

Constitution 2017-2018

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PART 1 – SUMMARY AND EXPLANATION

The Council's Constitution

Leeds City Council has agreed a constitution which sets out how the Council operates, how decisions are made and the procedures which are followed to ensure that these are efficient, transparent and accountable to local people. Some of these processes are required by law, while others are a matter for the Council to choose.

The Articles in Part 2 of the Constitution set out the basic rules governing the Council's business. More detailed procedures and codes of practice are provided in separate rules and protocols in other Parts of the Constitution.

What is in the Articles?

Article 1 of the Constitution commits the Council to open, responsive and accountable decision-making in achieving its City Priority Plans.

Articles 2 – 16 explain the rights of citizens and how the key parts of the Council operate. These are:

- Members of the Council (Article 2)
- Citizens and the Council (Article 3)
- The Council meeting (Article 4)
- Chairing the Council (Article 5)
- Scrutiny Boards (Article 6)
- The Executive (Article 7)
- Plans Panel (Article 8)
- Licensing Arrangements (Article 8A)
- Governance Committees (Article 9)
- Community committees (Article 10)
- Joint arrangements (Article 11)
- Officers (Article 12)
- Decision making (Article 13)
- Finance, contracts and legal matters (Article 14)
- Review and revision of the Constitution (Article 15)
- Suspension, interpretation and publication of the Constitution (Article 16)
- Health (Article 17)

How the Council operates

The Council is composed of 99 Councillors (with one-third elected three years in four). Councillors are democratically accountable to residents of their Ward. The over-riding duty of Councillors is to the whole community, but they have a special duty to their constituents, including those who did not vote for them.

Summary and Explanation

Councillors have to follow a code of conduct to ensure high standards in the way they undertake their duties. The Standards and Conduct Committee promotes and maintains high standards of conduct.

All Councillors meet together as the Council. Meetings of the Council are normally open to the public. Here Councillors decide the Council's overall policies and set the budget each year and hold to account the Executive and committees.

HOW DECISIONS ARE MADE

The Executive:

The Executive is the part of the Council which is responsible for most day to day decisions. The Executive is made up of a Leader who chooses between 2 (two) and 9 (nine) Councillors, not including the Leader, to form the Cabinet to share the leadership of the authority. When Key Decisions are to be discussed or made, these are published in the Executive's List of Forthcoming Key Decisions in so far as they can be anticipated. If these Key Decisions are to be considered at a meeting, this will generally be open for the public to attend except where personal or confidential matters are being discussed. The Executive has to make decisions which are in line with the Council's overall policies and budget. If the Executive wishes to make a decision which is outside the Budget or Policy Framework, this must be referred to the Council as a whole to decide.

Community Committees:

In order to give local citizens a greater say in Council affairs, Community Committees have been established on the basis of representing inner and outer wedges of the City. The Executive may make arrangements for the discharge of functions for which the Executive is responsible by Community Committees. The Executive will identify a number of functions that Community Committees may exercise decision making on. However the Executive remains ultimately responsible for these services and may remove or limit a Committee's powers. As with the Executive, in exercising their powers Community Committees must make decisions which are in line with the Council's overall policies and budget. The Committees involve all the Councillors from the Wards within each Committee area and meetings are held in public.

Overview and Scrutiny:

Scrutiny Boards support the work of the Executive and the Council as a whole. They allow citizens to have a greater say in Council matters by holding public inquiries into matters of local concern. These lead to reports and recommendations which advise the Executive and the Council as a whole on its policies, budget and service delivery. Scrutiny Boards also monitor the decisions of the Executive. Scrutiny Boards can "Call-In" a decision which has been made by the Executive but not yet implemented. This enables them to consider whether the decision is appropriate. They may recommend that the Executive reconsider the decision. They may also be consulted by the Executive, the Council or the Health and Wellbeing Board on forthcoming decisions and the development of policy.

The Health and Wellbeing Board

This committee is appointed by full Council to carry out functions related to improving the health and wellbeing of the city's population. Some of its key functions are shared statutory duties with clinical commissioning groups. The Board may also carry out functions which are referred to it by the authority or the Executive.

The Council's staff:

The Council has people working for it (called "officers") to give advice, implement decisions and manage the day to day delivery of its services, as well as taking decisions if responsibility has been delegated to them. Some officers have a specific duty to ensure that the Council acts within the law and uses its resources wisely. A protocol governs the relationships between officers and Members of the Council.

Citizens' Rights:

Citizens have a number of rights in their dealings with the Council. These are set out in more detail in Article 3. Some of these are legal rights, whilst others depend on the Council's own processes. The local Citizens' Advice Bureau and Law Centre can advise on individuals' legal rights.

Where members of the public use specific Council services, for example as a parent of a school pupil or as a Council tenant, they have additional rights. These are not covered in this Constitution.

Citizens have the right to:

- vote at local elections if they are registered;
- contact their local Councillor about any matters of concern to them;
- obtain a copy of the Constitution;
- attend meetings of the Council and its committees except where, for example, personal or confidential matters are being discussed;
- petition to request a referendum on a mayoral form of executive;
- submit deputations to full Council or to Community Committees;
- contribute to investigations by Scrutiny Boards where invited or by making representations;

Summary and Explanation

- find out, from the Executive's List of Forthcoming Key Decisions, what Key Decisions are to be considered , and when;
- attend meetings where Key Decisions are being discussed or decided;
- see reports and background papers, and any record of decisions made by the Council and Executive;
- complain to the Council if they feel:
 - (i) they have been discriminated against or treated unfairly;
 - (ii) staff have been rude or impolite;
 - (iii) there has been unreasonable delay in providing a service; or
 - (iv) the quality of service provided has been unsatisfactory.
- compliment the Council when they have been treated exceptionally well or speedily, which can help to spread good practice throughout the Council;
- complain to the Local Government Ombudsman¹ if they think the Council has not followed its procedures properly. However, they should only do this after using the Council's own complaints process;
- petition the Council;
- complain about breaches of the Members' Code of Conduct in accordance with the procedure set out in Part 5 of this constitution.
- inspect the Council's accounts and make their views known to the external auditor.

Participation by Citizens

The Council welcomes participation by its citizens in its work. For further information on your rights as a citizen please contact the City Solicitor Leeds City Council, Civic Hall, Leeds, LS1 1UR.

¹ Or, through a designated person, the Housing Ombudsman in relation to social housing matters

ARTICLE 1 – THE CONSTITUTION

1.1 POWERS OF THE COUNCIL

The Council will exercise all its powers and duties in accordance with the law and this Constitution.

1.2 PURPOSE OF THE COUNCIL

The primary purposes of the Council are set out in its Best Council Plan. In delivering these objectives the Council will ensure the:

- operation of clear, accountable and efficient decision-making processes;
- design, securing and delivery of services which put the needs of the public first, are non-discriminatory and are appropriate to the different needs within the community; including having arrangements to make information accessible in appropriate formats if required;
- prioritisation of services and targeting resources to communities and individuals in greatest need;
- provision of an opportunity for citizens to get involved and make their views heard;
- resolution of the major issues confronting the city through effective partnerships with other public, private and voluntary organisations;
- consideration of the long-term implications of decisions on the environmental, social and economic well-being of the City; and
- consideration of the impact of decisions upon the City's diverse and disadvantaged communities and the positive promotion of equality of opportunity.

1.3 THE CONSTITUTION

This Constitution, (Parts 1 – 7), is the Constitution of Leeds City Council.

1.4 THE PURPOSE OF THE CONSTITUTION

The Constitution sets out everything anyone who has dealings with the Council would need to know about how the Council conducts its business, who takes which decisions and how to work with the Council.

The purpose of the Constitution, therefore, is to:

- enable the Council to provide visible, accountable and effective leadership to the community in partnership with citizens, businesses and other organisations;

Article 1 - The Constitution

- support the active involvement of citizens in the process of local authority decision-making;
- help Councillors represent their constituents more effectively;
- enable decisions to be taken efficiently and effectively;
- create a powerful and effective means of holding decision-makers to public account;
- ensure that no-one will review or scrutinise a decision in which they were directly involved;
- ensure that those responsible for decision making are clearly identifiable to local people and they explain the reasons for decisions; and
- provide a means of improving the delivery of services to the community.

1.5 INTERPRETATION AND REVIEW OF THE CONSTITUTION

Where the Constitution permits the Council to choose between different courses of action, the Council will always choose that option which it thinks is closest to the purposes stated above.

The Council will monitor and evaluate the operation of the Constitution as set out in Article 15.

ARTICLE 2 - MEMBERS OF THE COUNCIL

2.1 COMPOSITION AND ELIGIBILITY

- **Composition**

The Council will comprise 99 Members, otherwise called Councillors. 3 Councillors will be elected by the voters of each Ward in accordance with a scheme drawn up by the Local Government Commission and approved by the Secretary of State.

- **Eligibility**

Only registered voters of the district or those living or working there will be eligible to hold the office of Councillor.

2.2 ELECTION AND TERMS OF COUNCILLORS

In 2005 and every fourth year after there will be no regular election. The ordinary election of a third (or as near as may be) of all Councillors will be held on the first Thursday in May in each year beginning in 2006. The terms of office of Councillors will usually be four years¹ starting on the fourth day after being elected and finishing on the fourth day after the date of the regular election four years later

2.3 ROLES AND FUNCTIONS OF ALL COUNCILLORS

- **Key Roles**

All Councillors will:

- (i) collectively be the ultimate policy-makers and carry out a number of strategic and corporate management functions;
- (ii) represent their communities and bring their views into the Council's decision-making process, i.e. become the advocate of and for their communities;
- (iii) contribute to the good governance of the area and actively encourage community participation and citizen involvement in decision making;
- (iv) deal with individual casework and act as an advocate for constituents in resolving particular concerns or grievances;
- (v) balance different interests identified within the Ward and represent the Ward as a whole;

¹ Boundary changes in 2004 meant that the elections in that year were for all seats. In order to re-establish the pattern of election by thirds, it was agreed that the candidate in each Ward with the most votes would hold office for the usual four year period, the candidate who came second in the poll would hold office for three years and the candidate who came third in the poll for that Ward would hold office for two years only.

Article 2 - Members of the Council

- (vi) be included in decision making;
- (vii) participate in the governance and management of the Council;
- (viii) be available to represent the Council on other bodies; and
- (ix) maintain the highest standards of conduct and ethics.

• **Rights and Duties**

- (i) Councillors will have such rights of access to such documents, information, land and buildings of the Council as are necessary for the proper discharge of their functions and in accordance with the law.
- (ii) Councillors will not make public, information which is confidential or exempt without the consent of the Council or divulge information given in confidence to anyone other than a Councillor or Officer entitled to know it.
- (iii) For these purposes, “confidential” and “exempt” information are defined in the Access to Information Rules in Part 4 of this Constitution.

2.4 CONDUCT

Councillors will at all times observe the Codes and Protocols set out in Part 5 of this Constitution.

2.5 ALLOWANCES

Councillors will be entitled to receive allowances in accordance with the Members' Allowances Scheme set out in Part 6 of this Constitution.

2.6 INSPECTION OF LAND/PREMISES ETC.

A Member of the Council unless authorised to do so by the Council or a Committee shall not inspect any lands or premises which the Council have the right or duty to inspect or enter upon or issue any order respecting any works which are being carried out by on or behalf of the Council.

2.7 USE OF COMMITTEE ROOMS

Committee Rooms at the Civic Hall and other Council offices when not otherwise in use, shall be available, for use by any Member or group of Members of the Council for the purpose of conducting any business or discussing any matter relating to the work of the Council.

2.8 ACCESS TO THE CONSTITUTION

The Constitution and such statutory provisions as regulate the proceedings and business of the Council, shall be published in accordance with Article 16.3. Upon receipt of the Member's declaration of acceptance of office on the Member's being elected to the Council the Chief Executive shall inform the Member that these documents are available.

2.9 TRAINING AND DEVELOPMENT

Members will be provided with training and development to enable them to perform their duties as a councillor. Some training will be designated as essential² and Members will be supported and encouraged to take up that training.

² A list of essential training will be maintained by the Member Development Officer in conjunction with Member Management Committee.

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ARTICLE 3 - CITIZENS AND THE COUNCIL

3.1 CITIZENS' RIGHTS

Citizens have the following rights. Their rights to information and to participate are explained in more detail in the Procedure Rules in Part 4 of this Constitution:

- **Voting and Statutory Petitions**

Citizens on the electoral roll for the area have the right to vote and sign a petition to request a referendum for an Elected Mayor form of Constitution.

- **Information**

Citizens have the right¹ to:

- (i) attend meetings of the Council and its Boards/Panels;
- (ii) attend meetings of the Executive when Key Decisions are being considered;
- (iii) find out from the List of Forthcoming Key Decisions what Key Decisions will be taken by the Executive and when;
- (iv) see reports and background papers, and any records of decisions made by the Council and the Executive;
- (v) inspect the Council's accounts and make their views known to the external auditor;
- (vi) Make a request for information under the Freedom of Information Act 2000; and
- (vii) inspect the Members' Register of Interest available on the Council's website.

- **Participation**

Citizens have the right to submit deputations to Community Committees and full Council, and petition the Council. They may be asked to contribute to investigations by Scrutiny Boards.

¹ The rights set out in this article are subject to the Executive and Decision Making Procedure Rules and the Access to Information Procedure Rules, but in addition to a citizen's other private rights. An individual's private rights include the right to make a subject access request under the Data Protection Act 1998 to obtain details from the Council of the information the Council holds in relation to them.

Article 3 - Citizens and the Council

• **Complaints.**

Citizens have the right to complain:

- (i) to the Council itself under its complaints scheme;
- (ii) to the Local Government Ombudsman² after using the Council's own complaints scheme; and/or
- (iii) about breaches to the Members' Code of Conduct, in accordance with the procedure set out in Part 5 of this constitution.

3.2 **CITIZENS' RESPONSIBILITIES**

Citizens must not be violent, abusing or threatening to Councillors or officers and must not wilfully harm things owned by the Council, Councillors or officers.

² Or through a designated person, to the Housing Ombudsman in relation to social housing matters

ARTICLE 4 – THE FULL COUNCIL

4.1 MEANINGS

• Policy Framework

The Policy Framework means the following plans and strategies:

- (i) those required by the Local Authorities (Functions and Responsibilities) (England) 2000 to be adopted by the Council¹:
 - Safer Leeds Strategy²
 - Development plan documents³
 - Licensing Authority Policy Statement⁴
 - Plans and alterations which together comprise the Development Plan
 - Vision for Leeds⁵
 - Youth Justice Plan⁶
- (ii) other plans and strategies adopted by the Council⁷:
 - Best Council Plan
 - Children and Young Peoples Plan
 - Local Flood Risk Management Strategy⁸

Additional plans and strategies may be approved or adopted as part of the Policy Framework from time to time.

• Budget

The budget includes the allocation of financial resources to different services and projects, proposed contingency funds, the Council Tax base, setting the Council Tax and decisions relating to the control of the Council's borrowing requirement, the control of its capital expenditure and setting of virement limits.

• Housing Land Transfer

Housing Land Transfer means the approval or adoption of applications (whether in draft form or not) to the Secretary of State to dispose of land used for residential purposes where approval is required under sections 32 or 43 of the Housing Act 1985.

¹ The 2000 Regulations specify that the council's annual library plan needs to be part of this framework. The council is not however currently required to produce a library plan.

² This fulfils the requirement to produce a Crime and Disorder Reduction Strategy

³ Section 15 Planning and Compulsory Purchase Act 2004

⁴ This is the policy statement under the Gambling Act 2005.

⁵ This is the authority's Sustainable Community Strategy, which is prepared and modified under Section 4 Local Government Act 2000.

⁶ Section 40 Crime and Disorder Act 1998 - this is included within the Children and Young Peoples Plan

⁷ In accordance with Schedule 4 of the Regulations

⁸ Section 9 Flood and Water Management Act 2010

4.2 FUNCTIONS OF THE FULL COUNCIL

Only the Council will exercise the following functions:

- adopting and changing the Constitution⁹;
- appointing the Leader;
- all local choice functions set out in Part 3 of this Constitution which the Council decides should be undertaken by itself rather than the Executive, except where those functions have been delegated by the Council;
- all those functions of the full Council set out in Section 2A of Part 3 of the Constitution; and
- all other matters which, by law, must be reserved to the Council.

4.3 COUNCIL MEETINGS

There are three types of Council meeting:

- The annual meeting
- Ordinary meetings
- Extraordinary meetings

and they will be conducted in accordance with the Council Procedure Rules in Part 4 of this Constitution.

4.4 RESPONSIBILITY FOR FUNCTIONS

The Council will maintain the documents in Part 3 of this Constitution setting out the responsibilities for the Council's functions which are not the responsibility of the Executive.

⁹ Except as provided for by Article 15.2

ARTICLE 5 - CHAIRING THE COUNCIL

5.1 ROLE AND FUNCTION OF THE LORD MAYOR

The Royal Charter of 1897 conferred the right of the First Citizen in Leeds to be “styled, entitled and called” Lord Mayor of Leeds.

The Lord Mayor, elected at the Annual Meeting of the Council, acts as Chair of the Council, is Leeds’ first citizen, represents all the people of the City, and, for the year of office, is non-political.

The Lord Mayor will have the following roles and functions:

- to be the First Citizen of Leeds;
- to promote the Council as a whole and act as a focal point for the community;
- to uphold and promote the purposes of the Constitution, and to interpret the Constitution when necessary;
- to preside over meetings of the Council so that its business can be carried out efficiently and with regard to the rights of Councillors and the interests of the Community;
- to ensure that the Council meeting is a forum for the debate of matters of concern to the local community and the place at which Members (who are not on the Executive) are able to hold the Executive to account;
- to promote public involvement in the Council’s activities;
- to be the conscience of the Council; and
- to attend such civic and ceremonial functions as the Council and he/she determines appropriate.

5.2 ROLE AND FUNCTION OF DEPUTY LORD MAYOR

The Deputy Lord Mayor, elected at the Annual Meeting of the Council, will have the following responsibilities:

- to assist and deputise for the Lord Mayor in carrying out the responsibilities of office;
- in the absence of the Lord Mayor, to preside over meetings of the Council so that its business can be carried out efficiently and with regard to the rights of Councillors and the interests of the Community; and
- to attend such civic and ceremonial functions as the Council and The Lord Mayor determine appropriate.

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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, 2)
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.

ARTICLE 7 – THE EXECUTIVE

7.1 ROLE

The Executive will carry out all of the local authority's functions which are not the responsibility of any other part of the local authority, whether by law or under this Constitution.

7.2 FORM AND COMPOSITION

The Executive will consist of the Executive Leader together with at least 2, but not more than 9, Councillors appointed to the Executive by the Executive Leader.

7.3 LEADER

The Leader will be a Councillor elected to the position of Leader by the Council.

The Leader will hold office until the day when the Council holds its first annual meeting after the Leader's normal day of retirement as a Councillor, unless:

- he/she resigns from the office; or
- he/she is no longer a Councillor; or
- he/she is removed from office by resolution of the Council.

7.4 OTHER EXECUTIVE MEMBERS

Other Executive Members shall hold office until:

- they resign from office; or
- they are no longer Councillors; or
- they are removed from office by the Leader who must give notice of any removal to the next ordinary meeting of the Council. The removal will take effect on publication of the record of the Leaders decision.

7.5 DEPUTY LEADER

The Leader will appoint one of the Executive Members to act as Deputy Leader.

The Deputy Leader will hold office until the end of the Leader's term of office unless:

- he/she resigns from office; or
- he/she is no longer a Councillor; or
- he/she is no longer an Executive Member; or
- he/she is removed from office by the Leader who must give notice of any removal to the next ordinary meeting of the Council. The removal will take effect on publication of the record of the Leaders decision.

Article 7 - The Executive

Where a vacancy occurs in the office of Deputy Leader, the Leader must appoint another person in his/her place.

If for any reason:

- the Leader is unable to act; or
- the office of elected Leader is vacant

the Deputy Leader will act in his/her place.

If for any reason:

- the Leader is unable to act or the office is vacant; and
- the Deputy Leader is unable to act or the office of Deputy Leader is vacant

the Executive must act in the Leader's place, or arrange for an Executive Member to act in his/her place.

7.6 PROCEEDINGS OF THE EXECUTIVE

Proceedings of the Executive shall take place in accordance with the Executive and Decision Making Procedure Rules set out in Part 4 of this Constitution.

7.7 RESPONSIBILITY FOR FUNCTIONS

The Leader will maintain a list in Part 3 of this Constitution setting out how the Executive as a whole, individual Executive Members, committees of the Executive, officers or joint arrangements are responsible for the exercise of particular executive functions.

ARTICLE 8 - PLANS PANELS

8.1 PLANS PANELS

The Council will appoint the Plans Panels as set out in Part 3 Section 2B of this Constitution to discharge the functions described in Part 3 Section 2B.

8.2 PLANS PANEL MEMBERSHIP

- 8.2.1 Each Area Plans Panels will comprise of no less than 7 and no more than 11 members of Council¹.
- 8.2.2 Members of the Plans Panels must complete all compulsory training and shall not sit as a Member of the Panel unless such training has been undertaken in accordance with the Council's prescribed training programme².

¹ This requirement will not apply to the City Plans Panel

² See Member Management Committee 12th November 2013, Minute 16.

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ARTICLE 8A - LICENSING ARRANGEMENTS

8.1 LICENSING FUNCTIONS

The Council is the licensing authority under the Licensing Act 2003 (the 2003 Act) and the Gambling Act 2005 (the 2005 Act).

8.1.1 General Duties¹

Under the 2003 Act with a view to promoting the licensing objectives.²

The licensing authority must also have regard to:³

- its licensing policy, and
- guidance issued by the Secretary of State under section 182 of the 2003 Act.

Under the 2005 Act in relation to the granting of premises licences the licensing authority, should aim to permit the use of premises for gambling insofar as the Authority thinks it⁴:

- in accordance with the relevant Code of Practice issued under section 24
- in accordance with any relevant guidance issued by the Commission under section 25 of the 2005 Act
- reasonably consistent with the licensing objectives⁵ (subject to the two points above) and
- in accordance with the Statement published by the authority under s349 of the 2005 Act (subject to the three points above)

8.2 THE LICENSING COMMITTEE

8.2.1 Functions

With the exception⁶ of

- any licensing function⁷ reserved to full Council;⁸ or

¹ These duties also apply to any committee sub-committee or officer exercising delegated authority from the licensing authority.

² The licensing objectives are: the prevention of crime and disorder; public safety; the prevention of public nuisance; and the protection of children from harm.

³ Section 4 of the 2003 Act.

⁴ Section 153 of the 2005 Act

⁵ The licensing objectives are preventing gambling from being a source of crime or disorder, being associated with crime or disorder or being used to support crime, ensuring that gambling is conducted in a fair and open way and protecting children and other vulnerable persons from being harmed or exploited by gambling

⁶ In accordance with Section 7(2) of the 2003 Act and Section 154 ((2) (a) and (c) the 2005 Act.

⁷ "Licensing functions" mean functions of the licensing authority under the 2003 Act or the 2005 Act.

⁸ Part 3, Section 2A of the Constitution sets out licensing functions reserved to full Council, as licensing

Article 8A - Licensing Arrangements

- any licensing function where full Council has referred a matter to another committee;⁹

the Licensing Committee is authorised to discharge¹⁰ the licensing functions¹¹ of the licensing authority under the 2003 Act or the 2005 Act.

The Licensing Committee is also authorised to discharge functions referred to it by full Council under S.7(3) or S.7(5)(b) of the 2003 Act.

The Terms of Reference of the Licensing Committee are set out in Part 3 of the Constitution.

8.2.2 Composition

The Licensing Committee must consist of at least ten but not more than fifteen, Members.¹²

8.2.2.1 Members of the Licensing Committee must complete all compulsory training and shall not sit as a member of the committee or its sub-committee's unless such training has been undertaken in accordance with the Council's prescribed training programme¹³.

8.2.3 Sub-committees

The Licensing Committee may appoint one or more sub-committees, which may discharge the same function concurrently.¹⁴

8.2.4 Delegation to Officers

The Licensing Committee or its sub-committees may arrange for the discharge of their functions by an officer, subject to the exceptions set out in the 2003 Act.¹⁵

8.2.5 Licensing Committee Procedure

The Licensing Committee may regulate its own procedure and that of its sub-committees, subject to any regulations.¹⁶

authority under the 2003 Act.

⁹ Under the provisions of Section 7(5)(a) of the 2003 Act.

¹⁰ 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.

¹¹ "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.

¹² Section 6 of the 2003 Act.

¹³ See Member Management Committee 12th November 2013, Minute 16.

¹⁴ Section 9(1) of the 2003 Act.

¹⁵ Section 10 of the 2003 Act (see also s154(4) and s232(3) of the 2005 Act). Delegations to Officers are set out in Part 3 of the Constitution.

¹⁶ Section 9(3) of the 2003 Act.

Article 8A - Licensing Arrangements

8.2.6 Conflicts of Interest¹⁷

Where the Licensing Committee is unable to discharge any function delegated to it, because of the number of its Members who are unable to take part in the consideration of discussion of any matter or vote on any question with respect to it, the Committee must refer the matter back to full Council as licensing authority, and full Council must discharge that function.

¹⁷ Section 7(9) of the 2003 Act.(see also s154(3) and s232(2) of the 2005 Act)

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ARTICLE 9 – GOVERNANCE COMMITTEES

9.1 GENERAL PURPOSES COMMITTEE

9.1.1 In accordance with Article 15 the General Purposes Committee has authority to consider proposals for amending the constitution and making recommendations to full Council.

9.2 CORPORATE GOVERNANCE AND AUDIT COMMITTEE

9.2.1 The following are precluded from being members of the Corporate Governance and Audit Committee:

- Members of the Executive;
- Political Group Leaders from the three largest groups; and
- Whips from the three largest groups.

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ARTICLE 10 – COMMUNITY COMMITTEES

COMMUNITY COMMITTEES

10.1. The Council will appoint ten Community Committees, as set out below, to serve the neighbourhoods and communities in the wards which they represent.

Community Committee	Wards Covered
Outer North East Community Committee	Alwoodley, Harewood and Wetherby
Inner North East Community Committee	Chapel Allerton, Moortown and Roundhay
Inner East Community Committee	Burmantofts and Richmond Hill, Gipton and Harehills, and Killingbeck and Seacroft
Outer North West Community Committee	Adel and Wharfedale, Guiseley and Rawdon, Horsforth, and Otley and Yeadon
Inner North West Community Committee	Headingley, Hyde Park and Woodhouse, and Weetwood
Inner West Community Committee	Armley, Bramley and Stanningley, and Kirkstall
Outer West Community Committee	Calverley and Farsley, Farnley and Wortley, and Pudsey
Outer East Community Committee	Cross Gates and Whinmoor, Garforth and Swillington, Kippax and Methley, and Temple Newsam
Outer South Community Committee	Ardsley and Robin Hood, Morley North, Morley South, and Rothwell
Inner South Community Committee	Beeston and Holbeck, City and Hunslet, and Middleton Park

COMPOSITION

10.2. The membership of each Community Committee will comprise all Members who have been elected for Wards wholly within the area determined for the Committee.

Article 10 – Community Committees

10.3 Each Community Committee may by resolution appoint or remove non-voting Co-opted Members who may participate in the business of the Community Committee in accordance with the Community Committee procedure Rules.

10.4 A Member of the Executive may serve on a Community Committee if otherwise eligible to do so as a Councillor.

CHAIR

10.5 Each Community Committee will appoint its Chair in accordance with the Community Committee Procedure Rules.

ROLE

10.6 Community Committees will¹:

- improve, co-ordinate and influence services at a local level;
- take locally based decisions that deal with local issues;
- provide for accountability at a local level;
- help Elected Members to listen to and represent their communities;
- help Elected Members to understand the specific needs of the communities in their area;
- lead, promote and develop community engagement;
- promote working relationships with Parish and Town Councils; and
- promote the well being of their area.

FUNCTIONS

10.7 The terms of reference for Community Committees are set out in Part 3 of the Constitution.

10.8 The Executive shall determine from time to time the executive functions² that may be exercised by Community Committees. These functions will be exercisable concurrently by the Executive Board, and in accordance with the Officer Delegation Scheme (executive functions) by Directors

PROCEEDINGS OF THE COMMUNITY COMMITTEE

10.9 Community Committees will comply with:

- the Community Committee Procedure Rules³ and
- all other relevant procedure rules⁴.

¹ In the neighbourhoods and communities within their remit and in accordance with the Community Plan adopted for their area

² Part 3 Sections 3C and 3D(a) of the Constitution provide details of the extent of the delegation determined by the executive.

³ These are in Part 4 of the Constitution.

⁴ These are the Council Procedure Rules, Executive and Decision Making Procedure Rules, Access to Information Procedure Rules, Financial Procedure Rules, Contract Procedure Rules and Appointments to Outside Bodies Procedure Rules, in Part 4 of the Constitution.

ARTICLE 11 – JOINT ARRANGEMENTS

11.1 GENERAL POWER OF COMPETENCE

The Council or the Executive may, subject to restrictions and limitations, exercise its general power of competence¹ to make joint arrangements.

11.2 JOINT ARRANGEMENTS²

- The Council may establish joint arrangements with one or more local authorities and/or their executives to exercise functions which are not executive functions in any of the participating authorities, or advise the Council. Such arrangements may involve the appointment of a joint committee with these other local authorities.
- The Executive may establish joint arrangements with one or more local authorities to exercise functions which are executive functions³. Such arrangements may involve the appointment of joint committees with these other local authorities.
- The Executive may only appoint Executive Members to a joint committee and those Members need not reflect the political composition of the local authority as a whole.
- Details of any joint arrangements including any delegations to joint committees will be found in the Council's scheme of delegations in Part 3 of this Constitution.

11.3 ACCESS TO INFORMATION

The Access to Information Procedure Rules in Part 4 of this Constitution apply:

- If all the Members of a joint committee are Members of the Executive in each of the participating authorities then its access to information regime is the same as that applied to the Executive.
- If the joint committee contains Members who are not on the Executive of any participating authority then the Access to Information rules in Part VA of the Local Government Act 1972 will apply.

¹ In accordance with Section 1 Localism Act 2011

² The Police Reform and Social Responsibility Act 2011 also requires the local authorities for the West Yorkshire Police Area to establish a Police and Crime Panel for the police area. City of Wakefield Metropolitan District Council is the support services authority for the Panel.

³ Arrangements are established in accordance with the Local Authorities (Arrangements for the Discharge of Functions)(England) Regulations 2012.

11.4 DELEGATION TO AND FROM OTHER LOCAL AUTHORITIES

- The Council may delegate non-executive functions to another local authority or, in certain circumstances, the executive of another local authority.
- The Executive may delegate executive functions to another local authority or the executive of another local authority in certain circumstances.
- The decision whether or not to accept such a delegation from another local authority shall be reserved to the Council meeting.

11.5 CONTRACTING OUT

The Council, for functions which are non-executive and the Executive, for executive functions, may contract out to another body or organisation, functions which may be exercised by an officer and which are subject to an order under section 70 of the Deregulation and Contracting Out Act 1994, or under contracting arrangements where the contractor acts as the Council's agent under usual contracting principles, provided there is no delegation of the Council's discretionary decision making.

ARTICLE 12 - OFFICERS

12.1 MANAGEMENT STRUCTURE

- **General**

The full Council may engage such staff (referred to as officers) as it considers necessary to carry out its functions.

- **Chief Officers**

The full Council will engage persons for the following posts, who will be designated Chief Officer¹ and will have the functions responsibilities set out in the Officer Delegation Scheme (Council (non-executive) Functions) at Part 3 Section 2C and the Officer Delegation Scheme (Executive Functions) at Part 3 Section 3E of this Constitution.

- Chief Executive
- Director of Resources and Housing
- Chief Officer (Financial Services)
- City Solicitor
- Director of Communities and Environment
- Director of City Development
- Chief Planning Officer
- Director of Children and Families
- Director of Adults and Health
- Director of Public Health

¹ Any reference to a Director within the constitution shall be deemed to include reference to all officers listed in this Article, except where the context requires otherwise.

Article 12 – Officers

• **Head of Paid Service, Monitoring Officer and Chief Finance Officer**

The Council will designate the following posts as shown:

DESIGNATION	POST	DEPUTY
Head of Paid Service ²	Chief Executive	Director of Resources and Housing
Monitoring Officer ³	City Solicitor	Head of Governance and Scrutiny Support
S151 Officer (referred to in this Constitution as Chief Finance Officer) ⁴	Chief Officer (Financial Services)	Chief Officer – Audit and Investment
Director of Children’s Services ⁵	Director of Children and Families	Deputy Director of Children’s Services (Safeguarding, Specialist and Targeted Services)
		Deputy Director of Children’s Services (Learning, Skills and Universal Services)
Director of Adult Social Services ⁶	Director of Adults and Health	Deputy Director, Integrated Commissioning
		Deputy Director, Social Work and Social Care Services
		Chief Officer Resources and Strategy
		Chief Officer, Health Partnerships
		Director of Public Health
Director of Public Health ⁷	Director of Public Health	Deputy Director of Public Health Consultant in Public Health / Medicine

By law, some functions of the Monitoring Officer and Chief Finance Officer (apart from the administration of the financial affairs of the Council) must be carried out personally, or carried out by a deputy nominated by them in cases of absence or illness⁸.

² Designated under Section 4 Local Government and Housing Act 1989

³ Designated under Section 5 Local Government and Housing Act 1989

⁴ Appointed in accordance with Section 151 Local Government Act 1972

⁵ Appointed under Section 18 Children Act 2004

⁶ Appointed under Section 6 Local Authority Social Services Act 1970

⁷ Appointed under Section 73A National Health Service Act 2006

⁸ See further Section 5/5A Local Government and Housing Act 1989

Article 12 – Officers

In addition to the functions detailed in the Officer Delegation Scheme (Council (non-executive) Functions) and the Officer Delegation Scheme (Executive Functions) such posts will have the functions described in Article 12.2–12.5 below.

12.2 FUNCTIONS OF THE HEAD OF PAID SERVICE

- **Structure**

The Head of Paid Service will determine and publicise a description of the overall departmental structure of the Council showing the management structure and deployment of officers. This is set out at Part 7 of this Constitution.

- **Discharge of functions by the Council**

The Head of Paid Service will report to full Council on the manner in which the discharge of the Council’s functions is co-ordinated, the number and grade of officers required for the discharge of functions and the organisation of officers.

- **Politically restricted posts**

The Head of Paid Service will grant and supervise exemptions from political restriction⁹, in consultation with the Monitoring Officer.

- **Dispensations**

Following consultation with the Chair of the Standards and Conduct Committee, the Head of Paid Service will consider and determine written requests for dispensations.¹⁰

- **Chair of Leeds Safeguarding Children Board and Leeds Safeguarding Adults Board**

Following consultation with appropriate partners, the Head of Paid Service will appoint or dismiss and hold to account the Chairs of the LSCB¹¹ and LSAB¹²

- **Restrictions on functions**

The Head of Paid Service cannot be the Monitoring Officer but may hold the post of Chief Finance Officer if a qualified accountant.

⁹ Section 3A Local Government and Housing Act 1989

¹⁰ In accordance with Section 33 of the Localism Act 2011.

¹¹ Regulation 4 LSCB Regulations 2006 and “Working Together to Safeguard Children” statutory guidance March 2015

¹² Care Act 2014 and “The Care and Support Statutory Guidance”

12.3 FUNCTIONS OF THE MONITORING OFFICER

- **Maintaining the Constitution**

The Monitoring Officer will maintain an up-to-date version of the Constitution and will ensure that it is widely available for consultation by Members, staff and the public.

- **Ensuring lawfulness and fairness of decision making.**

After consulting with the Head of Paid Service and Chief Finance Officer, the Monitoring Officer will report to the full Council or to the Executive in relation to an executive function, if he/she considers that any proposal, decision or omission would give rise to unlawfulness or if any decision or omission has given rise to maladministration. Such a report will have the effect of stopping the proposal or decision being implemented until the report has been considered.

- **Reporting on maladministration or injustice**

The Monitoring Officer will prepare reports as required by the Local Government Act 1974 and the Local Government and Housing Act 1989 in relation to complaints which have been the subject of investigation by the Local Government Ombudsman and which have revealed maladministration, whether or not that maladministration has caused injustice.

- **Supporting the Standards and Conduct Committee**

The Monitoring Officer will contribute to the promotion and maintenance of high standards of conduct through provision of support to the Standards and Conduct Committee¹³.

- **Functions relating to the Members' register of interests**

The Monitoring Officer will establish, maintain and publish the register of Members' interests¹⁴.

- **Proper officer for access to information.**

The Monitoring Officer will ensure that decisions, together with the reasons for those decisions and relevant officer reports and background papers are made publicly available as soon as possible.

¹³ Including any action under the procedure for considering complaints alleging a failure to comply with the Members' Code of Conduct

¹⁴ In relation to Leeds City Councillors, voting co-opted Members of Leeds City Council, and Members of Parish and Town Councils in the Leeds area

Article 12 – Officers

- **Advising whether executive decisions are within the budget and policy framework**

The Monitoring Officer will advise whether decisions of the Executive are in accordance with the Budget and Policy Framework

- **Contributing to corporate management**

The Monitoring Officer will contribute to the corporate management of the Council, in particular through the provision of professional legal advice.

- **Providing advice**

The Monitoring Officer will provide advice on the scope of powers and authority to take decisions, maladministration, financial impropriety, probity and Budget and Policy Framework issues to all Councillors and will support and advise Councillors in their respective roles. The Monitoring Officer will also advise Members on the interpretation of the Members' Code of Conduct.

- **Reporting on resources**

The Monitoring Officer will report to the Council, as necessary on the staff, accommodation and resources s/he requires to discharge his/her statutory functions.

- **Receiving copies of certificates**

The Monitoring Officer will receive copies of certificates under the Local Authorities (Contracts) Regulations 1997.

- **Restrictions on posts**

The Monitoring Officer cannot be the Chief Finance Officer or the Head of Paid Service.

12.4 FUNCTIONS OF THE CHIEF FINANCE OFFICER

- **Ensuring lawfulness and financial prudence of decision making**

After consulting with the Head of Paid Service and the Monitoring Officer, the Chief Finance Officer will report to the full Council or to the Executive in relation to an executive function and the Council's external auditor if he/she considers that any proposal, decision or course of action will involve incurring unlawful expenditure, or is unlawful and is likely to cause a loss or deficiency or if the Council is about to enter an item of account unlawfully.

Article 12 – Officers

- **Administration of financial affairs**

The Chief Finance Officer will make arrangements for the administration of the financial affairs of the Council in accordance with section 151 of the Local Government Act 1972.

- **Contributing to corporate management**

The Chief Finance Officer will contribute to the corporate management of the Council, in particular through the provision of professional financial advice.

- **Providing advice**

The Chief Finance Officer will provide advice on the scope of powers and authority to take decisions, maladministration, financial impropriety, probity and Budget and Policy Framework issues to all Councillors and will support and advise Councillors and officers in their respective roles.

- **Give financial information**

The Chief Finance Officer will provide financial information to the media, members of the public and the community.

12.5 FUNCTIONS OF THE DIRECTOR OF PUBLIC HEALTH

- **Annual Report**

The Director of Public Health has statutory responsibility for writing the annual report on the health of the local population.

12.6 DUTY TO PROVIDE SUFFICIENT RESOURCES

The Council will provide all Statutory Officers with such officers, accommodation and other resources as are in their opinion sufficient to allow their duties to be performed.

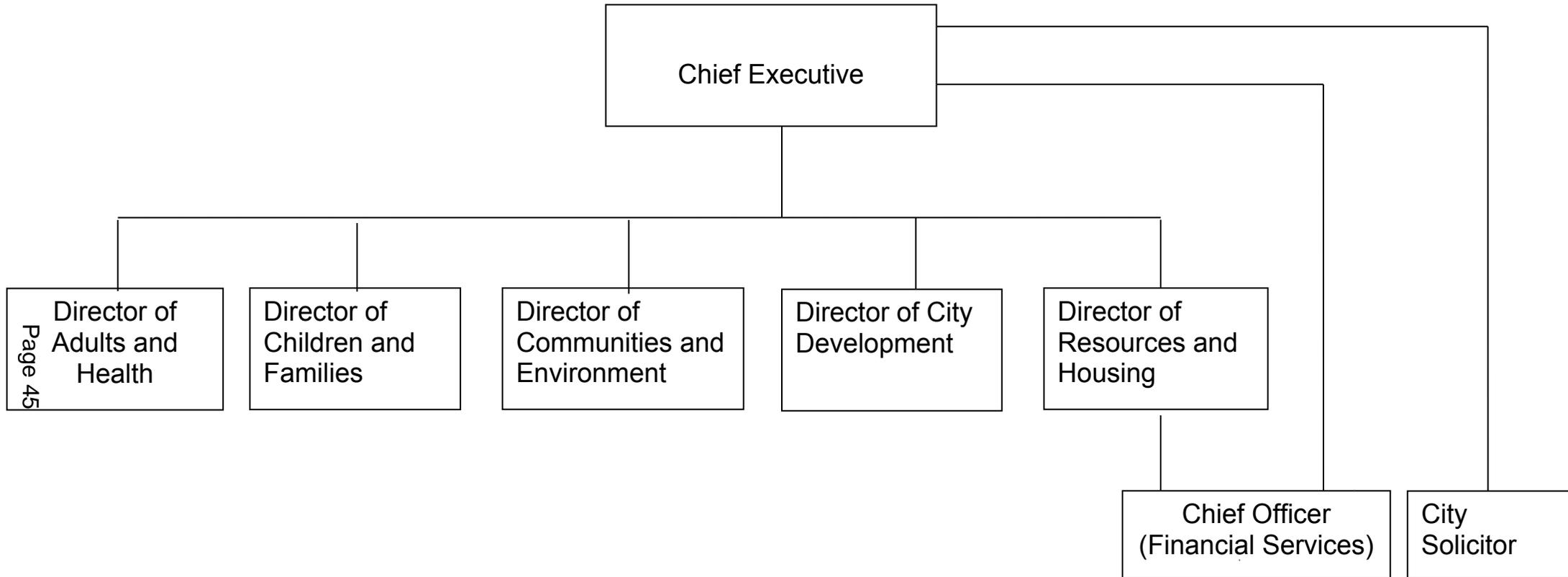
12.7 CONDUCT

Officers will comply with the codes of conduct and protocols set out in Part 5 of this Constitution.

12.8 EMPLOYMENT

The recruitment, selection and dismissal of officers will comply with the Officer Employment Procedure Rules set out in Part 4 of this Constitution.

MANAGEMENT STRUCTURE



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Notes:

The City Solicitor is the statutory Monitoring Officer

The Chief Officer (Financial Services) is located within the Directorate of Resources and Housing and is the statutory Chief Finance Officer / S151 Officer

The Director of Adults and Health is the statutory Director of Adult Social Services

The Director of Children and Families is the statutory Director of Children's Services

The Director of Public Health is located within the Directorate of Adults and Health is the statutory Director of Public Health

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ARTICLE 13 - DECISION MAKING

COUNCIL DECISIONS

13.1. Council Decisions are made in relation to Council functions, as defined by the Local Government Act 2000 and the Local Authorities (Functions and Responsibilities) (England) Regulations 2000 as amended.

EXECUTIVE DECISIONS

13.2. Executive Decisions are made in relation to Executive functions, as defined by the Local Government Act 2000 and the Local Authorities (Functions and Responsibilities) (England) Regulations 2000 as amended.

RESPONSIBILITY FOR DECISION MAKING

13.3. A record of what part of the Council or individual has responsibility for particular types of decisions or decisions relating to particular areas or functions will be maintained by the City Solicitor. This record is set out in Part 3 of this Constitution.

CATEGORIES OF DECISION

- 13.4. **Key Decision:-** a decision relating to an executive function which is likely
- a. to result in the authority incurring expenditure or making savings (including the receipt or loss of income) over £250,000 pa¹; or
to have a significant effect on communities living or working in an area (including one ward), and
 - b. which is not a decision which is a direct consequence of implementing a previous Key Decision², or in relation to which a further report will be submitted for approval of the proposal before the Council is committed to proceed³; or

¹ Except where this expenditure, saving or income will result from:-

- a) a Treasury Management decision in relation to the making, payment or borrowing of a loan; or
- b) a decision to purchase energy under the terms of an energy supply contract which has been awarded following the appropriate procurement process; or
- c) a decision to approve a care plan which the Council has a duty or power to provide as defined by s46 of National Health Service and Community Care Act 1990 and s2 of the Chronically Sick and Disabled Persons Act 1970. Ss17 and 20 Children Act 1989
- d) the settlement of proceedings to which Leeds City Council is a party.

² Where a scheme or proposal changes following the original decision to the extent that the additional spend or save, or the additional impact of the decision, reaches the threshold for a Key decision it shall be treated as a new Key decision.

³ Under the capital programme, a decision to **authorise expenditure** over £250,000 will be a **key** decision, but a decision to **inject a scheme** into the capital programme, or to **award a contract** over the value of £250,000 will not.

Article 13 - Decision Making

which is not the result of varying a previous Key decision in line with recommendations made by a Scrutiny Board following a Call In of that decision.

- 13.5. **Significant Operational Decision:-** A decision in relation to a Council⁴ or Executive Function which is not a Key decision and which;
- a. Does not fall within the definition of an Administrative decision; or
 - b. Would have been a Key decision but for footnote 1 to Article 13.4a or Article 13.4b above; or
 - c. Results in the authority incurring expenditure or making savings (including the receipt or loss of income) over £100,000 each year; or
 - d. Is, in the opinion of the Director, Chief Officer or Head of Service⁵, of such significance that a published record of the decision would ensure transparency and accountability in relation to decision making within the authority.
- 13.6. **Administrative Decision:-** A decision in relation to a Council or Executive function which is not a Key, or Significant Operational decision and which;
- a. is within an approved budget; and
 - b. is not in conflict with the Budget and Policy Framework or other approved policies approved by the Council; and
 - c. does not raise new issues of policy.

DECISION TAKING

13.7. A decision taker will have regard to the definitions of Key, Significant Operational and Administrative decisions set out above, the provisions of Part 3 of this Constitution in relation to responsibility for functions, and the requirements of the Procedure Rules set out in Part 4 of this Constitution. In particular:-

13.7.1. Making Council Decisions

- Decisions relating to the functions listed in Article 4.2 or detailed in Part 3 of this Constitution as matters reserved to full Council will be made by the full Council and not delegated.

⁴ In accordance with the Openness of Local Government Bodies Regulations 2014, these shall include where appropriate Council decisions taken:-

- a) under a specific express authorisation from Council or one of its committees; or
- b) In accordance with the Officer Delegation Scheme (Council (non-executive) Functions)⁴, where the effect of the decision is to-
 - a. Grant a permission or licence;
 - b. Affect the rights of an individual;
 - c. Or award a contract or incur expenditure which, in either case, materially affects the financial position of the Council

⁵ Having taken into account the provisions of the Constitution together with other policy, procedure and guidance available

Article 13 - Decision Making

- the Council meeting will follow the Council Procedures Rules set out in Part 4 of this Constitution when considering any matter.
- other Council committees and sub-committees will follow those parts of the Council Procedures Rules set out in Part 4 of this Constitution as apply to them.
- Officers will follow the Access to Information Procedure Rules when considering any matter

13.7.2. Making Executive Decisions

- the executive⁶ will follow the Executive and Decision Making Procedure Rules set out in Part 4 of this Constitution when considering any matter.
- Officers will follow the Executive and Decision Making Procedure Rules together with the Access to Information Procedure Rules when considering any matter

13.7.3. Decision Making By Community Committees

- The Executive Board shall determine from time to time the executive functions⁷ that may be exercised by Community Committees. These functions will be exercisable concurrently by the Executive Board and, in accordance with the Officer Delegation Scheme (Executive Functions), by Directors.
- Community Committees will follow the Community Committee Procedure Rules together with the Access to Information Procedure Rules when considering any matter.

PRINCIPLES OF DECISION MAKING

13.8. All decisions of the authority, whether made by Council, Executive Board Councillors collectively⁸ or officers, will be made in accordance with the following principles:-

- Proportionality (i.e. the action must be proportionate to the desired outcome)
- Due consultation and the taking of professional advice from officers
- Respect for human rights
- A presumption in favour of openness
- Clarity of aims and desired outcomes
- An explanation of the options considered and details of the reasons for the decision
- Natural justice
- Positive promotion of equality of opportunity

⁶ The executive may be the Executive Board itself or any other committee or officer acting under authority delegated by the Leader or the Executive Board as set out in Part 3 of this Constitution

⁷ Part 3 Sections 3C and 3D of the Constitution provide details of the extent of the delegation determined by the executive.

⁸ For example in Committees or Sub-Committees

RECORDING DECISIONS

13.9. All Council decisions will be recorded in accordance with the provisions of the Access to Information Procedure Rules set out in this Constitution.

13.10. All Executive decisions will be recorded in accordance with the provisions of the Executive and Decision Making Procedure Rules set out in this Constitution.

DECISION MAKING BY COUNCIL BODIES ACTING AS TRIBUNALS

13.11. The Council or an officer acting as a tribunal or in a quasi-judicial manner or determining/considering (other than for the purpose of giving advice) the civil rights and obligations or the criminal responsibility of any person will follow a proper procedure which accords with the requirements of natural justice and the right to a fair trial contained in Article 6 of the European Convention on Human Rights.

ARTICLE 14 – FINANCE, CONTRACT AND LEGAL MATTERS

14.1 FINANCIAL MANAGEMENT

The management of the Council's financial affairs will be conducted in accordance with the Financial Procedure Rules set out in Part 4 of this Constitution.

14.2 CONTRACTS

Every contract made by the Council will comply with the Contracts Procedure Rules set out in Part 4 of this Constitution.

14.3 LEGAL PROCEEDINGS

The City Solicitor is authorised to institute, defend or participate in any legal proceedings in any case where such action is necessary to give effect to decisions of the Council or any part of it or in any case where the City Solicitor considers that such action is necessary to protect the Council's interests.

14.4 COMMON SEAL OF THE COUNCIL

- **Custody**

The Common Seal of the Council will be kept in a safe place in the custody of the City Solicitor.

- **Authority to Use Seal**

A decision of the Council, or of any part of it, will be sufficient authority for sealing any document necessary to give effect to the decision. The Common Seal will be affixed to those documents which in the opinion of the City Solicitor should be sealed. The affixing of the Common Seal will be attested by the City Solicitor or some other person authorised by him/her.

- **Attestation**

The Common Seal shall be attested by the signature of the City Solicitor, or the person authorised by him/her, and entry shall be made by the City Solicitor or some other person authorised by him/her in a book to be provided for that purpose of every deed and other document to which the Common Seal has been affixed.

14.5 SIGNATURE OF DOCUMENTS

- **Execution of Contracts for £100,000 or above**

Any contract with a value equal to or exceeding £100,000 entered into on behalf of the local authority in the course of the discharge of its functions shall be made in writing. Such contracts must either be:

1. made under the common seal of the Council attested by at least one officer;
or
2. signed by at least two officers of the authority; or
3. in the case of electronic contracts, accepted by one officer, provided that at least two officers of the authority have approved in writing the execution of the contract.

- **Persons Authorised to Approve or Sign Contracts**

The Chief Executive and the City Solicitor (and any other person or persons authorised by either of them) shall each be authorised as Agent for the Council to sign, or approve the execution of, all contracts agreed to be entered into by the Council, the Executive, or any part of it.

- **Execution of Contracts for less than £100,000**

Any contract with a value below £100,000 entered into on behalf of the local authority in the course of the discharge of its functions shall be made in writing. All Directors¹ (or other person authorised by a Director) shall be authorised in relation to matters within their remit, to sign, or in the case of electronic contracts, to accept, as Agent for the Council all contracts of a value below £100,000 agreed to be entered into by the Council, the Executive, or any part of it.

- **Authentication of Documents for Legal Proceedings**

Where any document will be a necessary step in legal proceedings on behalf of the Council, it shall be signed by the Chief Executive or the City Solicitor or other person authorised by him/her unless any enactment otherwise requires or authorises, or the Council give the necessary authority to some other person for the purpose of such proceedings

¹ In this instance the term 'Directors' is not to be understood to include the Chief Planning Officer

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	Corporate Governance Code and Framework	Corporate Governance and Audit Committee
Part 5 k	Chief Finance Officer Protocol	Corporate Governance and Audit Committee
Part 6	Members' Allowances Scheme	Full Council

ARTICLE 16 - SUSPENSION, INTERPRETATION AND PUBLICATION OF THE CONSTITUTION

16.1 SUSPENSION OF THE CONSTITUTION

- **Limit to suspension.**

The Articles of this Constitution may not be suspended. The Rules specified below may be suspended by the full Council to the extent permitted within those Rules and the law.

- **Procedure to suspend.**

A motion to suspend any Rules will not be moved without notice unless at least one half of the whole number of Councillors are present. The extent and duration of suspension will be proportionate to the result to be achieved, taking account of the purposes of the Constitution set out in Article 1.

- **Rules capable of suspension**

The following Rules may be suspended in accordance with Article 16.1:
- Council Procedure Rules

16.2 INTERPRETATION

The ruling of the Lord Mayor as to the construction or application of this Constitution or as to any proceedings of the Council shall not be challenged at any meeting of the Council. Such interpretation will have regard to the purposes of this Constitution contained in Article 1.

16.3 PUBLICATION

- The Monitoring Officer will ensure that the Constitution¹ and such statutory provisions as regulate the proceedings and business of the Council, are available for inspection at all reasonable hours, at the Council's principal office, Council offices, libraries and other appropriate locations. The Constitution is published on the Council's internet site.
- The Monitoring Officer will ensure that copies of the Constitution can be purchased by members of the local press and the public on payment of a reasonable fee.

¹ including its summary

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ARTICLE 17 - HEALTH

17.1 GENERAL DUTIES

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

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

17.2 HEALTH AND WELLBEING BOARD

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

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

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

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

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

All members on the Health and Wellbeing Board shall be able to vote, unless full Council direct otherwise¹.

17.3 DIRECTOR OF PUBLIC HEALTH

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

17.4 HEALTH SCRUTINY FUNCTIONS

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

¹ The following direction has been made:

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

- All councillors appointed to the Board by full Council;
- The representative directly appointed by each CCG;
- The representative directly appointed by Healthwatch Leeds; and
- The third sector representative.

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

² In accordance with Section 73A NHS Act 2006

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SCHEDULE 1 – DESCRIPTION OF EXECUTIVE ARRANGEMENTS

The following parts of this Constitution constitute the executive arrangements except in so far as they do not relate to executive functions:

- Article 6 (Scrutiny Boards) and the Scrutiny Board Procedure Rules
- Article 7 (The Executive) and the Executive and Decision Making Procedure Rules
- Article 10 (Community Committees) and the Community Committee Procedure Rules
- Article 11 (Joint arrangements)
- Article 13 (Decision making) and the Access to Information Procedure Rules
- Part 3 (Responsibility for Functions)

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RESPONSIBILITY FOR FUNCTIONS

INTRODUCTION

This part of the Constitution sets out who is responsible for the various functions of the authority.

Functions fall into the following categories:

1. Local Choice Functions

There are some functions which the authority may treat as the responsibility of the Executive (in part or whole) or as Council (non-executive) functions, at its discretion. Section 1 sets out these functions and shows who is authorised to discharge them.

2. Council (non-executive) Functions

These are functions which, under the law, cannot be the responsibility of the Executive. In some cases, such as adopting the Council's budget or the Policy Framework, only full Council may discharge the function. In other cases, the Council may delegate the responsibility for discharging a function to a committee or an officer.

Article 4.2 of the Constitution sets out functions which will only be exercised by full Council.

3. Executive Functions

All other functions are executive functions. Decisions on these will be taken by the Executive, unless they are dealt with under joint arrangements or delegated to a committee of the Executive, a Community Committee, the Health and Wellbeing Board, or an officer.

Section 3 sets out how these functions are delegated.

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SECTION 1: RESPONSIBILITY FOR LOCAL CHOICE FUNCTIONS

Local Choice Functions¹	Decision Making Body	Delegation of functions to Committees or officers (to the extent set out below or Section 2C for Council (non-executive) functions and section 3D for executive functions)
Functions under a local Act (other than one specified or referred to in Reg 2 or Schedule 1 of the Regulations 2000)	Executive Board	The relevant Director for the function concerned.
To determine appeals against any decision of the authority.	Executive Board generally ² except in respect of matters referred under the terms of reference of the Licensing Sub-Committees and the Employment Committee.	The Director of Resources and Housing ³
To appoint review boards under the Social Security Act 1998 ⁴	Full Council	City Solicitor
To make arrangements for appeals against exclusion of pupils from maintained schools	Full Council	Director of Children and Families
To make arrangements for appeals regarding school admissions ⁵	Full Council	Admitting Authorities and Director of Children and Families ⁶
To make arrangements for appeals by governing bodies ⁷	Full Council	Director of Children and Families
Any function relating to contaminated land ⁸	Executive Board	Director of City Development

¹ Local Authorities (Functions and Responsibilities) Regulations 2000, Schedule 2

² Including appeals in relation to access to information by Members under s100F Local Government Act 1972, Regulation 17 Local Authorities (Executive Arrangements) (Access to Information) (England) Regulations 2000, and the common law “need to know” rules

³ In relation to arrangements for employee appeals, save those dealt with by the Employment Committee

⁴ s34(4) Social Security Act 1998

⁵ S94(1), (1A) and (4) School Standards and Framework Act 1998

⁶ The Director of Children’s Services will be responsible for clerking functions set out in paragraph’s 1.10 to 1.11 of the School Admission Appeals Code, with the relevant admitting authority making all other necessary arrangements.

⁷ S95(2) School Standards and Framework Act 1998

⁸ Part IIA Environmental Protection Act 1990 and subordinate legislation

Responsibility for Local Choice Functions

Local Choice Functions¹	Decision Making Body	Delegation of functions to Committees or officers (to the extent set out below or Section 2C for Council (non-executive) functions and section 3D for executive functions)
The control of pollution or the management of air quality ⁹	Executive Board	Director of Communities and Environment
To serve an abatement notice in respect of a statutory nuisance ¹⁰	Executive Board	Director of Communities and Environment
To pass a resolution that Schedule 2 of the Noise and Statutory Nuisance Act 1993 should apply in the authority's area ¹¹	Executive Board	Director of Communities and Environment
To inspect the authority's area to detect any statutory nuisance ¹²	Executive Board	Director of Communities and Environment
To investigate any complaint about the existence of a statutory nuisance ¹³	Executive Board	Director of Communities and Environment
To obtain information about interests in land ¹⁴	Executive Board	Director of City Development
To obtain particulars of persons interested in land ¹⁵	Executive Board	All Directors in pursuance of their delegated authority
To make agreements for the execution of highways works ¹⁶	Executive Board	Director of City Development
To appoint any individual	Full Council ¹⁷	

⁹ Pollution Prevention and Control Act 1999; Part IV Environment Act 1995; Part I Environmental Protection Act 1990; Clean Air Act 1993

¹⁰ s80(I) Environmental Protection Act 1990

¹¹ s8 Noise and Statutory Nuisance Act 1993

¹² S79 Environmental Protection Act 1990

¹³ s79 Environmental Protection Act 1990

¹⁴ s330 Town and Country Planning Act 1990

¹⁵ s16 Local Government (Miscellaneous Provisions) Act 1976

¹⁶ Section 278 Highways Act 1980

¹⁷ Full Council acts as Appointing Body for the purposes of making appointments to:

- West Yorkshire Joint Services Committee
- West Yorkshire Fire and Rescue Authority
- West Yorkshire Police and Crime Panel
- West Yorkshire Combined Authority
- West Yorkshire Pension Fund Joint Advisory Group

Responsibility for Local Choice Functions

Local Choice Functions¹	Decision Making Body	Delegation of functions to Committees or officers (to the extent set out below or Section 2C for Council (non-executive) functions and section 3D for executive functions)
(a) to any office other than an office in which he is employed by the authority and to revoke any such appointment		
To appoint any individual (b) to any body other than – (i) the authority; (ii) a joint Committee of two or more authorities; or (c) to any Committee or sub Committee of such a body and to revoke any such appointment	Full Council	Member Management Committee ¹⁸ Community Committees ¹⁹
To make agreements with other local authorities for the placing of staff at the disposal of those other authorities	Executive Board	
Functions relating to local area agreements ²⁰	Executive Board	

- West Yorkshire Pension Fund Investment Panel

¹⁸ In accordance with the Member Appointments to Outside Bodies Procedure Rules and delegations provided by Full Council:-

- determination of which outside bodies should have Member representation; and
- (by determining the category of each such outside body), determination of how such appointments should be made; and

act as the appointing body for the purposes of making appointments to outside bodies categorised as Strategic and Key Partnership Outside Bodies

¹⁹ In accordance with the Appointments to Outside Bodies Procedure Rules and delegations provided by the Member Management Committee, act as the appointing body for the purposes of making appointments to outside bodies categorised as Community and Local Engagement Bodies

²⁰ Sections 106, 110, 111 and 113 of the Local Government and Public Involvement in Health Act 2007

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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), Section 101 (arrangements for discharge of functions by local authorities) of the Local Government Act 1972 shall not apply to any function below marked *

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) (England) Regulations 2000, may be discharged only by an authority.</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

Responsibilities for Council (non-executive) Functions

<u>Council (non-executive) functions¹</u>	<u>Related appointments of Officers by full Council</u>
<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 is 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 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>	

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>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

Responsibilities for Council (non-executive) Functions

<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>	

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

Responsibilities for Council (non-executive) Functions

<u>Council (non-executive) functions¹</u>	<u>Related appointments of Officers by full Council</u>
<p>Financial calculations and precepts²²</p> <p>To make calculations and determinations in accordance with Sections 31A – 31B, 34, 36– 36A, 42B, 48, 52ZB, 52ZF and 52ZJ of the Local Government Finance Act 1992²³, 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 determination 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 Executive)</p>	
<p>Deregulation authorisations/revocations²⁴</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>	

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

²³ Sections 35, 42A, 45-47, 49 and 52ZJ do not require decisions to be taken by Leeds City Council and are not therefore included here.

²⁴ Regulation 4(12) & 4(13) 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>Adoption of plans and strategies²⁵</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.²⁶</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 style="padding-left: 40px;">(a) is minded to determine the matter contrary to, or not entirely in accordance with</p> <p style="padding-left: 80px;">(i) the authority’s budget; or</p> <p style="padding-left: 80px;">(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 style="padding-left: 40px;">(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>	

²⁵ Regulation 5(1) of the 2000 Regulations

²⁶ Regulation 5(1) of the 2000 Regulations

<u>Council (non-executive) functions¹</u>	<u>Related appointments of Officers by full Council</u>
<p>The Determination of matters which are the responsibility of the Executive etc.²⁷</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>	

²⁷ 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 of a licensing authority²⁸</p> <p>To discharge functions relating to</p> <ul style="list-style-type: none"> • the statement of licensing policy;²⁹ • the passing of a resolution not to issue a casino premises licence³⁰; • the decision to apply the late night levy requirement and the date on which the requirement is first to apply³¹; • the proportion of the net amount of levy payments to be paid to the relevant local policing body³²; • the decision to cease to apply the late night levy requirement³³; • establishing a licensing committee;³⁴ and • the exercise and delegation of functions;³⁵ 	
<p>To appoint an electoral registration officer³⁶</p>	<p>The Chief Executive is appointed as Electoral Registration Officer</p> <p>The Head of Elections, Licensing and Registration and Director of Communities and Environment are appointed as deputy Electoral Registration Officers.</p>
<p>To appoint returning officer for local government elections³⁷</p>	<p>The Chief Executive is appointed as the Returning Officer</p>

²⁸ Item 14A of Para. B of Schedule 1 of the 2000 Regulations

²⁹ Section 5 of the Licensing Act 2003 and Section 349 of the Gambling Act 2005

³⁰ Item 14B of Para B of Schedule 1 of the 2000 Regulations

³¹ Sections 125 and 132(1)(a) Police Reform and Social Responsibility Act 2011

³² Section 132(1)(b)(iv) or Section 133(1)(d) Police Reform and Social Responsibility Act 2011

³³ Section 133(1)(a) Police Reform and Social Responsibility Act 2011

³⁴ Section 6 of the Licensing Act 2003

³⁵ Section 7(3),(4),(5),(7) and (9) of the Licensing Act 2003

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

³⁷ Item 6 of Para. D of Schedule 1 of the 2000 Regulations

Responsibilities for Council (non-executive) Functions

<p>Schemes of elections</p> <p>To consult on change of scheme for elections ³⁸ Duties relating to publicity ³⁹ Duties relating to notice to Electoral Commission ⁴⁰ To alter years of ordinary elections of parish councillors⁴¹</p>	
<p>To change the name of the district or parish⁴²</p>	
<p>To confer title of honorary alderman / honorary alderwoman or to admit to be an honorary freeman / honorary freewoman of the district⁴³</p>	
<p>To make, amend, revoke or re- enact byelaws⁴⁴</p>	
<p>To promote or oppose local Bills in Parliament⁴⁵</p>	
<p>To make arrangements for proper administration of financial affairs etc⁴⁶</p>	<p>Chief Officer (Financial Services) is appointed as Section 151 Officer</p>
<p>To appoint officers for particular purposes (appointment of proper officers)⁴⁷</p>	<p>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.</p>
<p>To designate an officer as the head of the authority's paid service, and to provide staff etc⁴⁸</p>	<p>The Chief Executive is appointed as Head of Paid Service</p>
<p>To designate an officer as the Monitoring Officer, and to provide staff etc⁴⁹</p>	<p>The City Solicitor is appointed as the Monitoring Officer</p>
<p>Duty to provide staff, etc to person nominated by Monitoring Officer⁵⁰</p>	

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

³⁹ Sections 35, 41 and 52 of the Local Government and Public Involvement in Health Act 2007

⁴⁰ Sections 36 and 42 of the Local Government and Public Involvement in Health Act 2007

⁴¹ Section 53 of the Local Government and Public Involvement in Health Act 2007

⁴² Items 1 and 2 of Para E of Schedule 1 of the 2000 Regulations

⁴³ Item 3 of Para E of Schedule 1 of the 2000 Regulations

⁴⁴ Para F of Schedule 1 of the 2000 Regulations

⁴⁵ Para G of Schedule 1 of the 2000 Regulations

⁴⁶ Item 39 of Para. I of Schedule 1 of the 2000 Regulations

⁴⁷ Item 40 of Para. I of Schedule 1 of the 2000 Regulations

⁴⁸ Item 43 of Para I of Schedule 1 of the 2000 Regulations

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

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

Responsibilities for Council (non-executive) Functions

Powers relating to overview and scrutiny committees (voting rights of co-opted members)⁵¹	
To act as Appointing Body⁵² 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 Combined Authority• West Yorkshire Pension Fund Joint Advisory Group• West Yorkshire Pension Fund Investment Panel	
To approve a pay policy statement⁵³	
To adopt, revise or replace a Members' Code of Conduct⁵⁴	

⁵¹ Item 44B of Para I of Schedule 1 of the 2000 Regulations

⁵² Other appointments have been delegated to Member Management Committee and Community Committees

⁵³ Sections 38 and 39 Localism Act 2011

⁵⁴ Section 28 Localism Act 2011

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SECTION 2B: MEMBERSHIP OF COUNCIL COMMITTEES

<u>Name of Committee</u>	<u>Membership</u>
Scrutiny Board (Children and Families)	11 Members of the authority
Scrutiny Board (Adults and Health)	12 Members of the authority
Scrutiny Board (Environment, Housing and Communities)	12 Members of the authority
Scrutiny Board (Inclusive Growth, Culture and Sport)	11 Members of the authority
Scrutiny Board (Infrastructure and Investment)	10 Members of the authority
Scrutiny Board (Strategy and Resources)	11 Members of the authority
Standards and Conduct Committee	7 Members of the authority ¹
Corporate Governance and Audit Committee	10 Members of the authority
General Purposes Committee	13 Members of the authority
Community Committees	Membership as outlined at Article 10
Health and Wellbeing Board	<ul style="list-style-type: none"> • Statutory membership as outlined in Article 17 (including 5 Members of the authority nominated by the Leader) together with a representative from the third sector and from NHS(England). • Such additional members as may be appointed by the Health and Wellbeing Board from time to time.
Employment Committee	Minimum of 3 Members of the authority comprising at least 1 Member of the Executive
Member Management Committee	13 Members of the authority
Licensing Committee Licensing Sub-Committee	15 Members of the authority 3 Members of the authority ²

¹ Plus 1 non-voting co-opted Parish/Town Council Members who may attend meetings of the relevant Sub-Committee in accordance with the procedure in Part 4(m) of the Constitution.

² The Licensing Committee appoints 3 Members to each sub-committee

<p>Plans Panels</p> <p>Area Plans Panels: (a) Plans Panel (North and East) (b) Plans Panel (South and West)</p> <p>City Plans Panel</p>	<p>11 Members of the authority 11 Members of the authority</p> <p>13 Members of the authority</p>
<p>Advisory Committees</p> <p>Development Plan Panel</p> <p>Housing Advisory Board</p>	<p>11 Members of the authority</p> <p>6 Members of the authority and the following co-optees appointed by the authority³:</p> <ul style="list-style-type: none"> • Three tenants/leaseholders • Three people who are independent of the Council.

³ The Housing Advisory Board may also select up to three non-voting co-optees, with some specialist skill or knowledge which would be of assistance to the Housing Advisory Board, to be appointed for a term of office which relates to a particular issue.

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.

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Standards and Conduct Committee

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

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

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

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

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

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

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

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Corporate Governance and Audit Committee

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

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

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

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

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

5. to consider the Council's arrangements relating to internal audit requirements including:
 - (a) 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

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General Purposes Committee

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

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

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

² Whether or not the post is vacant

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

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

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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 deputations;
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.

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Employment Committee

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

1. to make recommendations to Council to appoint 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

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

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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)).

Licensing Sub-Committees

The Licensing Sub-Committees are authorised to discharge¹ the following functions² concurrently³:

1. functions⁴ under:

- (a) section 18(3) of the 2003 Act (determination of application for premises licences where relevant representations have been made);
- (b) section 31(3) of the 2003 Act (determination of application for provisional statements where relevant representations have been made);
- (c) section 35(3) of the 2003 Act (determination of application for variation of premises licence where relevant representations have been made);
- (d) section 39(3) of the 2003 Act (determination of application to vary designated premises supervisors following the giving of a notice by the police pursuant to section 37 (5) of the 2003 Act (police objection));
- (e) section 44(5) of the 2003 Act (determination of application for transfer of premises licences following the giving of a notice by the Police pursuant to section 42 (6) and/or the giving of a notice by the Secretary of State pursuant to section 42 (8) of 2003 Act (police objection));
- (f) section 48(3) of the 2003 Act (consideration of police notice and/or notice given by the Secretary of State regarding (objection made to) an interim authority notice);
- (g) section 52(2) or (3) of the 2003 Act (determination of an application for review of a premises licence);
- (h) section 53A-C of the 2003 Act (summary (expedited) review hearings);
- (i) section 72(3) of the 2003 Act (determination of application for club premises certificates where relevant representations have been made);
- (j) section 85(3) of the 2003 Act (determination of application to vary club premises certificates where relevant representations have been made);
- (k) section 88(2) or (3) of the 2003 Act (determination of application for review of a club premises certificate);
- (l) section 105(2) (consideration of objection notice given by a relevant person) relating to a standard temporary event notice ((decision to give counter notice following an objection to a temporary event notice));
- (m) section 120(7) of the 2003 Act (determination of application for the grant of a personal licence where a an objection notice is given by the Police and /or an immigration objection notice is given by the Secretary of State (following police objection));

¹ With the exception of those functions set out in paragraphs 1 and 2 above, and subject to any direction given by the Licensing Committee, the Licensing Sub-Committees may arrange for any of these functions to be discharged by an officer (Section 10(2) and (5) of the Licensing Act 2003 (the 2003 Act) and s154 of the Gambling Act 2005 (the 2005 Act)).

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 Section 10(3) of the 2003 Act.

⁴ Including agreeing whether a hearing is necessary.

- (n) section 121(6) of the 2003 Act (determination of application for renewal of personal licences following police objection)
- (o) section 124(4) of the 2003 Act (consideration of an objection notice given by the Police and /or an immigration objection notice given by the Secretary of State where convictions come to light after grant or renewal of personal licences);
- (p) section 167(5) of the 2003 Act (review following closure order)
- (q) section 20(3) of the 2003 Act (making recommendations for restricting the admission of children to the exhibition of any film)
- (r) section 132(A) of the 2003 Act (consideration whether to suspend or revoke a personal licence where the licence holder has been (a) convicted of any relevant offence or foreign offence, or (b) required to pay an immigration penalty)
- (s) section 163 (159) of the 2005 Act (determination of application for premises licences (where representations have been made)⁵)
- (t) section 187 of the 2005 Act (determination of application for variation of premises licence (where representations have been made));⁵)
- (u) section 188 of the 2005 Act (determination of application for transfer of premises licences following receipt of representations (objection));⁶
- (v) section 195 of the 2005 Act (consideration of representations regarding (objection made to) an application for reinstatement); ⁶
- (w) section 201 of the 2005 Act (determination of review of a premises licence);
- (x) section 204 of the 2005 Act (determination of application for provisional statements (where representations have been made));⁶;
- (y) section 222 of the 2005 Act (determination of temporary use notice following receipt of a notice of objection);
- (z)(()) section 224 of the 2005 Act (decision to give counter notice following an objection to a temporary use notice);
- (aa)(()) schedule 10 of the 2005 Act (consideration of (representations in relation to the proposed rejection) of an application for a family entertainment centre permit);
- (bb)(()) schedule 14 of the 2005 Act (consideration of representations in relation to the proposed rejection of) an application for a prize gaming permit);
- (cc)(()) schedule 13 of the 2005 Act (consideration of (representations in relation to the proposed rejection of) an application for an alcohol licensed premises gaming machine permit);
- (dd)(()) schedule 12 of the 2005 Act (consideration of (representations in relation to the proposed rejection of) an application for a club gaming permit or club machine permit);

⁵ Including deciding whether representations are vexatious, frivolous, or will certainly not influence the authority's determination of the application

⁶ Including deciding whether representations are vexatious, frivolous, or will certainly not influence the authority's determination of the application

Council Committees' Terms of Reference

2. Functions relating to any other hearings required under the 2003 Act or the 2005 Act that have not been reserved to the Licensing Committee.
3. The function of hearing appeals against the refusal to grant a contract driver permit.
4. The function of licensing performances of hypnotism⁷ where an officer has considered they should not exercise their delegated authority and has referred the matter to the sub-committee for determination.
5. The function of licensing sex establishments⁸ (sex shops, sex cinemas or sexual entertainment venues) where either the application is for the grant, renewal or transfer of a licence irrespective of whether objections have been received, or in any other case where an officer has decided not to exercise their delegated authority and has referred the matter to the sub-committee for determination.
6. The function of licensing persons to collect for charitable and other causes⁹ where either objections have been received, or an officer has decided not to exercise their delegated authority and has referred the matter to the sub-committee for determination.
7. Hearing any appeal against an officer decision to refuse to recognise an applicant for the purposes of the constitution for the Hackney Carriage Trade Forum or the removal of recognition under the terms of that document.
8. To discharge any other function referred by the Licensing Committee, including making representations to the Licensing Committee in connection with the discharge of its functions.

Exceptions

A Sub Committee is not authorised to discharge functions under paragraph 1 (a) to (e) above where the application relates to an event in the open air, in a temporary structure and where the proposed capacity of the event exceeds 30,000 people.

⁷ The Hypnotism Act 1952

⁸ s2 and sch 3 of the Local Government (Miscellaneous Provisions) Act 1982

⁹ Section 5 of the Police, Factories etc (Miscellaneous Provisions) Act 1916 and section 2 of the House to House Collections Act 1939

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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

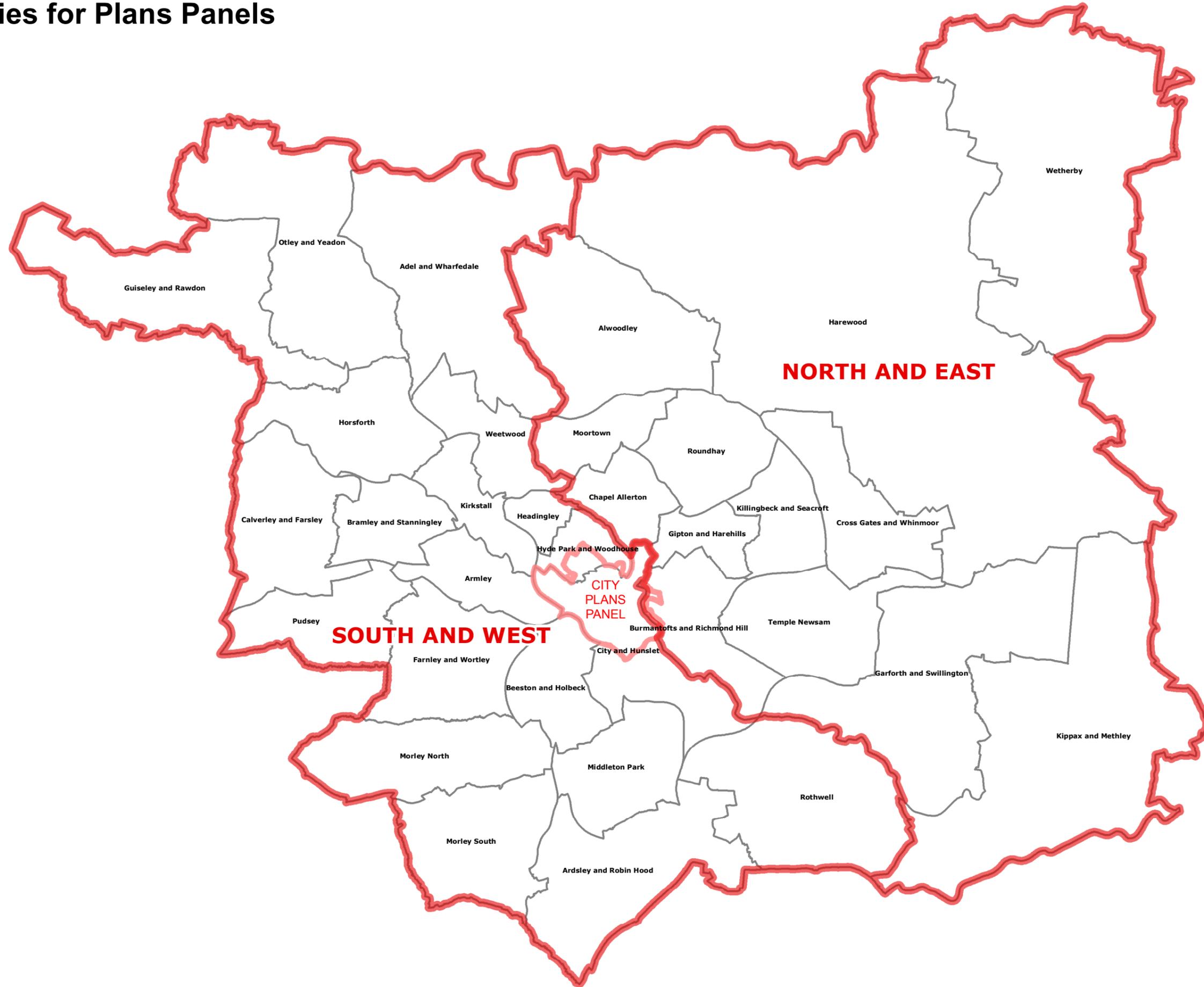
¹¹ Item 47A of Para. I of Schedule 1 of the 2000 Regulations

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))

Boundaries for Plans Panels



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

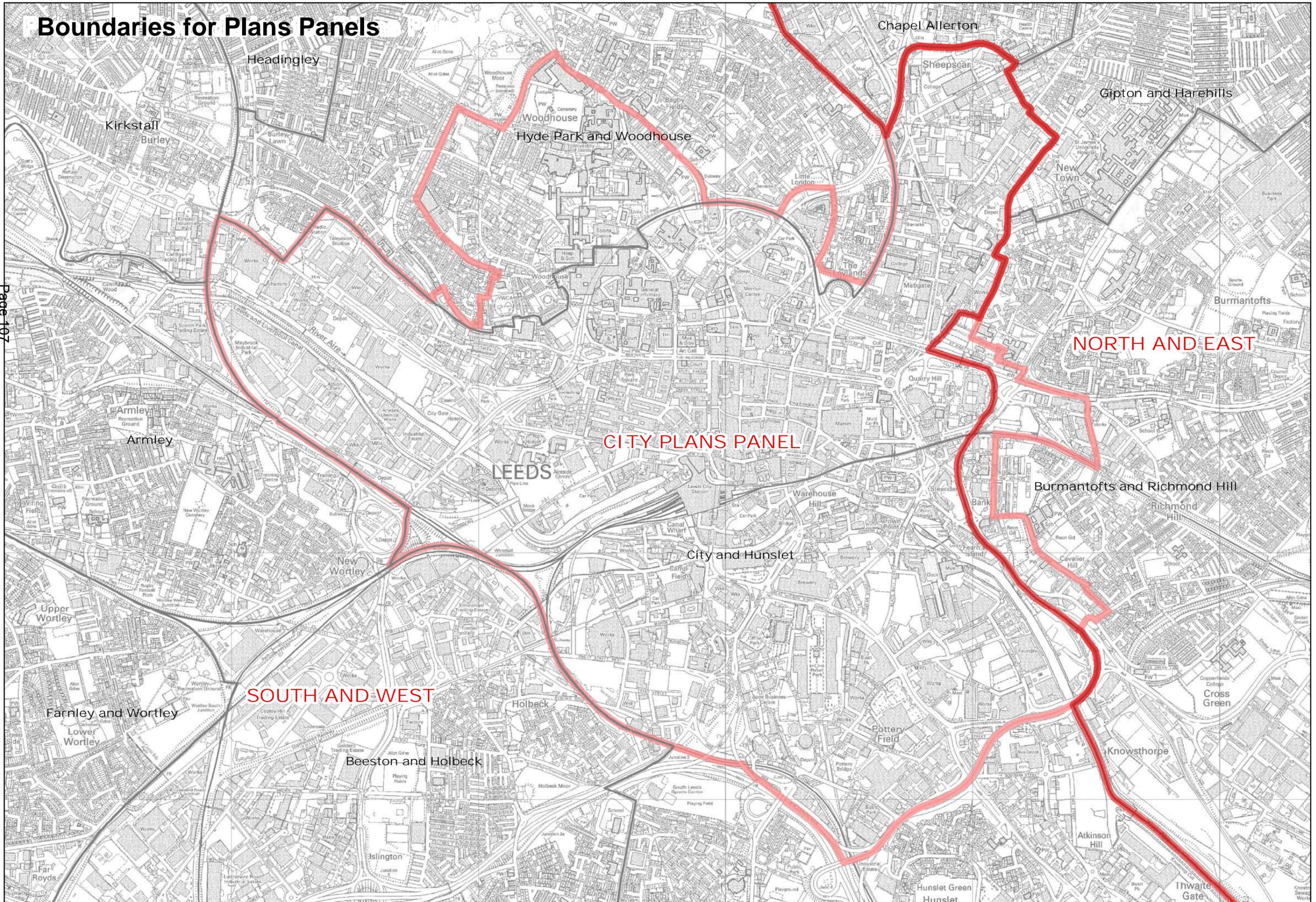
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Boundaries for Plans Panels

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Health and Wellbeing Board

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

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

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

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

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

⁴ Under Section 116A LGPIHA 2007

⁵ Under Section 116B LGPIHA 2007

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

⁷ Section 14Z13(5) NHSA 2006

⁸ Section 14Z14 NHSA 2006

⁹ Section 128A NHSA 2006

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

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ADVISORY COMMITTEE

Development Plan Panel

An advisory Committee¹ authorised to make recommendations regarding:

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

In particular

To advise the Council in relation to functions which are²

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

To advise the Executive in relation to functions which are²

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

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

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

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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.

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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

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GENERAL DELEGATIONS TO OFFICERS

1. The fact that a function has been delegated to an officer does not require that officer to give the matter his/her personal attention and that officer may arrange for such delegation to be exercised by an officer of suitable experience and seniority. However the officer to whom the delegation has been made remains responsible for any decision taken pursuant to such arrangements
2. Subject to the exception listed below, in respect of approvals, licences, permission or registrations which come within the terms of their delegated authority, the Chief Executive, 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.

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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.

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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

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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 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
(c)	To license the use of moveable dwellings and camping sites	Section 269(1) of the Public Health Act 1936
(d)	To license premises for acupuncture, tattooing, ear-piercing and electrolysis	Sections 13 to 17 of the Local Government (Miscellaneous Provisions) Act 1982
(e)	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
(f)	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
(g)	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
(h)	To license zoos	Section 1 of the Zoo Licensing Act 1981
(i)	To license dangerous wild animals	Section 1 of the Dangerous Wild Animals Act 1976
(j)	To grant consent for the operation of a loudspeaker	Schedule 2 to the Noise and Statutory Nuisance Act 1993
(k)	To issue licences for the movement of pigs	Article 12 of the Pigs (Records, Identification and Movement) Order 1995 (SI 1996/11)
(l)	To license the sale of pigs	Article 13 of the Pigs (Records, Identification and Movement) Order 1995
(m)	To license collecting centres for the movement of pigs	Article 14 of the Pigs (Records, Identification and Movement) Order 1995
(n)	To issue a licence to move cattle from a market	Article 5(2) of the Cattle Identification Regulations 1998 (SI 1998/871)
(o)	To sanction use of parts of buildings for storage of celluloid	Section 1 of the Celluloid and Cinematograph Film Act 1922
(p)	Duty to enforce Chapter 1 and regulations made under it	Section 10(3) of the Health Act 2006
(q)	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
(r)	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)
(s)	Power to transfer enforcement functions to another enforcement authority	Smoke-free(Premises and Enforcement) Regulations 2006 (SI 2006/3368)
(t)	To license pleasure boats and pleasure vessels	Section 94 of the Public Health Acts Amendment Act 1907
(u)	To authorise erection of stiles etc on footpaths or bridleways ²	Section 147 of the Highways Act 1980
(v)	To create footpath bridleway or restricted byway by agreement	Section 25 of the Highways Act 1980
(w)	To create footpaths bridleways and restricted byways	Section 26 of the Highways Act 1980
(x)	Duty to keep register of information with respect to maps, statements and declarations	Section 31A of the Highways Act 1980
(y)	To stop up footpaths bridleways and restricted byways	Section 118 of the Highways Act 1980
(z)	To determine application for public path extinguishment order	Sections 118ZA and 118C(2) of the Highways Act 1980
(aa)	To make a rail crossing extinguishment order	Section 118A of the Highways Act 1980
(bb)	To divert footpaths bridleways and restricted byways	Section 119 of the Highways Act 1980
(cc)	To make a public path diversion order	Sections 119ZA and 119C(4) of the Highways Act 1980
(dd)	To make a rail crossing diversion order	Section 119A of the Highways Act 1980
(ee)	To make a special diversion order	Section 119B of the Highways Act 1980
(ff)	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
(gg)	To make an SSSI diversion order	Section 12B of the Highways Act 1980
(hh)	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
(ii)	To decline to determine certain applications	Section 121C of the Highways Act 1980
(jj)	To assert and protect the rights of the public to use and enjoyment of highways	Section 130 of the Highways Act 1980
(kk)	To apply for variation of order under section 130B of the Highway Act 1980	Section 130B(7) of the Highways Act 1980
(ll)	To authorise temporary disturbance of surface of footpath bridleway or restricted byway	Section 135 Highways Act 1980
(mm)	To divert footpath bridleway or restricted byway temporarily	Section 135A of the Highways Act 1980
(nn)	To extinguish certain public rights of way	Section 32 of the Acquisition of Land Act 1981
(oo)	To keep definitive map and statement under review	Section 53 of the Wildlife and Countryside Act 1981
(pp)	To include modifications in other orders	Section 53A of the Wildlife and Countryside Act 1981
(qq)	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
(rr)	To prepare map and statement by way of consolidation of definitive map and statement	Section 57A of the Wildlife and Countryside Act 1981
(ss)	To designate footpath as cycle track	Section 3 of the Cycle Tracks Act 1984
(tt)	To extinguish public right of way over land acquired for clearance	Section 294 of the Housing Act 1981
(uu)	To authorise stopping up or diversion of footpath bridleway or restricted byway	Section 257 of the Town and Country Planning Act 1990
(vv)	To extinguish public rights of way over land held for planning purposes	Section 258 of the Town and Country

		Planning Act 1990
(ww)	To enter into agreements with respect to means of access	Section 35 of the Countryside and Rights of Way Act 2000
(xx)	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.

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
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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.
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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
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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.

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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

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SECTION 3A: RESPONSIBILITY FOR EXECUTIVE FUNCTIONS

- 3.1 Executive functions include those local choice functions identified in Section 1 as the responsibility of the Executive, and all other functions of the Authority not specified in Section 2.
- 3.2 All executive functions will be discharged by the Executive as a whole, save to the extent that such functions are delegated to Joint Committees (see Joint Arrangements) to Community Committees under Part 3D of the Constitution, or Officers (see Officer Delegation Scheme executive functions).
- 3.3 The names, addresses and wards of the Leader and the Members of the Authority appointed by the Leader to the Executive are as follows:

Leader of Council

Name	Address	Ward
Cllr Judith Blake	Woodview, Billiams Hill, Otley, Leeds LS21 2DZ	Middleton Park

Deputy/Designated Deputy Leader¹

Name	Address	Ward
Cllr Lucinda Yeadon	95, Vesper Road, Leeds LS5 3QY	Kirkstall
Cllr James Lewis	41 Leeds Road, Kippax, Leeds LS25 7HG	Kippax and Methley

¹ For the following periods:

Period	Deputy Leader	Designated Deputy Leader
Annual meeting 2017 to 30 th November 2017	Cllr Lucinda Yeadon	Cllr James Lewis
1 st December 2017 to 31 st May 2018	Cllr James Lewis	Cllr Lucinda Yeadon

and thereafter on the same rotational basis for the remainder of the Leader's term of office.

Executive Functions

Executive Members

Name	Address	Ward
Cllr Rebecca Charwood	6, Kings Mount, Leeds LS17 5NS	Moortown
Cllr Debra Coupar	14 Morrit Avenue, Halton, Leeds LS15 7EP	Temple Newsam
Cllr Richard Lewis	173, Smalewell Road, Pudsey Leeds LS28 8HT	Pudsey
Cllr Lisa Mulherin	12, Church Lane, Meanwood, Leeds LS6 4NP	Ardsley and Robin Hood
Cllr Mohammed Rafique	67, Upland Crescent, Oakwood, Leeds LS8 2TB	Chapel Allerton
Cllr Andrew Carter	15, Clarke Street, Calverley, Leeds LS28 5NH	Calverley and Farsley
Cllr Stewart Golton	5, Farrer Lane, Oulton, Leeds LS26 8JP	Rothwell

SECTION 3B (a): EXECUTIVE MEMBERS PORTFOLIOS

Executive Member	PORTFOLIO
Councillor Judith Blake	<p>Leader of Leeds and Executive Member for Economy and Culture</p> <p>Lead for the council's budget and financial strategy; driving strong and inclusive economic growth in a compassionate city; the city's cultural offer and for devolution and local freedoms.</p>
Councillor James Lewis	<p>Deputy Leader and Executive Member for Resources and Strategy</p> <p>Lead the council to be more effective and efficient, including driving the digital and "smart city" agenda.</p>
Councillor Lucinda Yeadon	<p>Deputy Leader and Executive Member for Environment and Sustainability</p> <p>Lead for environmental provision, protection and sustainability driving strategic approach to energy and dealing with the city's waste.</p>
Councillor Lisa Mulherin	<p>Executive Member for Children and Families¹</p> <p>Lead for building a child friendly city, putting children and families first and for the local partnership of children's services providers.</p>
Councillor Mohammed Rafique	<p>Executive Member for Employment, Skills and Opportunity</p> <p>Lead for delivering learning and employment opportunities; tackling inequalities, addressing the skills gap, raising aspirations and ambition, and engaging with citizens, learning providers and employers to promote access to secure employment for all.</p>

¹ The Executive Member for Children's Services is the Lead Member for Children's Services appointed in accordance with the Section 19 of the Children Act 2004 and must therefore have responsibility for the functions conferred on or exercisable by the authority specified in S18(1)(a) and (b) of the Children Act 2004 and such other functions as the authority consider appropriate.

Executive Functions

Councillor Rebecca Charlwood	Executive Member for Health, Wellbeing and Adults Lead for improving health and the quality of adult social care, reducing health inequalities through healthy lifestyles and driving the integration and partnership between health and social care.
Councillor Richard Lewis	Executive Member for Regeneration, Transport and Planning Lead for sustainable development, regeneration and infrastructure including the sufficiency of health and learning settings.
Councillor Debra Coupar	Executive Member for Communities Lead for delivering citizen focussed services and welfare support to meet locally identified needs in neighbourhoods and communities.

**SECTION 3B (b): EXECUTIVE MEMBERS
Oversight of Officer Executive Delegations**

This document should be read in conjunction with the Officer Delegation Scheme (Executive Functions) which provides greater detail as to the scope of the functions of each Director.

PORTFOLIO	DECISION MAKING OVERSIGHT
Leader of Council and Executive Member for Economy and Culture Cllr Judith Blake	Chief Executive 3) Devolution and local freedoms.
	Director of Resources and Housing 1) Setting, supporting and monitoring the council’s financial strategy; 5) International relations
	Director of City Development 6) International and Domestic inward economic investment; and 9) Culture.
Deputy Leader and Executive Member for Resources and Strategy Cllr James Lewis	Chief Executive 1) Functions in relation to elections; and 2) Civic and ceremonial functions of the Council.
	Director of Resources and Housing 2) Managing effective financial management and controls; 3) Setting, supporting and monitoring the council’s policies and procedures 4) Corporate communications services; 6) The council’s corporate planning and policy development services, including coordination of the Best Council Plan. 7) The council’s city-wide resilience and emergency planning functions. 8) Civic Enterprise Leeds services; and 9) Community Infrastructure Levy spending relating to Strategic Fund.
	Director of Communities and Environment 15) Registrars functions; 16) Licensing functions; 17) Local Land Charges functions; and 19) Council tax processing and billing arrangements.
	Director of City Development 10) Sport and Active Lifestyles.
	Chief Officer (Financial Services) 1) Ensuring effective financial management and controls ¹ ;
	City Solicitor 1) Legal Services; 2) Democratic Services including support to elected members in their responsibilities; and 3) Supporting the corporate governance of the council.

¹ The Chief Officer (Financial Services) has responsibility for these arrangements as Section 151 Officer

PORTFOLIO	DECISION MAKING OVERSIGHT
<p>Deputy Leader and Executive Member for Environment and Sustainability</p> <p>Cllr Lucinda Yeadon</p>	<p>Director of Resources and Housing 10) Sustainable Energy and Carbon Reduction;</p> <hr/> <p>Director of Communities and Environment 6) Public Health Protection and Control of Statutory Nuisance; 7) Environmental Health and Consumer Protection; 8) Environmental Management; 10) Waste; 11) Cemeteries, crematoria, burial grounds and mortuaries; 12) Parks and countryside; 13) Countryside management; and 14) Ecological Sustainability.</p>
<p>Executive Member for Children and Families²</p> <p>Cllr Lisa Mulherin</p>	<p>Director of Children and Families 1) Safeguarding, Specialist and Targeted Services including:- a) Preventative Services; b) Safeguarding and Child Protection; c) Assessment and Care Management; d) Complex Needs; e) Residential and Respite Care; f) Support For Carers; and g) Youth Offending Services. 2) Learning, Skills and Universal Services including:- a) Early Years Provision; b) Access to education; c) Special Educational Needs; d) Promotion of educational excellence; and f) Development of active citizens. 3) Child Poverty</p>

² The Executive Member for Children’s Services is the Lead Member for Children’s Services appointed in accordance with the Section 19 of the Children Act 2004 and must therefore have responsibility for the functions conferred on or exercisable by the authority specified in S18(1)(a) and (b) of the Children Act 2004 and such other functions as the authority consider appropriate.

Executive Functions

PORTFOLIO	DECISION MAKING OVERSIGHT
<p>Executive Member for Employment, Skills and Opportunity</p> <p>Cllr Mohammed Rafique</p>	<p>Director of Children and Families</p> <p>2) Learning, Skills and Universal Services including:- e) 14-16 Skills Development</p>
	<p>Director of Communities and Environment</p> <p>2) Equalities.</p>
	<p>Director of City Development</p> <p>5) Employment and skills including:- a) Provide leadership and coordination of the post 16 skills and learning system, working with people, schools, colleges, universities, employers, providers of information and guidance; b) provision of information, advice and guidance services in community and school settings; c) Apprenticeships; d) vocational training and allied services for persons over compulsory school age; and e) provide leadership and coordination of the city's employment support offer.</p>
<p>Executive Member Health, Wellbeing and Adults</p> <p>Cllr Rebecca Charlwood</p>	<p>Director of Adults and Health</p> <p>1) Promotion of well-being; 2) Information, advice and advocacy; 3) Prevention and Recovery; 4) Safeguarding; 5) Assessment and eligibility; 6) Diverse and High Quality Services; 7) Charging and financial assessments; and 8) Public Health.</p>
	<p>Director of Public Health</p> <p>1) Health improvement functions; 2) Health protection functions; 3) Functions relating to the commissioning of public health services; 4) Provision of statutory and mandated functions; 5) Functions of Responsible Authority; and 6) Publication of the annual report on the health of the local population.</p>

Executive Functions

PORTFOLIO	DECISION MAKING OVERSIGHT
<p>Executive Member for Regeneration, Transport and Planning</p> <p>Cllr Richard Lewis</p>	<p>Chief Executive 4) City Region Functions</p>
	<p>Director of Communities and Environment 9) Car Parking.</p>
	<p>Director of City Development 1) Asset Management; 3) Regeneration; 4) Economic Development; 7) Highways and Transportation; 8) Flood and water management; and 11) Planning Services.</p>
	<p>Chief Planning Officer 1) Development Plan functions; 2) Planning Policy and Guidance functions; 3) Neighbourhood Planning functions; and 4) Conservation Area functions.</p>
<p>Executive Member for Communities</p> <p>Cllr Debra Coupar</p>	<p>Director of Resources and Housing 11) Landlord Functions (funded by the Housing Revenue Account); and 12) Housing Functions (funded by the General Fund).</p>
	<p>Director of Communities and Environment 1) Integrated locality working and its associated citywide support and delivery functions; 3) The council's corporate customer services functions; 4) Library and information service. 5) Community Safety; and 18) Welfare and benefits services.</p>
	<p>Director of City Development 1) Asset Management so far as it relates to the use of land and buildings for the provision of front line services; and 2) Functions relating to the Council's register of Assets of Community Value.</p>

SECTION 3B(c): SUPPORT TO EXECUTIVE MEMBERS

Role And Responsibilities Of Deputy And Support Executive Members

To assist the Executive Members in their roles and responsibilities

DEPUTY EXECUTIVE MEMBERS

Councillor Graham Hyde
Councillor Kim Groves
Councillor Mohammed Iqbal
Councillor Jonathan Pryor
Councillor Neil Dawson
Councillor Alex Sobel

SUPPORT EXECUTIVE MEMBERS

Councillor Sharon Hamilton
Councillor Arif Hussain
Councillor Stuart McKenna
Councillor Jack Dunn
Councillor Julie Heselwood
Councillor Catherine Dobson

Climate Change

Chair of Leeds Climate Change Action Group – Councillor Al Garthwaite

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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 deputations; and*
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 appropriate⁹;*

(Executive functions)¹⁰

8. *to promote and improve the economic, social and environmental well-being of the Committee's area¹¹; and*
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 in 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 Area Committee Procedure Rules in Part 4 of the Constitution.

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Access To Information Appeals Committee

To determine appeals under the Access to Information Procedure Rules

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Development Plan Panel

An advisory committee¹ authorised to make recommendations regarding:

1. the Local 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 are³

- 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.

³ In accordance with the Local Authorities (Functions and Responsibilities) (England) Regulations 2000 as from time to time amended.

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Housing Advisory Board

In relation to the authority's role as housing authority¹, 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 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.

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**SECTION 3D(a):
COMMUNITY COMMITTEE EXECUTIVE DELEGATION SCHEME**

Well-Being	
Function	
To promote and improve the economic, social and environmental well-being of the Committee's area, including the commissioning of activities for children and young people¹.	<ul style="list-style-type: none"> • To take decisions in relation to commissioning of provision and/or services; • To monitor and evaluate activity relating to the use of the annual capital and revenue allocation to each Committee; • To actively engage and involve children and young people throughout the planning, decision making and evaluation of provision and services to meet their needs and aspirations.

Local Services	
Function	
Community Centres²	<p>In relation to each community centre identified by the Director of Communities and Environment as within the Committee's area, to:</p> <ul style="list-style-type: none"> • oversee controllable revenue budgets, operational arrangements and the use of the centres; • agree and implement a schedule of charges and discounts for directly managed centres; • make asset management and investment proposals to ensure the portfolio is sustainable and meets local needs.
CCTV³	To maintain an overview of the service in the Committee's area and receive regular information about it.

¹ Function also delegated to Director of Communities and Environment

² Function also delegated to Director of Communities and Environment

³ Function also delegated to Director of Communities and Environment

<p>Neighbourhood Management Co-ordination⁴</p>	<p>In relation to the Committee's area:</p> <ul style="list-style-type: none"> • to agree priority neighbourhoods (through the approval of the Community Plan); and • to agree and monitor Neighbourhood Improvement Plans for the Committee's area.
<p>Street cleansing & Environmental Enforcement Services⁵:</p> <ul style="list-style-type: none"> • Litter bin emptying • Litter picking and associated works • Street sweeping and associated works • Leaf clearing • Ancillary street cleansing functions including Graffiti removal, Gully and Ginnel cleansing. • Dog Controls (fouling, straying, dogs on leads, dog exclusions) • Fly tipping enforcement • Enforcement of domestic & commercial waste issues • Litter-related enforcement work • Enforcement on abandoned & nuisance vehicles • Overgrown vegetation • Highways enforcement (placards on streets, A boards, cleanliness) • Graffiti enforcement work • Proactive local environmental promotions. 	<p>To develop and approve annual Service Level Agreements to achieve as a minimum, the service standards set by Executive Board. Via the Service Level Agreement, to determine the principles of deployment of the available resources by:</p> <ul style="list-style-type: none"> • the identification of priorities for service delivery annually (both geographical and in terms of types of services delivered) • the agreement of the most appropriate approaches to be taken to achieve local environmental cleanliness and quality. <p>To be responsible for monitoring and reviewing the delegated activities in relation to the service outcomes specified in the SLA.</p> <p>To be responsible for negotiating amendments to the SLA with service providers to accommodate unforeseen events or patterns of service failure, during the course of the SLA.</p>

⁴ Function also delegated to Director of Communities and Environment

⁵ Function also delegated to Director of Communities and Environment

<p>Parks and Countryside⁶</p>	<p>In relation to the horticultural maintenance of community parks, cemeteries, closed churchyards, recreation grounds, urban woodland, natural areas, maintenance of roundabouts, other floral features and local green space:</p> <ul style="list-style-type: none"> • to be responsible for the prioritisation and allocation of investment funding available for parks and green space; and • to be responsible for labour resource allocation decisions on an annual basis using the parks asset register to calculate requirements and plan alternative management scenarios.
<p>Community Infrastructure Levy Neighbourhood Fund⁷</p>	<p>To make decisions in relation to spending CIL neighbourhood funds in accordance with the neighbourhood fund spending guidance.</p> <p>To work closely with Parish Councils, community groups and infrastructure providers to promote shared infrastructure planning and maximise use of CIL resources.</p>

⁶ Function also delegated to Director of Communities and Environment

⁷ Function also delegated to Director of Communities and Environment

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SECTION 3D(b): COMMUNITY COMMITTEE CHAMPIONS

<p>Community Committees to appoint Community Committee Champions to provide a local “lead” perspective and further facilitate local democratic accountability; particularly in conjunction with the relevant Executive Member, in respect of:-</p>	<ul style="list-style-type: none"> • Environment & Community Safety¹ • Children’s Services • Employment, Skills and Welfare • Health, Wellbeing and Adult Social Care²
<p>Roles and Responsibilities of Community Committee Champions</p>	<ul style="list-style-type: none"> • To provide local leadership and champion the agenda at the Community Committee. • To represent the Community Committee at relevant meetings, forums and local partnerships. • To build links with key services and partners. • To provide a link between the Community Committee and the Executive Member to ensure local needs are represented, issues are highlighted, best practice is shared and to facilitate local solutions to any issues. • To maintain an overview of local performance. • To consult with the Community Committee and represent local views as part of the development and review of policy.

¹ Community Committees may appoint two separate Community Committee Champions in the following roles:-

- Environment
- Community Safety

² Community Committees may appoint two separate Community Committee Champions in the following roles:-

- Health and Wellbeing
- Adult Social Care

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SECTION 3E: OFFICER DELEGATION SCHEME (EXECUTIVE FUNCTIONS)

INTRODUCTION

- (a) This officer delegation scheme sets out the executive functions delegated to officers by the Leader under his/her Executive Arrangements¹.
- (b) The fact that a function stands delegated to an officer under these arrangements shall not preclude the Executive Board, from exercising the function directly.
- (c) An officer may consider that a delegated authority should not be exercised and that it should be referred to the Executive Board for determination.
- (d) An appropriate Executive Member may request that an officer refrains from exercising a delegated authority in respect of a particular matter and refer it instead to the Executive Board, for a decision.
- (e) The Executive Board may determine to reserve decisions about particular matters to itself.
- (f) In addition to the delegations set out in this scheme, the Executive Board can arrange for further delegations on specific matters.
- (g) Unless expressly indicated, the fact that a function has been delegated to an officer under this scheme does not require that officer to give the matter his/her personal attention. The officer may arrange for such delegation to be exercised by an officer of suitable experience and seniority. However the officer specified under this scheme will remain responsible for any decision taken pursuant to such arrangements.
- (h) Delegations set out in this scheme will be read in conjunction with all provisions of the Council's Constitution, and decisions taken by officers in accordance with this scheme will be taken in accordance with all relevant rules and protocols.
- (i) In taking decisions in relation to executive functions officers will ensure that they:
 - take appropriate advice in relation to legal and financial considerations;
 - make appropriate arrangements for assessing the impact of the decision in relation to equalities; and
 - undertake appropriate consultation

¹ Council functions are delegated by Full Council and are set out in the Officer Delegation Scheme (Council (non-executive) Functions). The executive functions delegated by the Leader should be construed in a broad and inclusive fashion to include the doing of anything which is calculated to facilitate or is conducive or incidental to the discharge of those functions. They should not however be understood to include any Council function.

GENERAL DELEGATIONS TO OFFICERS

The Chief Executive, Directors and City Solicitor are authorised² to carry into effect without reference to the Executive Board or to any of its committees, matters of day to day management and administration and, in particular, the following functions:

1) FINANCIAL

- a) To incur expenditure and to generate and collect income in line with Financial Regulations, Contract Procedure Rules and within approved revenue and capital estimates.
- b) In an emergency to incur any immediate and necessary expenditure required. Such expenditure must be reported to the Chief Finance Officer at the first opportunity.

2) PROCUREMENT

- a) To make decisions in relation to commissioning and procurement activity. Such activity should be carried out in accordance with the Contracts Procedure Rules.
- b) To approve all matters relating to operational PFI projects, including (without limitation) variations to project documents and refinancing.
- c) Subject to the approval of the City Solicitor and the Chief Finance Officer, to sign certificates under the Local Government (Contracts) Act 1997 in relation to contracts³.

3) GENERAL

a) Community Right to Challenge⁴

- i) In consultation with the Chief Officer PPPU and Procurement, to make a decision on an expression of interest under community right to challenge.

² Save where the Leader or a relevant Portfolio Holder has directed or the Director considers that the matter should be referred to Executive Board for consideration.

³ This function delegated only to:-

- 1) Statutory Chief Officers (Chief Finance Officer, Director of Childrens Services, Director of Adult Social Services and Director of Public Health);
- 2) Non-Statutory Chief Officers (Director of Resources and Housing, Director of Communities and Environment, Director of City Development, and City Solicitor); and
- 3) Deputy Chief Officer (Chief planning Officer)

in accordance with the Local Authority (Contracts) Regulations 1997/2862.

This function is not to be sub-delegated

⁴ See Executive Board 17th October 2012 Minute Number 89

Officer Delegation Scheme (Executive Functions)

b) Data Protection, Human Rights, Surveillance Activities, Freedom of Information

- i) To implement and ensure compliance with:
 - the rules on data protection, human rights, use of powers under RIPA (Regulation of Investigatory Powers Act) and freedom of information⁵;
 - the Council's policies on these matters; and
 - guidance and advice from the SIRO⁶ and from the SRO⁷ on these matters.
- ii) To designate officers with specific responsibilities for these matters.
- iii) To advise the SIRO of any new types of data processed, of new ways of processing personal data and of any new persons or organisations to whom data is given.

c) Media

- i) To issue statements to the press and other news media about their delegated functions within the Council's adopted Budget and Policy Framework⁸.

d) Authorising Officers

- i) To authorise officers possessing such qualifications as may be required by law or in accordance with the Council's policy, to take samples, carry out inspection, enter premises and generally perform the functions of a duly authorised officer of the Council (however described) and to issue any necessary certificates of authority.

e) Corporate Procedures

- i) To take any action remitted to him/her under corporate procedures.⁹

f) Local Choice Functions (see Section 1, Part 3 of the Constitution)

- i) Functions under a local act, unless otherwise specified in Regulation 2 or Schedule 1 of the Local Authorities (Functions and Responsibilities) Regulations 2000.
- ii) To obtain particulars of persons interested in land.

⁵ Contained within the following: Data Protection Act 1998, Human Rights Act 1998, Freedom of Information Act 2000 and the Regulation of Investigatory Powers Act 2000 and subsidiary legislation

⁶ The Council's SIRO (Senior Information Risk Owner) is the Director of Resources and Housing

⁷ The Council's SRO (Senior Responsible Officer) in relation to the use of powers under RIPA, is the City Solicitor

⁸ The Budget and Policy Framework is defined in Article 4 of the Constitution.

⁹ Where, under approved procedures, a function stands remitted to a committee or sub-committee or officer post that has not been re-established, the Chief Executive shall be authorised to determine by whom that function shall be discharged pending the review of such procedures.

Officer Delegation Scheme (Executive Functions)

g) Budget and Policy Framework

- i) To canvas the views of local stakeholders, formulate and publish initial proposals within the budget and policy framework.

4) EMPLOYMENT

a) Miscellaneous Employment Issues

- i) To deal with employment issues in accordance with agreed procedures and the relevant national conditions of service as modified or extended by any local or national agreements.

b) Changes to Staffing Structures

- i) Decisions can be taken in relation to restructures¹⁰ except where the decision:
 - involves changes to existing National or Local Agreements and policies; and/or
 - cannot be achieved within delegated powers in respect of budgets
- ii) Decisions in respect of restructures which involve changes to existing agreements or policies and/or which have budgetary implications as set out in 4(b)(i) above are delegated to the Director of Resources and Housing and are subject to consultation with the City Solicitor and other appropriate parties.

c) Workforce Development

5) WAYS OF WORKING

a) Matching service to need

- i) To understand relevant information in relation to local population and communities and to identify emerging trends;
- ii) To identify and review provision and to ensure it is appropriately matched to current and anticipated level of need;
- iii) To engage with locality management teams to maximise value of local experience and engagement ; and
- iv) To work appropriately with Community Committees to ensure local democratic engagement in needs analysis and service provision

b) Partnerships

- i) To engage in partnerships with organisations in public, private, and voluntary sector;
- ii) To promote and influence partnership working with organisations across the city; and
- iii) To work in partnership beyond the city boundaries to support and participate in regional and sub-regional arrangements

¹⁰ Decisions in relation to restructures are subject to:-

- appropriate professional advice being sought;
- prior consultation with all appropriate parties affected by the decision, including all officially recognised trade unions; and
- appropriate consideration of pay and grading requirements.

Officer Delegation Scheme (Executive Functions)

c) Functions on Behalf of an NHS Body

- i) To carry out functions exercisable on behalf of an NHS body under Section 75 National Health Service Act 2006 in relation to matters within their remit.

d) Provision of Statutory Returns

- i) To provide such statutory returns as are necessary within the Director's remit.

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The Chief Executive is authorised¹ to discharge any function of the Executive not otherwise delegated to a Director including the following functions in relation to ²

1) Functions in relation to elections including:-

- a) The registration of electors;
- b) Elections and referenda in relation to local matters, including:-
 - i) reviews of polling districts, places and stations;
- c) Assisting with and responding to consultation in relation to boundary reviews of all types, including:-
 - i) parliamentary constituency reviews;
 - ii) electoral reviews;
 - iii) principal area boundary reviews;
 - iv) structural reviews; and
- d) Community governance reviews.

2) Civic and ceremonial functions of the Council including:-

- a) Provision of support to the Lord Mayor;
- b) Ceremonial occasions; and
- c) Authorisation of use of Council's Crest.

3) Devolution and local freedoms including:-

- a) Delivery of devolved powers and freedoms, including those received through the city deal and growth deal, in conjunction with the LEP;
- b) Liaison with:-
 - i) West Yorkshire Combined Authority and Leeds City Region bodies;
 - ii) Central government departments; and
 - iii) Core Cities.

4) City Region functions including:-

- a) the Council's interface with Leeds City Region partners, the Local Enterprise Partnership and other city regions.

¹ Save where the Leader or the relevant Portfolio Holder has directed or the Director considers that the matter should be referred to Executive Board for consideration.

² Together with similar and ancillary functions which have not been delegated to another Director.

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The Director of Resources and Housing is authorised¹ to discharge the following functions²

- 1) Setting, supporting and monitoring the council's financial strategy.**
- 2) Managing effective financial management and controls, including:-**
 - a) collecting council tax and business rates, and collecting other money that is owed to the council;
 - b) administration of pensions; and
 - c) insurance for the council.
- 3) Setting, supporting and monitoring the council's policies and procedures for managing:-**
 - a) budgets;
 - b) human resources (including health and safety);
 - c) information and communications technology;
 - d) information governance;
 - e) procurement and purchasing;
 - f) projects and programmes;
 - g) Joint Strategic Needs Analysis;
 - h) performance and service improvement; and
 - i) risk and business continuity.
- 4) Corporate communications services, including:-**
 - a) the council's communications strategy and policy;
 - b) internal and external communications; and
 - c) press and media relations.
- 5) International Relations**
- 6) The council's corporate planning and policy development services, including coordination of the Best Council Plan**
- 7) The council's city-wide resilience and emergency planning functions**

¹ Save where the Leader or the relevant Portfolio Holder has directed or the Director considers that the matter should be referred to Executive Board for consideration.

² Together with similar and ancillary functions which have not been delegated to another Director.

8) Civic Enterprise Leeds services including:-

- a) business support, facilities management, and similar services for the council and its civic and community buildings and office accommodation; and
- b) trading these services to schools and other external partners (including the approval of business cases as and when required for the exercise of trading powers)³.

9) Community Infrastructure Levy spending relating to Strategic Fund.

10) Sustainable Energy and Carbon Reduction including:-

- a) Formulation and implementation of sustainable energy and carbon reduction policies for the city; and
- b) Engagement with communities in relation to climate change.

11) Landlord Functions (funded by the Housing Revenue Account):-

- a) Council Housing Management, including:-
 - i) Tenant involvement;
 - ii) Lettings & rent collection;
 - iii) Repairs & maintenance;
 - iv) Housing Revenue Account investment (to maintain existing and provide new council housing); and
 - v) Housing PFI projects

12) Housing Functions (funded by the General Fund)

- a) Condition and Occupation of Housing, including:-
 - i) Private and voluntary sector rental housing (including enforcement and licensing);
 - ii) Empty property strategy; and
 - iii) Partnerships with Housing Associations and other key stakeholders.
- b) Other Housing Services, including:-
 - i) Housing advice;
 - ii) Homelessness;
 - iii) Gypsies & travellers;
 - iv) Emergency & temporary accommodation;
 - v) Energy efficiency & fuel poverty; and
 - vi) Adaptations.

³Subject to consultation with the appropriate Members.

The Chief Officer (Financial Services) is authorised¹ to discharge the following functions²

1) Ensuring effective financial management and controls³, including:-

- a) Reporting on the robustness of the Council's financial plans;
- b) managing the Council's borrowing and investment requirements;
- c) managing and monitoring the Council's revenue budget and capital programme;
- d) preparation and closure of the Council's financial accounts;
- e) managing the Council's tax affairs; and
- f) internal audit.

¹ Save where the Leader or the relevant Portfolio Holder has directed or the Director considers that the matter should be referred to Executive Board for consideration.

² Together with similar and ancillary functions which have not been delegated to another Director.

³ The Chief Officer (Financial Services) has responsibility for these arrangements as Section 151 Officer

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The City Solicitor is authorised¹ to discharge the following functions in relation to²

1) Legal Services including:-

- a) Provision of legal advice and related support services;
- b) Functions relating to the role of Solicitor to the Council including:-
 - i) taking any action intended to give effect to a decision of the Executive (taken under the Leader's executive arrangements);
 - ii) the commencement, defence, withdrawal or settlement of proceedings;
 - iii) the authorisation of Council officers to conduct legal matters in court; and
- c) The issue of appropriate indemnities to Directors in relation to Public Private Partnership / Private Finance Initiative and other major property and infrastructure related projects where a Director:-
 - i) Signs a certificate under the Local Government (Contracts) Act 1997; or
 - ii) Acts as a director to the LEP or LIFTco.

2) Democratic Services including support to elected members in their responsibilities, particularly in respect of:-

- a) The Leader of Council;
- b) Councillors via group support offices;
- c) The full Council meeting;
- d) Executive Board;
- e) Committees appointed by full Council;
- f) Scrutiny of the Executive;
- g) Training and development of councillors; and
- h) Management and oversight of the Members' Allowances Scheme.

3) Supporting the corporate governance of the council, particularly in respect of:-

- a) The requirements of the Members' Code of Conduct;
- b) Compliance with access to information requirements;
- c) Upkeep of the constitution; and
- d) Preparation of the Annual Governance Statement.

¹ Save where the Leader or the relevant Portfolio Holder has directed or the Director considers that the matter should be referred to Executive Board for consideration.

² Together with similar and ancillary functions which have not been delegated to another Director.

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The Director of Communities and Environment is authorised¹ to discharge the following functions²

1) Integrated locality working and its associated citywide support and delivery functions including:-

- a) Community Committees;
- b) Area Leadership Teams;
- c) Neighbourhood Improvement Boards;
- d) Parish and Town Councils;
- e) Locally devolved functions;
- f) Multiagency working in neighbourhoods;
- g) Cohesion and integration;
- h) Community centres;
- i) Administration of the well-being and youth activity fund budgets³;
- j) Migration;
- k) Volunteering;
- l) Consultation and engagement;
- m) Relationships with the Third Sector;
- n) Commissioning of Third Sector infrastructure;
- o) The promotion and improvement of economic, social and environmental well being⁴ and
- p) Community Infrastructure Levy spending relating to the Neighbourhood Fund⁵.

2) Equalities.

3) The council's corporate customer services functions including:-

- a) The telephone contact centre;
- b) Digital access including the council's website and e-services;
- c) Community hubs covering provision of the Councils:-
 - i) One Stop Centre Services;
 - ii) Community based housing management and advice services;
 - iii) Front line community library services and mobile library services; and
 - iv) Local job-shop provision; and
- d) Interpretation and translation services.

¹ Save where the Leader or the relevant Portfolio Holder has directed or the Director considers that the matter should be referred to Executive Board for consideration.

² Together with similar and ancillary functions which have not been delegated to another Director.

³ This function to be used in the respect of delegations to community committees (as set out in the Community Committee Executive Delegation Scheme) to allow urgent decisions relating to the use of the annual capital and revenue allocation to any such committee, and subject to any conditions stipulated by the Executive or the relevant Community Committee.

⁴ This function to be used in the respect of delegations to community committees (as set out in the Community Committee Executive Delegation Scheme) to allow urgent decisions relating to the use of the annual capital and revenue allocation to any such committee, and subject to any conditions stipulated by the Executive or the relevant Community Committee.

⁵ This function to be used in the respect of delegations to community committees (as set out in the Community Committee Executive Delegation Scheme) to allow urgent decisions relating to the use of the CIL Neighbourhood Fund allocated to any such committee, and subject to any conditions stipulated by the Executive or the relevant Community Committee.

- 4) Library and Information Service including:-**
- a) Development of the library service across the city;
 - b) Management of central library including front line staff; and
 - c) Library volunteers and 'At Home'.
- 5) Community Safety including:-**
- a) CCTV;
 - b) Reduction of crime and disorder;
 - c) Tackling anti-social behaviour; and
 - d) Tackling domestic violence.
- 6) Public Health Protection and Control of Statutory Nuisance including:-**
- a) rubbish accumulations and fly-tipping;
 - b) domestic, commercial and industrial noise, fumes and odours;
 - c) air quality management; and
 - d) other forms of pollution harmful to public health.
- 7) Environmental Health and Consumer Protection including:-**
- a) food hygiene and safety;
 - b) health and safety at work⁶;
 - c) monitoring and control of infectious diseases;
 - d) private water supply monitoring; and
 - e) animal health and welfare⁷.
- 8) Environmental Management including:-**
- a) street cleaning;
 - b) litter bin provision and maintenance;
 - c) provision and cleaning of public conveniences;
 - d) graffiti removal; and
 - e) dog control and dog warden service.
- 9) Car Parking including:-**
- a) Operation and maintenance of on and off street car parking provision;
 - b) Decriminalised parking functions including:-
 - i) issuing of parking contravention notices; and
 - ii) camera operated bus lanes;
 - c) Provision of commercial and residential parking permits; and
 - d) monitoring and enforcement of disabled 'blue badge' parking use.
- 10)Waste including:-**
- a) Development and implementation of Leeds' waste strategy and policies;
 - b) refuse and recycling collection; and
 - c) waste treatment and disposal.
- 11)Cemeteries, crematoria, burial grounds and mortuaries including:-**

⁶ other than in relation to Leeds City Council staff or activities

⁷ including livestock markets and animal breeding and boarding establishments

Officer Delegation Scheme (Executive Functions)

- a) The authority's role as burial authority;
- b) Provision, management and maintenance of public burial grounds and crematoria;
- c) Provision of burial and cremation services for the public; and
- d) contribution to the regional mortuary service serving West Yorkshire.

12) Parks and countryside including:-

- a) Creation, management and enhancement of green spaces⁸;
- b) Creation, management and enhancement of related visitor attractions and facilities;
- c) Public rights of way;
- d) Woodland and tree management;
- e) Provision of educational events and programmes; and
- f) Grass cutting and grounds maintenance.

13) Countryside management including:-

- a) provision and maintenance of footpaths and bridleways;
- b) management of the public rights of way network including legal recording, enforcement and maintenance activities;
- c) provision and maintenance of landscaping schemes; and
- d) management of designated conservation sites.

14) Ecological Sustainability including:-

- a) The use of parks and green spaces to promote resilience and mitigate the impact of climate change, flooding and extreme weather events; and
- b) Engagement with communities to enhance natural resilience of environment.

15) Registrars functions including:-

- a) Registration of births, deaths, marriages and civil partnerships; and
- b) Provision of civic weddings, civil partnerships and citizenship ceremonies.

16) Licensing functions including:-

- a) Taxi and Private hire licensing functions and related enforcement activities;
- b) The administration and enforcement of licences for entertainment, gambling and the sale of alcohol; and
- c) Miscellaneous licences.

17) Local Land Charges functions including:-

- a) Maintenance of the Local Land Charges Register; and
- b) Responsibility for processing local authority searches.

⁸ Including parks & city centre beds, nature reserves & woodlands, playgrounds, allotments

18) Welfare and benefits services including:-

- a) Welfare rights;
- b) Housing benefit, including recoverability of overpayments, and education benefit services;
- c) Local Council Tax Support and recoverability of excess Council Tax Support payments;
- d) Local hardship schemes;
- e) Financial and social inclusion initiatives; and
- f) Commissioning of credit union and Leeds advice consortium services.

19) Council tax processing and billing arrangements including:-

- a) Annual billing;
- b) Discount schemes including single person discounts;
- c) Administration of s13 decisions; and
- d) Empty property charges.

The Director of City Development is authorised¹ to discharge the following functions²

1) Asset Management including:-

- a) strategic management and development of the Council's land and property portfolio;
- b) disposals and acquisitions both freehold and leasehold³;
- c) valuations and appropriations;
- d) architectural and design services; and
- e) any other dealings with land or any interest in land.

2) Functions relating to the Council's register of Assets of Community Value.

3) Regeneration including:-

- a) development of regeneration frameworks;
- b) implementation of plans to promote the regeneration of specific areas; and
- c) management of the Housing Growth Team with specific responsibility for private housing development and the affordable housing programme.

4) Economic Development including:-

- a) business support;
- b) the Council's markets service; and
- c) management of the city centre.

5) Employment and skills including:-

a) Provide leadership and coordination of the post 16 skills and learning system, working with people, schools, colleges, universities, employers, providers of information and guidance with the aims of:

- getting more people into jobs
- increasing labour market productivity
- meeting employer needs, tackling skills shortages and supporting the growth of priority sectors
- supporting people to progress within their careers, particularly from low paid roles to better jobs
- developing, attracting and retaining skilled, creative and entrepreneurial people to help develop a successful economy
- improving transition from education to work, and to support lifelong learning for people to develop and fully participate in civic life and progress their careers and respond to economic change.

b) Provision of information, advice and guidance services in community and school settings

¹ Save where the Leader or the relevant Portfolio Holder has directed or the Director considers that the matter should be referred to Executive Board for consideration.

² Together with similar and ancillary functions which have not been delegated to another Director.

³ To deliver the Council's Capital receipts Programme and support housing growth.

Officer Delegation Scheme (Executive Functions)

c) **Apprenticeships** including:-

- working with learning and training providers to develop and deliver provision to meet changing labour market needs
- supporting the implementation of the corporate apprenticeship provision

d) **Vocational training and allied services for persons over compulsory school age** including:-

- putting employers at the heart of the system, influencing learning and training providers to ensure provision meets employers' needs; and
- working with learning and training providers to develop and deliver provision to meet emerging labour market needs
- the commissioning and delivery of adult (19 plus) learning programme in communities; and
- working with employers to strengthen their workforce training

e) **Provide leadership and coordination of the city's employment support offer** including:-

- promotion of partnership working and aligned provision to assist residents to obtain employment
- working with employers to meet their workforce needs
- commission and deliver services to support citizens in disadvantaged communities to enter and stay in employment, and
- working with employers and careers advice and learning providers to support the progression of low paid workers into better jobs, and coordinating work to removing other barriers to progression.

6) International and domestic inward economic investment including:-

- a) tourism and the visitor economy.

7) Highways and Transportation including:-

- a) the authority's role as a highways authority;
- b) maintenance of highway assets of roads, bridges, retaining walls, street lighting and associated infrastructure;
- c) design and delivery of major and minor highway schemes;
- d) development of the Council's transport policy (including parking policy⁴); and
- e) the making of agreements for the execution of highways works under S278 Highways Act 1980.

8) Flood and water management including:-

- a) Land drainage activities;
- b) The delivery and maintenance of flood alleviation schemes; and
- c) Flood response.

⁴ The Director of City Development's delegations do not cover parking enforcement which falls within the delegations of the Director of Communities and Environment.

9) Culture including:-

- a) museums and galleries; and
- b) arts and events.

10) Sport and Active Lifestyles including:-

- a) leisure centres and community sports facilities⁵.

11) Planning Services including:-

- a) management of the planning service⁶;
- b) building control;
- c) safety at sports grounds;
- d) street naming and numbering;
- e) building conservation and urban design;
- f) contaminated land; and
- g) obtaining of information as to interests in land.

⁵ The Director of City Development's delegations do not cover golf courses and outdoor pitches in parks which falls within the delegations of the Director of Communities and Environment.

⁶ Excluding specific decisions on planning applications, the development of planning policy including the Council's Core Strategy which are delegated to the Chief Planning Officer.

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The Chief Planning Officer is authorised¹ to discharge the following functions in relation to ² the authority's role as Local Planning Authority³ including:-

- 1) Development Plan functions including:-**
 - a) Preparation, monitoring and review of the Development Plan, (including the Core Strategy, Site Allocation Plan, Aire Valley Leeds Area Action Plan and Natural Resources & Waste Development Plan Document).
- 2) Planning Policy and Guidance functions including:-**
 - a) Preparation and review of other planning policy and guidance notes (including Supplementary Planning Documents).
- 3) Neighbourhood Planning functions.**
- 4) Conservation Area functions including:-**
 - a) Designation and review of Conservation Area Appraisals and Management Plans.

¹ Save where the Leader or the relevant Portfolio Holder has directed or the Chief Officer considers that the matter should be referred to Executive Board for consideration.

² Together with similar and ancillary functions which have not been delegated to another Director.

³ The Chief Planning Officer's delegations do not cover those functions delegated to the Director of City Development in relation to Planning Services.

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The Director of Children and Families is authorised¹ to discharge the following functions²³

1) Safeguarding, Specialist and Targeted Services

a) Preventative Services including:-

Taking account of the benefits of prevention and early intervention and the importance of co- operating with other agencies to offer early help to children, young people and families to:-

- i) Understand local need; and
- ii) Secure provision of services.

b) Safeguarding and Child Protection including:-

- i) Leading on multiagency arrangements to ensure that resources are coordinated and deployed in safeguarding vulnerable children;
- ii) Provision of safeguarding training to ensure that staff are equipped to recognise and address child abuse;
- iii) Acting as corporate parents for looked after children;
- iv) Provision of placements for looked after children; and
- v) Implementing planned transition for young people leaving care.

c) Assessment and Care Management including:-

- i) Assessment of children who may have social care needs; and
- ii) Co-ordination, management and review of care package to meet assessed needs.

d) Complex Needs including:-

- i) Provide and commission services to meet the need of children with complex needs.

e) Residential and Respite Care including:-

- i) Provision and commissioning of residential placements; and
- ii) Provision and commissioning of respite care.

f) Support For Carers including:-

- i) Provision or commissioning of training, advice and practical help for carers.

g) Youth Offending Services including:-

- i) Provision of education for children in custody; and
- ii) Safeguarding arrangements for children in custody.

2) Learning, Skills and Universal Services

¹ Save where the Leader or the relevant Portfolio Holder has directed or the Director considers that the matter should be referred to Executive Board for consideration.

² Together with similar and ancillary functions which have not been delegated to another Director.

³ In accordance with the resolution of the Executive Board 6 July 2005 the Director of Children and Families will also carry out relevant functions in relation to the Building Hope – Leeds/Sri Lanka Tsunami Appeal Charity

a) Early Years Provision including:-

- i) Provision of information, advice and assistance to parents and prospective parents;
- ii) Provision of children's centres;
- iii) Promotion of child care to ensure sufficient good quality child care to support working parents;
- iv) Promotion of high quality early years provision;
- v) Provision of free education for three and four year olds and all disadvantaged two year olds; and
- vi) Support to early years providers meeting requirements of Early Years Foundation Stage statutory framework.

b) Access to education including:-

- i) Promote a diverse supply of strong schools, including:-
 - Encouraging good schools to expand and,
 - Where there is a need for a new school, seeking proposals for an Academy or Free School
- ii) Ensure fair access to all schools for every child, including:-
 - Provision of appropriate information to parents; and
 - Compliance with the statutory School Admissions and School Admissions Appeal Codes;
- iii) Provision of suitable home to school transport arrangements; and
- iv) Make arrangements for children outside mainstream education or missing education.

c) Special Educational Needs including:-

- i) Provide and commission education services to meet the need of children with special educational needs; and
- ii) Funding provision for children with statements of special educational needs.

d) Promotion of educational excellence including:-

- i) Support to maintained schools delivering national curriculum;
- ii) Development of robust school improvement strategies;
- iii) Support of school to school collaboration;
- iv) Improvement of poorly performing schools;.
- v) Establishing a schools forum; and
- vi) Maintaining a scheme for financing maintained schools and related provision of information.

e) 14-16 Skills Development

- i) Support the development of a diverse learning offer including University Technical Colleges, Studio Schools, Direct College enrolment and Free Schools;
- ii) Support the development of academic, technical and vocational pathways that contribute to local labour market needs;
- iii) Promote the opportunities available to young people at 14; and
- iv) Promotion of business engagement in schools and colleges through high quality Careers Education, Information, Advice And Guidance.

f) Development of active citizens including:-

- i) Promotion of access to educational and recreational leisure time activities for improvement of well-being and personal and social development of children; and
- ii) Promotion of children's participation in public decision making.

3) Child Poverty including:-

Establish local co-operation arrangements to reduce child poverty, including:-

- a) Preparation and publication of a local child poverty needs assessment; and
- b) Preparation of a local child poverty strategy.

Functions Delegated to the Director of Children and Families as Lead Officer of One Adoption Agency for West Yorkshire

The Director of Children and Families is authorised⁴ to discharge the following functions on behalf of the West Yorkshire Adoption Joint Committee ('WYAJC')

1) Adoption services including:-

- a) Recruitment and approval of potential adopters;
- b) Identification of potential matches between children and adopters⁵;
- c) Provision of adoption panels; and
- d) Provision of adoption support services⁶ to adopters, adoptees, birth families and relevant professionals.

⁴ Save where the Chair has directed or the Director considers that the matter should be referred to WYAJC for consideration.

⁵ One Adoption Agency for West Yorkshire shall identify potential matches and make recommendations to the relevant local authority for the matched child. The decision to match a child with an adoptive family remains a function of the Local Authority.

⁶ Including maintenance of and access to adoption records

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The Director of Adults and Health is authorised¹ to discharge the following functions² through the commissioning and provision of social services for adults and public health services for the whole population

Services to Support Adults³

1) Promotion of well-being including:-

- a) Integration and personalisation of health and social care services across the city for the benefit and health and well-being of Leeds citizens;
- b) Promotion of the principle of well-being;
- c) Consideration of supplier lead service innovation; and
- d) Development and integration of programmes and campaigns to promote health and well-being.

2) Information, advice and advocacy including:-

- a) Provision of information about available services;
- b) Provision of advice to potential service users; and
- c) Arrangement of independent advocacy to support participation in, or understanding of, the care and support system.

3) Prevention and Recovery:-

To take steps to prevent, reduce or delay the need for care and support for all people including:-

- a) Preventative Services:-
 - i) Provision or arrangement of community and home based services to adults with less intensive needs; and
- b) Re-Ablement Services:-
 - i) Provision or arrangement of early intervention time-limited services to meet the immediate requirements of adults with short-term social care needs.

4) Safeguarding including:-

- a) Co-ordination of multiagency arrangements to ensure that resources are deployed in safeguarding vulnerable adults;
- b) Delivery of safeguarding training; and
- c) To promote and enable identification of and appropriate action for vulnerable adults at risk of abuse or neglect.

¹ Save where the Leader or the relevant Portfolio Holder has directed or the Director considers that the matter should be referred to Executive Board for consideration.

² Together with similar and ancillary functions which have not been delegated to another Director.

³ "Adults" includes any vulnerable person over the age of 18; whether vulnerable by reasons of mental health problems, learning disabilities, physical or sensory impairment, because they are older people or because they are carers.

5) Assessment and eligibility

- a) Assessment, support planning and review including:-
 - i) Assessment of adults who appear to need care and support;
 - ii) Identification of outcomes within the care and planning process that will establish the cornerstone of the subsequent support plan;
 - iii) Provision of a Personal Budget for persons with eligible needs;
 - iv) Co-ordination, management and review of care and support arrangements to meet eligible needs;
 - v) Assessment of social care needs of carers; and
 - vi) Arrangement and funding of services to meet the care and support needs of adults who are detained in prison or who are resident in approved premises; and
- b) Self-Directed Care
 - i) Provision of assistance to adults to self-direct their support (including assistance with direct payments, individual service funds and trust funds).

6) Diverse and High Quality Services

To commission or provide⁴ directly care and support services that meet people's needs including:-

- a) Support to live at home:-
 - i) Supported and other accommodation, including extra-care;
 - ii) Assistance to enable access to other accommodation, including extra-care;
 - iii) Equipment and adaptations;
 - iv) Home care and community meals services;
 - v) Day support and care services;
 - vi) Short breaks;
 - vii) Community alarm service and assistive technology;
 - viii) Carers services; and
 - ix) *Shared Lives* service;
- b) Residential and Nursing Care:-
 - i) Residential placements, including specialist provision for people with mental health needs and dementia; and
 - ii) Nursing placements, including specialist provision for people with dementia.
- c) Housing Related Support

7) Charging and financial assessments including:-

- a) To undertake financial assessment; and
- b) Provision of deferred payments.

⁴ Including arrangements to ensure continuity of care in the event of provider failure

Public Health Services for the whole population⁵

8) Public Health

- a) Ensure the council meets its duties to improve public health
- b) Ensure the delivery of public health protections and health improvement responsibilities
- c) Ensure the council plans and responds to emergencies that present a risk to public health
- d) Ensure the council meets other local government public health responsibilities

⁵ Public health services relate to both children and adults

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The Director of Public Health is authorised¹ to discharge the following functions²

1) Health Improvement Functions³ including:-

- a) Ensuring rigorous appreciation of local health need;
- b) Contributing to the Joint Strategic Needs Assessment;
- c) Contributing to the Joint Health and Wellbeing Strategy;
- d) Providing health improvement advice⁴;
- e) Providing day to day management of the Council's ring fenced public health budget; and
- f) Reducing health inequalities.

2) Health Protection Functions including:-

- a) Preparing, monitoring and providing advice in relation to health protection plans;
- b) Ensuring public health emergency resilience;
- c) Providing the lead in responding to public health incidents⁵;
- d) Communicable and infectious disease control;
- e) Vaccination and immunisation programmes; and
- f) oversight of national screening programmes.

3) Functions relating to the Commissioning of Public Health Services including:-

- a) Fostering joint commissioning;
- b) Ensuring providers have robust clinical governance arrangements in place; and
- c) Commissioning services in relation to:-
 - i) Smoking Cessation;
 - ii) Weight Management;
 - iii) Mental Health;
 - iv) Alcohol and Drug Misuse;
 - v) Healthy Child Services (0-19);
 - vi) Nutrition;
 - vii) Physical Activity;
 - viii) Oral Health Promotion; and
 - ix) Accident and Injury Prevention.

¹ Save where the Leader or the relevant Portfolio Holder has directed or the Director considers that the matter should be referred to Executive Board for consideration.

² Together with similar and ancillary functions which have not been delegated to another Director.

³ S2B National Health Service Act 2006

⁴ To Members and officers of the Council, the Health and Wellbeing Board and local partners.

⁵ Including environmental hazards

Officer Delegation Scheme (Executive Functions)

4) Provision of Statutory and Mandated Functions including:-

- a) Providing public health advice to NHS commissioners⁶;
- b) Sexual Health Services⁷;
- c) NHS Health Check Assessments⁸;
- d) National Child Measurement Programme⁹;
- e) Health Visiting (0-5)¹⁰
- f) Joint working with the prison service to secure and maintain the health of prisoners¹¹; and
- g) Assessment of risks posed by violent and sexual offenders¹².

5) Functions of Responsible Authority including:-

- a) Responses under the Licensing Act 2003, e.g. making representations about licensing applications.

6) Production and Publication of the annual report on the health of the local population¹³.

⁶ Regulation 7 Local Authorities (Public Health Functions and Entry to Premises by Local Healthwatch Representatives) Regulations 2013

⁷ Regulation 6 Local Authorities (Public Health Functions and Entry to Premises by Local Healthwatch Representatives) Regulations 2013

⁸ Regulations 4 & 5 Local Authorities (Public Health Functions and Entry to Premises by Local Healthwatch Representatives) Regulations 2013

⁹ Regulation 3 Local Authorities (Public Health Functions and Entry to Premises by Local Healthwatch Representatives) Regulations 2013

¹⁰ Regulation 5A Local Authorities (Public Health Functions and Entry to Premises by Local Healthwatch Representatives) Regulations 2013

¹¹ Section 249 National Health Service Act 2006

¹² Section 325 Criminal Justice Act 2003

¹³ In accordance with The National Health Service Act 2006 section 73B(5) the Director of Public Health must prepare this report (this responsibility is reflected in Article 12) and section 73B(6) the local authority must publish it.

Addendum 1

1. In accordance with Section 27 of the Housing Act 1985 (as amended) and the General Approval for Housing Management Agreements 1994, the authority delegated management and maintenance functions to the Belle Isle Tenant Management Organisation.

The following functions were delegated³:

- the management and maintenance of Council housing, Council garages, land vested in Neighbourhoods and Housing and other assets as agreed with the Council to facilitate the day to day management of Council housing within the Tenant Management Organisation area. This excludes the management of estate shops;
- responsive repairs and maintenance of those assets delegated to the Tenant Management Organisation;
- the repair inspection process;
- the planned and cyclical maintenance of those assets delegated to the Tenant Management Organisation;
- the responsibility to consult with tenants on repairs and improvements to those assets delegated to the Tenant Management Organisation;
- the delivery of energy efficient responses to repairs and modernisation that contributes to the Council's Best Value performance responsibility;
- to contribute fully to the regeneration policies of the area within which the Tenant Management Organisation operates;
- management of leasehold self improvements;
- the management of Sheltered Housing schemes excluding the management of the wardens;
- the management of Supported Housing schemes including the staff;
- the responsibility to manage and maintain those premises used as housing offices;
- the management and maintenance and repair of tenant resource centres or meeting rooms within the Tenant Management Organisation area;
- to make best use of housing stock;
- the selection of tenants for vacant properties in accordance with the Council's lettings policy;
- the allocation of new tenancies in accordance with the Council's lettings policy;
- the notification to and signing up of new tenants in accordance with the Council's lettings policy;
- the transferring of tenants in accordance with the Council's lettings policy;
- the management of successions in accordance with the Council's lettings policy;
- the management of Mutual Exchanges in accordance with the Council's lettings policy;
- the collection of rent due and the recovery of current and former tenants arrears along with other charges falling due;
- the processing of the tenants insurance scheme;
- the management of the terms and conditions of tenancies and the enforcement of the same;
- the environmental management of housing estates;

³ In respect of properties within the Leeds South Homes Limited in Belle Isle North and Belle Isle South

Officer Delegation Scheme (Executive Functions)

- the processing of requests for action to tackle Anti Social Behaviour;
- the development of tenant involvement structures including tenant compacts;
- the provision of information about service delivery, changes to service delivery and performance of service delivery to tenants;
- the letting of contracts in relation to the delegated functions in accordance with the Procurement Protocol;
- the provision of financial management of the revenue budget. The provision of financial and statistical returns as and when directed or requested;
- the provision of reports to tenants about the Tenant Management Organisation;
- the management of employee relations;
- the responsibility to proactively work with the local Area Housing Partnership;
- the preparation of an annual Service Improvement Plan;
- the management of performance in line with the performance management framework; and
- the negotiation of Service Level Agreements in accordance with value for money principles.

SECTION 3F: EXECUTIVE DELEGATIONS TO OTHER AUTHORITIES

Birmingham City Council¹

The Executive of Leeds City Council has delegated functions relating to the investigation and prosecution of matters falling within Part III of the Consumer Credit Act 1974 (illegal money lenders).

Sheffield City Council²

The Executive of Leeds City Council has delegated functions relating to the payment of Home Improvement Loans (or similar new schemes and payments identified by the Director of Resources and Housing, in consultation with the Executive Member), approved under the Leeds City Council Private Sector Housing Assistance Policy in accordance with the Regulatory Reform (Housing Assistance) Order 2002.

¹ Resolved by the Executive on 30th March 2011, and extended on 16th July 2014 with the delegation to run until 31st March 2019.

² Resolved by the Executive on 19th May 2010

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SECTION 4 - JOINT ARRANGEMENTS

The following are arrangements to jointly discharge functions, in accordance with Section 101(5) of the Local Government Act 1972 and Section 9EB of the Local Government Act 2000.

Leeds City Region Business Rates Pool Joint Committee

Aims: to operate the Leeds City Region Business Rates Pool and to further economic development activities within the region.

Member Authorities: City of Bradford Metropolitan District Council, Calderdale Council, Harrogate Borough Council, Kirklees Council, Leeds City Council, Wakefield Metropolitan District Council, City of York Council.

Leeds City Council Membership: the Leader

Full membership details, terms of reference, functions and rules governing the conduct and proceedings of meetings can be found at:

<http://www.leeds.gov.uk/council/Pages/Performance-and-spending.aspx>

West Yorkshire Joint Services Committee

Functions:

The discharge of functions with regard to archives and archaeology, grants to voluntary bodies and trading standards and related matters

Member Authorities : City of Bradford Metropolitan District Council, Calderdale Council, Kirklees Metropolitan Council, Leeds City Council, City of Wakefield Metropolitan District Council.

Leeds City Council Membership: 4 Members¹

Full membership details, Terms of Reference, functions and rules governing the conduct and proceedings of meetings can be found at :

<http://www.wyjs.org.uk/downloads/Members-Handbook-2010-2011.pdf>

¹ Of whom at least one shall be an Executive Member (Regulation 12 of the Local Authorities (Arrangements for the Discharge of Functions) (England) Regulations 2012) and who shall be appointed by full Council with the agreement of the Executive, and in accordance with the requirements for political balance (Section 15 Local Government and Housing Act 1989)

Joint Arrangements

The **West Yorkshire Police and Crime Panel** is a joint committee established and maintained in accordance with the Police Reform and Social Responsibility Act 2011:

The Police and Crime Panel discharges statutory functions set out in the 2011 Act.

It is established by and maintained by the local authorities covering the West Yorkshire Police Area. The City of Wakefield Metropolitan District Council is the Support Services Authority for the Panel.

Leeds City Council Membership: 3 Members²

Full membership details, Terms of Reference, details about the Panel's functions and rules governing the conduct and proceedings of Panel meetings can be found at:

<http://www.awya.gov.uk/>

The **Joint Health Overview and Scrutiny Committee (Yorkshire and the Humber)** is a joint committee appointed under Regulation 30 of the Local Authority (Public Health, Health and Wellbeing Boards and Health Scrutiny) Regulations 2013/218 and is authorised to discharge the following health overview and scrutiny functions of the authority³, insofar as they relate to NHS England's new review of Congenital Heart Disease services:

- a) To review and scrutinise any matter relating to the planning, provision and operation of the health service in its area, pursuant to Regulation 21 of the Local Authority (Public Health, Health and Wellbeing Boards and Health Scrutiny) Regulations 2013
- b) To make reports and recommendations on any matter it has reviewed or scrutinised, and request responses to the same pursuant to Regulation 22 of the Local Authority (Public Health, Health and Wellbeing Boards and Health Scrutiny) Regulations 2013.
- c) To comment on, make recommendations about, or report to the Secretary of State in writing about proposals in respect of which a relevant NHS body or a relevant health service provider is required to consult, pursuant to Regulation 23 of the Local Authority (Public Health, Health and Wellbeing Boards and Health Scrutiny) Regulations 2013.
- d) To require a relevant NHS body or relevant health service provider to provide such information about the planning, provision and operation of the health service in its area as may be reasonably required in order to discharge its relevant functions, pursuant to Regulation 26 of the Local Authority (Public Health, Health and Wellbeing Boards and Health Scrutiny) Regulations 2013.
- e) To require any member or employee of a relevant NHS body or relevant health service provider to attend meetings to answer such questions as appear to be necessary for discharging its relevant functions, pursuant to Regulation 27 of the Local Authority (Public Health, Health and Wellbeing Boards and Health Scrutiny) Regulations 2013.

² Appointed by full Council

³ In accordance with regulations issued under Section 244 National Health Service Act 2006 (the regulations)
Part 3 Section 4
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Joint Arrangements

Member Authorities:

- Barnsley MBC
- Calderdale Council
- City of Bradford MDC
- City of York Council
- Doncaster MBC
- East Riding of Yorkshire Council
- Hull City Council
- Kirklees Council
- Leeds City Council
- North East Lincolnshire Council
- North Lincolnshire Council
- North Yorkshire County Council
- Rotherham MBC
- Sheffield City Council
- Wakefield Council

Reference to more specific details:

<http://democracy.leeds.gov.uk/ieListMeetings.aspx?CId=793&Year=0>

The **West Yorkshire Joint Health Overview and Scrutiny Committee** is a joint committee appointed under Regulation 30 of the Local Authority (Public Health, Health and Wellbeing Boards and Health Scrutiny) Regulations 2013/218.

Regulation 30(5) provides that where two or more authorities are included in any consultation carried out by a relevant NHS body or health service provider those local authorities must appoint a joint overview and scrutiny committee to act in relation to that consultation.

In appointing a joint overview and scrutiny committee the participating authorities have applied such terms and conditions as they agree are appropriate to the exercise of functions delegated. The West Yorkshire Joint Health Overview and Scrutiny Committee is authorised to undertake the following functions;

- To scrutinise any proposed service configuration with West Yorkshire-wide implications and its impact on patients and the public when constituent Councils have delegated these powers to the West Yorkshire Health Scrutiny Committee.
- To meet regularly with NHS England to:
 - Receive updates on national developments and other matters from NHS England
 - To inform NHS England of common issues arising at the five West Yorkshire health scrutiny committees.
- To receive information on service proposals and other matters from West Yorkshire Commissioning Collaborative (known as 10CC)
- To share information on health issues from each of the local authority areas that may have an impact on the other local authority areas within West Yorkshire.
- To undertake shared development activities from time to time.

Joint Arrangements

West Yorkshire Adoption Joint Committee

Functions:

Adoption services including:

- i) Recruitment and approval of potential adopters;
- ii) Identification of potential matches between children and adopters;
- iii) Provision of adoption panels; and
- iv) Provision of support services to adopters, adoptees, birth families and relevant professionals.

Member Authorities : City of Bradford Metropolitan District Council, Calderdale Council, Kirklees Metropolitan Council, Leeds City Council, City of Wakefield Metropolitan District Council.

Leeds City Council Membership: The Executive Member for Children and Families (who shall chair the Committee)

Full membership details, Terms of Reference, functions and rules governing the conduct and proceedings of meetings can be found at :

<http://democracy.leeds.gov.uk/mgCommitteeDetails.aspx?ID=1073>

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 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.

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- 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.

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.

5.0 EXTRAORDINARY MEETINGS

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

- (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

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

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.

- 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.

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.

¹³ Including the reading of any written material

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..

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11.3 Response

- (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.

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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 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

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

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;

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- (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.

14.2 No Speeches Until Motion Seconded

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.

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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.

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- (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.

Council Procedure Rules

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
- (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

- (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.

Council Procedure Rules

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.

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

Council Procedure Rules

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

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

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.
- (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.

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.

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 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 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 And all subsequent amendments.

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 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.
- 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

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EXECUTIVE AND DECISION MAKING PROCEDURE RULES

1. RESPONSIBILITY FOR EXECUTIVE FUNCTIONS

1.1 Who may make executive decisions

The Leader may discharge any functions which are the responsibility of the Executive¹; or may provide for executive functions to be discharged collectively by all Executive Members meeting as the Executive Board ; or by

- an individual Executive Member²;
- a committee of the Executive;
- a Community Committee;
- the Health and Wellbeing Board;
- joint arrangements;
- another local authority; or
- an officer.

1.2 Appointment of Executive Members

The Leader will appoint a Deputy Leader and up to 8 additional Members of the Executive Board³. In addition the Leader may appoint Deputy Executive Members and Support Executive Members.

At the annual meeting of the Council, the Leader will present to the Council the names, addresses and wards of the Executive Members, and the names of any Members appointed as Deputy Executive Members and Support Executive Members⁴.

Subject to Article 7, the Leader may appoint Executive Members (and where a vacancy in office arises must appoint a Deputy Leader), Deputy Executive Members or Support Executive Members or remove them from this office at any time⁵. The Leader will report any such appointment or removal to the next ordinary meeting of the Council. The appointment or removal will take effect upon publication of the decision notice.

1.3 Delegation of Executive Functions

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

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

² This does not currently take place in Leeds

³ 'Executive Members'

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

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

Executive and Decision Making Procedure Rules

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

The Leader may amend the scheme of delegation relating to executive functions at any time during the year⁶. The decision notice must set out the extent of the amendment to the scheme of delegation, and whether it entails the withdrawal of delegation from any person, body, committee or the Executive Board. The amendments will take effect upon publication of the decision notice unless otherwise stated thereon. The Leader will present a report to the next ordinary meeting of the Council setting out the changes made by the Leader.

1.4 **Sub-delegation of executive functions**

Subject to any statutory provisions about the discharge of functions by community committees⁷, by another local authority, or the joint exercise of functions:

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

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

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

⁷ This shall include provisions about the discharge of functions by area committees.

2. PROCEDURE BEFORE TAKING A DECISION

2.1 Executive Meetings – when and where

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

2.2 Notice of Public Meetings⁸

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

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

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

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

2.3 Notice Of Meetings At Which Exempt Or Confidential Information Is To Be Considered⁹

2.3.1 Where the whole or part of any report is not available for inspection by the public because it contains confidential¹⁰ or exempt¹¹ information every copy of that report or part of that report must be marked "not for publication" and must state that it contains confidential information or, by reference to Schedule 12A Local Government Act 1972 the description of exempt information which it contains.

2.3.2 28 Days' Notice

At least 28 clear calendar days before a meeting at which exempt or confidential information is to be considered, the Head of Governance and Scrutiny Support will arrange for a notice to publish on the Council's website a notice of the intention to hold a meeting, or part of a meeting of the Executive Board¹² in private.

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

⁸ Regulations 6 & 7, Executive Arrangement Regulations 2012

⁹ Regulation 5, Executive Arrangement Regulations 2012

¹⁰ As defined at Rule 9.2 Access to Information Procedure Rules.

¹¹ As defined at Rule 10.4 Access to Information Procedure Rules.

¹² Or a Committee fulfilling executive functions

2.3.3 5 Days Notice

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

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

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

Where the date a meeting must be held makes compliance with rules 2.3.2 and 2.3.3 impracticable then the meeting may only consider exempt or confidential items in private with the agreement of the chair of the relevant Scrutiny Board¹³. In considering the matter the Scrutiny Board Chair must be satisfied that the meeting is urgent and cannot reasonably be deferred.

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

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

2.4 Publicity in connection with Key Decisions¹⁴

2.4.1 List of Forthcoming Key Decisions

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

If it is intended to take a Key Decision in the course of the discharge of an Executive function, the decision taker¹⁵ will arrange for details of the matter, as set out below, to be included in the List of Forthcoming Key Decisions, not less than 28 clear calendar days in advance of the date of the proposed decision¹⁶.

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

¹³ Or in their absence the Lord Mayor, or in the absence of the Lord Mayor, the vice chair of the authority.

¹⁴ Regulation 9, Executive Arrangement Regulations 2012

¹⁵ If the decision is to be taken by a Committee then the officer whose report will be placed before the committee for consideration in relation to the matter is responsible for ensuring that appropriate details are included within the List of Forthcoming Key Decisions.

¹⁶ A link to the relevant matter will be forwarded to every Member of the authority on publication to the Council's website.

Executive and Decision Making Procedure Rules

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

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

2.4.2 Notification of Delegated Decisions By Directors

Where a Director¹⁷ receives a report which he/she intends to take into account in making any Key Decision, then he/she will not make the decision until the report has been available for public inspection for at least 5 clear working days.

The decision taker will arrange for the publication of a delegated decision notice, stating his/her intention to make the decision, together with a copy of the report upon which the decision is to be based on the Council's website¹⁸.

2.5 General Exception¹⁹

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

- A copy of the agenda for the meeting or the delegated decision notice has been forwarded to the chair of the relevant Scrutiny Board²⁰;
- A copy of that agenda or delegated decision notice has been published on the Council's website; and
- at least 5 clear working days have elapsed since compliance with these requirements.

¹⁷ Or other officer taking a decision in accordance with the Director's sub-delegation scheme

¹⁸ A link to the relevant matter will be forwarded to every Member of the authority on publication to the Council's website.

¹⁹ Regulation 10, Executive Arrangement Regulations 2012

²⁰ This will be deemed to happen when all Members are forwarded a link to the decision on publication of the DDN and report.

Executive and Decision Making Procedure Rules

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

2.6 **Special Urgency**²¹

2.6.1 Use of Special Urgency

If by virtue of the date by which a decision must be taken Rule 2.4 (Publicity in connection with Key Decisions) and Rule 2.5 (General Exception) cannot be followed, then the decision can only be taken if the relevant Director obtains the agreement of the chair of a relevant Scrutiny Board²² that the decision is urgent and that taking the decision cannot be reasonably deferred.

As soon as reasonably practicable after obtaining the relevant agreement the following information will be published on the Council's website²³:-

- the agenda for the meeting at which the decision is to be taken or the delegated decision notice;
- the report in relation to the urgent item; and
- the record of the Scrutiny Chair's agreement that the matter is urgent.

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

Details of any decision taken in accordance with this rule will be included in the Leader's report to Corporate Governance and Audit Committee made in accordance with Rule 2.6.2 below.

2.6.2 Annual Reports On Special Urgency Decisions²⁴

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

²¹ Regulation 11, Executive Arrangement Regulations 2012

²² If there is no chair of a relevant Scrutiny Board, or if the chair of the relevant Scrutiny Board is unable to act, then the agreement of the Lord Mayor or in the absence of the Lord Mayor the vice chair of the Council will suffice.

²³ The Head of Governance and Scrutiny Support will make the necessary arrangements to publish a committee agenda and the Director will arrange for publication of a delegated decision notice.

²⁴ Regulation 19, Executive Arrangement Regulations 2012

Executive and Decision Making Procedure Rules

The report will include details of

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

3. TAKING EXECUTIVE DECISIONS

3.1 Decisions Taken At Executive Meetings

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

3.1.1 Exclusion of the Public from Meetings of the Executive Board²⁵

All meetings of the Executive Board will be in public²⁶. However the public²⁷ must be excluded from the part or parts of a meeting whenever:-

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

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

3.1.2 Statutory Officers Attendance at Meetings

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

²⁵ Regulation 3, Executive Arrangement Regulations 2012

²⁶ The Recording Protocol: Third Party Recording of Committees, Boards and Panels, set out in the Access to Information Procedure Rules applies.

²⁷ Members of the Council and officers attending the meeting in the course of their employment shall not be considered to be members of the Public.

Executive and Decision Making Procedure Rules

3.1.3 Quorum

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

3.1.4 How decisions are to be taken by the Executive Board

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

3.1.5 Who presides

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

3.1.6 Membership

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

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

3.1.7 What business?

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

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

3.1.8 Who can put items on the Executive agenda?

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

Executive and Decision Making Procedure Rules

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

In exceptional circumstances the Council's statutory officers may require that a matter be considered by the Executive Board²⁸.

3.2 Compliance With The Budget And Policy Framework

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

Subject to paragraphs 3.2.1 to 3.2.3 below, all decisions in relation to Executive Functions must be taken in line with the Budget and Policy Framework²⁹.

3.2.1 Taking Advice

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

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

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

3.2.2 Referral to Council

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

²⁸ The Monitoring Officer and/or the Chief Finance Officer may include an item for consideration on the agenda of an Executive Board meeting and may require the Head of Governance and Scrutiny Support to call such a meeting in pursuance of their statutory duties. In other circumstances where any two of the Head of Paid Service, Chief Finance Officer and Monitoring Officer are of the opinion that a meeting of the Executive Board needs to be called to consider a matter that requires a decision, they may jointly include an item on the agenda of an Executive Board meeting. If there is no meeting of the Executive Board soon enough to deal with the issue in question, then the person(s) entitled to include an item on the agenda may also require that a meeting be convened at which the matter will be considered.

²⁹ Local Authorities (Functions and Responsibilities) (England) Regulations 2000, Schedule 4

Executive and Decision Making Procedure Rules

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

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

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

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

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

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

3.2.3 Urgent Decisions Outside The Budget Or Policy Framework³⁰

Any decision which is contrary to the policy framework³¹, or not wholly in accordance with the budget³² approved by full Council, may only be taken by the Council, unless:

- the decision is urgent and it is not practical to convene a quorate meeting of the full Council;
- the decision taker has briefed the chair of a relevant Scrutiny Board³³ about why it is not practical to convene a quorate meeting of full Council, and

³⁰ Local Authorities (Functions and Responsibilities) (England) Regulations 2000, Regulation 5(2)

³¹ Or amendments which may be made to the policy framework in accordance with the provisions for in year changes to policy framework set out in the Budget and Policy procedure Rules.

³² Or virements made in accordance with the Budget and Policy Procedure Rules.

³³ or in the absence of the chair of the relevant Scrutiny Board the consent of the Lord Mayor, and in the

Executive and Decision Making Procedure Rules

- the chair agrees that the decision is urgent.

The reasons why it is not practical to convene a quorate meeting of full Council and the consent of the chair of the relevant Scrutiny Board³⁴ to the decision being taken as a matter of urgency must be noted on the record of the decision, together with the reasons for the Chair's consent.

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

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

3.3 Decision Making by Community Committees

- 3.3.1 Where a Community Committee or a relevant Director is of the opinion that a proposal, decision or omission in relation to an executive function would result in:
- minimum service standards specified by the Executive Board not being achieved; or
 - an adverse impact on service delivery or the achievement of targets; or
 - delivery of any service in that area or the area of another Community Committee being adversely affected

the Chair of that Community Committee or that Director shall report that opinion³⁵ to the appropriate Executive Member, who may direct that the relevant delegated authority should not be exercised and the matter should be referred to the Executive Board for consideration.

- 3.3.2 Where the Monitoring Officer or Chief Finance Officer is of the opinion that a proposal, decision or omission of a Community Committee is or if made would be
- a) outside its terms of reference; or
 - b) outside any relevant strategy or plan approved by the Executive Board; or
 - c) outside the Budget and Policy Framework; or
 - d) not in accordance with any relevant procedure rules

the Monitoring Officer or Chief Finance Officer shall refer the matter to the Executive Board and/or Council as appropriate for consideration at the next available meeting.

absence of both, the Deputy Lord Mayor

³⁴ Or Lord Mayor or Deputy Lord Mayor as appropriate

³⁵ where that opinion is in relation to a decision taken by a Community Committee, the report to the Executive Member must be made within 5 working days of the relevant decision notice being published

Executive and Decision Making Procedure Rules

- 3.3.3 Where a matter has been referred to the Executive Board or the Council under 3.3.1 or 3.3.2 above, the implementation of the proposal or decision shall be suspended until the matter is considered by the Executive Board and/or the Council.
- 3.3.4 Where a matter has been referred to the Executive Board under 3.3.1, or paragraphs (a) or (b) of 3.3.2, above, the Executive Board may:
- decide the matter itself; or
 - endorse any decision already made; or
 - refer the matter back to the Community Committee for determination; and/or
 - make any other decision it considers appropriate.
- 3.3.5 Where a matter has been referred to the Executive Board under 3.3.2 (c) or (d) then the Executive Board may;
- refer the matter to the Council for consideration³⁶; or
 - decide the matter within the Budget and Policy Framework / in accordance with the procedure rules; or
 - refer the matter back to the Community Committee for determination within the budget and policy framework / in accordance with the procedure rules.
- 3.3.6 Before deciding any matter in accordance with Rule 3.3.4 or 3.3.5, the Executive Board will consider a report from a Statutory Officer or Director detailing as appropriate:-
- whether minimum service standards for a relevant Community Committee Function are being achieved;
 - how any delegated budget for the executive function is being utilised;
 - whether a proposal decision or omission by a Community Committee or a Director would result in
 - minimum service standards specified by the Executive Board not being achieved; or
 - an adverse impact on service delivery or the achievement of targets; or
 - delivery of any service in that area or the area of another Community Committee being adversely affected;
 - whether a proposal, decision or omission by a Community Committee
 - is outside its terms of reference; or
 - is outside any relevant strategy or plan approved by the Executive Board; or
 - is outside the Budget and Policy Framework; or
 - is not in accordance with any relevant procedure rules.

³⁶ The Council's options are as set out in Budget and Policy Framework Rules

4. PROCEDURE AFTER TAKING A DECISION

4.1 Recording Of Executive Decisions Taken At Meetings³⁷

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

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

4.2 Recording Of Executive Decisions Taken by the Leader³⁸

As soon as reasonably practicable after a decision has been taken in relation to executive arrangements³⁹ by the Leader, the Head of Governance and Scrutiny Support will prepare a record of the decision and publish it on the Council's website together with the report in relation to the decision made. The record will include;

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

4.3 Recording Of Executive Decisions Taken by Officers⁴⁰

4.3.1 Key decisions and Significant Operational decisions

As soon as reasonably practicable after a Key or Significant Operational Decision has been taken by an officer he/she will prepare a record of the decision and arrange for its publication on the Council's website together with the report in relation to the decision made⁴¹. The record will include;

³⁷ Regulation 12, Executive Arrangement Regulations 2012

³⁸ Regulation 13, Executive Arrangement Regulations 2012

³⁹ The Leader may take decisions in relation to the Executive Portfolios and executive delegations to officers as set out in Part 3 Section 3 of the Constitution.

⁴⁰ Regulation 13, Executive Arrangement Regulations 2012

⁴¹ Key decisions will be published in accordance with Rules 2.4 to 2.6 above, and will therefore, subject to the provisions in respect of urgency, be published no less than 5 clear working days in advance of the decision being taken. The Council's web site will in these circumstances contain details of the dates upon which the decision will be taken and the Call In period will expire.

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

4.3.2 Administrative decisions

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

5. IMPLEMENTATION OF EXECUTIVE DECISIONS

5.1 Implementation of Decisions Which are Subject to Call-In⁴²

5.1.1 Decisions which are subject to the Call In procedure set out in rules 5.1.2 to 5.1.5 below should not be implemented until the Call In procedure is exhausted in relation to those decisions⁴³.

5.1.2 Decisions Eligible for Call In

Subject to the exceptions set out below, the following may be called in to be reviewed and scrutinised by the relevant Scrutiny Board⁴⁴:

- all decisions of the Executive Board;
- Executive decisions taken by the Health and Wellbeing Board⁴⁵; and
- Key Decisions taken by Officers.

⁴² The Local Government Act 2000 requires that Overview and Scrutiny Committees *be given the power to recommend that a decision made but not implemented, be reconsidered*. The Act gives local authorities considerable discretion over the detailed operation of such a “Call In” mechanism.

⁴³ The Call In procedure will be exhausted when:-

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

⁴⁴ Where a decision falls within the terms of reference of more than one Scrutiny Board, the Scrutiny Officer will determine the relevant Scrutiny Board, after consultation with Scrutiny Chairs.

⁴⁵ That is functions delegated to the Health and Wellbeing Board by the Leader

Executive and Decision Making Procedure Rules

The power to call in decisions does not extend to;

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

5.1.3 Exemption from Call In

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

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

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

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

5.1.4 Operation of Call In

5.1.4.1 Initiation of Call In

To initiate a Call In, a request must be submitted to the Scrutiny Officer⁴⁶ by 5 p.m. of the fifth working day after a decision has been published.

The request must be made on the approved pro forma and contain the original signatures of those calling in the decision⁴⁷.

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

⁴⁶ This Officer is the Head of Governance and Scrutiny Support.

⁴⁷ An Elected Member who is not a member of a political group may be a signatory but co-opted members may not sign a Call In request.

Executive and Decision Making Procedure Rules

The decision may be called in by either;

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

one of whom shall be the nominated signatory.

5.1.4.2 Grounds for Calling in a decision

All requests must detail on the pro forma why in the opinion of the signatories the decision was not taken in accordance with the principles set out in Article 13 - Decision Making, Paragraph 13.8 - Principles of Decision Making, or where relevant issues do not appear to have been taken into consideration.

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

5.1.4.3 Convening a Meeting

Upon receipt of the request, the Scrutiny Officer will, in consultation with the Chair of the relevant Scrutiny Board, convene a special meeting of the relevant Scrutiny Board, to take place within seven clear working days of the Call In request being received⁴⁸.

5.1.4.4 Adjourning a Call In Meeting

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

5.1.4.5 Outcome of a Call In Meeting

At the meeting the Scrutiny Board will consider the notification and review the background papers. The Scrutiny Board will invite signatories to the notification⁴⁹ to explain the reasons for the Call In⁵⁰. The relevant member of the Executive Board, Health and Wellbeing Board or officer (as appropriate) shall be required to attend the Meeting and shall be given the opportunity to respond to the reasons given for the Call-In. The Scrutiny Board shall make such further enquiries as it considers necessary and appropriate. The Scrutiny Board may also extend the invitation to

⁴⁸ Where an ordinary meeting of the relevant Scrutiny Board is scheduled within 10 working days of the Call In request being received the Scrutiny Officer may exercise discretion as to whether the Call In request can be dealt with at that meeting, or whether it is necessary to convene an additional meeting.

⁴⁹ or their nominees

⁵⁰ The signatories should specify which of the principles of decision making (set out in Article 13.4 of the constitution) has not been followed. The signatories may also provide further written evidence provided this supports the stated reasons for calling in the decision.

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

The Scrutiny Board shall then either;

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

If the Scrutiny Board resolves that a decision is to be referred back for reconsideration, the Scrutiny Officer will prepare a report⁵¹ within three working days of the Scrutiny Board meeting. Where the decision was taken by the Executive Board the report will be submitted to the next meeting of the Executive Board. Where the decision was taken by the Health and Wellbeing Board the report will be submitted to the next meeting of the Health and Wellbeing Board. Where the decision was taken by an officer the report will be submitted to the relevant Director.

5.1.5 Reconsideration of Decisions

5.1.5.1 Confirmation of Decisions

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

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

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

5.1.5.2 Variation of Decisions

If it is intended to vary the decision in line with the recommendations of the Scrutiny Board then the amended decision is not defined as a Key decision, regardless of the financial or impact thresholds⁵². It will not therefore be necessary to include the proposed variation of decision in the List of Forthcoming Key Decisions or to give notice of the proposed decision.

If it is intended to vary the decision in any way that is not in line with the recommendations of the Scrutiny Board then the amended decision may be a Key

⁵¹ the provisions relating to a minority report do not apply to any decision of the Committee in relation to a matter which has been called in.

⁵² Article 13.4(b)

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decision if it meets the thresholds set out in Article 13, and if so is subject to rule 2.7 above.

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

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

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

5.1.5.3 Record of Revised decision

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

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

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

5.2.1 Key Decisions

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

5.2.2 Significant Operational Decisions

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

5.2.3 Administrative Decisions

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

6. SCRUTINY OF THE MAKING OF KEY DECISIONS

6.1 Decisions Which Appear to Have Been Wrongly Treated⁵³

Where an executive decision has been made and

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

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

The relevant Director will prepare a report for submission to the next available meeting of the Council⁵⁴ following the end of the period specified by the Scrutiny Board.

The report to Council will set out particulars of;

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

7. PUBLIC ACCESS TO DOCUMENTS

7.1 Access to agendas, minutes, reports and background papers.

Rules 5 to 7 and 15.2 of the Access to Information Procedure Rules apply to documents and records of meetings and decisions published in accordance with these rules.

7.2 Confidential and Exempt Information

Rules 8, 9 and 10 of the Access to Information Procedure Rules apply to information contained within documents and records relating to executive decision making

7.3 Freedom of Information

FOI requests will be dealt with in accordance with Rule 11 and Rule 15.1 of the Access to Information Procedure Rules.

⁵³ Regulation 18, Executive Arrangement Regulations 2012

⁵⁴ Allowing 5 clear working days to prepare the report prior to dispatch of the summons.

8. MEMBERS ACCESS TO INFORMATION

Rules 12-15 of the Access to Information Procedure Rules apply to information held by the Executive.

SCRUTINY BOARD PROCEDURE RULES

1.0 GENERAL ARRANGEMENTS

1.1 The Council will have the Scrutiny Boards set out in Article 6 of its Constitution. It will appoint to them as it considers appropriate from time to time.

1.2 No Scrutiny Board may include an Executive Board Member.

1.3 Working Groups

A Scrutiny Board may appoint a Working Group as it feels appropriate and necessary to assist in ensuring the effectiveness and efficiency of its work.

1.4 Co-opted Members

Each Scrutiny Board shall be entitled to select non-voting co-opted members to assist in the discharge of the Board's role, in accordance with Article 6 of the Constitution.

Except as set out in Article 6, co-opted members may participate in the debate in the same way as Elected Members, but have no voting rights.

1.5 Education Representatives

The Scrutiny Board (Children's Services) shall confirm the appointment of education representatives in accordance with Article 6 of the Constitution.

Any education representative appointed in accordance with Article 6 of the Constitution, shall serve as an education representative on all relevant Scrutiny Boards.¹

1.6 Matters within the terms of reference of more than one Scrutiny Board

The Scrutiny Officer², after consultation with Scrutiny Chairs, shall arrange for any matter to be dealt with, where it falls within the terms of reference of more than one Scrutiny Board.

2.0 DECLARATIONS OF INTEREST

2.1 Elected Members and voting co-opted members of Scrutiny Boards must observe the Member's Code of Conduct.

¹ 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.

² Designated in accordance with Section 9FB Local Government Act 2000 (the 2000 Act). See further Article 6

3.0 FREQUENCY AND PLACE OF MEETINGS OF THE SCRUTINY BOARDS

- 3.1 Extraordinary meetings may be called from time to time as and when appropriate.
- 3.2 A Scrutiny Board meeting may be called by
- the Chair of the relevant Scrutiny Board; or
 - any three Members of the Board; or
 - the Scrutiny Officer if he/she considers it necessary or appropriate.
- 3.3 A Scrutiny Board may sit at such place and at such time as it considers necessary and appropriate.

Crime and disorder functions

- 3.4 The Scrutiny Board (Environment and Housing) must meet as the Scrutiny Board considers appropriate to review or scrutinise the exercise of crime and disorder functions³ by responsible authorities⁴, but no less than once in every twelve month period⁵.

4.0 QUORUM / SUBSTITUTE MEMBERS

- 4.1 The quorum for a Scrutiny Board shall be as set out for committees in the Council Procedures Rules in Part 4 of this Constitution.
- 4.3 A substitute Member shall be entitled to attend a meeting of a Scrutiny Board in place of a regular Member.

5.0 NOTICES OF MEETINGS

- 5.1 Notices for all meetings of a Scrutiny Board shall be issued from the office of the Chief Executive. No matter shall be considered at such meeting without the prior agreement of the Chief Executive who shall first have been provided with any written report or with full details of any intended verbal report.

6.0 ADMISSION TO MEETINGS

- 6.1 Subject to any statutory prohibitions and to Rule 6.2 below, all meetings of a Scrutiny Board shall be open to the public in accordance with the Access to Information Procedure Rules⁶. This shall be without prejudice to any power of exclusion to suppress or prevent disorderly conduct or other misbehaviour at a meeting.

³ As defined by Section 6 Crime and Disorder Act 1998 (the 1998 Act) (formulating and implementing crime and disorder strategies) - Section 19(11) Police and Justice Act 2006 (the 2006 Act)

⁴ These are the bodies and persons responsible for crime and disorder strategies – Section 1(6) 2006 Act

⁵ Regulation 4 Crime and Disorder (Overview and Scrutiny) Regulations 2009

⁶ These are in Part 4 of the Constitution

Scrutiny Board Procedure Rules

6.2 A Scrutiny Board may resolve to exclude the press and public from a meeting (whether the whole or part only of the proceedings) by passing a resolution under the Access to Information Procedure Rules.

7.0 MINUTES

7.1 All meetings of each Scrutiny Board shall be minuted. All oral evidence given to a Scrutiny Board may be recorded in full as shall appear to the Scrutiny Board to be appropriate, and shall be retained for an appropriate period of time to be determined in each case.

8.0 RIGHTS OF SCRUTINY BOARD MEMBERS TO DOCUMENTS

8.1 In addition to their rights as Councillors, Members on a Scrutiny Board have additional rights to documents as set out in the Access to Information Procedure Rules.

8.2 When a Scrutiny Board conducts a review, every member of the Scrutiny Board⁷ shall have a right of access to any documents which are relevant to the subject matter of the review.

8.3 Nothing in the above paragraph prevents more detailed liaison between the Executive and a Scrutiny Board as appropriate depending on the particular matter under consideration.

9.0 AGENDA ITEMS

9.1 A Scrutiny Board shall as a minimum consider the following business at an Ordinary Meeting:

- appeals against refusal of inspection of documents;
- exclusion of public;
- late items;
- declarations of interest;
- apologies for absence;
- minutes of the last meeting;
- the Scrutiny Board's work programme; and
- the business otherwise set out on the agenda for the meeting.

⁷ Information received as a member of a Scrutiny Board should be used only in this capacity. Such information should not for example be used by an elected Member to further their ward work.

10.0 WORK PROGRAMMING

10.1 No Scrutiny Board may undertake a review into:

- any decision of a Plans Panel, the Licensing Committee or a Licensing sub-committee;⁹
- any decisions which may be appealed against under the terms of reference of the Licensing Sub-Committees;
- any decision taken by an officer under delegated authority which falls within the terms of reference of a Plans Panel, the Licensing Committee or a Licensing Sub-Committee;¹⁰
- any decision taken prior to 24 May 1999¹¹, except where such a decision has influenced to a significant degree any action or decision taken subsequently to 24 May 1999 which is the subject of a review; or
- except in exceptional circumstances, any decision in respect of which there are:
 - ongoing judicial proceedings, Ombudsman or audit inquiry or complaint under the Council's formal complaints procedure; or
 - individual personnel issues.

10.2 The role of the Scrutiny Boards in the development of the Council's Budget and Policy Framework is set out in the Budget and Policy Framework Procedure Rules.

11.0 REQUESTS FOR SCRUTINY

Reviews requested by the Executive Board or Council

11.1 Where the Executive Board or Council resolves to recommend that a review should be undertaken into a particular matter, the Scrutiny Officer shall add this recommendation to the agenda for the next Ordinary Meeting of the relevant Scrutiny Board.

Reviews requested by a member of a Scrutiny Board

11.2 Any member of a Scrutiny Board may propose that a review be undertaken by that Scrutiny Board into a particular matter. The Scrutiny Board will then consider whether to undertake the review. In doing so, it shall take into account the wishes of all members of that Board including those who are not Members of the political group(s) forming the administration.

⁹ In respect of a licence or permission granted to an individual or in respect of an individual premises

¹⁰ In respect of a licence or permission granted to an individual or in respect of an individual premises

¹¹ This was the date of the commencement of scrutiny arrangements in Leeds.

Scrutiny Board Procedure Rules

Councillor calls for action

- 11.3 Any Member may refer any matter which is relevant to the functions of a Scrutiny Board¹², but is not an excluded matter¹³, to that Scrutiny Board – a “councillor call for action”. In considering whether to refer a matter, the Member must have regard to any guidance issued by the Secretary of State.
- 11.4 All such referrals must be submitted in writing to the Scrutiny Officer. The Scrutiny Officer shall add this to the agenda for the next Ordinary Meeting of the relevant Scrutiny Board.
- 11.5 The Scrutiny Officer shall acknowledge all such referrals.
- 11.6 At the next Ordinary Meeting, the Scrutiny Board shall consider any referral which the Scrutiny Officer has added to the agenda.
- 11.7 The Member making the referral will be invited to attend the Scrutiny Board’s meeting to make representations as to why it would be appropriate for the Board to exercise its functions in relation to the matter. The Scrutiny Board Chair will decide how much time will be given to the Member for addressing the Scrutiny Board.
- 11.8 In deciding whether to carry out a review, the Scrutiny Board may have regard to:
- any powers which the Member may exercise in relation to the matter¹⁴; and
 - any representations made by the Member.
- 11.9 If the Scrutiny Board decides not to carry out a review into the matter, the Scrutiny Officer will inform the referring Member about the decision of the Scrutiny Board, and the reasons for it.

Local crime and disorder matters

- 11.10 Any Member may refer any local crime and disorder matter¹⁵ to the Scrutiny Board (Environment and Housing) as the Council’s designated Crime and Disorder Committee..
- 11.11 All such referrals must be submitted in writing to the Scrutiny Officer. The Scrutiny Officer shall add this to the agenda for the next Ordinary Meeting of the Scrutiny Board.
- 11.12 The Scrutiny Officer shall acknowledge all such referrals.

¹² In accordance with Section 9FC Local Government Act 2000

¹³ An excluded matter means any matter which is a local crime and disorder matter under Section 19 Police and Justice Act 2006 (see below), or a matter of any description specified in an order made by the Secretary of State (SI 2012/1022).

¹⁴ Under Section 236 of the Local Government and Public Involvement in Health Act 2007

¹⁵ This means a matter concerning:

- crime and disorder (including in particular forms of crime and disorder that involve antisocial behaviour or other behaviour adversely affecting the local environment); or
- the misuse of drugs alcohol and other substances

which affects all or part of the electoral area for which the Member is elected or any person who lives or works in that area -Section 19(11) 2006 Act

Scrutiny Board Procedure Rules

11.13 At the next Ordinary Meeting, the Scrutiny Board shall consider any such referrals which the Scrutiny Officer has added to the agenda.

11.14 The Member making the referral will be invited to attend the Scrutiny Board's meeting to make representations as to why it would be appropriate for the Board to exercise its functions in relation to the matter. The Scrutiny Board Chair will decide how much time will be given to the Member for addressing the Scrutiny Board.

Social care matters referred by Healthwatch Leeds¹⁶

11.15 Healthwatch Leeds may refer any matter relating to social care services¹⁷, to the relevant Scrutiny Board.

11.16 The Scrutiny Officer shall add any such referral to the agenda for the next Ordinary Meeting of the relevant Scrutiny Board.

11.17 The Scrutiny Officer shall acknowledge receipt of all such referrals on behalf of the Scrutiny Board, within 20 working days of its receipt.

11.18 At the next Ordinary Meeting, the Scrutiny Board shall consider any such referral which the Scrutiny Officer has added to the agenda.

11.19 In deciding whether to exercise any functions in relation to social care matter, the relevant Scrutiny Board must take into account any relevant information provided by Healthwatch Leeds.

11.20 The Scrutiny Officer will inform Healthwatch Leeds about any action taken in relation to the matter.

Requests for reviews from other sources

11.21 The appropriate Scrutiny Board shall consider a request from any other source¹⁸ to conduct a review¹⁹, including any petition requesting Scrutiny²⁰.

12.0 UNDERTAKING SCRUTINY INQUIRIES

12.1 Where a Scrutiny Board undertakes an Inquiry the Scrutiny Board shall consult with any relevant Director²¹ and Executive Member on the terms of reference.

¹⁶ For the purposes of these Rules, where relevant, any reference to Healthwatch Leeds should be construed as including reference to any relevant Local Healthwatch contractor

¹⁷ These are services provided as part of the Council's social services functions (Section 226 Local Government and Involvement in Health Act 2007 – the 2007 Act)

¹⁸ including Scrutiny Chairs.

¹⁹ Except in exceptional circumstances, the Scrutiny Officer will not refer requests which solely relate to the interests of one individual or company to the Scrutiny Board for consideration.

²⁰ Where a Scrutiny Board Chair receives a petition in their capacity as a Scrutiny Chair, the Chair will respond to the petition organiser only. Thereafter, the Scrutiny Officer will be responsible for notifying the petition organiser of the date on which the petition will be considered, and of the outcome of that meeting. The Scrutiny Officer will ensure that the appropriate Executive Board Member receives a copy of the petition.

12.2 Where any Scrutiny Board decides that there shall be an Inquiry, the Scrutiny Board shall

- consult with any relevant Director and Executive Member.
- agree the Terms of Reference of the Inquiry;
- agree the period within which the Inquiry's Report is to be completed;
- compile a preliminary list of witnesses from whom the Scrutiny Board require evidence²²; and
- compile a preliminary list of documents which the Scrutiny Board require to be produced.

12.3 Where appropriate, all terms of reference for work undertaken by Scrutiny Boards will include:

"To review how and to what effect consideration has been given to the impact of a service or policy on all equality areas, as set out in the Council's equality and Diversity scheme".

13.0 REPORTS AND RECOMMENDATIONS

13.1 At the conclusion of a review a Scrutiny Board shall, where it considers it to be appropriate, produce a written report summarising the evidence that it has taken and set out its recommendations.

13.2 Where a Scrutiny Board is considering making specific recommendations it shall invite advice²³ from the appropriate Director(s) prior to it finalising its recommendations. The Director shall consult with the appropriate Executive Member before providing any such advice. The detail of that advice shall be reported to the Scrutiny Board and considered before the Board's recommendations are finalised and published on the Council's website.

13.4 Where a Scrutiny Board is to publish or copy a report, it must comply with relevant statutory provisions relating to exempt or confidential information.

13.5 Where any voting member of the Scrutiny Board does not agree with the content of the Board's Report, they may produce a Minority Report setting out their findings and recommendations. The intention to submit a minority report should be declared within the Board meeting at the time the majority report is agreed and be both formally minuted and referred to in the final report as part of the Board's resolutions. The Chair can give this notice on behalf of a Member who cannot be present when the majority report is agreed. Where a Scrutiny Board has agreed its final report and there has been no declared intention to produce a minority report, a minority report cannot then be subsequently submitted. Where the intention to produce a

²¹ Any reference to a Director within these Rules should be deemed to include reference to all officers listed in Article 12 of the constitution.

²² As an Inquiry proceeds it may become apparent that further witnesses are required

²³ Such advice may include but is not limited to the financial and resource implications of the recommendations being considered.

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minority report has been minuted, the Scrutiny Support Unit will contact the appropriate Member or Members to confirm submission dates. The minority report should be delivered to the Scrutiny Support Unit within 5 working days after the Scrutiny Board meeting. The Minority Report will be an appendix to the Scrutiny Board's Report.²⁴

Councillor calls for action

- 13.6 Where a Scrutiny Board is considering making a report or recommendations in relation to a matter referred as a councillor call for action, it may have regard to:
- any powers which the Member may exercise in relation to the matter²⁵; and
 - any representations made by the Member.
- 13.7 If the Scrutiny Board decides not to make a report or recommendations into the matter, the Scrutiny Officer will inform the referring Member about the decision of the Scrutiny Board, and the reasons for its decision.
- 13.8 Where a Scrutiny Board has made a report or recommendations in relation to a local government matter, the Scrutiny Board must also send a copy of the report and recommendations to the Member who referred the matter..

Crime and disorder functions

- 13.9 Where the Scrutiny Board (Environment and Housing) makes a report or recommendations to the Council or Executive about the exercise of crime and disorder functions by responsible authorities²⁶, the Scrutiny Officer will provide a copy to
- each of the responsible authorities; and
 - each of the co-operating persons and bodies.
- 13.10 Whenever the Scrutiny Board provides a copy of a report or recommendation the Scrutiny Officer will also notify any authority, person or body to whom it provides the copy, of the steps they must take ²⁷.

Local crime and disorder matters

- 13.11 In deciding whether to make a report or recommendations in relation to a local crime and disorder matter, the Scrutiny Board will have regard to:
- any powers which the Member may exercise in relation to the matter; and
 - representations made by the Member about why it should make a report or recommendations

²⁴ The Scrutiny Board Procedure Rules Guidance Note provides guidance on Minority Reports.

²⁵ Under Section 236 of the 2007 Act

²⁶ See footnote 4

²⁷ In accordance with Section 19 (8B) 2006 Act.

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- 13.12 The Scrutiny Officer will inform the Member who submitted the referral about any decision of the Scrutiny Board not to make a report or recommendation, and the reasons for its decision.
- 13.13 Where the Scrutiny Board makes a report or recommendations to the Council or the Executive about any matter which is a local crime and disorder matter²⁸, the Scrutiny Officer will copy the report to:
- the Member who referred the matter to the Scrutiny Board; and
 - to such of
 - (i) the responsible authorities; and
 - (ii) the co-operating persons and bodiesas it thinks appropriate.
- 13.14 Whenever the Scrutiny Board:
- makes a report or recommendation to the Council or to the Executive; or
 - provides a copy of a report or recommendation,
- the Scrutiny Officer will notify the Council or the Executive, authority, body or person receiving the report and recommendations, or a copy of it, of the steps they must take.

14.0 RESPONSES TO REPORTS AND RECOMMENDATIONS

- 14.1 Except as provided below, the Council, the Executive Board, Community Committees or officers shall consider any report and recommendations of a Scrutiny Board within two months of it being received²⁹. The Council or Executive is under a duty to respond to the Scrutiny Board, indicating what action (if any) it proposes to take and to publish its response.³⁰

Partner authorities³¹

- 14.3 Where a Scrutiny Board makes a report or recommendations to the Council or the Executive, and the report or any of the recommendations relates to functions of a relevant partner authority so far as exercisable in relation to the authority's area, or the inhabitants of that area, the Scrutiny Board may by notice³² in writing require the relevant partner authority to have regard to the report or recommendation in question in exercising their functions. The notice must be accompanied by a copy of the report or recommendations³³.

²⁸ See footnote 17

²⁹ Or (if later) the notice – Section 9FE of the 2000 Act

³⁰ Section 9FE of the 2000 Act

³¹ This means any person who is a partner authority for the purposes of Chapter 1 of Part 5 of the 2007 Act, other than a chief officer of police. This provision will not apply if the partner authority is a relevant NHS body and the report was provided to the body under Rule 18.

³² Subject to provisions relating to confidential and exempt information in Section 9FG of the 2000 Act

³³ Subject to provisions relating to confidential and exempt information in Section 9FG of the 2000 Act

Scrutiny Board Procedure Rules

Councillor calls for action

- 14.4 Where a Scrutiny Board has made a Report in relation to a councillor call for action, any response must also be sent to the Member who referred the matter.

Crime and disorder functions

- 14.5 Where a relevant authority, or co-operating person or body has been notified by the Scrutiny Officer, it must:
- consider the report or recommendations;
 - respond in writing to the Scrutiny Board within 28 days of the date of the report or recommendations³⁴, indicating what (if any) action it proposes to take; and
 - have regard to the report or recommendations in exercising its functions.

Local crime and disorder matters

- 14.6 Where the Council or the Executive other relevant authority, person or body has been notified by the Scrutiny Officer, it must:
- consider the report or recommendations;
 - respond in writing to the Scrutiny Board within 28 days of the date of the report or recommendations³⁵, indicating what (if any) action it proposes to take; and
 - have regard to the report or recommendations in exercising its functions.

Flood risk management

- 14.7 A risk management authority must have regard to reports and recommendations of the relevant Scrutiny Board exercising statutory functions in relation to the scrutiny of flood risk management.
- 14.8 Where that Scrutiny Board requests a response to a report from a risk management authority, the risk management authority must:
- respond to the Board within 28 days or a longer period as agreed between the risk management authority and the Scrutiny Board, and
 - indicate what (if any) action the risk management authority proposes to take, if a response to a report is requested.

15.0 WITNESSES – GENERAL PRINCIPLES

- 15.1 Where a Scrutiny Board wishes to take evidence from a witness, the Scrutiny Officer shall notify the witness of:-
- the date upon which their evidence is to be taken;
 - the matters upon which evidence is sought;

³⁴ or if this is not reasonably possible, as soon as reasonably possible thereafter

³⁵ or if this is not reasonably possible, as soon as reasonably possible thereafter

Scrutiny Board Procedure Rules

- any documents that the Scrutiny Board wishes to have produced; and
- the date upon which the Board requires any written evidence from the witness.

15.2 Those assisting the Scrutiny Board by giving evidence shall be treated with respect and courtesy³⁶.

16.0 MEMBERS AND OFFICERS GIVING ACCOUNT/ INFORMATION

16.1 A Scrutiny Board may require any Executive Member, or Member in relation to a matter where the Member has exercised functions³⁷, the Chief Executive and/or any senior officer to attend before it to answer questions and provide information about any matter within its terms of reference;

16.2 It is the duty of those officers and Members to attend and to answer questions³⁸.

16.3 The Chair of a Scrutiny Board will inform the Scrutiny Officer if the Scrutiny Board requires any Member (including an Executive Member) or officer to attend a Scrutiny Board under this provision. The Scrutiny Officer shall inform the Member or officer of this, giving at least 7 working days notice of the meeting at which he/she is required to attend.

16.4 The notice will state:

- the nature of the item on which he/she is required to attend to give account; and
- whether the Scrutiny Board requires him/her to produce any documents or reports.

16.5 Where the Scrutiny Board requires the person to produce a report, then the Scrutiny Officer will give the Member or officer concerned sufficient notice to prepare it.

16.6 The Chair of the Scrutiny Board will inform the Scrutiny Officer where a Scrutiny Board requires a Director to attend a Scrutiny Board in person.

16.7 Directors may be accompanied by any other officer the Director feels appropriate.

16.8 Where the Scrutiny Board does not require a Director to attend in person, he/she will be responsible for ensuring that an officer of sufficient knowledge and requisite seniority attends. Any such witness may be accompanied by such adviser(s) as he/she considers necessary.

16.9 Where, in exceptional circumstances, the Member or officer is unable to attend on the required date, then the Scrutiny Officer shall, in consultation with the Chair of the Scrutiny Board and the Member or officer, arrange an alternative date for attendance, or agree an appropriate substitute.

³⁶ see Member/Officer Protocol in Part 5 of the Constitution.

³⁷ under Section 236 of the 2007 Act

³⁸ A Member or officer is not obliged to answer any question which he would be entitled to answer in or for the purposes of proceedings in a Court Section 9FA of the 2000 Act .

Scrutiny Board Procedure Rules

Crime and Disorder Committee

- 16.10 Subject to giving reasonable notice of the intended date of attendance, the Scrutiny Board (Environment and Housing)³⁹ may require an officer or employee of a responsible authority⁴⁰ or of a co-operating person or body⁴¹ in order to answer questions.
- 16.11 The Scrutiny Board (Environment and Housing) may in writing request responsible authorities and co-operating persons and bodies to provide it with information.

Partner authorities

- 16.12 Scrutiny Board may in writing request a partner authority to provide such information, as the Scrutiny Board may reasonably require in order to discharge its functions, being information which relates to the functions of the relevant partner authority so far as exercisable in relation to the authority's area, or the inhabitants of that area.
- 16.13 A partner authority must comply with any such request.⁴²

Flood risk management

- 16.14 The Scrutiny Board exercising the authority's statutory functions in relation to the scrutiny of flood risk management may request information from any risk management authority. This may be a request to attend to give information orally to the Board.
- 16.15 The risk management authority must comply with any such request made in writing within 28 days, or longer period as agreed between the risk management authority and the Board.
- 16.16 Where confidential information must be disclosed by a risk management authority, the Scrutiny Board must hold that meeting in private, and not disclose the information except as provided for in regulations.⁴³

17.0 ATTENDANCE BY OTHERS

- 17.1 A Scrutiny Board may invite members of the public or other persons to attend meetings, address it, discuss issues of local concern and/or answer questions on matters within its Terms of Reference⁴⁴.

³⁹ In its capacity as crime and disorder committee

⁴⁰ See footnote 4

⁴¹ See footnote 4

⁴² Subject to Regulations 5 and 6 Local Authorities (Overview and Scrutiny Committees) (England) Regulations 2012 (SI 2012/1021).

⁴³ See further Flood Risk Management Overview and Scrutiny Committee (England) Regulations 2011/697

⁴⁴ It may for example wish to hear from residents, stakeholders, Members or officers in other parts of the public sector.

18.0 HEALTH SCRUTINY FUNCTIONS EXERCISED BY THE SCRUTINY BOARD (ADULT SOCIAL SERVICES AND PUBLIC HEALTH)⁴⁵

18.1 Information and explanations

18.1.2 A relevant NHS body⁴⁶ or health service provider⁴⁷ must provide the Scrutiny Board with such information about the planning, provision and operation of health services in the area as the Board shall reasonably require in order to discharge its functions.⁴⁸

18.1.3 Subject to giving reasonable notice of the intended date of attendance, the Board may require any member or employee of a relevant NHS body or relevant health service provider to attend and answer such questions as appear to the Board to be necessary for discharging its functions.⁴⁹

18.2 Review and scrutiny of matters relating to the planning, provision and operation of the health service

18.2.1 Health matters referred by Healthwatch Leeds

Healthwatch Leeds may refer any matter relating to the planning, provision and operation of the health service, to the Scrutiny Board. The Scrutiny Officer shall add any such referral to the agenda for the next Ordinary Meeting of the Scrutiny Board.

The Scrutiny Officer shall acknowledge receipt of all such referrals on behalf of the Scrutiny Board, within 20 working days of its receipt.

At the next Ordinary Meeting, the Scrutiny Board shall consider any such referral which the Scrutiny Officer has added to the agenda.

The Scrutiny Officer will inform Healthwatch Leeds about any action taken in relation to the matter.

18.2.2 Comments and relevant information

In exercising its functions to review and scrutinise any matter relating to the planning, provision and operation of the health service, the Scrutiny Board must:

- invite interested parties to comment on the matter, and
- take into account relevant information available to it, in particular any information provided by Healthwatch Leeds if it has referred the matter to the Board.

⁴⁵ These are functions of the authority under Section 244 National Health Service Act 2006 delegated to the Board and exercised in accordance with regulations (SI 2013/218)

⁴⁶ The relevant NHS bodies for this purpose are: NHS England, CCGs which provide services to people living in the authority's area, and an NHS trust or NHS foundation trust which provides services to people who live in the authority's area.

⁴⁷ A relevant health service provider for this purpose is a body or person other than an NHS trust or NHS foundation trust, which provides any relevant services to people living in the area of the authority.

⁴⁸ In accordance with Regulation 26

⁴⁹ In accordance with Regulation 27.

18.2.3 Reports and recommendations

The Scrutiny Board may make reports and recommendations to a relevant NHS body, health service provider, or to full Council

Where the Scrutiny Board has completed its review and made reports and recommendations to relevant NHS bodies or health service providers,

The Scrutiny Officer will place a copy of the report on the Council's web-site.

Where the Scrutiny Board requests a response from a relevant NHS body or health service provider to whom it has made a report or recommendation, that body shall respond in writing to the Scrutiny Board within 28 days.

The Scrutiny Officer will also place a copy of the response on the Council's web-site.

18.3 Consultation by a relevant NHS body or health service provider

18.3.1 A relevant NHS body or health service provider⁵⁰ must consult the Scrutiny Board where it has under consideration any substantial development of the health service in the authority's area, or for a substantial variation in the provision of a service⁵¹.

18.3.2 Where the NHS body is satisfied that a decision has to be taken without allowing time for consultation because of a risk to safety or welfare of patients or staff, the NHS body or health service provider shall notify the Scrutiny Board immediately of:

- the decision taken; and
- the reason why no consultation has taken place.

Comments and recommendations

18.3.3 The Scrutiny Board may make comments (including recommendations) about the proposal, by the date specified by the NHS body or health service provider.

18.3.4 If the Board has not commented or made a recommendation about a proposal, the Board must inform the NHS body or health service provider whether it proposes to make a report to the Secretary of State, or the date when it will decide whether to make such a report. If the latter, the Board must make the decision by the given date, and inform the relevant NHS body or health service provider about it.

18.3.5 The NHS body or health service provider must notify the Board if they disagree with any of the Board's recommendations, in which case the NHS body or health service

⁵⁰ Where the relevant NHS body or health service provider is an NHS trust, an NHS foundation trust or a relevant health service provider, and the proposal relates to services which a CCG or NHS England is responsible for arranging, the functions of the relevant NHS body or health service provider must be discharged by the responsible commissioner.

⁵¹ Regulation 23, subject to exemptions set out in Regulation 24

Scrutiny Board Procedure Rules

provider must take such steps as are reasonably practicable to try to reach agreement.

18.3.6 Subject to 18.3.7 below, the Scrutiny Board may report to the Secretary of State in writing where:

(a) it is not satisfied that:

- consultation on any proposal has been adequate in relation to content or time allowed; or
- where no consultation has been carried out, the reasons given by the NHS body or health service provider are adequate; or

(b) the Board considers that the proposal would not be in the interests of the health service in its area.

18.3.7 The Board may not make a report to the Secretary of State:

(a) where the relevant NHS body or health service provider has notified the Board that it disagrees with any recommendation, unless the Board is satisfied that:

- agreement has not been reached within a reasonable period of time;
- the relevant NHS body or health service provider has failed to comply with its duty to try to reach agreement; or

(b) where no comments or recommendations have been made, and the Board has not complied with 18.3.4 above.

18.3.8 A report to the Secretary in State must include:

- An explanation of the proposal;
- If the Board is not satisfied that consultation has been adequate, the reasons for this;
- If the Board is not satisfied that the reasons for not consulting are adequate, the reasons for this;
- Where the Board considers that the proposal would not be in the interests of the health service, a summary of the evidence considered, including any evidence of the effect or potential effect of the proposal on the sustainability of otherwise of the health services in the area of the authority;
- An explanation of any steps the Board has taken to try to reach agreement with the relevant NHS body or health service provider;
- Evidence that the Board has complied with the conditions in 18.3.7above;
- An explanation of the reasons for making the report;
- Any evidence in support of those reasons.

18.3.9 Where the Board has reported to the Secretary of State, the Secretary of State may (depending on the reasons in the report) make a decision about the adequacy of the consultation, reasons for non-consultation, or a final decision on the proposal.

Scrutiny Board Procedure Rules

18.3.10 The Secretary of State may give a direction to NHS England or a CCG requiring consultation (or further consultation), or the matter to be determined in a particular way, or steps to be taken or not taken.

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.

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

Deputations

- 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.

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.

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.

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.

Community Committee Procedure Rules

- 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.

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

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BUDGET AND POLICY FRAMEWORK PROCEDURE RULES

1.0 THE FRAMEWORK FOR EXECUTIVE DECISIONS

- 1.1 The Full Council will be responsible for the adoption of the Budget and Policy Framework as set out in Article 4. Once the framework is in place, it will be the responsibility of the Executive to act in conformity with it.

2.0 PROCESS FOR DEVELOPING THE FRAMEWORK

- 2.1 At least two months before a plan/strategy/budget needs to be adopted, the Executive¹ will publish its initial proposals, for the plan, strategy or budget within the Budget and Policy Framework, having first canvassed the views of local stakeholders as appropriate and in a manner suitable to the matter under consideration. Details of the Executive's consultation process shall be publicised in an appropriate manner. Any representations made to the Executive shall be taken into account in formulating the initial proposals, and shall be reflected in any report dealing with them. If the matter is one where a Scrutiny Board has carried out a review of policy, then the outcome of that review will be reported to the Executive and considered in the preparation of initial proposals.
- 2.2 The Executive's initial proposals shall be referred to the appropriate Scrutiny Board for further advice and consideration. The proposals will be referred by sending a copy to the Head of Governance and Scrutiny Support who will forward them to the Chair(s) of the Scrutiny Board(s). If there is/are no such chair(s), a copy must be sent to every Member of the appropriate Scrutiny Board. The Scrutiny Board shall further canvass the views of local stakeholders if it considers it appropriate in accordance with the matter under consideration, and having particular regard not to duplicate any consultation carried out by the Executive. The Scrutiny Board shall report to the Executive on the outcome of its deliberations. The Scrutiny Board shall have *six* weeks to respond to the initial proposals of the Executive unless the Executive considers that there are special factors that make this timescale inappropriate. If it does, it will inform the Scrutiny Board of the time for response when the proposals are referred to it.
- 2.3 Having considered the report of the Scrutiny Board, the Executive if it considers it appropriate, may amend its proposals before submitting them to the Council meeting for consideration. It will also report to Council on how it has taken into account any recommendations from the Scrutiny Board.
- 2.4 The Council will consider the proposals of the Executive and subject to Rule 3 below may adopt them, amend them, refer them back to the Executive for further consideration, or substitute its own proposals in their place. In considering the matter, the Council shall have before it the Executive's proposals and any report from the Scrutiny Board.

¹ Directors have delegated authority to canvas the views of local stakeholders, formulate and publish initial proposals within the budget and policy framework on behalf of the executive.

3.0 CONFLICT RESOLUTION MECHANISM

- 3.1 Where (before 8th February in relation to the budget only) the Executive has submitted estimates of amounts within the budget or precept or a draft plan/strategy for consideration by the Council, and the Council has any objections to the amounts, estimates or draft, then before amending, approving or adopting it, the Council must inform the Leader of its objections and give him instructions requiring the Executive to reconsider the estimates or draft plan/strategy in the light of those objections within a specified period.
- 3.2 Within the period specified by the Council (which must be at least 5 working days), the Leader may:
- (a) submit to the Council for consideration a revised draft, estimates, amounts with the Executive's reasons for any amendments or;
 - (b) inform the Council of any disagreement the Executive has with any of the Council's objections and the Executive's reasons for such disagreement.
- 3.3 After the expiry of the period specified by the Council, when amending, adopting or approving the draft or revised estimates, the Council must take into account.
- (a) any amendments included in the draft plan/strategy/estimates;
 - (b) the Executive's reasons for those amendments;
 - (c) any disagreement the Executive had with any of the authority's objections; and
 - (d) the Executive's reasons for that disagreement submitted to the Council within the period it specified.
- 3.4 The Council shall at that meeting make its final decision on the matter on the basis of a simple majority. The decision shall be made public and shall be implemented immediately.
- 3.5 In approving the Budget and Policy Framework, the Council shall also specify the extent of virement within the budget and degree of in-year changes to the policy framework which may be undertaken by the Executive, in accordance with Rules 4 and 5 of these Rules (virement and in-year adjustments). Any other changes to the Budget and Policy Framework shall be reserved to the Council.

4.0 VIREMENT

- 4.1 The Council shall have budget heads as specified from year to year in the Annual Budget Plan and Management Control Document as approved by the Council and other budget headings which may from time to time be appropriate.
- 4.2 Steps taken by the Executive, a committee of the Executive, an officer, Community Committees, the Health and Wellbeing Board or joint arrangements

Budget and Policy Framework Procedure Rules

discharging executive functions to implement Council policy shall not result in those budgets allocated to each budget head being exceeded. However, such bodies or individuals shall be entitled to vire across budget headings subject to value limits set out in the Financial Procedure Rules. Different delegated value limits apply to different budget headings. The types of virement allowed and the maximum delegated limits are set out in detail within the Financial Procedure Rules. Beyond those limits, approval to any virement across budget heads shall require the approval of the full Council.

5.0 IN-YEAR CHANGES TO POLICY FRAMEWORK

- 5.1 The responsibility for agreeing the Budget and Policy Framework lies with the Council, and decisions by the Executive, a committee of the Executive, officer, Community Committees, the Health and Wellbeing Board or joint arrangements discharging executive functions must be in line with it. No changes to any policy and strategy which make up the policy framework may be made by those bodies or individuals except those changes:
- (a) which will result in the closure or discontinuance of a service or part of service to meet a budgetary constraint;
 - (b) which are necessary to ensure compliance with the law, ministerial direction or government guidance;
 - (c) which relate to policy in relation to schools, where the majority of school governing bodies agree with the proposed change; or
 - (d) where, when approving the framework, the Council gave specific authority to the Executive to make in-year changes.

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ACCESS TO INFORMATION PROCEDURE RULES

1.0 SCOPE

- 1.1 These rules apply to Council decision making¹ and therefore cover all meetings of the Council, Committees, Scrutiny Boards, and Plans Panels (together called meetings)², and delegated decisions taken by officers under the Officer Delegation Scheme (Council (non-executive) Functions).
- 1.2 These rules also cover public rights of access to information, in relation to both Council and Executive functions, including those under the Freedom of Information Act 2000, and Members' rights of access to information.

2.0 PUBLIC ACCESS TO MEETINGS³

- 2.1 Members of the public may attend all meetings subject only to the exceptions in these rules⁴.

3.0 NOTICE OF MEETINGS⁵

- 3.1 The Council will give at least five clear days notice of any meeting by posting details of the meeting at the Civic Hall (the designated office). The notice will specify the business proposed be transacted at the meeting.
- 3.2 The Council will send to each Member a summons to attend specifying the business proposed to be transacted at the meeting. The summons shall be delivered by:-
- i. leaving it at, or sending it by post to the member's usual place of residence, or
 - ii. where the member has specified an address other than the member's usual place of residence, leaving it at, or sending it by post to that different address, or
 - iii. where the member has given consent for the summons to be transmitted in electronic form to a particular electronic address (and consent has not been withdrawn), sending it in electronic form to that address."
- 3.3 Except in the case of business required by law to be transacted at the annual meeting, or other business brought before a meeting as a matter of urgency, no business shall be transacted at a meeting other than that specified in the summons.

¹ For the distinction between Council and Executive Decisions see Article 13 of this Constitution.

² Except in relation to Licensing Committee and Licensing Sub-Committees conducting licensing hearings, where the Licensing Procedure Rules apply

³ Rule 3.1.1 of the Executive and Decision Making Procedure Rules makes provision as to public access to meetings of the Executive and its committees.

⁴ The Recording Protocol: Third Party Recording of Committees, Boards and Panels, set out at Appendix 1 to these Rules applies.

⁵ Rule 2.2 of the Executive and Decision Making Procedure Rules makes provision as to notice of meetings of the Executive and its committees.

4.0 PUBLIC ACCESS TO AGENDA AND REPORTS BEFORE THE MEETING⁶

- 4.1 The Council will make copies of the agenda and reports open to the public available for inspection at the designated office at least 5 clear days before the meeting, except that where a meeting is convened at shorter notice, the copies of the agenda and reports shall be open to inspection from the time the meeting is convened.
- 4.2 Where an item is added to the agenda, and the report is open to the public, copies of any report for the meeting relating to the item, and the revised agenda shall be available for inspection from the time the item is added to the agenda.
- 4.3 Where copies of the agenda and reports open to the public are not made available for inspection in this way, an item of business will not be considered unless by reason of special circumstances, which shall be specified in the minutes, the chair of the meeting is of the opinion that the item should be considered at the meeting as a matter of urgency.

5.0 PUBLIC ACCESS TO COPIES

- 5.1 Copies of those documents and notices which are published on the Council's website in accordance with these rules, and also in accordance with the Executive and Decision Making Procedure Rules, will be made available for inspection by the public on request during office hours at the authority's offices at Civic Hall, Leeds.
- 5.2 The Council will supply copies of:
- (a) any agenda and reports which are open to public inspection;
 - (b) any further statements or particulars necessary to indicate the nature of the items in the agenda; and
 - (c) if the Monitoring Officer thinks fit, copies of any other documents supplied to Members in connection with an item to any person on payment of a charge for postage, copying and any other costs.
- 5.3 The Council will make available for the use of members of the public present at meetings, a reasonable number of copies of the agenda and of those reports which are open to the public.

6.0 PUBLIC ACCESS TO RECORDS OF DECISIONS

6.1 Records of Decisions Taken at Meetings

For six years after a meeting, the Council will make available for inspection, and following a request made on behalf of a newspaper, and on payment being made of postage, copying or any other necessary charge, the Head of Governance and Scrutiny Support will arrange to supply copies of the following:

⁶ Rule 2.2 of the Executive and Decision Making Procedure Rules makes provision as to publication of agendas and reports for meetings of the Executive and its committees

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- (a) the minutes of the meeting excluding any part of the minutes of proceedings when the meeting was not open to the public or which disclose exempt or confidential information;
- (b) a summary of any proceedings not open to the public where the minutes open to inspection would not provide a reasonably fair and coherent record;
- (c) the agenda for the meeting; and
- (d) reports relating to items when the meeting was open to the public

6.2 Records of Decisions Taken By Officers⁷

As soon as reasonably practicable after a significant operational decision taken by an officer in relation to a Council Function, the officer will produce a written record of the decision and arrange for its publication on the Council's website together with the report in relation to the decision made. The record will include;

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

The written record will be retained and made available for inspection by the public for a period of six years beginning with the date of the decision to which it relates.

Following a request, and on payment being made of postage, copying or any other necessary charge, the Head of Governance and Scrutiny Support will arrange to supply a copy of delegated decision notice and report in relation to an officer decision

7.0 PUBLIC ACCESS TO BACKGROUND PAPERS

7.1 List of background papers

The author of a report will set out in every report a list of those documents (called background papers) relating to the subject matter of the report which in his/her opinion:

- (a) disclose any facts or matters on which the report or an important part of the report is based; and
- (b) have been relied on to a material extent in preparing the report

⁷ In accordance with The Openness of Local Government Bodies Regulations 2014, a written record of the decision and the reasons for it, together with the date of the decision, produced in accordance with any other statutory requirement, will be sufficient to satisfy the requirement to produce a written record set out in this rule.

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but this does not include published works or those which disclose confidential or exempt information (as defined in Rules 9 and 10), nor in respect of executive reports, does this include the advice of a political advisor, or any draft report or document.

7.2 Public inspection

- (a) A copy of each of the documents listed will be:-
 - i. published on the Council's website at the same time as the report is available for public inspection, and
 - ii. made available to a member of the public during office hours at the authorities offices at Civic Hall, Leeds, on payment of the Council's reasonable fee.
- (b) The Council will make available for public inspection for four years after the date of the meeting one copy of each of the documents on the list of background papers.

8.0 EXCLUSION OF PUBLIC ACCESS

- 8.1 The Monitoring Officer will exclude access by the public to reports which in his/her opinion contain confidential information, (as defined in Rule 9).
- 8.2 If the Monitoring Officer thinks fit, access by the public may also be excluded in respect of reports which in his/her opinion relate to items during which, in accordance with Rule 10 the meeting is likely not to be open to the public.
- 8.3 Such reports will be marked "Not for publication" together with "confidential information" or the exemption relied upon.
- 8.4 Where an exemption is relied upon, any such report must contain the reasons why, as in all in the circumstances of the case, the public interest in maintaining the exemption outweighs the public interest in disclosing the information.

9.0 CONFIDENTIAL INFORMATION – REQUIREMENT TO EXCLUDE PUBLIC ACCESS

- 9.1 The public⁸ must be excluded from meetings whenever it is likely in view of the nature of the business to be transacted or the nature of the proceedings that confidential information would be disclosed. Likewise, public access to reports, background papers, and minutes will also be excluded.
- 9.2 Confidential information means⁹
 - (a) information given to the Council by a Government Department on terms which forbid its public disclosure or
 - (b) information the disclosure of which to the public is prohibited by or under another Act or by Court Order. Generally personal information which identifies

⁸ Members of the Council and officers attending the meeting in the course of their employment shall not be considered to be members of the public.

⁹ Care should be taken to ensure that partners are aware of this definition of Confidential Information which will apply to information which they choose to share with the Council

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an individual, must not be disclosed under the data protection and human rights rules.

10.0 EXEMPT INFORMATION – DISCRETION TO EXCLUDE PUBLIC ACCESS

- 10.1 The public may be excluded from meetings whenever it is likely in view of the nature of the business to be transacted or the nature of the proceedings that exempt information would be disclosed provided:
- (a) the meeting resolves so to exclude the public, and that resolution identifies the proceedings or part of the proceedings to which it applies, and
 - (b) that resolution states by reference to the descriptions in Schedule 12A to the Local Government Act 1972 (paragraph 10.4 below) the description of the exempt information giving rise to the exclusion of the public.
 - (c) that resolution states, by reference to reasons given in a relevant report or otherwise, in all the circumstances of the case, the public interest in maintaining the exemption outweighs the public interest in disclosing the information.
- 10.2 In these circumstances, public access to reports, background papers and minutes will also be excluded.
- 10.3 Where the meeting will determine any person's civil rights or obligations, or adversely affect their possessions, Article 6 of the Human Rights Act 1998 establishes a presumption that the meeting will be held in public unless a private hearing is necessary for one of the reasons specified in Article 6.
- 10.4 Exempt information means¹⁰ information falling within the following categories (subject to any condition):

Category	Condition
1. Information relating to any individual.	Information is exempt if and so long, as in all the circumstances of the case, the public interest in maintaining the exemption outweighs the public interest in disclosing the information
2. Information which is likely to reveal the identity of an individual.	Information is exempt if and so long, as in all the circumstances of the case, the public interest in maintaining the exemption outweighs the public interest in disclosing the information
3. Information relating to the financial or business affairs of any particular person (including the authority holding that	Information is exempt if and so long, as in all the circumstances of the case, the public interest in maintaining the

¹⁰ Care should be taken to ensure that partners are aware of this definition of Exempt Information which will apply to information which they choose to share with the Council

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Category	Condition
information).	<p>exemption outweighs the public interest in disclosing the information</p> <p>Information within paragraph 3 is not exempt if it must be registered under various statutes, such as the Companies Acts or the Charities Act 2011.</p> <p>“Financial or business affairs” includes contemplated, as well as past or current, activities</p>
4. Information relating to any consultations or negotiations, or contemplated consultations or negotiations, in connection with any labour relations matter arising between the authority or a Minister of the Crown and employees of, or officer-holders under the authority.	<p>Information is exempt if and so long, as in all the circumstances of the case, the public interest in maintaining the exemption outweighs the public interest in disclosing the information</p> <p>“Labour relations matter” are as specified in paragraphs (a) to (g) of section 218(1) of the Trade Unions and Labour Relations (Consolidation) Act 1992, i.e. matters which may be the subject of a trade dispute within the meaning of that Act or any dispute about any such matter</p>
5. Information in respect of which a claim to legal professional privilege could be maintained in legal proceedings.	<p>Information is exempt if and so long, as in all the circumstances of the case, the public interest in maintaining the exemption outweighs the public interest in disclosing the information</p>
6. Information which reveals that the authority proposes – (a) to give under any enactment a notice under or by virtue of which requirements are imposed on a person; or (b) to make an order or direction under any enactment	<p>Information is exempt if and so long, as in all the circumstances of the case, the public interest in maintaining the exemption outweighs the public interest in disclosing the information</p>
7. Information relating to any action taken or to be taken in connection with the prevention, investigation or prosecution of crime	<p>Information is exempt if and so long, as in all the circumstances of the case, the public interest in maintaining the exemption outweighs the public interest in disclosing the information</p>

Information falling within any of paragraphs 1-7 is not exempt information if it relates to proposed development for which the local planning authority may grant itself planning permission under regulation 3 of the Town and Country Planning General Regulations 1992.

10.5 Disorderly Conduct – discretion to exclude public

The public may also be excluded from meetings, where the meeting so resolves, in the exercise of a lawful power of exclusion in order to maintain orderly conduct or to prevent misbehaviour at a meeting.

11.0 PUBLIC ACCESS TO OTHER INFORMATION - FREEDOM OF INFORMATION

- 11.1 Where a member of the public makes a request for information under the Freedom of Information (FOI) Act 2000, they will be informed in writing by the Council whether it holds such information, and if that is the case, they will have that information communicated to them, unless an exemption applies.
- 11.2 An FOI request must be in writing, state the name of the applicant and an address for correspondence, and describe the information requested. A request will be treated as made in writing where the text is transmitted by electronic means (e-mail), is received in legible form, and is capable of being used for subsequent reference.
- 11.3 FOI requests will be dealt with by the FOI practitioner for the relevant service area.
- 11.4 FOI requests must generally be dealt with within 20 working days of receipt.
- 11.5 The Council will not comply with FOI requests where one or other of the exemptions applies. These include:
- information which is otherwise reasonably accessible
 - information intended for future publication
 - information where disclosure would be likely to prejudice
 - the national or local economy
 - crime prevention/detection, prosecutions, and certain civil proceedings
 - health and safety
 - commercial interests
 - information provided in confidence
 - personal information
- 11.6 In relation to most of the exemptions, the Council must also apply the 'public interest test. Even where the terms of an exemption seem to apply, the Council is still under a duty to disclose, unless the public interest in maintaining the exemption outweighs the public interest in disclosure.
- 11.7 Further details about FOI, how to make an FOI request and the FOI practitioners are contained in the document 'Freedom of Information Act 2000 – Your Right to Information from Leeds City Council' on the Council's website.

12.0 MEMBERS ACCESS - STATUTORY RIGHTS

12.1 Material relating to forthcoming business

- (a) All Members are entitled to inspect any document which is in the possession or under the control of the Executive or its committees and contains material relating to any business to be transacted at a public meeting unless
 - (i) it contains exempt information falling within Rules 10.4.1, 10.4.2, 10.4.4, 10.4.5 and 10.4.7 above; or
 - (ii) it contains exempt information falling within Rule 10.4.3 above to the extent that the information relates to any terms proposed or to be proposed by or to the authority in the course of negotiations for a contract; or
 - (iii) it contains the advice of a political adviser or
 - (iv) it is a draft report or draft background paper
 - (v) it is not a report or a background paper as defined in Rule 7
- (b) All Members are entitled to inspect any document which is in the possession of or under the control of the Council and contains material relating to any business to be transacted at a meeting of the Council or any of its committees or sub-committees unless
 - (i) it contains exempt information falling within Rules 10.4.1, 10.4.2, 10.4.4, 10.4.5 and 10.4.7 above or
 - (ii) it contains exempt information falling within Rule 10.4.3 above to the extent that the information relates to any terms proposed or to be proposed by or to the authority in the course of negotiations for a contract.

12.2 Material relating to Key Decisions by Directors

All Members of the Council will be entitled to inspect any document in the possession or under the control of the Executive or its committees which relates to any Key Decision made by a Director unless any of the exceptions in Rule 12.1 applies.

13.0 SCRUTINY MEMBERS ACCESS– ADDITIONAL STATUTORY RIGHTS

13.1 Rights to copies

Subject to the limits below, a member of a Scrutiny Board (including its sub-committees) will be entitled to copies of any document which is in the possession or control of

- (a) the Executive or its committees and which contains material relating to any business transacted at a meeting of the Executive or its committees; or
- (b) a Director and which contains material relating to an officers decision.

13.2 Limit on rights

A Scrutiny member will not be entitled to:

- (a) any document that is in draft form;
- (b) any part of a document that contains exempt or confidential information, unless that information is relevant to an action or decision they are reviewing or scrutinising or intend to scrutinise; or
- (c) the advice of a political adviser or assistant.

14.0 MEMBERS ACCESS – NEED TO KNOW

14.1 Meaning of the Need to Know

Members have the right to seek information, explanation and advice which they may reasonably need in order to assist them in properly discharging their duties as a Member of the Council. This can range from a request for general information about some aspect of the Council's activities to a request for specific information on behalf of a constituent. Such approaches should normally be made to the relevant Director.

14.2 The Nature of Requests

Members should:

- (i) avoid over-involvement in issues raised by individual constituents
- (ii) be particularly careful when having direct contact with relatively junior officers, to avoid the appearance of abusing their position
- (iii) justify the request in specific terms, unless circumstances exist where a Member's need to know will be presumed – for example where a Member is on a committee and wants to inspect documents relating to that committee's business, or where the information requested is already in the public domain
- (iv) only use the information for the purpose for which it was provided, and get the prior agreement of the relevant Director to any disclosures to the press or the public

14.3 Limit on rights

There are a number of factors which may limit or outweigh a Member's need to know, including:

- (i) the need to know does not extend to a 'roving commission' through Council documents
- (ii) the need to know would only extend to personal information in exceptional cases
- (iii) draft documents compiled in the context of emerging Council policies, and draft reports will not usually be disclosed
- (iv) a Member of one party group will not have a need to know in relation to a document prepared for another party group
- (v) documents prepared specifically for one Member will not, unless he/she agrees, normally be provided to another Member
- (vi) documents will not be disclosed where the relevant Director believes that use of those documents by a Member may prejudice the Council's or the public interest.
- (vii) the level of resources required to deal with locating and supplying documents.

14.4 Procedure

14.4.1 Whether a Member has a need to know will be determined initially by the Director who holds the document in question (with advice from the Monitoring Officer). The Director must not have regard to party political advantage, nor must the Director's determination have the effect of preventing the Member concerned from giving evidence in Court, or of penalising the Member for so doing.

14.4.2 All internal documents and copies produced to any Member for inspection in accordance with this Rule will be produced on the basis that, in the absence of malice, officers are expressly indemnified in respect of any claim in litigation that may result from such publication.

15.0 RIGHTS OF APPEAL

15.1 Appeals against refusals of FOI requests

If an FOI request is refused by an FOI practitioner, the applicant may invoke the Council's compliments and complaints procedure. FOI requests are dealt with at stage 2 of such procedure, and in the case of requests where the public interest test applies the officer dealing with the complaint will consult with the relevant Executive Member for their service. If the complaint does not result in the disclosure of the relevant information an applicant may then apply to the Information Commissioner for a decision

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as to whether the Council has complied with the relevant provisions of the Freedom of Information Act 2000.

15.2 Appeals where Public Access is denied to a Report or Background Papers

- 15.2.1 If a member of the public is denied access to a report or background papers under these Rules, they may appeal at the relevant meeting by giving notice in writing to the Head of Governance and Scrutiny Support, such notice to be received not less than 24 hours before the relevant meeting is due to be held. Any such appeal will be considered as the first item on the agenda.
- 15.2.2 The person making the appeal may provide written submissions to the Head of Governance and Scrutiny Support, who will supply copies of the same to the relevant Director and each member of the meeting before the date of the meeting.
- 15.2.3 The Head of Governance and Scrutiny Support will supply each member of the meeting with a copy of the document to which the appeal relates, before the date of the meeting.
- 15.2.4 The Director (or nominee) will be called before the meeting to explain and justify the reasons for withholding inspection, and the meeting may question that officer. The person making the appeal will usually be called before the meeting at the same time, but the meeting may exclude that person at their reasonable discretion, where it appears to them that any of the contents of the document to which the appeal relates may otherwise be revealed to that person.
- 15.2.5 The person making the appeal will then be allowed to make representations to the meeting, and the meeting may question that person. The meeting may exclude the officer at their reasonable discretion.
- 15.2.6 The officer and the person making the appeal (and members of the public, if any) will then be asked to withdraw so that the meeting may consider whether or not to release the document. The meeting will be guided on matters of law and procedure by the Monitoring Officer (or nominee) and if necessary may adjourn the proceedings in order to obtain further legal advice.
- 15.2.7 As soon as the meeting have made their decision, the officer and the person making the appeal (and members of the public, if any) will be recalled, and the decision announced.
- 15.2.8 Where a member of the public makes an appeal against denial of access to a report or background paper which a Director intends to take into account in making a Key Decision, they must give notice in writing to the Head of Governance and Scrutiny Support who will make arrangements for a meeting of a committee of the Executive Board to be convened, to determine the appeal. In such cases, the procedure set out above will apply as if references to 'meeting' were substituted by references to 'committee'.

15.3 Appeals where a Member is denied inspection of a document

- 15.3.1 If a Member is denied inspection of a document under their statutory rights or their need to know rights, they may appeal to the Executive Board. A decision made by a Director

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to withhold the inspection of any internal document shall be valid and remain in force unless and until altered on an appeal.

- 15.3.2 A Member will give notice in writing of an appeal to the Head of Governance and Scrutiny Support, who will make arrangements for a meeting of a committee of the Executive Board to be convened to determine the appeal.
- 15.3.3 The committee of the Board will meet to determine the appeal as soon as reasonably practicable, and in any event within 20 working days of receipt of the notice of appeal.
- 15.3.4 The Member making the appeal, and the Director who decided to withhold inspection (or nominee) will each submit a written report to the Head of Governance and Scrutiny Support, who will supply copies of the same to the Member, the Director and each member of the committee at least 5 working days before the date of the committee meeting.
- 15.3.5 The Head of Governance and Scrutiny Support will supply each member of the committee with a copy of the document to which the appeal relates, before the date of the committee meeting.
- 15.3.6 The Director (or nominee) will be called before the committee to explain and justify the reasons for withholding inspection, and the committee may question that officer. The Member will usually be called before the committee at the same time, but the committee may exclude the Member at their reasonable discretion where it appears to them that any of the contents of the document to which the appeal relates may otherwise be revealed to the Member.
- 15.3.7 The Member will then be allowed to make representations to the committee, and the committee may question the Member. The committee may exclude the officer at their reasonable discretion.
- 15.3.8 The committee may permit the Member to ask questions of the officer, and vice versa at their reasonable discretion.
- 15.3.9 Both the officer and the Member will then withdraw so that the committee may consider whether or not to release the document. The committee will be guided on matters of law and procedure by the Monitoring Officer (or nominee) and if necessary may adjourn the proceedings in order to obtain further legal advice.
- 15.3.10 As soon as the committee have made their decision, the officer and the Member will be recalled, and the decision announced.
- 15.3.11 All internal documents and copies produced for inspection following a decision of a committee of Executive Board to release the same will be so produced on the basis that, in that absence of malice, Members and officers of the Council are expressly indemnified by the Council in respect of any claims in litigation that may result from such publication.

16.0 LIST OF MEMBERS AND SUMMARY OF PUBLIC ACCESS RIGHTS

- 16.1 The Council will publish and any member of the public may make reasonable inspection of:
- (a) a list stating the name and address of all current Members of the Council and the Ward they represent and the name and address of all current Members of the Executive Board, Scrutiny Boards, other Committees and any sub-groups thereof; and
 - (b) a list of the rights conferred on the public to attend meetings and to inspect, copy and be supplied with documents.

Leeds City Council

Recording¹¹ Protocol: Third Party Recording of Committees, Boards and Panels

The council wants to be open and transparent in the way in which it conducts its decision-making.

Recording is allowed at all meetings of the authority¹² 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.

1. Filming or other recording of all meetings of the authority, whilst those meetings are open to the public, is permitted^{13 14}.
2. Those wishing to record proceedings should, as a courtesy, inform the chair (or clerk) of the committee of their intentions to record prior to the commencement of the meeting.
3. Recordings may only be taken overtly from the area designated for the public and;
 - a. Recording devices must be in silent mode
 - b. No flash or additional lighting is permitted
 - c. Recordings must be taken from one fixed position and must not obstruct others from observing proceedings
4. The chair of a meeting has the authority to instruct that recordings be stopped where¹⁵:
 - a. The press and public have been excluded from the meeting due to the nature of (exempt or confidential) business being discussed.
 - b. There is public disturbance or a suspension/adjournment of a meeting
 - c. The recording has become disruptive or distracting to the good order and conduct of the meeting.
 - d. Continued recording is against the wishes of an individual¹⁶

Use of Recordings by Third Parties– code of practice

Following representations received from interested third parties, the following code of practice has been drawn up concerning the use of recordings.

¹¹ This includes both video and audio recording

¹² Including full Council, committees (boards and panels) established by full Council (and sub committees appointed by those committees) and Executive Board.

¹³In accordance with any regulations relating to such matters.

¹⁴ All agendas will indicate that recordings may be made at the meeting by third parties; signage will also be displayed indicating this

¹⁵ In all cases recording equipment must be switched off.

¹⁶ Where members of the public raise an objection to being recorded, then those individuals will not be filmed. However continued audio recording will be permitted where the contributions are material to the resolutions to be made.

Access to Information Procedure Rules

- 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.

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APPOINTMENTS TO OUTSIDE BODIES PROCEDURE RULES

1.0 Scope

- 1.1 These Procedure Rules relate to those external organisations and partnerships (referred to as *Outside Bodies*) which have requested the Council to appoint an Elected Member (or suitable nominee¹) to them
- 1.2 For the avoidance of doubt, these Procedure Rules do not apply to appointments which are reserved to Council. These are listed separately in Part Three (Section 1) of the Constitution - Responsibility for Local Choice Functions.
- 1.3 Additionally it is recognised that, often at a local level, individual Elected Members may be personally approached to attend meetings of a variety of organisations in their personal capacity rather than in their capacity as a Councillor. Such instances are not covered within the scope of these Procedure Rules.

2.0 Determination of Outside Bodies to which an Appointment should be Made

- 2.1 The Head of Governance and Scrutiny Support will maintain a list of all Outside Bodies to which the Council appoints an Elected Member.
- 2.2 Each year the Member Management Committee will review the list of notified Outside Bodies and will determine whether the Council should make/continue to make an appointment to those bodies.
- 2.3 Determination will be based on one or more of the following criteria being met:
 - the proposed appointment is a statutory requirement;
 - the proposed appointment would be consistent with the Council's policy or strategic objectives; and/or
 - the proposed appointment would add value to the Council's activities.
- 2.4 Requests from an Outside body to make an appointment received after such an annual review will be referred to the relevant Director who will:
 - Provide advice on whether the Outside Body meets one or more of the criteria in Rule 2.3; and;
 - Identify the Lead Officer to work with the appointed Member should an appointment be made to the Strategic and Key Partnerships category.
- 2.5 Such requests will then be referred to the Member Management Committee for determination by reference to the same criteria.

¹ Which shall include an appointment of an individual, who is not an elected member, made upon the nomination of an elected member when such a nomination is a requirement of statute and/or the Trust Deed of a registered charity.

3.0 Determination of how an Appointment should be made

- 3.1 Where an organisation is deemed to have met one or more of these criteria, the Member Management Committee will allocate it into one of the following categories.
- **Strategic and Key Partnerships** – participation contributes to the Council's strategic functions, priorities and community leadership role.
 - **Community and Local Engagement** – not necessary to fulfil strategic or key partnership role but, nonetheless, beneficial in terms of leading, engaging and supporting the community from an or ward perspective
- 3.2 Where an Outside Body has been categorised as **Strategic and Key Partnership**, appointment to it will be made by the Member Management Committee.
- 3.3 Where an Outside Body has been categorised as **Community and Local Engagement**, appointment to it will be made by the appropriate Community Committee.
- 3.4 Where it is not clear as to which particular Community Committee should make an appointment, the Member Management Committee will refer the request to the relevant Community Committee Chairs who will determine which is the appropriate Community Committee to make the appointment. This will be reported to the next meeting of the Community Committee.

4.0 The Appointment Procedure

Strategic and Key Partnerships

- 4.1 The Member Management Committee will first consider whether it is appropriate for an appointment to be of a specific office holder² either by reference to the constitution of the outside body concerned or in the light of any other circumstances as determined by the Member Management Committee. Such appointments will then be offered on this basis.
- 4.2 Nominations will then be sought for the remaining places. The Member Management Committee should have regard to a Member's current interests prior to making any appointment. The Member Management Committee will have regard to the principle of securing an overall allocation of places which reflects the proportion of Members from each Political Group on the Council as a whole.
- 4.3 All appointments are subject to annual change unless otherwise stated in the constitution of the external organisation. Each appointment (including in-year replacements) runs for the municipal year, ending at the next Annual Council Meeting.
- 4.4 Elected Members³ will fill all available appointments but it is recognised that Party Groups may not wish to take up vacancies which are made available to them. In

² For example it may be considered necessary or otherwise appropriate to appoint a specific Executive Board Member

Appointments to Outside Bodies Procedure Rules

such circumstances vacancies will be notified to the Member Management Committee and agreement sought as to whether the vacancy will be filled.

- 4.5 A vacancy occurring during the municipal year will normally be referred to the Member Management Committee for an appointment to be made, having regard to the principles as described above.
- 4.6 The City Solicitor will have delegated authority to make an appointment in the following circumstances:
- (i) where an appointment has been agreed by the Member Management Committee as a Whips nominee and the appropriate group Whip subsequently submits a nomination;
 - (ii) where a group Whip wishes to replace a Member previously approved by the Member Management Committee with another Member of the same group; and/or
 - (iii) where an organisation requires an appointment prior to the next meeting of the Member Management Committee, subject to this appointment being agreed by all Group Whips or their nominee.

That any instances of this delegation being used be reported to the next meeting of the Member Management Committee

Community and Local Partnerships

- 4.7 The Community Committee will first consider whether it is appropriate for an appointment to be of a specific office holder⁴ either by reference to the constitution of the outside body concerned or in the light of any other circumstances as determined by the Community Committee. Such appointments will then be offered on this basis.
- 4.8 Nominations will then be sought for the remaining places, having regard to trying to secure an overall allocation of places which reflects the proportion of Members from each Political Group on the area as a whole.
- 4.9 Elected Members⁵ will fill all available appointments but it is recognised that Party Groups may not wish to take up vacancies which are made available to them. In such circumstances vacancies will be notified to the Community Committee and agreement sought as to whether the vacancy will be filled.

³ Section 249 Local Government Act 1972 states that Aldermen and Honorary Freemen may attend and take part in civic ceremonies but do not have the right to attend Council/committee meetings or receive any allowances or payments under a Members Allowance Scheme. This establishes the principle that such persons should not to be treated as Councillors, and therefore cannot be appointed to outside bodies in place of a Councillor if the request from an organisation is for a Councillor

⁴ For example it may be considered necessary or otherwise appropriate to appoint a specific Ward Member

⁵ Section 249 Local Government Act 1972 states that Aldermen and Honorary Freemen may attend and take part in civic ceremonies but do not have the right to attend Council/committee meetings or receive any allowances or payments under a Members Allowance Scheme. This establishes the principle that such persons should not to be treated as Councillors, and therefore cannot be appointed to outside bodies in place of a Councillor if the request from an organisation is for a Councillor

Appointments to Outside Bodies Procedure Rules

- 4.10 All appointments are subject to annual change unless otherwise stated in the constitution of the external organisation. Each appointment (including in-year replacements) runs for the municipal year, ending at the next Annual Council Meeting.
- 4.11 A vacancy occurring during the municipal year will normally be referred to the Community Committee for an appointment to be made, having regard to the principles as described above.
- 4.12 Community Committees may review the list of organisations to which they are asked to make appointments at any time and make recommendations to the Member Management Committee.
- 4.13 The City Solicitor will have delegated authority to make an appointment where an organisation requires an appointment prior to the next meeting of the relevant Community Committee, subject to all Members of that Community Committee being consulted on the proposals.
- 4.14 That any instances of this delegation being used be reported to the next meeting of the relevant Community Committee.

Support for Elected Member Appointees To External Organisations

Lead officer: A lead officer will be identified by the relevant Director for all relevant appointments in the Strategic and Key Partnerships category .

This officer will work closely with the appointed Member(s) to provide briefings and support. Further advice will also be offered by the Chief Finance Officer and/or the City Solicitor as appropriate.

Briefings: For organisations in the Community and Local engagement category, a lead officer will not be allocated unless the Director and/or relevant Executive Member for the service area deem that this will be beneficial. However, the representative may still seek support and briefings from Council officers.

Induction: Partner/external organisations are expected to provide an induction into their affairs for newly appointed Council representatives. In the case of Strategic and Key Partnership Category appointments it is the lead officer's responsibility to ensure that an induction is arranged.

Director Resources and Housing

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Contracts Procedure Rules

These Contracts Procedure Rules set out the key responsibilities and actions that Council staff must follow when undertaking procurements.

They support staff to meet legislative requirements, and to meet the Council's ambitions for procurement, the Council's procurement policy, and related policies and procedures. They support staff to deliver effective procurement.

A range of [procurement templates and toolkits](#) is also available. These include the key documents referred to in these Contracts Procedure Rules, such as the [Category Plan](#) and [Procurement Plan](#). A full list of templates and toolkits is available at appendix 1 of the Council's published [Procurement Strategy](#). Council staff can access these documents through the council's intranet (InSite) and through hyperlinks in these Contracts Procedure Rules. Residents, businesses and other partners can request copies of the documents through the contact points listed in the Council's published [Procurement Strategy](#).

There are separate Contracts Procedure Rules in place to govern procurements that are carried out by maintained schools.

These CPRs constitute standing orders for the purpose of s135 of the Local Government Act 1972.

1. Compliance

- 1.1. Every procurement undertaken by or on behalf of the Council and every contract entered into by the Council will comply with:
 - 1.1.1. The Public Contracts Regulations (see CPR 10) and all relevant guidance and statutory provisions;
 - 1.1.2. These Contracts Procedure Rules, and the [Council's Financial Procedure Rules](#).
 - 1.1.3. The Council's strategic objectives and policies including the [Procurement Strategy](#) .The [Council's Employee](#) and [Member Codes of Conduct](#) .
 - 1.1.4. The [Council's Constitution](#) including Part 2 (Articles), Part 3 (Functions), Part 4 Procedure Rules, particularly the Executive and Decision Making Procedure Rules and Part 5 (codes and protocols).
- 1.2. These Contract Procedure Rules will apply to all procurements except Exempt Contracts. In respect to Exempt Contracts covered by limbs (d), (e) and (f) of the definition (urgent health and social care and personal choice)

the Chief Officer's obligation to demonstrate Best Value shall include due consideration of CPRs 3.1.1.1, 3.1.1.2, 3.1.10, 3.1.14, 3.1.16, 12 and 14.

1.3. Directors and/or Chief Officers may waive the requirements of CPR 3.1.1.1, 3.1.6, 3.1.7, 3.1.15, 3.1.22, 3.1.23, 8.1, 8.2, 9.1, 9.2, and 15.2 using the process set out in CPR 27. Chief Officers should seek advice from the Chief Procurement Officer where the Chief Officer considers it necessary by submitting the proposed waiver report for comment. The Chief Procurement Officer may waive CPR 14.1.5 in accordance with the terms of that CPR.

1.4. The term 'procurement' in these CPRs includes any arrangement whereby a new, replacement, amended or extended contract for the supply of goods, works or services is to be put in place. This includes circumstances where more than one provider is invited to tender and also where goods, works or services are procured through a negotiation with a single provider. This includes the award of concessions (a concession contract is the grant by the Council of the right to exploit something that the Council owns or controls. The Council will receive some form of benefit and the person who is granted the concession will exploit the opportunity at their own risk). Grant funding arrangements should be considered carefully to decide whether they are in fact a procurement for the purpose of these CPRs¹. A genuine grant funding arrangement is not a procurement. However, officers should consider whether the purpose that the grant is being provided for could be achieved through a procurement.

1.5. The following are not procurements for the purposes of these CPRs:

1.5.1. use of an ISP (except where the ISP is invited to submit a tender along with other providers);

1.5.2. provided that the Public Contracts Regulations do not apply, a joint or shared services arrangement with another public body;

1.5.3. an arrangement with a statutory body (e.g. the police) to provide a service that only the statutory body can legally provide; and

1.5.4. a contract or other arrangement with a company that is controlled by the Council (whether wholly or jointly with another public body.)

2. Responsibilities of Directors and Chief Officers

2.1. The relevant Chief Officer² will work with the Chief Procurement Officer to identify the total expenditure relating to a particular category of spend by

¹ Guidance on this matter is available on the national audit office website <http://www.nao.org.uk/successful-commissioning/successful-commissioning-home/sourcing-providers/>

² Chief Officers will be responsible for the categories of spend that sit within their directorate. Where a category of spend is shared across directorates responsibility for the category will have to be agreed between the directors involved in consultation with the Chief Procurement Officer.

completing a Category Plan The relevant Chief Officer will ensure that the Category Plan remains up to date and is reviewed periodically (minimum of once every 12 months) in conjunction with the Chief Procurement Officer.

- 2.2. A category is an area of spend. The list of categories will be determined by the Chief Procurement Officer in consultation with Directors and Chief Officers.
- 2.3. All Chief Officers will be responsible for ensuring compliance with these Contracts Procedure Rules by their Authorised Officers.
- 2.4. All Authorised Officers must be registered on YORtender.
- 2.5. All Chief Officers will ensure that contracts for which they are responsible are monitored and managed appropriately and, if applicable, in accordance with the relevant [Contract Management Plans](#).
- 2.6. All Chief Officers will report all breaches of these Contract Procedure Rules and lessons learned to the Chief Procurement Officer.
- 2.7. Chief Officers must ensure that the Chief Procurement Officer is provided with all the information that is required to allow him to comply with his duties including those relating to publishing information, notices and statistical returns.
- 2.8. Where a Chief Officer is responsible for the procurement of a Contract that may be used by more than one Directorate they must ensure that the other Directorates are consulted and involved and that the Chief Procurement Officer is provided with all the information that he requires to comply with his responsibilities at CPR 4.

3. Responsibilities of Authorised Officers

- 3.1. Authorised Officers will ensure that each procurement for which they have responsibility complies with the following requirements and will record such compliance:
 - 3.1.1. The proposed procurement expenditure must be
 - 3.1.1.1. contained in a [Category Plan](#) and any decision to waive this rule by a Chief Officer will be in accordance with CPR27 and
 - 3.1.1.2. contained within an approved budget or a budget secured prior to the commencement of the procurement and in accordance with the [Financial Procedure Rules](#);
 - 3.1.2. All procurement activity must be undertaken by suitably skilled and experienced staff;

- 3.1.3. Authorised Officers will consult with all relevant stakeholders, including Members, prospective providers, the trade unions if TUPE may apply (in accordance with the TUPE protocol) and service users, to identify the needs and outcomes to be achieved and assess all options for meeting those needs and achieving the outcomes. A recommended template (the [communication and engagement plan](#)) is available from the PPPU and the intranet , along with supporting toolkits.
- 3.1.4. If there is an ISP who can provide the service the Authorised Officer will consult with and use such provider. A list of all available ISPs is available on the Council's Financial Management System (FMS) and the Authorised Officer should always check FMS prior to undertaking any procurement activity to see if there is an ISP available. This is also a requirement before the Authorised Officer places an order via any feeder system (such as Orchard) to ensure that use of the ISP is always considered. If the Authorised Officer believes that the ISP should not be used they will seek to agree this with the Chief Officer of the ISP. If agreement cannot be reached the matter will be referred to the Director of the procuring Directorate who will take the final decision on this matter in conjunction with the Director of Resources and Housing. Any decision to procure an external provider rather than use an ISP must be recorded in writing, along with the reasons for the decision and sent to the Chief Procurement Officer for monitoring purposes;
- 3.1.5. If there is no ISP that is able to provide the service, or a decision has been taken not to use the ISP in accordance with CPR 3.1.4 Authorised Officers will consider whether the procurement is subject to Exclusive Supplier arrangements (see PPPU) and will use such arrangements if so;
- 3.1.6. If there is no ISP that is able to provide the service, or a decision has been taken not to use the ISP in accordance with CPR 3.1.4, and there are no Exclusive Supplier arrangements in accordance with CPR 3.1.5, Authorised Officers will consider whether the procurement is subject to existing provider arrangements and will use such arrangements if so. . A list of all available existing provider arrangements is available on the Council's Financial Management System (FMS) and the Authorised Officer should always check FMS prior to undertaking any procurement activity to see if there is an existing provider arrangement available. This is also a requirement before the Authorised Officer places an order via any feeder system (such as Orchard) to ensure that use of the existing provider arrangement is always considered. If the Authorised Officer believes that the existing provider should not be used and the contract with the existing provider clearly states that the Council does not have to purchase the goods, works or services from the existing

provider, they may waive this CPR. Any decision to waive this rule by a Chief Officer will be in accordance with CPR27;

3.1.7. NOT USED

3.1.8. The Delegated Decision to undertake a procurement (including a decision on what is being procured, the procurement route, the programme, the scope and the budget), whether it is a Key, Significant Operational or Administrative Decision ([see link to Article 13](#)) will be taken at the point that the procurement route is chosen and, subject to any project specific issues, this will normally be the main decision that all subsequent decisions flow from³. Refer to the Assurance Guide for further detail and advice. The Authorised Officer must also check compliance with the [Financial Procedure Rules](#) if the procurement includes capital expenditure. The Authorised Officer will recommend which kind of Delegated Decision is required. Decisions to place a call-off under a framework agreement will not be treated as consequential decisions. A Delegated Decision based on the value (estimated if necessary) and impact of the procurement will be taken both at the point that a procurement route for a framework agreement is chosen and for each call-off (or linked bundle of call-offs). CPR 21 sets out the decision making rules for contract extensions⁴;

3.1.9. The Authorised Officer will consider the matters set out under the headings “social”, “environmental” and “economic” at appendix 1 of the [Procurement Strategy](#) throughout the life of the procurement and in accordance with all applicable legislation including the Public Services (Social Value Act) 2012 and the Equality Act 2010. Where the Public Services (Social Value Act) 2012 may apply, the Authorised Officer shall record how social value has been considered in the procurement strategy report;

3.1.10. For all procurements Authorised Officers will establish a written specification for the procurement requirement and (where competition is involved) evaluation criteria and methodology which must be formally approved by the relevant Chief Officer as an administrative decision. Refer to the evaluation guidance for further guidance. Templates are also available from PPPU and the intranet;

3.1.11. The Authorised Officer will draft the description of the goods, works or services to be purchased in the contract advertisement notice with the assistance of the Chief Procurement Officer if required.

3.1.12. The Authorised Officer will consult and seek advice from the Chief Procurement Officer prior to beginning a procurement in each of the following cases:

³ Note that the decision making rules in the Constitution including article 13 still apply.

⁴ Officers are reminded that decisions may be sub-delegated as long as this is done in accordance with the Council's Constitution.

- 3.1.12.1 if the Transfer of Undertaking (Protection of Employment) (TUPE) may apply; or
- the value is or may exceed £100,000; or
- the procurement is a Midscale or Complex Project; or
- the procurement involves the use of the competitive dialogue, competitive dialogue with negotiation, a dynamic purchasing system or innovation partnership procedures each as described in the Public Contracts Regulations.
- 3.1.13. Unless the relevant Chief Officer determines otherwise the Authorised Officer will complete a [Procurement Plan](#) (which can cover one or more procurements). The Authorised Officer will register the procurement through the Project Registration Process. Any decision not to use a [Procurement Plan](#) will be an administrative decision recorded in writing, along with reasons, and sent to the Chief Procurement Officer for monitoring purposes whether a Procurement Plan is required or not the procurement must be registered through the Council's Project Registration Process;
- 3.1.14. The Authorised Officer will register all completed procurements (as defined at CPR 1.4 and therefore including contracts that have been negotiated with a single provider) that have a value of £10,000 or more on YORtender in accordance with the requirements of the Chief Procurement Officer and CPR 19.3;
- 3.1.15. Subject to CPR 12, Authorised Officers will use parts 1 to 3 of the Council's standard tender documents for all [tender processes](#). Any decision to waive this rule by a Chief Officer will be in accordance with CPR27;
- 3.1.16. All procurements must have a completed [Contract Management Plan](#) (which can be used for one or more procurements), unless the relevant Chief Officer determines otherwise. Any decision not to use a [Contract Management Plan](#) will be an administrative decision recorded in writing, along with reasons, and sent to the Chief Procurement Officer for monitoring purposes.
- 3.1.17. The Authorised Officer will make [tender documents](#) available to tenderers in a suitable electronic format (usually Portable Document Format (PDF)), unless there are exceptional circumstances where the use of electronic documents is not appropriate. PDF format may not be suitable for documents requiring completion or signature
- 3.1.18. The Authorised Officer will consider all aspects of the tender and contract lifecycle with reference to [guidance](#) issued by the Chief Procurement Officer. When calculating the price of any goods

(including software) the Authorised Officer will ensure that a genuine estimate of the maintenance costs is included within the price;

- 3.1.19. The Authorised Officer will apply Procurement Checklists to all procurements and a gateway review process (see PPPU) to all mid-scale or complex procurements⁵. This process must be applied at key stages of the procurement process in conjunction with the Chief Procurement Officer and in line with the [Procurement Plan](#);
- 3.1.20. All decisions relating to the procurement must have due regard to the [Assurance Guide](#) (with the exception of sections 12 (data management) and 14 (statistical returns) which are compulsory);
- 3.1.21. The Authorised Officer must consider whether proposed procurements, irrespective of their total value, might be of interest to potential Contractors located in other member states of the EU. A written record should be kept of the decision and the reasons for it. If it is considered that there may be cross border interest a sufficiently accessible advertisement must be published in OJEU and on YORtender in accordance with CPR 10 below. Generally, the greater the interest of the procurement to potential providers from other member states, the wider the coverage of the advertisement should be. Advice must be sought from the Chief Procurement Officer if there is any doubt about the application of this CPR;
- 3.1.22. The Authorised Officer will ensure that procurements are not conducted by Consultants. Any decision to waive this rule by a Chief Officer will be in accordance with CPR27; and
- 3.1.23. Subject to CPR 17.4, the Authorised Officer will ensure that no post tender submission negotiation takes place if the Public Contracts Regulations apply. In other cases post tender negotiations are permissible if the tender documentation states that it may take place, and this rule is waived. Any decision to waive this rule by a Chief Officer will be in accordance with CPR17 and CPR27.
- 3.2. Where the procurement of any value is fully funded by a third party (for example a developer or funder), and if that third party so requests, then the name(s) of one or more providers may be added to the tender list or be the only providers invited provided that the Public Contracts Regulations are not contravened. The Chief Procurement Officer must be notified and advice sought if this CPR 3.2 applies.
- 3.3. The Authorised Officer will be responsible for ensuring that a fair, transparent and non-discriminatory process is followed during the procurement, and when entering into the contract.

⁵ As defined by the Project Registration Process

- 3.4. The Authorised Officer will provide the evaluation results (tenderers score and winning tenderers score) to unsuccessful tenderers and will offer to provide further written feedback. Requests for a de-brief will be considered on a case by case basis. This will be in addition to any formal processes required by the Public Contracts Regulations. The Chief Procurement Officer will attend or contribute to this process if requested to do so by the Authorised Officer.
- 3.5. Prior to taking the decision to commence a procurement in line with CPR 3.1.8 the Authorised Officer will complete part 1 of a privacy impact assessment which is a screening exercise. If indicated by the screening exercise a full privacy impact assessment must also be carried out in accordance with part 2 of the privacy impact assessment. The Authorised Officer will carry out the assessments, keep a written record of the assessments on file and take action in line with the assessments throughout the process. Further details can be found here [\[link\]](#).

4. Responsibilities of Chief Procurement Officer

- 4.1. At the beginning of each financial year, the Chief Procurement Officer may publish a Prior Information Notice in the Official Journal of the European Union listing the contracts for services and supplies which the Council expects to procure for the coming financial year, based on information supplied by each relevant Chief Officer.
- 4.2. The Chief Procurement Officer will be responsible for publication on behalf of the Council of all OJEU contract advertisement, award and other notices and statistical returns required by the Public Contracts Regulations. Information kept by the Chief Procurement Officer on procurements undertaken will be published on YORtender, including specifications, contract terms and contract expenditure (tender documents and award notices will be published).
- 4.3. The Chief Procurement Officer will maintain a contracts register indicating when contracts will expire and procurements are programmed to be undertaken, and a supplier information database, based on the information provided by Chief Officers.
- 4.4. The Chief Procurement Officer will provide procurement support and advice on the application of these CPRs in relation to all procurements covered by CPR 3.1.12 together with all other procurements which the relevant Chief Officer requests and will manage the administration of YORtender.
- 4.5. The Chief Procurement Officer will issue details of procurements where TUPE may apply to Council employees or former Council employees (to the extent that this information has been provided by Directorates) to trade unions via the JCC along with any TUPE related information based on work carried out and information provided under CPRs 3.1.3 and 3.1.12.

4.6. The Chief Procurement Officer will review these CPRs and the Council's procurement processes annually in consultation with Chief Officers.

5. Joint Procurement

5.1. Any joint procurement for the benefit of the Council together with one or more public bodies will be formally approved by the relevant Chief Officer as a Delegated Decision before the procurement commences.

5.2. Where the Council conducts the procurement on behalf of itself and one or more other public bodies these CPRs will apply and the Authorised Officer must ensure the other public bodies that are to be included in that arrangement are listed in the OJEU advertisement and contract documents individually or as an identified class. The estimate of contract usage given must include the potential usage of that joint arrangement by those public bodies listed.

5.3. Where the Council is going to take part in a procurement that is conducted by another public body the procurement must be carried out in accordance with the procuring body's procurement rules and the Public Contracts Regulations, but the Authorised Officer will in any event comply with CPRs 3.1 to 3.3 (except for 3.1.15 and 3.1.21 to 3.1.23 inclusive).

5.4. The Council may enter into contracts on behalf of another local authority (or another public body such as a health authority when legal advisors have confirmed that it is lawful to do so) where:

5.4.1.1. the relevant public body has given authority to do so; and

5.4.1.2. having taken legal advice, the relevant Chief Officer has granted approval to do so as a Delegated Decision.

6. Estimating the Contract Value

6.1. Contract values should be calculated by working out the annual price and multiplying it by the contract length (including any possible contract extensions) and, in any event, in accordance with the Public Contracts Regulations with particular regard to the rules on aggregation. For consistency, these rules should be followed even when the Public Contracts Regulations are not applicable.

6.2. Authorised Officers will ensure that values are not split in an attempt to avoid the applicability of these CPRs, the Public Contracts Regulations or the Executive and Decision Making Procedure Rules (Part 4 of the constitution).

7. Below £10k - Low Value Procurement

- 7.1. Where no appropriate ISP, Exclusive Supplier, existing provider or Third Party Framework Agreement exists, competition (three written tenders) is required for procurements with an estimated value of below £10k. If the relevant Chief Officer believes that it represents Best Value for the Council to make a direct appointment without the need for competition, they may do so providing that a written record of the decision, along with reasons, is kept.
- 7.2. Once a Contractor is selected an order will be issued specifying the goods, works, or services to be provided and the price and terms of payments.
- 7.3. Regardless of the procurement method used, the Delegated Decision to undertake a procurement of this value will generally be an Administrative Decision unless the decision maker considers that it will have a significant impact. However, officers should have regard to the Article 13 of the Council's constitution when deciding which kind of Delegated Decision applies.

8. Between £10k and £100k - Intermediate Value Procurement

- 8.1. Where no appropriate ISP, Exclusive Supplier, existing provider or Third Party Framework Agreement exists, competition is required for procurements valued at or over £10k but at or below £100k.
- 8.2. At least **three** written tenders will be invited. These tenders may be invited by publishing either an open or a restricted tendering opportunity (restricted meaning that only selected suppliers are invited to tender) on the YORtender portal or inviting tenders from suppliers using Construction line (if applicable, please see the construction and housing category team for advice). Authorised Officers should consider CPR 1.1.3 when deciding which approach to take.
- 8.3. Any decision to waive this rule by a Chief Officer will be in accordance with CPR27.
- 8.4. Regardless of the procurement method used, the Delegated Decision to undertake a procurement of this value will generally be an Administrative Decision unless the decision maker considers that it will have a significant impact. However, officers should have regard to the Council's Constitution when deciding which kind of Delegated Decision applies.
- 8.5. If an open advert is placed on the YORtender portal for a procurement worth £10k or more the option to publish on Contracts Finder must be selected.

9. Over £100k - High Value Procurements

- 9.1. Where no appropriate internal provider, Exclusive Supplier, existing provider Third Party Framework Agreement exists, competition is required for procurements valued over £100k.

- 9.2. Where there are sufficient numbers of providers at least **four** written tenders will be invited. Tenders must be invited by publishing either a restricted opportunity inviting a minimum of four tenders or, an open opportunity, on the YORtender portal or inviting tenders from suppliers using Constructionline (if applicable, please see the construction and housing category team for advice). Authorised Officers should consider CPR 1.1.3 when deciding which approach to take. Authorised Officers should only procure through a restricted opportunity when they have sufficient knowledge of the market to enable them to take this view, and shall record how that approach will achieve Best Value.
- 9.3. CPRs 9.1 and 9.2 are subject to CPR 10.2. Where the estimated contract value reaches the relevant EU threshold set out in the Public Contracts Regulations CPR 10 will also apply.
- 9.4. Any decision to waive this rule by a Chief Officer will be in accordance with CPR27. Rule 9.3 cannot be waived.
- 9.5. The Delegated Decision to undertake a procurement of this value must be taken in accordance with the [Council's Constitution](#) particularly Article 13. At this level of spend it should be considered whether the decision is a Significant Operational or Key Decision.
- 9.6. If an open advert is placed on the YORtender portal the option to publish on Contracts Finder must be selected.

10. Contracts that are subject to the Public Contracts Regulations

- 10.1. Where the estimated value of a contract exceeds the current EU threshold, the contract will be tendered in accordance with the Public Contracts Regulations and these CPRs. In all such circumstances appropriate advice must be sought from the Chief Procurement Officer.
- 10.2. Where the Chief Officer and the Chief Procurement Officer agree that the negotiated procedure without publication of a contract notice applies there is no requirement to obtain a waiver of CPRs 9.1 and 9.2.
- 10.3. All OJEU contract notices must also be published on Contracts Finder.
- 10.4. The current thresholds are:

Services	£164,176.00
Goods	£164,176.00
Works	£4,104,394.00
Contracts for Social	

and other specific services £589,148.00

The thresholds are updated every two years with the next update due on the 1 January 2018.

10.5. Officers should note that there are specific rules in the Public Contracts Regulations covering Contracts for Social and other specific services. These include certain health, social, educational and other services. Above the threshold set out in CPR 10.4 these services must be procured following the placement of an OJEU contract notice or prior information notice and using a selection process that follows the principles of transparency and equal treatment and in particular covers the following:

10.5.1. conditions for participation must be clear;

10.5.2. time limits must be clear; and

10.5.3. the award procedure must be clear.

10.6. Advice should always be sought from the Chief Procurement Officer to ascertain whether the service you are procuring needs to be advertised in accordance with the Public Contracts Regulations and how a procurement for these services should be run.

10.7. Officers conducting above threshold procurements of goods, works and services should note that they must consider dividing contracts in to lots and justify any decision not to do so in either the procurement documents or the evaluation report and that all procurement documents must be published at the time that the OJEU contract notice is published in accordance with the Public Contracts Regulations.

11. Pre-qualification

11.1. In all procurements with a value of £164,176 or more the Council will only enter into a contract with a Contractor if it is satisfied as to the Contractor's eligibility, financial standing and technical capacity and CPRs 11.2 and 11.3 need to be followed when making this assessment.

11.2. [Pre-Qualification Questionnaires](#) are used to assess a tenderer's ability to perform the contract in question (selection criteria) and must not be used to assess how a contractor will perform the contract (award criteria).

11.3. A template [Pre-Qualification Questionnaire](#) is available for use to determine the criteria under CPR 11.1.

11.4. In all procurements with a value of less than £164,176 Authorised Officers need to decide whether it is necessary to assess a supplier's eligibility, financial standing and technical capacity. If the Authorised Officer decides

that this assessment is necessary it must be carried out in compliance with CPRs 11.5 and 11.6.

11.5. Pre-Qualification Questionnaires are not allowed at this level of spend. Instead, suitability assessment questions must be included as part of the tender assessment.

11.6. A suitability assessment checklist table can be found [here](#) for guidance.

12. Invitation to Tender

12.1. The invitation to tender will include parts 1 to 3 of the tender documents completed in accordance with the template documents. Note that there are different tender documents for use on [Midscale and Complex Projects](#) (as assessed under PM Lite) and Small projects (as assessed under PM Lite) or projects that have a value of £100k or less that are suitable for non-complex procurement documentation.

12.2. The Authorised Officer will ensure that tenders are invited and Contracts are entered into on the Council's terms and conditions, set out at [part 3 of the tender documents](#). They will be included with each purchase order or invitation to tender. Where this is not possible, because the Council's terms and conditions are not suitable or the Director wishes to use a Third Party Framework Agreement, and other terms and conditions are proposed, those terms and conditions must be approved in writing by the PPPU before they can be accepted.

12.3. The above CPRs 12.1 and 12.2 will not apply to:

12.3.1. Construction and/or engineering contracts where bespoke conditions based on accepted standard form contracts are used such as JCT or NEC for example (the headings in volumes 1 and 2 must be considered but the documents themselves need not be used); and

12.3.2. Third Party Framework Agreements that have been approved under clause 12.2 in the past.

12.4. Where tenders for works are required the Authorised Officer will liaise with PPPU to determine the most appropriate standard form of building contract to use.

12.5. Procurements can only be abandoned and / or re-tendered for proper justifiable reasons e.g. receipt of non-compliant tenders so genuine competition cannot be obtained or funding is withdrawn, and such proposed action must be subject to a formal decision categorised in accordance with Article 13 of the Constitution by the relevant Chief Officer.

13. Pre-tender submission clarification

- 13.1. Prior to the tender submission deadline either the Council or a tenderer may seek to clarify any aspects of the issued tender documentation. Adequate time must be allowed for both the clarification question and the response. Both the clarification question and response must be in writing and recorded in a log. A minimum of 5 days must be allowed between the last clarification question or response issued by the Council and the tender submission date (although note that different timescales apply to procurements that are subject to the Public Contracts Regulations and have required the publication of a contract notice). Except for a very limited set of circumstances both the question (anonymised) and the response should be issued to everyone who has been invited to tender. PPPU / PU can advise any officer who requires some assistance in relation to this rule.

14. Submission, Receipt, Opening and Registration of Tenders

14.1. All tenders

- 14.1.1. Invitations to Tender for procurements that have a value of £10k or more must be transmitted electronically using YORtender; this includes mini competitions under Third Party Framework Agreements (subject to CPR 14.1.4 below). The use of YORtender is encouraged for all procurements.
- 14.1.2. Faxed or e-mailed [Tender documents](#) or tender submissions are not acceptable for procurements that have a value of £10k or more.
- 14.1.3. The design of the [Tender documents](#) must be such that price documentation cannot be changed or substituted following submission of the Tender.
- 14.1.4. Procurements through framework agreements need not be advertised unless a mini-competition is required in which case they will be advertised in accordance with the provisions of the framework. However, once complete, details of the contract must be registered on YORtender by the Authorised Officer.
- 14.1.5. Subject to CPR 16 no Tender submissions, or [Pre-Qualification Questionnaires](#) received after the specified date and time for their receipt can be considered by the Council unless the delay is caused by a Council error such as temporary failure of the YORtender system in which case the Chief Procurement Officer may waive this CPR 14.1.5 if he believes it is reasonable to do so in all the circumstances.
- 14.1.6. Officers who have been involved in preparing [tender documents](#) for procurements that have a value of over £100k must not be involved in the recording or opening of tenders. Only persons authorised by the

relevant Chief Officer (as client), and by invitation of the Chief Procurement Officer will attend tender opening.

14.1.7. Tender submissions for procurements that have a value of over £100k will be opened by the Chief Procurement Officer and if required at least one other Officer nominated by the Director of Resources and Housing. An immediate record will be made of the Tender submissions received including names, addresses, value and the date and time of opening. All tender envelopes must be retained on file.

14.1.8. Chief Officers must ensure that appropriate arrangements are in place for the recording and opening of tenders that have a value of £100k or less.⁶

14.2. Hard Copy Tendering

14.2.1. The Council's method of tendering is by electronic means. However, in very exceptional circumstances (e.g. large construction contracts where there are a large amount of drawings required or where a tenderer doesn't have the capacity to tender electronically such as small community contracts), the Authorised Officer may allow the tenderers to submit a Tender in paper format. When conducting procurements under CPR 10 Authorised Officers must comply with regulations 22 and 53 of the [Public Contracts Regulations](#).

15. Tender Evaluation

15.1. Selection and award criteria must be distinguished and highlighted as part of the tender documentation. The evaluation criteria will be predetermined and approved (as an administrative decision) by the relevant Chief Officer and disclosed to all tenderers through the Invitation to Tender documentation. The evaluation criteria should be disclosed along with weightings. In exceptional circumstances, where this is not possible, the evaluation criteria may be listed in order of importance. Published criteria may not be changed and will apply throughout all stages of a procurement. The evaluation criteria and methodology must be set in accordance with the Public Contracts Regulations (including an assessment of cost effectiveness such as lifecycle costing) and the principles set out in the [tender evaluation guidance](#).

15.2. The price element of evaluation will always be 40% or greater. Any decision to waive this rule by a Chief Officer will be in accordance with CPR27 and must be justified in the circumstances. Authorised Officers should always consider whether a 'price –quality separated' approach may be applicable.

⁶ In order to reduce the risk of procurement challenge and ensure propriety Chief Officers are encouraged to put tender recording and opening arrangements in place that treat all procurements in the same way as those in the over £100k threshold.

This involves the first stage being a quality assessment which tenderers either pass or fail. Tenderers who pass are then assessed purely on price.

- 15.3. All contracts must be awarded on the basis of the offer which represents Best Value⁷ to the Council and in accordance with CPR 18.

16. Errors in Tender Submissions

- 16.1. Where a tenderer has made a genuine error they may be given an opportunity to correct that error prior to tender evaluation. If correction is permitted the tenderer must submit, supplement, clarify or complete the relevant information or documentation within a strict time limit that represents the minimum time that a tenderer needs to make the correction.
- 16.2. If a tender submission is incomplete or has specific documents missing and correction is permitted the tenderer must submit, supplement, clarify or complete the relevant information or documentation within a strict time limit that represents the minimum time that a tenderer needs to make the correction.
- 16.3. Other errors in tender submissions must be dealt with either by asking the tenderer to confirm that they will honour their tender submission despite the error or if not withdraw the tender from the procurement process.
- 16.4. If a tenderer uploads documents onto YORtender which cannot subsequently be opened by the Council at the tender opening ceremony, the Authorised Officer should ask the tenderer to re-submit its documents to them in a format that can be accessed by the Authorised Officer. This re-submission may be by e-mail but an Authorised Officer's individual e-mail account should not be used for this purpose. All correspondence of this nature should be sent to a regularly monitored project, team or directorate mail box.
- 16.5. [Tender documents](#) must state how errors in tenders will be dealt with. Whichever process is followed it must be transparent and fair to all tenderers.
- 16.6. If a Contractor agrees to stand by an error which will cast doubt on its ability to perform the contract, or to the standard required, or may result in legal dispute, then authority should be granted by the relevant Chief Officer before a tender is accepted on this basis. A copy of the report and decision must be sent to the Chief Procurement Officer for monitoring purposes.

17. Post Tender Clarification and Negotiation

⁷ Note that this does not prohibit "price only" if a price only assessment will provide Best Value on that particular procurement.

- 17.1. Post tender submission the Council may ask tenderers to clarify any aspects of the submitted tender but only if it is genuinely unclear. If the submission is clear but wrong this is not clarification. If any amended or new documentation is submitted as part of a clarification response it must only clarify the original response and not contain any new information. Anything that is submitted and goes above and beyond clarification must be disregarded in the evaluation and a note made to that effect. All clarifications and responses must be in writing and recorded in a log.
- 17.2. There are specific rules in the Public Contracts Regulations dealing with the negotiated procedure without publication of a notice, the competitive procedure with negotiation, the competitive dialogue procedures and the procurement of Social and Other Specific Services (as defined in the Public Contracts Regulations) and Authorised Officers are expected to take advice from the Chief Procurement Officer when using these procedures. The Council may clarify, specify and fine tune final tenders and submissions that are received through the competitive dialogue procedure.
- 17.3. Officers must ensure that CPRs 17.1 and 17.2 are not used to permit either pre or post final tender submission negotiation. The PPPU should be contacted if there is any doubt as to whether something is clarification or negotiation.
- 17.4. Where a procurement is conducted pursuant to the Public Contracts Regulations through either the open, restricted or competitive dialogue procedures, no post tender/final tender negotiations (including negotiations on price) are permitted. Where the negotiated procedure is used the regulations relating to that procedure will be followed. Where Social and other Specific Services (as defined in the Public Contracts Regulations) are being procured the regulations relating to that procedure will be followed. Where the competitive dialogue procedure is used all aspects of the procurement can be discussed pre final tender. However, post tender the Authorised Officer may only seek to clarify, specify or fine tune tenders in accordance with (i) the Public Contracts Regulations and (ii) the tender instructions. Where the competitive procedure with negotiation is used all aspects of the initial tender, other than the minimum requirements and award criteria, shall be subject to negotiation. Where the innovation partnership procedure is used all aspects of the tenders submitted can be discussed pre final tender.
- 17.5. Where procurements are conducted outside the Public Contracts Regulations, such as below threshold contracts, the Authorised Officer may seek authority to enter into negotiations if he/she considers that it is in the Council's interest to do so in which case the following rules will apply:
- 17.5.1. approval to waive CPR 3.1.23 and enter into negotiations will be sought in writing from the relevant Chief Officer through a Delegated Decision;

- 17.5.2. negotiations will be conducted on behalf of the Council by at least two appropriately trained Officers from the service directorate concerned. The Chief Procurement Officer will be invited to send a representative to the negotiation meetings. A full written record will be kept of the results of the negotiations;
- 17.5.3. an amended tender following negotiations under this rule 17 will not be accepted unless it can be shown that it provides Best Value to the Council.

18. Awarding Contracts

- 18.1. A contract will only be awarded subject to the tender evaluation criteria. Where a tender is to be evaluated on price only the Contract must be awarded to the tenderer submitting the lowest price. Where a tender is to be evaluated on quality only the Contract must be awarded to the tenderer submitting the highest scoring tender.
- 18.2. Where a Contract is to be awarded on the basis of a price/quality evaluation and the difference between the value of the lowest priced tender and the highest scoring submission is more than 5%, the Authorised Officer must report this fact to the officer who is taking the Delegated Decision to award the contract. This should be done by including a clear statement in the contract award decision report.
- 18.3. Contracts with a value above £100k will be executed in accordance with Article 14.5 of the Council's Constitution by officers with the requisite delegated authority to do so within the PPPU.
- 18.4. Contracts with a value up to and including £100k which are based on the Council's standard terms and conditions, or on formally approved submitted terms and conditions, may be awarded and signed by an Officer with the requisite delegated authority to do so within the relevant service directorate.
- 18.5. The Delegated Decision to award a contract will be made in accordance with the [Assurance Guide](#) and the sub-delegation schemes that are in place. This report should give details of the reasons why tenders, if any, were disqualified and the reasons for the selection of Contractor(s). If the procurement is being carried out under CPR 10 regulation 84 of the [Public Contracts Regulations](#) must be adhered to. Find guidance on the reports requirements [here](#).
- 18.6. The Council will only award a contract where it represents Best Value. Where the Public Contracts Regulations do not apply and a 2 stage process is adopted whereby the mechanism for the costs of completing stage 2 of the Contract aren't included in the costs of completing phase 1 of the Contract the relevant Chief Officer will be entitled to allow the same Contractor that completed stage 1 to continue with stage 2 without submitting stage 2 to another formal tendering exercise providing that a Delegated Decision is

taken confirming that Value for Money will be achieved by following this route and the original tender documentation made it clear that the Council reserved the right to do this.

- 18.7. Letters of Intent will only be used in very exceptional circumstances and following a Delegated Decision. Where the terms and conditions of Contract are not fully agreed no Contractor will be allowed to commence delivery of goods, works or services until a full risk assessment has been carried out by the Authorised Officer as to the possible implications to the Council of the Contractor being allowed to commence work before the Contract terms and conditions have been finalised. It is recommended that advice is taken from the Chief Procurement Officer prior to entering into a Letter of Intent.

19. Debriefing and Publishing

- 19.1. A Contract subject to the Public Contracts Regulations can only be awarded following a communication to all unsuccessful tenderers and a 10 day standstill period. Failure to comply can result in a challenge and the contract being set aside. The Chief Procurement Officer is responsible for issuing such communications on instruction from the relevant Chief Officer.
- 19.2. In all cases, the Authorised Officer responsible for each procurement will provide information and offer a de-briefing in accordance with CPR 3.4.
- 19.3. The Authorised Officer must provide the Chief Procurement Officer with the details of the successful tenderer, tendered price and nature of the contract to allow the Chief Procurement Officer to carry out his obligations under CPR 4.2.

20. Contract Management

- 20.1. The relevant Chief Officer is responsible for ensuring that the Contract is managed appropriately and in accordance with its terms and any [Contract Management Plan](#) that has been prepared in accordance with CPR 3.1.16.

21. Contract Extension and Variations

Extensions

- 21.1. Contract extensions are only permitted if they are put in place before the contract expiry date and where the proposed extension is in accordance with the contract terms. Prior to seeking approval from the relevant Chief Officer to take up a contract extension the Authorised Officer must comply with the requirements of CPR 3 to establish whether the extension will deliver Best Value. This process must be recorded in writing.

- 21.2. Any Contract extension must be approved by and dealt with by the relevant Chief Officer. The Chief Procurement Officer must be consulted if the extension relates to a Midscale or Complex Project. However, this is optional at the relevant Chief Officer's discretion for other projects. The decision to extend a contract will be treated as a new decision that is not a consequence of the initial decision to procure, it may be an Administrative or Significant Operational or Key decision, depending on value and impact of the decision (refer to Article 13).
- 21.3. All extensions to any Council contracts must be in writing and reported to the Chief Procurement Officer in order that YORtender can be updated. Extensions of a Contract that are categorised as "variations" in the Contract terms and conditions will be governed by rules 21.5 to 21.9 and CPR 21.1 and 21.2 will not apply.
- 21.4. Once a Contract has expired it cannot then be extended.

Variations

- 21.5. Variations to capital project procurements will be dealt with in accordance with these Contracts Procedure Rules and Appendix F of the [Council's Financial Procedure Rules](#). Variations in relation to revenue Contracts will be dealt with in accordance with these Contract Procedure Rules and Rule 10 of the Financial Procedure Rules.
- 21.6. All Contract variations must be carried out
- 21.6.1. within the scope of the original Contract. Contract variations that materially affect or change the scope of the original Contract are not allowed; and
 - 21.6.2. following consideration as part of the Category planning process.
- 21.7. All Contract variations must be in writing and signed by both the Council and the provider except where different provisions are made within the Contract documentation. The value of each variation must be assessed by the Authorised Officer and a Delegated Decision taken by the relevant Chief Officer. The Chief Procurement Officer must be consulted if: (i) the variation relates to a Midscale or Complex Project and involves a change to the terms and conditions of the contract (rather than the scope or price); and (ii) if there is any possibility that CPR 21.9 might apply. This is optional at the relevant Chief Officer's discretion for other projects.
- 21.8. Where appropriate (taking into account any change in contract value, contract term, range of services provided etc.) contract variations must be reported to the Chief Procurement Officer in order that YORtender can be updated.
- 21.9. A new procurement is required in case of material change where one or more of the following conditions are met:

21.9.1. The variation introduces conditions which, had they been part of the initial procurement exercise, would have allowed for the admission of other tenderers than those initially selected or for the acceptance of an offer other than that originally accepted or would have attracted additional participants in the procurement procedure;

21.9.2. The variation increases the value of the contract or the framework agreement substantially in favour of the provider in a manner which was not provided for in the initial contract or framework agreement;

21.9.3. The modification extends the scope of the contract or framework agreement considerably.

21.10. You must consult the Chief Procurement Officer if you are considering varying a Contract that you have procured under CPR 10.

22. Termination of Contract

22.1. Any Contract will only be terminated early if this action is authorised by the relevant Chief Officer through a Delegated Decision. A copy of the report and decision for termination of any contract exceeding £100k in value must be sent to the Chief Procurement Officer for monitoring purposes. All termination letters under this rule will be drafted and issued via the PPPU in conjunction with the Authorised Officer.

23. Nominated and Named Sub-Contractors

23.1. If a sub-contractor or sub-consultant is to be nominated or named to a main Contractor, they must have been procured in accordance with these Contracts Procedure Rules and the terms of the tender and appointment must be compatible with the main contract.

24. Consultants

Procurement of Consultants

24.1. Consultants who are individuals, but trade as their own businesses (private service companies), must not be engaged through a contract for services to cover any temporary or permanent posts.

Procurement by Consultants

24.2. A waiver of CPR 3.1.22 and a decision not to use an ISP under CPR 3.1.4 must be authorised as a Delegated Decision by the relevant Chief Officer before the Council uses consultants to act on its behalf in relation to any procurement. The report must set out why it is necessary to use consultants

to manage the procurement. A copy of the report and the decision must be sent to the Chief Procurement Officer for monitoring purposes.

- 24.3. The Authorised Officer will ensure that the consultants carry out any procurement in accordance with these Contracts Procedure Rules, and that no conflict of interest arises. No consultant will make any decision on whether to award a Contract or to whom a Contract should be awarded.

25. Emergencies

- 25.1. In the case of emergencies that impact on a contract or a procurement, the Authorised Officer should first and foremost consider the health and safety of individuals and take action accordingly. This may involve for example, taking the necessary steps to secure a building or prevent the ingress of water. The Council has in place a series of emergency procedures set out in the [Emergencies Handbook](#) which should be followed. At the first available opportunity the situation should be discussed with the Chief Procurement Officer and future actions agreed.

26. Record and Document Retention and Control

- 26.1. Authorised Officers are responsible for keeping documents and records relating to each procurement and updating YORtender and FMS in accordance with i) the Council's corporate document retention policy and ii) the requirements of the [Assurance Guide](#).

27. Waiver of Contracts Procedure Rules

- 27.1. Waivers of the Contracts Procedure Rules are only permitted in relation to those set out at CPR 1.3. The relevant service directorate Chief Officer will take the Delegated Decision by completing a delegated decision notice following the receipt of a Waiver Report in the form set out in the [Waiver Report Template](#). A copy of the report and the delegated decision notice must be forwarded to the Chief Procurement Officer for monitoring purposes. The rest of the CPRs will still apply to the procurement.
- 27.2. The report of the Chief Officer will set out the financial, legal, risk and equality implications of the waiver sought⁸. The Chief Officer will consider whether the Chief Procurement Officer's comments and advice should be sought in accordance with CPR 1.3. The Chief Officer should consider what sort of Delegated Decision is being taken. Any decision to procure that includes a waiver of the CPRs will be a Significant Operational decision as a minimum.

⁸ If this is already set out in the Category Plan the report can cross refer to the plan.

28. Contract Disputes and Claims

- 28.1. The Chief Procurement Officer and the City Solicitor will be kept informed at all times of all contractual claims worth more than £100k whether by or against the Council.
- 28.2. Planning, relationship management, risk management and active contract management should be used to keep contract disputes to a minimum. The dispute resolution procedure set out in the Contract should be followed in the event of a contract dispute arising.
- 28.3. Further guidance on how to manage contract claims can be obtained from PPPU.

29. Contract Exit

An Exit Plan, which can cover one or more Contracts, must be prepared for every Contract well in advance of contract expiry. It is recommended that this should be put in place at least 6 months in advance in order to allow for the approvals and pre-planning process and any re-procurement. A template exit plan is available from the [intranet](#).

30. Concessions

- 30.1 The Concession Contracts Regulations 2016 apply to concessions with a value exceeding approximately five million euros and can be found here: <http://www.legislation.gov.uk/ukxi/2016/273/introduction/made>
- 30.2 Officers should note that if the resulting contract would be a mix of services, works and a concession, the Public Contracts Regulations shall apply.
- 30.3 When letting concessions you must comply with the Concession Contracts Regulations 2016 where they apply. If there is any inconsistency between the CPRs and these regulations, the regulations apply.

Definitions

“Assurance Guide” means the Assurance Compliance and Governance Guide for Projects and Procurement;

“Authorised Officer” means a person authorised by the relevant Chief Officer to act on the Council’s behalf;

“Best Value” means the optimum combination of whole life costs, quality and benefits to meet the customer’s requirement. Selecting tenders on this basis will meet the requirement to select the most economically advantageous tender under the EU Procurement Rules

“Category Plan” means strategic planning of the category, at a category or sub-category level, including review of the current position, constraints and opportunities, desired outcomes, options and actions. The [template plan](#) should be used in all cases except where an alternative approach (having the same effect) forms part of external funding or joint procurement requirements;

“Category” will include each category identified in the list published from time to time at appendix 2 of the [Procurement Strategy](#) by the Chief Procurement Officer;

“Chief Officer” means the head of the procuring directorate and includes the Chief Executive, , City Solicitor, Directors, and Chief Officers with appropriate delegations and sub-delegations;

“Chief Procurement Officer” means the Chief Officer Projects Programmes and Procurement Unit who is responsible for the procurement function on behalf of the Council;

“Constitution” the Council’s [constitution](#) which is available on the internet and sets out the rules that the Council and all Council employees must follow;

“Constructionline” a list of construction contractors that have been pre-approved by a UK government certification service. Constructionline can be accessed through the construction and housing category team;

“Consultant” means a provider of professional services or expertise engaged to:

- (a) provide expert analysis and advice which facilitates decision making or could potentially result in new business, funding or service transformation;
- (b) provide a specific, one-off task or set of tasks; and
- (c) perform a task involving skills or perspectives which would not normally be expected to reside within the Council.

“Contract” means an agreement between the Council and any Contractor made by formal agreement or by issue of a letter of acceptance or official order for goods, works or services;

“Contracts Finder” means a national website used to advertise public sector procurements. See this link: <https://www.gov.uk/contracts-finder>;

“Contract Management Plan” means a practical plan for the contract period for a single contract or group of similar contracts which includes key responsibilities, milestone dates, escalation, communication and performance management arrangements. A template is available from the intranet. The [Contract](#)

[Management Plan](#) will be in such format as prescribed by the Chief Procurement Officer except where an alternative approach (having the same effect) forms part of external funding or joint procurement requirements;

“(The) Council” means Leeds City Council;

“CPR” means these Contracts Procedure Rules;

“Delegated Decision” means a formal decision taken in accordance with the Council’s Constitution and sub-delegation schemes. It is for the Officer seeking the Delegated Decision to decide which type of decision is required in accordance with the [Constitution](#) and the [Assurance Guide](#);

“Emergency” means an urgent situation or crisis created as a result of a natural disaster (such as flooding or an earthquake) or tragedy (such as an explosion or plane crash);

“Exclusive Supplier” means providers with the right to provide certain goods, works or services through a contract. This includes Strategic Partners. See PPPU for further information;

“Exempt Contracts” are

- (a) employment contracts;
- (b) contracts relating solely to disposal or acquisition of an interest in land;
- (c) concessions relating to street traders and market stalls;
- (d) urgent special educational needs or social care contracts, provided that the relevant Chief Officer has (in consultation with the Chief Procurement Officer) determined and recorded through a written report and Delegated Decision notice that the exemption is in the Council’s interests or necessary to meet its obligations under relevant legislation and demonstrates Best Value;
- (e) residential and nursing care contracts which the Council has a duty to provide under S117 Mental Health Act 1983, S17, s17A, s17B and s17ZA – ZI Children Act 1989 and S2 Local Government Act 2000, provided that the relevant Chief Officer has (in consultation with the Chief Procurement Officer) determined and recorded through a written report and Delegated Decision notice that it is in the Council’s interests and demonstrates Best Value;
- (f) health and care contracts where the recipient of care has a personal choice or direct payment including under sections 18 – 36 of the Care Act 2014, section 57 - s 58 of the Health and Social Care Act 2001, section 12A of the NHS Act 2006 and

section 17A of the Children Act 1989, provided that the relevant Chief Officer has (in consultation with the Chief Procurement Officer) determined and recorded through a written report and Delegated Decision notice that it is in the Council's interests and demonstrates Best Value; and

- (g) legal services contracts and arbitration services provided they fall within the exemptions set out in Regulation 10 of the Public Contracts Regulations;

“Exit Plan” means the practical plan for dealing with the end of the Contract including milestone dates and handover activities. Its complexity and detail will depend on the nature of the procurement. A template is available from the [intranet](#);

“ISP” means Internal Service Provider for example Commercial Services; Legal Services etc. [please see this link](#) [link to FMS list]

“Letter of Intent” means a letter setting out the parties' intentions to enter into a contract at a later date. However, the fact that the parties envisage that the letter is to be superseded by a more formal contract does not, of itself, prevent it from taking effect as a contract;

“The List of Forthcoming Key Decisions” means the list published on the Council's internet site showing proposed Key decisions 28 clear calendar days before they are taken;

“Member(s)” means elected member(s) of the Council;

“Midscale and Complex Projects” means a project that is allocated as such under the PM Lite project registration process;

“Officer(s)” means employee(s) of the Council;

“OJEU” means the Official Journal of the European Union;

“PIN” means Prior Information Notice for publication in the OJEU;

“PM Lite” means the Council's project management methodology as further described [here](#).

“Procurement Checklist” see template available from PPPU;

“Procurement Plan” means practical planning of the procurement, or group of similar procurements, including approach, resourcing and timetable. This involves identifying major projects within each category of spend to be maintained by the relevant Chief Officer. It also provides a basis for information for the Procurement Unit to meet the Council's reporting obligations. [The Procurement Plan](#) will be in such format as prescribed by the Chief Procurement Officer except where an alternative approach (having the same effect) forms part of external funding or joint procurement requirements;

“Procurement Strategy” means the Council’s published [Procurement Strategy](#) setting out its ambition for procurement and confirming a category management and whole lifecycle approach to procurement;

“Project Registration Process” means registering on the [Project Register](#) which then allocates the procurement to either a light touch process or the development of a more detailed project brief;

“PPPU” means the Council’s Projects Programmes and Procurement Unit;

“Public Contracts Regulations” means the Public Contracts Regulations 2015 and any successor, amending or enabling legislation;

“Strategic Partner” means an organisation that the Council has a long term arrangement with for the provision of goods, works and / or services;

“Third Party Framework Agreement” means a framework agreement that has been set up by an organisation other than the Council see CPR 12 for information on the use of these agreements;

“TUPE” means the Transfer of Undertakings (Protection of Employment) Regulations 2006;

“Waiver Report” means a report of the relevant Chief Officer in the form of the Waiver Report set out at this template document; and

“YORtender” means the Council’s provider and contract management system maintained by the PPPU.

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FINANCIAL REGULATIONS

**Body/Person with authority to
change the document**

Chief Finance Officer

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Introduction and Background

1 What are Financial Regulations?

- 1.1 The Local Government Act 1972 (Section 151) requires that an employee of the Council is recognised as the Responsible Financial Officer. In Leeds City Council that officer is the Chief Officer (Financial Services) who is referred to in this Constitution as the Chief Finance Officer.
- 1.2 The Accounts and Audit Regulations place a duty on the Responsible Financial Officer to determine the:
 - Appropriate financial records, including the form of accounts and supporting financial records; and
 - Systems of financial control.
- 1.3 The systems of financial control must include measures:
 - a) to ensure that the financial transactions of the Council are recorded as soon as, and as accurately as, reasonably practicable;
 - b) to enable the prevention and detection of inaccuracies and fraud; and
 - c) to ensure that risk is appropriately managed
- 1.4 The Chief Finance Officer has developed the following Financial Regulations as part of the system of financial control. These regulations provide a framework for managing the Council's financial affairs.
- 1.5 Each Financial Regulation is supported by more detailed guidance and procedures which set out how the regulations will be implemented.
- 1.6 The Chief Finance Officer has responsibility for the preparation, review and amendment of these Financial Regulations. They should be read in conjunction with the other governance rules and procedures contained within the Council's Constitution. In particular, any required decision must comply with the delegated decision rules as outlined in Article 13.
- 1.7 The Chief Finance Officer has responsibility for the administration of the Council's financial affairs. Any issues of uncertainty in the interpretation of these regulations should in the first instance be referred to the named contact for that regulation.

2 Who do Financial Regulations apply to?

- 2.1 Financial Regulations apply to everyone involved in financial transactions on behalf of the Council. Not every rule will be relevant to all colleagues.
- 2.2 Financial Regulations also apply to Council employees, when they are acting in an official capacity as Council staff, dealing with non-Council monies.
- 2.3 Schools have separate Financial Regulations.
- 2.4 Failure to comply with Financial Regulations could result in disciplinary action.

3 Why are they important?

- 3.1 To conduct our business effectively, we need to ensure that sound financial management arrangements are in place and that they are complied with in practice. Part of this process is the establishment of Financial Regulations which set out the financial responsibilities of the Council. These procedures have been devised as a

Financial Regulations

control to help the Council manage its financial affairs properly in compliance with all necessary requirements.

- 3.2 In order to continually meet the Council's "Spending Money Wisely" value, it is vital that we maintain good, sound financial management which helps to ensure that the Council is doing the right things, in the right way, for the right people, in a timely, inclusive, open, honest and accountable manner.
- 3.3 Adherence to these Financial Regulations will help us to control spending, ensure due probity of transactions and allow decisions to be informed by accurate accounting information. They also protect colleagues, in that if they are complying with the regulations, they cannot be subject to criticism
- 3.4 Good financial management requires secure and reliable records and systems to process transactions and information and substantiate the effective use of public money.
- 3.5 Financial Regulations should not be seen in isolation, but rather as part of the overall regulatory framework of the Council as set out in the Constitution. They will underpin and complement directorate procedures.

4 Key Principles

- 4.1 Colleagues should have regard to the following principles:-
 - Budgets must not be overspent
 - The Council's value of Spending Money Wisely should be applied to all transactions that they are involved in.
 - Only goods, works and services legitimately required by the Council should be purchased.
 - All income due must be collected, held securely and banked promptly and intact.
 - Assets should be managed in an efficient and effective manner
 - A principal of common sense should underpin all transactions performed on behalf of the Council.

5 Who is responsible for ensuring that they are applied?

- 5.1 The regulations often refer to Directors as being responsible, and whilst Directors are ultimately responsible for ensuring that Financial Regulations are applied and observed by their staff and for reporting to the Chief Finance Officer any known or suspected breaches of the regulations, it is important that all colleagues involved in financial transactions are aware of their personal responsibility.
- 5.2 The Chief Finance Officer is responsible for issuing advice and guidance to underpin the Financial Regulations.
- 5.3 The Chief Finance Officer is responsible for maintaining a continuous review of the Financial Regulations.

6 Waivers of Financial Regulations

- 6.1 There are expected to be very few instances when it would be appropriate not to comply with Financial Regulations. Waivers of Financial Regulations can only be approved by the Chief Finance Officer, and will only be agreed where it can be shown that a waiver would not result in unnecessary financial risk or loss.

Financial Regulations

6.2 To request a waiver of Financial Regulations, colleagues should contact ResRFO@leeds.gov.uk, explaining the circumstances and the reason that a waiver is being requested.

7 General

7.1 For each Financial Regulation an owner will be nominated who will have overall responsibility for ensuring that it is

- Modern and proportionate
- Communicated
- Regularly reviewed
- Complied with

Where appropriate, the owner of the Financial Regulation will provide details of training and development available and how this can be accessed.

7.2 If you would like to propose amendments to a particular Financial Regulation, you should contact the owner. This includes where you feel that the controls are not proportionate to the risk, or where you feel that the Regulation has not been updated to match changes in technology, systems or procedures .

1. Purchase and Payment for Goods and Services	
Objectives	Goods, works and services legitimately required by the Council are appropriately purchased and paid for, ensuring that the Council's Spending Money Wisely value is met.
Key Risks	<p>Failure to meet the Council's Spending Money Wisely value.</p> <p>Inappropriate items may be purchased which are not for Council use, or where there is no business need.</p> <p>Incorrect amounts or duplicate payments may be paid to suppliers.</p> <p>Budget overspent</p> <p>Penalties for the late payment of invoices.</p> <p>Adverse impact on the reputation of the Council.</p>
Key Rules	<p>Purchasing and payment for goods, works and services must only be undertaken by authorised officers and in accordance with the approved purchase and payment procedures as defined by the Chief Finance Officer . Any variation to the procedures must be agreed by the Chief Finance Officer .</p> <p>Before goods, works or services are ordered the authorised officer must apply the following tests to ensure the Council's spending money wisely value is met.</p> <ul style="list-style-type: none"> • 'Would I spend this money if it was my own?' • 'Is it affordable?' • 'Is it Spending Money Wisely?' • 'Is there budgeted financial provision?' <p>Internal and approved external supplier arrangements should be used in line with the Contract Procedure Rules (CPRs).</p> <p>Officers should determine the most appropriate method of payment for each transaction, taking into account timescales and transaction costs.</p> <p>Purchase and payment by orders</p> <ul style="list-style-type: none"> • In order to ensure a commitment is generated and a payment is made promptly, an official order must be raised. Once the goods are received the official order must be updated to reflect this. Before authorising a payment, it must be ensured that the goods, works or services have been properly ordered, there is proof of receipt and the invoice is accurate. • Officers must ensure that any tax implications are complied with (see Financial Regulation 6. Taxation) • To ensure prompt payment, invoices must be sent to the Business Support Centre within 14 days of receipt.

Financial Regulations

Key Rules (cont.)	<p>Purchase and payment by purchasing cards (Pcards)</p> <ul style="list-style-type: none">• Where purchasing cards are used, all purchases are still required to comply fully with internal and approved external supplier arrangements in line with CPRs• All purchasing card transactions must be authorised and cleared on a regular basis <p>Officers must ensure the accuracy and legitimacy of payments other than goods, services and grants/contributions.</p>
Owner	Head of Corporate Finance
Contacts and guidance	Financial Regulations Toolkit

2. Other Payments	
Objectives	Only payments which the Council is legally required to make, or which are in line with agreed budgets and policies, are made. The Council's Spending Money Wisely value is met.
Key Risks	<p>Failure to meet the Council's Spending Money Wisely value.</p> <p>Incorrect amounts or duplicate payments may be paid.</p> <p>Budgets may be overspent.</p> <p>Adverse impact on the reputation of the Council.</p>
Key Rules	<p>Officers must ensure the accuracy and legitimacy of payments made. This includes confirming that it is appropriate to make the payment, that payee details are correct, and that the value to be paid is correct.</p> <p>Officers should determine the most appropriate method of payment for each transaction, taking into account timescales and transaction costs. BACS payments should be used where practical.</p> <p>Payments should always be checked and authorised by a second officer before being made.</p>
Owner	Head of Corporate Finance
Contacts and guidance	Financial Regulations Toolkit

3. Income	
Objectives	Income due is collected, banked and accounted for in an efficient and secure manner.
Key Risks	Loss of income due to non-identification, non-collection or theft Inefficient collection of income
Key Rules	<p>Each Director is responsible for collecting all income due to the Council within their directorate. The Chief Finance Officer is responsible for collecting Local Taxation and other corporate income.</p> <p>The Chief Finance Officer is responsible for agreeing any changes to the Income Collection and Banking procedures, which must be followed</p> <p>All monies received on behalf of the Council must be recorded, have a receipt issued where requested and be posted in the Council's Financial Management System in a timely manner.</p> <p>All monies received by the Council must be paid promptly and intact into an authorised bank account.</p> <p>A consistent treatment must be applied in each specific area of debt collection.</p> <p>Debts should only be considered for write-off once all relevant recovery routes have failed. The Chief Finance Officer is responsible for arrangements for the authorisation of write-off or cancellation of local taxation debts and for debts held on corporate income systems.</p> <p>Directors may authorise the write-off of debts held within their directorate, but must consult the Chief Finance Officer prior to writing off individual or cumulative debts for a single debtor over £5,000. Write-off and cancellation procedures must be complied with.</p> <p>The Anti-Money Laundering Policy and Guidelines must be complied with</p>
Owner	Head of Corporate Finance
Contacts and guidance	Financial Regulations Toolkit

4. Petty Cash	
Objectives	Appropriate cash imprests are in place to enable the purchase of minor items
Key Risks	Theft, loss or misuse
Key Rules	<p>Payments must be limited to minor items of expenditure and must not exceed the approved threshold.</p> <p>Receipts must be obtained and show VAT, where appropriate</p> <p>Travel and subsistence claims must not be paid out of petty cash</p> <p>Under no circumstances should personal or any other cheques be cashed from any cash float.</p> <p>Under no circumstances should monies be 'borrowed' from the petty cash float for personal use.</p> <p>Petty cash claims should be submitted periodically(annually at a minimum), in accordance with the approved procedure via the Financial Management System</p> <p>The petty cash fund must be reconciled on a regular basis. This reconciliation must be checked and evidenced by an independent member of staff.</p> <p>The Director should review petty cash floats on an annual basis</p> <p>Cash should be held in a secure receptacle such as a cash box and locked in a drawer, secure cabinet or safe.</p>
Owner	Head of Corporate Finance
Contacts and guidance	<p>Financial Regulations Toolkit</p> <p>Buying Goods and Services Toolkit</p>

5. Payment of Grants and Contributions	
Objectives	To ensure that all grants and contributions made by the Council are appropriate, provide value for money and associated outcomes are achieved.
Key Risks	<p>Grants and contributions given are not in accordance with Council priorities.</p> <p>The awarding of grants and contributions is seen as unfair and open to challenge.</p> <p>Grants and contributions are not spent in line with the agreed terms and conditions and the required outcomes of the funding are not achieved.</p>
Key Rules	<p>It must be ensured that organisations in receipt of grant aid demonstrate that they are a competent and suitable organisation to receive public monies.</p> <p>Grants and contributions must only be given in accordance with the Council's priorities and awarded on a fair and equitable basis.</p> <p>The grant or contribution should represent value for money and not duplicate other funding provided by the Council or other organisations.</p> <p>All grants and contributions must be awarded and monitored with a written agreement stating appropriate terms and conditions. Terms and conditions must include required outcomes; how such outcomes will be measured and the obligations to repay the funding if terms are not met.</p> <p>Appropriate action must be taken to reclaim funds when breaches of terms and conditions occur and/or outcomes are not achieved.</p>
Owner	Head of Corporate Finance
Contacts and guidance	Financial Regulations Toolkit

6. Grants and Contributions Receivable	
Objectives	<p>To ensure the Council optimises the use of funding sources in the delivery of priority services by aiming to take advantage of all available grants and contributions.</p> <p>To ensure that the receipt of grants and the monitoring of required outputs are proportionately controlled.</p>
Key Risks	<p>The Council may not receive all grants or contributions to which it is entitled.</p> <p>The Council does not have appropriate match funding or cannot fund future costs when a grant ends.</p> <p>Funding may not be received as the expenditure incurred may not be in line with grant terms and conditions or achieve the required outcomes.</p>
Key Rules	<p>Directors should ensure that the availability of potential grants and contributions are identified.</p> <p>Directors must ensure that grants and contributions for their services are regularly monitored, promptly claimed and that all relevant grant terms and conditions are met.</p> <p>The Chief Finance Officer must be consulted on all proposed bids for external grants (including any requirements for match funding).</p> <p>The Chief Finance Officer must also be consulted where the Council is the accountable body and where the awarding body requires an external audit.</p> <p>The Chief Finance Officer must be given all required evidence so that grants can be claimed in a timely and accurate manner. Such evidence must be provided within an appropriate timeframe to allow the Chief Finance Officer time to evaluate and, if needed, question the information provided.</p> <p>All relevant and significant grant claims must be signed off by the Chief Finance Officer .</p> <p>The Chief Finance Officer is responsible for ensuring all grant monies claimed are received.</p>
Owner	Head of Corporate Finance
Contacts and guidance	Financial Regulations Toolkit

7. Taxation	
Objectives	To ensure that taxation is correctly accounted for and any risks are effectively managed.
Key Risks	<p>Incorrect accounting of taxation resulting in penalties from HMRC</p> <p>Inefficient taxation treatment leading to financial resources not being fully maximised.</p> <p>Full input tax recovery may not be maintained if events negatively impact upon the partial exemption calculation.</p>
Key Rules	<p>Officers initiating transactions for income or expenditure are responsible for ensuring that taxation elements are properly recorded in the Financial Management System and that adequate documentation is acquired or produced.</p> <p>The Chief Finance Officer must be consulted on:-</p> <ul style="list-style-type: none"> • the nature and extent of any new agreements or alterations to existing arrangements where there may be taxation risks or potential taxation liabilities, and • projects/decisions that may have taxation implications <p>This consultation must be undertaken well in advance of the drafting of any legal agreements or any form of commitment made by the Council.</p> <p>Taxation guidance, including statutory HMRC rules, must be complied with.</p>
Owner	Head of Corporate Finance
Contacts and guidance	Financial Regulations Toolkit

8. Budget Management	
Objective	To ensure that budget monitoring is both accurate and timely and enables the Council to effectively manage its financial affairs.
Key Risks	<p>Budgets overspend resulting in available reserves falling below the minimum level required to cover the Council's financial risks.</p> <p>Council's financial position is unsustainable in the medium term.</p> <p>Poor financial decisions due to inaccurate financial information.</p>
Key Rules	<p>Directors must ensure that all budgets are allocated to a named budget holder.</p> <p>Budget holders should understand their budget and the assumptions on which it is based.</p> <p>The Chief Finance Officer should provide management information to enable budget holders to manage their budgets.</p> <p>Budget holders must control spending ensuring it is in accordance with the Council's policies and procedures e.g. Financial Regulations, Spending Money Wisely, and must regularly review their budgets initiating whatever action is appropriate.</p> <p>Budget holders must comply with the roles and responsibilities as set out in the managing a budget toolkit.</p> <p>All budget monitoring must be undertaken on the Council's Financial Management System (FMS) unless otherwise agreed by the Chief Finance Officer .</p>
Owner	Head of Corporate Finance
Contacts and guidance	Financial Regulations Toolkit

9. Land & Property	
Objectives	To ensure that there are effective controls in place in relation to all property matters, including acquisition, disposal, lease, licence or use of property so that the Council's portfolio is managed in an efficient, effective and secure manner.
Key Risks	<p>The Council incurs additional costs in operating its land and buildings portfolio through:</p> <ul style="list-style-type: none"> • the retention of unoccupied property; • inefficient use of land and buildings; and • the retention of buildings which are not fit for purpose.
Key Rules	<p>The Director of City Development is responsible for all acquisitions, disposals, leasing, licencing of all land and/or buildings. Therefore all other directors must engage with the Director of City Development at the start of any initial consideration in respect of the potential:</p> <ul style="list-style-type: none"> • acquisition or disposal of land and/or buildings owned by the Council; • change in use of any land and/or buildings owned or occupied by the Council; • proposal to reconfigure or refurbish Council owned or occupied buildings; • change in occupancy of buildings owned or occupied by the Council; lease or licence of land and/or buildings; and • use of Council land and/or buildings for the purpose of generating additional revenue. <p>In relation to the above, the Director of City Development will then advise on the appropriate approval process to be followed taking into account the Council's overall strategic priorities.</p> <p>Where following such consultation, a Director no longer requires the use or occupation of land and/or a building, then the latter should be declared surplus for service delivery purposes without delay.</p> <p>Where a service is vacating a building (or part thereof) then the surplus property handover procedure in the land and buildings toolkit must be adhered to.</p>
Owner	Head of Land and Property
Contacts and guidance	Land & Property Toolkit

10. Capital Expenditure	
Objectives	To ensure that the preparation, approval and monitoring of the Council's capital expenditure is robustly controlled.
Key Risks	<p>Failure to deliver capital schemes to time, cost and quality requirements.</p> <p>Incorrect distinction between capital and revenue expenditure</p> <p>Unapproved capital spending.</p> <p>Does not meet Council Priorities.</p> <p>Insufficient resources to fund the capital expenditure and / or the revenue implications of the scheme.</p> <p>Council resources are not prioritised.</p>
Key Rules	<p>Directors are responsible for capital schemes within their directorate and must ensure that the Capital Approvals and Reporting Framework is complied with (see Managing a Capital Budget in the toolkit guidance). A named officer should be responsible for each capital scheme.</p> <p>Information for the preparation, review, monitoring and reporting of the Capital Programme must be provided to the Chief Finance Officer in accordance with the reporting timetable.</p> <p>The Chief Finance Officer must provide management information to enable Directors to manage their respective capital programmes.</p> <p>Directors are responsible for ensuring value for money for each capital project and that approved costs are not exceeded.</p> <p>Only costs which meet the statutory definition of capital expenditure for Local Authorities can be charged to capital schemes.</p> <p>Design costs can only be capitalised if funding has been identified and injected into the Capital Programme.</p> <p>Directors should have in place an Authority to Spend approval for full project costs prior to committing expenditure other than design fees and surveys.</p> <p>Directors should ensure that appropriate professional advice is sought (to include but not restricted to financial, legal, procurement, tax) prior to Authority to Spend being requested.</p>
Owner	Chief Officer (Audit and Investment)
Contacts and guidance	Financial Regulations Toolkit

11. Budget Setting	
Objective	To ensure that the Council's annual revenue budget is robust, and meets all statutory and corporate requirements.
Key Risks	<p>That the annual revenue budget is not robust.</p> <p>That the estimated income and funding are not sufficient to fund expenditure.</p> <p>That the estimate spend is higher than estimated.</p> <p>That the revenue budgets overspends resulting in an unplanned call on available general reserves.</p> <p>That the Council's general reserves position falls below the minimum level needed and that the financial position of the Council is unsustainable in the medium term.</p>
Key Rules	<p>Corporate budget-setting guidance must be complied with.</p> <p>Accounting and Budgeting procedures and policies must be complied with.</p> <p>Procedures for the recording of budgets in FMS Leeds must be complied with. All budgets and budget projections of the Council must be maintained on the Council's Financial Management System (FMS) unless otherwise agreed by the Chief Finance Officer .</p> <p>Assumed savings and efficiencies in the revenue budget must be supported by budget action plans.</p> <p>The planned level of the General Reserve must be approved and maintained in accordance with the Council's risk based General Reserves Policy.</p> <p>Directorates must have agreed contingency plans in place prior to the start of the financial year in order to deal with any unplanned in-year variations in income and or expenditure. The approved budget can only be amended in accordance with virement procedures and delegated limits as agreed annually by Full Council.</p>
Owner	Head of Corporate Finance
Contacts and guidance	Financial Regulations Toolkit

12. Accounting for the Council's Financial Affairs	
Objective	To ensure that the Council's accounting arrangements are accurate, timely and meet all statutory and corporate requirements.
Key Risks	Impact on the Council's financial reputation due to inaccurate or misleading final accounts. Poor financial decisions due to inaccurate financial information.
Key Rules	Accounting policies and procedures for the recording of transactions in FMS Leeds must be complied with. All financial transactions of the Council must be maintained on the Council's Financial Management System (FMS) unless otherwise agreed by the Chief Finance Officer . Transactions must be recorded accurately, promptly and fully, and as soon as reasonably practicable. Legal entities and other arrangements for which the Council has financial responsibility must operate in accordance with the Council's Financial Regulations and related policies and procedures unless otherwise agreed by the Chief Finance Officer .
Owner	Head of Corporate Finance
Contacts and guidance	Financial Regulations Toolkit

13. Entering into financial commitments	
Objective	To ensure that the Council only enters into financial commitments once the financial implications are fully understood.
Key Risks	Unanticipated costs being incurred due to the financial and accounting implications of transactions not being fully evaluated.
Key Rules	<p>The Chief Finance Officer must be consulted before entering into the following types of financial arrangement:</p> <ul style="list-style-type: none">• A lease or similar arrangement;• A loan;• A financial guarantee;• A payment in advance;• Non-monetary (or part) exchange of assets;• Non-standard contract terms.
Owner	Head of Corporate Finance
Contacts and guidance	Financial Regulations Toolkit

14. Payroll and Pensions	
Objectives	To ensure that payroll and pensions are dealt with correctly.
Key Risks	Incorrect or late payments may be made to staff.
Key Rules	<p>The payroll must be prepared and produced in accordance with Statutory Payroll and Pensions guidance provided.</p> <p>All permanent and temporary changes to staff terms and conditions affecting payroll must be notified to the BSC promptly and accurately.</p> <p>Payroll advances should only be made in accordance with the current policy.</p> <p>Prompt and appropriate action should be taken to recover any overpayments which arise.</p>
Owner	Chief Officer (Shared Services)
Contacts and guidance	Financial Regulations Toolkit

15. Bank Accounts	
Objectives	<p>To ensure that bank accounts are operated in a secure and approved manner.</p> <p>For the purposes of this regulation the term bank account covers all bank accounts, building society accounts and other holdings with third party financial institutions to which officers of the Council are signatories.</p>
Key Risks	<p>Bank accounts may be created and used for unapproved activities.</p> <p>Insufficient controls are in place for the Council's banking arrangements, increasing the risk of fraudulent or unapproved transactions.</p>
Key Rules	<p>The Chief Finance Officer must approve the opening or closing of any bank account operated on behalf of the Council.</p> <p>The Chief Finance Officer will maintain an up to date central register of all accounts and must be informed promptly of any changes to authorised signatories.</p> <p>Only methods of payment from the account which are approved by the Chief Finance Officer may be used.</p> <p>Overdraft facilities or other borrowing arrangements must not be agreed without the express permission of the Chief Finance Officer .</p> <p>All bank accounts must be reconciled regularly by a non-signatory to the account.</p> <p>All bank accounts must be set up and operated in accordance with the bank account guidance notes.</p>
Owner	Head of Corporate Finance / Recovery and Exchequer Services Manager
Contacts and guidance	Financial Regulations Toolkit

16. Security of Physical Assets (excluding land and property)	
Objectives	To ensure that physical assets are managed in an efficient, effective and secure manner.
Key Risks	Theft, loss or misuse of assets.
Key Rules	<p>Proportionate arrangements are put in place to safeguard assets, including those owned by third parties. Such arrangements must include the consideration of Insurance limits e.g. monies in transit.</p> <p>All monies belonging to, or in the custody of, the Council must be recorded, held securely and be checked regularly.</p> <p>Keys for safes and other locked areas containing assets must be securely stored and a record kept of who has the keys.</p> <p>An inventory of major physical assets held at each Council establishment should be prepared, kept up to date and stored securely at the establishment but not in the same location as the items on the inventory.</p>
Owner	Chief Officer (Audit and Investment)
Contacts and guidance	Financial Regulations Toolkit

17. Stocks and Stores	
Objectives	To ensure that the Council securely holds appropriate levels of stock to maintain its business operations
Key Risks	<p>The Council has insufficient stock items to operate effectively and efficiently.</p> <p>Items are over-stocked, tying up resources (both purchasing and storage) and risk becoming obsolete.</p> <p>Stock and stores are misappropriated.</p>
Key Rules	<p>Directors must ensure that proportionate arrangements are put in place to safeguard stocks and stores under their control, in accordance with the Stocks and Stores guidance.</p> <p>A person(s) must be nominated as responsible for the management and security of stocks and stores.</p> <p>When a stock of goods is maintained there should be an inventory or stock record as appropriate for the value of the stock.</p> <p>Regular stock takes, annually at a minimum, should be carried out. Variances should be reported and investigated where necessary.</p> <p>At the end of the financial year the method of stock valuation detailed in the closedown guidance on the Closedown Sharepoint site must be complied with.</p>
Owner	Chief Officer (Audit and Investment)
Contacts and guidance	Financial Regulations Toolkit

18. Insurance	
Objectives	To ensure that the insurance risk across the Council is managed effectively.
Key Risks	<p>Failure to secure appropriate insurance arrangements leaves the Council lacking cover in the event of a significant loss.</p> <p>Failure to seek the appropriate insurance advice when taking decisions could impact adversely on the Council's insurance risk.</p>
Key Rules	<p>The Chief Finance Officer is responsible for arranging all insurance.</p> <p>The Chief Finance Officer is responsible for determining the extent of insurance cover, after consulting Directors.</p> <p>Directors must manage insurance risks within their directorate. This includes:-</p> <ul style="list-style-type: none"> • notifying the Chief Finance Officer of the nature and extent of any new insurable risks and of any alterations to currently insured risks, • consulting with the Chief Finance Officer at an early stage in projects/decisions that may have insurance implications. This consultation must be undertaken well in advance of the drafting of any legal agreements or any form of commitment made by the Council, • immediately notifying the Chief Finance Officer of any loss, liability or damage, <p>Supplying information to the Chief Finance Officer , the Council's insurers or the Litigation Section.</p> <p>Directors must adhere to the guidance for unoccupied buildings</p> <p>Directors must not enter into negotiations with claimants</p> <p>Insurance guidance must be complied with.</p>
Owner	Chief Officer (Audit and Investment)
Contacts and guidance	Financial Regulations Toolkit

19. Treasurer, Accountable Body and Other Similar Financial Arrangements	
Objectives	To ensure that the financial affairs of legal entities and other arrangements for which the Council has responsibility are managed in a secure and effective manner.
Key Risks	Funds are misappropriated or used for unauthorised purposes. Impact on the Council's financial reputation due to inaccurate or misleading financial reporting. Poor financial decisions due to inaccurate financial information.
Key Rules	Any request or proposal for the Council to undertake financial responsibilities by acting as a treasurer, accountable body or other similar financial arrangement should be referred to the Chief Finance Officer for a decision before proceeding. Directors should ensure that an appropriate colleague is appointed to manage arrangements covered by this regulation. All financial reporting must comply with appropriate accounting standards. Budgets must be set, monitored and reported to the Chief Finance Officer in line with the guidance and timetable issued. All accounting records and budgets must be maintained on the Council's Financial Management System (FMS) unless otherwise agreed by the Chief Finance Officer . The Chief Finance Officer must be consulted on all investment decisions taken. All such arrangements must comply with the Council's Financial Regulations unless otherwise agreed by the Chief Finance Officer .
Owner	Head of Corporate Finance
Contacts and guidance	Financial Regulations Toolkit

20. Bequests, Trusts and Client & Amenity Fund Monies	
Objectives	To ensure that bequest, trust and client monies are managed in a secure and effective manner.
Key Risks	Funds are misappropriated or used for unauthorised purposes.
Key Rules	<p>Directors must ensure that an appropriate colleague is appointed to manage arrangements covered by this regulation.</p> <p>The financial management of all Bequest and Trusts must follow the published guidance and be reported to the Chief Finance Officer in line with the timetable issued. All monitoring must be undertaken on the Council's Financial Management System (FMS) unless otherwise agreed by the Chief Finance Officer .</p> <p>Management of Client, Amenity and other unofficial fund monies must comply with published rules and procedures and the compliance with these arrangements must be reported to the Chief Finance Officer in line with the timetable issued.</p> <p>The Chief Finance Officer is responsible for all investment decisions where the arrangement is administered by the Council.</p>
Owner	Head of Corporate Finance
Contacts and guidance	Financial Regulations Toolkit

21. Fraud and Corruption	
Objectives	To commit to, and promote a counter fraud culture within the Council and zero tolerance against fraudulent activity.
Key Risks	The Council may be subject to fraudulent activity resulting in loss of resources and may receive adverse publicity
Key Rules	<p>Whenever any matter arises that involves, or is thought to involve irregularities concerning cash, stores or other property of the Council or any suspected irregularity in the exercise of the functions of the Council, including bequests, trust and client monies, it must be immediately brought to the attention of the respective Director.</p> <p>Where the irregularity is thought to involve fraud, corruption or impropriety the Director must ensure that the matter is reported to the Head of Audit.</p> <p>If the irregularity or suspected irregularity involves theft or suspected theft of assets, it must also be referred to the Police. In addition where a break-in is suspected, the Police must be informed immediately.</p>
Owner	Chief Officer (Audit and Investment)
Contacts and guidance	Financial Regulations Toolkit

22. Internal Audit	
Objectives	<p>To provide an effective Internal Audit Service, on behalf of the Chief Finance Officer, in line with legislation and the appropriate audit standards.</p> <p>To provide an independent, objective assurance and consulting activity designed to add value and improve the organisation's operations.</p> <p>To help the organisation accomplish its objectives by bringing a systematic, disciplined approach to evaluate and improve the effectiveness of risk management, control and governance processes.</p>
Key Risks	<p>The Council may operate in an inefficient and ineffective way and not achieve its value of spending money wisely.</p> <p>The Council's key controls do not protect against fraud, inefficiency and error.</p>
Key Rules	<p>The Chief Finance Officer must ensure that the Council has an effective Internal Audit function.</p> <p>The Head of Audit must be able to report without fear or favour, in their own name to the Chief Executive, the Executive Board, the Corporate Governance and Audit Committee and the scrutiny function.</p> <p>All audit work must be conducted in accordance with the appropriate professional standards.</p> <p>Directors must ensure that Internal Audit is allowed to:</p> <ul style="list-style-type: none"> • Enter any Council premises or land at all reasonable times. • Access all records, documents, data held on computer media, and correspondence relating to all transactions of the Council, or unofficial funds operated by an employee as part of their duties. • Receive such explanations as are necessary concerning any matter under examination. • Require any employee of the Council to produce cash, stores or any other property under their control, belonging to the Council or held as part of the employee's duties.
Owner	Chief Officer (Audit and Investment)
Contacts and guidance	Financial Regulations Toolkit

23. Treasury Management	
Objectives	To ensure that all investment and borrowing is valid, accurate, efficient, properly accounted for and in accordance with statutory and corporate requirements.
Key Risks	<p>Inefficient borrowing may have an adverse impact on the Council's Financial Resources.</p> <p>Failure to recover investment monies from counterparties.</p>
Key Rules	<p>The Chief Finance Officer will ensure that Treasury Management activities are carried out in accordance with the approved Treasury Management policy.</p> <p>The Chief Finance Officer is responsible for treasury management and no other employees, unless named in the officer scheme of delegation, must borrow or invest Council monies.</p> <p>The primary objective of treasury management is to manage and reduce the cost of debt within acceptable levels of risk. Secondary objectives are also taken into account at different times depending upon prevailing market conditions.</p>
Owner	Chief Officer (Audit and Investment)
Contacts and guidance	Financial Regulations Toolkit

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OFFICER EMPLOYMENT PROCEDURE RULES

1.0 RECRUITMENT AND APPOINTMENT

1.1 Declarations

- (a) The Council will draw up a statement requiring any candidate for appointment as an officer to state in writing whether they are the parent, grandparent, partner, child, stepchild, adopted child, grandchild, brother, sister, uncle, aunt, nephew or niece of an existing Councillor or officer of the Council, or of the partner of such persons. A candidate who fails to declare such relationship will be automatically disqualified from such appointment with immediate effect.
- (b) No candidate so related to a Councillor or an officer will be appointed without the authority of the relevant Director or an officer nominated by him/her for that purpose.
- (c) Every Member and senior officer of the Council shall disclose to the relevant Director any relationship known to that person to exist with a candidate for any appointment. It shall be the duty of the relevant Director to report to the Council or to the appropriate Committee or Sub-Committee including any Member or officer to whom power has been delegated to make an appointment, any such disclosure made by a candidate, Member, or senior officer.
- (d) Directors shall record in a book to be kept for the purpose particulars of such disclosure made under this Rule.
- (e) Where relationship to a Member of the Council is disclosed, that Member shall withdraw from the meeting while the appointment is under consideration.

1.2 Seeking support for appointment

- (a) The Council will disqualify any applicant who directly or indirectly seeks the support of any Councillor for any appointment with the Council. The content of this paragraph will be included in any recruitment information.
- (b) No Councillor will seek support for any person for any appointment with the Council.

1.3 Equal Opportunities

The Council will not unlawfully discriminate in the recruitment and appointment of officers and all appointments shall be made on merit.

2.0 RECRUITMENT OF HEAD OF PAID SERVICE AND DIRECTORS

2.1 Where the Council proposes to appoint a Head of Paid Service or a Director¹ the Council will:

- (a) draw up a statement specifying:
 - (i) the duties of the officer concerned; and
 - (ii) any qualifications or qualities to be sought in the person to be appointed;
- (b) make arrangements for the post to be advertised in such a way as is likely to bring it to the attention of persons who are qualified for it; and
- (c) make arrangements for a copy of the statement mentioned in paragraph (a) to be sent to any person on request.

2.2 Where a post has been advertised as provided in Rule 2.1, the authority shall:-

- (a) interview all qualified applicants for the post, or
- (b) select a shortlist of such qualified applicants and interview those included on the shortlist.
- (c) Members of the Executive will be given the names of those candidates to be interviewed.

2.3 Where no qualified person has applied, the authority shall make further arrangements for advertisement in accordance with Rule 2.1(b).

¹ “Directors” for the purpose of paragraph 4.1 and “Director” for the purposes of paragraphs 2.1, 4.2 to 4.2.5 and 7.3 and 7.4 shall mean any officer(s) 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:

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

3.0 APPOINTMENT OF HEAD OF PAID SERVICE

- 3.1 Following a recommendation of the Employment Committee that a particular candidate should be appointed to the post of Head of Paid Service, the Proper Officer shall notify every member of the Executive of the following:
- 3.1.1 The name of the person to whom the Employment Committee recommends that the post be offered;
 - 3.1.2 Any other particulars relevant to the appointment which the Employment Committee has notified to the Proper Officer²;
 - 3.1.3 The period within which any objection to the making of the offer is to be notified to the Proper Officer. The standard period will be 3 working days, but may be shortened by the Chair of the Employment Committee where necessary for the proper discharge of the Authority's functions, subject to a minimum period of 24 hours.
- 3.2 The full Council may only make an offer of appointment to the post of Head of Paid Service to the person recommended by the Employment Committee provided that:
- 3.2.1 The Proper Officer has, within the period specified in the notice under paragraph 3.1.3, notified the full Council that each member of the Executive has stated that they do not have any objection to the making of the offer; or
 - 3.2.2 The Proper Officer has notified the full Council that no objection was received by him from any member of the Executive within the specified period; or
 - 3.2.3 The full Council is satisfied that any objection which has been received from any member of the Executive within the specified period is not material and/or is not well-founded or does not outweigh the other factors taken into consideration by the Employment Committee³.

² It will be a matter for the Employment Committee to determine in each case what particulars are relevant for these purposes, for example: the identity of the proposed appointee's latest two employers/host organisations, the posts or offices held and the duration of employment/office holding in each case.

³ It will be a matter for the full Council to determine in each case whether any particular objection is material and/or well-founded, having regard to the relevance of any such objection to the suitability of the particular candidate for that particular role, not being matters which relate to a protected characteristic under s.4 of the Equality Act 2010. The terms "material" and "well-founded" shall bear their normal dictionary meanings.

4.0 APPOINTMENT OF DIRECTORS

- 4.1 The Employment Committee will appoint Directors.
- 4.2 Before the Employment Committee makes an offer of appointment to the post of Director, the Proper Officer shall notify every member of the Executive of the following:
 - 4.2.1 The name of the person to whom the Employment Committee intends to offer the post;
 - 4.2.2 Any other particulars relevant to the appointment which the Employment Committee has notified to the Proper Officer⁴;
 - 4.2.3 The period within which any objection to the making of the offer is to be notified to the Proper Officer. The standard period will be 3 working days, but may be shortened by the Chair of the Employment Committee where necessary for the proper discharge of the Authority's functions, subject to a minimum period of 24 hours.
 - 4.2.4 The Employment Committee may only make the offer of appointment provided that:
 - 4.2.5 The Proper Officer has, within the period specified in the notice under paragraph 4.2.3, notified the Employment Committee that each member of the Executive has stated that they do not have any objection to the making of the offer; or
 - 4.2.6 The Proper Officer has notified the Employment Committee that no objection was received by him from any member of the Executive within the specified period; or
 - 4.2.7 The Employment Committee is satisfied that any objection which has been received from any member of the Executive within the specified period is not material and/or is not well-founded or does not outweigh the other factors taken into consideration by the Employment Committee⁵.

⁴ It will be a matter for the Employment Committee to determine in each case what particulars are relevant for these purposes, for example: the proposed appointee's latest two employers/host organisations, the posts or offices held and the duration of employment/office holding in each case.

⁵ It will be a matter for the Employment Committee to determine in each case whether any particular objection is material and/or well-founded, having regard to the relevance of any such objection to the suitability of the particular candidate for that particular role, not being matters which relate to a protected characteristic under s.4 of the Equality Act 2010. The terms "material" and "well-founded" shall bear their normal dictionary meanings.

5.0 OTHER APPOINTMENTS

- 5.1 **Officers below Director.** Appointment of officers below Directors (other than assistants to political groups) is the responsibility of the Head of Paid Service or his/her nominee, and may not be made by Councillors.
- 5.2 **Assistants to political groups.** Appointment of an assistant to a political group shall be made in accordance with the wishes of that political group.

6.0 DISCIPLINARY ACTION

- 6.1 **Suspension.** The Head of Paid Service, Monitoring Officer and Chief Finance Officer may be suspended whilst an investigation takes place into alleged misconduct.
- 6.2 Councillors will not be involved in the disciplinary process in respect of any officer below Director level except where such involvement is necessary for any investigation or inquiry into alleged misconduct.

7.0 DISMISSAL AND OTHER DISCIPLINARY ACTION

- 7.1 Councillors will not be involved in the dismissal of any officer below Director except where such involvement is necessary for any investigation or inquiry into alleged misconduct.
- 7.2 **The Head of Paid Service, Chief Finance Officer and Monitoring Officer**
- 7.2.1 Subject to the provisions of paragraph 7.4, the Employment Committee may take disciplinary action short of dismissal or recommend to full Council that the Head of Paid Service, Chief Finance Officer or Monitoring Officer be dismissed. Only full council can approve the dismissal of the Head of Paid Service, the Chief Finance Officer or the Monitoring Officer (referred to below in each case as “the relevant officer”).
- 7.2.2 Before taking a vote at the relevant meeting on whether or not to approve such a dismissal, the authority must take into account, in particular-
- (a) any advice, views or recommendations of an independent panel⁶.
 - (b) the conclusions of any investigation into the proposed dismissal; and
 - (c) any representations from the relevant officer.
- 7.2.3 The independent panel referred to must be appointed by the authority at least 20 days before the relevant meeting and should comprise a minimum of two independent panel members.

7.3 Directors

⁶ Appointed under s.102(4) of the Local Government Act 1972 for the purposes of advising the authority on matters relating to the dismissal of relevant officers of the authority in accordance with the Local Authorities (Standing Orders) (England) Regulations 2001 (as amended)

- 7.3.1 Subject to paragraph 7.4 and (in the case of the Chief Finance Officer and the Monitoring Officer) paragraphs 7.2.1 to 7.2.3, the Employment Committee may dismiss or take disciplinary action short of dismissal in respect of Directors.
- 7.4 Notice of dismissal of a Director (falling within the definition under footnote 1 above) must not be given until the Proper Officer has notified every member of the Executive of the following:
- 7.4.1 the name of the person who the Employment Committee proposes to dismiss;
- 7.4.2 any other particulars relevant to the dismissal⁷; and
- 7.4.3 the period within which any objection to the dismissal is to be made by any member of the Executive to the Proper Officer; and either:
- 7.4.4 the Proper Officer has within the specified period notified the Employment Committee that each member of the Executive has stated that they do not have any objection to the dismissal; or
- 7.4.5 the Proper Officer has notified the Employment Committee that no objection was received by him within the specified period from any member of the Executive; or
- 7.4.6 the Employment Committee is satisfied that any objection received is not material and/or is not well-founded⁸.

8.0 POLITICAL ASSISTANTS

- 8.1 Not more than one political assistant's post shall be allocated by the Council, from time to time, to each of the qualifying political groups into which the Council is divided.
- 8.2 No appointment to a political assistant's post shall be made until the Council has allocated such a post to each qualifying political group.
- 8.3 For the purpose of this Rule, a "qualifying political group" means a political group which qualifies for the allocation to it of a political assistant's post in accordance with sub-sections 6 and 7 of Section 9 of the Local Government and Housing Act 1989.

9.0 POLITICAL RESTRICTIONS ON COUNCIL EMPLOYEES

⁷ It will be a matter for the Employment Committee to determine in each case what particulars are relevant for these purposes.

⁸ It will be a matter for the Employment Committee to determine in each case whether any particular objection is material and/or well-founded, not being matters which relate to a protected characteristic under s.4 of the Equality Act 2010. The terms "material" and "well-founded" shall bear their normal dictionary meanings.

- 9.1 All persons exercising powers of appointment, shall do so only in accordance with the legislative provisions restricting political activity as detailed in the Local Government Act 1972 and the Local Government and Housing Act 1989.
- 9.2 The Head of Paid Service will, in accordance with the Local Government and Housing Act 1989 and if requested to do so, determine whether to grant or revoke exemptions to posts from inclusion on the list of politically restricted posts maintained by the Council. In carrying out these functions, the Head of Paid Service will consult the Monitoring Officer.
- 9.3 Directors have a duty to apply to the Head of Paid Service to revoke any exemption to inclusion on the list of politically restricted posts, for a post within their service area, where the duties of that post have substantially changed and/or where the Director believes that the exemption is no longer appropriate.
- 9.4 The Chief Officer (Human Resources) will maintain a list of all politically restricted posts within the Council. Directors have a duty to inform the Chief Officer (Human Resources) of any post within their structures which should be included on the list of politically restricted posts under the Local Government and Housing Act 1989.

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PROCEDURE FOR CONSIDERING COMPLAINTS ALLEGING A FAILURE TO COMPLY WITH A MEMBERS' CODE OF CONDUCT WITHIN THE AREA OF LEEDS METROPOLITAN DISTRICT COUNCIL

Introduction

1. This procedure should be used to deal with complaints submitted under the Members' Code of Conduct adopted by Leeds City Council and the Parish and Town Councils in the Leeds area.
2. The Members' Code of Conduct applies to elected Members and voting co-opted members when they are acting in that capacity. Complaints which relate to a failure to comply with the rules about 'Disclosable Pecuniary Interests' should be directed to the West Yorkshire Police for their consideration. Complaints about a potential breach of the general obligations should be submitted to the Monitoring Officer for consideration.
3. The Monitoring Officer may nominate another officer of suitable experience and seniority to carry out any of the functions listed in this procedure.

Stage 1 - Initial assessment by the Monitoring Officer

4. Complaints must be submitted in writing, must provide substantiated information, and should outline what form of resolution the complainant is seeking. Otherwise the Monitoring Officer should ask the complainant to resubmit their complaint. Ideally the complainant will use the correct complaints form to submit their complaint, but other written complaints will be accepted so long as they contain the relevant information.
5. The Monitoring Officer will consider the complaint and make a decision as to whether it will be treated as a valid complaint or not.
6. The following types of complaint will not be considered as 'valid complaints' under this procedure:
 - a. Complaints which are submitted anonymously^{1 2};
 - b. Complaints which do not identify a subject Member;
 - c. Complaints which relate to a Member's personal or private life;
 - d. Complaints concerning a failure to respond to a request from a constituent or other individual;

¹ Complaints which contain a request for the complainant's identity to be withheld may be considered to be 'valid complaints', although the complainant's identity will only be withheld in exceptional circumstances. If the Monitoring Officer does not consider it appropriate to withhold the complainant's identity, the complainant will be given the opportunity to withdraw their complaint before it proceeds to the next stage.

² Anonymous complaints which reveal potential fraud or corruption will be referred to Internal Audit for consideration under the Council's adopted Whistle blowing Policy

Procedure for considering complaints alleging a failure to comply with a Members' Code of Conduct

- e. Complaints which relate to the alleged actions of employees of the Council or non-voting co-optees;
 - f. Complaints which relate to a decision of an employee or a Committee;
 - g. Complaints which relate to a person who is no longer a Member of the Council or which refer to alleged incidents before the person became a Member of the Council;
 - h. Complaints which refer to alleged incidents which happened so long ago that there would be little benefit in taking action now;
 - i. Complaints containing trivial allegations, or which appear to be simply malicious, politically motivated or tit-for-tat;
 - j. Complaints regarding alleged behaviour which has already been the subject of an investigation or some form of action;
 - k. Complaints which relate to an alleged failure to comply with the rules regarding 'Disclosable Pecuniary Interests'³;
 - l. Complaints which do not relate to the Members' Code of Conduct.
7. In all cases where the complaint names a Member of a relevant authority, the Member will be notified of the complaint. If the Monitoring Officer decides that the complaint is 'invalid', this notification is made for information only.
8. If the complaint relates to an employee or is a service related issue, the Monitoring Officer will refer the complaint to the relevant service in order for them to respond to the complainant directly.
9. In any case where the Monitoring Officer decides that the complaint is 'invalid', they will write to the complainant explaining why their complaint cannot be dealt with under this procedure. There is no appeal process for decisions taken by the Monitoring Officer at this stage.

Stage 2 - Informal resolution

10. If, following initial assessment, the Monitoring Officer decides that the complaint should be treated as a 'valid complaint' they will write to the complainant and explain that the matter is to be referred to the subject Member for them to seek to resolve the issue in accordance with this procedure. The complainant will also be provided with an outline of the procedure for dealing with complaints against Councillors.
11. At the same time the Monitoring Officer will refer the matter to the subject Member and the relevant Group Whip⁴ for their consideration. In this

³ Such complaints will be redirected to the West Yorkshire Police, subject to the complainant's agreement.

⁴ If the subject Member is the Group Whip, the complaint will be copied to his or her Group Leader. In

Procedure for considering complaints alleging a failure to comply with a Members' Code of Conduct

correspondence the Monitoring Officer will provide the subject Member with a reasonable timescale within which to attempt to resolve the complaint (usually this will be 28 days), and will provide the subject Member with the contact details for the Independent Person⁵.

12. Types of informal resolution might include:

- a. An explanation by the subject Member of the circumstances surrounding the complaint;
- b. An apology from the subject Member;
- c. An agreement from the subject Member to attend relevant training or to take part in a mentoring process;
- d. Offering to engage in a process of mediation or conciliation between the subject Member and the complainant; or
- e. Any other action capable of resolving the complaint.

13. Before deciding upon a course of action the subject Member may seek guidance from a Group Whip, the Independent Person, and/or the Monitoring Officer. It may also be advisable to seek advice from the complainant to ascertain what form of informal resolution they would find acceptable, particularly if the form of resolution they have specified in their complaint is not possible.

14. The Independent Person is available to the subject Member to give them advice on the severity of the complaint and what form of resolution they would consider appropriate. Providing such guidance will not prevent the Independent Person from giving a view to the Standards and Conduct Committee about the complaint at a later stage.

15. At the end of the 28 day period the Monitoring Officer will, in consultation with the Chair of the Standards and Conduct Committee, seek to establish whether the subject Member (or Group Whip) has appropriately addressed matters which have been raised by the complainant.

16. Where the subject Member has appropriately addressed the matters raised there will be no further action taken in respect of the complaint and the Monitoring Officer will notify both the complainant and the subject Member of this decision.

17. Where it has not been possible to appropriately address matters, the complaint will be referred to the Standards and Conduct Committee for consideration. The Monitoring Officer will notify both the complainant and the subject Member of this decision, and will provide the subject Member with information regarding the Council's insurance arrangements (and how legal representation may be accessed).

the case of a Parish or Town Council without structured political groups, the Monitoring Officer could consider involving the Chairperson of the Council.

⁵ See Annex 1 for a summary of the role of the Independent Person.

18. There will be no appeal process for decisions taken by the Monitoring Officer and the Chair of the Standards and Conduct Committee at this stage.

Stage 3 – Standards and Conduct Committee

19. The Monitoring Officer will prepare a report for consideration by the Standards and Conduct Committee. This report will include readily obtainable information (such as minutes of meetings or Clerk's notes), a summary of the complaint and the efforts made to resolve the matter informally.

20. The Monitoring Officer must arrange for a meeting of the Standards and Conduct Committee (or the relevant Sub-Committee⁶)⁷ to be convened to consider the Monitoring Officer's report of the complaint. Wherever possible the meeting will take place within 28 days of the Monitoring Officer's report being finalised.

21. If the complaint relates to a Parish or Town Councillor, one of the co-opted Parish Members will be invited to attend the Committee meeting. The Parish Member will not be entitled to vote at the meeting, but will be entitled to speak at the discretion of the Chair.

22. The following people will also be invited to attend the Committee meeting:

- a. The complainant;
- b. The subject Member;
- c. The Group Whip (if relevant); and
- d. The Independent Person.

23. The Monitoring Officer will also attend the meeting in order to present their report.

24. After initial consideration of the Monitoring Officer's report, the Committee will take statements from the following parties (either in person or in written form if the person is unable to attend the meeting):

- a. The complainant; and
- b. The subject Member.

25. The Committee may also ask questions of anyone present at the meeting in order to reach a conclusion on the complaint.

⁶ Such Sub-Committee will be made up of three Members of the Standards and Conduct Committee, one of whom must be from the same political group as the subject Member (wherever possible), but not all of the Members will be from the same political group. The Chair will be elected from among the membership at the beginning of the meeting, but cannot be from the same political group as the subject Member.

⁷ References to the Committee in rules 21 to 36 below shall be read as references to the Sub-Committee if such sub-committee has been appointed and is convened to hear the complaint.

Procedure for considering complaints alleging a failure to comply with a Members' Code of Conduct

26. Before reaching a final decision on the complaint, the Committee must seek, and take account of, the view of the Independent Person in relation to the complaint.
27. If the Committee is unable to reach a conclusion on the complaint on the basis of the information before it, it may adjourn the meeting and request that the Monitoring Officer seeks the further information required. However, when doing so the Committee should consider whether the information will be readily available to the Monitoring Officer.
28. Once the Committee is satisfied with the information before it, it must decide the following issues:
 - a. Whether the subject Member has failed to comply with the Members' Code of Conduct;
 - b. Whether further action is warranted; and
 - c. What form of action might be appropriate.
29. If the complaint relates to a Parish or Town Councillor the Committee will only make a decision regarding whether the subject Member has failed to comply with the relevant Members' Code of Conduct. This decision, and the reasons for it, will be communicated to the relevant Parish or Town Council in order for it to make a decision as to whether further action is warranted and what form of action would be appropriate.
30. In all other cases, if the Committee concludes that, on the balance of probabilities, the subject Member did not fail to comply with the Members' Code of Conduct, this will conclude the complaints process. In such cases no further action will be taken in respect of the complaint, although the Committee may still wish to consider making a recommendation to the authority with a view to promoting and maintaining high standards of conduct in general. Such recommendations may include proposed changes to internal procedures and practices or training for Members in general.
31. If the Committee concludes that, on the balance of probabilities, the subject Member has failed to comply with the Members' Code of Conduct, the Committee must go on to consider whether action should be recommended in respect of the subject Member, and what form of action might be appropriate.
32. The recommendations available to the Committee are limited to:
 - a. A formal letter to the subject Member from the Chair of the Standards and Conduct Committee;
 - b. Formal censure by a motion of full Council; or
 - c. Removal by the authority of the Member from a relevant Committee(s) subject to statutory and constitutional requirements.

Procedure for considering complaints alleging a failure to comply with a Members' Code of Conduct

33. The Committee may make a recommendation in relation to one or more of the above sanctions to full Council, the Group Whip or the Chair of the Standards and Conduct Committee. The Chair will confirm any such recommendations in writing within five working days of the Committee meeting.
34. The Committee may also make general recommendations to the authority with a view to promoting and maintaining high standards of conduct within the authority. As stated above, such recommendations may include proposed changes to internal procedures and practices or training for Members in general. The Monitoring Officer will be responsible for communicating such recommendations to the relevant Committee or officer for consideration.
35. Within five working days of the meeting the Chair of the Committee will write to the complainant and the subject Member explaining the final decision of the Committee and detailing any recommendations made.
36. There will be no right of appeal against a decision of the Committee.

ANNEX 1 - ROLE OF THE 'INDEPENDENT PERSON'

Role of the Independent Person

The role of the independent person is set out in Section 28 of the Localism Act 2011.

As part of its arrangements under which decisions on allegations can be made, each principal authority must appoint at least one independent person.

The independent person's views **must** be sought, and taken into account, by the authority before it makes its decision on an allegation that it has decided to investigate.

The authority may also seek the independent person's views on an allegation that it has not decided to investigate. However, there is no requirement for the authority to do so, or to take those views into account.

Finally, a member or co-opted member of the authority (or of a parish council in the area) may seek the independent person's views on an allegation made against them.

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LICENSING COMMITTEE AND SUB COMMITTEE PROCEDURE RULES

1. INTERPRETATION

'The Chair' means the Chair of the Licensing Committee.

'The Committee' means the Licensing Committee or Licensing Sub Committee.

'The Relevant Regulations' means the Licensing Act 2003 (Hearings) Regulations 2005 SI 2005/44 (as amended) and the Gambling Act 2005 (Proceedings of Licensing Committees and Sub Committees) (Premises Licences and Provisional Statements) (England and Wales) Regulations 2007 SI 2007/173

'The 2003 Act' means the Licensing Act 2003

'The 2005 Act' means the Gambling Act 2005

2. SCOPE

These Procedure Rules will apply in respect all matters which are dealt with by the Committee under either the 2003 Act or the 2005 Act

3. APPLICATION OF COUNCIL PROCEDURE RULES/ACCESS TO INFORMATION PROCEDURE RULES

Except where the Relevant Regulations provide differently, the Council Procedure Rules and Access to Information Procedure Rules (in so far as they apply to committees and sub-committees) will be followed for all meetings of the Committee.

4. APPLICATION OF THE RELEVANT REGULATIONS

The provisions of the Licensing Act 2003 (Hearings) Regulations 2005 shall apply to any hearings conducted under the provisions of the Licensing Act 2003¹ and in the event of any conflict between the Relevant Regulations and the Council Procedure Rules/Access to Information Procedure Rules in relation to such hearings the provisions of the Relevant Regulations shall prevail.

The provisions of the Gambling Act 2005 (Proceedings of Licensing Committees and Sub Committees) (Premises Licences and Provisional Statements) (England and Wales) Regulations 2007 shall apply to the exercise of functions under Section 162 (1) and (2) and Section 201 (4) of the Gambling Act 2005 and in the event of any conflict between the Relevant Regulations and the Council Procedure Rules/Access to Information Procedure Rules in relation to the exercise of such functions the provisions of the Relevant Regulations shall prevail.

¹ Hearings are defined as those matters referred to in column 1 of schedule 1 to the regulations.

5. APPOINTMENT OF CHAIR

The Authority shall appoint the Chair of the Licensing Committee at its AGM.

The Chair of each Licensing Sub-Committee shall be elected by the Sub-Committee at the start of each meeting.

6. QUORUM

Five Members (including the Chair) shall form a quorum for meetings of the Licensing Committee.

Three Members shall normally form a quorum for meetings of a Licensing Sub-Committee.

In exceptional circumstances such as illness or unanticipated none availability of a Sub-Committee Member it shall be possible for an ordinary business sub committee to conduct a hearing with only two Members present provided that

- Attempts have been made to identify a Member who can substitute for the Member who is not available without success and
- The parties present agree to a quorum of two and
- The resultant decision is unanimous

The Large Casino Sub-committee and the Sexual Entertainment Venues (SEVs) Sub-committee may not operate to a quorum of less than 3 Members present.

Except where authorised by statute, business shall not be transacted at a meeting unless a quorum is present.

7. SUBSTITUTE MEMBERS

Allocation

No substitute Members are appointed for the Licensing Committee.

In relation to each ordinary business Licensing Sub-Committee, the Licensing Committee has appointed substitute Members, comprising all other Members of the Licensing Committee.

In relation to the Large casino Sub-committee and the SEVs Sub-committee the Licensing Committee has appointed 5 Members to each sub-committee. That pool of 5 Members will form a sub-committee of three Members with two substitute Members if required.

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 agenda item as a Member of the Licensing Sub-Committee concerned.

Powers and duties

A substitute Member will have all the powers and duties of any regular Member of the Licensing Sub-Committee but will not be able to exercise any special powers or duties exercisable by the person for whom s/he is substituting.

A substitute Member shall be for all purposes a duly appointed Member of the Licensing Sub-Committee to which s/he is appointed as a substitute Member for the meeting in question and shall have the like duties, powers and responsibilities as the member whom s/he is replacing.

8. MEETINGS OF THE COMMITTEE

The Chair of the Committee or the Chief Executive may call a meeting at any time.

A special meeting of the Committee may be called on the requisition of any 3 Members of the Committee delivered in writing to the Chief Executive. The summons to such a special meeting shall set out the business to be considered and no business other than that set out in the summons shall be considered at that meeting.

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MEMBERS' CODE OF CONDUCT

This Code applies to elected Members and voting co-opted Members of Leeds City Council in all aspects of their public life. This means that the Council expects Members to follow this Code when they are conducting the work of the Council, representing the Council on any external organisation, and otherwise acting in their official capacity. The Code of Conduct does not apply to what Members do in their purely private and personal lives¹.

Part One - Standards of Conduct

You must have regard to, and act in accordance with, the following standards of conduct²:

1. **Selflessness**

You should serve only in the public interest, and should never improperly confer an advantage or disadvantage on any person, organisation or group, or any other third party.³

2. **Honesty and Integrity**

You should not place yourself in situations where your honesty and integrity may be questioned; you should not behave improperly and should avoid the appearance of such behaviour.⁴

3. **Objectivity**

You must make decisions based on the information before you, having had regard to any professional advice provided to you and in accordance with your view of the public interest.

You should make decisions on merit, this includes when making appointments, awarding contracts, or recommending individuals for awards or other recognition.

4. **Accountability**

You are accountable to the public for your decisions and actions and the manner in which you carry out your duties. You must co-operate fully and honestly with any scrutiny appropriate to your office.

¹ When engaging in political activities such as canvassing for re-election Members are not acting in their official capacity, and for the purposes of this Code of Conduct, such political activities are considered part of a Member's private and personal life.

² And in accordance with any supplementary guidance or protocols agreed by the authority from time to time.

³ This does not mean that Members are under any obligation to support or become involved in all requests for assistance from their constituents.

⁴ Where you are present at a formal meeting of the authority and identify any relevant and significant interest which is not a disclosable pecuniary interest and which relates to the business being conducted, you may declare the interest to the meeting, if you consider it is in the public interest to do so. You may also choose not to participate in the business as a result, although you are not obliged to do so.

Members' Code of Conduct

You should not undertake any action which would bring the Council, your position, or the position of Members generally, into disrepute.

5. **Openness**

You must be as open as possible about your actions and those of the authority, and should be prepared to give reasons for those actions.

6. **Leadership**

You must promote and maintain high standards of conduct by supporting these principles by leadership and by example, and should act in a way that secures or preserves the confidence of others.

You must have due regard to the impartiality and integrity of the authority's statutory officers and its other employees⁵.

Part Two – Registration and disclosure of interests

Registration of Interests

7. Within 28 days of your election or co-option, you must notify the Monitoring Officer of any 'disclosable pecuniary interests' which you have at that time⁶.
8. Where you are re-elected or re-appointed, notification is only required of any new disclosable pecuniary interests within 28 days of your election or co-option.
9. You must keep your Register of Interests entry up to date by notifying the Monitoring Officer of any changes to your disclosable pecuniary interests within 28 days of the change occurring, or of you becoming aware of the change.
10. A pecuniary interest is a 'disclosable pecuniary interest' in relation to you if it is of a type described in Appendix 1, and either:
 - (a) it is an interest of yourself, or
 - (b) it is an interest of -
 - (i) your spouse or civil partner,
 - (ii) a person with whom you are living as husband and wife, or
 - (iii) a person with whom you are living as if you are civil partners, and you are aware that that other person has the interest.
11. You are also required to notify the Monitoring Officer of any gifts or hospitality with an estimated value of at least £50⁷ which you receive in your role as a

⁵ Members may express themselves robustly in representing their, or their constituents' views, although where a Member engages in a sustained or systematic challenge of an employee which is unfounded or in any other way unreasonable, such conduct would fall within the scope of this code. However an unintentional remark, made in isolation, is unlikely to amount to a failure to comply with the code of conduct.

⁶ The Monitoring Officer must enter these interests into the Register of Interests, which will be made available for public inspection and published on the Council's website.

⁷ This financial limit will be maintained in line with the definition of a donation to be declared by election candidates during local authority elections in England and Wales (as set out in Schedule 2A of the Representation of the People Act 1983).

Leeds City Councillor⁸. You must inform the Monitoring Officer of any such gifts or hospitality within 28 days of receiving them so that the details can be entered into the Register of Interests.⁹

Sensitive interests

12. If the nature of an interest is such that you and the Monitoring Officer consider that disclosure of the details of the interest could lead to you, or a person connected with you, being subject to violence or intimidation, the interest must not be included in any published version of the Register of Interests, or be entered into any copy of the register that is made available for public inspection^{10 11}.

Disclosure of disclosable pecuniary interests at meetings

13. The following provisions apply if you are present at a meeting of the authority or of any committee¹², sub-committee, joint committee or joint sub-committee of the authority, and you are aware that you have a disclosable pecuniary interest in a matter to be considered, or being considered, at the meeting.
14. If the interest is not entered in the authority's Register of Interests, you must disclose the interest to the meeting (unless the interest is a sensitive interest).
15. If the interest is not entered in the authority's Register of Interests and is not the subject of a pending notification, you must notify the Monitoring Officer of the interest before the end of 28 days beginning with the date of the disclosure.
16. Where the interest does appear in the Register of Interests, you must bring the interest to the attention of the meeting (unless the interest is a sensitive interest).
17. You may not:
- (a) participate, or participate further, in any discussion of the matter at the meeting,
 - (b) participate in any vote, or further vote, taken on the matter at the meeting, or
 - (c) remain in the room during the discussion or vote on the matter (subject to paragraph 18 below).

⁸ This does not include civic gifts or hospitality received by the Lord Mayor of Leeds whilst acting in this capacity. Civic gifts are to be recorded in a separate register maintained by the Lord Mayor's office.

⁹ These details will be removed from the register by the Monitoring Officer two calendar years after they were received.

¹⁰ Instead the Register of Interests may state that the Member has an interest the detail of which are withheld under section 32(2) of the Localism Act 2011

¹¹ If the Member is required to disclose such an interest in a meeting, the Member need not disclose the interest, but merely the fact that the Member has a disclosable pecuniary interest in the matter concerned.

¹² This includes the Executive Board and any committee of the executive.

Members' Code of Conduct

18. If you are not a member of the relevant committee, sub-committee, joint committee or joint sub-committee, and are present at the meeting in another capacity, you may remain in the room to observe the proceedings but must not participate in the discussion on the matter, even as a member of the public.
19. In certain circumstances you may be granted a dispensation to permit you to take part in the business of the authority, even if you have a disclosable pecuniary interest relating to that business. Such dispensations are granted by the Head of Paid Service following a written request to the Monitoring Officer.

Allegations of a Failure to Comply with Code of Conduct

20. All complaints alleging a failure to comply with this Code will be considered in accordance with a procedure agreed by full Council.

APPENDIX 1 - DEFINITION OF A 'DISCLOSABLE PECUNIARY INTEREST'¹³

Employment, office, trade, profession or vocation - Any employment, office, trade, profession or vocation carried on for profit or gain.

Sponsorship - Any payment or provision of any other financial benefit (other than from the relevant authority) made or provided within the relevant period¹⁴ in respect of any expenses incurred by you in carrying out your duties as a Member, or towards your election expenses. This includes any payment or financial benefit from a trade union within the meaning of the Trade Union and Labour Relations (Consolidation) Act 1992.

Contracts - Any contract which is made between the relevant person¹⁵ (or a body in which the relevant person has a beneficial interest¹⁶) and the relevant authority –

- (a) under which goods or services are to be provided or works are to be executed; and
- (b) which has not been fully discharged.

Land - Any beneficial interest in land¹⁷ which is within the area of the relevant authority.

Licences - Any licence (alone or jointly with others) to occupy land in the area of the relevant authority for a month or longer.

Corporate tenancies - Any tenancy where (to your knowledge) –

- (a) the landlord is the relevant authority; and
- (b) the tenant is a body in which the relevant person has a beneficial interest.

Securities - Any beneficial interest in securities¹⁸ of a body where –

- (a) that body (to your knowledge) has a place of business or land in the area of the relevant authority; and
- (b) either –

¹³ As defined in The Relevant Authorities (Disclosable Pecuniary Interests) Regulations 2012/1464.

¹⁴ "Relevant period" means the period of 12 months ending with the day on which the Member completes their notification.

¹⁵ "Relevant person" refers to the Member and their spouse or civil partner, or a person with whom the Member is living as husband or wife, or a person with whom the Member is living as if they were civil partners, so long as the Member is aware that that other person has the interest.

¹⁶ This means a firm in which the relevant person is a partner or a body corporate of which the relevant person is a director, or in the securities of which the relevant person has a beneficial interest. The definition of "director" includes a member of a committee of management of an industrial and provident society.

¹⁷ "Land" excludes an easement, servitude, interest or right in or over land which does not carry with it a right for the relevant person (alone or jointly with another) to occupy the land or to receive income.

¹⁸ "Securities" means shares, debentures, debenture stock, loan stock, bonds, units of a collective investment scheme within the meaning of the Financial Services and Markets Act 2000 and other securities of any description, other than money deposited with a building society.

Members' Code of Conduct

- (i) the total nominal value of the securities exceeds £25,000 or one hundredth of the total issued share capital of that body; or
- (ii) if the share capital of that body is of more than one class, the total nominal value of the shares of any one class in which the relevant person has a beneficial interest exceeds one hundredth of the total issued share capital of that class.

Employee Code of Conduct

Policy and Procedure



Members of the public are entitled to expect the highest standards of conduct from everyone who works for the council. The Employee Code of Conduct (the “Code”) sets out some examples of the standards of behaviour the council expects of its employees. It applies to all employees of the council, irrespective of grade or role. The Code forms part of your terms and conditions of employment.

If you supervise/line manage other employees you must make sure they know about and understand the Code. If you supervise people who are not employees of the council (for example contractors and temporary agency workers) you must make them aware of the Code, and make it clear that they are under a duty to follow the Code.

If the people you supervise behave in ways that are inconsistent with the Code, you must take action. You may want to ask your supervisor for guidance, or consider using another policy to guide your response, for example the Probationary, Improving Performance or Disciplinary Policies and Procedures.

If you are unsure about any part of Code you should get clarification from your line manager or from the Human Resources service.

Part One – Standards of Conduct

In performing their duties, local government employees must act with integrity, honesty, impartiality and objectivity. There is further guidance on the principles in appendix 1 to this code.

1. Selflessness

- You must not use materials in breach of copyright.
- You must take reasonable action to keep yourself and others safe.
- You owe a duty of loyalty to the council.
- You must not work against the best interests of the council.
- You must not behave in a way which is incompatible with your role.
- You must report wrong-doing and any genuine and reasonable suspicion of wrong-doing as set out in the Code.
- You must only spend the council’s money wisely.

2. Honesty and integrity

- You must not misuse your official position or information acquired in the course of your employment to further your private interest or the interests of others.
- You must not engage in, or otherwise be involved in any bribery or corrupt activities or practices.

- You must not use council facilities or resources to access or distribute inappropriate or offensive material
- You must avoid any reasonable suspicion of bribery and/or corruption and/or any reasonable perception of bribery and/or corruption.
- You must, in carrying out your duties, ensure you comply with any legal requirements.
- You must ensure that public funds and assets, including information entrusted to you are only used in a responsible and lawful manner.
- You must not use property, vehicles or other facilities of the council for personal use unless properly authorised to do so by your line manager or other appropriately authorised person.

3. Objectivity

- You must follow the policies, procedures and rules of the council.
- You must not give political advice.¹
- You must not allow your own personal and/or political opinions and/or interests to interfere with your work.

4. Accountability

- You are accountable to the council for your actions and decisions.
- You must discharge your public functions reasonably.
- You must cooperate fully with any council investigations.

5. Openness

- You must use and share information appropriately, having regard to your data protection obligations.
- You must treat information with the appropriate level of confidentiality.
- You must not engage in, or otherwise be involved in any insider dealing.

6. Leadership

- You must deal with the public, councillors and other employees sympathetically, efficiently and without bias.
- You must treat people fairly and equally.
- Professional relationships with vulnerable adults and with children who are service users must not develop into personal friendships and/or inappropriate relationships.
- You must maintain standards of dress and appearance which are appropriate to your role.
- You must behave appropriately when involved in tendering contracts and dealing

¹ This does not apply to officers appointed to posts which specifically provide political advice

with contractors.

7. Representing the Council

- You must only deal with the media if you are authorised to do so.
- You must ensure any dealings with the media in an official capacity are appropriate.
- You must follow the rules for contact with the media in the capacity of a trade union representative.
- You must follow the rules for contact with the media in a personal capacity and/or in your capacity for other organisations.
- You must not create a false impression that you are authorised to speak for the council if you do not have the authorisation to do so.

You are also required to follow the rules set out in these policies/procedures:

- Employee gifts and hospitality – you should obtain the permission of your director before accepting an offer of hospitality or a gift.
- Employee outside interests – you should declare: your membership of organisations the council needs to know about; associations with other businesses; beneficial interests in land and property; certain personal relationships; and financial interests in council contracts and sponsorship.
- Politically restricted posts – you should not stand for office or hold certain political positions if you are in a politically restricted post.

If you do not follow this Code

If you fail to follow the Code you may be referred into formal policies and procedures, including the Disciplinary Policy and Procedure. Depending on the circumstances, including the seriousness of any breach of the Code, a potential outcome of disciplinary action could result in your dismissal with or without notice or payment in lieu of notice.

You must treat this Code seriously, and make sure you understand it. If you do not understand any aspect of the Code or the council's requirements with regards to the conduct of employees then you should speak to your line manager urgently.

Part Two – Reporting wrong-doing

You have a duty to report suspicions or knowledge of wrong-doing you become aware of, for example:

- activities which you believe to be illegal, improper, unethical or otherwise inconsistent with the Code.
- anything which involves – or you think involves – irregularities concerning cash, stores or other property of the council.
- any suspected irregularity in the exercise of the functions of the council, including unofficial funds.
- council employees or any other individuals being involved in potentially fraudulent or corrupt activities, or theft.

Employee Code of Conduct

You should normally report matters to your manager, giving them enough detail to understand your concerns and to follow them up. You should not report suspicions of misconduct to anyone who you believe is (or is likely to be) involved in the alleged misconduct.

If you want or need to report something, but have a good reason not to report the matter to your line manager, you should tell one of the following people:

- The manager of the person you think may have breached the Code.
- A director (either your own director, or the one for the area where the breach may have occurred).
- Internal Audit.

Reporting matters to Internal Audit

You can refer a matter to Internal Audit by:

- Calling the whistle blowing reporting line on 0113 247 4645; or
- emailing concerns@leeds.gov.uk; or
- using the on-line reporting form on the intranet; or
- post, to Internal Audit, 3rd Floor West, Civic Hall, Portland Crescent, LS1 1JF.

You can also contact Internal Audit for advice by post or by calling 0113 247 4147.

The council's Whistle-Blowing Policy contains more information on the protections offered to staff reporting legitimate concerns under the Public Interest Disclosure Act 1988.

If, following an investigation no wrong-doing is found to have occurred, any innocently motivated "whistleblower" will not be subject to any disciplinary action.

However, you should also note that if a report of alleged wrong-doing is found, during the course of investigation, to have been vexatious or improperly motivated, then disciplinary action may be taken against the "whistleblower" and which may result in dismissal, with or without notice or payment in lieu of notice.

A note about the internet, social networking sites etc.

Whenever there are restrictions on what you can communicate to people, or how you should communicate with them, it does not matter whether you are communicating face to face, by telephone, email, through social networking sites, or any of the other means. The rules apply to all ways of communicating.

Inappropriate comments made on social networking sites (whether you have enabled privacy settings or otherwise) about your employment with the Council, the Council at large or any employees or former employees of the Council could amount to a breach of loyalty. As a result of this, you may face disciplinary action, which could ultimately result in your dismissal with or without notice or payment in lieu of notice.

Updating this policy

The Human Resources service will monitor this policy and update it as required. The trade unions will raise any pertinent issues through established meetings with the HR service if they feel that a review is due or required.

The Chief Officer (HR) may amend any contact details, team names and job titles (and the version control number of the policy) as required without further trade union consultation. If

amendments are made, the trade unions will be advised via the Corporate Negotiating Group at the earliest opportunity and an updated version of the policy will be made available through the intranet and through HR contacts.

Definition of director

The term “directors” is used to refer to a group of senior officers which includes the Chief Executive and all posts (other than administrative posts) which report directly to the Chief Executive. Wherever possible, the term “director” should be understood in this sense.

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A PROTOCOL FOR MEMBER/OFFICER RELATIONS

1.0 INTRODUCTION AND PRINCIPLES

- 1.1 The objectives of this Protocol are to guide Members¹ and officers of the Council² in their relations with one another in such a way as to ensure the smooth running of the Council and to foster good working relationships.
- 1.2 The Council has adopted Codes of Conduct for both officers and Members. The Protocol also seeks to reflect the principles underlying the respective Codes of Conduct which apply to Members and officers. The shared objective of these Codes is to enhance and maintain the integrity (real and perceived) of local government and the Codes, therefore, demand very high standards of personal conduct.
- 1.3 Members and officers must at all times observe this Protocol. This Protocol is a local extension of the Members' and Employees' Codes of Conduct. Consequently a breach of the provisions of this Protocol may also constitute a breach of those Codes.
- 1.4 This Protocol should be read in conjunction with the Members' and Employees' Codes of Conduct, the Council's Constitution and any guidance issued by the Standards and Conduct Committee and/or Monitoring Officer.
- 1.5 This Protocol is to a large extent a written statement of current practice and convention. It seeks to promote greater clarity and certainty. If the Protocol is followed it should ensure that Members receive objective and impartial advice and that officers are protected from accusations of bias and any undue influence from Members.
- 1.6 Details of the resources provided to members and officer will be provided subsequently in a separate document.
- 1.7 Given the variety and complexity of relations between Members and officers of the Council, this Protocol does not seek to be comprehensive. It is hoped, however, that the framework it provides will serve as a guide to dealing with a range of circumstances.

2.0 THE ROLE OF MEMBERS

- 2.1 Members have a number of roles and need to be alert to the potential for conflicts of interest which may arise between the roles. Where such conflicts are likely, Members may wish to seek the advice of senior colleagues, the relevant senior officer(s), and/or the Monitoring Officer.

¹ Unless the context indicates otherwise, the terms Member and Members include non-elected i.e. co-opted Members as well as elected councillors.

² Unless the context indicates otherwise, references to the term Council include the executive, overview and scrutiny committees, and other committees and sub-committees

Protocol on Member/Officer Relations

- 2.2 At all times Members should be aware that the role they are performing may impact upon the nature of their relationship with officers and the expectations that officers may have of them.
- 2.3 Collectively, Members are the ultimate policy-makers determining the core values of the Council and approving the authority's policy framework, strategic plans and budget.
- 2.4 Members represent the community, act as community leaders and promote the social, economic and environmental well-being of the community often in partnership with other agencies.
- 2.5 Every Member represents the interests of, and is an advocate for, his/her ward and individual constituents. He/she represents the Council in the ward, responds to the concerns of constituents, meets with partner agencies, and often serves on local bodies.
- 2.6 Some Members have roles relating to their position as members of the Executive, Scrutiny Boards, Community Committees or other committees and sub-committees of the Council.
- 2.7 Members serving on Scrutiny Boards monitor the effectiveness of the Council's policies and services, develop policy proposals and examine community issues. They also monitor local health service provision.
- 2.8 Members serving on Community Committees work to promote and improve the economic, social and environmental well-being of the Committee's area and make decisions in relation to Local Services. In addition they advise the Council in relation to local community interests and proposals affecting the committee's area.
- 2.9 Members who serve on other committees and sub-committees collectively have delegated responsibilities, e.g. deciding quasi-judicial matters which by law are excluded from the remit of the Executive.
- 2.10 Some Members may be appointed to represent the Council on local, regional or national bodies.
- 2.11 As politicians, Members may express the values and aspirations of the party political groups to which they belong, recognising that in their role as Members they have a duty always to act in the public interest.
- 2.12 Members are not authorised to instruct officers other than:
 - through the formal decision-making process;
 - to request the provision of consumable resources provided by the Council for Members' use⁴.

⁴ See paragraph 5 of this Protocol.

Protocol on Member/Officer Relations

- 2.13 Members are not authorised to initiate or certify financial transactions, or to enter into a contract on behalf of the Council.
- 2.14 Members must avoid taking actions which are unlawful, financially improper or likely to amount to maladministration.
- 2.15 Members must have due regard to the impartiality and integrity of the authority's statutory officers and its other employees, and do nothing to compromise it, e.g. by insisting that an officer change his/her professional advice.
- 2.16 Members should only become involved in commercial transactions at the formal decision making stage. When dealing with a commercial transaction Members should be aware of the requirements of the Contracts Procedure Rules and relevant guidance.

3.0 THE ROLE OF OFFICERS

- 3.1 Officers are responsible for giving advice to Members to enable them to fulfil their roles. In doing so, officers will take into account all available relevant factors.
- 3.2 Under the direction and control of the Council, officers manage and provide the Council's services within the framework of responsibilities delegated to them. This includes the effective management of employees and operational issues.
- 3.3 Officers have a duty to implement decisions of the Council which are lawful, and which have been properly approved in accordance with the requirements of the law and the Council's constitution, and duly minuted.
- 3.4 Officers have a contractual and legal duty to be impartial. They must not allow their professional judgement and advice to be influenced by their own personal views.
- 3.5 Officers must assist and advise all parts of the Council. They must always act to the best of their abilities in the best interests of the authority as expressed in the Council's formal decisions.
- 3.6 Officers must be alert to issues which are, or are likely to be, contentious or politically sensitive, and be aware of the implications for Members, the media or other sections of the public.
- 3.7 Officers have the right not to support Members in any role other than that of Member, and not to engage in actions incompatible with this Protocol. In particular, there is a statutory limitation on officers' involvement in political activities.

3.8 Some officers may be appointed to local, regional or national bodies because of their particular skills and expertise. They may be appointed specifically to represent the Council or in their personal capacity.

4.0 THE RELATIONSHIP

4.1 Members are elected by, and officers are servants of the public and Members and officers are indispensable to one another. However, their responsibilities are distinct. Members are accountable to the electorate and serve only so long as their term of office lasts. Officers are accountable to the Council as a whole. Their job is to give advice to Members (individually and collectively) and to carry out the Council's work under the direction and control of the Council.

4.2 The conduct of Members and officers should be such as to instil mutual confidence and trust. The key elements are a recognition of and a respect for each other's roles and responsibilities. These should be reflected in the behaviour and attitude of each to the other, both publicly and privately.

4.3 At the heart of the Codes, and this Protocol, is the importance of mutual respect. Member/Officer relationships are to be conducted in a positive and constructive way. Therefore, it is important that any dealings between Members and officers should observe standards of courtesy and that neither party should seek to take unfair advantage of their position nor seek to exert undue influence on the other party. The use of more extreme forms of behaviour and emotion is rarely conducive to establishing mutual respect and is not a basis for constructive discussion.

4.4 Informal and collaborative two-way contact between Members and officers is encouraged. But personal familiarity can damage the relationship, as might a family or business connection. Inappropriate relationships can be inferred from language/behaviour. Close personal familiarity between individual Members and Officers can damage the relationship of mutual respect and prove embarrassing to other Members and Officers. To protect both Members and officers, officers should address Members as 'Councillor XX/Lord Mayor, save where circumstances clearly indicate that a level of informality is appropriate, e.g. a one to one meeting between a Director and their respective Executive Member.

4.5 Members and officers should inform the Monitoring Officer of any relationship which might be seen as unduly influencing their work in their respective roles.

4.6 It is not enough to avoid actual impropriety. Members and officers should always be open about their relationships to avoid any reason for suspicion and any appearance of improper conduct. Where a personal relationship has been disclosed, those concerned should avoid a situation where conflict could be perceived. Specifically, a Member should not sit on a body or participate in any decision which directly affects the officer on a personal basis.

Protocol on Member/Officer Relations

- 4.7 A Member should not raise matters openly or through the media relating to the conduct or capability of an officer in a manner that is incompatible with the objectives of this Protocol and particularly in relation to any pending or ongoing complaint or disciplinary process involving the officer. This is a long-standing tradition in public service. An Officer has no means of responding to such criticisms in public. Furthermore, open criticism may prejudice the bringing of disciplinary proceedings in circumstances where this might otherwise be appropriate.
- 4.8 A Member who feels s/he has not been treated with proper respect, courtesy or has any concern about the conduct or capability of an officer should:
- avoid personal attacks on, or abuse of, the officer at all times,
 - ensure that any criticism is well founded and constructive,
 - never make a criticism in public, and
 - take up the concern with the officer privately.
- 4.9 If direct discussion with the officer is inappropriate (e.g. because of the seriousness of the concern) or fails to resolve the matter, s/he should raise the matter with the respective Director. The Director will then look into the facts and report back to the Member. If the Member continues to feel concern, then s/he should raise the issue with the Chief Executive who will look into the matter afresh. Any action taken against an Officer in respect of a complaint will be in accordance with the provisions of the Council's Disciplinary Rules and Procedures.
- 4.10 Robust challenge is important in ensuring policies and service performance are meeting the Council's strategic objectives, especially during the Scrutiny process. Nothing in this protocol is therefore intended to stop Members holding officers to account for decisions made under delegated powers. Officers are accountable to the Council for any decision they make and may be required to report to and answer questions from a Scrutiny Board except in relation to Council functions. A Scrutiny Board may also call-in Key Decisions before they are implemented. Members may also individually request sight of delegated decision notifications, and raise queries about a decision with the decision-maker or an appropriate senior officer.
- 4.11 Where an officer feels that s/he has been the subject of a sustained or systematic challenge which is unfounded or in any other way unreasonable by a Member, s/he should raise the matter with his/her Director⁵, especially if they do not feel able to discuss it directly with the Member concerned. In these circumstances the Director, will after consultation with the complainant take appropriate action either by approaching the individual Member and/or group whip or by referring the matter to the Monitoring Officer.

⁵ "Director" is defined by footnote 1 to Article 12 of the Constitution.

5.0 BREACHES OF THE PROTOCOL

- 5.1 In relation to Members, failure to comply with the Members' Code of Conduct may lead to a complaint to the Standards and Conduct Committee, and failure to comply with the rules in relation to Disclosable Pecuniary Interests may lead to the Member committing a criminal offence.
- 5.2 Allegations of breaches by officers will be referred to the employee's Director for consideration of appropriate action including disciplinary investigation under the Council's Disciplinary Rules.

6.0 MONITORING AND INTERPRETATION

- 6.1 The Monitoring Officer will report to the Standards and Conduct Committee regarding any proposals for amendment to this protocol.
- 6.2 Questions on the interpretation of this protocol will be determined by the Monitoring Officer.

PROTOCOL FOR THE RESPECTIVE ROLES OF MEMBERS AND OFFICERS IN DECISION MAKING

1.0 INTRODUCTION

1.1 The Council has adopted executive arrangements described in the Council's Constitution. An Officer Delegation Scheme confers on Directors extensive powers to carry out the authority's functions.

2.0 GENERAL ROLES AND RESPONSIBILITIES OF MEMBERS AND OFFICERS

2.1 The effect of these arrangements is that Members set policy priorities and strategies to reflect local interests and needs and are also responsible for allocating funding between individual priority areas. Directors and their staff implement these strategies and policies by delivering services and major initiatives. It is officers therefore, who have responsibility for managing the Council's day to day operations, within a policy and budgetary framework laid down by Members.

2.2 Under the executive arrangements, full Council and the Executive have specific functions and these can be delegated to Committees or officers.

Committees

The authority has made arrangements to discharge both Council and executive functions through committees. Terms of Reference as set out in Part 3, Section 2 and 3 of the Constitution establish the areas of decision making which fall to committees either in relation to Council functions or executive functions. Terms of Reference are also in place for Scrutiny Boards. Whilst Scrutiny Boards themselves do not have decision making powers, they can make recommendations to the Council and the Executive. These bodies can also refer matters to Scrutiny Boards.

The functions delegated to officers by Council and the Executive respectively are set out in Part 3 of the Constitution.

Council functions are set out in Section 2 of Part 3 of the Constitution. Functions are delegated to the Director on the following basis:-

- a Director may consider that s/he should not exercise the delegated authority and that it should be referred to the appropriate Council Committee for consideration
- the delegating body may determine to reserve decisions about particular matters to itself

Executive functions are delegated to individual Directors as detailed in the Officer Delegation Scheme (executive functions) set out in Part 3 Section 3D of this Constitution. Functions are delegated on the following basis:-

Roles of Members and Officers in Decision Making

- a Director may consider that a delegated authority should not be exercised and that it should be referred to the Executive for consideration
- the appropriate Executive Member may request that a Director refrains from exercising a delegated authority in respect of a particular matter and refer it instead to the Executive Board for a decision.
- the Executive may determine to reserve decisions about particular matters to themselves.

2.3 The rationale for these principles is to give effect to the proposition that local people need to know who takes decisions and who to hold to account. Legislation allows the Leader to arrange for an executive function to be discharged by an individual Executive Member: however, to date the Leader has not done so.

2.4 In addition to the delegations referred to above, delegating bodies may arrange for any of their functions to be discharged by an identified officer, on a particular matter.

3.0 EXECUTIVE MEMBERS

3.1 Individual Executive Members could be authorised by the Leader to take executive decisions. However, until the Leader has determined that such authority should be given to individual Executive Members, the position remains that individual Executive Members¹ cannot take executive decisions. Executive Member's responsibilities are set out in their respective Member's Portfolio².

3.2 The role of an Executive Member is to promote and co-ordinate the Council's activities which contribute towards achieving the City Priority Plan objectives within their respective portfolio. These duties and responsibilities are exercised with a view either to appropriate recommendations being brought to the Executive, or alternatively, an Executive Member may offer his/her views or advice to an officer, who may take the decision.

3.3 Deputy Executive Members and Support Executive Members are appointed, whose roles are to assist Executive Members with specific aspects of their portfolio by carrying out policy development work. The Executive Member may identify time-limited tasks for Deputy or Support Executive Members for which the Executive Member will draw up a specific brief in consultation with other Executive Members as appropriate. As a minimum, the brief should contain the following:

- title
- purpose (including how the task ties in with the City Priority Plans)
- scope
- resources required (including those required from a directorate which will need to be agreed with the appropriate Director)
- contacts

¹ Other than the Leader

² See Part 3 - Section 3B(a) Executive Member Portfolios and also Section 3B(b) Executive Members' overview of roles and responsibilities.

Roles of Members and Officers in Decision Making

- timetable including key milestones
- completion date
- output required
- evaluation process

The briefs will be published to all parties likely to be involved in the task including the appropriate officers within whose remit the scope of the brief falls. A copy of the brief will also be sent to the Monitoring Officer for record and distribution purposes. The publication of briefs to parties likely to be involved in the task, both internal and external to the Council, will assist in clarifying the Deputy Executive Member's role when pursuing the brief.

- 3.4 An appropriate Executive Member may direct an officer on a particular matter that his/her delegated authority under the Officer Delegation Scheme should not be exercised, and that it should be referred to the Executive Board for consideration.
- 3.5 Where an officer considers it appropriate to do so, he/she should consult the appropriate Executive Member before exercising his/her delegated authority under the Officer Delegation Scheme. In completing a Delegated Decision Notification, the officer will record the fact that the Executive Member has been consulted.
- 3.6 An Executive Member may be required to attend a hearing of a Scrutiny Board on matters within their portfolio³.

4.0 DEPUTY AND SUPPORT EXECUTIVE MEMBERS

- 4.1 Deputy Executive Members are assigned to assist a specific Executive Member in relation to the functions identified in Section 3B(c) of Part 3 of the Constitution. This may be by discharging any of the roles and responsibilities of a Support Executive Member or otherwise⁴. Support Executive Members are appointed to assist Executive Members with specific aspects of their portfolio by carrying out policy development work. Their role and responsibilities are:
1. To commission research in order to provide the Executive Member with timely and accurate information
 2. To provide, where requested, regular reports and updates to the Executive Member and advise on policy decisions
 3. To monitor the performance of services within their remit
 4. To deputise for the Executive Member at meetings⁵
 5. To act as spokesperson or representative for an Executive Member where required
 6. To consult with interested parties, ward councillors and citizens as part of the development and review of policy
 7. To act as an advocate for the Council within the authority and outside.
 8. To brief the Political Group

³ Scrutiny Board Procedure Rules

⁴ This excludes deputising at Executive Board meetings (see Executive and Decision Making Procedure Rules).

⁵ This excludes deputising at Executive Board meetings (see Executive and Decision Making Procedure Rules).

Roles of Members and Officers in Decision Making

- 4.2 An Executive Member may assign a time limited task to a Deputy or Support Executive Member, and should provide them with a specific brief for the task. The brief will include the names of persons, organisations etc with whom the Deputy or Support Executive Member is likely to liaise to progress the requirements of the brief. The Deputy or Support Executive Member should give prior notice of the brief, its scope and purpose to any persons etc that they may wish to contact in connection with progressing the work required by the brief. If the Deputy or Support Executive Member wishes to extend any aspect of the brief this will require prior approval of the appropriate Executive Member.
- 4.3 Deputy and Support Executive Members will report to the appropriate Executive Member in respect of progress in carrying out Deputy Executive Member duties.
- 4.4 Where an officer considers it appropriate to do so, he/she may consult a Deputy or Support Executive Member before exercising his/her delegated authority, in which case the fact that the consultation has taken place should be recorded on the officer's Delegated Decision Notification. However, a Deputy Executive Member him/herself is not authorised to require that a delegation be not exercised.

5.0 OFFICERS

- 5.1 Officers have delegated authority to discharge the authority's functions within the area remitted to them in the Section 2C, Part 3 of the Constitution in relation to Council functions and as set out Section 3E of Part 3 for executive functions. In exercising a discretion remitted to him/her, an officer must consider whether the decision conforms to the Council's Budget and Policy Framework approved policies and whether s/he has observed approved practices and procedures including those in relation to community consultation. Article 13 distinguishes between Key and Significant Operational Executive Decisions which need to be formally recorded, and Administrative Decisions which do not require formal recording. Before taking an Executive Decision officers should ensure, where appropriate, consultation with an Executive Member in relation to an executive function. The fact that such consultation has taken place is recorded on the Delegated Decision Notification. Following any consultation with an Executive Member or any other consultees, the officer is required to make his/her own decision and is responsible for that decision.
- 5.2 As stated in para 3.4 above, an appropriate Executive Member may direct an officer not to exercise his/her delegated authority on a particular matter and to refer the matter to the Executive for decision.
- 5.3 Further, the officer him/himself may consider in respect of any matter that the delegated authority should not be exercised and that it should be referred to the Executive.
- 5.4 A Director may make arrangements to sub-delegate their authority to another officer of suitable seniority and experience and any such arrangements are recorded in their sub delegation scheme. However, the officer remains responsible for any decisions made under such arrangements.

Roles of Members and Officers in Decision Making

- 5.5 The fact that a function stands delegated to an officer under Part 3 or the Officer Delegation Scheme does not preclude the Council or the Executive from exercising the function directly. Similarly, where a committee has resolved to delegate a function to an officer, it shall remain open to the committee to discharge the function itself.
- 5.6 An officer may be required to respond in writing to a query from or attend a hearing of a Scrutiny Board on decisions they have taken or issues within their area of responsibility.
- 5.7 In addition to the above, officers have responsibility to manage their directorates in accordance with Council policies, procedures and initiatives. For the avoidance of doubt, whilst Executive Members are responsible for setting targets and securing that officer performance in relation to the pursuance of policies and strategies within their portfolio is appropriately monitored, any executive decisions on these or other matters can only be taken by the Executive or an officer.

6.0 SUPPORT FOR EXECUTIVE AND DEPUTY EXECUTIVE MEMBERS

Executive, Deputy and Support Executive Members are provided with dedicated administrative and clerical support to assist them in carrying out their responsibilities. Additional support required from other staff either generally or on particular matters will be agreed beforehand with the appropriate Director(s) and in the case of any dispute, will be determined by the Chief Executive.

7.0 ACCESS TO INFORMATION FOR EXECUTIVE, DEPUTY EXECUTIVE MEMBERS AND SUPPORT EXECUTIVE MEMBERS

In addition to the access to information provisions set out in Access to Information Procedure Rules, Executive, Deputy and Support Executive Members are presumed to have a prima facie “need to know” in relation to information they require to carry out their duties within their respective portfolios. However, if a Member is refused access to information which s/he considers necessary to fulfil their duties then the matter will be referred to the Monitoring Officer.

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MONITORING OFFICER PROTOCOL

1.0 INTRODUCTION TO STATUTORY RESPONSIBILITIES

- 1.1 The Monitoring Officer is a statutory appointment pursuant to section 5 of the Local Government and Housing Act 1989. This Protocol provides some general information on how those statutory requirements will be discharged.
- 1.2 The role of the Monitoring Officer rests with the City Solicitor.
- 1.3 A summary list of the Monitoring Officer's responsibilities appears in the Annex attached. The Monitoring 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.

2.0 WORKING ARRANGEMENTS

- 2.1 Having excellent working relations with Members and officers will assist in the discharge of the statutory responsibilities by the Monitoring 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 Monitoring Officer (and his/her staff) to discharge the Council's statutory and discretionary responsibilities.
- 2.2 The following arrangements and understandings between the Monitoring Officer, Members and Directors are designed to ensure the effective discharge of the Council's business and functions. The Monitoring Officer will:-
- 2.2.1 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 Monitoring Officer functions;
 - (c) have control of a budget sufficient to enable him/her to seek Counsel's opinion on any matter concerning his/her functions;

Monitoring Officer Protocol

- (d) 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 Monitoring Officer;

2.2.2 Access to information/meetings

- (a) be alerted by Members and officers to any issue(s) that may become of concern to the authority, including, in particular issues around legal powers to do something or not, ethical standards, probity, propriety, procedural or other constitutional issues that are likely to (or do) arise;
- (b) have advance notice, (including receiving agendas, minutes, reports and related papers) of all relevant meetings of the authority (including meetings at which officer delegated decisions are taken) at which a binding decision may be made (including a failure to take a decision where one should have been taken);
- (c) have the right to attend (including the right to be heard) any meeting of the authority (including meetings at which officer delegated decisions are taken) before any binding decision is taken (including a failure to take a decision where one should have been taken);
- (d) be a member of the Corporate Leadership Team and will have advance notice of those meetings, agenda and reports and the right to attend and speak;
- (e) in carrying out any investigation(s), have unqualified access to any information held by the Council and to any officer who can assist in the discharge of his/her functions;

2.2.3 Relationships

- (a) ensure the other statutory officers (Head of Paid Service and the Section 151 Officer) are kept up to date with relevant information regarding any legal, ethical standards, probity, propriety, procedural or other constitutional issues that are likely to (or do) arise;
- (b) meet regularly with the Head of Paid Service and the Section 151 Officer to consider and recommend action in connection with Corporate Governance issues and other matters of concern regarding any legal, ethical standards, probity, propriety, procedural or other constitutional issues that are likely to (or do) arise;
- (c) have a close working relationship of respect and trust with the Lord Mayor, and the chairs of the Executive Board, Standards and Conduct Committee, Scrutiny Boards, Community Committees and other Committees with a view to ensuring the effective and efficient discharge of Council business;
- (d) develop effective working liaison and relationship with the Council's External Auditors, the Local Government Ombudsman (LGO) and the Independent Housing Ombudsman (IHO)(including having the authority, on behalf of the

Monitoring Officer Protocol

Council, to complain to the same, refer any breaches or give and receive any relevant information, whether confidential or otherwise, through appropriate protocols, if necessary);

- (e) in consultation, as necessary, with the Leader and the Executive Board, defer the making of a formal report under Section 5 Local Government and Housing Act 1989 where another investigative body is involved;
- (f) make arrangements to ensure effective communication between his/her office and clerks to parish councils on Monitoring Officer and Standards and Conduct Committee issues;

2.2.4 Ombudsman Complaints

- (a) prepare reports as required by the Local Government Act 1974 and the Local Government and Housing Act 1989 in relation to complaints which have been the subject of investigation by the Local Government Ombudsman and which have revealed maladministration whether or not that maladministration has caused injustice;
- (b) prepare reports to Members where considered necessary to bring to their attention issues of importance arising out of complaints made to the Local Government Ombudsman whether or not investigated or maladministration found;

2.2.5 Standards Matters

- (a) refer relevant matters to the Standards and Conduct Committee in accordance with the 'Procedure for considering complaints alleging a failure to comply with a Members' Code of Conduct within the area of Leeds Metropolitan District Council';
- (b) make arrangements for, prepare reports for, and advise meetings of the Consideration Sub-Committee of the Standards and Conduct Committee;
- (c) give informal advice to Members in relation to informal resolution of a complaint;
- (d) be responsible for preparing any training programme for Members on ethical standards and Code of Conduct issues;
- (e) establish, maintain¹ and publish² the statutory register of Members' interests³;

¹ The arrangements for maintaining and updating the register will be reported to the Standards and Conduct Committee annually as part of the report required under paragraph 5.0 of this Protocol.

² Published on the Council's website www.leeds.gov.uk.

³ In relation to Leeds City Councillors, voting co-opted Members of Leeds City Council, and Members of Parish and Town Councils in the Leeds area.

Monitoring Officer Protocol

- (f) to receive written requests for dispensations from Members and Co-opted Members of Leeds City Council, and to refer such requests to the Head of Paid Service;

2.2.6 Constitution

- (a) review and monitor the Constitution in accordance with the arrangements set out in Article 15.1 of the Constitution and consult with the Section 151 Officer and Head of Paid Service before taking any report to the relevant Committee to approve amendments to the Constitution.

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 other vices or constitutional concerns to the Monitoring Officer, as soon as practicable.

4.0 ADVICE

The Monitoring Officer is also available for Members and officers to consult on any issues relating to the Council's legal powers, possible maladministration, impropriety and probity issues, or general advice on the constitutional arrangements (eg Council Procedure Rules, Policy Framework, Terms of Reference, Scheme of Delegations, etc).

5.0 MONITORING THE PROTOCOL

Annually, the Monitoring Officer will report to the Standards and Conduct Committee regarding whether the arrangements set out in the 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 MONITORING OFFICER FUNCTIONS

Description		Source
1	Report on contraventions or likely contraventions of any enactment or rule of law.	Section 5 and 5A Local Government and Housing Act 1989.
2	Report on any maladministration or injustice where Ombudsman has carried out an investigation.	Section 5 and 5A Local Government and Housing Act 1989.
3	Appointment of Deputy.	Section 5 Local Government and Housing Act 1989.
4	Report on sufficiency of resources.	Section 5 Local Government and Housing Act 1989.
5	Establish, maintain and publish registers of Members' interests ⁴ .	Section 29 Localism Act 2011
6	Receive copies of certificates under the Local Authorities (Contracts) Regulations 1997.	Local Authorities (Contracts) Regulations 1997.
7	Maintain, review and monitor the Constitution.	Constitution - Articles 12.3 and 15.1
8	Proper officer for the receipt of dispensations.	Section 33 Localism Act 2011
9	Proper Officer for access to information	Constitution - Article 12, and DETR guidance.
10	Advise whether executive decisions are within the budget and policy framework	Constitution Article 12
11	Advise on vires issues, maladministration, financial impropriety, probity budget and policy framework issues to all Members.	Constitution Article 12 and DETR guidance

⁴ In relation to Leeds City Council and Parish and Town Councils in the Leeds area.

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THE PROTOCOL FOR THE COORDINATION OF EXTERNAL AUDIT AND INSPECTION REPORTS

Part A. Inspection Reports

Part A of the Protocol covers Inspection reports. The main bodies currently inspecting local government are¹:

- The Audit Commission Inspection Service;
- The Care Quality Commission (CQC); and
- OFSTED.

This protocol differentiates between two types of inspection:

- Service inspection – an inspection of a whole service or group of services. For example, APA letters for adults' and children's social care; unannounced children's services inspections and children's safeguarding inspections..
- Regulatory inspections – OFSTED and CQC both routinely conduct a range of regulatory inspections . These include premises inspections covering early years settings; schools; colleges; and children's homes, and inspections of elements of whole services such as inspections of fostering services and adoption services.

This list is not exhaustive and the Authority may receive inspection reports from other bodies from time to time. These reports will be considered individually by the relevant Director² and be subject to the same processes as outlined below if appropriate.

Part A(i). Service inspections

1. As soon as the relevant Director is aware that a service inspection is due they will inform the Chief Executive, the Director of Resources and Housing the Monitoring Officer and the Head of Governance and Scrutiny Support that an inspection is to take place and the relevant timescales.
2. The relevant Director will ensure that the Director of Resources and Housing is kept informed of the progress of the inspection, including:
 - Preparation arrangements;
 - Requirements for any corporate involvement in either the preparation or actual inspection;
 - Any significant emerging issues.
3. Where a **self assessment** identifies significant weaknesses the Director must inform the Director of Resources and Housing, so that additional support can be given to the Director if required.
4. Upon receipt of the **draft** inspection report, the relevant Director and the Director of Resources and Housing will jointly consider how to respond to the draft report. Where appropriate the report may be referred to the Corporate Leadership Team.

¹ See Dept for Communities and Local Govt website, www.communities.gov.uk

² Throughout this protocol, "Director" also includes any Chief Officer with concurrent delegations

Protocol for the Coordination of External Audit and Inspection Reports

5. Each Director will establish internal processes to ensure that the draft results of all service inspections are reported to the relevant Executive Board Member and to the Directorate Management Team.
6. Where appropriate the Director may choose (in consultation with the Director of Resources and Housing) to share the draft report with relevant partner organisations.
7. The relevant Director will liaise with the relevant body in respect of external Inspection and agree a final report and any action plan that may be necessary.
8. Upon receipt of the **final** report the relevant Director will provide a copy to:
 - each of the Leaders of the five main party groups;
 - the relevant Executive Board Member;
 - the Director of Resources and Housing;
 - the Head of Governance and Scrutiny Support; and
9. Where appropriate the relevant Director may decide (in consultation with the Director of Resources and Housing) to hold confidential briefings on the contents of the final report for any of the people listed in paragraph 8 above.
10. All Inspection reports are **confidential** prior to the official publication date. They will be issued on the understanding that the reports' contents will not be communicated by any person listed in paragraph 8 above prior to the publication date. The Director of Resources and Housing will clearly mark the report as to when it can be made public³.
11. The Head of Governance and Scrutiny Support will ensure that the relevant Scrutiny Board Chair is made aware of the expected publication date of the report³.
12. On the due date for publication the Head of Governance and Scrutiny Support will check with the Director of Resources and Housing that the publication date is as previously notified (see footnote 3). The Head of Governance and Scrutiny Support will then arrange for the report to be published on the Council's internet site and will notify all Members, by e-mail, to that effect.
13. Once published, the relevant Director will report the final results of all external service inspections to Corporate Leadership Team (CLT).
14. Scrutiny Boards may elect to review any Inspection report which falls within their terms of reference.

³ The publication date of Inspection reports will be as stipulated by the issuing body or, where no date is stipulated, **within six weeks** of the receipt of the **final report**. If, for whatever reason, the report cannot be published within six weeks, a report must be made to Executive Board by the relevant Director(s) explaining the delay and giving a date for publication.

³ The need to know rights of the Scrutiny Board Chair and members of the Scrutiny Board do not extend to those members having access to the report prior to publication.

Protocol for the Coordination of External Audit and Inspection Reports

15. Corporate Governance and Audit Committee may decide to consider the governance and audit aspects of any inspection report, in line with their terms of reference.

Part A(ii). Regulatory inspections

1. Each Directorate should establish internal processes to ensure that the draft results of all regulatory inspections are reported routinely to the Directorate Management Team.
2. Upon receipt of a draft regulatory inspection report which judges the council to be “poor” or “inadequate”, the relevant Director will inform the Director of Resources and Housing and provide them with a copy of the draft report. The relevant Director and the Director of Resources and Housing will jointly consider how to respond to the draft report, including whether consideration of the report by CLT is necessary.

Part B. External Audit Reports

Part B of this Protocol covers external audit reports received from the Council’s appointed auditors.

1. At the commencement of external audit work the External Auditor will advise, via e-mail, the Director of Resources and Housing, the Chief Finance Officer, the Monitoring Officer, and the Head of Governance and Scrutiny Support of the agreed brief for the audit work and the likely timescales for completion.
2. The relevant Director will liaise with the external auditors in respect of external audit and agree a final report and any action plan that may be necessary. If there is any doubt about the responsibility for certain issues, such as cross cutting issues, the Director of Resources and Housing will liaise with the relevant Directors and agree a responsible Lead Director.
3. The External Auditor will provide the final report and agreed action plan to the Director of Resources and Housing and the relevant Director.
4. Upon receipt of the final report and agreed action plan the relevant Director will provide a copy to:
 - the Leaders of the five main party groups;
 - the relevant Executive Board Member(s);
 - the Head of Governance and Scrutiny Support; and
5. Upon receipt of the final report and agreed action plan the Director of Resources and Housing will arrange for the report to be presented at the next appropriate meeting of the Corporate Governance and Audit Committee, to consider the governance implications of the report. The Committee may choose to refer particular issues to other appropriate committees for further detailed consideration.
6. The Head of Governance and Scrutiny Support will arrange for the report to be published on the Council’s website. All Members will be notified by e-mail when the report is published.

7. The relevant allocated Director will be responsible for drafting covering reports to the Corporate Governance and Audit Committee and other appropriate Committees that the report is referred to. The Head of Governance and Scrutiny Support will advise the Director of the need for these reports, the date the report is due, and provide support to the Director in the drafting of the report.
8. The Corporate Governance and Audit Committee will consider the final report and may refer matters to the relevant Scrutiny Board for further consideration. Scrutiny Boards may also elect to review any external audit report which falls within their terms of reference.

Part C. Monitoring

1. All external audit and inspection reports contain an agreed action plan, which also details which Director is responsible for each action.
2. The implementation of action plans arising from service inspections and/or external audits will be monitored by the relevant Director. The relevant Scrutiny Board may elect to monitor progress against the action plan, in line with its terms of reference.
3. On a six-monthly basis⁴ each Director will provide the Director of Resources and Housing with a summary of the results of all service and regulatory inspections and external audit reports relating to their responsibilities. This should include details of:
 - the inspection/external audit;
 - the date inspected/externally audited;
 - the previous inspection score;
 - the most recent inspection score; and
 - whether any identified actions have been completed.

This information will then form part of the contextual information prepared as part of the six-monthly performance management reports and will also feed into Directors' appraisals.

⁴ Normally each April and September

Planning Code of Good Practice

1 Introduction

- 1.1 This Planning Code of Good Practice guide replaces the previously published *Code of Practice for the Determination of Planning Matters* and does not supplement the *Members Code of Conduct*. This guide is primarily aimed at Plans Panel Members and the emphasis of it is to provide practical supportive advice to Members when dealing with planning matters, keeping decisions safe and mitigating the risk of possible challenge.

2 Roles and responsibilities

- 2.1 Members and officers have different but complementary roles in the planning process. Members have more than one role in the process – as Ward Members and as Panel Members.

2.2 Ward Members not on the Plans Panels

- 2.2.1 Ward Members who are not on the Plans Panel are in a position to represent the interests of their Ward when it comes to planning and related applications. Ward Members may:
- attend the Plans panel meeting as an observer
 - speak on applications, subject to the provisions in the public speaking protocol
 - speak on proposals at pre-application presentations to the plans panel, subject to the provisions in the public speaking protocol
 - get involved with pre-application meetings with officers and developers and in consultations on the draft heads of terms for section 106 agreements
 - request briefings from officers on applications

2.3 Members who are on the Plans Panels

- 2.3.1 The role of Members who are involved in the planning decision making process is to exercise their judgment properly on the planning application before them – and be seen to do this. In coming to a decision on a planning application Members should make this decision based solely on material planning considerations. Officer reports to the Plans Panels will identify what is regarded as material to a decision and if Members are unclear on what matters may or may not be material to a decision they should seek advice from officers.
- 2.3.2 Whilst Members must act within the law, the exercise of planning judgment is theirs and theirs alone. The Panel must take into account all relevant ministerial guidance, local plans (and related documents) and the advice of officers. The weight Members attach to the relevant considerations is a matter of their planning judgment and Members should not give weight to

non-planning related matters that may be raised by members of the public. Members are democratically accountable to their electors and to the wider public on whose behalf they act.

2.4 Officers

- 2.4.1 The Chief Planning Officer has a dual role in the decision making process. First of all he makes decisions on the majority of planning applications under delegated powers. Secondly he makes recommendations on planning matters which are determined by Members at Plans Panels. When making such recommendations the function of officers is to support and advise Members, ensure that any decision they make is lawful and identify any possible consequences of taking decisions.

3 Predetermination and Bias

- 3.1 In making their decisions Members of the Plans Panel should not be seen to side with either the applicant or the objector/s prior to the hearing of the application when all the relevant facts are known. Members are required to keep an open mind. This is a requirement of the law and a separate guidance note on predetermination and bias to assist Members in complying with this complex area of legislation and case law is attached as appendix 1.

4 Development Proposals Submitted by Members and Employees

- 4.1 Where development proposals are submitted by Members and employees in respect of their own property or land it is particularly important that the Council ensures that such applications are handled in a way that gives no grounds for accusations of favouritism.
- 4.2 Serving Members of Council who submit applications or act as agents should play no part in the decision making process for that application. Further they should not take part in the processing of the application nor should they lobby employees or officers either directly or indirectly.
- 4.3 Any planning officer who submits an application for their own property or on behalf of a friend or family member will inform the Chief Planning Officer in writing and such applications will be determined by the Plans Panel.
- 4.4 Officers are required under the Employee Code of Conduct to make a declaration by completing the Register of Interests form, declaring any matters which may conflict with duties as an employee and their personal interests such as:
- any financial interest in any planning application;
 - other interest where others may think that a conflict of interest may arise, such as for proposals near their residence

- 4.5 In circumstances where there is a conflict of interest, the officer has no involvement in any part of the decision making process.

5 Member contact with applicants and developers

- 5.1 The Government encourages applicants to enter into pre-application discussions. Such discussions are a normal part of the planning process to seek further information and to seek to identify improvements to proposals at an early stage. These discussions and meetings provide an opportunity for the potential applicant to receive advice and information about the policy and technical requirements that must be met and advice on design, on community engagement and other issues which may improve the chances of an application being acceptable to the Local Planning Authority (LPA). However, it should be made clear that any guidance given will not bind the LPA to making a particular decision.
- 5.2 A protocol for pre-application discussions with local communities and Ward Members¹ exists to ensure that discussions take place early in the process within clear parameters and governance arrangements.
- 5.3 To minimise the prospect of challenges based on predetermination and bias, the guidelines below should be followed:
- It will always be made clear that any information or statements made cannot bind the LPA to making a particular decision.
 - Wherever possible, Members should be accompanied by an officer when meeting with applicants.
 - Members should refer applicants who approach them for advice to officers.
 - A written record of the discussion should be made by the officer.
 - Plans Panel Members are free to take part in meetings with potential applicants or their agents but extra care is needed to avoid any perception of predetermination or bias.

¹ Leeds City Council Pre Application Engagement- a guide to best practice, 2013

6 Plans Panel meetings

6.1 Attendance at meetings

- 6.1.1 It is important to ensure that Members taking planning decisions are in possession of all the relevant facts, including matters pointed out or that come to light during a site visit by Plans Panel, matters that may have been raised during public speaking and matters that may have been discussed and considered by Plans Panel on earlier occasions. Attendance of Members on all occasions during the application phase² i.e. once the application has been submitted, will not only demonstrate that Members are fully informed but will also ensure that high quality consistent and sound decisions are made, and that the risks of legal challenge are minimised.
- 6.1.2 If Members have not attended on each occasion during the application phase and want to take part in the decision on an application, they should consider whether or not they are fully apprised of all the facts and relevant information necessary to properly reach a decision.

6.2 Conduct at meetings

- 6.2.1 The Chair of the Plans Panel is responsible for the conduct of the meeting in accordance with the relevant Council Procedure Rules and for the effective delivery of business.
- 6.2.2 The Plans Panel meetings are open to the public and they are often well attended particularly when there is a contentious application on the agenda. Meetings are also attended by the applicants/agents and/ or other parties supporting an application and/or objectors against an application. It is important to demonstrate that decisions have been made fairly and transparently and in the correct manner. Any debate should be confined to the planning merits of the matter.

6.3 Decisions different to the officer recommendation

- 6.3.1 Decisions on planning applications must be taken in accordance with the Development Plan unless material considerations indicate otherwise. From time to time the Panel may attach different weight to the potential planning considerations and therefore, take a decision which differs from the officer recommendation.
- 6.3.2 Where this occurs, Members must be able to give a clear basis and reason for not taking the officer recommendation. It is important to ensure, as far as possible, that any decision made will be capable of surviving a legal

² The application phase does not include the pre-application stage, but following the submission of a planning application will include each of the occasions when an application comes before Panel, including presentations, position statements, issues papers and formal site visits. For the avoidance of doubt outline applications and detailed or reserved matters applications, or a new application for an amended scheme are distinct and separate applications and attendance is not required across both or all of these.

challenge or appeal. So in the event that this occurs the Chair will ensure that the following principles are followed:-

- When a planning application has been deferred following a resolution not to accept the officer recommendation, the Chair shall put to the meeting a proposed statement of why the recommendation is not considered acceptable, which, when agreed by the Panel, will be formally recorded in the minutes.
- In these circumstances, at a subsequent meeting, the Chief Planning Officer will respond in a further written report the provisional reasons formulated by the Panel for granting or refusing permission. If the Plans Panel is still of the same view, then it shall again consider its reasons for the decision and a summary of those planning reasons shall be given, the reasons will then be recorded in the minutes of the meeting.
- The officer attending the meeting should be given the opportunity to explain the implications of the decision.
- Members should ensure they clearly identify and understand the planning reasons leading to this conclusion. These reasons must be given before the vote and be recorded.

6.3.3 Where an appeal to the Secretary of State is subsequently lodged against a decision which was different to the officer's recommendation, planning officers will act as a professional witness at the inquiry or hearing unless there is reason to suggest that this would prejudice the outcome. However, it should be noted that where the Planning Officer giving evidence is the officer that recommended approval, then their role is that of advocate for the Council's case.

6.4 Deferred applications

In some cases, planning applications may come before the Panel on more than one occasion. This is particularly the case with larger schemes where a pre-application presentation and/ or a position report, (a report which describes the stage a proposal has reached and the main issues involved) is presented to the Plans Panel, or when an application is deferred for a site visit or further information. Where an application is deferred then the reasons for deferral will be clearly stated and minuted.

6.5 Public speaking

- 6.5.1 All Members are entitled to speak at a panel meeting in accordance with the provisions in the protocol for public speaking at the plans panels³. The length of time Members may speak for and at what stage of the process is outlined in this protocol.
- 6.5.2 Where Members have a disclosable pecuniary interest in the application then they must not speak in relation to the application, even as a member of the public. Instead, the Member must leave the room during that item and not take any part in the discussion or vote on the application, unless they have a dispensation from the Head of Paid Service.
- 6.5.3 Speakers will only be entitled to address the Panel on one occasion unless the application has been significantly changed or amended. In these circumstances, speakers will only be able to speak about new matters or the amended details and not about matters which have been previously considered by the Panel.
- 6.5.4 Speakers should not raise any substantial new information at a meeting (including correspondence, other documents, photographs or models) at the Plans Panel meeting, as this does not give all parties adequate time to consider and respond to the submissions, and Members of the Panel will not be able to give proper consideration to issues raised in the material.
- 6.5.5 It is important that Members of the public are not permitted to communicate with or pass messages to individual panel Members as this may give the appearance of partiality.

7 Site Visits

- 7.1 Members should try to attend organised site visits as they can be a helpful part of the decision making process.
- 7.2 Members' site visits are a fact-finding exercise which allow Members to gain further information on a specific issue(s), to assist Members to gain a better understanding of the proposal and can help to make a more informed decision. Usually site visits are agreed in consultation with the Chair in advance and will take place on the morning of the Plans Panel meeting.
- 7.3 Members are able to request that a site visit takes place, but Members will need to consider and provide planning reasons why visiting the site is of benefit. At plans panel meetings the name of the member requesting the visit and the reasons for the visit will be recorded as part of the minutes. A site visit is only likely to be of benefit if:
- There are significant policy or precedent implications and specific site factors need to be carefully addressed; and/or

³ Leeds City Council Protocol for Public Speaking at Plans Panels

- Details of the proposed development cannot be ascertained from plans and any supporting information to Members satisfaction at the Plans Panel; and/or
- Where design considerations are of the highest importance particularly in relation to the surrounding locality; and/or
- There is good reason why the comments of the applicant and objectors cannot be expressed adequately in writing, or the proposal is particularly contentious.

7.4 Site visits will operate as follows:

- Site visits generally take place on the morning of the Plans Panel meeting.
- The site visit is under the control of the Chair of the Plans Panel
- Members should listen and ask questions of fact from the applicant or other parties, but should avoid entering into a debate concerning the merits of the proposal
- Members should remain together as a group throughout the visit
- It is recommended that Members who declare a disclosable pecuniary interest in such items should not attend the Committee site visit in relation to that item

7.5 Site visits are not intended as an opportunity for objectors, applicants or others to lobby Members or argue their case. Members should remain impartial; they must not appear to favour one or other party and must avoid reaching a final decision until all views have been presented at the subsequent Plans Panel meeting.

8 Member training

8.1 It is important that all Members involved in the planning process are aware of their role in the process and the policy and legal framework in which they operate.

8.2 Therefore, Members serving on Plans Panel must attend⁴ as a minimum, the following compulsory training each year:

- For Members new to the Plans Panels two sessions comprising a governance and conduct session and mid-year update session
- For experienced Members of the Plans Panels, a single mid-year update session

⁴ As set out in Article 8.2.2 of the Council's Constitution, Members of the Plans Panel must complete all compulsory training and shall not sit as a Member of the Panel unless such training has been undertaken in accordance with the Council's prescribed training programme.

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- 8.3 A record of attendance for the compulsory training will be maintained by Member Development Services and a list provided to Party Whips for monitoring.
- 8.4 Other specialised training will be offered periodically throughout the year which will enhance and extend Members' knowledge of planning matters. These are not compulsory but will assist Members in carrying out their role on the Plans Panel.

9 Review and updating this guide

- 9.1 The responsibility for the review and updating this planning code of good practice will be undertaken by a joint meeting of the Plans Panels on an annual basis. Ad hoc reviews may occur if there are significant changes to be made, again these will be considered by a joint meeting of the Plans Panels.

Guidance Note On Bias And Predetermination in the Planning Process

What is Bias and Predetermination?

The law on bias and predetermination (which is a particular form of bias) is part of the general legal obligation on public authorities to act fairly.

Decision makers are entitled to be **predisposed** to particular views. However, **predetermination** occurs where someone closes their mind to any other possibility beyond that predisposition, with the effect that they are unable to apply their judgement fully and properly to an issue requiring a decision.

The leading case on local authority bias and predetermination³ acknowledges the difference between judges sitting judicially and councillors making decisions in a democratic environment. Given the role of councillors, there must be 'clear pointers' before predetermination is established.

Section 25 Localism Act 2011

Section 25(2) of the Localism Act 2011 provides that a decision maker is not to be taken to have had, or to have appeared to have had, a closed mind when making a decision just because –

- (a) the decision maker had previously done anything that directly or indirectly indicated what view the decision maker took, or would or might take in relation to a matter, and
- (b) the matter was relevant to the decision.

The section makes it clear that if a councillor has given a view on an issue, this, considered in isolation, does not show that the councillor has a closed mind on that issue. So, the mere fact that a councillor has campaigned on an issue or made public statements about their approach to an item of council business does not prevent that councillor from being able to participate in discussion of that issue and to vote on it.

Having said this, the use of the words 'just because' in section 25 suggest that other factors when combined with statements made etc. can still give rise to accusations of predetermination. This has also been the approach that the courts have taken to this issue. When considering whether predetermination has taken place they will consider all events leading to the decision, (and also, where appropriate, those following the decision) rather than looking at individual events in isolation.

The case law has also made it clear that the words used by particular members and the interpretation put on those words is of particular importance. So care still needs to be taken when making statements in advance of the determination of planning applications as there is a risk that they can be misinterpreted or taken out of context.

³ (R(Lewis)v Persimmon Homes Teesside Ltd [2008] EWCA Civ 746

Guidance

With this in mind:-

- It is always advisable to avoid giving the impression that you have made up your mind prior to the decision making meeting and hearing the officer's presentation and any representations made on behalf of the applicant and any objectors.
- With this in mind, if you do comment on a development proposal in advance of the decision, consider using a form of words that makes it clear that you have yet to make up your mind and will only do so at the appropriate time and in the light of the advice and material put before you and having regard to the discussion and debate in the Panel meeting.
- Particular care should be taken where there are chance encounters with objectors to development proposals or in the context of meetings which are not formally minuted. These are situations where the risk of what you say being misrepresented or taken out of context is particularly high.

Concluding Comments

As a councillor operating within a political environment you should not be afraid to express views on issues. However, in doing so it is important that you avoid giving the impression that you have already made up your mind and that your part in the decision is a foregone conclusion.

Protocol for public speaking at the Plans Panels

1 Introduction

- 1.1 This Protocol sets out the procedures to allow public speaking at the meetings of the Plans Panels.
- 1.2 Subject to the exceptions below public speaking does not apply where Members are considering a report for information or where Members are considering detailed reasons for refusal or conditions of approval following a decision of an earlier Panel not to accept the Chief Planning Officer's recommendation. It also does not cover applications subject to non-determination appeals, where members' views may be sought.

2 Procedures

2.1 Pre-application presentations

- 2.1.1 Pre- application presentations are a valuable part of the planning process and allow information to be shared at an early stage, proposals to be altered and amended prior to the submission of a formal application and for applicants to take on board comments from Ward Members and representatives from the local community.
- 2.1.2 Agents or applicants have the opportunity to present their proposal to the Plans Panel for a maximum of 10 minutes. The *Protocol for pre-application presentations at Plans Panel meetings*¹ sets out the formal process of the pre-application presentation to the plans panels.
- 2.1.3 A Ward Member or their nominated community representative may then address the panel on giving notice of their intention to speak to the Chief Planning Officer by no later than 5pm on the Tuesday before the Panel meeting. Speakers should register before the panel meeting begins, with a member of staff who will be inside the meeting room.
- 2.1.4 A Ward Member or their nominated community representative will be allowed to speak for a maximum of 10 minutes following the developer/ applicant presentation. Where there is more than one speaker, the time may be shared.
- 2.1.5 At this stage no formal decision will be taken by the Plans Panel and members may ask questions from both parties to seek clarification on any points arising.

¹ Leeds City Council Protocol for pre-application presentations at the plans panels, 2014

2.2 Position Statements

- 2.2.1 Position statements are part of the three phase process for determination of a planning application usually on large, complex or sensitive schemes and are brought to provide an update to the Panel. Position statements are provided for information and no decisions will be taken by the Plans Panel at this stage.
- 2.2.2 Applicants or agents have the opportunity to speak on the information provided in the Position Statement for a maximum of four minutes.
- 2.2.3 A Ward Member or their nominated community representative may then address the Panel for a maximum of four minutes.

2.3 Matters for determination or other matters requiring a decision

- 2.3.1 Applicants, supporters and objectors to an application or other form of consent before the Panel for determination or other matter requiring a decision, will normally be allowed to speak to the Panel, subject to the details of the procedure set out below and on giving notice of their wish to do so to the Chief Planning Officer by no later than 5.00pm on the Tuesday immediately preceding the Panel.
- 2.3.2 Applicants, supporters or objectors will have a maximum of four minutes to address the Panel. At the discretion of the Chair additional time maybe allowed; this additional time will be offered to both supporters and objectors.
- 2.3.3 In the event of more than one applicant, supporter or objector wishing to speak, a spokesperson should be nominated. However, at the discretion of the Chair more than one speaker for each side may be allowed, provided that the total presentation does not exceed the four minute time limit.
- 2.3.4 Where an application is recommended for approval, objectors to an application will be invited to speak first. Members of the Panel may ask questions and seek clarification of any point arising. The applicant or supporters will then have the right to reply after which Members of the Panel may ask questions and seek clarification of any points arising.
- 2.3.5 Where an application is recommended for refusal, the objector will only be allowed to speak if the applicant or supporter has registered their intention to address the Panel, except in circumstances outlined in paragraph 2.3.7. The objector will be invited to speak first and Members of the Panel may ask questions and seek clarification of any points arising. The applicant then has the right to reply and Members of the Panel may then ask questions to seek clarification.

Protocol for Public Speaking at Plans Panel

- 2.3.6 The applicant, supporter and objectors shall take no further part in the Panel debate but may answer questions of fact put by the Chair to clarify matters arising during the debate.
- 2.3.7 If the applicant or supporters do not speak in relation to an application recommended for refusal the objectors will not normally be invited to speak unless, in the Chair's opinion, the Panel is likely to move approval against the Officer recommendation.
- 2.3.8 If no objector wishes to speak to an application for approval, the applicant or supporter will not normally be invited to speak unless, in the Chair's opinion, the Panel are likely to move refusal against the officer recommendation.
- 2.3.9 In the circumstances where the officer's recommendation of approval is not accepted by Panel and the applicant or supporters have not been given an opportunity to speak, they shall be given the opportunity to address the Panel for up to four minutes when detailed reasons for refusal are reported. Members of the Panel may then ask questions and seek clarification of any point arising.
- 2.3.10 In the circumstances where the officer's recommendation of refusal is not accepted by Panel and the objectors have not been given the opportunity to speak they shall be given an opportunity to address the Panel for up to four minutes when detailed conditions for approval are reported. Members of the Panel may then ask questions and seek clarification of any point arising.
- 2.3.11 For the avoidance of doubt applicants, supporters or objectors will only be entitled to address the Panel on one occasion unless, in the opinion of the Chair, significant new information has been produced raising new material planning considerations. In these circumstances, speakers should only speak about new matters or the amended details, not about matters which have been previously considered by the Panel.

3 Passing around of information

- 3.1 The circulation of materials will not normally be accepted during the meeting. Public speaking is an opportunity to highlight important points already made in representations, rather than to introduce new information. Members of the Panel will not be able to give proper consideration of any new issues raised in the material.

4 Members of Plans Panel

- 4.1 A Member of the Plans Panel having a disclosable pecuniary interest in an application must either declare that interest or bring it to the attention of the meeting (if it is already included on the Register of Interests) and may not participate in the discussion or vote on the matter and must leave the room.
- 4.2 No Members with a disclosable pecuniary interest (whether they are a member of the Plans Panel or not) is entitled to address the panel in accordance with the terms of this protocol for public speaking².

5 Review

- 5.1 This Protocol may be reviewed, revised or revoked by a joint meeting of the Plans Panels at any time.

² A Member may address the meeting if they have in place an appropriate dispensation relating to the relevant DPI.

CODE OF PRACTICE FOR THE DETERMINATION OF LICENSING MATTERS

1.0 INTRODUCTION

1.1 **This code applies** to all licensing decisions including:

- Decisions of the Licensing Committee.
- Decisions of any Licensing Sub Committee.
- Delegated decisions within the terms of reference of the above bodies.

All decisions made by the above bodies will be referred to within this code as decisions of the licensing authority.

1.2 This code also applies at all times when Members are involved in the licensing process. This includes taking part in decision making meetings of the Council in exercising the functions of the licensing authority and on less formal occasions such as meetings with officers or the public and consultative meetings. It applies as equally to licensing enforcement matters, reviews, or site specific issues as it does to licensing applications.

1.3 This code of practice applies as follows:

- Sections 1-2 apply to all Members.
- Sections 3-8 apply particularly to Members of the Licensing Committee.
- Sections 9-10 apply to officers.
- Sections 11-13 deal with monitoring and review

1.4 **The aim of this code** of good practice is to ensure that in the licensing process there are no grounds for suggesting that a decision has been biased, partial or not well founded in any way.

1.5 **If you have any doubts** about the application of this Code, you should seek early advice, preferably well before any meeting takes place from the Monitoring Officer.

1.6 If you do not abide by this Code you may put the Council at risk of proceedings on the legality or maladministration of the related decision.

1.7 If you make or are involved in a licensing application, you should:

- Notify the Monitoring Officer in writing of your own application (or that of a relative or employer where known) or where you are employed as an agent.
- Consider whether it is advisable to employ an agent to act on your behalf in dealing with officers and any public speaking at a licensing hearing.
- Ensure that you have arranged for a substitute to attend the hearing in your place.

2.0 BIAS AND PREDETERMINATION IN THE LICENSING PROCESS

- 2.1 Section 25(2) of the Localism Act 2011 sets out that a decision maker is not to be taken to have had, or to have appeared to have had, a closed mind when making a decision just because –
- (a) the decision maker had previously done anything that directly or indirectly indicated what view the decision maker took, or would or might take in relation to a matter, and
 - (b) the matter was relevant to the decision.
- 2.2 The above section was enacted to clarify that predetermination occurs where someone has a closed mind, with the effect that they are unable to apply their judgement fully and properly to an issue requiring a decision. The section makes it clear that if a councillor has given a view on an issue, this does not show that the councillor has a closed mind on that issue, so that if a councillor has campaigned on an issue or made public statements about their approach to an item of council business, he or she will be able to participate in discussion of that issue in the council and to vote on it if it arises in an item of council business requiring a decision.
- 2.3 Having said this, the words ‘just because’ in Section 25 suggest that other factors when combined with statements made etc. can still give rise to accusations of predetermination so care still needs to be taken.
- 2.4 Given the requirement that Members of the Licensing Committee or Sub Committee should exercise an independent mind and decide proposals in accordance with the relevant licensing considerations, Members must not favour any person, company, group or locality or commit themselves to a particular point of view on a licensing decision prior to its full consideration at the Licensing Committee or Sub Committee.
- 2.5 **Do not** make up your mind or give the impression of making up your mind (particularly in relation to an external interest or lobby group) prior to the decision making meeting and of your hearing the officer’s presentation and the evidence and arguments on both sides.
- 2.6 **Do** be aware that you are likely to be biased or pre-determined where the Council is the landowner or applicant **if** you have been or are perceived as being, a chief advocate for the proposal. This will not necessarily arise from being a member of the proposing board or the Executive but through a significant personal involvement in preparing or advocating the proposal by which you may be perceived as being unable to act impartially or determine the proposal purely on its licensing merits and in the public interest.
- 2.7 **Do remember** that you are, of course, free to listen to a point of view about a licensing proposal, give procedural advice and agree to forward any comments, but should then refer the person to the appropriate licensing officer.
- 2.8 **Do not** use any political group meetings prior to the Licensing Committee or Sub Committee meeting to determine how you or other Councillors should vote. There is no objection to a political group having a predisposition, short of

predetermination, for a particular outcome or for you to begin to form a view as more information and opinions become available, but decisions can only be taken after full consideration of the Licensing Officer's report and documents and information considered at the Hearing.

3.0 MEMBERSHIP OF PARISH COUNCILS, AREA COMMITTEES AND OUTSIDE BODIES

3.1 This section concerns the position of Members of Leeds City Council who are also Parish Councillors or members of an outside body.

3.2 **Do** consider yourself able to take part in a licensing debate and vote on a proposal at a meeting of the Parish Council or outside body where it is a consultee provided:

- You make it clear that that you are keeping an open mind and may vote differently at the licensing hearing when full details are available.
- You do not commit yourself so far to a particular point of view that you cannot be considered as open to persuasion at a licensing hearing when the proposal is decided.

4.0 SPOUSE/PARTNER COUNCILLORS

4.1 There may be occasions when the spouse or partner of a Member, usually a member for the same Ward, is also a Member of the Licensing Committee or Sub Committee. That Member might quite properly refer constituents who wish to make representations to his or her spouse or partner rather than be directly lobbied. Generally the fact that the spouse or partner Councillor has been approached will not affect your ability to speak and vote at a licensing hearing.

4.2 **Consider** if your spouse or partner is so closely involved with the support for, or opposition to, an application that a member of the public might reasonably think that the involvement is such that you must be biased or have predetermined the application.

5.0 CONTACT WITH APPLICANTS AND OBJECTORS

5.1 In order to maintain impartiality, it is preferable that Members are not involved in pre-application discussions but there will be occasions when this can be unavoidable. The following guidance is given.

- **Do not** agree to any formal meeting with applicants, or groups of objectors where you can avoid it. Where you feel that a formal meeting would be helpful in clarifying the issues, you should not arrange it yourself, but request the Licensing Officer to do so. The officer will then ensure that those present are aware that any discussion will not bind the Council and maintain a written file record of the meeting.
- **Do** refer those who approach you for advice to officers.

- **Do** follow the rules on lobbying.
- **Do** report any significant contact with the applicant or other parties to the Monitoring Officer explaining the nature and purpose of the contacts and your involvement and ensure that this is recorded on the licensing file.
- **Do not** attend a presentation by an applicant unless an officer is present and/or it has been arranged by an officer.
- **Do** ask relevant questions for the purpose of clarifying your understanding of the proposals but do not express any strong view or state how you or other members might vote.
- **Do** make it clear that the presentation is not part of the formal decision making process and any view is both personal and provisional since not all relevant information will be to hand and the views of interested parties will not have been obtained.

6.0 MEMBERSHIP OF A LOBBY GROUP

- 6.1 Lobbying by Councillors is a legitimate activity but in the case of Members of the Licensing Committee or Sub Committee significant care needs to be taken to avoid any challenge of bias or predetermination or an allegation of bringing the Council into disrepute.
- 6.2 **You may** take part in a matter than involves issues upon which your lobby group has simply campaigned as long as your involvement has not resulted in you being biased and/or predetermining the matter.
- 6.3 **Do** weigh up the following factors where your lobby group has expressed a public view on a matter and consider whether a reasonable member of the public, knowing the relevant facts, would think that you are biased or have pre-determined a matter. The factors are:
- the nature of the matter to be discussed
 - the nature of your involvement with the lobby group
 - the publicly expressed views of the lobby group
 - what you have said or done in relation to the particular issue
- 6.4 **Do not** lead, be part of the management of, or represent an organisation whose primary purpose is to promote or oppose licensing proposals. If you do, you may have fettered your discretion (be biased/pre-determined) and have to withdraw.
- 6.5 **Do not** become a member of an organisation whose primary purpose is to promote or oppose specific licensing proposals or those within a limited geographical area as you may be perceived as having fettered your discretion (be biased/pre-determined).

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- 6.6 **Do** join general interest groups which reflect your areas of interest and which concentrate on issues beyond particular licensing proposals such as a local Civic Society but where that organisation has made representations on a particular proposal, you should make it clear to both the organisation and the Committee that you have not made up your mind on each separate proposal
- 6.7 **Do** remember that if the local branch of a general interest group has been vociferous or active on a particular issue or you are closely associated with the management or decision making process of that organisation such as being the Chairperson or a member of the Board or Committee, it will become increasingly difficult to demonstrate your ability to judge the matter with an open mind and you may consider that you are biased and/or pre-determined and should withdraw from the meeting.
- 6.8 **Do not** excessively lobby fellow members regarding your concerns or views or attempt to persuade them that they should decide how to vote in advance of the hearing at which the decision is to be made. It is difficult to define 'excessively' but you need to consider whether a member of the public, knowing the facts would think that, through your representations, the lobbied member was no longer able to take a view on the matter in the public interest but had predetermined it.
- 6.9 **Do not** publicly support a particular outcome on a proposal or actively campaign for it if you wish to take part in the decision making process. It would be very difficult for you to demonstrate that you had the necessary degree of impartiality to properly weigh the arguments presented and the decision would be open to challenge. Again it is a question of maintaining the fine balance between a predisposition where your mind is not totally made up and a predetermination. This would, however, not prevent you from expressing the views of your constituents provided you are capable of determining the application in accordance with the law.

7.0 SITE VISITS

- 7.1 Site Visits can play a legitimate part in the decision making exercise but must be limited to inspections by viewing and as a fact finding exercise. They are not to be used to determine a proposal prior to a hearing. Due to the tight timescales involved in licensing decisions, site visits must be viewed as an exception rather than the rule.
- 7.2 When undertaking a site visit Members should also have regard to the following paragraphs of the Code of Practice for Determining Licensing Matters:
- ❖ Paragraph 2 - Bias and Predetermination in the Licensing Process.
 - ❖ Paragraph 5 - Contact with Applicants and Objectors.

7.3 THIS SECTION APPLIES TO MEMBERS REQUESTS FOR A SITE VISIT

- 7.3.1 If a Member feels, on receipt of the report on an application, that a site visit would be beneficial, s/he should first discuss their concerns with a Principal Licensing

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Officer. Officers have powers to request additional information from parties, which can then be discussed at the hearing. This information may resolve the issues without the need for a site visit. If a Member still feels that a site visit is necessary then, in the interest of fairness, it is preferable that concerns should be expressed at the scheduled hearing since Members may find that the applicant, interested parties or responsible authorities can provide verbal information to the satisfaction of the Members present.

- 7.3.2 Views of the parties present must be canvassed and considered before a site visit is agreed since that is likely to result in a delay to the decision making.
- 7.3.3 In the case of a Sub Committee hearing, three Members or a 2:1 majority must be in favour of a site visit for arrangements to be made. The same three Members will be expected to undertake the requested site visit and attend the hearing for the application, which may be re-convened at a later date.
- 7.3.4 In the case of a meeting of the Licensing Committee, a majority of the Members present must be in favour of a site visit.
- 7.3.5 The same Members will be expected to undertake the requested site visit and be able to attend the re-convened meeting which will consider the application subsequent to the site visit.
- 7.3.6 **DO** raise the need for a site visit at a hearing and be prepared to give reasons why it is of real benefit. The reason will be recorded in the Minutes.
- 7.3.7 **DO NOT** request a site visit unless there is a real benefit from viewing the site. This might arise where:-
- Particular site factors are significant in terms of the weight attached to them relative to other factors or the difficulty of their assessment in the absence of a site inspection.
 - There are significant policy or precedent implications and specific site factors need to be carefully addressed.
 - Relevant factors cannot be fully ascertained from any supporting information or the plans submitted to the Licensing Officer and available at the hearing, to Members satisfaction.

7.4 THIS SECTION APPLIES TO SITE VISITS AS PROPOSED BY OFFICERS

- 7.4.1 The Principal Licensing Officer may suggest the Committee or a Sub Committee undertake a Site Visit without prior discussion at a hearing, where in the professional opinion of the Officer there is a real benefit from viewing the site.
- 7.4.2 In such cases, officers will approach Members seeking a date for the site visit and hearing – usually in the form of an e-mail in the first instance.

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- 7.4.3 The e-mail should set out the proposal for a site visit, the reasons behind the request; the projected benefit for Members; the address of the premise; the type of application and set out the arrangements for the visit.
- 7.4.4 Some site visits can only be conducted at night in order to gauge an accurate impression of the proposal being discussed. On occasion the site visits will also include a viewing of the site 'in performance'.
- 7.4.5 In other cases it is usual for the site visit on an application to commence at 9.30 am (departing from the Civic Hall) and for the formal meeting to commence at 11.00 am in the Civic Hall to determine the application. As such it is anticipated that hearings will not conclude until the afternoon.
- 7.4.6 Having made proposals for a site visit, officers will seek confirmation from the Members able to attend that they are happy to undertake the propose site visit.

7.5 ON THE SITE VISIT

- 7.5.1 **DO** ensure that any information gained from the site visit is reported back at the subsequent hearing.
- 7.5.2 **DO** ensure that you treat the site visit as an opportunity to seek information and to observe the site. It is not to be used to determine a matter prior to the hearing.
- 7.5.3 **DO** ask the officers at the site visit questions or seek clarification from them on matters which are relevant to the site inspection.
- 7.5.4 **DO** be prepared to listen to and ask questions of fact from the Applicant or other parties.
- 7.5.5 **DO** be aware that Officers will make all parties aware of the site visit. All parties may attend subject to being granted access by the owner (see below). If only one party is present be particularly careful only to obtain information and ensure that that information is repeated at the public meeting where the other parties have a right to comment on it.
- 7.5.6 **DO** be aware that access to the site is at the discretion of the owner. The owner can legitimately refuse access to objectors and even Members. If access is to be refused consider whether it is still appropriate to undertake the visit.
- 7.5.7 **DO NOT** be drawn into arguments or detailed discussions on the individual merits of an application or give the impression that you have made up your mind.
- Note that** the decision can only be made at the Licensing Hearing and you should make this clear to any applicant or other party.
- 7.5.8 **DO** note comments of the applicant or other parties which are made solely for the purpose of making members aware of any specific local circumstances and issues relevant to the application site.

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- 7.5.9 **DO NOT** express opinions or views to anyone which can suggest bias or predetermination. As indicated above, you should make it clear that formal consideration of the proposal will take place in public at the subsequent hearing/meeting.
- 7.5.10 **DO NOT** enter a site which is subject to an application otherwise than on a formal site visit although this does not prevent you from viewing the site from the highway or other publicly accessible area.

8.0 TRAINING

- 8.1 Members making licensing decisions must attend a Licensing Update training session to receive guidance in relation to regulations and procedures each and every year.
- 8.2 Failure to undertake a Licensing Update session will result in the Elected Member being unable to sit on the Licensing Committee or Sub Committee. Therefore, **do not** participate in decision making on licensing matters if you have not undertaken mandatory training.
- 8.3 **Do** try to attend any other specialised training session provided, since these will be designed to extend your knowledge of licensing law, regulations, procedures and Policies beyond the minimum required and assist you in carrying out your role properly and effectively.
- 8.4 **Do** revisit a sample of implemented licensing decisions to assess the quality of the decisions. Such a review should improve the quality and consistency of decision-making, thereby strengthening public, confidence in the licensing system, and can help with reviews of planning policies.
- 8.5 Members are required to keep themselves up to date in relation to Governance and Conduct matters. Members are referred to the quarterly email from Governance Services and are reminded to review regularly their register of interests.

9.0 OFFICERS

- 9.1 Councillors and officers have different but complementary roles. Both serve the public but Councillors are responsible to the electorate whilst officers are responsible to the Council as a whole. Officers are employed by the Council and not by individual Councillors and instructions to officers can only be given through a decision of the Council, the Executive or a Panel or Committee or through appropriate delegation schemes. A successful relationship can only be based on mutual respect, trust, courtesy and understanding of each other's positions.
- 9.2 The role of the Legal officer is to assist the committee in gathering evidence and understanding all relevant issues in order for Members to make a decision, and to advise on the sub-committees' legal duties under the relevant legislation and on the admissibility of evidence.

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- 9.3 As and when appropriate legal advice should be given or repeated in open session for all parties to be made aware of.
- 9.4 The role of the Governance Officer is to facilitate the smooth running of the hearing; advise on the Rules of Procedure and Regulations relating to hearings; make notes of the proceedings and reasons for granting or refusing applications; and ensure that decision letters are sent to all parties as soon as possible after the hearing.
- 9.5 The role of the Licensing Officer attending the hearing is neutral. They will make no recommendations to the Committee and attend hearings only to provide a summary report of the application, giving details of the representations received and any relevant legislative or policy considerations. However there is a separate but distinct officer role which is exercised by Liaison and Enforcement Officers from Entertainment Licensing (and occasionally by the Section Head and/or Principal Licensing Officers) who may make representations on applications or seek reviews. The roles of these officers and the Licensing Officer processing applications and hearing reports are (and must remain) separate.
- 9.6 **Do not** put pressure on Licensing officers to make any recommendations.
- 9.7 **Do** recognise that officers are part of a management structure and only discuss an application, outside of any arranged meeting with those officers who are authorised to deal with the application at Member level.
- 9.8 **Do** recognise and respect that officers involved in the processing and determination of a licensing application must act in accordance with the Council's Employee Code of Conduct. As a result, officers' reports will be presented on the basis of their overriding obligation of professional independence.

10.0 RELATIONSHIP WITH THE EMPLOYEE CODE OF CONDUCT

- 10.1 The Council has an Employee Code of Conduct. That Code applies at all times when officers are involved in the licensing process. This includes decision making by officers under delegated powers and attendance at meetings whether those are formal decision making meetings or informal meetings with members or the public.
- 10.2 Officers must apply the rules in the Employee Code of Conduct at all times. If they do not they may put the Council at risk of proceedings on the legality of any related decision, and may put themselves at risk of disciplinary action.
- 10.3 Generally Entertainment licensing officers have limited discretion in making licensing decisions. However there may be situations where they are called upon to exercise discretion such as deciding whether an objection and/or representation is relevant. Other officers such as those employed by Environmental Health or Development have discretion on whether to object. Legal officers and committee clerks remain in the room with Members when decisions are made.

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- 10.4 In all cases officers must avoid any improper conduct or occasion for suspicion of the appearance of improper conduct and should:-
- Ensure that they have given notice of any financial interest in any contract which has been or is proposed to be entered into by the Council.
 - Not accept gifts, entertainment, hospitality or any benefits in kind as set out in the Employee Code of Conduct.
 - Declare to their Director by completing the Register of Interests Form any personal interests which may conflict with licensing applications such as:
 - any involvement with an outside organisation which has an interest in any licensing application;
 - any financial interest in any licensing application; and
 - any other interest where others may think that a conflict of interest may arise. Examples of such situations include where the officer lives adjacent to any licensed premises or visits the premises in a personal capacity on a regular basis.
- 10.5 Officers should also consider whether their spouse, partner or close relative has a financial or other interest in a licensing application which may give rise to the suspicion of the appearance of improper conduct and where the officer may therefore need to declare an interest.
- 10.6 Where an officer has declared an interest he or she should not participate in the processing of a licensing application but should instead refer the matter to his or her Manager who will arrange for another officer to discharge the duties.

11.0 PROCEDURES AT LICENSING HEARINGS

- 11.1 The Licensing Committee and Sub Committee Procedure Rules (Part 4(I) of the Constitution), set out the procedure for hearings before the Licensing Committee and Sub Committees.

12.0 MONITORING AND REVIEW

- 12.1 The Monitoring Officer shall monitor the following, and will report annually to the Corporate Governance and Audit Committee in relation to these matters:-
- the number of appeals upheld;
 - any external inspection reports in respect of relevant issues; and
 - any ombudsman complaints or reports in respect of relevant issues.

13.0 BREACHES OF THE CODE OF PRACTICE

- 13.1 Failure to comply with this code of practice may lead to a finding of maladministration by the Ombudsman or could lead to a decision being challenged in the courts.

Code of Practice for Determining Licensing Matters

- 13.2 Allegations of a breach of this code of practice by Officers will be referred to the relevant Director for consideration under the Council's Disciplinary Procedure.

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CORPORATE GOVERNANCE CODE & FRAMEWORK

Introduction

Corporate governance is a phrase used to describe how organisations direct and control what they do. For local authorities this also includes how a council relates to the communities that it serves.

Our Best Council Plan articulates two ambitions framed around our Best City and Best Council Vision: Best City being defined as, 'Leeds....A Strong Economy and a Compassionate City' with the aim of tackling poverty and inequalities, closely aligned with a range of associated partnership plans; and Best Council as 'Leeds City Council ... An Efficient and Enterprising Organisation'.

The purpose of our corporate governance arrangements are to devise and deliver services to the citizens of Leeds in a way that demonstrates accountability, transparency, effectiveness and value for money, integrity, and inclusivity.

Our Corporate Governance Code and Framework is based upon 7 Principles;

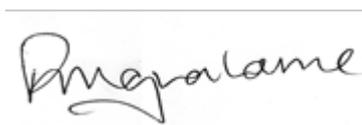
We will:

- 1. Behave lawfully, with integrity and in the public interest and demonstrate this through our conduct and behaviour.**
- 2. Be open and engage with local communities, service users and our other stakeholders.**
- 3. Focus our resources on outcomes and ensure council tax payers and service users receive excellent value for money.**
- 4. Ensure we have clear responsibilities and arrangements for transparent and effective accountability.**
- 5. Take informed and transparent decisions.**
- 6. Ensure that we have robust and effective audit, scrutiny, information governance, risk and financial management controls.**
- 7. Develop our capacity and capability to be effective.**

It is the role of our Corporate Governance and Audit Committee to oversee and receive assurances relating to our governance arrangements and also to provide challenge on how our arrangements can be continually improved.



Councillor James Lewis
Deputy Leader and Executive Member with
Responsibility for Corporate Governance



Councillor Pauleen Grahame
Chair
Corporate Governance and Audit Committee

1) We will behave lawfully, with integrity and in the public interest, and will demonstrate this through our conduct and behaviour.

And commit to;

Embed values and codes of conduct for both employees and councillors.

Ensure that those who provide services on our behalf act in accordance with these principles.

Deal with breaches of legal and regulatory requirements and ensure fraud, corruption and allegations of misuse of public funds are dealt with effectively.

Supported and evidenced by our;

- Values and behaviours
- Members' Code of Conduct
- Officer Code of Conduct
- Partnership agreements
- Procurement Terms and Conditions
- Arrangements for the registration and declaration of interests (including gifts and hospitality)
- Anti-Fraud and Corruption Policy
- Complaints and Compliments Procedures

2) We will be open and engage with local communities, service users and our other stakeholders

And commit to;

Ensuring that service users, local communities and other stakeholders have access to the council and are involved and consulted about major changes that may affect them.

Welcome peer challenges, reviews and inspections from regulatory bodies and implement recommendations which arise from them.

Supported and evidenced by our;

- Consultation
- Approach to restorative practice
- Community Committees
- Parish and Town Council Compact
- Leeds Citizens Panel
- Use of Scrutiny Inquiries
- Deputations to full Council and Community Committees
- Consideration of and response to Petitions

3) We will focus our resources on outcomes and ensure council tax payers and service users receive excellent value for money.

And commit to;

Ensure that services put the needs of the public first, are non-discriminatory and are appropriate to different needs in the community.

Make best use of resources and ensure that the People of Leeds receive excellent value for money.

Consider and balance the combined economic, social and environmental impact of policies and plans when taking decisions.

Supported and evidenced by our;

- Vision for Leeds
- Best Council Plan
- Equality and Diversity Policy
- Safeguarding arrangements
- Safer Leeds Strategy
- Youth Justice Plan
- Children and Young Peoples Plan
- Annual Performance Report
- Financial Strategy and Medium Term Financial Plan
- State of the City Events
- Performance Management Framework
- Annual Internal Audit Report
- External Audit Value for Money opinion

4) We will ensure we have clear responsibilities and arrangements for transparent and effective accountability

And commit to;

Document who is responsible for our functions and will ensure reports on our performance, delivery of value for money and stewardship of resources are routinely reported.

Review on a regular basis the vision for the city and its implications for the authority's governance arrangements.

Have in place effective arrangements to identify and deal with failure in service delivery.

Ensure that relationships and accountabilities between the authority, its partners and the public are clear.

Supported and evidenced by our;

- Constitution
- Executive Portfolios
- Monitoring of Revenue and Capital expenditure
- Delegation and sub delegation arrangements
- Committee Terms of Reference
- Protocol for the roles of Members and Officers in Decision Making
- Annual Internal Audit Report
- Customer service standards and dispute resolution arrangements
- Annual Accounts
- Access to Information Procedure Rules
- Executive and Decision Making Procedure Rules
- Annual Governance Statement
- Annual Scrutiny Report
- Annual Standards Report
- Partnership arrangements
- Information Governance Arrangements
- Health Safety and Wellbeing
- Annual Pay Policy Statement

5) We will take informed and transparent decisions

And commit to;

Ensure that all decisions are taken which are proportionate, respect human rights and natural justice, are open and transparent with clear aims and desired outcomes and promote equality of opportunity.

Consider and balance the economic, social and environmental impacts of policies and plans.

Ensure that:

- those making decisions are provided with information that is relevant, timely and gives clear explanations of technical issues and their implications;
- appropriate legal, financial and other professional advice is considered as part of the decision-making process; and
- decision-makers can be held to account for the decisions they take through effective overview and scrutiny arrangements.

Supported and evidenced by our;

- Executive Arrangements
- Committee Terms of Reference
- Executive and Decision Making Procedure
- Access to Information Procedures
- Delegation and sub delegation arrangements
- Procedures for decision making
- Provision of effective, timely, responsive and highly regarded legal, financial and professional services
- Equality and Diversity Policy
- Use of data to support decision making and effectively target resources

6) We will ensure that we have robust and effective audit, scrutiny, information governance, risk and financial management arrangements.

And commit to;

Embed a risk management framework to achieve our priorities and protect the Council's reputation and assets.

Collect, use and store information and data appropriately.

Maintain a prudential financial framework which balances our commitments with available resources, monitors income and expenditure and ensures corrective action when necessary.

Supported and evidenced by our;

- Overview and Scrutiny Committee arrangements
- Vision for Scrutiny
- Medium Term Financial Plan
- Capital Programme and Treasury Management Strategy
- Financial Regulations and Contract Procedure Rules
- Performance and risk management arrangements
- Compliance with the Code of Practice on Data Transparency and the General Data Protection Regulations
- Business Continuity arrangements
- A 'Public Sector Internal Audit Standard' compliant Internal Audit function

7) We will develop our capacity and capability to be effective

And commit to;

Improving the use of our people resource by developing and maintaining an effective workforce plan.

Continually review our performance, including how the organisation is led, how we work, and how we make the most efficient use of our resources assets (including data) to ensure our continuing effectiveness.

Ensuring that all councillors and employees have the skills, knowledge and experience they need to perform their roles effectively.

Supported and evidenced by our;

- Code of practice for Member-Officer relations.
- Our values and behaviours
- Appraisal arrangements
- Staff surveys
- Training and development programmes for Councillors
- Training and development programmes for staff (including the 'PAL Offer', investment in our current and future leaders through the Best Council Leadership Team, the Manager Challenge programme and Annual Leadership events)
- Participation in peer reviews.
- Recognition of colleagues through our awards for excellence
- Workforce development plan
- Graduate and apprenticeship programmes

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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.

MEMBERS' ALLOWANCES SCHEME

Leeds City Council, in exercise of the powers conferred by the Local Authorities (Members' Allowances) (England) Regulations 2003 has made the following Scheme after having regard to reports of the Independent Remuneration Panel.

1.0 CITATION

1.1 This Scheme may be cited as the Leeds City Council Members' Allowances Scheme, and has effect from the date approved by a meeting of Full Council.

2.0 INTERPRETATION

2.1 In this Scheme,

- "Councillor" means a Member of the Leeds City Council who is a Councillor.
- "Co-optee" means a person who is not a member of the authority but who is a member of a committee or sub-committee of the authority
- "year" means the 12 months ending with 31 March.

3.0 BASIC ALLOWANCE

3.1 Subject to paragraphs 5 and 11, each year a basic allowance of the amount specified in Schedule 1 is payable to each Councillor. The basic allowance includes all telephone (including mobile phone) and office expenses in relation to travelling and subsistence within the city.

4.0 SPECIAL RESPONSIBILITY ALLOWANCE

4.1 Each year, a special responsibility allowance is payable to those Councillors and Co-optees who hold the special responsibilities in relation to the authority that are specified in Schedule 1.

4.2 Subject to paragraphs 4.3, 4.4, 4.5, 5.1 and 11, the amount of such allowance is shown against each responsibility in Schedule 1.

4.3 Only one special responsibility allowance from the Council is payable per Councillor and where a Councillor is eligible to receive more than one allowance, the higher allowance will be paid.

4.4 Councillors may accept a special responsibility allowance from both the Council and a Joint Authority.

4.5 Where a Councillor is also a Member of another authority, he/she may not receive allowances from more than one authority in respect of the same duties.

5.0 ANNUAL UPDATING OF ALLOWANCES

- 5.1 The amounts referred to in paragraphs 3, 4 and 6 shall not be increased until October 2012, when they will be increased yearly on 1 October in line with the headline pay increase negotiated through the National Joint Committee for Local Government Employees (or equivalent). This annual update shall continue until June 2020 or until an earlier review by the Independent Remuneration Panel.

6.0 DEPENDANT CARERS' ALLOWANCES

- 6.1 Where the Member is absent on duties specified in regulation 7 of the Local Authorities (Members' Allowances) (England) Regulations 2003 and needs to engage carers, then an allowance is payable in respect of the expenses of arranging for the care of Members' children under 15 or dependants where there is medical or social work evidence that care is required. The maximum rates of such allowances are set out in Schedule 2 and are subject to the Member observing the protocol on the claims procedure, eligibility criteria etc. The payment is not payable to a member of the claimant's household and is restricted to one weekly payment.
- 6.2 This allowance is also claimable when undertaking approved duties on behalf of the Joint Authorities

7.0 INFORMATION TECHNOLOGY EQUIPMENT

- 7.1 Each Member is entitled to ICT equipment to be used in their home to assist in the discharge of their functions as a Councillor.

8.0 TRAVELLING AND SUBSISTENCE ALLOWANCES

- 8.1 The Councillor's basic allowance includes the cost of travelling and subsistence when undertaking Council business within the Leeds metropolitan area^{1 2}. Councillors travelling to undertake Council business outside this area are eligible to claim travel and subsistence allowances at the rates claimable by officers from the point of origin in the metropolitan area and back to the end of the journey within the metropolitan area. Current rates are detailed in Schedule 2.
- 8.2 Where an overnight stay is required, accommodation should be reserved and paid for directly by the Council, taking advantage of any corporate rates on offer. Where, exceptionally, this is not possible, actual costs will be reimbursed.
- 8.3 All claims should be supported by receipts.

¹ Councillors who purchase a Parking Permit for the Civic Hall Car Park may reclaim parking costs elsewhere if the Civic Hall Car Park is full or otherwise unavailable.

² Where, for convenience, travel arrangements are made for joint visits by members by taxi or mini-bus, members who do not avail themselves of the travel arrangements should not be entitled to reimbursement of the cost of travel in the Leeds Metropolitan area.

9.0 CO-OPTEEES' ALLOWANCE

- 9.1 Subject to paragraphs 5 and 11, each year a Co-optees' allowance is payable to those Co-optees' who hold special responsibilities in relation to the authority that are specified in Schedule 1.

10.0 RENUNCIATION

- 10.1 A Councillor or Co-optee may by notice in writing given to the Democratic Services Officer, elect to forgo any part of his/her entitlement to an allowance under this Scheme.

11.0 PART-YEAR ENTITLEMENTS

- 11.1 The provisions of this paragraph shall have effect to regulate the entitlements of a Councillor or Co-optee to basic and special responsibility allowances where, in the course of a year, this Scheme is adopted or amended or that Councillor or Co-optee relinquishes a special responsibility in respect of which a special responsibility allowance is payable.
- 11.2 If the adoption or an amendment to this Scheme changes the amount to which a Councillor or Co-optee is entitled by way of a basic or special responsibility allowance, then in relation to each of the periods:
- (a) beginning with the year and ending with the day before that on which the adoption or amendment first takes effect in that year, or
 - (b) beginning with the day on which the adoption or amendment takes effect and ending with the day before that on which the adoption or amendment next take effect, or (if none) with the year.

The entitlement to a basic or special responsibility allowance shall be to the payment of such part of the amount of the allowance under this Scheme as has effect during the relevant period as bears to the whole, the same proportion as the number of days in the period bears to the number of days in the year.

- 11.3 Where the term of office of a Councillor begins or ends otherwise than at the beginning or end of a year, the entitlement of that Councillor to a basic allowance shall be to the payment to such part of the basic allowance as bears to the whole the same proportion as the number of days during which his/her term of office subsists bears to the number of days in that year.

- 11.4 Where this Scheme is adopted or amended and the term of office of a Councillor does not subsist throughout the period mentioned in sub-paragraph 11.2 (a), the entitlement of any such Councillor to a basic allowance shall be to the payment of such part of the basic allowance referable to each such period (ascertained in accordance with that sub-paragraph) as bears to the whole the same proportion as the number of days during which his/ her term of office as a Councillor subsists bears to the number of days in that period.
- 11.5 Where a Councillor or Co-optee has during part of, but not throughout, a year such special responsibilities as entitle him/ her to a special responsibility allowance, that Councillor's or Co-optee's entitlement shall be to payment of such part of that allowance as bears to the whole, the same proportion as the number of days during which he/ she has such special responsibility bears to the number of days in that year.
- 11.6 Where this Scheme is adopted or amended as mentioned in 11.2 (a) and a Councillor or Co-optee has during part, but does not have throughout the whole, of any period mentioned in sub-paragraph 11.2 (a) of that paragraph any such special responsibilities as entitle him/her to a special responsibility allowance, that Councillor's or Co-optee's entitlement shall be to payment of such part of the allowance referable to each such period (ascertained in accordance with that sub-paragraph) as bears to the whole the same proportion as the number of days in that period during which he/she has such special responsibilities bears to the number of days in that period.
- 11.7 Appropriate adjustments will be made in respect of any basic or special responsibility allowance which:
- (a) has already been paid under the previous Scheme in respect of the remainder of the year from which this Scheme has effect; or
 - (b) is to be paid in respect of any part of the year during which the previous Scheme had effect.

12.0 CLAIMS AND PAYMENTS

- 12.1 Payments in respect of basic and special responsibility allowances, will be made in instalments of one-twelfth of the amount specified in this Scheme on the 16th of each month two weeks in arrears, 2 weeks in advance.
- 12.2 Where a payment of one-twelfth of the amount specified in this Scheme in respect of a basic allowance or a special responsibility allowance would result in the Councillor or Co-optee receiving more than the amount which, by virtue of paragraph 11, he/she is entitled, the payment shall be restricted to such amount as will ensure that no more is paid than the amount to which he/she is entitled.

Members' Allowances Scheme

12.3 Claims for dependant carers, travel and subsistence allowances should be made on the approved forms, together with supporting receipts to Governance and Scrutiny Support within 2 months of the date of the duty in respect of which the entitlement to the allowances arise.

13.0 PENSIONS

13.1 Councillors must make their own pension provision³.

14.0 NOTIFICATION FEE

14.1 The Council will bear the cost of the annual registration fee payable by Members to the Information Commissioner in respect of data protection registration relating to their constituency work.

15.0 IMPLEMENTATION

15.1 Notwithstanding the implementation date referred to in paragraph 1 of this scheme provision be made for the backdating of allowances, within the current municipal year, where specifically recommended by the Panel.

³ Councillors who were members of the LGPS on 31st March 2014 will retain access to that scheme until the end of the term of office which was current on that date. (Local Government Pension Scheme (Transitional Provisions, Savings and Amendment) Regulations 2014)

SCHEDULE 1 - ALLOWANCES ⁴

BASIC ALLOWANCE – All Members	£ 15,078.13	
SPECIAL RESPONSIBILITY ALLOWANCES -		% of Leader's SRA
Leader of the Council	£ £39,028.58	100%
Deputy/Designated Leader	£25,368.57	65%
Leader of the Opposition	£23,417.15	60%
Members of the Executive Board with portfolio	£ £23,417.15	60%
Members of the Executive Board without portfolio	£19,514.29	50%
The Chairs of Scrutiny Boards (7)	£19,514.29	50%
Chief Whip (Group with overall majority in Council)	£10,732.86	27.5%
Whip of the Largest Opposition Group	£9,366.86	24%
The Whips with more than 10% of membership of the Council	7,805.71	20%
The Deputy Whips of groups with 20% or more of the membership of the Council (one per group)	£4,878.57	12.5%
The Chairs of the Plans Panels (3)	£13,660.01	35%
Chair of West Yorkshire Police & Crime Panel (1 ⁵)	£11,110	Fixed sum
Members of the West Yorkshire Police & Crime Panel (3 ⁶)	£6,060	Fixed sum
The Chairs of Community Committees (10)	£10,245.01	26.25%

⁴ For the purposes of clarification, all entitlements throughout the Members' Allowances Scheme which entail exceeding a percentage of membership of the Council should be interpreted as being rounded up to the next whole number of Councillors.

⁵ Only payable if a Leeds City Council Member is appointed chair

⁶ Two allowances only if a Leeds City Council Member is appointed as chair

Members' Allowances Scheme

The Chair of the Climate Change & Environment Working Group	£6,244.58	16%
The Chair of the Licensing Committee	£8,781.43	22.5%
Additional payment for Members of the Licensing Committee ⁷	£585.43	1.5%
The Chair of Standards & Conduct Committee	£2,536.86	6.5%
The Chair of Corporate Governance & Audit Committee	£7,805.71	20%
The Chair of the Development Plans Panel	£4,878.57	12.5%
Deputy Executive Members ⁸	£11,708.58	30%
Support Executive Members	£4,878.57	12.5%
Opposition Group Officer Holders	£4,878.57	12.5%
with more than 40% of membership of the Council (5)		
with more than 30% of membership of the Council (4)		
with more than 20% of membership of the Council (3)		
with more than 10% of membership of the Council (2)		
Lord Mayor ⁹	£17,562.86	45%
The Chair of Leeds Grand Theatre Board (and any similar positions that may be similarly affected by the VAT regulations)	£585.43	1.5%
Statutory Co-optees on Scrutiny Board (5)	£585.43	1.5%
The Council's appointed Independent Person	£2,536.86	6.5%

⁷ Payable for each Member of the Licensing Committee allocated to any special sub-committee required to meet in a concentrated period on specific subjects

⁸ The Leader may determine the number of Deputy & Support Executive Members provided that the allowances paid do not exceed the equivalent payment of 4 x Deputy and 9 x Support Executive Members plus 10%

⁹ The Special Responsibility Allowance payable to The Lord Mayor is without prejudice to the Lord Mayor's Allowance which is paid against receipts to cover expenses.

SCHEDULE 2 - ALLOWANCES

NB In all cases, claims should be supported by receipts

TRAVEL ALLOWANCE

	Rate (pence per mile)
a) Motor Car / Motor Cycle	16.5
Capacity	
HMRC mileage rate.	45.0
b) Cycle Allowance	20.0
c) Passenger Supplements	

The above rates are increased in respect of the carriage of each passenger, not exceeding 4, to whom a travelling allowance would be otherwise payable, by not more than 3 pence per mile, for the first passenger and 2 pence per mile for the second and subsequent passengers.

d) Actual cost of tolls, ferries or parking fees.

e) Travel outside geographical area of West Yorkshire

For such travel, Members will be reimbursed at the appropriate public transport fares or at the appropriate car allowance rate whichever is the lower.

CARERS ALLOWANCE

	Maximum hourly rate
a) Re children aged 15 and under	£5.32
b) Other dependants	Equivalent to that paid by Department of Social Services in similar circumstances

SUBSISTENCE ALLOWANCE

	Rate
a) Day Subsistence	
Breakfast allowance (more than 2* hours away from normal place of residence before 11am)	£7.77
Lunch allowance (more than 2* hours away from normal place of residence including the lunch time between 12 noon and 2 pm)	£10.71
Tea allowance (more than 3* hours away from normal place of residence including the period 3 pm to 6 pm)	£4.21
Evening meal allowance (more than 2* hours away from normal place of residence, ending after 7 pm)	£13.29

b) Overnight Subsistence

Accommodation should be reserved and paid for directly by the Council. Where, exceptionally, this is not possible, actual costs will be reimbursed. All claims should be supported by receipts

***Council determined this lesser period on 22.5.95.**

c) Meals provided free of charge

Where a free meal has been provided during the period to which the allowance relates, the meal allowance cannot be claimed.

d) Meals taken on trains

Where main meals (i.e. breakfast, lunch or dinner) are taken on trains during a period for which there is entitlement to a day subsistence allowance, the reasonable cost of the meals (including VAT) may be reimbursed in full within the limits specified below. This cost would replace the amounts specified in "day subsistence" above.

Limits

For breakfast, an absence of more than 2 hours away from normal place of residence before 11am

For lunch, an absence of more than 2 hours away from normal place of residence including between 12 noon and 2pm

For dinner, an absence of more than 2 hours away from normal place of residence ending after 7pm

e) Aggregation

Where the period of absence gives an entitlement to more than one meal, allowances can be aggregated over the period in question.

f) Overseas journeys

Members are entitled to claim reasonable expenses having regard to the country visited.

SCHEDULE 3

LEEDS CITY COUNCILLOR – ROLE DESCRIPTION¹⁰

Key tasks for all Councillors - *all Members of Council will undertake the following:*

- Represent the interests of the ward for which he/she was elected, and deal with constituents' enquiries and representations, in a manner he/she considers appropriate to the circumstances.
- Fulfil the statutory requirements of any elected Member of Council, as contained within the Members' Code of Conduct, and the local requirements of a Leeds Member as contained within the Council's constitutional arrangements.
- Contribute to Council wide decisions (by participating in meetings of full Council, the remit of which includes deciding the Budget and Policy Framework of the Council, and determining the constitutional arrangements of the Council).
- Contribute to local decisions (by participating in the area committee relating to the ward for which the Councillor was elected)

Develop such working knowledge of the Council's services, management arrangements, powers and duties as is necessary in order to perform effectively as a City Councillor.¹¹

Additional tasks - with his/her agreement, a Member of Council may be assigned some or all of the following specific tasks

- Contribute to the Council's Overview and Scrutiny Function (by participating as a member of a Scrutiny Board in the scrutiny of the policies, decisions and performance of the Council or of health related services provided to the population of Leeds).
- Contribute to the Council's Regulatory Function (by participating as a member of one of the Council's panels relating to its planning, personnel, licensing and other regulatory activities).
- Contribute to the development of high standards of conduct for Councillors (by participating as a member of the Standards and Conduct Committee)
- Contribute to the recruitment and selection of the Council's most senior officers (by participating as a member of ad hoc Appointments Committees).

¹⁰ All Leeds City Councillors are entitled to the payment of a basic allowance in recognition of undertaking a range of tasks. These comprise tasks which are common to all Councillors and a number of additional tasks which will vary from Member to Member. Details of these tasks are contained within this role description. In addition, some Members are allocated roles which carry with them specific additional responsibilities, entitling them to payment of a Special Responsibility Allowance. These are detailed elsewhere within the Council's Members Allowances Scheme.

¹¹ The Council's Member Development Strategy offers all Councillors the opportunity to participate in a range of training and development activities in support of the tasks contained within this role description; for some specific activities, participation is considered to be an essential requirement.

Members' Allowances Scheme

- Contribute to the running of partnership bodies and outside bodies (by participating as a member of any such organisations to which he/she has been appointed by the Council).

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