

**Legal & Democratic Services**

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17 May 2019

To

All Members of Council

Dear Councillor

**ANNUAL COUNCIL MEETING – 22 MAY 2019**

Please find attached for your attention additional information that was marked 'to follow' on the Summons that was circulated earlier in the week.

This information will be considered at the Annual Council meeting next week.

ITEM 7 – Recommendations of the General Purposes Committee – Amendments to the Constitution

ITEM 8(a) – Establishment of Committees and Appointments – Terms of Reference

ITEM 9 – Scheme of Delegation (Council Functions)

ITEM 10 – Executive Arrangements

Please attach these papers to your agenda for the meeting.

Any outstanding documentation relating to the Annual Council Meeting will be circulated to all Members on Tuesday next week.

Many thanks.

Yours sincerely



**Kevin Tomkinson**  
**Principal Governance Officer**



## SECTION 2B: MEMBERSHIP OF COUNCIL COMMITTEES

<u>Name of Committee</u>	<u>Membership</u>
<b>Scrutiny Boards</b>	
Scrutiny Board (Strategy and Resources )	10 Members of the authority
Scrutiny Board (Children and Families)	11 Members of the authority
Scrutiny Board (Adults, Health and Active Lifestyles)	12 Members of the authority
Scrutiny Board (Environment, Housing and Communities)	14 Members of the authority
Scrutiny Board (Infrastructure, Investment and Inclusive Growth)	12 Members of the authority
<b>Governance Committees</b>	
Standards and Conduct Committee	6 Members of the authority <sup>1</sup>
Corporate Governance and Audit Committee	10 Members of the authority
General Purposes Committee	15 Members of the authority
Member Management Committee	13 Members of the authority
Health and Wellbeing Board	<ul style="list-style-type: none"> <li>• Statutory membership as outlined in Article 17 (including 5 Members of the authority nominated by the Leader) together with a representative from the third sector and from NHS(England).</li> <li>• Such additional members as may be appointed by the Health and Wellbeing Board from time to time.</li> </ul>
Employment Committee	Minimum of 3 Members of the authority comprising at least 1 Member of the Executive
<b>Community Committees</b>	Membership as outlined at Article 10

<sup>1</sup> Plus 1 non-voting co-opted Parish/Town Council Members who may attend meetings of the relevant Sub-Committee in accordance with the procedure in Part 4(m) of the Constitution.

<u>Name of Committee</u>	<u>Membership</u>
<b>Regulatory Committees</b>	
Licensing Committee	14 Members of the authority
Licensing Sub-Committee	3 Members of the authority <sup>2</sup>
Area Plans Panels: (a) Plans Panel (North and East) (b) Plans Panel (South and West)	11 Members of the authority 11 Members of the authority
City Plans Panel	14 Members of the authority
<b>Advisory Committees</b>	
Development Plan Panel	11 Members of the authority

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<sup>2</sup> The Licensing Committee appoints 3 Members to each sub-committee

## **Scrutiny Board**

The Scrutiny Board is authorised to discharge the following overview and scrutiny functions<sup>1</sup>:

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;<sup>2</sup>
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;<sup>3</sup>
5. to review or scrutinise executive decisions that have been Called In;
6. to exercise such special functions as are allocated in Annex 3 to Article 6 – Scrutiny Boards; 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.

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<sup>1</sup> In relation to functions set out in Annex 2 to Article 6 – Scrutiny Boards, whether or not those functions are concurrently delegated to any other committee or officer.

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

<sup>3</sup> In accordance with Budget and Policy Framework Procedure Rules.

## **Standards and Conduct Committee**

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

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

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<sup>1</sup> In accordance with Section 27 of the Localism Act 2011.

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

<sup>3</sup> Including to full Council, the Leader, the Chief Executive, or the relevant Group Whip.

<sup>4</sup> In accordance with Section 28(11) of the Localism Act 2011.

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

## **Corporate Governance and Audit Committee**

The Corporate Governance and Audit Committee is authorised to discharge the following functions<sup>1</sup>:

1. to consider the Council's arrangements relating to accounts<sup>2</sup> including:
  - (a) the approval of the statement of accounts and any material amendment of the accounts recommended by the auditors;
  - (b) the approval of the Annual Governance Statement<sup>3</sup>; and
  - (c) with the exception of any matter, which may result in the accounts being qualified, responding to the Council's auditors in respect of any matter where it is not considered appropriate to make the amendments recommended by the auditors.
  
2. to consider the Council's arrangements relating to external audit requirements including:
  - (a) agreement and review of the nature and scope of the annual audit plan,
  - (b) the receipt of external audit reports so as to:
    - (i) inform the operation of Council's current or future audit arrangements; and
    - (ii) provide a basis for gaining the necessary assurance regarding governance prior to the approval of the Council's accounts.
  
3. to review the adequacy of policies and practices to ensure compliance with statutory and other guidance
  
4. to review the adequacy of the Council's Corporate Governance arrangements (including matters such as internal control and risk management) and
  
5. to consider the Council's arrangements relating to internal audit requirements including:
  - (a) reviewing and approving the Internal Audit Charter;
  - (b) reviewing and approving the risk-based plan and any additional significant work<sup>4</sup>;
  - (c) considering the Annual Internal Audit Report
  - (d) monitoring the performance of internal audit

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

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

<sup>3</sup> The Annual Governance Statement is Leeds City Council's Statement on Internal Control which is approved under Regulation 6(2) of the Accounts and Audit Regulations 2015/234.

<sup>4</sup> As defined in the Internal Audit Charter

## **General Purposes Committee**

With the exception of any matter which falls within the terms of any other council committee, the General Purposes Committee is authorised:

1. to consider and determine any Council (non-executive) function<sup>1</sup> delegated<sup>2</sup> to a Director<sup>3</sup> which does not fall within the terms of reference of any other committee;
2. to consider proposals to amend the constitution and make recommendations to full Council; and
3. to make recommendations to full Council in connection with the discharge of any of its functions.<sup>4</sup>

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<sup>1</sup> These functions include local choice functions, which have been determined as non executive functions.

<sup>2</sup> Whether or not the post is vacant

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

<sup>4</sup> 'Function' in this context does not include shared functions with the executive

## **Member Management Committee**

The Member Management Committee is authorised to discharge the following functions<sup>1</sup>:

1. to determine which outside bodies<sup>2</sup> require Elected Member<sup>3</sup> representation or appointment and to act as Appointing Body for the purposes of making appointments to outside bodies categorised as Strategic and Key Partnership Outside Bodies<sup>4</sup>;
2. to determine requests to establish informal Working Groups of Members, except where such a request falls to be determined by another Committee<sup>5</sup>;
3. to act as an Advisory Body for the purposes of implementing practices and procedures affecting Elected Members<sup>6</sup>;
4. to consider matters in relation to the Training and Development of Elected Members;
5. to represent the views of Elected Members to the executive, in relation to the provision to Elected Members of information, communication and associated technologies; and
6. to represent the views of Elected Members to the executive, in relation to the provision of accommodation for Elected Members.

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

<sup>2</sup> Excluding those appointments which are reserved to full Council

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

<sup>4</sup> Within the Appointments to Outside Bodies Procedure Rules, such bodies are categorised as either Strategic and Key Partnership bodies (for which this Committee is the Appointing Body) or Community and Local Engagement bodies (for which the relevant Community Committee is the Appointing Body).

<sup>5</sup> This Committee will not be the sole body for appointing Working Groups and, specifically, those Working Groups referred to in the Scrutiny Board Procedure rules are excluded. However, the Committee may be asked to consider cases where it is necessary to set up an ad hoc Working Group to reflect a wide range of Member views and there are no clear criteria for determining membership.

<sup>6</sup> This Committee may not vary the requirements of the Constitution but there may be cases where alternative arrangements may have general implications for Members and it is appropriate to seek a view which reflects a broad view of Members before determining how a particular matter should be progressed

## **Health and Wellbeing Board**

The Health and Wellbeing Board is authorised to carry out the following functions<sup>1</sup>:

1. to encourage integrated working<sup>2</sup> in relation to arrangements for providing health, health-related or social care services;
2. to prepare and publish a joint strategic needs assessment (JSNA)<sup>3</sup>;
3. to prepare and publish a joint health and wellbeing strategy (JHWS)<sup>4</sup>;
4. to provide an opinion to the authority on whether the authority is discharging its duty to have regard to the JSNA, and the JHWS, in the exercise of its functions<sup>5</sup>;
5. to review the extent to which each Clinical Commissioning Group (CCG) has contributed to the delivery of the JHWS<sup>6</sup>;
6. to provide an opinion to each CCG on whether their draft commissioning plan takes proper account of the JHWS<sup>7</sup>;
7. to provide an opinion to NHS England on whether a commissioning plan published by a CCG takes proper account of the JHWS<sup>8</sup>;
8. to prepare a local pharmaceutical needs assessment<sup>9</sup>; and
9. to exercise any other functions of the authority which are referred to the Board by the authority<sup>10</sup>.

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

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

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

<sup>4</sup> Under Section 116A LGPIHA 2007

<sup>5</sup> Under Section 116B LGPIHA 2007

<sup>6</sup> Under Section 14Z15(3) and Section 14Z16 NHTSA 2006

<sup>7</sup> Section 14Z13(5) NHTSA 2006

<sup>8</sup> Section 14Z14 NHTSA 2006

<sup>9</sup> Section 128A NHTSA 2006

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

## Employment Committee

The Employment Committee is authorised to discharge the following Council (non-executive)<sup>1</sup> functions<sup>2</sup>.

1. to make recommendations to Council to appoint the Head of Paid Service.
2. to make recommendations to Council as to the dismissal of the Head of Paid Service, the Monitoring Officer or the Chief Finance Officer.
3. to take disciplinary action<sup>3</sup> short of dismissal against the Head of Paid Service, the Monitoring Officer or the Chief Finance Officer.
4. to hear any grievance submitted by the Head of Paid Service and referred to it by the Chief Officer Human Resources.
5. to hear any appeal referred to it by the Chief Officer Human Resources against the outcome of the first formal stage of a grievance against the Head of Paid Service.
6. to appoint the Monitoring Officer and the Chief Finance Officer.
7. to suspend, and keep under review the suspension of, the Head of Paid Service, the Monitoring Officer or the Chief Finance Officer.
8. to appoint or dismiss or take disciplinary action short of dismissal<sup>4</sup> against Directors<sup>5</sup>.
9. to deal with appeals<sup>6</sup> relating to grading, grievance and disciplinary action short of dismissal in respect of the Head of Paid Service, the Monitoring Officer and the Chief Finance Officer.
10. to deal with appeals<sup>7</sup> relating to grading, grievance, dismissal and disciplinary action short of dismissal in respect of Directors<sup>8</sup>.

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

<sup>2</sup> 'Functions' for these purposes shall be construed in a broad and inclusive fashion and shall include the doing of anything which is calculated to facilitate or is conducive or incidental to the discharge of any of the specified functions

<sup>3</sup> 'Disciplinary action' has the meaning set out in the Local Authorities (Standing Orders) (England) Regulations 2001 (as amended)

<sup>4</sup> Provided that Directors shall retain their delegated authority in accordance with proper processes and procedures to take disciplinary action short of dismissal and to deal with appeals as appropriate

<sup>5</sup> 'Directors' in this context is to be construed as any officer referred to in sub-paragraph (b), (c), or (d) of paragraph 3 of Part II of Schedule 1 of the Local Authorities (Standing Orders)(England) Regulations 2001, namely:

- those named as Directors in the Council structure and any other officers who are required to report directly to, or who are directly accountable to, the Head of Paid Service in relation to most or all of the duties of their posts; and
- any officer who is required to report directly to, or is directly accountable to, any officer included within the immediately preceding paragraph in relation to all or most of the duties of their post.

<sup>6</sup> Any such appeals shall be heard by a differently constituted Employment Committee from that which heard the original grievance or dealt with the original disciplinary proceedings, as the case may be

<sup>7</sup> Any such appeals shall be heard by a differently constituted Employment Committee from that which heard the original grievance or dealt with the original disciplinary proceedings, as the case may be

<sup>8</sup> 'Directors' in this context is to be construed as any officer referred to in sub-paragraph (b), (c), or (d) of paragraph 3 of Part II of Schedule 1 of the Local Authorities (Standing Orders)(England)

Regulations 2001, (see footnote 5 for details)

## Community Committees

Within each Committee's area:

### **(Council functions)**

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

### (Executive functions)<sup>10</sup>

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

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

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

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

<sup>4</sup> Or to any committee appointed by the Council or the Executive

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

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

<sup>7</sup> Or to any committee appointed by the Council or the Executive

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

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

<sup>10</sup> All executive functions will be exercisable concurrently with the Executive Board.

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

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

## The Licensing Committee

With the exception<sup>1</sup> of

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

the Licensing Committee is authorised to discharge<sup>4</sup> the following functions<sup>5</sup>:

1. to discharge the licensing functions of the licensing authority;<sup>6</sup>
- 2.1 to discharge any other function of the authority referred to it by full Council;<sup>7</sup>
- 2.2 pursuant to the provision in section 2.1 above full Council has delegated to the Licensing Committee the following functions:
  - 2.2.1 Hackney carriages and private hire vehicles<sup>8</sup>
  - 2.2.2 Sexual entertainment venues, sex shops and sex cinemas<sup>9</sup>
  - 2.2.3 Performances of hypnotism<sup>10</sup>
  - 2.2.4 Charitable collections<sup>11</sup>
  - 2.2.5 The late night levy<sup>12</sup>

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

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

<sup>3</sup> Under the provisions of Section 7(5)(a) of the 2003 Act.

<sup>4</sup> The Committee may arrange for any of its functions to be discharged by one or more sub-committees, or by an officer, subject to the exceptions set out in Section 10(4) of the 2003 Act; see also Section 154 of the 2005 Act.

<sup>5</sup> 'Functions' for these purposes shall be construed in a broad and inclusive fashion and shall include the doing of anything which is calculated to facilitate or is conducive or incidental to the discharge of any of the specified functions.

<sup>6</sup> This includes the power to set fees under Section 212 of the 2005 Act

<sup>7</sup> Full Council may arrange for the Licensing Committee to discharge any function of the authority which relates to a matter referred to the Committee but is not a licensing function (Section 7(3)). It may also refer a matter to the Committee where a matter relates to both a licensing function and to a function of the authority which is not a licensing function, and arrange for the Committee to discharge the other function (Section 7(5)(b) of the 2003 Act). Before exercising this power, the Council must consult with the Committee.

<sup>8</sup> Item 3 – 5 of Para. B of Schedule 1 to the Local Authorities (Functions and Responsibilities) (England) Regulations 2000 ("the 2000 Regulations")

<sup>9</sup> Item 15 of Para. B of Schedule 1 to the 2000 Regulations and Section 27 Policing and Crime Act 2009 and Schedule 3 Local Government (Miscellaneous Provisions) Act 1982

<sup>10</sup> Item 16 of Para. B of Schedule 1 to the 2000 Regulations

<sup>11</sup> Item 39 of Para. B of Schedule 1 to the 2000 Regulations

<sup>12</sup> In accordance with Chapter 2 of Part 2 of the 2011 Act including decisions in relation to the late night supply period, permitted exemption categories and permitted reduction categories in accordance with Sections 132 and 133 of that Act.

## *Council Committees' Terms of Reference*

- 3 in respect of any approval, consent, licence, permission, or registration which they may grant,
  - (a) To impose conditions limitations or restrictions;
  - (b) To determine any terms;
  - (c) To determine whether and how to enforce any failure to comply;
  - (d) To amend, modify, vary or revoke;
  - (e) To determine whether a charge should be made or the amount of such a charge.
4. to make recommendations to full Council in connection with the discharge of its functions as licensing authority;<sup>13</sup> and
5. to receive reports from, and to make recommendations and representations to other committees or bodies as appropriate.<sup>14</sup>

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<sup>13</sup> Including recommendations arising from the monitoring of the operation and impact of the Licensing or Gambling Policy by the Licensing Committee.

<sup>14</sup> Where the licensing authority exercises its power under Section 7(5) (a) of the 2003 Act the other Committee must consider a report of the Licensing Committee. Where the Council does not make arrangements under Section 7(3), it must (unless the matter is urgent) consider a report of the Licensing Committee with respect to the matter before discharging the function (Section 7(4)).

## Area Plans Panels

The Area Plans Panels are authorised<sup>1</sup> to discharge<sup>2</sup> the following functions<sup>3</sup>

1. all Council (non-executive)<sup>4</sup> functions relating to:
  - (a) town and country planning and development management<sup>5</sup> with the exception of functions which the City Plans Panel is authorised to discharge.
  - (b) safety certificates for sports grounds<sup>6</sup>;
  - (c) common land or town and village greens<sup>7</sup>;
  - (d) street works and highways<sup>8</sup>;
  - (e) public rights of way<sup>9</sup>
  - (f) the protection of hedgerows and the preservation of trees<sup>10</sup>; and
  - (g) high hedges<sup>11</sup>
2. in respect of any approval, consent, licence, permission, or registration which they may grant:
  - (a) to impose conditions limitations or restrictions;
  - (b) to determine any terms;
  - (c) to determine whether and how to enforce any failure to comply;
  - (d) to amend, modify, vary or revoke; and/or
  - (e) to determine whether a charge should be made or the amount of such charge.
3. to discharge any licensing function<sup>12</sup>, where full Council has referred a matter to the Area Plans Panel.

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<sup>1</sup> Each Plans Panel is authorised to discharge functions in respect of its own geographical area as indicated on the plan attached. (A larger scale more detailed copy of the plan is maintained by the Chief Planning Officer)

<sup>2</sup> With the exception of any licensing function under the Licensing Act 2003, the Panel and the Council may arrange for any of these functions to be discharged by an officer – the functions for the time being so delegated are detailed in Section 2 of Part 3 of this Constitution.

<sup>3</sup> "Functions" for these purposes shall be construed in a broad and inclusive fashion and shall include the doing of anything which is calculated to facilitate or is conducive or incidental to the discharge of any of the specified functions

<sup>4</sup> Local Authorities (Functions and Responsibilities)(England)Regulations 2000 as amended

<sup>5</sup> Items 5-31, Para. A of Schedule 1 of the 2000 Regulations

<sup>6</sup> Items 26 and 27 of Para B of Schedule 1 of the 2000 Regulations

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

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

<sup>9</sup> Part I of Para I of Schedule 1 of the 2000 Regulations

<sup>10</sup> Items 46 and 47 of Para I of Schedule 1 of the 2000 Regulations

<sup>11</sup> Item 47A of Para. I of Schedule 1 of the 2000 Regulations

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

- a licensing function of the licensing authority and
- a function which is not a licensing function

Unless the matter is urgent, the Panel must consider a report of the Licensing Committee in respect of the matter before discharging the function concerned (Section 7 (6))

# Boundaries for Plans Panels



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## **City Plans Panel**

The City Plans Panel is authorised to discharge<sup>1</sup> the following functions<sup>2</sup>

1. all Council (non-executive)<sup>3</sup> functions relating to:
  - (a) town and country planning and development management<sup>4</sup> in respect of the following types of applications:
    - proposals within the City Centre<sup>5</sup>;
    - proposals that (in the opinion of the Chief Planning Officer having consulted the appropriate Executive Member<sup>6</sup> and Chair of the relevant Area Plans Panel<sup>7</sup> and the Chair of the City Plans Panel) are:-
      - of major strategic significance (either individually or cumulatively) in terms of one or more of the following; job growth or retention; investment and regeneration; importance to the city economically, culturally or recreationally;
      - residential schemes of 300 or more dwellings which have greater than local significance and should be considered within a wider strategic context;
      - non residential schemes involving proposed floor space of 10,000 square metres (gross) or more, which would have a greater than local significance and should be considered within a wider strategic context;
      - proposals that are eligible for significant , time limited public funds (including PFI schemes);
      - proposals that are contrary to adopted policy which are being brought forward for approval and could have significant strategic implications for other proposals in the city; or
      - proposals for significant infrastructure provision which affects more than one area of the city that should be considered within a wider strategic context.

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<sup>1</sup> With the exception of any licensing function under the Licensing Act 2003, the City Plans Panel and the Council may arrange for any of these functions to be discharged by an officer – the functions for the time being so delegated are detailed in Section 2 of Part 3 of this Constitution.

<sup>2</sup> “Functions” for these purposes shall be construed in a broad and inclusive fashion and shall include the doing of anything which is calculated to facilitate or is conducive or incidental to the discharge of any of the specified functions

<sup>3</sup> Local Authorities (Functions and Responsibilities)(England)Regulations 2000 as amended

<sup>4</sup> Items 5-31, Para. A of Schedule 1 of the 2000 Regulations

<sup>5</sup> The City Centre for these purposes is the area indicated on the plan attached

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

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

## *Council Committees' Terms of Reference*

- (b) Within the City Centre<sup>8</sup> :
- safety certificates for sports grounds<sup>9</sup>;
  - common land or town and village greens<sup>10</sup>;
  - street works and highways<sup>11</sup>;
  - public rights of way<sup>12</sup>;
  - the protection of hedgerows and the preservation of trees<sup>13</sup>; and
  - high hedges<sup>14</sup>
2. in respect of any approval, consent, licence, permission, or registration which they may grant:
- (a) to impose conditions limitations or restrictions;
- (b) to determine any terms;
- (c) to determine whether and how to enforce any failure to comply;
- (d) to amend, modify, vary or revoke; and/or
- (e) to determine whether a charge should be made or the amount of such charge.
3. to discharge any licensing function<sup>15</sup> where full Council has referred a matter to the City Plans Panel.

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<sup>8</sup> See footnote 5 for definition of City Centre

<sup>9</sup> Items 26 and 27 of Para B of Schedule 1 of the 2000 Regulations

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

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

<sup>12</sup> Part I of Para I of Schedule 1 of the 2000 Regulations

<sup>13</sup> Items 46 and 47 of Para I of Schedule 1 of the 2000 Regulations

<sup>14</sup> Item 47A of Para. I of Schedule 1 of the 2000 Regulations

<sup>15</sup> (section 7 (5) (a) of the Licensing Act 2003) The matter must relate to:

- a licensing function of the licensing authority and
- a function which is not a licensing function

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

# Boundaries for Plans Panels

Headingley & Hyde Park

Chapel Allerton

Gipton & Harehills

Kirkstall

Woodhouse

Little London & Woodhouse

**NORTH AND EAST**

**CITY PLANS PANEL**

LEEDS

Burmantofts & Richmond Hill

Armley

Upper Wortley

Farnley & Wortley

Beeston & Holbeck

**SOUTH AND WEST**

Hunslet & Riverside



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## **ADVISORY COMMITTEE**

### **Development Plan Panel**

An advisory Committee<sup>1</sup> authorised to make recommendations regarding:

1. the Authority's Unitary Development Plan; and
2. the Local Development Framework.

In particular

To advise the Council in relation to functions which are<sup>2</sup>

- specified as being non executive functions or
- being local choice functions, are reserved to the Council; and

*To advise the Executive in relation to functions which are<sup>2</sup>*

- *specified as being executive functions, or*
- *being local choice functions, are not reserved to the Council, or*
- *are functions which are not specified as being either non executive functions or local choice functions and by default are executive functions*

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

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

## **Independent Panel**

The Independent Panel is authorised to discharge the following functions<sup>1</sup>:

1. to advise the authority on matters relating to the dismissal of relevant officers of the authority<sup>2</sup>.

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

<sup>2</sup> In accordance with the Local Authorities (Standing Orders) (England) (Amendment) Regulations 2015

## ADVISORY COMMITTEE ON CLIMATE CHANGE

An advisory Committee<sup>1</sup> authorised to consider and make recommendations regarding climate change and sustainability and in particular

1.) To advise the Council in relation to functions which are<sup>2</sup>

- specified as being non executive functions or
- being local choice functions, are reserved to the Council; and

and to report annually to full council; and

2.) *To advise the Executive in relation to functions which are<sup>2</sup>*

- *specified as being executive functions, or*
- *being local choice functions, are not reserved to the Council, or*
- *are functions which are not specified as being either non executive functions or local choice functions and by default are executive functions*

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

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