



The Annual Meeting of the Council will be held in the Civic Hall, Leeds on Monday, 20th May, 2013 at 6.00 pm

Members of the Council are invited to attend and transact the following business:

1 Election of Lord Mayor

That Councillor Thomas Murray be elected Lord Mayor of the City of Leeds to hold office until the date of the Annual Meeting of the Council in 2014.

2 Vote of Thanks to Retiring Lord Mayor

To pass a vote of thanks to the retiring Lord Mayor.

3 Election of Vice Chair of Council

That Councillor J McKenna be elected as the Vice Chairman of the Council to hold office until immediately after the election of the Lord Mayor at the Annual Meeting of the Council in 2014.

4 Minutes

To confirm the minutes of the Council Meeting held on 8th May 2013 (to follow).

G HARPER

5 Declarations of Interest

To receive any declarations of interest from Members

6 Announcements

To receive any announcements from the Lord Mayor or the Chief Executive.

**7 Recommendations of the General Purposes Committee -
Amendments to the Constitution**

1 - 40

That the recommendations of the General Purposes Committee as detailed in the report of the City Solicitor be approved.

K WAKEFIELD

- a) That Committees having Terms of Reference as detailed in Schedule 8 (a) be established.
- b) That appointments be made to the Committees as detailed in Schedules 8 (b) (i), (ii) , (iii) (to follow)and (iv).
- c) That Chairs be appointed as detailed in Schedule 8(c) (to follow).
- d) That the Chair appointments made by Area Committees as detailed in Schedule 8(d) (to follow) be noted, and any Chair appointments not yet made be determined.
- e) That appointments be made to outside organisations as detailed in Schedule 8(e) (to follow).

G HARPER

That the Officer Delegation Scheme (Council (Non-Executive) Functions) as detailed in Schedule 9 be approved.

G HARPER

That the arrangements for the discharge of executive functions, as set out by the Leader of Council in Schedule 10 (to follow), be received.

G HARPER

That the dates of the meetings of the Council for the Municipal Year 2013/14 as detailed in Schedule 11 be approved.

G HARPER

Tom Riordan
Chief Executive

Report of City Solicitor

Report to full Council

Date: 20th May 2013

Subject: Recommendations of General Purposes Committee

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. At its meeting on 7th May 2013, General Purposes Committee considered items relating to:-
 - Establishing a Health and Wellbeing Board
 - Executive and Decision Making Procedure Rules
 - Amendments to the Officer Delegation Scheme (Council Functions)
2. This report sets out the recommendations of General Purposes Committee relating to those items.

Recommendations

3. General Purposes Committee recommend to full Council:-
 - 3.1. To approve the Membership proposals for the Health and Wellbeing Board set out at Appendix C to this report and to consult the Health and Wellbeing Board about the proposed direction in relation to voting rights as detailed in paragraph 3.1.4 of this report;
 - 3.2. To make amendments to documents contained within the Council's Constitution, as follows:-

- To approve a new Article 17 relating to health as set out at AppendixD;
- To approve amendments to the Terms of Reference of the Scrutiny Board (Safer and Stronger Communities) as detailed in paragraph 3.3.2 of this report;
- To approve amendments to the Terms of Reference of the Scrutiny Board (Resources and Council Services) as detailed in paragraph 3.3.2 of this report;
- To approve amendments to Terms of Reference for Area Committees as detailed in paragraph 3.1.9 of this report;
- To approve new Terms of Reference for Health and Wellbeing Board as set out at Appendix A to this report;
- To approve amendments to the Officer Delegation Scheme (Council Functions) General Delegation Scheme as detailed in Paragraph 3.3.2 of this report;
- To approve amendments to the Officer Delegation Scheme (Council Functions) Assistant Chief Executive (Customers and Communities) as set out at Appendix E to this report;
- To approve amendments to the Officer Delegation Scheme (Council Functions) Director of Resources as set out at Appendix F to this report;
- To approve amendments to the Officer Delegation Scheme (Council Functions) City Solicitor as set out at Appendix G to this report;
- To approve amendments to the Council Procedure Rules as detailed in paragraph 3.1.6 of this report; and
- To approve amendments to the Executive and Decision Making Procedure Rules set out at Appendix B to this report with the exception of Rules 1.1 to 1.4, 2.1 and 3.1 which have been approved by Executive Board; and

3.3. To authorise 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 to
- Make further amendments to the Constitution as necessary to give effect to the amendments and decisions detailed in paragraph 3.1 and 3.2 above.

1 Purpose of this report

1.1 This report presents recommendations to full Council from General Purposes Committee.

2 Background information

2.1 General Purposes Committee is authorised:

- to consider proposals to amend the constitution and make recommendations to full Council; and
- to make recommendations to full Council in connection with the discharge of any of its functions.

2.2 At its meeting on 9 May 2012, General Purposes Committee considered items relating to:

- Establishing a Health and Wellbeing Board
- Executive and Decision Making Procedure Rules
- Amendments to the Officer Delegation Scheme (Council Functions)

2.3 This report sets out the recommendations from General Purposes Committee, relating to those items.

2.4 Background to Health and Wellbeing Board

2.4.1 The Health and Social Care Act 2012 transferred functions relating to public health from the health service to the local authority. The Act requires the authority to establish a Health and Wellbeing Board as a committee of the Council.

2.4.2 On 24th April 2013, following consideration of a report setting out the legislative background, the Executive Board made a number of recommendations to General Purposes Committee in relation to the governance arrangements for the proposed health and Wellbeing Board. These recommendations are reflected in the proposals recommended by General Purposes Committee to Full Council in this report.

2.5 Background to Executive and Decision Making Procedure Rules

2.5.1 On 10th 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 which govern the making of Executive decisions.

2.5.2 On 30th August 2012 the General Purposes Committee considered the implications of the regulations following which the Head of Governance Services has taken steps to ensure that the Council's practice reflects the requirements set out in the regulations.

2.6 Background to Officer Delegation Scheme

2.6.1 The Enabling Corporate Centre Project provided a review of corporate and central functions and proposed a realignment of services, setting up a corporate headquarters and a new Customers and Communities Directorate.

2.6.2 On the basis of proposals the Leader of Council has indicated his intention to amend the officer Delegation Scheme (Executive Functions) with effect from the new municipal year. These amendments are set out in the Leader's Executive Arrangements as set out at Schedule 10 to the Summons for the Annual Meeting.

3 **Main issues**

3.1 Health and Wellbeing Board

3.1.1 Council are requested to appoint the Health and Wellbeing Board with the Terms of Reference set out in Appendix A attached to this report. These reflect the statutory core functions which the Board must carry out and provide that the Board may also carry out additional functions delegated by the Council or the Leader. Amendments are proposed to the Executive and Decision Making Procedure Rules, attached at Appendix B to clarify that the Leader may delegate such executive functions to the board as he wishes at any time, to specify that decisions in relation to these executive functions would be open to Call In and to provide for the process to be followed if a decision is referred back to the Health and Wellbeing Board as decision maker.

3.1.2 The proposed membership and voting arrangements for the Board are set out at Appendix C to this report. Council is requested to approve these proposals.

3.1.3 In accordance with the proposals full Council is requested to appoint those members to be appointed by the Council: the Executive Members for Health and Wellbeing, Adult Social Care and Children's Services; two other Councillors (one from each of the main opposition groups); the Directors of Public Health, Adult Social Services and Children's Services; a third sector representative and a representative of NHS England. The latter two are non-statutory appointments but are recommended by Executive Board as appropriate additional appointments. The three Clinical Commissioning Groups (CCGs) will each appoint a representative, as will Healthwatch Leeds. The Health and Wellbeing Board itself may also appoint additional members at it thinks appropriate.

3.1.4 Regulations provide that all members of the Board will be voting members unless the authority, having first consulted with the Board, directs otherwise. It is suggested that the voting arrangements recommended by Executive Board, as set out in Appendix C, could be given effect by a direction in the following terms:-

"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.”

General Purposes Committee recommends that full Council consults the Health and Wellbeing Board in this respect.

- 3.1.5 General Purposes Committee further recommend that full Council authorises the City Solicitor to consider the response of the Health and Wellbeing Board and, in consultation with the Leader, to make a direction in relation to voting.
- 3.1.6 It is proposed that the Council Procedure Rules should be amended to provide for:-
- Receipt by Council of the minutes of the Health and Wellbeing Board;
 - the quorum for the Health and Wellbeing Board to be four members, to include one councillor and a CCG representative; and
 - substitute arrangements for councillors who are members of the Board to be appointed via nomination from the relevant group whip.
- 3.1.7 It is further proposed that the City Solicitor should be authorised to make further amendments as necessary to the Council Procedure Rules to provide for a non-voting representative to substitute for a relevant voting representative, should the Board appoint any additional non-councillor members.
- 3.1.8 General Purposes Committee recommend that a new Article 17 be approved, setting out the authority’s arrangements in relation to health. The proposed Article 17 is set out at Appendix D to this report.
- 3.1.9 General Purposes Committee recommend that amendments are approved to the Terms of Reference for Area Committees so that those committees may advise or make representations to the Health and Wellbeing Board, and may consider any proposals referred to them by the Health and Wellbeing Board.
- 3.2 Executive and Decision Making Procedure Rules
- 3.2.1 As part of the Annual Review of the Constitution it is proposed that the Executive and Decision Making Procedure Rules should be amended to read as set out in Appendix B to give a clear account of the decision making practice and procedure adopted by Leeds City Council.
- 3.2.2 In particular they provide for:-
- 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 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.

3.2.3 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.

3.2.4 At its meeting of 9th May 2013 Executive Board approved those items contained within rules 1.1 to 1.4, 2.1 and 3.1. 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.

3.2.5 Full Council are recommended to approve the remaining rules which 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.

3.2.6 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. Full Council are requested to authorise the City Solicitor to make relevant consequential amendments.

3.3 Officer Delegation Scheme

3.3.1 In order to ensure consistency with the amended Officer Delegation Scheme (Executive Functions) it is recommended that the Officer Delegation Scheme (Council Functions) should also be amended as follows:-

- Delegations in relation to democratic services functions (appointing review boards, arrangements for school appeals and appointment of members to

vacancies between elections and the annual meeting) to be transferred from the Director of Resources to the City Solicitor who will have executive delegations relating to democratic services in the new municipal year.

- Delegations relating to miscellaneous regulatory functions (licensing scrap yards, approving premises for solemnisation of marriages, and registering motor salvage operators) to be transferred from the Director of Resources to the Assistant Chief Executive (Customers and Communities)¹, who will have executive delegations in relation to licensing in the new municipal year.

The proposed Officer Delegation Scheme (Council Functions) for the Assistant Chief Executive (Customers and Communities), Director of Resources and City Solicitor are set out at Appendix E, F and G respectively.

- 3.3.2 It will be noted that there is a proposed change in post title from Assistant Chief Executive (Customer Access and Performance) to Assistant Chief Executive (Customers and Communities). In order to reflect this change, and the amendments to the officer delegation scheme (Council Functions) it is also proposed that minor amendments should be made to the Officer Delegation Scheme - general delegation scheme and in the footnotes to the Terms of Reference for the Scrutiny boards (Safer and Stronger Communities) and (Resources and Council Services). The amendments necessary are reflected in the documents contained in Schedule 8A to the Summons for the Annual Meeting.

4 Corporate Considerations

4.1 Consultation and Engagement

- 4.1.1 Relevant Directors have been consulted about the proposed amendments to the Officer 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 Council's Business Plan 2011-15 sets out the Council's priorities. Those relating to the Corporate directorate require "good rules and procedures to govern the Council's business". The recommendations set out in this report seek to ensure that the practices and procedures adopted by the Council comply with legislation and ensure best practice.

4.4 Resources and value for money

- 4.4.1 The organisational realignment proposed in this report will contribute to the savings required by the Council's financial strategy, approved by Executive Board in December 2012.

¹ Following General Purposes Committee a minor amendment has been made to the post title – changing from Assistant Chief Executive (Customer Services and Community) to Assistant Chief Executive (Customers and Communities)

4.5 Legal Implications, Access to Information and Call In

4.5.1 No part of this report is confidential or exempt, and the report relates to Council functions, and so is not open to call-in.

4.6 Risk Management

4.6.1 Amendments to the constitution reflect legislative changes, increase clarity and ensure that accountability is clear for all services therefore reducing risk of challenge.

5 Conclusions

5.1 Following consideration of reports in relation to

- Establishing a Health and Wellbeing Board
- Executive and Decision Making Procedure Rules
- Amendments to the Officer Delegation Scheme (Council Functions)

General Purposes Committee make a number of recommendations to Full Council.

5.2 Some recommendations are made in order to give effect to new legislation in relation to public health and executive decision making. Other recommendations reflect proposals to ensure best fit of the Council's arrangements to the resources at its disposal.

5.3 In particular General Purposes Committee recommends to Full Council that they approve amendments to the Constitution as detailed in paragraph 3 to this report to ensure that it is up to date and fit for purpose.

5.4 In addition General Purposes Committee recommends that the City Solicitor should be given authority to make further amendments to the Constitution consequential upon these changes.

6 Recommendations

6.1 General Purposes Committee recommend full Council:-

6.1.1 To approve the Membership proposals for the Health and Wellbeing Board set out at Appendix C to this report and to consult the Health and Wellbeing Board about the proposed direction in relation to voting rights as detailed in paragraph 3.1.4 of this report;

6.1.2 To make amendments to documents contained within the Council's Constitution, as follows:-

- To approve a new Article 17 relating to health as set out at AppendixD;

- To approve amendments to the Terms of Reference of the Scrutiny Board (Safer and Stronger Communities) as detailed in paragraph 3.3.2 of this report;
- To approve amendments to the Terms of Reference of the Scrutiny Board (Resources and Council Services) as detailed in paragraph 3.3.2 of this report;
- To approve amendments to Terms of Reference for Area Committees as detailed in paragraph 3.1.9 of this report;
- To approve new Terms of Reference for Health and Wellbeing Board as set out at Appendix A to this report;
- To approve amendments to the Officer Delegation Scheme (Council Functions) General Delegation Scheme as detailed in Paragraph 3.3.2 of this report;
- To approve amendments to the Officer Delegation Scheme (Council Functions) Assistant Chief Executive (Customers and Communities) as set out at Appendix E to this report;
- To approve amendments to the Officer Delegation Scheme (Council Functions) Director of Resources as set out at Appendix F to this report;
- To approve amendments to the Officer Delegation Scheme (Council Functions) City Solicitor as set out at Appendix G to this report;
- To approve amendments to the Council Procedure Rules as detailed in paragraph 3.1.6 of this report; and
- To approve amendments to the Executive and Decision Making Procedure Rules set out at Appendix B to this report with the exception of Rules 1.1 to 1.4, 2.1 and 3.1 which have been approved by Executive Board; and

6.1.3 To authorise 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 to
- Make further amendments to the Constitution as necessary to give effect to the amendments and decisions detailed in paragraph 6.1.1 and 6.1.2 above.

7 Background documents²

7.1 None

² 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 functions¹:

1. to encourage integrated working² in relation to arrangements for providing health, health-related or social care services;
2. to prepare and publish a joint strategic needs assessment (JSNA)³;
3. to prepare and publish a joint health and wellbeing strategy (JHWS)⁴;
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 functions⁵;
5. to review the extent to which each Clinical Commissioning Group (CCG) has contributed to the delivery of the JHWS⁶;
6. to provide an opinion to each CCG on whether their draft commissioning plan takes proper account of the JHWS⁷;
7. to provide an opinion to NHS England on whether a commissioning plan published by a CCG takes proper account of the JHWS⁸;
8. to prepare a local pharmaceutical needs assessment⁹; and
9. to exercise any other functions of the authority which are referred to the Board by the authority¹⁰.

¹ "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.

² 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).

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

⁴ Under Section 116A LGPIHA 2007

⁵ Under Section 116B LGPIHA 2007

⁶ Under Section 14Z15(3) and Section 14Z16 NHSA 2006

⁷ Section 14Z13(5) NHSA 2006

⁸ Section 14Z14 NHSA 2006

⁹ Section 128A NHSA 2006

¹⁰ 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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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 Executive¹; or may provide for executive functions to be discharged collectively by all Executive Members meeting as the Executive Board ; or by

- an individual Executive Member²;
- 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 Board³. 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 Members⁴.

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 time⁵. 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

¹ 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).

² This does not currently take place in Leeds

³ 'Executive Members'

⁴ As detailed in Part 3 Section 3A of the Constitution.

⁵ 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 year⁶. 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.

⁶ 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 Meetings⁷

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 Considered⁸

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 information⁹ or requires the disclosure of exempt information¹⁰.

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 Board¹¹ in private.

⁷ Regulations 6 & 7, Executive Arrangement Regulations 2012

⁸ Regulation 5, Executive Arrangement Regulations 2012

⁹ As defined at Rule 9.2 Access to Information Procedure Rules.

¹⁰ As defined at Rule 10.4 Access to Information Procedure Rules.

¹¹ 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 Board¹². 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 Decisions¹³

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 taker¹⁴ 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.

¹² Or in their absence the Lord Mayor, or in the absence of the Lord Mayor, the vice chair of the authority.

¹³ Regulation 9, Executive Arrangement Regulations 2012

¹⁴ 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 Exception¹⁵

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;

¹⁵ 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**¹⁶

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 Board¹⁷ 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**¹⁸

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.

¹⁶ Regulation 11, Executive Arrangement Regulations 2012

¹⁷ 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.

¹⁸ 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 Board¹⁹

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.

¹⁹ 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 Board²⁰.

²⁰ 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 Framework²¹.

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,

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.

²¹ 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 Framework²²

Any decision which is contrary to the policy framework²³, or not wholly in accordance with the budget²⁴ 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 Board²⁵ 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 Board²⁶ 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:

²² Local Authorities (Functions and Responsibilities) (England) Regulations 2000, Regulation 5(2)

²³ 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.

²⁴ Or virements made in accordance with the Budget and Policy Procedure Rules.

²⁵ 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

²⁶ 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**²⁷

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**²⁸

As soon as reasonably practicable, and in any event within 2 working days, after a decision has been taken in relation to executive arrangements²⁹ 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**³⁰

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

²⁷ Regulation 12, Executive Arrangement Regulations 2012

²⁸ Regulation 13, Executive Arrangement Regulations 2012

²⁹ 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.

³⁰ 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 made³¹. 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-In³²

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 decisions³³.

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 Board³⁴:

³¹ 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.

³² 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.

³³ 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.

³⁴ 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 Board³⁵; 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 Officer³⁶ 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 decision³⁷.

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.

³⁵ That is functions delegated to the Health and Wellbeing Board by the Leader

³⁶ This Officer is the Head of Scrutiny and Member Development.

³⁷ 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 notification³⁸ to explain the reasons for the Call-In³⁹. 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

³⁸ or their nominees

³⁹ 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 report⁴⁰ 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.

⁴⁰ 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 Treated⁴¹**

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

⁴¹ 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 Council⁴² 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.

⁴² Allowing 5 clear working days to prepare the report prior to dispatch of the summons.

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Health and Wellbeing Board – membership proposals

Appendix C

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

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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.

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 otherwise¹.

Director of Public Health

The authority acting jointly with the Secretary of State will appoint a Director of Public Health².

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.

¹ (minute to be inserted of any direction)

² In accordance with Section 73A NHS Act 2006

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Assistant Chief Executive (Customers and Communities)

Subject to the exceptions listed below, the Assistant Chief Executive (Customers and Communities)¹ 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

Exceptions²

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

¹ 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.

² 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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Officer Delegation Scheme (Council (non-executive) functions)

Director of Resources

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

(a)	To appoint review boards under the Social Security Act 1998²
(b)	To make arrangements for appeals against exclusion of pupils from maintained Schools
(c)	To make arrangements for appeals regarding school admissions³
(d)	To make arrangements for appeals by governing bodies⁴

2.1. Subject to the Exceptions listed below, the Director of Resources⁵ 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 ⁶	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

~~¹The 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.~~

~~²s34 (4) Social Security Act 1998~~

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

~~⁴s95 (2) School Standards and Framework Act 1998~~

~~⁵The 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.~~

~~⁶Except in relation to those which are to be determined by the Employment Committee.~~

Officer Delegation Scheme (Council (non-executive) 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

Exceptions⁷

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

⁷~~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.~~

City Solicitor

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

2. The City Solicitor is deputy Electoral Registration Officer¹.

3. The City Solicitor² 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 1998³</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 admissions⁴</u>
<u>(d)</u>	<u>To make arrangements for appeals by governing bodies⁵</u>

~~2.~~

~~3.4.~~ The City Solicitor⁶ 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
--	--

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.

¹ The Head of Licensing and Registration is also appointed as deputy Electoral Registration Officer.

² ~~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.~~

³ s34 (4) Social Security Act 1998

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

⁵ s95 (2) School Standards and Framework Act 1998

⁶ ~~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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Scrutiny Board (Children and Families)

The Scrutiny Board (Children and Families) is authorised to discharge the following overview and scrutiny functions¹:

1. to review or scrutinise decisions made or other action taken in connection with any council or executive function or any matter which affects the authority's area or the inhabitants of that area;²
2. to review or scrutinise the performance of the Children's Trust Board;³
3. to carry out such other reviews or policy development tasks as it may be requested to do by either the Executive Board or the Council;
4. to act as the appropriate Scrutiny Board in relation to the Executive's initial proposals for a relevant plan or strategy⁴ within the Budget and Policy Framework;⁵
5. to review or scrutinise executive decisions that have been Called In;
6. to review outcomes, targets and priorities within the Council Business Plan and the Best city... for children and young people priorities within the City Priority Plan;
7. to receive requests for scrutiny and councillor calls for action and undertake any subsequent work; and
8. to make such reports and recommendations as it considers appropriate and to receive and monitor formal responses to any reports or recommendations made.

¹ In relation to functions delegated to the Director of Children's Services under the Officer Delegation Scheme whether or not those functions are concurrently delegated to any other committee or officer.

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

³ The Scrutiny Board has a duty to do this each municipal year - Scrutiny Board Procedure Rule 10.3

⁴ Namely the Youth Justice Plan and the Children and Young Peoples Plan

⁵ In accordance with Budget and Policy Framework Procedure Rules.

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Scrutiny Board (Health and Well-being and Adult Social Care)

The Scrutiny Board (Health and Well-being and Adult Social Care) is authorised to discharge

1. the following overview and scrutiny functions:¹
 - a) to review or scrutinise decisions made or other action taken in connection with any council or executive function or any matter which affects the authority's area or the inhabitants of that area;²
 - b) to review or scrutinise the performance of the Health and Wellbeing Board;³
 - c) to carry out such other reviews or policy development tasks as it may be requested to do by the Executive Board, the Council or the Health and Wellbeing Board;
 - d) to act as the appropriate Scrutiny Board in relation to the Executive's initial proposals for a relevant plan or strategy⁴ within the Budget and Policy Framework;⁵
 - e) to review or scrutinise executive decisions made that have been Called In;
 - f) to review outcomes, targets and priorities within the Council Business Plan and the Best city for...health and wellbeing priorities in the City Priority Plan;
 - g) to receive requests for scrutiny and councillor calls for action and undertake any subsequent work; and
 - h) to make such reports and recommendations as it considers appropriate and to receive and monitor formal responses to any reports or recommendations made by the Board.
2. the following functions of the authority:⁶

¹ In relation to functions delegated to the Director of Adult Social Services and the Director of Public Health under the Officer Delegation Scheme whether or not those functions are concurrently delegated to any other committee or officer, and functions exercised by the Health and Wellbeing Board

² Including matters pertaining to outside bodies or partnerships to which the authority has made appointments

³ The Scrutiny Board has a duty to do this each municipal year – Scrutiny Board Procedure Rule 10.3

⁴ Namely the Health and Wellbeing City Priority Plan

⁵ In accordance with Budget and Policy Framework Procedure Rules.

⁶ In accordance with regulations issued under Section 244 National Health Service Act 2006 (the regulations)

- a) to review and scrutinise any matter relating to the planning, provision and operation of the health service in its area and to make reports and recommendations on any such matter it has reviewed or scrutinised;
- b) to comment on, make recommendations about, or report to the Secretary of State in writing about such proposals as are referred to the authority by a relevant NHS body or a relevant health service provider; and
- c) to nominate Members to any joint overview and scrutiny committee appointed by the authority.⁷

⁷ such nominations to reflect the political balance of the Board.

Scrutiny Board (Housing and Regeneration)

The Scrutiny Board (Housing and Regeneration) is authorised to discharge the following overview and scrutiny functions¹.

1. to review or scrutinise decisions made or other action taken in connection with any council or executive function or any matter which affects the authority's area or the inhabitants of that area;²
2. to review or scrutinise the performance of the Housing and Regeneration Partnership Board;³
3. to carry out such other reviews or policy development tasks as it may be requested to do by either the Executive Board or the Council;
4. to act as the appropriate Scrutiny Board in relation to the Executive's initial proposals for a relevant plan or strategy⁴ within the Budget and Policy Framework;⁵
5. to review or scrutinise executive decisions that have been Called In;
6. to review outcomes, targets and priorities within the Council Business Plan and the Best city ..to live priorities within the City Priority Plan;
7. to receive requests for scrutiny and councillor calls for action and undertake any subsequent work; and
8. to make such reports and recommendations as it considers appropriate and to receive and monitor formal responses to any reports or recommendations made.

¹ In relation to functions delegated to the Director of Environment and Neighbourhoods under the Officer Delegation Scheme (Executive Functions) paragraphs 2(a) to (c) ,and to the Director of City Development under the Officer Delegation Scheme (Executive Functions) paragraph 2(p) whether or not those functions are concurrently delegated to any other committee or officer.

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

³ relating to housing led regeneration. The Scrutiny Board has a duty to do this each municipal year – Scrutiny Board Procedure Rule 10.3

⁴ Namely the Regeneration City Priority Plan.

⁵ In accordance with Budget and Policy Framework Procedure Rules.

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Scrutiny Board (Safer and Stronger Communities)

The Scrutiny Board (Safer and Stronger Communities) is authorised to discharge the following overview and scrutiny functions¹.

1. to review or scrutinise decisions made or other action taken in connection with any council or executive function of any matter which affects the authority's area or the inhabitants of that area;²
2. to review or scrutinise the performance of the Safer and Stronger Communities Board³;
3. to carry out such other reviews or policy development tasks as it may be requested to do by either the Executive Board or the Council;
4. to act as the appropriate Scrutiny Board in relation to the Executive's initial proposals for a relevant plan or strategy⁴ within the Budget and Policy Framework;⁵
5. to review or scrutinise executive decisions that have been Called In;
6. to exercise the functions of a crime and disorder committee⁶, including the following:
 - a. to review or scrutinise the exercise of crime and disorder functions⁷ by responsible authorities;⁸
 - b. to review or scrutinise any local crime or disorder matter raised by a Member;⁹

¹ In relation to the functions delegated to the Director of Environment and Neighbourhoods under the Officer Delegation Scheme (Council Functions) and the Officer Delegation Scheme (Executive Functions) at paragraphs 1 (a) to (e) and 2 (d) to (l) and the Assistant Chief Executive (Customers and Communities) under the Officer Delegation Scheme (Executive Functions) at paragraph (a) whether or not those functions are concurrently delegated to any other committee or officer.

² Including matters pertaining to outside bodies and partnerships to which the authority has made appointments

³ The Scrutiny Board has a duty to do this each municipal year – Scrutiny Board Procedure Rule 10.3

⁴ Namely the Safer and Stronger Communities Plan

⁵ In accordance with Budget and Policy Framework Procedure Rules.

⁶ In accordance with Section 19 Police and Justice Act 2006

⁷ As defined by Section 6 Crime and Disorder Act 1998 (formulating and implementing crime and disorder strategies).

⁸ These are the authorities responsible for crime and disorder strategies set out in Section 5 of the Crime and Disorder Act 1998

⁹ This is any matter concerning –

- a) crime and disorder (including in particular forms of crime and disorder that involve anti-social behaviour or other behaviour adversely affecting the local environment), or
- b) the misuse of drugs, alcohol and other substances in that area.

which affects all or part of the electoral area for which the Member is elected or any person who lives or works in that area.

Council Committees' Terms of Reference

7. to review outcomes, targets and priorities within the Council Business Plan and Best city... for communities priorities within the City Priority Plan;
8. to receive requests for scrutiny and councillor calls for action and undertake any subsequent work; and
9. to make such reports and recommendations as it considers appropriate and to receive and monitor formal responses to any reports or recommendations made by the Board.

Scrutiny Board (Sustainable Economy and Culture)

The Scrutiny Board (Sustainable Economy and Culture) is authorised to discharge the following overview and scrutiny functions¹:

1. to review or scrutinise decisions made or other action taken in connection with any council or executive function, or any matter which affects the authority's area or the inhabitants of that area;²
2. to review or scrutinise the performance of the Sustainable Economy and Culture Partnership Board;³
3. to carry out such other reviews or policy development tasks as it may be requested to do by either the Executive Board or the Council.
4. to act as the appropriate Scrutiny Board in relation to the Executive's initial proposals for a relevant plan or strategy⁴ within the Budget and Policy Framework;⁵
5. to review or scrutinise executive decisions made that have been Called In;
6. to review and scrutinise the exercise by risk management authorities⁶ of flood risk management functions⁷ which may affect the Leeds City Council area;⁸
7. to review outcomes, targets and priorities within the Council Business Plan and the Best City for business priorities within the City Priority Plan;
8. to receive requests for scrutiny and councillor calls for action and undertake any subsequent work; and
9. to make such reports and recommendations as it considers appropriate and to receive and monitor formal responses to any reports or recommendations made by the Board.

¹ In relation to functions delegated to the Director of City Development under the Officer Delegation Scheme (Council (non executive) Functions) and the Officer Delegation Scheme (Executive Functions) at paragraphs 1(a) to (c) and 2(a) to (o) and (q), and the Chief Planning Officer under the Officer Delegation Scheme (Council functions) at Section 2, and the Officer Delegation Scheme (Executive Functions) at paragraph (a) whether or not those functions are concurrently delegated to any other committee or officer.

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

³ relating to economic led regeneration. The Scrutiny Board has a duty to do this each municipal year – Scrutiny Board Procedure Rule 10.3

⁴ Namely the Development Plan Documents, Plans and alterations which together comprise the Development Plan, the Sustainable Economy and Culture City Priority Plan and the Local Flood Risk Management Strategy.

⁵ In accordance with Budget and Policy Framework Procedure Rules.

⁶ As defined by Section 6 Flood and Water Management Act 2010

⁷ As defined by Section 4 Flood and Water Management Act 2010

⁸ In accordance with Section 9FH Local Government Act 2000

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Scrutiny Board (Resources and Council Services)

The Scrutiny Board (Resources and Council Services) is authorised to discharge the following overview and scrutiny functions¹:

1. to review or scrutinise decisions made or other action taken in connection with any council or executive function or any matter which affects the authority's area or the inhabitants of that area;²
2. to review or scrutinise the performance of the Leeds Initiative Board;³
3. to carry out such other reviews or policy development tasks as it may be requested to do by either the Executive Board or the Council;
4. to act as the appropriate Scrutiny Board⁴ in relation to the Executive's initial proposals for a plan or strategy⁵ within the Budget and Policy Framework;⁶
5. to review or scrutinise executive decisions⁷ made that have been Called In;
6. to review outcomes, targets and priorities within the Council Business Plan;
7. to receive requests for scrutiny and councillor calls for action and undertake any subsequent work; and
8. to make such reports and recommendations as it considers appropriate and to receive and monitor formal responses to any reports or recommendations made by the Board.

¹ In relation to functions delegated under the Officer Delegation Schemes for the Chief Executive, the Deputy Chief Executive, the Assistant Chief Executive (Customers and Communities) (except in relation to function (a)), the Director of Resources and the City Solicitor (whether or not those functions are concurrently delegated to any other committee or officer); and any other function not within the terms of reference of any other Scrutiny Board.

² Including matters pertaining to outside bodies and partnerships to which the authority has made appointments

³ The Scrutiny Board has a duty to do this each municipal year – Scrutiny Board Procedure Rule 10.3

⁴ Under the Budget and Policy Framework Procedure Rules

⁵ Namely the Licensing Authority Policy Statement, the Vision for Leeds, the Council Business Plan and the Budget, and any other plan or policy which shall be added to the Policy Framework and is not included within the Terms of Reference of any other Scrutiny Board.

⁶ Including in relation to the Budget

⁷ Other than those within the Terms of Reference of any other Scrutiny Board

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Standards and Conduct Committee

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

1. To promote and maintain high standards of conduct by members and co-opted members of the authority¹.
2. To advise the authority in relation to the adoption, revision or replacement of the code dealing with the conduct that is expected of members and co-opted members of the authority when they are acting in that capacity.
3. To consider and determine written allegations that a member or co-opted member of the authority has failed to comply with the authority's code of conduct, or that a member or co-opted member of a parish council in the Leeds area has failed to comply with the parish council's code of conduct².
4. Following a determination of whether or not a member or co-opted member of the authority has failed to comply with the code of conduct, to consider whether or not action might be necessary, and to make recommendations³ on the form of action⁴.
5. To advise the authority in relation to the adoption, revision or replacement of the code dealing with the conduct that is expected of employees of the authority⁵.

¹ In accordance with Section 27 of the Localism Act 2011.

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

³ Including to full Council, the Leader, the Chief Executive, or the relevant Group Whip.

⁴ In accordance with Section 28(11) of the Localism Act 2011.

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

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Corporate Governance and Audit Committee

The Corporate Governance and Audit Committee is authorised to discharge the following functions¹:

1. to consider the Council's arrangements relating to accounts² including:
 - (a) the approval of the statement of accounts and any material amendment of the accounts recommended by the auditors;
 - (b) the approval of the Annual Governance Statement³; and
 - (c) with the exception of any matter, which may result in the accounts being qualified, responding to the Council's auditors in respect of any matter where it is not considered appropriate to make the amendments recommended by the auditors.

2. to consider the Council's arrangements relating to external audit requirements including:
 - (a) agreement and review of the nature and scope of the annual audit plan,
 - (b) the receipt of external audit reports so as to:
 - (i) inform the operation of Council's current or future audit arrangements; and
 - (ii) provide a basis for gaining the necessary assurance regarding governance prior to the approval of the Council's accounts.

3. to review the adequacy of policies and practices to ensure compliance with statutory and other guidance

4. to review the adequacy of the Council's Corporate Governance arrangements (including matters such as internal control and risk management) and

5. to consider the Council's arrangements relating to internal audit requirements including:
 - (a) considering the Annual Internal Audit Report
 - (b) monitoring the performance of internal audit

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

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

³ The Annual Governance Statement is Leeds City Council's Statement on Internal Control which is approved under Regulation 4(3) of the Accounts and Audit (England) Regulations 2011.

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General Purposes Committee

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

1. to consider and determine any Council (non-executive) function¹ delegated² to a Director³ which does not fall within the terms of reference of any other committee;
2. to consider proposals to amend the constitution and make recommendations to full Council; and
3. to make recommendations to full Council in connection with the discharge of any of its functions.⁴

¹ These functions include local choice functions, which have been determined as non executive functions.

² Whether or not the post is vacant

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

⁴ 'Function' in this context does not include shared functions with the executive

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Area Committees

Within each Committee's area:

(Council functions)

1. to make Elected Member¹ appointments² to Outside Bodies as determined by the Member Management Committee;
2. to advise or make representations to the Council or the Executive Board³ on all matters affecting community interests;⁴
3. to consider and respond to consultations on planning briefs and frameworks and on major development proposals affecting the Committee's area;⁵
4. to consider proposals referred to the Committee by the Council or the Executive Board⁶ and to report back the Committee's views to the referring body;⁷
5. to receive and hear deputations;
6. to consider the performance, targeting, frequency and co-ordination of services and make recommendations to the Executive Board as appropriate;⁸

(Executive functions)⁹

7. *to promote and improve the economic, social and environmental well-being of the Committee's area*¹⁰;
8. *to exercise Area Functions*;¹¹

¹ Including the appointment of a suitable nominee as set out in the Appointments to Outside Bodies Procedure Rules

² In accordance with the Appointments to Outside Bodies Procedure Rules at Part 4 of the Constitution.

³ Or to any committee appointed by the Council or the Executive

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

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

⁶ Or to any committee appointed by the Council or the Executive

⁷ This is an advisory function under Section 102(4) Local Government Act 1972.

⁸ This is an advisory function under Section 102(4) Local Government Act 1972

⁹ All executive functions will be exercisable concurrently with the Executive Board.

¹⁰ In furtherance of, and subject to the limitations set out in the Well-being Schedule detailed in Part 3 Section 3D of the Constitution, as determined from time to time by the Executive Board

¹¹ As determined from time to time by the Executive Board and in furtherance of, and subject to the limitations set out in the Area Function Schedule(s) detailed in Part 3 Section 3D of the Constitution and the Area Committee Procedure Rules in Part 4 of the Constitution.

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Employment Committee

The Employment Committee is authorised to discharge the following Council (non-executive)¹ functions².

1. to make recommendations to Council to appoint or dismiss the Chief Executive.
2. to take disciplinary action short of dismissal against the Chief Executive.
3. to hear any grievance submitted by the Chief Executive and referred to it by the Chief Officer Human Resources.
4. to hear any appeal referred to it by the Chief Officer Human Resources against the outcome of the first formal stage of a grievance against the Chief Executive.
5. to suspend the Chief Executive, Monitoring Officer or Director of Resources pending completion of the disciplinary process. Any such suspension must not last longer than two months (unless extended by the Designated Independent Person³).
6. to appoint or dismiss or take disciplinary action against Directors⁴.
7. to deal with appeals⁵ relating to grading, grievance and disciplinary action short of dismissal in respect of the Chief Executive.
8. to deal with appeals⁵ relating to grading, grievance and disciplinary action (including dismissal) in respect of Directors⁴.

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

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

³ Regulation 6 and Schedule 3 of the Local Authorities (Standing Orders) (England) Regulations 2001

⁴ 'Directors' in this context is to be construed as any officer referred to in sub-paragraph (b), (c), or (d) of paragraph 3 of Part II of Schedule 1 of the Local Authorities (Standing Orders)(England) Regulations 2001, namely:

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

⁵ Any such appeals shall be heard by a differently constituted Employment Committee from that which heard the original grievance or dealt with the original disciplinary proceedings, as the case may be

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Member Management Committee

The Member Management Committee is authorised to discharge the following functions¹:

1. to determine which outside bodies² require Elected Member³ representation or appointment and to act as Appointing Body for the purposes of making appointments to outside bodies categorised as Strategic and Key Partnership Outside Bodies⁴;
2. to determine requests to establish informal Working Groups of Members, except where such a request falls to be determined by another Committee⁵;
3. to act as an Advisory Body for the purposes of implementing practices and procedures affecting Elected Members⁶; and
4. to consider matters in relation to the Training and Development of Elected Members;
5. to represent the views of Elected Members to the executive, in relation to the provision to Elected Members of information, communication and associated technologies; and
6. to represent the views of Elected Members to the executive, in relation to the provision of accommodation for Elected Members.

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

² Excluding those appointments to joint committees which are reserved to full Council

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

⁴ Within the Protocol for making Local Authority Appointments to Outside Bodies, such bodies are categorised as either Strategic and Key Partnership bodies (for which this Committee is the Appointing Body) or Community and Local Engagement bodies (for which the relevant Area Committee is the Appointing Body).

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

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

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The Licensing Committee

With the exception¹ of

- any licensing function under the Licensing Act 2003 (the 2003 Act) or the Gambling Act 2005 (the 2005 Act) reserved to full Council;² or
- any licensing function where full Council has referred a matter to another committee,³

the Licensing Committee is authorised to discharge⁴ the following functions⁵:

1. to discharge the licensing functions of the licensing authority;⁶
- 2.1 to discharge any other function of the authority referred to it by full Council;⁷
- 2.2 pursuant to the provision in section 2.1 above full Council has delegated to the Licensing Committee the following functions:
 - 2.2.1 the power to make a designated public places order in respect of alcohol consumption under the Criminal Justice and Police Act 2001⁸
 - 2.2.2 the power to designate an area as an Alcohol Disorder Zone⁹
 - 2.2.3 hackney carriages and private hire vehicles¹⁰
 - 2.2.4 sexual entertainment venues, sex shops and sex cinemas¹¹
 - 2.2.5 performances of hypnotism¹²
 - 2.2.6 charitable collections¹³

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

² Part 3, Section 2A of the Constitution sets out licensing functions reserved to full Council, as licensing authority under the 2003 Act and under the 2005 Act.

³ Under the provisions of Section 7(5)(a) of the 2003 Act.

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

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

⁶ This includes the power to set fees under Section 212 of the 2005 Act

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

⁸ Item 49 of Para I of Schedule 1 to the 2000 Regulations

⁹ Item 50 Para I of Schedule 1 to the 2000 Regulations

¹⁰ Item 3 – 5 of Para. B of Schedule 1 to the 2000 Regulations

¹¹ Item 15 of Para. B of Schedule 1 to the 2000 Regulations and Section 27 Policing and Crime Act 2009 and Schedule 3 Local Government (Miscellaneous Provisions) Act 1982

¹² Item 16 of Para. B of Schedule 1 to the 2000 Regulations

Council Committees' Terms of Reference

- 3 in respect of any approval, consent, licence, permission, or registration which they may grant,
 - (a) To impose conditions limitations or restrictions;
 - (b) To determine any terms;
 - (c) To determine whether and how to enforce any failure to comply;
 - (d) To amend, modify, vary or revoke;
 - (e) To determine whether a charge should be made or the amount of such a charge.
4. to make recommendations to full Council in connection with the discharge of its functions as licensing authority;¹⁴ and
5. to receive reports from, and to make recommendations and representations to other committees or bodies as appropriate.¹⁵

¹³ Item 39 of Para. B of Schedule 1 to the 2000 Regulations

¹⁴ Including recommendations arising from the monitoring of the operation and impact of the licensing or Gambling policy by the Licensing Committee.

¹⁵ Where the licensing authority exercises its power under Section 7(5)(a) of the 2003 Act the other Committee must consider a report of the Licensing Committee. Where the Council does not make arrangements under Section 7(3), it must (unless the matter is urgent) consider a report of the Licensing Committee with respect to the matter before discharging the function (Section 7(4)).

Area Plans Panels

The Area Plans Panels are authorised¹ to discharge² the following functions³

1. all Council (non-executive)⁴ functions relating to:
 - (a) town and country planning and development management⁵ with the exception of functions which the City Plans Panel is authorised to discharge.
 - (b) safety certificates for sports grounds⁶;
 - (c) common land or town and village greens⁷;
 - (d) street works and highways⁸;
 - (e) public rights of way⁹
 - (f) the protection of hedgerows and the preservation of trees¹⁰; and
 - (g) high hedges¹¹
2. in respect of any approval, consent, licence, permission, or registration which they may grant:
 - (a) to impose conditions limitations or restrictions;
 - (b) to determine any terms;
 - (c) to determine whether and how to enforce any failure to comply;
 - (d) to amend, modify, vary or revoke; and/or
 - (e) to determine whether a charge should be made or the amount of such charge.
3. to discharge any licensing function¹², where full Council has referred a matter to the Area Plans Panel.

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

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

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

⁴ Local Authorities (Functions and Responsibilities)(England)Regulations 2000 as amended

⁵ Items 5-31, Para. A of Schedule 1 of the 2000 Regulations

⁶ Items 26 and 27 of Para B of Schedule 1 of the 2000 Regulations

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

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

⁹ Part I of Para I of Schedule 1 of the 2000 Regulations

¹⁰ Items 46 and 47 of Para I of Schedule 1 of the 2000 Regulations

¹¹ Item 47A of Para. I of Schedule 1 of the 2000 Regulations

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

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

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

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City Plans Panel

The City Plans Panel is authorised to discharge¹ the following functions²

1. all Council (non-executive)³ functions relating to:
 - (a) town and country planning and development management⁴ in respect of the following types of applications:
 - proposals within the City Centre⁵
 - proposals that (in the opinion of the Chief Planning Officer having consulted the appropriate Executive Member⁶ and Chair of the relevant Area Plans Panel⁷ and the Chair of the City Plans Panel) are of major strategic significance (either individually or cumulatively) in terms of one or more of the following; job growth or retention; investment value and regeneration
 - residential schemes involving 200 residential units or more or a site area of 4 hectares or more if the number of units is not known.
 - non residential schemes involving proposed floor space of 5,000 square metres (gross) or more, or a site area of 2 hectare or more if the floor space is not known.
 - proposals that (in the opinion of the Chief Planning Officer having consulted the appropriate Executive Member and Chair of the relevant Area Plans Panel and the Chair of the City Plans Panel) are eligible for significant , time limited public funds (including PFI schemes)
 - (b) within the City Centre⁸ :
 - safety certificates for sports grounds⁹;
 - common land or town and village greens¹⁰;
 - street works and highways¹¹;
 - public rights of way¹²;
 - the protection of hedgerows and the preservation of trees¹³; and
 - high hedges¹⁴

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

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

³ Local Authorities (Functions and Responsibilities)(England)Regulations 2000 as amended

⁴ Items 5-31, Para. A of Schedule 1 of the 2000 Regulations

⁵ The City Centre for these purposes is the area indicated on the plan attached

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

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

⁸ See footnote 5 for definition of City Centre

⁹ Items 26 and 27 of Para B of Schedule 1 of the 2000 Regulations

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

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

¹² Part I of Para I of Schedule 1 of the 2000 Regulations

¹³ Items 46 and 47 of Para I of Schedule 1 of the 2000 Regulations

Council Committees' Terms of Reference

2. in respect of any approval, consent, licence, permission, or registration which they may grant:
 - (a) to impose conditions limitations or restrictions;
 - (b) to determine any terms;
 - (c) to determine whether and how to enforce any failure to comply;
 - (d) to amend, modify, vary or revoke; and/or
 - (e) to determine whether a charge should be made or the amount of such charge.

3. to discharge any licensing function¹⁵ where full Council has referred a matter to the City Plans Panel.

¹⁴ Item 47A of Para. I of Schedule 1 of the 2000 Regulations

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

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

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

Part 3 Section 2B

Page 2 of 2

Health and Wellbeing Board

The Health and Wellbeing Board is authorised to carry out the following functions¹:

1. to encourage integrated working² in relation to arrangements for providing health, health-related or social care services;
2. to prepare and publish a joint strategic needs assessment (JSNA)³;
3. to prepare and publish a joint health and wellbeing strategy (JHWS)⁴;
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 functions⁵;
5. to review the extent to which each Clinical Commissioning Group (CCG) has contributed to the delivery of the JHWS⁶;
6. to provide an opinion to each CCG on whether their draft commissioning plan takes proper account of the JHWS⁷;
7. to provide an opinion to NHS England on whether a commissioning plan published by a CCG takes proper account of the JHWS⁸;
8. to prepare a local pharmaceutical needs assessment⁹; and
9. to exercise any other functions of the authority which are referred to the Board by the authority¹⁰.

¹ "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.

² 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).

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

⁴ Under Section 116A LGPIHA 2007

⁵ Under Section 116B LGPIHA 2007

⁶ Under Section 14Z15(3) and Section 14Z16 NHSA 2006

⁷ Section 14Z13(5) NHSA 2006

⁸ Section 14Z14 NHSA 2006

⁹ Section 128A NHSA 2006

¹⁰ 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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ADVISORY COMMITTEE

Development Plan Panel

An advisory Committee¹ authorised to make recommendations regarding:

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

In particular

To advise the Council in relation to functions which are²

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

To advise the Executive in relation to functions which are²

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

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

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

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LEEDS CITY COUNCIL

ANNUAL MEETING

20th MAY 2013

MEMBERSHIP OF AREA COMMITTEES 2013/2014¹

North West (Inner) Area Committee

Councillor J Walker (Headingley)
Councillor N Walshaw (Headingley)
Councillor M Hamilton (Headingley)
Councillor C Towler (Hyde Park & Woodhouse)
Councillor G Harper (Hyde Park & Woodhouse)
Councillor J Akhtar (Hyde Park and Woodhouse)
Councillor L Yeadon (Kirkstall)
Councillor J Illingworth (Kirkstall)
Councillor B Atha (Kirkstall)
Councillor J Bentley (Weetwood)
Councillor S Bentley (Weetwood)
Councillor J M Chapman (Weetwood)

North West (Outer) Area Committee

Councillor B Anderson (Adel & Wharfedale)
Councillor J L Carter (Adel & Wharfedale)
Councillor C Fox (Adel & Wharfedale)
Councillor G Latty (Guiselley & Rawdon)
Councillor P Wadsworth (Guiselley & Rawdon)
Councillor P Latty (Guiselley & Rawdon)
Councillor C Townsley (Horsforth)
Councillor D Collins (Horsforth)
Councillor B Cleasby (Horsforth)
Councillor S Lay (Otley & Yeadon)
Councillor C Campbell (Otley & Yeadon)
Councillor R Downes (Otley & Yeadon)

¹ Exempt from proportionality under Statutory Instrument 1990/1553 Reg 16A

North East (Inner) Area Committee

Councillor E Taylor (Chapel Allerton)
Councillor M Rafique (Chapel Allerton)
Councillor J Dowson (Chapel Allerton)
Councillor A Sobel (Moortown)
Councillor R Charlwood (Moortown)
Councillor S Hamilton (Moortown)
Councillor B Urry (Roundhay)
Councillor C MacNiven (Roundhay)
Councillor G Hussain (Roundhay)

North East (Outer) Area Committee

Councillor N Buckley (Alwoodley)
Councillor D Cohen (Alwoodley)
Councillor P Harrand (Alwoodley)
Councillor A Castle (Harewood)
Councillor R Procter (Harewood)
Councillor M Robinson (Harewood)
Councillor G Wilkinson (Wetherby)
Councillor A Lamb (Wetherby)
Councillor J Procter (Wetherby)

East (Inner) Area Committee

Councillor M Ingham (Burmantofts & Richmond Hill)
Councillor A Khan (Burmantofts & Richmond Hill)
Councillor R Grahame (Burmantofts & Richmond Hill)
Councillor R Harington (Gipton & Harehills)
Councillor A Hussain (Gipton & Harehills)
Councillor K Maqsood (Gipton & Harehills)
Councillor G Hyde (Killingbeck & Seacroft)
Councillor V Morgan (Killingbeck & Seacroft)
Councillor B Selby (Killingbeck & Seacroft)

East (Outer) Area Committee

Councillor (D Coupar) (Crossgates & Whinmoor)
Councillor P Grahame (Crossgates & Whinmoor)
Councillor P Gruen (Crossgates & Whinmoor)
Councillor A McKenna (Garforth & Swillington)
Councillor M Dobson (Garforth & Swillington)
Councillor T Murray (Garforth & Swillington)
Councillor M Harland (Kippax & Methley)
Councillor J Lewis (Kippax & Methley)
Councillor K Wakefield (Kippax & Methley)
Councillor J Cummins (Temple Newsam)
Councillor K Mitchell (Temple Newsam)
Councillor M Lyons (Temple Newsam)

South (Inner) Area Committee

Councillor A Gabriel (Beeston & Holbeck)
Councillor A Ogilvie (Beeston & Holbeck)
Councillor D Congreve (Beeston & Holbeck)
Councillor E Nash (City & Hunslet)
Councillor P Davey (City & Hunslet)
Councillor M Iqbal (City & Hunslet)
Councillor P Truswell (Middleton Park)
Councillor J Blake (Middleton Park)
Councillor K Groves (Middleton Park)

South (Outer) Area Committee

Councillor K Renshaw (Ardsley & Robin Hood)
Councillor J Dunn (Ardsley & Robin Hood)
Councillor L Mulherin (Ardsley & Robin Hood)
Councillor R Finnigan (Morley North)
Councillor R Gettings (Morley North)
Councillor T Leadley (Morley North)
Councillor J Elliott (Morley South)
Councillor N Dawson (Morley South)
Councillor S Varley (Morley South)
Councillor D Nagle (Rothwell)
Councillor K Bruce (Rothwell)
Councillor B S Golton (Rothwell)

West (Inner) Area Committee

Councillor A Lowe (Armley)
Councillor J McKenna (Armley)
Councillor J Harper (Armley)
Councillor C Gruen (Bramley & Stanningley)
Councillor T Hanley (Bramley & Stanningley)
Councillor N Taggart (Bramley & Stanningley)

West (Outer) Area Committee

Councillor A Carter (Calverley & Farsley)
Councillor J W Marjoram (Calverley & Farsley)
Councillor R Wood (Calverley & Farsley)
Councillor D Blackburn (Farnley & Wortley)
Councillor A Blackburn (Farnley & Wortley)
Councillor J Hardy (Farnley & Wortley)
Councillor J Jarosz (Pudsey)
Councillor R Lewis (Pudsey)
Councillor M Coulson (Pudsey)

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GENERAL DELEGATIONS TO OFFICERS

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

2. Subject to the exception listed below, in respect of approvals, licences, permission or registrations which come within the terms of their delegated authority, the Chief Executive, Deputy Chief Executive, Assistant Chief Executive (Customers and Communities), all Directors, City Solicitor and other named officers¹ are authorised²:
 - (a) to impose conditions, limitations or restrictions;
 - (b) to determine any terms to which they are subject;
 - (c) to determine whether and how to enforce any failure to comply³;
 - (d) to amend, modify, vary or revoke; and
 - (e) to determine whether a charge should be made or the amount of such a charge.

3. The Chief Executive, the Deputy Chief Executive, the Assistant Chief Executive (Customer Services and Community), all Directors and City Solicitor are authorised to carry out the following in respect of those functions for which they have delegated authority⁴:
 - (a) to make payments or provide other benefits in cases of maladministration⁵;

¹ These are all other officers listed in Article 12.

² An officer may consider in respect of any matter that the authority delegated under this scheme may not be exercised and if so, may refer the matter to the relevant committee for determination.

³ including

- any failure to comply with such an approval, consent, licence, permission or registration,
- any failure to comply with a condition, limitation or term; to which any such approval, consent, licence, permission or registration is subject; or
- any other contravention in relation to a matter with regard to which the function of determining an application for approval, consent, licence, permission or registration would not be the responsibility of the executive.

⁴ An officer may consider in respect of any matter that the authority delegated under this scheme may not be exercised and if so, may refer the matter to the relevant committee for determination.

⁵ Item 48 of Para I of Schedule 1 to the Local Authorities (Functions and Responsibilities)(England) Regulations 2000 as amended

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

- (b) functions relating to health and safety under any relevant statutory provision within the meaning of Part 1 of the Health and Safety at Work Act 1974, to the extent that these functions are discharged otherwise than in the Council's capacity as employer;
- (c)⁶
 - (i) to appoint staff within the approved establishment in accordance with the Council's Recruitment and Selection Procedure;
 - (ii) to appoint staff on a temporary basis to provide cover for absences or cater for peaks in workload subject to there being budgetary provision. Such staff should be employed on terms set out in the guidance issued by the Director of Resources; and
 - (iii) to determine issues relating to officers' terms and conditions of employment and to take such action and enter into such agreement as may be required to give effect to such determinations.
- (d) The enforcement of byelaws.

Exceptions:

The Chief Planning Officer's authority is subject to those exceptions set out in the Chief Planning Officer's delegation within the Officer Delegation Scheme (Council (non-executive) functions).

The named officers'⁷ authority is subject to an exception in respect of those matters where the relevant Director has directed that the delegated authority should not be exercised and that the matter be referred to him/her or the relevant committee for consideration.

⁶ All officers are nominated for this purpose by the Head of Paid Service

⁷ See footnote 2 above

Chief Executive

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

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

Functions relating to Elections

(a)	To assign officers in relation to requisitions of the registration officer	Section 52(4) of the Representation of the People Act 1983
(b)	To provide assistance at European Parliamentary elections	Section 6(7) and (8) of the European Parliamentary Elections Act 2002
(c)	To divide constituency into polling districts	Section 18A to 18E of and Schedule A1 to the Representation of the People Act 1983
(d)	To divide electoral divisions into polling districts at local government elections	Section 31 of the Representation of the People Act 1983
(e)	Powers in respect of holding of elections	Section 39(4) of the Representation of the People Act 1983
(f)	To pay expenses properly incurred by electoral registration officer	Section 54 of the Representation of the People Act 1983
(g)	To fill vacancies in the event of insufficient nominations	Section 21 of the Representation of the People Act 1985
(h)	To declare vacancy in office in certain cases	Section 86 of the Local Government Act 1972
(i)	To give public notice of a casual vacancy	Section 87 of the Local Government Act 1972
(j)	To submit proposals to the Secretary of State for an order under section 10 (pilot schemes for local elections in England and Wales) of the Representation of the People Act 2000	Section 10 of the Representation of the People Act 2000
(k)	Functions relating to community governance ²	
	i. Duties relating to community governance reviews	Section 79 of the Local Government and Public Involvement in Health Act 2007

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

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

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

ii.	Functions relating to community governance petitions.	Sections 80, 83 to 85 of the Local Government and Public Involvement in Health Act 2007
iii.	Functions relating to terms of reference of review	Sections 81(4) to (6) of the Local Government and Public Involvement in Health Act 2007
iv.	Power to undertake a community governance review.	Section 82 of the Local Government and Public Involvement in Health Act 2007
v.	Duties when undertaking review.	Section 93 to 95 of the Local Government and Public Involvement in Health Act 2007
vi.	Duty to publicise outcome of review.	Section 96 of the Local Government and Public Involvement in Health Act 2007
vii.	Duty to send two copies of order to Secretary of State and Electoral Commission.	Section 98(1) of the Local Government and Public Involvement in Health Act 2007
(l)	Functions relating to consultation and notification processes in relation to changing the name of an electoral area ³	S59 of the Local Government and Public Involvement in Health Act 2007
(m)	To dissolve small parish councils	Section 10 of the Local Government Act 1972
(n)	To make orders for grouping parishes, dissolving groups and separating parishes from groups	Section 11 of the Local Government Act 1972
(o)	To make temporary appointments to parish councils	Section 91 of the Local Government Act 1972

Functions relating to changing governance arrangements

(a)	To secure that copies of a document setting out new governance arrangements are available for public inspection, and to publish a notice about the change	Section 9KC Local Government Act 2000
(b)	To take any step, subject to timely consultation with General Purposes Committee in advance of any action being taken, under or for the purposes of complying with any order from the Secretary of State under Section 9N of the Local Government Act 2000, or related regulations	Section 9N Local Government Act 2000

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

Assistant Chief Executive (Customers and Communities)

Subject to the exceptions listed below, the Assistant Chief Executive (Customers and Communities)¹ 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

Exceptions²

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

¹ 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.

² 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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The Director of Children's Services¹

The Director of Children's Services² is authorised to discharge the following Council (non-executive) functions:

To license the employment of children	Part II of the Children and Young Persons Act 1933 bylaws made under that Part, and Part II of the Children and Young Persons Act 1963
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¹ Appointed under Section 18 Children Act 2004

² 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.

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Director of City Development

The Director of City Development¹ is authorised to discharge the following Council (non-executive) functions:

(a)	To license market and street trading	Part III of, and Schedule 4 to, the Local Government (Miscellaneous Provisions) Act 1982
(b)	To issue, amend or replace safety certificates (whether general or special) for sports grounds	The Safety of Sports Grounds Act 1975
(c)	To issue, cancel, amend or replace safety certificates for regulated stands at sports grounds	Part II of the Fire Safety and Safety of Places of Sport Act 1987
(d)	To grant a street works licence	Section 50 of the New Roads and Street Works Act 1991
(e)	To grant permission for provision etc of services, amenities, recreation and refreshment facilities on highway and related powers	Sections 115E, 115F and 115K of the Highways Act 1980
(f)	To publish notice in respect of proposal to grant permission under section 115E of the Highways Act 1980	Section 115G of the Highways Act 1980
(g)	To permit deposit of builder's skip on highway	Section 139 of the Highways Act 1980
(h)	To license planting, retention and maintenance of trees etc in part of highway	Section 142 of the Highways Act 1980
(i)	To authorise erection of stiles etc on footpaths or bridleways ²	Section 147 of the Highways Act 1980
(j)	To license works in relation to buildings etc which obstruct the highway	Section 169 of the Highways Act 1980
(k)	To consent to temporary deposits or	Section 171 of the Highways Act 1980

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

² Functions (i), (q), (s) and (v) are also delegated to the Director of Environments and Neighbourhoods whose powers are limited to areas contained within the Definitive Map of Public Rights of Way.

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

	excavations in streets	
(l)	To dispense with obligation to erect hoarding or fence	Section 172 of the Highways Act 1980
(m)	To restrict the placing of rails, beams etc over highways	Section 178 of the Highways Act 1980
(n)	To consent to construction of cellars etc under street	Section 179 of the Highways Act 1980
(o)	To consent to the making of openings into cellars etc under streets and pavement lights and ventilators	Section 180 of the Highways Act 1980
(p)	To make a special extinguishment order	Section 118B of the Highways Act 1980
(q)	To assert and protect the rights of the public to use and enjoyment of highways	Section 130 of the Highways Act 1980
(r)	To serve notice of proposed action in relation to obstruction	Section 130A of the Highways Act 1980
(s)	To apply for variation of order under section 130B of the Highway Act 1980	Section 130B(7) of the Highways Act 1980
(t)	To make good damage and remove obstructions	Section 135B of the Highways Act 1980
(u)	To remove nuisances deposited on the highway	Section 149 of the Highways Act 1980
(v)	To designate footpath as cycle track	Section 3 of the Cycle Tracks Act 1984
(w)	To authorise stopping up or diversion of highway	Section 247 of the Town and Country Planning Act 1990

Chief Planning Officer

Subject to the exceptions listed below, the Chief Planning Officer¹ is authorised to discharge the following Council (non-executive) functions:

Town and Country Planning and Development Control

(a)	To determine application for planning permission	Sections 70(1)(a) and (b) and 72 of the Town and Country Planning Act 1990
(b)	To determine applications to develop land without compliance with conditions previously attached	Section 73 of the Town and Country Planning Act 1990
(c)	To grant planning permission for development already carried out	Section 73A of the Town and Country Planning Act 1990
(d)	To decline to determine application for planning permission	Section 70A of the Town and Country Planning Act 1990
(e)	Duties relating to the making of determinations of planning applications	Sections 69, 76 and 92 of the Town and Country Planning Act 1990 and Articles 8, 10 to 13, 15 to 22 and 25 and 26 of the Town and Country Planning (General Development Procedure) Order 1995 (SI 1995/419) and directions made thereunder
(f)	To determine application for planning permission made by a local authority, alone or jointly with another person	Section 316 of the Town and Country Planning Act 1990 and the Town and Country Planning General Regulations 1992 (SI 1992/1492)
(g)	To make determinations, give approvals and agree certain other matters relating to the exercise of permitted development rights	Parts 6, 7, 11, 17, 19, 20, 21 to 24, 26, 30 and 31 of Schedule 2 to the Town and Country Planning (General Permitted Development) Order 1995 (SI 1995/418)
(h)	To enter into agreement regulating development or use of land	Section 106 of the Town and Country Planning Act 1990
(i)	To issue a certificate of existing or proposed lawful use or development	Sections 191(4) and 192(2) of the Town and Country Planning Act 1990
(j)	To serve a completion notice	Section 94(2) of the Town and Country Planning Act 1990
(k)	To grant consent for the display of advertisements	Section 220 of the Town and Country Planning Act 1990 and the Town and Country Planning (Control of Advertisements) Regulations 1992
(l)	To authorise entry onto land	Section 196A of the Town and Country Planning Act 1990
(m)	To require the discontinuance of a use of land	Section 102 of the Town and Country Planning Act 1990
(n)	To issue a temporary stop notice	Section 171E of the Town and Country Planning Act 1990
(o)	To serve a planning contravention notice,	Sections 171C, 187A and 183(1) of the

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

	breach of condition notice or stop notice	Town and Country Planning Act 1990
(p)	To issue an enforcement notice	Section 172 of the Town and Country Planning Act 1990
(q)	To apply for an injunction restraining a breach of planning control	Section 187B of the Town and Country Planning Act 1990
(r)	To determine applications for hazardous substances consent, and related powers	Sections 9(1) and 10 of the Planning (Hazardous Substances) Act 1990
(s)	To determine conditions to which old mining permissions, relevant planning permissions relating to dormant sites or active Phase I or II sites, or mineral permissions relating to mining sites, as the case may be, are to be subject	Paragraph 2(6)(a) of Schedule 2 to the Planning and Compensation Act 1991, paragraph 9(6) of Schedule 13 to the Environment Act 1995 (c 25) and paragraph 6(5) of Schedule 14 to that Act
(t)	To require proper maintenance of land	Section 215(1) of the Town and Country Planning Act 1990
(u)	To determine application for listed building consent, and related powers	Sections 16(1) and (2), 17 and 33(1) of the Planning (Listed Buildings and Buildings and Conservation Areas) Act 1990
(v)	To determine applications for conservation area consent	Section 16(1) of the Planning (Listed Buildings and Conservation Areas Act 1990 , as applied by section 74(3) of that Act
(w)	Duties relating to applications for listed building consent and conservation area consent	Sections 13(1) and 14(1) and (4) of the Planning (Listed Buildings and Buildings and Conservation Areas) Act 1990 and regulations 3 to 6 and 13 of the Town and Country Planning (Listed Buildings and Buildings in Conservation Areas) Regulations 1990 and paragraphs 8, 15 and 26 of Department of the Environment , Transport and the Regions Circular 01/01
(x)	To serve a building preservation notice, and related powers	Sections 3(1) and 4(1) of the Planning (Listed Buildings and Buildings and Conservation areas) Act 1990
(y)	To issue enforcement notice in relation to demolition of listed building in conservation area	Section 38 of the Planning (Listed Buildings and Buildings and Conservation Areas) Act 1990
(z)	To acquire a listed building in need of repair and to serve a repairs notice	Sections 47 and 48 of the Planning (Listed Buildings and Buildings and Conservation Areas) Act 1990
(aa)	To apply for an injunction in relation to a listed building	Section 44A of the Planning (Listed Buildings and Buildings and Conservation Areas) Act 1990
(bb)	To execute urgent works	Section 54 of Planning (Listed Buildings and Buildings and Conservation Areas) Act 1990

Commons Registration

(a)	To register common land or town or village	Regulation 6 of the Commons Registration
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Officer Delegation Scheme (Council (non-executive) functions)

	greens, except where the power is exercisable solely for the purpose of giving effect to (i) an exchange of lands affected by an order under section 19(3) of, or paragraph 6(4) of Schedule 3 to, the Acquisition of Land Act 1981 (c 67) or (ii) an order section 147 of the Inclosure Act 1845 (c8 & 9 Vict c 118)	(New Land) Regulations 1969 (SI 1969/1843)
(b)	To register variation of rights of common	Regulation 29 of the Commons Registration (General) Regulations 1966 (SI 1966/1471)
(c)	Functions relating to the registration of common land and town or village greens	Part 1 of the Commons Act 2006 (c.26) and the Commons Registration (England) Regulations 2008 (S.I. 2008/1961)
(d)	Power to apply for an enforcement order against unlawful works on common land	Section 41 of the Commons Act 2006
(e)	Power to protect unclaimed registered common land and unclaimed town or village greens against unlawful interference.	Section 45(2)(a) of the Commons Act 2006.
(f)	Power to institute proceedings for offences in respect of unclaimed registered common land and unclaimed town or village greens	Section 45(2)(b) of the Commons Act 2006

Hedgerows and Trees

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

High Hedges

(a)	Complaints about high hedges	Part 8 of the Anti-Social Behaviour Act 2003
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Officer Delegation Scheme (Council (non-executive) functions)

Exceptions:

The Chief Planning Officer is not authorised² to discharge the following functions:

Town and Country Planning and Development Control

(a)	the determination of applications following a written request ⁴ to the Chief Planning Officer by a Ward Member <ul style="list-style-type: none">• concerning an application within the Ward he/she represents, or• concerning an application within a neighbouring Ward where that Ward Member considers that the development would have a significant effect on the ward he/she represents that an application be referred to the relevant Plans Panel;
(b)	the determination of applications for development that would constitute a significant departure from the Development Plan, including a significant departure from any Local Development Framework currently in force;
(c)	the determination of applications for development that would be materially different from any supplementary planning guidance or planning brief approved by or on behalf of the Council;
(d)	the determination of applications for major development ⁵ which the Chair ⁶ considers are sensitive, controversial or would have significant impacts on local communities;
(e)	the approval of applications, where approval would reverse a previous decision taken by Plans Panel;
(f)	the approval of applications, where approval would conflict with an objection raised by a statutory technical consultee;
(g)	where the Chair ⁷ considers that the application should be referred to the relevant Plans Panel for determination because of the significance, impact or sensitivity of the proposal;
(h)	the determination of applications submitted in a personal capacity by or on behalf of Members, Directors or any other officer who carries out development management functions.

² Under this delegation scheme (council functions). A Plans Panel may however arrange for the discharge of **any** of its functions by the Chief Planning Officer - (Section 101(2) Local Government Act 1972).

⁴ This request must be made to the Chief Planning Officer and should normally be made within 21 days of the date of validation. The application can be legally determined after the 21 day statutory advertisement deadline if no such request has been received by that deadline. The request must set out the reason(s) for the referral based on material planning consideration(s) and must give rise to concerns affecting more than neighbouring properties (these being those which are notified by means of a letter as part of the Council's policy regarding publicity on householder planning applications).

Commons Registration

(a)	Where objections have been received.
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⁵ “Major Development” for these purposes means:

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

⁶ In conjunction with the Chief Planning Officer

⁷ In conjunction with the Chief Planning Officer

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Director of Environment and Neighbourhoods

The Director of Environment and Neighbourhoods¹ is authorised to discharge the following Council (non-executive) functions:

(a)	To issue licences authorising the use of land as a caravan site ("site licences")	Section 3(3) of the Caravan Sites and Control of Development Act 1960
(b)	To license the use of moveable dwellings and camping sites	Section 269(1) of the Public Health Act 1936
(c)	To license premises for acupuncture, tattooing, ear-piercing and electrolysis	Sections 13 to 17 of the Local Government (Miscellaneous Provisions) Act 1982
(d)	To license premises for the breeding of dogs	Section 1 of the Breeding of Dogs Act 1973 and Section 1 of the Breeding and Sale of Dogs (Welfare) Act 1999
(e)	To license pet shops and other establishment where animals are bred or kept for the purposes of carrying on a business	Section 1 of the Pet Animals Act 1951, section 1 of the Animal Boarding Establishments Act 1963, the Riding Establishments Act 1964 and 1970, section 1 of the Breeding of Dogs Act 1973 and sections 1 and 8 of the Breeding and Sale of Dogs (Welfare) Act 1999
(f)	To register animal trainers and exhibitors	Section 1 of the Performing Animals (Regulation) Act 1925
(g)	To license zoos	Section 1 of the Zoo Licensing Act 1981
(h)	To license dangerous wild animals	Section 1 of the Dangerous Wild Animals Act 1976
(i)	To grant consent for the operation of a loudspeaker	Schedule 2 to the Noise and Statutory Nuisance Act 1993
(j)	To issue licences for the movement of pigs	Article 12 of the Pigs (Records, Identification and Movement) Order 1995 (SI 1996/11)
(k)	To license the sale of pigs	Article 13 of the Pigs (Records,

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

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

		Identification and Movement) Order 1995
(l)	To license collecting centres for the movement of pigs	Article 14 of the Pigs (Records, Identification and Movement) Order 1995
(m)	To issue a licence to move cattle from a market	Article 5(2) of the Cattle Identification Regulations 1998 (SI 1998/871)
(n)	To sanction use of parts of buildings for storage of celluloid	Section 1 of the Celluloid and Cinematograph Film Act 1922
(o)	Duty to enforce Chapter 1 and regulations made under it	Section 10(3) of the Health Act 2006
(p)	Power to authorise officers	Section 10(5) of, and paragraph 1 of Schedule 2 to, the Health Act 2006
(q)	Functions related to fixed penalty notices	Paragraphs 13,15 and 16 of Schedule 1 to the Health Act 2006. Smoke-free (Vehicle Operators and Penalty Notices) Regulations 2007 (SI 2006/760)
(r)	Power to transfer enforcement functions to another enforcement authority	Smoke-free(Premises and Enforcement) Regulations 2006 (SI 2006/3368)
(s)	To license pleasure boats and pleasure vessels	Section 94 of the Public Health Acts Amendment Act 1907
(t)	To authorise erection of stiles etc on footpaths or bridleways ²	Section 147 of the Highways Act 1980
(u)	To create footpath bridleway or restricted byway by agreement	Section 25 of the Highways Act 1980
(v)	To create footpaths bridleways and restricted byways	Section 26 of the Highways Act 1980
(w)	Duty to keep register of information with respect to maps, statements and declarations	Section 31A of the Highways Act 1980
(x)	To stop up footpaths bridleways and restricted byways	Section 118 of the Highways Act 1980
(y)	To determine application for public path extinguishment order	Sections 118ZA and 118C(2) of the Highways Act 1980
(z)	To make a rail crossing extinguishment order	Section 118A of the Highways Act 1980
(aa)	To divert footpaths bridleways and restricted byways	Section 119 of the Highways Act 1980
(bb)	To make a public path diversion order	Sections 119ZA and 119C(4) of the Highways Act 1980

² Functions (t) – (ww) are limited to areas contained within the Definitive Map of Public Rights of Way. Functions (t), (ii), (jj) and (rr) are also delegated to the Director of City Development whose powers are not limited to areas contained within the Definitive Map of Public Rights of Way.

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

(cc)	To make a rail crossing diversion order	Section 119A of the Highways Act 1980
(dd)	To make a special diversion order	Section 119B of the Highways Act 1980
(ee)	To require applicant for order to enter into agreement	Section 119C(3) of the Highways Act 1980
(ff)	To make an SSSI diversion order	Section 12B of the Highways Act 1980
(gg)	To keep register with respect to applications under sections 118ZA, 118C, 119ZA and 119C of the Highways Act 1980	Section 121B of the Highways Act 1980
(hh)	To decline to determine certain applications	Section 121C of the Highways Act 1980
(ii)	To assert and protect the rights of the public to use and enjoyment of highways	Section 130 of the Highways Act 1980
(jj)	To apply for variation of order under section 130B of the Highway Act 1980	Section 130B(7) of the Highways Act 1980
(kk)	To authorise temporary disturbance of surface of footpath bridleway or restricted byway	Section 135 Highways Act 1980
(ll)	To divert footpath bridleway or restricted byway temporarily	Section 135A of the Highways Act 1980
(mm)	To extinguish certain public rights of way	Section 32 of the Acquisition of Land Act 1981
(nn)	To keep definitive map and statement under review	Section 53 of the Wildlife and Countryside Act 1981
(oo)	To include modifications in other orders	Section 53A of the Wildlife and Countryside Act 1981
(pp)	To keep register of prescribed information with respect to applications under section 53(5) of the Wildlife and Countryside Act 1981	Section 53B of the Wildlife and Countryside Act 1981
(qq)	To prepare map and statement by way of consolidation of definitive map and statement	Section 57A of the Wildlife and Countryside Act 1981
(rr)	To designate footpath as cycle track	Section 3 of the Cycle Tracks Act 1984
(ss)	To extinguish public right of way over land acquired for clearance	Section 294 of the Housing Act 1981
(tt)	To authorise stopping up or diversion of footpath bridleway or restricted byway	Section 257 of the Town and Country Planning Act 1990
(uu)	To extinguish public rights of way over land held for planning purposes	Section 258 of the Town and Country Planning Act 1990
(vv)	To enter into agreements with respect to means of access	Section 35 of the Countryside and Rights of Way Act 2000
(ww)	To provide access in absence of agreement	Section 37 of the Countryside and Rights of Way Act 2000

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Director of Resources

1. Subject to the Exception listed below, the Director of Resources¹ 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 ²	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

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

² Except in relation to those which are to be determined by the Employment Committee.

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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 Officer¹.
3. The City Solicitor² is authorised to discharge the following Local Choice Functions which have been assigned to full Council (see Part 3 Section 1 of the Constitution):

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

4. The City Solicitor is authorised to discharge the following Council (non-executive) functions:

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

¹ The Head of Licensing and Registration is also appointed as deputy Electoral Registration Officer.

² 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.

³ s34 (4) Social Security Act 1998

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

⁵ s95 (2) School Standards and Framework Act 1998

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LEEDS CITY COUNCIL

COUNCIL MEETING

20th MAY 2013

Calendar of Council Meetings for the Municipal Year 2013-2014

Council is asked to approve the following programme of Ordinary Council meetings:

- 1st July 2013 at 1.30 pm
- 11th September 2013 at 1.30 pm
- 13th November 2013 at 1.30 pm
- 27th November 2013 at 1.30pm¹
- 15th January 2014 at 1.30 pm
- 26th February 2014 at 1.30 pm²
- 26th March 2014 at 1.30 pm

Annual Meeting of Council 2014

Due to timing of the European Elections, and the likelihood of local elections being moved to coincide with these, it is not yet possible to determine the date of the Annual Meeting of Council for 2014³.

¹ State of the City meeting

² Budget Meeting

³ This must be within 21 days of the date of retirement of outgoing councillors

10 May 2013

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