

## **PART 2**

### **SCHEME OF DELEGATION**

#### **Decision-Making and Responsibility for Functions**

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**PART 2A: GENERAL PRINCIPLES**

**1. Principles of Decision Making**

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

- (a) 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).
- (b) 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.
- (c) Decision making should be planned and the public given due notification of forthcoming decisions.
- (d) Decisions must be taken with regard to all relevant considerations and ignoring all irrelevant considerations.
- (e) Decisions should reflect the Council's overall corporate aims and objectives and have regard to any relevant approved policies and procedures of the Council.
- (f) 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.
- (g) Any decision taken must be justifiable in terms of being proportionate to the desired outcome – "the principle of proportionality".
- (h) Due regard must be had to any relevant statutory provisions and with respect for human rights protected by the Human Rights Act 1998.
- (i) Due regard must be had to the Council's obligations and desire to promote equality of opportunity and equal treatment.
- (j) 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.
- (k) 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.



- (l) 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. Types of Decision**

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

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

2.2 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.

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

2.4 Decisions relating to the functions listed in Part 2C will be made by the full Council and not delegated.

**3. Key Decisions**

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;

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 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

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

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.

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.

#### **4. Decision Making by Council Bodies and Individuals**

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

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

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.

#### **5. Decision Making by Council Bodies Acting as Tribunals**

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.

#### **6. Government Consultation Papers**

6.1 Responses to Government Consultation Papers (unless the Chief Executive determines that they relate to a "technical" issue) shall be agreed by Cabinet Member (where practicable within the timescale) updating the Shadow Cabinet Member.

6.2 Where the Government Consultation paper is high profile or of a particular matter of substantial public importance this will be decided by Council (where practicable within the timescale). Where the timescale of a Government Consultation Paper that is high profile or of a particular matter of substantial public importance does not permit consideration by Council, responses shall be decided by Cabinet; where the timescale of any such Government Consultation Paper does not permit consideration by Cabinet, responses shall be agreed by the Leader, the appropriate Cabinet Member and the Deputy Chief Executive or appropriate Director following

consultation with the appropriate shadow Cabinet Member. In this last case, the appropriate Cabinet Member has the authority, at their discretion, to refer a consultation to the relevant Scrutiny Board

**7. Allocation of Functions**

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.

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) 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.

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.

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;
- 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.

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

## 8. **Responsibility for Local Choice Functions**

8.1 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.

<b>Local Choice Function</b>	<b>Responsible Body or Person</b>	<b>Any Restrictions</b>	<b>Statutory References</b>
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.

**Part 2A - General Principles**

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 from two schools	Council but delegated to the Schools Appeals Committee	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
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

**Part 2A - General Principles**

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

<p>The obtaining of information as to interests in land</p>	<p>Council</p>	<p>Delegated to the Planning Committee except to the extent that powers are delegated to officers</p>	<p>Section 330 of the Town and Country Planning Act 1990</p>
<p>The obtaining of particulars of persons interested in land</p>	<p>Cabinet or Cabinet Member</p>	<p>Except to the extent that powers are delegated to officers</p>	<p>Section 16 of the Local Government (Miscellaneous Provisions) Act 1976</p>
<p>The making of agreements for the execution of highways works</p>	<p>Council</p>	<p>Delegated to the Planning Committee except to the extent that powers are delegated to officers</p>	<p>Section 278 of the Highways Act 1980 and Section 23 of the New Roads and Street Works Act 1991</p>
<p>The appointment of any individual—</p> <p>(a) to any office other than an office in which he is employed by the authority;</p> <p>(b) to any body other than:</p> <p>(i) the authority;</p> <p>(ii) a joint committee of two or more authorities; or</p> <p>(c) to any committee or sub-committee of such a body; and the revocation of any such appointment.</p>	<p>Council</p>		<p>Any enactment conferring a power to make such appointments or to revoke the same</p>

**PART 2B: FUNCTIONS OF CABINET**

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. **Form and Constitution**
  - 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 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 paragraph 6 below.
  - 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.
  - 2.4 Members of the Cabinet cannot be members of any Scrutiny Board, Audit and Procurement Committee, Planning Committee or Licensing and Regulatory Committee.
3. **Appointment of Leader and Deputy Leader**
  - 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) she/he is removed from that office by resolution of the Council, or
    - (b) she/he resigns from the office, or
    - (c) she/he is no longer a Councillor.
  - 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.
  - 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) she/he is removed from that office by Leader, or
- (b) she/he resigns from the office, or
- (c) she/he is no longer a Councillor.

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 or her place.

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.

#### **4. Other Cabinet Members**

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.

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.

#### **5. Advisory Panels**

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 3D 8.7.

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.

**6. Deputy Cabinet Member Role and Responsibilities**

Deputy Cabinet Members have the following role and responsibilities:

- (a) To support the Cabinet Member in carrying out his or her responsibilities.
- (b) To deputise for the Cabinet Member at meetings including Cabinet, and any other relevant meetings or external events.
- (c) To attend Scrutiny Board or Scrutiny Co-ordination Committee meetings as required, answering questions and speaking on behalf of the Cabinet Member.
- (d) To maintain awareness of policy developments and advise the Cabinet Member of key developments.
- (e) To bring to the attention of the Cabinet Member issues of concern to members who are not part of the Executive.
- (f) To undertake research and any other tasks under the direction of the Cabinet Member.
- (g) 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.

**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.

**Part 2C - Functions of Council**

- (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.
- (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 to Government or other consultation papers where consideration by full Council is not practicable within the timescale of the relevant consultation.
- (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 or as part of a Scrutiny 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.

**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:-

- (a) Represent and promote the City and the interests of its citizens to the outside world, in conjunction with the Lord Mayor.
- (b) Make statements, or nominate another Member to make statements, on issues or matters at Council Meetings.
- (c) 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.
- (d) 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.
- (e) Chair meetings of the Coventry Partnership or their nominee whilst that body's constitution calls for it.
- (f) 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.
- (g) 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 in consultation with the Deputy Leader and/or the Deputy Cabinet Member where appropriate. The decision to consult the Deputy Cabinet Member shall be at the Deputy Leader's discretion.

**9. Appointment of Cabinet Members and Allocation of Cabinet Portfolios**

- 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.
- 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 City Solicitor. The Leader shall report upon any such appointment at the next available Full Council meeting.
- 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.
- 9.4 The Leader will allocate Executive Functions amongst the Councillors 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 City Solicitor. 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.
- 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 City Solicitor. The Leader shall report upon any such removal from office and the appointment of Deputy Cabinet Members at the next available Full Council meeting.
- 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 or 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.
- 9.7 The Leader may as she/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 City Solicitor. The Leader shall report upon any such scheme of delegation or any changes to it at the next available Full Council meeting.

**10. Cabinet Portfolios**

- 10.1 The Cabinet Member responsible for each portfolio will be required to advise the Cabinet on the matters relating to his or her portfolio when the Cabinet is acting collectively.
- 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:-
- (a) Require approval by the Council;
  - (b) Where appropriate should be determined by the Council due to its significance or importance following consultation with the Leader;
  - (c) Are reserved to Scrutiny, the Ethics Committee or to the Cabinet;
  - (d) Are delegated to other City Council Committees or to Employees;
  - (e) Are significant in financial terms as specified in the Financial Procedure Rules;
  - (f) Are Key Decisions;
  - (g) 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;
- 10.3 The City Solicitor. or his or 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 City Solicitor. or her/his representative is not present, no decision will be deemed to have been taken.
- 10.4 Decisions of the Cabinet and Cabinet Members are subject to the Call-In arrangements, except where urgent.
- 10.5 Notwithstanding the above, the Cabinet Member responsible for each portfolio may refer any matter which she/he considers should be dealt with by the Cabinet collectively because of its significance or importance.

**10.6 CABINET PORTFOLIOS**

<b>Member</b>	<b>Name, Address and Ward</b>	<b>Portfolio</b>
The Leader (Policy and Leadership)	Councillor George Duggins  Representing Longford Ward	One Coventry Council Plan City of Culture 2021 Legacy Scrutiny External relations / public relations Chair of Cabinet / Management Board meetings Emergency Planning Regional Matters West Midlands Combined Authority Corporate Governance Information Management and Governance Risk Management Political Management
The Deputy Leader (Policing and Equalities)  Deputy Cabinet Member	Councillor Abdul Khan  Representing Foleshill Ward  Councillor Pervez Akhtar  Representing Whoberley Ward	Community Safety Community Cohesion Public Protection and Licensing Prosecution and Enforcement Democratic Services, including Lord Mayor's Electoral Services Equalities Legal Services Training (Members) Constitutional Matters Domestic Violence and Sexual Exploitation Local Policing Media Strategy Events and Parks International Liaison and diplomacy Peace, reconciliation and twinning Deputising on Leader Items
Cabinet Member (Strategic Finance and Resources)	Councillor Richard Brown  Representing Cheylesmore Ward	Strategic Finance Medium Term Financial Strategy Budget Setting External Resources Operational Finance incl. Revenues and Benefits Service Transformation and value for money Procurement Human Resources

**Part 2C - Functions of Council**

		<p>Organisational Development  Key Staff Recruitment and Retention  Customer Services  Health and Safety  Pensions  Digital Strategy</p>
<p>Cabinet Member  (Children and Young People)</p> <p>Deputy Cabinet Member</p>	<p>Councillor Patricia Seaman</p> <p>Representing Henley Ward</p> <p>Councillor Abdul Jobbar</p> <p>Representing Westwood Ward</p>	<p>Children and Families  Children and Young People’s Social Care  Child Exploitation  Young People  Youth Offending Service  Safeguarding  *S19 Children Act 2004 Lead Member  Fostering and Adoption  Corporate Parenting</p>
<p>Cabinet Member  (Education and Skills)</p>	<p>Councillor Kindy Sandhu</p> <p>Representing Earlsdon Ward</p>	<p>Post 16 Education and Training  Schools  Early Years  Special Educational Needs and Disability  Libraries  Adult Education  Higher and Further Education (incl. Universities)  Skills and Employability</p>
<p>Cabinet Member  (Jobs, Regeneration and Climate Change)</p>	<p>Councillor Jim O’Boyle</p> <p>Representing St Michael’s Ward</p>	<p>Economic Development  City Centre (Regeneration)  International Trade and Inward Investment  Commercial and Operational Property (including catering)  Growth Company  Urban Regeneration  Transportation  Tourism and Marketing  Sustainability and climate change  Social Enterprise Strategy</p>



**Part 2C - Functions of Council**

Cabinet Member (City Services)	Councillor Patricia Hetherton	Highways, Drainage and Lighting Licensing Policy (Hackney Carriage and Private Hire) Public Realm Street Services (Ground Maintenance) Refuse (domestic and commercial)
Deputy Cabinet Member	Councillor Shakila Nazir	Street Cleaning Waste Management Flood Management Environment Bereavement Services Traffic Management and Road Safety Parking Policy and Operations Information Technology
Cabinet Member (Adult Services)	Councillor Linda Bigham	Social Care for Adults and Older People Better Care Fund Transforming Care Carers Adult Safeguarding
Deputy Cabinet Member	Councillor Dave Toulson	Adult social care integration with health Loneliness Armed Forces Champion
Cabinet Member (Public Health, Sport and Wellbeing)	Councillor Kamran Caan	Health Strategy and Policy Integrated Care Systems Health Inequalities and Marmot Air Quality Local Health Economy Public Health Sexual Health Teenage Pregnancies Mental Health Poverty Fuel Poverty Sport, Physical Activity and Parks
Deputy Cabinet Member	Councillor Gurdev Hayre	
	Representing Upper Stoke Ward	
Cabinet Member (Housing and Communities)	Councillor Naeem Akhtar	Health Strategy and Policy Integrated Care Systems Health Inequalities and Marmot Air Quality Local Health Economy Public Health Sexual Health Teenage Pregnancies Mental Health Poverty Fuel Poverty
Deputy Cabinet Member	Councillor Seyi Agboola	
	Representing Binley and Willenhall	

	Sport, Physical Activity and Parks
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**\*Cabinet Member Children and Young People is designated as the Lead Member for Children’s Services as required by Section 19 of the Children’s Act 2004**

**PART 2C: FUNCTIONS OF COUNCIL**

1. The following functions will be the responsibility of the Council:-

	<b>Functions</b>	<b>Statutory Reference</b>
1.1	Adopting and changing the Constitution.	Part 1A Local Government Act 2000 and subordinate legislation
1.2	Electing the Lord Mayor and appointing the Deputy Lord Mayor.	Sections 3 and 5 Local Government Act 1972
1.3	Electing and removing the Leader.	Sections 9I to 9ID Local Government Act 2000
1.4	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
1.5	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
1.6	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 Sections 9F and 9FA Local Government Act 2000
1.7	Power to alter governance arrangements.	Section 9KC Local Government Act 2000
1.8	Appointing representatives to outside bodies unless the appointment is an executive function or has been otherwise delegated by the Council.	

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**Part 2C - Functions of Council**

1.9	Adopting an allowances scheme (See Part 5).	Section 175 Local Government Act 1972 Section 18 Local Government and Housing Act 1989, the Local Authorities (Members' Allowances) (England) Regulations 2003, the Local Authorities (Standing Orders) Regulations 1993 (SI 1993/202) and the Local Authorities (Standing Orders) (England) Regulations 2001 (SI 2001/3384) and any other regulations thereunder
1.10	Changing the name of the area.	Section 74 Local Government Act 1972
1.11	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,) the Local Authorities (Standing Orders) (England) Regulations 2001 (SI 2001/3384) and any other relevant regulations
1.12	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)
1.13	Duty to provide staff and resources, to the Monitoring Officer and Head of Paid Service.	Sections 4 and 5 of the Local Government and Housing Act 1989
1.14	Power to relax a restriction or restrictions on exit payments, subject to the consent of the Treasury	Section 153C(1) of the Small Business, Enterprise and Employment Act 2015 and the Restriction of Public Sector Exit Payments Regulations 2020 (SI 2020/1122)
1.15	Powers relating to Overview and Scrutiny Committees (voting rights of co-opted Members).	Section 9F et seq of the Local Government Act 2000
1.16	Making, amending, revoking, re-enacting or adopting bylaws.	Any provision or any enactment (including a local Act) whenever passed; Section 14 Interpretation Act 1978
1.17	Promoting or opposing the making of local legislation or personal Bills.	Section 239 Local Government Act 1972

**Part 2C - Functions of Council**

1.18	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"> <li>• Appointing the Members and Chairs of the Scrutiny Boards and Members, Chair and Deputy Chair of Scrutiny Co-ordination Committee</li> <li>• Electing the Lord Mayor and Deputy Lord Mayor.</li> </ul>	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
1.19	Determining whether or not to delegate to another local authority any of its functions or to accept the delegation of any functions from another local authority.	Sections 101 and 102 Local Government Act 1972
1.20	Appointing Proper Officers for the purposes of any particular functions	Section 270(3) Local Government Act 1972
1.21	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)
1.22	Power to change the name of a parish.	Section 75 of the Local Government Act 1972
1.23	Power to alter the dates of Parish Elections.	Section 53 Local Government and Public Involvement in Health Act 2007
1.24	Power to undertake a Community Governance Review.	Section 82 Local Government and Public Involvement in Health Act 2007
1.25	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
1.26	Functions relating to local government pensions.	Regulations under section 7, 12 or 24 Superannuation Act 1972

**Part 2C - Functions of Council**

1.27	Functions under the Fireman's Pension Scheme relating to pensions etc. to persons employed as members of fire and rescue services maintained pursuant to the Fire and Rescue Services Act 2004.	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 2004 Act and the Firefighters' Pension Scheme 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))
1.28	Power to make payments or provide other benefits in cases of maladministration.	Section 92 of the Local Government Act 2000
1.29	All relevant functions relating to local, parliamentary, European elections and elections for a Police and Crime Commissioner.	Sections 8(2), 18A to 18E 31, 39(4), 52(4), 54 of the Representation of People Act 1983 Also refer to the review of Polling Districts and Polling Places (Parliamentary Elections) Regulations 2006, (SI 2006/2965), , and the Local Elections (Principal Areas) (England and Wales) Rules 2006, (SI 2006/3304), Chapter 6 of the Police Reform and Social Responsibility Act 2011 and any regulations made thereunder.
1.30	Duty to declare vacancy in office in certain cases.	Section 86 of the Local Government Act 1972
1.31	Duty to give public notice of a casual vacancy.	Section 87 of the Local Government Act 1972
1.32	The passing of a resolution: (a) for whole council elections; and (b) to change the name of an electoral area.	Section 32 of the Local Government and Public Involvement in Health Act 2007; Section 59 of the Local Government and Public Involvement in Health Act 2007
1.33	Appointment of coroner	The Coroners and Justice Act 2009
1.34	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
1.35	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. The Policy Framework will Include the Following Plans and Strategies**

- (a) The Council Plan
- (b) Sustainable Community Strategy
- (c) Annual Library Plan
- (d) Housing and Homelessness Strategy
- (e) Plans and alterations that together comprise the Coventry Development Plan
- (f) Children and Young People's Plan
- (g) Local Transport Plan
- (h) Licensing Authority Policy Statement under the Gambling Act 2005
- (i) Youth Justice Plan
- (j) Community Safety Plan
- (k) Emergency Plan

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.

**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.

**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 (Policing 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 (Policing and Equalities) only.

**PART 2D: FUNCTIONS OF SCRUTINY**

**1. General**

- 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.
- 1.2 Scrutiny Boards will carry out the functions of scrutiny and overview as conferred by law 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.
- 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 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.
- 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.
- 1.5 The Scrutiny Boards will carry out their functions having regard to the Scrutiny Procedure Rules and the terms of reference for Scrutiny.
- 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 as set out in Part 3.

**2. Terms of Reference – Scrutiny Boards**

- 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.
- 2.2 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: and
- (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 3.1(b) below.

**3. Terms of Reference - Scrutiny Co-ordination Committee**

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 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 Part 3D); and
- (j) Review the way in which the Council has dealt with a petition.

**4. Membership of Scrutiny Boards and the Scrutiny Co-ordination Committee**

- 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 she/he has been directly involved.
- 4.2 The Membership of the Scrutiny Co-ordination Committee will be determined by full Council and will reflect political proportionality.

**5. Co-optees**

- 5.1 Subject to paragraph 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.
- 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.

**6. Education Representatives**

- 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) A maximum of two parent governors elected by the parent governors in the City in respect of either the Primary or Secondary phase of education.
  - (d) One representative from other faith groups in the City
- 6.2 Such appointees, with the exception for the time being of the representative appointed under 6.1(d) above, may speak and vote on education issues only, but may speak on other issues.
- 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.
- 6.4 Such appointees shall serve a minimum term of two years and a maximum term of four years.
- 7. **Quorum for Scrutiny Boards and Scrutiny Co-ordination Committee**
- 7.1 The quorum for Scrutiny Boards will be four elected Members.
- 7.2 The quorum for the Scrutiny Co-ordination Committee will be five elected Members.
- 8. **Substitute Members for Scrutiny Boards and Scrutiny Co-ordination Committee**
- 8.1 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 City Solicitor at least one hour in advance of the meeting.
- 9. **Chairing Meetings of Scrutiny Boards and Scrutiny Co-ordination Committee**
- 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.
- 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 City Solicitor 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 meeting, the remaining members of the Board will elect a member

from among them to chair the meeting on that occasion.

**10. Sub-Groups**

10.1 Scrutiny Boards may choose to create a Sub-Group to investigate or review a particular topic. Those sub-groups need not 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 she/he is a member of that Scrutiny Board. In addition, a Sub-Group may appoint non-voting co-optees.

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.

10.3 A Sub-Group will not have any decision-making authority but will make recommendations to the Scrutiny Board that created it.

**11. Specific Functions**

**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; and
- (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.

**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;
- (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; and
- (j) in relation to petition matters, require senior officers to attend before it and answer questions on their work and the Council petitions scheme in Part 3 of this Constitution.

**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.

**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.

**14. Call-in**

- 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.
- 14.2 The right to call-in does not apply to the limited categories of decision set out in the Scrutiny Procedure Rules.
- 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.

**PART 2E: ETHICS COMMITTEE**

The Council has established an Ethics Committee

1. **Composition**

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

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.

3. **Quorum**

The quorum of the Committee will be three members.

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:-

- (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 Finham Parish Council, 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; and
- (i) Considering any other matters which are relevant to the ethical governance of the Council, its Members or Employees.

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, Council House, Earl Street, Coventry, CV1 5RR.

**PART 2F: LICENSING AND REGULATORY COMMITTEE**

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

**1. Composition**

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

**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.

**3. Quorum**

The quorum of the Committee will be 5 members.

**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 2M 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, 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

**Part 2F - Functions of Licensing and Regulatory Committee**

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 2A;

- (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 regulatory matters and revisions to the local statements of licensing policy;
- (d) To establish sub-committees:-
  - (i) Comprising three members as and when required for the purpose of conducting hearings under the Licensing Act 2003 and Gambling Act 2005;
  - (ii) For the purposes of considering Hackney Carriage and Private Hire (taxi) applications under the Town Police Clauses Act 1847, the Local Government (Miscellaneous Provisions) Act 1976, the Council's own taxi licensing policy
- (e) To delegate these functions, where appropriate, to the appropriate Director or Head of Service or other appropriate employees; and
- (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.

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

- 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.
- 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.

- 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.

## **6. 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 has 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 (Policing 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.

7. All members of the Committee shall have received appropriate training before carrying out any licensing function.

## **8. Sub-Committees of the Licensing and Regulatory Committee - Licensing Act 2003 and the Gambling Act 2005**

- 8.1. All Members of the Licensing and Regulatory Committee will be required to receive training before considering applications under the Licensing Act 2003 and the Gambling Act 2005.

- 8.2 Sub-Committees of the Licensing and Regulatory Committee will be established as necessary to consider applications under the Licensing Act 2003 and the Gambling Act 2005.

- 8.3 The membership of each Sub-Committee will be 3 Members, to be selected by

**Part 2F - Functions of Licensing and Regulatory Committee**

the City Solicitor, in consultation with the Chair of the Licensing and Regulatory Committee, drawn from the membership of the Licensing and Regulatory Committee.

- 8.4 Sub-Committees are the subject of proportionality requirements of the Local Government Act 1989 and the City Solicitor, in selecting the membership of any Sub-Committee, will ensure that the membership, as far as it is practicable, properly reflects the political makeup of the Council.
- 8.5 A Member who is unable to attend a meeting will be entitled to appoint a substitute Member, provided that such substitute Member is a member of the Licensing and Regulatory Committee.
- 8.6 The quorum for each Sub-Committee will be 3 Members.
- 8.7 The Chair for each meeting will be appointed by the Sub-Committee at the start of their meeting. (The Chair will normally be a Member of the Controlling Group).
- 8.8 The Sub-Committees are subject to the Access to Information Procedure Rules set out in Part 3.
- 8.9 Decisions of the Sub-Committees are not subject to the call-in procedure.
- 8.10 Minutes of the Sub-Committees will be submitted to the Licensing and Regulatory Committee.
- 8.11 The City Solicitor will report regularly to the Chair of the Licensing and Regulatory Committee on Members' availability for and/or attendance at Sub-Committees.

**9. Sub-Committees of the Licensing and Regulatory Committee - Hackney Carriages and Private Hire (Taxis)**

- 9.1. All Members of the Licensing and Regulatory Committee will be required to receive training before considering Hackney Carriages and Private Hire (Taxis) applications.
- 9.2 Two Sub-Committees of the Licensing and Regulatory Committee will be established by full Council to consider Hackney Carriages and Private Hire (Taxis) applications.
- 9.3 The membership of each Sub-Committee will be made up of half of the membership of the Licencing and Regulatory Committee. The Chair and Deputy Chair of the Licensing and Regulatory Committee will be appointed to both Sub-Committees.
- 9.4 Sub-Committees are the subject of proportionality requirements of the Local

***Part 2F - Functions of Licensing and Regulatory Committee***

Government Act 1989.

- 9.5 A Member who is unable to attend a meeting of a Sub-Committee will be entitled to appoint a substitute Member, provided that such substitute Member is a member of the Licensing and Regulatory Committee.
- 9.6 The quorum for each Sub-Committee will be 4 Members.
- 9.7 The Chair for each of the Sub-Committees will be the Chair of the Licensing and Regulatory Committee.
- 9.8 The Sub-Committees are subject to the Access to Information Procedure Rules set out in Part 3.
- 9.9 Decisions of the Sub-Committees are not subject to the call-in procedure.
- 9.10 Minutes of the Sub-Committees will be submitted to the next meeting of that Sub-Committee.

## **PART 2G: PLANNING COMMITTEE**

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

### **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.

### **10. 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.

### **11. Quorum**

The quorum of the Committee will be five members.

### **12. 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:

- (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 & Country 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.
- (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 paragraphs 37–38 and 41–56, Part E, Part I paragraphs 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.
- (g) To delegate these functions, where appropriate, to employees or any sub-committee.

### **13. Matters incidental to the exercise of the Committee's delegated functions**

- 5.1 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.
- 5.2 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.
- 5.3 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.

### **14. Legal Proceedings**

- 6.1 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.

**PART 2H: FUNCTIONS OF THE APPEALS COMMITTEE,  
APPOINTMENTS PANEL AND INDEPENDENT REMUNERATION PANEL**

**1. The Appeals Committee**

- 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, except where specific functions have been delegated to an employee of the Council by virtue of Part 2M of this Constitution
- 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 City Solicitor. on an ad hoc basis from the Appeals Panel.
- 1.3 There is a separate appeal body for school admissions and exclusion appeals.

**15. The Appointments Panel**

An appointments panel will carry out functions specified in the Employees Employment Procedure Rules in Part 3H.

**16. The Independent Remuneration Panel**

- 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.
- 3.2 The Independent Remuneration Panel will comprise independent members to be determined by the City Solicitor, 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.

## **PART 21: AUDIT AND PROCUREMENT COMMITTEE**

The Council has established an Audit and Procurement Committee.

### **1. Composition**

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

### **17. 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 of Scrutiny Boards.

### **18. Quorum**

The quorum of the Committee will be 3 members.

### **19. Sub-Committees**

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

### **20. Training**

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

### **21. 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.

### **22. Accountability**

- 7.1 Any recommendations the Committee wishes to make will be submitted to full Council.
- 7.2 The Chair of the Committee will answer questions on its work at full Council meetings.
- 7.3 The Committee will report annually to full Council on its work

## **23. Terms of Reference**

### **8.1 Audit Activities**

- (a) To consider the Chief Internal Auditor'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 Chief Internal Auditor 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.

### **8.2 Regulatory Framework**

- (a) To maintain an overview of the Council's Constitution in respect of Contract Procedure Rules and Financial Procedure Rules.
- (b) To receive and consider an annual report on the Council's procurement and commissioning arrangements.
- (c) To review any relevant issue referred to it by the Chief Executive, the Chief Finance Officer or the Monitoring Officer.
- (d) To monitor the Cabinet'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.

**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.

**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.

**8.5 Salaries**

To determine any salary for a new post 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 sum involved are excluded from the Committee's terms of reference and will remain with full Council to determine.

**PART 2J: COVENTRY HEALTH AND WELLBEING BOARD**

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. Composition**

2.1 The Board shall comprise:

	<b>Position / Organisation</b>	<b>How Appointed</b>
(a)	Leader of the Council*:	Nominated by Leader
(b)	Cabinet Member (Public Health and Sport):	Nominated by Leader
(c)	Cabinet Member (Children and Young People):	Nominated by Leader
(d)	Cabinet Member (Adult Social Care):	Nominated by Leader
(e)	Conservative Group representative:	Nominated by Leader
(g)	Director of Adult Services**	Statutory appointment
(h)	Director of Children's Services**	Statutory appointment
(i)	Director of Public Health and Wellbeing**:	Statutory appointment
(j)	Coventry Healthwatch**:	2 representatives
(k)	Coventry and Warwickshire Integrated Care Board:	2 representatives
(l)	NHS England:	1 representative
(n)	Coventry University:	Vice-Chancellor (or representative)
(o)	Warwick University:	Vice-Chancellor (or representative)
(p)	West Midlands Police:	1 representative
(q)	West Midlands Fire Service:	Operations Commander Coventry
(r)	Coventry and Warwickshire Partnership Trust:	1 representative
(s)	University Hospitals Coventry and Warwickshire:	Chief Executive or representative

## **Part 2J - Functions of Health and Wellbeing Board**

\* At least one Councillor of the Local Authority must sit on the Board

\*\* Statutory appointments

- 2.2 In addition to the appointments referred to in 2.1 above, the Board may amend the non-statutory and non-Elected Member appointments to the Board as it thinks appropriate.

### **24. Chair and Deputy Chair**

The full Council will appoint the Chair and the Board will appoint the Deputy Chair of the Board from one of the partner organisations represented on the Board.

### **25. Quorum and Substitutes**

- 4.1 The quorum of the Board will be one half of the total number of members plus one member.
- 4.2 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 City Solicitor by no later than 1 hour before the meeting.

### **26. 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.

### **27. 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.

### **28. Terms of Reference**

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

7.1 To facilitate partnership working across the following broad areas:

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



## ***Part 2J - Functions of Health and Wellbeing Board***

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

**PART 2K: EMERGENCY PLANNING FORUM**

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. 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 }
  
3. All Members of the Forum should receive emergency planning training.

**PART 2L: JOINT HEALTH OVERVIEW AND SCRUTINY COMMITTEE  
(COVENTRY AND WARWICKSHIRE)**

**Terms of Reference**

**1. Rationale**

- 1.1. Health Services are required to consult a local authority's Health Overview and Scrutiny Committee about any proposals they have for a substantial development or variation in the provision of health services in their area. When these substantial developments or variations affect a geographical area that covers more than one local authority, the local authorities are required to appoint a Joint Health Overview and Scrutiny Committee (HOSC) for the purposes of the consultation. Increasingly, proposals from the National Health Service are affecting larger geographical areas.
- 1.2. These terms of reference set out the arrangements for Coventry City Council and Warwickshire County Council to operate a Joint HOSC Committee within line with the provisions set out in legislation and guidance and allow it to operate both as a mandatory committee and as a discretionary committee.

**29. General Terms of Reference**

- 2.1. The Joint Health Overview and Scrutiny Committee will operate formally as a mandatory joint committee i.e. where the councils have been required under Regulation 30 (5) Local Authority (Public Health, Health and Well-being Boards and Health Scrutiny) Regulations 2013 to appoint a joint committee for the purposes of the specified consultation.
- 2.2. The purpose of the mandatory Joint HOSC is to:
- Make comments on the proposal consulted on
  - Require the provision of information about the proposal
  - Require the member or employee of the relevant health service to attend before it to answer questions in connection with the consultation.
- 2.3. Both participating authorities have retained all other powers, including the ability to refer issues to the Secretary of State.
- 2.4. The joint response to the consulting health service will be agreed by the Joint Health Overview and Scrutiny Committee and signed by both Chairs.
- 2.5. At any other time, the Joint Health Overview and Scrutiny Committee can be convened as a discretionary committee with the agreement of both Committee Chairs. This would allow the Joint Committee to consider relevant issues, but the two local authorities would retain their health scrutiny functions.

No matter to be discussed by the Committee shall be considered to be confidential or exempt without the agreement of both Councils and subject to the requirements of Schedule 12A of the Local Government Act 1972.

### **30. Timescales & Governance**

- 3.1 The Joint Health Overview and Scrutiny Committee will operate as a mandatory Committee only while the proposed service changes that affect both areas are considered, that is from the point at which the relevant health body notifies the Joint HOSC of the formal consultation timetable and the point at which a decision is taken.
- 3.2 The responsibility for chairing meetings will alternate between Coventry and Warwickshire, the Health Scrutiny Chair of the hosting authority to chair the meeting. The location of meetings is to rotate between the two authorities. In the absence of a meeting Chair, the Chair of the other Authority, if present, takes the chair, and in the absence of both Chairs, a Chair will be elected from those members present at the meeting.
- 3.3 Meetings of the Joint HOSC will be conducted under the Standing Orders of the host Local Authority (i.e. the Local Authority chairing the meeting and providing democratic services support).

### **31. Communication with Media**

- 4.1 Should a press statement or press release need to be made by the Joint Health Overview and Scrutiny Committee, this will be drafted by the host Local Authority on behalf of the Committee and will be agreed by both Chairs.

### **32. Membership**

- 5.1 Membership of the Joint HOSC will be appointed by Coventry City Council and Warwickshire County Council from the membership of their Scrutiny Committees that have responsibility for discharging health scrutiny functions.
- 5.2 Each authority will nominate 5 members to the Committee. Appointments by each authority to the Joint Committee will reflect the political balance of that authority.
- 5.3 The quorum for meetings will be four members, comprising two members from each authority.
- 5.4 There are to be no co-opted Members.

### **33. Support Arrangements / Resources**

- 6.1 The work of the Joint HOSC will require support in terms of overall co-ordination, setting up and clerking of meetings and underpinning

policy support and administrative arrangements.

- 6.2 Venues for meetings are to be rotated between Coventry City Council and Warwickshire County Council. Associated administrative costs to be borne by the respective Authority. Responsibility for administrative/ policy support and clerking arrangements is also to be alternated between the two Authorities. The nature of tasks involved in supporting the Committee is set out below: -

<b>Support</b>	<b>Nature of tasks</b>
Overall Co-ordination of Joint Scrutiny Committee's work, Policy Support and Administrative Support	Manage the Committee's work programme. Ensure key action points arising from Committee discussions are followed. Maintain ongoing dialogue and communication between the two Local Authorities. Maintain ongoing dialogue with Healthcare Trusts. Provide policy support as required by the Working Group/Committee. Produce briefing papers as required. Undertake any other support tasks e.g. writing letters, inviting witnesses etc. Drafting joint response
Clerking of meetings	Set up meetings and associated tasks. Maintain schedule of meetings. Send out agendas and related paper work. Take notes of meetings and distribute these. Provide advice in relation to scrutiny procedures.

**PART 2M: SCHEME OF FUNCTIONS DELEGATED TO EMPLOYEES**

1. **Interpretation and General Principles**

1.1 In this part:

- (a) **Senior Leadership Team** shall mean: the Chief Executive, the Chief Partnerships Officer, the Chief Operating Officer (Section 151 Officer), the City Solicitor (Chief Legal Officer) and the Chief People Officer.
- (b) **References to the City Solicitor** shall mean the Chief Legal Officer (Monitoring Officer).
- (c) **References to Heads of Service** shall mean the appropriate Head, or Heads, of Service as determined by the relevant Director and shall include Strategic Leads and Consultants in Public Health.
- (d) **References to Directors** shall include Chief Officers.

1.2 In this part where a delegation is subject to consultation with the relevant Cabinet Member or a specified Cabinet Member, the employee exercising the delegated power may consult with a Deputy Cabinet Member if the Cabinet Member is unavailable or otherwise unable to act and if a Deputy Cabinet Member has been allocated to that Cabinet Member's portfolio as set out in the Table to Part 2B.

1.3 All delegated powers are exercised in accordance with Council policies, within any financial limits imposed and within any guidelines prescribed by Council, the Cabinet or appropriate committee.

1.4 Where an employee with delegated authority deems it appropriate on any matter, a report can be presented to the appropriate decision-making body.

1.5 Where any new power or duty is given to the Council, the exercise of that power or duty will be undertaken by the Chief Executive or relevant Director until such time as the allocation of responsibility has been determined by the Leader or the Council.

1.6 The Chief Executive may exercise any of the functions delegated to Directors or Heads of Service.

1.7 If the office of the Chief Executive is vacated or the Chief Executive is absent or otherwise unable to act then the Chief Partnerships Officer, Chief Operating Officer (Section 151 Officer), Chief People Officer or Chief Legal Officer (Monitoring Officer) shall be authorised to act in place of the Chief Executive.

1.8 Where any powers have been delegated in accordance with this part then the Chief Executive shall be responsible for that delegation to

## ***Part 2M – Scheme of functions delegated to employees***

the extent outlined in section 2 below, and paragraph 2.4 in particular.

- 1.9 Delegations made under this Part may be added to, amended or revoked by the body that has responsibility for the function that is the subject of the additional delegation, amendment or revocation. Nothing contained in this part will interfere with or prevent another body from exercising such function in any particular circumstances should it so choose.
- 1.10 Any function specifically delegated to an employee, by way of description or under any primary legislation will also include:
- any secondary legislation made under the Act;
  - any amendments made to or under the Act;
  - any new primary or secondary legislation relevant to their service area; and
  - anything that is calculated to facilitate or is conducive or incidental to such matters.

### **34. Exercising Powers Delegated to Employees**

- 2.1 Members of the Strategic Leadership Team and Directors are accountable for the efficient and effective management of the services for which they are responsible and the performance of their statutory functions.
- 2.2 Members of the Strategic Leadership Team and Directors may use whatever means they consider appropriate to discharge the functions for which they have responsibility.
- 2.3 All employees must, in the exercise of their delegated powers, act within the law, comply with the Council's Contract Procedure Rules, financial rules and human resource policies and act in accordance with Council policy.
- 2.4 An employee to whom powers are specifically delegated may authorise another employee to exercise those powers on his/her behalf but remains responsible for any decisions taken. Any such delegation should be evidenced in writing to ensure that there is a proper audit trail.

### **35. Statutory Appointments**

- 3.1 The Chief Executive is the Head of the Paid Service (Section 4, Local Government and Housing Act 1989).
- 3.2 The City Solicitor (Chief Legal Officer) is the Monitoring Officer (Section 5, Local Government and Housing Act 1989) and the City Solicitor.
- 3.3 The Chief Operating Officer (Section 151 Officer) is responsible for

## **Part 2M – Scheme of functions delegated to employees**

the administration of the Council's financial affairs (Section 151, Local Government Act 1972).

- 3.4 The Director of Children's Services is the Director of Children's Services (Section 18 Children Act 2004) and the Director of Adult Services is the Director of Adult Services (Section 6 Local Authorities Social Services Act 1970).
- 3.5 The Director of Public Health and Wellbeing is the Director of Public Health for the purposes of Section 73A of the National Health Service Act 2006.
- 3.6 The Members and Elections Team Manager is the Scrutiny Officer for the purposes of Section 9FB of the Local Government Act 2000.
- 3.7 The roles of the first three of these statutory officers are set out below:

### **3.8 Functions of the Head of Paid Service**

- (a) The Chief Executive, as the Head of Paid Service, is the Council's most senior employee and has managerial and operational responsibility for all the Council's employees, resources, and services. The Chief Executive in consultation with the Leader will also be able to make decisions required in an emergency.
- (b) *Discharge of functions by the Council* – The Chief Executive will, where he considers it appropriate to do so in respect of any proposals of his, report to full Council on the manner in which the discharge of the Council's functions is co-ordinated, the number and grade of employees required for the discharge of functions and the organisation of employees.
- (c) *Restrictions on Functions* – The Chief Executive may not be the Monitoring Officer but may hold the post of Chief Finance Officer if a qualified accountant.

### **3.9 Functions of the Monitoring Officer**

- (a) *Maintaining and reviewing the Constitution* – The Monitoring Officer will maintain an up-to-date version of the Constitution and regularly review the same and will ensure that it is widely available in electronic format and for inspection by Councillors, employees and the public.
- (b) *Ensuring Lawfulness and fairness of decision making* – After consulting with the Head of Paid Service and Chief Finance Officer, the Monitoring Officer will report to the full Council or to the Cabinet (in relation to an executive function) if he or she considers that any proposal, decision or omission would give rise to unlawfulness or if any decision or omission has given



## ***Part 2M – Scheme of functions delegated to employees***

rise to maladministration. Such a report will have the effect of stopping the proposal or decision being implemented until the report has been considered.

- (c) *Establishing and maintaining the register of members' interests* – as required by Section 29 of the Localism Act 2011, to include interests of co-opted members.
- (d) *Supporting the Ethics Committee* – The Monitoring Officer will contribute to the promotion and maintenance of high standards of conduct through provision of support to the Ethics Committee.
- (e) *Breaches of the Code of Conduct*– The Monitoring Officer will be responsible for dealing with breaches of the Code of Conduct by elected and co-opted members of the Council, and parish councils in accordance with the Complaints Protocol approved by the Ethics Committee.
- (f) *Advising whether Cabinet decisions are within the budget and policy framework* – The Monitoring Officer in consultation with the Chief Finance Officer will advise whether decisions of the Cabinet are in accordance with the budget and policy framework.
- (g) *Providing Advice* – The Monitoring Officer and/or the Section 151 Officer will provide advice on the scope of powers and authority to take decisions, maladministration, financial impropriety, probity and budget and policy framework issues to all Councillors and will support and advise Councillors and officers in their respective roles.
- (h) *Restrictions on Posts* – The Monitoring Officer cannot be the Chief Finance Officer or the Head of Paid Service.

### **3.10 Functions of the Chief Finance Officer**

- (a) To be a key member of the Strategic Leadership Team, helping it to develop and implement strategy and to resource and deliver the organisation's strategic objectives sustainably and in the public interest;
- (b) To be actively involved in, and able to bring influence to bear on, all material business decisions to ensure immediate and longer-term implications, opportunities and risks are fully considered, and alignment with the organisation's financial strategy;
- (c) To lead the promotion and delivery by the whole organisation of good financial management so that public money is safeguarded at all times and used appropriately, economically, efficiently and effectively;

## Part 2M – Scheme of functions delegated to employees

- (d) To lead and direct a finance function that is resourced to be fit for purpose; and
- (e) To be professionally qualified and suitably experienced.

### 3.11 **Duty to Provide Sufficient Resources to the Monitoring Officer and Chief Finance Officer**

The Council will provide the Monitoring Officer and Chief Finance Officer with such employees, accommodation and other resources as are in their opinion sufficient to allow their duties to be performed.

## 36. Proper Officer Designations

Legislation specifies certain functions as the responsibility of "the Proper Officer". The Council has designated particular posts for these purposes, and these are identified in the scheme of delegation. In the event of any such Proper Officer appointment not being expressly made, the officer to whom a function is delegated is deemed to be the Proper Officer for that function.

## 37. General Delegations

The Chief Executive has the power to exercise the following functions and those functions may also be exercised by those officers indicated:

	Description	Exercised By
<b>General</b>		
1	Subject to acting within approved budgets, to take any steps and decisions necessary for the day to day operational management and administration of the functions and services for which they are responsible including the production, amendment, review and deletion of all plans, policies, procedures, strategies and other similar documents <b>except</b> those that form part of the Policy Framework.	Directors
2	To designate employees under their management as "authorised officers" for the purposes of carrying out any of the Council's functions relevant to that employee.	Directors
3	To do anything necessary, incidental or ancillary to or in consequence of the exercise of his/her functions and for the carrying into effect of any decision of the Council, Cabinet, Cabinet Members or committees.	Directors

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4	To authorise other employees to exercise any of their delegated functions notwithstanding that such post is vacant or the holder thereof is absent or otherwise unable to act.	Directors
5	To sign (as Proper Officer) any notice, order or other document on behalf of the City Council in exercise of any functions s/he is authorised to discharge.	Any employee exercising any function s/he is authorised by the Council to discharge
6	Compilation of lists of, and identification of, background papers under Section 100D(1)(a) and 100D(5)(a) and (b) of Local Government Act 1972.	Directors
7	To ensure appropriate strategic and operational health and safety policies consistent with the City Council's Corporate Health and Safety Policy Document are adopted and followed for their service area and to ensure that they comply with their individual responsibilities under the Policy Document.	Directors, Heads of Service and Managers.
8	Identification and management of strategic and operational risks associated with the service area falling within the director's responsibility as set out in the council's risk management strategy.	Directors
<b>Human Resources</b>		
9	To manage the Directorate establishment including the appointment, suspension, discipline, dismissal and severance of staff below Director level.	Directors, Heads of Service and Managers, subject to early retirement and other severance payments being authorised by the Chief Operating Officer as Section 151 Officer in consultation with the Chief People Officer.
10	In respect of employees within their own service area: (i) Appoint staff within the approved establishment;	(i) to (viii): Directors, Heads of Service and Managers;

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	<ul style="list-style-type: none"> <li>(ii) Approve changes to job descriptions and job titles where there are no grading implications subject to agreement with the Chief People Officer.</li> <li>(iii) Control and manage performance, TOIL and working hours in accordance with Health and Safety requirements and Council policy;</li> <li>(iv) Authorise paid overtime working below spinal column point 29;</li> <li>(v) Grant compassionate and special leave for urgent, personal or domestic reasons or for magisterial duties, or for trade union purposes in accordance with approved policies;</li> <li>(vi) Ensure compliance with absence control policies and performance targets;</li> <li>(vii) Approval of car lease subsidy for selected posts, where recruitment and retention needs are identified in accordance with specified criteria</li> <li>(viii) Approve foreign travel by employees where the direct cost to the City Council does not exceed £100 in consultation with the relevant Director;</li> <li>(ix) Authorising extensions to sick pay.</li> <li>(x) Authorise payments within the JNC for Chief Officers pay and grading structures.</li> <li>(xi) Authorise approval of visa applications for employees.</li> </ul>	<p>(ix): Chief People Officer and reported quarterly to relevant Cabinet Member;</p> <p>(x): Chief Executive in consultation with the Chief Operating Officer as Section 151 Officer and, Chief People Officer.</p>
11	To make decisions about restructuring of a directorate, subject to the decision being consistent with the Council's budget and policy framework and the decision maker having had regard to any report issued by the Chief Executive to full Council on the manner in which the discharge of the Council's functions is co-ordinated, the number and grade of employees required for the discharge of functions and the organisation of employees.	Directors of the service directorate which is the subject of the restructuring following consultation with Chief Operating Officer and Chief People Officer.
12	The making of agreements with other local authorities for the placing of staff at the disposal of those other local authorities.	Directors in consultation with the Chief People Officer.
13	To waive repayment under the two years agreement in cases where individual would suffer personal distress and financial difficulties if the fees were repaid.	Directors (following consultation with Section 151 Officer).
<b>Finance, Procurement and Contracts</b>		

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14	To ensure compliance with the City Council's financial rules agreed by the Council (such as Financial Procedure Rules, Finance Function manuals and other instructions) and to report to the Director of Finance as Section 151 Officer when they become aware that there is a failure to comply with the rules.	Directors, Heads of Service and Managers.
15	To ensure that their employees consider and address the financial, personnel and legal implications when making operational decisions and also when proposing potential policy developments.	Directors, Heads of Service and Managers.
16	To collaborate with the Director of Finance and relevant Directors in undertaking any matters with financial implications and achieving value for money in the provision of services.	Directors, Heads of Service and Managers.
17	To ensure that adequate facilities are made available to both internal and external auditors and that reasoned and timely responses are made to audit reports	Directors, Heads of Service and Managers.
18	To procure, works, goods and services including to invite, open and accept tenders and quotations in accordance with the Council's Rules for Contracts up to the appropriate financial limit in those Rules and in accordance with the Financial Procedure Rules.	Directors, Heads of Service and Managers, acting either singly or as a Procurement Panel or Procurement Board.

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19	<p>To sign, either under hand or electronically, contracts for works, goods and services (except for the acquisition or disposal of land or of any interest in land which shall be entered into by or on behalf of the City Solicitor) provided:-</p> <p>(i) the contract does not exceed £999,999 in total; and</p> <p>(ii) the Contract Procedure Rules and Financial Procedure Rules of the Council have been complied with; and</p> <p>(iii) the Council’s Scheme of Delegation has not been exceeded; and</p> <p>(iv) the City Solicitor or nominee has approved the form of contract as appropriate for the type of contract concerned; and</p> <p>(v) notification of the exercise of the delegation is given to the City Solicitor and in such form and with such information as s/he may require.</p> <p><b>PROVIDED ALWAYS THAT:</b></p> <p>(vi) for contracts for works and services of any value and which the City Solicitor considers should be expressed to be a deed, the council seal must be affixed and witnessed by the City Solicitor or authorised signatory.</p>	Directors, and Heads of Service.
20	To approve variations/extensions in contracts in accordance with the Council's Contract Procedure Rules and Financial Procedure Rules.	Directors, Heads of Service and Managers.
21	To instruct and engage contractors and consultants.	Directors, Heads of Service and Managers
<b>Legal Procedures and Service of Notices etc.</b>		
22	To serve any notice or requisition for information under any act requiring the owner or occupier of or any person having an interest in or managing any land or premises to give information to the local authority.	Directors and Heads of Service.

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23	In respect of functions exercisable through their service, the appointment or authorisation of officers to issue cautions under statutory powers, to act under public protection legislation, to examine and seize food or any other articles, things or matter, to make test purchases and to remove persons from all Council premises.	Directors, and Heads of Service.
24	To enter and inspect premises, and to make applications for warrants.	Directors, Heads of Service and Managers.
25	To prepare sign and serve any statutory notice or documentation on behalf of the Council in exercise of any function that he or she is at any time authorised to discharge.	Directors, Heads of Service and Managers.
26	To issue formal cautions where criminal offences are admitted.	Directors and Heads of Service, in conjunction with the City Solicitor.

**38. SPECIFIC DELEGATIONS**

The following employees have the powers and functions delegated to them as listed. Where indicated those powers and functions may be exercised on his/her behalf by the officer so nominated. The delegations are subject to any limitations specified.

**6.1. CHIEF EXECUTIVE**

<b>Statutory or other Functions</b>		<b>Nominee/Limitations</b>
<b>General</b>		
1	Witness and receipt of Declarations of acceptance of office.	City Solicitor
2	To act as the Proper Officer for the purposes of receiving requests for dispensations under section 33 of the Localism Act 2011.	City Solicitor
3	To give to any Cabinet Member with a declared conflict of interest a note of dispensation in connection with: (a) any matter which is to be decided by the Cabinet of which the Cabinet Member is a member; or (b) any matter upon which the Cabinet Member is consulted by another Cabinet Member who is making the decision; or (c) any matter upon which the Cabinet Member is consulted by an employee who is making an executive decision.	City Solicitor
4	Power to make payments or provide other benefits in cases of maladministration.	Chief Finance Officer as Section 151 Officer
5	To assure the reinstatement of services as result of a major disaster in line with the Corporate Disaster Recovery Plan and to be responsible for emergency planning and business continuity generally.	Director of Adult Services & Housing in consultation with relevant Cabinet Member.
6	Maintain a list of all Proper Officer functions.	City Solicitor, the Chief People Officer. Directors are responsible for individual service business continuity plans.
7	To be responsible for, and take any action necessary in connection with, the Council's functions relating to:	Directors, and Heads of Service.



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	(a) Customer Relations and statutory social care complaints; (b) complaints other than those in (a); and (c) freedom of information and data protection.	
8	To declare as Proper Officer, vacancies that occur in relation to Section 86 of the Local Government Act 1972, following consultation with the appropriate Group Leader (where applicable).	City Solicitor
<b>Human Resources</b>		
9	Approval of special payment arrangements.	Chief People Officer
10	Hold on deposit the list of politically restricted posts; determine applications for exemptions from the list of politically restricted posts; and give directions, on the application of any person or otherwise, requiring the inclusion of a post in the list of politically restricted posts.	Chief People Officer
11	Employment Appeals for the following Policies: Disciplinary Enabling Attendance Capability Grievance Collective Dispute	Nominated Officer
<b>Communications</b>		
12	To promote the working of the Council, within the Code of Recommended Practice on Local Authority publicity.	Chief People Officer
13	To issue statements to the press on behalf of the Council if the public standing of the Authority could be affected by the absence of a statement, whether or not it has been agreed with the Cabinet Member or committee chairman concerned	Chief Partnerships Officer
14	To promote the Council's views as agreed by members in the relevant decision-making forum	Chief Partnerships Officer
<b>Coronavirus</b>		

**Part 2M – Scheme of functions delegated to employees**

15	<p>To take any actions required under the Health Protection (Coronavirus, Restrictions) (England) (no.3) Regulations 2020 or under any subsequent or amending primary or secondary legislation and specifically the power to:</p> <p>(a) Give a direction imposing prohibitions, requirements or restrictions in relation to the entry into, departure from, or location of persons, specified premises in the council's area (regulation 4)</p> <p>(b) Give a direction imposing prohibitions, requirements or restrictions in relation to the holding of an event in the council's area. (regulation 5)</p> <p>(c) Give a direction imposing prohibitions, requirements or restrictions in relation to a specified public outdoor place in the council's area, or public outdoor spaces in its area of a specified description. (regulation 6)</p>	<p>Following consultation with the Leader of the Council.</p> <p>Power is delegated to the Chief Partnerships Officer, Chief Operating Officer (Section 151 Officer), Chief People Officer or Chief Legal Officer (Monitoring Officer) in the absence of the Chief Executive.</p>
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**6 SPECIFIC DELEGATIONS**

The **Chief Executive** has the power to exercise all of the following functions with the exception of:

- (a) Paragraphs 6.2.2 &3, 6.2.7, 6.2.9 to 11 and 6.2.13 & 14
- (b) Paragraphs 6.8.1.to 4
- (c) Paragraphs 6.9.1 to 3

The following employees also have the powers and functions delegated to them as listed. Where indicated those powers and functions may be exercised on his/her behalf by the officer so nominated. The delegations are subject to any limitations specified. Where reference is made to “Heads of Service” this means the appropriate Head or Heads of Service for the function or functions described.

**6.2. DIRECTOR OF PUBLIC HEALTH AND WELLBEING**

<b>Statutory or other Function</b>		<b>Nominee/Limitations</b>
<b>General</b>		
1	To exercise the Council's powers and duties in connection with public health protection under the Public Health (Control of Disease) Act 1984 and any regulations made thereunder.	Heads of Service
2	Responsibility for all of the Council's duties to take steps to improve public health.	Heads of Service
3	Authority to exercise any of the Secretary of State's public health protection or health improvement functions that he or she may delegate to local authorities by arrangement or under regulations.	Heads of Service
4	To be responsible for tackling health inequalities, improving health care quality and for strengthening the capacity across the whole public sector to improve the health of the population.	Heads of Service in consultation with the appropriate Cabinet Member.
5	Be the chief source of public health leadership expert advice to health bodies and the Council on all aspects of public health, and provide reports directly to Council Cabinet, Overview and Scrutiny Committees and other strategic meetings as appropriate.	Heads of Service in consultation with the appropriate Cabinet Member.
6	Authority to determine the contents of and	Heads of Service

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	write the annual report on the health of the people in the Council's area.	
7	The functions of the Council as "responsible authority" under the Licensing Act 2003 in relation to public health functions.	Heads of Service
8	The functions of the Council, in relation to public health functions, as an authority which must be consulted on the licensing authority's statement of licensing policy.	Heads of Service
9	Exercising the Council's functions in planning for, and responding to, emergencies that present a risk to public health.	Heads of Service in consultation with the appropriate Cabinet Member
10	Responsibility for the Council's duty to co-operate with the police, probation service and the prison service to assess the risks posed by violent or sexual offenders.	Director of Public Health and Wellbeing, Director of Children's Services, Director of Adult Services, Chief Partnerships Officer and Consultants in Public Health
11	To be a statutory member of the Health and Wellbeing Board	
12	To act as Caldicott Guardian for the Council	
13	Generally, to take action and operate all legislative, enforcement and administrative procedures and to exercise all of the powers and duties of the Council in relation to assessing and providing support to asylum seekers and refugees.	Director of Children's Services, Director of Adult Services, Chief Partnerships Officer Director of Public Health and Wellbeing, Director of Adult Services & Housing their Heads of Service.

**CONSULTANT IN COMMUNICABLE DISEASE CONTROL**

	<b>Statutory or Other Function</b>	<b>Nominee/ Limitations</b>
14	Section 47 National Assistance Act 1948 (subject to amendments).	Consultant in Communicable Disease Control (Public Health England).
15	Public Health (Control of Disease) Act 1984 and any regulations made thereunder.	Consultant in Communicable Disease Control (Public Health England).

**6.3 DIRECTOR OF CHILDREN'S SERVICES**

	<b>Statutory or other Function</b>	<b>Nominee/Limitations</b>
1	To deliver services and manage statutory responsibilities and duties, regarding services to children in need including safeguarding, child protection looked after children and care leavers.	Heads of Service
2	To provide specialist and integrated services to young offenders and children with complex needs and disabilities.	Chief Partnerships Officer and Heads of Service in Children's Services and Education and Skills.
3	To exercise any of the Council's functions relating to childcare provision.	Heads of Service
4	To place and keep a child in secure accommodation.	Heads of Service
5	To take any action including the institution of any proceedings in relation to the Council's functions regarding children and adoption.	Heads of Service
6	To establish and maintain an adoption service and provide the requisite	Heads of Service

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	facilities.	
7	Approval of the expenditure of Capital Funding for support to foster carers and adopters.	Heads of Service in consultation with the appropriate Cabinet Member.
8	To accept offers and approve placements for children and young people with independent fostering agencies and residential care providers.	Heads of Service
9	Approval to place children in care with relatives and friends.	Heads of Service
10	Approval of recommendations made by the Fostering Panel.	The officer designated as the Fostering Service Agency Decision Maker.
11	To undertake functions under the Crime and Disorder Act 1998 in relation to youth offending, Youth Justice Service management and the prevention of crime and disorder.	Heads of Service
12	Generally, to take action and operate all legislative, enforcement and administrative procedures and to exercise all of the powers and duties of the Council in relation to assessing and providing support to asylum seekers and refugees.	Director of Children’s Services, Director of Adult Services, Chief Partnerships Officer, Director of Public Health and Wellbeing, and their Heads of Service.

**6.4 CHIEF PARTNERSHIPS OFFICER**

<b>Statutory or other Function</b>		<b>Nominee/Limitations</b>
<b>Staffing and Governance of Schools</b>		
1	Approval and making of school Instruments of Government and any subsequent changes prepared by governing bodies.	Heads of Service jointly with the City Solicitor.
2	To determine Statutory Proposals for Schools where no objections have been received to the proposals contained in the publicised Statutory Notice.	Heads of Service
3	To exercise powers of intervention for those	Heads of Service in

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	schools which are subject to a formal warning, which have serious weaknesses, or require special measures.	consultation with Chief People Officer, Chief Operating Officer and City Solicitor.
4	Approval of premature retirement compensation for teachers.	Heads of Service
5	Approval of requests for additional holidays "occasional days".	Chief Partnerships Officer in consultation with the appropriate Cabinet Member.
6	To give directions to the governing body about the employment, number and conditions of service of staff of foundation, voluntary-aided and foundation special schools.	Heads of Service
7	To consent to the appointment or dismissal of staff at foundation, voluntary-aided and foundation special schools.	Heads of Service
8	To delegate budgets to schools.	Heads of Service in consultation with Chief Operating Officer.
9	To take steps required to prevent the breakdown or continuing breakdown of discipline at a school.	Heads of Service
<b>Admissions and Attendance at School</b>		
10	To exercise all of the Council's statutory functions in relation to the provision of school places and the admission of children to schools.	Heads of Service
11	Approval of placements in and out of city schools and colleges.	Heads of Service
12	To exercise the powers and duties of the Authority in respect of the attendance of children at school including children excluded from school or otherwise unable to attend.	Heads of Service
<b>Special Educational Needs</b>		
13	To ensure that the requirement of any statutory codes of practice or other	Heads of Service

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	regulations are complied with.	
14	To assess and review the educational needs of a child.	Heads of Service
15	To provide specialist and integrated services to young offenders and children with complex needs and disabilities.	Director of Children's Services and Heads of Service in Children's Services and Education and Skills.
16	To make, maintain and review an Education, Health and Care Plan	Heads of Service
17	To provide and pay for transport, board and lodging, tuition fees and expenses and other assistance if it is necessary for special education provision in accordance with Council policy.	Heads of Service
18	To represent the Authority at statutory appeal tribunals in connection with the assessment of special educational needs.	Heads of Service
19	To prepare disability statements relating to further education.	Heads of Service
<b>Appeals</b>		
20	The making of arrangements in relation to any appeals by governing bodies.	Heads of Service
<b>Miscellaneous</b>		
21	To determine awards to pupils, students and parents.	Heads of Service
22	Approval of grants to voluntary bodies relating to Education and Skills.	Heads of Service
23	To provide meals in relation to a pupil's education.	Heads of Service
24	To approve registration of voluntary organisations providing community education and youth services.	Heads of Service
25	To maintain a register of childcare providers.	Heads of Service
26	To grant licences for the employment of children and children taking part in public	Heads of Service



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	performances.	
27	To authorise any proceedings necessary to deal with nuisance on education premises.	Heads of Service in consultation with the City Solicitor.
28	Generally, to take action and operate all legislative, enforcement and administrative procedures and to exercise all of the powers and duties of the Council in relation to assessing and providing support to asylum seekers and refugees.	Director of Children’s Services, Director of Adult Services, Chief Partnerships Officer, Director of Public Health and Wellbeing, and their Heads of Service.

**6.5 DIRECTOR OF ADULT SERVICES AND HOUSING**

<b>Statutory or other Functions</b>		<b>Nominee/Limitations</b>
<b>Adult Services</b>		
1	To undertake assessments, provide services and approve expenditure relating to the Council's functions, powers and duties under adult social care, mental capacity and mental health legislation and to take such action to recover appropriate charges from those with a duty to pay.	Heads of Service
2	Issuing proceedings, including in the Court of Protection, in respect of adults.	Heads of Service
3	To exercise the statutory functions powers and duties of the Council in relation to vulnerable adults and adults at risk.	Heads of Service
4	To exercise the functions and duties of nearest relative in respect of persons with mental health problems where the nearest relative has been displaced.	Heads of Service
5	To exercise the Council's functions, powers and duties, except those in relation to the discharge of guardianship, in connection with guardianship under mental health legislation.	Heads of Service
<u>6</u>	To make applications for the admission to hospital of persons with mental health problems for the purposes of assessment, detention and treatment and to make decisions in connection with deprivation of	Heads of Service

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	liberty safeguards. Council's functions, powers and duties under adult social care and mental capacity and mental health legislation	
7	To provide after-care services, in conjunction with the NHS, to persons with mental health problems who have ceased to be detained and have left hospital.	Heads of Service
8	To appoint approved mental health professionals.	Heads of Service
9	To maintain the appropriate registration for internally provided care services.	Heads of Service
10	Generally, to take action and operate all legislative, enforcement and administrative procedures and to exercise all of the powers and duties of the Council in relation to assessing and providing support to asylum seekers and refugees.	Director of Children's Services, Director of Adult Services & Housing, Chief Partnerships Officer, Director of Public Health and Wellbeing, and their Heads of Service.

**6.6 DIRECTOR OF HOUSING**

<b>Statutory or other Functions</b>		<b>Nominee/Limitations</b>
<b>Housing</b>		
2	To provide financial and other assistance to organisations or individuals providing external housing services, which the relevant Cabinet Member has approved	Heads of Service
3	Generally, to take action and operate all legislative and administrative procedures and to exercise all of the powers of the Council in relation to homelessness and the assessment of applicant's housing need and priority for housing.	Heads of Service
4	To provide financial and other assistance to organisations or individuals providing external housing services, which the relevant Cabinet Member has approved.	Heads of Service
5	To provide housing advice and information including nominations to registered social landlords.	Heads of Service

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6	Statutory returns to government departments in connection with the Council's functions relating to housing and homelessness.	Heads of Service
7	The preparation, revision, monitoring and implementation of the Housing and Homelessness Strategy.	
8	Generally, to take action and operate all legislative, enforcement and administrative procedures and to exercise all of the powers and duties of the Council in relation to assessing and providing support to asylum seekers and refugees.	Director of Children's Services, Director of Adult Services, Chief Partnerships Officer. , Director of Public Health and Wellbeing, Director of Adults & Housing and their Heads of Service.

**6.7 CHIEF PEOPLE OFFICER**

<b>Statutory or other Functions</b>		<b>Nominee/Limitations</b>
1	Approval of human resources policies (including adoption of new policies and amendments of existing policies).	Heads of Service
2	Prepare a Pay Policy Statement under the Localism Act 2011, to be presented to Council for adoption before 31 March each year.	Heads of Service
3	Authorise and implement local and national changes to pay policy, terms and conditions of employment and wage and salary awards and ensure the Council's policies comply with the requirements of all employment legislation	Heads of Service
4	Authorising payments of (a) planned and emergency overtime above spinal column point 29; (b) honoraria and acting allowances in accordance with relevant local and national schemes; (c) merit increments; and (d) market related pay and market related supplements.	(a) and (d): Directors  (b) and (c): Chief People Officer in consultation with the relevant Director
5	Approval of grading and designation of posts including: (a) approval and implementation of job evaluation scheme; and	

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	(b) authorising operation and outputs of job evaluation results and appeals.	
6	To approve the pattern of holidays each year.	Chief People Officer following consultation with Strategic Leadership Team.
7	Approval of special leave arrangements, carry-over of annual leave and closures.	Directors
8	Approval for buying out employment conditions.	Chief People Officer (up to 1 year's value); Chief People Officer in consultation with relevant Cabinet Member (for 1 to 2 years).
9	To administer, revise and amend any Council car loan or car leasing scheme and any car allowances scheme.	
10	To administer, revise and amend any Employee Benefit Scheme.	
11	To decide whether a course has been approved for Post Entry Training Support and to exclude courses where appropriate i.e. the cost of the course does not justify the administration involved.	Heads of Service
12	Approval of requests from employees to allow them to continue to work beyond the age of 75.	
13	Approval for early retirement on the grounds of efficiency and redundancy.	Chief People Officer and Chief Operating Officer jointly (and in consultation with appropriate Cabinet Member for requests proposing added years).
14	Approval of early non-ill health retirements.	Chief People Officer and Chief Operating Officer jointly.
15	Ensure compliance with policy and codes of practice in the recruitment, retention and development of the workforce.	

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16	The making of agreements with other local authorities for the placing of staff at the disposal of those other local authorities.	Chief People Officer in consultation with Chief Legal Officer.
17	Signatory for DBS checks undertaken on behalf of the City Council	
18	To determine the membership of Appeals Committees, having regard to the knowledge, expertise and preferences of Members, to hear Human Resources Appeals.	
19	To make an application to the Treasury for consent to relax a restriction on exit payments where the Council is minded to exercise its power to do so.	

**6.8 CHIEF LEGAL OFFICER (CITY SOLICITOR)**

<b>Statutory or other Functions</b>		<b>Nominee/Limitations</b>
<b>Procurement and Commissioning</b>		
1	To put in place any procedures to deal with expressions of interest under the Community Right to Challenge legislation and to receive and deal with expressions of interest from relevant bodies in providing or assisting in providing a relevant service on behalf of the City Council in accordance with any such procedures and with the provisions of Part 5 of chapter 2 of the Localism Act 2011.	Heads of Service in consultation with the Audit and Procurement Committee.
<b>Monitoring Officer Responsibilities</b>		
1	Establish and maintain the register of interests of Coventry City Council, Allesley Parish Council, Finham Parish Council and Keresley Parish Council Elected and Co-opted Members.	Deputy Monitoring Officer may be appointed
2	Deal with breaches of the Codes of Conduct for elected and Co-opted Members adopted by Coventry City Council, Allesley Parish Council, Finham Parish Council and Keresley Parish Council in accordance with the Complaints Protocol as approved by the Ethics Committee.	Deputy Monitoring Officer may be appointed

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3	To act as Proper Officer for the purpose of receiving requests for dispensations under section 33 of the Localism Act 2011.	
4	To determine requests for dispensations under section 33 of the Localism Act 2011, subject to the right of Members and Co-opted Members to request the Ethics Committee to review a determination not to grant a dispensation.	
<b>Constitution</b>		
5	Authority to make amendments and corrections to the Constitution where in his/her opinion, such amendment is to correct any anomaly or ambiguity is purely technical, to correct a clear typographical or other error, to reflect any change in law or following a review (to include changes of officer or directorate descriptions), and such amendment does not materially alter the terms or practical operation of the Constitution.	City Solicitor In cases of doubt about whether the change is purely technical, the Monitoring Officer should consult with either the Chief Executive or the Chief Operating Officer
6	To make necessary amendments to the Constitution, including the Rules for Contracts and its standing orders, to incorporate all requirements of the Member Code of Conduct and to amend the Rules of Contract to take account of changes in procurement practices and limits.	City Solicitor in consultation with the appropriate Cabinet Member
7	To make minor amendments to the Constitution.	City Solicitor in consultation with the appropriate Cabinet Member
<b>Legal Functions</b>		
8	Where any document is necessary to any legal procedure or proceedings on behalf of the Council, the authority to sign it personally or other person authorised by him/her unless any enactment otherwise authorises or requires, or the Council has given requisite authority to some other person.	
9	To instruct Counsel and external solicitors and engage professional experts and witnesses.	

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10	To let contracts for the provision of services in compliance with the Contract Procedure Rules and Financial Procedure Rules.	
11	The power to sign, or affix the Common Seal to: (a) contracts for works and services to or from the Council where either the total value of the contract exceeds £999,999 or, if below £1m, the City Solicitor considers that it should be under seal; (b) land disposals or purchases; (c) leases and other miscellaneous legal documents; and (d) all other documents which require the formal seal of the Council.	City Solicitor and other authorised signatories designated by the City Solicitor.
<b>Functions in relation to Council Meetings and Members</b>		
12	Receipt of Notice of Resignation of Office; and receipt of Notice of casual vacancy from two local government electors.	Deputy Monitoring Officer
13	Keeping a record of disclosures of Members' Interests.	Deputy Monitoring Officer
14	To receive notification of nominations to Committees and of political groups.	Deputy Monitoring Officer
15	Convening of meeting of Council to fill casual vacancy in office of Chairman.	Deputy Monitoring Officer
16	Receipt of Notices regarding address to which summons to meetings is to be sent and signature of summonses to Council meetings.	Deputy Monitoring Officer
17	Certification of resolutions and minutes of proceedings.	Deputy Monitoring Officer
18	All Proper Officer functions and all matters and actions relating to meetings, reports agendas, and minutes of Council, Cabinet, Cabinet Members and committees and sub committees in accordance with the Access to Information Procedure Rules, including:  (a) Exclusion from public copies of agendas, reports etc of items not to be open to members of the public; and papers not open to Members;  (b) Identification of background papers in the	Deputy Monitoring Officer in all cases except:-  (f) Directors

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	<p>case of a report prepared by an elected or co-opted Member;</p> <p>(c) Supply of committee papers to the Press;</p> <p>(d) Preparation of summaries of minutes;</p> <p>(e) To produce a record of every decision taken at a meeting including decisions by individual Cabinet Members including a statement of:</p> <p>(i) the reasons for the decision and alternative options considered and rejected</p> <p>(ii) any conflict of interest declared by any Cabinet Member, either in connection with a decision of Cabinet, or who is consulted by the Cabinet Member or employee making the decision; and</p> <p>(iii) in respect of any declared conflict of interest, a note of dispensation granted by the Chief Executive;</p> <p>(f) To produce a record of every executive decision taken by employees, including a statement of:</p> <p>(i) the reasons for the decision;</p> <p>(ii) alternative options considered and rejected;</p> <p>(g) Power of rectification of the record of decision;</p> <p>(h) Ensuring publication of notices containing details of key decisions /urgency provisions and private meetings of Cabinet;</p> <p>(i) Where permitted, making reports and other documents available for public inspection and on the Council's website; and</p> <p>(j) To consider and respond to representations from the public as to why an item of business of the Cabinet should be held in public.</p>	
19	To determine the membership of Appeals Committees, having regard to the knowledge, expertise and preferences of Members, to hear appeals against decisions of the City Council, with the exception of school admission and exclusion appeals and those matters where there is a statutory right of appeal.	Deputy Monitoring Officer: all cases, except Human Resources Appeals which is the Chief People Officer.
20	The arrangements for:-	Deputy Monitoring Officer



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	(a) Appeals against the exclusion of pupils from local authority-maintained schools.  (b) Admissions appeals	
<b>Registration, Local Land Charges and Coroners Services</b>		
21	General supervisory responsibility over births, marriages and deaths registration service including: (a) Acting as Proper Officer for the purposes of the registration service and the Registration Services Act 1953; (b) Making any necessary change to the service as result of directions or instructions from the General Register Office or changes imposed by statute; and (c) Authority to set, review, amend, or increase fees in connection with the births, marriages and deaths registration service (including fees for the approval and review process relating to secular and/or religious premises as venues for marriages and civil partnerships) and identify any areas for additional income generation.	City Solicitor except (c) City Solicitor in consultation with appropriate Cabinet Member
22	To exercise the Council's powers to licence premises for marriages and civil partnerships in accordance with the law and any guidance. The Marriage Act 1949 and the Civil Partnership Act 2004 including any guidance made or given under these statutes such as the Marriages and Civil Partnerships (Approved Premises) Regulations 2005 and the Marriages and Civil Partnerships (Approved Premises) (Amendments) Regulations 2011.	
23	To receive, determine, approve, review, amend, refuse and revoke, with or without conditions, applications under the Marriage Act 1949 and Civil Partnership Act 2004 for the use of secular and/or religious premises for the solemnisation of marriages and the registration of civil partnerships.	City Solicitor in consultation with appropriate Cabinet Member
24	To impose, vary, modify or enforce any conditions attached to the grant of approval for secular and/or religious premises for the	City Solicitor in consultation with appropriate Cabinet

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	solemnisation of marriages and the registration of civil partnerships.	Member
25	To create, maintain and update a public register of those premises registered for the solemnisation of marriages and the registration of civil partnerships.	
26	Authority to make changes in response to new legislation and guidance.	City Solicitor (where no discretion) and in consultation with appropriate Cabinet Member (where discretion).
27	To maintain the Local Land Charges Register and to issue official search certificates.	
28	Revision of scale of fees for mortuary staff.	
<b>Legal and Procedural Matters</b>		
29	Authority to make changes to the Scheme of Delegation as set out in Part Two of this Constitution to ensure that all delegated powers are assigned to relevant employees and to ensure that any new legislation of a technical nature is delegated to the appropriate Council body.	
30	Certification of photographic copies of documents and authentication of documents.	
31	To witness the affixing of the Council's seal.	City Solicitor and authorised signatories designated for that purpose by the City Solicitor.
32	Authority to serve requisitions for information in connection with any of the functions of the Council.	
33	To institute, defend, participate in, settle, withdraw or otherwise act as appropriate, any legal proceedings and issue and serve all notices and orders in any case where action is necessary to give effect to the decisions of the Council or in any case where the City Solicitor considers that such action is necessary to protect the Council's, the City's	

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	or other appropriate interests.	
34	Authorisation of employees, under any legislation/ enactment that confers authorisation thereunder, to appear in Court on the City Council's behalf.	
35	To monitor use of the general power of competence and compliance with the Localism Act 2011.	
36	Generally to make, and where unopposed (or where objections have been withdrawn), to confirm any order in relation to the Council's functions as a Local Planning Authority and as a Highways Authority including but not limited to orders in relation to: (a) public paths, footpaths, and gating; (b) trees; (c) traffic regulation, parking and cycle tracks; (d) the Definitive Map; and (e) determination of village green / open spaces (f) conservation areas.	
37	To reduce the charge for making a public path order by 20% or 40% where it is considered that the charge would otherwise be unreasonably in excess of the actual costs of the City Council.	
38	Generally to issue, serve, vary or withdraw any notice in relation to the Council's functions as a Local Planning Authority including but not limited to : (a) planning contravention notices; (b) breach of condition notices (including extending time for compliance); (c) stop notices and temporary stop notices; (d) enforcement notices in respect of security shutters and grilles; and (e) Article 4 notices (prevention of demolition without planning consent).	
39	To prosecute on behalf of the Council as Local Planning Authority offences in connection with: (a) planning contravention notices; (b) breach of condition notices; (c) stop notices and temporary stop notices; (d) enforcement notices;	City Solicitor provided always that the power to prosecute any offences in connection with functions which are within the terms of reference of the

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	(e) listed buildings and conservation areas; (f) trees and high hedges; (g) advertisements; and (h) proper maintenance of land.	Planning Committee may not be exercised without the express prior approval of the Planning Committee.
40	Power to enter into agreements regulating development or use of land.	City Solicitor/ Director, Streetscene and Regulatory Services.
41	Authority to prosecute for offences in connection with: (a) removing children from care; and (b) nurseries, full day, sessional care and childminding.	City Solicitor in consultation with the Director of Children's Services.
42	Approval and making of school instruments of government and any subsequent changes approved by governing bodies.	City Solicitor jointly with the Chief Partnerships Officer
43	To determine whether a representation received from the Licensing Authority, Local Planning Authority or Environmental Health Authority whilst acting as responsible authorities for the purposes of the Gambling Act 2005 is vexatious, frivolous or would certainly not influence the determination of an application.	
44	Authority to take action to recover money owed to the Council including but not limited to: (a) institution of insolvency proceedings; and (b) instructing certificated bailiffs to levy distress on property.	Chief Operating Officer and City Solicitor.
<b>Miscellaneous</b>		
45	To exercise the powers and duties of the Council as Parish Trustee.	Deputy Monitoring Officer
46	Keeping of the Roll of Freeman and Honorary Aldermen.	Deputy Monitoring Officer
47	Deposit of documents with Proper Officer.	Deputy Monitoring Officer
48	Certification of byelaws; and send copies of byelaws for parish records.	Deputy Monitoring Officer
49	To make any minor or technical changes to the Code of Corporate Governance to ensure	Deputy Monitoring Officer

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	that it is kept up to date	
	<b>Electoral Functions</b>	
50	To exercise functions under the Representation of the People Act 1983 and in particular, to act as Registration Officer/Returning Officer for local elections and Acting Returning Officer for parliamentary elections and Local Returning Officer for European Parliamentary Elections and elections for a Police and Crime Commissioner and Combined Authority Mayor.	Deputy Returning Officers and Acting Returning Officers may be appointed from any of the Council's employees, or otherwise.
51	To act as Electoral Registration Officer.	City Solicitor/ Electoral Services Manager as Deputy Electoral Registration Officers.
52	To exercise functions in relation to any referendum to change governance arrangements under the Local Government Act 2000 and to hold elections for an Elected Mayor.	City Solicitor/ Electoral Services Manager as Deputy Electoral Registration Officers.
53	To act as Proper Officer and Counting Officer for any referendums held under the Local Government Act 2000 or under any other legislation.	Deputy Counting Officers may be appointed.
54	Hold a referendum under the Localism Act 2011 to veto excessive Council Tax rise.	City Solicitor/ Electoral Services Manager as Deputy Electoral Registration Officers.

<b>Building Control and Regulation</b>		
55	Generally, to take action and operate all legislative, enforcement and administrative procedures in relation to building control and regulation. Specifically, but not exclusively, to exercise the Council's functions and responsibilities in connection with: (a) applications for Building Regulation consent and for dispensation from, or relaxation of, Building Regulation requirements including the imposition of conditions or requirements; (b) proposed departure from plans and lapse of deposit of plans; (c) precautions and protection against, and	Heads of Service

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	<p>means of escape from, fire;</p> <p>(d) dangerous buildings and structures, ruinous and dilapidated buildings and neglected sites and demolition of buildings and structures;</p> <p>(e) issuing regularisation and completion certificates and house type approvals;</p> <p>(f) temporary buildings and structures and short lived materials;</p> <p>(g) drainage, water supply and refuse facilities; and</p> <p>(h) testing for conformity with building regulations and enforcement of legislation.</p>	
56	Serving of notices and subsequent action to provide protection to the public from dangerous excavations on private land to which the public has access.	Heads of Service.
57	To issue or amend certificates and carry out all associated functions and to authorise emergency action in connection with sports grounds and places of sport.	
58	Appointment of surveyors when requested for resolving disputes relating to party walls through arbitration.	Heads of Service
	<b>Housing and Private Land</b>	
59	Generally, to take action and operate all legislative, enforcement and administrative procedures, and to exercise all of the powers and duties of the Council in relation to housing and private land, including, but not limited to: (a) enforcing housing legislation, but excluding demolition and closing orders (b) overcrowded premises and houses in multiple occupation	The Strategic Lead of Regulation The Head of Safer Housing and Communities
60	The administration of housing and renovation grants including the administration and supervision of the List of Contractors undertaking grant assisted works and suspension of contractors from the List pending consideration of removal from the List.	The Strategic Lead of Regulation The Head of Safer Housing and Communities
	<b>Fair Trading and Trading Standards</b>	
61	Generally, to take action and operate all	Heads of Service.

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	legislative, enforcement and administrative procedures in relation to fair-trading, trading standards, weights and measures and consumer protection. Specifically, but not exclusively, to: (a) to investigate trading standards offences suspected to have arisen within the City; (b) to conduct underage test purchasing of age-restricted products; (c) prohibit or suspend the sale of dangerous goods, substances or articles; and (d) promote the rights of consumers and fair-trading with businesses.	
	<b>Food Safety</b>	
62	Generally, to take action and operate all legislative, enforcement and administrative procedures in pursuit of food safety and food hygiene and in relation to food export certificates and training fees for food hygiene, food safety courses and health and safety courses (discharged in the authority's capacity as an employer). Specifically, but not exclusively, to: (a) prohibit food business operations; (b) promote food safety and undertake training; and (c) seize unfit food.	Heads of Service.
	<b>Community Safety</b>	
63	Generally, to take action and operate all legislative, enforcement and administrative procedures, including to manage all aspects of the Council's work with the Police, and any other relevant law enforcement agency, to reduce and prevent crime, disorder, alcohol and drug misuse, and anti-social behaviour and the fear thereof.	The Strategic Lead of Regulation. The Head of Safer Housing and Communities.
64	To facilitate the Coventry Community Safety Partnership ensuring that it fulfils its statutory obligations including the annual production of a Community Safety Strategic Assessment	The Strategic Lead of Regulation. The Head of Safer Housing and Communities.
	<b>Licensing</b>	
65	The functions of the Council as "responsible authority" under the Licensing Act 2003 in	Heads of Service

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	<p>relation to:</p> <p>(a) Health and Safety;</p> <p>(b) Pollution Control/Environmental Health;</p> <p>(c) Weights and Measures; and</p> <p>(d) A licensing authority.</p>	
66	<p>The functions of the Council as Licensing Authority under the Licensing Act 2003 to:</p> <p>(a) determine applications relating to licences and certificates where there are no representations outstanding;</p> <p>(b) deal with requests to vary or to be removed as a designated premises supervisor;</p> <p>(c) make decisions on whether an objection or representation is irrelevant, frivolous, vexatious etc;</p> <p>(d) receive/acknowledge temporary event notices and serve S.107 counter-notices;</p> <p>(e) suspend a premises licence or club premises certificate if the holder of the licence/certificate has failed to pay the Council an annual fee;</p> <p>(f) maintain the public register; and</p> <p>(g) determine minor variation applications.</p>	Heads of Service
67	<p>The Council's enforcement functions under Part 7 of the 2003 Act.</p>	Heads of Service
68	<p>The functions of the Council as "responsible authority" under the Gambling Act 2005 in relation to:</p> <p>(a) the Licensing Authority</p> <p>(b) Environmental Health/Pollution.</p>	Head of Service
69	<p>The functions of the Council as "licensing authority" under the Gambling Act 2005 to:</p> <p>(a) process applications for premises licences (including variation and transfer), provisional statements and determine such applications and applications for club gaming machine permits where no representations are outstanding;</p> <p>(b) process and determine applications for all other types of permit, not referred to above including, but not limited to, Street Collection Permits, House to House Collection Permits, Small Lotteries Registration, Gaming Machine Permits;</p> <p>(c) receive/acknowledge temporary</p>	<p>a) and (c) to (h): Director of Law and Governance, City Solicitor and Monitoring Officer and the Heads of Service</p> <p>(b): Director of Law and Governance, City Solicitor and Monitoring Officer and the Heads of Service except where there is a history of non-compliance; or the</p>



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	<p>use and occasional use notices;</p> <p>(d) cancel licensed premises gaming machine permits;</p> <p>(e) process and determine small society lottery registrations;</p> <p>(f) exercise the Council's powers of entry and inspection;</p> <p>(g) maintain the public register; and</p> <p>(h) determine whether representations received from external, responsible authorities and interested parties are frivolous, vexatious or would certainly not influence the determination of an application.</p>	<p>application is non-routine; or reservations are expressed by a consultee.</p>
70	<p>Generally, to take action and operate all legislative, enforcement and administrative procedures in relation to the licensing, registration, inspection and issuing of permits or consents in respect of persons or premises and any other regulatory or licensing matters specified in Schedule 1 Local Authorities (Functions &amp; Responsibilities) (England) Regulations 2000/2853 (as amended from time to time) so far as they relate to Public Safety and Housing.</p>	<p>Heads of Service</p>
71	<p>To make minor amendments to the Street Trading Consent Terms and Conditions and to approve fee waivers in appropriate cases.</p>	<p>Heads of Service</p>
72	<p>To take all necessary action in connection with scrap metal dealers and their premises including:</p> <p>(a) processing and approving applications and the supply of information to external agencies;</p> <p>(b) powers of entry, inspection and enforcement of relevant legislation;</p> <p>(c) the inclusion of conditions on licences;</p> <p>(d) power to refuse applications for licences if no hearing is requested;</p> <p>(e) power to refuse applications to vary licences and applications in connection with conditions attached to licences if no hearing is requested; and</p> <p>(f) power to revoke licences if no hearing is requested.</p>	<p>Heads of Service except that in (d), (e) and (f) if a hearing is requested by an applicant, the power to hear the matter rests with the Licensing and Regulatory Committee.</p>
<b>Coronavirus</b>		
73	<p>To exercise the powers and functions of the</p>	<p>Heads of Service in all</p>

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	<p>Council under the Health Protection (Coronavirus, Restrictions) (England) (No.3) Regulations 2020 in relation to:</p> <ul style="list-style-type: none"> <li>(a) Taking reasonable steps to prevent or restrict public access to a public outdoor place or places to which a direction a direction has been given under Regulation 6 (regulation 7)</li> <li>(b) Public notice of directions (regulation 10)</li> <li>(c) Notification to other local authorities (regulation 11)</li> <li>(d) Enforcement of requirements (regulation 12)</li> <li>(e) Fixed penalty notices (regulation 14)<sup>2</sup></li> <li>(f) Prosecutions (regulation 15)</li> <li>(g) Power to designate officers to exercise powers under regulation 12</li> <li>(h) Power to authorise officers to issue fixed penalty notice under regulation 14</li> </ul>	<p>cases</p> <p>(f): In consultation with the City Solicitor</p>
74	<p>To exercise the powers and functions of the Council under either:</p> <ul style="list-style-type: none"> <li>(a) the Health Protection (Coronavirus, Local COVID-19 Alert Level) (Medium) (England) Regulations 2020; <b>or</b></li> <li>(b) the Health Protection (Coronavirus, Local COVID-19 Alert Level) (High) (England) Regulations 2020; <b>or</b></li> <li>(c) the Health Protection (Coronavirus, Local COVID-19 Alert Level) (Very High) (England) Regulations 2020</li> </ul> <p>according to which tier the Council has been placed</p>	<p>Heads of Service</p>
75	<p>To exercise the powers and functions of the Council under the Health Protection (Coronavirus, Collection of Contact Details etc and Related Requirements) (England) Regulations 2020</p>	<p>Heads of Service</p>
76	<p>To exercise the powers and functions of the Council under the Health Protection (Coronavirus, Restrictions) (England) No.4 Regulations 2020</p>	<p>Heads of Service</p>
77	<p>To exercise the powers and functions of the Council under the Health Protection (Coronavirus, Restrictions) (All Tiers)</p>	<p>Heads of Service</p>

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	(England) Regulations 2020 and the Health Protection (Coronavirus, Restrictions) (Local Authority Enforcement Powers and Amendment) (England) Regulations 2020	
78	To exercise any powers and functions given to the Council in connection with the enforcement of any future primary or secondary legislation relating to measures intended to control the incidence and spread of severe respiratory syndrome coronavirus 2 (SARS-Cov-2) or other virus or infectious disease.	Heads of Service

**6.9 CHIEF OPERATING OFFICER (SECTION 151 OFFICER)**

<b>Statutory or other Functions</b>		<b>Nominee/Limitations</b>
<b>Section 151 Functions</b>		
1	To undertake the role of Section 151 Officer under the Local Government Act 1972 that requires that every local authority in England and Wales should "... make arrangements for the proper administration of their financial affairs and shall secure that one of their officers has responsibility for the administration of those affairs".	Chief Operating Officer as Proper Officer.
2	To make reports to the Council in under Section 114 of the Local Government Finance Act 1988 which requires a report to all the local authority's members to be made by that officer, in consultation with the monitoring officer and head of paid service, if there is or is likely to be unlawful expenditure or an unbalanced budget.	Chief Operating Officer as Proper Officer.
3	To ensure that the financial management of the Council is adequate and effective and that it has a sound system of internal control which is regularly reviewed and in particular to: (a) determine accounting records and control systems; (b) undertake an adequate internal audit of the Council's accounting records and system of internal control; and (c) prepare, sign and arrange public	Chief Operating Officer as Proper Officer.

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	inspection of the Council’s Statement of Accounts.	
	<b>Finance Functions</b>	
4	The creation of Local Authority Companies, the designation of employees as directors of the company for trading purposes and the provision of a council indemnity to employees for the director role.	Chief Operating Officer in consultation with City Solicitor.
5	The creation of trust companies, the designation of employees as trustees and the provision of a council indemnity to employees for the trustee role.	Chief Operating Officer in consultation with City Solicitor
6	Authority to increase costs in relation to Council Tax and National Non-domestic Rates Liability Orders and Committal Court Costs.	Heads of Service
7	Authority to take action to recover money owed to the Council including but not limited to: (a) institution of insolvency proceedings; and (b) instructing certificated bailiffs to levy distress on property.	Chief Operating Officer and City Solicitor.
8	Authority to review annually the Council's Local Council Tax Support Scheme subject to the proviso that if such a review results in proposals to revise or amend the Scheme, these must be approved by the Council.	Heads of Service
9	Approval for early retirement on the grounds of efficiency and redundancy.	Chief People Officer and Chief Operating Officer jointly (and in consultation with appropriate Cabinet Member for requests proposing added years).
10	Approval of early non-ill health retirements.	Chief People Officer and Chief Operating Officer jointly.

**6.10 DIRECTOR OF STREETSCENE AND REGULATORY SERVICES**

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<b>Statutory or other Functions</b>		<b>Nominee/Limitations</b>
<b>Planning</b>		
1	<p>(1) Generally to take action and operate all legislative, enforcement and administrative procedures in relation to planning and conservation. Specifically, but not exclusively:</p> <p>(a) all applications and ancillary submissions for planning permission including applications for express consent, applications for material and non-material amendments and applications for the discharge of conditions;</p> <p>(b) notifications, prior approvals and submission of details under general permitted development legislation;</p> <p>(c) issue and service of breach of condition notices</p> <p>(d) issue and service of planning contravention notices</p> <p>(e) listed buildings and conservation areas;</p> <p>(f) hedgerows and trees;</p> <p>(g) hazardous substances;</p> <p>(h) Environmental Impact Assessments;</p> <p>(i) Certificates of lawful existing use and lawful development (subject to the agreement of the City Solicitor);</p> <p>(j) notifications in connection with electricity generating stations and overhead lines and by the Coal Authority;</p> <p>(k) Consultations from Government Departments under Circular 18/84; Circular 21/91 and Circular 6/93;</p> <p>(l) matters under the Land Compensation Act 1961;</p> <p>(m) Powers of entry for prescribed purposes in connection with land and property affecting amenity;</p> <p>(n) temporary stop notices, stop notices; and</p> <p>(o) power to apply for an injunction restraining a breach of planning control.</p> <p>(p) power to issue and serve enforcement notices, notices require proper maintenance of land and discontinuance notices in respect of advertisements.</p> <p>(q) power to discontinue enforcement investigations where it is not considered expedient to take enforcement action.</p>	<p>Director of Streetscene and Regulatory Services in all cases and in addition:</p> <p>(a) and (b), (d) to (k) and (q): Head of Service (or nominee);</p> <p>(c), (n) and (o): Heads of Service (or nominee) in consultation with the Chair or Deputy Chair of Planning Committee and City Solicitor;</p> <p>(p): Heads of Service (or nominee) in consultation with the Chair or Deputy Chair of Planning Committee.</p>

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	<p>All delegations above are subject to the limitations set out below:</p> <p><b>(2) Limitations</b></p> <p>Officers shall not determine matters in exercise of this delegation unless safeguards 2 to 5 below are met in the cases of householder and minor development and all the safeguards are met in all other cases provided that (for the avoidance of doubt) failure to observe the safeguards shall not affect the validity of any determination:-</p> <ol style="list-style-type: none"> <li>1. Any decision must comply with the Core Strategy and all other appropriate City Council policies, standards or guidelines. (This criterion does not apply to householder and minor developments).</li> <li>2. Any decisions must not be the subject of five or more unresolved public representations which are material planning comments and which are take a contrary view to that of the planning officers.</li> <li>3. Any decision must not be the subject of any unresolved conflicts of advice from other City Council Directorates as statutory consultees.</li> <li>4. No Member of the City Council having objected to the application being a delegated decision and requested it to be considered by Committee, having first given material planning reasons in writing.</li> <li>5. The matter not being one in respect of which a Member of the City Council or an officer of the Planning and Regulation Division has an interest.</li> </ol>	
2	<p>Power to:</p> <ol style="list-style-type: none"> <li>(a) enter into an agreement regulating development or use of land</li> <li>(b) approve the negotiation, completion and subsequent variation of legal agreements in accordance with the development plan and adopted guidelines.</li> </ol>	<ol style="list-style-type: none"> <li>(a) Director of Streetscene and Regulatory Services) and City Solicitor).</li> <li>(b) Director of Streetscene and Regulatory Services</li> </ol>

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		and Heads of Service in consultation with the City Solicitor.
3	Power to: (a) recover costs incurred in putting Neighbourhood Development plans or orders in place; (b) Remove structures used for unauthorised display (c) Remedy persistent problems with unauthorised advertisement; (d) Remedy defacement of premises; and (e) Remove signs at the request of the owner or occupier of premises at that person's expense.	Heads of Service
4	To exercise the functions of the Council as a responsible authority under the Licensing Act 2003 and Gambling Act 2005 – in relation to being the local planning authority.	Heads of Service
5	To receive and process applications for the registration of Town or Village Greens, including the power to refuse to validate applications not duly made or to reject applications which do not raise any new issues for consideration.	Heads of Service
6	Power of entry; Protection of Buildings; Buildings on operational land of certain statutory undertakers.	Heads of Service
7	Functions with regard to ordnance survey.	Heads of Service
8	Service of notice and subsequent action to make trees safe and to recover costs from owners/occupiers.	Heads of Service
	<b>Leisure and Culture</b>	
9	Generally, to take action and operate all legislative, enforcement and administrative procedures in relation to parks, open spaces and sports, recreational and cultural facilities including but not limited to: (a) approval of events and activities at parks, open spaces and other cultural facilities in accordance with agreed policy; (b) adoption of open space areas in accordance with policy;	Heads of Service except: (b): following consultation with the relevant Cabinet Member.

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	(c) approval of short-term or one-off offers for parks fees and charges; and (d) the erection, alteration or removal of notices prohibiting vehicles or cycles or the playing of ball games under Section 6, West Midlands County Council Act 1980.	
10	To determine applications for the disposal of land and, in the case of disposals of "open space" land, to advertise the intention to do so where the disposal is (a) in compliance with all appropriate City Council policies or guidance; and (b) not the subject of any unresolved public objection or of any unresolved conflicts of advice from other Council Directorates or Committees	Director of Streetscene and Regulatory Services (including Heads of Service) with terms for disposal delegated to the Director Property Services and Development). Authority does not extend to disposal for highway purposes
	<b>Cemeteries and Crematoria</b>	
11	Generally, to take action and operate all legislative and administrative procedures in relation to the regulation of cemeteries and crematoria including: (a) to extinguish rights of interment; and (b) to approve and sign grave grants and extinguish rights in respect of graves.	Heads of Service
	<b>Waste Management and Cleansing</b>	
12	Generally, to take action and operate all legislative, enforcement and administrative procedures in relation to the regulation of waste management and cleansing of streets.	Heads of Service
	<b>Pest Control and Animal Welfare</b>	
13	Generally, to take action and operate all legislative, enforcement and administrative procedures in relation to animal welfare, animal health and animal waste products	Heads of Service.
14	Cleanse and disinfest filthy or verminous persons and premises and treat and take other action in relation to infestations of pests and pest control.	Heads of Service.
	<b>Noise and other Nuisances</b>	



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15	<p>Generally, to take action and operate all legislative, enforcement and administrative procedures in relation to noise and other nuisances. Specifically, but not exclusively, to:</p> <ul style="list-style-type: none"> <li>(a) consent to the use of noisy equipment and approaches where building work is proposed;</li> <li>(b) seize articles and equipment; and</li> <li>(c) undertake work in default where a notice is not complied with.</li> </ul>	Heads of Service.
	<b>Environmental Protection</b>	
16	<p>Generally, to take action and operate all legislative, enforcement and administrative procedures in relation to environmental health and protection including maintaining a register of notices served under environmental health legislation apart from those which relate solely to the protection of persons at work.</p>	Heads of Service.
17	<p>Generally, to take action and operate all legislative, enforcement and administrative procedures in relation to air quality, contaminated land and private water supplies. Specifically, but not exclusively, to:</p> <ul style="list-style-type: none"> <li>(a) maintain a register of remediation notices in relation to contaminated land;</li> <li>(b) authorise specified burning processes;</li> <li>(c) carry out Part IIA contaminated land investigations and identify remedial requirements;</li> <li>(d) environmental permitting;</li> <li>(e) review and monitor air quality; and</li> <li>(f) environmental management of construction sites.</li> </ul>	Heads of Service.
	<b>Environmental Crime</b>	
18	<p>Generally, to take action and operate all legislative, enforcement and administrative procedures in relation to environmental amenity and crime. Specifically, but not exclusively in relation to:</p> <ul style="list-style-type: none"> <li>(a) enforcement of the Smoke Free legislation;</li> <li>(b) littering, street litter control notices, free distribution of material fly posting and fly</li> </ul>	Heads of Service.

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	tipping; (c) authority to transport waste and failing to furnish waste documentation; (d) control of dogs; (e) land and property affecting amenity including graffiti, abandoned vehicles and nuisance parking; and (f) waste offences in relation to commercial and domestic receptacles.	
19	To authorise legal proceedings for offences relating to non-payment of fixed penalty fines.	Heads of Service
	<b>Health and Safety</b>	
20	Generally, to take action and operate all legislative, enforcement and administrative procedures in pursuit of health and safety in workplaces where enforcement is the responsibility of the Council. Specifically, but not exclusively to: (a) appoint inspectors; (b) agree transfers of enforcement responsibility between the Health and Safety Executive and the Council (c) promote health and safety, and undertake training; and (d) seize articles and equipment	Heads of Service
	<b>Unauthorised Encampments</b>	
21	Direct unauthorised campers to leave highway land and to apply for court order to remove vehicles off highway;	Director of Transportation and Highways and Heads of Service
22	Authority to exercise the Council's powers as landowner or landlord in relation to taking action for Summary Possession against unauthorised encampments and other unlawful occupiers of Council-owned land.	Heads of Service

**6.11 DIRECTOR OF TRANSPORTATION AND HIGHWAYS**

Statutory or other Functions	Nominee/Limitations

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<b>Transportation and Parking</b>		
1	Generally, to take action and operate all legislative, enforcement and administrative procedures in relation to the Council's functions as a bus lane enforcement authority, including the issue of penalty charge notices, recovery of charges and making representations to the adjudication service.	Heads of Service and Parking Services Manager (or nominee).
2	To take any decisions on non-executive matters relating to Transportation.	Heads of Service in consultation with, the appropriate Cabinet Member
3	Generally, to take action and operate all legislative, enforcement and administrative procedures in relation to the Council's on-street and off-street parking services. Specifically, but not exclusively, to: (a) issue or revoke disabled parking badges; (b) approve the position of parking bays for persons with disabilities; (c) issue and where appropriate, cancel penalty notices; (d) issue or refuse residents' parking permits; (e) suspend parking bays; (f) remove vehicles; and (g) to act as the Traffic Manager for the purpose of the Traffic Management Act 2004 and exercise the Council's powers as a Civil Enforcement Authority.	Director of Transportation and Highways in all cases and in addition:  (c) to (e): Heads of Service and Parking Services Manager or nominees.  (g) Heads of Service
4	To exercise the Council's powers to: (a) prohibit the use of overloaded vehicles and to weigh vehicles; (b) object to PSV operator licences; (c) object to licences and to variation of licences in respect of goods vehicle operators; and (d) make representations regarding local bus services.	Heads of Service
<b>Highways and Streets</b>		
5	Generally, to take action and operate all legislative, enforcement and administrative procedures in relation to the Council's functions and duties as a highway authority and street authority. Specifically, but not	Heads of Service

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	<p>exclusively, to:</p> <p>(a) maintain a register of adopted streets, enter into agreements for adopting highways and adopt private streets by notice;</p> <p>(b) take any necessary action in connection with the Advance Payments Code and to make highway funding agreements;</p> <p>(c) determine applications for licences, permits and consents in connection with vehicle crossings, builders skips, use of traffic signs, placing/licensing amenities in the highway, erection of emergency barriers, scaffolding, hoardings and the deposit of building materials on the public highway, excavations and openings in the highway, vaults and cellars, street works and permits for heavy trailers;</p> <p>(d) take action to protect highway rights and deal with obstructions;</p> <p>(e) to make temporary road closure orders/ notices, orders closing streets for processions etc and exercise the Council's powers to remove vehicles;</p> <p>(f) effect urgent repairs to private streets and recover expenses for excessively heavy traffic;</p> <p>(g) exercise powers of entry, make requisitions for information, recover expenses authenticate documents; and</p> <p>(h) allocation of street numbers; and approval of plans to be void after certain interval under the West Midlands County Council Act 1980.</p>	
6	Power to instruct the City Solicitor to make experimental traffic orders and to advertise proposed traffic orders and notices of intent to install road humps, traffic calming or pedestrian crossings where the relevant Cabinet Member and Ward Councillors have been consulted and have not objected.	Director of Transportation and Highways in consultation with the relevant Cabinet Member and Ward Councillors.
7	Keeping Definitive Maps and Statements of Rights of Way & associated registers and the signposting of footpaths etc.	Heads of Service
8	Exercise the Council's common law powers to remove obstructions and abate nuisances on the highway.	Heads of Service

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9	Direct unauthorised campers to leave highway land and to apply for court order to remove vehicles off highway;	Director of Streetscene and Regulatory Services and Heads of Service
10	Generally, take action, and operate all legislative, enforcement and administrative procedures in relation to the Council's functions and duties as a drainage authority.	Heads of Service

**6.12 DIRECTOR OF PROPERTY SERVICES AND DEVELOPMENT**

<b>Statutory or other Functions</b>		<b>Nominee/Limitations</b>
<b>Property Asset Management</b>		
1	To identify and order maintenance work required within the Central Repairs Fund	
2	To dispose of land and property by: (a) tender, in accordance with the Constitution; (b) marketing at a fixed rent or price; (c) direct negotiation with a single party where it is in the best interests of the Council; (d) selling property at auction; (e) marketing for disposal in the open market (other than by tender or auction) through an external agent; (f) appropriating land used for any purpose under section 122 of the Local Government Act 1972; and (g) exchanging land for land of equal value.	Director of Property Services & Development except that in the case of (d), in consultation with appropriate Cabinet Member.
3	To accept terms for the disposal and, where indicated, for the acquisition, of property provided that no authority is given to dispose of at below market value, including: (a) minor land transactions of up to £50,000; (b) terms for rent reviews and lease renewals and any new lettings or licences; (c) approval of acquisition terms by agreement or Compulsory Purchase Order where principal budget has prior agreement; and (d) acceptance of highest tenders for	

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	property disposals and revision/variation of tender terms.	
4	<p>Authority to exercise the Council's powers and duties in relation to leases and licences including to:</p> <ul style="list-style-type: none"> <li>(a) accept surrenders where it is in Council's best interest and/or it is agreed that there are or could be arrears of rent which are unlikely to be recovered;</li> <li>(b) agree or approve any lease variation; and</li> <li>(c) to give any consent under the terms of a lease.</li> </ul>	
5	<p>Authority to exercise the Council's powers as landowner or landlord in relation to:</p> <ul style="list-style-type: none"> <li>(a) any legal notice for breach of Lease Covenant;</li> <li>(b) the submission of planning applications where application consistent with approved policy;</li> <li>(c) the appointment of consultants for all property related matters subject to compliance with procurement rules; and</li> <li>(d) signing agreements or licences under hand conferring an interest of 3 years or less; wayleave or easement consents between Council and service providers; valuation certificates verifying consideration within market limits and rating agreement forms.</li> </ul>	
6	<p>Prepare and maintain list of assets of community value; deal with requests to list assets of community value; determine whether land is or has been used for the social well-being or social interests of the community; determine whether an applicant falls within the definition of a voluntary or community organisation with local connections; decide whether to include or exclude the land; effect land charge registration where included; review nominations as required (by a different officer); maintain the list of unsuccessful nominations under the Localism Act 2011 and deal with matters in regulations issued by the Secretary of State in accordance with the provisions of Part 5, Chapter 3 of the Localism Act.</p>	
7	Transferring land used for any purpose	

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	following an appropriation pursuant to section 122 of the Local Government Act 1972, so that the land is held for development purposes.	
8	Naming of new development.	

**6.13 DIRECTOR OF BUSINESS, INVESTMENT AND CULTURE**

Statutory or other Functions		Nominee/Limitations
<b>Leisure and Culture</b>		
1	To take decisions in respect of applications for free or concessionary use of St Mary's Hall, the Armoury and Crypt.	Director of Business, Investment and Culture in consultation with the appropriate Cabinet Member.
2	Generally, to take action and operate all legislative, enforcement and administrative procedures in relation to the Arts, and Museums including but not limited to the approval of minor items to be de-accessioned and disposed of from Museum collections.	Director of Business, Investment and Culture in consultation with appropriate Cabinet Member.
<b>Home Energy Efficiency</b>		
3	Generally, to take action and operate all legislative, enforcement and administrative procedures, and to exercise all of the powers and duties of the Council in relation to home energy efficiency.	Heads of Service

**6.14 Channel**

In compliance with the statutory requirements set out under sections 36 – 41 of the Counter Terrorism and Security Act 2015, Coventry has a Channel panel in place for its area and has regard to the Channel Duty Guidance (2020). The designated Channel chair/deputy chair functions are fulfilled by the Risk Management Coordinator- Children’s Services and the Head of Practice and Development – Adults Services.

**6.15 Hackney Carriage and Private Hire Licensing Scheme of Delegation**

The following schedule lists the delegated authority for the Director of

## ***Part 2M – Scheme of functions delegated to employees***

Streetscene and Regulatory Services or nominated officer, to undertake various matters on behalf of the City Council. Any matters that are not delegated must be referred to the Licensing and Regulatory Committee.

This schedule supersedes and replaces all previous delegations to employees.

### **1. Hackney Carriage and Private Hire Drivers**

1.1 Generally, to take action and operate all legislative, enforcement and administrative procedures in relation to the enforcement of the Smoke Free legislation. Where a prosecution is undertaken this is only be commenced with the written authorisation of the City Solicitor.

### **1.2 Grant/Renewal of Licence**

To grant, renew or re-grant where:

- (a) Convictions endorsed on a DVLA licence are for driving offences where not more than 3 penalty points are endorsed for any offence or where no more than 6 penalty points are endorsed in total; or
- (b) Apart from driving convictions to which paragraph (a) above applies, there are no other convictions or cautions recorded against the applicant, or where any other recorded convictions or cautions would have been spent for the purposes of the Rehabilitation of Offenders Act 1974; or
- (c) The Senior Licensing and Enforcement Officer is satisfied that the applicant complies with the Council's Guidelines Covering Driver Applicants who have been absent from the UK, or
- (d) Driving or other convictions have previously been considered by the Committee or an appeal court and found not to render the applicant unsuitable (provided no further offences have been recorded since the Committee or court decision was made).

### **1.2 Refusal of Licence**

To refuse to grant, renew or re-grant where:

- (a) A DVLA licence (or equivalent) has not at any time prior to the application been held for a full continuous period of 12 months; or
- (b) The applicant has not successfully completed one or more of the following elements of the licensing application process: Road Knowledge Test, Driving Test, Medical Test, Driver Training Test; or



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- (c) Where less than 12 months has elapsed from the date of a previous refusal, revocation or unsuccessful appeal, unless a lesser period has been stipulated by the Committee or an appeal court

### **1.3 Suspension of Licence**

To suspend where a driver is disqualified from driving during the term of a licence issued by the City Council and the driver's DVLA licence will be restored during that term.

### **1.4 Revocation of Licence**

To revoke where:

- (a) a driver is disqualified from driving during the term of a licence issued by the City Council and where the driver's DVLA licence will not be restored during that term; or
- (b) in the opinion of the Senior Licensing and Enforcement Officer in consultation with the Chair of the Licensing Committee (or in his/her absence the Deputy Chair or in the absence of either, the City Solicitor) it is necessary that immediate steps be taken to revoke a licence in the interests of public safety.

## **2. Hackney Carriage and Private Hire Vehicles**

### **2.1 Grant, renewal or transfer of Licence**

To grant, renew or transfer where the vehicle complies with all relevant legislative requirements and the policies of Coventry City Council.

### **2.2 Refusal to grant, renew or transfer Licence**

To refuse to grant where:

- (a) The vehicle does not comply with the relevant legislative requirements or the policies of Coventry City Council.
- (b) It is necessary to do so to maintain the Council's policy on the control of Hackney Carriage vehicle numbers.

To refuse to renew or transfer where:

- (a) The vehicle is unfit for use as a Hackney Carriage or Private Hire Vehicle; or
- (b) The vehicle's operator or driver has committed an offence under or has otherwise failed to comply with the Town Police Clauses Act 1847 or the Local Government (Miscellaneous Provisions) Act 1976; or

- (c) There is reasonable cause to do so.

### **2.3 Revocation/suspension of Licence**

To revoke or suspend where:

- (a) The vehicle is unfit for use as a Hackney Carriage or Private Hire Vehicle; or
- (b) The vehicle's operator or driver has committed an offence under or has otherwise failed to comply with the Town Police Clauses Act 1847 or the Local Government (Miscellaneous Provisions) Act 1976 or;
- (c) There is reasonable cause to do so.

N.B. In relation to the testing or inspection of vehicles the power to suspend a licence may be exercised by a CCS Transport Services Vehicle Inspector where a vehicle fails an inspection on a MOT testable item.

### **2.4 Private Hire Vehicle Exemptions**

To issue notices of exemption under Section 75(3) of the Local Government (Miscellaneous Provisions) Act 1976 where:

- (a) In the reasonable opinion of the Senior Licensing and Enforcement Officer, the vehicle is a recognised prestige/executive model or specification of model, or is a recognised vintage or classic model; and
- (b) The vehicle is used solely for contract or account work with businesses/organisations or one-off bookings for special occasions such as birthdays, anniversaries or other similar occasions requiring a chauffeur-driven service; and
- (c) The vehicle is not fitted with a data-box, taximeter or two-way radio.

### **2.5 Advertisements on Hackney Carriages**

To authorise requests for the display of advertisements inside or outside licensed hackney carriages in accordance with City Council policy.

## **3. Private Hire Operators**

### **3.1 Grant/renewal of licences**

To grant or renew where:

- (a) There are no convictions or cautions recorded against the applicant or where any recorded convictions or cautions are spent for the purposes of the Rehabilitation of Offenders Act 1974; or

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- (b) Convictions or Cautions have previously been considered by the Committee or an appeal court and have been found not to have rendered the applicant unsuitable (provided no further offences have been recorded since the Committee or court decision was made).

### **3.2 Refusal to grant/renew licences**

To refuse to grant or renew a licence where less than 12 months has elapsed from the date of a previous refusal, revocation or unsuccessful appeal, unless a lesser period been stipulated by the Committee or appeal court.

### **3.3 Miscellaneous**

- (a) To sign licences and all other documents relevant to this schedule on behalf of the City Council.
- (b) To issue departmental warnings, simple cautions and to instruct the City Solicitor to commence legal proceedings where offences have been committed under the Town Police Clauses Act 1847, the Local Government (Miscellaneous Provisions) Act 1976 and Section 143 Road Traffic Act 1988 (as authorised by Section 222 Local Government Act 1972 (and as amended by any regulations) and to defend any appeal or challenge brought against a Hackney Carriage or Private Hire licensing decision made by the City Council.
- (c) To refer any matter within the scope of this schedule to the Committee for their determination where in the opinion of the Senior Licensing and Enforcement Officer it is appropriate to do so.
- (d) To maintain the public registers and the waiting list of Hackney Carriage Vehicles applications required by the Council's policy on controlling Hackney Carriage vehicle numbers.
- (e) To keep fees relevant to this Schedule under review.

**PART 2N: COVENTRY SHAREHOLDER COMMITTEE**

**1. Overview**

- 1.1 A Coventry Shareholder Committee (“the Shareholder Committee”) has been established, the purpose of which is to take decisions on behalf of the Council, to represent the interests of the Council as shareholder and to ensure the satisfactory performance of any Company (as defined in 1.3 below) to protect the Council’s interests as shareholders.
- 1.2 The Shareholder Committee will exercise the Council’s role as shareholder in any company, limited by shares or guarantee, wholly or partly owned by the Council for the purposes of service provision and/or trading activities. The decisions taken by the Shareholder Committee will be within the functions of Cabinet and will ensure that the performance of any such company is satisfactory, thus protecting the Council’s interest as shareholders in the Company.
- 1.3 Any reference in these terms of reference to “Company” is defined as a company in which the Council holds shares.
- 1.4 The Coventry Shareholder Committee is a sub-committee of Cabinet and will exercise the functions delegated to it by Cabinet as set out in section 3 below and will operate in accordance with Cabinet Procedure rules set out in Part 3D of the Council’s Constitution.
- 1.5 All members of the Shareholder Committee shall have received appropriate training before carrying out any functions set out in section 3.1 below.

**2. Composition**

- 2.1 The Shareholder Committee shall comprise of elected members drawn from the Cabinet to be appointed by the Leader of the Council. The Leader of the Council will appoint the Chair and Deputy Chair of the Shareholder Committee. This will have a maximum of 10 elected members and a minimum of 3 elected members.
- 2.2 The Chief Executive, Section 151 Officer, City Solicitor (or their nominees) will be advisors to the Shareholder Committee to provide open and robust technical advice. Additional advisors may be invited to attend the Shareholder Committee as required.

**3. Functions delegated to the Shareholder Committee**

- 3.1 The Shareholder Committee will have responsibility for the following delegated functions except where specific functions have been delegated to an employee:
- Any decisions that relate to any matter identified as being reserved to be taken by the Shareholders within the Articles of Associations and/or the Delegations Policy for the relevant Company.
  - Provided that where a decision that relates to any such matter affects the budgetary framework or has been reserved to Full Council under the

## **Part 2N - Coventry Shareholder Committee**

Delegations policy for the relevant Company, the Shareholder Committee will consider the decision and provide a recommendation to Full Council.

- Report to the Council annually on the performance of the trading activities of the relevant Company.
- To receive reports and approve Key Decisions in respect of charitable holdings of the Council where the Council is holding the land, asset, contract etc as trustee for a charity / charities.

3.2 The Shareholder Committee will not have operational control over Companies. All decisions regarding the day to day operation of each Company, its business developments and commercial opportunities, staff terms and conditions and the development and implementation of its internal procedures, rest with the Directors of each Company.

### **4. Accountability of Decisions**

4.1 The Scrutiny Co-ordination Committee will be responsible for the scrutiny function in relation to the operation of the Shareholder Committee. The Scrutiny Co-ordination Committee will be able to call the Shareholder Committee to account for progress in relation to any Company for which the Council is a shareholder and any returns it is making.

4.2 Any recommendations the Scrutiny Co-ordination Committee wishes to make will be submitted to the Shareholder Committee for reconsideration.

4.3 The Chair of the Shareholder Committee will be required to answer questions on its work at Full Council meetings.

4.4 All decisions of the Shareholder Committee will be open to the Call in arrangements and subject to the call-in criteria.

### **5. Quorum**

5.1 The quorum for a meeting of the Shareholder Committee is a minimum of 3 members, one of whom must be the Chair or the Deputy Chair of the Shareholder Committee.

### **6. Operation of the Shareholder Committee and frequency of meetings**

6.1 The Cabinet has delegated to the Shareholder Committee the authority to take decisions as set out in paragraph 3.1 in respect of 100% of the Council's shareholding in any Company.

6.2 The Shareholder Committee will meet twice annually, or as required.

6.3 In cases of urgency, decisions will be made in accordance with the provisions set out in the Constitution by the Chief Executive.

6.4 Any decisions made by the Shareholder Committee must be notified to the Company's Directors as soon as reasonably practicable following such decision being taken.

## ***Part 2N - Coventry Shareholder Committee***

6.5 An authorised representative of the Shareholder Committee will be given authority on behalf of the Shareholder Committee to take decisions at a Company's general meeting.

6.6 The Shareholder Committee will review the Terms of Reference annually.

### **7. Access to Information and Procedure relating to Shareholder Committee**

7.1 As an Executive Committee of Cabinet, meetings of the Shareholder Committee are subject to the Access to Information Procedure Rules set out in Part 3B of the Council's Constitution.

7.2 It is expected that all meetings of the Shareholder Committee will involve the consideration and review of Exempt Information (i.e. information relating to the financial or business affairs of any particular person (including the authority holding that information)).