



A meeting of the Council will be held in the Civic Hall, Leeds on Thursday, 25th May, 2017 at 6.00 pm

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

1 Election of Lord Mayor

That Councillor Jane Dowson be elected Lord Mayor of the City of Leeds to hold office until immediately after the election of the Lord Mayor at the Annual Meeting of Council in 2018.

2 Election of Vice Chair of Council

That Councillor Jim McKenna be elected as Vice Chairman of Council to hold office until immediately after the election of the Lord Mayor at the Annual Meeting of Council in 2018.

3 Vote of Thanks to the Retiring Lord Mayor

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

4 Minutes

1 - 14

To approve the minutes of the Council Meeting held on 29th March 2017.

5 Declaration of Interests

To receive any declarations of interest from Members.

6 Announcements

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

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

15 - 84

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

- 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 Chairs be appointed in respect of Community Committees as detailed in Schedule 8(d) (to follow).
- e) That appointments be made to joint authorities and joint committees as detailed in Schedule 8(e) (to follow).
- f) That appointments and nominations be made to the West Yorkshire Combined Authority as detailed in Schedule 8(f) (to follow).

9 **Scheme of Delegation (Council (Non-Executive) Functions)** 135 - 166

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

10 **Executive Arrangements** 167 - 168

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

11 **Council Meeting Dates 2017/2018** 169 - 170

That the dates of the meetings of the Council for the Municipal Year 2017/2018 as detailed in Schedule 11 be approved.



Tom Riordan
Chief Executive

Please note: this meeting may be filmed for live or subsequent broadcast via the City Council's website on the internet - at the start of the meeting the Lord Mayor will confirm if all or part of the meeting is to be filmed. The images and sound recording may be used for training purposes by the Council. Generally the public gallery is not filmed. However, by entering the Council Chamber and using the public seating area you are consenting to being filmed and to the possible use of those images and sound recordings for webcasting and/or training purposes. If you have any queries regarding this, please contact the City Solicitor.

Third Party Recording

Recording of this meeting is allowed to enable those not present to see or hear the proceedings either as they take place (or later) and to enable the reporting of those proceedings. A copy of the recording protocol is available from the clerk.

Use of Recordings by Third Parties-- code of practice

- a) Any published recording should be accompanied by a statement of when and where the recording was made, the context of the discussion that took place, and a clear identification of the main speakers and their role or title.
- b) Those making recordings must not edit the recording in a way that could lead to misinterpretation or misrepresentation of the proceedings or comments made by attendees. In particular there should be no internal editing of published extracts; recordings may start at any point and end at any point but the material between those points must be complete.

This page is intentionally left blank



Proceedings of the Meeting of the Leeds City Council held
Civic Hall, Leeds on Wednesday, 29th March, 2017

PRESENT: The Lord Mayor Councillor Gerry Harper in the Chair.

WARD

ADEL & WHARFEDALE

Barry John Anderson
Caroline Anderson

ALWOODLEY

Neil Alan Buckley
Dan Cohen
Peter Mervyn Harrand

ARDSLEY & ROBIN HOOD

Karen Renshaw
Jack Dunn
Lisa Mulherin

ARMLEY

Alison Natalie Kay Lowe
James McKenna
Alice Smart

BEESTON & HOLBECK

Angela Gabriel
Adam Ogilvie
David Congreve

BRAMLEY & STANNINGLEY

Caroline Gruen
Julie Heselwood
Kevin Ritchie

BURMANTOFTS & RICHMOND HILL

Denise Ragan
Asghar Khan
Ron Grahame

WARD

CALVERLEY & FARSLEY

Andrew Carter
Amanda Carter
Rod Wood

CHAPEL ALLERTON

Eileen Taylor
Mohammed Rafique
Jane Dowson

CITY & HUNSLET

Elizabeth Nash
Patrick Davey
Mohammed Iqbal

CROSS GATES & WHINMOOR

Janette Walker
Pauleen Grahame
Peter John Gruen

FARNLEY & WORTLEY

David Blackburn
Ann Blackburn
Terry Wilford

GARFORTH & SWILLINGTON

Sarah Field
Mark Dobson
Stuart McKenna

GIPTON & HAREHILLS

Arif Hussain
Kamila Maqsood

GUISELEY & RAWDON

Graham Latty
Paul John Spencer Wadsworth
Pat Latty

HAREWOOD

Ryan Stephenson
Rachael Procter
Matthew Robinson

HEADINGLEY

Alison Garthwaite
Neil Walshaw
Jonathon Pryor

HORSFORTH

Christopher Townsley
Dawn Collins
Brian Cleasby

HYDE PARK & WOODHOUSE

Christine Denise Towler
Gerry Harper
Javaid Akhtar

KILLINGBECK & SEACROFT

Graham Hyde
Catherine Dobson
Brian Michael Selby

KIPPAX & METHLEY

Mary Elizabeth Harland
James Lewis
Keith Ivor Wakefield

KIRKSTALL

Lucinda Joy Yeadon
John Anthony Illingworth
Fiona Elizabeth Venner

MIDDLETON PARK

Paul Anthony Truswell
Judith Blake
Kim Groves

MOORTOWN

Alex Sobel
Rebecca Charlwood
Sharon Hamilton

MORLEY NORTH

Robert Finnigan

Thomas Leadley

MORLEY SOUTH

Judith Elliott
Neil Dawson

OTLEY & YEADON

Sandy Edward Charles Lay
Colin Campbell
Ryk Downes

PUDSEY

Josephine Patricia Jarosz
Richard Alwyn Lewis
Mick Coulson

ROTHWELL

David Nagle
Karen Bruce
Barry Stewart Golton

ROUNDHAY

Eleanor Tunnicliffe
Christine Macniven
Ghulam Hussain

TEMPLE NEWSAM

Debra Coupar
Helen Hayden
Michael Lyons

WEETWOOD

Jonathan Bentley
Susan Bentley
Judith Mara Chapman

WETHERBY

Gerald Wilkinson
Alan James Lamb
John Michael Procter

94 Announcements

The Lord Mayor referred to the recent attacks in London and expressed sympathy to all those that had been affected.

Council stood in silent tribute.

95 Minutes

It was moved by Councillor Ogilvie, seconded by Councillor Buckley and

RESOLVED – That the minutes of the meeting held on 22nd February 2017 be approved.

96 Declarations of Interest

There were no declarations of any Disclosable Pecuniary Interests.

97 Communications

The Chief Executive informed Council that responses to 2 resolutions had been received from David Mowat MP , Parliamentary Under Secretary of State for Community Health and Care in respect of the White Paper on Health considered by Council in January and from Marcus Jones MP, Minister for Local Government in respect of the White Paper on Adult Social Care Funding also considered by council in January copies of which had previously been circulated to all Members of Council.

98 Deputations

Three deputations were admitted to the meeting and addressed Council, as follows:-

- 1) Fare Share Yorkshire in respect of Food Poverty and Provision
- 2) The Leeds based Charity Karma Nirvana supporting victims of forced marriages.
- 3) Team Beckhills – residents from the Beckhill Estate regarding pavement repairs.

RESOLVED – That the subject matter in respect of deputations 1 and 2 be referred to the Assistant Chief Executive (Citizens and Communities) for consideration in consultation with the relevant Executive Member and that the subject matter in respect of deputation 3 be referred to the Director of City Development for consideration in consultation with the relevant Executive Member.

99 Recommendations of the Executive Board - Leeds Site Allocations Plan Submission Draft Stage

It was moved by Councillor R Lewis, seconded by Councillor Venner and

RESOLVED –

- i) That the Submission Draft of the Site Allocations Plan (**Appendix 1**) (comprising the Publication Draft Plan (Sept 2015), as amended by the Revised Publication Draft Plan for the Outer North East (Sept 2016) and the Pre-Submission Changes (Feb 2017)) for Submission to the Secretary of State for independent examination pursuant to Section 20 of the Planning and Compulsory Purchase Act 2004 as amended be approved.
- ii) That the Sustainability Appraisal Report (**Appendix 2**), in support of the Plan, for Submission to the Secretary of State for independent examination, pursuant to

Section 20 of the Planning and Compulsory Purchase Act 2004 as amended be approved.

- iii) To grant authority to the independent inspector appointed to hold the Public Examination, to recommend modifications to the Submission Draft Plan, pursuant to Section 20 (7C) of the Planning and Compulsory Purchase Act 2004 as amended.
- iv) To Agree that following the further period of advertisement on the pre-submission changes to the Publication Draft Site Allocations Plan 13th February to 27th March 2017, that any further comments received are provided to the Secretary of State at the time the Submission Draft Plan is submitted for independent examination.
- v) To delegate authority to the Chief Planning Officer, in consultation with the Executive Member, to (a) approve the detail of any further technical documents and supporting evidence required to be submitted alongside the plan for consideration at Public Examination, (b) continue discussions with key parties and suggest to the Inspector any edits and consequential changes necessary to be made to the Submission Draft Plan following Council approval up to and during the Examination and (c) prepare and give evidence in support of the Plan at Examination.

100 Recommendations of the General Purposes Committee - Appointments of Chair to the Independent Remuneration Panel and of Independent Person for Standards Matters

It was moved by Councillor Blake, seconded by Councillor Ogilvie and

RESOLVED – That Sir Rodney Brooke be re-appointed as Chair of the Independent Remuneration Panel until the end of June 2018, that Mr Gordon Tollefson be re-appointed as the Council's Independent Person for a 5 year period until July 2022 and noted that Sir Rodney Brooke would be invited to support a member panel in the future recruitment process to the Independent Remuneration Panel.

101 Recommendations of the General Purposes Committee - Approval of the 2017/18 Pay Policy Statement

It was moved by Councillor Blake, seconded by Councillor Ogilvie and

RESOLVED –

- a) That the updated Pay Policy Statement for the financial year 2017/18 as set out in Addendum 1 of the attached report to General Purposes Committee be approved.
- b) That any in year requirement to amend the Annual Pay Policy Statement as a consequence of changes to council policies is undertaken by the Director of Resources and Housing and/or the Chief Officer (HR) or on advice from the Section 151 Officer and that this is reported to the General Purposes Committee who will make recommendation to Full Council for approval.
- c) That the assurances provided by the Deputy Chief Executive and the Chief Officer-HR be noted.

102 Report on Appointments

It was moved by Councillor Ogilvie, seconded by Councillor Selby and

RESOLVED – That the report of the City Solicitor on appointments be approved, namely that Councillor Ragan fill a vacancy on Scrutiny Board(Adult Social Services, Public Health and NHS), that Councillor Jarosz fill a vacancy on Scrutiny Board(Children’s Services), that Councillor Dawson fill a vacancy on Scrutiny Board(City Development), that Councillor Pryor fill a vacancy on Licensing Committee and Councillor S McKenna to replace Councillor Heselwood on Licensing Committee.

103 Report on Licensing Committee Annual Report

It was moved by Councillor Selby, seconded by Councillor J Lewis and

RESOLVED – That the annual report of the Licensing Committee be received and noted.

104 Report on Standards and Conduct Committee Annual Report

It was moved by Councillor Nash, seconded by Councillor Selby and

RESOLVED - That the report of the City Solicitor be received and to note the assurances set out as to how the authority’s duty to promote and maintain high standards of conduct (by Members and co-opted Members of the Council) is being discharged.

105 Questions

Q1 Councillor J Procter to the Leader of Council :-

Does the Leader of Council support the strike action taken by the RMT on Monday 13 March in Leeds and across the north of England?

The Leader of Council replied.

Q2 Councillor B Cleasby to the Leader of Council:-

Does the Leader of Council believe that the council has fully prepared planning officers and panel members with sufficient training to handle any future possible fracking planning application?

In accordance with Council Procedure Rule 11.3.b the Executive Member (Regeneration, Transport and Planning) replied.

Q3 Councillor S McKenna to the Leader of Council:-

Please can the Leader of Council confirm if she supports the Orgreave Truth and Justice campaign?

The Leader of Council replied.

Q4 Councillor A Blackburn to the Executive Member (Children and Families):-

Can the Executive Member for Children and Families tell me how many walking bus schemes are operational in different parts of Leeds?

The Executive Member (Children and Families) replied.

Q5 Councillor A Smart to the Executive Member (Children and Families):-

Would the Executive Member for Children and Families care to comment on the school funding announcements contained within the recent Budget?

The Executive Member (Children and Families) replied.

Q6 Councillor A Lamb to the Leader of Council:-

Would the Leader of Council inform me how many people, whose remuneration is paid by LCC, are paid via personal service companies?

In accordance with Council Procedure Rule 11.3.b the Executive Member (Resources and Strategy) replied.

Q7 Councillor C Campbell to the Executive Member (Regeneration, Transport and Planning):-

Does the executive member believe, in light of recent reports brought to the executive board, that developers are doing their bit to provide affordable housing in Leeds?

The Executive Member (Regeneration, Transport and Planning) replied.

Q8 Councillor Macniven to the Executive Member (Health, Wellbeing and Adults):-

Can the Executive Member for Health, Wellbeing and Adults comment on Leeds winning the bid to become one of the first Time to Change Hubs?

The Executive Member (Health, Wellbeing and Adults) replied.

Q9 Councillor D Blackburn to the Executive Member (Communities):-

Could the Executive Member for Communities tell me when Leeds Watch will be extended to cover the CCTV in multi-storey flats in West Leeds?

The Executive Member (Communities) replied.

Q10 Councillor C Gruen to the Executive Member (Employment, Skills and Opportunity):-

Can the Executive Member update Council on the recent Apprenticeship Recruitment Fair and how progress will be maintained going forward?

The Executive Member (Employment, Skills and Opportunity) replied.

Q11 Councillor M Robinson to the Leader of Council:-

Will the Leader of Council join me in welcoming today's (29th March) official triggering of Article 50 and take this opportunity to confirm her support for my suggestion that Citizens & Communities Scrutiny Board leads the work on scrutinising the Council's preparations on Brexit related matters?

The Leader of Council replied.

At the conclusion of question time, the following questions remained unanswered and it was noted that, under the provisions of Council Procedure Rule 11.6, written answers would be sent to each Member of Council:-

- Q12 Councillor S Bentley to the Executive Member (Regeneration, Transport and Planning).
- Q13 Councillor S Hamilton to the Executive Member (Communities).
- Q14 Councillor J Pryor to the Executive Member (Regeneration, Transport and Planning).
- Q15 Councillor B Anderson to the Executive Member (Environment and Sustainability).
- Q16 Councillor J Bentley to the Executive Member (Environment and Sustainability).
- Q17 Councillor A Garthwaite to the Executive Member (Environment and Sustainability).
- Q18 Councillor C Anderson to the Executive Member (Children and Families).
- Q19 Councillor S Bentley to the Executive Member (Regeneration, Transport and Planning).
- Q20 Councillor B Anderson to the Executive Member (Regeneration, Transport and Planning).
- Q21 Councillor S Golton to the Executive Member (Environment and Sustainability).
- Q22 Councillor D Cohen to the Executive Member (Children and Families).
- Q23 Councillor S Golton to the Executive Member (Communities).
- Q24 Councillor M Robinson to the Executive Member (Regeneration, Transport and Planning).
- Q25 Councillor R Stephenson to the Executive Member (Regeneration, Transport and Planning).
- Q26 Councillor B Anderson to the Executive Member (Environment and Sustainability).
- Q27 Councillor M Robinson to the Executive Member (Children and Families).
- Q28 Councillor R Stephenson to the Leader of Council.
- Q29 Councillor B Anderson to the Executive Member (Regeneration, Transport and Planning).
- Q30 Councillor M Robinson to the Executive Member (Regeneration, Transport and Planning).
- Q31 Councillor R Stephenson to the Executive Member (Regeneration, Transport and Planning).

- Q32 Councillor B Anderson to the Executive Member (Regeneration, Transport and Planning).
- Q33 Councillor M Robinson to the Leader of Council.
- Q34 Councillor M Robinson to the Executive Member (Regeneration, Transport and Planning).
- Q35 Councillor M Robinson to the Executive Member (Resources and Strategy).
- Q36 Councillor M Robinson to the Leader of Council.

106 Minutes of the Health and Wellbeing Board and the Executive Board

It was moved by Councillor Blake, seconded by Councillor Ogilvie that the minutes be received in accordance with Council Procedure Rule 2.2(i).

RESOLVED – That the minutes be received in accordance with Council Procedure Rule 2.2(i).

Council Procedure Rule 4, providing for the winding up of business, was applied prior to all notified comments on the minutes having been debated.

At the conclusion of this item Council adjourned from 16.15 to 16.45.

107 Report on Devolution

It was moved by Councillor Blake, seconded by Councillor J Lewis and

RESOLVED – That the report of the Chief Executive updating Members on matters in respect of devolution be received.

108 White Paper Motion (in the name of Councillor C Anderson) - Better Lives Strategy

It was moved by Councillor C Anderson, seconded by Councillor Lamb that this Council welcomes the additional £2bn of government funding for adult social care announced in the Government's Budget for 2017/18. Leeds will now receive an additional £28.8m in government grant for social care services over the next three years.

This Council believes that retaining a local authority presence within the residential care sector is vital as populations continue to grow older and uncertainty remains over the ability of the independent sector to meet the required standards of Care In Leeds.

Council further believes that a complete withdrawal from residential care services in Leeds could be the wrong approach and calls for a thorough review of the Better Lives Strategy to test this view and the outcomes of this review should be brought back to the Executive Board before August 2017."

An amendment was moved by Councillor Golton, seconded by Councillor Chapman

To insert at the start of the motion:

"Whilst recognising that it is insufficient to meet existing need,"

A second amendment was moved by Councillor Charlwood, seconded by Councillor J Lewis

Delete all after “This Council” and replace with:

“...is concerned one-off funding for Adult Social Care in the Spring Budget is a sticking plaster that does not address the social care crisis caused by years of underfunding and neglect by successive Conservative led Governments.

Council notes seven years of austerity have seen the council's core government grant cut by £214m, with £52m still to come, and £4.6billion cut from social care budgets nationally in the last Parliament despite rising demand pressures.

Council calls on all political groups to lobby the Conservative Government to reduce outsourcing and privatisation in the NHS by repealing the Health and Social Care Act 2012.

Council re-states its commitment to expanding in-house recovery and reablement services in Adult Social Care, to protect and hopefully expand in-house council jobs.

Council emphasises its commitment to investing £30m capital for health and social care initiatives, and protecting funding for Neighbourhood Networks, to help older people to continue to live independently. This is as well as providing new services like the proposed intermediate care facility at The Green, which will support hospital discharge and help to address pressures on the NHS.

Council re-states its commitment to working with partners across the city to improve quality standards and tackle the low pay challenge in the independent sector.

Council notes in February 2017 Executive Board agreed consultation on a re-refresh of the Better Lives Strategy, to report back to Executive Board in July 2017 with the aim of ensuring all people with care needs are supported to live their lives with the dignity they deserve.

This Council calls on the Government to confirm local authorities will have full flexibility on how the one-off social care funding will be spent and to put in place a long term, sustainable funding settlement for Adult Social Care.”

The amendment in the name of Councillor Golton was declared lost

The amendment in the name of Councillor Charlwood was carried and upon being put to the vote it was

RESOLVED – That this Council is concerned one-off funding for Adult Social Care in the Spring Budget is a sticking plaster that does not address the social care crisis caused by years of underfunding and neglect by successive Conservative led Governments.

Council notes seven years of austerity have seen the council's core government grant cut by £214m, with £52m still to come, and £4.6billion cut from social care budgets nationally in the last Parliament despite rising demand pressures.

Council calls on all political groups to lobby the Conservative Government to reduce outsourcing and privatisation in the NHS by repealing the Health and Social Care Act 2012.

Council re-states its commitment to expanding in-house recovery and reablement services in Adult Social Care, to protect and hopefully expand in-house council jobs.

Council emphasises its commitment to investing £30m capital for health and social care initiatives, and protecting funding for Neighbourhood Networks, to help older people to continue to live independently. This is as well as providing new services like the proposed intermediate care facility at The Green, which will support hospital discharge and help to address pressures on the NHS.

Council re-states its commitment to working with partners across the city to improve quality standards and tackle the low pay challenge in the independent sector.

Council notes in February 2017 Executive Board agreed consultation on a re-fresh of the Better Lives Strategy, to report back to Executive Board in July 2017 with the aim of ensuring all people with care needs are supported to live their lives with the dignity they deserve.

This Council calls on the Government to confirm local authorities will have full flexibility on how the one-off social care funding will be spent and to put in place a long term, sustainable funding settlement for Adult Social Care.

On the requisition of Councillor G Latty and Buckley the voting on the amendment in the name of Councillor Golton was recorded as follows;

YES – 14

J Bentley, S Bentley, A Blackburn, D Blackburn, Campbell, Chapman, Cleasby, Downes, Elliott, Finnigan, Golton, Lay, Leadley and Wilford

NO – 61

Akhtar, Blake, Bruce, Charlwood, Congreve, Coulson, Coupar, Davey, Dawson, C Dobson, M Dobson, Dowson, Dunn, Field, Gabriel, Garthwaite, P Grahame, R Grahame, Groves, C Gruen, P Gruen, Hamilton, Harland, Hayden, Heselwood, A Hussain, G Hussain, Hyde, Illingworth, Iqbal, Jarosz, Khan, J Lewis, R Lewis, Lyons, Lowe, Macniven, Maqsood, J McKenna, S McKenna, Mulherin, Nagle, Nash, Ogilvie, Pryor, Rafique, Ragan, Renshaw, Ritchie, Selby, Smart, Sobel, E Taylor, Towler, Truswell, Tunnicliffe, Venner, Wakefield, Walker, Walshaw and Yeadon.

ABSTAIN – 17

B Anderson, C Anderson, Buckley, Amanda Carter, Andrew Carter, Cohen, Collins, Harrand, Lamb, G Latty, P Latty, J Procter, Robinson, Stephenson, Wadsworth, Wilkinson and Wood.

On the requisition of Councillor G Latty and Buckley the voting on the amendment in the name of Councillor Charlwood was recorded as follows;

YES – 58

Akhtar, Blake, Bruce, Charlwood, Congreve, Coulson, Coupar, Davey, Dawson, C Dobson, Dowson, Dunn, Gabriel, Garthwaite, P Grahame, R Grahame, Groves, C Gruen, P Gruen, Hamilton, Harland, Hayden, Heselwood, A Hussain, G Hussain, Hyde, Illingworth, Iqbal, Jarosz, Khan, J Lewis, R Lewis, Lyons, Lowe, Macniven, Maqsood, J McKenna, S McKenna, Mulherin, Nagle, Nash, Ogilvie, Pryor, Rafique, Ragan, Renshaw, Ritchie, Selby, Smart, Sobel, E Taylor, Towler, Truswell, Tunnicliffe, Venner, Wakefield, Walshaw and Yeadon.

NO – 31

B Anderson, C Anderson, J Bentley, S Bentley, A Blackburn, D Blackburn, Buckley, Campbell, Amanda Carter, Andrew Carter, Chapman, Cleasby, Cohen, Collins, M Dobson, Downes, Field, Golton, Harrand, Lamb, G Latty, P Latty, Lay, J Procter, Robinson, Stephenson, Wadsworth, Walker, Wilford, Wilkinson and Wood

ABSTAIN – 3

Finnigan, Leadley and Elliott

On the requisition of Councillor G Latty and Buckley the voting on the substantive motion in the name of Councillor Charlwood was recorded as follows;

YES – 58

Akhtar, Blake, Bruce, Charlwood, Congreve, Coulson, Coupar, Davey, Dawson, C Dobson, Dowson, Dunn, Gabriel, Garthwaite, P Grahame, R Grahame, Groves, C Gruen, P Gruen, Hamilton, Harland, Hayden, Heselwood, A Hussain, G Hussain, Hyde, Illingworth, Iqbal, Jarosz, Khan, J Lewis, R Lewis, Lyons, Lowe, Macniven, Maqsood, J McKenna, S McKenna, Mulherin, Nagle, Nash, Ogilvie, Pryor, Rafique, Ragan, Renshaw, Ritchie, Selby, Smart, Sobel, E Taylor, Towler, Truswell, Tunnicliffe, Venner, Wakefield, Walshaw and Yeadon.

NO – 31

B Anderson, C Anderson, J Bentley, S Bentley, A Blackburn, D Blackburn, Buckley, Campbell, Amanda Carter, Andrew Carter, Chapman, Cleasby, Cohen, Collins, M Dobson, Downes, Field, Golton, Harrand, Lamb, G Latty, P Latty, Lay, J Procter, Robinson, Stephenson, Wadsworth, Walker, Wilford, Wilkinson and Wood

ABSTAIN – 3

Finnigan, Leadley and Elliott

109 White Paper Motion (in the name of Councillor Wilford) - Dental Lists

It was moved by Councillor Wilford, seconded by Councillor Charlwood and

RESOLVED - That Council notes with concern the reports of delays by CAPITA, who manage the National Dental Performers List, in issuing Performer Numbers to new dentists. In some cases this has resulted in newly qualified dentists having to wait months before they can practice general NHS dentistry in England. This affects both the quality of dental care in Leeds and the prospects of graduates from the Dental Hospital.

Council therefore asks the Chief Executive to write to the Health Minister, Nicola Blackwood MP, expressing our concerns.

Council also ask the Chief Executive to write to all Leeds Members of Parliament asking them to sign Early Day Motion 977.

On the requisition of Councillor A Blackburn and D Blackburn the voting on the motion in the name of Councillor Wilford was recorded as follows;

YES – 87

Akhtar, B Anderson, C Anderson, J Bentley, A Blackburn, D Blackburn, Blake, Bruce, Buckley, Campbell, Amanda Carter, Charlwood, Cleasby, Cohen, Collins, Congreve, Coupar, Davey, Dawson, C Dobson, M Dobson, Downes, Dowson, Dunn, Elliott, Field, Finnigan, Gabriel, Garthwaite, Golton, P Grahame, R Grahame, Groves, C Gruen, P Gruen, Hamilton, Harland, Hayden, Heselwood, A Hussain, G Hussain, Hyde, Illingworth, Iqbal, Jarosz, Khan, Lamb, G Latty, P Latty, Lay, Leadley, J Lewis, R Lewis, Lyons, Lowe, Macniven, Maqsood, J McKenna, S McKenna, Mulherin, Nagle, Nash, Ogilvie, J Procter, Pryor, Rafique, Ragan, Renshaw, Ritchie, Robinson, Selby, Smart, Sobel, Stephenson, E Taylor, Towler, Truswell, Tunnicliffe, Venner, Wadsworth, Wakefield, Walker, Walshaw, Wilford, Wilkinson, Wood and Yeadon.

NO – 0

ABSTAIN – 0

110 White Paper Motion (in the name of Councillor Yeadon) - Air Quality

In accordance with the provisions of Council Procedure Rule 14.9 (a) leave of Council was given to Councillor Yeadon to alter the motion in her name by the inclusion of the amendment in the name of Councillor Finnigan.

The amended motion is set out below;

It was moved by Councillor Yeadon, seconded by Councillor D Blackburn that this Council believes that air pollution in the UK is a public health crisis, with the World Health Organisation and Public Health England describing it as the largest environmental risk to public health, contributing to around 350 premature deaths in Leeds per year.

This Council also notes that air pollution disproportionately affects some of the most vulnerable groups in our community: the elderly, those with existing health conditions, children, and people in our most deprived inner city areas.

This Council will continue to work closely with DEFRA and the Joint Air Quality Unit (JAQU) on proposals for a Clean Air Zone (CAZ) in Leeds, but calls for a nationally-funded implementation framework to help support businesses and SMEs affected by a CAZ. This Council also calls for a 21st Century Clean Air Act to address the major air quality challenges we face today and encourages all Members to get involved in the National Clean Air Day on 15 June 2017. This Council also agrees to deeply integrate all clean air policies into the planning process as a material planning consideration.

This Council will continue its commitment to improving air quality and reducing these inequalities, making Leeds a fair, sustainable and compassionate city.

In accordance with the provisions of Council Procedure Rule 13.2(d) and 14.10 and with the consent of the seconder leave of Council was given to Councillor Finnigan to withdraw the amendment in his name.

An amendment was moved by Councillor J Bentley seconded by Councillor Downes

To insert after paragraph 2:

“This Council regrets the Labour administration’s record of inaction on this issue, that it is only as a result of Government intervention following a threat of a £300 million EU fine that this issue is now being taken seriously, and that no action was taken on

a Liberal Democrat white paper in favour of low emissions zones passed with Labour support by full council in April 2011.”

To insert at the end of the motion:

“Council further instructs the Executive Board member for Environment to bring a paper to Executive Board at the earliest opportunity setting out practical measures the council will take to improve air quality without the need for government support, including but not limited to:

- A supplementary planning document to require medium and large scale developers to show how they will mitigate the air pollution impacts of their developments.
- Parking related incentives to discourage diesel vehicles
- Workplace parking levies
- Removing diesel vehicles from the council’s own salary sacrifice car purchase scheme
- Using the council’s licensing powers to reduce the level of air pollution contributed by the taxi and private hire sector.”

A second amendment was moved by Councillor B Anderson seconded by Councillor Lamb

Delete all after ‘This Council’ and replace with:

‘supports the thrust of central Government policy and believes that air pollution poses a significant risk to Leeds residents and is a significant contributory factor to premature deaths in communities throughout Leeds each year.

Council notes the ongoing work being carried out by the Scrutiny Board (Environment and Housing) into air quality and is particularly interested in ensuring that data quality associated with air pollution readings is accurate and reflects the true picture in Leeds before further action is taken.

Council believes that the Scrutiny Board (Environment and Housing) should play a key role in the development of policy on this issue, and that recommendations from their inquiry should form part of any proposals that come forward.

Traffic management plays a key role in air pollution and this Council calls for a coherent strategy to ensure that standing traffic does not continue to contribute towards poor air quality in areas of Leeds both in the inner city and in areas such as Pool, Garforth, Pudsey and Morley.

This Council will continue to work closely with DEFRA and the Joint Air Quality Unit (JAQU) to address air pollution and the introduction of a Clean Air Zone in Leeds. Council remains concerned about the introduction of any additional congestion charge scheme.

Finally, Council notes that in order for this policy to be successful, the Council will need to revisit both its Transport Strategy and its Planning Policies, to ensure problems are not compounded by policies that are not to the benefit of the residents of this city, and to prevent unintended consequences arising that would be to the detriment of local businesses.’

The amendments in the name of Councillors J Bentley and B Anderson were declared lost and upon being put to the vote it was

RESOLVED – That this Council believes that air pollution in the UK is a public health crisis, with the World Health Organisation and Public Health England describing it as the largest environmental risk to public health, contributing to around 350 premature deaths in Leeds per year.

This Council also notes that air pollution disproportionately affects some of the most vulnerable groups in our community: the elderly, those with existing health conditions, children, and people in our most deprived inner city areas.

This Council will continue to work closely with DEFRA and the Joint Air Quality Unit (JAQU) on proposals for a Clean Air Zone (CAZ) in Leeds, but calls for a nationally-funded implementation framework to help support businesses and SMEs affected by a CAZ. This Council also calls for a 21st Century Clean Air Act to address the major air quality challenges we face today and encourages all Members to get involved in the National Clean Air Day on 15 June 2017. This Council also agrees to deeply integrate all clean air policies into the planning process as a material planning consideration.

This Council will continue its commitment to improving air quality and reducing these inequalities, making Leeds a fair, sustainable and compassionate city.

Council rose at 7.00 pm



Report author: Kate Sadler

Tel: 0113 37 88663

Report of City Solicitor

Report to Full Council

Date: 25th May 2017

Subject: Amendments to Constitution

Are specific electoral wards affected? If yes, 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 10th May 2017 General Purposes Committee considered a report from the City Solicitor setting out proposals for amendments to the Constitution to ensure that it remains up to date and fit for purpose.
2. The proposals follow from the City Solicitor’s annual review of the constitution.

Recommendations

1. Full Council are requested to approve amendments to the following documents for the reasons set out in this report and as shown on the Appendices attached.
 - Article 6 (Appendix D)
 - Article 15 (Appendix H)
 - Officer Delegation Scheme (Council (non-executive) Functions):-
 - Director of Resources and Housing (Appendix A)
 - Director of Communities and Environment (Appendix B)
 - Scrutiny Board Terms of Reference (Appendix C)
 - Council Procedure Rules (Appendix E)
 - Community Committee Procedure Rules (Appendix F)
 - Chief Finance Officer Protocol (Appendix G)

1. Purpose of this report

- 1.1 This report sets out recommended amendments to the Council's Constitution. The amendments are recommended by General Purposes Committee following the City Solicitor's annual review and are designed to ensure that the Constitution is up to date and fit for purpose.

2. Background information

- 2.1 Article 15 of the Constitution makes provision for the review and revision of the constitution. Some documents contained within the constitution are reserved to full council.
- 2.2 The City Solicitor has general authority to amend the constitution to give effect to changes in legislation, and also as a consequence of and to give effect to decisions of Council and the Executive.

3. Main issues

Officer delegations

- 3.1 Amendments are proposed to the Officer Delegation Scheme (Council (non-executive) Functions) to show the transfer of functions in relation to the licensing of caravan sites to the Director of Resources and Housing from the Director of Communities and Environment. This proposal corrects an anomaly which arose from changes to the scheme to reflect the new organisational structure which was put in place on 1st April 2017.
- 3.2 The proposed amendments are shown at Appendices A and B attached.

Scrutiny Arrangements

- 3.3 Having received recommendations from the Leader following consultation across the groups and with directors, General Purposes Committee recommend that overview and scrutiny arrangements continue to be shared between six boards but that these are realigned as follows:-

- **Strategy and Resources**

Bringing together the council's central strategic and regulatory functions. This continues the arrangements for 2016/17 into the new municipal year with the addition of elections, registrars, licensing, local land charges and council tax processing previously considered by the citizens and communities board.

- **Infrastructure and Investment**

Bringing together the council's development and infrastructure functions to monitor the council's progress in relation to transport and planning, regeneration and housing growth.

These functions were previously part of City Development. The separation of functions between this and Inclusive Growth, Culture and Sport enable sufficient focus on these key areas.

- **Inclusive Growth, Culture and Sport**

Bringing together the council's economic growth functions to monitor the council's progress as a strong and compassionate city promoting opportunities for access to learning, skills and employment for all. The

committee will oversee the cultural and sport related functions of the council and activity in the city.

These functions were previously part of City Development. The separation of functions between this and Infrastructure and Investment enable sufficient focus on these key areas.

- **Environment, Housing and Communities**

Bringing together services affecting the lives of citizens living and working in the council's neighbourhoods to monitor the council's progress as a citizen focussed city prioritising environmental sustainability.

This continues the arrangements for 2016/17 for environment and housing whilst adding functions relating to communities which were previously considered by the citizens and communities board.

- **Children and Families**

Focussing on services affecting the lives of children and families in the city to monitor the council's progress as a child friendly city putting children first.

This continues the arrangements for 2016/17 into the new municipal year

- **Adults and Health**

Bringing together social services for adults and universal public health services to monitor the council's progress in improving health, lifestyles and quality of care across the city driving integration and partnership with health bodies.

This continues the arrangements for 2016/17 into the new municipal year

3.4 General Purposes Committee recommends that Full Council approves the single generic Terms of Reference for all Scrutiny Boards attached at Appendix C to this report.

3.5 General Purposes Committee also recommend that Council approve the amendments to Article 6 which capture the variations in remit and special responsibilities of each scrutiny board. The amended article is set out at Appendix D attached.

Council Procedure Rules

3.6 General Purposes Committee recommend that Council approve the amendments to the Council Procedure Rules to:-

3.6.1 enable the Chair of Health and Wellbeing Board to use up to four minutes of the twenty minutes allocated to consideration of the minutes to sum up and the issues raised; and

3.6.2 allow the relevant portfolio holder up to five minutes to sum up in relation to the consideration of executive board minutes in their portfolio under discussion when the time for consideration of Executive Board minutes expires.

3.7 The amendments, which reflect current practice and provide certainty, are set out at Appendix E attached.

Election of Community Committee Chairs

3.8 Amendments are recommended to the Community Committee Procedure Rules to provide for the appointment of all Community Committee Chairs by Full Council. This will enable a simpler and more efficient process. The procedure provides for the election of each Chair by those Members of the relevant Committee present in Council, widening to full council only if a majority vote cannot be established.

3.9 The recommended arrangements are set out in Section 2 of Appendix F.

Chief Finance Officer Protocol

- 3.10 It is recommended that Full Council adopt the Chief Finance Officer Protocol, set out at Appendix G attached, which mirrors the Monitoring Officer Protocol already in place. These protocols set out the statutory responsibilities of the posts and underpin the necessary provision to enable fulfilment of the roles.
- 3.11 It is proposed that the Protocol is reviewed and updated as appropriate by the Corporate Governance and Audit Committee, and it is therefore recommended that Council approve the amendments to Article 15 set out at Appendix H attached.
- 3.12 The Chief Finance Officer drafted the protocol in consultation with the previous post holder and the City Solicitor. The Chair of Corporate Governance and Audit Committee has been consulted and is content that responsibility for reviewing the protocol should rest with her Committee.

4. Corporate considerations

4.1 Consultation and engagement

- 4.1.1 Consultation has taken place in relation to each proposed amendment as detailed above.

4.2 Equality and diversity / cohesion and integration

- 4.2.1 There are no implications for this report.

4.3 Council policies and best council plan

- 4.3.1 All amendments are in line with the Council's Corporate Governance Code and Framework, particularly with regard to ensuring we have clear responsibilities and arrangements for transparent and effective accountability; taking informed and transparent decisions and ensuring that we have robust and effective audit, scrutiny, information governance, risk and financial management controls.

4.4 Resources and value for money

- 4.4.1 There are no implications for this report.

4.5 Legal implications, access to information, and call-in

- 4.5.1 All proposed amendments are in line with legislation and bring the constitution up to date.
- 4.5.2 This decision is not available for Call In.

4.6 Risk management

- 4.6.1 There are no implications for this report.

5. Conclusions

- 5.1 The proposed amendments will ensure that the Constitution is up to date and fit for purpose.

6. Recommendations

- 6.1 Full Council are requested to approve amendments to the following documents for the reasons set out in this report and as shown on the Appendices attached.

- Article 6 (Appendix D)
- Article 15 (Appendix H)
- Officer Delegation Scheme (Council (non-executive) Functions):-
- Director of Resources and Housing (Appendix A)
- Director of Communities and Environment (Appendix B)
- Scrutiny Board Terms of Reference (Appendix C)
- Council Procedure Rules (Appendix E)
- Community Committee Procedure Rules (Appendix F)
- Chief Finance Officer Protocol (Appendix G)

7. Background documents¹

- 7.1 None

¹ 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.

This page is intentionally left blank

Director of Resources and Housing

1. Subject to the Exception listed below, the Director of Resources and Housing¹ 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 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

(a)	<u>To issue licences authorising the use of land as a caravan site ("site licences")</u>	<u>Section 3(3) of the Caravan Sites and Control of Development Act 1960</u>
(b)	<u>To license the use of moveable dwellings and camping sites</u>	<u>Section 269(1) of the Public Health Act 1936</u>

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

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

This page is intentionally left blank

Director of Communities and Environment

Subject to the exceptions listed below, the Director of Communities and Environment¹ is authorised to discharge the following Council (non-executive) functions:

1. Regulatory Functions

(a)	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)
	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
	To license the use of moveable dwellings and camping sites	Section 269(1) of the Public Health Act 1936
(b)	To license premises for acupuncture, tattooing, ear-piercing and electrolysis	Sections 13 to 17 of the Local Government (Miscellaneous Provisions) Act 1982
(c)	To license premises for the breeding of dogs	Section 1 of the Breeding of Dogs Act 1973 and Section 1 of the Breeding and Sale of Dogs (Welfare) Act 1999
(d)	To license pet shops and other establishment where animals are bred or kept for the purposes of carrying on a business	Section 1 of the Pet Animals Act 1951, section 1 of the Animal Boarding Establishments Act 1963, the Riding Establishments Act 1964 and 1970, section 1 of the Breeding of Dogs Act 1973 and sections 1 and 8 of the Breeding and Sale of Dogs (Welfare) Act 1999
(e)	To register animal trainers and	Section 1 of the Performing Animals

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)

	exhibitors	(Regulation) Act 1925
(f)	To license zoos	Section 1 of the Zoo Licensing Act 1981
(g)	To license dangerous wild animals	Section 1 of the Dangerous Wild Animals Act 1976
(h)	To grant consent for the operation of a loudspeaker	Schedule 2 to the Noise and Statutory Nuisance Act 1993
(i)	To issue licences for the movement of pigs	Article 12 of the Pigs (Records, Identification and Movement) Order 1995 (SI 1996/11)
(j)	To license the sale of pigs	Article 13 of the Pigs (Records, Identification and Movement) Order 1995
(k)	To license collecting centres for the movement of pigs	Article 14 of the Pigs (Records, Identification and Movement) Order 1995
(l)	To issue a licence to move cattle from a market	Article 5(2) of the Cattle Identification Regulations 1998 (SI 1998/871)
(m)	To sanction use of parts of buildings for storage of celluloid	Section 1 of the Celluloid and Cinematograph Film Act 1922
(n)	Duty to enforce Chapter 1 and regulations made under it	Section 10(3) of the Health Act 2006
(o)	Power to authorise officers	Section 10(5) of, and paragraph 1 of

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

		Schedule 2 to, the Health Act 2006
(p)	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)
(q)	Power to transfer enforcement functions to another enforcement authority	Smoke-free(Premises and Enforcement) Regulations 2006 (SI 2006/3368)
(r)	To license pleasure boats and pleasure vessels	Section 94 of the Public Health Acts Amendment Act 1907
(s)	To authorise erection of stiles etc on footpaths or bridleways ²	Section 147 of the Highways Act 1980
(t)	To create footpath bridleway or restricted byway by agreement	Section 25 of the Highways Act 1980
(u)	To create footpaths bridleways and restricted byways	Section 26 of the Highways Act 1980
(v)	Duty to keep register of information with respect to maps, statements and declarations	Section 31A of the Highways Act 1980
(w)	To stop up footpaths bridleways and restricted byways	Section 118 of the Highways Act 1980
(x)	To determine application for public path extinguishment order	Sections 118ZA and 118C(2) of the Highways Act 1980
(y)	To make a rail crossing extinguishment order	Section 118A of the Highways Act 1980
(z)	To divert footpaths bridleways and restricted byways	Section 119 of the Highways Act 1980
(aa)	To make a public path diversion order	Sections 119ZA and 119C(4) of the Highways Act 1980
(bb)	To make a rail crossing diversion order	Section 119A of the Highways Act 1980
(cc)	To make a special diversion order	Section 119B of the Highways Act 1980
(dd)	To require applicant for order to enter into agreement	Section 119C(3) of the Highways Act

² Functions (v) – (xx) are limited to areas contained within the Definitive Map of Public Rights of Way. Functions (u), (jj), (kk) and (ss) 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)

		1980
(ee)	To make an SSSI diversion order	Section 12B of the Highways Act 1980
(ff)	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
(gg)	To decline to determine certain applications	Section 121C of the Highways Act 1980
(hh)	To assert and protect the rights of the public to use and enjoyment of highways	Section 130 of the Highways Act 1980
(ii)	To apply for variation of order under section 130B of the Highway Act 1980	Section 130B(7) of the Highways Act 1980
(jj)	To authorise temporary disturbance of surface of footpath bridleway or restricted byway	Section 135 Highways Act 1980
(kk)	To divert footpath bridleway or restricted byway temporarily	Section 135A of the Highways Act 1980
(ll)	To extinguish certain public rights of way	Section 32 of the Acquisition of Land Act 1981
(mm)	To keep definitive map and statement under review	Section 53 of the Wildlife and Countryside Act 1981
(nn)	To include modifications in other orders	Section 53A of the Wildlife and Countryside Act 1981
(oo)	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
(pp)	To prepare map and statement by way of consolidation of definitive map and statement	Section 57A of the Wildlife and Countryside Act 1981
(qq)	To designate footpath as cycle track	Section 3 of the Cycle Tracks Act 1984
(rr)	To extinguish public right of way over land acquired for clearance	Section 294 of the Housing Act 1981
(ss)	To authorise stopping up or diversion of footpath bridleway or restricted byway	Section 257 of the Town and Country Planning Act 1990
(tt)	To extinguish public rights of way over land held for planning purposes	Section 258 of the Town and Country

		Planning Act 1990
(uu)	To enter into agreements with respect to means of access	Section 35 of the Countryside and Rights of Way Act 2000
(vv)	To provide access in absence of agreement	Section 37 of the Countryside and Rights of Way Act 2000

Exceptions³

The Director of Communities and Environment is not authorised to discharge the function above where objections have been received.

2. Functions of the Licensing Authority delegated by Full Council

Subject to the exception set out below, the Director of Communities and Environment is authorised to discharge the functions of the licensing authority as set out below:-

(a)	Any function of a Licensing Authority ⁴	Licensing Act 2003 and any regulations or orders made under that Act ⁵ .
(b)	Powers and functions relating to late night levy requirements	Chapter 2 of Part 2 of the Police Reform and Social Responsibility Act 2011 and any regulations made under that Chapter.

Exceptions:

- any function of the Licensing Authority reserved to full Council⁶;

3. Functions of the Licensing Authority delegated by Licensing Committee

Subject to the exceptions listed below, the Director of Communities and Environment is authorised to discharge the licensing functions⁷ of the licensing authority as set out below:-

³ 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 Communities and Environment - (Section 101(2) Local Government Act 1972.

⁴ These functions will be carried out to support those matters which cannot be delegated by the Licensing Authority.

⁵ Including functions which, by virtue of the Gambling Act 2005 Act are delegated to the Licensing Committee.

⁶ Part 3, Section 2A of the Constitution sets out licensing functions reserved to full Council, as licensing authority under the 2011 Act.

⁷ "Licensing functions" means functions under the Licensing Act 2003 Act, the Gambling Act 2005 2005 and the Police Reform and Social Responsibility Act 2011.

(a)	Any function of a Licensing Authority	Licensing Act 2003 and any regulations or orders made under that Act ⁸ .
(b)	Powers and functions relating to late night levy requirements	Chapter 2 of Part 2 of the Police Reform and Social Responsibility Act 2011 and any regulations made under that chapter
(c)	Duty to comply with requirement to provide information to Gambling Commission.	Section 29 of the Gambling Act 2005
(d)	Functions relating to the exchange of information	Section 30 of the Gambling Act 2005
(e)	Functions relating to occasional use notices	Section 39 of the Gambling Act 2005
(f)	Power to designate officer of a licensing authority as an authorised person for a purpose relating to premises	Section 304 of the Gambling Act 2005
(g)	Power to institute criminal proceedings	Section 346 of the Gambling Act 2005
(h)	Power to exchange information	Section 350 of the Gambling Act 2005
(i)	Functions relating to the registration and regulation of small society lotteries	Part 5 of Schedule 11 to the Gambling Act 2005

Exceptions:

- any function of the Licensing Authority⁹ reserved to full Council¹⁰;
- any function of the Licensing Authority where full Council has referred a matter to a committee other than the Licensing Committee¹¹;
- any function of the Licensing Authority reserved to the Licensing Committee;
- any function of the Licensing Authority within the terms of reference of the Licensing Sub-committees¹²;and
- to object when the Authority is consultee and not the relevant authority considering an application under the 2003 Act

4. Functions related to the Licensing Functions delegated by Licensing Committee¹³

⁸ Including functions which, by virtue of the 2005 Act are delegated to the Licensing Committee.

⁹“Licensing functions” - see footnote 6 above

¹⁰ Part 3, Section 2A of the Constitution sets out licensing functions reserved to full Council, as licensing authority under the 2003 Act.

¹¹ Under the provisions of Section 7(5)(a) of the 2003 Act.

¹² Except where a Licensing sub-committee has arranged for the discharge of any of their functions by an Officer.

¹³ These functions were delegated to the Licensing Committee by full Council on 14 July 2010.

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

Subject to the exceptions listed below, the Director of Communities and Environment is authorised to discharge the functions set out in the following table which are delegated to the Director by Licensing Committee¹⁴

(a)	To license hackney carriages and private hire vehicles	(a) As to hackney carriages, the Town Police Clauses Act 1847 as extended by section 171 of the Public Health Act 1875 and section 15 of the Transport Act 1985 and sections 47, 57, 58, 60 and 79 of the Local Government (Miscellaneous Provisions) Act 1976 (b) As to private hire vehicles, sections 48, 57, 58, 60 and 79 of the Local Government (Miscellaneous Provisions) Act 1976
(b)	To license drivers of hackney carriages and private hire vehicles	Section 51, 53, 54, 59, 61 and 79 of the Local Government (Miscellaneous Provisions) Act 1976
(c)	To license operators of hackney carriages and private hire vehicles	Sections 55 to 58, 62 and 79 of the Local Government (Miscellaneous Provisions) Act 1976
(d)	** To license sex shops and sex cinemas and sexual entertainment venues.	The Local Government (Miscellaneous Provisions) Act 1982, Section 2, Schedule 3, the Policing and Crime Act 2009, Section 27.
(e)	To license performances of hypnotism.	The Hypnotism Act 1952
(f)	*** To license persons to collect for charitable and other causes	Section 5 of the Police, Factories etc (Miscellaneous Provisions) Act 1916 and section 2 of the House to House Collections Act 1939

¹⁴ These delegations include functions where these have been delegated to Leeds City Council by any other Council.

Exceptions

The Director of Communities and Environment is not authorised to discharge those functions marked ** above where the application is for the grant, renewal or transfer of a sexual entertainment venue licence irrespective of whether objections have been received, or the grant of a sex shop or sex cinema licence irrespective of whether objections have been made, or renewal or transfer of a sex shop or cinema licence where objections have been received

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

Scrutiny Board

The Scrutiny Board 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 receive and consider requests for Scrutiny from any source;
3. to review or scrutinise the performance of such Trust / Partnership Boards as fall within its remit;
4. to act as the appropriate Scrutiny Board in relation to the Executive's initial proposals for a relevant plan or strategy within the Budget and Policy Framework which falls within its remit;³
5. to review or scrutinise executive decisions that have been Called In;
6. to exercise such special functions as are allocated in Annex 3 to Article 6 – Scrutiny Boards; and
7. to make such reports and recommendations as it considers appropriate and to receive and monitor formal responses to any reports or recommendations made.

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

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

³ In accordance with Budget and Policy Framework Procedure Rules.

This page is intentionally left blank

ARTICLE 6 – SCRUTINY BOARDS

6.1 ROLE

The Council will appoint Scrutiny Boards as set out in Annex 2 to this Article to exercise functions conferred by section 9F of the Local Government Act 2000 and in accordance with the National Health Service Act 2006, in accordance with their terms of reference¹.

6.2 VISION FOR SCRUTINY

The Council has adopted a Vision for Scrutiny, which is attached at Annex 1.

6.3 ROLE OF SCRUTINY

Policy development and review

Within their Terms of Reference all Scrutiny Boards may:

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

Scrutiny

Within their terms of reference all Scrutiny Boards may:

- make recommendations to the Executive and/or appropriate committees and/or Council arising from the outcome of the scrutiny process;
- review and scrutinise the performance of other public bodies in the area and invite reports from them by requesting them to address the Scrutiny Board and local people about their activities and performance; and
- question and gather evidence.

¹ As set out at Part 3 Section 2A of the Constitution

Article 6 - Scrutiny Boards

6.4 SCRUTINY OFFICER

The Council has designated the post of Head of Governance and Scrutiny Support, as Scrutiny Officer².

The functions of the Scrutiny Officer are:

- (a) to promote the role of the Scrutiny Boards;
- (b) to provide support to the Scrutiny Boards and their members³;
- (c) to provide support and guidance to Members (including Executive Members), and officers⁴, in relation to the Scrutiny Boards' functions;
- (d) to report to Council⁵ annually about how the authority has carried out its overview and scrutiny functions.

6.5 PROCEEDINGS

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

6.6 SCRUTINY BOARD CHAIRS

The Chair of each of the Scrutiny Boards shall be appointed in accordance with the Council Procedure Rules.

Group spokespersons shall not be appointed to Chair a Scrutiny Board which corresponds to the same portfolio.⁶

² Under Section 9FB Local Government Act 2000.

³ The Scrutiny Officer shall exercise overall responsibility for the finances made available to Scrutiny Boards.

⁴ The Scrutiny Officer shall exercise overall responsibility for the work programme of the officers employed to support the work of the Scrutiny Boards.

⁵ After consultation with the relevant Scrutiny Chairs

⁶ This does not apply to those groups who have less than 10% of the membership of the Council

Article 6 - Scrutiny Boards

6.7 CO-OPTED MEMBERS

Education Representatives

The following shall be appointed as voting representatives on each relevant Scrutiny Board dealing with educational matters⁷:

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

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

Crime and Disorder Committee

Subject to the following provisions, the Scrutiny Board allocated special responsibility for crime and disorder may co-opt additional members to serve on the Board⁸.

- The Scrutiny Board cannot in this capacity co-opt an Executive Member.
- Unless the Scrutiny Board decides otherwise, any such co-opted member shall not be entitled to vote.
- The Scrutiny Board may limit a co-opted person's membership to the exercise of the Board's powers in relation to a particular matter or type of matter.
- The Scrutiny Board may withdraw the co-opted person's membership at any time.

Additional co-opted members

The following may be appointed to each Scrutiny Board⁹:

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

⁷ A Scrutiny Board is a relevant Scrutiny Board where the Board's functions relate wholly or in part to any education functions which are the responsibility of the authority's executive

⁸ The Crime and Disorder (Overview and Scrutiny) Regulations 2009

⁹ Co-option would normally only be appropriate where the co-opted member has some specialist skill or knowledge, which would be of assistance to the Scrutiny Board.

Vision for Scrutiny at Leeds

“To promote democratic engagement through the provision of an influential scrutiny function which is held in high regard by its many stakeholders and which achieves measurable service improvements which add value for the people of Leeds through a member led process of examination and review”

To achieve this Scrutiny will follow the nationally agreed ‘Four Principles of Good Scrutiny’;

1. Provide ‘critical friend’ challenge to decision makers, through holding them to account for decisions made, engaging in policy review and policy development;
2. Promote Scrutiny as a means by which the voice and concerns of the public can be heard;
3. Ensure Scrutiny is carried out by ‘independent minded’ Board members;
4. Improve public services by ensuring reviews of policy and service performance are focused.

To succeed Council recognises that the following conditions need to be present;

- Parity of esteem between the Executive and Scrutiny
- Co-operation with statutory partners
- Member leadership and engagement
- Genuine non-partisan working
- Evidence based conclusions and recommendations
- Effective dedicated officer support
- Supportive Directors and senior officer culture

Council agrees that it is incumbent upon Scrutiny Boards to recognise that resources to support the Scrutiny function are, (like all other Council functions), under considerable pressure and that requests from Scrutiny Boards cannot always be met. Therefore Council agrees that constructive consultation should take place between the Executive and Scrutiny about the availability of resources prior to any work being undertaken.

Consequently, when establishing their work programmes Scrutiny Boards should

- ***Seek the advice of the Scrutiny officer, the relevant Director and Executive Member about available resources***
- ***Avoid duplication by having a full appreciation of any existing forums already having oversight of, or monitoring a particular issue (e.g. Plans Panel, Housing Advisory Board, established member working groups, other Scrutiny Boards)***
- ***Ensure any Scrutiny undertaken has clarity and focus of purpose and will add value and can be delivered within our agreed time frame.***

Scrutiny Board	Executive Portfolio oversight	External oversight	Officer oversight (by reference to the Officer Delegation Scheme)	
			Council Functions	Executive Functions
Strategy and Resources	<ul style="list-style-type: none"> Economy and Culture (Cllr Blake) Resources and Strategy (Cllr J Lewis) Employment, Skills and Opportunities (Cllr Rafique) 		<ul style="list-style-type: none"> Chief Executive Director of Resources and Housing Chief Officer (Financial Services) City Solicitor Director of Communities and Environment 	<ul style="list-style-type: none"> Chief Executive (1-2) Director of Resources and Housing (1-9) City Solicitor (1-3) Chief Officer (Financial Services)(1) Director of Communities and Environment (2, 15 – 17, 19)
Infrastructure and Investment	<ul style="list-style-type: none"> Regeneration, Transport and Planning (Cllr R Lewis) 	Risk management authorities (defined by S6 Flood and Water Management Act 2010)	<ul style="list-style-type: none"> Director of City Development (a, d-w) Chief Planning Officer 	<ul style="list-style-type: none"> Chief Executive (4) Director of Communities and Environment (9) Director of City Development (1, 3, 7-8, 11) Chief Planning Officer (1-4)
Inclusive Growth, Culture and Sport	<ul style="list-style-type: none"> Economy and Culture (Cllr Blake) Regeneration, Transport and Planning (Cllr R Lewis) Resources and Strategy (Cllr J Lewis) Employment, Skills and Opportunity (Cllr Rafique) 		<ul style="list-style-type: none"> Director of City Development (b,c) 	<ul style="list-style-type: none"> Chief Executive (3) Director of City Development (4-6, 9-10) Director of Children and Families (2)

¹⁰ 14-16 skills development only

Article 6 - Scrutiny Boards

Scrutiny Board	Executive Portfolio oversight	External oversight	Officer oversight (by reference to the Officer Delegation Scheme)	
			Council Functions	Executive Functions
Environment, Housing and Communities	<ul style="list-style-type: none"> Communities (Cllr Coupar) Environment and Sustainability (Cllr Yeadon) 	Responsible authorities (defined by S5 Crime and Disorder Act 1998)		<ul style="list-style-type: none"> Director of Communities and Environment (1, 3-8, 10-14, 18) Director of Resources and Housing (10-12) Director of City Development (1¹¹, 8)
Children and Families	<ul style="list-style-type: none"> Children and Families (Cllr Mulherin) 		<ul style="list-style-type: none"> Director of Children and Families 	<ul style="list-style-type: none"> Director of Children and Families (1, 2¹², 3)
Adults and Health	<ul style="list-style-type: none"> Health, Wellbeing and Adults (Cllr Charlwood) 	Relevant NHS bodies or health service providers including:- CCGs NHS Trusts Healthwatch Leeds	<ul style="list-style-type: none"> None 	<ul style="list-style-type: none"> Director of Adults and Health (1 - 8) Director of Public Health (1-6)

¹¹ Relating to provision of frontline services only

¹² Excluding 14-16 skills development

SPECIAL RESPONSIBILITIES OF SCRUTINY BOARDS

1 – Flood risk Management

The Scrutiny Board (Infrastructure and Investment) is allocated special responsibility for flood risk management namely:-

- To review and scrutinise the exercise by risk management authorities¹³ of flood risk management functions¹⁴ which may affect the Leeds City Council area¹⁵.

2 – Crime and Disorder

The Scrutiny Board (Environment, Housing and Communities) is allocated special responsibility for crime and disorder namely:-

- To exercise the functions of a crime and disorder committee¹⁶, including the following:
 - a) To review or scrutinise the exercise of crime and disorder functions¹⁷ by responsible authorities¹⁸; and
 - b) To review or scrutinise any local crime or disorder matter¹⁹ raised by a Member.

3 – Health

The Scrutiny Board (Adults and Health) is allocated special responsibility for health namely:-

- 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;
- 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;
- to respond to consultation by any relevant NHS body or health service provider; and

¹³ As defined by Section 6 Flood and Water Management Act 2010

¹⁴ As defined by Section 4 Flood and Water Management Act 2010

¹⁵ In accordance with Section 9FH Local Government Act 2000

¹⁶ In accordance with Section 19 Police and Justice Act 2006

¹⁷ As defined by Section 6 Crime and Disorder Act 1998 (formulating and implementing crime and disorder strategies)

¹⁸ These are the authorities responsible for crime and disorder strategies set out in Section 5 Crime and Disorder Act 1998.

¹⁹ 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.

Article 6 - Scrutiny Boards

- to nominate Members to any joint overview and scrutiny committee appointed by the authority.²⁰

Matters which fall within the terms of reference of the Scrutiny Board (Adult Social Services and Public Health) include:

- arrangements made by local NHS bodies to secure hospital and community health services to the inhabitants of the authority's area and the quality and safety of such services;
- the provision of family health services, personal medical services, personal dental services, pharmacy and NHS ophthalmic services;
- arrangements made by the authority for public health, health promotion, health improvement and for addressing health inequalities;
- the planning of health services by NHS bodies, including plans made in co-operation with local authority's Health and Wellbeing Board for improving both the health of the local population and the provision of health care to that population;
- any matter referred by Healthwatch Leeds; and
- the arrangements made by relevant NHS bodies and health service providers for consulting and involving patients and the public.

The Scrutiny Board may make recommendations to the authority, relevant NHS bodies, or relevant health service providers arising from the scrutiny process.

4– Residual Responsibility

The Scrutiny Board (Strategy and Resources) is allocated residual responsibility for any function not otherwise allocated to a Scrutiny Board.

²⁰ such nominations to reflect the political balance of the Board.

COUNCIL PROCEDURE RULES

1.0 ANNUAL MEETING OF COUNCIL

1.1 Timing and Business

In a year when there is an ordinary election of Councillors, the annual meeting will take place within 21 days of the retirement of the outgoing Councillors. In any other year, the annual meeting will take place in March, April or May.

The annual meeting will:

- (a) elect a person to preside if the Lord Mayor and Deputy Lord Mayor are not present;
- (b) elect the Lord Mayor;
- (c) elect a Deputy Lord Mayor (or Vice Chair of Council);
- (d) pass a vote of thanks to the retiring Lord Mayor;
- (e) approve the minutes of the last meeting;
- (f) receive any declarations of interest from Members;
- (g) receive any announcements from the Lord Mayor and/or Head of Paid Service;
- (h) elect the Leader¹;
- (i) consider any recommendations made by General Purposes Committee;
- (j) establish such committees² as are required by statute and such other committees as it considers appropriate to deal with matters which are neither reserved to the Council nor are executive functions (as set out in Part 3, Section 2A of this Constitution);³
- (k) No appointments under Rule 1 shall be for a period beyond the next Annual Meeting of the Council but they may be altered at any meeting of the Council;
- (l) agree the scheme of delegation or such part of it as the Constitution determines it is for the Council to agree (as set out in Part 3, Section 2C of this Constitution);

¹ Only as required by Article 7. If the Council fails to elect the Leader at the relevant annual meeting, or a vacancy in the office arises, the Leader is to be elected at a subsequent meeting.

² Such committees may be known as boards or panels.

³ References in these Rules to any committee established under Rule 1.1(j) shall be construed as including any other committee established by Full Council during municipal year.

Council Procedure Rules

- (m) receive the documents presented by the Leader in accordance with Executive and Decision Making Procedure Rules;
- (n) approve a programme of ordinary meetings of the Council for the year; and
- (o) consider any business set out in the notice convening the meeting.

1.2 Selection of Councillors on Committees and Outside Bodies

At the annual meeting, the Council will:

- (a) decide which committees to establish for the municipal year;
- (b) decide the size and terms of reference for those committees;
- (c) decide the allocation of seats to political groups in accordance with the political balance rules;
- (d) appoint to those committees and outside bodies except where appointments to those bodies has been delegated by the Council; and
- (e) appoint the Chair of those committees.

2.0 ORDINARY MEETINGS

2.1 Council Meetings

The Council may amend the programme of ordinary meetings agreed at the annual meeting.

All ordinary meetings shall be held at the **Civic Hall, Leeds**, at **1.00pm**, unless full Council decides otherwise.

2.2 Order of Business

Except as otherwise provided by Rule 2.3 or by statute, the order of business at every meeting of the Council, (other than the Annual meeting, any Extraordinary Meeting or the Budget Meeting⁴, or a State of the City meeting⁵ where the business to be transacted at the meeting will be specified in the Summons), shall be to:

- (a) choose a person to preside if the Lord Mayor and Vice Chair of Council are absent;
- (b) approve as a correct record and sign the minutes of the last meeting of the Council except where the meeting is a meeting called under paragraph 3 (extraordinary meetings) of Schedule 12 to the Local Government Act 1972,

⁴ Business over and above the budget is usually admitted by agreement but there is a presumption that such agreement will not include the attendance of deputations or question time.

⁵ Or such other similarly styled meeting

Council Procedure Rules

in which case the next following meeting of the Council (being a meeting called other than under that paragraph) shall be treated as a suitable meeting for the purposes of paragraph 41(1) and (2) (signing of minutes) of that Schedule;

- (c) receive any declarations of interest from Members;
- (d) receive such communications as the Lord Mayor, the Leader, Deputy Leader, or Members of the Executive Board, or the Chief Executive consider to be appropriate;
- (e) receive deputations (if any) in accordance with Rule 10;
- (f) consider any recommendation of the Executive Board, and committees, established under Rule 1.1(j)⁶, and any sub-committees thereof;
- (g) receive such reports as the Chief Executive, Monitoring Officer or Section 151 Officer consider appropriate⁷;
- (h) deal with Executive questions (if any) in accordance with Rule 11;
- (i) receive the minutes of the Health and Wellbeing Board and Executive Board;
- (j) consider White Paper Motions (if any) submitted in accordance with Rule 12.

2.3 Variation of Order of Business

Business falling under items Rule 2.2 (a) or (b) shall not be displaced, but subject thereto the foregoing order of business may be varied by a resolution passed on a motion (which need not be in writing) duly moved and seconded, which shall be moved and put without discussion.

3.0 TIME LIMITS FOR BUSINESS

3.1 Each deputation shall be for no more than 5 minutes

3.2 A period of 30 minutes will be allowed for Executive Questions.

3.3 **Subject to Rule 4.1 c** consideration of all business to dispose of the motion to receive Health and Wellbeing Board and Executive Board minutes shall not continue beyond 4.20 pm.

The motion to receive the minutes shall be conducted as follows;

⁶ Annual reports will be received from the following committees: Scrutiny (jointly); Community Committees (jointly); Plans Panels (jointly); Licensing Committee; Standards Committee.

⁷ In the case of a report relating to devolved matters, consideration of this report will take place after the tea break time; be time limited to 30 minutes; and will enable all groups the to contribute to the debate.

Council Procedure Rules

- Consideration of Health and Wellbeing Board will be for a period of twenty minutes including up to 4 minutes for the Chair of that Board to sum up at the conclusion of which -comments on Executive Board minutes will be heard.
- The Leader of Council will sum up for a period of up to ten minutes .

3.4 Each White Paper Motion shall be limited to forty five minutes, at the conclusion of which voting shall commence.

4.0 WINDING UP OF BUSINESS

4.1 At the conclusion of the speech being delivered at the expiry of a specified time period, the Lord Mayor shall put to the vote, without further discussion, all that is necessary to dispose of the matter under debate⁸ provided that:

- Executive Questions

Where a question has been commenced orally (but has not been completed within the time allotted for question time) that question is completed including any supplementary to that question and the response thereto.

- Consideration of Minutes

If the relevant portfolio holder has not commenced summing up in accordance with rule 14.1 g) they shall have the opportunity to sum up (for a period of not more than 5 minutes)⁹

The Leader of Council has had the opportunity to sum up (for a period of not more than 10 minutes).

- White Paper Motions/ Amendments

The Mover of the motion has had the opportunity to sum up (for a period of not more than 4 minutes).

- Reference Back

The relevant Executive Board Member or Chair has had the opportunity to sum up (for a period of not more than 3 minutes) on the reference back.

5.0 EXTRAORDINARY MEETINGS

Those listed below may request the Proper Officer to call Council Meetings in addition to ordinary meetings:

⁸ For clarification, "all that is necessary properly to dispose of the matter under debate" means, as relevant, for the original motion properly to be moved and seconded; for any and all amendment(s) properly to be moved and seconded; and for the mover of the original motion to have an opportunity to exercise their right of reply/right to sum up.

⁹ The Leader's summing up may continue after 4:20 pm if necessary to accommodate the executive Member's summing up in relation to their portfolio.

Council Procedure Rules

- (a) the Council by resolution;
- (b) the Lord Mayor;
- (c) the Chief Executive, the Monitoring Officer and Section 151 Officer; and
- (d) any five Members of the Council if they have signed a requisition presented to the Lord Mayor and s/he has refused to call a meeting or has failed to call a meeting within seven clear days¹⁰ of the presentation of the requisition.

6.0 NOTICE OF AND SUMMONS TO MEETINGS

- 6.1 The Chief Executive will give notice to the public of the time and place of any meeting in accordance with the Access to Information Procedure Rules. At least five clear days before a meeting, the Chief Executive will send a summons signed by him/her to every Member of the Council or leave it at their usual place of residence. The summons will give the date, time and place of each meeting and specify the business to be transacted, and will be accompanied by such reports as are available.
- 6.2 The notices for all meetings of committees established under Rule 1.1(j) shall be issued from the office of the Chief Executive and no matter shall be considered at such meeting without the prior agreement of the Chief Executive who shall first have been furnished with any written report or with details of any intended verbal report.

7.0 POWERS AND DUTIES OF THE LORD MAYOR

- 7.1 Any power or duty of the Lord Mayor in relation to the conduct of a meeting may be exercised by the Vice Chair, or in the absence of the Vice Chair, the person elected to preside at the meeting.
- 7.2 Any duty of the Chief Executive in relation to the conduct of a meeting may be exercised in the Chief Executive's absence by the City Solicitor.

8.0 QUORUM

- 8.1 The quorum of a meeting will be one quarter of the whole number of Members¹¹.
- 8.2 If during any meeting of the Council, any Member draws to the attention of the Lord Mayor that there does not appear to be a quorum present, the Lord Mayor shall direct the Chief Executive to call over the names of the Members of the Council. If there is less than a quarter present, the Lord Mayor shall declare the meeting adjourned. The names of the Members present and those absent shall be recorded in the minutes of the Council.

¹⁰ Not including the date the requisition was received and not including weekends or bank holidays

¹¹ Where more than one third of the Members are disqualified at the same time, and until the number of Members in office is increased to not less than two thirds of the whole, the quorum shall be determined by reference to the number of Members remaining qualified

Council Procedure Rules

- 8.3 The consideration of any business not transacted shall be adjourned to a time fixed by the Lord Mayor at the time the meeting is adjourned or, if the Lord Mayor does not fix a time, to the next ordinary meeting of the Council.

9.0 COMMUNICATIONS

- 9.1 There shall be no discussion on any matter referred to in communications from the Lord Mayor, the Chief Executive or Executive Members as are thought necessary to be read, but any Member shall be at liberty to move a motion, without notice, to refer any of such communications to the appropriate committee and such motion, on being seconded, shall be at once put to the vote.

10.0 DEPUTATIONS

- 10.1 The Council will not receive more than four deputations at any ordinary meeting.¹²
- 10.2 A request for permission to bring a Deputation must be submitted, to the Head of Governance and Scrutiny Support, at least fourteen clear days in advance of the Council meeting for which permission is sought.
- 10.3 A copy of the proposed deputation speech must accompany the permission request.
- 10.4 Deputations shall be relevant to some matter in relation to which the Council has powers or duties or which affects the City of Leeds.
- 10.5 Deputation requests which relate solely to the interests of an individual or company, or which present, or may appear to present unsubstantiated allegations or claims in respect of an individual, group of individuals, a company or any other body, or are in any way vexatious or otherwise significantly prejudicial to the interests of the Council or the City of Leeds, will not be permitted.
- 10.6 Requests concerning matters being considered by a Plans Panel, the Licensing Committee (or a sub-committee) will not be received.
- 10.7 The suitability of a Deputation shall be determined by the Chief Executive. Permission to attend Council and present a Deputation shall be issued by the Chief Executive.
- 10.8 Eligible deputations shall be heard in the order in which permission is granted.
- 10.9 A deputation shall consist of at least two and no more than five people. One person from a deputation may address the Council, for no longer than five minutes¹³.

¹² Except the Annual Meeting, an Extraordinary Meeting, the Budget Meeting and a State of the City (or other similarly styled) meeting where deputations shall not be heard.

¹³ Including the reading of any written material

Council Procedure Rules

- 10.10 Where two or more deputations present opposing views on the same matter, the Council will not receive more than one of these related deputations at the same meeting.
- 10.11 The Council shall not normally receive a deputation on a matter that has been the subject of a deputation in the previous six months, except as a result of a refusal at 10.10.
- 10.12 The Council shall not debate any matter raised by a deputation when it is presented.
- 10.13 Any Member of the Council may move a motion without notice, that the deputation be or not be received, or that the subject matter be referred to the appropriate committee¹⁴. The Lord Mayor will put such a motion on being seconded, to the vote without debate.

11.0 EXECUTIVE QUESTIONS

11.1 Questions on Notice

- (a) Executive Questions may be put at each ordinary meeting of the Council (except, the Budget Meeting or a State of the City meeting¹⁵).
- (b) During question time, a Member may ask the Leader of the Council, the Deputy Leader, any Executive Member¹⁶ or the Chair of any executive committee¹⁷ through the Lord Mayor, any question on any matter in relation to which the Council has powers or duties, or which affects the City of Leeds¹⁸.
- (c) A question shall not be asked in the absence of the Member in whose name it stands unless they have given authority for it to be asked by some other Member of the Council.

11.2 Notice of Questions

Notice in writing of the question must be given to the Chief Executive before 10.00am on the Monday preceding the Council meeting. Questions from an individual or group will be taken in the order in which notice of the question is received from that individual or group.

11.3 Response

¹⁴ Or to the officer with appropriate delegated authority who shall consider the matter in consultation with the relevant Executive Member.

¹⁵ or other such styled meeting. Questions cannot be put at the Annual Meeting or any Extraordinary Meeting.

¹⁶ In relation to any matter within their portfolio.

¹⁷ In relation to any matter within the committee's terms of reference.

¹⁸ A Member may also ask a Member of the Council appointed by full Council to another body, any question about functions discharged by that other body. Any question about any function discharged by the West Yorkshire Fire and Rescue Authority must be directed to a Member nominated by that Authority..

Council Procedure Rules

- (a) Every question shall be put and answered without discussion but the person to whom a question has been put may decline to answer.
- (b) A Member to whom a question is addressed¹⁹ shall have discretion to nominate a Member to answer such question where the Member considers that the answer would most appropriately be given by such nominee.

11.4 Form of Response

An answer may take the form of:

- (a) a direct oral answer, or where the desired information is contained in a publication of the Council or of the relevant Joint Authority or Joint Committee, a reference to that publication; or
- (b) where the reply to the question cannot conveniently be given orally, a written answer circulated to Members of the Council. Written answers wherever possible should be sent out by the Chief Executive within 10 working days.

11.5 Supplementary Question

The Member who asked a question during question time may ask one supplementary question, arising directly out of the original question.

11.6 Unanswered Questions

Where the answer has not been commenced during question time, it shall be answered by written answer circulated to Members of the Council. If the answer to a question has been commenced orally but has not been completed within question time it may be completed orally including any supplementary to that question and the response thereto.

12.0 **MOTIONS ON NOTICE**

12.1 Notice

Except for motions which can be moved without notice under Rule 13, written notice of every motion signed by the Member or Members of Council giving notice must be delivered at the office of the Chief Executive prior to 10.00am of the day preceding the day for issue of the Summons. The proposer of a Motion shall have the right to correct or withdraw a Motion up to 10.00 am on the day the Summons is to be issued.

12.2 White Paper Motions

¹⁹ Except in relation to functions discharged by the West Yorkshire Fire and Rescue Authority – see footnote 15 above.

The number of White Paper motions admissible for full debate at any given meeting shall be limited to three^{20 21}.

12.3 Scope

- (a) Every motion shall be relevant to some matter in relation to which the Council has powers or duties or which affects the City of Leeds.
- (b) All the notices of motion received by the Chief Executive shall be submitted to the Lord Mayor. If the Lord Mayor considers that any such motion relates to matters other than of a local nature or is similar to a matter which in the past six months has been rejected at a meeting of the Council, the Member concerned shall ask leave of the Council to introduce such a motion before proceeding to address Council on it. Once the motion is dealt with, no-one can propose a similar motion for six months.
- (c) There shall be no speech or discussion upon asking for such leave to so introduce a motion. The fact that any such motion requires the leave of the Council shall be indicated in the Council Summons.
- (d) If it appears to the Lord Mayor that any motion requiring notice relates only in part to the matters stated in (b) above, the Lord Mayor may invite the Member of the Council concerned to amend the motion in agreement with the Lord Mayor either by omitting the part relating to such matters or by dividing the motion so that the part relating to such matters is stated in terms of a separate motion, but without addition to the terms of the original motion. In such event the original motion shall appear on the Council Summons with the indication that it requires the leave of the Council, but it shall be competent for the Member concerned to move without leave the part agreed by that Member with the Lord Mayor as not relating to the matters above stated, and after that motion has been disposed of, if the Member so wishes, to move with leave of Council the remaining part of the motion.

12.4 Motion Set Out in Agenda

- (a) The Chief Executive shall set out in the Summons for every meeting of the Council all motions of which notice has been duly given, and notice of all business which in the judgement of the Chief Executive requires to be brought before the Council.
- (b) The business under any notice upon the Council Summons shall not be proceeded with in the absence of the Member or Members of the Council in whose name or names it stands, unless they have given authority in writing

²⁰One to the Labour Group, one to the Conservative Group, one to be shared on a rota agreed by the other political groups.

²¹ Where submitted, the first White Paper considered will be that submitted by the Conservative Group

for it to be taken up by some other Member or Members of the Council, or it is business which, by law, the Council must transact or business emanating from a committee the notice whereof stands in the name of the Chair of that committee in which latter case the resolution may be moved, without authority in writing, by some other Member of the committee.

13.0 MOTIONS/AMENDMENTS

13.1 Motions and amendments requiring notice

- a) Except as set out in Rule 13.2 below, and as provided in Rule 14.8, no amendment to a motion (including an amendment to refer back any business for further consideration) shall be moved at any meeting of the Council unless notice thereof in writing setting out the amendment and signed by the Member or Members giving it, has been received by the Chief Executive:
- no later than 10.00am on the working day before the commencement of the meeting; or
 - no later than 10.00 am on the third working day after the issue of the Summons if the amendment is to the Budget Motion.

13.2 Motions without notice

The following motions and amendments may be moved without notice:

- (a) appointment of a Chair of the meeting at which the motion is made;
- (b) in relation to the accuracy of a report, minutes or recommendation before Council;
- (c) to change the order of business in the agenda;
- (d) that leave be given to withdraw an item of business including a motion or amendment;
- (e) that the Council proceed to the next business;
- (f) that the question be now put;
- (g) that the debate be adjourned;
- (h) that the meeting be adjourned
- (i) authorising the sealing of documents;
- (j) suspending Council Procedure Rules, in accordance with Rule 22.1;
- (k) motion to exclude the press and public in accordance with the Access to Information Rules;

- (l) that a Member named under Rule 20, be not further heard or leave the meeting;
- (m) giving consent of the Council where its consent is required by this Constitution; and
- (n) that a communication be referred to the appropriate Committee

14.0 RULES OF DEBATE

14.1 Period Permitted for Speeches

Except by the leave of Council (and as follows);

- a. A Member may address Council under the Communications item for up to 3 minutes.
- b. A Member moving a White Paper motion may speak for up to 5 minutes.
- c. A Member seconding a White Paper motion may speak for up to 4 minutes²²,
- d. A Member may speak for up to 4 minutes when contributing to, or summing up on, White Paper debates.
- e. A Member moving any other motion may speak for up to 4 minutes.
- f. A Member moving any amendment may speak for up to 4 minutes.
- g. An Executive Board Member or other such Member as may be determined appropriate, may speak for up to 6 minutes²³ when summing up on comments made on Minutes.
- h. An Executive Board Member responsible for the section of the minutes to which an amendment (reference back) relates shall have 3 minutes to comment as the last speaker in the debate on the amendment (reference back).
- i. The Leader of Council may speak for up to ten minutes when summing up on the Minutes.
- j. A Member contributing to, or summing up on, any business other than set out above, may speak for up to 3 minutes.
- k. On resuming an adjourned debate, the Member who moved its adjournment is entitled to speak first for up to 3 minutes.

²² A Member when seconding a White Paper motion, or an amendment to a White Paper Motion, may reserve that speech until a later period of the debate.

²³ Where the Executive Board Member is the Leader of Council the time available for summing up on his/her portfolio shall be 5 minutes.

Council Procedure Rules

14.2 No Speeches Until Motion Seconded

All other motions or amendments shall not be discussed unless it has been proposed and seconded.

14.3 Right to require motion in writing

Unless notice has already been given in accordance with Rules 12.1 or 13 it shall be put into writing and handed to the Lord Mayor before it is further discussed or put to the meeting.

14.4 Content of Speeches

Members shall direct their speech to the question under discussion, a personal explanation or a point of order.

14.5 When a Member May Speak Again

A Member who has spoken on any motion shall not speak again whilst it is the subject of debate except:

- (i) if the motion has been amended since the Member last spoke, to move a further amendment
- (ii) in exercise of a right of reply
- (iii) to raise a point of order in accordance with Rule 14.15
- (iv) to make a personal explanation in accordance with Rule 14.16

For the purpose of this Rule only, comments on the minutes in each portfolio section of the Executive Board and each committee moved under Rule 2.2(i) shall be regarded as being comments upon separate motions and such comments shall be relevant to such section of the minutes as are under debate.

14.6 Amendments to Motions

(a) An amendment must be relevant to the motion and will be to:-

- (i) refer a subject of debate to an appropriate body or individual for consideration or reconsideration;
- (ii) leave out words;
- (iii) leave out words and insert or add others; or
- (iv) insert or add words,

provided that such omission, insertion or addition of words shall not have the effect solely of negating the motion.

Council Procedure Rules

- (b) Subject to Rule 14.6(c), only one amendment may be moved and discussed at any time. No further amendment shall be moved until the amendment under discussion has been disposed of.
- (c) Amendments to White Paper motions shall be moved and discussed in the order in which notice thereof has been given and the voting thereon shall be taken after the winding-up speech of the mover of the original motion.

14.7 Amendments (Reference Back) to a Motion to receive the Minutes

- (a) Only one amendment may be moved to any given minute under a motion to receive the minutes. This shall be one to request the decision-maker to reconsider the decision.
- (b) The Executive Member or Chair responsible for the section of the minutes to which the amendment relates shall have 3 minutes to comment as the last speaker in the debate on the amendment in addition to his/her rights under Rule 14.1(g). In the event that the amendment is the sole matter discussed under the given section of the minutes then the six minutes allowed under Rule 14.1(g) shall be applied.
- (c) The vote will be taken on the amendment before proceeding to comments on that section of the minutes.

14.8 Further Amendments

- (a) If any amendment is lost, other amendments may be moved on the original motion provided that, where necessary, due notice has been given in accordance with Rule 13.1.
- (b) If an amendment is carried, the motion as amended takes the place of the original motion upon which any further such amendments may be moved but this does not prevent any further amendments being moved by references to the wording of the original motion.
- (c) If a Member wishes to move a second or further amendment and has not given due notice thereof where required in accordance with Rule 13.1 the Member shall give notice of the proposed amendment during the discussion on the first or other earlier amendment and, subject to the consent of the Lord Mayor (which question shall not be open to discussion), may move this amendment at such time as the Lord Mayor shall decide. Subject to this, all amendments shall be considered in the order in which notice has been given.

14.9 Alteration of Motion

A Member may with the consent of the Council signified without discussion:

- (a) alter a motion of which that Member has given notice; or

Council Procedure Rules

- (b) with the further consent of the seconder, alter a motion which that Member has moved

if (in either case) the alteration is one which could be made as an amendment thereto.

14.10 Withdrawal of Motion or Minutes

A motion or amendment shall not be withdrawn except with the consent of the seconder and of the Council. There shall be no discussion upon an application to withdraw a motion or amendment but any Member shall be at liberty to move that the leave applied for be given and the Council without discussion shall vote thereon.

14.11 Right of Reply

- (a) The mover of a motion has a right to reply at the close of debate of the motion immediately before it is put to the vote.
- (b) If an amendment is moved, the mover of the original motion shall also have a right of reply at the close of the debate on the amendment but may not otherwise speak on the amendment.
- (c) The mover of the amendment has no right of reply to the debate on such amendment.

14.12 Motions that May Be Moved During Debate

When a motion is under debate no motion shall be moved except the following:-

- (a) to amend the motion;
- (b) to adjourn the meeting;
- (c) to adjourn the debate;
- (d) to proceed to the next business;
- (e) that the question be now put;
- (f) that a Member be not further heard;
- (g) by the Lord Mayor under Rule 20 that a Member leave a meeting;
- (h) to exclude the press and public in accordance with the Access to Information Procedure Rules; or
- (i) to give consent to the withdrawal of a motion or amendment.

14.13 Closure Motions

Council Procedure Rules

- (a) A Member may move, without comment, at the conclusion of a speech of another Member,
- (i) to proceed to the next business;
 - (ii) that the question be now put;
 - (iii) to adjourn a debate; or
 - (iv) to adjourn a meeting

on the seconding of which the Lord Mayor shall proceed as set out in paragraphs (b), (c) and (d) below.

- (b) If a motion to proceed to the next business is seconded, the Lord Mayor will first give the mover of the original motion a right of reply in accordance with time limits for speaking set out in Procedure Rule 14.1. The Lord Mayor will then put to the vote the motion to proceed to the next business.
- (c) If a motion that the question be now put is seconded, the Lord Mayor will first put to the vote the motion that the question be now put, and if it is passed then give the mover of the original motion a right of reply in accordance with time limits for speaking set out in Procedure Rule 14.1 before putting a motion to the vote.
- (d) If a motion to adjourn the debate or the meeting is seconded, the Lord Mayor shall put the adjournment motion to the vote without giving the mover of the original motion a right of reply on that occasion and no amendment to the motion shall be permitted unless it relates to the time of adjournment.

14.14 Resumption of Adjourned Debate

On resuming an adjourned debate, the Member who moved its adjournment is entitled to speak first.

14.15 Points of Order

A Member may raise a point of order at any time and will, with the consent of the Lord Mayor, be entitled to be heard immediately. A point of order may relate only to an alleged breach of these Council Procedure Rules or statutory provision. The Member must specify the Rule or statutory provision and the way in which s/he considers it has been broken. The Lord Mayor's ruling is final.

14.16 Personal explanation

A Member may make a personal explanation at any time. A personal explanation may only relate to some material part of an earlier speech by the Member which may appear to have been misunderstood in the present debate. The ruling of the Lord Mayor on the admissibility of a personal explanation will be final.

Council Procedure Rules

14.17 Lord Mayor's Ruling Final

The ruling of the Lord Mayor on a point of order or on the admissibility of a personal explanation shall not be open to discussion.

14.18 Interpretation of Council Procedure Rules

The ruling of the Lord Mayor as to the construction or application of any of these Rules, or as to any proceedings of the Council, shall not be challenged at any meeting of the Council and is final.

15.0 RESCINDING RESOLUTIONS OF COUNCIL

- 15.1 No resolution of the Council shall be rescinded or varied, except upon motion made on a notice which shall refer to the resolution sought to be rescinded or varied. Provided that this Rule shall not apply to motions moved in pursuance of a recommendation by the Executive Board or a committee established under Rule 1.1(j) or a sub-committee thereof.

16.0 VOTING

16.1 Majority

Unless this Constitution or the law provides otherwise, any matter will be decided by a simple majority of those Members voting and present in the room at the time the question was put.

16.2 Casting Vote

At any meeting of the Council or a committee established under Rule 1.1(j), or a sub-committee thereof, the Chair shall, in case of an equal division of votes have a second or casting vote.

16.3 Show of Hands

- (a) Unless a recorded vote is demanded under Rules 16.4 and 16.5, the Lord Mayor will take the vote by show of hands or if there is no dissent, by the affirmation of the meeting.
- (b) The result of a vote by show of hands will be announced provisionally by the Lord Mayor who will then allow a further reasonable period for any two Members to requisition a recorded vote. If any such requisition is made, the show of hands shall be disregarded and the voting will be recorded to show how each Member present voted.
- (c) If no such requisition is made before the Lord Mayor announces the next item of business or the closure of the meeting, as appropriate, the result of the show of hands as announced by the Lord Mayor will there upon become final.

16.4 Recorded Vote

Where a recorded vote is required in accordance with paragraphs (a) or (b) below then the minute of the proceedings shall include a record of the names of persons who cast a vote for the decision or against the decision or who abstained from voting.

A recorded vote is required in the following circumstances:-

- (a) Any vote required to be recorded by law²⁴, or
- (b) Any vote where, before the vote is taken on any matter before Council, any two Members of the Council demand that the votes are recorded.

16.5 Right to Require Individual Vote to be Recorded

Where immediately after a vote is taken at a meeting if any Member so requires, there shall be recorded in the minutes of the proceedings of that meeting whether that person cast his/her vote for the question, against the question or whether s/he abstained from voting.

16.6 Division Bells

- (a) Where a closing speech has started there will be a single ring of the bell.
- (b) In any situation where it has been agreed that a recorded vote shall be taken, there will be two rings of the bell and at least half a minute will elapse between the end of the final ring and the taking of the vote.

16.7 Voting on Appointments

If there are more than two people nominated for any position to be filled by the Council, and there is not a clear majority in favour of one person, then the name of the person with the least number of votes shall be taken off the list and a new vote shall be taken. The process will continue until there is a majority of votes for one person.

17.0 MINUTES

17.1 Signing the Minutes

- (a) The Lord Mayor will put the question that the minutes of the previous meeting or meetings of the Council be approved as a correct record.

²⁴ Including but not limited to the requirement to record a vote in relation to a budget decision in accordance with paragraph 11 of Schedule 2, Part 2 of the Local Authorities (Standing Orders) (England) Regulations 2001.

Council Procedure Rules

- (b) No discussion will take place upon the minutes, except upon their accuracy, and any question of their accuracy shall be raised by motion. If no such question is raised, or it is raised then as soon as it has been disposed of, the Lord Mayor will sign the minutes.

17.2 No requirement to sign minutes of previous meeting at Extraordinary Meeting

Where in relation to any meeting, the next meeting for the purpose of signing the minutes is a meeting called under paragraph 3 of Schedule 12 to the Local Government Act 1972 (an Extraordinary Meeting) then the next following meeting (being a meeting called otherwise than under that paragraph) will be treated as a suitable meeting for the purposes of paragraph 41(1) and (2) of Schedule 12 relating to signing of minutes.

17.3 Form of Minutes

Minutes will contain all motions and amendments in the exact form and order the Lord Mayor put them.

18.0 RECORD OF ATTENDANCE

- 18.1 The clerk for the meeting will record the attendance of all Members present during the whole or part of a meeting.

19.0 EXCLUSION OF PUBLIC

- 19.1 Subject to any statutory prohibitions and to paragraph 19.2 below, meetings of the Council and committees established under Rule 1.1(j) and any sub-committees thereof, shall be open to the public²⁵. This shall be without prejudice to any power of exclusion to suppress or prevent disorderly conduct or other misbehaviour at a meeting.
- 19.2 The Council and committees established under Rule 1.1(j) and any sub-committees thereof may by resolution exclude the press and public from a meeting (whether during the whole part or part only of the proceedings) in accordance with the Access to Information Procedure Rules in Part 4 of this Constitution.

20.0 MEMBERS' CONDUCT

20.1 Standing to Speak

A Member when speaking at full Council must stand and address the Lord Mayor. If two or more Members rise, the Lord Mayor will call on one to speak and the other or others must sit. While the Member is speaking, the other Members must remain seated unless rising on a point of order or personal explanation. Members shall

²⁵ The Recording Protocol: Third Party Recording of Committees, Boards and Panels, set out at Appendix 1 to the Access to Information Procedure Rules applies.

Council Procedure Rules

speak of each other by their titles of "Lord Mayor" or "Councillor" as the case may be.

20.2 Lord Mayor Standing

When the Lord Mayor rises during a debate, any Member speaking at the time must stop and sit down. The meeting must be silent.

20.3 Member not to be Heard Further

If at a meeting any Member indulges in misconduct by behaving irregularly, improperly, offensively, or by wilfully obstructing the business of the Council, any other Member (including the Lord Mayor) may move "that the Member named be not further heard" and the motion, if seconded will, with the leave of the Lord Mayor, be put and voted on without further discussion.

20.4 Member to Leave the Meeting

If the Member named continues the misconduct after a motion under the foregoing paragraph has been carried, the Lord Mayor shall either move "That the Member named do leave the meeting" (in which case the motion shall be put and determined without seconding or discussion) or adjourn the meeting of the Council for such period as the Lord Mayor shall consider expedient.

20.5 General Disturbance

In the event of general disturbance which in the opinion of the Lord Mayor renders the orderly dispatch of business impossible, the Lord Mayor may, without question, adjourn the meeting of the Council for such period as s/he considers expedient.

21.0 DISTURBANCE BY THE PUBLIC

21.1 If a Member of the public interrupts the proceedings at any meeting the Lord Mayor will warn the person concerned. If that person continues the interruption, the Lord Mayor will order their removal from the meeting room.

21.2 In the case of general disturbance in any part of the meeting room open to the public the Lord Mayor may call for that part to be cleared.

22.0 SUSPENSION AND AMENDMENT OF COUNCIL PROCEDURE RULES

22.1 Suspension

Any Council Procedure Rule except Rule 16.5 and 17.2 may be suspended by a motion made and seconded and carried by a majority of the Members present at the meeting. A motion to suspend in relation to the proposed introduction of an emergency motion²⁶ should include the wording of the motion proposed to be

Council Procedure Rules

considered. The motion to suspend should not include the reasons why the suspension is being proposed. Suspension is only for the duration of the meeting.

22.2 Amendment

Any motion to add to, vary or revoke these Council Procedure Rules will, when proposed and seconded, stand adjourned without discussion to the next ordinary meeting of the Council.

23.0 INTEREST OF MEMBERS AND OFFICERS

23.1 Members must comply with the Members' Code of Conduct.

23.2 Directors shall record in a book kept for the purpose particulars of any notice given by an officer of the Council of a personal interest in a contract and each such book shall be open during office hours to the inspection of any Members of the Council.

24.0 MOTIONS AFFECTING COUNCIL EMPLOYEES

24.1 If any question arises at a meeting of the Council or a committee established under Rule 1.1(j) and any sub-committee thereof, open to the public as to the appointment, promotion, dismissal, salary, superannuation or conditions of service, or as to the conduct of any person employed by the Council, such question shall not be the subject of discussion until the Council, committee, or sub-committee, has decided whether or not the power of exclusion of the public under section 100A of the Local Government Act 1972 shall be exercised.

25.0 APPLICATION TO COMMITTEES AND SUB COMMITTEES

25.1 All of the Council Procedure Rules apply to meetings of full Council. None of the Rules apply to meetings of the Executive (see Executive and Decision Making Procedure Rules). Only the following Rules apply to meetings of committees and sub-committees:
6.2, 8, 16.1, 16.2, 16.5, 17, 18, 19, 21, 23 - 28.

25.2 References to "Lord Mayor" shall read "the Chair".

26.0 SUBSTITUTE MEMBERS

26.1 Allocation

(a) In relation to each Plans Panel, the Council shall appoint a list of substitute members comprising all other members of the other Plans Panels, the Development Plan Panel and the Licensing Committee. In addition the list may include any Members, nominated by their group Whip, who are not members of these committees, but have received appropriate training. A

²⁶ And all subsequent amendments.

Council Procedure Rules

nominated member shall be entitled to attend meetings in place of a regular member, subject to the substitute member having received appropriate training.

- (b) In relation to the Member Management Committee, an Executive Member, Deputy Executive Member, Whip or Assistant Whip shall be entitled to attend meetings in place of a regular member of the Committee.
- (c) In relation to the Development Plan Panel, the Council shall appoint substitute Members, comprising all Members of the Plans Panels and the Licensing Committee. A nominated Member shall be entitled to attend meetings in place of a regular Member, subject to the substitute Member having received appropriate training.
- (d) In relation to the Housing Advisory Board, the Council shall appoint substitute members via nominations from group Whips. Each Whip shall nominate one substitute for each member that sits on the Committee.
- (e) In relation to the Corporate Governance and Audit Committee, the Council shall appoint substitute members via nominations from group Whips. Each Whip shall nominate one substitute for each member that sits on the Committee. Whips may not nominate any members that would be excluded from full membership under the provisions of Article 9 of the Constitution.
- (f) In relation to the General Purposes Committee, an Executive Member, Deputy Executive Member, group leader or deputy group leader, group whip or assistant whip, shall be entitled to attend meetings in place of a regular member of the Committee.
- (g) In relation to Scrutiny Boards, any non-executive member is eligible to attend in the place of an absent scrutiny board member.
- (h) In relation to Standards and Conduct Committee, the Council shall appoint substitute members via nominations from group Whips. Each Whip shall nominate one substitute for each member that sits on the Committee. A nominated member shall be entitled to attend meetings in place of a regular member, subject to the substitute member having received appropriate training.
- (i) In relation to the Health and Wellbeing Board
 - the Council shall appoint substitute Members via nominations from group Whips. Each Whip shall nominate one substitute for each Member that sits on the Board; and
 - any non-voting representative of each Clinical Commissioning Group and of Healthwatch Leeds appointed by the Health and Wellbeing Board, may substitute for a relevant voting representative.
 - the named substitute from the Third Sector can attend and participate in meetings and vote in the absence of the Third Sector member appointed to the Board.

j) In relation to Community Committees

- Elected members cannot be substituted
- Where a representative from a designated organisation has been co-opted on to the Community Committee, that member can be substituted by another representative from that organisation, subject to the Chair being informed before the meeting of the proposed substitution.
-

26.2 Substitution

A substitute member shall be entitled to attend in place of a regular member provided that the Committee Clerk has been notified of this before the meeting begins. Once the meeting has begun, the regular member in respect of whom notification has been received, shall no longer be entitled to attend that meeting as a member of the committee concerned.

26.3 Powers and Duties

A substitute member shall be for all purposes a duly appointed member of the committee to which s/he is appointed as a substitute member for the meeting in question. Substitute members will have all the powers and duties of any regular member of the committee, but will not be able to exercise any special powers or duties exercisable by the person for whom they are substituting.

27.0 SPECIAL MEETINGS OF COMMITTEES

27.1 The Chair of a committee established under Rule 1.1(j), may call a meeting at any time. A special meeting shall also be called on the requisition of any three Members of such committees delivered in writing to the Chief Executive. The Agenda for such a special meeting shall set out the business to be considered thereat and no business other than that set out in the Agenda shall be considered at that meeting.

28.0 QUORUM OF COMMITTEES AND SUB-COMMITTEES

28.1 Four Members (including the Chair) shall form a quorum in committees established under Rule 1.1(j), except as follows:

28.2 The quorum for the Employment Committee shall be two, including one Member of the Executive Board.

28.3 The quorum for a meeting of a Community Committee shall be satisfied if at least one third of the Elected Ward Members are present, and at least one Elected Ward Member from each ward within the area is present. In the case of those Committees comprised of only two wards, the quorum shall be satisfied if three Members are present and at least one Elected Ward Member from each ward within the area is present.

Council Procedure Rules

- 28.4 The quorum for the Licensing Committee shall be as set out in the Licensing Procedure Rules.
- 28.5 The quorum of any sub-committee shall be determined by the appointing committee.
- 28.6 The quorum of the Health and Wellbeing Board shall be four, including one councillor and a CCG representative.
- 28.7 The quorum of the Housing Advisory Board shall be four, including two Councillors and one tenant/leaseholder voting co-opted member.
- 28.8 Except where authorised by statute, business shall not be transacted at a meeting unless a quorum is present

This page is intentionally left blank

COMMUNITY COMMITTEE PROCEDURE RULES¹

1.0 STATUS, ROLE, FUNCTIONS AND ACCOUNTABILITIES

- 1.1 Community Committees are appointed by Full Council.
- 1.2 The role of Community Committees is set out in Article 10.
- 1.3 Community Committees may exercise both Executive and Council functions as set out in the Terms of Reference for Committee Committees and the Community Committee Executive Delegation Scheme.
- 1.4 The Local Government Act 2000 provides for the Executive to make arrangements for functions which are the responsibility of the Executive to be discharged by Community Committees. In exercising these functions each Community Committee is accountable to the Executive.
- 1.5 Each Community Committee is accountable to Full Council for the exercise of Council functions within their terms of reference.

2.0 APPOINTMENT OF CHAIR

- 2.1 Subject to Rule 2.6 below, the Chair of each Community Committee will be elected, from amongst the City Councillors eligible to serve on that Committee.
- 2.2 Each political Group² with Members elected within a Community Committee area may put forward a nomination from amongst Members on the Community Committee to Chair the Community Committee. An Independent Member may also put forward a nomination.
- 2.3 All nominations must be notified to the Head of Governance and Scrutiny Support by no later than 5pm the working day before the annual council meeting. The Head of Governance and Scrutiny Support will give appropriate notice to whips and Independent Members of this deadline.

Unopposed nominations

- 2.4 Where the nomination for the chair of a Community Committee is unopposed , the Member presiding at the meeting will invite those Members of the Community Committee eligible to do so and present at the Council meeting to elect that nominee .

¹ These Procedure Rules should be read in conjunction with Article 10 and the Terms of Reference for Community Committees

² A nomination from a political group must be forwarded by a Whip

Contested Nominations

- 2.5 Where the Annual Council Meeting is required to consider more than one nomination for the position of Chair, the Member presiding at the meeting will invite those Members of the Community Committee eligible to do so and present at the Council meeting to vote. If no overall majority is achieved³, then the nominee with the smallest number of votes will be eliminated from consideration and the vote repeated.
- 2.6 Where an overall majority of votes cannot be obtained by votes cast by those Members of the Community Committee eligible to do so and present at the Council meeting, the vote will be widened to include all Members of Council present. The nominee with the overall majority of votes cast by members of Council will be appointed as the Chair of the Community Committee for the duration of the forthcoming municipal year.

3.0 COMMUNITY COMMITTEE MEETINGS

Frequency

- 3.1 There shall be at least four ordinary meetings of each Community Committee in each municipal year. A schedule of meetings will be approved by each Community Committee.
- 3.2 Special meetings of a Community Committee may be called in accordance with the Council Procedure Rules.

Business to be Transacted

- 3.3 All decisions or recommendations to be made by a Community Committee must be determined at a formal meeting of the Committee.
- 3.4 Community Committees will comply with the Executive and Decision Making Procedure Rules and the Access to Information Procedure Rules in Part 4 of the Constitution.
- 3.5 The Community Committee will not deal with an individual's issues or complaints.

Agenda Items

- 3.6 Community Committees shall consider the following business:
 - exclusion of public;
 - appeals against refusal of inspection of documents;
 - late items;
 - declarations of interest if any;

³ The Member presiding at the meeting shall have no casting vote whether in relation to the community committee of which they are a Member or otherwise.

Community Committee Procedure Rules

- apologies for absence;
- additional matters set out on the agenda for the meeting.

4.0 PARTICIPATION

- 4.1 Save for those parts of a meeting where the arrangements for exclusion of the press and public set out in the Executive and Decision Making Procedure Rules and the Access to Information Procedure Rules apply, all meetings will be held in public⁴.

Co-optees

- 4.2 Co-opted members may participate⁵ in the debate in the same way as Elected Members.
- 4.3 No co-opted member shall be appointed for a period beyond the next Annual Meeting of the Council.

Quorum and Substitution

- 4.4 The quorum for a meeting of an Community Committee shall be as set out in the Council Procedure Rules.

Voting

- 4.5 Elected Ward Members are entitled to vote in relation to all business transacted at Community Committee meetings⁶.
- 4.6 Co-optees are non-voting members of the committee.
- 4.7 In the event of an equality of votes, the Chair will have a second, or casting, vote.

Rights to attend and speak

- 4.8 A Community Committee may invite representatives from other organisations to attend Community Committee meetings. These people may speak with the permission of the Chair.
- 4.9 Members of the public present at Community Committee meetings are observers and may speak with the permission of the Chair.

Deputations

⁴ The Recording Protocol: Third Party Recording of Committees, Boards and Panels, set out in the Access to Information Procedure Rules applies.

⁵ Section 102 (3) of the Local Government Act 1972 provides that a committee, other than a committee for regulating and controlling the finance of the local authority or of their area, may include persons who are not members of the appointing authority. Co-optees will not therefore participate in business of the committee which regulates or controls the finance of the area,

⁶ Save where the Code of Conduct prevents this

Community Committee Procedure Rules

- 4.10 A Community Committee may receive up to three⁷ Deputations, relevant to some matter in relation to which the committee has powers or duties or which affects the committee's area⁸, at any meeting of the Committee.
- 4.11 A request to bring a deputation must be submitted, to the Council's Head of Governance and Scrutiny Support, at least fourteen clear working days in advance of the Community Committee meeting for which permission is sought. The request must include a copy of the proposed deputation speech.
- 4.12 The suitability of the deputation shall be determined by the Director of Communities and Environment. Permission to present the deputation shall be issued by the Head of Governance and Scrutiny Support⁹.
- 4.13 A deputation shall consist of at least two and no more than five people, only one of whom shall speak except by permission of the Chair. The deputation may address the Committee for not more than five minutes in duration.
- 4.14 Deputations shall be heard in the same order in which notices were received.
- 4.15 Any Member of the Community Committee may propose that the deputation be or not be received, or that the subject matter be referred to the appropriate Director or Committee. If the proposal is seconded the Chair shall put the proposal to the vote.

⁷ This number may be extended at the discretion of the Chair but shall be fixed in advance of any meeting.

⁸ Deputation requests which relate solely to the interests of an individual or company, or which present, or may appear to present unsubstantiated allegations or claims in respect of an individual, group of individuals, a company or any other body, or are in any way vexatious or otherwise significantly prejudicial to the interests of the Council or the City of Leeds, will not be permitted.

⁹ A deputation shall not be admitted about any matter which has been the subject of deputation in the preceding six months.

Community Committee Procedure Rules

Open Forums

- 4.16 At the discretion of the Chair a period of up to 10 minutes¹⁰ may be allocated at each ordinary meeting of a Community Committee for members of the public to make representations or ask questions on matters within the terms of reference of the Community Committee. The period of time may be extended at the discretion of the Chair.
- 4.17 No member of the public shall speak for more than three minutes in the open forum, except by permission of the Chair.

Advisory Or Consultative Forums

- 4.18 A Community Committee may establish¹¹ and set terms of reference for one or more¹² area or issue based Community Forums¹³, to act in an advisory or consultative capacity.
- 4.19 Where a Community Committee establishes a Community Forum, the Chair of that Forum must be appointed by the Community Committee¹⁴.
- 4.20 Where disputes arise with regard to the appointment of Chairs of Community Forums these will be referred to the Member Management Committee for resolution.

5.0 DECISION MAKING

- 5.1 Community Committees must make decisions:
- in accordance with all relevant procedure rules¹⁵ within the Constitution;
 - in accordance with the Council's Budget and Policy Framework¹⁶;
 - in accordance with the Community Plan for the area and any other relevant strategy or plan approved by the Executive Board; and
 - following consideration of a report from relevant Director or his/her nominee.
- 5.2 A Community Committee, or two or more Community Committees jointly, may refer any matter in relation to its executive functions to the Executive Board for decision.

¹⁰ Which may be extended at the discretion of the Chair

¹¹ The Community Committee shall determine how the membership of the Forum shall be decided.

¹² The total number of forums established and the frequency of meetings will need to be sustainable for the Members, officers of the Council and other service providing agencies, and community representatives.

¹³ A forum may cover the whole of the Committee's area or smaller areas within it, for example, one ward

¹⁴ The committee must ensure that the Chair is appointed with regard to the political balance of the ward to which a forum relates and having regard to the number of ward based Community Forums. Where a political group has the majority of members within a ward, the chair will be appointed from amongst or be a nominee of those Members. Where no political group has a majority, the chair will be appointed by the Community Committee from Members of the ward to which the forum relates or a nominee of those Members.

¹⁵ Council Procedure Rules, Executive and Decision Making Procedure Rules, Community Committee Procedure Rules, Financial Procedure Rules, Contract Procedure Rules, Appointments to Outside Bodies Procedure Rules and Access to information Procedure Rules

¹⁶ Subject to the provisions of the Budget and Policy Framework Procedure Rules

This page is intentionally left blank

CHIEF FINANCE OFFICER PROTOCOL

CHIEF FINANCIAL OFFICER PROTOCOL

1.0 INTRODUCTION TO STATUTORY RESPONSIBILITIES

- 1.1 The Chief Finance Officer is a statutory appointment pursuant to section 151 of the Local Government Act 1972. This Protocol provides some general information on how those statutory requirements will be discharged.
- 1.2 The role of the Chief Finance Officer rests with the Chief Officer Financial Services.
- 1.3 A summary list of the Chief Finance Officer's statutory responsibilities appears in the Annex A attached. The Chartered Institute of Public Finance and Accountancy (CIPFA) has also issued a Statement on the role of the Chief Finance Officer and the key responsibilities are outlined at Annex B. The Chief Finance Officer's ability to discharge these duties and responsibilities will depend, to a large extent, on members and officers:-
- (a) complying with the law;
 - (b) complying with any relevant Codes of Conduct or codes or protocols issued from time to time;
 - (c) making lawful and proportionate decisions; and
 - (d) generally, not taking action that would bring the Council, their offices or professions into disrepute.
- 1.4 The Chief Finance Officer is not merely a servant of the authority, but also holds a fiduciary responsibility to the local taxpayers.

2.0 WORKING ARRANGEMENTS

- 2.1 CIPFA have set out five principles that define core activities and behaviours that belong to the role of the Chief Finance Officer
- i) The Chief Finance Officer should be a key member of the Leadership Team, helping the organisation to develop and implement strategy and to resource and deliver the organisation's strategic objectives sustainably and in the public interest.
 - ii) The Chief Finance Officer must be actively involved in, and able to bring influence to bear on, all material business decisions to ensure immediate and longer term implications, opportunities and risks are fully considered, and aligned with the organisation's financial strategy

- iii) The Chief Finance Officer must lead the promotion and delivery by the whole organisation of good financial management so that public money is safeguarded at all times and used appropriately, economically, efficiently and effectively.
- iv) To deliver these responsibilities the Chief Finance Officer must lead and direct a finance function that is resourced to be fit for purpose; and
- v) The Chief Finance Officer must be professionally qualified and suitably experienced.

2.2 Having excellent working relations with members and officers will assist in the discharge of the statutory responsibilities by the Chief Finance Officer. Equally, a speedy flow of relevant information and access to debate (particularly at the **early stages** of any decision-making by the council) will assist in fulfilling those responsibilities. Members and officers must, therefore, work with the Chief Finance Officer (and his/her staff) to discharge the council's statutory and discretionary responsibilities.

2.3 The Chief Finance Officer must be a qualified member of a specified accountancy body and is vested with the statutory responsibilities for maintaining finance administration and stewardship including the responsible finance officer duties and with strategic and corporate roles. CIPFA asserts that the Chief Finance Officer in a public service organisation should be a key member of the leadership team, helping it to develop and implement strategy and to resource and deliver the authority's strategic objectives sustainably and in the public interest. Whilst the Chief Officer Financial Services is not a member of the corporate leadership team in Leeds the following arrangements and understandings between the Chief Finance Officer, members and directors are designed to ensure the effective discharge of the council's business and functions. The Chief Finance Officer will:-

2.3.1 Resources

- (a) report to the Council, as necessary on the staff, accommodation and resources s/he requires to discharge his/her statutory functions;
- (b) have sufficient resources to enable him/her to address any matters concerning his/her Chief Finance Officer functions;
- (c) appoint a deputy and keep him/her briefed on any relevant issues that s/he may be required to deal with in the absence of the Chief Finance Officer. Appoint an appropriate external adviser in cases where the Chief Finance Officer is precluded from offering advice and the deputy is unable to advise.

2.3.2 Access to information/meetings

- (a) be alerted by members and officers to any issue(s) that may become of concern to the council, including in particular, issues around financial management, accounts and audit regulations, proposed expenditure or proposed actions which might lead to a loss or deficit;

- (b) have advance notice (including receiving agendas, minutes, reports and related papers) of all relevant meetings and delegated decision making of the council at which a decision may be made (including a failure to take a decision where one should have been taken);
- (c) have the right to attend any meeting of the council (including the right to be heard and report to the Executive Board) before any decision is taken (including a failure to take a decision where one should have been taken);
- (d) in carrying out any investigation(s) and exercising any fiduciary duties have unqualified access to any information held by the council and to any officer who can assist in the discharge of his functions;
- (d) have advance notice of meetings of the Corporate Leadership Team, including agendas and reports and have the right to attend and speak on all matters which have financial implications;

2.3.3 Relationships

- (a) A reciprocal responsibility to ensure the other statutory officers (Head of Paid Service and the Monitoring Officer) are kept up-to-date with relevant information regarding any financial management, accounts and audit regulations, proposed expenditure or proposed actions which might lead to a loss or deficit;
- (b) meet regularly with the Head of Paid Service and the Monitoring Officer to consider and recommend action in connection with corporate governance issues and other matters of concern regarding any financial management, accounts and audit regulations, proposed expenditure or proposed actions which might lead to a loss or deficit;
- (c) develop effective working liaison and relationship with the external auditor (including having the authority, on behalf of the council, to complain to the same, refer any breaches to the same or give and receive any relevant information, whether confidential or otherwise, through appropriate protocols, if necessary);
- (d) in consultation, as necessary, with the Leader, the Executive Board and the external auditor, defer the making of a formal report under sections 114, 115 and 116 of the Local Government and Finance Act 1988 where another investigative body is involved;

3.0 **MEMBER AND OFFICER RESPONSIBILITIES**

To ensure the effective and efficient discharge of the arrangements set out in paragraph 2 above, members and officers will report any breaches of statutory duty or council policies or procedures and ultra vires or constitutional concerns to the Chief Finance Officer, as soon as practicable.

4.0 ADVICE

The Chief Finance Officer is also available for members and officers to consult on any issues of the council's financial powers, possible unlawful payments, or general advice on the financial arrangements.

The Chief Finance Officer or deputy will record details of any advice given.

5.0 MONITORING THE PROTOCOL

Annually, the Chief Finance Officer will report to the Corporate Governance and Audit Committee regarding whether the arrangements set out in this protocol have been complied with and will include any proposals for amendments in the light of any issues that have arisen during the year.

6.0 SANCTIONS FOR BREACH OF PROTOCOL

Complaints of a breach of this protocol by an officer will be referred to the relevant Director and/or the Chief Executive for appropriate action to be considered, including disciplinary investigation.

SUMMARY OF CHIEF FINANCE OFFICER STATUTORY FUNCTIONS

	Description	Source
1	That the Treasurer is not merely a servant of the Council but holds a fiduciary relationship to the local taxpayers.	Case law - Attorney General -v- De Winton (1906).
2	To make arrangements for the proper administration of their Finance affairs. Legal opinion taken states that the term "administration" means responsibility for managing the totality of the Finance affairs of a local Council in all of its dealings.	Section 151 of the Local Government Act 1972
3	The Officer appointed as the responsible Chief Finance Officer must, be a Member of a specified accountancy body. The statutory role must be performed by an "Officer" of the Council.	Section 113 of the Local Government Finance Act 1988
4	In consultation with the Monitoring Officer and Head of Paid Service, reporting to all members and the external auditor if there is, or is likely to be, unlawful expenditure or an unbalanced budget.	Section 114 Local Government Finance Act 1988
5	Advising whether particular decisions are likely to be contrary to the policy framework or budget of the council.	Local Government Act 2000
6	Maintain an adequate and effective system of internal audit for accounting records and control systems.	Accounts and Audit Regulations 2015
7	Reporting to Council on both the robustness of the budget estimates and the adequacy of financial reserves, and ensuring compliance with the prudential capital regime.	Local Government Act 2003

In its Statement CIPFA sets out the five principles that define the core activities and behaviours that belong to the role of the Chief Finance Officer in public service organisations. The core responsibilities against each of these principles are set out below.

(a) Principle 1 - contributing to Corporate Management and Leadership

- Contributing to the effective leadership of the authority, maintaining focus on its purpose and vision through rigorous analysis and challenge.
- Contributing to the effective corporate management of the authority, including strategy implementation, cross organisational issues, integrated business and resource planning, risk management and performance management.
- Supporting the effective governance of the authority through development of
 - corporate governance arrangements, risk management and reporting framework
 - corporate decision making arrangements.
- Contributing to the development of public service partnership to deliver objectives.
- Leading or promoting change programmes within the authority.
- Leading development of a medium-term financial strategy and the annual budgeting process to ensure financial balance and a monitoring process to ensure its delivery.

(b) Principle 2 – responsibility for financial strategy and influencing decision making

Responsibility for financial strategy:

- Agreeing the financial framework and planning delivery against the defined strategic and operational criteria.
- Maintaining a long-term financial strategy to underpin the authority's financial viability within the agreed performance framework.
- Implementing financial management policies to underpin sustainable long-term financial health and reviewing performance against them.
- Evaluating the financial implications of alternative delivery models.
- Appraising and advising on commercial opportunities and financial targets.
- Developing and maintaining an effective resource allocation model to deliver business priorities.
- Developing an approach for the delivery of collaborative services within a structured framework.
- Leading on asset and balance sheet management to allow the authority to maximise its effective use of resources.
- Co-ordinating the planning and budgeting processes.
- Involvement in strategic assets management.

Influencing decision making:

- Ensuring that opportunities and risks are fully considered and decisions are aligned with the overall financial strategy.

- Providing professional advice and objective financial analysis enabling decision makers to take timely and informed business decisions.
- Ensuring that efficient arrangements are in place and sufficient resources available to provide accurate, complete and timely advice to support councillors' strategy development.
- Ensuring that clear, timely, accurate advice is provided to the executive in setting the funding plan/budget.
- Ensuring that advice is provided to the scrutiny function in considering the funding plan/budget.
- Ensuring that the authority's capital projects are chosen after appropriate value for money analysis and evaluation using relevant professional guidance.
- Checking, at an early stage, that innovative financial approaches comply with regulatory requirements.
- Financial information for decision makers
- Monitoring and reporting on financial performance that is linked to related performance information and strategic objectives that identifies any necessary corrective decisions.
- Preparing timely management accounts.
- Ensuring the reporting envelope reflects partnerships and other arrangements to give an overall picture.
- Monitoring the service impact of 3rd party contacts on the delivery of organisational objectives.
- Monitoring the longer-term financial impact of 3rd party contracts.

(c) Principle 3 – Financial Management, value for money, safeguarding public money and assurance & scrutiny.

Promotion of financial management;

- Assessing the authority's financial management style and the improvements needed to ensure it aligns with the authority's strategic direction.
- Actively promoting financial literacy throughout the authority.
- Actively promote good financial management throughout all partnerships and alternative delivery models.
- Assisting the development of a protocol which clearly sets out the roles and responsibilities of both democratically elected councillors, whether acting in executive or scrutiny roles, and of officers for financial management, including delegated authority/powers.
- Ensure effective monitoring of partnerships through monitoring and access to information.

Value for money;

- Challenging and supporting decision makers, especially on affordability and value for money, by ensuring policy and operational proposals with financial implications are signed off by the finance function or being clear on the reasons for alternative selection.
- Advising on the financial thresholds for 'key' decisions where there is a requirement to do so.

- Developing and maintaining appropriate asset management and procurement strategies.
- Managing long-term commercial contract value.

Safeguarding public money;

- Applying strong internal controls in all areas of financial management, risk management and asset control.
- Establishing budgets, financial targets and performance indicators to help assess delivery.
- Implementing effective systems of internal control that include standing financial instructions, operating manuals, and compliance with codes of practice to secure probity.
- Ensuring that the authority has put in place effective arrangements for internal audit of the control environment and systems of internal control as required by professional standards and in line with CIPFA's Code of Practice on Local Authority Accounting in the United Kingdom.14
- Ensuring that delegated financial authorities are respected.
- Promoting arrangements to identify and manage key business risks, including safeguarding assets, risk mitigation and insurance.
- Overseeing of capital projects and post completion reviews.
- Applying discipline in financial management, including managing cash and banking, treasury management, debt and cash flow, with appropriate segregation of duties.
- Ensuring the effective management of cash flows, borrowings and investments of the authority's own funds or the pension and trust funds it manages on behalf of others; ensuring the effective management of associated risks; pursuing optimum performance or return consistent with those risks.
- Implementing appropriate measures to prevent and detect fraud and corruption.
- Establishing proportionate business continuity arrangements for financial processes and information.
- Ensuring that any partnership arrangements are underpinned by clear and well documented internal controls.
- Be alert to potential conflicts of interest and ensure the authority has access to appropriate independent advice.

Assurance and scrutiny;

- Reporting performance of both the authority and its partnerships to the board and other parties as required.
- Ensuring that financial and performance information presented to members of the public, the community and the media covering resources, financial strategy, service plans, targets and performance is accurate, clear, relevant, robust and objective.
- Supporting and advising the audit committee and relevant scrutiny groups.
- Ensuring that clear, timely, accurate advice is provided to the executive and the scrutiny functions on what considerations can legitimately influence decisions on the allocation of resources, and what cannot.
- Preparing published budgets, annual accounts and consolidation data for government-level consolidated accounts.

- Ensuring that the financial statements are prepared on a timely basis, meet the requirements of the law, financial reporting standards and professional standards as reflected in CIPFA's Code of Practice.
- Certifying the annual statement of accounts.
- Ensuring that arrangements are in place so that other accounts and grant claims (including those where the authority is the accountable body for community led projects) meet the requirements of the law and of other partner organisations and meet the relevant terms and conditions of schemes
- Liaising with the external auditor.

(d) Principle 4 - Lead and direct a finance function that is resourced to be fit for purpose.

- Leading and directing the finance function so that it makes a full contribution to and meets the needs of the business.
- Determining the resources, expertise and systems for the finance function that are sufficient to meet business needs and negotiating these within the overall financial framework.
- Managing partnership delivery.
- Implementing robust processes for recruitment of finance staff and/or outsourcing of functions.
- Reviewing the performance of the finance function and ensuring that the services provided are in line with the expectations and needs of its stakeholders.
- Seeking continuous improvement in the finance function.
- Ensuring that finance staff, managers and the leadership team are equipped with the financial competencies and expertise needed to manage the business both currently and in the future whether directly or indirectly employed.
- Ensuring that the head of profession role for all finance staff in the authority is properly discharged.
- Acting as the final arbiter on application of professional standards.

ARTICLE 15 - REVIEW AND REVISION OF THE CONSTITUTION

15.1 DUTY TO MONITOR AND REVIEW THE CONSTITUTION

15.1.1 The Monitoring Officer will monitor and review the operation of the Constitution to ensure that the aims and principles of the Constitution are given full effect.

- **Protocol for monitoring and review of constitution**

15.1.2 A key role for the Monitoring Officer is to be aware of the strengths and weaknesses of the Constitution adopted by the Council, and to make recommendations for ways in which it could be amended in order better to achieve the purposes set out in Article 1. In undertaking this task the Monitoring Officer may:

- (a) observe meetings of different parts of the Member and officer structure;
- (b) undertake an audit trail of a sample of decisions;
- (c) record and analyse issues raised with him/her by Members, officers, the public and other relevant stakeholders; and/or
- (d) compare practices in this authority with those in other comparable authorities, or national examples of best practice.

15.2 CHANGES TO THE CONSTITUTION

- **Approval**

15.2.1 Changes to Parts 1 and 2 of the Constitution will only be approved by the full Council after consideration of the proposal by the General Purposes Committee and following advice from the Monitoring Officer, save that authority to make certain changes is delegated to the Monitoring Officer as detailed at 15.2.3 below. Changes to the Constitution may be made by simple majority.

15.2.2 Changes to Parts 3 to 7 of the Constitution will be approved by the body or person to whom such authority has been delegated as indicated in the table set out at Annex 1 attached. Where the approval of full Council is required for such changes in Parts 3 to 5 of the Constitution, then they will only be approved by full Council after consideration of the proposal by the General Purposes Committee and following advice from the Monitoring Officer.

15.2.3 The Monitoring Officer is authorised to make any changes to any Part of the Constitution which are required:

- as a result of legislative change or decisions of the Council¹ or Executive² to enable him/her to maintain it up to date;
- or for the purposes of clarification only.

15.2.4 All changes made by officers under delegated authority will be recorded as delegated decisions.

¹ Including Council Committees and Officers acting under delegated authority.

² Including Committees of the Executive and Officers acting under delegated authority.

Part of Constitution	Title of Document	Body/Person with authority to change the document
Part 3 Section 1	Responsibility for Local Choice Functions	Full Council
Part 3 Section 2A	Functions of the Full Council	Full Council
Part 3 Section 2B	Council Committees' Terms of Reference	Full Council
Part 3 Section 2C	Officer Delegation Scheme (Council (Non-Executive) Functions)	Full Council
Part 3 Section 2D	Council (Non-Executive) Delegations to and from other authorities	Full Council
Part 3 Section 3A	Responsibility for Executive Functions	Leader of Council
Part 3 Section 3B(a)	Executive Member Portfolios	Leader of Council
Part 3 Section 3B(b)	Executive Members: Oversight of Officer Executive Delegations	Leader of Council
Part 3 Section 3B(c)	Support to Executive Members	Leader of Council
Part 3 Section 3C	Executive Committee and Advisory Committee Terms of Reference	Leader of Council
Part 3 Section 3D	Community Committee Executive Delegation Scheme	Executive Board
Part 3 Section 3E	Officer Delegation Scheme (Executive Functions)	Leader of Council
Part 3 Section 3F	Executive Delegations to Other Authorities	Leader of Council
Part 3 Section 4	Joint Arrangements	Full Council (in relation to Council Functions) Leader of Council (in relation to Executive Functions)
Part 4 a	Council Procedure Rules	Full Council
Part 4 b	Executive and Decision Making Procedure Rules	Executive Board (in relation to Executive Functions set out at Rules 1.1 to 1.4, 2.1 and 3.1) Full Council (all other)
Part 4 c	Scrutiny Board Procedure Rules	Full Council
Part 4 d	Scrutiny Board Procedure Rules Guidance Notes	Head of Governance and Scrutiny Support

Article 15 – Review and Revision of the Constitution

Part 4 e	Community Committee Procedure Rules	Leader of Council (in relation to executive functions set out in section 3.1-3.5 and section 8) Full Council (all other)
Part 4 f	Budget and Policy Framework Procedure Rules	Full Council
Part 4 g	Access to Information Procedure Rules	City Solicitor
Part 4 h	Appointments to Outside Bodies Procedure Rules	Full Council
Part 4 i	Contracts Procedure Rules	Director of Resources and Housing
Part 4 j	Financial Regulations	Chief Finance Officer
Part 4 k	Officer Employment Procedure Rules	Director of Resources and Housing
Part 4 l	Procedure for Considering Complaints Alleging a Failure to Comply with a Members' Code of Conduct within the Area of Leeds Metropolitan District Council	Full Council
Part 4 m	Licensing Procedure Rules	Licensing Committee
Part 5 a	Members Code of Conduct	Full Council
Part 5 b	Employee Code of Conduct	Director of Resources and Housing
Part 5 c	Protocol on Member/Officer Relations	Standards and Conduct Authority
Part 5 d	Protocol – Roles of Members and Officers in Decision Making	Executive Board
Part 5 e	Monitoring Officer Protocol	Standards and Conduct Committee
Part 5 f	Protocol for the Co-ordination of External Inspection Reports	Director of Resources and Housing
Part 5 g	Planning Code of Good Practice	A joint meeting of the Plans Panels
Part 5 h	Protocol for Public Speaking at Plans Panels	A joint meeting of the Plans Panels
Part 5 i	Code of Practice for Determining Licensing Matters	Licensing Committee
Part 5 j	Code of Corporate Governance <u>Code and Framework</u>	Corporate Governance and Audit Committee
<u>Part 5 k</u>	<u>Chief Finance Officer Protocol</u>	<u>Corporate Governance and Audit Committee</u>
Part 6	Members' Allowances Scheme	Full Council

Article 15 – Review and Revision of the Constitution

Part 7

Management Structure

Director of Resources and Housing

ITEM 8 - ESTABLISHMENT OF COMMITTEES AND APPOINTMENTS

**Terms of Reference for Committees, Boards and Panels –
Schedule 8 (a) (attached)**

**Appointments to Committees, Boards and Panels –
Schedule 8 (b)(i)(ii), (iii) (to follow) and (iv) (attached)**

**Appointment of Chairs to Committees, Boards and Panels –
Schedule 8(c) (to follow)**

**Appointment of Chairs to Community Committees –
Schedule 8(d) (to follow)**

**Appointments to Outside Bodies and Joint Committees –
Schedule 8(e) (to follow)**

**Appointments and nominations to the West Yorkshire Combined
Authority – Schedule 8(f) (to follow)**

This page is intentionally left blank

**Approval of Committee Terms of Reference –
Schedule 8(a)**

(attached)

This page is intentionally left blank

Scrutiny Board

The Scrutiny Board 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 receive and consider requests for Scrutiny from any source;
3. to review or scrutinise the performance of such Trust / Partnership Boards as fall within its remit;
4. to act as the appropriate Scrutiny Board in relation to the Executive's initial proposals for a relevant plan or strategy within the Budget and Policy Framework which falls within its remit;³
5. to review or scrutinise executive decisions that have been Called In;
6. to exercise such special functions as are allocated in Annex 3 to Article 6 – Scrutiny Boards; and
7. to make such reports and recommendations as it considers appropriate and to receive and monitor formal responses to any reports or recommendations made.

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

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

³ In accordance with Budget and Policy Framework Procedure Rules.

This page is intentionally left blank

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.

This page is intentionally left blank

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) reviewing and approving the Internal Audit Charter;
 - (b) reviewing and approving the risk-based plan and any additional significant work⁴;
 - (c) considering the Annual Internal Audit Report
 - (d) 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.

⁴ As defined in the Internal Audit Charter

This page is intentionally left blank

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

This page is intentionally left blank

Community Committees

Within each Committee's area:

(Council functions)

1. To adopt and review a Community Plan¹;
2. to make Elected Member² appointments³ to Outside Bodies as determined by the Member Management Committee;
3. to advise or make representations to the Council or the Executive Board⁴ on all matters affecting community interests;⁵
4. to consider and respond to consultations on planning briefs and frameworks and on major development proposals;⁶
5. to consider proposals referred to the Committee by the Council or the Executive Board⁷ and to report back the Committee's views to the referring body;⁸
6. to receive and hear depositions;
7. to consider the performance, targeting, frequency and co-ordination of services and make recommendations to the Executive and to the Council's partners as appropriate;⁹

(Executive functions)¹⁰

8. *to promote and improve the economic, social and environmental well-being of the Committee's area¹¹;*
9. *to exercise Executive Functions;¹²*

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

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

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

⁴ Or to any committee appointed by the Council or the Executive

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

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

⁷ Or to any committee appointed by the Council or the Executive

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

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

¹⁰ All executive functions will be exercisable concurrently with the Executive Board.

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

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

This page is intentionally left blank

Employment Committee

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

1. to make recommendations to Council to appoint the Head of Paid Service.
2. to make recommendations to Council as to the dismissal of the Head of Paid Service, the Monitoring Officer or the Chief Finance Officer.
3. to take disciplinary action³ short of dismissal against the Head of Paid Service, the Monitoring Officer or the Chief Finance Officer.
4. to hear any grievance submitted by the Head of Paid Service and referred to it by the Chief Officer Human Resources.
5. to hear any appeal referred to it by the Chief Officer Human Resources against the outcome of the first formal stage of a grievance against the Head of Paid Service.
6. to appoint the Monitoring Officer and the Chief Finance Officer.
7. to suspend, and keep under review the suspension of, the Head of Paid Service, the Monitoring Officer or the Chief Finance Officer.
8. to appoint or dismiss or take disciplinary action short of dismissal⁴ against Directors⁵.
9. to deal with appeals⁶ relating to grading, grievance and disciplinary action short of dismissal in respect of the Head of Paid Service, the Monitoring Officer and the Chief Finance Officer.

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

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

⁵ '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, those named as Directors in the Council structure and any other officers who are required to report directly to, or who are directly accountable to, the Head of Paid Service in relation to most or all of the duties of their posts; and
- any officer who is required to report directly to, or is directly accountable to, any officer included within the immediately preceding paragraph in relation to all or most of the duties of their post.

⁶ 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

Council Committees' Terms of Reference

10. to deal with appeals⁷ relating to grading, grievance, dismissal and disciplinary action short of dismissal in respect of Directors⁸.

⁷ 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

⁸ '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, those named as Directors in the Council structure and any other officers who are required to report directly to, or who are directly accountable to, the Head of Paid Service in relation to most or all of the duties of their posts; and
- any officer who is required to report directly to, or is directly accountable to, any officer included within the immediately preceding paragraph in relation to all or most of the duties of their post.

Member Management Committee

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

1. to determine which outside bodies² require Elected Member ³ 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;
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 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 Appointments to Outside Bodies Procedure Rules, such bodies are categorised as either Strategic and Key Partnership bodies (for which this Committee is the Appointing Body) or Community and Local Engagement bodies (for which the relevant Community Committee is the Appointing Body).

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

This page is intentionally left blank

The Licensing Committee

With the exception¹ of

- any function of the licensing authority under the Licensing Act 2003 (the 2003 Act), the Gambling Act 2005 (the 2005 Act), or the Police Reform and Social Responsibility Act 2011 (the 2011 Act) reserved to full Council;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 hackney carriages and private hire vehicles⁹
 - 2.2.3 sexual entertainment venues, sex shops and sex cinemas¹⁰
 - 2.2.4 performances of hypnotism¹¹
 - 2.2.5 charitable collections¹²
 - 2.2.6 the late night levy¹³

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 functions of the licensing authority reserved to full Council, as licensing authority under the 2003 Act, 2005 Act or 2011 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 3 – 5 of Para. B of Schedule 1 to the 2000 Regulations

¹⁰ 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

¹¹ Item 16 of Para. B of Schedule 1 to the 2000 Regulations

¹² Item 39 of Para. B of Schedule 1 to the 2000 Regulations

¹³ In accordance with Chapter 2 of Part 2 of the 2011 Act including decisions in relation to the late night supply period, permitted exemption categories and permitted reduction categories in accordance with Sections 132 and 133 of that Act.

Council Committees' Terms of Reference

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

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

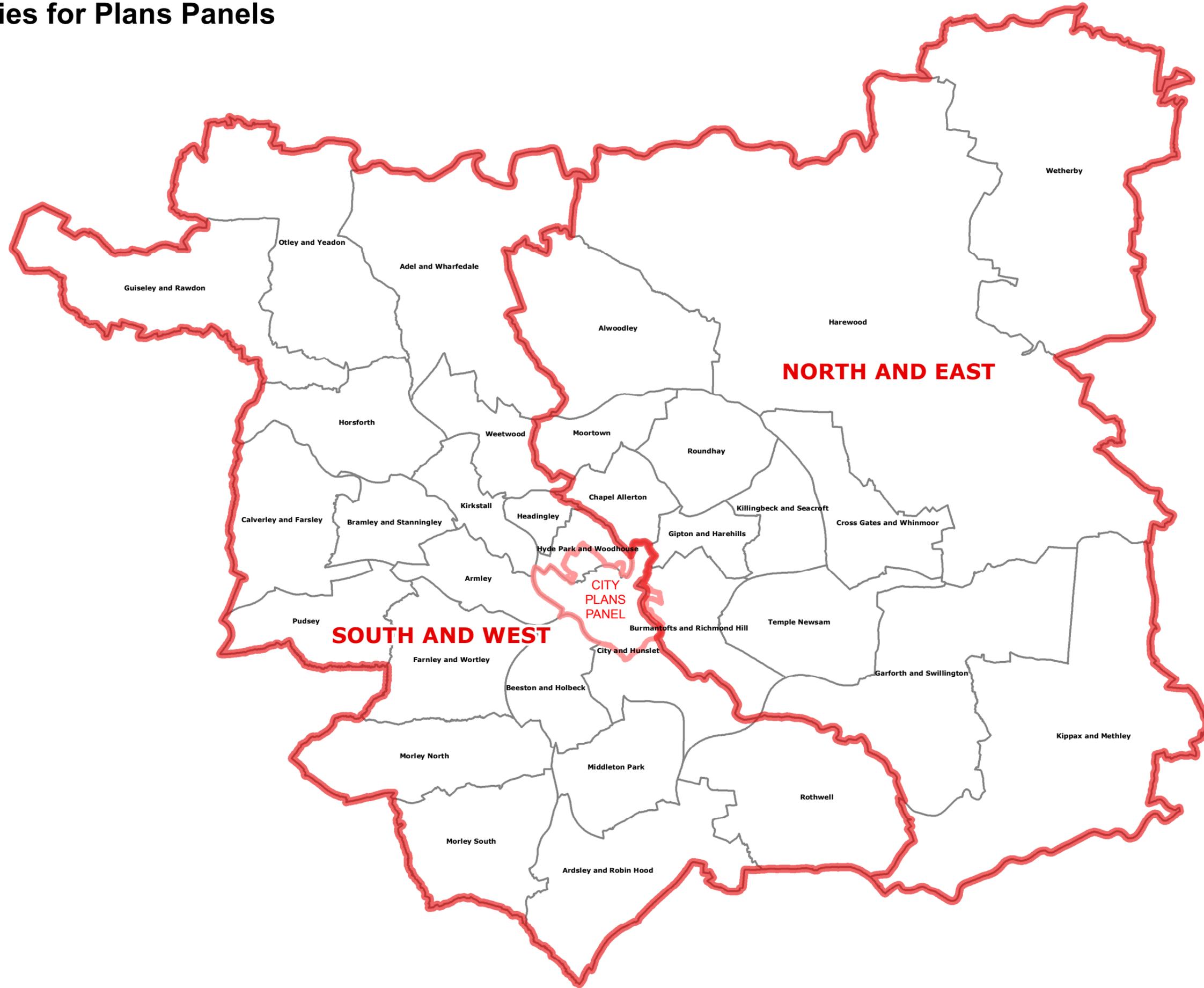
¹² (section 7 (5) (a) of the Licensing Act 2003) The matter must relate to:

- 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))

This page is intentionally left blank

Boundaries for Plans Panels



Page 107

This page is intentionally left blank

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 and regeneration; importance to the city economically, culturally or recreationally;
 - residential schemes of 300 or more dwellings which have greater than local significance and should be considered within a wider strategic context;
 - non residential schemes involving proposed floor space of 10,000 square metres (gross) or more, which would have a greater than local significance and should be considered within a wider strategic context;
 - proposals that are eligible for significant , time limited public funds (including PFI schemes);
 - proposals that are contrary to adopted policy which are being brought forward for approval and could have significant strategic implications for other proposals in the city; or
 - proposals for significant infrastructure provision which affects more than one area of the city that should be considered within a wider strategic context.

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

Council Committees' Terms of Reference

- (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
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.

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

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

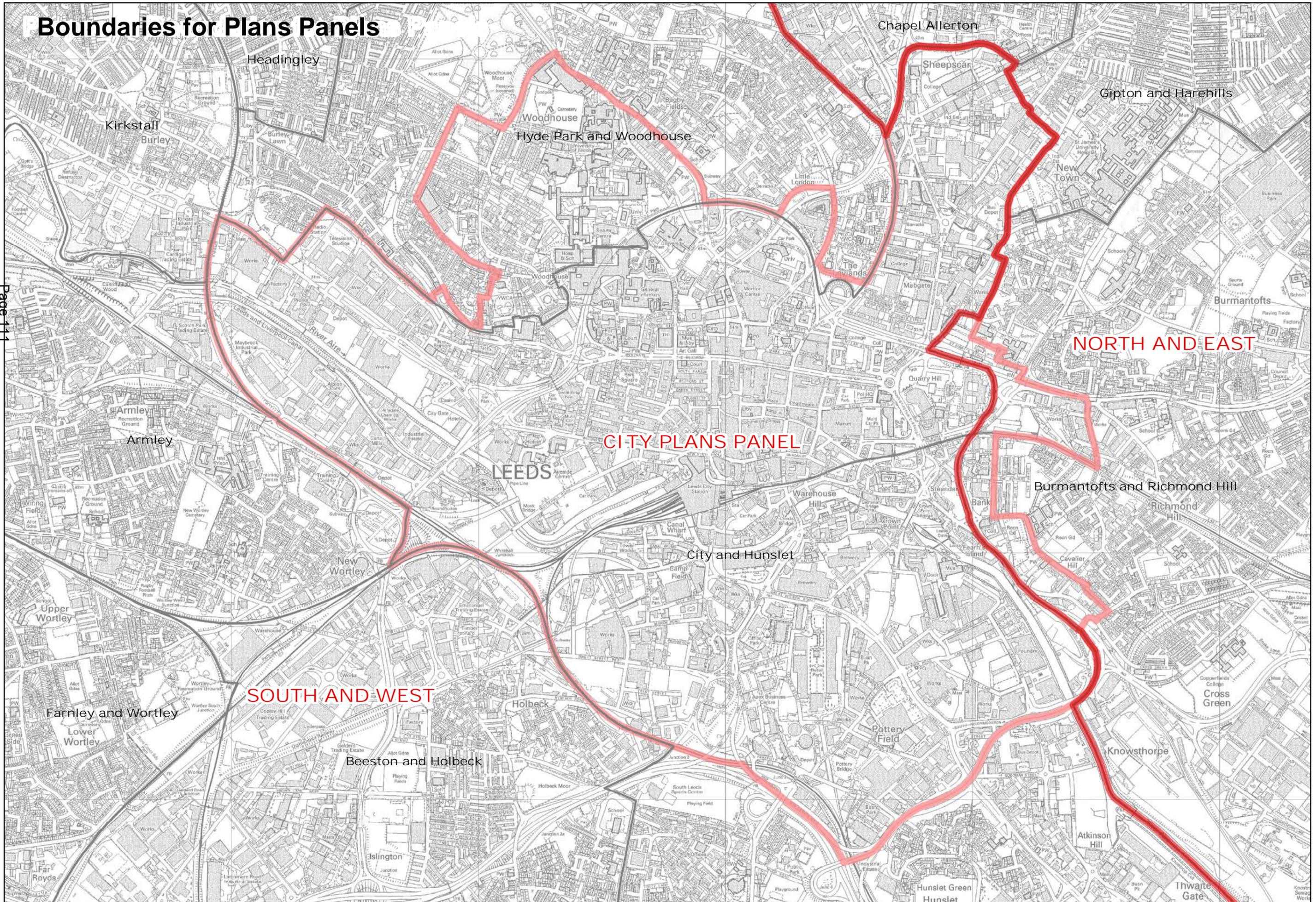
Page 2 of 2

Issue 1 – 2017/18

25th May 2017

Boundaries for Plans Panels

Page 144



This page is intentionally left blank

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.

This page is intentionally left blank

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.

This page is intentionally left blank

ADVISORY COMMITTEE

Housing Advisory Board¹

In relation to the authority's role as housing authority², the Housing Advisory Board is authorised:

1. To consider and respond to the Executive in respect of proposals or consultations relating to:
 - The Housing Investment Plan and the Housing Service Plan;
 - The Key Lettings policy; and
 - Major projects under the capital programme.
2. To advise the Executive on the strategic direction of housing management;
3. To carry out such policy development tasks as may be requested by the Executive or the Council;
4. To review performance and make recommendations to the Executive as appropriate; and
5. To consider and advise on any other issue referred to the Housing Advisory Board by the Executive.

¹ Appointed by the Council as an advisory committee under Section 102(4) Local Government Act 1972

² Excluding those functions which the authority has agreed, with the approval of the Secretary of State, that another person should exercise as agent of the authority.

This page is intentionally left blank

Independent Panel

The Independent Panel is authorised to discharge the following functions¹:

1. to advise the authority on matters relating to the dismissal of relevant officers of the authority².

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 In accordance with the Local Authorities (Standing Orders) (England) (Amendment) Regulations 2015

This page is intentionally left blank

**Appointments to Committees, Boards and Panels –
(Schedules 8(b)(i), (ii) and (iii) to follow)
8(b)(iv) (attached)**

This page is intentionally left blank

LEEDS CITY COUNCIL

ANNUAL MEETING

25th MAY 2017

APPROVAL OF MEMBERSHIP OF COMMUNITY COMMITTEES 2017/2018¹

Inner North West Community Committee

Councillor A Garthwaite (Headingley)
Councillor N Walshaw (Headingley)
Councillor J Pryor (Headingley)
Councillor C Towler (Hyde Park & Woodhouse)
Councillor G Harper (Hyde Park & Woodhouse)
Councillor J Akhtar (Hyde Park and Woodhouse)
Councillor J Bentley (Weetwood)
Councillor S Bentley (Weetwood)
Councillor J Chapman (Weetwood)

Outer North West Community Committee

Councillor B Anderson (Adel & Wharfedale)
Councillor C Anderson (Adel & Wharfedale)
Councillor B Flynn (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

Inner North East Community 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 E J Tunnicliffe (Roundhay)
Councillor C MacNiven (Roundhay)
Councillor G Hussain (Roundhay)

Outer North East Community Committee

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

Inner East Community Committee

Councillor D Ragan (Burmantofts & Richmond Hill)
Councillor A Khan (Burmantofts & Richmond Hill)
Councillor R Grahame (Burmantofts & Richmond Hill)
Councillor S Arif (Gipton & Harehills)
Councillor A Hussain (Gipton & Harehills)
Councillor K Maqsood (Gipton & Harehills)
Councillor G Hyde (Killingbeck & Seacroft)
Councillor C Dobson (Killingbeck & Seacroft)
Councillor B Selby (Killingbeck & Seacroft)

Outer East Community Committee

Councillor J Walker (Crossgates & Whinmoor)
Councillor P Grahame (Crossgates & Whinmoor)
Councillor P Gruen (Crossgates & Whinmoor)
Councillor S Field (Garforth & Swillington)
Councillor M Dobson (Garforth & Swillington)
Councillor S McKenna (Garforth & Swillington)
Councillor M Harland (Kippax & Methley)
Councillor J Lewis (Kippax & Methley)
Councillor K Wakefield (Kippax & Methley)
Councillor D Coupar (Temple Newsam)
Councillor H Hayden (Temple Newsam)
Councillor M Lyons (Temple Newsam)

Inner South Community 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)

Outer South Community 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 S Golton (Rothwell)

Inner West Community Committee

Councillor A Lowe (Armley)
Councillor J McKenna (Armley)
Councillor A Smart (Armley)
Councillor C Gruen (Bramley & Stanningley)
Councillor J Heselwood (Bramley & Stanningley)
Councillor K Ritchie (Bramley & Stanningley)
Councillor L Yeadon (Kirkstall)
Councillor J Illingworth (Kirkstall)
Councillor F Venner (Kirkstall)

Outer West Community Committee

Councillor Andrew Carter (Calverley & Farsley)
Councillor Mrs A Carter (Calverley & Farsley)
Councillor R Wood (Calverley & Farsley)
Councillor D Blackburn (Farnley & Wortley)
Councillor A Blackburn (Farnley & Wortley)
Councillor T Wilford (Farnley & Wortley)
Councillor J Jarosz (Pudsey)
Councillor R Lewis (Pudsey)
Councillor M Coulson (Pudsey)

This page is intentionally left blank

ⁱAppointment of Chairs to Committees, Boards and Panels

(Schedule 8c to follow)

ⁱ For Community Committee Chairs see Schedule 8(d)

This page is intentionally left blank

Appointment of Chairs of Community Committees -

(Schedule 8(d) to follow)

This page is intentionally left blank

Appointments to Outside Organisations and Joint Committees

(Schedule 8(e) to follow)

This page is intentionally left blank

**Appointments and nominations to the West Yorkshire
Combined Authority –**

(Schedule 8(f) to follow)

This page is intentionally left blank

Approval of Officer Delegation Scheme (Council(non-executive) functions) –

(Schedule 9 attached)

This page is intentionally left blank

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, all Directors, Chief Officer (Financial Services), 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, all Directors, Chief Officer (Financial Services) 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;
 - (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

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)

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

Director of Resources and Housing

1. Subject to the Exception listed below, the Director of Resources and Housing¹ 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 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

(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

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.

This page is intentionally left blank

Chief Officer (Financial Services)

1. Subject to the Exception listed below, the Chief Officer (Financial Services)¹ is authorised to discharge the following Council (non-executive) functions²:

Functions relating to standing orders

(a)	To make standing orders in relation to Finance	Section 106 of, and paragraph 42 of Schedule 12 to the Local Government Act 1972
-----	--	--

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

² The Chief Officer (Financial Services) has responsibility for these functions as the Council's S151 Officer.

This page is intentionally left blank

City Solicitor

1. The City Solicitor is the Monitoring Officer for the Council.
2. The City Solicitor ¹ 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 ²
--

3. 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
--	--

4. 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.

5. Provision of Legal Services

The City Solicitor is authorised to take any action intended to give effect to a decision of the Council (including decisions taken by a Council committee in accordance with its terms of reference or by a Director in accordance with this scheme of delegation.)

¹ 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.

² s34 (4) Social Security Act 1998

This page is intentionally left blank

Director of Communities and Environment

Subject to the exceptions listed below, the Director of Communities and Environment¹ is authorised to discharge the following Council (non-executive) functions:

1. Regulatory Functions

(a)	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)
(b)	To license premises for acupuncture, tattooing, ear-piercing and electrolysis	Sections 13 to 17 of the Local Government (Miscellaneous Provisions) Act 1982
(c)	To license premises for the breeding of dogs	Section 1 of the Breeding of Dogs Act 1973 and Section 1 of the Breeding and Sale of Dogs (Welfare) Act 1999
(d)	To license pet shops and other establishment where animals are bred or kept for the purposes of carrying on a business	Section 1 of the Pet Animals Act 1951, section 1 of the Animal Boarding Establishments Act 1963, the Riding Establishments Act 1964 and 1970, section 1 of the Breeding of Dogs Act 1973 and sections 1 and 8 of the Breeding and Sale of Dogs (Welfare) Act 1999
(e)	To register animal trainers and exhibitors	Section 1 of the Performing Animals (Regulation) Act 1925
(f)	To license zoos	Section 1 of the Zoo Licensing Act 1981
(g)	To license dangerous wild animals	Section 1 of the Dangerous Wild

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)

		Animals Act 1976
(h)	To grant consent for the operation of a loudspeaker	Schedule 2 to the Noise and Statutory Nuisance Act 1993
(i)	To issue licences for the movement of pigs	Article 12 of the Pigs (Records, Identification and Movement) Order 1995 (SI 1996/11)
(j)	To license the sale of pigs	Article 13 of the Pigs (Records, Identification and Movement) Order 1995
(k)	To license collecting centres for the movement of pigs	Article 14 of the Pigs (Records, Identification and Movement) Order 1995
(l)	To issue a licence to move cattle from a market	Article 5(2) of the Cattle Identification Regulations 1998 (SI 1998/871)
(m)	To sanction use of parts of buildings for storage of celluloid	Section 1 of the Celluloid and Cinematograph Film Act 1922
(n)	Duty to enforce Chapter 1 and regulations made under it	Section 10(3) of the Health Act 2006
(o)	Power to authorise officers	Section 10(5) of, and paragraph 1 of Schedule 2 to, the Health Act 2006
(p)	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)
(q)	Power to transfer enforcement	Smoke-free(Premises and

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

	functions to another enforcement authority	Enforcement) Regulations 2006 (SI 2006/3368)
(r)	To license pleasure boats and pleasure vessels	Section 94 of the Public Health Acts Amendment Act 1907
(s)	To authorise erection of stiles etc on footpaths or bridleways ²	Section 147 of the Highways Act 1980
(t)	To create footpath bridleway or restricted byway by agreement	Section 25 of the Highways Act 1980
(u)	To create footpaths bridleways and restricted byways	Section 26 of the Highways Act 1980
(v)	Duty to keep register of information with respect to maps, statements and declarations	Section 31A of the Highways Act 1980
(w)	To stop up footpaths bridleways and restricted byways	Section 118 of the Highways Act 1980
(x)	To determine application for public path extinguishment order	Sections 118ZA and 118C(2) of the Highways Act 1980
(y)	To make a rail crossing extinguishment order	Section 118A of the Highways Act 1980
(z)	To divert footpaths bridleways and restricted byways	Section 119 of the Highways Act 1980
(aa)	To make a public path diversion order	Sections 119ZA and 119C(4) of the Highways Act 1980
(bb)	To make a rail crossing diversion order	Section 119A of the Highways Act 1980
(cc)	To make a special diversion order	Section 119B of the Highways Act 1980
(dd)	To require applicant for order to enter into agreement	Section 119C(3) of the Highways Act 1980
(ee)	To make an SSSI diversion order	Section 12B of the Highways Act 1980
(ff)	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
(gg)	To decline to determine certain applications	Section 121C of the Highways Act

² Functions (v) – (xx) are limited to areas contained within the Definitive Map of Public Rights of Way. Functions (u), (jj), (kk) and (ss) 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)

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

Exceptions³

The Director of Communities and Environment is not authorised to discharge the function above where objections have been received.

2. Functions of the Licensing Authority delegated by Full Council

Subject to the exception set out below, the Director of Communities and Environment is authorised to discharge the functions of the licensing authority as set out below:-

(a)	Any function of a Licensing Authority ⁴	Licensing Act 2003 and any regulations or orders made under that Act ⁵ .
(b)	Powers and functions relating to late night levy requirements	Chapter 2 of Part 2 of the Police Reform and Social Responsibility Act 2011 and any regulations made under that Chapter.

Exceptions:

- any function of the Licensing Authority reserved to full Council⁶;

3. Functions of the Licensing Authority delegated by Licensing Committee

Subject to the exceptions listed below, the Director of Communities and Environment is authorised to discharge the licensing functions⁷ of the licensing authority as set out below:-

(a)	Any function of a Licensing Authority	Licensing Act 2003 and any regulations or orders made under that Act ⁸ .
(b)	Powers and functions relating to late night levy requirements	Chapter 2 of Part 2 of the Police Reform and Social Responsibility Act 2011 and any regulations made under that chapter
(c)	Duty to comply with requirement to	Section 29 of the Gambling Act 2005

³ 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 Communities and Environment - (Section 101(2) Local Government Act 1972.

⁴ These functions will be carried out to support those matters which cannot be delegated by the Licensing Authority.

⁵ Including functions which, by virtue of the Gambling Act 2005 Act are delegated to the Licensing Committee.

⁶ Part 3, Section 2A of the Constitution sets out licensing functions reserved to full Council, as licensing authority under the 2011 Act.

⁷ "Licensing functions" means functions under the Licensing Act 2003 Act, the Gambling Act 2005 2005 and the Police Reform and Social Responsibility Act 2011.

⁸ Including functions which, by virtue of the 2005 Act are delegated to the Licensing Committee.

	provide information to Gambling Commission.	
(d)	Functions relating to the exchange of information	Section 30 of the Gambling Act 2005
(e)	Functions relating to occasional use notices	Section 39 of the Gambling Act 2005
(f)	Power to designate officer of a licensing authority as an authorised person for a purpose relating to premises	Section 304 of the Gambling Act 2005
(g)	Power to institute criminal proceedings	Section 346 of the Gambling Act 2005
(h)	Power to exchange information	Section 350 of the Gambling Act 2005
(i)	Functions relating to the registration and regulation of small society lotteries	Part 5 of Schedule 11 to the Gambling Act 2005

Exceptions:

- any function of the Licensing Authority⁹ reserved to full Council¹⁰;
- any function of the Licensing Authority where full Council has referred a matter to a committee other than the Licensing Committee¹¹;
- any function of the Licensing Authority reserved to the Licensing Committee;
- any function of the Licensing Authority within the terms of reference of the Licensing Sub-committees¹²;and
- to object when the Authority is consultee and not the relevant authority considering an application under the 2003 Act

4. Functions related to the Licensing Functions delegated by Licensing Committee¹³

Subject to the exceptions listed below, the Director of Communities and Environment is authorised to discharge the functions set out in the following table which are delegated to the Director by Licensing Committee¹⁴

(a)	To license hackney carriages and private hire vehicles	(a) As to hackney carriages, the Town Police Clauses Act 1847 as extended by section 171 of the Public Health
-----	--	---

⁹“Licensing functions” - see footnote 6 above

¹⁰ Part 3, Section 2A of the Constitution sets out licensing functions reserved to full Council, as licensing authority under the 2003 Act.

¹¹ Under the provisions of Section 7(5)(a) of the 2003 Act.

¹² Except where a Licensing sub-committee has arranged for the discharge of any of their functions by an Officer.

¹³ These functions were delegated to the Licensing Committee by full Council on 14 July 2010.

¹⁴ These delegations include functions where these have been delegated to Leeds City Council by any other Council.

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

		Act 1875 and section 15 of the Transport Act 1985 and sections 47, 57, 58, 60 and 79 of the Local Government (Miscellaneous Provisions) Act 1976 (b) As to private hire vehicles, sections 48, 57, 58, 60 and 79 of the Local Government (Miscellaneous Provisions) Act 1976
(b)	To license drivers of hackney carriages and private hire vehicles	Section 51, 53, 54, 59, 61 and 79 of the Local Government (Miscellaneous Provisions) Act 1976
(c)	To license operators of hackney carriages and private hire vehicles	Sections 55 to 58, 62 and 79 of the Local Government (Miscellaneous Provisions) Act 1976
(d)	** To license sex shops and sex cinemas and sexual entertainment venues.	The Local Government (Miscellaneous Provisions) Act 1982, Section 2, Schedule 3, the Policing and Crime Act 2009, Section 27.
(e)	To license performances of hypnotism.	The Hypnotism Act 1952
(f)	*** To license persons to collect for charitable and other causes	Section 5 of the Police, Factories etc (Miscellaneous Provisions) Act 1916 and section 2 of the House to House Collections Act 1939

Exceptions

The Director of Communities and Environment is not authorised to discharge those functions marked ** above where the application is for the grant, renewal or transfer of a sexual entertainment venue licence irrespective of whether objections have been received, or the grant of a sex shop or sex cinema licence irrespective of whether objections have been made, or renewal or transfer of a sex shop or cinema licence where objections have been received

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

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 excavations in streets	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 Communities and Environment whose powers are limited to areas contained within the Definitive Map of Public Rights of Way.

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

(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:

1 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 and 92 of the Town and Country Planning Act 1990 and Articles 5, 10,12, 15 to 18, 15 20 to 242, 25 to 30 and 32 to 35 25 and 26 of the Town and Country Planning (General Development Management Procedure) Order 2015/595 ² 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 1 to 19 of Schedule 2 to the Town and Country Planning (General Permitted Development) Order 2015 (SI 2015/596) ³
(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 and 192 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

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

²² This Order replaced 1995/419 which is cited in the Functions and Responsibilities Regulations

³ This Order replaced 1995/418 which is cited in the Functions and Responsibilities Regulations

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

(m)	To require the discontinuance of a use of land	Section 102 of the Town and Country Planning Act 1990
(n)	To issue a temporary stop notice	Section 171E of the Town and Country Planning Act 1990
(o)	To serve a planning contravention notice, breach of condition notice or stop notice	Sections 171C, 187A and 183(1) of the Town and Country Planning Act 1990
(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)	Duties relating to applications for listed building consent	Section 13(1) 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 Arrangements for Handling Heritage Applications Direction 2015 and The Conservation Areas Direction 2015 ⁴
(w)	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
(x)	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
(y)	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
(z)	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
(aa)	To execute urgent works	Section 54 of Planning (Listed Buildings and Buildings and Conservation Areas) Act 1990

⁴ This Direction replaced Circular 01/01 cited in the Functions and Responsibilities Regulations

2 Commons Registration

(a)	To register common land or town or village greens, except where the power is exercisable solely for the purpose of giving effect to (i) an exchange of lands affected by an order under section 19(3) of, or paragraph 6(4) of Schedule 3 to, the Acquisition of Land Act 1981 (c 67) or (ii) an order section 147 of the Inclosure Act 1845 (c8 & 9 Vict c 118)	Regulation 6 of the Commons Registration (New Land) Regulations 1969 (SI 1969/1843)
(b)	To register variation of rights of common	Regulation 29 of the Commons Registration (General) Regulations 1966 (SI 1966/1471)
(c)	Functions relating to the registration of common land and town or village greens	Part 1 of the Commons Act 2006 (c.26)
(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

3 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 Town & Country Planning (Tree Preservation)(England) Regulations 2012 ⁵

4 High Hedges

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

⁵ These Regulations replace the Regulations cited in the Functions and Responsibilities Regulations.

Exceptions:

The Chief Planning Officer is not authorised⁶ to discharge the following functions:

1 Town and Country Planning and Development Control

(a)	the determination of applications following a written request ⁷ 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 ⁸ which the Chair ⁹ 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 ¹⁰ 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.

⁶ 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).

⁷ 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).

⁸ "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 an Environmental Statement is required.

⁹ In conjunction with the Chief Planning Officer

¹⁰ In conjunction with the Chief Planning Officer

2 Commons Registration

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

This page is intentionally left blank

The Director of Children and Families¹

1. The Director of Children's Services² 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 make arrangements for appeals against exclusion of pupils from maintained Schools
(b)	To make arrangements for appeals regarding school admissions ³
(c)	To make arrangements for appeals by governing bodies ⁴

The Director of Children and Families⁵ 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
---------------------------------------	--

¹ Appointed as Director of Children's Services 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.

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

⁴ s95 (2) School Standards and Framework Act 1998

⁵ 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.

This page is intentionally left blank

SECTION 2D: COUNCIL (NON EXECUTIVE) DELEGATIONS TO AND FROM OTHER AUTHORITIES

Leeds City Council has delegated to the authorities named below functions relating to Taxi and Private Hire monitoring and enforcement including:

Local Government (Miscellaneous Provisions) Act 1976

Section 53(3) (a) Driver to produce his licence for inspection

Section 58 Return of identification plate or disc on revocation etc

Section 60 to suspend and revoke vehicle licenses

Section 61 to suspend and revoke drivers' licences

Section 68 Fitness of private hire vehicles

Section 73 – Obstruction of Authorised Officers

Town and Police Clauses Act 1847

Section 45 prosecution for plying for hire

Road Traffic Act 1988

Section 143 (no insurance)

The Council has retained the ability to exercise concurrently these functions.

The Authorities named below have delegated the same functions to Leeds City Council. Those Authorities have also retained the ability to exercise these functions concurrently. Where functions have been delegated to Leeds City Council they have been delegated by full Council to the Assistant Chief Executive.

THE AUTHORITIES

City of Bradford Metropolitan District Council

Calderdale Metropolitan Borough Council

Wakefield Metropolitan District Council

Kirklees Metropolitan Borough Council

City of York Council

This page is intentionally left blank

Arrangements for the discharge of executive functions as set out by the Leader of Council –

(Schedule 10 to follow)

This page is intentionally left blank

SCHEDULE 11

LEEDS CITY COUNCIL

COUNCIL MEETING

25th MAY 2017

Calendar of Council Meetings for the Municipal Year 2017-2018

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

Wednesday 12th July 2017 at 1.00pm

Wednesday 13th September 2017 at 1.00pm

Wednesday 8th November 2017 at 1.00pm

Wednesday 10th January 2018 at 1.00pm

Wednesday 21st February (Budget meeting) 2018 at 1.00pm

Wednesday 28th March 2018 at 1.00pm

Thursday 24th May 2018 – ANNUAL MEETING at 6.00pm

This page is intentionally left blank