

FUNCTIONS OF THE FULL COUNCIL

<u>Council (non-executive) functions¹</u>	<u>Related appointments of Officers by full Council</u>
<p>Members' allowances²</p> <p>To make, amend, revoke or replace a Members' allowances scheme.</p> <p>To determine the amount of allowance payable for:</p> <ul style="list-style-type: none">• Chairman's expenses• Vice-Chairman's expenses• financial loss allowance• allowances for attending conferences and meetings <p>To determine the rates at which payments are to be made for travelling and subsistence allowances.</p> <p>To determine the amount of any allowance payable under the Members' allowances scheme or the rates at which payments are to be made.</p>	
<p>Electoral Arrangements</p> <p>To make a request for review of single-member electoral areas, under Section 57 Local Democracy, Economic Development and Construction Act 2009</p> <p>To change a scheme for elections under section 32(1) or 39(1)³ of the Local Government and Public Involvement in Health Act 2007.⁴</p> <p>To pass a resolution to change the name of an electoral area⁵ under Section 59(1) of the 2007 Act</p>	

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

² Regulation 2(5) & (6) of the 2000 Regulations

³ Where a council has whole council elections

⁴ Regulation 2(6B) of the 2000 Regulations

⁵ Schedule 1, Para D item 22 of the 2000 Regulations. Functions relating to consultation and notification processes under Section 59 have been delegated to the Chief Executive.

Responsibilities for Council (non-executive) Functions

<u>Council (non-executive) functions¹</u>	<u>Related appointments of Officers by full Council</u>
<p>Governance arrangements⁶</p> <p>To resolve to:</p> <ul style="list-style-type: none"> • operate a different form of governance⁷; or • vary executive arrangements so that they provide for a different form of executive⁸; or • otherwise vary executive arrangements⁹. <p>To elect a Leader.¹⁰</p> <p>To pass a resolution to remove the executive leader¹¹.</p>	
<p>Community governance reviews</p> <p>To make an order giving effect to recommendations made in a community governance review under Section 86 of the 2007 Act¹².</p>	
<p>Arrangements for the discharge of functions/appointments of committees¹³</p> <p>Subject to any provisions of regulations under section 9EB Local Government Act 2000,</p> <ul style="list-style-type: none"> (a) to make arrangements for the discharge of functions by a committee or officer under section 101(5) of the 1972 Act; and (b) to make appointments under section 102 (appointment of committees) of the 1972 Act. 	
<p>Functions to be discharged by the authority, by virtue of other enactments¹⁴</p> <p>To discharge any function which by virtue of any enactment passed or made before the making of the Local Authorities (Functions and Responsibilities)</p>	

⁶ Section 9R(6) of the Local Government Act 2000 (the 2000 Act) provides that Section 101 of the Local Government Act 1972 does not apply to the passing of any resolution under Part 1A of the 2000 Act. Further Section 9R(7) provides that functions under Part 1A are required to be Council Functions

⁷ Under Section 9K Local Government Act 2000

⁸ Under Section 9KA of the 2000 Act

⁹ Under Section 9KB of the 2000 Act,.

¹⁰ Under section 9C(3)(a). This cannot be delegated by virtue of Section 9C(6) of the 2000 Act

¹¹ In accordance with Section 9IC of the 2000 Act

¹² Regulation 2(6E) of the 2000 Regulations

¹³ Regulation 2(8) of the 2000 Regulations

¹⁴ Regulation 2(11) of the 2000 Regulations

<u>Council (non-executive) functions¹</u>	<u>Related appointments of Officers by full Council</u>
(England) Regulations 2000, may be discharged only by an authority.	
<p>Formulating plans and strategies¹⁵</p> <p>In connection with the discharge of the function:</p> <p>(a) of formulating or preparing a plan or strategy of a specified description¹⁶;</p> <p>(b) of formulating a plan or strategy for the control of the authority's borrowing, investments or capital expenditure or for determining the authority's minimum revenue provision; or</p> <p>(c) of formulating or preparing any other plan or strategy whose adoption or approval is a matter for determination by the authority¹⁷</p> <p>to the extent of the following actions:</p> <p>(a) to give instructions requiring the Executive to reconsider any draft plan or strategy submitted by the Executive for the authority's consideration;</p> <p>(b) to amend any draft plan or strategy submitted by the Executive for the authority's consideration;</p> <p>(c) to approve, for the purposes of public consultation in accordance with Regulation 10 or 22 of the Town & Country Planning (Development Plans) (England) Regulations 1999, draft proposals associated with the preparation of alterations to or the replacement of a development plan;</p> <p>(d) to approve for the purpose of its submission to the Secretary of State or any Minister of the Crown for approval any plan or strategy (whether or not in the form of a draft) of which any part is required to be so submitted;</p> <p>(e) the approval, for the purpose of its submission to the Secretary of State for independent examination under</p>	

¹⁵ Regulation 4(1),(2) and (3) of the 2000 Regulations

¹⁶ Specified in column (1) of Schedule 3 to the 2000 Regulations

¹⁷ By virtue of Regulation 5(1) of the 2000 Regulations

Responsibilities for Council (non-executive) Functions

<u>Council (non-executive) functions¹</u>	<u>Related appointments of Officers by full Council</u>
<p>section 20 of the Planning and Compulsory Purchase Act 2004, of a development plan document; and</p> <p>(f) to adopt (with or without modification) the plan or strategy.</p>	
<p>Budget and Policy framework¹⁸</p> <p>To amend, modify, revise, vary, withdraw or revoke any plan or strategy detailed in the policy framework at Article 4 of this Constitution, or for the control of the authority's borrowing, investments or capital expenditure, save where such amendment, modification, revision , variation, withdrawal or revocation:</p> <p>(i) is required for giving effect to requirements of the Secretary of State or a Minister of the Crown in relation to a plan or strategy submitted for his approval, or to any part so submitted;</p> <p>(ii) is recommended by the person carrying out, under section 20 of the Planning and Compulsory Purchase Act 2004, an independent examination of a development plan document; or</p> <p>(iii) is authorised by a determination made by the authority when approving or adopting the plan or strategy as the case may be.</p>	

¹⁸ Regulation 4(4) of the 2000 Regulations

<u>Council (non-executive) functions¹</u>	<u>Related appointments of Officers by full Council</u>
<p>Joint local development documents¹⁹</p> <p>To make an agreement to prepare one or more joint development plan documents, in connection with the discharge of functions under Section 28 of the Planning and Compulsory Purchase Act 2004;</p> <p>Except to the extent of the function above, any function under section 28 Planning and Compulsory Purchase Act 2004 is to be a function of the Executive²⁰</p>	
<p>Applications for disposals of land²¹</p> <ul style="list-style-type: none"> To authorise the making of an application for consent to that disposal under Section 32 (power to dispose of land held for the purposes of Part II) or Section 43 (consent required for certain disposals not within Section 32) of the Housing Act 1985 <p>(The function of making the application is the responsibility of the Executive)</p>	
<p>Financial calculations and precepts²²</p> <p>To make calculations in accordance with Sections 31A - 36, of the Local Government Finance Act 1992, whether originally or by way of substitute, save to the extent of:</p> <ul style="list-style-type: none"> (a) the preparation for submission to the authority for their consideration of estimates of the amounts to be aggregated in making the calculation or other amounts to be used for the purposes of the calculation and estimates of the calculation; or (b) the reconsideration of those estimates and amounts in accordance with the authority's requirements; (c) the submission for the authority's consideration of revised estimates and amounts. <p>(which functions shall be the responsibility of the</p>	

¹⁹ Regulation 4(4A) and 4(4C) of the 2000 Regulations

²⁰ Regulation 4(4B) of the 2000 Regulations

²¹ Regulation 4(5), 4(6) and 4(7) of the 2000 Regulations

²² Regulation 4(9), 4(10) & 4(11) of the 2000 Regulations

<u>Council (non-executive) functions¹</u>	<u>Related appointments of Officers by full Council</u>
Executive)	
<p>Deregulation authorisations/revocations²³</p> <p>To authorise a person to exercise a function pursuant to an Order under Section 70 of the Deregulation and Contracting Out Act 1994, where the Section 70 function is not the responsibility of the Executive; and</p> <p>To revoke any such authorisation.</p>	
<p>Adoption of plans and strategies²⁴</p> <p>To adopt or approve a plan or strategy (whether statutory or non-statutory) other than a plan or strategy</p> <ul style="list-style-type: none"> • for the control of the authority's borrowing, investments or capital expenditure; or • of a description referred to in Schedule 3 of the 2000 Regulations <p>where the Council determines that the decision whether the plan or strategy should be adopted or approved should be taken by them.</p>	
<p>Determinations about matters concerned with budget/borrowing/capital expenditure contrary to the Budget and Policy Framework etc.²⁵</p> <p>To determine any matter in the discharge of a function which is</p> <ul style="list-style-type: none"> • the responsibility of the Executive; and • is concerned with the authority's budget, or their borrowing or capital expenditure, <p>where the individual or body by whom, by virtue of any of section 9E of the Local Government Act 2000 or provision made under section 9EB of that Act, the determination is to be made,</p> <p>(a) is minded to determine the matter contrary to, or not entirely in accordance with</p> <p>(i) the authority's budget; or</p>	

²³ Regulation 4(12) & 4(13) of the 2000 Regulations

²⁴ Regulation 5(1) of the 2000 Regulations

²⁵ Regulation 5(1) of the 2000 Regulations

<u>Council (non-executive) functions¹</u>	<u>Related appointments of Officers by full Council</u>
<p>(ii) the plan or strategy for the time being approved or adopted by the authority in relation to their borrowing or capital expenditure; and</p> <p>(b) is not authorised by the authority's executive arrangements, financial regulations, standing orders or other rules or procedures to make a determination in those terms.</p>	
<p>The Determination of matters which are the responsibility of the Executive etc.²⁶</p> <p>The determination of any matter in the discharge of a function-</p> <p>(a) which is the responsibility of the Executive; and</p> <p>(b) in relation to which a plan or strategy (whether statutory or non-statutory) has been adopted or approved by the authority,</p> <p>where the individual or body by whom, by virtue of section 9E of the Local Government Act 2000 or provision made under section 9EB of that Act, the determination is to be made, is minded to determine the matter in terms contrary to the plan or, as the case may be, the strategy adopted or approved by the authority; <u>except</u> in relation to the discharge of a function where:</p> <p>(a) the circumstances which render necessary the making of the determination may reasonably be regarded as urgent; and</p> <p>(b) the individual or body by whom the determination is to be made has obtained from the Chair of a relevant Scrutiny Board, or if there is no such person, or if the Chair of every relevant Scrutiny Board is unable to act, from the Chair of the authority, or in their absence, from the vice-chair, a statement in writing that the determination needs to be made as a matter of urgency.</p>	

²⁶ Regulation 5(1) and (2) of the 2000 Regulations

Responsibilities for Council (non-executive) Functions

<u>Council (non-executive) functions¹</u>	<u>Related appointments of Officers by full Council</u>
<p>Functions relating to licensing of a licensing authority²⁷</p> <p>To discharge functions relating to</p> <ul style="list-style-type: none"> • the statement of licensing policy;²⁸ • the passing of a resolution not to issue a casino premises licence²⁹; • the decision to apply the late night levy requirement and the date on which the requirement is first to apply³⁰; • the proportion of the net amount of levy payments to be paid to the relevant local policing body³¹; • the decision to cease to apply the late night levy requirement³²; • establishing a licensing committee;³³ and • the exercise and delegation of functions;³⁴ 	
To appoint an electoral registration officer³⁵	<p>The Chief Executive is appointed as Electoral Registration Officer</p> <p>The Head of Licensing and Registration and City Solicitor are appointed as deputy Electoral Registration Officers.</p>
To appoint returning officer for local government elections³⁶	<p>The Chief Executive is appointed as the Returning Officer</p>

²⁷ Item 14A of Para. B of Schedule 1 of the 2000 Regulations

²⁸ Section 5 of the Licensing Act 2003 and Section 349 of the Gambling Act 2005

²⁹ Item 14B of Para B of Schedule 1 of the 2000 Regulations

³⁰ [Sections 125 and 132\(1\)\(a\) Police Reform and Social Responsibility Act 2011](#)

³¹ [Section 132\(1\)\(b\)\(iv\) or Section 133\(1\)\(d\) Police Reform and Social Responsibility Act 2011](#)

³² [Section 133\(1\)\(a\) Police Reform and Social Responsibility Act 2011](#)

³³ Section 6 of the Licensing Act 2003

³⁴ Section 7(3),(4),(5),(7) and (9) of the Licensing Act 2003

³⁵ Item 1 of Para. D of Schedule 1 of the 2000 Regulations

³⁶ Item 6 of Para. D of Schedule 1 of the 2000 Regulations

Responsibilities for Council (non-executive) Functions

<u>Council (non-executive) functions¹</u>	<u>Related appointments of Officers by full Council</u>
Schemes of elections To consult on change of scheme for elections ³⁷ Duties relating to publicity ³⁸ Duties relating to notice to Electoral Commission ³⁹ To alter years of ordinary elections of parish councillors ⁴⁰	
To change the name of the district or parish⁴¹	
To confer title of honorary alderman / honorary alderwoman or to admit to be an honorary freeman / honorary freewoman of the district⁴²	
To make, amend, revoke or re- enact byelaws⁴³	
To promote or oppose local Bills in Parliament⁴⁴	
To make arrangements for proper administration of financial affairs etc⁴⁵	Director of Resources is appointed as Section 151 Officer
To appoint officers for particular purposes (appointment of proper officers)⁴⁶	Each Director is appointed as the Proper Officer for matters within his/her remit. The Chief Executive is appointed as the Proper Officer for the purpose of any other matter.
To designate an officer as the head of the authority's paid service, and to provide staff etc⁴⁷	The Chief Executive is appointed as Head of Paid Service
To designate an officer as the Monitoring Officer, and to provide staff etc⁴⁸	The City Solicitor is appointed as the Monitoring Officer

³⁷ Sections 33(2), 38 (2) and 40(2) of the Local Government and Public Involvement in Health Act 2007

³⁸ Sections 35, 41 and 52 of the Local Government and Public Involvement in Health Act 2007

³⁹ Sections 36 and 42 of the Local Government and Public Involvement in Health Act 2007

⁴⁰ Section 53 of the Local Government and Public Involvement in Health Act 2007

⁴¹ Items 1 and 2 of Para E of Schedule 1 of the 2000 Regulations

⁴² Item 3 of Para E of Schedule 1 of the 2000 Regulations

⁴³ Para F of Schedule 1 of the 2000 Regulations

⁴⁴ Para G of Schedule 1 of the 2000 Regulations

⁴⁵ Item 39 of Para. I of Schedule 1 of the 2000 Regulations

⁴⁶ Item 40 of Para. I of Schedule 1 of the 2000 Regulations

⁴⁷ Item 43 of Para I of Schedule 1 of the 2000 Regulations

⁴⁸ Item 44 of Para I of Schedule 1 of the 2000 Regulations

Responsibilities for Council (non-executive) Functions

<u>Council (non-executive) functions¹</u>	<u>Related appointments of Officers by full Council</u>
Duty to provide staff, etc to person nominated by Monitoring Officer⁴⁹	
Powers relating to overview and scrutiny committees (voting rights of co-opted members)⁵⁰	
To act as Appointing Body⁵¹ for the purposes of making appointments to: <ul style="list-style-type: none"> • West Yorkshire Joint Services Committee • West Yorkshire Police and Crime Panel • West Yorkshire Fire and Rescue Authority • West Yorkshire Integrated Transport Authority • West Yorkshire Debt Management Joint Advisory Group • West Yorkshire Pension Fund Investment Panel 	
To approve a pay policy statement⁵²	
To adopt, revise or replace a Members' Code of Conduct⁵³	

⁴⁹ Item 44A of Para I of Schedule 1 of the 2000 Regulations

⁵⁰ Item 44B of Para I of Schedule 1 of the 2000 Regulations

⁵¹ Other appointments have been delegated to Member Management Committee and Area Committees

⁵² Sections 38 and 39 Localism Act 2011

⁵³ Section 28 Localism Act 2011