Section 26 of the Highways Act 1980
(x)	Duty to keep register of information with respect to maps, statements and declarations	Section 31A of the Highways Act 1980
(y)	To stop up footpaths bridleways and restricted byways	Section 118 of the Highways Act 1980
(z)	To determine application for public path extinguishment order	Sections 118ZA and 118C(2) of the Highways Act 1980
(aa)	To make a rail crossing extinguishment order	Section 118A of the Highways Act 1980
(bb)	To divert footpaths bridleways and restricted byways	Section 119 of the Highways Act 1980
(cc)	To make a public path diversion order	Sections 119ZA and 119C(4) of the Highways Act 1980

² Functions (v) – (xx) are limited to areas contained within the Definitive Map of Public Rights of Way. Functions (u), (jj), (kk) and (ss) 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)

(dd)	To make a rail crossing diversion order	Section 119A of the Highways Act 1980
(ee)	To make a special diversion order	Section 119B of the Highways Act 1980
(ff)	To require applicant for order to enter into agreement	Section 119C(3) of the Highways Act 1980
(gg)	To make an SSSI diversion order	Section 12B of the Highways Act 1980
(hh)	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
(ii)	To decline to determine certain applications	Section 121C of the Highways Act 1980
(jj)	To assert and protect the rights of the public to use and enjoyment of highways	Section 130 of the Highways Act 1980
(kk)	To apply for variation of order under section 130B of the Highway Act 1980	Section 130B(7) of the Highways Act 1980
(ll)	To authorise temporary disturbance of surface of footpath bridleway or restricted byway	Section 135 Highways Act 1980
(mm)	To divert footpath bridleway or restricted byway temporarily	Section 135A of the Highways Act 1980
(nn)	To extinguish certain public rights of way	Section 32 of the Acquisition of Land Act 1981
(oo)	To keep definitive map and statement under review	Section 53 of the Wildlife and Countryside Act 1981
(pp)	To include modifications in other orders	Section 53A of the Wildlife and Countryside Act 1981
(qq)	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
(rr)	To prepare map and statement by way of consolidation of definitive map and statement	Section 57A of the Wildlife and Countryside Act 1981
(ss)	To designate footpath as cycle track	Section 3 of the Cycle Tracks Act

		1984
(tt)	To extinguish public right of way over land acquired for clearance	Section 294 of the Housing Act 1981
(uu)	To authorise stopping up or diversion of footpath bridleway or restricted byway	Section 257 of the Town and Country Planning Act 1990
(vv)	To extinguish public rights of way over land held for planning purposes	Section 258 of the Town and Country Planning Act 1990
(ww)	To enter into agreements with respect to means of access	Section 35 of the Countryside and Rights of Way Act 2000
(xx)	To provide access in absence of agreement	Section 37 of the Countryside and Rights of Way Act 2000

Exceptions³

The Director of Communities and Environment 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 Director of Communities and Environment is authorised to discharge the functions of the licensing authority as set out below:-

(a)	Any function of a Licensing Authority ⁴	Licensing Act 2003 and any regulations or orders made under that Act ⁵ .
(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 Council⁶;

³ Under this delegation scheme (Council functions). The General Purposes Committee may however arrange for the discharge of any of its functions by the Director of Communities and Environment - (Section 101(2) Local Government Act 1972.

⁴ These functions will be carried out to support those matters which cannot be delegated by the Licensing Authority.

⁵ Including functions which, by virtue of the Gambling Act 2005 Act are delegated to the Licensing Committee.

⁶ Part 3, Section 2A of the Constitution sets out licensing functions reserved to full Council, as licensing authority under the 2011 Act.

3. Functions of the Licensing Authority delegated by Licensing Committee

Subject to the exceptions listed below, the Director of Communities and Environment is authorised to discharge the licensing functions⁷ 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 ⁸ .
(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 Authority⁹ reserved to full Council¹⁰;
- any function of the Licensing Authority where full Council has referred a matter to a committee other than the Licensing Committee¹¹;
- 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-committees¹²;and

⁷ "Licensing functions" means functions under the Licensing Act 2003 Act, the Gambling Act 2005 and the Police Reform and Social Responsibility Act 2011.

⁸ Including functions which, by virtue of the 2005 Act are delegated to the Licensing Committee.

⁹"Licensing functions" - see footnote 6 above

¹⁰ Part 3, Section 2A of the Constitution sets out licensing functions reserved to full Council, as licensing authority under the 2003 Act.

¹¹ Under the provisions of Section 7(5)(a) of the 2003 Act.

¹² Except where a Licensing sub-committee has arranged for the discharge of any of their functions by an Officer.

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

4. Functions related to the Licensing Functions delegated by Licensing Committee¹³

Subject to the exceptions listed below, the Director of Communities and Environment is authorised to discharge the functions set out in the following table which are delegated to the Director by Licensing Committee¹⁴

(a)	To license hackney carriages and private hire vehicles	(a) As to hackney carriages, the Town Police Clauses Act 1847 as extended by section 171 of the Public Health Act 1875 and section 15 of the Transport Act 1985 and sections 47, 57, 58, 60 and 79 of the Local Government (Miscellaneous Provisions) Act 1976 (b) As to private hire vehicles, sections 48, 57, 58, 60 and 79 of the Local Government (Miscellaneous Provisions) Act 1976
(b)	To license drivers of hackney carriages and private hire vehicles	Section 51, 53, 54, 59, 61 and 79 of the Local Government (Miscellaneous Provisions) Act 1976
(c)	To license operators of hackney carriages and private hire vehicles	Sections 55 to 58, 62 and 79 of the Local Government (Miscellaneous Provisions) Act 1976
(d)	** To license sex shops and sex cinemas and sexual entertainment venues.	The Local Government (Miscellaneous Provisions) Act 1982, Section 2, Schedule 3, the Policing and Crime Act 2009, Section 27.
(e)	To license performances of hypnotism.	The Hypnotism Act 1952
(f)	*** To license persons to collect for charitable and other causes	Section 5 of the Police, Factories etc (Miscellaneous Provisions) Act 1916 and section 2 of the House to House Collections Act 1939

¹³ These functions were delegated to the Licensing Committee by full Council on 14 July 2010.

¹⁴ These delegations include functions where these have been delegated to Leeds City Council by any other Council.

Exceptions

The Director of Communities and Environment 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 Director of Communities and Environment is not authorised to discharge those functions marked *** above where objections have been received.

Director of City Development

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

(a)	To license market and street trading	Part III of, and Schedule 4 to, the Local Government (Miscellaneous Provisions) Act 1982
(b)	To issue, amend or replace safety certificates (whether general or special) for sports grounds	The Safety of Sports Grounds Act 1975
(c)	To issue, cancel, amend or replace safety certificates for regulated stands at sports grounds	Part II of the Fire Safety and Safety of Places of Sport Act 1987
(d)	To grant a street works licence	Section 50 of the New Roads and Street Works Act 1991
(e)	To grant permission for provision etc of services, amenities, recreation and refreshment facilities on highway and related powers	Sections 115E, 115F and 115K of the Highways Act 1980
(f)	To publish notice in respect of proposal to grant permission under section 115E of the Highways Act 1980	Section 115G of the Highways Act 1980
(g)	To permit deposit of builder's skip on highway	Section 139 of the Highways Act 1980
(h)	To license planting, retention and maintenance of trees etc in part of highway	Section 142 of the Highways Act 1980
(i)	To authorise erection of stiles etc on footpaths or bridleways ²	Section 147 of the Highways Act 1980
(j)	To license works in relation to buildings etc which obstruct the highway	Section 169 of the Highways Act 1980
(k)	To consent to temporary deposits or excavations in streets	Section 171 of the Highways Act 1980

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

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

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

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

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

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

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

(m)	To require the discontinuance of a use of land	Section 102 of the Town and Country Planning Act 1990
(n)	To issue a temporary stop notice	Section 171E of the Town and Country Planning Act 1990
(o)	To serve a planning contravention notice, 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
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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 <ul style="list-style-type: none">• 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.

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.
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The Director of Children and Families¹

1. The Director of Children's Services 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 make arrangements for appeals against exclusion of pupils from maintained Schools
(b)	To make arrangements for appeals regarding school admissions ³
(c)	To make arrangements for appeals by governing bodies ⁴

The Director of Children and Families⁵ is authorised to discharge the following Council (non-executive) functions:

To license the employment of children	Part II of the Children and Young Persons Act 1933 bylaws made under that Part, and Part II of the Children and Young Persons Act 1963
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¹ Appointed as Director of Children's Services 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.

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

⁴ s95 (2) School Standards and Framework Act 1998

⁵ The fact that a function has been delegated to the Director does not require the Director to give the matter his/her personal attention and the Director may arrange for such delegation to be exercised by an officer of suitable experience and seniority. However the Director remains responsible for any decision taken pursuant to such arrangements.

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