

# Public Document Pack

## **Supplementary Information for the Annual Council Meeting– 22<sup>nd</sup> May 2008**

- Item 7 - Report on the Recommendations of the Corporate Governance and Audit Committee on amendments to the Constitution and accompanying appendices
- Schedule 8(a) - Terms of Reference
- Schedule 9 - Officer Delegation Scheme (Council (Non-Executive) Functions)
- Schedule 11 - Executive Functions

This page is intentionally left blank



Originator:  
A Hodson/ P Marrington  
Tel:224 3208 / 39 51151

---

## Report of the Chief Democratic Services Officer

Full Council – annual meeting

Date: 22 May 2008

Subject: Recommendations from Corporate Governance and Audit Committee – constitutional changes

---

### Electoral Wards Affected:

Ward Members consulted  
(referred to in report)

### Specific Implications For:

Equality and Diversity   
Community Cohesion   
Narrowing the Gap

---

## Executive Summary

1. This report sets out recommendations to Council made by the Corporate Governance and Audit Committee, on 14<sup>th</sup> May 2008, in relation to amendments to the constitution.

2. The main amendments recommended relate to:

- the **budget and policy framework**;
- lowering the financial threshold defining **key decisions** from £500,000 to £250,000;
- a new **Constitutional Proposals Committee**;
- **Scrutiny arrangements**; and
- arrangements for **call-in**.

3. The report also sets out the Committee's recommendations to Council to amend the list of functions reserved to full Council, as required by new legislation, and the Chief Highways Officer's delegation in relation to three functions already delegated to the Director of City Development. The Committee also recommended a number of other minor amendments to the constitution, for clarification or updating purposes.

4. The report also sets out a recommendation from the Committee, that the Council appoint the Assistant Chief Executive (Corporate Governance), the Chief Officer (Legal Licensing and Registration) and the Electoral Services Manager as deputy registration officers.

5. Appendices 1 – 15 set out proposed amendments to the constitution.

## **1.0 Purpose Of This Report**

1.1 This report presents recommendations to Council from the Corporate Governance and Audit Committee, for amendments to the constitution.

## **2.0 Background Information**

2.1 The Corporate Governance and Audit Committee is authorised under its terms of reference to consider proposals to amend the constitution, and to make recommendations to full Council on such proposals.

2.2 At its meeting on the 14<sup>th</sup> May the Corporate Governance and Audit Committee received three reports making recommendations for amendments to the constitution.

2.3 The proposals within the reports were also informed by consultation with the Administration Leaders.

## **3.0 Main Issues**

### **3.1 Changes to the Budget and Policy Framework**

3.1.1 The Council's budget and policy framework is set out in Article 4 of the constitution. The principal recommendation from the Corporate Governance and Audit Committee is that the following policies should be included within the budget and policy framework:

- Health and Wellbeing Plan;
- Economic Development Strategy;
- Climate Change Strategy<sup>1</sup>; and
- Leeds Housing Strategy.

3.1.2 Other minor amendments recommended by the Committee are:

- to add a new footnote to the reference to the Crime and Disorder Reduction Strategy, to clarify that this is the Safer Leeds Partnership Plan;
- to delete the Annual Library Plan, Children's Services Plan, and the Council Plan (which incorporated the Council's Best Value Performance Plan), as the Council is no longer required to produce these;
- to amend community strategy to "sustainable" community strategy and add a footnote setting out the new duty to consult with partner authorities<sup>2</sup>; and
- to add a footnote to the Strategic Plan, noting the functions that the Council assigned<sup>3</sup> to the Executive in relation to the local area agreements.

3.1.3 All of the proposed amendments to the framework are incorporated into Appendix 1 of this report, which sets out the relevant paragraph from Article 4.1.

### **3.2 Key and Major decisions – definitions**

---

<sup>1</sup> The Health and Wellbeing Plan, Economic Development Strategy and Climate Change Strategy are currently being developed.

<sup>2</sup> Section 4 Local Government Act 2000, amended by Section 114 Local Government and Public Involvement in Health Act 2007.

<sup>3</sup> at its meeting in April this year

- 3.2.1 **Key decisions** of the executive must be entered into the forward plan and are subject to call-in. It is for each authority to decide its own financial threshold to determine significance in this context. For this Council, this is currently expenditure or savings of over **£500,000**<sup>4</sup> a year. This definition is set out in Article 13 of the constitution.
- 3.2.2 **Major decisions** are also subject to call-in, but are not required to be entered onto the forward plan. They are defined by reference to a financial threshold of **£100,000**<sup>5</sup> a year. This definition is set out in the guidance notes on delegated decision making, in Part 3 of the constitution.
- 3.2.3 The Corporate Governance and Audit Committee recommend that the key decision financial threshold be lowered to **£250,000**. This would result in more decisions being entered on the forward plan, which would allow for increased engagement before decisions are taken.
- 3.2.4 The Corporate Governance and Audit Committee also recommend an amendment to exclude decisions to approve care plans from the definitions of key and major decisions. If excluded, they would not be subject to call-in, nor required to be placed on the forward plan<sup>6</sup>. This followed concerns expressed by the Director of Adult Social Services and the Director of Children's Services about delay from the call-in process<sup>7</sup>. Care plans are also specific to the needs of the individual concerned; in relation to individuals with complex needs the Council will usually have little discretion about how it should meet those needs.
- 3.2.5 To ensure that such decisions are formally recorded, the Committee recommend that a decision to approve a care plan where expenditure is over £100,000 should be recorded as a **significant operational decision**.
- 3.2.6 Appendix 2 to this report sets out the proposed amendments to Article 13, to reflect the amended financial threshold, and the proposed exclusion in relation to care plans. Appendix 3 to this report sets out the proposed amendments to the guidance notes to delegated decision making, which define major decisions and significant operational decisions, to reflect the proposed amendments in relation to care plans.

### 3.3 **Functions reserved to full Council**

- 3.3.1 The Local Government and Public Involvement in Health Act 2007 introduced new functions relating to the mechanism for community governance reviews, changes in governance (executive) arrangements and electoral arrangements. These functions have now been identified by regulations as **council functions**<sup>8</sup>. This means that they cannot be carried out (or delegated) by the Executive. Some of these functions are reserved to full Council; others may be delegated.

<sup>4</sup> Or significant effect on communities living or working in two or more wards

<sup>5</sup> Or significant effect on communities living or working in a ward.

<sup>6</sup> Under the **proposed** threshold of £250,000, some of these decisions may be key. Such decisions would then have to be entered onto the forward plan, as well as being subject to call-in. It is difficult to see the purpose of entering such decisions onto the forward plan. The purpose of the plan is to allow the public to comment before decisions are made – and the public would not have a legitimate interest in an individual's care plan.

<sup>7</sup> The Council's duty to implement a care plan arises as soon as it is approved. However, where a decision is subject to call-in, it cannot be implemented until the call-in period has expired. In some circumstances, a failure to act could place an individual or the public at significant risk.

<sup>8</sup> Local Authorities (Functions and Responsibilities) (England) Regulations 2000, as amended by SI 2008/516.

- 3.3.2 The Corporate Governance and Audit Committee recommend that Council amend the list of functions carried out by full Council, set out in Part 3 of the constitution, to include the functions which the regulations **require** to be reserved to full Council. The Assistant Chief Executive (Corporate Governance) will bring a more detailed report outlining proposals about the delegation of the new functions, in due course.
- 3.3.3 The regulations also require a minor amendment to functions of full Council relating to formulating plans and strategies, which are now required to include plans for determining the authority's minimum revenue provision.
- 3.3.4 In addition, the Committee also recommend that the Council appoint the following officers to be deputy electoral registration officers<sup>9</sup>:
- Assistant Chief Executive (Corporate Governance);
  - Chief Officer (Legal Licensing and Registration); and
  - Electoral Services Manager.
- 3.3.5 All of these amendments, including an amendment to reflect the appointments, are set out in Appendix 4 to this report.

### 3.4 **Delegations to the Chief Highways Officer**

- 3.4.1 The Committee recommend that the Council delegate three additional council functions to the Chief Highways Officer. These functions are:
- to authorise erection of stiles etc on footpaths or bridleways;<sup>10</sup>
  - to assert and protect the rights of the public to use and enjoyment of highways;<sup>11</sup> and
  - to designate footpath as cycle track.<sup>12</sup>
- 3.4.2 These functions are already delegated by the Council to the Director of City Development, and would be concurrently delegated to the Chief Highways Officer.

### 3.5 **Changes to local choice functions**

- 3.5.1 The Committee also recommend that Section 1 of Part 3 to the constitution, which sets out how local choice functions are allocated between the Council and the Executive, be amended to delete the reference to conducting best value reviews, following legislative changes<sup>13</sup> relating to best value.

### 3.6 **New Constitutional Proposals Committee**

- 3.6.1 Currently, the Corporate Governance and Audit Committee has authority to consider proposals for amending the constitution and making recommendations to full Council.
- 3.6.2 In May 2007 full Council resolved that members of the Executive, Political Group Leaders and Whips should be precluded from membership of the Corporate Governance and Audit Committee. This was to comply with the guidance issued by

---

<sup>9</sup> Section 52(2) Representation of the People Act 1983.

<sup>10</sup> Section 147 Highways Act 1980

<sup>11</sup> Section 130 Highways Act 1980

<sup>12</sup> Section 3 Cycle Track Act 1984

<sup>13</sup> SI 2008/516

the Chartered Institute for Public Finance and Accounting, and the Audit Commission's 'use of resources' block of the Comprehensive Performance Assessment, in relation to the independence of members of an audit committee

- 3.6.3 The change of membership has had the unintended consequence of distancing of party group leaders from input to proposals for constitutional change.
- 3.6.4 The Corporate Governance and Audit Committee recommend that to rectify this, a new committee be established to consider proposals to amend the constitution, and make recommendations to full Council. Proposed terms of reference for the Constitutional Proposals Committee are attached as Appendix 5 to this report.
- 3.6.5 It is understood that the membership of the committee will include leaders of each political group.
- 3.6.6 If this new committee is appointed, the terms of reference for the Corporate Governance and Audit Committee will also need to be amended, to delete the function to be carried out by the Constitutional Proposals Committee. The proposed revised terms of reference for the Corporate Governance and Audit Committee are attached at Appendix 6. There would also be other minor consequential amendments required to the constitution, for example in Article 15 which sets out how constitutional amendments are approved.

### 3.7 **Scrutiny arrangements**

- 3.7.1 The recent Corporate Assessment made the following observation regarding the effectiveness of scrutiny:

*“Whilst scrutiny has improved with the introduction of policy boards these still remain inconsistent in their approach to challenging policy development. As a consequence effective challenge to the Council through overview and scrutiny remains inconsistent. Further development is required to ensure a robust approach for all scrutiny boards.”*

- 3.7.2 The Corporate Governance and Audit Committee considered two options presented following a subsequent review of Scrutiny Board arrangements.

- 3.7.3 **The first option** was to maintain the current arrangements, which are:

- Overview and Scrutiny Committee;
- Scrutiny Board (Children's Services);
- Scrutiny Board (City Development);
- Scrutiny Board (Culture and Leisure);
- Scrutiny Board (Environment and Neighbourhoods);
- Scrutiny Board (Health and Adult Social Care); and
- Scrutiny Board (Resources).

- 3.7.4 Maintaining the status quo removes the need for Members to adapt to further change. In addition, current Scrutiny Boards fall neatly into recognised service portfolios.

- 3.7.5 However, there is some unnecessary duplication and blurred boundaries between Scrutiny Board (Resources) and the Overview and Scrutiny Committee. Also, having a separate Scrutiny Board (Culture and Leisure) maintains a focus on the old Council Officer Structure. This in turn creates a temptation to focus on operational issues within a service, rather than strategic issues. The current arrangements as a whole do not reflect the 'One Council' directorates that have been implemented as part of the Council Change Programme.
- 3.7.6 The current combining of Health and Adult Social Care also restricts the amount of work that can be undertaken in each area.
- 3.7.7 **The second option** was to reconfigure Scrutiny Boards to provide a greater strategic and outward facing focus, as follows:
- Scrutiny Board (Central & Corporate Functions);
  - Scrutiny Board (City Development);
  - Scrutiny Board (Children's Services);
  - Scrutiny Board (Environment and Neighbourhoods);
  - Scrutiny Board (Health);
  - Scrutiny Board (Adult Social Care); and
  - Scrutiny Board (City and Regional Partnerships).
- 3.7.8 The Scrutiny Board (Central and Corporate Functions) would deal with:
- matters currently within the terms of reference of the Scrutiny Board (Resources); and
  - matters currently within the terms of reference of the Overview and Scrutiny Committee, which relate to the functions carried out by the Chief Executive, Deputy Chief Executive and the Assistant Chief Executives.
- 3.7.9 The Scrutiny Board (City Development) would deal with culture and leisure matters currently considered by the Scrutiny Board (Culture and Leisure), as well as its current functions relating to city development.
- 3.7.10 The Scrutiny Board (Health) would carry out the council's statutory role in relation to scrutiny of local NHS bodies. The Scrutiny Board (Adult Social Care) would deal with matters which relate to functions carried out by the Director of Adult Social Services. Having dedicated scrutiny boards would ensure that both health service issues and adult social care issues are properly scrutinised.
- 3.7.11 The creation of a Scrutiny Board (City and Regional Partnerships) would provide the forum for non executive members to contribute to improved understanding and awareness of the role of city and regional partnerships. Other benefits would include:
- contributing positively to policy development and the 'place shaping' role of elected Members;
  - improving the quality of decision making, providing a critical friend role;
  - improving transparency and accountability;
  - improving the understanding and awareness about the work of partnerships amongst all councillors; and
  - addressing concerns over accountability.



- 3.7.12 Option 2 mirrors the 'One Council' directorates that have been implemented as part of the Council Change Programme. It addresses the observations made about the effectiveness of scrutiny in the Corporate Assessment. The proposal provides coherent links with the five strands of the local area agreement, the responsibilities of the directorates and the drive to encourage scrutiny to focus on more strategic issues.
- 3.7.13 The advisory functions and overview and scrutiny functions currently within the terms of reference of the Overview and Scrutiny Committee are excluded from the proposed terms of reference for the Scrutiny Board (Central and Corporate Functions). It is proposed that, in consultation with Scrutiny Chairs<sup>14</sup>:
- the Proper Officer<sup>15</sup> prepare the annual report on scrutiny for full Council; and
  - the Assistant Chief Executive (Corporate Governance) approve the guidance notes to the Scrutiny Board Procedure Rules under the authority already delegated to her in relation to standing orders.
- 3.7.14 In relation to recommendations to a Scrutiny Board to undertake an Inquiry, should the Scrutiny Chairs wish to make a recommendation, they may do so under Scrutiny Board Procedure Rules. It is proposed to make minor amendments to the Scrutiny Board Procedure Rules to clarify this.
- 3.7.15 In relation to overview and scrutiny functions, the terms of reference of the Overview and Scrutiny Committee currently provide for it to exercise the functions of a Scrutiny Board where a matter falls within the terms of reference of more than one Scrutiny Board. Also, the power to appoint Scrutiny Commissions to deal with matters which fall within the terms of reference of more than one Board also lies within the terms of reference of the Overview and Scrutiny Committee.
- 3.7.16 It is proposed that the Scrutiny Board Procedure Rules be amended to allow the Proper Officer<sup>16</sup>, after consultation with Scrutiny Chairs, to arrange for any matter to be dealt with, where it falls within the terms of reference of more than one Scrutiny Board.
- 3.7.17 The annual review of scrutiny arrangements also identified a number of minor amendments to the Scrutiny Board Procedure Rules, to ensure consistency or provide procedural clarification. These are shown in Appendix 7 to this report, together with other amendments which would be required to the Rules if Council approve the scrutiny arrangements set out in option 2.
- 3.7.18 The Corporate Governance and Audit Committee recommended that Council adopt the arrangements set out in option 2 for the municipal year 2008/09. The Terms of Reference for these Scrutiny Boards are attached as Appendices 8-14 of this report. Consequential changes to Article 6 of the Constitution are shown in Appendix 15.

## 3.8 Call-in arrangements

- 3.8.1 The Corporate Assessment made the following observations regarding the effectiveness of Call-in arrangements:

---

<sup>14</sup> Who will be meeting on an informal basis, as the scrutiny advisory group.

<sup>15</sup> Head of Scrutiny and Member Development

<sup>16</sup> Head of Scrutiny and Member Development

*“...Call-in arrangements need to be reviewed to support a fair and effective approach”, and “Call-In arrangements are considered ineffective by many councillors as two political parties have to agree which has resulted in few Call-Ins in recent years”.*

- 3.8.2 The Corporate Governance and Audit Committee’s recommendation to Council is that Call-in requests should be signed by:
- two non-executive elected Members (who are not from the same political group); or
  - any five non-executive elected Members.
- 3.8.3 in an earlier review of Call-In this year, Overview and Scrutiny Committee recommended that Call-In should only be used where Members have evidence which suggests that the decision-maker did not take the decision in accordance with the principles set out in Article 13 (Decision-making) of the constitution. The Corporate Governance and Audit Committee endorsed this view, and recommend to Council that the Scrutiny Board Procedure Rules are amended to ensure that sufficient reason is given for requests for a Call-In (see Rule 22.7, footnote 41, revised Scrutiny Board Procedure Rules, attached as Appendix 7).
- 3.8.4 Currently Overview and Scrutiny Committee receive and consider all Call-In requests. The Corporate Governance and Audit Committee recommendation is that a change in the trigger mechanism for Call-In is complemented by revisions in the existing terms of reference for the Boards, and the Scrutiny Board Procedures Rules, to allow Call-In requests to be received and considered by the relevant Scrutiny Board. This will allow those Members with an expertise in a particular service area to bring that knowledge to Call-In discussions.

#### **4.0 Implications For Council Policy and Governance**

- 4.1 It is in accordance with the good governance principles to review and update the constitution. The Council’s scrutiny arrangements are a key part of the its governance arrangements, and it is clearly important to ensure that these arrangements continue to be relevant to the work of the Council.

#### **5.0 Legal and Resource Implications**

- 5.1 The amendments proposed update the constitution in accordance with legislative changes. Members should note, however that additional provisions within the Local Government and Public Involvement in Health Act 2007 will come in force later this year, which will impact on the Council’s scrutiny arrangements. The Council will therefore need to review its scrutiny arrangements once these provisions are in force.

#### **6.0 Conclusions**

- 6.1 The constitution needs to be amended to reflect legislative changes, as set out in the report.
- 6.2 In addition, Council may consider that other proposals set out in this report will secure greater involvement by Members in decision-making, and secure more effective scrutiny arrangements.

## 7.0 Recommendations

7.1 The Corporate Governance and Audit Committee recommend that Council resolve

7.1.1 In relation to the **budget and policy framework**:

- To approve the amendments to the Budget and Policy Framework, proposed in paragraph 3.1 of this report.
- To approve the consequential amendments to Article 4 set out in Appendix 1.

7.1.2 In relation to the **definition of key and major decisions**:

- To reduce the financial threshold for key decisions to £250,000 each year.
- To exclude the approval of care plans from the definitions of key and major decisions, as set out paragraph 3.2.4 of this report.
- that decisions relating to relation to care plans over £100,000 are significant operational decisions.
- To approve the consequential amendments to Article 13 set out in Appendix 2 to this report.
- To approve the consequential amendments to the guidance notes on delegated decision making, relating to the definition of key, major and significant operational decisions, set out in Appendix 3 to this report.

7.1.3 In relation to **functions reserved to full Council**:

- To appoint the Assistant Chief Executive (Corporate Governance), the Chief Officer (Legal Licensing and Registration) and the Electoral Services Manager as deputy electoral registration officers.
- To approve the amendments to the list of functions reserved to full Council, as set out paragraph 3.3 of this report and set out in Appendix 4 to this report.

7.1.4 To delegate the additional functions set out in paragraph 3.4 of this report, to the **Chief Highways Officer**.

7.1.5 To amend the **local choice functions** in Section 1 of Part 3 to the constitution, to delete reference to best value reviews.

7.1.6 In relation to a new **Constitutional Proposals Committee**:

- To approve the terms of reference for the committee, as set out in Appendix 5 of this report.
- To approve revised terms of reference for the Corporate Governance and Audit Committee, as set out in Appendix 6 of this report.
- To approve consequential amendments to the Articles to reflect the new committee.

#### 7.1.7 In relation to **Scrutiny and call-in arrangements** :

- To approve the second option for scrutiny arrangements set out in paragraph 3.7 of this report
- To approve the terms of reference for the Scrutiny Board (Central and Corporate Functions) set out in Appendix 8 to this report.
- To approve the revised terms of reference for the Scrutiny Board (City Development) set out in Appendix 9 to this report.
- To approve the revised terms of reference for the Scrutiny Board (Children's Services) set out in Appendix 10 to this report.
- To approve the revised terms of reference for the Scrutiny Board (Environment and Neighbourhoods) set out in Appendix 11 to this report.
- To approve the terms of reference for the Scrutiny Board (Health) set out in Appendix 12 to this report.
- To approve the terms of reference for the Scrutiny Board (Adult Social Care) set out in Appendix 13 to this report.
- To approve the terms of reference for the Scrutiny Board (City and Regional Partnerships) set out in Appendix 14 to this report.
- To approve the Scrutiny Board Procedure Rules set out in Appendix 7 to this report, to implement the proposals set out in paragraph 3.7.7 to 3.7.16, and to provide for:
  - Call-in requests to be signed by:
    - two non-executive elected Members (who are not from the same political group); or
    - any five non-executive elected Members.
  - Call-in requests to be received and considered by the relevant Scrutiny Board; and
  - sufficient reason to be given for requests for a Call-in.
- To approve minor amendments to the Scrutiny Board Procedure Rules, for clarification or consistency, referred to in paragraph 3.7.17 of this report, and set out in Appendix 7.
- To approve the consequential amendments to Article 6 as set out in Appendix 15 to this report.

## Extract from Article 4 – Budget and Policy Framework

### 4.1 MEANINGS

#### • Policy Framework

The Policy Framework means the following plans and strategies:

- (i) those required by the Local Authorities (Functions and Responsibilities) (England) 2000 to be adopted by the Council<sup>1</sup>:
  - Children and Young People’s Plan
  - Crime and Disorder Reduction Strategy<sup>2</sup>
  - Development plan documents<sup>3</sup>
  - Licensing Authority Policy Statement<sup>4</sup>
  - Local Transport Plan
  - Plans and alterations which together comprise the Development Plan
  - Sustainable Community Strategy<sup>5</sup>
  - Youth Justice Plan<sup>6</sup>
- (ii) other plans and strategies adopted by the Council in accordance with ODPM guidance which recommends adoption by the Council as part of the Policy Framework<sup>7</sup>:
  - Leeds Strategic Plan<sup>8</sup>
- (iii) other plans and strategies adopted by the Council<sup>9</sup>:
  - Council Business Plan
  - Health and Wellbeing Plan
  - Economic Development Strategy
  - Climate Change Strategy
  - Leeds Housing Strategy

<sup>1</sup> The 2000 Regulations specify that the council’s annual library plan needs to be part of this framework. The council is not however currently required to produce a library plan.

<sup>2</sup> This is the Safer Leeds Partnership Plan

<sup>3</sup> Section 15 Planning and Compulsory Purchase Act 2004

<sup>4</sup> This is the policy statement under the Gambling Act 2005.

<sup>5</sup> When preparing or modifying this strategy, the authority must (Section 4 Local Government Act 2000):

- consult and seek the participation of each partner authority ( as defined by Section 104 of the Local Government and Public Involvement in Health Act 2007) and such other persons as it considers appropriate; and
- have regard to any guidance issued by the Secretary of State.

<sup>6</sup> Section 40 Crime and Disorder Act 1998

<sup>7</sup> In accordance with Schedule 4 of the 2000 Regulations

<sup>8</sup> Local area targets are set by the Executive.

<sup>9</sup> In accordance with Schedule 4 of the Regulations

Additional plans and strategies may be approved or adopted as part of the Policy Framework from time to time.

## **Budget**

The budget includes the allocation of financial resources to different services and projects, proposed contingency funds, the Council Tax base, setting the Council Tax and decisions relating to the control of the Council's borrowing requirement, the control of its capital expenditure and setting of virement limits.

- **Housing Land Transfer**

Housing Land Transfer means the approval or adoption of applications (whether in draft form or not) to the Secretary of State for approval of a programme of disposal of 500 or more properties to a person under the Leasehold Reform, Housing and Urban Development Act 1993 or to dispose of land used for residential purposes where approval is required under sections 32 or 43 of the Housing Act 1985.

## Appendix 2

Extract from Article 13 – Decision-making

### 13.5 DECISION MAKING BY THE EXECUTIVE

Subject to Article 13.9, the executive will follow the Executive Procedures Rules set out in Part 4 of this Constitution when considering any matter.

The Executive<sup>1</sup> is empowered to make decisions in relation to executive functions of the Council only. Some of the decisions the Executive will make will be more important than others. For this reason decisions are placed into one of four categories; Key Decisions, Major Decisions, Significant Operational Decisions and Administrative Decisions.<sup>2</sup>

- **Key decisions**

These are decisions which are likely to:

- (a) result in the authority incurring expenditure or making savings which is/are significant having regard to the authority's budget for the service or function to which the decision relates; or
- (b) be significant in terms of the effects on communities living or working in an area comprising two or more wards or electoral divisions in the area of the authority.

By way of defining “significant” for the Council's purposes, a Key Decision is:

- an Executive decision likely to incur expenditure/make savings over £250,000 each year<sup>3</sup>; or
- an Executive decision which is likely to have a significant effect on communities living or working in an area comprising two or more wards

and which is not a decision which is a direct consequence of implementing a previous Key Decision<sup>4</sup> or any other decision of the Executive Board.

A decision taker may only make a Key Decision in accordance with the requirements of the Executive Procedure Rules set out in Part 4 of this Constitution.

---

<sup>1</sup> The executive may be the Executive Board itself or any other committee or officer acting under authority delegated by the Leader or the Executive Board as set out in Part 3 of this Constitution

<sup>2</sup> Further details of the definition of Major Decisions, Significant Operational Decisions and Administrative Decisions can be found in the Guidance notes on delegated decision making set out in Part 3 of this Constitution

<sup>3</sup> Except where this expenditure will result from a decision to approve a care plan which specifies residential or nursing care which the council has a duty to provide under Section 21 or Section 29(4) National Assistance Act 1949, Section 117 Mental Health Act 1993, Section 17 Children Act 1989 or Section 2 Local Government Act 2000.

<sup>4</sup> Under the capital programme, a decision to **authorise expenditure** over £250,000 will be a **key** decision, but a decision to **award a contract** over the value of £250,000 will constitute an **administrative** decision.

This page is intentionally left blank



## Appendix 3

### Extract from guidance notes on delegated decision-making

4.3 **Key Decision:-** a decision relating to an executive function which is likely

- to result in the authority incurring expenditure or making savings over **£250,000** each year<sup>1</sup>, or
- to have a significant effect on communities living or working in an area comprising two or more wards.

and which is not a decision which is a direct consequence of implementing a previous Key Decision<sup>2</sup> **or any other decision of the Executive Board.**

4.4 **Major Decision:-** a decision relating to an executive function which is likely

- to result in the authority incurring expenditure or making savings over **£100,000** each year<sup>3</sup>, or
- to have a significant effect on communities living or working in an area (including one ward).

And which is not a decision which is a direct consequence of implementing a previous Key or Major Decision<sup>4</sup> **or any other decision of the Executive Board.**

4.5 **Significant Operational Decisions:-** those decisions which:

- (a) do not fall within the definition of Administrative Decisions as set out in paragraph 4.6;
- (b) require an application to be made for planning permission, listed building, ancient monument or conservation area consent;
- (c) comprise or include the making, approval or publication of a draft or final scheme which may require, either directly or in the event of objection, the approval of the Secretary of State or of a Minister of the Crown;

---

<sup>1</sup> Except where this expenditure will result from a decision to approve a care plan which specifies residential or nursing care which the council has a duty to provide under Section 21 or Section 29(4) National Assistance Act 1949, Section 117 Mental Health Act 1993, Section 17 Children Act 1989 or Section 2 Local Government Act 2000.

<sup>2</sup> Under the capital programme, a decision to **authorise expenditure** over £250,000 will be a key decision, but a decision to **award a contract** over the value of £250,000 will constitute an administrative decision.

<sup>3</sup> Except where this expenditure will result from a decision to approve a care plan which specifies residential or nursing care which the council has a duty to provide under Section 21 or Section 29(4) National Assistance Act 1949, Section 117 Mental Health Act 1993, Section 17 Children Act 1989 or Section 2 Local Government Act 2000.

<sup>4</sup> Under the capital programme, a decision to **authorise expenditure** over £100,000 constitute a major decision, but a decision to **award a contract** over the value of £100,000 will constitute an administrative decision.

- (d) require the passage of local legislation or the adoption by the Council of national legislation;
- (e) propose the payment of an ex-gratia payment of a sum in local settlement of a complaint, in excess of £1,000 or where that payment is not agreed with the Director of Resources;
- (f) propose a response on behalf of the Council to consultation by the Secretary of State or a Minister of the Crown;
- (g) propose an alteration in the standard charges which the Council makes for any of its services<sup>5</sup>;
- (h) give rise to the need to appoint additional staff, redeploy or change the normal place of existing staff, materially change the terms of appointment of existing staff or result in any staff being redundant;
- (i) require the acquisition or disposal of any land or interest in land;
- (j) require a virement of funding within approved virement powers of officers;
- (k) approve a care plan which specifies residential or nursing care which the council has a duty to provide under Section 21 or Section 29(4) National Assistance Act 1949, Section 117 Mental Health Act 1993, Section 17 Children Act 1989 or Section 2 Local Government Act 2000, where the expenditure under the care plan is likely to be over £100,000.
- (l) are of such significance to the locality, the Council or services which it provides that the officer is of the opinion that it should be treated as a Significant Operational Decision.

---

<sup>5</sup> This paragraph refers only to those charges made in respect of executive functions.

## Appendix 4

*Responsibilities for Council (non-executive) Functions*

### FUNCTIONS OF THE FULL COUNCIL

<b><u>Council (non-executive) functions<sup>1</sup></u></b>	<b><u>Related appointments of Officers by full Council</u></b>
<p><b>Members' allowances<sup>2</sup></b></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"> <li>• Chairman's expenses</li> <li>• Vice-Chairman's expenses</li> <li>• financial loss allowance</li> <li>• allowances for attending conferences and meetings</li> </ul> <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><b>Electoral Arrangements</b></p> <p>To make a request under section 14A(1) Local Government Act 1992 for single member electoral areas.<sup>3</sup></p> <p>To change a scheme for elections under section 32(1) or 39(1)<sup>4</sup> of the Local Government and Public Involvement in Health Act 2007.<sup>5</sup></p> <p>To pass a resolution to change the name of an electoral area<sup>6</sup> under Section 59(1) of the 2007 Act</p>	

<sup>1</sup> In accordance with the Local Authorities (Functions and Responsibilities) (England) Regulations 2000, as amended (the 2000 Regulations).

<sup>2</sup> Regulation 2(5) & (6) of the 2000 Regulations

<sup>3</sup> Regulation 2(6A) of the 2000 Regulations. The council may only make such a request where it has whole council elections.

<sup>4</sup> Where a council has whole council elections

<sup>5</sup> Regulation 2(6B) of the 2000 Regulations

<sup>6</sup> Schedule 1, item 22 of the 2000 Regulations. Functions relating to consultation and notification processes under Section 59 have been delegated to the Assistant Chief Executive (Corporate Governance).

<b><u>Council (non-executive) functions</u></b> <sup>1</sup>	<b><u>Related appointments of Officers by full Council</u></b>
<p><b>Governance arrangements</b></p> <p>To decide whether to make proposals for a change in governance arrangements of the kind set out in sections 33A and 33B of the Local Government Act 2000 (the 2000 Act).<sup>7</sup></p> <p>To decide whether a change of the kind set out in section 33A of the 2000 Act should be subject to approval in a referendum under section 33E(5) of the 2000 Act.<sup>8</sup></p> <p>To pass a resolution to make a change in governance arrangements under section 33F of the 2000 Act.<sup>9</sup></p> <p>To include provision in executive arrangements for the council to remove the executive leader by resolution under section 44C(1) of the 2000 Act.<sup>10</sup></p> <p>To pass a resolution to remove the executive leader under section 44C(2) of the 2000 Act.<sup>11</sup></p> <p>To make a change in governance arrangements under paragraph 3 of Schedule 4 to the 2007 Act<sup>12</sup>.</p>	
<p><b>Community governance reviews</b></p> <p>To make an order giving effect to recommendations made in a community governance review under Section 86 of the 2007 Act<sup>13</sup>.</p>	

<sup>7</sup> Regulation 2(6C(a)) of the 2000 Regulations

<sup>8</sup> Regulation 2(6C(b)) of the 2000 Regulations

<sup>9</sup> Regulation 2(6C(c)) of the 2000 Regulations

<sup>10</sup> Regulation 2(6D(a)) of the 2000 Regulations

<sup>11</sup> Regulation 2(6D(b)) of the 2000 Regulations

<sup>12</sup> Regulation 2(6F) of the 2000 Regulations.

<sup>13</sup> Regulation 2(6E) of the 2000 Regulations

*Responsibilities for Council (non-executive) Functions*

<b><u>Council (non-executive) functions<sup>1</sup></u></b>	<b><u>Related appointments of Officers by full Council</u></b>
<p><b>Arrangements for the discharge of functions/appointments of committees<sup>14</sup></b></p> <p>Subject to any provisions of regulations under section 20 Local Government Act 2000,</p> <p>(a) to make arrangements for the discharge of functions by a committee or officer under section 101(5) of the 1972 Act; and</p> <p>to make appointments under section 102 (appointment of committees) of the 1972 Act.</p>	
<p><b>Functions to be discharged by the authority, by virtue of other enactments<sup>15</sup></b></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>	

<sup>14</sup> Regulation 2(8) of the 2000 Regulations

<sup>15</sup> Regulation 2(11) of the 2000 Regulations

<b><u>Council (non-executive) functions<sup>1</sup></u></b>	<b><u>Related appointments of Officers by full Council</u></b>
<p><b>Formulating plans and strategies<sup>16</sup></b></p> <p>In connection with the discharge of the function:</p> <p>(a) of formulating or preparing a plan or strategy of a specified description<sup>17</sup>;</p> <p>(b) of formulating a plan or strategy for the control of the authority's borrowing, investments or capital expenditure or <b>for determining the authority's minimum revenue provision</b> ; or</p> <p>(c) of formulating or preparing any other plan or strategy whose adoption or approval is a matter for determination by the authority<sup>18</sup></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 &amp; 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>(e) to adopt (with or without modification) the plan or strategy.</p>	

*Responsibilities for Council (non-executive) Functions*

<b><u>Council (non-executive) functions<sup>1</sup></u></b>	<b><u>Related appointments of Officers by full Council</u></b>
<p><b>Budget and Policy framework<sup>19</sup></b></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> <p>(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;</p> <p>(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</p> <p>(iii) is authorised by a determination made by the authority when approving or adopting the plan or strategy as the case may be.</p>	
<p><b>Applications for disposals of land<sup>20</sup></b></p> <p>To authorise the making of an application</p> <ul style="list-style-type: none"> <li>• under Sub-Section (5) of Section 135 (Programmes for Disposals) of the Leasehold Reform, Housing and Urban Development Act 1993, or for the inclusion of a disposal in a disposals programme</li> <li>• 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</li> </ul> <p>(The function of making the application is the responsibility of the Executive).</p>	

<b><u>Council (non-executive) functions<sup>1</sup></u></b>	<b><u>Related appointments of Officers by full Council</u></b>
<p><b>Financial calculations and precepts<sup>21</sup></b></p> <p>To</p> <ul style="list-style-type: none"> <li>• make calculations in accordance with Sections 32-37, 43-49,52I,52J,52T,52U of the Local Government Finance Act 1992, whether originally or by way of substitute, or</li> <li>• issue a precept under Chapter IV of Part 1 of that Act</li> </ul> <p>save to the extent of:</p> <p>(a) the preparation for submission to the authority for their consideration of:</p> <p style="padding-left: 40px;">(i) estimates of the amounts to be aggregated in making the calculation or other amounts to be used for the purposes of the calculation and estimates of the calculation; or</p> <p style="padding-left: 40px;">(ii) the amounts required to be stated in the precept;</p> <p>(b) the reconsideration of those estimates and amounts in accordance with the authority's requirements;</p> <p>(c) the submission for the authority's consideration of revised estimates and amounts.</p> <p>(which functions shall be the responsibility of the Executive)</p>	
<p><b>Deregulation authorisations/revocations<sup>22</sup></b></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>	



*Responsibilities for Council (non-executive) Functions*

<b><u>Council (non-executive) functions<sup>1</sup></u></b>	<b><u>Related appointments of Officers by full Council</u></b>
<p><b>Adoption of plans and strategies<sup>23</sup></b></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"> <li>• for the control of the authority’s borrowing, investments or capital expenditure; or</li> <li>• of a description referred to in Schedule 3 of the 2000 Regulations</li> </ul> <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><b>Determinations about matters concerned with budget/borrowing/capital expenditure contrary to the Budget and Policy Framework etc.<sup>24</sup></b></p> <p>To determine any matter in the discharge of a function which is</p> <ul style="list-style-type: none"> <li>• the responsibility of the Executive; and</li> <li>• is concerned with the authority’s budget, or their borrowing or capital expenditure,</li> </ul> <p>where the individual or body by whom, by virtue of any of sections 14 to 17 of the Local Government Act 2000 or provision made under section 18 or 20 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> <ul style="list-style-type: none"> <li>(i) the authority’s budget; or</li> <li>(ii) the plan or strategy for the time being approved or adopted by the authority in relation to their borrowing or capital expenditure; and</li> </ul> <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>	

<b><u>Council (non-executive) functions</u><sup>1</sup></b>	<b><u>Related appointments of Officers by full Council</u></b>
<p><b>The Determination of matters which are the responsibility of the Executive etc.</b><sup>25</sup></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 any of the sections 14 to 17 of the Local Government Act 2000 or provision made under section 18 or 20 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>	
<p><b>Functions relating to licensing</b><sup>26</sup></p> <p>To discharge functions relating to</p> <ul style="list-style-type: none"> <li>• the statement of licensing policy;<sup>27</sup></li> <li>• the passing of a resolution not to issue a casino premises licence<sup>28</sup></li> <li>• establishing a licensing committee;<sup>29</sup> and</li> <li>• the exercise and delegation of functions;<sup>30</sup></li> </ul>	
<p><b>To appoint an electoral registration officer</b><sup>31</sup></p>	<p>The Chief Executive is appointed as Electoral Registration Officer</p>

*Responsibilities for Council (non-executive) Functions*

<b><u>Council (non-executive) functions</u><sup>1</sup></b>	<b><u>Related appointments of Officers by full Council</u></b>
	The Assistant Chief Executive (Corporate Governance), the Chief Officer (Legal Licensing and Registration) and the Electoral Services Manager are appointed as deputy Electoral Registration Officers <sup>32</sup> .
<b>To appoint returning officer for local government elections</b> <sup>33</sup>	The Chief Executive is appointed as the Returning Officer
<b>To change the name of the district or parish</b> <sup>34</sup>	
<b>To confer title of honorary alderman or to admit to be an honorary freeman of the district</b> <sup>35</sup>	
<b>To make, amend, revoke or re-enact byelaws</b> <sup>36</sup>	
<b>To promote or oppose local Bills in Parliament</b> <sup>37</sup>	
<b>To make arrangements for proper administration of financial affairs etc</b> <sup>38</sup>	Director of Resources is appointed as Section 151 Officer
<b>To appoint officers for particular purposes (appointment of proper officers)</b> <sup>39</sup>	Each Director <sup>40</sup> 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.
<b>To designate an officer as the head of the authority's paid service, and to provide staff etc</b> <sup>41</sup>	The Chief Executive is appointed as Head of Paid Service
<b>To designate an officer as the Monitoring Officer, and to provide staff etc</b> <sup>42</sup>	The Assistant Chief Executive (Corporate Governance) is appointed as the Monitoring Officer
<b>Duty to provide staff, etc to person nominated by Monitoring Officer</b> <sup>43</sup>	
<b>Powers relating to overview and scrutiny committees (voting rights of co-opted members)</b> <sup>44</sup>	
<b>To appoint Members to police authorities</b> <sup>45</sup>	

*Responsibilities for Council (non-executive) Functions*

<b><u>Council (non-executive) functions<sup>1</sup></u></b>	<b><u>Related appointments of Officers by full Council</u></b>
<p><b>To act as Appointing Body</b> for the purposes of making appointments to<sup>46</sup>:</p> <ul style="list-style-type: none"><li>• West Yorkshire Joint Services Committee</li><li>• West Yorkshire Police Authority joint committee (appointments panel)</li><li>• West Yorkshire Fire and Rescue Authority</li><li>• West Yorkshire Passenger Transport Authority</li><li>• West Yorkshire Debt Management Joint Advisory Group</li><li>• West Yorkshire Pension Fund Investment Panel</li></ul>	

**Constitutional Proposals Committee**

The Constitutional Proposals Committee is authorised to discharge the following function<sup>1</sup>:

1. to consider proposals to amend the Constitution and make recommendations to full Council<sup>2</sup>

---

<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> As outlined in Article 15 of the Constitution

This page is intentionally left blank

### **Corporate Governance and Audit Committee**

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

1. to consider and determine Council (non-executive) functions<sup>2</sup> delegated to a Director<sup>3</sup> where the Director has decided not to exercise the delegated authority and has referred the matter to the Committee.
2. to consider the Council's arrangements relating to accounts 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 Statement on Internal Control; 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.
3. 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.
4. to review the adequacy of policies and practices to ensure compliance with statutory and other guidance
5. to review the adequacy of the Council's Corporate Governance arrangements (including matters such as internal control and risk management)
6. to consider the Council's arrangements relating to internal audit requirements including:
  - (a) considering the Annual Internal Audit Report
  - (b) monitoring the performance of internal audit

---

<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> These functions, which include those local choice functions, which have been determined as non executive functions, are detailed in Sections 1 and 2 of Part 3 of the Constitution.

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

This page is intentionally left blank



**SCRUTINY BOARD PROCEDURE RULES**

**1.0 GENERAL ARRANGEMENTS**

1.1 The Council will have the Scrutiny Boards set out in Article 6 of its Constitution. It will appoint to them as it considers appropriate from time to time

1.2 No Scrutiny Board may include an Executive Board Member.

1.3 Working Groups

A Scrutiny Board may appoint a Working Group as it feels appropriate and necessary to assist in ensuring the effectiveness and efficiency of its work<sup>2</sup>.

1.4 Co-opted Members

Each Scrutiny Board shall be entitled to select non-voting co-opted members to assist in the discharge of the Board's role, in accordance with Article 6 of the Constitution.

Except as set out in Article 6, co-opted members may participate in the debate in the same way as Elected Members, but have no voting rights.

Education Representatives

The Scrutiny Board (Children's Services) shall select education representatives in accordance with Article 6 of the Constitution.

Any education representative appointed in accordance with Article 6 of the Constitution, shall serve as an education representative on all relevant Scrutiny Boards.<sup>4</sup>

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

---

<sup>2</sup> These must be appointed to carry out specific tasks such as visits to premises or other information gathering activities. The Scrutiny Board Procedure Rules Guidance Note provides guidance on Working Groups.

<sup>4</sup> A Scrutiny Board is a relevant Scrutiny Board where the Board's functions relate wholly or in part to any education functions which are the responsibility of the authority's executive.

## *Scrutiny Board Procedure Rules*

The Proper Officer, after consultation with Scrutiny Chairs, shall arrange for any matter to be dealt with, where it falls within the terms of reference of more than one Scrutiny Board.

### **2.0 DECLARATIONS OF INTEREST**

- 2.1 Elected Members and voting co-opted members of Scrutiny Boards must observe the authority's Code of Conduct.
- 2.2 Where any non-voting co-opted member of a Scrutiny Board has an interest in an item, he/she must declare the interest and may be required by the Chair of the Scrutiny Board to withdraw from the meeting at which that issue is under discussion.
- 2.3 The Scrutiny Board (Health) may include Members who are involved in the executive of a particular NHS body<sup>5</sup>, as a member or an employee. Where such a Member has a personal or prejudicial<sup>6</sup> interest in a matter, they must declare the interest. If the interest is prejudicial they must not participate in any Inquiry or consultation process which concerns that NHS body. In addition Scrutiny Board (Health) Members may not be involved in any scrutiny exercise that may advantage the NHS body where they have a prejudicial interest.

### **3.0 FREQUENCY AND PLACE OF MEETINGS OF THE SCRUTINY BOARDS**

- 3.1 Extraordinary meetings may be called from time to time as and when appropriate.
- 3.2 A Scrutiny Board meeting may be called by
- the Chair of the relevant Scrutiny Board; or
  - any three Members of the Board; or
  - the Proper Officer if he/she considers it necessary or appropriate.
- 3.3 A Scrutiny Board may sit at such place and at such time as it considers necessary and appropriate.

### **4.0 QUORUM**

- 4.1 The quorum for a Scrutiny Board shall be as set out for committees in the Council Procedures Rules in Part 4 of this Constitution.
- 4.2 There is no provision for substitute Members on Scrutiny Boards.

### **5.0 NOTICES OF MEETINGS**

- 5.1 Notices for all meetings of a Scrutiny Board shall be issued from the office of the Chief Executive. No matter shall be considered at such meeting without the prior agreement of the Chief Executive who shall first have been provided with any written report or with full details of any intended verbal report.

---

<sup>5</sup> In Leeds this means the Leeds Primary Care Trust, the Leeds Teaching Hospitals NHS Trust, the Leeds Mental Health Teaching NHS Trust and the NHS Yorkshire and Humber.

<sup>6</sup> See the Members Code of Conduct paragraphs 8 to 12 on Interests

## Appendix 7

### 6.0 ADMISSION TO MEETINGS

- 6.1 Subject to any statutory prohibitions and to sub-paragraph 6.2 below, all meetings of a Scrutiny Board shall be open to the public in accordance with the Access to Information Procedure Rules. This shall be without prejudice to any power of exclusion to suppress or prevent disorderly conduct or other misbehaviour at a meeting.
- 6.2 A Scrutiny Board may resolve to exclude the press and public from a meeting (whether the whole or part only of the proceedings) by passing a resolution under the Access to Information Procedure Rules.

### 7.0 MINUTES

- 7.1 All meetings of each Scrutiny Board shall be minuted.
- 7.2 All oral evidence given to a Scrutiny Board shall be recorded in full, either in writing or by such other method (such as tape recording) as shall appear to the Scrutiny Board to be appropriate.
- 7.3 The tapes of oral evidence must be kept for an appropriate period of time to be determined in each case.<sup>7</sup>

### 8.0 CHAIRS

- 8.1 The Chair of a Scrutiny Board will be appointed in accordance with the Council's Procedure Rules.

### 9.0 RIGHTS OF SCRUTINY BOARD MEMBERS TO DOCUMENTS

- 9.1 In addition to their rights as Councillors, Members on a Scrutiny Board have additional rights to documents as set out in the Access to Information Procedure Rules in Part 4 of this Constitution.
- 9.2 When a Scrutiny Board conducts a review, every member of the Scrutiny Board<sup>8</sup> shall have a right of access to any documents which are relevant to the subject matter of the review.<sup>9</sup>

---

<sup>7</sup> The Scrutiny Board Procedure Rules Guidance Note provides guidance on the use of taped evidence to Scrutiny Boards.

<sup>8</sup> Information received as a member of a Scrutiny Board should be used only in this capacity. Such information should not for example be used by an elected Member to further their ward work.

<sup>9</sup> The Protocol for Elected Member/Education Leeds Relations sets out rights of access to information relating to the activity of Education Leeds. Rights of access are subject to the Data Protection Act 1998.

## *Scrutiny Board Procedure Rules*

9.3 Nothing in the above paragraph prevents more detailed liaison between the Executive and a Scrutiny Board as appropriate depending on the particular matter under consideration.

### **10.0 AGENDA ITEMS**

10.1 A Scrutiny Board shall as a minimum consider the following business at an Ordinary Meeting:

- appeals against refusal of inspection of Documents;
- exclusion of Public;
- late Items;
- declarations of interest;
- apologies for absence;
- minutes of the last meeting;
- the Scrutiny Board's work programme; and
- the business otherwise set out on the Agenda for the meeting.

### **11.0 WORK PROGRAMMING**

11.1 No Scrutiny Board may undertake a review into:

- any decision of a Regulatory Panel or the Licensing Committee or a Licensing sub-committee;<sup>9</sup>
- any decisions which may be appealed against to a Regulatory Panel;
- any decision taken by an officer under delegated authority which falls within the terms of reference of a Regulatory Panel or the Licensing Committee or a Licensing Sub-Committee;<sup>10</sup>
- any decision taken prior to 24 May 1999<sup>10</sup>, except where such a decision has influenced to a significant degree any action or decision taken subsequently to 24 May 1999 which is the subject of an Inquiry; or
- except in exceptional circumstances, any decision in respect of which there are:
  - ongoing judicial proceedings; or
  - an Ombudsman or audit inquiry; or

---

<sup>9</sup> In respect of a licence or permission granted to an individual or in respect of an individual premises

<sup>10</sup> In respect of a licence or permission granted to an individual or in respect of an individual premises

<sup>10</sup> This was the date of the commencement of scrutiny arrangements in Leeds.

## Appendix 7

- a complaint under the Council's formal complaints procedure.<sup>11</sup>
- individual personnel issues

11.2 The role of the Scrutiny Boards in the development of the Council's Budget and Policy Framework is set out in the Budget and Policy Framework Procedure Rules.

11.3 In relation to the development of plans and strategies which are not part of the authority's Budget and Policy Framework, a Scrutiny Board may investigate the available options for policy development.

### 12.0 REQUESTS FOR SCRUTINY

#### Inquiries requested by the Executive or Council

12.1 Where the Executive or Council resolves to recommend that an Inquiry should be undertaken into a particular matter, the Proper Officer shall add this recommendation to the agenda for the next Ordinary Meeting of the relevant Scrutiny Board. Where a Scrutiny Board decides not to undertake an Inquiry recommended by the Executive or Council, the reasons for the decision shall be minuted by Scrutiny Board.

#### Inquiries requested by a member of a Scrutiny Board

12.2 Any member of a Scrutiny Board may propose an Inquiry be undertaken into a particular matter. The Scrutiny Board will then consider whether to undertake the Inquiry. In doing so, it shall take into account the wishes of all members of that Board including those who are not Members of the political group(s) forming the Council's administration on the Council.

#### Requests for Inquiries from other sources

12.3 The appropriate Scrutiny Board shall consider a request from any other source<sup>12</sup> to conduct an Inquiry<sup>13</sup>.

12.4 All such requests for an Inquiry must be submitted in writing to the Proper Officer. The Proper Officer shall add the request to the agenda for the next Ordinary Meeting of the relevant Scrutiny Board.

12.5 The Proper Officer shall acknowledge all such requests for an Inquiry.

---

<sup>11</sup> It might be appropriate for a Scrutiny Board to conduct an Inquiry at the conclusion of any of the proceedings referred to. For example it could investigate why proceedings were started. Such an Inquiry should not however act as an appeal against those proceedings.

<sup>12</sup> including Scrutiny Chairs.

<sup>13</sup> Except in exceptional circumstances, the Proper Officer will not refer requests which relate solely to the interests of one individual or company to the Scrutiny Board for consideration, and will refer requests relating to matters of purely local concern to the relevant Area Committee.

### *Scrutiny Board Procedure Rules*

- 12.6 At the next Ordinary Meeting, the Scrutiny Board shall consider any request for an Inquiry which the Proper Officer has added to the agenda.
- 12.7 Where the request has not come from the Executive or the Council, , the person or body making the request will be invited to attend the Board's meeting to explain the reasons for the request. The Scrutiny Board Chair will decide how much time will be given to the person or body for addressing the Scrutiny Board.
- 12.8 The Proper Officer will inform whoever submitted the request and any other relevant parties about the decision of the Scrutiny Board.<sup>14</sup>.

### **13.0 SELECTING SCRUTINY INQUIRIES**

- 13.1 Before deciding to undertake a scrutiny Inquiry, a Scrutiny Board must:
- consider how the proposed Inquiry meets criteria approved from time to time<sup>15</sup>; and
  - consider the current workload of the Scrutiny Board and the available resources required to carry out the work.
- 13.2 Where a Scrutiny Board decides that there shall be an Inquiry, the Scrutiny Board shall
- consult with any relevant Director<sup>17</sup> and Executive Member.
  - agree the Terms of Reference of the Inquiry;
  - agree the period within which the Inquiry's Report is to be completed;
  - compile a preliminary list of witnesses from whom the Scrutiny Board require evidence<sup>18</sup>; and
  - compile a preliminary list of documents which the Scrutiny Board require to be produced.

### **14.0 INQUIRY REPORTS AND RECOMMENDATIONS**

- 14.1 At the conclusion of an Inquiry a Scrutiny Board shall, where it considers it to be appropriate, produce a written report summarising the evidence that it has taken and setting out its recommendations.
- 14.2 The Board shall submit its Report to the Proper Officer for consideration by the Executive (if the proposals are consistent with the existing Budget and Policy Framework), or to the Council as appropriate.<sup>19</sup>
- 14.3 Where a Scrutiny Board is considering making specific recommendations it shall invite advice from the appropriate Director(s) prior to it finalising its

---

<sup>14</sup> Other parties may include relevant Council Directorates and Area Committees.

<sup>15</sup> set out in the Scrutiny Board Procedure Rules Guidance Notes

<sup>17</sup> Any reference to a Director within these Rules should be deemed to include reference to all officers listed in Article 12 of the constitution. These include chief officers with concurrent delegations to directors.

<sup>18</sup> As an Inquiry proceeds it may become apparent that further witnesses are required

<sup>19</sup> A Scrutiny Board may also send a copy of a report to any relevant partnership.

## Appendix 7

recommendations<sup>20</sup>. The detail of that advice shall be reported to the Scrutiny Board and considered before the report is finalised.

14.4 The Inquiry Report shall include:

- an explanation of the matter reviewed or scrutinised;
- a list of the participants involved in the Inquiry (save where the Board considers that a name of a witness should be withheld for reasons of confidentiality)<sup>21</sup> ;
- a list of all documentation that has been considered by the Board; and
- any conclusions and recommendations on the matter reviewed or scrutinised.

14.5 The Scrutiny Board should note whether any documents contain exempt or confidential information on the list of documents.<sup>22</sup>

14.6 Where any voting member of the Scrutiny Board does not agree with the content of the Board's Report, they may produce a Minority Report setting out their findings and recommendations. The Minority Report will be an appendix to the Scrutiny Board's Report.<sup>23</sup>

14.7 The Council, the Executive Board, Area Committees or officers shall consider a Report of a Scrutiny Board within two months of it being submitted to the Proper Officer.

### Health Service Scrutiny Functions

14.8 The Scrutiny Board (Health) may make specific recommendations to a local NHS body.

14.9 Where the Scrutiny Board (Health) has completed its scrutiny and made reports and recommendations to local NHS bodies scrutinised, the Proper Officer will copy the report to:

- Local MPs and MEPs;
- NHS Yorkshire and Humber;
- PCT and other NHS Trusts;
- Leeds Voice;
- Patient and public involvement forums; and

---

<sup>20</sup> The Director shall consult with the appropriate Executive Member before providing any such advice.

<sup>21</sup> Where it is necessary to preserve the confidentiality of a witness, their name need not be disclosed nor where the evidence which they gave amounted to exempt information, need this be disclosed if it would breach the witness's confidentiality.

<sup>22</sup> In order to preclude inadvertent disclosure of any such document.

<sup>23</sup> The Scrutiny Board Procedure Rules Guidance Note provides guidance on Minority Reports.

## *Scrutiny Board Procedure Rules*

- Other bodies or organisations that have expressed an interest in the Inquiry.

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

### **15.0 RESPONSE TO INQUIRY REPORTS AND RECOMMENDATIONS**

15.1 Where a Scrutiny Board has sent a Report to a body, the body concerned will be asked to send its response to the Board within 2 months<sup>23</sup> of receipt of the Report<sup>24</sup>.

15.2 The body should set out in response to the recommendations made:

- the views of the body<sup>25</sup>;
- details of any action already taken in response to the recommendations;
- proposed action and timescales; or
- reasons for inaction.

15.3 In the case of responses from NHS bodies the response should also be copied to:

- Local MPs and MEPs;
- NHS Yorkshire and Humber;
- PCT and other NHS Trusts;
- Leeds Voice;
- Patient and public involvement forums; and
- Other bodies or organisations that have expressed an interest in the Inquiry

The Proper Officer will also place a copy of the response on the Council's web-site.

### **16.0 RECOMMENDATIONS MADE OUTSIDE THE FORMAL SCRUTINY INQUIRY PROCESS**

16.1 It is recognised that from time to time Scrutiny Boards may wish to make comment or issue recommendations which have been generated outside of the formal Scrutiny Inquiry process.

16.2 Where a Scrutiny Board makes a recommendation outside of the formal Scrutiny Board Inquiry process this will be set out in a Statement<sup>26</sup> from the Scrutiny Board.

16.3 Where a Scrutiny Board is considering making specific recommendations it shall invite advice from the appropriate Director(s) prior to it finalising its

---

<sup>23</sup> For NHS Bodies this time limit is 28 days (the Local Authority (Overview and Scrutiny Committee Health Scrutiny Functions) Regulations 2002).

<sup>24</sup> Where a Scrutiny Board has sent a report to a partnership, the partnership is not required under these Rules to provide a response. Any partnership not otherwise required to provide a response will be invited to do so.

<sup>25</sup> Where a recommendation is to a Director, the Director shall consult with the appropriate Executive Member when formulating a response.

<sup>26</sup> Statements from Scrutiny Boards result from work undertaken by a Scrutiny Board outside the formal Inquiry process in order to allow the Scrutiny Board to express comments and recommendations.



## Appendix 7

recommendations<sup>27</sup>. The detail of that advice shall be reported to the Scrutiny Board and considered before the Statement is finalised.

16.5 Where the Scrutiny Board (Health) has made recommendations to local NHS bodies scrutinised, the Proper Officer will copy the Statement to:

- Local MPs and MEPs;
- NHS Yorkshire and Humber;
- PCT and other NHS Trusts;
- Leeds Voice;
- Patient and public involvement forums; and
- Other bodies or organisations that have expressed an interest in the issue.

16.6 Where a Scrutiny Board has sent a Statement to a body, the body concerned will be asked to send its response to any recommendations to the Board within 2 months<sup>28</sup> of receipt of the Statement.

16.7 The body should set out in response to the recommendations made:

- the views of the body<sup>29</sup>;
- details of any action already taken in response to the recommendations;
- proposed action and timescales; or
- reasons for inaction.

16.8 In the case of responses from NHS bodies the response should also be copied to:

- Local MPs and MEPs;
- NHS Yorkshire and Humber;
- PCT and other NHS Trusts;
- Leeds Voice;
- Patient and public involvement forums; and
- Other bodies or organisations that have expressed an interest in the Inquiry.

The Proper Officer will also place a copy of the response on the Council's web-site

### 17.0 WITNESSES – GENERAL PRINCIPLES

17.1 Where a Scrutiny Board wishes to take evidence from a witness, the Proper Officer shall notify the witness of:-

- the date upon which their evidence is to be taken;

---

<sup>27</sup> The Director shall consult with the appropriate Executive Member before providing any such advice.

<sup>28</sup> For NHS Bodies this time limit is 28 days (the Local Authority (Overview and Scrutiny Committee Health Scrutiny Functions) Regulations 2002).

<sup>29</sup> Where a recommendation is to a Director, the Director shall consult with the appropriate Executive Member when formulating a response.

### *Scrutiny Board Procedure Rules*

- the matters upon which evidence is sought;
- any documents that the Scrutiny Board wishes to have produced; and
- the date upon which the Board requires any written evidence from the witness.

17.2 Those assisting the Scrutiny Board by giving evidence shall be treated with respect and courtesy<sup>30</sup>.

17.3. When a Member with a prejudicial interest in a matter is giving evidence to the Scrutiny Board<sup>31</sup> they should ensure they act as a witness by moving to the area in which other witnesses are giving evidence. The Member should only be present in the room when giving the evidence and must leave the room once they have given their evidence and answered any questions.

### **18.0 MEMBERS AND OFFICERS GIVING ACCOUNT**

18.1 A Scrutiny Board may require any Executive Member, the Chief Executive and/or any senior officer to attend before it to provide information about:

- any particular decisions or series of decisions;
- the extent to which actions taken implement Council policy; and/or
- their performance.

18.2 It is the duty of those officers and Members to attend.

18.3 The Chair of a Scrutiny Board will inform the Proper Officer if the Scrutiny Board requires any Member (including an Executive Member) or officer to attend a Scrutiny Board under this provision. The Proper Officer shall inform the Member or officer of this, giving at least 7 working days notice of the meeting at which he/she is required to attend.

18.4 The notice will state:

- the nature of the item on which he/she is required to attend to give account; and
- whether the Scrutiny Board requires him/her to produce any documents or reports.

18.5 Where the Scrutiny Board requires the person to produce a report, then the Proper Officer will give the Member or officer concerned sufficient notice to prepare it.

18.6 The Chair of the Scrutiny Board will inform the Proper Officer where a Scrutiny Board requires a Director to attend a Scrutiny Board in person.

18.7 Directors may be accompanied by any other officer the Director feels appropriate.

18.8 Where the Scrutiny Board does not require a Director to attend in person, he/she will be responsible for ensuring that an officer of sufficient knowledge and requisite seniority attends. Any such witness may be accompanied by such adviser(s) as he/she considers necessary.

---

<sup>30</sup> see Member/Officer Protocol in Part 5 of the Constitution.

<sup>31</sup> Members Code of Conduct paragraph 12(2)

## Appendix 7

- 18.9 Where, in exceptional circumstances, the Member or officer is unable to attend on the required date, then the Proper Officer shall, in consultation with the Chair of the Scrutiny Board and the Member or officer, arrange an alternative date for attendance, or agree an appropriate substitute.

### Health Scrutiny Functions

- 18.10 Scrutiny Board (Health) may require an officer of a local NHS body to attend and answer such questions as appear to the Scrutiny Board to be necessary for discharging its functions<sup>32</sup>.
- 18.11 An NHS body must provide the Scrutiny Board with such information about the planning, provision and operation of health services in the area as the Board shall reasonably require in order to discharge its functions<sup>33</sup>

### **19.0 ATTENDANCE BY OTHERS**

- 19.1 A Scrutiny Board may invite members of the public or other persons to address it, discuss issues of local concern and/or answer questions.<sup>33</sup>
- 19.2 A Scrutiny Board may appoint advisers and assessors to assist them in their work.
- 19.3 A Member with a prejudicial interest in a matter may make representations and/or answer questions at a Scrutiny Board<sup>34</sup>. In such circumstances the Member should move to the area of the room in which such other members of the public or persons are seated, and should only be present in the room while making representations and/or answering questions. The Member must leave the room once they have made their representations and/or answered any questions until the end of that item.

### **20.0 EXECUTIVE DECISIONS OUTSIDE THE BUDGET OR POLICY FRAMEWORK**

- 20.1 The Director of the relevant department shall seek the agreement of the Chair of the relevant Scrutiny Board that a decision can be taken as a matter of urgency where:
- a proposed decision is contrary to the Council's policy framework, or is not wholly in accordance with the budget approved by full Council; and
  - the decision is a matter of urgency; and
  - it is not practical to convene a quorate meeting of the full Council.

<sup>32</sup> - in accordance with Regulation 10 Local Authorities (Overview and Scrutiny Committees Health Scrutiny Functions) Regs 2002 as amended. Officer includes a Chief Executive.

<sup>33</sup> in accordance with Regulation 5 Local Authorities (Overview and Scrutiny Committees Health Scrutiny Functions) Regs 2002 as amended.

<sup>33</sup> It may for example wish to hear from residents, stakeholders and Members and officers in other parts of the public sector and shall invite such people to attend.

<sup>34</sup> Members Code of Conduct paragraph 12 (2)

## *Scrutiny Board Procedure Rules*

- 20.2 The Director shall give detailed reasons to the Chair about why it is not practical to convene a quorate meeting of full Council when seeking his/her agreement.
- 20.3 In the absence of the Chair of the relevant Scrutiny Board, the Director may obtain agreement from the Lord Mayor or in the absence of both, the Deputy Lord Mayor.
- 20.4 The Director must note on the record of the decision:
- the consent of the Chair of the relevant Scrutiny Board to the decision being taken as a matter of urgency; and
  - the Chair's reasons for giving consent.
- 20.5 Following the decision, the decision taker will provide a full report to the next available Council meeting explaining:
- the decision;
  - the reasons for it; and
  - the reason why taking the decision was treated as a matter of urgency.

## **21.0 KEY DECISIONS NOT CONTAINED WITHIN THE FORWARD PLAN**

### General exception

- 21.1 Where it is proposed to take a Key Decision which has not been included in the Forward Plan, the Director of the relevant department will give the Chair of the relevant Scrutiny Board not less than 5 days written notice of the matter on which the decision is to be made.

### Special urgency

- 21.2 If by virtue of the date by which a decision must be taken, it is not possible to give 5 days written notice of the matter, the decision taker (if an officer) or the Chair of the body making the decision shall seek the agreement of the Chair of the relevant Scrutiny Board that the decision cannot reasonably be deferred.
- 21.3 In the absence of the Chair of the relevant Scrutiny Board, the Director may obtain agreement from the Lord Mayor or in the absence of both, the Deputy Lord Mayor.

### Report to Council

- 21.4 A Scrutiny Board can require the Executive to submit a report to Council where it considers that a Key Decision has been taken which was not in the Forward Plan or which has not been the subject of the general exception or special urgency provisions<sup>35</sup>.

## **22.0 CALL-IN<sup>36</sup>**

---

<sup>35</sup> See Access to Information Procedure Rules

<sup>36</sup> There is a separate Guidance Note which sets out in full the operation of the Call-In

## Appendix 7

- 22.1 Subject to the exceptions set out below, the following may be called in to be reviewed and scrutinised by the relevant Scrutiny Board<sup>37</sup>:
- all decisions of the Executive Board;
  - executive decisions taken by Area Committees; and
  - Key and Major Decisions taken by Officers.
- 22.2 The power to call in decisions does not extend to<sup>38</sup>:
- decisions made under regulatory arrangements;
  - decisions made by Joint Committees; or
  - decisions not taken by the authority.
- 22.3 When a decision is made which is subject to Call-In, the Chief Democratic Services Officer shall publish the decision, and make it available on the Council database within two days of the decision being made.
- 22.4 He/she will also send each elected Member of the relevant Scrutiny Board an electronic copy of the record of the decision within two days of it being made.
- 22.5 The notice will bear the date on which it is published. It will specify that the decision will come into force, and may then be implemented, on the expiry of five working days after the publication of the decision, unless the decision is called in.
- 22.6 During that period, the Proper Officer shall Call-In a decision for scrutiny by the relevant Scrutiny Board if:
- two non executive elected Members (who are not from the same political group) or
  - any five non executive elected Members
- request him/her to do so<sup>39</sup>. The Proper Officer will call a meeting of the relevant Scrutiny Board to review or scrutinise the decision.
- 22.7 At the meeting the Scrutiny Board will invite signatories to the notification<sup>40</sup> to explain the reasons for the Call-In<sup>41</sup>. The relevant member of the Executive Board, Area Committee Chair or officer (as appropriate) shall be required to attend the Meeting and shall be given the opportunity to respond to the reasons given for the Call-In. The Scrutiny Board shall make such further enquiries as it considers necessary and appropriate.

---

<sup>37</sup> Where a decision falls within the terms of reference of more than one Scrutiny Board, the Proper Officer will determine the relevant Scrutiny Board, after consultation with Scrutiny Chairs.

<sup>38</sup> A decision which is a direct consequence of implementing a previous key or major decision, cannot be called in – see definition of key and major decisions, guidance notes on delegated decision-making.

<sup>39</sup> A Member cannot be a signatory to call-in a decision of the Area Committee of which they are a member.

<sup>40</sup> or their nominees

<sup>41</sup> The signatories should specify which of the principles of decision making (set out in Article 13.2 of the constitution) has not been followed.

## Scrutiny Board Procedure Rules

22.8 The Scrutiny Board shall then either;

- release the decision for implementation; or
- recommend to the decision-maker that the decision should be reconsidered; or
- where the decision is considered to fall outside the agreed budget or policy framework, recommend to the decision-maker that the decision should be reconsidered, and notify the decision maker that if it is not, the Scrutiny Board will refer the matter to full Council.

22.9 If the Scrutiny Board resolves that a decision is to be referred back for consideration, the Proper Officer will prepare a report<sup>42</sup> to the decision-maker within three working days of the Scrutiny Board meeting.

### 23.0 CALL-IN EXCEPTIONS

23.1 The Call-In procedure set out above shall not apply :

- where the decision being taken is stated by the decision maker to be urgent<sup>43</sup>; nor
- where the decision is in relation to a matter which has been the subject of a previous Call-In.<sup>44</sup>

### 24.0 NHS BODIES - CONSULTATION WITH THE SCRUTINY BOARD (HEALTH)

24.1 A local NHS body must consult the Scrutiny Board (Health) where it has under consideration any substantial development of the health service in the authority's area, or for a substantial variation in the provision of a service<sup>45</sup>.

24.2 The Scrutiny Board may make comments on the proposal consulted on by such date as may be specified by the NHS body.

24.3 Where the NHS body is satisfied that a decision has to be taken without allowing time for consultation because of a risk to safety or welfare of patients or staff, the NHS body shall notify the Scrutiny Board immediately of :

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

24.4 Where the Scrutiny Board (Health) is not satisfied that;

- consultation on any proposal referred to in paragraph 24.1 has been adequate in relation to content or time allowed; or

---

<sup>42</sup> the provisions relating to a minority report do not apply to any decision of the Committee in relation to a matter which has been called in.

<sup>43</sup> A decision may be declared urgent by the decision maker if they consider that any delay in implementing the decision would seriously prejudice the authority's interest or the public interest.

<sup>44</sup> This includes a decision which has been modified by the decision making body following a recommendation by a Scrutiny Board after call in of the earlier decision

<sup>45</sup> Under the Local Authority (Overview and Scrutiny Committees Health Scrutiny Functions) Regulations 2002 as amended.

## Appendix 7

- where paragraph 24.3 applies, the reasons given by the NHS body are adequate;

it may report this to the Secretary of State in writing. The Secretary of State may require the local NHS body concerned to carry out such consultation, or such further consultation, with the Scrutiny Board as he/she considers appropriate.

- 24.5 Where further consultation has been required, the local NHS body shall, having regard to the outcome of such further consultation, reconsider any decision it has taken in relation to the proposal in question.
- 24.6 In any case where the Scrutiny Board (Health) considers that the proposal would not be in the interests of the health service in the authority's area, it may report this to the Secretary of State in writing. The Secretary of State may make a final decision on the proposal and require the local NHS body to take such action, or desist from taking such action, as he/she may direct.

### 25.0 ANNUAL REPORT TO COUNCIL

- 25.1 The Proper Officer will report to Council<sup>46</sup> annually about how the authority has carried out its overview and scrutiny functions.

---

<sup>46</sup> After consultation with the Scrutiny Chairs.

This page is intentionally left blank



### Scrutiny Board (Central and Corporate Functions)

1. In relation to matters concerning **Central and Corporate Functions**<sup>1</sup>, to exercise the functions of a Scrutiny Board including the following:
  - (a) to review or scrutinise the exercise of any council or executive function or any other related matter<sup>2</sup>;
  - (b) to make reports or recommendations to Council or the Executive in connection with the exercise of any functions of the Council or the Executive, including proposals for changes to policies and practices;
  - (c) to receive and review external audit and inspection reports;
  - (d) to act as the appropriate Scrutiny Board<sup>3</sup> in relation to the Executive's initial proposals for a plan or strategy within the Budget and Policy Framework<sup>4</sup>;
  - (e) to review corporate performance indicators and to make such reports and recommendations as it considers appropriate;
  - (f) to review outcomes, targets and priorities within the Leeds Strategic Plan and to make such reports and recommendations as it considers appropriate;
  - (g) to review or scrutinise executive decisions made but not implemented;<sup>5</sup> and
  - (h) to monitor the implementation of the capital programme<sup>6</sup>.
  
2. To receive and monitor formal responses to any reports or recommendations made by the Board.

---

<sup>1</sup> These are the functions delegated under the officer delegation scheme (council functions) and the officer delegation scheme (executive functions) to:

- the Chief Executive;
- the Deputy Chief Executive;
- the Assistant Chief Executive (Corporate Governance);
- the Assistant Chief Executive (Planning, Policy and Improvement); and
- the Director of Resources.

<sup>2</sup> including matters pertaining to outside bodies and partnerships to which appointments have been made by the authority

<sup>3</sup> under the Budget and Policy Framework Procedure Rules

<sup>4</sup> including in relation to the Budget

<sup>5</sup> which have been called-in under Rule 22 of the Scrutiny Board Procedure Rules.

<sup>6</sup> Each Scrutiny Board may consider individual capital schemes that fall within its terms of reference.



### **Scrutiny Board (City Development)**

1. In relation to **City Development**,<sup>1</sup> to exercise the functions of a Scrutiny Board including the following:
  - (a) to review or scrutinise the exercise of any council or executive function, or any other related matter<sup>2</sup>;
  - (b) to make reports or recommendations to Council or the Executive in connection with the exercise of any functions of the Council or the Executive including proposals for changes to policies and practices;
  - (c) to receive and review external audit and inspection reports;
  - (d) to act as the appropriate Scrutiny Board<sup>3</sup> in relation to the Executive's initial proposals for a plan or strategy within the Budget and Policy Framework; and
  - (e) to review corporate performance indicators and to make such reports and recommendations as it considers appropriate;
  - (f) to review outcomes, targets and priorities within the Leeds Strategic Plan and to make such reports and recommendations as it considers appropriate; and
  - (g) to review or scrutinise executive decisions made but not implemented.<sup>4</sup>
  
2. To receive and monitor formal responses to any reports or recommendations made by the Board.

---

<sup>1</sup> These are

- the functions delegated to the Director of City Development under (the officer delegation scheme (council functions) and of the officer delegation scheme (executive functions);
- the functions delegated to the Chief Planning Officer under the officer delegation scheme (council functions); and
- the functions delegated to the Chief Highways Officer under the officer delegation schemes (council and executive functions).

<sup>2</sup> including matters pertaining to outside bodies and partnerships to which appointments have been made by the authority

<sup>3</sup> under the Budget and Policy Framework Procedure Rules

<sup>4</sup> which have been called-in under Rule 22 of the Scrutiny Board Procedure Rules.

This page is intentionally left blank

**Scrutiny Board (Children's Services)**

1. In relation to **Children's Services**<sup>1</sup>, to exercise the functions of a Scrutiny Board including the following:
  - (a) to review or scrutinise the exercise of any council or executive function, or any other related matter<sup>2</sup>;
  - (b) to make reports or recommendations to Council or the Executive in connection with the exercise of any functions of the Council or the Executive including proposals for changes to policies and practices;
  - (c) to receive and review external audit and inspection reports;
  - (d) to act as the appropriate Scrutiny Board<sup>3</sup> in relation to the Executive's initial proposals for a plan or strategy within the Budget and Policy Framework;
  - (e) to review corporate performance indicators and to make such reports and recommendations as it considers appropriate;
  - (f) to review outcomes, targets and priorities within the Leeds Strategic Plan and to make such reports and recommendations as it considers appropriate; and
  - (g) to review or scrutinise executive decisions made but not implemented.<sup>4</sup>
  
2. To receive and monitor formal responses to any reports or recommendations made by the Board.

---

<sup>1</sup> These are the functions delegated under the officer delegation scheme (council functions) and the officer delegation scheme (executive functions) to:

- the Director of Children's Services;
- the Chief Officer (Early Years and Youth Services); and
- the Chief Officer (Children's Social Services)

but excluding those matters assigned to the Scrutiny Board (Health) under the Local Authority (Overview and Scrutiny Committees Health Scrutiny Functions) Regulations 2002 as amended.

<sup>2</sup> including matters pertaining to outside bodies and partnerships to which appointments have been made by the authority

<sup>3</sup> under the Budget and Policy Framework Procedure Rules

<sup>4</sup> which have been called-in under Rule 22 of the Scrutiny Board Procedure Rules.

This page is intentionally left blank

**Scrutiny Board (Environment and Neighbourhoods)**

1. In relation to **Environment and Neighbourhoods**<sup>1</sup>, to exercise the functions of a Scrutiny Board including the following:
  - (a) to review or scrutinise the exercise of any council or executive function, or any other related matter<sup>2</sup>;
  - (b) to make reports or recommendations to Council or the Executive in connection with the exercise of any functions of the Council or the Executive including proposals for changes to policies and practices;
  - (c) to receive and review external audit and inspection reports;
  - (d) to act as the appropriate Scrutiny Board<sup>3</sup> in relation to the Executive's initial proposals for a plan or strategy within the Budget and Policy Framework; and
  - (e) to review corporate performance indicators and to make such reports and recommendations as it considers appropriate;
  - (f) to review outcomes, targets and priorities within the Leeds Strategic Plan and to make such reports and recommendations as it considers appropriate; and
  - (g) to review or scrutinise executive decisions made but not implemented.<sup>4</sup>
2. To receive and monitor formal responses to any reports or recommendations made by the Board.

---

<sup>1</sup>These are the functions delegated to the Director of Environment and Neighbourhoods and the Chief Officer (Environment Services) under the officer delegation schemes (council functions) and the officer delegation scheme (executive functions), and the functions which the authority has agreed that another person should exercise as agent of the authority (Section 27 of the Housing Act 1985).

<sup>2</sup> including matters pertaining to outside bodies and partnerships to which appointments have been made by the authority

<sup>3</sup> under the Budget and Policy Framework Procedure Rules

<sup>4</sup> which have been called-in under Rule 22 of the Scrutiny Board Procedure Rules.

This page is intentionally left blank



## **Scrutiny Board (Health)**

### **Health Service Scrutiny<sup>1</sup>**

1. To review any matter relating to the planning, provision and operation of health services in relation to:
  - arrangements made by local NHS bodies<sup>2</sup> and the authority to secure hospital and community health and health related services to the inhabitants of the authority's area;
  - the provision of such services to those inhabitants;
  - the provision of family health services (Primary Care Trust), personal medical services personal dental services, pharmacy and NHS ophthalmic services;
  - the public health arrangements in the area including arrangements by local NHS bodies for the surveillance of, and response to, outbreaks of communicable disease or the provision of specialist health promotion services;
  - the planning of health and health related services by local NHS bodies and the authority, including plans made in co-operation with partners for setting out a strategy for improving both the health of the local population and the provision of health care to that population;
  - the arrangements made by local NHS bodies and the authority for consulting and involving patients and the public under the duty placed on them by Section 11 of the Health and Social Care Act 2001;
  - any proposals for a substantial development or variation of health services within the authority's area.
2. To consider such proposals as are referred to it by local NHS bodies and the authority and to report back the result of its considerations to the referring body and others as appropriate.
3. To review how and to what effect health policy is being implemented, and health improvement achieved, by the authority and local NHS bodies and to make reports and recommendations as appropriate.
4. To receive representations from Area Committees or relevant groups of interest and to report to the authority and local NHS Bodies as appropriate.
5. In relation to matters in respect of which a local NHS body consults more than

---

<sup>1</sup> Under the Local Authority (Overview and Scrutiny Committees Health Scrutiny Functions) Regulations 2002 as amended.

<sup>2</sup> in Leeds this means the Primary Care Trust, the Leeds Teaching Hospitals NHS Trust, NHS Yorkshire and the Humber and the Leeds Mental Health Teaching NHS Trust

## *Council Committees' Terms of Reference*

one scrutiny committee within its area, or in relation to matters which a number of West Yorkshire Metropolitan Councils elect to jointly scrutinise a function or service provided by the NHS body, to:

- (i) nominate Members to a joint committee, such nominations to reflect the political balance of the Board;
- (ii) delegate its scrutiny functions to another local authority.

**Scrutiny Board (Adult Social Care)**

1. In relation to **Adult Services**<sup>1</sup> to exercise the functions of a Scrutiny Board including the following:
  - (a) to review or scrutinise the exercise of any council or executive function, or any other related matter<sup>2</sup>;
  - (b) to make reports or recommendations to Council or the Executive in connection with the exercise of any functions of the Council or the Executive;
  - (c) to receive and review external audit and inspection reports;
  - (d) to act as the appropriate Scrutiny Board<sup>3</sup> in relation to the Executive's initial proposals for a plan or strategy within the Budget and Policy Framework;
  - (e) to review corporate performance indicators and to make such reports and recommendations as it considers appropriate;
  - (f) to review outcomes, targets and priorities within the Leeds Strategic Plan and to make such reports and recommendations as it considers appropriate; and
  - (g) to review or scrutinise executive decisions made but not implemented.<sup>4</sup>
  
2. To receive and monitor formal responses to any reports or recommendations made by the Board.

---

<sup>1</sup> These are the functions delegated to the Director of Adult Social Services under the officer delegation scheme (council functions) and the officer delegation scheme (executive functions). including matters pertaining to outside bodies and partnerships to which appointments have been made by the authority

<sup>2</sup> including matters pertaining to outside bodies and partnerships to which appointments have been made by the authority

<sup>3</sup> under the Budget and Policy Framework Procedure Rules

<sup>4</sup> which have been called-in under Rule 22 of the Scrutiny Board Procedure Rules.

This page is intentionally left blank

**Scrutiny Board (City and Regional Partnerships)**

1. In relation to **city and regional partnerships**,<sup>1</sup> to exercise the functions of a Scrutiny Board including the following:
  - (a) to review or scrutinise the exercise of any council or executive function or any other related matter;
  - (b) to review how any partnership contributes to the outcomes, targets and priorities within the Leeds Strategic Plan;
  - (c) to receive and review external audit and inspection reports;
  - (d) to make reports or recommendations to the Council, the Executive or a relevant partnership in connection with the partnership's performance and functions, and the authority's engagement with the partnership;
  - (e) to act as the appropriate Scrutiny Board<sup>2</sup> in relation to the Executive's initial proposals for a plan or strategy within the Budget and Policy Framework; and
  - (f) to review or scrutinise executive decisions made but not implemented.<sup>3</sup>
  
2. To receive and monitor formal responses to any reports or recommendations made by the Board.

---

<sup>1</sup> These include:

- strategic and key partnerships identified as such under the Appointment to Outside Bodies Procedure Rules; and
- significant partnerships identified as such under the Council's Governance Framework.

<sup>2</sup> under the Budget and Policy Framework Procedure Rules

<sup>3</sup> which have been called-in under Rule 22 of the Scrutiny Board Procedure Rules.

This page is intentionally left blank

**ARTICLE 6 – SCRUTINY BOARDS****6.1 ROLE**

The Council will appoint the Scrutiny Boards set out in the left hand column of the table below to exercise functions (conferred by section 21 of the Local Government Act 2000 and in accordance with the Health and Social Care Act 2001<sup>1</sup>) in relation to the matters set out in the right hand column of the table.

<b>Scrutiny Board</b>	<b>Scope<sup>2</sup></b>
Scrutiny Board (Adult Social Care)	Matters relating to adult services.
Scrutiny Board (Central and Corporate Functions)	Matters relating to central and corporate functions;
Scrutiny Board (Children's Services)	Matters relating to children's services.
Scrutiny Board (City Development)	Matters relating to city development
Scrutiny Board (Environment and Neighbourhoods)	Matters relating to environment and neighbourhoods.
Scrutiny Board (Health)	Matters relating to the planning, provision and operation of health services
Scrutiny Board (City and Regional Partnerships)	Matters relating to the authority's key and strategic partnerships.

**6.3 GENERAL FUNCTIONS**

Within their terms of reference, all Scrutiny Boards will

- review or scrutinise the exercise of any function of the Council or Executive;
- make reports or recommendations to Council or the Executive in connection with the exercise of any functions of the Council or the Executive; and
- make reports or recommendations to the Council or the Executive on any matter affecting the area or its inhabitants;

<sup>1</sup> The Health and Social Care Act 2001 introduced new powers for authorities that hold responsibility for social services to review and scrutinise the operation of the health service in their areas and make reports and recommendations to NHS bodies.

<sup>2</sup> See further Terms of Reference set out in Part 3 of the Constitution

- exercise the right to Call-In decisions made but not yet implemented by the Executive, for reconsideration<sup>3</sup>

The Scrutiny Board (Health) will also:

- review or scrutinise any matter relating to the planning, provision and operation of health services in the authority's area;
- make reports and recommendations to local NHS bodies<sup>4</sup> and to the Council or the Executive on any matter reviewed or scrutinised by it; and
- be consulted by local NHS body<sup>5</sup>

## 6.4 **SPECIFIC ROLES**

### **Policy development and review**

All Scrutiny Boards may:

- assist the Council and the Executive in the development of the Budget and Policy Framework by in-depth analysis of policy issues;
- conduct research, community and other consultation in the analysis of policy issues and possible options;
- consider and implement mechanisms to encourage and enhance community participation in the development of policy options;
- question Members of the Executive and Directors about their views on issues and proposals affecting the area; and
- liaise with other external organisations operating in the area, whether national, regional or local, to ensure that the interests of local people are enhanced by collaborative working.

### **Scrutiny**

All Scrutiny Boards may:

- review and scrutinise the decisions made by and performance of the Executive and/or committees and Directors both in relation to individual decisions and over time;
- review and scrutinise the performance of the Council and the Executive in relation to policy objectives, performance targets and/or particular service areas;

---

<sup>3</sup> The Scrutiny Board (Health) cannot exercise the right to Call-in decisions.

<sup>4</sup> NHS bodies in Leeds include the Primary Care Trust, the Leeds Teaching Hospitals NHS Trust, NHS Yorkshire and the Humber and the Leeds Mental Health Teaching NHS Trust

<sup>5</sup> in accordance with the Local Authority (Overview and Scrutiny Committees Health Scrutiny Functions) Regulations 2002 as amended



- question Members of the Executive and/or committees and Directors about their decisions and performance, whether generally in comparison with service plans and targets over a period of time, or in relation to particular decisions, initiatives or projects;
- make recommendations to the Executive and/or appropriate committees and/or Council arising from the outcome of the scrutiny process;
- review and scrutinise the performance of other public bodies in the area and invite reports from them by requesting them to address the Scrutiny Board and local people about their activities and performance; and
- question and gather evidence.

The Scrutiny Board (Health) may also review or scrutinise:

- arrangements made by local NHS bodies to secure hospital and community health services to the inhabitants of the authority's area;
- the provision of such services to those inhabitants;
- the provision of family health services, personal medical services, personal dental services, pharmacy and NHS ophthalmic services;
- the public health, health protection and specialist health promotion arrangements in the area;
- the planning of health services by NHS bodies, including plans made in co-operation with local authorities setting out a strategy for improving both the health of the local population and the provision of health care to that population; and
- the arrangements made by NHS bodies for consulting and involving patients and the public<sup>6</sup>;

and make recommendations to the local NHS bodies arising from the outcome of the scrutiny process.

### **Annual Report**

The Proper Officer<sup>7</sup> will produce an annual report for Council about the work of the Scrutiny function.

## **6.5 FINANCE**

The Proper Officer<sup>8</sup> shall exercise overall responsibility for the finances made available to the Scrutiny Boards.

---

<sup>6</sup> Under the duty placed on them by Section 11 of the Health and Social Care Act 2001

<sup>7</sup> In consultation with the Scrutiny Board Chairs

## 6.6 OFFICERS

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

## 6.7 PROCEEDINGS

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

## 6.8 CO-OPTED MEMBERS

### Education Representatives

The following shall be appointed as voting representatives on each relevant Scrutiny Board dealing with educational matters<sup>9</sup>:

- (a) For a term of office which does not go beyond the next Annual Meeting of the Council:
- one Church of England diocese representative
  - one Roman Catholic diocese representative
- (b) For a four year term of office:
- three parent governor representatives

If the relevant Scrutiny Board deals with other matters, these representatives shall not vote on those other matters. They may stay in the meeting and speak.

---

<sup>8</sup> This is the Head of Scrutiny and Member Development.

<sup>9</sup> A Scrutiny Board is a relevant Scrutiny Board where the Board's functions relate wholly or in part to any education functions which are the responsibility of the authority's executive

Additional co-opted members

The following may be appointed to each Scrutiny Board<sup>10</sup>:

- (a) For a term of office which does not go beyond the next Annual Meeting of the Council:
  - up to five **non-voting** co-opted members
- (b) For a term of office which relates to a particular Scrutiny Inquiry:
  - up to two **non-voting** co-opted members

---

<sup>10</sup> Co-option would normally only be appropriate where the co-opted member has some specialist skill or knowledge, which would be of assistance to the Scrutiny Board.

This page is intentionally left blank

**SECTION 2B**

**COUNCIL COMMITTEES' TERMS  
OF REFERENCE**

<b>SECTION 2B: COUNCIL COMMITTEE TERMS OF REFERENCE</b>
---

Name of Committee	Membership
Scrutiny Board – Adult Social Care	10 Members of the authority
Scrutiny Board – Central and Corporate Functions	11 Members of the authority
Scrutiny Board – Children’s Services	11 Members of the authority
Scrutiny Board – City Development	12 Members of the authority
Scrutiny Board – City and Regional Partnerships	12 Members of the authority
Scrutiny Board – Environment and Neighbourhoods	11 Members of the authority
Scrutiny Board – Health	12 Members of the authority
The Standards Committee	Membership as outlined at Article 9
Corporate Governance and Audit Committee	6 Members of the authority
Constitutional Proposals Committee	6 Members of the authority
Area Committees	Membership as outlined at Article 10
Employment Committee	Minimum of 3 Members of the authority comprising at least 1 Member of the Executive
Member Management Committee	8 Members, comprising Leader nominations from each party group
Licensing Committee	15 Members of the authority
Licensing Sub-Committee (x5)	3 Members of the authority <sup>1</sup>
<b>Regulatory Panels</b>	
Licensing and Regulatory Panel	11 Members of the authority
Plan Panels:	
(a) Plans Panel (East)	8 Members of the authority
(b) Plans Panel (West)	10 Members of the authority
(c) Plans Panel (City Centre)	10 Members of the authority
<b>Advisory Committee</b>	
Development Plan Panel	9 Members of the authority

---

<sup>1</sup> The main Licensing Committee will appoint 3 Members to each sub-committee

**Scrutiny Board (Adult Social Care)**

1. In relation to **Adult Services**<sup>1</sup> to exercise the functions of a Scrutiny Board including the following:
  - (a) to review or scrutinise the exercise of any council or executive function, or any other related matter<sup>2</sup>;
  - (b) to make reports or recommendations to Council or the Executive in connection with the exercise of any functions of the Council or the Executive;
  - (c) to receive and review external audit and inspection reports;
  - (d) to act as the appropriate Scrutiny Board<sup>3</sup> in relation to the Executive's initial proposals for a plan or strategy within the Budget and Policy Framework;
  - (e) to review corporate performance indicators and to make such reports and recommendations as it considers appropriate;
  - (f) to review outcomes, targets and priorities within the Leeds Strategic Plan and to make such reports and recommendations as it considers appropriate; and
  - (g) to review or scrutinise executive decisions made but not implemented.<sup>4</sup>
  
2. To receive and monitor formal responses to any reports or recommendations made by the Board.

---

<sup>1</sup> These are the functions delegated to the Director of Adult Social Services under the officer delegation scheme (council functions) and the officer delegation scheme (executive functions). including matters pertaining to outside bodies and partnerships to which appointments have been made by the authority

<sup>2</sup> including matters pertaining to outside bodies and partnerships to which appointments have been made by the authority

<sup>3</sup> under the Budget and Policy Framework Procedure Rules

<sup>4</sup> which have been called-in under Rule 22 of the Scrutiny Board Procedure Rules.

This page is intentionally left blank



## **Scrutiny Board (Central and Corporate Functions)**

1. In relation to matters concerning **Central and Corporate Functions**<sup>1</sup>, to exercise the functions of a Scrutiny Board including the following:
  - (a) to review or scrutinise the exercise of any council or executive function or any other related matter<sup>2</sup>;
  - (b) to make reports or recommendations to Council or the Executive in connection with the exercise of any functions of the Council or the Executive, including proposals for changes to policies and practices;
  - (c) to receive and review external audit and inspection reports;
  - (d) to act as the appropriate Scrutiny Board<sup>3</sup> in relation to the Executive's initial proposals for a plan or strategy within the Budget and Policy Framework<sup>4</sup>;
  - (e) to review corporate performance indicators and to make such reports and recommendations as it considers appropriate;
  - (f) to review outcomes, targets and priorities within the Leeds Strategic Plan and to make such reports and recommendations as it considers appropriate;
  - (g) to review or scrutinise executive decisions made but not implemented;<sup>5</sup> and
  - (h) to monitor the implementation of the capital programme<sup>6</sup>.
  
2. To receive and monitor formal responses to any reports or recommendations made by the Board.

---

<sup>1</sup> These are the functions delegated under the officer delegation scheme (council functions) and the officer delegation scheme (executive functions) to:

- the Chief Executive;
- the Deputy Chief Executive;
- the Assistant Chief Executive (Corporate Governance);
- the Assistant Chief Executive (Planning, Policy and Improvement); and
- the Director of Resources.

<sup>2</sup> including matters pertaining to outside bodies and partnerships to which appointments have been made by the authority

<sup>3</sup> under the Budget and Policy Framework Procedure Rules

<sup>4</sup> including in relation to the Budget

<sup>5</sup> which have been called-in under Rule 22 of the Scrutiny Board Procedure Rules.

<sup>6</sup> Each Scrutiny Board may consider individual capital schemes that fall within its terms of reference.

This page is intentionally left blank

**Scrutiny Board (Children's Services)**

1. In relation to **Children's Services**<sup>1</sup>, to exercise the functions of a Scrutiny Board including the following:
  - (a) to review or scrutinise the exercise of any council or executive function, or any other related matter<sup>2</sup>;
  - (b) to make reports or recommendations to Council or the Executive in connection with the exercise of any functions of the Council or the Executive including proposals for changes to policies and practices;
  - (c) to receive and review external audit and inspection reports;
  - (d) to act as the appropriate Scrutiny Board<sup>3</sup> in relation to the Executive's initial proposals for a plan or strategy within the Budget and Policy Framework;
  - (e) to review corporate performance indicators and to make such reports and recommendations as it considers appropriate;
  - (f) to review outcomes, targets and priorities within the Leeds Strategic Plan and to make such reports and recommendations as it considers appropriate; and
  - (g) to review or scrutinise executive decisions made but not implemented.<sup>4</sup>
  
2. To receive and monitor formal responses to any reports or recommendations made by the Board.

---

<sup>1</sup> These are the functions delegated under the officer delegation scheme (council functions) and the officer delegation scheme (executive functions) to:

- the Director of Children's Services;
- the Chief Officer (Early Years and Youth Services); and
- the Chief Officer (Children's Social Services)

but excluding those matters assigned to the Scrutiny Board (Health) under the Local Authority (Overview and Scrutiny Committees Health Scrutiny Functions) Regulations 2002 as amended.

<sup>2</sup> including matters pertaining to outside bodies and partnerships to which appointments have been made by the authority

<sup>3</sup> under the Budget and Policy Framework Procedure Rules

<sup>4</sup> which have been called-in under Rule 22 of the Scrutiny Board Procedure Rules.

This page is intentionally left blank

## **Scrutiny Board (City Development)**

1. In relation to **City Development**,<sup>1</sup> to exercise the functions of a Scrutiny Board including the following:
  - (a) to review or scrutinise the exercise of any council or executive function, or any other related matter<sup>2</sup>;
  - (b) to make reports or recommendations to Council or the Executive in connection with the exercise of any functions of the Council or the Executive including proposals for changes to policies and practices;
  - (c) to receive and review external audit and inspection reports;
  - (d) to act as the appropriate Scrutiny Board<sup>3</sup> in relation to the Executive's initial proposals for a plan or strategy within the Budget and Policy Framework; and
  - (e) to review corporate performance indicators and to make such reports and recommendations as it considers appropriate;
  - (f) to review outcomes, targets and priorities within the Leeds Strategic Plan and to make such reports and recommendations as it considers appropriate; and
  - (g) to review or scrutinise executive decisions made but not implemented.<sup>4</sup>
  
2. To receive and monitor formal responses to any reports or recommendations made by the Board.

---

<sup>1</sup> These are

- the functions delegated to the Director of City Development under (the officer delegation scheme (council functions) and of the officer delegation scheme (executive functions);
- the functions delegated to the Chief Planning Officer under the officer delegation scheme (council functions); and
- the functions delegated to the Chief Highways Officer under the officer delegation schemes (council and executive functions).

<sup>2</sup> including matters pertaining to outside bodies and partnerships to which appointments have been made by the authority

<sup>3</sup> under the Budget and Policy Framework Procedure Rules

<sup>4</sup> which have been called-in under Rule 22 of the Scrutiny Board Procedure Rules.

This page is intentionally left blank

**Scrutiny Board (City and Regional Partnerships)**

1. In relation to **city and regional partnerships**,<sup>1</sup> to exercise the functions of a Scrutiny Board including the following:
  - (a) to review or scrutinise the exercise of any council or executive function or any other related matter;
  - (b) to review how any partnership contributes to the outcomes, targets and priorities within the Leeds Strategic Plan;
  - (c) to receive and review external audit and inspection reports;
  - (d) to make reports or recommendations to the Council, the Executive or a relevant partnership in connection with the partnership's performance and functions, and the authority's engagement with the partnership;
  - (e) to act as the appropriate Scrutiny Board<sup>2</sup> in relation to the Executive's initial proposals for a plan or strategy within the Budget and Policy Framework; and
  - (f) to review or scrutinise executive decisions made but not implemented.<sup>3</sup>
  
2. To receive and monitor formal responses to any reports or recommendations made by the Board.

---

<sup>1</sup> These include:

- strategic and key partnerships identified as such under the Appointment to Outside Bodies Procedure Rules; and
- significant partnerships identified as such under the Council's Governance Framework.

<sup>2</sup> under the Budget and Policy Framework Procedure Rules

<sup>3</sup> which have been called-in under Rule 22 of the Scrutiny Board Procedure Rules.

This page is intentionally left blank



**Scrutiny Board (Environment and Neighbourhoods)**

1. In relation to **Environment and Neighbourhoods**<sup>1</sup>, to exercise the functions of a Scrutiny Board including the following:
  - (a) to review or scrutinise the exercise of any council or executive function, or any other related matter<sup>2</sup>;
  - (b) to make reports or recommendations to Council or the Executive in connection with the exercise of any functions of the Council or the Executive including proposals for changes to policies and practices;
  - (c) to receive and review external audit and inspection reports;
  - (d) to act as the appropriate Scrutiny Board<sup>3</sup> in relation to the Executive's initial proposals for a plan or strategy within the Budget and Policy Framework; and
  - (e) to review corporate performance indicators and to make such reports and recommendations as it considers appropriate;
  - (f) to review outcomes, targets and priorities within the Leeds Strategic Plan and to make such reports and recommendations as it considers appropriate; and
  - (g) to review or scrutinise executive decisions made but not implemented.<sup>4</sup>
2. To receive and monitor formal responses to any reports or recommendations made by the Board.

---

<sup>1</sup>These are the functions delegated to the Director of Environment and Neighbourhoods and the Chief Officer (Environment Services) under the officer delegation schemes (council functions) and the officer delegation scheme (executive functions), and the functions which the authority has agreed that another person should exercise as agent of the authority (Section 27 of the Housing Act 1985).

<sup>2</sup> including matters pertaining to outside bodies and partnerships to which appointments have been made by the authority

<sup>3</sup> under the Budget and Policy Framework Procedure Rules

<sup>4</sup> which have been called-in under Rule 22 of the Scrutiny Board Procedure Rules.

This page is intentionally left blank

## **Scrutiny Board (Health)**

### **Health Service Scrutiny<sup>1</sup>**

1. To review any matter relating to the planning, provision and operation of health services in relation to:
  - arrangements made by local NHS bodies<sup>2</sup> and the authority to secure hospital and community health and health related services to the inhabitants of the authority's area;
  - the provision of such services to those inhabitants;
  - the provision of family health services (Primary Care Trust), personal medical services personal dental services, pharmacy and NHS ophthalmic services;
  - the public health arrangements in the area including arrangements by local NHS bodies for the surveillance of, and response to, outbreaks of communicable disease or the provision of specialist health promotion services;
  - the planning of health and health related services by local NHS bodies and the authority, including plans made in co-operation with partners for setting out a strategy for improving both the health of the local population and the provision of health care to that population;
  - the arrangements made by local NHS bodies and the authority for consulting and involving patients and the public under the duty placed on them by Section 11 of the Health and Social Care Act 2001;
  - any proposals for a substantial development or variation of health services within the authority's area.
2. To consider such proposals as are referred to it by local NHS bodies and the authority and to report back the result of its considerations to the referring body and others as appropriate.
3. To review how and to what effect health policy is being implemented, and health improvement achieved, by the authority and local NHS bodies and to make reports and recommendations as appropriate.
4. To receive representations from Area Committees or relevant groups of interest and to report to the authority and local NHS Bodies as appropriate.
5. In relation to matters in respect of which a local NHS body consults more than

---

<sup>1</sup> Under the Local Authority (Overview and Scrutiny Committees Health Scrutiny Functions) Regulations 2002 as amended.

<sup>2</sup> in Leeds this means the Primary Care Trust, the Leeds Teaching Hospitals NHS Trust, NHS Yorkshire and the Humber and the Leeds Mental Health Teaching NHS Trust

## *Council Committees' Terms of Reference*

one scrutiny committee within its area, or in relation to matters which a number of West Yorkshire Metropolitan Councils elect to jointly scrutinise a function or service provided by the NHS body, to:

- (i) nominate Members to a joint committee, such nominations to reflect the political balance of the Board;
- (ii) delegate its scrutiny functions to another local authority.

## **The Standards Committee**

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

1. to consider and determine one or more codes of conduct for Members or protocols for Member/officer relations and to promote, monitor, review and amend such codes of conduct or protocols;
2. to appoint sub-committees<sup>2</sup> to consider and initially assess<sup>3</sup> or review decisions not to act<sup>4</sup> in respect of any written allegations<sup>5</sup> of misconduct<sup>6</sup> made against Members.
3. to consider and determine any allegations<sup>7</sup> of misconduct<sup>8</sup> made against Members and to determine any sanction to be imposed on a finding of misconduct;
4. to consider and determine applications for dispensations<sup>9</sup>;
5. to make representations to and to liaise with external agencies<sup>10</sup> about any matter relating to general principles of conduct, model codes of conduct and the codes of conduct or protocols approved from time to time by or on behalf of the Council;
6. to provide advice and guidance to Members and officers and to make arrangements for training in matters relating to codes of conduct and protocols.

---

<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. The functions derive from Part 3 of the Local Government Act 2000 and are discharged both in relation to Leeds City Council and its Members, and parish councils wholly or mainly in its area and the Members of those parish councils.

<sup>2</sup> Regulation 6, Standards Committee (England) Regulations 2008 No. 1085/2008

<sup>3</sup> Section 57A Local Government Act 2000

<sup>4</sup> Section 57B Local Government Act 2000

<sup>5</sup> written allegations made by any person under section 57A Local Government Act 2000

<sup>6</sup> "misconduct" for these purposes means a breach of the Members Code of Conduct adopted by Leeds City Council

<sup>7</sup> Such allegations shall include complaints referred to the committee by the Monitoring Officer under Part 3 of the Local Government Act 2000 and may include other allegations considered in reports submitted to the Council or the Standards Committee by external agencies.

<sup>8</sup> "misconduct" for these purposes means a breach of

- the Members Code of Conduct adopted by Leeds City Council; or
- the National Code of Local Government Conduct where the alleged breach is committed before 5 April 2002; or
- any of the Authority's Local Protocols/Codes which refer to the conduct of Members, other than the Code of Conduct; or
- a breach of the Members' Allowances Scheme in relation to the requirement to submit six monthly reports, or a gross neglect of duties highlighted by such a report.

<sup>9</sup> In accordance with the Relevant Authorities (Standards Committees) (Dispensations) Regulations 2002

<sup>10</sup> Such external agencies may include, but are not restricted to, the District or Approved Auditor, the Commission for Local Government, the Standards Board for England, an Ethical Standards Officer, the Adjudication Panel for England or an adjudication case panel

## *Council Committees' Terms of Reference*

7. to consider and advise the Council with respect to the adoption or amendment of a Code of Conduct for Officers and to promote, monitor and review the Code of Conduct.<sup>11</sup>

---

<sup>11</sup> It is not the function of the Committee to determine or become involved in individual officer conduct or disciplinary cases but rather to provide an overview of the application of the provisions of the Code across the Council.

**Corporate Governance and Audit Committee**

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

1. to consider and determine Council (non-executive) functions<sup>2</sup> delegated to a Director<sup>3</sup> where the Director has decided not to exercise the delegated authority and has referred the matter to the Committee.
2. to consider the Council's arrangements relating to accounts 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 Statement on Internal Control; 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.
3. 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.
4. to review the adequacy of policies and practices to ensure compliance with statutory and other guidance
5. to review the adequacy of the Council's Corporate Governance arrangements (including matters such as internal control and risk management)
6. to consider the Council's arrangements relating to internal audit requirements including:
  - (a) considering the Annual Internal Audit Report
  - (b) monitoring the performance of internal audit

---

<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> These functions, which include those local choice functions, which have been determined as non executive functions, are detailed in Sections 1 and 2 of Part 3 of the Constitution.

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

This page is intentionally left blank



**Constitutional Proposals Committee**

The Constitutional Proposals Committee is authorised to discharge the following function<sup>1</sup>:

1. to consider proposals to amend the Constitution and make recommendations to full Council<sup>2</sup>

---

<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> As outlined in Article 15 of the Constitution

This page is intentionally left blank

## **Area Committees**

Within each Committee's area:

### **(Council functions)**

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

### **(Executive functions)**<sup>6</sup>

7. *to promote and improve the economic, social and environmental well-being of the Committee's area*<sup>7</sup>;
8. *to exercise Area Functions*,<sup>8</sup>

---

<sup>1</sup> In accordance with the Appointments to Outside Bodies Procedure Rules at Section 4 of the Constitution.

<sup>2</sup> This is an advisory function under Section 102(4) Local Government Act 1972.

<sup>3</sup> This is an advisory function under Section 102(4) Local Government Act 1972.

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

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

<sup>6</sup> All executive functions will be exercisable concurrently with the Executive Board.

<sup>7</sup> In accordance with Section 2 of the Local Government Act 2000, and in furtherance of, and subject to the limitations set out in the Well-being Schedule detailed in Part 3 Section 3D of the Constitution approved by the Leader and submitted to Council on 28 June.

<sup>8</sup> As determined from time to time by the Executive Board and in furtherance of, and subject to the limitations set out in the Area Function Schedule(s) detailed in Part 3 Section 3D of the Constitution and the Area Committee Procedure Rules in Part 4 of the Constitution.

This page is intentionally left blank

**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 or dismiss the Chief Executive.
2. to appoint or dismiss or take disciplinary action against the Deputy Chief Executive and Directors<sup>3</sup>.
3. to deal with appeals relating to grading, grievance and discipline in respect of the Chief Executive, Deputy Chief Executive and Directors.

---

<sup>1</sup> Para 37 of Section I of the Functions Regulations

<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> "directors" in this context is to be construed as any officer referred to in sub-paragraph (b), (c), or (d) of paragraph 3 of the Local Authorities (Standing Orders)(England) Regulations 2001

This page is intentionally left blank

## **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> should have Member representation and to act as Appointing Body for the purposes of making appointments to outside bodies categorised as Strategic and Key Partnership Outside Bodies<sup>3</sup>;
2. to consider requests to establish informal Working Groups of Members<sup>4</sup>;
3. to act as an Advisory Body for the purposes of implementing practices and procedures affecting Elected Members<sup>5</sup>;
4. to consider matters in relation to the Training and Development of Elected Members; and
5. to consider matters in relation to the provision of information, communication and associated technologies in support of Elected Members.

---

<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 to joint committees which are reserved to full Council

<sup>3</sup> Within the Protocol for making Local Authority Appointments to Outside Bodies, 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 Area Committee is the Appointing Body).

<sup>4</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>5</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

This page is intentionally left blank



## **The Licensing Committee**

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

- any licensing function under the Licensing Act 2003 (the 2003 Act) or the Gambling Act 2005 (the 2005 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. to discharge any other function of the authority referred to it by full Council;<sup>7</sup>
3. to make recommendations to full Council in connection with the discharge of its functions as licensing authority;<sup>8</sup>
4. To receive reports from, and to make recommendations and representations to other committees or bodies as appropriate.<sup>9</sup>

---

<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 licensing functions reserved to full Council, as licensing authority under the 2003 Act and under the 2005 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 s154 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 s212 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 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.

Pursuant to this provision on 12 January 2006 Council delegated to the Licensing Committee the power to make a designated public places order in respect of alcohol consumption under the Criminal Justice and Police Act 2001

<sup>8</sup> Including recommendations arising from the monitoring of the operation and impact of the licensing or Gambling policy by the Licensing Committee.

<sup>9</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)).

This page is intentionally left blank

## **Licensing Sub-Committees**

The Licensing Sub-Committees are authorised to discharge<sup>1</sup> the following functions<sup>2</sup> concurrently<sup>3</sup>:

1. functions<sup>4</sup> under:

- (a) section 18(3) of the 2003 Act (determination of application for premises licences where representations have been made);
- (b) section 31(3) of the 2003 Act (determination of application for provisional statements where representations have been made);
- (c) section 35(3) of the 2003 Act (determination of application for variation of premises licence where representations have been made);
- (d) section 39(3) of the 2003 Act (determination of application to vary designated premises supervisors following police objection);
- (e) section 44(5) of the 2003 Act (determination of application for transfer of premises licences following police objection);
- (f) section 48(3) of the 2003 Act (consideration of police objection made to an interim authority notice);
- (g) section 52(3) of the 2003 Act (determination of an application for review of a premises licence);
- (h) section 72(3) of the 2003 Act (determination of application for club premises certificates where relevant representations have been made);
- (i) section 85(3) of the 2003 Act (determination of application to vary club premises certificates where representations have been made);
- (j) section 88(3) of the 2003 Act (determination of application for review of a club premises certificate);
- (k) section 105(2)(decision to give counter notice following police objection to a temporary event notice);
- (l) section 120(7) of the 2003 Act (determination of application for grant of personal licence following police objection);
- (m) section 121(6) of the 2003 Act (determination of application for renewal of personal licences following police objection);
- (n) section 124(4) of the 2003 Act (revocation of licence where convictions come to light after grant or renewal of personal licences);
- (o) section 20(3) of the 2003 Act (making recommendations for restricting the admission of children to the exhibition of any film)
- (p) section 159 of the 2005 Act (determination of application for premises licences where representations have been made)<sup>5</sup>

---

<sup>1</sup> With the exception of those functions set out in paragraphs 1 and 2 above, and subject to any direction given by the Licensing Committee, the Licensing Sub-Committees may arrange for any of these functions to be discharged by an officer (Section 10(2) and (5) of the Licensing Act 2003 (the 2003 Act)).

<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> Section 10(3) of the 2003 Act.

<sup>4</sup> Including agreeing whether a hearing is necessary.

<sup>5</sup> Including deciding whether representations are vexatious, frivolous, or will certainly not influence the authority's determination of the application

## *Council Committees' Terms of Reference*

- (q) section 187 of the 2005 Act (determination of application for variation of premises licence where representations have been made);<sup>5</sup>
  - (r) section 188 of the 2005 Act (determination of application for transfer of premises licences following objection);<sup>6</sup>
  - (s) section 195 of the 2005 Act (consideration of objection made to an application for reinstatement);<sup>6</sup>
  - (t) section 203 of the 2005 Act (determination of review of a premises licence);
  - (u) section 204 of the 2005 Act (determination of application for provisional statements where representations have been made);<sup>6</sup>
  - (v) section 224 of the 2005 Act (decision to give counter notice following an objection to a temporary use notice);
  - (w) schedule 10 of the 2005 Act (consideration of representations in relation to the proposed rejection of a family entertainment centre permit);
  - (x) schedule 14 of the 2005 Act (consideration of representations in relation to the proposed rejection of a prize gaming permit);
  - (y) schedule 13 of the 2005 Act (consideration of representations in relation to the proposed rejection of an alcohol licensed premises gaming machine permit);
  - (z) schedule 12 of the 2005 Act (consideration of representations in relation to the proposed rejection of a club gaming permit or club machine permit);
2. To discharge any other function referred by the Licensing Committee, including making representations to the Licensing Committee in connection with the discharge of its functions.

### Exceptions

A Sub Committee is not authorised to discharge functions under paragraph 1 (a) to (e) above where the application relates to an event in the open air, in a temporary structure and where the proposed capacity of the event exceeds 30,000 people.

---

<sup>6</sup> Including deciding whether representations are vexatious, frivolous, or will certainly not influence the authority's determination of the application

## **REGULATORY PANELS**

### **Licensing and Regulatory Panel**

The Licensing and Regulatory Panel is authorised to discharge<sup>1</sup> the following functions:<sup>2</sup>

1. To discharge all Council (non-executive)<sup>3</sup> functions relating to:
  - (a) licensing and registration functions<sup>4</sup> in respect of:
    - (i) caravan sites<sup>5</sup>
    - (ii) hackney carriages and private hire vehicles<sup>6</sup>
    - (iii) pool promoters<sup>7\*</sup>
    - (iv) track betting licences<sup>8\*</sup>
    - (v) amusement machines<sup>9\*</sup>
    - (vi) lotteries<sup>10\*</sup>
    - (vii) amusements with prizes<sup>11\*</sup>
    - (viii) sex shops and sex cinemas<sup>12</sup>
    - (ix) performances of hypnotism<sup>13</sup>
    - (x) acupuncture, ear-piercing and electrolysis<sup>14</sup>
    - (xi) pleasure boats and vessels<sup>15</sup>
    - (xii) market and street trading<sup>16</sup>
    - (xiii) game<sup>17</sup>
    - (xiv) premises for the preparation of food<sup>18</sup>
    - (xv) scrap yards<sup>19</sup>
    - (xvi) dog breeding, pet shops, animal breeding, animal trainers and exhibitors, zoos, wild animals<sup>20</sup>
    - (xvii) knackers' yards<sup>21</sup>

---

<sup>1</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>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 (the 2000 Regulations).

<sup>4</sup> Para. B of Schedule 1 to the 2000 Regulations

<sup>5</sup> Items 1 and 2 of Para. B of Schedule 1 to the 2000 Regulations

<sup>6</sup> Item 3 – 5 of Para. B of Schedule 1 to the 2000 Regulations

<sup>7</sup> Item 6 of Para. B of Schedule 1 to the 2000 Regulations

<sup>8</sup> Items 7 and 8 of Para. B of Schedule 1 to the 2000 Regulations

<sup>9</sup> Item 9 of Para. B of Schedule 1 to the 2000 Regulations

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

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

<sup>12</sup> Item 15 of Para. B of Schedule 1 to the 2000 Regulations

<sup>13</sup> Item 16 of Para. B of Schedule 1 to the 2000 Regulations

<sup>14</sup> Item 17 of Para. B of Schedule 1 to the 2000 Regulations

<sup>15</sup> Item 18 of Para. B of Schedule 1 to the 2000 Regulations

<sup>16</sup> Item 20 of Para. B of Schedule 1 to the 2000 Regulations

<sup>17</sup> Item 23 of Para. B of Schedule 1 to the 2000 Regulations

<sup>18</sup> Item 24 of Para. B of Schedule 1 to the 2000 Regulations

<sup>19</sup> Item 25 of Para. B of Schedule 1 to the 2000 Regulations

<sup>20</sup> Items 29 - 33 of Para. B of Schedule 1 to the 2000 Regulations

## Council Committees' Terms of Reference

- (xviii) the employment of children<sup>22</sup>
- (xix) premises for the solemnisation of marriage<sup>23</sup>
- (xx) charitable collections<sup>24</sup>
- (xxi) operation of loudspeakers<sup>25</sup>
- (xxii) movement and sale of pigs and cattle<sup>26</sup>
- (xxiii) storage of celluloid<sup>27</sup>
- (xxiv) meat product premises and dairy establishments<sup>28</sup>
- (xxv) egg products, butchers and fish products<sup>29</sup>
- (xxvi) auction and wholesale markets<sup>30</sup>
- (xxvii) food business premises<sup>31</sup>
- (xxviii) motor salvage operators<sup>32</sup>

\*From 1 September 2007 these licences will be granted under the Gambling Act 2005, except as provided for by the Gambling Act Order<sup>33</sup>

- (b) health and safety at work<sup>34</sup> to the extent that those functions are discharged otherwise than in the authority's capacity as an employer; and
- (c) smoke-free premises under the Health Act 2006 and regulations.<sup>35</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;
- (e) To determine whether a charge should be made or the amount of such a charge.

3. To discharge any licensing function<sup>36</sup>, where full Council has referred a matter to the Panel.<sup>37</sup>

---

<sup>21</sup> Item 34 of Para. B of Schedule 1 to the 2000 Regulations

<sup>22</sup> Item 35 of Para. B of Schedule 1 to the 2000 Regulations

<sup>23</sup> Item 36 of Para. B of Schedule 1 to the 2000 Regulations

<sup>24</sup> Item 39 of Para. B of Schedule 1 to the 2000 Regulations

<sup>25</sup> Item 40 of Para. B of Schedule 1 to the 2000 Regulations

<sup>26</sup> Items 43 – 46 of Para. B of Schedule 1 to the 2000 Regulations

<sup>27</sup> Item 56 of Para. B of Schedule 1 to the 2000 Regulations

<sup>28</sup> Items 57 – 59 of Para. B of Schedule 1 to the 2000 Regulations

<sup>29</sup> Items 60 - 63 of Para. B of Schedule 1 to the 2000 Regulations

<sup>30</sup> Item 66 of Para. B of Schedule 1 to the 2000 Regulations

<sup>31</sup> Items 67-68 of Para. B of Schedule 1 to the 2000 Regulations

<sup>32</sup> Item 71 of Para. B of Schedule 1 to the 2000 Regulations

<sup>33</sup> That is, the Gambling Act 2005 (Commencement No 6 and Transitional Provisions) Order 2006

<sup>34</sup> Para. C of Schedule 1 to the 2000 Regulations

<sup>35</sup> Para FA, of Schedule 1 to the 2000 Regulations.

<sup>36</sup> Under the Licensing Act 2003

<sup>37</sup> (Section 7(5)(a) of the Licensing Act 2003). The matter must relate to

- a licensing function of the licensing authority under the Licensing Act 2003 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)).

Part 3 Section 2B

Page 2 of 2

Issue 1 – May 2008

## **Plans Panels**

The 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 control<sup>5</sup>;
  - (b) safety certificates for sports grounds and fire certificates<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 panel.

---

<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 and Development Services Officer )

<sup>2</sup> With the exception of any licensing function under the Licensing Act 2003, the Panels 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

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

<sup>6</sup> Items 26, 27 and 28 of Para B of Schedule 1 of the 2000 Regulations

<sup>7</sup> Items 37 and 38 of Para B 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))

This page is intentionally left blank



**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*

---

<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.

This page is intentionally left blank

**SECTION 2C**

**OFFICER DELEGATION SCHEME  
(COUNCIL (NON-EXECUTIVE)  
FUNCTIONS)**

This page is intentionally left blank

## **GENERAL DELEGATIONS TO OFFICERS**

1. 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, the Assistant Chief Executive (Corporate Governance), all Directors, the Chief Planning Officer<sup>1</sup> and other named officers<sup>2</sup> are authorised:
  - (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 comply<sup>3</sup>;
  - (d) to amend, modify, vary or revoke; and
  - (e) to determine whether a charge should be made or the amount of such a charge.
  
2. The Chief Executive, the Deputy Chief Executive, the Assistant Chief Executive (Corporate Governance), Assistant Chief Executive (Planning Policy and Improvement), all Directors, the Chief Planning Officer and other named officers<sup>4</sup> are authorised to carry out the following in respect of those functions for which they have delegated authority<sup>5</sup>:
  - (a) to make payments or provide other benefits in cases of maladministration<sup>6</sup>, in accordance with guidance notes jointly prepared by the Assistant Chief Executive (Corporate Governance) and the Director of Resources;
  - (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

---

<sup>1</sup> 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.

<sup>2</sup> These are the chief officers with delegations which are concurrent with a Director, and which are listed in Article 12.

<sup>3</sup> 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.

<sup>4</sup>These are the chief officers with delegations which are concurrent with a Director, and which are listed in Article 12.

<sup>5</sup> 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.

<sup>6</sup> Item 48 of Part II 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)<sup>7</sup>
- (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 Chief Officers'<sup>8</sup> 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.

---

<sup>7</sup> All officers are nominated for this purpose by the Head of Paid Service

<sup>8</sup> See footnotes 2 and 4 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 Executive is authorised to discharge the following Council (non-executive) functions:

(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 1983
(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

This page is intentionally left blank



**THE DIRECTOR OF CHILDREN'S SERVICES<sup>1</sup>**

The Director of Children's Services 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
---------------------------------------	--

---

<sup>1</sup> Appointed under Section 18 Children Act 2004  
Part 3 Section 2C  
Page 1 of 1  
Issue 1 – May 2008

This page is intentionally left blank

**Director of City Development**

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

(a)	To license pleasure boats and pleasure vessels	Section 94 of the Public Health Acts Amendment Act 1907
(b)	To license market and street trading	Part III of , and Schedule 4 to, the Local Government (Miscellaneous Provisions) Act 1982
(c)	To issue, amend or replace safety certificates (whether general or special) for sports grounds	The Safety of Sports Grounds Act 1975
(d)	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
(e)	To issue fire certificates	Section 5 of the Fire Precautions Act 1971
(f )	To grant a street works licence	Section 50 of the New Roads and Street Works Act 1991
(g)	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
(h)	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
(i)	To permit deposit of builder's skip on highway	Section 139 of the Highways Act 1980
(j)	To license planting, retention and maintenance of trees etc in part of highway	Section 142 of the Highways Act 1980
(k)	To authorise erection of stiles etc on footpaths or bridleways	Section 147 of the Highways Act 1980
(l)	To license works in relation to buildings etc which obstruct the highway	Section 169 of the Highways Act 1980
(m)	To consent to temporary deposits or excavations in streets	Section 171 of the Highways Act 1980
(n)	To dispense with obligation to erect hoarding or fence	Section 172 of the Highways Act 1980
(o)	To restrict the placing of rails, beams etc over highways	Section 178 of the Highways Act 1980
(p)	To consent to construction of cellars etc under street	Section 179 of the Highways Act 1980
(q)	To consent to the making of openings into cellars etc under streets and pavement lights and ventilators	Section 180 of the Highways Act 1980

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

(r)	To create footpath bridleway or restricted byway by agreement	Section 25 of the Highways Act 1980
(s)	To create footpaths bridleways and restricted byways	Section 26 of the Highways Act 1980
(t)	Duty to keep register of information with respect to maps, statements and declarations	Section 31A of the Highways Act 1980
(u)	To stop up footpaths bridleways and restricted byways	Section 118 of the Highways Act 1980
(v)	To determine application for public path extinguishment order	Sections 118ZA and 118C(2) of the Highways Act 1980
(w)	To make a rail crossing extinguishment order	Section 118A of the Highways Act 1980
(x)	To make a special extinguishment order	Section 118B of the Highways Act 1980
(y)	To divert footpaths bridleways and restricted byways	Section 119 of the Highways Act 1980
(z)	To make a public path diversion order	Sections 119ZA and 119C(4) of the Highways Act 1980
(aa)	To make a rail crossing diversion order	Section 119A of the Highways Act 1980
(bb)	To make a special diversion order	Section 119B of the Highways Act 1980
(cc)	To require applicant for order to enter into agreement	Section 119C(3) of the Highways Act 1980
(dd)	To make an SSSI diversion order	Section 12B of the Highways Act 1980
(ee)	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
(ff)	To decline to determine certain applications	Section 121C of the Highways Act 1980
(gg)	To assert and protect the rights of the public to use and enjoyment of highways	Section 130 of the Highways Act 1980
(hh)	To serve notice of proposed action in relation to obstruction	Section 130A 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 make good damage and remove obstructions	Section 135B of the Highways Act 1980
(mm)	To remove nuisances deposited on the highway	Section 149 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	Section 53B of the Wildlife and Countryside Act 1981

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

	53(5) 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 highway	Section 257 of the Town and Country Planning Act 1990
(vv)	To authorise stopping up or diversion of footpath bridleway or restricted byway	Section 257 of the Town and Country Planning Act 1990
(ww)	To extinguish public rights of way over land held for planning purposes	Section 258 of the Town and Country Planning Act 1990
(xx)	To enter into agreements with respect to means of access	Section 35 of the Countryside and Rights of Way Act 2000
(yy)	To provide access in absence of agreement	Section 37 of the Countryside and Rights of Way Act 2000

This page is intentionally left blank

## Chief Planning Officer

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

### Town and Country Planning and Development Control

(a)	To determine application for planning permission	Sections 70(1)(a) and (b) and 72 of the Town and Country Planning Act 1990
(b)	To determine applications to develop land without compliance with conditions previously attached	Section 73 of the Town and Country Planning Act 1990
(c)	To grant planning permission for development already carried out	Section 73A of the Town and Country Planning Act 1990
(d)	To decline to determine application for planning permission	Section 70A of the Town and Country Planning Act 1990
(e)	Duties relating to the making of determinations of planning applications	Sections 69, 76 and 92 of the Town and Country Planning Act 1990 and Articles 8, 10 to 13, 15 to 22 and 25 and 26 of the Town and Country Planning (General Development Procedure) Order 1995 (SI 1995/419) and directions made thereunder
(f)	To determine application for planning permission made by a local authority, above or jointly with another person	Section 316 of the Town and Country Planning Act 1990 and the Town and Country Planning General Regulations 1992 (SI 1992/1492)
(g)	To make determinations, give approvals and agree certain other matters relating to the exercise of permitted development rights	Parts 6, 7, 11, 17, 19, 20, 21 to 24, 26, 30 and 31 of Schedule 2 to the Town and Country Planning (General Permitted Development) Order 1995 (SI 1995/418)
(h)	To enter into agreement regulating development or use of land	Section 106 of the Town and Country Planning Act 1990
(i)	To issue a certificate of existing or proposed lawful use or development	Sections 191(4) and 192(2) of the Town and Country Planning Act 1990
(j)	To serve a completion notice	Section 94(2) of the Town and Country Planning Act 1990
(k)	To grant consent for the display of advertisements	Section 220 of the Town and Country Planning Act 1990 and the Town and Country Planning (Control of Advertisements) Regulations 1992
(l)	To authorise entry onto land	Section 196A of the Town and Country Planning Act 1990
(m)	To require the discontinuance of a use of land	Section 102 of the Town and Country Planning Act 1990
(n)	To issue a temporary stop notice	Section 171E of the Town and Country 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

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

(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)	To determine applications for conservation area consent	Section 16(1) of the Planning (Listed Buildings and Conservation Areas Act 1990 , as applied by section 74(3) of that Act
(w)	Duties relating to applications for listed building consent and conservation area consent	Sections 13(1) and 14(1) and (4) of the Planning (Listed Buildings and Buildings and Conservation Areas) Act 1990 and regulations 3 to 6 and 13 of the Town and Country Planning (Listed Buildings and Buildings in Conservation Areas) Regulations 1990 and paragraphs 8, 15 and 26 of Department of the Environment , Transport and the Regions Circular 01/01
(x)	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
(y)	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
(z)	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
(aa)	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
(bb)	To execute urgent works	Section 54 of Planning (Listed Buildings and Buildings and Conservation Areas) Act 1990



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

### **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)

### **Hedgerows and Trees**

(a)	The protection of important hedgerows	The Hedgerows Regulations 1997
(b)	The preservation of trees	Sections 197 to 214D of the Town and Country Planning Act 1990, and the Trees Regulations 1999

### **High Hedges**

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

### **Exceptions:**

The Chief Planning Officer is not authorised<sup>1</sup> to discharge the following functions:

### **Town and Country Planning and Development Control**

(a)	the determination of applications following a written request <sup>4</sup> to the Chief Planning Services and Development Officer by <ul style="list-style-type: none"><li>• a Ward Member concerning an application within his/her ward</li><li>• a Chair of a Area Committee, concerning an application within his/her Area Committee area</li></ul> that an application be referred to the relevant Plans Panel;
-----	---

<sup>1</sup> 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).

<sup>4</sup> This request must be made to the Chief Planning Officer within 21 days of the date of notification and must include reason(s) for the requested 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).  
Part 3 Section 2C

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

(b)	the determination of applications for development that would constitute a significant departure <sup>5</sup> 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 <sup>6</sup> which 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 Chief Planning Officer 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, the Chief Executive, Deputy Chief Executive, Directors, Chief Officers or any Officer who carries out development control functions.

**Commons Registration**

(a)	Where objections have been received.
-----	--------------------------------------

**Hedgerows and Trees**

(a)	Where objections have been received.
-----	--------------------------------------

---

<sup>5</sup> "Significant" in the context of the Town and Country Planning (Development Plans and Consultations) (Departures) Directions 1999.

<sup>6</sup> "Major Development" for these purposes means:

- Residential development involving the erection of ten or more dwellings or, if the number of dwellings are not known, sites of 0.5 hectares or more.
- Other development proposals (apart from minerals and waste development) where the application would result in the erection of gross floorspace of not less than 1,000 msq, or sites of 1 hectare or more.
- Minerals and waste development where the application may require an Environmental Impact Assessment

### **Director of Environment and Neighbourhoods**

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

(a)	To issue licences authorising the use of land as a caravan site ("site licences")	Section 3(3) of the Caravan Sites and Control of Development Act 1960
(b)	To license the use of moveable dwellings and camping sites	Section 269(1) of the Public Health Act 1936
(c)	To license premises for acupuncture, tattooing, ear-piercing and electrolysis	Sections 13 to 17 of the Local Government (Miscellaneous Provisions) Act 1982
(d)	To register and license premises for the preparation of food	Section 19 of the Food Safety Act 1990
(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
(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 license knackers' yards	Section 4 of the Slaughterhouses Act 1974. See also the Animal By-Products Order 1999
(k)	To grant consent for the operation of a loudspeaker	Schedule 2 to the Noise and Statutory Nuisance Act 1993
(l)	To issue licences for the movement of pigs	Article 12 of the Pigs (Records, Identification and Movement) Order 1995 (SI 1996/11)
(m)	To license the sale of pigs	Article 13 of the Pigs (Records, Identification and Movement) Order 1995
(n)	To license collecting centres for the movement of pigs	Article 14 of the Pigs (Records, Identification and Movement) Order 1995
(o)	To issue a licence to move cattle from a market	Article 5(2) of the Cattle Identification Regulations 1998 (SI 1998/871)
(p)	To sanction use of parts of buildings for storage of celluloid	Section 1 of the Celluloid and Cinematograph Film Act 1922
(q)	To approve meat product premises	Regulations 4 and 5 of the Meat Products (Hygiene) Regulations 1994 (SI

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

		1994/3082)
(r)	To approve premises for the production of minced meat or meat preparations	Regulation 4 of the Minced Meat and Meat Preparations (Hygiene) Regulations 1995 (SI 1995/3205)
(s)	To approve dairy establishments	Regulations 6 and 7 of the Dairy Products (Hygiene) Regulations 1995 (SI 1995/1086)
(t)	To approve egg product establishments	Regulation 5 of the Egg Products Regulations 1993 (SI 1993/1520)
(u)	To issue licences to retail butchers' shops carrying out commercial operations in relation to unwrapped raw meat and selling or supplying both raw meat and ready-to-eat foods	Schedule 1A to the Food Safety (General Food Hygiene) Regulations 1995 (SI 1995/1763)
(v)	To approve fish products premises	Regulation 24 of the Food Safety (Fishery Products and Live Shellfish) (Hygiene) Regulations 1998 (SI 1998/992)
(w)	To approve dispatch or purification centres	Regulation 11 of the Food Safety (Fishery Products and Live Shellfish) (Hygiene) Regulations 1998
(x)	To register auction and wholesale markets	Regulation 26 of the Food Safety (Fishery Products and Live Shellfish) (Hygiene) Regulations 1998
(y)	To keep register of food business premises	Regulation 5 of the Food Premises (Registration) Regulations 1991 (SI 1991/2828)
(z)	To register food business premises	Regulation 9 of the Food Premises (Registration) Regulations 1991
(aa)	Duty to enforce Chapter 1 and regulations made under it	Section 10(3) of the Health Act 2006
(bb)	Power to authorise officers	Section 10(5) of, and paragraph 1 of Schedule 2 to, the Health Act 2006
(cc)	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)
(dd)	Power to transfer enforcement functions to another enforcement authority	Smoke-free(Premises and Enforcement) Regulations 2006 (SI 2006/3368)

### **Director of Resources**

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

(a)	Functions relating to local government pensions, etc	Regulations under section 7, 12 or 24 of the Superannuation Act 1972
(b)	To make Financial Procedure Rules	Paragraph 42 of Schedule 12 to the Local Government Act 1972
(c)	To make arrangements to consider and determine employee appeals in relation to grievances, grading and dismissal <sup>3</sup>	Section 112 Local Government Act 1972
(d)	To determine employee terms and conditions	Section 112 Local Government Act 1972

---

<sup>3</sup> Except in relation to those which are to be determined by the Employment Committee.  
Part 3 Section 2C  
Page 1 of 1  
Issue 1 – May 2008

This page is intentionally left blank

**ASSISTANT CHIEF EXECUTIVE (CORPORATE GOVERNANCE)**

1. The Assistant Chief Executive (Corporate Governance) is the Monitoring Officer for the Council.
2. Subject to the exceptions listed below, the Assistant Chief Executive (Corporate Governance) is authorised to discharge the following Council (non-executive) functions:

**Licensing and Regulatory:**

(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 register pool promoters♦	Schedule 2 to the Betting, Gaming and Lotteries Act 1963
(e)	*To grant track betting licences♦	Schedule 3 to the Betting, Gaming and Lotteries Act 1963
(f)	*To licence inter-track betting schemes♦	Schedule 5ZA to the Betting, Gaming and Lotteries Act 1963
(g)	*To grant permits in respect of premises with amusement machines♦	Schedule 9 to the Gaming Act 1968
(h)	*To register societies wishing to promote lotteries♦	Schedule 1 to the Lotteries Amusements Act 1976
(i)	*To grant permits in respect of premises where amusements with prizes are provided♦	Schedule 3 to the Lotteries and Amusements Act 1976
(j)	*To licence sex shops and sex cinemas	The Local Government (Miscellaneous Provisions) Act 1982, Section 2, Schedule 3
(p)	*To license dealers in game and the killing and selling of game	Sections 5, 6, 17, 18 and 21 to 23 of the Game Act 1831; sections 2 to 16 of the Game Licensing Act 1860 section 4 of the customs and Inland Revenue Act 1883, sections 12(3) and 27 of the Local Government Act 1874 and section 213 of the Local Government Act 1972
(q)	*To license scrap yards	Section 1 of the Scrap Metal Dealers Act

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

		1964
(r)	*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)
(s)	*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
(t)	To register motor salvage operators	Part I of the Vehicles (Crime) Act 2001

◆ From 1 September 2007 licences will be granted under the Gambling Act 2005 by the Licensing Committee, except as provided for by the Gambling Act Order<sup>1</sup>,

**Functions relating to elections:**

(a)	Functions in relation to parishes and parish councils	Part II of the Local Government and Rating Act 1997 and subordinate legislation under that Part
(b)	To dissolve small parish councils	Section 10 of the Local Government Act 1972
(c)	To make orders for grouping parishes, dissolving groups and separating parishes from groups	Section 11 of the Local Government Act 1972
(d)	To make temporary appointments to parish councils	Section 91 of the Local Government Act 1972

**Functions relating to standing orders:**

(a)	To make standing orders	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

**Exceptions<sup>2</sup>:**

The Assistant Chief Executive (Corporate Governance) is not authorised to discharge those functions marked \*above where objections have been received.

**Licensing Functions delegated by Licensing Committee:**

Subject to the exceptions listed below, the Assistant Chief Executive (Corporate Governance) is authorised to discharge the licensing functions <sup>8</sup> of the licensing authority.	Licensing Act 2003 and the Gambling Act 2005.
--	---

<sup>1</sup> That is, the Gambling Act 2005 (Commencement No 6 and Transitional Provisions) Order 2006

<sup>2</sup> Under this delegation scheme (council functions). The Licensing and Regulatory Panel may however arrange for the discharge of any of its functions by the Assistant Chief Executive (Corporate Governance) - (Section 101(2) Local Government Act 1972.

<sup>8</sup> "Licensing functions" means functions under the 2003 Act and the 2005 Act.



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

**Exceptions:**

- any licensing function<sup>3</sup> reserved to full Council;<sup>9</sup> and
- any licensing function where full Council has referred a matter to a committee other than the Licensing Committee;<sup>10</sup> and
- any licensing function within the terms of reference of the Licensing Sub-committees<sup>11</sup>; and
- any function under Section 52(2) or (3) of the 2003 Act; and
- any function under Section 88(2) or (3) of the 2003 Act; and
- any function under Section 167(5) of the 2003 Act: and
- to determine whether Section 20(3) or 74(3) of the 2003 Act applies to a film and make recommendations about the admission of children to that film; and
- to object when the Authority is consultee and not the relevant authority considering an application under the 2003 Act
- any function under Section 198 of the 2005 Act
- any function under Section 201 of the 2005 Act
- any function under Section 202 of the 2005 Act

---

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

<sup>10</sup> Under the provisions of Section 7(5)(a) of the 2003 Act.

<sup>11</sup> Except where a Licensing sub-committee has arranged for the discharge of any of their functions to an Officer.

This page is intentionally left blank

**Chief Highways Officer**

With the exception of those matters where the Director of City Development has directed that the delegated authority should not be exercised and that the matter should be referred to him/her or the relevant committee for consideration, the Chief Highways Officer is authorised to carry out the following functions:

(a)	To grant a street works licence	Section 50 of the New Roads and Street Works Act 1991
(b)	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
(c)	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
(d)	To permit deposit of builder's skip on highway	Section 139 of the Highways Act 1980
(e)	To license planting, retention and maintenance of trees etc in part of highway	Section 142 of the Highways Act 1980
(f)	To authorise the erection of stiles etc on footpaths or bridleways	Section 147 of the Highways Act 1980
(g)	To license works in relation to buildings etc which obstruct the highway	Section 169 of the Highways Act 1980
(h)	To consent to temporary deposits or excavations in streets	Section 171 of the Highways Act 1980
(i)	To dispense with obligation to erect hoarding or fence	Section 172 of the Highways Act 1980
(j)	To restrict the placing of rails, beams etc over highways	Section 178 of the Highways Act 1980
(k)	To consent to construction of cellars etc under street	Section 179 of the Highways Act 1980
(l)	To consent to the making of openings into cellars etc under streets and pavement lights and ventilators	Section 180 of the Highways Act 1980
(m)	To assert and protect the rights of the public to use and enjoyment of highways	Section 130 of the Highways Act 1980
(n)	To serve notice of proposed action in relation to obstruction	Section 130A of the Highways Act 1980
(o)	To apply for variation of order under section 130B of the Highway Act 1980	Section 130B(7) of the Highways Act 1980
(p)	To make good damage and remove obstructions	Section 135B of the Highways Act 1980
(q)	To remove nuisances deposited on the highway	Section 149 of the Highways Act 1980
(r)	To designate footpath as cycle track	Section 3 of the Cycle Tracks Act 1984
(s)	To authorise stopping up or diversion of highway	Section 257 of the Town and Country Planning Act 1990

This page is intentionally left blank

**Chief Officer (Environment Services)**

With the exception of those matters where the Director of Environment and Neighbourhoods has directed that the delegated authority should not be exercised and that the matter should be referred to him/her or the relevant committee for consideration, the Chief Officer (Environment Services) is authorised to carry out the following functions:

(a)	To license premises for acupuncture, tattooing, ear-piercing and electrolysis	Sections 13 to 17 of the Local Government (Miscellaneous Provisions) Act 1982
(b)	To register and license premises for the preparation of food	Section 19 of the Food Safety Act 1990
(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 license knackers' yards	Section 4 of the Slaughterhouses Act 1974. See also the Animal By-Products Order 1999
(i)	To grant consent for the operation of a loudspeaker	Schedule 2 to the Noise and Statutory Nuisance Act 1993
(j)	To issue licences for the movement of pigs	Article 12 of the Pigs (Records, Identification and Movement) Order 1995 (SI 1996/11)
(k)	To license the sale of pigs	Article 13 of the Pigs (Records, Identification and Movement) Order 1995
(l)	To license collecting centres for the movement of pigs	Article 14 of the Pigs (Records, Identification and Movement) Order 1995
(m)	To issue a licence to move cattle from a market	Article 5(2) of the Cattle Identification Regulations 1998 (SI 1998/871)

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

(n)	To sanction use of parts of buildings for storage of celluloid	Section 1 of the Celluloid and Cinematograph Film Act 1922
(o)	To approve meat product premises	Regulations 4 and 5 of the Meat Products (Hygiene) Regulations 1994 (SI 1994/3082)
(p)	To approve premises for the production of minced meat or meat preparations	Regulation 4 of the Minced Meat and Meat Preparations (Hygiene) Regulations 1995 (SI 1995/3205)
(q)	To approve dairy establishments	Regulations 6 and 7 of the Dairy Products (Hygiene) Regulations 1995 (SI 1995/1086)
(r)	To approve egg product establishments	Regulation 5 of the Egg Products Regulations 1993 (SI 1993/1520)
(s)	To issue licences to retail butchers' shops carrying out commercial operations in relation to unwrapped raw meat and selling or supplying both raw meat and ready-to-eat foods	Schedule 1A to the Food Safety (General Food Hygiene) Regulations 1995 (SI 1995/1763)
(t)	To approve fish products premises	Regulation 24 of the Food Safety (Fishery Products and Live Shellfish) (Hygiene) Regulations 1998 (SI 1998/992)
(u)	To approve dispatch or purification centres	Regulation 11 of the Food Safety (Fishery Products and Live Shellfish) (Hygiene) Regulations 1998
(v)	To register auction and wholesale markets	Regulation 26 of the Food Safety (Fishery Products and Live Shellfish) (Hygiene) Regulations 1998
(w)	To keep register of food business premises	Regulation 5 of the Food Premises (Registration) Regulations 1991 (SI 1991/2828)
(x)	To register food business premises	Regulation 9 of the Food Premises (Registration) Regulations 1991
(y)	Duty to enforce Chapter 1 and regulations made under it	Section 10(3) of the Health Act 2006
(z)	Power to authorise officers	Section 10(5) of, and paragraph 1 of Schedule 2 to, the Health Act 2006
(aa)	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)

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

(bb)	Power to transfer enforcement functions to another enforcement authority	Smoke-free(Premises and Enforcement) Regulations 2006 (SI 2006/3368)
------	--	--

This page is intentionally left blank



# **EXECUTIVE FUNCTIONS**

This page is intentionally left blank

## SECTION 3A: RESPONSIBILITY FOR EXECUTIVE FUNCTIONS

3.1 Executive functions include those local choice functions identified in Section 1 as the responsibility of the Executive, and all other functions of the Authority not specified in Section 2.

However, in accordance with the Functions Regulations, the following are NOT functions of the Executive:

- imposing conditions, limitations or restrictions on approvals, licences, permissions or registrations on a non-executive function;
- determining any terms to which any such approval etc. is subject<sup>1</sup>;
- determining whether and how to enforce any failure to comply with such approvals or any of the attached conditions etc.<sup>2</sup>;
- amending, modifying, varying or revoking any such approval<sup>3</sup>;
- determining whether a charge should be made for such approvals or the amount of such charge<sup>4</sup>;
- making, amending, revoking or replacing the Members Allowance Scheme or determining any amounts or rates in the scheme<sup>5</sup>;
- subject to any Regulations under S20 of the Local Government Act 2000, making arrangements for the joint exercise of functions under S101(5) of the Local Government Act 1972 and making appointments to committees/joint committees under S.102 of the 1972 Act<sup>6</sup>;
- any functions reserved to full Council under legislation which pre-dates the Regulations<sup>7</sup>;
- amending, modifying, varying or revoking any plan or strategy unless it is required to give effect to the requirements of the Secretary of State or Minister submitted for approval or where full Council when approving the plan/strategy authorised the Executive to do so<sup>8</sup>;
- the adoption/approval of a plan/strategy which is not in the policy framework, if full Council has determined that full Council should take the decision<sup>9</sup>; and

---

<sup>1</sup> Reg. 2(2)

<sup>2</sup> Reg. 2(3)

<sup>3</sup> Reg. 2(4)

<sup>4</sup> Reg. 2(6)

<sup>5</sup> Reg. 2(5) and 2 (6)

<sup>6</sup> Reg. 2(8)

<sup>7</sup> Reg. 2(11)

<sup>8</sup> Reg. 4

### Executive Functions

- where the decision is contrary to or not wholly in accordance with the Budget and Policy Framework<sup>10</sup>.

3.2 All executive functions will be discharged by the Executive as a whole, save to the extent that such functions are delegated to Joint Committees (see Joint Arrangements) to Area Committees under Part 3D of the Constitution, or Officers (see Officer Delegation Scheme executive functions).

3.3 The names, addresses and wards of the Leader and the Members of the Authority appointed by the Leader to the Executive as follows:

<b>Name</b>	<b>Address</b>	<b>Ward</b>
*11 Andrew Carter Conservative Group	15 Clarke Street Calverley Leeds LS28 5NH	Calverley and Farsley
*11 Richard Brett Liberal Democrat Group	991 Scott Hall Road Leeds LS17 6HJ	Burmantofts and Richmond Hill
Steve Smith Liberal Democrat Group	129 Holmsley Lane Woodlesford Leeds LS26 8SB	Rothwell
John Leslie Carter Conservative Group	25 Oaklands Avenue Leeds LS16 8NR	Adel and Wharfedale
Stewart Golton Liberal Democrat Group	5 Farrer Lane Oulton Leeds LS26 8JP	Rothwell
John Procter Conservative Group	Tithe House Tithe Barn Lane Bardsley Leeds LS17 9DX	Wetherby
Richard Harker Liberal Democrat Group	3 The Cross Leeds LS16 9AX	Moortown
Peter Harrand Conservative Group	8 Overdale Avenue Leeds LS17 8TE	Alwoodley
Keith Wakefield Labour Group	35 Beech Grove Avenue Garforth Leeds LS25 1EF	Kippax and Methley
Robert Finnigan Morley Borough Independent Group	c/o Morley Independent Office, Morley Town Hall, Leeds LS27 9DY	Morley North

<sup>9</sup> Reg. 5(1)

<sup>10</sup> Reg. 5(1)

<sup>11</sup>

**Councillor Richard Brett**

**Leader**

Commencing 23<sup>rd</sup> May 2008 – 30<sup>th</sup> November 2008

**Deputy Leader**

Commencing 1<sup>st</sup> December 2008 until Annual Meeting of Council 2009

**Councillor Andrew Carter**

**Deputy Leader**

Commencing 23<sup>rd</sup> May 2008 – 30<sup>th</sup> November 2008

**Leader of Council**

Commencing 1<sup>st</sup> December 2008 until Annual Meeting of Council 2009

- 3.4 The Leader has identified the following advisory member who will be able to attend and speak at meetings of the Executive Board to assist the Labour nominated Executive Member. However the adviser will not be able to vote and will not be a co-optee.

<b>Name</b>	<b>Address</b>	<b>Ward</b>
Cllr Judith Blake	Woodview Billams Hill Otley LS21 2DZ	Middleton Park

This page is intentionally left blank

**SECTION 3B (b): EXECUTIVE MEMBERS  
OVERVIEW OF ROLES AND RESPONSIBILITIES**

<b>POST</b>	<b>AREA OF RESPONSIBILITY</b>
<p>Executive Member for Central and Corporate</p>	<p>To have political oversight for the following principal areas of Council activity:</p> <ul style="list-style-type: none"> <li>• Equality and diversity, communications, performance, customer services, procurement, risk management and international relations activities;</li> <li>• HQ support services including ICT, Human Resources, legal, financial services and corporate landlord;</li> <li>• Democratic services including member support, committee/scrutiny support, corporate governance and the Lord Mayor's office;</li> <li>• Corporate support for Public Private Partnership ventures.</li> <li>• Traded services comprising catering and cleaning, property maintenance, fleet services, and passenger transport services</li> <li>• school crossing patrols</li> </ul> <p>To provide a corporate overview of, and promote cross-sector support for, the 'Narrowing the Gap' aim of the Vision for Leeds.</p> <p>To chair the Leeds Initiative Board and represent the Council on key inter-sector and inter-authority partnerships.</p>
<p>Executive Member for Leisure</p>	<p>To have political oversight for the following principal areas of Council activity:</p> <ul style="list-style-type: none"> <li>• Libraries, record repositories, museums and art galleries, public entertainments, halls and venues and the arts;</li> <li>• Parks;</li> <li>• Sports facilities</li> <li>• Countryside management</li> <li>• Cemeteries, crematoria, burial grounds and mortuaries.</li> </ul> <p>To represent the Council on key inter-sector and inter-authority partnerships.</p>

POST	AREA OF RESPONSIBILITY
<p>Executive Member for Development and Regeneration</p>	<p>To have political oversight for the following principal areas of Council activity:</p> <ul style="list-style-type: none"> <li>• The provision of strategic property and asset management services;</li> <li>• Economic, transport and planning policy development;</li> <li>• Highway authority and road traffic authority services including highway design services;</li> <li>• Planning and building control services;</li> <li>• Land drainage activities;</li> <li>• The provision of architectural design related services;</li> <li>• Tourism and City Marketing.</li> <li>• Economic led regeneration.</li> </ul> <p>To represent the Council on key inter-sector and inter-authority partnerships.</p> <p>To provide a corporate overview of, and promote cross-sector support for,</p> <ol style="list-style-type: none"> <li>i) the 'Going up a League' and the 'Regional Capital' aims of the Vision for Leeds, and</li> <li>ii) Leeds Renaissance programmes</li> </ol>
<p>Executive Member for Environmental Services</p>	<p>To have political oversight for the following principal areas of Council activity:</p> <ul style="list-style-type: none"> <li>• Street cleaning</li> <li>• Refuse collection</li> <li>• Waste strategy</li> <li>• Waste management</li> <li>• Environmental enforcement</li> <li>• Parking services and enforcement</li> <li>• Sustainability, environmental policy and climate change</li> <li>• Environmental protection (e.g. pest control, air pollution, food safety, health surveillance, health improvement, fuel savers team).</li> </ul> <p>To represent the Council on key inter-sector and inter-authority partnerships.</p>



*Executive Functions*

<b>POST</b>	<b>AREA OF RESPONSIBILITY</b>
Executive Member for Neighbourhoods and Housing	<p>To have political oversight for the following principal areas of Council activity:</p> <ul style="list-style-type: none"> <li>• Housing (condition and occupation)</li> <li>• Housing led regeneration</li> <li>• The reduction of crime, disorder and anti-social behaviour</li> <li>• Neighbourhood renewal and area-based working arrangements</li> <li>• Jobs and Skills</li> </ul> <p>To represent the Council on key inter-sector and inter-authority partnerships.</p>
Lead Executive Member for Children's Services	<p>To have overall political oversight for the following principal areas of Council activity:</p> <ul style="list-style-type: none"> <li>• functions of the authority in its role as children's services authority (including arrangements to promote co-operation to improve the well-being of children);</li> <li>• social services functions so far as they relate to children (and young people leaving care);</li> <li>• health services – functions exercisable on behalf of an NHS body so far as they relate to children;</li> <li>• functions of the authority as LEA</li> </ul> <p>To represent the Council on key inter-sector and inter-authority partnerships.</p>
Executive Member for Learning	<p>To have political oversight for the following principal areas of Council activity on behalf of the Children's Services Lead Executive Member:</p> <ul style="list-style-type: none"> <li>• School-based learning</li> <li>• Early years development and child care planning</li> <li>• Youth services</li> </ul> <p>To represent the Children's Services Lead Executive Member on appropriate inter-sector and inter-authority partnerships.</p>
Executive Member Adult Health and Social Care	<p>To have political oversight for the following principal areas of Council activity:</p> <ul style="list-style-type: none"> <li>• The provision of adult health and social care services</li> </ul> <p>To represent the Council on key inter-sector and inter-authority partnerships.</p>

This page is intentionally left blank

**SECTION 3B (c): DEPUTY EXECUTIVE MEMBER SUPPORT**

**Role and Responsibilities of Deputy Executive Members**

1. To commission research in order to provide the Executive Member with timely and accurate information
2. To provide, where requested, regular reports and updates to the Executive Member and advise on policy decisions
3. To monitor the performance of services within their remit
4. To deputise for the Executive Member at meetings <sup>1</sup>
5. To act as spokesperson or representative for an Executive Member where required
6. To consult with interested parties, ward councillors and citizens as part of the development and review of policy
7. To act as an advocate for the Council within the authority and outside.
8. To brief the Political Group

**APPOINTED DEPUTY EXECUTIVE MEMBERS**

Councillor Alan Lamb  
Conservative Group

Councillor Paul Wadsworth  
Conservative Group

Councillor Ann Castle  
Conservative Group

Councillor Stuart Andrew  
Conservative Group

Councillor Brian Cleasby  
Liberal Democrat Group

Councillor Alan Taylor  
Liberal Democrat Group

Councillor David Hollingsworth  
Liberal Democrat Group

Councillor Ben Chastney  
Liberal Democrat Group

<sup>1</sup> This excludes deputising at Executive Board meetings. Reference Executive Procedure Rule 2.3  
Part 3 Section 3B(c)  
Page 1 of 1  
Issue 1 – May 2008

This page is intentionally left blank

<b>SECTION 3C: EXECUTIVE COMMITTEE AND ADVISORY COMMITTEE TERMS OF REFERENCE</b>
--

**AREA COMMITTEES**

Within each Committee's area:

*(Council functions)*

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

**(Executive functions)<sup>5</sup>**

7. *to promote and improve the economic, social and environmental well-being of the Committee's area<sup>6</sup>; and*
8. *to exercise Area Functions;<sup>7</sup>*

<sup>1</sup> In accordance with the Appointments to Outside Bodies Procedure Rules at Section 4 of the Constitution.

<sup>2</sup> This is an advisory function under Section 102(4) Local Government Act 1972.

<sup>3</sup> This is an advisory function under Section 102(4) Local Government Act 1972.

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

<sup>5</sup> All executive functions will be exercisable concurrently with the Executive Board.

<sup>6</sup> In accordance with Section 2 of the Local Government Act 2000, and in furtherance of, and subject to the limitations set out in the Well-being Schedule detailed in Part 3 Section 3D of the Constitution approved by the Leader and submitted to Council on 28 June.

<sup>7</sup> As determined from time to time by the Executive Board and in furtherance of, and subject to the limitations set out in the Area Function Schedule(s) detailed in Part 3 Section 3D of the Constitution and the Area Committee Procedure Rules in Part 4 of the Constitution.

**ADVISORY COMMITTEE TO THE EXECUTIVE**

**DEVELOPMENT PLAN PANEL**

An advisory committee<sup>8</sup> authorised to make recommendations regarding:

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

In particular

*To advise the Council in relation to functions which are<sup>9</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>22</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.

---

<sup>8</sup> Appointed by the Council in accordance with Section 102 (4) of the Local Government Act 1972.

<sup>9</sup> In accordance with the Local Authorities (Functions and Responsibilities) (England) Regulations 2000 as from time to time amended.

## SECTION 3E: OFFICER DELEGATION SCHEME (EXECUTIVE FUNCTIONS)

### FOREWORD

#### 1. General roles and responsibilities of Members and Officers

- (a) Members set policy priorities and strategies to reflect local interests and needs and are also responsible for allocating funding between individual priority areas. The Chief Executive, Deputy Chief Executive, Assistant Chief Executive (Corporate Governance), Assistant Chief Executive (Planning Policy and Improvement), Directors and their staff implement these strategies and policies by delivering services and major initiatives. It is officers therefore, who have responsibility for managing the Council's day to day operations, within a policy and budgetary framework laid down by Members.
- (b) Under the executive arrangements, both full Council and the Executive have specific functions and these can be delegated to committees or officers. Where Council or the Executive have established a committee to discharge their respective functions then subject to any limitations imposed by the Council/Executive respectively, that committee can also delegate its functions to an officer. The functions delegated to officers by the executive are set out in this Officer Delegation Scheme. The functions delegated to officers in relation to Council functions are set out in Section 2 of Part 3 of the Constitution.
- (c) The fact that a function stands delegated to an officer under these arrangements shall not preclude the Executive, from exercising the function directly.
- (d) An officer may consider that a delegated authority should not be exercised and that it should be referred to the Executive for determination.
- (e) An appropriate Executive Member may request that an officer refrains from exercising a delegated authority in respect of a particular matter and refer it instead to the Executive, for a decision.
- (f) The Executive may determine to reserve decisions about particular matters to itself.
- (g) In addition to the delegations set out in this scheme, the Executive can arrange for further delegations on specific matters.
- (h) Whilst the exercise of a function by an officer under these arrangements is not made subject to the satisfaction of any prior condition, an officer shall, when exercising a discretion remitted to him/her, be under a duty to satisfy himself/herself that the decision conforms to the Council's Budget and Policy Framework and other approved policies and that, in reaching the decision,

he/she has observed approved practices and procedures, including those in relation to community consultation.

## **GENERAL DELEGATIONS TO OFFICERS**

The Chief Executive, the Deputy Chief Executive, the Assistant Chief Executive (Corporate Governance) Assistant Chief Executive (Planning Policy and Improvement), Directors and other named officers<sup>1</sup> are authorised to carry into effect without reference to the Executive Board or to any of its committees, matters of day to day management and administration and, in particular, the following functions:

### **FINANCIAL**

#### **1. Revenue Expenditure**

- (a) Following approval of departmental revenue budgets, to incur expenditure within those estimates with the exception of items being subject to separate release in accordance with Appendix B to Financial Procedure Rules. They must consult with any Director or other officer who may be able to provide the works or service required or who may otherwise advise on or assist with this provision to ascertain whether that Director or other officer would wish to submit a tender or quotation or undertake the works/services competition free, in accordance with Contracts Procedure Rules.
- (b) To incur expenditure within the Revenue Budget in accordance with the virement procedures and delegated limits set out in Financial Procedure Rules.
- (c) In an emergency to incur immediately necessary expenditure which shall be reported to the Director of Resources at the first opportunity.

#### **2. Capital Expenditure**

- (a) To incur expenditure on capital schemes in accordance with the arrangements set out in Financial Procedure Rules.
- (b) To accept tenders for construction works within specific limits as set out in Financial Procedure Rules.

#### **3. Debts**

To write off debts (other than local taxation) in accordance with the procedures and maximum values set out in Financial Procedure Rules.

---

<sup>1</sup> These are the chief officers with delegations which are concurrent with a Director, and which are listed in Article 12. The delegation of those chief officers under this scheme 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 for consideration. These chief officers must consult the relevant Director before taking any key or major decision.



**4. Disposal of Property**

To dispose of property (including obsolete vehicles and plant, stores, old materials and scrap), other than property for resale, in accordance with the requirements of Financial Procedure Rules and Contracts Procedure Rules.

**5. Payments**

To approve payments to suppliers prior to the receipt of goods in accordance with the limits set out in Financial Procedure Rules.

**6. Cash Imprests and Disbursements**

(a) To authorise individual establishment cash imprests in accordance with the limits set out in Financial Procedure Rules.

(b) To approve individual payments from cash imprests in excess of the limit set out in Financial Procedure Rules.

**7. Stores Deficiencies and Surpluses**

To authorise the making good or otherwise of stores deficiencies up to the limit specified in Financial Procedure Rules.

**GENERAL**

**8. Lost Property**

To take responsibility, as identified in the Financial Procedure Rules for lost property found on Council premises, including the registration of found items and the designation of a responsible officer to follow the found property procedures.

**9. Data Protection, Human Rights, Surveillance Activities, Freedom of Information**

(a) To implement and ensure compliance with:

- the rules on data protection, human rights, surveillance activities, and freedom of information<sup>2</sup>;
- the Council's policies on these matters; and
- guidance and advice from the Assistant Chief Executive (Corporate Governance) on these matters.

(b) To designate officers with specific responsibilities for these matters.

---

<sup>2</sup> Contained within the following: Data Protection Act 1998, Human Rights Act 1998, Freedom of Information Act 2000 and the Regulation of Investigatory Powers Act 2000 and subsidiary legislation

## *Officer Delegation Scheme (Executive Functions)*

- (c) To advise the Assistant Chief Executive (Corporate Governance) of any new types of data processed, of new ways of processing personal data and of any new persons or organisations to whom data is given.

### **10. Media**

To issue statements to the press and other news media about their delegated functions within the settled framework of Council policy.

### **11. Authorising Officers**

To authorise officers possessing such qualifications as may be required by law or in accordance with the Council's policy, to take samples, carry out inspection, enter premises and generally perform the functions of a duly authorised officer of the Council (however described) and to issue any necessary certificates of authority.

### **12. Corporate Procedures**

To take any action remitted to him/her under corporate procedures.<sup>3</sup>

### **13. Local Choice Functions (see Section 1, Part 3 of the Constitution)**

- (a) Functions under a local act, unless otherwise specified in Regulation 2 or Schedule 1 of the Local Authorities (Functions and Responsibilities) Regulations 2000.
- (b) To obtain particulars of persons interested in land.

### **14. Signature of Contracts - Local Government (Contracts) Act 1997**

- (a) Subject to the approval of the Assistant Chief Executive (Corporate Governance), to sign certificates for contracts which relate specifically to their delegated functions.

### **15. Budget and Policy Framework**

To canvas the views of local stakeholders, formulate and publish initial proposals within the budget and policy framework.

## **PERSONNEL**

### **16. Miscellaneous Employment Issues**

To deal with employment issues in accordance with agreed procedures and the relevant national conditions of service as modified or extended by any local or national agreements.

---

<sup>3</sup> Where, under approved procedures, a function stands remitted to a committee or sub-committee or officer post that has not been re-established, the Chief Executive shall be authorised to determine by whom that function shall be discharged pending the review of such procedures.

**17. Changes to Staffing Structures**

- (a) To agree changes to staffing structures except where the restructure:
  - (i) involves the loss of one or more posts not currently vacant
  - (ii) involves the regrading of posts or the grading of new posts
  - (iii) involves changes to existing National or Local Agreements and policies
  - (iv) cannot be achieved within delegated powers in respect of budgets
- (b) Decisions are subject to the prior notification of the Director of Resources and prior consultation with all appropriate parties affected by the decision, notably the Trade Unions.
- (c) Decisions in respect of restructures which involve regradings, loss of posts, changes to existing agreements or policies or have budgetary implications as set out above are delegated to the Director of Resources and subject to consultation with the Assistant Chief Executive (Corporate Governance) and other appropriate parties.
- (d) Proposals which involve additional Council expenditure outside officer delegations or which involve issues outside existing Council policy will be referred to the Council or appropriate committee.

**18. Trade Union Facilities Scheme - Time off for duties as an Elected National Union Officer**

The Director of Resources is authorised to deal with this as a corporate not a departmental issue.

This page is intentionally left blank

## **THE CHIEF EXECUTIVE**

With the exception of those matters where an appropriate Executive Member<sup>1</sup> has directed that the delegated authority should not be exercised and that the matter should be referred to the Executive Board for consideration<sup>2</sup>, the Chief Executive<sup>3</sup> is authorised to discharge any function<sup>4</sup> of the Executive not otherwise delegated to a Director<sup>5</sup>, including civic and ceremonial functions of the Council.

---

<sup>1</sup> An “appropriate Executive Member” is the Leader or other appropriate portfolio-holding Member of the Executive Board.

<sup>2</sup> The Chief Executive may consider in respect of any matter that the delegated authority should not be exercised and that it should be referred to the Executive Board for consideration.

<sup>3</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 he/she 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>4</sup> “Function” for these purposes is to be construed in a broad and inclusive fashion and includes the doing of anything which is calculated to facilitate or is conducive or incidental to the discharge of any of the specified functions. The delegation also includes the appointment of the Chief Executive as “proper officer” for the purpose of any function delegated to him/her under these arrangements.

<sup>5</sup> “Director” for this purpose includes the Deputy Chief Executive, the Assistant Chief Executives and any Director or Chief Officer to whom functions have been delegated under this scheme.

This page is intentionally left blank

**THE DIRECTOR OF ADULT SOCIAL SERVICES<sup>1</sup>**

With the exception of those matters where an appropriate Executive Member<sup>2</sup>, has directed that the delegated authority should not be exercised and that the matter should be referred to the Executive Board for consideration,<sup>3</sup> the Director of Adult Social Services<sup>4</sup> is authorised to discharge any function<sup>5</sup> of the Executive in relation to:

- (a) social services so far as those functions relate to adults<sup>6</sup>;
- (b) functions exercisable on behalf of an NHS body<sup>7</sup>, so far as those functions relate to adults<sup>8</sup>;
- (c) arrangements to protect and promote the welfare of vulnerable adults<sup>9</sup>, including vulnerable young people moving into adulthood.

---

<sup>1</sup> Appointed under Section 6 Local Authority Social Services Act 1970

<sup>2</sup> An "appropriate Executive Member" is the Leader or other appropriate portfolio-holding Member of the Executive Board

<sup>3</sup> The Director of Adult Social Services may consider in respect of any matter that the delegated authority should not be exercised and that it should be referred to the Executive Board for consideration

<sup>4</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 the delegate authority 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>5</sup> "Function" for these purposes is to be construed in a broad and inclusive fashion and includes the doing of anything which is calculated to facilitate or is conducive or incidental to the discharge of any of the specified functions. The delegation also includes the appointment of the Director of Adult Social Services Officer as "proper officer" for the purpose of any function delegated to him/her under these arrangements.

<sup>6</sup> That is, do not relate to:

(i) children or

(ii) young people leaving care under sections 23C and 24D of the Children Act 1989, so far as not falling within (i).

<sup>7</sup> Under Section 31 of the Health Act 1999

<sup>8</sup> See footnote 6 above

<sup>9</sup> So far as not falling within (a) above. See also footnote 6 above

This page is intentionally left blank



## **THE DIRECTOR OF CHILDREN'S SERVICES<sup>1</sup>**

With the exception of those matters where an appropriate Executive Member<sup>2</sup> has directed that the delegated authority should not be exercised and that the matter should be referred to the Executive Board for consideration<sup>3</sup>, the Director of Children's Services<sup>4</sup> is authorised to discharge any function<sup>5</sup> of the Executive in relation to:

- (a) the authority's role as children's services authority<sup>6</sup>;
- (b) social services, so far as those functions relate to
  - (i) children or
  - (ii) young people leaving care<sup>7</sup>;
- (c) functions exercisable on behalf of an NHS body<sup>8</sup>, so far as they relate to children;
- (d) the authority's role as local education authority<sup>9</sup> excluding vocational training and allied services.

---

<sup>1</sup> Appointed under Section 18 Children Act 2004

<sup>2</sup> An "appropriate Executive Member" is the Leader or other appropriate portfolio-holding Member of the Executive Board

<sup>3</sup> The Director may consider in respect of any matter that the delegated authority should not be exercised and that it should be referred for consideration to the Executive Board.

<sup>4</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 the delegated authority 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>5</sup> "Function" for these purposes is to be construed in a broad and inclusive fashion and includes the doing to anything which is calculated to facilitate or is conducive or incidental to the discharge of any of the specified functions. The delegation also includes the appointment of the Director as "proper officer" for the purpose of any function delegated to him/her under these arrangements.

<sup>6</sup> Including functions in relation to:

- arrangements to promote co-operation to improve well-being of children;
- arrangements to safeguard and promote welfare of children;
- information data-bases;
- the Local Safeguarding Children Board.

<sup>7</sup> Under sections 23C and 24D of the Children Act 1989, so far as not falling within (i).

<sup>8</sup> Under Section 31 of the Health Act 1999

<sup>9</sup> Including early years development, childcare planning and youth services.

This page is intentionally left blank

**CHIEF OFFICER (EARLY YEARS AND YOUTH SERVICES)**

With the exception of those matters where

- (i) an appropriate Executive Member<sup>1</sup> or the Director of Children's Services has directed that the delegated authority should not be exercised and that the matter should be referred to the Executive Board for consideration<sup>2</sup>; or
- (ii) the Director of Children's Services has directed that the delegated authority should not be exercised and that the matter be referred to him/her for consideration

the Chief Officer (Early Years and Youth Services)<sup>3</sup> is authorised<sup>4</sup> to discharge any function<sup>5</sup> of the Executive in relation to:

- (a) early years development and child care planning;
- (b) youth services.

---

<sup>1</sup> An "appropriate Executive Member" is the Leader or other appropriate portfolio-holding Member of the Executive Board

<sup>2</sup> The Chief Officer may consider in respect of any matter that the delegated authority should not be exercised and that it should be referred for consideration to the Executive Board or to the Director of Children's Services

<sup>3</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>4</sup> The Chief Officer must consult the Director of Children's Services before taking any key or major decisions.

<sup>5</sup> "Function" for these purposes is to be construed in a broad and inclusive fashion and includes the doing of anything which is calculated to facilitate or is conducive or incidental to the discharge of any of the specified functions. The delegation also includes the appointment of the Chief Officer as "proper officer" for the purpose of any function delegated to him/her under these arrangements.

This page is intentionally left blank

**CHIEF OFFICER (CHILDREN'S SOCIAL SERVICES)**

With the exception of those matters where

- (i) an appropriate Executive Member<sup>1</sup> or the Director of Children's Services has directed that the delegated authority should not be exercised and that the matter should be referred to the Executive Board for consideration<sup>2</sup>; or
- (ii) the Director of Children's Services has directed that the delegated authority should not be exercised and that the matter be referred to him/her for consideration

the Chief Officer (Children's Social Services)<sup>3</sup> is authorised<sup>4</sup> to discharge any function<sup>5</sup> of the Executive in relation to social services, so far as those functions relate to (i) children or

- (ii) young people leaving care<sup>6</sup>.

---

<sup>1</sup> An "appropriate Executive Member" is the Leader or other appropriate portfolio-holding Member of the Executive Board

<sup>2</sup> The Chief Officer may consider in respect of any matter that the delegated authority should not be exercised and that it should be referred for consideration to the Executive Board or to the Director of Children's Services

<sup>3</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>4</sup> The Chief Officer must consult the Director of Children's Services before taking any key or major decisions.

<sup>5</sup> "Function" for these purposes is to be construed in a broad and inclusive fashion and includes the doing of anything which is calculated to facilitate or is conducive or incidental to the discharge of any of the specified functions. The delegation also includes the appointment of the Chief Officer as "proper officer" for the purpose of any function delegated to him/her under these arrangements.

<sup>6</sup> Under sections 23C and 24D of the Children Act 1989, so far as not falling within (i).

This page is intentionally left blank

## **THE DIRECTOR OF CITY DEVELOPMENT**

With the exception of those matters where an appropriate Executive Member<sup>1</sup> has directed that the delegated authority should not be exercised and that the matter should be referred to the Executive Board for consideration<sup>2</sup> and with the exception of those matters reserved to the Executive Board<sup>3</sup>, the Director of City Development<sup>4</sup> is authorised to discharge the following functions<sup>5</sup>:

1. Local choice functions which have been assigned to the Executive (see Section 1 Part 3 of the Constitution):
  - (a) any function related to contaminated land;
  - (b) obtaining of information as to interests in land; and
  - (c) the making of arrangements for the execution of highways works under S278 Highways Act 1980.
  
2. Any function of the Executive<sup>6</sup> in relation to:
  - (a) the management of land (including valuation, acquisition, appropriation, disposal and other dealings with land or any interest in land);
  - (b) the operation of retail and wholesale markets and car boot sales;
  - (c) the promotion of economic development and economic led regeneration;
  - (d) the management of the city centre (including the promotion of the city centre and management of public spaces);
  - (e) the authority's role as local planning authority<sup>7</sup>;

---

<sup>1</sup> An "appropriate Executive Member" is the Leader or other appropriate portfolio-holding Member of the Executive Board.

<sup>2</sup> The Director may consider in respect of any matter that the delegated authority should not be exercised and that it should be referred for consideration to the Executive Board.

<sup>3</sup> Certain disposals of land are currently required to be referred to an appropriate committee for consideration.

<sup>4</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>5</sup> "Function" for these purposes is to be construed in a broad and inclusive fashion and includes the doing of anything which is calculated to facilitate or is conducive or incidental to the discharge of any of the specified functions. The delegation also includes the appointment of the Director as "proper officer" for the purpose of any function delegated to him/her under these arrangements.

<sup>6</sup> The Director of City Development will be mindful of the potential for conflicts of interest arising and will make appropriate arrangements in this respect.

<sup>7</sup> Save where any such functions are exercisable by a Plans Panel, the discharge of all **Council functions** relating to town and country planning and development control has been delegated to the Chief Planning Officer. No such **Council functions** will be exercisable by the Director.

*Officer Delegation Scheme (Executive Functions)*

- (f) building control (whether under the Building Act 1984 or otherwise);
- (g) the authority's role as highways authority and road traffic authority except in relation to parking enforcement;
- (h) safety at sports grounds;
- (i) land drainage;
- (j) design services;
- (k) asset management;
- (l) street naming and numbering;
- (m) environmental management and the formulation and implementation of environmental improvement programmes;
- (n) tourism and promotions;
- (o) cultural services (including the arts, libraries, record repositories, museums and art galleries, public entertainments, halls and venues);
- (p) recreation services (including parks, countryside and sports facilities);
- (q) cemeteries, crematoria, burial grounds and mortuaries; and
- (r) countryside management (including all matters relating to the provision and maintenance of footpaths and bridleways), and the provision and maintenance of landscaping schemes.



## **THE DIRECTOR OF ENVIRONMENT AND NEIGHBOURHOODS**

With the exception of those matters where an appropriate Executive Member<sup>1</sup>, has directed that the delegated authority should not be exercised and that the matter should be referred to the Executive Board, for consideration<sup>2</sup>, the Director of Environment and Neighbourhoods<sup>3</sup> is authorised to discharge the following functions:

1. Local choice functions which have been assigned to the Executive (see Section 1 Part 3 of the Constitution):
  - (a) the service of an abatement notice in respect of a statutory nuisance;
  - (b) the passing of a resolution that schedule 2 of the Noise and Statutory Nuisance Act 1993 should apply in the authority's area;
  - (c) the inspection of the authority's area to detect any statutory nuisance;
  - (d) the investigation of any complaint as to the existence of a statutory nuisance; and
  - (e) the control of pollution or management of air quality.
2. Any function<sup>4</sup> of the Executive in relation to
  - (a) the authority's role as housing authority<sup>6</sup> excluding those functions which the authority has agreed, with the approval of the Secretary of State, that another person should exercise as agent of the authority<sup>7</sup>;
  - (b) the condition and occupation of housing;
  - (c) caravan sites and land occupied by travelling people;
  - (d) area based housing led regeneration;

---

<sup>1</sup> An "appropriate Executive Member" is the Leader or other appropriate portfolio-holding Member of the Executive Board

<sup>2</sup> The Director may consider in respect of any matter that the delegated authority should not be exercised and that it should be referred to the Executive Board for consideration

<sup>3</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>4</sup> "Function" for these purposes is to be construed in a broad and inclusive fashion and includes the doing of anything which is calculated to facilitate or is conducive or incidental to the discharge of any of the specified functions. The delegation also includes the appointment of the Director as "proper officer" for the purpose of any function delegated to him/her under these arrangements.

<sup>6</sup> **Including functions relating to Supporting People**

<sup>7</sup> These agreements have been made in accordance with Section 27 Housing Act 1985 - see further addendum 1

*Officer Delegation Scheme (Executive Functions)*

- (e) community planning and community initiatives;
- (f) community safety and the reduction of crime and disorder (including the management of closed circuit TV);
- (g) the management and oversight of area based working arrangements;
- (h) vocational training and allied services for persons over compulsory school age, and the promotion of arrangements to assist persons to obtain employment and employers to obtain employees.
- (i) consumer protection, health and safety other than in relation to Council employees, public health (including the investigation and control of notifiable diseases);
- (j) animal welfare;
- (k) development and implementation of municipal waste policy; and
- (l) streetscene management and related enforcement functions, including parking enforcement, street and gully cleansing, refuse collection, waste management, public conveniences, graffiti removal, fly-tipping and dog warden services.

*Officer Delegation Scheme (Executive Functions)*



*Officer Delegation Scheme (Executive Functions)*

This page is intentionally left blank

**CHIEF OFFICER (ENVIRONMENTAL SERVICES)**

With the exception of those matters where

- (i) an appropriate Executive Member<sup>1</sup> or the Director of Environment and Neighbourhoods has directed that the delegated authority should not be exercised and that the matter should be referred to the Executive Board for consideration<sup>2</sup>; or
- (ii) the Director of Environment and Neighbourhoods has directed that the delegated authority should not be exercised and that the matter be referred to him/her for consideration

the Chief Officer (Environment Services)<sup>3</sup> is authorised<sup>4</sup> to discharge the following functions<sup>5</sup>:

1. Local choice functions which have been assigned to the Executive (see Section 1 Part 3 of the Constitution):
  - (a) the service of an abatement notice in respect of a statutory nuisance;
  - (b) the passing of a resolution that schedule 2 of the Noise and Statutory Nuisance Act 1993 should apply in the authority's area;
  - (c) the inspection of the authority's area to detect any statutory nuisance;
  - (d) the investigation of any complaint as to the existence of a statutory nuisance; and
  - (e) the control of pollution or management of air quality.
2. Any function of the Executive in relation to:
  - (a) the condition and occupation of private<sup>6</sup> housing;
  - (b) caravan sites;

---

<sup>1</sup> An "appropriate Executive Member" is the Leader or other appropriate portfolio-holding Member of the Executive Board

<sup>2</sup> The Chief Officer may consider in respect of any matter that the delegated authority should not be exercised and that it should be referred for consideration to the Executive Board or to the Director of Environment and Neighbourhoods

<sup>3</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>4</sup> The Chief Officer must consult the Director of Environment and Neighbourhoods before taking any key or major decisions.

<sup>5</sup> "Function" for these purposes is to be construed in a broad and inclusive fashion and includes the doing of anything which is calculated to facilitate or is conducive or incidental to the discharge of any of the specified functions. The delegation also includes the appointment of the Chief Officer as "proper officer" for the purpose of any function delegated to him/her under these arrangements.

<sup>6</sup> That is, housing which is not owned by the council.

*Officer Delegation Scheme (Executive Functions)*

- (c) environmental and consumer protection, health and safety other than in relation to Council employees, public health (including the investigation and control of notifiable diseases);
- (d) animal welfare; and
- (e) streetscene management and related enforcement functions, including parking enforcement, street and gully cleansing, refuse collection, waste management, public conveniences, graffiti removal, fly-tipping and dog warden services.



**CHIEF OFFICER (HOUSING SERVICES)**

With the exception of those matters where

- (i) an appropriate Executive Member<sup>1</sup> or the Director of Environment and Neighbourhoods has directed that the delegated authority should not be exercised and that the matter should be referred to the Executive Board for consideration<sup>2</sup>; or
- (ii) the Director of Environment and Neighbourhoods has directed that the delegated authority should not be exercised and that the matter be referred to him/her for consideration

the Chief Officer (Housing Services)<sup>3</sup> is authorised<sup>4</sup> to discharge the following functions<sup>5</sup>:

- (a) the authority's role as housing authority<sup>6</sup> excluding those functions which the authority has agreed, with the approval of the Secretary of State, that another person should exercise as agent of the authority<sup>5</sup>;
- (b) investment planning and delivery of private sector housing renewal;
- (c) land occupied by travelling people; and
- (d) the delivery of housing regeneration through a public/private partnership<sup>7</sup>.

---

<sup>1</sup> An "appropriate Executive Member" is the Leader or other appropriate portfolio-holding Member of the Executive Board

<sup>2</sup> The Chief Officer may consider in respect of any matter that the delegated authority should not be exercised and that it should be referred for consideration to the Executive Board or to the Director of Environment and Neighbourhoods

<sup>3</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>4</sup> The Chief Officer must consult the Director of Environment and Neighbourhoods before taking any key or major decisions.

<sup>5</sup> "Function" for these purposes is to be construed in a broad and inclusive fashion and includes the doing of anything which is calculated to facilitate or is conducive or incidental to the discharge of any of the specified functions. The delegation also includes the appointment of the Chief Officer as "proper officer" for the purpose of any function delegated to him/her under these arrangements.

<sup>6</sup> Including functions relating to Supporting People

<sup>5</sup> These agreements have been made in accordance with Section 27 Housing Act 1985 - see further addendum 1

<sup>7</sup> This does not include the power to procure such a partnership.

This page is intentionally left blank

## **CHIEF OFFICER (REGENERATION)**

With the exception of those matters where

- (i) an appropriate Executive Member<sup>1</sup> or the Director of Environment and Neighbourhoods has directed that the delegated authority should not be exercised and that the matter should be referred to the Executive Board for consideration<sup>2</sup>; or
- (ii) the Director of Environment and Neighbourhoods has directed that the delegated authority should not be exercised and that the matter be referred to him/her for consideration

the Chief Officer (Regeneration)<sup>3</sup> is authorised<sup>4</sup> to discharge the following functions<sup>5</sup>:

- (a) planning and procurement of area based, and housing led regeneration;
- (b) community planning and community initiatives;
- (c) the management and oversight of area based working arrangements; and
- (d) vocational training and allied services for persons over compulsory school age, and the promotion of arrangements to assist persons to obtain employment and employers to obtain employees.

---

<sup>1</sup> An “appropriate Executive Member” is the Leader or other appropriate portfolio-holding Member of the Executive Board

<sup>2</sup> The Chief Officer may consider in respect of any matter that the delegated authority should not be exercised and that it should be referred for consideration to the Executive Board or to the Director of Environment and Neighbourhoods

<sup>3</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>4</sup> The Chief Officer must consult the Director of Environment and Neighbourhoods before taking any key or major decisions.

<sup>5</sup> “Function” for these purposes is to be construed in a broad and inclusive fashion and includes the doing of anything which is calculated to facilitate or is conducive or incidental to the discharge of any of the specified functions. The delegation also includes the appointment of the Chief Officer as “proper officer” for the purpose of any function delegated to him/her under these arrangements.

This page is intentionally left blank

## **THE DIRECTOR OF RESOURCES**

With the exception of those matters where an appropriate Executive Member<sup>1</sup> has directed that the delegated authority should not be exercised and that the matter should be referred to the Executive Board for consideration<sup>2</sup>, the Director of Resources<sup>3</sup> is authorised to discharge any function<sup>4</sup> of the Executive in relation to:

- (a) making arrangements for the proper administration of the authority's financial affairs<sup>5</sup> including administration of benefits, student support, the collection of revenue, council tax and national non domestic rates, internal audit, creditor payments, pensions and the Council's insurance arrangements;
- (b) industrial relations and employment matters, including employee training and health and safety;
- (c) risk management;
- (d) civil defence and emergency planning;
- (e) the management of matters relating to the application of information, communication and associated technologies to support the discharge of any function of the Executive;
- (f) the provision of services relating to building maintenance, catering, cleaning, transport (including fleet services and passenger transport services), and school crossing patrols; and
- (g) civic and community buildings<sup>6</sup>, accommodation and facilities management.

---

<sup>1</sup> An "appropriate Executive Member" is the Leader or other appropriate portfolio-holding Member of the Executive Board

<sup>2</sup> The Director may consider in respect of any matter that the delegated authority should not be exercised and that it should be referred to the Executive Board for consideration

<sup>3</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>4</sup> "Function" for these purposes is to be construed in a broad and inclusive fashion and includes the doing of anything which is calculated to facilitate or is conducive or incidental to the discharge of any of the specified functions. The delegation also includes the appointment of the Director as "proper officer" for the purpose of any function delegated to him/her under these arrangements

<sup>5</sup> The Director of Resources has responsibility for these arrangements as Section 151 Officer

<sup>6</sup> That is, all council properties, except schools and Housing Revenue Account properties.

This page is intentionally left blank

**CHIEF HIGHWAYS OFFICER**

With the exception of those matters where

- (i) an appropriate Executive Member<sup>1</sup> or the Director of City Development has directed that the delegated authority should not be exercised and that the matter should be referred to the Executive Board for consideration<sup>2</sup>; or
- (ii) the Director of City Development has directed that the delegated authority should not be exercised and that the matter be referred to him/her for consideration

the Chief Highways Officer<sup>3</sup> is authorised<sup>4</sup> to discharge any function<sup>5</sup> of the Executive in relation to:

1. The following local choice function which has been assigned to the Executive (see Section 1 Part B of the Constitution): to make arrangements for the execution of highways works under Section 278 Highways Act 1980; and
2. Any function of the Executive in relation to the authority's role as highways authority and road traffic authority, except in relation to parking enforcement.

---

<sup>1</sup> An "appropriate Executive Member" is the Leader or other appropriate portfolio-holding Member of the Executive Board

<sup>2</sup> The Chief Officer may consider in respect of any matter that the delegated authority should not be exercised and that it should be referred for consideration to the Executive Board or to the Director of City Development.

<sup>3</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>4</sup> The Chief Officer must consult the Director of City Development before taking any key or major decision.

<sup>5</sup> "Function" for these purposes is to be construed in a broad and inclusive fashion and includes the doing of anything which is calculated to facilitate or is conducive or incidental to the discharge of any of the specified functions. The delegation also includes the appointment of the Chief Officer as "proper officer" for the purpose of any function delegated to him/her under these arrangements.

This page is intentionally left blank



**CHIEF OFFICER (ENVIRONMENT SERVICES)**

With the exception of those matters where

- (i) an appropriate Executive Member<sup>1</sup> or the Director of Environment and Neighbourhoods has directed that the delegated authority should not be exercised and that the matter should be referred to the Executive Board for consideration<sup>2</sup>; or
- (ii) the Director of Environment and Neighbourhoods has directed that the delegated authority should not be exercised and that the matter be referred to him/her for consideration

the Chief Officer (Environment Services)<sup>3</sup> is authorised<sup>4</sup> to discharge the following functions<sup>5</sup>:

1. Local choice functions which have been assigned to the Executive (see Section 1 Part 3 of the Constitution):
  - (a) the service of an abatement notice in respect of a statutory nuisance;
  - (b) the passing of a resolution that schedule 2 of the Noise and Statutory Nuisance Act 1993 should apply in the authority's area;
  - (c) the inspection of the authority's area to detect any statutory nuisance;
  - (d) the investigation of any complaint as to the existence of a statutory nuisance; and
  - (e) the control of pollution or management of air quality.
2. Any function of the Executive in relation to:
  - (a) the condition and occupation of private<sup>6</sup> housing;

---

<sup>1</sup> An "appropriate Executive Member" is the Leader or other appropriate portfolio-holding Member of the Executive Board

<sup>2</sup> The Chief Officer may consider in respect of any matter that the delegated authority should not be exercised and that it should be referred for consideration to the Executive Board or to the Director of Environment and Neighbourhoods

<sup>3</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>4</sup> The Chief Officer must consult the Director of Environment and Neighbourhoods before taking any key or major decisions.

<sup>5</sup> "Function" for these purposes is to be construed in a broad and inclusive fashion and includes the doing of anything which is calculated to facilitate or is conducive or incidental to the discharge of any of the specified functions. The delegation also includes the appointment of the Chief Officer as "proper officer" for the purpose of any function delegated to him/her under these arrangements.

<sup>6</sup> That is, housing which is not owned by the council.

*Officer Delegation Scheme (Executive Functions)*

- (b) environmental and consumer protection, health and safety other than in relation to Council employees, public health (including the investigation and control of notifiable diseases);
- (c) animal welfare; and
- (d) streetscene management and related enforcement functions, including parking enforcement, street and gully cleansing, refuse collection, waste management, public conveniences, graffiti removal, fly-tipping and dog warden services.

**ASSISTANT CHIEF EXECUTIVE (PLANNING, POLICY AND IMPROVEMENT)**

With the exception of those matters where an appropriate Executive Member<sup>1</sup> has directed that the delegated authority should not be exercised and that the matter should be referred to the Executive Board for consideration<sup>2</sup>, the Assistant Chief Executive (Planning Policy and Improvement)<sup>3</sup> is authorised to discharge any function<sup>4</sup> of the Executive in relation to:

- (a) corporate planning and policy development;
- (b) corporate equality and diversity activities;
- (c) performance management;
- (d) service improvement and transformation;
- (e) international and external relations;
- (f) communications strategy and policy;
- (g) press and media relations;
- (h) knowledge and information management; and
- (i) customer services and the promotion of welfare rights.

---

<sup>1</sup> An “appropriate Executive Member” is the Leader or other appropriate portfolio-holding Member of the Executive Board.

<sup>2</sup> The Assistant Chief Executive may consider in respect of any matter that the delegated authority should not be exercised and that it should be referred for consideration by the Executive Board.

<sup>3</sup> The fact that a function has been delegated to the Assistant Chief Executive does not require the Assistant Chief Executive to give the matter his/her personal attention and he/she may arrange for such delegation to be exercised by an officer of suitable experience and seniority. However, the Assistant Chief Executive remains responsible for any decision taken pursuant to such arrangements.

<sup>4</sup> “Function” for these purposes is to be construed in a broad and inclusive fashion, and includes the doing of anything which is calculated to facilitate or is conducive or incidental to the discharge of any of the specified functions. The delegation also includes the appointment of the Assistant Chief Executive as “proper officer” for the purpose of any function delegated to him/her under these arrangements.

This page is intentionally left blank

**THE ASSISTANT CHIEF EXECUTIVE (CORPORATE GOVERNANCE)**

With the exception of those matters where an appropriate Executive Member<sup>1</sup> has directed that the delegated authority should not be exercised and that the matter should be referred to the Executive Board for consideration<sup>2</sup>, the Assistant Chief Executive (Corporate Governance)<sup>3</sup> is authorised to:

- (a) act as Solicitor to the Council and to take any action intended to give effect to a decision of the Executive or an officer, including the commencement, defence, withdrawal or settlement of proceedings, and the authorisation of Council officers to conduct legal matters in court;
- (b) discharge any function<sup>4</sup> of the Executive in relation to:
  - (i) the management of corporate governance;
  - (ii) land charges;
  - (iii) vehicle licensing, other licensing<sup>5</sup> and enforcement;
  - (iv) elections;
  - (v) data protection, human rights, freedom of information and the regulation of surveillance activities;
  - (vi) the registration of births, deaths, marriages and civil partnerships;
  - (vii) the management of matters relating to Members, the Lord Mayor, committees and scrutiny support;
  - (viii) parish councils; and
  - (viii) procurement and purchasing.

---

<sup>1</sup> An "appropriate Executive Member" is the Leader or other appropriate portfolio-holding Member of the Executive Board

<sup>2</sup> The Assistant Chief Executive may consider in respect of any matter that the delegated authority should not be exercised and that it should be referred to the Executive Board for consideration

<sup>3</sup> The fact that a function has been delegated to the Assistant Chief Executive does not require the Assistant Chief Executive to give the matter his/her personal attention and the Assistant Chief Executive may arrange for such delegation to be exercised by an officer of suitable experience and seniority. However the Assistant Chief Executive remains responsible for any decision taken pursuant to such arrangements.

<sup>4</sup> "Function" for these purposes is to be construed in a broad and inclusive fashion and includes the doing of anything which is calculated to facilitate or is conducive or incidental to the discharge of any of the specified functions. The delegation also includes the appointment of the Assistant Chief Executive as "proper officer" for the purpose of any function delegated to him/her under these arrangements. Note, however, for purposes of data protection, human rights, freedom of information, and the regulation of surveillance activities "function" is limited to preparing policies and strategies for approval, guidance and advice, notification and dealings with the Information Commissioner generally, and monitoring compliance.

<sup>5</sup> Under the Licensing Act 2003, and the Gambling Act 2005.

This page is intentionally left blank

### **SECTION 3D: AREA FUNCTIONS - EXPLANATORY NOTE**

Area Functions are executive functions which the Executive Board has delegated to the Area Committees. These functions are exercisable concurrently by the Executive Board, and relevant Directors in accordance with the Officer Delegation Scheme (Executive Functions).

The Executive set out the extent of the delegation in relation to specific functions and the total resources available for each function on an area basis (this is the total allocation and not the allocation to each Area Committee).

Currently Area Functions cover the following functions:

- Youth Service
- Community Centres
- Leeds Community Safety CCTV
- Neighbourhood Wardens
- Leeds Community Safety – Police Community Support Officers
- Waste Management (recycling banks)
- Public Conveniences

Area Committees also have powers to promote the social, economic and environmental well-being of their areas. They each have a well-being budget to discharge this function. This is covered a three year capital allocation and an annual revenue allocation, and set out in a separate Function Schedule.

This page is intentionally left blank



## ADDENDUM 1

1. In accordance with Section 27 of the Housing Act 1985 (as amended) and the General Approval for Housing Management Agreements 1994, the authority delegated management and maintenance functions to:

### **Belle Isle Tenant Management Organisation**

The following functions were delegated<sup>3</sup>:

- the management and maintenance of Council housing, Council garages, land vested in Neighbourhoods and Housing and other assets as agreed with the Council to facilitate the day to day management of Council housing within the Tenant Management Organisation area. This excludes the management of estate shops;
- responsive repairs and maintenance of those assets delegated to the Tenant Management Organisation;
- the repair inspection process;
- the planned and cyclical maintenance of those assets delegated to the Tenant Management Organisation;
- the responsibility to consult with tenants on repairs and improvements to those assets delegated to the Tenant Management Organisation;
- the delivery of energy efficient responses to repairs and modernisation that contributes to the Council's Best Value performance responsibility;
- to contribute fully to the regeneration policies of the area within which the Tenant Management Organisation operates;
- management of leasehold self improvements;
- the management of Sheltered Housing schemes excluding the management of the wardens;
- the management of Supported Housing schemes including the staff;
- the responsibility to manage and maintain those premises used as housing offices;
- the management and maintenance and repair of tenant resource centres or meeting rooms within the Tenant Management Organisation area;
- to make best use of housing stock;
- the selection of tenants for vacant properties in accordance with the Council's lettings policy;
- the allocation of new tenancies in accordance with the Council's lettings policy;
- the notification to and signing up of new tenants in accordance with the Council's lettings policy;
- the transferring of tenants in accordance with the Council's lettings policy;
- the management of successions in accordance with the Council's lettings policy;
- the management of Mutual Exchanges in accordance with the Council's lettings policy;

---

<sup>3</sup> In respect of properties within the Leeds South Homes Limited in Belle Isle North and Belle Isle South

### *Officer Delegation Scheme (Executive Functions)*

- the collection of rent due and the recovery of current and former tenants arrears along with other charges falling due;
- the processing of the tenants insurance scheme;
- the management of the terms and conditions of tenancies and the enforcement of the same;
- the environmental management of housing estates;
- the processing of requests for action to tackle Anti Social Behaviour;
- the development of tenant involvement structures including tenant compacts;
- the provision of information about service delivery, changes to service delivery and performance of service delivery to tenants;
- the letting of contracts in relation to the delegated functions in accordance with the Procurement Protocol;
- the provision of financial management of the revenue budget. The provision of financial and statistical returns as and when directed or requested;
- the provision of reports to tenants about the Tenant Management Organisation;
- the management of employee relations;
- the responsibility to proactively work with the local Area Housing Partnership;
- the preparation of an annual Service Improvement Plan;
- the management of performance in line with the performance management framework; and
- the negotiation of Service Level Agreements in accordance with value for money principles.

### **Arms' Length Management Organisations**

In accordance with the approval of the Secretary of State, the authority delegated<sup>4</sup> housing management functions as follows to:

**East North East Homes Leeds Ltd**  
**Aire Valley Homes Leeds Ltd**  
**West North West Homes Leeds Ltd**

- The management and maintenance of Council housing, council garages, land vested in Neighbourhoods & Housing Department, Estate shops, and other assets as agreed with the Council to facilitate the day to day management of Council housing within the ALMO area (in this Annex collectively called "Assets")
- The repair and maintenance, whether responsive or major, of such Assets
- The repair inspection process relating to such Assets
- The planned and cyclical maintenance of such Assets
- The modernisation and improvement of such Assets
- The maintenance of stock condition data on such Assets
- The responsibility to consult with tenants on repairs and improvements to such Assets
- Clearance of such Assets and the responsibility to decant tenants where appropriate
- The delivery of energy efficient responses to repairs and modernisation in relation to such Assets that contributes to the Council's Best Value performance responsibility

---

<sup>4</sup> By agreement s in 05 and 07

## *Officer Delegation Scheme (Executive Functions)*

- To contribute fully to the regeneration policies of the area within which the ALMO operates
- Leasehold management within the ALMO area
- The management of Sheltered Housing schemes
- The management of Supported Housing schemes including the staff
- The responsibility to manage and maintain those premises used as housing offices as set out in Annex 9
- The management and maintenance and repair of tenant resource centres or meeting rooms within the ALMO area
- To make best use of housing stock
- The selection of tenants for vacant properties in accordance with the Council's lettings policy
- The granting of new tenancies in accordance with the Council's lettings policy
- The notification to and signing up of new tenants in accordance with the Council's lettings policy
- Transferring tenants in accordance with the Council's lettings policy
- The management of successions in accordance with the Council's lettings policy
- The management of Mutual Exchanges in accordance with the Council's lettings policy
- The collection of rent due and the recovery of current and former tenants arrears along with other charges falling due
- The processing of the tenants insurance scheme
- The management of the terms and conditions of tenancies and the enforcement of the same
- The environmental management of housing estates
- The processing of requests for action to tackle Anti Social Behaviour
- The development of tenant involvement structures including tenant compacts
- The provision of information about service delivery, changes to service delivery and performance of service delivery to tenants
- The letting of contracts in accordance with the terms of this Agreement
- The provision of financial management, both revenue and capital, to the ALMO
- The provision of financial and statistical returns as and when directed or requested
- The provision of reports to tenants about the ALMO
- The management of employee relations
- The responsibility to proactively work with the local Area Housing Partnership
- The preparation of Business Plans
- The management of performance in line with the Performance Management Framework
- The negotiation of Service Contracts/Service Level Agreements in accordance with value for money principles.

This page is intentionally left blank