

*Officer Delegation Scheme (Executive Functions) relevant to the Scrutiny Board  
(Strategy and Resources)*

**The Chief Executive is authorised<sup>1</sup> to discharge any function of the Executive not otherwise delegated to a Director including the following functions in relation to <sup>2</sup>**

**1) Functions in relation to elections including:-**

- a) The registration of electors;
- b) Elections and referenda in relation to local matters, including:-
  - i) reviews of polling districts, places and stations;
- c) Assisting with and responding to consultation in relation to boundary reviews of all types, including:-
  - i) parliamentary constituency reviews;
  - ii) electoral reviews;
  - iii) principal area boundary reviews;
  - iv) structural reviews; and
- d) Community governance reviews.

**2) Civic and ceremonial functions of the Council including:-**

- a) Provision of support to the Lord Mayor;
- b) Ceremonial occasions; and
- c) Authorisation of use of Council's Crest.

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<sup>1</sup> Save where the Leader or the relevant Portfolio Holder has directed or the Director considers that the matter should be referred to Executive Board for consideration.

<sup>2</sup> Together with similar and ancillary functions which have not been delegated to another Director.

*Officer Delegation Scheme (Executive Functions) relevant to the Scrutiny Board (Strategy and Resources)*

**The Director of Resources and Housing is authorised<sup>3</sup> to discharge the following functions<sup>4</sup>**

- 1) Setting, supporting and monitoring the council's financial strategy.**
- 2) Managing effective financial management and controls, including:-**
  - a) collecting council tax and business rates, and collecting other money that is owed to the council;
  - b) administration of pensions; and
  - c) insurance for the council.
- 3) Setting, supporting and monitoring the council's policies and procedures for managing:-**
  - a) budgets;
  - b) human resources (including health and safety);
  - c) information and communications technology;
  - d) information governance;
  - e) procurement and purchasing;
  - f) projects and programmes;
  - g) Joint Strategic Needs Analysis;
  - h) performance and service improvement; and
  - i) risk and business continuity.
- 4) Corporate communications services, including:-**
  - a) the council's communications strategy and policy;
  - b) internal and external communications; and
  - c) press and media relations.
- 5) International Relations**
- 6) The council's corporate planning and policy development services, including coordination of the Best Council Plan**
- 7) The council's city-wide resilience and emergency planning functions**
- 8) Civic Enterprise Leeds services including:-**
  - a) business support, facilities management, and similar services for the council and its civic and community buildings and office accommodation; and
  - b) trading these services to schools and other external partners (including the approval of business cases as and when required for the exercise of trading powers)<sup>5</sup>.
- 9) Community Infrastructure Levy spending relating to Strategic Fund.**

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<sup>3</sup> Save where the Leader or the relevant Portfolio Holder has directed or the Director considers that the matter should be referred to Executive Board for consideration.

<sup>4</sup> Together with similar and ancillary functions which have not been delegated to another Director.

<sup>5</sup>Subject to consultation with the appropriate Members.

*Officer Delegation Scheme (Executive Functions) relevant to the Scrutiny Board (Strategy and Resources)*

**The City Solicitor is authorised<sup>6</sup> to discharge the following functions in relation to <sup>7</sup>**

**1) Legal Services including:-**

- a) Provision of legal advice and related support services;
- b) Functions relating to the role of Solicitor to the Council including:-
  - i) taking any action intended to give effect to a decision of the Executive (taken under the Leader's executive arrangements);
  - ii) the commencement, defence, withdrawal or settlement of proceedings;
  - iii) the authorisation of Council officers to conduct legal matters in court; and
- c) The issue of appropriate indemnities to Directors in relation to Public Private Partnership / Private Finance Initiative and other major property and infrastructure related projects where a Director:-
  - i) Signs a certificate under the Local Government (Contracts) Act 1997; or
  - ii) Acts as a director to the LEP or LIFTco.

**2) Democratic Services including support to elected members in their responsibilities, particularly in respect of:-**

- a) The Leader of Council;
- b) Councillors via group support offices;
- c) The full Council meeting;
- d) Executive Board;
- e) Committees appointed by full Council;
- f) Scrutiny of the Executive;
- g) Training and development of councillors; and
- h) Management and oversight of the Members' Allowances Scheme.

**3) Supporting the corporate governance of the council, particularly in respect of:-**

- a) The requirements of the Members' Code of Conduct;
- b) Compliance with access to information requirements;
- c) Upkeep of the constitution; and
- d) Preparation of the Annual Governance Statement.

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<sup>6</sup> Save where the Leader or the relevant Portfolio Holder has directed or the Director considers that the matter should be referred to Executive Board for consideration.

<sup>7</sup> Together with similar and ancillary functions which have not been delegated to another Director.

*Officer Delegation Scheme (Executive Functions) relevant to the Scrutiny Board (Strategy and Resources)*

**The Chief Officer (Financial Services) is authorised<sup>8</sup> to discharge the following functions<sup>9</sup>**

- 1) Ensuring effective financial management and controls<sup>10</sup>, including:-**
  - a) Reporting on the robustness of the Council's financial plans;
  - b) managing the Council's borrowing and investment requirements;
  - c) managing and monitoring the Council's revenue budget and capital programme;
  - d) preparation and closure of the Council's financial accounts;
  - e) managing the Council's tax affairs; and
  - f) internal audit.

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<sup>8</sup> Save where the Leader or the relevant Portfolio Holder has directed or the Director considers that the matter should be referred to Executive Board for consideration.

<sup>9</sup> Together with similar and ancillary functions which have not been delegated to another Director.

<sup>10</sup> The Chief Officer (Financial Services) has responsibility for these arrangements as Section 151 Officer

*Officer Delegation Scheme (Executive Functions) relevant to the Scrutiny Board (Strategy and Resources)*

**The Director of Communities and Environment is authorised<sup>11</sup> to discharge the following functions<sup>12</sup>**

**2) Equalities.**

**15) Registrars functions including:-**

- a) Registration of births, deaths, marriages and civil partnerships; and
- b) Provision of civic weddings, civil partnerships and citizenship ceremonies.

**16) Licensing functions including:-**

- a) Taxi and Private hire licensing functions and related enforcement activities;
- b) The administration and enforcement of licences for entertainment, gambling and the sale of alcohol; and
- c) Miscellaneous licences.

**17) Local Land Charges functions including:-**

- a) Maintenance of the Local Land Charges Register; and
- b) Responsibility for processing local authority searches.

**19) Council tax processing and billing arrangements including:-**

- a) Annual billing;
- b) Discount schemes including single person discounts;
- c) Administration of s13 decisions; and
- d) Empty property charges.

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<sup>11</sup> Save where the Leader or the relevant Portfolio Holder has directed or the Director considers that the matter should be referred to Executive Board for consideration.

<sup>12</sup> Together with similar and ancillary functions which have not been delegated to another Director.

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

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

The Chief Executive<sup>13</sup> 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 <sup>14</sup>  |  |
|     | i. Duties relating to community governance reviews  | Section 79 of the Local Government and Public Involvement in Health Act 2007       |
|     | ii. Functions relating to community   | Sections 80, 83 to 85 of the Local   |

<sup>13</sup> The fact that a function has been delegated to the Chief Executive does not require the Chief Executive to give the matter his/her personal attention and the Chief Executive may arrange for such delegation to be exercised by an officer of suitable experience and seniority. However the Chief Executive remains responsible for any decision taken pursuant to such arrangements.

<sup>14</sup> Functions relating to making of recommendations under section 87 – 92 of the Local Government and Public Involvement in Health Act 2007 (Item 5 Paragraph EB of Schedule 1 of the Local Authorities (Functions and Responsibilities) (England) Regulations 2000/2853 ) are reserved to the relevant committee that is responsible for making recommendations to full Council.

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

|     |   |   |
|-----|---|---|
|     | governance petitions.   | 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 <sup>15</sup> | 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  |

<sup>15</sup> 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

*Officer Delegation Scheme (Council (non-executive) functions)***Director of Resources and Housing**

1. Subject to the Exception listed below, the Director of Resources and Housing<sup>16</sup> 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 <sup>17</sup> | 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                                     |

**Regulatory functions**

|     |   |   |
|-----|---|---|
| (a) | To issue licences authorising the use of land as a caravan site ("site licences") | Section 3(3) of the Caravan Sites and Control of Development Act 1960 |
| (b) | To license the use of moveable dwellings and camping sites                        | Section 269(1) of the Public Health Act 1936                          |

<sup>16</sup> The fact that a function has been delegated to the Director does not require the Director to give the matter his/her personal attention and the Director may arrange for such delegation to be exercised by an officer of suitable experience and seniority, however, the Director remains responsible for any decision taken pursuant to such arrangements.

<sup>17</sup> Except in relation to those which are to be determined by the Employment Committee.



*Officer Delegation Scheme (Council (non-executive) functions)***Chief Officer (Financial Services)**

1. Subject to the Exception listed below, the Chief Officer (Financial Services)<sup>18</sup> is authorised to discharge the following Council (non-executive) functions<sup>19</sup>:

**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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<sup>18</sup> The fact that a function has been delegated to the Chief Officer does not require the Chief Officer to give the matter his/her personal attention and the Chief Officer may arrange for such delegation to be exercised by an officer of suitable experience and seniority, however, the Chief Officer remains responsible for any decision taken pursuant to such arrangements.

<sup>19</sup> The Chief Officer (Financial Services) has responsibility for these functions as the Council's S151 Officer.

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

1. The City Solicitor is the Monitoring Officer for the Council.
2. The City Solicitor <sup>20</sup> is authorised to discharge the following Local Choice Functions which have been assigned to full Council (see Part 3 Section 1 of the Constitution):

|     |   |
|-----|---|
| (a) | To appoint review boards under the Social Security Act 1998 <sup>21</sup> |
|-----|---|

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 |
|--|--|

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.)

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<sup>20</sup> 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.

<sup>21</sup> s34 (4) Social Security Act 1998

*Officer Delegation Scheme (Council (non-executive) functions)***Director of Communities and Environment**

Subject to the exceptions listed below, the Director of Communities and Environment<sup>22</sup> 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 license premises for acupuncture, tattooing, ear-piercing and electrolysis  | Sections 13 to 17 of the Local Government (Miscellaneous Provisions) Act 1982   |
| (c) | To license premises for the breeding of dogs   | Section 1 of the Breeding of Dogs Act 1973 and Section 1 of the Breeding and Sale of Dogs (Welfare) Act 1999  |
| (d) | To license pet shops and other establishment where animals are bred or kept for the purposes of carrying on a business | Section 1 of the Pet Animals Act 1951, section 1 of the Animal Boarding Establishments Act 1963, the Riding Establishments Act 1964 and 1970, section 1 of the Breeding of Dogs Act 1973 and sections 1 and 8 of the Breeding and Sale of Dogs (Welfare) Act 1999 |
| (e) | To register animal trainers and exhibitors   | Section 1 of the Performing Animals (Regulation) Act 1925   |
| (f) | To license zoos  | Section 1 of the Zoo Licensing Act 1981   |
| (g) | To license dangerous wild animals  | Section 1 of the Dangerous Wild Animals Act 1976  |
| (h) | To grant consent for the operation of a loudspeaker  | Schedule 2 to the Noise and Statutory Nuisance Act 1993   |
| (i) | To issue licences for the movement of pigs   | Article 12 of the Pigs (Records, Identification and Movement) Order 1995 (SI 1996/11)   |
| (j) | To license the sale of pigs  | Article 13 of the Pigs (Records, Identification and Movement) Order 1995  |
| (k) | To license collecting centres for the movement of pigs   | Article 14 of the Pigs (Records, Identification and Movement) Order 1995  |
| (l) | To issue a licence to move cattle from a market  | Article 5(2) of the Cattle Identification Regulations 1998 (SI 1998/871)  |

<sup>22</sup> The fact that a function has been delegated to the Director does not require the Director to give the matter his/her personal attention and the Director may arrange for such delegation to be exercised by an officer of suitable experience and seniority. However, the Director remains responsible for any decision taken pursuant to such arrangements.

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

|      |  |   |
|------|--|---|
| (m)  | To sanction use of parts of buildings for storage of celluloid                         | Section 1 of the Celluloid and Cinematograph Film Act 1922  |
| (n)  | Duty to enforce Chapter 1 and regulations made under it                                | Section 10(3) of the Health Act 2006  |
| (o)  | Power to authorise officers  | Section 10(5) of, and paragraph 1 of Schedule 2 to, the Health Act 2006   |
| (p)  | Functions related to fixed penalty notices   | Paragraphs 13,15 and 16 of Schedule 1 to the Health Act 2006. Smoke-free (Vehicle Operators and Penalty Notices) Regulations 2007 (SI 2006/760) |
| (q)  | Power to transfer enforcement functions to another enforcement authority               | Smoke-free(Premises and Enforcement) Regulations 2006 (SI 2006/3368)  |
| (r)  | To license pleasure boats and pleasure vessels   | Section 94 of the Public Health Acts Amendment Act 1907   |
| (s)  | To authorise erection of stiles etc on footpaths or bridleways <sup>23</sup>           | Section 147 of the Highways Act 1980  |
| (t)  | To create footpath bridleway or restricted byway by agreement                          | Section 25 of the Highways Act 1980   |
| (u)  | To create footpaths bridleways and restricted byways                                   | Section 26 of the Highways Act 1980   |
| (v)  | Duty to keep register of information with respect to maps, statements and declarations | Section 31A of the Highways Act 1980  |
| (w)  | To stop up footpaths bridleways and restricted byways                                  | Section 118 of the Highways Act 1980  |
| (x)  | To determine application for public path extinguishment order                          | Sections 118ZA and 118C(2) of the Highways Act 1980   |
| (y)  | To make a rail crossing extinguishment order   | Section 118A of the Highways Act 1980   |
| (z)  | To divert footpaths bridleways and restricted byways                                   | Section 119 of the Highways Act 1980  |
| (aa) | To make a public path diversion order  | Sections 119ZA and 119C(4) of the Highways Act 1980   |
| (bb) | To make a rail crossing diversion order  | Section 119A of the Highways Act 1980   |
| (cc) | To make a special diversion order  | Section 119B of the Highways Act 1980   |
| (dd) | To require applicant for order to enter into agreement                                 | Section 119C(3) of the Highways Act 1980  |
| (ee) | To make an SSSI diversion order  | Section 12B of the Highways Act 1980  |

<sup>23</sup> 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)*

|      |  |  |
|------|--|--|
| (ff) | 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                    |
| (gg) | To decline to determine certain applications   | Section 121C of the Highways Act 1980                    |
| (hh) | To assert and protect the rights of the public to use and enjoyment of highways  | Section 130 of the Highways Act 1980                     |
| (ii) | To apply for variation of order under section 130B of the Highway Act 1980   | Section 130B(7) of the Highways Act 1980                 |
| (jj) | To authorise temporary disturbance of surface of footpath bridleway or restricted byway  | Section 135 Highways Act 1980                            |
| (kk) | To divert footpath bridleway or restricted byway temporarily   | Section 135A of the Highways Act 1980                    |
| (ll) | To extinguish certain public rights of way   | Section 32 of the Acquisition of Land Act 1981           |
| (mm) | To keep definitive map and statement under review  | Section 53 of the Wildlife and Countryside Act 1981      |
| (nn) | To include modifications in other orders   | Section 53A of the Wildlife and Countryside Act 1981     |
| (oo) | 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     |
| (pp) | To prepare map and statement by way of consolidation of definitive map and statement   | Section 57A of the Wildlife and Countryside Act 1981     |
| (qq) | To designate footpath as cycle track   | Section 3 of the Cycle Tracks Act 1984                   |
| (rr) | To extinguish public right of way over land acquired for clearance   | Section 294 of the Housing Act 1981                      |
| (ss) | To authorise stopping up or diversion of footpath bridleway or restricted byway  | Section 257 of the Town and Country Planning Act 1990    |
| (tt) | To extinguish public rights of way over land held for planning purposes  | Section 258 of the Town and Country Planning Act 1990    |
| (uu) | To enter into agreements with respect to means of access   | Section 35 of the Countryside and Rights of Way Act 2000 |
| (vv) | To provide access in absence of agreement  | Section 37 of the Countryside and Rights of Way Act 2000 |

**Exceptions<sup>24</sup>**

The Director of Communities and Environment is not authorised to discharge the function above where objections have been received.

<sup>24</sup> 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.

*Officer Delegation Scheme (Council (non-executive) functions)***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 <sup>25</sup>           | Licensing Act 2003 and any regulations or orders made under that Act <sup>26</sup> .                                     |
| (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 Council<sup>27</sup>;

**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 functions<sup>28</sup> 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 <sup>29</sup> .                                    |
| (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   |

<sup>25</sup> These functions will be carried out to support those matters which cannot be delegated by the Licensing Authority.

<sup>26</sup> Including functions which, by virtue of the Gambling Act 2005 Act are delegated to the Licensing Committee.

<sup>27</sup> Part 3, Section 2A of the Constitution sets out licensing functions reserved to full Council, as licensing authority under the 2011 Act.

<sup>28</sup> "Licensing functions" means functions under the Licensing Act 2003 Act, the Gambling Act 2005 2005 and the Police Reform and Social Responsibility Act 2011.

<sup>29</sup> Including functions which, by virtue of the 2005 Act are delegated to the Licensing Committee.

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

|     |  |  |
|-----|--|--|
| (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 Authority<sup>30</sup> reserved to full Council<sup>31</sup>;
- any function of the Licensing Authority where full Council has referred a matter to a committee other than the Licensing Committee<sup>32</sup>;
- 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-committees<sup>33</sup>;and
- 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 Committee<sup>34</sup>**

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 Committee<sup>35</sup>

|     |  |   |
|-----|--|---|
| (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<br>(b) As to private hire vehicles, sections 48, 57, 58, 60 and 79 of the Local Government (Miscellaneous Provisions) Act 1976 |
|-----|--|---|

<sup>30</sup>“Licensing functions” - see footnote 6 above

<sup>31</sup> Part 3, Section 2A of the Constitution sets out licensing functions reserved to full Council, as licensing authority under the 2003 Act.

<sup>32</sup> Under the provisions of Section 7(5)(a) of the 2003 Act.

<sup>33</sup> Except where a Licensing sub-committee has arranged for the discharge of any of their functions by an Officer.

<sup>34</sup> These functions were delegated to the Licensing Committee by full Council on 14 July 2010.

<sup>35</sup> These delegations include functions where these have been delegated to Leeds City Council by any other Council.

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

|     |  |   |
|-----|--|---|
| (b) | To license drivers of hackney carriages and private hire vehicles        | Section 51, 53, 54, 59, 61 and 79 of the Local Government (Miscellaneous Provisions) Act 1976                                       |
| (c) | To license operators of hackney carriages and private hire vehicles      | Sections 55 to 58, 62 and 79 of the Local Government (Miscellaneous Provisions) Act 1976  |
| (d) | ** To license sex shops and sex cinemas and sexual entertainment venues. | The Local Government (Miscellaneous Provisions) Act 1982, Section 2, Schedule 3, the Policing and Crime Act 2009, Section 27.       |
| (e) | To license performances of hypnotism.                                    | The Hypnotism Act 1952  |
| (f) | *** To license persons to collect for charitable and other causes        | Section 5 of the Police, Factories etc (Miscellaneous Provisions) Act 1916 and section 2 of the House to House Collections Act 1939 |

**Exceptions**

The 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.