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## GENERAL PURPOSES COMMITTEE

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Meeting to be held in Civic Hall, Leeds, LS1 1UR on  
Tuesday, 7th May, 2013 at 2.00 pm

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### MEMBERSHIP

#### Councillors

A Blackburn	-	Farnley and Wortley;
J Blake	-	Middleton Park;
R Finnigan	-	Morley North;
S Golton	-	Rothwell;
P Gruen	-	Cross Gates and Whinmoor;
G Latty	-	Guiseley and Rawdon;
J Lewis	-	Kippax and Methley;
A Lowe	-	Armley;
E Nash	-	City and Hunslet;
J Procter	-	Wetherby;
M Rafique	-	Chapel Allerton;
K Wakefield (Chair)	-	Kippax and Methley;

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# A G E N D A

Item No	Ward/Equal Opportunities	Item Not Open		Page No
1			<p><b>APPEALS AGAINST REFUSAL OF INSPECTION OF DOCUMENTS</b></p> <p>To consider any appeals in accordance with Procedure Rule 25 of the Access to Information Procedure Rules (in the event of an appeal the press and public will be excluded).</p> <p>(*In accordance with Procedure Rule 25, written notice of an appeal must be received by the Head of Governance Services at least 24 hours before the meeting)</p>	
2			<p><b>EXEMPT INFORMATION - POSSIBLE EXCLUSION OF THE PRESS AND PUBLIC</b></p> <p>1 To highlight reports or appendices which officers have identified as containing exempt information, and where officers consider that the public interest in maintaining the exemption outweighs the public interest in disclosing the information, for the reasons outlined in the report.</p> <p>2 To consider whether or not to accept the officers recommendation in respect of the above information.</p> <p>3 If so, to formally pass the following resolution:-</p> <p><b>RESOLVED</b> – That the press and public be excluded from the meeting during consideration of the following parts of the agenda designated as containing exempt information on the grounds that it is likely, in view of the nature of the business to be transacted or the nature of the proceedings, that if members of the press and public were present there would be disclosure to them of exempt information, as follows:-</p>	

Item No	Ward/Equal Opportunities	Item Not Open		Page No
3			<p><b>LATE ITEMS</b></p> <p>To identify items which have been admitted to the agenda by the Chair for consideration</p> <p>(The special circumstances shall be specified in the minutes)</p>	
4			<p><b>DECLARATION OF DISCLOSABLE PECUNIARY AND OTHER INTERESTS</b></p> <p>To disclose or draw attention to any disclosable pecuniary interests for the purposes of Section 31 of the Localism Act 2011 and paragraphs 13-16 of the Members' Code of Conduct.</p>	
5			<p><b>APOLOGIES FOR ABSENCE</b></p> <p>To receive any apologies for absence from the meeting.</p>	
6			<p><b>MINUTES OF THE PREVIOUS MEETING</b></p> <p>To receive as a correct record the minutes of the meeting held on 12<sup>th</sup> February 2013.</p>	1 - 4
7			<p><b>ESTABLISHING A HEALTH AND WELLBEING BOARD</b></p> <p>To receive the report of the City Solicitor and Director of Adult Social Care to consider and make recommendations to full Council about the governance arrangements for a Leeds Health and Wellbeing Board and other associated amendments to the constitution.</p>	5 - 20
8			<p><b>EXECUTIVE AND DECISION MAKING PROCEDURE RULES</b></p> <p>To receive the report of the Director of Resources to consider the introduction of amendments to the Executive and Decision Making Procedure Rules.</p>	21 - 44

Item No	Ward/Equal Opportunities	Item Not Open		Page No
9			<p><b>SIX MONTH REVIEW OF THE PLANS PANEL ARRANGEMENTS</b></p> <p>To receive a report of the Chief Planning Officer to review the new arrangements for member decision making through the formation of the three new plans panels to assess the effectiveness of the new arrangements after six months of operation.</p>	45 - 54
10			<p><b>MEMBER MANAGEMENT COMMITTEE TERMS OF REFERENCE</b></p> <p><b>ITEM WITHDRAWN FOLLOWING DISCUSSION BETWEEN THE CHAIR AND THE HEAD OF GOVERNANCE SERVICES</b></p> <p>To receive the report of the City Solicitor to incorporate the functions of the Standards and Conduct Committee within the Terms of Reference of Member Management Committee.</p>	
11			<p><b>AMENDMENTS TO THE OFFICER DELEGATION SCHEME - COUNCIL FUNCTIONS</b></p> <p>To receive a report of the Chief Executive to consider and make recommendations to full Council the amendments to the Officer Delegation Scheme (Council Functions)</p>	55 - 64

# Agenda Item 6

## GENERAL PURPOSES COMMITTEE

TUESDAY, 12TH FEBRUARY, 2013

**PRESENT:** Councillor K Wakefield in the Chair

Councillors A Blackburn, J Blake, S Golton,  
P Gruen, G Latty, T Leadley(in place of  
Councillor Finnigan), J Lewis, A Lowe,  
E Nash, J Procter and M Rafique

Apologies Councillors R Finnigan

**33 Appeals against refusal of inspection of documents**

No appeals against refusal of inspection of documents.

**34 Exempt Information - possible exclusion of the press and public**

There were no resolutions to exclude the public.

**35 Late items**

There were no late items submitted to the agenda.

**36 Declaration of Disclosable Pecuniary and Other Interests**

No declarations of disclosable pecuniary and other interests.

**37 Apologies for absence**

Apologies were received from Councillor Finnigan.

**38 Minutes of the previous meeting**

**RESOLVED** – That the minutes of the General Purposes Committee meeting held on 25<sup>th</sup> October 2012 be approved as a correct record.

**39 Joint Review of all Polling Districts, Places and Stations and Community Governance Review of all Parish and Town Council Arrangements**

The Head of Licensing and Registration presented a report setting out the process and timetable for the Joint Review of Polling Districts, Stations and a Community Governance Review of all Parish and Town Council arrangements.

In response to Members questions the Head of Licensing and Registration confirmed that the consideration of outcome/potential impact of work on site allocations (being undertaken by the Chief Planning Officer) is a factor the review could consider.

Members were asked to agree to the arrangements set out and particularly to agree that the Election Working Group be used as the working group through which discussions in respect of consultation responses could take place.

**RESOLVED –**

- a) That the process for the joint Review of Polling Districts, Places and Stations and Community Governance Review of all Parish and Town Council Arrangements as set out in this report be agreed;
- b) That the timetable for the joint Review as set out at Appendix A to the report be agreed;
- c) That the Terms of Reference for the Community Governance Review of all Parish and Town Councils as set out in Appendix B to the report; be agreed; and,
- d) That Elections Working Group be used as the working group through which to discuss the results of any representations received in response to both consultation exercises, and provide recommendations for General Purposes Committee's consideration.

Cllr. A. Blackburn and Cllr. S. Golton entered the meeting during consideration of this item

**40 Implementation of the 2013/14 Pay Policy Statement**

The Head of Human Resources presented a report detailing revisions to the Pay Policy Statement, and asking that the Committee recommend that full Council approve the changes before the start of the 2013/14 Financial Year.

The Committee endorsed the amendments to the policy as set out in the report (and accompanying Appendix) and asked that further amendments be made to the Policy prior to submission to full Council for approval as follows;

Under Section 2;

- That numbered paragraphs 2 and 3 be combined;
- That, where the Employment Committee has not been involved in the appointment of a Senior Officer, that any departures from the Pay Policy be consulted upon with the appropriate Executive Members, including the Executive Member within whose portfolio the post reports, the Executive Member with responsibility for Human Resources and the Leader of Council;
- That the Leader be consulted upon all termination payments to Senior Officers covered by the Pay Policy.
- That reference to the prevailing National Minimum Wage be inserted into the policy for comparison purposes.

**RESOLVED-** The General Purposes Committee resolved to;

- a) note the assurances provided in respect to compliance with the policy

- b) recommend to full Council approval of the Pay Policy Statement set out in Appendix 1 to the report, subject to the inclusion of amendments set above.

#### **41 Appointment of Independent Person**

The City Solicitor presented a report outlining the Standards and Conduct Committee's conclusions in respect of the appointment term of the Council's Independent Person. The report asked that General Purposes Committee recommend that full Council vary its original decision taken on 11th July 2012 and extend the current appointee's appointment for a further four years.

**RESOLVED** – The General Purposes Committee resolved to recommend to full Council that the original decision of full Council (taken on 11th July 2012) in respect of the period of appointment of Mr Gordon Tollefson as the Council's Independent Person be varied, and that Mr Tollefson's existing appointment be extended for a further four years.

#### **42 Proposed changes to Standards and Conduct arrangements**

The City Solicitor presented a report setting out amendments to both the Member's Code of Conduct and the procedure for considering complaints proposed by the Standards and Conduct Committee.

**RESOLVED** – The General Purposes Committee resolved to recommend to full Council approval of amendments to;

- a) the Members' Code of Conduct, and
- b) the procedure for considering complaints

as set out in the report and appendices to it.

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**Report of the City Solicitor/Director of Adult Social Services**

**Report to General Purposes Committee**

**Date: 7 May 2013**

**Subject: Establishing a Health and Wellbeing Board**

Are specific electoral Wards affected? If relevant, name(s) of Ward(s):	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
Are there implications for equality and diversity and cohesion and integration?	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
Is the decision eligible for Call-In?	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
Does the report contain confidential or exempt information? If relevant, Access to Information Procedure Rule number: Appendix number:	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No

**Summary of main issues**

- 1      The Health and Social Care Act 2012 made fundamental changes to the organisation of the health service, including the transfer of public health functions to local authorities.
- 2      The 2012 Act requires the authority to establish a Health and Wellbeing Board as a committee, to discharge specific statutory functions. The minimum membership of the Board is prescribed by statute, but the authority and the Board itself may appoint additional appropriate people. The authority may direct which members should be non-voting, but only after consultation with the Health and Wellbeing Board.
- 3      The report outlines the recommendations of the Executive Board at its meeting on 24 April, in relation to governance arrangements for the Board.
- 4      This report asks the General Purposes Committee to consider and make recommendations to full Council about the proposed arrangements for a Health and Wellbeing Board.

**Recommendations**

- 5      General Purposes Committee are asked to:
- 5.1    Consider the recommendations of the Executive Board in relation to governance arrangements for the Health and Wellbeing Board; and

5.2 Make the following recommendations to full Council:

- To approve the terms of reference for the Health and Wellbeing Board set out in appendix 1 to this report.
- To approve the membership proposals for the Health and Wellbeing Board set out in appendix 2 to this report.
- To approve amendments to the Council Procedure Rules to provide for:
  - the quorum for the Health and Wellbeing Board to be four to include one councillor and a Clinical Commissioning Group (CCG) representative; and
  - substitute arrangements for councillors who are members of the Leeds Health and Wellbeing Board, as set out in paragraph 3 to this report.
- To consult the Health and Wellbeing Board about the proposed direction in relation to voting rights, as set out in paragraph 3 of this report.
- To delegate authority to the City Solicitor:
  - to consider the response of the Health and Wellbeing Board about the direction in relation to voting rights, and subject to consultation with the Leader, to make a direction; and
  - further to any appointments made by the Health and Wellbeing Board, amend the Council Procedure Rules to provide for substitute arrangements for voting non-councillor members of the Board, in the terms outlined in paragraph 3 of this report.
- To approve a new Article 17 relating to Health, as set out in appendix 3.
- To approve amendments to the Area Committees' terms of reference so that those committees may advise or make representations to the Health and Wellbeing Board, and also consider proposals referred to them by the Health and Wellbeing Board.
- To approve amendments to the Executive and Decision-making Procedure Rules as set out in appendix A to item 8 on the agenda.

## 1 Purpose of this report

- 1.1 Further to the Health and Social Care Act 2012, to ask the General Purposes Committee to make recommendations to full Council about governance arrangements for the Health and Wellbeing Board.

## 2 Background information

- 2.1 The Health and Social Care Act 2012 made significant changes to the overall structure of the health service, and transferred functions relating to public health to the local authority. The Act has significantly impacted on the authority's governance arrangements. From 1 April, (to be reported to full Council on 8 May), the Leader amended the officer delegation scheme (executive functions) to authorise the Director of Public Health to discharge new statutory responsibilities. Health scrutiny arrangements and other consequential amendments were also amended to reflect changes in the legislation.
- 2.2 The 2012 Act requires the authority to establish a **Health and Wellbeing Board**, as a **committee** of full Council.
- 2.3 At its meeting on 24 April 2012, the Executive Board considered a report from the Director of Adult Social Services about establishing the Health and Wellbeing Board. This report provided background information about the 2012 Act.
- 2.4 The report to the Executive Board also outlined work carried out by the shadow Health and Wellbeing Board for Leeds (established in September 2011), and detailed information about the proposed purpose and approach of the Health and Wellbeing Board. The report indicated that the primary purposes of the Board will be to improve the health and wellbeing of the population of the city and in doing so improve the health of the poorest the fastest. Some of the key functions of the Board are shared statutory duties of the authority and the new Clinical Commissioning Groups (CCGs), and other partners are also involved in the Board. It is therefore vital to retain and build upon the spirit of joint working which has been developed by the shadow Board.
- 2.5 At the meeting on 24 April, the Executive Board made recommendations to this committee about governance arrangements for the Health and Wellbeing Board. These are detailed in paragraph 3, below.
- 2.6 The 2012 Act sets a statutory **core minimum membership**, which includes:
- at least one councillor (to be nominated by the Leader);
  - the directors of Adult Social Services, Children's Services and Public Health;
  - a representative appointed by Local Healthwatch; and
  - a representative appointed by each CCG (of which there are 3 within the authority's area).
- 2.7 However, the authority and/or the Health and Wellbeing Board can appoint additional members, as they think appropriate. A representative from NHS

England (previously known as NHS Commissioning Board) is also required to “participate” when the Board are discharging certain functions.

- 2.8 Many of the usual statutory provisions relating to council committees apply to the Board, such as those relating to access to information. However, regulations modify some provisions. In particular, **no political balance** requirements apply to appointments to the Board.
- 2.9 Regulations also provide for all members on the Board, (including council officers and co-optees) to be **voting** members **unless** the authority has **directed** otherwise. Before making such a direction, the authority must consult with the Board. Any voting co-optees (including officers) will need to comply with the authority’s Members’ Code of Conduct.

### 3 Main issues

- 3.1 The proposed **terms of reference** for the Board are attached as appendix 1 to this report. These reflect the specific statutory “core” functions which the Board must carry out. Functions include preparing the joint strategic needs assessment (JSNA) and the joint health and wellbeing strategy (JHWS) (on behalf of the authority and CCGs), and encouraging integrated working (functions 1 – 3).
- 3.2 The Act also provides that Board may also discharge **other functions** delegated to it by the authority (reflected in function 9 of the terms of reference). There are currently no proposals for any council function to be delegated to the Board, nor any executive functions. However, it is proposed to update the Executive and Decision Making Procedure Rules to clarify that the Leader may delegate executive functions to the Board at any time. Any such delegations will be reported by the Monitoring Officer to the next ordinary meeting of full Council. The proposed amendments also provide for the Leader to notify full Council of any delegations to the Health and Wellbeing Board, at the annual meeting. Appendix A of item 8 on this agenda sets out these amendments, together with other unrelated updates to the Rules. Any decisions taken by the Board in relation to these other functions, may be subject to call in – see further below.
- 3.3 The **proposed membership** for the Board, as recommended to this committee by the Executive Board at its meeting on 24 April, is set out in appendix 2 to this report. The Leader has indicated that he will nominate 3 Executive Members to the Health and Wellbeing Board, and one further councillor from each of the main opposition groups (to promote cross-group consensus about the decisions taken by the Board). This reflects the existing number and balance of councillors on the shadow Board. The three statutory officers must all be members; as must 3 CCG representatives (each CCG directly appointing its representative), and a representative directly appointed by Healthwatch Leeds (the Local Healthwatch organisation).
- 3.4 To complement the statutory membership, the Executive Board recommended that the following are appropriate additional representatives, who should be appointed by the authority:

- a representative of the third sector (in its capacity as a commissioner, since it plays a strategic role in commissioning and bringing resources to the City); and
- a representative of NHS England (which is responsible for approximately a third of the health expenditure in the city, and which directly commissions primary care and specialist services, and is therefore a vital partner in realising the City's vision).

3.5 It is not proposed that the authority appoints a provider representative to the Board; the Leeds Health and Social Care Transformation Programme Board is an established forum for commissioners and providers to discuss how to improve services and efficiency.

3.6 As stated above, the Leeds Health and Wellbeing Board may itself appoint such additional members as it thinks appropriate. It recommended that in recognition of the partnership nature of the Board, any further appointments should be left for determination by the Health and Wellbeing Board itself. From work undertaken by the shadow Board to date, it is anticipated that such appointments are likely to be a second CCG representative from each CCG, and an additional Healthwatch Leeds representative.

3.7 The Executive Board recommended the **voting arrangements** set out in appendix 2 to this report. That is, that the following should vote:

- all councillors appointed to the Board by full Council;
- the representative directly appointed by each CCG;
- the representative directly appointed by Healthwatch Leeds; and
- the Third Sector representative.

This arrangement provides for a **parity of votes** between the Council and its partners. This reflects the nature of the Health and Wellbeing Board as a partnership. The Chair will have a casting vote in the event of an equality of votes.

3.8 The terms of a **direction** to give effect to these voting arrangements, are as follows:

“The Council directs that all members of the Health and Wellbeing Board shall be non-voting except for:

- all councillors appointed to the Board by full Council;
- the representative directly appointed by each CCG;
- the representative directly appointed by Healthwatch Leeds; and
- the Third Sector representative.

Any substitute member appointed under Council Procedure Rules who is attending a meeting in place of one of the above members, may also vote at that meeting.”

- 3.9 The direction itself may be reviewed or amended at any time. Identifying non-voting members in this way, (that is, by exception), secures the parity of voting arrangements, whatever additional appointments may be made to the Board. The direction can only be made after consultation with the Health and Wellbeing Board. It is therefore proposed that the City Solicitor is given delegated authority to consider the response of the Health and Wellbeing Board, and subject to consultation with the Leader, to make a direction about voting.
- 3.10 The Executive Board recommended that to provide that the **quorum** for the Health and Wellbeing Board should be four, including one councillor and a CCG representative.
- 3.11 The Executive Board also recommended that **substitute** members for councillors on the Leeds Health and Wellbeing Board, are be appointed via nomination from the relevant group whip, and that relevant non-voting representatives act as substitutes for other voting representatives. It is therefore is proposed that the City Solicitor be given delegated authority to amend the Procedure Rules to provide for a non-voting representative to substitute for a relevant voting representative, should the Health and Wellbeing Board appoint any additional members to the Board.
- 3.12 It is also proposed that a **new Article** be approved, setting out the authority’s arrangements relating to health. The proposed Article is set out in appendix 4 to this report.
- 3.13 Consequential amendments to the **terms of reference for Area Committees** are also proposed, so that those committees may advise or make representations to the Health and Wellbeing Board, and may also consider any proposals referred to them by the Health and Wellbeing Board.
- 3.14 In relation to **scrutiny**, the terms of reference for the Scrutiny Board (Health and Well-being and Adult Social Care) have been updated by the Monitoring Officer under her delegated authority, to reflect legislative changes to health scrutiny arrangements. As part of those amendments, the Scrutiny Board’s general review and scrutiny functions were also extended to functions discharged by the Health and Wellbeing Board.
- 3.15 By law, decisions taken by the Health and Wellbeing Board under its core statutory functions **cannot** be subject to **call-in**, as they are not executive functions. However, any executive decisions taken by the Health and Wellbeing Board (that is, taken in respect of any functions delegated from the Leader) must comply with the usual provisions about executive decisions. Any key decisions taken on behalf of the Leader by the Board will therefore be subject to call-in.

Further amendments are also proposed to the **Executive and Decision Making Procedure Rules** to clarify the position in relation to call in, and the process to be followed if a decision is referred back to the Health and Wellbeing Board as

decision maker. It is proposed that if a matter is urgent, the Rules provide for a relevant Director (under their existing concurrent delegated authority), to confirm a decision of the Board, or vary a decision in line with the recommendations of a Scrutiny Board. These proposed amendments are also set out in appendix A of item 8 on this agenda.

#### **4 Corporate Considerations**

##### **4.1 Consultation and Engagement**

4.1.1 The Executive Board, at its meeting on 24 April 2012 considered governance arrangements for the Board, as detailed in this report. Other consultation was previously carried out with a number of citywide strategic partnership groups, (the Integrated Commissioning Executive, the Leeds Health and Social Care Transformation Programme Board, and the shadow Health and Wellbeing Board, which includes relevant Executive Members).

##### **4.2 Equality and Diversity / Cohesion and Integration**

4.2.1 As a local authority committee, the Health and Wellbeing Board will have to meet public sector equality duties. Equality considerations integrated into the JSNA and JHWS processes will help the authority and other health bodies discharge these equality duties.

##### **4.3 Council policies and City Priorities**

4.3.1 The JHWS will inform Health and Wellbeing City Priority Plan, and drive forward its delivery.

##### **4.4 Resources and value for money**

4.4.1 The JHWS will be based upon a number of factors, including the current financial context. It will be designed to inform commissioning plans across the partnership with a view to making the best use of collective resources.

##### **4.5 Legal Implications, Access to Information and Call In**

4.5.1 This decision is not open to call-in. No information in this report has been classified as exempt.

4.5.2 The proposed arrangements for the Health and Wellbeing Board comply with the requirements of the legislation.

##### **4.6 Risk Management**

4.6.1 The establishment of a robust Health and Wellbeing Board will place Leeds in an excellent position to mitigate the risks presented by the unprecedented changes in the structure of the NHS, as well as taking advantage of opportunities arising. The Board will develop its own risk register.

## **5 Conclusions**

- 5.1 The requirement to establish a Health and Wellbeing Board provides an opportunity to integrate partnership working into the authority's formal decision-making arrangements.
- 5.2 Appointing additional non-statutory members will broaden and strengthen partner engagement with the Health and Wellbeing Board. The arrangements will help build a strong and effective partnership to improve the commissioning and delivery of services across the authority and NHS. This, in turn, should lead to improved health and wellbeing for local people.

## **6 Recommendations**

- 6.2.1 General Purposes Committee are asked to:
- 6.2.2 Consider the recommendations of the Executive Board in relation to governance arrangements for the Health and Wellbeing Board; and
- 6.2.3 Make the following recommendations to full Council:
- To approve the terms of reference for the Health and Wellbeing Board set out in appendix 1 to this report.
  - To approve the membership proposals for the Health and Wellbeing Board set out in appendix 2 to this report.
  - To approve amendments to the Council Procedure Rules to provide for:
    - the quorum for the Health and Wellbeing Board to be four to include one councillor and a Clinical Commissioning Group (CCG) representative; and
    - substitute arrangements for councillors who are members of the Leeds Health and Wellbeing Board, as set out in paragraph 3 to this report.
  - To consult the Health and Wellbeing Board about the proposed direction in relation to voting rights, as set out in paragraph 3 of this report.
  - To delegate authority to the City Solicitor:
    - to consider the response of the Health and Wellbeing Board about the direction in relation to voting rights, and subject to consultation with the Leader, to make a direction; and
    - further to any appointments made by the Health and Wellbeing Board, amend the Council Procedure Rules to provide for substitute arrangements for voting non-councillor members of the Board, in the terms outlined in paragraph 3 of this report.
  - To approve a new Article 17 relating to Health, as set out in appendix 3.



- To approve amendments to the Area Committees' terms of reference so that those committees may advise or make representations to the Health and Wellbeing Board, and also consider proposals referred to them by the Health and Wellbeing Board.
- To approve amendments to the Executive and Decision-making Procedure Rules as set out in appendix A to item 8 on the agenda.

## **7 Background documents<sup>1</sup>**

7.1 None

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<sup>1</sup> The background documents listed in this section are available to download from the Council's website, unless they contain confidential or exempt information. The list of background documents does not include published works.

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## Terms of reference

### Health and Wellbeing Board

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

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

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

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

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

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

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

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

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

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

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

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

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# Health and Wellbeing Board – membership proposals

## Appendix 2

Statutory provisions	Mandatory	Membership proposed	Voting arrangements (if draft direction is made)	LCC votes	Partner votes
<b>Appointed by the local authority:</b> At least one councillor nominated by the Leader	✓	To be nominated by the Leader and appointed by full Council: <ul style="list-style-type: none"> <li>• Executive Member for Health and Wellbeing</li> <li>• Executive Member for Adult Social Care</li> <li>• Executive Member for Children’s Services</li> <li>• Councillor from main opposition group</li> <li>• Councillor from main opposition group</li> </ul>	✓ ✓ ✓ ✓ ✓	5	
	✓	Full Council to appoint	x	x	
	✓	Full Council to appoint	x	x	
<b>Director of Adult Social Services</b> <b>Director of Children’s Services</b> <b>Director of Public Health</b>	✓	Full Council to appoint	x	x	
	✓	Full Council to appoint	x	x	
	✓	Full Council to appoint	x	x	
Such other persons or representatives of such other persons as the local authority thinks appropriate	x	Full council to appoint: <ul style="list-style-type: none"> <li>• a third sector representative</li> <li>• NHS England representative</li> </ul>	✓ x		1
<b>Appointed by Local Healthwatch:</b> 1 representative	✓	To be appointed by Healthwatch Leeds	✓		1
<b>Appointed by each relevant CCG:</b> 1 representative	✓	To be appointed by each CCG	✓ ✓ ✓		3
<b>Appointed by Health and Wellbeing Board:</b> Such additional persons as the Board thinks appropriate	x	To be confirmed, but anticipated to be: <ul style="list-style-type: none"> <li>• 3 additional CCG representatives; and</li> <li>• An additional Healthwatch Leeds representative.</li> </ul>	x		
<b>TOTALS</b>			<b>10</b>	<b>5</b>	<b>5</b>

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## Article 17 - Health

### General duties

The authority must in exercising any functions, have regard to its:

- joint strategic needs assessment; and
- joint health and wellbeing strategy.

### Health and Wellbeing Board

The Council will appoint a Health and Wellbeing Board as set out in Part 3 Section 2B of this Constitution to discharge the functions described in Part 3 Section 2A.

By law, the **minimum membership** of the Health and Wellbeing Board must include:

- At least one councillor nominated by the Leader;
- A representative from each local Clinical Commissioning Group;
- The Director of Public Health;
- The Director of Children's Services;
- The Director of Adult Social Services; and
- A representative of the local healthwatch organisation.

Membership may also include such other persons or representatives of such other persons as the local authority or the Health and Wellbeing Board thinks appropriate.

The current membership of the Leeds Health and Wellbeing Board is set out in Part 3 Section 2B of the constitution.

All members on the Health and Wellbeing Board shall be able to vote, unless full Council direct otherwise<sup>1</sup>.

### Director of Public Health

The authority acting jointly with the Secretary of State will appoint a Director of Public Health<sup>2</sup>.

### Health Scrutiny Functions

The authority has arranged for its health scrutiny functions to be discharged by the Scrutiny Board (Health and Wellbeing and Adult Social Care) – see further Article 6.

<sup>1</sup> (minute to be inserted of any direction)

<sup>2</sup> In accordance with Section 73A NHS Act 2006

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**Report of the Director of Resources**

**Report to General Purposes Committee**

**Date: 7<sup>th</sup> May 2013**

**Subject: Executive and Decision Making Procedure Rules**

Are specific electoral Wards affected? If relevant, name(s) of Ward(s):	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
Are there implications for equality and diversity and cohesion and integration?	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
Is the decision eligible for Call-In?	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
Does the report contain confidential or exempt information? If relevant, Access to Information Procedure Rule number: Appendix number:	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No

**Summary of main issues**

1. In May 2012 the Council adopted new Executive and Decision Making Procedure Rules bringing together all aspects of the executive decision making process set out within the Council's constitution.
2. In August 2012 the Secretary of State for Communities and Local Government enacted the Local Authorities (Executive Arrangements) (Meetings and Access to Information) (England) Regulations 2012, which came into force on 10<sup>th</sup> September 2012.
3. Following consultation with General Purposes Committee, Head of Governance Services took steps to ensure that practice within the Council was compliant with the 2012 Regulations.
4. As part of the Annual Review of the Constitution it is timely now to amend the procedures to reflect both the 2012 Regulations and the arrangements that were put in place by the Head of Governance Services. This report introduces amendments to the Executive and Decision Making Procedure Rules, attached as Appendix A to this report, which are intended to ensure that this practice and procedure is adequately reflected in the Council's Constitution.

**Recommendations**

5. General Purposes Committee are requested to approve the Executive and Decision Making Procedure Rules save for those set out at Rules 1.1 to 1.4, 2.1 and 3.1 of the

proposed amended Executive and Decision Making Procedure Rules set out in Appendix A attached.

6. General Purposes Committee are requested to recommend that Full Council authorises the City Solicitor to make further amendments to the Constitution consequential upon the changes to these procedures.

## **1 Purpose of this report**

- 1.1 This report introduces amendments to the Executive and Decision Making Procedure Rules which are intended to reflect the Council's practice and procedure in relation to executive decision making, as amended in light of the enactment of the Local Authorities (Executive Arrangements) (Meetings and Access to Information) (England) Regulations 2012.

## **2 Background information**

- 2.1 At the Executive Board meeting of 16<sup>th</sup> May 2012 and the Annual Meeting of Council of 21<sup>st</sup> May Council 2012, the Executive and Decision Making Procedure Rules were adopted. These rules brought together the various provisions relating to the making of executive decisions, previously dispersed throughout the Council's constitution.
- 2.2 On 10<sup>th</sup> August 2012, the Secretary of State for Communities and Local Government made the Local Authorities (Executive Arrangements) (Meetings and Access to Information) (England) Regulations 2012, (the 2012 Regulations) which govern the making of executive decisions.
- 2.3 At its meeting of 30<sup>th</sup> August 2012 the General Purposes Committee were invited to consider the implications of the 2012 Regulations, and noted the intention of the Solicitor to the Council to amend the Constitution to give effect to the Regulations and to the Council's current practice in respect of executive decision making.

## **3 Main issues**

- 3.1 Following the consultation with the General Purposes Committee on 30<sup>th</sup> August 2012, the Head of Governance Services has taken steps to ensure that the Council's practice reflects the requirements set out in the 2012 Regulations. In addition the Head of Governance Services has offered full briefings in relation to the changes to all Directorate Management Teams, together with update briefings made available to all officers involved in the decision making process.
- 3.2 As part of the Annual Review of the Constitution the Head of Governance Services now proposes that the Executive and Decision Making Procedure Rules should be amended to read as set out in Appendix A attached, giving a clear account of the executive decision making practice and procedure adopted by Leeds City Council in accordance with the 2012 Regulations. Including in particular:-

- Notification of meetings at which exempt or confidential information is to be considered at both 28 and 5 days prior to the meeting.
- Inclusion of proposed Key Decisions are in the List of Forthcoming Key Decisions for 28 days prior to being taken. (This replaces the previous Forward Plan arrangement.)
- Publication of the intention to take a Key decision 5 clear working days in advance of the decision, which although no longer required by the 2012 Regulations was requested by General Purposes Committee.

3.3 As the Executive and Decision Making Procedure Rules bring together the previous Executive Procedure Rules, which were within the remit of the Executive Board and provisions from other procedure rules within the remit of Full Council, the approval of these rules is divided between Executive Board and Full Council.

3.4 Executive Board are to be requested to approve those items contained within rules 1.1 to 1.4, 2.1 and 3.1 at their meeting of 8<sup>th</sup> May 2012. These provisions concern:-

- The responsibility for and delegation of executive functions;
- The responsibility for determining the frequency, location and time of Executive Board meetings; and
- Practical arrangements in relation to attendance at and the organisation of business of the Executive Board.

3.5 General Purposes Committee are requested to recommend approval of the remaining rules to Full Council at its meeting on 20<sup>th</sup> May 2013. These rules make provision for:-

- Notice to be given in respect of meetings of the Executive Board and executive decisions to be taken by Members or officers;
- Compliance with the Budget and Policy Framework;
- Recording of decisions taken by Members or officers;
- Implementation of executive decisions, including the operation of Call In; and
- The Scrutiny of Key decisions which have been wrongly treated.

3.6 Further to the amendments to the Executive and Decision Making Procedure Rules it will be necessary to make a number of consequential amendments to the Council's Constitution and others for the purposes of clarification only. General Purposes Committee is requested to recommend that Full Council authorise the City Solicitor to make relevant consequential amendments.

## **4 Corporate Considerations**

### **4.1 Consultation and Engagement**

4.1.1 The General Purposes Committee were consulted upon enactment of the 2012 regulations and their comments taken into account in the variation of practice to meet the requirements of those regulations, whilst maintaining what was considered to be best practice within the authority.

4.1.2 More recently the Corporate Leadership Team have been invited to comment on the proposed new Executive and Decision Making Procedure Rules.

## **4.2 Equality and Diversity / Cohesion and Integration**

4.2.1 There are no implications in relation to the proposed new rules.

## **4.3 Council policies and City Priorities**

4.3.1 The Council's Business Plan 2011 – 2015 sets out the Council's priorities in delivering services to the public over that period. Particularly the priorities and performance measures for Corporate Directorate require that we "Ensure there are good rules and procedures to govern the council's business".

## **4.4 Resources and value for money**

4.4.1 The controls in place on decision making enable Members to scrutinise decisions to ensure value for money. The new rules retain provisions in relation to notification of proposed Key decisions which are no longer required by law following the 2012 Regulations, as Members indicated that these provisions were of value in their review of decision making within the authority.

## **4.5 Legal Implications, Access to Information and Call In**

4.5.1 Whilst practice and procedure has at all times been compliant with current legislation, these amendments ensure that the Council's Constitution accurately reflects that practice and procedure.

## **4.6 Risk Management**

4.6.2 There are no risks arising from this report.

## **5 Conclusions**

5.1 The amended Executive and Decision Making Procedure Rules set out at Appendix A to this report would ensure that the Council's Constitution contains an accurate reflection of the practice and procedure adopted by the authority in line with the 2012 Regulations.

## **6 Recommendations**

6.1 General Purposes Committee are requested to recommend to Full Council the adoption of the Executive and Decision Making Procedure Rules as set out at Appendix A attached, save for Rules 1.1 to 1.4, 2.1 and 3.1 which Executive Board are to be asked to approve.

6.2 General Purposes Committee are requested to recommend that Full Council authorises the City Solicitor to make further amendments to the Constitution consequential upon the changes to these procedures.

**7 Background documents<sup>1</sup>**

7.1 None

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<sup>1</sup> The background documents listed in this section are available to download from the Council's website, unless they contain confidential or exempt information. The list of background documents does not include published works.

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**EXECUTIVE AND DECISION MAKING PROCEDURE RULES****1. RESPONSIBILITY FOR EXECUTIVE FUNCTIONS****1.1 Who may make executive decisions**

The Leader may discharge any functions which are the responsibility of the Executive<sup>1</sup>; or may provide for executive functions to be discharged collectively by all Executive Members meeting as the Executive Board ; or by

- an individual Executive Member<sup>2</sup>;
- a committee of the Executive;
- an Area Committee;
- the Health and Wellbeing Board;
- joint arrangements;
- another local authority; or
- an officer.

**1.2 Appointment of Executive Members**

The Leader will appoint a Deputy Leader and up to 8 additional Members of the Executive Board<sup>3</sup>. In addition the Leader may appoint Deputy Executive Members and Support Executive Members.

At the annual meeting of the Council, the Leader will present to the Council the names, addresses and wards of the Executive Members, and the names of any Members appointed as Deputy Executive Members and Support Executive Members<sup>4</sup>.

Subject to Article 7, the Leader may appoint Executive Members (and where a vacancy in office arises must appoint a Deputy Leader), Deputy Executive Members or Support Executive Members or remove them from this office at any time<sup>5</sup>. The Leader will report any such appointment or removal to the next ordinary meeting of the Council. The appointment or removal will take effect upon publication of the decision notice.

**1.3 Delegation of Executive Functions**

At the annual meeting, the Leader will present to the Council a written record of executive delegations made by him/her for inclusion in the Council's scheme of delegation at Part 3 to this Constitution. The document presented by the Leader

<sup>1</sup> Subject to any provisions made under Local Government Act 2000 in relation to the discharge of functions by area committees, another local authority or jointly).

<sup>2</sup> This does not currently take place in Leeds

<sup>3</sup> 'Executive Members'

<sup>4</sup> As detailed in Part 3 Section 3A of the Constitution.

<sup>5</sup> This decision will be recorded in accordance with Rule 4.2 but shall not be subject to Call In in accordance with Rule 5.1.2 of these rules.

will contain the following information about executive functions in relation to the coming year:

- the extent of authority of the Executive Board;
- the extent of any authority delegated to individual Executive Members, including details of any limitation on their authority;
- the terms of reference and constitution of such executive committees as the Leader appoints and the names of Executive Members appointed to them;
- the nature and extent of any delegation of executive functions to Area Committees, the Health and Wellbeing Board, any other authority or any joint arrangements and the names of those Executive Members appointed to any joint committee for the coming year; and
- the nature and extent of any delegation to officers with details of any limitation on that delegation, and the title of the officer to whom the delegation is made.

The Leader may amend the scheme of delegation relating to executive functions at any time during the year<sup>6</sup>. The decision notice must set out the extent of the amendment to the scheme of delegation, and whether it entails the withdrawal of delegation from any person, body, committee or the Executive Board. The amendments will take effect upon publication of the decision notice unless otherwise stated thereon. The Leader will present a report to the next ordinary meeting of the Council setting out the changes made by the Leader.

#### 1.4 **Sub-delegation of executive functions**

Subject to any statutory provisions about the discharge of functions to area committees, by another local authority, or the joint exercise of functions:

- if the Leader delegates functions to the Executive Board, then unless he/she directs otherwise, the Executive Board may delegate further to a committee of the executive or to an officer;
- if the Leader delegates functions to an Executive Member, then unless the Leader otherwise directs, that Executive Member may delegate further to an officer.
- if the Leader delegates functions to a committee of the executive, then unless he/she directs otherwise, the committee may delegate further to an officer.

Where executive functions have been delegated, that fact does not prevent the discharge of delegated functions by the person or body who delegated them.

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<sup>6</sup> This decision will be recorded in accordance with Rule 4.2 but shall not be subject to Call In in accordance with Rule 5.1.2 of these rules



## 2. PROCEDURE BEFORE TAKING A DECISION

### 2.1 Executive Meetings – when and where

The Executive Board will meet at a frequency, location and time agreed by the Leader.

### 2.2 Notice of Public Meetings<sup>7</sup>

The Head of Governance Services will arrange to give notice of the time and place of a public meeting by publishing the agenda, together with every report, for that meeting on the Council's website at least five clear working days before the meeting.

Where the meeting is convened less than five clear working days before the meeting, notice will be given by publishing the agenda, together with every report, for that meeting on the Council's website at the time the meeting is convened.

Where an item is added to the agenda for a meeting after publication of that agenda, copies of the revised agenda and any report relating to that item, will be published on the Council's website when the item is added to the agenda.

Nothing in this rule requires a copy of an agenda, item or report to be available for inspection by the public until a copy is available to members of the decision making body concerned.

### 2.3 Notice Of Meetings At Which Exempt Or Confidential Information Is To Be Considered<sup>8</sup>

2.3.1 With the exception of the requirements of the Access to Information Procedure Rules 16 and 17, nothing in these rules permits the disclosure of confidential information<sup>9</sup> or requires the disclosure of exempt information<sup>10</sup>.

2.3.2 Where the whole or part of any report is not available for inspection by the public because it contains confidential or exempt information every copy of that report or part of that report must be marked "not for publication" and must state that it contains confidential information or, by reference to Schedule 12A Local Government Act 1972 the description of exempt information which it contains.

#### 2.3.3 28 Days Notice

At least 28 clear calendar days before a meeting at which exempt or confidential information is to be considered, the Head of Governance Services will arrange for a notice to publish on the Council's website a notice of the intention to hold a meeting, or part of a meeting of the Executive Board<sup>11</sup> in private.

<sup>7</sup> Regulations 6 & 7, Executive Arrangement Regulations 2012

<sup>8</sup> Regulation 5, Executive Arrangement Regulations 2012

<sup>9</sup> As defined at Rule 9.2 Access to Information Procedure Rules.

<sup>10</sup> As defined at Rule 10.4 Access to Information Procedure Rules.

<sup>11</sup> Or a Committee fulfilling executive functions

The notice will include a statement of the reasons why it is intended that the meeting, or part of the meeting, should be held in private.

#### 2.3.4 5 Days Notice

At least five clear working days before a meeting at which exempt or confidential information is to be considered, the Head of Governance Services will publish further notice of the Executive's intention to hold the meeting in private. This will be done by including in an open report to the meeting:-

- A statement of the reasons for the meeting to be held in private;
- Details of any representations received about why the meeting should be open to the public; and
- A statement of response to any such representations

#### 2.3.5 Urgent Meetings At Which Exempt Or Confidential Information Is To Be Considered

Where the date a meeting must be held makes compliance with rules 2.3.1 and 2.3.2 impracticable then the meeting may only consider exempt or confidential items in private with the agreement of the chair of the relevant Scrutiny Board<sup>12</sup>. In considering the matter the Scrutiny Board Chair must be satisfied that the meeting is urgent and cannot reasonably be deferred.

As soon as reasonably practicable after obtaining the Scrutiny Chair's agreement the Head of Governance Services will publish on the Council's website notice of the intention to hold the meeting at which exempt or confidential information is to be considered. This will be done by including in an open report to the meeting:-

- The reason why the meeting is urgent and cannot reasonably be deferred
- Confirmation of the agreement of the chair of the relevant Scrutiny Board.

### 2.4 Publicity in connection with Key Decisions<sup>13</sup>

#### 2.4.1 List of Forthcoming Key Decisions

The Head of Governance Services will maintain a List of Forthcoming Key Decisions which will be published on the Council's website.

If it is intended to take a Key Decision in the course of the discharge of an Executive function, the decision taker<sup>14</sup> will give details of the matter, as set out below, to the Head of Governance Services for inclusion in the List of Forthcoming Key Decisions, not less than 28 days in advance of the date of the proposed decision.

<sup>12</sup> Or in their absence the Lord Mayor, or in the absence of the Lord Mayor, the vice chair of the authority.

<sup>13</sup> Regulation 9, Executive Arrangement Regulations 2012

<sup>14</sup> If the decision is to be taken by a Committee then the officer whose report will be placed before the committee for consideration in relation to the matter is responsible for ensuring that appropriate details are included within the List of Forthcoming Key Decisions.

The List of Forthcoming Key Decisions will give the following information in so far as it is available or might reasonably be obtained:

- the matter in respect of which a decision is to be made;
- where the decision taker is an individual, his/her name and title, if any and where the decision taker is a body, its name and a list of its Members;
- the date on which, or the period within which, the decision will be taken;
- a list of the documents submitted to the decision taker for consideration in relation to the matter;
- the address from which, subject to any prohibition or restriction on their disclosure, copies of, or extracts from, any documents listed are available;
- that other documents relevant to those matters may be submitted to the decision taker; and
- the procedure for requesting details of those documents (if any) as they become available.

Particulars of Key Decisions included in the List of Forthcoming Decisions need not include exempt information and may not include confidential information.

#### 2.4.2 Notification of Delegated Decisions By Directors

Where a Director receives a report which he/she intends to take into account in making any Key Decision, then he/she will not make the decision until the report has been available for public inspection for at least 5 clear days.

The Director will provide the Head of Governance Services with a delegated decision notice stating his/her intention to make the decision and provide a copy of the relevant report.

The Head of Governance Services will arrange for the publication of the notice and accompanying report on the Council's website.

The Head of Governance Services will also arrange for a copy of the report to be forwarded to every Member of the authority as soon as reasonably practicable.

#### 2.5 General Exception<sup>15</sup>

If a matter which is likely to be a Key Decision has not been included in the List of Forthcoming Key Decisions for 28 clear calendar days before the decision is planned to be taken and the decision must be taken by such a date that it is impracticable to defer the decision until the decision has been included in the List of Forthcoming Decisions for 28 clear calendar days, the decision may still be taken if:

- The Head of Governance Services has forwarded a copy of the agenda for the meeting or the delegated decision notice to the chair of the relevant Scrutiny Board;

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<sup>15</sup> Regulation 10, Executive Arrangement Regulations 2012

- the Head of Governance Services has published copies of that agenda or notice on the Council's website; and
- at least 5 clear working days have elapsed since the Head of Governance Services complied with these requirements.

Any report in relation to a decision taken in accordance with this rule and any delegated decision notice published in accordance with this rule will state why it is impracticable to include the decision in the List of Forthcoming Key Decisions for a period of 28 clear calendar days prior to taking the decision.

## 2.6 **Special Urgency**<sup>16</sup>

### 2.6.1 **Use of Special Urgency**

If by virtue of the date by which a decision must be taken Rule 2.4 (Publicity in connection with Key Decisions) cannot be followed, then the decision can only be taken if the relevant Director obtains the agreement of the chair of a relevant Scrutiny Board<sup>17</sup> that the decision is urgent and that taking the decision cannot be reasonably deferred.

As soon as reasonably practicable after obtaining the relevant agreement, the Head of Governance Services will publish on the Council's website the agenda for the meeting at which the decision is to be taken or the delegated decision notice together with the report in relation to the urgent item.

Any report in relation to a decision taken in accordance with this rule and any delegated decision notice published in accordance with this rule will state why the decision is urgent and cannot reasonably be deferred.

Details of any decision taken in accordance with this rule will be included in the Leader's report to Corporate Governance and Audit Committee made in accordance with Rule 6.2 below.

### 2.6.2 **Quarterly Reports On Special Urgency Decisions**<sup>18</sup>

The Corporate Governance and Audit Committee will receive on behalf of the Council, annual reports from the Leader on the executive decisions taken in the circumstances set out in Rule 4.2 (special urgency) in the preceding year.

The report will include details of

- the number of decisions so taken,
- each decision made, and
- a summary of the matters in respect of which each decision was made.

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<sup>16</sup> Regulation 11, Executive Arrangement Regulations 2012

<sup>17</sup> If there is no chair of a relevant Scrutiny Board, or if the chair of the relevant Scrutiny Board is unable to act, then the agreement of the Lord Mayor or in the absence of the Lord Mayor the vice chair of the Council will suffice.

<sup>18</sup> Regulation 19, Executive Arrangement Regulations 2012

### 3. TAKING EXECUTIVE DECISIONS

#### 3.1 Decisions Taken At Executive Meetings

Save for those decisions delegated to an Area Committee, which are to be taken in accordance with the Area Committee Procedure Rules, where executive decisions are delegated to a committee of the Executive, the rules applying to executive decisions taken by them shall be the same as those applying to those taken by the Executive Board.

##### 3.1.1 Exclusion of the Public from Meetings of the Executive Board<sup>19</sup>

All meetings of the Executive Board will be in public. However the public must be excluded from the part or parts of a meeting whenever:-

- Confidential information is likely to be disclosed during an item of business;
- The meeting passes a resolution, identifying the relevant part of the meeting to which it applies, that the public should be excluded because exempt information, described with reference to Rule 10.4 of the Access to Information Procedure Rules, is likely to be disclosed during an item of business; or
- A lawful power is used to exclude a member or members of the public in order to maintain orderly conduct or prevent misbehaviour at the meeting.

The public may only be excluded from that part or parts of the meeting to which the circumstances set out above relate, and where notice has been given in accordance with Rule 2.3 above.

##### 3.1.2 Statutory Officers Attendance at Meetings

The Head of Paid Service, the Chief Finance Officer and the Monitoring Officer, and their nominees are entitled to attend any meeting of the Executive and its committees.

##### 3.1.3 Quorum

The quorum for a meeting of the Executive Board shall be four. The quorum for a meeting of a committee of the Executive shall be three.

##### 3.1.4 How decisions are to be taken by the Executive Board

Executive decisions which are the responsibility of the Executive Board will be taken at a meeting convened in accordance with Rules 2.1 to 2.3 set out above.

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<sup>19</sup> Regulation 3, Executive Arrangement Regulations 2012

### 3.1.5 Who presides

The Leader and in his/her absence, the Deputy Leader will preside at any meeting of the Executive Board or its committees at which he/she is present. In the absence of both, the Leader may appoint another person to do so. If no such appointment is made, those present at the meeting shall decide by majority who should preside.

### 3.1.6 Membership

The Executive Board shall comprise those Members listed at Part 3, Section 3A of the Constitution.

In the absence of an Executive Board Member, the Executive Board may invite any Member it considers appropriate to attend its meetings and to speak on behalf of the absent Member. However that Member will not be considered a co-opted member of the Executive Board and will not be able to vote on business being transacted.

### 3.1.7 What business?

At each meeting of the Executive Board the following business will be conducted:

- consideration of the minutes of the last meeting;
- declarations of interest, if any;
- matters referred to the Executive Board (whether by a Scrutiny Board or by the Council) for reconsideration by the Executive Board in accordance with the provisions contained in these or other relevant Procedure Rules set out in Part 4 of this Constitution;
- consideration of reports from Scrutiny Boards; and
- matters set out in the agenda for the meeting, and which shall indicate which are Key Decisions and which are not.

### 3.1.8 Who can put items on the Executive agenda?

The Leader will decide upon the schedule for the meetings of the Executive. He/she may put on the agenda of any Executive meeting any matter which he/ she wishes, whether or not authority has been delegated to the Executive Board, a committee of it or any officer in respect of that matter.

The Head of Governance Services will make sure that an item is placed on the agenda of the next available meeting of the Executive Board where a relevant Scrutiny Board or the full Council have resolved that an item be considered by the Executive.

In exceptional circumstances the Council's statutory officers may require that a matter be considered by the Executive Board<sup>20</sup>.

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<sup>20</sup> The Monitoring Officer and/or the Chief Finance Officer may include an item for consideration on the agenda of an Executive Board meeting and may require the Head of Governance Services to call such a meeting in pursuance of their statutory duties. In other circumstances where any two of the Head of Paid

### 3.2 **Compliance With The Budget And Policy Framework**

The Budget and Policy Framework Procedure Rules contained within part 4 of this constitution set out the procedure to be followed to adopt or amend the Budget and Policy Framework.

Subject to paragraphs 3.1.1 to 3.1.3 below, all decisions in relation to Executive Functions must be taken in line with the Budget and Policy Framework<sup>21</sup>.

#### 3.2.1 **Taking Advice**

If it is intended to make an Executive Decision, which might be considered to fall outside the Budget or Policy Framework the decision taker shall take advice from the Monitoring Officer and/or the Chief Finance Officer as to whether the decision they want to make would be contrary to the budget and policy framework.

Where a Scrutiny Board is of the opinion that an Executive Decision is, or if made would be, contrary to the budget and policy framework, then it shall seek advice from the Monitoring Officer and/or Chief Finance Officer.

In the event that the Monitoring Officer or the Chief Finance Officer concludes that the decision would not be a departure from the budget and policy framework they shall prepare a report to the relevant Scrutiny Board, with a copy to the Executive Board.

#### 3.2.2 **Referral to Council**

If a decision has yet to be made, or has been made but not yet implemented, and the Monitoring Officer and/or the Chief Finance Officer are of the view that the proposed decision would be contrary to the budget and policy framework, and the decision taker still intends to make or to implement the decision;

- the Monitoring Officer and/or the Chief Finance Officer shall report to the Executive Board, with a copy to the relevant Scrutiny Board and to every Member of the Council;
- the Executive Board shall meet to consider the report of the Monitoring Officer and/or the Chief Finance Officer and shall prepare a report to Council; and
- the decision taker shall refer the decision to the Council for decision or ratification as appropriate,

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Service, Chief Finance Officer and Monitoring Officer are of the opinion that a meeting of the Executive Board needs to be called to consider a matter that requires a decision, they may jointly include an item on the agenda of an Executive Board meeting. If there is no meeting of the Executive Board soon enough to deal with the issue in question, then the person(s) entitled to include an item on the agenda may also require that a meeting be convened at which the matter will be considered.

<sup>21</sup> Local Authorities (Functions and Responsibilities) (England) Regulations 2000, Schedule 4

In such cases, no further action will be taken in respect of the decision or its implementation until the Council has met and considered the matter.

The Council shall meet within 28 days of the referral by the decision taker. At the meeting it will receive the Executive Board's report of the decision or proposals and the advice of the Monitoring Officer and/or the Chief Finance Officer.

If Council decides that the decision is not contrary to the budget and policy framework it shall endorse the decision as falling within the existing Budget and Policy Framework.

If Council decides that the decision is contrary to the budget and policy framework it may either:

- approve or ratify the decision outside the budget and policy framework;
- amend the Council's budget and policy framework as necessary to encompass the decision and approve or ratify the decision with immediate effect; or
- require the Executive to reconsider the matter in accordance with the advice of either the Monitoring Officer/Chief Finance Officer.

### 3.2.3 Urgent Decisions Outside The Budget Or Policy Framework<sup>22</sup>

Any decision which is contrary to the policy framework<sup>23</sup>, or not wholly in accordance with the budget<sup>24</sup> approved by full Council, may only be taken by the Council, unless:

- the decision is urgent and it is not practical to convene a quorate meeting of the full Council;
- the decision taker has briefed the chair of a relevant Scrutiny Board<sup>25</sup> about why it is not practical to convene a quorate meeting of full Council, and
- the chair agrees that the decision is urgent.

The reasons why it is not practical to convene a quorate meeting of full Council and the consent of the chair of the relevant Scrutiny Board<sup>26</sup> to the decision being taken as a matter of urgency must be noted on the record of the decision, together with the reasons for the Chair's consent.

The decision taker will provide a full report to the next available Council meeting after the decision is taken explaining:

<sup>22</sup> Local Authorities (Functions and Responsibilities) (England) Regulations 2000, Regulation 5(2)

<sup>23</sup> Or amendments which may be made to the policy framework in accordance with the provisions for in year changes to policy framework set out in the Budget and Policy procedure Rules.

<sup>24</sup> Or virements made in accordance with the Budget and Policy Procedure Rules.

<sup>25</sup> or in the absence of the chair of the relevant Scrutiny Board the consent of the Lord Mayor, and in the absence of both, the Deputy Lord Mayor

<sup>26</sup> Or Lord Mayor or Deputy Lord Mayor as appropriate



- the decision,
- the reasons for it; and
- why the decision was treated as a matter of urgency.

#### 4. **PROCEDURE AFTER TAKING A DECISION**

##### 4.1 **Recording Of Executive Decisions Taken At Meetings**<sup>27</sup>

As soon as reasonably practicable, and in any event within 2 working days, after any meeting of the Executive or within 10 working any of its committees, the Head of Governance Services or, where no officer was present, the person presiding at the meeting, will produce a minute of every decision taken at that meeting and publish it on the Council's website together with the report in relation to the decision made. The minute will include;

- A record of the decision including the date it was made,
- a statement of the reasons for each decision,
- details of any alternative options considered and rejected at that meeting and
- a record of any interest declared by any Member together with a note of any dispensation granted in respect of that interest .

##### 4.2 **Recording Of Executive Decisions Taken by the Leader**<sup>28</sup>

As soon as reasonably practicable, and in any event within 2 working days, after a decision has been taken in relation to executive arrangements<sup>29</sup> by the Leader, the Head of Governance Services will prepare a record of the decision and publish it on the Council's website together with the report in relation to the decision made. The record will include;

- A record of the decision including the date it was made,
- a statement of the reasons for it,
- details of any alternative options considered and rejected by the Member at the time of making the decision, and
- a record of any interest declared by any Executive Member consulted by the Member who made the decision together with a note of any dispensation granted in respect of that interest .

##### 4.3 **Recording Of Executive Decisions Taken by Officers**<sup>30</sup>

###### 4.3.1 **Key decisions and Significant Operational decisions**

As soon as reasonably practicable, and in any event within 2 working days after a Key or Significant Operational Decision has been taken by an officer he/she will

<sup>27</sup> Regulation 12, Executive Arrangement Regulations 2012

<sup>28</sup> Regulation 13, Executive Arrangement Regulations 2012

<sup>29</sup> The Leader may take decisions in relation to the Executive Portfolios and executive delegations to officers as set out in Part 3 Section 3 of the Constitution.

<sup>30</sup> Regulation 13, Executive Arrangement Regulations 2012

prepare a record of the decision and arrange for its publication on the Council's website together with the report in relation to the decision made<sup>31</sup>. The record will include;

- A record of the decision including the date it was made,
- a statement of the reasons for it,
- details of any alternative options considered and rejected by the officer at the time of making the decision, and
- a record of any interest declared by any Executive Member consulted by the officer who made the decision together with a note of any dispensation granted in respect of that interest .

#### 4.3.2 Administrative decisions

There is no formal requirement to record Administrative Decisions for the purpose of Council or Public Access, however officers are responsible for retaining a record of administrative decisions, and the reasons for them, which is sufficient for audit and evidential purposes, and for ensuring that all those who need to know are informed promptly of the decision.

## 5. IMPLEMENTATION OF EXECUTIVE DECISIONS

### 5.1 Implementation of Decisions Which are Subject to Call-In<sup>32</sup>

5.1.1 Decisions which are subject to the Call In procedure set out in rules 5.1.2 to 5.1.5 below should not be implemented until the Call In procedure is exhausted in relation to those decisions<sup>33</sup>.

#### 5.1.2 Decisions Eligible for Call In

Subject to the exceptions set out below, the following may be called in to be reviewed and scrutinised by the relevant Scrutiny Board<sup>34</sup>:

<sup>31</sup> Key decisions will be published in accordance with Rules 2.4 to 2.6 above, and will therefore, subject to the provisions in respect of urgency, be published no less than 5 clear working days in advance of the decision being taken. The Council's web site will in these circumstances contain details of the dates upon which the decision will be taken and the Call In period will expire.

<sup>32</sup> The Local Government Act 2000 requires that Overview and Scrutiny Committees *be given the power to recommend that a decision made but not implemented, be reconsidered*. The Act gives local authorities considerable discretion over the detailed operation of such a "Call In" mechanism.

<sup>33</sup> The Call In procedure will be exhausted when:-

- the Call In period expires if the decision is not called in (Steps should not be taken to implement any decision subject to Call In until after 12 noon on the sixth working day after publication, to ensure that the Scrutiny Officer has had opportunity to advise them of any request for call in received before the expiry of the call in period);
- at the end of the call in meeting if the decision is released for implementation; or
- when the decision has been confirmed or amended in accordance with these rules if the decision is subject to a recommendation that it be reconsidered.

<sup>34</sup> Where a decision falls within the terms of reference of more than one Scrutiny Board, the Scrutiny Officer will determine the relevant Scrutiny Board, after consultation with Scrutiny Chairs.

- all decisions of the Executive Board;
- Executive decisions taken by the Health and Wellbeing Board<sup>35</sup>; and
- Key Decisions taken by Officers.

The power to call in decisions does not extend to;

- Decisions which have been the subject of a previous Call In;
- Decisions made in accordance with the Budget and Policy Framework Procedure Rules;
- Decisions made by the Leader in relation to the executive arrangements
- decisions made by Area Committees;
- decisions made under regulatory arrangements;
- decisions made by Joint Committees; or
- decisions not taken by the authority.

### 5.1.3 Exemption from Call In

The decision taker may declare a decision as being exempt from Call In if the decision taker considers that the decision is urgent (i.e. that any delay would seriously prejudice the Council's or the public's interests).

Records of decisions taken will indicate where a decision has been declared exempt from Calling In and will indicate:-

- what the implications would be if the decision were to be delayed by the operation of the Calling In mechanism; and
- why the decision could not have been taken earlier so as to have been eligible for Calling In.

There will be no appeal mechanism against a decision to exempt a decision from Calling In. .

### 5.1.4 Operation of Call In

#### 5.1.4.1 Initiation of Call In

To initiate a Call In, a request must be submitted to the Scrutiny Officer<sup>36</sup> by 5 p.m. of the fifth working day after a decision has been published.

The request must be made on the approved pro forma and contain the original signatures of those calling in the decision<sup>37</sup>.

If a Member withdraws their signature from the Call In request prior to the expiry of the Call In period, the decision may still be called in provided sufficient Members add their signatures to the call in request.

<sup>35</sup> That is functions delegated to the Health and Wellbeing Board by the Leader

<sup>36</sup> This Officer is the Head of Scrutiny and Member Development.

<sup>37</sup> An Elected Member who is not a member of a political group may be a signatory but co-opted members may not sign a Call In request.

The decision may be called in by either;

- two non executive elected Members (who are not from the same political group); or
- five non executive elected Members

one of whom shall be the nominated signatory.

#### 5.1.4.2 Grounds for Calling in a decision

All requests must detail on the pro forma why in the opinion of the signatories the decision was not taken in accordance with the principles set out in Article 13 - Decision Making, Paragraph 13.4 - Principles of Decision Making, or where relevant issues do not appear to have been taken into consideration.

Prior to submitting a Call In, the nominated signatory must contact the relevant officer or Executive Member to discuss their concerns and their reasons for wanting to call in the decision. The nominated signatory must also ascertain the financial consequences to the authority of having the decision Called In. The outcome of this contact must be detailed on the Call In request proforma.

#### 5.1.4.3 Convening a Meeting

Upon receipt of the request, the Scrutiny Officer will, in consultation with the Chair of the relevant Scrutiny Board, convene a special meeting of the relevant Scrutiny Board, to take place within seven clear working days of the Call In request being received.

#### 5.1.4.4 Adjourning a Call In Meeting

In exceptional circumstances, the Scrutiny Board may resolve to adjourn the meeting to consider information regarded as essential for the Board to come to a conclusion. The maximum time allowed for an adjournment is 5 working days.

#### 5.1.4.5 Outcome of a Call In Meeting

At the meeting the Scrutiny Board will consider the notification and review the background papers. The Scrutiny Board will invite signatories to the notification<sup>38</sup> to explain the reasons for the Call-In<sup>39</sup>. The relevant member of the Executive Board, Health and Wellbeing Board 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. The Scrutiny Board may also extend the invitation to

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<sup>38</sup> or their nominees

<sup>39</sup> The signatories should specify which of the principles of decision making (set out in Article 13.4 of the constitution) has not been followed. The signatories may also provide further written evidence provided this supports the stated reasons for calling in the decision.

other relevant witnesses, as considered appropriate, in order to specifically assist the Board in its deliberations over the called in decision.

The Scrutiny Board shall then either;

- release the decision for implementation; or
- recommend to the decision-maker that the decision should be reconsidered.

If the Scrutiny Board resolves that a decision is to be referred back for consideration, the Scrutiny Officer will prepare a report<sup>40</sup> within three working days of the Scrutiny Board meeting. Where the decision was taken by the Executive Board the report will be submitted to the next meeting of the Executive Board. Where the decision was taken by the Health and Wellbeing Board the report will be submitted to the next meeting of the Health and Wellbeing Board. Where the decision was taken by an officer the report will be submitted to the relevant Director.

### 5.1.5 Reconsideration of Decisions

#### 5.1.5.1 Confirmation of Decisions

If the Decision Taker wishes to confirm the original decision, that decision shall be submitted to the next Executive Board meeting.

If the original decision was taken by the Health and Wellbeing Board or an officer, and the relevant Director is of the view that the original decision should be confirmed, but that urgency prevents them from submitting the decision to Executive Board;

- The Director shall obtain the approval of the relevant Executive Board Member before implementation;
- Details of the Executive Member approval, together with reasons of urgency will be included in the new delegated decision form; and
- The Director and relevant Executive Board Member will also be required to attend and give their reasoning to the relevant Scrutiny Board

#### 5.1.5.2 Variation of Decisions

If it is intended to vary the decision in line with the recommendations of the Scrutiny Board then the amended decision is not defined as a Key decision, regardless of the financial or impact thresholds. It will not therefore be necessary to include the proposed variation of decision in the List of Forthcoming Key Decisions or to give notice of the proposed decision.

If it is intended to vary the decision in any way that is not in line with the recommendations of the Scrutiny Board then the amended decision may be a Key decision if it meets the thresholds set out in Article 13, and if so is subject to rule 2.7 above.

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<sup>40</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.

If the original decision was taken by the Executive Board the Executive Board may vary the decision.

If the original decision was taken by the Health and Wellbeing Board the Health and Wellbeing Board, or the relevant Director may vary the decision.

Where the Director agrees with the views of Scrutiny a new delegated decision form will be submitted for recording in accordance with Rule 5.1 above.

#### 5.1.5.3 Record of Revised decision

In all instances a revised record of the decision, indicating the outcome of decision taker's further deliberations, must be published in accordance with Rule 4.1 or 4.3 above.

### 5.2 **Implementation of Decisions Which are Not Subject to Call In**

Decisions which are not subject to Call In under Rule 5.1.2 above or are exempted from Call In under Rule 5.1.3 above should be implemented as follows:-

#### 5.2.4 Key Decisions

Key Decisions should be recorded in accordance with Rules 4.1 to 4.3 above as appropriate but may be implemented as soon as they have been taken.

#### 5.2.5 Significant Operational Decisions

Significant Operational Decisions should be recorded in accordance with Rules 4.1 to 4.3 above but may be implemented as soon as they have been taken.

#### 5.2.6 Administrative Decisions

Administrative decisions may be implemented as soon as they have been taken.

## 6. **SCRUTINY OF THE MAKING OF KEY DECISIONS**

### 6.1 **Decisions Which Appear to Have Been Wrongly Treated**<sup>41</sup>

Where an executive decision has been made and

- was not treated as a Key Decision, and
- a relevant Scrutiny Board thinks that it should have been treated as a Key Decision

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<sup>41</sup> Regulation 18, Executive Arrangement Regulations 2012

that Scrutiny Board may require, by resolution passed at a meeting of that Scrutiny Board, the Decision Taker to submit a report to the Council within such reasonable time as the Scrutiny Board specifies.

The relevant Director will prepare a report for submission to the next available meeting of the Council<sup>42</sup> following the end of the period specified by the Scrutiny Board.

The report to Council will set out particulars of;

- The decision,
- The reasons for the decision,
- The individual or body making the decision, and
- if the Leader is of the opinion that it was not a key decision, the reasons for that opinion.

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<sup>42</sup> Allowing 5 clear working days to prepare the report prior to dispatch of the summons.

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**Report of Chief Planning Officer**

**Report to General Purposes Committee**

**Date: 7 May 2013**

**Subject: Six month review of the plans panel arrangements**

Are specific electoral Wards affected? If relevant, name(s) of Ward(s):	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
Are there implications for equality and diversity and cohesion and integration?	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
Is the decision eligible for Call-In?	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
Does the report contain confidential or exempt information? If relevant, Access to Information Procedure Rule number: Appendix number:	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No

**Summary of main issues**

1. An all party working group, chaired by the Executive Board Member for Neighbourhoods, Planning and Support Services undertook a review of the plans panel arrangements during summer 2012. The remit of the group was to consider options for the formation of a strategic panel which would deal with large scale applications and those applications of strategic importance to the city, which would assist in the delivery of the growth agenda, including applications such as Eastgate, East Leeds Extension, the energy from waste proposals, Thorpe Park and Thorp Arch, amongst others.
2. The work cumulated in a report to full Council recommending the formation of three new plans panels- City Panel which would deal with strategically important applications from across the district, North and East Panel and South and West Panel which would deal with applications of significance from wards within their geographical boundary.
3. Full Council agreed the new arrangements and also asked for a number of measures strengthening local involvement to be put in place as well as a review of the new plans panel arrangements after six months operation.
4. This report reviews the effectiveness of the new arrangements from a number of perspectives- delivering major developments, enhancing local involvement, balancing workloads and finally considers feedback from Chairs, Members, the development industry, local communities and other stakeholders.
5. The new panel arrangements are now delivering more in time, consistent and predictable outcomes, after an initial bedding down period, whilst strengthening the

involvement of ward members and local communities in the determination of planning applications and associated legal agreements.

**Recommendations**

- 6. Members are asked to
  - I. Note the report
  - II. Continue with the City Panel and the area plans panels in their current format

## **1 Purpose of this report**

- 1.1 New arrangements for member decision making through the formation of three new plans panel was agreed by full Council in September 2012. As part of the approval, full Council requested that a number of measures were put in place to support the new arrangements including a protocol for pre-application involvement, principles governing how the panels would operate and to review the operation of the revised plans panel arrangements six months after commencement.
- 1.2 Measures have been put in place to support the operation of the new panels and significant work has been undertaken on extending ward member and local community pre-application involvement. The focus of this report is to review and assesses the effectiveness of the new arrangements after six months of operation.

## **2 Background information**

- 2.1 The significant changes to the context of planning decisions at a national, regional and local level including the publication of the National Planning Policy Framework, the Localism Act 2011, with its focus on involving local communities in the planning process, the City Region Deal, the Council's ambition and growth agenda and proposed Planning Guarantee, meant that changes in the way planning was delivered in Leeds were needed.
- 2.2 Additionally, the size, scale and impact of some applications the Council was dealing with including Thorp Arch and East Leeds Extension, Eastgate, Thorpe Park Business Park as well as the Energy from Waste schemes and applications with city wide and local impacts meant a new mechanism was required to help the Council deliver good strategic decision making in order to meet the future needs of the city in terms of business, housing and investment whilst ensuring that communities and elected representatives had a greater involvement and say about their local area. Therefore a review of the plans panel arrangements took place to explore the issues and options. The review was undertaken throughout Summer 2012 by an all party working group, chaired by the Executive Member for Neighbourhoods, Planning and Support Services.
- 2.3 The remit of the group was to consider the case for the establishment of strategic plans panel which would deal with the largest planning applications and those with strategic importance to the city.
- 2.4 It was expected that a new strategic panel would provide a focussed agenda and provide more time to allow greater discussions on those applications of major significance to the future of Leeds and have the following objectives:
- Support improved major performance targets, through the efficient delivery of major applications which is important for the regeneration and stimulate good growth of the city
  - Provide a consistent decision making framework for the largest and most sensitive applications, so they are dealt with in the same way

- Provide additional opportunities for public involvement and speaking at the panel meeting, strengthening local involvement in the planning process
- 2.5 A distinction was made between strategic and non-strategic applications and criteria was drawn up to differentiate between the two. Applications would be considered to be strategic in terms of at least one of the following:
- Job growth, investment value and regeneration (these should be of city-wide importance)
  - Proposals that are eligible for large scale time limited public funding.
  - Residential schemes over 200 units.
  - Or by size and scale, as outlined in the terms of reference
- 2.6 Additionally, the working group reviewed the workload and geographical area of the existing two area plans panels, as historically the East Plans Panel had a disproportionately greater workload than the West Panel. Consequently, revisions were made to the geographic boundaries, in an attempt to make the workloads between the two panels more equitable.
- 2.7 Through working group discussions the agenda widened to cover current panel processes and the need to strengthen ward member and local community involvement through:
- Additional public speaking opportunities where applications are contentious (at the Chair's discretion)
  - Objectors right to address the Plans Panel at the developer's pre-application presentation
  - More effective officer-member communication on major application, from pre-application, through to determination
  - Greater community and Ward Member involvement at the pre-application stage (through earlier communication by planning officers)
- 2.8 Full Council, at its meeting in September 2012 agreed to the formation of three new panels- City Panel which dealt with the strategic applications and city centre applications, which would historically go before the City Centre Panel; North and East Panel (NE panel) and South and West Panel (SW panel). The new South and West plans panel was given responsibility for dealing with applications in the following wards: parts of City and Hunslet (outside the City Centre planning boundary), Morley North, Morley South, Ardsley & Robin Hood and Rothwell, Beeston and Holbeck and Middleton Park, in addition to the current wards. A review after six months of operation of the new arrangements was also requested.

### **3 Main issues**

- 3.1 As part of this six month review the original objectives of the plans panel review have been considered, as well as operational issues and the impact of the revised geographical boundaries for the area panels.

### **3.2 Support the delivery of major developments**

- 3.3 Since the new arrangements commenced in September 2012, there has been a slight decrease in the number of applications going to the three Panels (data is provided for the end of March 2013), 72 compared with 104 for the same period last year and again a slight decrease in the number of major applications going to the three Panels, 40 in 2011-12 compared with 29 in 2012-13. Importantly, there are more applications being determined first time, with only 13 deferrals since the new arrangements commenced. This is important in supporting good growth in the city and in meeting member and developer expectations for good quality schemes within an agreed timescale. Six of these deferrals were from the first two meetings of the SW panel and since then more first time decision making has bedded in.
- 3.4 The new panel arrangements have provided the opportunity for the use of the three phase process: pre-application presentation, position report and final determination for the largest and most complex applications. This process is working very effectively leading to more Plans Panel involvement throughout the life of an application and more first time decision making. There is strong evidence that applications dealt with through this approach also deliver more predictable outcomes in a timely fashion, in accordance with developer expectations thus supporting investor confidence in the city.
- 3.5 This expeditious process can be demonstrated through the determination of a number of significant applications- KPMG four storey office development at Sovereign Street, submitted in late September 2012 and determined at Plans Panel two months later in November, the six storey university library which took just over two months from submission in early November 2012 to determination at Plans Panel on 17 January 2013 and proposals for a data centre on the former Yorkshire Chemicals site which were submitted in September 2012 and went to Panel on 22 November 2012. Additionally, the two Energy from Waste proposals at Skelton Grange and Cross Green were dealt with by City Panel on their first presentation for determination in February 2013.
- 3.6 Overall, major performance since the changes has improved with 60.9% of major applications being determined in 13 weeks for the period September to March 2013, this compared with 56.3% for the same period last year. The number of out of time major applications in the system has reduced from 56 to 36 (a reduction of 34%) from March 2012. Considerable emphasis has been placed over the last two years to reduce the number of out of time majors which have been in the system for some time. This is particularly important with the advent of the Government's Planning Guarantee, where applications should be determined by the LPA in no more than six months.

### **3.7 Additional opportunities for local involvement**

- 3.8 Another objective of the review was to ensure that there was effective local involvement in the decision making process. In this area, the review of the panels has provided an impetus for making a number of significant improvements:

- New ward member or community representative speaking opportunity at pre-application presentations, so there is a more balanced and rounded approach to discussions leading to a decision
- Additional public speaking on sensitive applications (at the chair's discretion), for example additional time was allowed for the two energy from waste applications
- Production of a best practice guide to pre-application community engagement setting out the Council's expectations from developers in terms of effective and meaningful Ward Member and community involvement
- Ward member involvement at pre-application meetings with developers to discuss proposals early on, identifying any local issues and inform local engagement opportunities with communities (subject to any legitimate concerns relating to confidentiality)
- Ward members routinely involved in discussions on the Section 106 draft heads of terms at an early stage
- Improved communication between officers and members- officers inform members within a week of receipt of all new major or significant applications and invite member involvement, as appropriate
- Ward member briefings and communication about ongoing applications
- The establishment of community consultative forums for Thorp Arch and for the East Leeds Extension which brings together developers, the community, elected members and the LPA to deliver significant strategic major residential applications. In the case of Thorp Arch the involvement of the community forum led to a revision of the master plan for the site, leading to an increase in housing numbers from 800 to 1,700
- Forward plan of potential strategic applications assessed every month by Executive Board Member for Neighbourhoods, Planning and Support Services and the three Plans Panel Chairs so there is an ongoing awareness of what is coming forward

3.9 These measures are currently being embedded and should provide more effective early and ongoing dialogue between officers and members, contributing to better involvement, improving performance and support in the delivery of major schemes expeditiously.

### **3.10 Workloads**

3.11 At City Panel (September 2012 to 14 March 2013) there have been 36 items going to the panel, a mixture of applications for determination (15), position statements (7) and pre-application presentations (14). This is the combination of the strategic applications from other parts of the district and appropriate city centre applications. Although pre-application presentations and position statements adds to the workload and makes for a lengthier meeting, they provide an essential sense of direction for developers and improves both the quality of the development and the decision making at the Plans Panel. The number of items on the agenda has now settled down, through first time decision making meaning there are fewer items being deferred, manageable agendas and good time management at the meetings.

3.12 Initially there were some concerns that there would not be enough significant applications going to the area panels as well as the City Panel. However, the

area panels have a range of important pre-application presentations, major and minor commercial and residential applications on their agendas.

- 3.13 There were also some concerns about the process to decide which applications would go to the City Panel and which would go to an area panel. However, a forward plan for each panel has been developed which shows major and other significant applications for the coming months. This provides a city wide view of applications and facilitates a planned approach to agenda setting by the Executive Board Member for Neighbourhoods, Planning and Support Services, in conjunction with the Plans Panel Chairs and Chief Planning Officer.
- 3.14 The changes to the panel boundaries of those wards identified in paragraph 2.8 above from the old East panel to the new SW Panel had an impact on the numbers of applications going to each area panel. Initially there were fewer items going to the NE panel than the SW panel, and the NE panel meeting on 24 January was cancelled due to a lack of business. Several months in, workloads now appear to have evened out, but workloads will be kept under review to ensure the panels are not overburdened with items, or conversely, don't have enough business.
- 3.15 The current panel boundaries have been set to reflect the Area Committee areas and the planning service restructure will align area teams and case officers with Area Committee areas and will place a principal planning officer with responsibility for each area committee, thus providing a single point of contact for members and community groups. This is key for moving forward with the localism agenda, creating better links with local communities, understanding the sensitivities in the area, engaging at the pre-application stage and development of neighbourhood planning going forward. Any redrawing of the boundaries to address workload issues could result in Area Committee areas being split between panels, or parts of area teams reporting to two different area panels and any moves would need to be mindful of these issues to maintain a consistent approach. Workloads will continue to be monitored and numbers of items going to each Panel may fluctuate over time, but maintaining consistent area working arrangements, which supports a collaborative approach to the delivery of major projects is a priority.
- 3.16 The changes to the panel arrangements initially led to longer meetings; additional public speaking for sensitive applications, the new 15 minutes speaking opportunity for ward members and/ or community representatives at pre-application presentations and for City Panel the nature of the items which go to that panel all contributed to lengthier meetings. However, from December onwards, the duration of meeting has reduced and have been focussed and well managed through tighter time management and effective agenda setting.
- 3.17 Special meetings have been convened by the City Panel to look at specific applications, for example the energy from waste proposals which went before the panel on 7 February. Due to sensitivities around these applications, the meeting was focused on these applications, giving them the time and priority they needed. Additional time was allowed for representations to be made, with objectors and applications both having six minutes speaking time. Similarly a special meeting for Thorpe Park and East Leeds Extension took place on 26 March.

- 3.18 Special meetings can provide a focus for complex issues to be explored and can mean that strategically important applications can be determined first time, thereby contributing to better performance and to the regeneration and good growth of the city through effective delivery of major developments.
- 3.19 Feedback from members, officers the community and development industry**
- 3.20 Feedback from members suggests that the Panel changes are working well. The Plans Panel Chairs have been asked about their experiences of the new arrangements and report no significant issues at this point and feel that the City Panel is working well with good quality and expeditious decision making. The use of community forums for complex applications such as Thorp Arch, where developers, Members, Parish Council and local communities come together to deliver major schemes has been a great success and can be replicated for other similar schemes.
- 3.21 Applications going to the area panels are not over dominated by large scale complex applications, which means all applications are given the time they need and deal with significant important local issues. This is also good from a customer point of view, as the public do not normally have to sit through lengthy complex applications before the item they are interested in is dealt with. Feedback from past customer surveys of the plans panels showed that lengthy waiting for an application to be dealt with was a cause of great dissatisfaction.
- 3.22 Chairs are satisfied with the additional public and ward member speaking opportunities and anticipate more take up of this as more pre-application presentations come forward.
- 3.23 The development industry's view is that new arrangements are working well. The three phase approach at Plans Panels and more extensive use of Planning Performance Agreements (PPA) have bedded in for the City Panel, and can be demonstrated by the expeditious decisions being made. The use of PPAs is advocated by the Secretary of State for Communities and Local Government as a way of managing large scale applications and the service is actively promoting this approach as a way to deliver the most complex of schemes. Developers feel there is generally less discussion at the point of determination, as the Panels have been better informed and involved in the evolution and development of the more complex and significant applications. This has resulted in more decisions being made on their first visit to Panel.

#### **4 Future considerations**

- 4.1 Application numbers overall continue to be comparable to the same period as last year, so it is difficult to predict activity levels going forward. However, the Government is keen to promote increased use of PPA and part of the Leeds PPA offering is the opportunity for developers to present their proposal at the Panel meeting, which may increase workloads at panel.
- 4.2 It will be important to ensure that the City Panel has capacity to deal with any increase, maintaining the focus and scrutiny on the largest and strategically most



important applications. The use of one off special meetings for contentious or sensitive applications has worked well in this regard.

- 4.3 A further consideration is that where there is sufficient public interest in an item, meetings could start at a different time, for example early evening start time, to allow the public to attend more easily. The new arrangements lend themselves to this suggestion as agendas are not usually overburdened and would not result in very late finishing times.

## **5 Corporate Considerations**

### **5.1 Consultation and Engagement**

- 5.1.1 Consultation has taken place with the Executive Board Member for Neighbourhoods, Planning and Support Services, the three Plans Panel Chairs, the Joint Member Officer Working Group, Plans Panel Review Working Group, Leeds Planning and Developers Forum (a forum comprising community representatives, Town and Parish Councils and representatives from the development industry).

### **5.2 Equality and Diversity / Cohesion and Integration**

- 5.2.1 An equality impact screen assessment was undertaken for the original review work and concluded that there were no negative equality or diversity/ cohesion and integration issues arising from the changes to planning committee arrangements.
- 5.2.2 Throughout the planning process applicants and interested parties have the opportunity to make representations throughout the statutory notification and consultation period. There is an additional opportunity for making representations when an application comes to the plans panel through the public speaking arrangements, which are open to everyone. The review has also led to additional provisions for ward member and/or community representative speaking at the pre-application stage of a major or significant application.

### **5.3 Council policies and City Priorities**

- 5.3.1 The new panel arrangements are consistent with and support the Vision and the City Priorities. An efficient, consistent and speedy planning decision making process will particularly support the Vision for Leeds' economy to be prosperous and sustainable.

### **5.4 Resources and value for money**

- 5.4.1 The new arrangements represent value for money with the area plans panels and the City Panel making decisions on the applications where member input adds value.

### **5.5 Legal Implications, Access to Information and Call In**

- 5.5.1 There are no legal implications arising from this report.

## **5.6 Risk Management**

- 5.6.1 A more objective approach to decision-making would be likely to reduce the potential for procedural judicial review and probably reduce the number of adverse appeal decisions and lost applications.

## **6 Conclusions**

- 6.1 The new arrangements have only been in operation for a relatively short period of time and are delivering high quality, consistent and more predictable outcomes, after resolving some initial teething problems.
- 6.2 Performance on major applications continues to be an important issue and it will take time for the measures put in place to show results. However, early indications are that first time decision making has improved, with only 13 deferrals so far across all three Panels and more major applications determined in time.
- 6.3 Whilst performance is a key contributing factor in assessing the success of the new arrangements, the additional opportunities for ward member involvement should not be understated and is an essential part of a modern customer orientated planning service. Chairs, members and local communities have welcomed the enhanced public speaking opportunities both at the pre-application stage and on the more sensitive and contentious applications at determination.
- 6.4 Aligning the plans panel areas with the Area Committee areas and the planning services structure will support better area working, leading to greater understanding of the issues and sensitivities in localities and will help to further embed the neighbourhood planning agenda in communities.
- 6.5 The other pre-application provisions for ward member involvement which arose out of the initial review of the plans panel are bedding in, resulting in more effective communication between officers and ward members. This will assist in making the decision making process more inclusive, expeditious and with more predictable outcomes, thus generating business confidence, promote good growth and contribute to the regeneration of the city.

## **7 Recommendations**

- 7.1 Members are asked to
- I. Note the report
  - II. Continue with the City Panel and the area plans panels in their current format

## **8 Background documents<sup>1</sup>**

- 8.1 None

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<sup>1</sup> The background documents listed in this section are available for inspection on request for a period of four years following the date of the relevant meeting. Accordingly this list does not include documents containing exempt or confidential information, or any published works. Requests to inspect any background documents should be submitted to the report author.

**Report of the Chief Executive**

**Report to General Purposes Committee**

**Date: 7 May 2013**

**Subject: Amendments to the officer delegation scheme – council functions**

Are specific electoral Wards affected? If relevant, name(s) of Ward(s):	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
Are there implications for equality and diversity and cohesion and integration?	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
Is the decision eligible for Call-In?	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
Does the report contain confidential or exempt information? If relevant, Access to Information Procedure Rule number: Appendix number:	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No

**Summary of main issues**

1. This report asks the General Purposes Committee to recommend full Council to amend the officer delegation scheme (Council functions), for consistency with proposed amendments by the Leader to the executive delegation scheme.
2. The amendments relate to the transfer of democratic services functions from the Director of Resources to the City Solicitor, and to the transfer of miscellaneous regulatory functions to the (re-titled) Assistant Chief Executive (Customer Services and Community).
3. The report also outlines amendments to the constitution, required to reflect the revised post-title for the Assistant Chief Executive.

**Recommendations**

4. General Purposes Committee are asked:
  - a. to note the intention of the Leader to amend the officer delegation scheme (executive functions) as set out in this report; and
  - b. to recommend to full Council to amend (with effect from the new municipal year):
    - i. the officer delegation scheme (council functions) as shown in the attached appendix 1 (Director of Resources), appendix 2 (Assistant

Chief Executive(Customer Services and Community) and appendix 3 (City Solicitor); and

- ii. the terms of reference of the Scrutiny Boards (Safer and Stronger Communities) and (Resources and Council Services), and the general delegation scheme, to reflect the revised post-title for the Assistant Chief Executive.

## **1 Purpose of this report**

- 1.1 To ask the General Purposes Committee to recommend amendments to the officer delegation scheme (Council functions), for consistency with proposed amendments by the Leader to the executive delegation scheme.

## **2 Background information**

- 2.1 Further to the Enabling Corporate Centre Project, the Leader has confirmed his intention to amend the officer delegation scheme (executive functions) with effect from the annual meeting. The amendments will be reported to that meeting.
- 2.2 The purpose of the project was to review the current central and corporate functions, and provide a proposal for the future delivery of an enabling Corporate Centre. In terms of organisational design, a re-alignment of services was proposed, to set up a corporate headquarters, and a Customer Services and Community Directorate. The latter is to be led by the Assistant Chief Executive (Customer Access and Performance, retitled Assistant Chief Executive (Customer Services and Community). The re-aligned services will be reflected in the officer delegation scheme (executive functions) with effect from the new municipal year.
- 2.3 This report outlines proposals for amending the officer delegation scheme (Council functions) to ensure consistency with the revised officer delegation scheme (executive functions).

## **3 Main issues**

- 3.1 The current delegation to the Director of Resources includes democratic services functions, relating to appointing review boards and arrangements for school appeals. The Director also has delegated authority to appoint members to vacancies between the local elections and the annual meeting, in consultation with appropriate whips. It is proposed that these delegations transfer to the City Solicitor, who will have executive delegations relating to democratic services in the new municipal year.
- 3.2 The current delegation to the Director of Resources also includes three miscellaneous regulatory functions, relating to licensing scrap yards, approving premises for the solemnisation of marriages, and registering motor salvage operators. It is proposed that these functions be delegated to the Assistant Chief Executive (Customer Services and Community), who will have executive delegations relating to licensing in the new municipal year.

3.3 The proposed amendments are set out in appendix 1, 2 and 3 to this report.

3.4 The proposed change in post title for the Assistant Chief Executive, and re-alignment of delegations, will also need to be reflected in the general delegation scheme which applies to all Directors, and in footnotes to the terms of reference for the Scrutiny Boards (Resources and Council Services) and (Safer and Stronger Communities).

## **4 Corporate Considerations**

### **4.1 Consultation and Engagement**

4.1.1 Significant engagement took place with key stakeholders about the re-alignment of services, during the Enabling Corporate Centre project. Relevant Directors have been consulted about the proposed amendments to the delegation scheme.

### **4.2 Equality and Diversity / Cohesion and Integration**

4.2.1 No significant implications arise from the proposed amendments.

### **4.3 Council policies and City Priorities**

4.3.1 The organisational re-alignment will contribute to savings required by the Council's financial strategy, approved by the Executive Board in December 2012.

### **4.4 Resources and value for money**

4.4.1 No significant financial implications arise directly from the proposed amendments.

### **4.5 Legal Implications, Access to Information and Call In**

4.5.1 This report is not open to call-in, as it relates to council functions. It does not contain any exempt information.

### **4.6 Risk Management**

4.6.1 The amendments are required to update the constitution, and ensure that accountability is clear for all services.

## **5 Conclusions**

5.1 The proposed amendments need to be made to the officer delegation scheme (council functions) to ensure that it is up to date, and consistent with the officer delegation scheme (executive functions).

## **6 Recommendations**

6.1 General Purposes Committee are asked:

6.1.2 to note the intention of the Leader to amend the officer delegation scheme (executive functions) as set out in this report; and

6.1.3 to recommend to full Council to amend (with effect from the new municipal year):

- the officer delegation scheme (council functions) as shown in the attached appendix 1 (Director of Resources), appendix 2 (Assistant Chief Executive(Customer Services and Community) and appendix 3 (City Solicitor); and
- the terms of reference of the Scrutiny Boards (Safer and Stronger Communities) and (Resources and Council Services), and the general delegation scheme, to reflect the revised post-title for the Assistant Chief Executive.

## **7 Background documents<sup>1</sup>**

7.1 None

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<sup>1</sup> The background documents listed in this section are available to download from the Council's website, unless they contain confidential or exempt information. The list of background documents does not include published works.

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

**Director of Resources**

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

<del>(a)</del>	<del>To appoint review boards under the Social Security Act 1998<sup>2</sup></del>
<del>(b)</del>	<del>To make arrangements for appeals against exclusion of pupils from maintained Schools</del>
<del>(c)</del>	<del>To make arrangements for appeals regarding school admissions<sup>3</sup></del>
<del>(d)</del>	<del>To make arrangements for appeals by governing bodies<sup>4</sup></del>

2.1. Subject to the Exceptions listed below, the Director of Resources<sup>5</sup> is authorised to discharge the following Council (non-executive) functions:

**Functions relating to Human Resources**

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

**Functions relating to standing orders**

(a)	To make standing orders in relation to Finance and Officer Employment	Section 106 of, and paragraph 42 of Schedule 12 to the Local Government Act 1972
(b)	To make standing orders as to contracts	Section 135 of the Local Government Act 1972

**Regulatory Functions**

~~<sup>1</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>2</sup>s34 (4) Social Security Act 1998~~

~~<sup>3</sup>s94 (1), (1A) and (4) School Standards and Framework Act 1998~~

~~<sup>4</sup>s95 (2) School Standards and Framework Act 1998~~

~~<sup>5</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>6</sup>Except in relation to those which are to be determined by the Employment Committee.~~

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

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

**Exceptions<sup>7</sup>**

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

<sup>7</sup>~~Under this delegation scheme (council functions). The General Purposes Committee may however arrange for the discharge of any of its functions by the Director of Resources – (Section 101(2) Local Government Act 1972.~~



## Assistant Chief Executive (Customer Services and Community)

Subject to the exceptions listed below, the Assistant Chief Executive (Customer Services and Community)<sup>1</sup> is authorised to discharge the following Council (non-executive) functions:

### Regulatory Functions

(a)	*To license scrap yards	Section 1 of the Scrap Metal Dealers Act 1964
(b)	*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)
(c)	To register motor salvage operators	Part I of the Vehicles (Crime) Act 2001

### Exceptions<sup>2</sup>

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

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<sup>1</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 Director remains responsible for any decision taken pursuant to such arrangements.

<sup>2</sup> Under this delegation scheme (Council functions). The General Purposes Committee may however arrange for the discharge of any of its functions by the Assistant Chief Executive - (Section 101(2) Local Government Act 1972).

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## City Solicitor

1. The City Solicitor is the Monitoring Officer for the Council.

2. The City Solicitor is deputy Electoral Registration Officer<sup>1</sup>.

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

<u>(a)</u>	<u>To appoint review boards under the Social Security Act 1998<sup>3</sup></u>
<u>(b)</u>	<u>To make arrangements for appeals against exclusion of pupils from maintained Schools</u>
<u>(c)</u>	<u>To make arrangements for appeals regarding school admissions<sup>4</sup></u>
<u>(d)</u>	<u>To make arrangements for appeals by governing bodies<sup>5</sup></u>

~~2.~~

~~3.4.~~ The City Solicitor<sup>6</sup> is authorised to discharge the following Council (non-executive) functions:

To make standing orders in relation to Access to Information	Section 106 of, and paragraph 42 of Schedule 12 to the Local Government Act 1972
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### 5. Appointments to Committees Boards and Panels

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

<sup>1</sup> The Head of Licensing and Registration is also appointed as deputy Electoral Registration Officer.

<sup>2</sup> ~~The fact that a function has been delegated to the City Solicitor does not require the City Solicitor to give the matter his/her personal attention and the City Solicitor may arrange for such delegation to be exercised by an officer of suitable experience and seniority. However the City Solicitor remains responsible for any decision taken pursuant to such arrangements.~~

<sup>3</sup> s34 (4) Social Security Act 1998

<sup>4</sup> s94 (1), (1A) and (4) School Standards and Framework Act 1998

<sup>5</sup> s95 (2) School Standards and Framework Act 1998

<sup>6</sup> ~~The fact that a function has been delegated to the City Solicitor does not require the City Solicitor to give the matter his/her personal attention and the City Solicitor may arrange for such delegation to be exercised by an officer of suitable experience and seniority. However the City Solicitor remains responsible for any decision taken pursuant to such arrangements.~~

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