

PART 2

SCHEME OF DELEGATION

Decision-Making and Responsibility for Functions

CABINET MEMBERS VERSION

With MAY TO JULY CHANGES 2013

AND CHANGES ARISING FROM RESTRUCTURING SEPTEMBER 2013

Part 2.1– General

2.1 Introduction

2.1.1 Principles of Decision Making

Comment [cab1]: Formerly in Article 12

All decisions should be taken, as far as possible, in accordance with the following principles:-

- There is a presumption in favour of decision making being open and transparent. All decisions should be taken in public and members of the public should be afforded access to all relevant information (unless the decision concerns confidential or exempt business).
- All appropriate consultation should take place with those affected or likely to be affected by any decision and the body or individual taking the decision should have regard to the outcome(s) of such consultation.
- Decision making should be planned and the public given due notification of forthcoming decisions.
- Decisions must be taken with regard to all relevant considerations and ignoring all irrelevant considerations.
- Decisions should reflect the Council's overall corporate aims and objectives and have regard to [any relevant](#) approved policies and procedures of the Council.
- Decisions should be taken only after the decision making body or individual has obtained and considered professional advice from suitably qualified officers of the Council. If the Council does not have a suitably qualified individual to give the appropriate advice, consideration should be given to obtaining such advice from an external source.
- Any decision taken must be justifiable in terms of being proportionate to the desired outcome – "the principle of proportionality".
- Due regard must be had to any relevant statutory provisions and with respect for human rights protected by the Human Rights Act 1998.
- Due regard must be had to the Council's obligations and desire to promote equality of opportunity and equal treatment.
- Due regard must be had to the Council's desire to improve the quality of life for those working and visiting within the City particularly for those suffering highest levels of deprivation.
- All decisions taken through the political management process should be taken only after a properly constructed report has been presented and considered. The report should make it clear what options were considered and the reason for the decision that was taken.

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- In some instances (in case of urgency or where confidential or exempt business is being considered) it may not be appropriate to comply with all these principles. Decision makers must be satisfied that the principles have been complied with as far as practicable and that in all the circumstances it is appropriate to take the decision.

2.1.2 Types of Decision

Comment [cab2]: Formerly in Article 12

2.1.2.1 Under the Constitution, decisions may be taken by:-

- the full Council
- the Cabinet collectively
- individual Cabinet Members
- Committees and sub committees
- Employees

2.1.2.2 Under the Constitution, decisions taken by:-

- Scrutiny Boards and Scrutiny Co-ordination Committee
- Advisory Panels
- Appointments Panels

will form recommendations or referrals (as appropriate) to the decision making bodies listed above.

2.1.2.3 Whichever body or individual is responsible for taking a decision, the decision will be formally minuted and recorded and unless it contains confidential private or exempt information, will be open to public inspection.

2.1.2.4 Decisions relating to the functions listed in Part 2.3 will be made by the full Council and not delegated.

2.1.3 Key Decisions

Comment [cab3]: Formerly in Article 12

2.1.3.1 A key decision is an executive decision which is likely to:-

- (a) result in the City Council incurring expenditure, making savings or receiving income which is/are significant having regard to the Council's budget for the service or function to which the decision relates; or
- (b) be significant in terms of its effects on communities living or working in an area comprising 2 or more wards or electoral divisions in the area of the City;

2.1.3.2 By the term "significant" the Council means a decision which:-

- (a) results in expenditure, savings, income, additional funding or virement of over £1 million 500,000 per annum being incurred or achieved and which additionally, in the case of a capital scheme, has not been identified in the "Approved Programme" within the Capital Programme; or

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(b) results in an outcome which will have a marked effect on communities living or working in an area comprising 2 or more wards.

2.1.3.3 The following will be deemed not to be key decisions:-

(a) any decision to implement or take forward an earlier key decision.

(b) any decision that is non-executive.

2.1.3.4 A decision taker may only make a key decision in accordance with the requirements of the Procedure Rules set out in Part 3 of this Constitution.

2.1.4 **Decision Making by Council Bodies and Individuals**

Comment [cab4]: Summary of Article 12

2.1.4.1 Council meetings will follow the Council Procedure Rules set out in the Constitution when considering any matter.

2.1.4.2 The Cabinet and Cabinet Members will follow the Cabinet Procedure Rules set out in the Constitution when considering any matter.

2.1.4.3 Other Council committees and sub-committees will follow those parts of the Council Procedures Rules set out in the Constitution as apply to them.

2.1.5 **Decision Making by Council Bodies Acting as Tribunals**

Comment [cab5]: Formerly in Article 12

2.1.5.1 The Council, a Council body, a Councillor or an employee may from time to time act as a tribunal and exercise quasi judicial decision making. When so acting, the body or individual will adopt and follow procedures so as to ensure all legal requirements including the rules of natural justice and Human Rights Act are complied with. Details of the procedure applying to any such body can be made available upon request.

2.1.6 **Government Consultation Papers**

Comment [cab6]: Part 7 paragraph 7.3

2.1.6.1 Responses to Government Consultation papers (~~unless the Chief Executive determines that they relate to a “technical” issue~~) will be ~~considered-decided~~ by ~~Scrutiny~~ Council (where ~~such consideration is~~ practicable within the timescale ~~of the relevant consultation~~). Where the timescale of the relevant consultation does not permit consideration by Council, responses shall be ~~considered-decided~~ by Cabinet (~~where practicable within the timescale~~). ~~Where the timescale does not permit consideration by Cabinet, responses shall be decided or by the relevant Committee. Where the timescale of the relevant consultation does not permit consideration by either Council, Cabinet or the relevant Committee, responses shall be considered by~~ the Leader, the appropriate Cabinet Member and the appropriate Director, ~~unless the Chief Executive determines that they relate to a “technical” issue.~~

2.1.6.2 Where the Chief Executive determines that a consultation paper relates to a “technical” issue, all Group Leaders on the Council shall be consulted. If any Group Leader disagrees, the Consultation paper will go through the normal process for consultations. If Group Leaders agree the paper is “technical”, responses to them will be delegated to the appropriate Director, in consultation with the relevant Cabinet Member, Shadow

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Cabinet Member and other Group Leaders. Where practicable within the timescale of the relevant consultation, details will then be sent to all Councillors informing them of the proposed response to the consultation, asking if they wish to make any comments. The appropriate member of Strategic Management Board Director and relevant Cabinet Member and Shadow Cabinet Member will then consider any such documents received before submitting the response.

2.1.7 Allocation of Functions

2.1.7.1 In this part "Functions of the Executive" will mean functions of the Leader and Cabinet and "Council functions" shall mean functions of the full Council of the City of Coventry comprising its elected members and chairperson (or Lord Mayor) and of any committees or sub committees exercising functions on behalf of the full Council.

2.1.7.2 Section 9D of the Local Government Act 2000 provides that all functions of a local authority shall be functions of the Executive of that authority except in so far as they are reserved to Council by legislation or by regulations made under the Local Government Act 2000. The Local Authorities (Functions and Responsibilities) (England) Regulations 2000 set out those functions:-

- a) which must not be discharged by the Executive and are therefore reserved as Council functions;
- b) which may be the responsibility of the Executive subject to the Council's discretion (these are set out in the table of Local Choice Functions);
- c) which may not be the sole responsibility of the Executive, where the Council exercises a confirmatory function; and
- d) ~~those circumstances in which functions~~ that would otherwise be Executive functions but which fall to be discharged other than by the Executive in prescribed circumstances, that is when they become Council functions.

2.1.7.3 The Council may make arrangements under section 101 of the Local Government Act 1972 for the discharge of certain of its functions by:

- a Committee;
- a Sub-Committee;
- a Joint Committee;
- another local authority;
- an employee.

2.1.7.4 Under section 9E of the Local Government Act 2000, the Leader may make provision that specific Executive functions shall be allocated to, and discharged by,

- the Executive as a body;
- an individual member of the Executive;

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- a Committee of the Executive;
- an area committee; or
- an officer (usually an employee).

Additionally, s.236 Local Government and Public Involvement in Health Act 2007 allows both Council and Cabinet functions to be delegated to individual members on local ward matters. However, at present no such functions are delegated to individual members.

2.1.7.5 This Part 2 gives details of the split of functions adopted by the City Council in accordance with the statutory regime.

2.1.8 Responsibility for Local Choice Functions

There is a discretion on which body or person can make certain decisions. These are known as Local Choice Functions and are listed in the table below.

Local Choice Function	Responsible Body or Person	Any Restrictions	Statutory References
Any function under a local Act other than a function specified or referred to in Regulation 2 of, or Schedule 1 to, the Regulations	Council	Except to the extent that powers are delegated to officers	Local Authorities Functions and Responsibilities) (England) Regulations 2000.
The determination of an appeal against any decision made by or on behalf of the authority	Council but delegated to the Appeals Committee	Except to the extent that powers are delegated to officers	Any enactment conferring a power on the Council to determine such appeals.
The making of arrangements in relation to appeals against the exclusion of pupils from maintained	Council but delegated to the Schools Appeals Committee	Except to the extent that powers are delegated to officers	Section 52 of the Education Act 2002 and any relevant subordinate legislation.
The making of arrangements for school admission appeals	Council but delegated to the Schools Appeals Committee	Except to the extent that powers are delegated to officers	Sections 94(1), (1A), (4) and (5) of the School Standards and Framework Act 1998 and relevant subordinate legislation.
The making of arrangements for appeals by governing bodies against an LEA decision to admit a child permanently excluded	Council but delegated to the Schools Appeals	Except to the extent that powers are delegated to officers	Sections 87 and 95(2) and (3A) of the School Standards and Framework Act 1998 and relevant subordinate legislation

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form two schools	Committee		
Any function relating to contaminated land	Council	Delegated to the Licensing and Regulatory Committee except to the extent that powers are delegated to officers	Part IIA of the Environmental Protection Act 1990 and relevant subordinate legislation
The discharge of any function relating to the control of pollution or the management of air quality	Council	Delegated to the Licensing and Regulatory Committee except to the extent that powers are delegated to officers	The Pollution Prevention and Control Act 1999; Part IV of the Environmental Protection Act 1990 and the Clean Air Act 1993
The service of an abatement notice in respect of a statutory nuisance	Council	Delegated to the Licensing and Regulatory Committee except to the extent that powers are delegated to officers	The Noise and Statutory Nuisance Act 1993 and the Environmental Protection Act 1990
The passing of a resolution that Schedule 2 to the Noise and Statutory Nuisance Act 1993 should apply in the authority's area.	Council	Delegated to the Licensing and Regulatory Committee except to the extent that powers are delegated to officers	Section 8 of and Schedule 2 to the Noise and Statutory Nuisance Act 1993
The inspection of the authority's area to detect any statutory nuisance	Council	Delegated to the Licensing and Regulatory Committee except to the extent that powers are delegated to officers	Section 79 of the Environmental Protection Act 1990
The investigation of any complaint as to the existence of a statutory nuisance	Council	Delegated to the Licensing and Regulatory Committee except to the extent that powers are delegated to officers	Section 79 of the Environmental Protection Act 1990
The obtaining of information as to interests in land	Council	Delegated to the Planning Committee except to the extent that powers are delegated to officers	Section 330 of the Town and Country Planning Act 1990

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The obtaining of particulars of persons interested in land	Cabinet <u>or</u> Cabinet Member	Except to the extent that powers are delegated to officers	Section 16 of the Local Government (Miscellaneous Provisions) Act 1976
The making of agreements for the execution of highways works	Council	Delegated to the Planning Committee except to the extent that powers are delegated to officers	Section 278 of the Highways Act 1980 and Section 23 of the New Roads and Street Works Act 1991
The appointment of any individual— (a) to any office other than an office in which he is employed by the authority; (b) to any body other than: (i) the authority; (ii) a joint committee of two or more authorities; or (c) to any committee or sub-committee of such a body; and the revocation of any such appointment.	Council		Any enactment conferring a power to make such appointments or to revoke the same

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2.2 FUNCTIONS OF CABINET

2.2.1 The Cabinet will carry out all of the Council's functions which are not the responsibility of any other part of the Council.

2.2.2 **Form and Constitution**

Comment [cab7]: Formerly in Article 7

2.2.2.1 The Cabinet will consist of the Leader and Deputy Leader together with at least 1, but not more than 8 other Councillors appointed to the Cabinet by the Leader.

2.2.2.2 The Cabinet cannot include the Lord Mayor or Deputy Lord Mayor and there will be no substitutes or co-optees for Cabinet members. The Leader may appoint Deputy Cabinet Members who will have the roles and responsibilities set out in 2.2.6 below.

2.2.2.3 To ensure that the Cabinet is aware of cross party views on matters to be decided by the Cabinet, representatives from the opposition groups will be entitled to attend meetings of the Cabinet but not to vote. There will be a maximum of four such representatives, two of whom will be nominees of the numerically-largest opposition group and one each from the next two numerically-largest opposition groups. The nominations are to be submitted by those opposition groups. Such representatives will be determined by the Council and will be entitled to nominate substitute members.

2.2.2.4 Members of the Cabinet cannot be members of any Scrutiny Board, Planning Committee or Licensing and Regulatory Committee.

2.2.3 **Appointment of Leader and Deputy Leader**

Comment [cab8]: Formerly in Article 7

2.2.3.1 The Leader will be a Councillor elected to the position of Leader by the Council. The Leader will hold office until the date of the first annual meeting of the Council that takes place after the Leader's normal retirement as a Councillor, unless:-

- (a) s/he is removed from that office by resolution of the Council, or
- (b) s/he resigns from the office, or
- (c) s/he is no longer a Councillor.

2.2.3.2 If the Council passes a resolution to remove the Leader from office, it will elect a new Leader at the meeting at which the Leader is removed or at a subsequent meeting.

2.2.3.3 The Deputy Leader will be a Councillor appointed to that position by the Leader. The Deputy Leader will hold office until the end of the term of the Leader unless:-

- (a) s/he is removed from that office by Leader, or
- (b) s/he resigns from the office, or
- (c) s/he is no longer a Councillor.

2.2.3.4 If for any reason the Leader is unable to act or the office of Leader is vacant, the Deputy Leader will act in his/her place.

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2.2.3.5 In the event that the Council does not elect a Leader at the first Annual Meeting of the Council that takes place after the existing Leader's normal retirement as a Councillor, then the existing Leader shall appoint a Deputy Leader and Cabinet and where this is not possible, the Deputy Leader shall become Leader, appoint a Deputy Leader and Cabinet and shall carry out Executive functions until a Leader is elected. If this is not possible in the circumstances, then the Chief Executive will exercise the executive functions of the Leader until a new Leader is elected.

2.2.4 **Other Cabinet Members**

Comment [cab9]: Formerly in Article 7

2.2.4.1 Other Cabinet Members will hold office until the end of the term of office of the Leader unless:-

- (a) they are removed from that office by the Leader, or
- (b) they resign from office, or
- (c) they are no longer Councillors.

2.2.4.2 If for any reason the office of both the Leader and Deputy Leader are vacant or neither one able to act, then the remaining Cabinet Members shall appoint one from their number to act in place of the Leader and Deputy Leader or shall act collectively in place of the Leader and Deputy Leader until such time as a new Leader is elected at a Council meeting.

2.2.5 **Advisory Panels**

Comment [cab10]: Formerly in Article

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2.2.5.1 The Cabinet and Cabinet Members may appoint Cabinet Advisory Panels to provide advice and guidance to the Cabinet and Cabinet Members. Such Panels may be made up of Councillors and persons outside the Council. They need not reflect the political balance of the Council. Cabinet Advisory Panels will operate in accordance with Cabinet Procedure Rule 3.4.8.7

2.2.5.2 The Chair of a Cabinet Advisory Panel will normally be the Leader of the Council (for Advisory Panels of the Cabinet) or the relevant Cabinet Member but an alternative Chair may be appointed by the Leader or relevant Cabinet Member.

2.2.6 **Deputy Cabinet Member Role and Responsibilities**

Deputy Cabinet Members have the following role and responsibilities:

- 2.2.6.1 To support the Cabinet Member in carrying out his/her responsibilities.
- 2.2.6.2 To deputise for the Cabinet Member at meetings including Cabinet, and any other relevant meetings or external events.
- 2.2.6.3 To attend Scrutiny Board or Scrutiny Co-ordination Committee meetings as required, answering questions and speaking on behalf of the Cabinet Member.
- 2.2.6.4 To maintain awareness of policy developments, and advise the Cabinet Member of key developments.
- 2.2.6.5 To bring to the attention of the Cabinet Member issues of concern to members who are not part of the Executive.
- 2.2.6.6 To undertake research and any other tasks under the direction of the Cabinet Member.

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2.2.6.7 To liaise with relevant officers to be up to date with service developments and ensure the Cabinet Member is informed of key issues, and to be consulted in the absence of the Cabinet Member where this is required in the Scheme of Delegation.

Note: Deputy Cabinet Members may attend and speak at meetings of the Cabinet, but cannot vote and are not members of the Executive.

2.2.7 Terms of Reference of Cabinet

The Cabinet will specifically be responsible for:

- (a) Maintaining and improving governance of the City.
- (b) The financial management of the City Council in accordance with the Financial Procedure Rules, the Budget and Policy Framework Procedure Rules and any other relevant rules in Part 3.
- (c) Recommendations to the Council in respect of annual Policy Priorities and Resources allocation process and the resulting revenue and capital budgets or other aspects of the Budget and Policy Framework.
- (d) Decisions on resources and priorities within the Budget and Policy Framework agreed by the City Council.
- (e) Approval of the Council Tax Base and Recommendations to the Council in respect of the level of Council Tax to be levied each year.
- (f) Recommendations to the Council in respect of statutory plans, the Coventry Community Plan and other plans forming component parts of the Budget and Policy Framework.
- (g) Obtaining views within the Council and with other stakeholders, agencies and the business, voluntary and community sectors to identify and address local needs.
- (h) Obtaining views from Scrutiny, other Council Committees, appropriate employees and any other person or body necessary to ensure that proposals of the Cabinet are put forward on a properly informed basis.
- (i) Preparation of the Council Plan, monitoring performance and ensuring the implementation of that Plan and undertaking the duty of Best Value.
- (j) Executive proposals/recommendations and effective implementation of Council policies and the setting and delivery of service standards in line with the approved Budget and Policy Framework.
- (k) Forming partnerships with other agencies and the business, voluntary and community sectors.
- (l) Holding Members of the **Strategic** Management Board accountable for their strategic and management responsibilities.

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- (m) Recommendations to the Council on matters which are Cabinet functions but in relation to which by virtue of the significance or importance of the matter, the Cabinet decides additionally to seek the confirmation of the Council.
- (n) Agreement of responses ~~following consideration by the appropriate Scrutiny Board where this is practicable within the timescale of the relevant consultation~~ to Government or other consultation papers where consideration by full Council is not practicable within the timescale of the relevant consultation. ~~having significant policy or financial implications for the City Council or the City of Coventry.~~
- (o) Recommendations to the Council on matters which by virtue of financial significance must be referred to Council for confirmation in accordance with the Council's Financial Procedure Rules.
- (p) To consider (where appropriate) reports and recommendations from Scrutiny on matters considered under the Call-In arrangements, as part of a Scrutiny Review or any Best Value Review or otherwise respond to the relevant Scrutiny Board/Committee concerned.
- (q) To consider motions referred from Full Council and Petitions referred to them.
- (r) To make proposals to the Council from time to time as to the delineation of boundaries of Wards and Parliamentary Constituencies and any other matters relating to the administrative arrangements for local elections and electoral registration.
- (s) To take any urgent action (other than decisions as to levying or issuing a precept for a rate or borrowing money or any matter statutorily requiring a decision of the Council). In such circumstances, the decision of the Cabinet will contain a statement justifying the grounds upon which the urgent action was taken.
- (t) The Cabinet may reallocate monies within the overall budget in response to new pressures or changing circumstances. However, the Cabinet is not empowered to incur additional expenditure which cannot be offset by additional income, contingency funds or one off resources without reference to the full Council.
- (u) To discharge the Executive Functions of the Council, except to the extent that these have been delegated to a Cabinet Member or to an employee.

2.2.8 Responsibilities of the Leader of the Council

To lead the Council and the Cabinet in the governance of the City of Coventry and the strategic management of the Council in order to achieve the Council's vision. Within this overall role, the Leader of the Council will:-

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- Represent and promote the City and the interests of its citizens to the outside world, in conjunction with the Lord Mayor.
- Make statements, or nominate another Member to make statements, on issues or matters at Council Meetings.
- Head, or nominate another Member to head, delegations of Members and appropriate Employees from the Council to meet Ministers or other representatives of central government.
- Co-ordinate working arrangements/relationships with the Council's partners and other agencies within the City in the achievement of the best possible standards of living for its citizens.
- Chair meetings of the Coventry Partnership or their nominee whilst that body's constitution calls for it.
- Take action needed, including the authorisation of financial and other resources, in response to any incidents which result in the City Council's Emergency Planning Procedures being activated.
- take any executive decisions that have not been allocated, or exercise any functions that have been delegated to an executive member, in their absence or otherwise as the Leader considers appropriate

~~make recommendations to the Council on changes to the Constitution including changes to the Scheme of Delegation.~~

2.2.9 Appointment of Cabinet Members and Allocation of Cabinet Portfolios

2.2.9.1 The Leader will appoint a Councillor to be the Deputy Leader and shall appoint at least one further Councillor as a Cabinet Member. The Leader may also appoint up to a further seven other Councillors as Cabinet Members. The Leader together with the Deputy Leader and the Cabinet Member(s) appointed by the Leader will form the Cabinet.

2.2.9.2 The appointment of the Deputy Leader and Cabinet Member(s) shall take effect upon the date that written notification of such an appointment is received by the ~~Executive Director, of Resources Customer and Workforce Services.~~ The Leader shall report upon any such appointment at the next available Full Council meeting.

2.2.9.3 The Leader will determine those matters reserved to full Cabinet and the content of each Cabinet Member portfolio so as to ensure that the Executive Functions of the City Council are properly and effectively discharged.

2.2.9.4 The Leader will allocate Executive Functions amongst the Cabinet as he/she sees fit and may from time to time alter those arrangements. The allocation of Executive Functions and any alterations to such arrangements and to arrangements for the appointment of Deputy Cabinet Members will take effect upon the date that written notification is received by the ~~Executive Director.~~

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~~Resources Customer and Workforce Services.~~—The Leader shall report upon the allocation of Executive Functions within the Cabinet or any changes to such arrangements at the next available Full Council meeting.

2.2.9.5 The Leader may remove the Deputy Leader and any Cabinet Member from office. Such removal from office will take effect upon the date that written notification is received by the ~~Executive Director, of Customer and Workforce Services—Resources~~ The Leader shall report upon any such removal from office and the appointment of Deputy Cabinet Members at the next available Full Council meeting.

2.2.9.6 The Leader may appoint ~~and remove~~ Deputy Cabinet Members as non-executive Members, to advise and support Cabinet Members in carrying out their role. Deputy Cabinet Members may deputise for the relevant Cabinet Member in his/her absence as set out in the Cabinet Procedure Rules. Deputy Cabinet Members may not discharge any function given to the Cabinet Member and are not members of the Executive.

2.2.9.7 The Leader may as s/he sees fit delegate Executive Powers to employees and may amend such a scheme of delegation from time to time. Any such arrangements shall take effect upon the date that written notification is received by the ~~Executive Director, Resources—Customer and Workforce Services.~~ The Leader shall report upon any such scheme of delegation or any changes to it at the next available Full Council meeting.

2.2.10 Cabinet Portfolios

2.2.10.1 The Cabinet Member responsible for each portfolio will be required to advise the Cabinet on the matters relating to his/her portfolio when the Cabinet is acting collectively.

2.2.10.2 The Cabinet Member responsible for each portfolio will take decisions on behalf of the City Council relevant to the portfolio other than those matters which:-

- Require approval by the Council;
- Where appropriate should be determined by the Council due to its significance or importance following consultation with the Leader;
- Are reserved to Scrutiny, the Ethics Committee or to the Cabinet;
- Are delegated to other City Council Committees or to Employees;
- Are significant in financial terms as specified in the Financial Procedure Rules;
- Are Key Decisions ~~as set out in 2.1.3;~~
- Are decisions which have an impact on any other Cabinet portfolio or portfolios and should be taken by Cabinet collectively or by the relevant Cabinet Members jointly;

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2.2.10.3 The Executive Director, Resources Customer and Workforce Services or his/her representative will be present at any Meeting where a Cabinet Member responsible for a portfolio makes a decision to advise and record that decision and, if the ~~Director of~~Executive Director, Resources Customer and Workforce Services or her/his representative is not present, no decision will be deemed to have been taken.

2.2.10.4 Decisions of the Cabinet and Cabinet Members are subject to the Call-In arrangements, except where urgent ~~_(see below);~~

~~2.2.9.5 — Except in the case of urgent matters which are key decisions, in any case where a Cabinet Member determines an urgent matter, the recorded decision will include the reason for the urgency. Matters determined on this basis are not subject to the Call-In arrangements. In such circumstances, the Chair of the Scrutiny Co-ordination Committee, or her/his nominee, must attend meetings where urgent decisions are taken or be consulted and agree the reasons for urgency (or in their absence the Lord Mayor or Deputy Lord Mayor). Urgent key decisions will be determined as set out in the Access to Information Procedure Rules in Part 3.~~

~~2.2.9.6 — Any reports on which such urgent decisions have been made are to be referred to Scrutiny Co-ordination Committee for them to understand the need for urgency, but this will not delay implementation of the urgent decision itself.~~

2.2.10.5 Notwithstanding the above, the Cabinet Member responsible for each portfolio may refer any matter which s/he considers should be dealt with by the Cabinet collectively because of its significance or importance.

2.2.10.6 CABINET PORTFOLIOS

Member	Name, Address and Ward	Portfolio
<p><u>The Leader (Policy and Leadership) Chair</u></p> <p>The Leader (Policy, Leadership and Governance) Chair</p>	<p><u>Councillor Ann Lucas</u> <u>154 Keresley Road</u> <u>Coventry</u> <u>CV6 2JJ</u></p> <p>Representing Holbrook Ward Councillor John Mutton 13 Gunton Avenue COVENTRY CV3 3AF</p> <p>Representing Binley and Willenhall Ward</p>	<p><u>Corporate Plan</u> <u>Scrutiny</u> <u>External relations / public relations</u> <u>Image and reputation</u> <u>Partnership companies</u> <u>Liaison with Strategic Management Board</u> <u>Emergency Planning</u> <u>Regional Matters</u> <u>Risk Management</u> <u>Local Enterprise Partnership</u> <u>Marmot City</u> <u>Domestic Violence and Sexual Exploitation</u> <u>Sustainable Communities Plan Strategy</u> <u>Local Strategic Partnership</u> <u>Corporate Plan</u> <u>Scrutiny</u> <u>External Relations/Public Relations</u></p>

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		<p>Image and Reputation Partnership Companies Liaison with Management Board Emergency Planning Regional Matters Service Transformation Single Status Local Enterprise Partnership Olympics 2012 **Transportation Constitutional Matters</p>
<p><u>The Deputy Leader Cabinet Member (Community Safety and Equalities) Deputy Chair</u></p> <p><u>The Deputy Leader Cabinet Member (Strategic Finance and Resources) Deputy Chair</u></p>	<p><u>Councillor Philip Townshend The Barn House 76 Birmingham Road Coventry CV5 9GX</u></p> <p><u>Representing Lower Stoke Ward Councillor George Duggins 47 Gayer Street COVENTRY CV6 7EW</u></p> <p><u>Representing Longford Ward</u></p>	<p><u>Community Centres Community Safety Community Cohesion Refugees and Asylum Seekers Voluntary Sector Welfare Advice Services Public Protection and Licensing Democratic Services (incl. Lord Mayor's) Equalities Legal Services Training (Members) Neighbourhood Services Constitutional Matters Delivering Agenda for Change Deputising on Leader items Deputising on Leader Items Strategic Finance including budget setting External Resources Operational Finance including Revenues and Benefits Service Transformation Procurement Risk Management Value for Money Medium Term Financial Strategy Corporate and Service Performance, Policy and Quality Human Resources</u></p>
<p><u>Cabinet Member (Strategic Finance and Resources) Cabinet Member (Children and Young People)</u></p>	<p><u>Councillor Damian Gannon 230 Sovereign Road Coventry CV5 6LV</u></p> <p><u>Representing</u></p>	<p><u>Strategic Finance including Budget Setting External Resources Operational Finance incl Revenues and Benefits Service Transformation Procurement Value for Money Medium Term Financial Strategy Corporate Service Performance, Policy and Quality Human Resources</u></p>

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	<p><u>Sherbourne Ward</u> <u>Councillor Jim O'Boyle</u> <u>80 Torrington Avenue</u> <u>COVENTRY</u> <u>CV4 9AR</u></p> <p><u>Representing</u> <u>St. Michael's Ward</u></p>	<p><u>e-Government</u> <u>Key Staff Recruitment and Retention</u> <u>Information Technology and Customer Services</u> <u>Health and Safety</u> <u>Single Status</u> <u>Children and Families</u> <u>Children and Young Peoples' Social Care</u> <u>Young People</u> <u>Youth Offending Service</u> <u>Key Staff—Recruitment and Retention</u></p>
<p><u>Cabinet Member</u> <u>(Children and</u> <u>Young People)</u></p> <p><u>Deputy Cabinet</u> <u>Member</u> <u>Cabinet Member</u> <u>(Education)*</u></p>	<p><u>Councillor George Duggins</u> <u>17 Gayer Street</u> <u>Coventry</u> <u>CV6 7EW</u></p> <p><u>Representing</u> <u>Longford Ward</u></p> <p><u>Councillor Jayne Innes</u> <u>54 Birmingham Road</u> <u>Allesley village</u> <u>Coventry</u> <u>CV5 9GU</u></p> <p><u>Representing</u> <u>Whoberley Ward</u></p> <p><u>Councillor David Kershaw</u> <u>38 Woodland Avenue</u> <u>COVENTRY</u> <u>CV5 6DB</u></p> <p><u>Representing</u> <u>Bablake Ward</u></p>	<p><u>Children and Families</u> <u>Children and Young People's Social Care</u> <u>Young People</u> <u>Youth Offending Service</u> <u>Safeguarding</u> <u>*S19 Children Act 2004 Lead Member</u></p> <p><u>Post 16 Education and Training</u> <u>Schools</u> <u>Early Years</u> <u>Libraries</u> <u>Adult Education</u></p>
<p><u>Cabinet Member</u> <u>(Education)</u></p> <p><u>Deputy Cabinet</u> <u>Member</u> <u>Cabinet Member</u> <u>(City Development)</u></p>	<p><u>Councillor David Kershaw</u> <u>38 Woodland Avenue</u> <u>Coventry</u> <u>CV5 6DB</u></p> <p><u>Representing</u> <u>Bablake Ward</u></p> <p><u>Councillor Daniel Howells</u> <u>Flat 1</u> <u>Clarence Gate</u> <u>Coniston Road</u> <u>Coventry</u> <u>CV5 6LS</u></p>	<p><u>Post 16 Education and Training</u> <u>Schools</u> <u>Early Years</u> <u>Libraries</u> <u>Adult Education</u> <u>Higher and Further Education (including Universities)</u> <u>Community Economic Development</u> <u>City Centre</u> <u>Facilities Management</u> <u>International Liaison (except Lord Mayor's)</u> <u>New Deal for Communities</u> <u>Inward Investment</u> <u>Property and Building Services</u> <u>Urban Regeneration</u></p>

Part 2..2--Functions of Cabinet

	<p><u>Representing Whoberley Ward</u></p> <p>Councillor Lynette Kelly 81 Broad Lane COVENTRY CV5 7AH</p> <p><u>Representing Henley Ward</u></p>	<p><u>Regional Housing and Planning</u></p>
<p><u>Cabinet Member (Business, Enterprise and Employment)</u></p> <p><u>Cabinet Member (City Services)</u></p>	<p><u>Councillor Lynette Kelly 81 Broad Lane Coventry CV5 7AH</u></p> <p><u>Representing Henley Ward</u> Councillor Lindsley Harvard 20 Avondale Road COVENTRY CV5 6DZ</p> <p><u>Representing Longford Ward</u></p>	<p><u>Community Economic Development</u> <u>City Centre</u> <u>International Liaison (except Lord Mayor's)</u> <u>Inward Investment</u> <u>Property</u> <u>Urban Regeneration</u> <u>Regional Housing and Planning</u> <u>**Transportation</u> <u>Tourism and Marketing</u> <u>Events</u> <u>Building Cleaning</u> <u>Catering</u> <u>Highways and Lighting</u> <u>Licensing Policy (Hackney Carriage and Private Hire)</u> <u>Liveability</u> <u>Street Services (Grounds Maintenance, Refuse, Street Cleansing)</u> <u>Waste Management</u> <u>e-Government</u> <u>Information and Technology</u> <u>Flood Management</u></p>
<p><u>Cabinet Member (Public Services)</u> <u>Cabinet Member (Sustainability and Local Infrastructure)</u></p>	<p><u>Councillor Rachel Lancaster 6 Wentworth Drive Coventry CV6 4PG</u></p> <p><u>Representing Holbrook Ward</u> Councillor Abdul Khan 72 Princess Street COVENTRY CV6 5BU</p> <p><u>Representing Foleshill Ward</u></p>	<p><u>Building Cleaning</u> <u>Catering</u> <u>Highways and Lighting</u> <u>Licensing Policy (Hackney Carriage and Private Hire)</u> <u>Street Services (Ground Maintenance, Refuse, Street Cleaning</u> <u>Waste Management</u> <u>Flood Management</u> <u>Building Services</u></p> <p><u>Agenda 21</u> <u>Climate Change Strategy</u> <u>Carbon Footprint</u> <u>Conservation</u> <u>Energy, Conservation and Renewal</u></p>

Part 2..2--Functions of Cabinet

		<p><u>Green Travel</u> <u>Nottingham Declaration</u> <u>Sustainability</u></p>
<p><u>Cabinet Member</u> <u>(Energy and Environment)</u> <u>Cabinet Member</u> <u>(Health and Community Services)</u></p>	<p><u>Councillor Abdul Khan</u> <u>72 Princess Street</u> <u>Coventry</u> <u>CV6 5BU</u></p> <p>Representing <u>Foleshill Ward</u> <u>Councillor Ann Lucas</u> <u>154 Keresley Road</u> <u>COVENTRY</u> <u>CV6 2JJ</u></p> <p>Representing <u>Holbrooks Ward</u></p>	<p><u>Agenda 21</u> <u>Climate Change Strategy and Development</u> <u>Carbon Footprint</u> <u>Energy Conservation and Renewal</u> <u>Green Travel</u> <u>Nottingham Declaration</u> <u>Sustainability</u> <u>Energy Policy</u> <u>Fuel Poverty</u> <u>Environment</u> <u>Parks</u> <u>Social Care for Adults, Older People and Disabled People</u> <u>Carers</u> <u>Health Strategy and Policy</u> <u>Health Inequalities</u></p>
<p><u>Cabinet Member</u> <u>(Health and Adult Services)</u></p> <p><u>Deputy Cabinet Member</u></p> <p><u>Cabinet Member</u> <u>(Neighbourhood Action, Housing, Leisure and Culture)</u></p>	<p><u>Councillor Alison Gingell</u> <u>64 Warwick Avenue</u> <u>Earlsdon</u> <u>Coventry</u> <u>CV5 6LU</u></p> <p>Representing <u>Sherbourne Ward</u></p> <p><u>Councillor Kamran Caan</u> <u>10 Watersmeet Road</u> <u>Coventry</u> <u>CV2 3HX</u></p> <p>Representing <u>Upper Stoke Ward</u></p> <p><u>Councillor Ed Ruane</u> <u>59 Kirby Road</u> <u>COVENTRY</u> <u>CV5 6HL</u></p> <p>Representing, <u>Henley Ward</u></p>	<p><u>Social Care for Adults, Older People and People with Disabilities</u> <u>Carers</u> <u>Health Strategy and Policy</u> <u>Health Inequalities</u> <u>Local Health Economy</u></p> <p><u>Archives</u> <u>Arts</u> <u>Heritage</u> <u>Museums</u> <u>Tourism</u> <u>Neighbourhood Action</u> <u>Ward Forums</u> <u>Housing Strategy</u></p>
<p><u>Cabinet Member</u> <u>(Housing and Heritage)</u></p>	<p><u>Councillor Ed Ruane</u> <u>59 Kirby Road</u> <u>Coventry</u></p>	<p><u>Archives</u> <u>Arts</u> <u>Heritage</u></p>

Part 2..2--Functions of Cabinet

<p>Cabinet Member (Community Safety and Equalities)</p>	<p><u>CV5 6HL</u> <u>Representing Henley Ward</u> Councillor Phil Townshend The Barn House 76 Birmingham Road COVENTRY CV5 9GX</p> <p><u>Representing Lower Stoke Ward</u></p>	<p><u>Museums</u> <u>Conservation</u> <u>Sport</u> <u>Housing</u> <u>Community Centres</u> <u>Community Safety</u> <u>Community Cohesion</u> <u>Refugees and Asylum Seekers</u> <u>Voluntary Sector</u> <u>Welfare Advice Services</u> <u>Public Protection and Licensing</u> <u>Customer Services</u> <u>Democratic Services</u> <u>Equalities</u> <u>Legal Services</u> <u>Training</u> <u>Health and Safety</u> <u>Parks and Sports</u></p>
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***Councillor Kershaw is designated as the Lead Member for Children's Services as required by Section 19 of the Children Act 2004**

** Councillor McNicholas is appointed Lead Member for Transportation.

2.2.11 Lead Member for Transportation

2.2.11.1 The Leader of the Council is the Cabinet Member with responsibility for transportation. However, the Council has also appointed Councillor John McNicholas as Lead Member for Transportation.

2.2.11.2 The Lead Member for Transportation is not a member of Cabinet but works with and alongside the Leader of the Council and the ~~Director of Executive Director, Place City Services and Development~~ on matters relating to transportation across the Council's area.

2.2.11.3 To enable the Lead Member for Transportation to carry out their role effectively they will have the right to attend meetings of Cabinet, the Leader's cabinet member meetings and any other meetings as appropriate on transportation matters.

Part 2..3--Functions of Council

Part 2..3--Functions of Council

2.3 Functions of Council

Comment [cab11]: Remove statutory references?

2.3.1 The following functions will be the responsibility of the Council:-

	Functions	Statutory Reference
1	Adopting and changing the Constitution	Part 1A Local Government Act 2000 and subordinate Legislation
2	Electing the Lord Mayor and appointing the Deputy Lord Mayor	Sections 3 and 5 Local Government Act 1972
3	Electing and removing the Leader	Sections 9I to 9ID Local Government Act 2000
4	Approving or adopting the Policy Framework and the Budget	Sections 9D and 105 Local Government Act 2000; Regulation 4 and Schedule 3 of The Local Authorities (Functions and Responsibilities) (England) Regulations 2000/2853
5	Making decisions where executive decisions are contrary to the policy framework or executive decisions are contrary to or not wholly in accordance with the budget	Sections 9D and 105 Local Government Act 2000; Regulation 5 and Schedule 4 of The Local Authorities (Functions and Responsibilities) (England) Regulations 2000/2853
6	In relation to functions which are not the responsibility of the Cabinet agreeing and/or amending the terms of reference for committees, or joint committees, deciding on their composition and making appointments to them, including appointing the Chairs and Deputy Chairs of Committees	Sections 101 and 102 Local Government Act 1972 and Section 9FA Local Government Act 2000

Part 2..3--Functions of Council

7	Power to alter governance arrangements	Section 9KC Local Government Act 2000 (as amended)
8	Appointing representatives to outside bodies unless the appointment is an executive function or has been otherwise delegated by the Council	Sections 101 and 102 Local Government Act 1972 and any other enactment conferring powers on the Council
9	Adopting an allowances scheme (See Part 5)	Section 173 to 175 Local Government Act 1972; Section 18 Local Government and Housing Act 1989 and Local Authorities (Standing Orders) Regulations 1993 (SI 1993/202) as amended by the Local Authorities (Standing Orders) (England) Regulations 2001 (SI 2001/3384) and any other regulations thereunder
10	Changing the name of the area	Section 74 Local Government Act 1972
11	Making, amending or revoking standing orders	Sections 106, 135, paragraph 42 Schedule 12 Local Government Act 1972; Section 9P Local Government Act 2000; Sections 8 and 20 Local Government and Housing Act 1989 and the Local Authorities (Standing Orders) Regulations 1993 (SI 1993/202) as amended by the Local Authorities (Standing Orders) (England) Regulations 2001 (SI 2001/3384) and any other relevant regulations
12	Confirming the appointment of the Head of Paid Service, the Monitoring Officer and the Chief Finance Officer and dismissal of the Head of Paid Service.	Sections 151 Local Government Act 1972; Sections 4 & 5 Local Government and Housing Act 1989; Local Authorities (Standing Orders) Regulations 1993 (SI 1993/202) and the Local Authorities (Standing Orders) (England) Regulations 2001 (SI 2001/3384)
13	Duty to provide staff <u>and resources</u> , to the Monitoring Officer and Head of Paid Service	Sections 4 and 5 of the Local Government and Housing Act 1989
14	Powers relating to Overview and Scrutiny Committees (voting rights of co-opted Members)	Section 9F et seq of the Local Government Act 2000
15	Making, amending, revoking, re-enacting or adopting bylaws	Any provision or any enactment (including a local Act) whenever passed; Section 14 Interpretation Act 1978
16	Promoting or opposing the making of local legislation or personal Bills	Section 239 Local Government Act 1972

Part 2..3--Functions of Council

17	All local choice functions which the Council decides should be undertaken by itself rather than any other person or body or other matters reserved to full Council by this Constitution including the following: <ul style="list-style-type: none"> Appointing the Members <u>and</u> Chairs and Deputy Chairs of the Scrutiny Boards and <u>Members, Chair and Deputy Chair of</u> Scrutiny Co-ordination Committee Electing the Lord Mayor and Deputy Lord Mayor 	Sections 9D and 105 Local Government Act 2000; Regulation 3(1) and Schedule 2 of The Local Authorities (Functions and Responsibilities) (England) Regulations 2000/2853; sections 3 and 5 Local Government Act 1972
18	Determining whether or not to <u>delegate to another local authority any of its functions or to</u> accept the delegation of any functions from another local authority	Sections 101 and 102 Local Government Act 1972
19	Appointing Proper Officers for the purposes of any particular functions	Section 270(3) Local Government Act 1972
20	Approval for the purposes of public consultation draft proposals associated with the preparation of alterations to, or the replacement of, a development plan (but excluding any SPG or development brief prepared under the Development Plan) under Regulations 10. 21 and 22.	Town and Country Planning (Development Plans) (England) Regulations 1999 (1999/3280)(as amended by the Town and Country Planning (Transitional Arrangements) (England) Regulations 2004 (SI 2004/2205)
21	Power to change the name of a parish	Section 75 of the Local Government Act 1972
22	Power to alter the dates of Parish Elections	Section 53 Local Government and Public Involvement in Health Act 2007
23	Power to undertake a Community Governance Review	Section 82 Local Government and Public Involvement in Health Act 2007
24	Power to confer title of honorary alderman or to admit an honorary freeman	Section 249 of the Local Government Act 1972, ss(5), and (6); West Midlands County Council Act 1980
25	Functions relating to local government pensions	Regulations under section 7, 12 or 24 Superannuation Act 1972

Part 2..3--Functions of Council

	Functions under the Fireman's Pension Scheme relating to pensions etc. to persons employed as members of fire brigades maintained pursuant to the Fire Services Act 1947	Section 26 Fire Services Act 1947 (most of this Act has been repealed by the Fire and Rescue Services Act 2004, Section 26 of this Act still has effect as it has been preserved by Section 36 of the new Act and the Firefighters' Pension Scheme (England and Scotland) Order (SI 1992/129), and the Firefighters' Pension Scheme (England and Scotland) Order 2004 (SI 2004/2306), the Firefighters' Pension Scheme (Amendment) (England) Order 2006 (SI 2006/1810) and the Firefighters' Compensation Scheme (England) Order 2006 (SI 2006/1811))
.26	Power to make payments or provide other benefits in cases of maladministration	Section 92 of the Local Government Act 2000
.27	All functions relating to local, parliamentary, and European elections <u>and elections for a Police and Crime Commissioner.</u>	Sections 86 & 87 of the Local Government Act 1972, Sections 8(2), 18, 21, 31, 39(4), 52(4), 54 of the Representation of People Act 1983 for Section 8(2) refer to the Representation of the People (England and Wales) (Amendment) (No. 2) Regulations (SI 2006/341) further amended by (SI 2006/2910), Section 18 of the Representation of People Act 1983 substituted by the Electoral Administration Act 2006 Sections 16(1) and 74(2). Also refer to the review of Polling Districts and Polling Places (Parliamentary Elections) Regulations 2006, (SI 2006/2965), Sections 21, 52 (4) and Sections 54 part repealed and substituted by the Representation of People Act 1985, Section 31 sub-sections 4 and 5 (repealed by the Local Government Act 1985 Sections 102(2) Sch. 17, Rule 48(3) of the Local Elections (Principal Areas) Rules 1986 amended by the Local Elections (Principal Areas) (Amendment) (England and Wales) Rules 2004, (SI 2004/223) and the Local Elections (Principal Areas) (England and Wales) Rules 2006, (SI 2006/3304) Section 54 part amended by the Representation of People Act 1985, ss24, sch 4, para 14, <u>Chapter 6 of the Police Reform and Social Responsibility Act 2011 and any regulations made thereunder.</u>
.28	Duty to declare vacancy in office in certain cases	Section 86 of the Local Government Act 1972 as amended by the Local Government Act 1985 Section 84, Sch 14, Pt 1, para 8

Part 2..3--Functions of Council

.29	Duty to give public notice of a casual vacancy	Section 87 of the Local Government Act 1972
.30	The passing of a resolution for: <u>(a) for whole council elections; and (b) to change the name of an electoral area.</u>	Section 32 of the Local Government and Public Involvement in Health Act 2007; <u>Section 59 of the Local Government and Public Involvement in Health Act 2007</u>
.31	Appointment of coroner	Section 1 of The Coroners and Justice Act 2009 <u>1988</u>
.32	Appointment of one or more independent persons to advise on Elected and Co-opted Member misconduct.	Sections 26 – 37 and Schedule 4 of the Localism Act 2011
.33	All other matters which, by law, must be reserved to the Council	Any provision of any enactment (including a local Act) whenever passed or made

2.3.2 The Policy Framework Will Include the Following Plans and Strategies

- ~~• Council Plan~~
- Sustainable Community Strategy
- Annual Library Plan
- Housing and Homelessness Strategy

~~Housing Strategy~~

~~Coventry Development Plan~~

- Plans and alterations that together comprise the Coventry Development Plan
- Children and Young People's Plan
- ~~• Local Transport Plan~~
- ~~• Air Quality Action Plan~~ ~~Civil Contingencies Plan~~
- Municipal Waste Strategies
- Licensing Authority Policy Statement under the Gambling Act 2005
- Youth Justice Plan (should be aligned with the Children's and Young Peoples Plan)
- Crime and Disorder Reduction Strategy Community Safety Plan

~~Older People Strategy~~

~~Waste management strategy~~

NB: Whilst the Cabinet will have responsibility for the formulation of such plans and strategies the formal approval or adoption of any such plan or strategy will be a matter for full Council to determine.

~~Emergency Related Plans~~

~~Connexions Business Plan~~

~~Child and Adolescent Mental Health Plan~~

~~Refugee and Asylum Strategy~~

~~Coventry Community Plan~~

~~Local Area Agreement~~

~~Local Public Service Agreement (if applicable)~~

Part 2..3--Functions of Council

2.3.3 **Budget** The budget includes the allocation of capital and revenue resources, the precept level, the council tax, the planned use of reserves, the Council's borrowing limit and the virement limits. The approval of the Council Tax base will be determined by Cabinet.

~~2.3.4 **Constitution** Unless other delegations provide, changes to the Constitution can only be approved by full Council after consideration of a recommendation by the Cabinet Member (Community Safety and Equalities) who will in turn receive recommendations from the Constitutional Advisory Panel. Where the timescale does not permit the Constitutional Advisory Panel to consider any proposed constitutional amendments, any recommendations to Council on those proposed changes to the constitution will be made by the Cabinet Member (Community Safety and Equalities) only.~~

Comment [cab12]: Formerly in Article 14. Also Annual Council 2013

~~NB: Whilst the Cabinet will have responsibility for the formulation of such plans and strategies the formal approval or adoption of any such plan or strategy will be a matter for full Council to determine.~~

Part 2.5.2--Functions of Ethics Committee Cabinet

Part 2.5.2--Functions of Ethics Committee Cabinet

2.4 Functions of Scrutiny

2.4.1. General

2.4.1.1 The Council will appoint a Scrutiny Co-ordination Committee and Scrutiny Boards. The appropriate Scrutiny Boards will also be designated as the Council's Health Overview and Scrutiny Committee, Crime and Disorder Committee and Flood Management Committee.

2.4.1.2 Scrutiny Boards will carry out the functions of scrutiny and overview as conferred by ~~law Section 9F of the Local Government Act 2000~~ to review or scrutinise decisions made or other actions taken in connection with the discharge of any functions which are the responsibility of the Cabinet (whether or not delegated to an employee) and to make reports or recommendations to the Cabinet or the Council with respect to the discharge of those functions.

2.4.1.3 Scrutiny Boards may also review or scrutinise decisions made or other action taken in connection with the discharge of any functions which are not the responsibility of Cabinet ~~(subject to the limitations in paragraph 2.4.1.7 below)~~ and may make reports or recommendations to the Council, the Cabinet, any Cabinet Member, or other Committee in relation to those functions. However, Scrutiny Boards are not permitted to call-in or review individual or particular decisions in respect of development control, licensing, regulation, consents or other permissions, or where an alternative appeal or dispute resolution procedure applies or where the rules of natural justice or human rights requirements would be compromised by such call-in or review.

2.4.1.4 Scrutiny Boards may also make recommendations to the Council or to Cabinet on any other matters which affect the City or any inhabitants of the City.

~~2.4.1.4 Scrutiny Boards will also have responsibility for the initial consideration of responses to Government or other consultation papers that have significant policy or financial implications for the City Council or the City and where such consideration is practicable within the timescale of the relevant consultation.~~

2.4.1.5 The Scrutiny Boards will carry out the ~~ei~~rese functions having regard to the Scrutiny Procedure Rules and the terms of reference for Scrutiny.

2.4.1.6 The Scrutiny Co-ordination Committee is responsible for the overall management of the Scrutiny and overview function and for dealing with call-ins. The procedure rules relating to Scrutiny Co-ordination Committee are set out in Part 3.

~~2.4.1.5 The Council will appoint a Scrutiny Co-ordination Committee and Scrutiny Boards and will allocate remits to each based largely on the Cabinet Members' portfolios. One of the Scrutiny Boards will also be designated as the Council's crime and disorder committee.~~

Part 2.5.2--Functions of Ethics Committee Cabinet

~~2.4.1.6 The current Scrutiny remits are as follows:-~~

Board Name	Remit
Scrutiny Co-ordination Committee	Council Resources (Finance, HR, ICT, Legal); abc Transformation Programme
Wellness, Liveability and Public Health Scrutiny Board (1)	Public Health; Culture; Sport and Physical Activity; Equalities
Children, Young People Scrutiny Board (2)	Schools; Early Years; Children and Young People's Social Care
Jobs, Skills and Growth Scrutiny Board (3)	Skills and Employment; Economic Growth; Regeneration; Post 16 Education and Training; Local Economic Partnership
Streets and Neighbourhoods Scrutiny Board (4)	Community Safety; Neighbourhood Action; Street Scene (Designated as the Council's Crime and Disorder Committee and the Flood Management Committee)
Health, Social Care and Welfare Reform Scrutiny Board (5)	Health; Adult Social Care (Designated as the Council's Health Overview and Scrutiny Committee)
Transport and Infrastructure Development Scrutiny Board (6)	Transport; Housing; Low Carbon; Sustainability

~~2.4.1. Scrutiny Boards may review the work of another Committee or Panel but Scrutiny Boards are not permitted to call in or review individual or particular decisions in respect of development control, licensing, regulation, consents or other permissions, or where an alternative appeal or dispute resolution procedure applies or where the rules of natural justice or human rights requirements would be compromised by such call in or review.~~

Part 2.5.2--Functions of Ethics Committee Cabinet

2.4.2 Terms of Reference – Scrutiny Boards

2.4.2.1 Scrutiny Boards will have the power to investigate any matters they consider relevant to their work area and to make recommendations to the Council, the Cabinet, any Cabinet Member or any other Committee of the Council as they see fit.

2.4.2.2 The terms of reference of each Scrutiny Board will be:-

- (a) To perform all overview and scrutiny functions on behalf of the Council in relation to the area of work allocated to that Scrutiny Board;
- (b) To appoint such time limited sub-groups as it considers appropriate to help fulfil those overview and scrutiny functions;
- (c) Taking into account the views of the Scrutiny Co-ordination Committee, to approve a work programme for the Scrutiny Board, including the programme of work of any sub-group it appoints so as to ensure that time is effectively and efficiently utilised;
- (d) To receive requests from the Cabinet, any Cabinet Members, the Scrutiny Co-ordination Committee and/or the full Council to undertake investigations or other work and to respond accordingly;
- (e) To review proposals from the Cabinet in relation to the Budget and Policy Framework;
- (f) To consider Performance Management information;
- (g) To scrutinise Cabinet and any Cabinet Member decisions and the activities of relevant external organisations;
- (h) To consider reports back by Members and/or employees on their attendance at conferences;
- (i) To consider petitions referred to it by the Cabinet or any Cabinet Member.
- (j) To refer any matter that potentially also falls within the remit of another Scrutiny Board to Scrutiny Co-ordination Committee for a decision in accordance with paragraph 2.4.3.1 (b) below.

2.4.3 Terms of Reference - Scrutiny Co-ordination Committee

2.4.3.1 The Scrutiny Co-ordination Committee's terms of reference will be:-

- (a) To receive the annual work programmes prepared by the Scrutiny Boards to ensure that there is efficient use of the Scrutiny Boards' time and that the potential for duplication of effort is minimised;
- (b) Where matters potentially fall within the remit of more than one Scrutiny Board, to determine which Scrutiny Board will be responsible for any particular issue or to

Part 2.5.2--Functions of Ethics Committee Cabinet

consider proposals from Scrutiny Boards that they set up joint arrangements, and to resolve any issues of dispute between them.

- (c) To ensure consistency of approach in the work of Scrutiny Boards and Sub-Groups;
- (d) At the request of the Cabinet or any Cabinet Member to make decisions about the priority of referrals made (in the form of reports or recommendations for reconsideration) by the Scrutiny Boards to the Cabinet or any Cabinet Member if the volume of such referrals creates difficulty for the management of Cabinet or any Cabinet Member business or jeopardises the efficient running of Council business.
- (e) To determine whether or not a report to Cabinet or Cabinet Member is urgent and not subject to call-in where the Chair (or their nominee) has not already made that decision.
- (f) To have the powers in relation to the call-in of Cabinet or any Cabinet Member's decisions made but not implemented as set out in section 9F of the Local Government Act 2000.
- (g) To receive reports back on attendance at Conferences etc relating to the Lord Mayoralty.
- (h) Receive reports back on the work of Outside Bodies.
- (i) Receive details of any urgent decisions taken in order for them to understand the need for urgency (see ~~paragraph~~Part 3.4).

2.4.4 Membership of Scrutiny Boards, ~~Review Groups~~ and the Scrutiny Co-ordination Committee

2.4.4.1 Any Councillor, except a member of the Cabinet, may be appointed as a member of a Scrutiny Board. However, no Member may be involved in scrutinising a decision in which s/he has been directly involved.

2.4.4.2 The Membership of the Scrutiny Co-ordination Committee and of Scrutiny Boards will be determined by full Council and will reflect political proportionality.

2.4.5 Co-optees

2.4.5.1 Subject to paragraph 2.4.6 below, each Scrutiny Board or Sub-Group will be entitled to appoint non-voting co-optees. Co-optees will be appointed by the Scrutiny Board to which they are to be appointed in accordance with the Scrutiny Procedure Rules in Part 3.

2.4.5.2 Co-opted Members will be required to attend at least one appropriate meeting every six months or else their co-option will cease. Any exemptions to this rule, for example long-term illness, would need to be approved by the full Council.

Part 2.5.2--Functions of Ethics Committee Cabinet

2.4.6 Education Representatives

2.4.6.1 The Scrutiny Board responsible for Education matters will include the following:-

- (a) One person nominated by the Church of England.
- (b) One person nominated by the Roman Catholic Church.
- (c) One parent governor elected by the parent governors in the City in respect of the Primary phase of education.
- (d) One parent governor elected by the parent governors in the City in respect of the Secondary phase of education.
- (e) One representative from other faith groups in the City

2.4.6.2 Such appointees, with the exception for the time being of the representative appointed under 2.4.6.1(e) above, may speak and vote on education issues only, but may speak on other issues.

2.4.6.3 They will also be invited to attend the meetings of Scrutiny Co-ordination Committee (if it is considering a call-in on an educational matter) and of other Scrutiny Boards (if education matters are to be considered at those meetings) and may speak, but not vote upon those matters.

2.4.7 Quorum for Scrutiny Boards and Scrutiny Co-ordination Committee

The Quorum for Scrutiny Boards will be four elected Members.

The Quorum for the Scrutiny Co-ordination Committee will be five elected Members.

2.4.8 Substitute Members for Scrutiny Boards and Scrutiny Co-ordination Committee

Any elected Member of a Scrutiny Board or the Scrutiny Co-ordination Committee will be entitled to nominate another elected member (except any Cabinet Member) to substitute for her/him at a meeting or part of a meeting of a Scrutiny Board or Scrutiny Co-ordination Committee, provided that notice of the nomination of that substitution is given to the Director of Executive Director, Resources Customer and Workforce Services at least one hour in advance of the meeting.

2.4.9 Chairing Meetings of Scrutiny Boards and Scrutiny Co-ordination Committee

2.4.9.1. Chairs of the Scrutiny Boards and the Chair and Deputy Chair of the Scrutiny Co-ordination Committee will be appointed by the Council from amongst the Members appointed to those bodies.

2.4.9.2 In the event that the Chair of a Scrutiny Board is unable to chair a meeting of the Board for whatever reason, that meeting shall be chaired by the Deputy Chair of the Scrutiny Co-ordination Committee provided that this is by prior agreement with the Deputy Chair and notice of the change is given to the Executive Director, Resources at least one hour in advance of the meeting. In the event that neither the Chair of the Scrutiny Board nor the Deputy Chair of the Scrutiny Co-ordination Committee is able to chair the

Part 2.5.2--Functions of *Ethics Committee Cabinet*

meeting, the remaining members of the Board will elect a member from among them to chair the meeting on that occasion.

~~2.4.9.2 Chairs of Sub-Groups will be appointed by the Scrutiny Board which established the Sub-Group from amongst the members of that Sub-Group, unless the appointment of a chair is delegated by the Scrutiny Board to the Sub-Group. The Chair of any Joint Sub-Group will be appointed by the Scrutiny Co-ordination Committee.~~

~~2.4.10 **General Role**~~

~~Within their Terms of Reference and Scrutiny Procedure Rules, Scrutiny Councillors will:~~

- ~~(a) review and/or scrutinise decisions made or actions taken in connection with the discharge of any of the Council's functions~~
- ~~(b) make reports and/or recommendations to the full Council and/or the Cabinet and/or any other Committee/Other Bodies in connection with the discharge of any functions~~
- ~~(c) consider any matter affecting the area or its inhabitants~~
- ~~(d) exercise the right to call in for reconsideration decisions made but not yet implemented by the Cabinet and/or any other Committee/Forum subject to limitations specified in Part 3 of this Constitution.~~
- ~~(e) Undertake a review of the way the Council has dealt with a petition~~

Comment [cab13]: Formerly in Article 6. Deleted as duplicates text in 2.4.1

~~2.4.11 **Scrutiny Co-ordination Committee**~~

~~2.4.11.1 In addition to the Scrutiny Boards, the Council will appoint a Scrutiny Co-ordination Committee. The membership of the Scrutiny Co-ordination Committee will be determined by full Council and will reflect political proportionality.~~

~~2.4.11.2 The Chair and Deputy Chair of the Scrutiny Co-ordination Committee will be appointed by the Council.~~

~~2.4.11.3 The Scrutiny Co-ordination Committee is responsible for the overall management of the Scrutiny and overview function and for dealing with call-ins.~~

~~2.4.11.4 The procedure rules relating to Scrutiny Co-ordination Committee are set out in Part 3.~~

Comment [cab14]: Formerly in Article 6 Deleted as duplicates text in 2.4.4

~~2.4.10 **Sub-Groups**~~

~~2.4.10.1 Scrutiny Boards may choose to create a sub-group to investigate or review a particular topic. Those sub-groups will reflect the political composition of the Council. Any Councillor, except a member of the Cabinet, may be invited by Scrutiny Board to be a member of a sub-group appointed by that Scrutiny Board, whether or not s/he is a member of that Scrutiny Board.~~

~~2.4.10.2 Chairs of Sub-Groups will be appointed by the Scrutiny Board which established the Sub-Group from amongst the members of that Sub-Group, unless the appointment of a chair is delegated by the Scrutiny Board to the Sub-Group. The Chair of any Joint Sub-Group will be appointed by the Scrutiny Co-ordination Committee~~

Comment [cab15]: Formerly in Article 6

Part 2.5.2--Functions of Ethics Committee Cabinet

2.4.10.3 A sub-group will not have any decision making authority but will make recommendations to the Scrutiny Board that created it.

2.4.11 **Specific Functions**

Comment [cab16]: Formerly in Article 6

2.4.11.1 *Policy development and review*

Scrutiny Boards may:

- (a) assist the Council and the Cabinet in the development of its budget and policy framework by in-depth analysis of policy issues
- (b) conduct research, community and other consultation in the analysis of policy issues and possible options
- (c) consider and implement mechanisms to encourage and enhance community participation in the development of policy options
- (d) question members of the Cabinet, Deputy Cabinet Members and/or other Committees/Other Bodies and Chief Officers about their views on issues and proposals affecting the area
- (e) liaise with other external organisations operating in the area, whether national, regional or local, to ensure that the interests of local people are enhanced by collaborative working.

2.4.11.2 *Scrutiny*

Scrutiny Boards may:

- (a) review and scrutinise the decisions made by and performance of the Cabinet and/or other Committees/Forums and Council officers both in relation to individual decisions and over time
- (b) review and scrutinise the performance of the Council in relation to its policy objectives, performance targets and/or particular service areas
- (c) question members of the Cabinet, Deputy Cabinet Members and/or other Committees/Other Bodies and Council Officers about their decisions and performance, whether generally in comparison with service plans and targets over a period of time, or in relation to particular decisions, initiatives or projects
- (d) make recommendations to the Cabinet and/or appropriate Committee/Forum and/or Council arising from the outcome of the scrutiny process
- (e) review and scrutinise the performance of other public bodies in the area and invite reports from them by requesting them to address the Board and local people about their activities and performance
- (f) request information from Partner Authorities.

Part 2.5.2--Functions of Ethics Committee Cabinet

- (g) question and gather evidence from any person (with their consent)
- (h) conduct scrutiny and health related activity/services within the City
- (i) require a Member to attend before it and answer questions relating to any function that has been delegated to that Member by either the Council or the Leader (on behalf of the Cabinet) relating to that Member's Ward.
- (j) In relation to petition matters, require senior officers to attend before it and answer questions on their work and the Council petitions scheme at 3.9.6 of this Constitution.
- (k) review the way in which the Council has dealt with a petition.

2.4.12 **Finance**

Finance may be made available to each Scrutiny Board to assist them in their functions and will exercise overall responsibility for the finances made available to Scrutiny.

Comment [cab17]: Formerly in Article 6

2.4.13. **Annual Report**

Scrutiny Boards must report annually to inform Council of their work and make recommendations for future work programmes and amended working methods if appropriate.

Comment [cab18]: Formerly in Article 6

2.4.14 **Call-in**

- 2.4.14.1 Decisions taken by the Cabinet or by a Cabinet Member can be called-in by any three Councillors (or co-opted members of Scrutiny Boards who have voting rights). The right to call-in any decision must be exercised in accordance with the call-in protocol set out in the Scrutiny Procedure Rules.
- 2.4.14.2 The right to call-in does not apply to the limited categories of decision set out in the Scrutiny Procedure Rules.
- 2.4.14.3 The Scrutiny Co-ordination Committee will review the decision called in and decide whether to refer it back to the Cabinet or Cabinet Member for reconsideration or to concur with the decision, or to refer it for the relevant Scrutiny Board for further consideration.

Comment [cab19]: Formerly in Article 6

~~2.4.17 **Proceedings of Scrutiny Boards**~~

~~Overview and Scrutiny Boards will conduct their proceedings in accordance with the Scrutiny Procedure Rules.~~

Comment [cab20]: Formerly in Article 6. Deleted as duplicates para 2.4.1.4.

Part 2.5.2--Functions of Ethics Committee Cabinet

2.5 **Ethics Committee**

The Council has established an Ethics Committee

2.5.1. **Composition**

Five Elected members to be appointed by full Council. The Committee must be politically balanced.

2.5.2 **Chair**

The full Council will appoint the Chair of the Committee. In the absence of the Chair at a meeting of the Committee, the Committee will elect another member of the Committee to chair the meeting.

2.5.3 **Quorum**

The Quorum of the Committee will be three members.

2.5.4 **Terms of Reference**

The Ethics Committee will have responsibility for the following functions which are reserved to it.

The Ethics Committee will have the following terms of reference:-

Part 2.5.2--Functions of Ethics Committee Cabinet

- (a) Promoting and maintaining high standards of conduct by Elected Members and co-opted Members.
- (b) Making recommendations to the Council on the appointment of "independent persons" under the Localism Act 2011.
- (c) Approving and revising the Complaints Protocol which will set out the detailed procedures for considering complaints made against Elected and Co-opted Members under the Code of Conduct for Elected and Co-opted Members.
- (d) Considering complaints made against Elected and Co-opted Members under the Code of Conduct for Elected and Co-opted Members in accordance with the Complaints Protocol.
- (e) Monitoring the operation of the Code of Conduct for Elected and Co-opted Members and making appropriate recommendations to the relevant body.
- (f) At the request of the member or co-opted member concerned, reviewing any decision of the Monitoring Officer not to grant a dispensation in relation to disclosable pecuniary interests in accordance with Section 33 of the Localism Act 2011.
- (g) Monitoring the operation of the Code of Conduct for Employees and making appropriate recommendations to the relevant body.
- (h) Considering complaints made against Elected Members of Keresley Parish Council and Allesley Parish Council under the relevant Parish Council's Code of Conduct for Elected Members in accordance with the City Council's Complaints Protocol.
- (i) Considering any other matters which are relevant to the ethical governance of the Council, its Members or Employees.

2.5.5 How to make a Complaint Relating to a Member of the Council or Parish Councillor Regarding a Breach of the Member Code of Conduct

Where it is alleged that a Member or Parish Councillor has breached their respective Member Code of Conduct, contact should be made in the first instance providing details of the alleged breach with the Monitoring Officer, Coventry City Council, 1st Floor Christchurch House, Greyfriars Lane, Coventry, CV12QL.

Part 2.6.2--Functions of Licensing and Regulatory Committee Cabinet

2.6 Licensing and Regulatory Committee

Reference should also be made to any Codes of Best Practice and Licensing and Regulatory Committee Procedure Rules for licensing and regulatory matters made by the Committee.

2.6.1. Composition

The Committee shall comprise of elected members (not drawn from Cabinet) to be appointed by full Council.

2.6.2 Chair

The full Council will appoint the Chair and Deputy Chair of the Committee. In the absence of the Chair at a meeting of the Committee, the Deputy Chair will chair the meeting. In the absence of both the Chair and Deputy Chair, the Committee will elect another member of the Committee to chair the meeting.

2.6.3 Quorum

The Quorum of the Committee will be 5 members.

2.6.4 Functions Delegated to the Licensing and Regulatory Committee

The Committee will have responsibility for the following delegated functions **except** where specific functions have been delegated to an employee of the Council by virtue of Part 2.10 of this Constitution and subject to those provisions regarding legal proceedings.

- (a) To exercise the functions of the Council as Licensing Authority for the purposes and requirements of the Licensing Act 2003 and the Gambling Act 2005 except where functions are reserved to full Council
- (b) To exercise the functions of the Council as Licensing Authority for all other relevant licensing and regulatory legislation including (without limitation) that which relates to acupuncture and body piercing, animals and pet shops, hackney carriage and private hire (taxis), house to house and street collections, street trading, sexual entertainment venues establishments, safety of sports grounds, food, meat and dairy production, caravan and camping sites, scrap metal (including the power to set fees for scrap metal licences and related applications), zoos, alcohol, pleasure boats and pleasure vessels, tattoos, electrolysis, markets, Clean Air Act, environmental pollution control (including IPPC permits), approval of premises for the solemnisation of marriages and civil partnerships, alcohol disorder zones and smoke free premises as well as any other regulatory or licensing matters specified in Schedule 1 Local Authorities (Functions & Responsibilities) (England) Regulations 2000/2853 together with any Local Choice functions delegated to the Committee by Council as set out in Part 2.1.
- (c) To advise full Council or Cabinet on the authority's response to any consultation documents issued by the Secretary of State on licensing and

Part 2.6.2--Functions of Licensing and Regulatory Committee Cabinet
regulatory matters and revisions to the local statements of licensing policy.

(d) To establish sub-committees comprising three members as and when required for the purpose of conducting hearings under the Licensing Act 2003 and Gambling Act 2005.

(e) To delegate these functions, where appropriate, to the Deputy Assistant Director, Strategy and Communities, (Public Safety & Housing), the appropriate Assistant Director(s) (Planning, Transport and Highways) or other appropriate employees.

(f) To approve, adopt, review, amend and revise codes of best practice and procedure for licensing and regulatory matters within its terms of reference and to make the same publicly available.

2.6.5 **Matters incidental to the exercise of the Committee's delegated functions**

2.6.5.1 The exercise of the above functions by the Licensing and Regulatory Committee will include the power to impose any condition limitation or other restriction on any approval consent licence permission or registration granted in the exercise of those functions and the power to determine any other terms to which any such approval consent licence permission or registration is subject.

2.6.5.2 The exercise of the above functions by the Licensing and Regulatory Committee will include the power to determine whether, and in what manner, to enforce any failure to comply with any approval consent licence permission or registration granted or any failure to comply with the condition limitation or term to which a such approval consent licence permission or registration is subject or any other contravention in relation to a matter with regard to which the function has been exercised.

2.6.5.3 The exercise of the above functions by the Licensing and Regulatory Committee will include the power to amend modify or vary any such approval consent licence permission or registration or any condition limitation or term to which it is subject and the power to revoke any such approval consent licence permission or registration, including powers to charge for licenses, consents, permissions and permits in accordance with appropriate legislation.

2.6.6 **Legal Proceedings**

2.6.6.1 The Licensing and Regulatory Committee shall (except where delegated to an Employee under Part 2.10) have the power to institute, defend and conduct legal proceedings in furtherance of or arising from the discharge of functions delegated to it.

2.6.6.2 The Licensing and Regulatory Committee has delegated ~~retained~~ the responsibility for authorising all legal proceedings in relation to those functions delegated to it sa set out in Part 2.10 and subject to the conditions set out in Part 2.10. ~~except where this has been delegated to an employee under Part 2.10.~~

Part 2.6.2--Functions of Licensing and Regulatory Committee Cabinet

2.6.7. Licensing Policy

Without prejudice to the Committee's functions to determine applications on their own merit and to depart from policy guidelines when appropriate, responsibility for determining the Council's licensing policies have been allocated to the following decision making bodies:

- (a) Licensing Act 2003 and Gambling Act 2005: full Council
- (b) Hackney carriages/ private hire: Cabinet Member (City Services)*
- (c) Other policies: Cabinet Member (Community Safety and Equalities)*

*This excludes the ability to determine fees and charges as this cannot be an executive function by virtue of Regulation 2(6)(d) and (e) of the Local Authorities (Functions and Responsibilities) (England) Regulations 2000/2853.

~~2.6.8 All members of the Committee shall have received appropriate training before carrying out any licensing function. 2.6.4 **Composition**~~

~~The Licensing and Regulatory Committee shall comprise 12 Members.~~

Part 2.7.2--Functions of Planning Committee Cabinet

2.7 Planning Committee

Reference should also be made to any Codes of Best Practice and Procedure Rules for planning matters made by the Committee.

2.6.1. Composition

The Committee shall comprise of elected members (not drawn from Cabinet) to be appointed by full Council. There will be no provision for substitute Councillors to attend Committee meetings.

2.6.2. Chair

The full Council will appoint the Chair and Deputy Chair of the Committee. In the absence of the Chair at a meeting of the Committee, the Deputy Chair will chair the meeting. In the absence of both the Chair and Deputy Chair, the Committee will elect another member of the Committee to chair the meeting.

2.6.3 Quorum

The Quorum of the Committee will be five members.

2.7.1 Functions Delegated to the Planning Committee.

The Planning Committee will have responsibility for the following delegated functions **except** where specific functions have been delegated to an employee of the Council by virtue of Part 2.10 of this Constitution.

- (a) To exercise the functions of the Council as Local Planning Authority for the purposes of the control of development including the determination of applications for planning permission and other applications under the Town & County Planning Acts, Town & Country Planning Development Orders and all other associated legislation relating to planning, development and building control, including structure and local plans and the new National Planning Policy Framework.
- (b) To exercise the powers and duties of the local planning authority in relation to the planning of sustainable development; local development schemes; local development monitoring reports and neighbourhood planning including the power to recover costs incurred in putting Neighbourhood Development plans or orders in place under the Planning and Compensation Act 2004 as amended, the Localism Act 2011 and all other associated legislation.
- (c) Matters relating to the designation and management of conservation areas and building conservation.

Part 2.7.2--Functions of Planning Committee Cabinet

- (d) To deal with applications for grants for repair or maintenance of buildings of architectural or historic interest and matters in connection with the acquisition, restoration and disposal of buildings (excluding terms for the acquisition or disposal of land and property) or materials for conservation purposes.
- (e) Matters relating to tree preservation orders and statutory notices, highways, hedgerows, reclamation of derelict land, enforcement, structures used for unauthorised display, unauthorised advertisements, defacement of premises, removal of signs at the request of the owner or occupier of premises, deposited plans under the Health & Safety at Work Act 1974, Building Act 1984 and Building Regulations or other subordinate legislation, public rights of way including stopping up and diversions, registration of common land and town/village greens, the creation, stopping up and diversion of highways and other related matters, including without limitation those specified in Schedule 1, Part 1A, Part B paras 37–38 and 41–56, Part E, Part I paras 1-34 and 46-47A Local Authorities (Functions & Responsibilities) (England) Regulations 2000/2853.
- (f) To approve, adopt, review, amend and revise codes of best practice and procedure for planning and other matters, including the Planning Code of Good Practice, within its terms of reference and to make the same publicly available
- (f) To delegate these functions, where appropriate, to employees or any sub-committee.

2.7.2 Matters incidental to the exercise of the Committee's delegated functions

2.7.2.1 The exercise of the above functions by the Planning Committee will include the power to impose any condition limitation or other restriction on any approval consent licence permission or registration granted in the exercise of those functions and the power to determine any other terms to which any such approval consent licence permission or registration is subject.

2.7.2.2 The exercise of the above functions by the Planning Committee will include the power to determine whether, and in what manner, to enforce any failure to comply with any approval consent licence permission or registration granted or any failure to comply with the condition limitation or term to which a such approval consent licence permission or registration is subject or any other contravention in relation to a matter with regard to which the function has been exercised.

2.7.2.3 The exercise of the above functions by the Planning Committee will include the power to amend modify or vary any such approval consent licence permission or registration or any condition limitation or term to which it is subject and the power to revoke any such approval consent licence permission or registration.

2.7.3 Legal Proceedings

Part 2.7.2--Functions of Planning Committee Cabinet

The Planning Committee shall have the power to institute, defend, and conduct legal proceedings in furtherance of or arising from the discharge of functions delegated to it except or in addition to where specific functions have been delegated to an employee of the Council ~~by virtue of Part 2.10.~~

2.7.4 Composition

~~The Planning Committee shall comprise 11 Members.~~

**Part 2.8-- Functions of Appeals Committee, Appointments Panel
Independent Remuneration Committee and Audit and Procurement Committee**

2.8 Functions of the Appeals Committee, Appointments Panel, Independent Remuneration Panel and Audit and Procurement Committee

2.8.1 The Appeals Committee

2.8.1.1 The Appeals Committee will have responsibility for the determination of an appeal against any decision made by or on behalf of the authority under any enactment conferring a power on the Council to determine such appeals, functions relating to appeal set out below except where specific functions have been delegated to an employee of the Council by virtue of Part 2.10 of this Constitution

2.8.1.2 With the exception of School Admission and Exclusion Appeals and those matters where there is a statutory right of appeal, appeals against decisions of the Council made by members or by employees under delegated powers will be heard by the Appeals Committee established by the ~~Director of Executive Director, Resources Customer and Workforce Services~~ on an ad hoc basis from the Appeals Panel.

~~2.8.1.3~~

- | | |
|---|---|
| 1. The determination of an appeal against any decision made by or on behalf of the authority | Any enactment conferring a power on the Council to determine such appeals |
| 2. The making of arrangements for appeals against exclusion of pupils | The Education Act 2002 Section 51A |
| 3. The making of arrangements for reviews of decisions not to reinstate excluded pupils | Section 94(1) and (4) School Standards and Framework Act 1998 as amended by Education Act 2002 and Education and Inspections Act 2006, and any other regulations made thereunder |
| 4. The making of arrangements for appeals by governing bodies against an LEA decision to admit a child permanently excluded from two schools | Sections 87 and 95(2) School Standards and Framework Act 1998 |

2.8.1.3 There is a separate appeal body for school admissions and exclusion appeals.

**Part 2.8-- Functions of Appeals Committee, Appointments Panel
Independent Remuneration Committee and Audit and Procurement Committee**

2.8.2 The Appointments Panel

An appointments panel will carry out functions specified in the Employees Employment Procedure Rules in Part 3.8, ~~including appointments, discipline, capability and severance in the case of senior officers, in so far as such matters are not delegated to officers under Part 2.10 of this constitution. The panel shall have authority to appoint an Independent person where allegations are received about potential misconduct of a protected statutory officer.~~

2.8.3 The Independent Remuneration Panel

2.8.3.1 The Independent Remuneration Panel will be responsible for the function of making any scheme for basic, attendance and special responsibility allowances for Local Authority Members or amending, revoking or replacing any such scheme. The Coventry City Council Members' Allowances Scheme is set out in Part 5 of the Constitution.

2.8.3.2 The Independent Remuneration Panel will comprise independent members ~~who are not Members of the Ethics Committee~~ to be determined by the Director of Executive Director, Resources Customer and Workforce Services ~~the Director of Executive Director, Resources Customer and Workforce Services~~ in consultation with the Political Group Leaders and will be responsible for making recommendations to the City Council on the Members Allowances Scheme as set out in Part 5 of this Constitution.

2.8.4 Audit and Procurement Committee

The Council has established an Audit and Procurement Committee.

2.8.4.1 Composition

2.8.4.1.1 The Audit and Procurement Committee shall comprise ~~six~~ elected members, who must not be Cabinet Members, to be appointed by full Council. The Committee must be politically balanced.

2.8.4.1.2 Three named substitute elected members (1 from Conservative Group, 1 from Labour Group and 1 from the Minority Groups) will be appointed by full Council. If a Committee Member is unable to attend a meeting, he/she may nominate one of the three named substitute members to attend.

2.8.4.2 Chair and Deputy Chair

The full Council will appoint the Chair and Deputy Chair of the Committee, who must not be Cabinet Members or Chairs ~~Deputy Chairs~~ of Scrutiny Boards.

2.8.4.3 Quorum

The quorum of the Committee will be 3 members.

2.8.4.4 Sub-Committees

**Part 2.8-- Functions of Appeals Committee, Appointments Panel
Independent Remuneration Committee and Audit and Procurement Committee**

The Committee may appoint one or more sub-committees for the purpose of discharging any of the Committee's functions.

2.8.4.5 Training

The members and substitute members of the Committee will be required to undertake appropriate training for their role.

2.8.4.6 Frequency of meetings

The Committee will meet at least four times a year and meetings will be subject to the usual Access to Information requirements.

2.8.4.7 Accountability

2.8.4.7.1 Any recommendations the Committee wishes to make will be submitted to full Council.

2.8.4.7.2 The Chair of the Committee will answer questions on its work at full Council meetings.

2.8.4.7.3 The Committee will report annually to full Council on its work

2.8.5.8 Terms of Reference

2.8.5.8.1 Audit Activities

(a) To consider the Head of Internal Audit's Annual Report and Opinion, and a summary of internal audit activities (actual and proposed) and the level of assurance given within the Annual Governance Statement incorporated in the Annual Accounts.

(b) To consider summaries of specific internal audit reports as requested.

(c) To consider reports dealing with the management and performance of internal audit.

(d) To consider a report from the Head of Internal Audit regarding recommendations contained in Internal and External Audit reports that have not been implemented within agreed timescales.

(e) To consider the External Auditor's annual letter, relevant reports and the report to those charged with governance.

(f) To consider specific reports as agreed with the External Auditor.

(g) To comment on the scope and depth of external audit work and to ensure that it gives value for money.

**Part 2.8-- Functions of Appeals Committee, Appointments Panel
Independent Remuneration Committee and Audit and Procurement Committee**

2.8.5.8.2 Regulatory Framework

- (a) To maintain an overview of the Council's Constitution in respect of Rules for Contracts procedure rules and Financial Procedure Rules
- (b) To receive and consider an annual report on the Council's procurement and commissioning arrangements regulations.
- (c) To review any relevant issue referred to it by the Chief Executive, the Director of Executive Director, Resources Finance and Legal Services or the Monitoring Officer.
- (d) To monitor the Executive's effective development and operation of risk management.
- (e) To monitor Council policies on "whistle blowing" and the anti-fraud and anti-corruption strategy.
- (f) To approve the Annual Governance Statement
- (g) To consider the Council's compliance with its own and other published financial standards and controls.

2.8.5.8.3 Accounts

- (a) To monitor the City Council's revenue and capital programmes and to approve the City Council's Annual Statement of Accounts.,
- ~~(b)~~ To consider the External Auditor's report to those charged with governance on issues arising from the audit of the City Council's Accounts.
- (b)

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2.8.5.8.4 Procurement

To maintain an overview of the procurement decision making process and where appropriate make recommendations to the Cabinet Member (Strategic Finance and Resources), Cabinet or Council as appropriate.

2.8.5.8.5 Salaries

To determine any salary or severance package for an employee of the Council of £100,000 or over, or such other sum as determined by legislation in respect of any new appointment or severance package **provided always that** any decisions on changes to the salary or severance packages in relation to the Chief Executive irrespective of the

**Part 2.8-- Functions of Appeals Committee, Appointments Panel
Independent Remuneration Committee and Audit and Procurement Committee**

sum involved are excluded from the Committee's terms of reference and will remain
with full Council to determine.

Part 2.9--Functions of Health and Wellbeing Board and Emergency Planning Forum

2.9 Health and Wellbeing Board and Emergency Planning Forum

2.9.1 Health and Wellbeing Board

2.9.1.1 The Council has established a Health and Wellbeing Board which with effect from April 2013 has the status of a committee established under Section 102 of the Local Government Act 1972 except as may be provided for by regulations.

2.9.1.2 Composition

2.9.1.2.1 The Board shall comprise:

	Position / Organisation	How Appointed
(a)	Leader of the Council	Nominated by Leader
(b)	Cabinet Member – Health and Adult Services	Nominated by Leader
(c)	Cabinet Member - Children and Young People	Nominated by Leader
(d)	One additional councillor nominated by the Leader	Nominated by Leader
(e)	Conservative Group representative	Nominated by Leader
(f)	Executive Director, People	Statutory appointment
(g)	Director of Children, Learning and Young People	Statutory appointment
(h)	Director of Public Health	Statutory appointment
(i)	Local Healthwatch	2 representatives
(j)	NHS Commissioning Board	1 representative
(k)	Voluntary Action Coventry	1 representative
(l)	Coventry University	Vice-Chancellor (or representative)
(m)	Warwick University	Vice-Chancellor (or representative)
(n)	West Midlands Police	1 representative
(o)	West Midlands Fire Service	Operations Commander Coventry

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2.9.1.2.2 In addition to the appointments referred to in 2.9.1.2.1 above, the Board may appoint such additional persons to be members of the Board as it thinks appropriate.

2.9.1.3 Chair and Deputy Chair

The full Council will appoint the Chair and Deputy Chair of the Board.

2.9.1.4 Quorum and Substitutes

Part 2.9--Functions of Health and Wellbeing Board and Emergency Planning Forum

The quorum of the Board will be one half of the total number of members plus one member.

If members of the Board know in advance that they will be unavailable to attend a Board meeting, they may send a substitute who is able to represent them. This substitute should be notified to the Executive Director, Resources by no later than 1 hour before the meeting

2.9.1.5 Sub-Committees and Working Groups

The Board may establish sub-committees or working groups to support its deliberations on subject specific matters. Such sub-groups may comprise in part or in whole co-opted members, Councillors and Council officers who are not members of the Board.

2.9.1.6 Frequency of meetings

The Board will meet at least four times a year and meetings will be subject to the usual Access to Information requirements.

2.9.1.7 Terms of Reference

The Health and Wellbeing Board will have the following terms of reference:-

2.9.1.7.1 To facilitate partnership working across the following broad areas:

- Assessing the needs of the Coventry population and leading the statutory joint strategic needs assessment ;
- developing a "high level" Health and Well Being Strategy for the City;
- promoting integration and partnership across areas by joining up commissioning plans across the NHS, social care and public health; and
- supporting joint commissioning and pooled budget arrangements where appropriate.

2.9.1.7.2 The Health and Wellbeing Board will work with the NHS Commissioning Board and co-ordinate any sub-regional activity

2.9.2 Emergency Planning Forum

Part 2.9--Functions of Health and Wellbeing Board and Emergency Planning Forum

2.9.2.1 An Emergency Planning Forum will be established, the purpose of which will be to take on full responsibility for executive decisions during an emergency and the Council's response to an emergency.

2.9.2.2 The Forum will comprise the following Members:-

Leader (Chair)	}
Deputy Leader	}
Appropriate Cabinet Member	} or nominee
Lord Mayor	}
Deputy Lord Mayor	}
Leader of the Main Opposition Group	}

2.9.2.3 All Members of the Forum should receive emergency planning training.

Part 2.9--Functions of Health and Wellbeing Board and Emergency Planning Forum

Part 2.9--Functions of Health and Wellbeing Board and Emergency Planning Forum