

Public Document Pack

Supplementary Information for 30th March 2011 General Purposes Committee.

Agenda Item 6. Minutes of the meeting of General Purposes Committee held on 23rd March 2011. Page 1

Agenda Item 7. Amendments to the Constitution. Page 3

This page is intentionally left blank

Agenda Item 6

GENERAL PURPOSES COMMITTEE

WEDNESDAY, 23RD MARCH, 2011

PRESENT: Councillor K Wakefield in the Chair

Councillors M Lobley (As substitute for A Carter) S Bentley, A Blackburn, J L Carter, R Finnigan, P Gruen, A Lowe and J Procter

Apologies Councillor
J Blake, A Carter and S Golton

46 Appeals against refusal of inspection of documents

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

47 Exempt Information - possible exclusion of the press and public

There were no resolutions to exclude the public.

48 Late items

There were no late items added to the agenda.

49 Declaration of Interests

There were no declarations of interest made.

50 Apologies for absence

Apologies were received from Councillors Golton, Blake and A Carter.

51 Minutes of the Previous Meeting

RESOLVED - That the minutes of the General Purposes Committee meeting held on 4th February 2011 be approved as a correct record.

52 Amendment to Officer Delegation Scheme (Council (non-executive) Functions).

The Head of Governance Services informed the Committee that further work had become necessary on the revisions to the delegation scheme.

RESOLVED - General Purposes Committee resolved to withdraw the report from the agenda.

(Councillor A Blackburn entered the meeting at 9:14pm during the discussion of this item)

Draft minutes to be approved at the meeting
to be held on Wednesday, 30th March, 2011

53 Changes to the Budget and Policy Framework

The Head of Corporate Policy and Performance presented a report of the Assistant Chief Executive (Planning, Policy and Improvement). The report proposed amendments to the Budget and Policy Framework and made recommendations to full Council to amend Article 4 of the Constitution.

Members discussed changes to the planning framework and noted the need to ensure that accountability for expenditure by the Council on crime and disorder is not adversely affected by any partnerships required to be set up in due course by the Policing Reform Bill when enacted.

RESOLVED - General Purposes Committee resolved to:

- (a) recommend to full Council to approve the amendments to Article 4, as set out in Appendix 2 in the report, and the consequential amendments set out in paragraphs 3.7 and 3.8 of the report, all amendments to be of effect from the new municipal year 2011/12; and
- (b) receive a briefing note detailing the possible partnership arrangements that may be required to be set up by the Policing Reform Bill.

54 Work Programme

The Assistant Chief Executive (Corporate Governance) submitted a report notifying Members of the draft work programme for the 2010/11 municipal year.

RESOLVED – Members of the General Purposes Committee resolved to agree that the draft work programme for 2010/11 be noted.



Originator: Andy Hodson

Tel: 2243208

Chief Executive

General Purposes Committee

Date: 23rd March 2011

Subject: Amendments to The Constitution

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 requests the Committee to recommend amendments to the constitution to full Council. The amendments are proposed following staff changes, namely that the posts of Assistant Chief Executive (Corporate Governance) and Chief Officer (Legal Licensing and Registration) will be vacant from 1 April 2011.
2. It is proposed that the Chief Executive is to assume responsibility for those functions relating to elections and changes to governance arrangements, which are currently delegated to the Assistant Chief Executive (Corporate Governance). The Director of Resources is to assume responsibility for the functions of Democratic Services, Procurement, and Licensing and Registration and an interim appointment is being made internally for up to six months to a post designated as City Solicitor.
3. Amendments are therefore proposed to re-allocate the responsibilities given to the Assistant Chief Executive (Corporate Governance) under the constitution, and designate the new post of City Solicitor as Monitoring Officer.
4. The report also outlines proposals about the appointment of Deputy Electoral Registration Officers.
5. A number of consequential amendments are also proposed, as a result of the staffing changes.

1.0 Purpose Of This Report

This report seeks approval for changes to the constitution (including to the officer scheme of delegation (council functions)) which are urgently required as a result of staff changes within the Council.

2.0 Background Information

- 2.1 With effect from 1 April 2011, the posts of Assistant Chief Executive (Corporate Governance) and Chief Officer (Legal Licensing and Registration) will be vacant.
- 2.2 The Chief Executive is to assume responsibility for elections and changes to governance arrangements which are currently delegated. The Director of Resources is to assume responsibility for the functions of Democratic Services, Procurement and Licensing and Registration, and an interim appointment is being made internally for up to six months to a post designated as City Solicitor.
- 2.4 The Assistant Chief Executive (Corporate Governance) is also the Council's Monitoring Officer. This post will therefore need to be re-designated, as the position of Monitoring Officer is a statutory requirement.
- 2.5 The Chief Executive is the Electoral Registration Officer, and the Returning Officer for local elections. Currently, the Assistant Chief Executive (Corporate Governance), the Chief Officer (Legal Licensing and Registration) and the Electoral Services Manager are designated as Deputy Electoral Registration Officers. The position in relation to deputies needs to be re-considered.

3.0 Main Issues

- 3.1 A number of constitutional amendments are now proposed, to reflect and implement the staffing changes.

Officer delegation scheme

- 3.2 The Council currently delegates functions under the officer delegation scheme (Council functions) to the Assistant Chief Executive (Corporate Governance). In addition, licensing functions which are the responsibility of the Licensing Committee, have also been delegated to the post by that committee.
- 3.3 General Purposes Committee are asked to recommend that full Council withdraw their delegations to the post of Assistant Chief Executive (Corporate Governance) under the officer delegation scheme (Council functions). It is proposed that Council functions relating to elections and changes to governance arrangements are now delegated to the Chief Executive, as shown in Appendix 1. It is also proposed that all other Council functions currently delegated to the Assistant Chief Executive are now delegated on the same terms to the Director of Resources as set out in Appendix 2 to this report.
- 3.4 For completeness, Appendix 2 (delegation to the Director of Resources) also shows those delegations which are the responsibility of Licensing Committee and which may be delegated to the Director of Resources by that Committee. These delegations are shown in italics, as they are subject to the approval of Licensing Committee, which meets on 28 March to consider the matter. Officers will be able to verbally confirm the outcome of that meeting to this Committee.

Designation of Monitoring Officer

- 3.5 Given the nature of the statutory Monitoring Officer functions, it is proposed that, for the time being at least, the interim City Solicitor is designated as Monitoring Officer. The Committee are therefore asked to recommend that full Council designate the post accordingly. By law, it is for the Monitoring Officer to nominate a deputy for the purposes of their duties under Section 5 Local Government and Housing Act 1989, so this will be confirmed in due course by the interim City Solicitor.

Deputy Electoral Registration Officer

- 3.5 It is proposed that the interim City Solicitor and the Head of Licensing and Registration are appointed as Deputy Electoral Registration Officers, to replace:
- the Assistant Chief Executive (Corporate Governance)
 - Chief Officer (Legal Licensing and Registration)
 - The Electoral Services Manager.

Deputy Returning Officers

- 3.7 Section 35(4) of the Representation of the People Act 1983 provides that the Returning Officer for local elections may in writing appoint one or more persons to discharge all of any of his functions.
- 3.8 The Committee are therefore asked to note the proposed appointment by the Chief Executive, of the City Solicitor and Head of Licensing and Registration as Deputy Returning Officers.

Consequential amendments to the constitution

- 3.9 Throughout the constitution there are references to the Assistant Chief Executive (Corporate Governance), and to the Chief Officer (Legal Licensing and Registration) which now need to be amended. These are identified in Appendix 3 to this report, which sets out how it is proposed that the responsibilities of these posts under the constitution are re-allocated between the Chief Executive, the Director of Resources, and the City Solicitor. It is also proposed that responsibilities relating to scrutiny currently delegated to the Assistant Chief Executive, should be allocated to the statutory Scrutiny Officer (the Head of Scrutiny and Member Development).
- 3.10 As set out in Appendix 3, it is proposed that functions of the Assistant Chief Executive acting in the capacity as Monitoring Officer are allocated explicitly to the Monitoring Officer, albeit that they will be discharged, for the time being, by the interim City Solicitor.

4.0 Implications For Council Policy And Governance

- 4.1 Under its Code of Corporate Governance, the Council is committed to ensuring that the necessary roles and responsibilities for the governance of the Council are identified and allocated, so that it is clear who is accountable for decisions.

5.0 Legal And Resource Implications

- 5.1 In accordance with the Local Government Act 2000, the Council is required to prepare a constitution and keep it up to date. The proposed amendments set out in

this report will ensure that the constitution accurately reflects the decision making accountability in the Council in relation to Council functions.

- 5.2 Further amendments are required in relation to the executive functions currently discharged by the Assistant Chief Executive (Corporate Governance). Amendments to the officer delegation scheme (Executive functions) are approved by the Leader, and are reported to full Council in accordance with the Executive Procedure Rules.

6.0 Conclusions

- 6.1 Amendments to the constitution are necessary to reflect the staffing changes outlined above.

7.0 Recommendations

- 7.1 General Purposes Committee are requested to recommend to full Council

(a) To withdraw the delegations to the Assistant Chief Executive (Corporate Governance) under the officer delegation scheme (Council functions);

(b) To amend the delegation to the Chief Executive, as set out in Appendix 1 to this report;

(b) To amend the delegation to the Director of Resources, as set out in Appendix 2 to this report;

(c) To designate the City Solicitor as Monitoring Officer;

(d) To appoint the City Solicitor and the Head of Licensing and Registration as Deputy Electoral Registration Officers;

(e) To note the proposed appointment by the Chief Executive of the City Solicitor and Head of Licensing and Registration as Deputy Returning Officers; and

(f) To further amend the constitution as set out in appendix 3 to this report.

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

Chief Executive

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

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

Functions relating to Elections:

(a)	To assign officers in relation to requisitions of the registration officer	Section 52(4) of the Representation of the People Act 1983
(b)	To provide assistance at European Parliamentary elections	Section 6(7) and (8) of the European Parliamentary Elections Act 2002
(c)	To divide constituency into polling districts	Section 18A to 18E of and Schedule A1 to the Representation of the People Act 1983
(d)	To divide electoral divisions into polling districts at local government elections	Section 31 of the Representation of the People Act 1983
(e)	Powers in respect of holding of elections	Section 39(4) of the Representation of the People Act 1983
(f)	To pay expenses properly incurred by electoral registration officer	Section 54 of the Representation of the People Act 1983
(g)	To fill vacancies in the event of insufficient nominations	Section 21 of the Representation of the People Act 1985
(h)	To declare vacancy in office in certain cases	Section 86 of the Local Government Act 1972
(i)	To give public notice of a casual vacancy	Section 87 of the Local Government Act 1972
(j)	To submit proposals to the Secretary of State for an order under section 10 (pilot schemes for local elections in England and Wales) of the Representation of the People Act 2000	Section 10 of the Representation of the People Act 2000
(k)	<u>Functions relating to community governance²:</u> i <u>Duties relating to community governance reviews</u>	<u>Section 79 of the Local Government and Public Involvement in Health Act 2007</u>

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

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

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

	ii <u>Functions relating to community governance petitions</u>	<u>Sections 80, 83 to 85 of the Local Government and Public Involvement in Health Act 2007</u>
	iii <u>Functions relating to terms of reference of review</u>	<u>Sections 81(4) to (6) of the Local Government and Public Involvement in Health Act 2007</u>
	iv <u>Power to undertake a community governance review</u>	<u>Section 82 of the Local Government and Public Involvement in Health Act 2007</u>
	v <u>Duties when undertaking review</u>	<u>Section 93 to 95 of the Local Government and Public Involvement in Health Act 2007</u>
	vi <u>Duty to publicise outcome of review</u>	<u>Section 96 of the Local Government and Public Involvement in Health Act 2007</u>
	vii <u>Duty to send two copies of order to Secretary of State and Electoral Commission</u>	<u>Section 98(1) of the Local Government and Public Involvement in Health Act 2007</u>
(l)	<u>Functions relating to consultation and notification processes in relation to changing the name of an electoral area³</u>	<u>S59(1) of the Local Government and Public Involvement in Health Act 2007</u>
(m)	<u>To dissolve small parish councils</u>	<u>Section 10 of the Local Government Act 1972</u>
(n)	<u>To make orders for grouping parishes, dissolving groups and separating parishes from groups</u>	<u>Section 11 of the Local Government Act 1972</u>
(o)	<u>To make temporary appointments to parish councils</u>	<u>Section 91 of the Local Government Act 1972</u>

Functions relating to changing governance arrangements

(a)	<u>To consult prior to drawing up proposals⁴</u>	<u>S33E Local Government Act 2000</u>
(b)	<u>To make arrangements to hold a referendum⁵</u>	<u>S33K(2) Local Government Act 2000</u>
(c)	<u>To publish a notice if proposals are not approved in referendum</u>	<u>S33K(6) Local Government Act 2000</u>
(d)	<u>To implement new governance arrangements</u>	<u>S33G and S33H Local Government Act 2000</u>
(e)	<u>To comply with any direction from the Secretary of State</u>	<u>S33I Local Government Act 2000</u>

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

⁴ Subject to consultation with party Leaders about the consultation plan

⁵ Where the Council has decided to hold a referendum

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

Director of Resources

1. The Director of Resources¹ is authorised to discharge the following Local Choice Functions which have been assigned to full Council (see Part 3 Section 1 of the Constitution):

(a)	<u>To appoint review boards under the Social Security Act 1998</u> ²
(b)	<u>To make arrangements for appeals against exclusion of pupils from maintained schools</u>
(c)	<u>To make arrangements for appeals regarding school admissions</u> ³
(d)	<u>To make arrangements for appeals by governing bodies</u> ⁴
(e)	<u>To make arrangements to enable questions to be put at Council meetings on the discharge of the functions of a police authority</u> ⁵

2. Subject to the Exceptions listed below, the Director of Resources is authorised to discharge the following Council (non-executive) functions:

Functions relating to Human Resources

(a)	<u>Functions relating to local government pensions, etc</u>	<u>Regulations under section 7, 12 or 24 of the Superannuation Act 1972</u>
(b)	<u>To make arrangements to consider and determine employee appeals in relation to grievances, grading and dismissal</u> ⁶	<u>Section 112 Local Government Act 1972</u>
(c)	<u>To determine employee terms and conditions</u>	<u>Section 112 Local Government Act 1972</u>

Functions relating to standing orders

(a)	<u>To make standing orders</u>	<u>Section 106 of, and paragraph 42 of Schedule 12 to the Local Government Act 1972</u>
(b)	<u>To make standing orders as to contracts</u>	<u>Section 135 of the Local Government Act 1972</u>

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

² s34 (4) Social Security Act 1998

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

⁴ s95 (2) School Standards and Framework Act 1998

⁵ s20 Police Act 1996

⁶ Except in relation to those which are to be determined by the Employment Committee
Part 3 Section 2C

Regulatory Functions⁷

(a)	<u>*To license scrap yards</u>	<u>Section 1 of the Scrap Metal Dealers Act 1964</u>
(b)	<u>*To approve premises for the solemnisation of marriages</u>	<u>Section 46A of the Marriage Act 1949 and the Marriages (Approved Premises) Regulations 1995(SI 1995/510)</u>
(c)	<u>To register motor salvage operators</u>	<u>Part I of the Vehicles (Crime) Act 2001</u>

Exceptions⁸

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

Appointments to Committees Boards and Panels

The Director of Resources is authorised to appoint members to vacancies during the period between the local elections and the Annual Council meeting, in consultation with appropriate whips, in order to secure that meetings necessary to be held during that period can proceed with adequate and appropriate membership levels

† Licensing Functions delegated by Licensing Committee

<p><i>Subject to the exceptions listed below, the Director of Resources is authorised to discharge the licensing functions⁹ of the licensing authority.</i></p> <p><u>Exceptions:</u></p> <ul style="list-style-type: none"> • <i>any licensing function¹⁰ reserved to full Council¹¹; and</i> • <i>any licensing function where full Council has referred a matter to a committee other than the Licensing Committee¹²; and</i> • <i>any licensing function within the terms of reference of the Licensing Sub-committees¹³; and</i> • <i>to object when the Authority is consultee and not the relevant authority considering an application under the 2003 Act</i> 	<p>Licensing Act 2003 and the Gambling Act 2005.</p>
--	--

⁷ The function of licensing dealers in game and the killing and selling of game, listed at paragraph 23 of part B of Schedule 1 to the Functions and Responsibilities Regulations 2000, has been removed from the delegation scheme as the local authority's responsibility in this regard was repealed under the Regulatory Reform (Game) Order 2007.

⁸ Under this delegation scheme (council functions). The General Purposes Committee may however arrange for the discharge of any of its functions by the Director of Resources - (Section 101(2) Local Government Act 1972.

⁹ "Licensing functions" means functions under the 2003 Act and the 2005 Act.

Functions related to the Licensing Functions delegated by Licensing Committee¹⁴

Subject to the exceptions listed below, the Director of Resources is authorised to discharge the functions set out in the following table that are delegated to the Director of Resources by Licensing Committee

(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 licence sex shops and sex cinemas and sexual entertainment venues.	The Local Government (Miscellaneous Provisions) Act 1982, Section 2, Schedule 3, the Policing and Crime Act 2009, Section 27.
(e)	To license performances of hypnotism.	The Hypnotism Act 1952
(f)	* To license persons to collect for charitable and other causes	Section 5 of the Police, Factories etc (Miscellaneous Provisions) Act 1916 and section 2 of the House to House Collections Act 1939

Exceptions

The Director of Resources is not authorised to discharge those functions marked * above where objections have been received. †

¹⁰ "Licensing functions" means functions under the 2003 Act and the 2005 Act.

¹¹ Part 3, Section 2A of the Constitution sets out licensing functions reserved to full Council, as licensing authority under the 2003 Act.

¹² Under the provisions of Section 7(5)(a) of the 2003 Act

¹³ Except where a Licensing sub-committee has arranged for the discharge of any of their functions to an Officer

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

This page is intentionally left blank

Document	Reference	Amendment Proposed
Part 2 Article 9 – Governance Committees	9.3.5.4 Appointment of a new Independent Member to the Standards Committee will be made by Full Council upon the recommendation of a panel. The Panel will include the Assistant Chief Executive (Corporate Governance) and the Chair of the Standards Committee.	Monitoring Officer
Part 2 Article 12 – Officers	Monitoring Officer Post designation to Assistant Chief Executive (Corporate Governance)	City Solicitor
Part 2 Article 14 – Finance, Contract and Legal Matters	<p>14.3 Legal Proceedings The Assistant Chief Executive (Corporate Governance) is authorised to institute, defend or participate in any legal proceedings in any case where such action is necessary to give effect to decisions of the Council or any part of it or in any case where the Assistant Chief Executive (Corporate Governance) considers that such action is necessary to protect the Council’s interests.</p>	City Solicitor City Solicitor City Solicitor
Part 2 Article 14 – Finance, Contract and Legal Matters	<p>14.4 Common Seal of the Council</p> <ul style="list-style-type: none"> • Custody The Common Seal of the Council will be kept in a safe place in the custody of the Assistant Chief Executive (Corporate Governance). • Authority to Use Seal A decision of the Council, or of any part of it, will be sufficient authority for sealing any document necessary to give effect to the decision. The Common Seal will be affixed to those documents which in the opinion of the Assistant Chief Executive (Corporate Governance) should be sealed. The affixing of the Common Seal will be attested by the Assistant Chief Executive (Corporate Governance) or some other person authorised by him/her. • Attestation The Common Seal shall be attested by the signature of the Assistant Chief Executive (Corporate Governance), or the person authorised by him/her, and entry shall be made by the Assistant Chief Executive (Corporate Governance) or some other person authorised by him/her in a book to be provided for that purpose of every deed and other document to which the Common Seal has been affixed. 	City Solicitor City Solicitor City Solicitor City Solicitor City Solicitor

<p>Part 2 Article 14 – Finance, Contract and Legal Matters</p>	<p>14.5 Signature of Documents • Signature of Contracts The Chief Executive and the Assistant Chief Executive (Corporate Governance) (or other person authorised by each of them) shall each be authorised to sign as Agent for the Council all contracts agreed to be entered into by the Council, or any part of it. • Authentication of Documents for Legal Proceedings Where any document will be a necessary step in legal proceedings on behalf of the Council, it shall be signed by the Chief Executive or the Assistant Chief Executive (Corporate Governance) or other person authorised by him/her unless any enactment otherwise requires or authorises, or the Council give the necessary authority to some other person for the purpose of such proceedings</p>	<p>City Solicitor City Solicitor</p>
<p>Part 2 Article 16 – Suspension, Interpretation and Publication of the Constitution</p>	<p>16.3 Publication • The Assistant Chief Executive (Corporate Governance) will ensure that copies are available for inspection at Council offices, libraries and other appropriate locations, and can be purchased by members of the local press and the public on payment of a reasonable fee. • The Assistant Chief Executive (Corporate Governance) will ensure that the summary of the Constitution is made widely available within the area and is updated as necessary.</p>	<p>Monitoring Officer Monitoring Officer</p>
<p>Part 3 Section 2A – Council (non-executive functions)</p>	<p>Functions of Full Council Electoral Arrangements To pass a resolution to change the name of an electoral area⁶ under Section 59(1) of the 2007 Act ⁶ Schedule 1, Para D item 22 of the 2000 Regulations. Functions relating to consultation and notification processes under Section 59 have been delegated to the Assistant Chief Executive (Corporate Governance).</p>	<p>Chief Executive</p>

<p>To appoint an electoral registration officer²⁹ 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.</p> <p>To designate an officer as the Monitoring Officer, and to provide staff etc⁴² The Assistant Chief Executive (Corporate Governance) is appointed as the Monitoring Officer</p> <p><u>Summary of Delegated Functions (Council (non-executive functions))</u> Functions relating to elections⁴⁸ The Assistant Chief Executive (Corporate Governance)</p> <p>Standing Orders Director of Resources in relation to Financial Procedure Rules</p> <p>Assistant Chief Executive (Corporate Governance) in respect of any other Rules</p> <p>Hackney carriages and private hire vehicles⁵⁹ Assistant Chief Executive(Corporate Governance)</p> <p>Sexual entertainment venues, sex shops and sex cinemas⁶⁰ Assistant Chief Executive(Corporate Governance)</p> <p>Performances of hypnotism⁶¹ Assistant Chief Executive(Corporate Governance)</p> <p>Charitable collections⁶² Assistant Chief Executive(Corporate Governance)</p> <p>Food and miscellaneous licensing Assistant Chief Executive(Corporate Governance)</p>	<p>Head of Licensing and Registration, and City Solicitor. Delete reference to Electoral Services Manager</p> <p>City Solicitor</p> <p>Chief Executive</p> <p>Delete reference to Financial Procedure Rules</p> <p>Delete</p> <p>Director of Resources Director of Resources Director of Resources Director of Resources Director of Resources Director of Resources</p>
---	--

<p>Part 3 Section 2B – Council Committees’ Terms of Reference</p>	<p>Scrutiny Board (Central and Corporate Functions) 1. In relation to matters concerning Central and Corporate Functions¹,</p> <p>¹ These are the functions delegated under the officer delegation scheme (council functions) and the officer delegation scheme (executive functions) to:</p> <ul style="list-style-type: none"> the Assistant Chief Executive (Corporate Governance); <p>Employment Committee</p> <p>6. to appoint or dismiss or take disciplinary action against Directors⁴.</p> <p>⁴ "Directors" in this context is to be construed as any officer referred to in sub-paragraph (b), (c), or (d) of paragraph 3 of Part II of Schedule 1 of the Local Authorities (Standing Orders)(England) Regulations 2001, namely:</p> <ul style="list-style-type: none"> the Deputy Chief Executive, the Assistant Chief Executives, those ... 	<p>City Solicitor</p> <p>Amend to singular</p>
<p>Part 3 Section 2C – Officer Delegation Scheme (Council (non-executive) functions)</p>	<p>GENERAL DELEGATIONS TO OFFICERS</p> <p>2. Subject to the exception listed below, in respect of approvals, licences, permission or registrations which come within the terms of their delegated authority, the Chief Executive, the Assistant Chief Executive (Corporate Governance), all Directors¹ and other named officers² are authorised: ...</p> <p>3 The Chief Executive, the Deputy Chief Executive, the Assistant Chief Executive (Corporate Governance), Assistant Chief Executive (Planning Policy and Improvement), all Directors and other named officers⁴ are authorised to carry out the following in respect of those functions for which they have delegated authority⁵: ...</p> <p><i>Officer Delegation Scheme (Council (non-executive) functions)</i> Assistant Chief Executive (Corporate Governance)</p>	<p>Amend footnote 2 definition of named officers to read "These are all other officers listed in Article 12" and delete references to Assistant Chief Executive (Corporate Governance)</p> <p>Withdraw (see report)</p>

	<p>Chief Planning Officer Section 3 Exceptions (h) the determination of applications submitted in a personal capacity by or on behalf of Members, the Chief Executive, Deputy Chief Executive, an Assistant Chief Executive, Director, Chief Officer or any officer who carries out development management functions.</p>	Amend to “the”
Part 3 Section 5 – Guidance Notes on Delegated Decision Making	Contact Name: Body/Person with authority to change the document Nicolé Jackson 24 74537 Assistant Chief Executive (Corporate Governance)	Alan Gay Director of Resources
Part 4 – Council Procedure Rules	7.0 POWERS AND DUTIES OF THE LORD MAYOR ... 7.2 Any duty of the Chief Executive in relation to the conduct of a meeting may be exercised in the Chief Executive's absence by the Assistant Chief Executive (Corporate Governance) . 10.4 The following requirements shall apply to deputations: ... 10.4.3 Representations relating to matters subject to current consideration by a Plans Panel, the Licensing Committee or a sub-committee thereof shall be restricted to those allowed under the Protocol for Public Speaking at Plans Panels or the Licensing Committee Procedure Rules and shall not be allowed as deputations to Council. In cases of doubt the Assistant Chief Executive (Corporate Governance) may require written details of the proposed deputation speech prior to determination of the request.	City Solicitor Director of Resources
Part 4 – Scrutiny Board	Body/Person with authority to change the document: Assistant Chief Executive (Corporate Governance)	Scrutiny Officer

<p>Procedure Rules Guidance Notes</p>	<p>5.0 OPERATION OF THE CALLING IN MECHANISM <u>Delegated Decisions</u> 5.10 The Scrutiny Board report will be submitted to the relevant Director³ ³ This also refers to the Chief Executive, Deputy Chief Executive and Assistant Chief Executives where they have delegated authority to take decisions</p> <p>GUIDANCE NOTE 7 INQUIRY SELECTION CRITERIA 1.0 INTRODUCTION</p> <p>1.1 The Scrutiny Board Procedure Rules require Scrutiny Boards, before deciding to undertake an Inquiry, to:</p> <p><i>Consider how a proposed Inquiry meets criteria approved from time to time by the Assistant Chief Executive (Corporate Governance)¹; and ...</i></p>	<p>Amend to singular</p>
<p>Part 4 – Access to Information Procedure Rules</p>	<p>Contact Name Body/Person with authority to change the document Nicole Jackson Telephone: 247 4537 Assistant Chief Executive (Corporate Governance)</p> <p>5.0 PUBLIC ACCESS TO COPIES 5.1 The Council will supply copies of: ... (c) if the Assistant Chief Executive (Corporate Governance) thinks fit, copies of any other documents supplied to Members in connection with an item to any person on payment of a charge for postage, copying and any other costs.</p>	<p>Scrutiny Officer</p> <p>City Solicitor</p>
	<p>8.0 EXCLUSION OF PUBLIC ACCESS 8.1 The Assistant Chief Executive (Corporate Governance) will exclude access by the public to reports which in her opinion contain confidential information, (as defined in Rule 9). 8.2 If the Assistant Chief Executive (Corporate Governance) thinks fit, access by the public may also be excluded in respect of reports which in her opinion relate to items during which, in accordance with Rule 10 the meeting is likely not to be open to the public.</p>	<p>Monitoring Officer</p> <p>Monitoring Officer</p>

	<p>17.0 PUBLIC ACCESS TO EXECUTIVE DECISIONS - RECORD OF DECISIONS</p> <p>17.1 After any meeting of the Executive or any of its committees, the Assistant Chief Executive (Corporate Governance) or, where no officer was present, the person presiding at the meeting, will produce a record of every decision taken at that meeting as soon as reasonably practicable and make it available for inspection by the public. The record will include a statement of the reasons for each decision and any alternative options considered and rejected at that meeting.</p> <p>24.0 MEMBERS ACCESS – NEED TO KNOW</p> <p>...</p> <p>24.4 Procedure</p> <p>24.4.1 Whether a Member has a need to know will be determined initially by the Director who holds the document in question (with advice from the Assistant Chief Executive (Corporate Governance)).</p> <p>25.0 RIGHTS OF APPEAL</p> <p>...</p> <p>25.2 Appeals where Public Access is denied to a Report or Background Papers</p> <p>...</p> <p>25.2.6 The officer and the person making the appeal (and members of the public, if any) will then be asked to withdraw so that the meeting may consider whether or not to release the document. The meeting will be guided on matters of law and procedure by the Assistant Chief Executive (Corporate Governance) (or nominee) and if necessary may adjourn the proceedings in order to obtain further legal advice.</p> <p>...</p> <p>25.3 Appeals where a Member is denied inspection of a document</p> <p>...</p> <p>25.3.9 Both the officer and the Member will then withdraw so that the committee may consider whether or not to release the document. The committee will be guided on matters of law and procedure by the Assistant Chief Executive (Corporate Governance) (or nominee) and if necessary may adjourn the proceedings in order to obtain further legal advice.</p>	Monitoring Officer
		Monitoring Officer
		Monitoring Officer
		Monitoring Officer

<p>Part 4 – Appointments to Outside Bodies Procedure Rules</p>	<p>4.0 The Appointment Procedure Strategic and Key Partnerships</p> <p>... 4.6 The Assistant Chief Executive (Corporate Governance) will have Delegated authority to make an appointment in the following circumstances:</p> <p>... <u>Community and Local Partnerships</u></p> <p>... 4.13 The Assistant Chief Executive (Corporate Governance) will have Delegated authority to make an appointment where an organisation requires an appointment prior to the next meeting of the relevant Area Committee, subject to all Members of that Area Committee being consulted on the proposals. ...</p>	<p>Director of Resources</p> <p>Director of Resources</p>
<p>Part 4 – Contracts Procedure Rules</p>	<p>Body / Person with authority to change the document Assistant Chief Executive (Corporate Governance)</p> <p>Definitions</p> <p>... “Invocation/Waiver Report” means a report to the Assistant Chief Executive (Corporate Governance) and the Director of Resources in the form of the Invocation/Waiver Report contained in Appendix 1 of the Contracts’ Procedure Rules.</p> <p>... “Relevant Chief Officer” means the head of the procuring department and includes the Chief Executive, Deputy Chief Executive, Assistant Chief Executives, Directors¹, Chief Officers with appropriate delegations or authorised representative(s) of any of those officers;</p>	<p>Director of Resources</p> <p>City Solicitor</p> <p>City Solicitor</p>

	<p>4 Exempt Contracts</p> <p>4.1 The following contracts are exempt from the requirements of these Contracts' Procedure Rules:</p> <p>...</p> <p>(d) residential and nursing care contracts which the Council has a duty to provide under S21 and S29(4) National Assistance Act 1948, S17 Mental Health Act 1983, S17 Children Act 1989 and S2 Local Government Act 2000, if in the opinion of the appropriate Chief Officer, following consultation with the Assistant Chief executive (Corporate Governance), it is considered to be in the Council's interests and demonstrates Value for Money for the Council.</p> <p>(e) where contracts are subject to the Regulations the following Contracts Procedure Rules shall not apply to procurements that are being conducted pursuant to the UK government Private Finance Initiative scheme, the Building Schools for the Future programme or the Local Improvement Finance Trust and such other similar UK government sponsored procurement schemes as the Assistant Chief executive (Corporate Governance) may, at their discretion, approve:</p> <p>17 Submission, Receipt, Opening and Registration of Tenders/Quotes</p> <p>Tenders</p> <p>17.1 Electronic Tendering</p> <p>17.1.1 Requests for Quotations and Invitations to Tender should be transmitted by electronic means using the Council's SCMS. This will ensure that:</p> <p>...</p> <p>(b) Electronic Tenders or Quotations submitted are kept in a separate secure Electronic Tender Time-Box under the control of the Assistant Chief Executive (Corporate Governance) which is not opened until the deadline has passed for receipt of Tenders or Quotations.</p> <p>...</p> <p>17.2 Hard Copy Tendering</p> <p>17.2.1 Tenders received shall be addressed to the Assistant Chief Executive (Corporate</p>	<p>Director of Resources</p> <p>Director of Resources</p> <p>Director of Resources</p> <p>Director of Resources</p>
--	--	---

	<p>Governance) in a sealed envelope endorsed with the word “Tender” followed by the subject matter to which it relates.</p> <p>... 17.2.2 Tenders shall be opened by the Chief Procurement Officer and if required at least one other Officer nominated by the Assistant Chief Executive (Corporate Governance).</p> <p>... 17.3 Officers who have been involved in preparing a tender bid, must not be involved in the recording or opening of tenders. Only persons authorised by the Relevant Chief Officer (as client), the Assistant Chief Executive (Corporate Governance) and by invitation the Chief Officer of Resources shall attend tender opening. ...</p> <p>24 Contract Terms and Conditions</p> <p>... 24.2 The above rule shall not apply to –</p> <p>(i) contracts that are being conducted pursuant to the UK government Private Finance Initiative scheme, the Building Schools for the Future programme or the Local Improvement Finance Trust and such other similar UK government sponsored procurement schemes as approved by the Assistant Chief Executive (Corporate Governance), which shall use UK government standard documentation. Such documentation may be amended by the Relevant Chief Officer for value for money or project specific reasons</p>	Resources Director of Resources Director of Resources Director of Resources
--	--	--

	<p>31 Waiver of Contracts' Procedure Rules</p> <p>31.1 Waivers of any of these Contracts' Procedure Rules shall only be given in exceptional circumstances and only following consultation with the Assistant Chief Executive (Corporate Governance) and the Director of Resources by submitting the Invocation/Waiver Report form in Appendix 1 and subsequent Delegated Decision which shall be prepared in conjunction with the Chief Procurement Officer</p> <p>31.2 The Relevant Chief Officer must be able to justify a procurement as a genuine exception to the requirements for competition. The reasons for use of this Contracts' Procedure Rule must be documented, and in a format approved by the Assistant Chief Executive (Corporate Governance).</p> <p>...</p> <p>31.4 In exceptional circumstances where a waiver could not or was not obtained the Authorised Officer shall prepare a written report by submitting the Invocation/Waiver Report form in Appendix 1 for consideration by the Assistant Chief Executive (Corporate Governance) and the Director of Resources setting out the reasons why a waiver could not be obtained. The relevant Officers will endeavour to provide comments to the Authorised Officer on all waivers within 7 working days of receipt of the final report by the Assistant Chief Executive (Corporate Governance).</p>	<p>City Solicitor</p> <p>Director of Resources</p> <p>City Solicitor</p> <p>City Solicitor</p>
	<p>34 Contract Claims</p> <p>34.8 The Assistant Chief Executive (Corporate Governance) shall be kept informed at all times of all contractual claims whether by or against the Council.</p>	<p>City Solicitor</p>
<p>Part 4 – Contracts – Code of Practice Relating to Contracts Procedure Rules</p>	<p>Body/Person with authority to change the document Assistant Chief Executive (Corporate Governance) Corporate Procurement Unit</p> <p>2 ACCOUNTING ARRANGEMENTS</p> <p>...</p> <p>2.10 Retention of documents Financial records, including documentation relating to contracts for work done, services and supplies, shall not be disposed of other than in accordance with arrangements approved</p>	<p>Director of Resource</p>

	<p>and amended from time to time by the Director of Resources. Contract records shall not be disposed of other than in accordance with arrangements approved by the Assistant Chief Executive (Corporate Governance).</p>	<p>Director of Resources</p>
<p>Part 4 – Financial Procedure Rules</p>	<p>8. ORDERS 8.1 Requirements of official orders (a) In addition to compliance with Contract Procedure Rules, official orders for work to be performed or goods supplied shall meet the following requirements: (i) be in writing and in a form approved by the Director of Resources and, where necessary, the Assistant Chief Executive (Corporate Governance);</p> <p>10. CONTRACTS ... 10.5 Claims from contractors in respect of matters not clearly within the terms of any existing contract shall be referred to the Assistant Chief Executive (Corporate Governance) for consideration of the Council's legal liability. Directors must inform the Director of Resources of such claims and the potential financial liability.</p> <p>10.6 (a) As soon as it has been established that the Council, in the opinion of the Director supervising the contract, is entitled to recover liquidated damages then that Director shall inform the Assistant Chief Executive (Corporate Governance) of the amount involved together with details of any mitigating circumstances, and certify that any applications for extensions of time have been considered. The Assistant Chief Executive (Corporate Governance) shall advise of relevant areas of law.</p> <p>... 10.7 If the Assistant Chief Executive (Corporate Governance) considers it inappropriate to recover all or part of any damages, the approval of the Director of Resources shall be sought.</p>	<p>Delete</p> <p>City Solicitor</p> <p>City Solicitor</p> <p>City Solicitor</p> <p>City Solicitor</p>

	<p>15. CUSTODY AND SECURITY OF ASSETS 15.5 Custody of legal documents The Assistant Chief Executive (Corporate Governance) shall be responsible for the custody of all legal deeds, agreements and contract documents. The arrangements for the custody of such documents shall be subject to the written approval of the Director of Resources. Documents should be retained in compliance with Appendix A.</p>	Delete and refer only to appendix A
	<p>APPENDIX Q FINANCIAL PROCEDURE RULE 15 CUSTODY & SECURITY OF ASSETS - PROCEDURE GUIDELINES</p> <p>... 14. LEGAL DOCUMENTS (INCLUDING CONTRACTS) 14.1. Legal documents and contracts relating to transactions are kept in the safe custody of the Assistant Chief Executive (Corporate Governance) in line with Appendix A. Where, however, this function (for lower value contracts) is delegated to a Director or his/her authorised nominee, it is important that there is a record of the document's existence and that the original contract documents are kept in a secure place under lock and key.</p>	City Solicitor
	<p>APPENDIX R FINANCIAL PROCEDURE RULE NO. 15.6 RECOVERY/RESTITUTION RELATING TO MISAPPROPRIATION OR THEFT OF CASH AND/OR PROPERTY BY COUNCIL EMPLOYEES</p> <p>... 3. RECOVERY ALTERNATIVES 3.1. The alternative courses of action outlined below are put forward after consultation with the Assistant Chief Executive (Corporate Governance) and represent practical, legitimate ways of recovering losses from the employee responsible. Any one or all of them should be followed, as appropriate.</p>	Delete reference

	<p>3.4. Recovery via the <u>L.G. Pension Fund</u></p> <p>... The advice of the Assistant Chief Executive (Corporate Governance) should be sought in such instances.</p> <p>Applications for recovery should be referred to the Assistant Chief Executive (Corporate Governance). ...</p>	City Solicitor
Part 5 – The Employee Code of Conduct	<p>1.0 Preamble</p> <p>2. For the purposes of this Code, the term “Director” refers to the Chief Executive, the Assistant Chief Executives and Directors only, and does not include those Chief Officers with concurrent delegations listed in Article 12 of the Constitution</p> <p>Body/Person with authority to change the document Assistant Chief Executive (Corporate Governance) ¹</p>	Amend to singular
Part 5 – Protocol for the Coordination of External Audit and Inspection Reports	<p>Part A(i). <u>Service inspections</u> ...</p> <p>1. As soon as the relevant Director is aware that a service inspection is due they will inform the Chief Executive, the Assistant Chief Executive (Planning, Policy and Improvement), the Assistant Chief Executive (Corporate Governance) and the Head of Scrutiny and Member Development that an inspection is to take place and the relevant timescales.</p> <p>Part B. <u>External Audit Reports</u> ...</p> <p>1. At the commencement of external audit work the External Auditor will advise, via email, the Chief Officer (Audit and Risk), the Assistant Chief Executive (Policy, Performance and Improvement), the Assistant Chief Executive (Corporate Governance), and the Head of Scrutiny and Member Development of the agreed brief for the audit work and the likely timescales for completion.</p>	Director of Resources
Part 6 – Members’ Allowances Scheme	<p>Body/Person with authority to change the document Assistant Chief Executive (Corporate Governance)</p>	Monitoring Officer
Part 7 – Management Structure	<p>Body/Person with authority to change the document Assistant Chief Executive (Corporate Governance) Post of Assistant Chief Executive (Corporate Governance)</p>	Monitoring Officer
		Director of Resources
		Director of Resources Replace with City Solicitor

Chief Officer (Legal Licensing and Registration References)

<p>Part 4 – Appointments to Outside Bodies Procedure Rules</p>	<p>Support for Elected Member Appointees To External Organisations</p> <p>Lead officer: A lead officer will be identified by the Chief Democratic Services Officer in consultation with the relevant Director for all relevant appointments in the Strategic and Key Partnerships category .</p> <p>This officer will work closely with the appointed Member(s) to provide briefings and support. Further advice will also be offered by the Chief Finance Officer and/or the Chief Officer (Legal Licensing and Registration) as appropriate.</p>	<p>City Solicitor</p>
<p>Part 5 – Code of Practice for the Determination of Planning Matters</p>	<p>7.0 AREA COMMITTEES</p> <p>7.1 The introduction of Area Committees within Leeds City Council also requires recognition of the “Dual Hatted” roles which members of the Plans Panel and of Area Committees must consider. There is a possibility that you may be considered as pre determining a matter if you have spoken in support or against it or are closely associated with such a decision taken at the Area Committee. If you are unsure, you should take advice from the Chief Officer (Legal Licensing and Registration) or the Chief Planning Officer.</p> <p>12.0 ATTENDANCE AT PLANS PANEL AND SITE VISITS</p> <p>12.1 ...</p> <p>If you are unsure, you should take advice from the Chief Planning Officer and Chief Officer (Legal Licensing and Registration).</p>	<p>Monitoring Officer</p> <p>Monitoring Officer</p>