

## SECTION 2A

# COUNCIL (NON-EXECUTIVE) FUNCTIONS

Body/Person with authority to  
change the document

Full Council

## FUNCTIONS OF THE FULL COUNCIL

<b><u>Council (non-executive) functions<sup>1</sup></u></b>	<b><u>Related appointments of Officers by full Council</u></b>
<p><b>Members' allowances<sup>2</sup></b></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"> <li>• Chairman's expenses</li> <li>• Vice-Chairman's expenses</li> <li>• financial loss allowance</li> <li>• allowances for attending conferences and meetings</li> </ul> <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><b>Electoral Arrangements</b></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)<sup>3</sup> of the Local Government and Public Involvement in Health Act 2007.<sup>4</sup></p> <p>To pass a resolution to change the name of an electoral area<sup>5</sup> under Section 59(1) of the 2007 Act</p>	

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

<sup>2</sup> Regulation 2(5) & (6) of the 2000 Regulations

<sup>3</sup> Where a council has whole council elections

<sup>4</sup> Regulation 2(6B) of the 2000 Regulations

<sup>5</sup> 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*

<b><u>Council (non-executive) functions<sup>1</sup></u></b>	<b><u>Related appointments of Officers by full Council</u></b>
<p><b>Governance arrangements<sup>6</sup></b></p> <p>To resolve to:</p> <ul style="list-style-type: none"> <li>• operate a different form of governance<sup>7</sup>; or</li> <li>• vary executive arrangements so that they provide for a different form of executive<sup>8</sup>; or</li> <li>• otherwise vary executive arrangements<sup>9</sup>.</li> </ul> <p>To elect a Leader.<sup>10</sup></p> <p>To pass a resolution to remove the executive leader<sup>11</sup>.</p>	
<p><b>Community governance reviews</b></p> <p>To make an order giving effect to recommendations made in a community governance review under Section 86 of the 2007 Act<sup>12</sup>.</p>	
<p><b>Arrangements for the discharge of functions/appointments of committees<sup>13</sup></b></p> <p>Subject to any provisions of regulations under section 9EB Local Government Act 2000,</p> <ul style="list-style-type: none"> <li>(a) to make arrangements for the discharge of functions by a committee or officer under section 101(5) of the 1972 Act; and</li> <li>(b) to make appointments under section 102 (appointment of committees) of the 1972 Act.</li> </ul>	
<p><b>Functions to be discharged by the authority, by virtue of other enactments<sup>14</sup></b></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>	

<sup>6</sup> 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

<sup>7</sup> Under Section 9K Local Government Act 2000

<sup>8</sup> Under Section 9KA of the 2000 Act

<sup>9</sup> Under Section 9KB of the 2000 Act,.

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

<sup>11</sup> In accordance with Section 9IC of the 2000 Act

<sup>12</sup> Regulation 2(6E) of the 2000 Regulations

<sup>13</sup> Regulation 2(8) of the 2000 Regulations

<sup>14</sup> Regulation 2(11) of the 2000 Regulations

*Responsibilities for Council (non-executive) Functions*

<b><u>Council (non-executive) functions<sup>1</sup></u></b>	<b><u>Related appointments of Officers by full Council</u></b>
<p><b>Formulating plans and strategies<sup>15</sup></b></p> <p>In connection with the discharge of the function:</p> <p>(a) of formulating or preparing a plan or strategy of a specified description<sup>16</sup>;</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 authority<sup>17</sup></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 &amp; 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 its 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>	

<sup>15</sup> Regulation 4(1),(2) and (3) of the 2000 Regulations

<sup>16</sup> Specified in column (1) of Schedule 3 to the 2000 Regulations

<sup>17</sup> By virtue of Regulation 5(1) of the 2000 Regulations

*Responsibilities for Council (non-executive) Functions*

<b><u>Council (non-executive) functions<sup>1</sup></u></b>	<b><u>Related appointments of Officers by full Council</u></b>
<p><b>Budget and Policy framework<sup>18</sup></b></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> <ul style="list-style-type: none"> <li>(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;</li> <li>(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</li> <li>(iii) is authorised by a determination made by the authority when approving or adopting the plan or strategy as the case may be.</li> </ul>	

<sup>18</sup> Regulation 4(4) of the 2000 Regulations

*Responsibilities for Council (non-executive) Functions*

<b><u>Council (non-executive) functions<sup>1</sup></u></b>	<b><u>Related appointments of Officers by full Council</u></b>
<p><b>Joint local development documents<sup>19</sup></b></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 Executive<sup>20</sup></p>	
<p><b>Applications for disposals of land<sup>21</sup></b></p> <ul style="list-style-type: none"> <li>• 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</li> </ul> <p>(The function of making the application is the responsibility of the Executive)</p>	
<p><b>Financial calculations and precepts<sup>22</sup></b></p> <p>To make calculations in accordance with Sections 31A - 36, of the Local Government Finance Act 1992, whether originally or by way of substitute, save to the extent of:</p> <ul style="list-style-type: none"> <li>(a) the preparation for submission to the authority for their consideration of estimates of the amounts to be aggregated in making the calculation or other amounts to be used for the purposes of the calculation and estimates of the calculation; or</li> <li>(b) the reconsideration of those estimates and amounts in accordance with the authority's requirements;</li> <li>(c) the submission for the authority's consideration of revised estimates and amounts.</li> </ul> <p>(which functions shall be the responsibility of the Executive)</p>	

<sup>19</sup> Regulation 4(4A) and 4(4C) of the 2000 Regulations

<sup>20</sup> Regulation 4(4B) of the 2000 Regulations

<sup>21</sup> Regulation 4(5), 4(6) and 4(7) of the 2000 Regulations

<sup>22</sup> Regulation 4(9),4(10) & 4(11) of the 2000 Regulations

*Responsibilities for Council (non-executive) Functions*

<b><u>Council (non-executive) functions<sup>1</sup></u></b>	<b><u>Related appointments of Officers by full Council</u></b>
<p><b>Deregulation authorisations/revocations<sup>23</sup></b></p> <p>To authorise a person to exercise a function pursuant to an Order under Section 70 of the Deregulation and Contracting Out Act 1994, where the Section 70 function is not the responsibility of the Executive; and</p> <p>To revoke any such authorisation.</p>	
<p><b>Adoption of plans and strategies<sup>24</sup></b></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"> <li>• for the control of the authority's borrowing, investments or capital expenditure; or</li> <li>• of a description referred to in Schedule 3 of the 2000 Regulations</li> </ul> <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><b>Determinations about matters concerned with budget/borrowing/capital expenditure contrary to the Budget and Policy Framework etc.<sup>25</sup></b></p> <p>To determine any matter in the discharge of a function which is</p> <ul style="list-style-type: none"> <li>• the responsibility of the Executive; and</li> <li>• is concerned with the authority's budget, or their borrowing or capital expenditure,</li> </ul> <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>	

<sup>23</sup> Regulation 4(12) & 4(13) of the 2000 Regulations

<sup>24</sup> Regulation 5(1) of the 2000 Regulations

<sup>25</sup> Regulation 5(1) of the 2000 Regulations

*Responsibilities for Council (non-executive) Functions*

<b><u>Council (non-executive) functions<sup>1</sup></u></b>	<b><u>Related appointments of Officers by full Council</u></b>
<p>(b) is not authorised by the authority's executive arrangements, financial regulations, standing orders or other rules or procedures to make a determination in those terms.</p>	
<p><b>The Determination of matters which are the responsibility of the Executive etc.<sup>26</sup></b></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>	
<p><b>Functions relating to licensing<sup>27</sup></b></p> <p>To discharge functions relating to</p> <ul style="list-style-type: none"> <li>• the statement of licensing policy;<sup>28</sup></li> <li>• the passing of a resolution not to issue a casino premises licence<sup>29</sup></li> <li>• establishing a licensing committee;<sup>30</sup> and</li> <li>• the exercise and delegation of functions;<sup>31</sup></li> </ul>	

<sup>26</sup> Regulation 5(1) and (2) of the 2000 Regulations



*Responsibilities for Council (non-executive) Functions*

<b><u>Council (non-executive) functions<sup>1</sup></u></b>	<b><u>Related appointments of Officers by full Council</u></b>
<b>To appoint an electoral registration officer<sup>32</sup></b>	The Chief Executive is appointed as Electoral Registration Officer  The Head of Licensing and Registration and City Solicitor are appointed as deputy Electoral Registration Officers.
<b>To appoint returning officer for local government elections<sup>33</sup></b>	The Chief Executive is appointed as the Returning Officer
<b>Schemes of elections</b>  To consult on change of scheme for elections <sup>34</sup> Duties relating to publicity <sup>35</sup> Duties relating to notice to Electoral Commission <sup>36</sup> To alter years of ordinary elections of parish councillors <sup>37</sup>	
<b>To change the name of the district or parish<sup>38</sup></b>	
<b>To confer title of honorary alderman / honorary alderwoman or to admit to be an honorary freeman / honorary freewoman of the district<sup>39</sup></b>	
<b>To make, amend, revoke or re- enact byelaws<sup>40</sup></b>	
<b>To promote or oppose local Bills in Parliament<sup>41</sup></b>	
<b>To make arrangements for proper administration of financial affairs etc<sup>42</sup></b>	Director of Resources is appointed as Section 151 Officer
<b>To appoint officers for particular purposes (appointment of proper officers)<sup>43</sup></b>	Each Director is appointed as the Proper Officer for matters

<sup>27</sup> Item 14A of Para. B of Schedule 1 of the 2000 Regulations

<sup>28</sup> Section 5 of the Licensing Act 2003 and Section 349 of the Gambling Act 2005

<sup>29</sup> Item 14B of Para B of Schedule 1 of the 2000 Regulations

<sup>30</sup> Section 6 of the Licensing Act 2003

<sup>31</sup> Section 7(3),(4),(5),(7) and (9) of the Licensing Act 2003

<sup>32</sup> Item 1 of Para. D of Schedule 1 of the 2000 Regulations

<sup>33</sup> Item 6 of Para. D of Schedule 1 of the 2000 Regulations

<sup>34</sup> Sections 33(2), 38 (2) and 40(2) of the Local Government and Public Involvement in Health Act 2007

<sup>35</sup> Sections 35, 41 and 52 of the Local Government and Public Involvement in Health Act 2007

<sup>36</sup> Sections 36 and 42 of the Local Government and Public Involvement in Health Act 2007

<sup>37</sup> Section 53 of the Local Government and Public Involvement in Health Act 2007

<sup>38</sup> Items 1 and 2 of Para E of Schedule 1 of the 2000 Regulations

<sup>39</sup> Item 3 of Para E of Schedule 1 of the 2000 Regulations

<sup>40</sup> Para F of Schedule 1 of the 2000 Regulations

<sup>41</sup> Para G of Schedule 1 of the 2000 Regulations

<sup>42</sup> Item 39 of Para. I of Schedule 1 of the 2000 Regulations

*Responsibilities for Council (non-executive) Functions*

<b><u>Council (non-executive) functions<sup>1</sup></u></b>	<b><u>Related appointments of Officers by full Council</u></b>
	within his/her remit. The Chief Executive is appointed as the Proper Officer for the purpose of any other matter.
<b>To designate an officer as the head of the authority's paid service, and to provide staff etc<sup>44</sup></b>	The Chief Executive is appointed as Head of Paid Service
<b>To designate an officer as the Monitoring Officer, and to provide staff etc<sup>45</sup></b>	The City Solicitor is appointed as the Monitoring Officer
<b>Duty to provide staff, etc to person nominated by Monitoring Officer<sup>46</sup></b>	
<b>Powers relating to overview and scrutiny committees (voting rights of co-opted members)<sup>47</sup></b>	
<b>To appoint Members to police authorities<sup>48</sup></b>	
<b>To act as Appointing Body</b> for the purposes of making appointments to <sup>49</sup> : <ul style="list-style-type: none"> <li>• West Yorkshire Joint Services Committee</li> <li>• West Yorkshire Police Authority joint committee (appointments panel)</li> <li>• West Yorkshire Fire and Rescue Authority</li> <li>• West Yorkshire Integrated Transport Authority</li> <li>• West Yorkshire Debt Management Joint Advisory Group</li> <li>• West Yorkshire Pension Fund Investment Panel</li> </ul>	
<b>To approve a pay policy statement<sup>50</sup></b>	

<sup>43</sup> Item 40 of Para. I of Schedule 1 of the 2000 Regulations

<sup>44</sup> Item 43 of Para I of Schedule 1 of the 2000 Regulations

<sup>45</sup> Item 44 of Para I of Schedule 1 of the 2000 Regulations

<sup>46</sup> Item 44A of Para I of Schedule 1 of the 2000 Regulations

<sup>47</sup> Item 44B of Para I of Schedule 1 of the 2000 Regulations

<sup>48</sup> Para.2 to 4 of Schedule 2 Police Act 1996. This is a local choice function, under Schedule 2 of the 2000 Regulations.

<sup>49</sup> This is a local choice function under Schedule 2 of the 2000 Regulations. Other appointments have been delegated to Member Management Committee.

<sup>50</sup> Sections 38 and 39 Localism Act 2011

## **SECTION 2B**

# **COUNCIL COMMITTEES' TERMS OF REFERENCE**

Body/Person with authority to  
change the document

Full Council

<b>SECTION 2B: COUNCIL COMMITTEE TERMS OF REFERENCE</b>
---

<u>Name of Committee</u>	<u>Membership</u>
Scrutiny Board – Resources and Council Services	9 Members of the authority
Scrutiny Board – (Children and Families)	11 Members of the authority
Scrutiny Board – (Sustainable Economy and Culture)	11 Members of the authority
Scrutiny Board – (Safer and Stronger Communities)	12 Members of the authority
Scrutiny Board – (Housing and Regeneration)	11 Members of the authority
Scrutiny Board – (Health and Wellbeing and Adult Social Care)	11 Members of the authority
The Standards Committee	Membership as outlined at Article 9
Standards Committee - Assessment Sub-Committee	
Standards Committee - Review Sub-Committee	
Standards Committee – Consideration Sub-Committee	
Standards Committee – Hearings Sub-Committee	
Corporate Governance and Audit Committee	11 Members of the authority
General Purposes Committee	12 Members of the authority
Area Committees	Membership as outlined at Article 10
Employment Committee	Minimum of 3 Members of the authority comprising at least 1 Member of the Executive
Member Management Committee	12 Members of the authority
Licensing Committee	15 Members of the authority
Licensing Sub-Committee (x5)	3 Members of the authority <sup>1</sup>
<b>Plans Panels</b>	
Plans Panels:	
(a) Plans Panel (East)	11 Members of the authority
(b) Plans Panel (West)	11 Members of the authority
(c) Plans Panel (City Centre)	11 Members of the authority
<b>Advisory Committee</b>	
Development Plan Panel	11 Members of the authority

---

<sup>1</sup> The Licensing Committee appoints 3 Members to each sub-committee

## **Scrutiny Board (Children and Families)**

The Scrutiny Board (Children and Families) is authorised to discharge the following overview and scrutiny functions<sup>1</sup>:

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

---

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

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

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

<sup>4</sup> Namely the Youth Justice Plan and the Children and Young Peoples Plan

<sup>5</sup> In accordance with Budget and Policy Framework Procedure Rules.

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

The Scrutiny Board (Health and Well-being and Adult Social Care) is authorised to discharge the following overview and scrutiny functions<sup>1</sup>:

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;<sup>2</sup>
2. to review or scrutinise the performance of the Health and Wellbeing Board;<sup>3</sup>
3. to carry out such other reviews or policy development tasks as it may be requested to do by either the Executive Board or the Council;
4. to act as the appropriate Scrutiny Board in relation to the Executive's initial proposals for a relevant plan or strategy<sup>4</sup> within the Budget and Policy Framework;<sup>5</sup>
5. to review or scrutinise executive decisions made that have been Called In;<sup>6</sup>
6. to consider such proposals as are referred to it by local NHS bodies and the authority and to report back the result of its considerations to the referring body and others as appropriate;
7. in relation to matters in respect of which a local NHS body consults more than one scrutiny committee within its area, or in relation to matters which a number of Yorkshire and Humber Councils elect to jointly scrutinise a function or service provided by the NHS body<sup>6</sup>, to
  - (a) nominate Members to a joint committee, such nominations to reflect the political balance of the Board;
  - (b) delegate its scrutiny functions to another local authority.
8. to review outcomes, targets and priorities within the Council Business Plan and the Best city for...health and wellbeing priorities in the City Priority Plan;
9. to receive requests for scrutiny and councillor calls for action and undertake any subsequent work; and

---

<sup>1</sup> In relation to functions delegated to the Director of Adult Social Services under the Officer Delegation Scheme whether or not those functions are concurrently delegated to any other committee or officer.

<sup>2</sup> Including matters pertaining to outside bodies or partnerships to which the authority has made appointments

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

<sup>4</sup> Namely the Health and Wellbeing City Priority Plan

<sup>5</sup> In accordance with Budget and Policy Framework Procedure Rules.

<sup>6</sup> Or in relation to matters which a number of councils are required to carry out joint scrutiny by virtue of a direction of the Secretary of State.

10. to make such reports and recommendations as it considers appropriate and to receive and monitor formal responses to any reports or recommendations made by the Board.

## Scrutiny Board (Housing and Regeneration)

The Scrutiny Board (Housing and Regeneration) is authorised to discharge the following overview and scrutiny functions<sup>1</sup>.

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

---

<sup>1</sup> In relation to functions delegated to the Director of Environment and Neighbourhoods under the Officer Delegation Scheme (Executive Functions) paragraphs 2(a), (b) (c) and (d) whether or not those functions are concurrently delegated to any other committee or officer.

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

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

<sup>4</sup> Namely the Regeneration City Priority Plan.

<sup>5</sup> In accordance with Budget and Policy Framework Procedure Rules.



## Scrutiny Board (Safer and Stronger Communities)

The Scrutiny Board (Safer and Stronger Communities) is authorised to discharge the following overview and scrutiny functions<sup>1</sup>.

1. to review or scrutinise decisions made or other action taken in connection with any council or executive function of any matter which affects the authority's area or the inhabitants of that area;<sup>2</sup>
2. to review or scrutinise the performance of the Safer and Stronger Communities Board<sup>3</sup>;
3. to carry out such other reviews or policy development tasks as it may be requested to do by either the Executive Board or the Council;
4. to act as the appropriate Scrutiny Board in relation to the Executive's initial proposals for a relevant plan or strategy<sup>4</sup> within the Budget and Policy Framework;<sup>5</sup>
5. to review or scrutinise executive decisions that have been Called In;
6. to exercise the functions of a crime and disorder committee<sup>6</sup>, including the following:
  - a. to review or scrutinise the exercise of crime and disorder functions<sup>7</sup> by responsible authorities;<sup>8</sup>
  - b. to review or scrutinise any local crime or disorder matter raised by a Member;<sup>9</sup>

---

<sup>1</sup> In relation to the functions delegated to the Director of Environment and Neighbourhoods under the Officer Delegation Scheme (Council Functions) and the Officer Delegation Scheme (Executive Functions) at paragraphs 1 (a) to (e) and 2 (e),(f),and (h) to (k) and the Assistant Chief Executive (Customer Access and Performance) under the Officer Delegation Scheme (Executive Functions) at paragraph (k) whether or not those functions are concurrently delegated to any other committee or officer.

<sup>2</sup> Including matters pertaining to outside bodies and partnerships to which the authority has made appointments

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

<sup>4</sup> Namely the Safer and Stronger Communities Plan

<sup>5</sup> In accordance with Budget and Policy Framework Procedure Rules.

<sup>6</sup> In accordance with Section 19 Police and Justice Act 2006

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

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

<sup>9</sup> This is any matter concerning –

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

## *Council Committees' Terms of Reference*

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

---

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.

## Scrutiny Board (Sustainable Economy and Culture)

The Scrutiny Board (Sustainable Economy and Culture) is authorised to discharge the following overview and scrutiny functions<sup>1</sup>:

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

---

<sup>1</sup> In relation to functions delegated under the Officer Delegation Schemes for the Director of City Development, the Director of Environment and Neighbourhoods under the Officer Delegation Scheme (Executive functions) paragraph 2(g), and the Chief Planning Officer under the Officer Delegation Scheme (Council functions) at Section 2, and the Officer Delegation Scheme (Executive Functions) at paragraph (a) whether or not those functions are concurrently delegated to any other committee or officer.

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

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

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

<sup>5</sup> In accordance with Budget and Policy Framework Procedure Rules.

<sup>6</sup> As defined by Section 6 Flood and Water Management Act 2010

<sup>7</sup> As defined by Section 4 Flood and Water Management Act 2010

<sup>8</sup> In accordance with Section 9FH Local Government Act 2000

## **Scrutiny Board (Resources and Council Services)**

The Scrutiny Board (Resources and Council Services) is authorised to discharge the following overview and scrutiny functions<sup>1</sup>:

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

---

<sup>1</sup> In relation to functions delegated under the Officer Delegation Schemes for the Chief Executive, the Deputy Chief Executive, the Assistant Chief Executive (Customer Access and Performance (except in relation to function (k)), The Director of Resources and the City Solicitor; and any other function not within the terms of reference of any other Scrutiny Board.

<sup>2</sup> Including matters pertaining to outside bodies and partnerships to which the authority has made appointments

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

<sup>4</sup> Under the Budget and Policy Framework Procedure Rules

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

<sup>6</sup> Including in relation to the Budget

<sup>7</sup> Other than those within the Terms of Reference of any other Scrutiny Board

## **The Standards Committee**

The Standards Committee is authorised to discharge the following functions<sup>1</sup>:

1. to advise the authority on the adoption or revision of a Code of Conduct for Members<sup>2</sup> and to promote, monitor and review the operation of the Members' Code of Conduct.
2. to consider and determine one or more local codes of conduct for Members or protocols for Member/officer relations<sup>3</sup> and to promote, monitor, review and amend such codes of conduct or protocols;
3. to appoint sub-committees<sup>4</sup> to consider and initially assess<sup>5</sup> or review decisions not to act<sup>6</sup> in respect of any written allegations<sup>7</sup> made against Members;
4. to arrange for the consideration and determination of any complaints<sup>8</sup> made against Members and the determination of any sanction to be imposed on a finding of misconduct;
5. to consider and determine applications for dispensations<sup>9</sup>;
6. to make recommendations to the Corporate Governance and Audit Committee where representations (on behalf of the Council) are required to be made to external agencies,<sup>10</sup> about any matter relating to general principles of conduct, model codes of conduct and the codes of conduct or protocols approved from

---

<sup>1</sup> '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. The functions derive from Part 3 of the Local Government Act 2000 and are discharged both in relation to Leeds City Council and its Members, and parish councils wholly or mainly in its area and the Members of those parish councils.

<sup>2</sup> Section 54(2)(a) Local Government Act 2000

<sup>3</sup> To be known as 'Local Codes'

<sup>4</sup> Regulation 6, Standards Committee (England) Regulations 2008 No. 1085/2008

<sup>5</sup> Section 57A Local Government Act 2000

<sup>6</sup> Section 57B Local Government Act 2000

<sup>7</sup> written allegations made by any person under section 57A Local Government Act 2000

<sup>8</sup> 'complaints' for these purposes to mean allegations of breach of

- the Members Code of Conduct adopted by Leeds City Council; or
- the National Code of Local Government Conduct where the alleged breach is committed before 5 April 2002; or
- any of the Authority's Local Protocols/Codes which refer to the conduct of Members, other than the Code of Conduct;

which have been the subject of an investigation resulting in a finding of failure to comply (or in relation to which the Standards Committee have resolved not to accept a finding of no failure to comply) and are therefore referred to the Committee by the Monitoring Officer

<sup>9</sup> In accordance with the Standards Committee (Further Provisions) (England) Regulations 2009

<sup>10</sup> Such external agencies may include, but are not restricted to, the District or Approved Auditor, Communities and Local Government, Standards for England, an Ethical Standards Officer, the First-Tier Tribunal (Local Government Standards in England) or a case tribunal.

## *Council Committees' Terms of Reference*

time to time by or on behalf of the Council and to make representations on its own behalf;

7. to provide advice and guidance to Members and officers and to make arrangements for training in matters relating to codes of conduct and protocols;
8. to consider and advise the Council with respect to the adoption or amendment of a Code of Conduct for employees and to promote, monitor and review the Code of Conduct;<sup>11</sup>
9. to consider any application for exemption from political restriction which is made to the Committee;<sup>12</sup>
10. on the application of any person or otherwise, to give directions to the relevant authority requiring it to include a post in the list of politically restricted posts.<sup>13</sup>

---

<sup>11</sup> It is not the function of the Committee to determine or become involved in individual officer conduct or disciplinary cases but rather to provide an overview of the application of the provisions of the Code across the Council.

<sup>12</sup> Section 3A(1)(a) of the Local Government and Housing Act 1989 (as amended by Section 202 of the Local Government and Public Involvement in Health Act 2007)

<sup>13</sup> Section 3A(1)(b) of the Local Government and Housing Act 1989 (as amended by Section 202 of the Local Government and Public Involvement in Health Act 2007)

### **The Standards Committee – Assessment Sub-Committee**

The Standards Committee - Assessment Sub-Committee is authorised to discharge the following functions<sup>1</sup>:

1. To receive, consider and initially assess<sup>2</sup> any written allegations<sup>3</sup> of misconduct<sup>4</sup> made against Members in relation to Code of Conduct Complaints.
2. To receive and consider written reports from the Monitoring Officer giving details of the actions taken or proposed to comply with any direction from the Assessment or Review Sub-Committee to take steps other than an investigation.<sup>5</sup>
3. To receive and consider references back from the Monitoring Officer during an investigation<sup>6</sup>, and to make a new initial assessment decision on the matter. The Assessment Sub-Committee may also direct that the matter is not referred back to them a further time under this provision.
4. To receive and consider references back from Standards for England (following a decision to refer the allegation to Standards for England)<sup>7</sup>, and to make a new initial assessment decision (as if the option to refer the allegation to Standards for England did not apply)<sup>8</sup>.

---

<sup>1</sup> 'These 'functions' are discharged both in relation to Leeds City Council and its Members, and parish councils wholly or mainly in its area and the Members of those parish councils.

<sup>2</sup> Section 57A Local Government Act 2000

<sup>3</sup> written allegations made by any person under section 57A Local Government Act 2000.

<sup>4</sup> "misconduct" for these purposes means a breach of the Members Code of Conduct adopted by Leeds City Council or any of the Parish and Town Councils wholly or mainly within its area.

<sup>5</sup> In accordance with Regulation 13 of the Standards Committee (England) Regulations 2008.

<sup>6</sup> In accordance with Regulation 16 of the Standards Committee (England) Regulations 2008.

<sup>7</sup> In accordance with Section 58(1)(c) of the Local Government Act 2000.

<sup>8</sup> In accordance with Section 58(3) of the Local Government Act 2000.

**The Standards Committee – Review Sub-Committee**

The Standards Committee - Review Sub-Committee is authorised to discharge the following functions<sup>1</sup>:

1. To review<sup>2</sup>, upon the request of a person who has made a written allegation<sup>3</sup> of misconduct<sup>4</sup> against a Member, a decision of the Assessment Sub-Committee that no action should be taken in respect of that allegation.

---

<sup>1</sup> 'These 'functions' are discharged both in relation to Leeds City Council and its Members, and parish councils wholly or mainly in its area and the Members of those parish councils.

<sup>2</sup> Section 57A Local Government Act 2000

<sup>3</sup> written allegations made by any person under section 57A Local Government Act 2000.

<sup>4</sup> "misconduct" for these purposes means a breach of the Members Code of Conduct adopted by Leeds City Council or any of the Parish and Town Councils wholly or mainly within its area.



**The Standards Committee – Consideration Sub-Committee**

The Standards Committee – Consideration Sub-Committee is authorised to perform the following functions<sup>1</sup>:

1. To receive completed Investigation reports in relation to Code of Conduct Complaints and make the relevant findings under Regulation 17 The Standards Committee (England) Regulations 2008.
2. To receive completed Investigation reports in relation to Local Complaints and make the relevant findings under the Standards Committee Procedure Rules<sup>2</sup>.

---

<sup>1</sup> 'These 'functions' are discharged both in relation to Leeds City Council and its Members, and parish councils wholly or mainly in its area and the Members of those parish councils.

<sup>2</sup> Standards Committee Procedure Rule 5.7

**The Standards Committee – Hearings Sub-Committee**

The Standards Committee - Hearings Sub-Committee is authorised to discharge the following functions<sup>1</sup>:

1. To consider and determine any complaints<sup>2</sup> made against Members and to determine any sanction to be imposed on a finding of misconduct.

---

<sup>1</sup> 'These 'functions' are discharged both in relation to Leeds City Council and its Members, and parish councils wholly or mainly in its area and the Members of those parish councils.

<sup>2</sup> "complaints" for these purposes to mean allegations of breach of

- the Members Code of Conduct adopted by Leeds City Council; or
- the National Code of Local Government Conduct where the alleged breach is committed before 5 April 2002; or
- any of the Authority's Local Protocols/Codes which refer to the conduct of Members, other than the Code of Conduct;

which have been the subject of an investigation resulting in a finding of failure to comply (or in relation to which the Standards Committee have resolved not to accept a finding of no failure to comply) and are therefore referred to the Committee by the Monitoring Officer

## **Corporate Governance and Audit Committee**

The Corporate Governance and Audit Committee is authorised to discharge the following functions<sup>1</sup>:

1. to consider the Council's arrangements relating to accounts<sup>2</sup> 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 Statement<sup>3</sup>; 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)
  
5. to consider the Council's arrangements relating to internal audit requirements including:
  - (a) considering the Annual Internal Audit Report
  - (b) monitoring the performance of internal audit
  
6. to make, on behalf of the Council, and having had regard to any recommendations of Standards Committee, representations to external

---

<sup>1</sup> 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.

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

<sup>3</sup> 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.

## *Council Committees' Terms of Reference*

agencies<sup>4</sup> about any matter relating to general principles of conduct, model codes of conduct and the codes of conduct or protocols approved from time to time by or on behalf of the Council.

---

<sup>4</sup> Such external agencies may include, but are not restricted to, the District or Approved Auditor, the Commission for Local Government, the Standards Board for England, an Ethical Standards Officer, the Adjudication Panel for England or an adjudication case panel

## **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) function<sup>1</sup> delegated<sup>2</sup> to a Director<sup>3</sup> 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.<sup>4</sup>

---

<sup>1</sup> These functions include local choice functions, which have been determined as non executive functions.

<sup>2</sup> Whether or not the post is vacant

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

<sup>4</sup> 'Function' in this context does not include shared functions with the executive

## Area Committees

Within each Committee's area:

### **(Council functions)**

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

### (Executive functions)<sup>7</sup>

7. *to promote and improve the economic, social and environmental well-being of the Committee's area<sup>8</sup>;*
8. *to exercise Area Functions;<sup>9</sup>*

---

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

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

<sup>3</sup> This is an advisory function under Section 102(4) Local Government Act 1972.

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

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

<sup>6</sup> This is an advisory function under Section 102(4) Local Government Act 1972

<sup>7</sup> All executive functions will be exercisable concurrently with the Executive Board.

<sup>8</sup> In furtherance of, and subject to the limitations set out in the Well-being Schedule detailed in Part 3 Section 3D of the Constitution, as determined from time to time by the Executive Board

<sup>9</sup> As determined from time to time by the Executive Board and in furtherance of, and subject to the limitations set out in the Area Function Schedule(s) detailed in Part 3 Section 3D of the Constitution and the Area Committee Procedure Rules in Part 4 of the Constitution.

## Employment Committee

The Employment Committee is authorised to discharge the following Council (non-executive)<sup>1</sup> functions<sup>2</sup>.

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

---

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

<sup>2</sup> '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

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

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

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

<sup>5</sup> 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

## **Member Management Committee**

The Member Management Committee is authorised to discharge the following functions<sup>1</sup>:

1. to determine which outside bodies<sup>2</sup> require Elected Member<sup>3</sup> 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 Bodies<sup>4</sup>;
2. to determine requests to establish informal Working Groups of Members, except where such a request falls to be determined by another Committee<sup>5</sup>;
3. to act as an Advisory Body for the purposes of implementing practices and procedures affecting Elected Members<sup>6</sup>; and
4. to consider matters in relation to the Training and Development of Elected Members;
5. to represent the views of Elected Members to the executive, in relation to the provision to Elected Members of information, communication and associated technologies; and
6. to represent the views of Elected Members to the executive, in relation to the provision of accommodation for Elected Members.

---

<sup>1</sup> '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.

<sup>2</sup> Excluding those appointments to joint committees which are reserved to full Council

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

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

<sup>5</sup> 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.

<sup>6</sup> 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



## The Licensing Committee

With the exception<sup>1</sup> of

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

the Licensing Committee is authorised to discharge<sup>4</sup> the following functions<sup>5</sup>:

1. to discharge the licensing functions of the licensing authority;<sup>6</sup>
- 2.1 to discharge any other function of the authority referred to it by full Council;<sup>7</sup>
- 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 2001<sup>8</sup>
  - 2.2.2 the power to designate an area as an Alcohol Disorder Zone<sup>9</sup>
  - 2.2.3 hackney carriages and private hire vehicles<sup>10</sup>
  - 2.2.4 sexual entertainment venues, sex shops and sex cinemas<sup>11</sup>
  - 2.2.5 performances of hypnotism<sup>12</sup>

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

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

<sup>3</sup> Under the provisions of Section 7(5)(a) of the 2003 Act.

<sup>4</sup> 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.

<sup>5</sup> '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.

<sup>6</sup> This includes the power to set fees under Section 212 of the 2005 Act

<sup>7</sup> 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.

<sup>8</sup> Item 49 of Para I of Schedule 1 to the 2000 Regulations

<sup>9</sup> Item 50 Para I of Schedule 1 to the 2000 Regulations

<sup>10</sup> Item 3 – 5 of Para. B of Schedule 1 to the 2000 Regulations

<sup>11</sup> 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

<sup>12</sup> Item 16 of Para. B of Schedule 1 to the 2000 Regulations

## *Council Committees' Terms of Reference*

### 2.2.6 charitable collections<sup>13</sup>

- 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;<sup>14</sup> and
5. to receive reports from, and to make recommendations and representations to other committees or bodies as appropriate.<sup>15</sup>

---

<sup>13</sup> Item 39 of Para. B of Schedule 1 to the 2000 Regulations

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

<sup>15</sup> 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 discharge<sup>1</sup> the following functions<sup>2</sup> concurrently<sup>3</sup>:

1. functions<sup>4</sup> under:

- (a) section 18(3) of the 2003 Act (determination of application for premises licences where representations have been made);
- (b) section 31(3) of the 2003 Act (determination of application for provisional statements where representations have been made);
- (c) section 35(3) of the 2003 Act (determination of application for variation of premises licence where representations have been made);
- (d) section 39(3) of the 2003 Act (determination of application to vary designated premises supervisors following police objection);
- (e) section 44(5) of the 2003 Act (determination of application for transfer of premises licences following police objection);
- (f) section 48(3) of the 2003 Act (consideration of police objection made to an interim authority notice);
- (g) section 52(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 representations have been made);
- (k) section 88(3) of the 2003 Act (determination of application for review of a club premises certificate);
- (l) section 105(2)(decision to give counter notice following police objection to a temporary event notice);
- (m) section 120(7) of the 2003 Act (determination of application for grant of personal licence following police objection);
- (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 (revocation of licence where convictions come to light after grant or renewal of personal licences);
- (p) section 20(3) of the 2003 Act (making recommendations for restricting the admission of children to the exhibition of any film)
- (q) section 159 of the 2005 Act (determination of application for premises licences where representations have been made)<sup>5</sup>

---

<sup>1</sup> 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)).

<sup>2</sup> "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.

<sup>3</sup> Section 10(3) of the 2003 Act.

<sup>4</sup> Including agreeing whether a hearing is necessary.

- (r) section 187 of the 2005 Act (determination of application for variation of premises licence where representations have been made);<sup>5</sup>
  - (s) section 188 of the 2005 Act (determination of application for transfer of premises licences following objection);<sup>6</sup>
  - (t) section 195 of the 2005 Act (consideration of objection made to an application for reinstatement);<sup>6</sup>
  - (u) section 203 of the 2005 Act (determination of review of a premises licence);
  - (v) section 204 of the 2005 Act (determination of application for provisional statements where representations have been made);<sup>6</sup>
  - (w) section 224 of the 2005 Act (decision to give counter notice following an objection to a temporary use notice);
  - (x) schedule 10 of the 2005 Act (consideration of representations in relation to the proposed rejection of a family entertainment centre permit);
  - (y) schedule 14 of the 2005 Act (consideration of representations in relation to the proposed rejection of a prize gaming permit);
  - (z) schedule 13 of the 2005 Act (consideration of representations in relation to the proposed rejection of an alcohol licensed premises gaming machine permit);
  - (aa) schedule 12 of the 2005 Act (consideration of representations in relation to the proposed rejection of a club gaming permit or club machine permit);
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 hypnotism<sup>7</sup> where an officer has considered not to exercise their delegated authority and has referred the matter to the sub-committee for determination.
  5. The function of licensing persons to collect for charitable and other causes<sup>8</sup> where either objections have been received, or an officer has considered not to exercise their delegated authority and has referred the matter to the sub-committee for determination.
  6. 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.

---

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

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

<sup>7</sup> The Hypnotism Act 1952

<sup>8</sup> Section 5 of the Police, Factories etc (Miscellaneous Provisions) Act 1916 and section 2 of the House to House Collections Act 1939

## *Council Committees' Terms of Reference*

5. 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.

A Sub Committee is not authorised to discharge functions under paragraph 1 (p) to (u) above where the application relates to a licence for a large casino pursuant to s174 of the 2005 Act.

## Plans Panels

The Plans Panels are authorised<sup>1</sup> to discharge<sup>2</sup> the following functions<sup>3</sup>

1. all Council (non-executive)<sup>4</sup> functions relating to:
  - (a) town and country planning and development control<sup>5</sup>;
  - (b) safety certificates for sports grounds<sup>6</sup>;
  - (c) common land or town and village greens<sup>7</sup>;
  - (d) street works and highways<sup>8</sup>;
  - (e) public rights of way<sup>9</sup>;
  - (f) the protection of hedgerows and the preservation of trees<sup>10</sup>; and
  - (g) high hedges.<sup>11</sup>
  
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 function<sup>12</sup>, where full Council has referred a matter to the panel.

---

<sup>1</sup> 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)

<sup>2</sup> With the exception of any licensing function under the Licensing Act 2003, the Panels 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.

<sup>3</sup> '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

<sup>4</sup> Local Authorities (Functions and Responsibilities)(England)Regulations 2000 as amended

<sup>5</sup> Items 5-31, Para. A of Schedule 1 of the 2000 Regulations

<sup>6</sup> Items 26 and 27 of Para B of Schedule 1 of the 2000 Regulations

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

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

<sup>9</sup> Part I of Para I of Schedule 1 of the 2000 Regulations

<sup>10</sup> Items 46 and 47 of Para I of Schedule 1 of the 2000 Regulations

<sup>11</sup> Item 47A of Para. I of Schedule 1 of the 2000 Regulations

<sup>12</sup> (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))

## ADVISORY COMMITTEE

### Development Plan Panel

An advisory Committee<sup>1</sup> 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 are<sup>2</sup>

- 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 are<sup>2</sup>*

- *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*

---

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

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

## **SECTION 2C**

# **OFFICER DELEGATION SCHEME (COUNCIL (NON-EXECUTIVE) FUNCTIONS)**

Body/Person with authority to  
change the document

Full Council



## **GENERAL DELEGATIONS TO OFFICERS**

1. The fact that a function has been delegated to an officer does not require that officer to give the matter his/her personal attention and that officer may arrange for such delegation to be exercised by an officer of suitable experience and seniority. However the officer to whom the delegation has been made remains responsible for any decision taken pursuant to such arrangements
  
2. Subject to the exception listed below, in respect of approvals, licences, permission or registrations which come within the terms of their delegated authority, the Chief Executive, Deputy Chief Executive, Assistant Chief Executive (Customer Access and Performance), all Directors, City Solicitor and other named officers<sup>1</sup> are authorised<sup>2</sup>:
  - (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 comply<sup>3</sup>;
  - (d) to amend, modify, vary or revoke; and
  - (e) to determine whether a charge should be made or the amount of such a charge.
  
- 3 The Chief Executive, the Deputy Chief Executive, the Assistant Chief Executive (Customer Access and Performance), all Directors and City Solicitor are authorised to carry out the following in respect of those functions for which they have delegated authority<sup>4</sup>:

---

<sup>1</sup> These are all other officers listed in Article 12.

<sup>2</sup> 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.

<sup>3</sup> 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.

<sup>4</sup> 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.

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

- (a) to make payments or provide other benefits in cases of maladministration<sup>5</sup>;
- (b) functions relating to health and safety under any relevant statutory provision within the meaning of Part 1 of the Health and Safety at Work Act 1974, to the extent that these functions are discharged otherwise than in the Council's capacity as employer;
- (c)<sup>6</sup>
  - (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'<sup>7</sup> 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.

---

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

<sup>6</sup> All officers are nominated for this purpose by the Head of Paid Service

<sup>7</sup> 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 Executive<sup>1</sup> 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 <sup>2</sup>	
	i. Duties relating to community governance reviews	Section 79 of the Local Government and Public Involvement in Health Act 2007

<sup>1</sup> 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.

<sup>2</sup> 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 <sup>3</sup>	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	Section 9N Local Government Act 2000

<sup>3</sup> 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

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

	under Section 9N of the Local Government Act 2000, or related regulations	
--	---	--

## **The Director of Children's Services<sup>1</sup>**

The Director of Children's Services<sup>2</sup> 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
---------------------------------------	--

---

<sup>1</sup> Appointed under Section 18 Children Act 2004

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

## Director of City Development

The Director of City Development<sup>1</sup> is authorised to discharge the following Council (non-executive) functions:

(a)	To license pleasure boats and pleasure vessels	Section 94 of the Public Health Acts Amendment Act 1907
(b)	To license market and street trading	Part III of , and Schedule 4 to, the Local Government (Miscellaneous Provisions) Act 1982
(c)	To issue, amend or replace safety certificates (whether general or special) for sports grounds	The Safety of Sports Grounds Act 1975
(d)	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
(e)	To grant a street works licence	Section 50 of the New Roads and Street Works Act 1991
(f)	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
(g)	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
(h)	To permit deposit of builder's skip on highway	Section 139 of the Highways Act 1980
(i)	To license planting, retention and maintenance of trees etc in part of highway	Section 142 of the Highways Act 1980
(j)	To authorise erection of stiles etc on footpaths or bridleways	Section 147 of the Highways Act 1980
(k)	To license works in relation to buildings etc which obstruct the highway	Section 169 of the Highways Act 1980
(l)	To consent to temporary deposits or excavations in streets	Section 171 of the Highways Act 1980
(m)	To dispense with obligation to erect hoarding or fence	Section 172 of the Highways Act 1980
(n)	To restrict the placing of rails, beams etc over highways	Section 178 of the Highways Act 1980
(o)	To consent to construction of cellars etc under street	Section 179 of the Highways Act 1980

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

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

(p)	To consent to the making of openings into cellars etc under streets and pavement lights and ventilators	Section 180 of the Highways Act 1980
(q)	To create footpath bridleway or restricted byway by agreement	Section 25 of the Highways Act 1980
(r)	To create footpaths bridleways and restricted byways	Section 26 of the Highways Act 1980
(s)	Duty to keep register of information with respect to maps, statements and declarations	Section 31A of the Highways Act 1980
(t)	To stop up footpaths bridleways and restricted byways	Section 118 of the Highways Act 1980
(u)	To determine application for public path extinguishment order	Sections 118ZA and 118C(2) of the Highways Act 1980
(v)	To make a rail crossing extinguishment order	Section 118A of the Highways Act 1980
(w)	To make a special extinguishment order	Section 118B of the Highways Act 1980
(x)	To divert footpaths bridleways and restricted byways	Section 119 of the Highways Act 1980
(y)	To make a public path diversion order	Sections 119ZA and 119C(4) of the Highways Act 1980
(z)	To make a rail crossing diversion order	Section 119A of the Highways Act 1980
(aa)	To make a special diversion order	Section 119B of the Highways Act 1980
(bb)	To require applicant for order to enter into agreement	Section 119C(3) of the Highways Act 1980
(cc)	To make an SSSI diversion order	Section 12B of the Highways Act 1980
(dd)	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
(ee)	To decline to determine certain applications	Section 121C of the Highways Act 1980
(ff)	To assert and protect the rights of the public to use and enjoyment of highways	Section 130 of the Highways Act 1980
(gg)	To serve notice of proposed action in relation to obstruction	Section 130A of the Highways Act 1980
(hh)	To apply for variation of order under section 130B of the Highway Act 1980	Section 130B(7) of the Highways Act 1980
(ii)	To authorise temporary disturbance of surface of footpath bridleway or restricted byway	Section 135 Highways Act 1980
(jj)	To divert footpath bridleway or restricted byway temporarily	Section 135A of the Highways Act 1980
(kk)	To make good damage and remove obstructions	Section 135B of the Highways Act 1980
(ll)	To remove nuisances deposited on the highway	Section 149 of the Highways Act 1980
(mm)	To extinguish certain public rights of way	Section 32 of the Acquisition of Land Act 1981



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

(nn)	To keep definitive map and statement under review	Section 53 of the Wildlife and Countryside Act 1981
(oo)	To include modifications in other orders	Section 53A of the Wildlife and Countryside Act 1981
(pp)	To keep register of prescribed information with respect to applications under section 53(5) of the Wildlife and Countryside Act 1981	Section 53B of the Wildlife and Countryside Act 1981
(qq)	To prepare map and statement by way of consolidation of definitive map and statement	Section 57A of the Wildlife and Countryside Act 1981
(rr)	To designate footpath as cycle track	Section 3 of the Cycle Tracks Act 1984
(ss)	To extinguish public right of way over land acquired for clearance	Section 294 of the Housing Act 1981
(tt)	To authorise stopping up or diversion of highway	Section 247 of the Town and Country Planning Act 1990
(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

## Chief Planning Officer

Subject to the exceptions listed below, the Chief Planning Officer<sup>1</sup> is authorised to discharge the following Council (non-executive) functions:

### Town and Country Planning and Development Control

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

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

(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)	To determine applications for conservation area consent	Section 16(1) of the Planning (Listed Buildings and Conservation Areas Act 1990 , as applied by section 74(3) of that Act
(w)	Duties relating to applications for listed building consent and conservation area consent	Sections 13(1) and 14(1) and (4) of the Planning (Listed Buildings and Buildings and Conservation Areas) Act 1990 and regulations 3 to 6 and 13 of the Town and Country Planning (Listed Buildings and Buildings in Conservation Areas) Regulations 1990 and paragraphs 8, 15 and 26 of Department of the Environment , Transport and the Regions Circular 01/01
(x)	To serve a building preservation notice, and related powers	Sections 3(1) and 4(1) of the Planning (Listed Buildings and Buildings and Conservation areas) Act 1990
(y)	To issue enforcement notice in relation to demolition of listed building in conservation area	Section 38 of the Planning (Listed Buildings and Buildings and Conservation Areas) Act 1990
(z)	To acquire a listed building in need of repair and to serve a repairs notice	Sections 47 and 48 of the Planning (Listed Buildings and Buildings and Conservation Areas) Act 1990
(aa)	To apply for an injunction in relation to a listed building	Section 44A of the Planning (Listed Buildings and Buildings and Conservation Areas) Act 1990
(bb)	To execute urgent works	Section 54 of Planning (Listed Buildings and Buildings and Conservation Areas) Act 1990

### Commons Registration

(a)	To register common land or town or village 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) and the Commons Registration (England) Regulations 2008 (S.I. 2008/1961)
(d)	Power to apply for an enforcement order against unlawful works on common land	Section 41 of the Commons Act 2006
(e)	Power to protect unclaimed registered common land and unclaimed town or village greens against unlawful interference.	Section 45(2)(a) of the Commons Act 2006.
(f)	Power to institute proceedings for offences in respect of unclaimed registered common land and unclaimed town or village greens	Section 45(2)(b) of the Commons Act 2006

### Hedgerows and Trees

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

### High Hedges

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

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

**Exceptions:**

The Chief Planning Officer is not authorised<sup>2</sup> to discharge the following functions:

**Town and Country Planning and Development Control**

(a)	the determination of applications following a written request <sup>4</sup> to the Chief Planning Officer by a Ward Member <ul style="list-style-type: none"><li>• concerning an application within the Ward he/she represents, or</li><li>• 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</li></ul> 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 <sup>5</sup> which the Chair <sup>6</sup> 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 <sup>7</sup> 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.

<sup>2</sup> 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).

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

## **Commons Registration**

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

<sup>5</sup> "Major Development" for these purposes means:

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

<sup>6</sup> In conjunction with the Chief Planning Officer

<sup>7</sup> In conjunction with the Chief Planning Officer

## **Director of Environment and Neighbourhoods**

The Director of Environment and Neighbourhoods<sup>1</sup> is authorised to discharge the following Council (non-executive) functions:

(a)	To issue licences authorising the use of land as a caravan site ("site licences")	Section 3(3) of the Caravan Sites and Control of Development Act 1960
(b)	To license the use of moveable dwellings and camping sites	Section 269(1) of the Public Health Act 1936
(c)	To license premises for acupuncture, tattooing, ear-piercing and electrolysis	Sections 13 to 17 of the Local Government (Miscellaneous Provisions) Act 1982
(d)	To license premises for the breeding of dogs	Section 1 of the Breeding of Dogs Act 1973 and Section 1 of the Breeding and Sale of Dogs (Welfare) Act 1999
(e)	To license pet shops and other establishment where animals are bred or kept for the purposes of carrying on a business	Section 1 of the Pet Animals Act 1951, section 1 of the Animal Boarding Establishments Act 1963, the Riding Establishments Act 1964 and 1970, section 1 of the Breeding of Dogs Act 1973 and sections 1 and 8 of the Breeding and Sale of Dogs (Welfare) Act 1999
(f)	To register animal trainers and exhibitors	Section 1 of the Performing Animals (Regulation) Act 1925
(g)	To license zoos	Section 1 of the Zoo Licensing Act 1981
(h)	To license dangerous wild animals	Section 1 of the Dangerous Wild Animals Act 1976

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

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

(i)	To grant consent for the operation of a loudspeaker	Schedule 2 to the Noise and Statutory Nuisance Act 1993
(j)	To issue licences for the movement of pigs	Article 12 of the Pigs (Records, Identification and Movement) Order 1995 (SI 1996/11)
(k)	To license the sale of pigs	Article 13 of the Pigs (Records, Identification and Movement) Order 1995
(l)	To license collecting centres for the movement of pigs	Article 14 of the Pigs (Records, Identification and Movement) Order 1995
(m)	To issue a licence to move cattle from a market	Article 5(2) of the Cattle Identification Regulations 1998 (SI 1998/871)
(n)	To sanction use of parts of buildings for storage of celluloid	Section 1 of the Celluloid and Cinematograph Film Act 1922
(o)	Duty to enforce Chapter 1 and regulations made under it	Section 10(3) of the Health Act 2006
(p)	Power to authorise officers	Section 10(5) of, and paragraph 1 of Schedule 2 to, the Health Act 2006
(q)	Functions related to fixed penalty notices	Paragraphs 13,15 and 16 of Schedule 1 to the Health Act 2006. Smoke-free (Vehicle Operators and Penalty Notices) Regulations 2007 (SI 2006/760)
(r)	Power to transfer enforcement functions to another enforcement authority	Smoke-free(Premises and Enforcement) Regulations 2006 (SI 2006/3368)



## Director of Resources

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

(a)	To appoint review boards under the Social Security Act 1998 <sup>2</sup>
(b)	To make arrangements for appeals against exclusion of pupils from maintained Schools
(c)	To make arrangements for appeals regarding school admissions <sup>3</sup>
(d)	To make arrangements for appeals by governing bodies <sup>4</sup>
(e)	To make arrangements to enable questions to be put at Council meetings on the discharge of the functions of a police authority <sup>5</sup>

2. Subject to the Exceptions listed below, the Director of Resources is authorised to discharge the following Council (non-executive) functions:

### Functions relating to Human Resources

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

### Functions relating to standing orders

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

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

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

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

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

<sup>5</sup> s20 Police Act 1996

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

## Regulatory Functions

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

## Exceptions<sup>7</sup>

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

## Appointments to Committees Boards and Panels

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

---

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

### Licensing Functions delegated by Licensing Committee

<p>Subject to the exceptions listed below, the Director of Resources is authorised to discharge the licensing functions<sup>1</sup> of the licensing authority.</p> <p><u>Exceptions:</u></p> <ul style="list-style-type: none"> <li>• any licensing function<sup>2</sup> reserved to full Council<sup>3</sup>; and</li> <li>• any licensing function where full Council has referred a matter to a committee other than the Licensing Committee<sup>4</sup>; and</li> <li>• any licensing function within the terms of reference of the Licensing Sub-committees<sup>5</sup>; and</li> <li>• to object when the Authority is consultee and not the relevant authority considering an application under the 2003 Act</li> </ul>	<p>Licensing Act 2003 and the Gambling Act 2005.</p>
---	--

### Functions related to the Licensing Functions delegated by Licensing Committee

Subject to the exceptions listed below, the Director of Resources is authorised to discharge the functions set out in the following table that are delegated to the Director of Resources by Licensing Committee

(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

<sup>1</sup> "Licensing functions" means functions under the 2003 Act and the 2005 Act.

<sup>2</sup> "Licensing functions" means functions under the 2003 Act and the 2005 Act.

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

<sup>4</sup> Under the provisions of Section 7(5)(a) of the 2003 Act

<sup>5</sup> Except where a Licensing sub-committee has arranged for the discharge of any of their functions by an Officer

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

(d)	* To licence sex shops and sex cinemas and sexual entertainment venues.	The Local Government (Miscellaneous Provisions) Act 1982, Section 2, Schedule 3, the Policing and Crime Act 2009, Section 27.
(e)	To license performances of hypnotism.	The Hypnotism Act 1952
(f)	* To license persons to collect for charitable and other causes	Section 5 of the Police, Factories etc (Miscellaneous Provisions) Act 1916 and section 2 of the House to House Collections Act 1939

**Exceptions**

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

**Appointments to Sub-Committees**

The Director of Resources 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.

## **City Solicitor**

1. The City Solicitor is the Monitoring Officer for the Council.
2. The City Solicitor is deputy Electoral Registration Officer<sup>1</sup>.
3. The City Solicitor<sup>2</sup> is authorised to discharge the following 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
--	--

---

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

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