

PART 2

SCHEME OF DELEGATION

Decision-Making and Responsibility for Functions

Contents

| | |
|---|-----------|
| PART 2H: FUNCTIONS OF THE APPEALS COMMITTEE, | 68 |
| APPOINTMENTS PANEL AND INDEPENDENT REMUNERATION PANEL . | 68 |
| 1. The Appeals Committee | 68 |
| 2. The Appointments Panel | 68 |
| 3. The Independent Remuneration Panel | 68 |
| PART 2I: AUDIT AND PROCUREMENT COMMITTEE | 69 |
| 1. Composition | 69 |
| 2. Chair and Deputy Chair | 69 |
| 3. Quorum | 69 |
| 4. Sub-Committees | 69 |
| 5. Training | 69 |
| 6. Frequency of meetings | 69 |
| 7. Accountability | 69 |
| 8. Terms of Reference..... | 70 |
| PART 2J: COVENTRY HEALTH AND WELLBEING BOARD | 72 |
| 1. Composition..... | 72 |
| 2. Chair and Deputy Chair | 73 |
| 3. Quorum and Substitutes | 73 |
| 4. Sub-Committees and Working Groups | 73 |
| 5. Frequency of meetings | 73 |
| 6. Terms of Reference..... | 73 |
| PART 2K: EMERGENCY PLANNING FORUM | 75 |
| PART 2L: JOINT HEALTH OVERVIEW AND SCRUTINY COMMITTEE (COVENTRY AND WARWICKSHIRE)..... | 76 |
| 1. Terms of Reference..... | 76 |
| 3. Timescales & Governance | 77 |

| | |
|---|-------------------------------------|
| 4. Communication with Media | 77 |
| 5. Membership | 77 |
| 6. Support Arrangements / Resources | 78 |
| PART 2M: SCHEME OF FUNCTIONS DELEGATED TO EMPLOYEES | 79 |
| 1. Interpretation and General Principles | 79 |
| 2. Exercising Powers Delegated to Employees..... | 80 |
| 3. Statutory Appointments | 80 |
| 4. Functions of the Head of Paid Service | 81 |
| 5. Functions of the Monitoring Officer | 81 |
| 6. Functions of the Chief Finance Officer | 82 |
| 7. Duty to Provide Sufficient Resources to the Monitoring Officer and Chief Finance Officer | 83 |
| 8. Proper Officer Designations..... | 83 |
| 9. General Delegations..... | 83 |
| 10. Specific Delegations..... | 88 |
| 11. Chief Executive | 88 |
| 12. Specific Delegations..... | 92 |
| 13. Director of Public Health and Wellbeing | 92 |
| Consultant In Communicable Disease Control | 94 |
| 14. Director of Children and Education | Error! Bookmark not defined. |
| 15. Director of Care, Health and Housing..... | 97 |
| 16. Director of People and Facilities Management | Error! Bookmark not defined. |
| 17. Director of Law and Governance (Monitoring Officer)) .. | Error! Bookmark not defined. |
| 18. Director of Finance and Resources (Section 151 Officer)..... | 122 |
| 19. Director of City Services..... | 124 |
| 20. Director of Property Services And Development | 127 |

| | |
|---|---|
| 21. Director of Regeneration and Economy | 129 |
| 25. Channel Panel | Error! Bookmark not defined. |
| 22. Hackney Carriage and Private Hire Licensing Scheme of Delegation ... | 135 |
| PART 2N: COVENTRY SHAREHOLDER COMMITTEE | 140 |
| 1. Overview | 140 |
| 2. Composition..... | 140 |
| 3. Functions delegated to the Shareholder Committee..... | 141 |
| 4. Accountability of Decisions | 141 |
| 5. Quorum | 142 |
| 6. Operation of the Shareholder Committee and frequency of meetings ... | 142 |
| 7. Access to Information and Procedure relating to Shareholder Committee | 142 |

**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 the Director of Law and Governance on an ad hoc basis from the Appeals Panel.
- 1.3. There is a separate appeal body for School Admissions and Exclusion Appeals.

2. The Appointments Panel

- 2.1. An Appointments Panel will carry out functions specified in the Employees Employment Procedure Rules in Part 3H.

3. 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 Director of Law and Governance, 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 2I: 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, they may nominate one of the three named substitute members to attend.

2. Chair and Deputy Chair

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

3. Quorum

- 3.1. The quorum of the Committee will be 3 members.

4. Sub-Committees

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

5. Training

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

6. Frequency of meetings

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

7. 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

8. 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 Director of Finance and Resources or the Director of Law and Governance.
- (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

- 8.4.1. 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

- 8.5.1. 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

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.

1. Composition

1.1. The Board shall comprise:

| | Position / Organisation | How Appointed |
|-----|--|-------------------------------------|
| (a) | Leader of the Council*: | Nominated by Leader |
| (b) | Cabinet Member (Public Health, Sport and Wellbeing): | 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 |
| (f) | Director of Care, Health and Housing ** | Statutory appointment |
| (g) | Director of Children and Education** | Statutory appointment |
| (h) | Director of Public Health and Wellbeing **:. | Statutory appointment |
| (i) | Coventry Healthwatch**: | 2 representatives |
| (j) | Coventry and Warwickshire Integrated Care Board: | 2 representatives |
| (k) | NHS England: | 1 representative |
| (l) | Coventry University: | Vice-Chancellor (or representative) |
| (m) | Warwick University: | Vice-Chancellor (or representative) |
| (n) | West Midlands Police: | 1 representative |
| (o) | West Midlands Fire Service: | Operations Commander Coventry |
| (p) | Coventry and Warwickshire Partnership Trust: | 1 representative |
| (q) | University Hospitals Coventry and Warwickshire: | Chief Executive or representative |

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

** Statutory appointments

1.2. In addition to the appointments referred to in 1.1 above, the Board

may amend the non-statutory and non-Elected Member appointments to the Board as it thinks appropriate.

2. Chair and Deputy Chair

- 2.1. 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.

3. Quorum and Substitutes

- 3.1. The quorum of the Board will be one half of the total number of members plus one member.
- 3.2. 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 the Director of Law and Governance by no later than 1 hour before the meeting.

4. Sub-Committees and Working Groups

- 4.1. 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.

5. Frequency of meetings

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

6. Terms of Reference

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

- 6.2. 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.

- 6.3. The Coventry Health and Wellbeing Board will work with the NHS

Part 2J - Functions of Health and Wellbeing Board

Commissioning Board and co-ordinate any sub-regional activity.

PART 2K: EMERGENCY PLANNING FORUM

- 1.1. 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.
- 1.2. The Forum will comprise the following Members:-
- | | | |
|---|---|------------|
| (a) Leader (Chair) | } | |
| | } | |
| (b) Deputy Leader | } | |
| | } | |
| (c) Appropriate Cabinet Member | } | or nominee |
| | } | |
| (d) Lord Mayor | } | |
| | } | |
| (e) Deputy Lord Mayor | } | |
| | } | |
| (f) Leader of the Main Opposition Group | } | |
- 1.3. All Members of the Forum should receive emergency planning training.

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

1. Terms of Reference

1.1. Rationale

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.

2. 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:
- (a) Make comments on the proposal consulted on
 - (b) Require the provision of information about the proposal
 - (c) 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.

- 2.6 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.

3. 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).

4. 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.

5. 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.

6. 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: -

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

PART 2M: SCHEME OF FUNCTIONS DELEGATED TO EMPLOYEES

1. Interpretation and General Principles

1.1. In this part:

- (a) **Leadership Board** shall mean: the Chief Executive, the Director of Finance and Resources (Section 151 Officer), the Director of Law and Governance (Chief Legal Officer), Director of People and Facilities Management , Director of Children and Education, Director of City Services, Director of Planning and Performance, Director of Policy and Communications, Director of Care, Health and Housing, Director of Regeneration and Economy, Director of Digital Services.
- (b) **References to the City Solicitor** shall mean the Director of Law and Governance.
- (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.

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 Director of Finance and Resources (Section 151 Officer), Director of People and Facilities Management or Director of Law and Governance (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 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:
 - (a) any secondary legislation made under the Act;
 - (b) any amendments made to or under the Act;
 - (c) any new primary or secondary legislation relevant to their service area; and
 - (d) anything that is calculated to facilitate or is conducive or incidental to such matters.

2. Exercising Powers Delegated to Employees

- 2.1. Members of the Leadership Board 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 Leadership Board 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.

3. 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 is the Monitoring Officer (Section 5, Local Government and Housing Act 1989) and the Director of Law and Governance.
- 3.3. The Director of Finance and Resources (Section 151 Officer) is responsible for the administration of the Council's financial affairs (Section 151, Local Government Act 1972).
- 3.4. The Director of Children and Education is the Director of Children's Services (Section 18 Children Act 2004) and the Director of Care, Health and Housing 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 and Wellbeing for the purposes of Section 73A of the National Health Service Act 2006.
- 3.6. The Head of Governance 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:

4. 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 they consider it appropriate to do so in respect of any proposals of theirs, 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.

5. Functions of the Monitoring Officer (Director of Law and Governance)

- (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 they consider that any proposal, decision or omission would give rise to unlawfulness or if any decision or omission has given rise to maladministration. Such a report will have the effect of stopping the proposal or decision being implemented until the report has been considered.
- (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 Chief Finance Officer will provide advice on the scope of powers and authority to take decisions, maladministration, financial impropriety, probity and budget and policy framework issues to all Councillors and will support and advise Councillors and officers in their respective roles.
- (h) Restrictions on Posts – The Monitoring Officer cannot be the Chief Finance Officer or the Head of Paid Service.

6. Functions of the Chief Finance Officer (Director of Finance and Resources)

- (a) To be a key member of the Leadership Board, 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.
- (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.

7. Duty to Provide Sufficient Resources to the Monitoring Officer and the Chief Finance Officer

- 7.1. 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.

8. Proper Officer Designations

- 8.1. 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.

9. General Delegations

- 9.1. 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 |
|--------------------|--|---------------------|
| General | | |
| 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 except 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 | Directors |

Part 2M – Scheme of Functions Delegated to Employees

| | | |
|------------------------|--|--|
| | of the Council's functions relevant to that employee. | |
| 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 |
| 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 they are 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 |
| Human Resources | | |
| 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 Director of Finance and Resources as Section 151 Officer in |

| | | |
|----|---|--|
| | | consultation with the Director of People and Facilities Management . |
| 10 | <p>In respect of employees within their own service area:</p> <p>(a) Appoint staff within the approved establishment;</p> <p>(b) Approve changes to job descriptions and job titles where there are no grading implications subject to agreement with the Director of People and Facilities Management .</p> <p>(c) Control and manage performance, TOIL and working hours in accordance with Health and Safety requirements and Council policy;</p> <p>(d) Authorise paid overtime working below spinal column point 29;</p> <p>(e) 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;</p> <p>(f) Ensure compliance with absence control policies and performance targets;</p> <p>(g) Approval of car lease subsidy for selected posts, where recruitment and retention needs are identified in accordance with specified criteria</p> <p>(h) Approve foreign travel by employees where the direct cost to the City Council does not exceed £100 in consultation with the relevant Director;</p> <p>(i) Authorising extensions to sick pay.</p> <p>(j) Authorise payments within the JNC for Chief Officers pay and grading structures.</p> <p>(k) Authorise approval of visa applications for employees.</p> | <p>(i) to (viii): Directors, Heads of Service and Managers;</p> <p>(ix): Director of People and Facilities Management and reported quarterly to relevant Cabinet Member;</p> <p>(x): Chief Executive in consultation with the Director of Finance and Resources as Section 151 Officer and, Director of People and Facilities Management .</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 | Directors of the service directorate which is the subject of the restructuring |

| | | |
|---|--|--|
| | 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. | following consultation with Director of Finance and Resources and Director of People and Facilities Management . |
| 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 Director of People and Facilities Management . |
| 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 the Director of Finance and Resources) |
| Finance, Procurement and Contracts | | |
| 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 and Resources 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 | Directors, Heads of Service and Managers, acting |

Part 2M – Scheme of Functions Delegated to Employees

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| | with the Council's Rules for Contracts up to the appropriate financial limit in those Rules and in accordance with the Financial Procedure Rules. | either singly or as a Procurement Panel or Procurement Board. |
| 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>(a) the contract does not exceed £999,999 in total; and</p> <p>(b) the Contract Procedure Rules and Financial Procedure Rules of the Council have been complied with; and</p> <p>(c) the Council's Scheme of Delegation has not been exceeded; and</p> <p>(d) the Monitoring Officer or nominee has approved the form of contract as appropriate for the type of contract concerned; and</p> <p>(e) notification of the exercise of the delegation is given to the Monitoring Officer and in such form and with such information as s/he may require.</p> <p>PROVIDED ALWAYS THAT:</p> <p>(f) for contracts for works and services of any value and which the Monitoring Officer considers should be expressed to be a deed, the Council seal must be affixed and witnessed by the Monitoring Officer 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 |
| Legal Procedures and Service of Notices etc. | | |
| 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 | Directors and Heads of Service. |

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| | authority. | |
| 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 Monitoring Officer. |

10. Specific Delegations

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

11. Chief Executive

| Statutory or other Functions | | Nominee/Limitations |
|-------------------------------------|---|--------------------------------|
| General | | |
| 1 | Witness and receipt of Declarations of acceptance of office. | Director of Law and Governance |
| 2 | To act as the Proper Officer for the purposes of receiving requests for dispensations under section 33 of the Localism Act 2011. | Director of Law and Governance |
| 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 | Director of Law and Governance |

Part 2M – Scheme of Functions Delegated to Employees

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| | making the decision; or (c) any matter upon which the Cabinet Member is consulted by an employee who is making an executive decision. | |
| 4 | Power to make payments or provide other benefits in cases of maladministration. | Director of Finance and Resources as Section 151 Officer |
| 5 | To assure the reinstatement of services as result of a major disaster in line with the Emergency Management and Business Continuity Plan and to be responsible for emergency planning and business continuity generally. | Director of Law and Governance in consultation with relevant Cabinet Member. |
| 6 | Maintain a list of all Proper Officer functions. | Director of Law and Governance, the Director for People. 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: (a) Customer Relations and statutory social care complaints. (b) complaints other than those in (a); and (c) freedom of information and data protection. | Directors, and Heads of Service. |
| 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). | Director of Law and Governance |
| Human Resources | | |
| 9 | Approval of special payment arrangements. | Director of People and Facilities Management |
| 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 | Director of People and Facilities Management |

Part 2M – Scheme of Functions Delegated to Employees

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| | politically restricted posts. | |
| 11 | Employment Appeals for the following Policies: Disciplinary Enabling Attendance Capability Grievance Collective Dispute | Nominated Officer |
| Communications | | |
| 12 | To promote the working of the Council, within the Code of Recommended Practice on Local Authority publicity. | Director of Policy and Communications |
| 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 | Director of Policy and Communications |
| 14 | To promote the Council's views as agreed by members in the relevant decision-making forum | Director of Policy and Communications |
| Coronavirus | | |
| 15 | 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: (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) (b) Give a direction imposing prohibitions, requirements or restrictions in relation to the holding of an event in the council's area. (regulation 5) (c) Give a direction imposing prohibitions, requirements or restrictions in relation to a | Following consultation with the Leader of the Council. |

Part 2M – Scheme of Functions Delegated to Employees

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| | specified public outdoor place in the council's area, or public outdoor spaces in its area of a specified description. (regulation 6) | |
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12. Specific Delegations

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

(a) Paragraphs 13.2 & 13.3, 13.7, 13.9 to 13.11, 13.13 & 13.14

(b) Paragraphs 19.1 to 19.4

(c) Paragraphs 20.1 to 20.3

12.2. The following employees also have the powers and functions delegated to them as listed. Where indicated those powers and functions may be exercised on their 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.

13. Director of Public Health and Wellbeing

| Statutory or other Function | | Nominee/Limitations |
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| General | | |
| 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 | Heads of Service in consultation with the appropriate Cabinet |

Part 2M – Scheme of Functions Delegated to Employees

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| | on all aspects of public health, and provide reports directly to Council Cabinet, Overview and Scrutiny Committees and other strategic meetings as appropriate. | Member. |
| 6 | Authority to determine the contents of and write the annual report on the health of the people in the Council's area. | Heads of Service |
| 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 and Education, Director of Care, Health and Housing, 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 and Education, Director of Care, Health and Housing, Director of Public Health and Wellbeing, their Heads of Service. |
| Statutory or Other Function | | Nominee/ Limitations |

| Consultant In Communicable Disease Control | | |
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| 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). |

14. Director of Children and Education

| Statutory or other Function | | Nominee/Limitations |
|------------------------------------|---|---|
| 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. | Heads of Service. |
| 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 facilities. | Heads of Service |
| 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 | The officer designated |

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| | made by the Fostering Panel. | 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 and Education, Director of Care, Health and Housing, Chief Partnerships Officer, Director of Public Health and Wellbeing , and their Heads of Service. |
| Staffing and Governance of Schools | | |
| 13 | Approval and making of school Instruments of Government and any subsequent changes prepared by governing bodies. | Heads of Service jointly with the Monitoring Officer. |
| 14 | To determine Statutory Proposals for Schools where no objections have been received to the proposals contained in the publicised Statutory Notice. | Heads of Service |
| 15 | To exercise powers of intervention for those schools which are subject to a formal warning, which have serious weaknesses, or require special measures. | Heads of Service in consultation with Director of People and Facilities Management , Director of Finance and Resources and Director of Law and Governance. |
| 16 | Approval of premature retirement compensation for teachers. | Heads of Service in consultation with the Director of People and Facilities Management |
| 17 | Approval of requests for additional holidays "occasional days". | Director of People and Facilities Management in consultation with the appropriate Cabinet Member. |
| 18 | To give directions to the governing body about the employment, number and conditions of service of staff of foundation, voluntary-aided and | Heads of Service |

Part 2M – Scheme of Functions Delegated to Employees

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| | foundation special schools. | |
| 19 | To consent to the appointment or dismissal of staff at foundation, voluntary-aided and foundation special schools. | Heads of Service |
| 20 | To delegate budgets to schools. | Heads of Service in consultation with Director of Finance and Resources. |
| 21 | To take steps required to prevent the breakdown or continuing breakdown of discipline at a school. | Heads of Service |
| Admissions and Attendance at School | | |
| 22 | 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 |
| 23 | Approval of placements in and out of city schools and colleges. | Heads of Service |
| 24 | 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 |
| Special Educational Needs | | |
| 25 | To ensure that the requirement of any statutory codes of practice or other regulations are complied with. | Heads of Service |
| 26 | To assess and review the educational needs of a child. | Heads of Service |
| 27 | To provide specialist and integrated services to young offenders and children with complex needs and disabilities. | Director of Children and Education and Heads of Service in Children and Education. |
| 28 | To make, maintain and review an Education, Health and Care Plan | Heads of Service |
| 29 | 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 |
| 30 | To represent the Authority at statutory appeal tribunals in connection with the assessment | Heads of Service |

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| | of special educational needs. | |
| 31 | To prepare disability statements relating to further education. | Heads of Service |
| Appeals | | |
| 32 | The making of arrangements in relation to any appeals by governing bodies. | Heads of Service |
| Miscellaneous | | |
| 33 | To determine awards to pupils, students and parents. | Heads of Service |
| 34 | Approval of grants to voluntary bodies relating to Education and Skills. | Heads of Service |
| 35 | To provide meals in relation to a pupil's education. | Heads of Service |
| 36 | To approve registration of voluntary organisations providing community education and youth services. | Heads of Service |
| 37 | To maintain a register of childcare providers. | Heads of Service |
| 38 | To grant licences for the employment of children and children taking part in public performances. | Heads of Service |
| 39 | To authorise any proceedings necessary to deal with nuisance on education premises. | Heads of Service in consultation with the Director of Law and Governance. |
| 40 | 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 and Education, Director of Care, Health and Housing, Director of Public Health and Wellbeing , and their Heads of Service. |

15. Director of Care, Health and Housing

| Statutory or other Functions | | Nominee/Limitations |
|-------------------------------------|---|----------------------------|
| Adult Services | | |
| 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 | Heads of Service |

Part 2M – Scheme of Functions Delegated to Employees

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| | appropriate charges from those with a duty to pay. | |
| 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 |
| 6. | 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 liberty safeguards. Council's functions, powers and duties under adult social care and mental capacity and mental health legislation | Heads of Service |
| 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 | Director of Children and Education, Director of Care, Health and Housing, Director of Public Health and Wellbeing, and their Heads of |

Part 2M – Scheme of Functions Delegated to Employees

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| | seekers and refugees. | Service. |
| Housing | | |
| 11 | To provide financial and other assistance to organisations or individuals providing external housing services, which the relevant Cabinet Member has approved | Heads of Service |
| 12 | 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 |
| 13 | To provide financial and other assistance to organisations or individuals providing external housing services, which the relevant Cabinet Member has approved. | Heads of Service |
| 14 | To provide housing advice and information including nominations to registered social landlords. | Heads of Service |
| 15 | Statutory returns to government departments in connection with the Council's functions relating to housing and homelessness. | Heads of Service |
| 16 | The preparation, revision, monitoring and implementation of the Housing and Homelessness Strategy. | |
| 17 | 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 and Education, Director of Care, Health and Housing, Director of Public Health and Wellbeing , and their Heads of Service. |

16. Director of People and Facilities Management

| Statutory or other Functions | | Nominee/Limitations |
|-------------------------------------|---|----------------------------|
| 1 | Approval of human resources policies (including adoption of new policies and amendments | Heads of Service |

Part 2M – Scheme of Functions Delegated to Employees

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| | of existing policies). | |
| 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): Director of People and Facilities Management following consultation with the relevant Director |
| 5 | Approval of grading and designation of posts including: (a) approval and implementation of job evaluation scheme; and (b) authorising operation and outputs of job evaluation results and appeals. | |
| 6 | To approve the pattern of holidays each year. | Director of People and Facilities Management following consultation with Leadership Board. |
| 7 | Approval of special leave arrangements, carry-over of annual leave and closures. | Directors |
| 8 | Approval for buying out employment conditions. | Director of People and Facilities Management (up to 1 year's value); Director of People and Facilities Management in consultation with relevant Cabinet Member (for 1 to 2 years). |
| 9 | To administer, revise and | |

Part 2M – Scheme of Functions Delegated to Employees

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| | 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. | Director of People and Facilities Management and Director of Finance and Resources jointly (and in consultation with appropriate Cabinet Member for requests proposing added years). |
| 14 | Approval of early non-ill health retirements. | Director of People and Facilities Management and Director of Finance and Resources jointly. |
| 15 | Ensure compliance with policy and codes of practice in the recruitment, retention and development of the workforce. | |
| 16 | Signatory for DBS checks undertaken on behalf of the City Council | |
| 17 | To determine the membership of Appeals Committees. | |
| 18 | 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. | |
| 19 | Manage the Apprenticeship Levy | Heads of Service |
| Property Asset Management | | |
| 20 | To identify and order maintenance work required within the Central Repairs Fund | |
| 21 | Prepare and maintain list of | |

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| | 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. | |
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17. Director of Law and Governance (Monitoring Officer)

| Statutory or other Functions | | Nominee/Limitations |
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| Procurement and Commissioning | | |
| 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. |
| Monitoring Officer Responsibilities | | |
| 2 | Establish and maintain the register of interests of Coventry City Council, Allesley Parish Council, Finham Parish Council and Keresley Parish Council | Deputy Monitoring Officer may be appointed |

Part 2M – Scheme of Functions Delegated to Employees

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| | Elected and Co-opted Members. | |
| 3 | 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 |
| 4 | To act as Proper Officer for the purpose of receiving requests for dispensations under section 33 of the Localism Act 2011. | |
| 5 | 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. | |
| Constitution | | |
| 6 | Authority to make amendments and corrections to the Constitution where in their 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. | Monitoring Officer In cases of doubt about whether the change is purely technical, the Monitoring Officer should consult with either the Chief Executive or the Director of Finance and Resources |
| 7 | To make necessary amendments to the Constitution, including the Rules for Contracts and its Standing Orders, to incorporate all requirements of | Monitoring Officer in consultation with the appropriate Cabinet Member |

Part 2M – Scheme of Functions Delegated to Employees

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| | the Member Code of Conduct and to amend the Rules of Contract to take account of changes in procurement practices and limits. | |
| 8 | To make minor amendments to the Constitution. | Monitoring Officer in consultation with the appropriate Cabinet Member |
| Legal Functions | | |
| 9 | 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 them unless any enactment otherwise authorises or requires, or the Council has given requisite authority to some other person. | |
| 10 | To instruct Counsel and external solicitors and engage professional experts and witnesses. | |
| 11 | To let contracts for the provision of services in compliance with the Contract Procedure Rules and Financial Procedure Rules. | |
| 12 | <p>The power to sign, or affix the Common Seal to:</p> <ul style="list-style-type: none"> (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. | Monitoring Officer and other authorised signatories designated by the Monitoring Officer |
| Functions in relation to Council Meetings and Members | | |
| 13 | Receipt of Notice of | Deputy Monitoring |

Part 2M – Scheme of Functions Delegated to Employees

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| | Resignation of Office; and receipt of Notice of casual vacancy from two local government electors. | Officer |
| 14 | Keeping a record of disclosures of Members' Interests. | Deputy Monitoring Officer |
| 15 | To receive notification of nominations to Committees and of political groups. | Deputy Monitoring Officer |
| 16 | Convening of meeting of Council to fill casual vacancy in office of Chairman. | Deputy Monitoring Officer |
| 17 | Receipt of Notices regarding address to which summons to meetings is to be sent and signature of summonses to Council meetings. | Deputy Monitoring Officer |
| 18 | Certification of resolutions and minutes of proceedings. | Deputy Monitoring Officer |
| 19 | <p>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</p> <p>(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;</p> <p>(b) Identification of background papers in the 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>Deputy Monitoring Officer in all cases except:-</p> <p>(f) Directors</p> |

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| | <ul style="list-style-type: none"> (i) the reasons for the decision and alternative options considered and rejected (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 (iii) in respect of any declared conflict of interest, a note of dispensation granted by the Monitoring Officer; <p>(f) To produce a record of every executive decision taken by employees, including a statement of:</p> <ul style="list-style-type: none"> (i) the reasons for the decision; (ii) alternative options considered and rejected; <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> | |
| 20 | To determine the membership | Deputy Monitoring |

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| | 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. | Officer: all cases, except Human Resources Appeals which is the Director of People and Facilities Management . |
| 21 | The arrangements for: (a) Appeals against the exclusion of pupils from local authority-maintained schools. (b) Admissions appeals | Deputy Monitoring Officer |
| Registration, Local Land Charges and Coroners Services | | |
| 22 | 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. | Monitoring Officer except (c) Monitoring Officer in consultation with appropriate Cabinet Member |
| 23 | To exercise the Council's powers to licence premises for | |

Part 2M – Scheme of Functions Delegated to Employees

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| | 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. | |
| 24 | 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. | Monitoring Officer in consultation with appropriate Cabinet Member |
| 25 | To impose, vary, modify or enforce any conditions attached to the grant of approval for secular and/or religious premises for the solemnisation of marriages and the registration of civil partnerships. | Monitoring Officer in consultation with appropriate Cabinet Member |
| 26 | To create, maintain and update a public register of those premises registered for the solemnisation of marriages and the registration of civil partnerships. | |
| 27 | Authority to make changes in response to new legislation and guidance. | Monitoring Officer (where no discretion) and in consultation with appropriate Cabinet Member (where discretion). |
| 28 | To maintain the Local Land Charges Register and to issue official search certificates. | |

Part 2M – Scheme of Functions Delegated to Employees

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| 29 | Revision of scale of fees for mortuary staff. | |
| Legal and Procedural Matters | | |
| 30 | 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. | |
| 31 | Certification of photographic copies of documents and authentication of documents. | |
| 32 | To witness the affixing of the Council's seal. | Monitoring Officer and authorised signatories designated for that purpose by the Monitoring Officer. |
| 33 | Authority to serve requisitions for information in connection with any of the functions of the Council. | |
| 34 | 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 Monitoring Officer considers that such action is necessary to protect the Council's, the City's or other appropriate interests. | |
| 35 | Authorisation of employees, under any legislation/ enactment that confers authorisation thereunder, to appear in Court on the City Council's behalf. | |
| 36 | To monitor use of the general power of competence and compliance with the Localism | |

Part 2M – Scheme of Functions Delegated to Employees

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| | Act 2011. | |
| 37 | 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. | |
| 38 | 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. | |
| 39 | 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). | |
| 40 | To prosecute on behalf of the | Monitoring Officer |

Part 2M – Scheme of Functions Delegated to Employees

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| | <p>Council as Local Planning Authority offences in connection with:</p> <ul style="list-style-type: none"> (a) planning contravention notices; (b) breach of condition notices; (c) stop notices and temporary stop notices; (d) enforcement notices; (e) listed buildings and conservation areas; (f) trees and high hedges; (g) advertisements; and (h) proper maintenance of land. | <p>provided always that the power to prosecute any offences in connection with functions which are within the terms of reference of the Planning Committee may not be exercised without the express prior approval of the Planning Committee.</p> |
| 41 | Power to enter into agreements regulating development or use of land. | Monitoring Officer/ Director for Property Services and Development |
| 42 | <p>Authority to prosecute for offences in connection with:</p> <ul style="list-style-type: none"> (a) removing children from care; and (b) nurseries, full day, sessional care and childminding. | Monitoring Officer in consultation with the Director of Children and Education |
| 43 | Approval and making of school instruments of government and any subsequent changes approved by governing bodies. | Monitoring Officer jointly with the Director of Children and Education |
| 44 | 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. | |
| 45 | <p>Authority to take action to recover money owed to the Council including but not limited to:</p> <ul style="list-style-type: none"> (a) institution of insolvency | Director of Finance and Resources |

Part 2M – Scheme of Functions Delegated to Employees

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| | proceedings; and (b) instructing certificated bailiffs to levy distress on property. | |
| Miscellaneous | | |
| 46 | To exercise the powers and duties of the Council as Parish Trustee. | Deputy Monitoring Officer |
| 47 | Keeping of the Roll of Freemen and Honorary Aldermen. | Deputy Monitoring Officer |
| 48 | Deposit of documents with Proper Officer. | Deputy Monitoring Officer |
| 49 | Certification of byelaws; and send copies of byelaws for parish records. | Deputy Monitoring Officer |
| 50 | To make any minor or technical changes to the Code of Corporate Governance to ensure that it is kept up to date | Deputy Monitoring Officer |
| Electoral Functions | | |
| 51 | 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. |
| 52 | To act as Electoral Registration Officer. | Monitoring Officer/ Electoral Services Manager as Deputy Electoral Registration Officers. |
| 53 | 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. | Monitoring Officer/ Electoral Services Manager as Deputy Electoral Registration Officers |
| 54 | To act as Proper Officer and Counting Officer for any | Deputy Counting Officers may be |

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| | referendums held under the Local Government Act 2000 or under any other legislation. | appointed. |
| 55 | Hold a referendum under the Localism Act 2011 to veto excessive Council Tax rise. | Monitoring Officer/ Electoral Services Manager as Deputy Electoral Registration Officers. |
| Building Control and Regulation | | |
| 56 | <p>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:</p> <ul style="list-style-type: none"> (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 means of escape from, fire; (d) dangerous buildings and structures, ruinous and dilapidated buildings and neglected sites and demolition of buildings and structures; (e) issuing regularisation and completion certificates and house type approvals; (f) temporary buildings and structures and short lived materials; (g) drainage, water supply and refuse facilities; and (h) testing for conformity with | Heads of Service |

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| | building regulations and enforcement of legislation. | |
| 57 | 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. |
| 58 | 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. | Heads of Service |
| 59 | Appointment of surveyors when requested for resolving disputes relating to party walls through arbitration. | Heads of Service |
| Housing and Private Land | | |
| 60 | 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 | Heads of Service |
| 61 | 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. | Heads of Service |
| Fair Trading and Trading Standards | | |
| 62 | Generally, to take action and operate all legislative, enforcement and | Heads of Service. |

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| | <p>administrative procedures in relation to fair-trading, trading standards, weights and measures and consumer protection. Specifically, but not exclusively, to:</p> <ul style="list-style-type: none"> (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. | |
| Food Safety | | |
| 63 | <p>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:</p> <ul style="list-style-type: none"> (a) prohibit food business operations; (b) promote food safety and undertake training; and (c) seize unfit food. | Heads of Service. |
| Community Safety | | |
| 64 | <p>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</p> | Heads of Service |

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| | drug misuse, and anti-social behaviour and the fear thereof. | |
| 65 | To facilitate the Coventry Community Safety Partnership ensuring that it fulfils its statutory obligations including the annual production of an Emergency Management and Business Continuity Plan | Heads of Service |
| Licensing | | |
| 66 | The functions of the Council as "responsible authority" under the Licensing Act 2003 in relation to: (a) Health and Safety; (b) Pollution Control/Environmental Health; (c) Weights and Measures; and (d) A licensing authority. | Heads of Service |
| 67 | The functions of the Council as Licensing Authority under the Licensing Act 2003 to: (a) determine applications relating to licences and certificates where there are no representations outstanding; (b) deal with requests to vary or to be removed as a designated premises supervisor; (c) make decisions on whether an objection or representation is irrelevant, frivolous, vexatious etc; (d) receive/acknowledge temporary event notices and serve S.107 counter-notices; (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; (f) maintain the public | Heads of Service |

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| | register; and (g) determine minor variation applications. | |
| 68 | The Council's enforcement functions under Part 7 of the Licensing 2003 Act. | Heads of Service |
| 69 | The functions of the Council as "responsible authority" under the Gambling Act 2005 in relation to: (a) the Licensing Authority (b) Environmental Health/Pollution. | Head of Service |
| 70 | The functions of the Council as "licensing authority" under the Gambling Act 2005 to: (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; (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; (c) receive/acknowledge temporary use and occasional use notices; (d) cancel licensed premises gaming machine permits; (e) process and determine small society lottery registrations; (f) exercise the Council's powers of entry and inspection; | a) and (c) to (h): Heads of Service (b): Director of Law and Governance, and the Heads of Service except where there is a history of non-compliance; or the application is non-routine; or reservations are expressed by a consultee. |

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| | <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> | |
| 71 | 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 & Responsibilities) (England) Regulations 2000/2853 (as amended from time to time) so far as they relate to Public Safety and Housing. | Heads of Service |
| 72 | To make minor amendments to the Street Trading Consent Terms and Conditions and to approve fee waivers in appropriate cases. | Heads of Service |
| 73 | <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</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. |

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| | <p>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> | |
| Coronavirus | | |
| 74 | <p>To exercise the powers and functions of the Council under the Health Protection (Coronavirus, Restrictions) (England) (No.3) Regulations 2020 in relation to:</p> <p>(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)</p> <p>(b) Public notice of directions (regulation 10)</p> <p>(c) Notification to other local authorities (regulation 11)</p> <p>(d) Enforcement of requirements (regulation 12)</p> <p>(e) Fixed penalty notices (regulation 14)²</p> <p>(f) Prosecutions (regulation 15)</p> <p>(g) Power to designate officers to exercise powers under regulation 12</p> <p>(h) Power to authorise officers to issue fixed penalty notice under regulation 14</p> | <p>Heads of Service in all cases</p> <p>(f): In consultation with the City Solicitor</p> |
| 75 | <p>To exercise the powers and functions of the Council under either:</p> | Heads of Service |

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| | <p>(a) the Health Protection (Coronavirus, Local COVID-19 Alert Level) (Medium) (England) Regulations 2020; or</p> <p>(b) the Health Protection (Coronavirus, Local COVID-19 Alert Level) (High) (England) Regulations 2020; or</p> <p>(c) the Health Protection (Coronavirus, Local COVID-19 Alert Level) (Very High) (England) Regulations 2020</p> <p>according to which tier the Council has been placed</p> | |
| 76 | 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 | Heads of Service |
| 77 | To exercise the powers and functions of the Council under the Health Protection (Coronavirus, Restrictions) (England) No.4 Regulations 2020 | Heads of Service |
| 78 | To exercise the powers and functions of the Council under the Health Protection (Coronavirus, Restrictions) (All Tiers) (England) Regulations 2020 and the Health Protection (Coronavirus, Restrictions) (Local Authority Enforcement Powers and Amendment) (England) Regulations 2020 | Heads of Service |
| 79 | 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 | Heads of Service |

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| | severe respiratory syndrome coronavirus 2 (SARS-Cov-2) or other virus or infectious disease. | |
| Environmental Crime | | |
| 80 | 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: (a) enforcement of the Smoke Free legislation. | Heads of Service. |
| 81 | To authorise legal proceedings for offences relating to non-payment of fixed penalty fines. | Heads of Service |
| Health and Safety | | |
| 82 | 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 |
| Unauthorised Encampments | | |
| 83 | Direct unauthorised campers to leave highway land and to apply for court order to remove vehicles off highway; | Director of City Services and Heads of Service |
| 84 | 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 |
| Channel Panel | | |

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| 85 | 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). | Heads of Service |
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18. Director of Finance and Resources (Section 151 Officer)

| Statutory or other Functions | | Nominee/Limitations |
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| Section 151 Functions | | |
| 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”. | Director of Finance and Resources 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. | Director of Finance and Resources |
| 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 | Director of Finance and Resources |

Part 2M – Scheme of Functions Delegated to Employees

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| | (c) prepare, sign and arrange public inspection of the Council's Statement of Accounts. | |
| Finance Functions | | |
| 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. | Director of Finance and Resources in consultation with the Monitoring Officer. |
| 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. | Director of Finance and Resources in consultation with Monitoring Officer |
| 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. | Director of Finance and Resources and Director of Law and Governance |
| 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. | Director of People and Facilities Management and Director of Finance and Resources jointly (and in consultation with appropriate Cabinet Member for requests proposing added years). |
| 10 | Approval of early non-ill health retirements. | Director of People and Facilities Management and Director of Finance |

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| | | and Resources jointly. |
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19. Director of City Services

| Statutory or other Functions | | Nominee/Limitations |
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| Cemeteries and Crematoria | | |
| 1 | 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 |
| Waste Management and Cleansing | | |
| 2 | 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 |
| Pest Control and Animal Welfare | | |
| 3 | 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 |
| 4 | 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. |
| Noise and other Nuisances | | |
| 5 | Generally, to take action and operate all legislative, enforcement and administrative procedures in relation to noise and other nuisances. Specifically, but not exclusively, to: (a) consent to the use of noisy equipment and approaches where building work is proposed; (b) seize articles and equipment; and | Heads of Service. |

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| | (c) undertake work in default where a Notice is not complied with. | |
| Transportation and Parking | | |
| 7 | 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). |
| 8 | To take any decisions on non-executive matters relating to Transportation. | Director of Regeneration and Economy Heads of Service in consultation with, the appropriate Cabinet Member |
| 9 | 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: (b) Director of Regeneration and Economy (d) and (e) with Director of Regeneration and Economy (c) to (e): Heads of Service and Parking Services Manager or nominees. (g) Director Regeneration and Economy Heads of Service |
| 10 | To exercise the Council's powers to: (a) prohibit the use of | Heads of Service (d) Director of |

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| | <p>overloaded vehicles and to weigh vehicles;</p> <p>(b) object to PSV operator licences;</p> <p>(c) object to licences and to variation of licences in respect of goods vehicle operators; and</p> <p>(d) make representations regarding local bus services.</p> | Regeneration and Economy |
| Highways and Streets | | |
| 11 | <p>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 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,</p> | <p>Heads of Service (a),(c),(d), (f), (g)Jointly Directors of Regeneration and Economy and City Services</p> <p>(b),(e), (h)Director of Regeneration and Economy</p> |

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| | <p>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> | |
| 12 | Power to instruct the Monitoring Officer 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 Regeneration and Economy in consultation with the relevant Cabinet Member and Ward Councillors. |
| 13 | Keeping Definitive Maps and Statements of Rights of Way & associated registers and the signposting of footpaths etc. | Director of Regeneration and Economy and Heads of Service |
| 14 | Exercise the Council's common law powers to remove obstructions and abate nuisances on the highway. | Jointly Directors of Regeneration and Economy and City Services and Heads of Service |
| 15 | Direct unauthorised campers to leave highway land and to apply for court order to remove vehicles off highway; | Director of City Services and Heads of Service |
| 16 | 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 |

20. Director of Property Services and Development

| Statutory or other Functions | | Nominee/Limitations |
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| Property Asset Management | | |
| 1 | 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 and Development except that in the case of (d), in consultation with appropriate Cabinet Member. |
| 2 | 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 property disposals and revision/variation of tender terms. | |
| 3 | Authority to exercise the Council's powers and duties in relation to leases and licences including to: (a) accept surrenders where it is in Council's best interest and/or it is agreed that there | |

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| | are or could be arrears of rent which are unlikely to be recovered; (b) agree or approve any lease variation; and (c) to give any consent under the terms of a lease. | |
| 4 | Authority to exercise the Council's powers as landowner or landlord in relation to: (a) any legal notice for breach of Lease Covenant; (b) the submission of planning applications where the application consistent with approved policy; (c) the appointment of consultants for all property related matters subject to compliance with procurement rules; and (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. | |
| 5 | Transferring land used for any purpose following an appropriation pursuant to section 122 of the Local Government Act 1972, so that the land is held for development purposes. | |
| 6 | Naming of new development. | |

21. Director of Regeneration and Economy

| Statutory or other Functions | | Nominee/Limitations |
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| Leisure and Culture | | |
| 1 | To take decisions in respect of applications for free or concessionary use of St Mary's Hall, the Armoury and Crypt. | Director of Regeneration and Economy in consultation with the appropriate Cabinet |

Part 2M – Scheme of Functions Delegated to Employees

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| | | 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 Regeneration and Economy in consultation with appropriate Cabinet Member. |
| 3 | 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 (c) Approval of short-term or one-off offers for parks fees and charges (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. | Heads of Service except: (a) Following consultation with the relevant Cabinet Member |
| 4 | 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 objections or of any unresolved conflicts of advice from other Council Directorates or Committees | Director of City Services (Including Heads of Service) with terms for disposal delegated to the Director of Property Services and Development Authority does not extend to disposal for highway purposes. |
| Home Energy Efficiency | | |
| 5 | Generally, to take action and operate all legislative, enforcement and administrative | Heads of Service |

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| | procedures, and to exercise all of the powers and duties of the Council in relation to home energy efficiency. | |
| Planning | | |
| 6 | <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>Director of Regeneration and Economy 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 Monitoring Officer;</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>(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>All delegations above are subject to the limitations set out below:</p> <p>(2) Limitations</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> <p>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).</p> | |
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| | <p>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.</p> <p>3. Any decision must not be the subject of any unresolved conflicts of advice from other City Council Directorates as statutory consultees.</p> <p>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.</p> <p>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.</p> | |
| 7 | <p>Power to:</p> <p>(a) enter into an agreement regulating development or use of land</p> <p>(b) approve the negotiation, completion and subsequent variation of legal agreements in accordance with the development plan and adopted guidelines.</p> | <p>(a) Director of Regeneration and Economy and Director of Law and Governance.</p> <p>(b) Director of Regeneration and Economy and Heads of Service in consultation with the Director of Law and Governance.</p> |
| 8 | <p>Power to:</p> <p>(a) recover costs incurred in putting Neighbourhood Development plans or orders in place;</p> <p>(b) Remove structures used for unauthorised display</p> | Heads of Service |

Part 2M – Scheme of Functions Delegated to Employees

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| | (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. | |
| 9 | 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 |
| 10 | 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 |
| 11 | Power of entry; Protection of Buildings; Buildings on operational land of certain statutory undertakers. | Heads of Service |
| 12 | Functions with regard to ordnance survey. | Heads of Service |
| 13 | Service of notice and subsequent action to make trees safe and to recover costs from owners/occupiers. | Heads of Service |
| Environmental Protection | | |
| 14 | 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. | Heads of Service. |
| 15 | Generally, to take action and operate all legislative, enforcement and administrative procedures in relation to air quality, contaminated land and | Heads of Service. |

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| | <p>private water supplies. Specifically, but not exclusively, to:</p> <ul style="list-style-type: none"> (a) maintain a register of remediation notices in relation to contaminated land; (b) authorise specified burning processes; (c) carry out Part IIA contaminated land investigations and identify remedial requirements; (d) environmental permitting; (e) review and monitor air quality; and (f) environmental management of construction sites. | |
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22. Hackney Carriage and Private Hire Licensing Scheme of Delegation

22.1. The following schedule lists the delegated authority for the Director of Law and Governance 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.

22.2. This schedule supersedes and replaces all previous delegations to employees.

22.3. Hackney Carriage and Private Hire Drivers

22.3.1. 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 Monitoring Officer

22.4. Grant/Renewal of Licence

22.4.1. 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).

22.5. Refusal of Licence

22.5.1. 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
- (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

22.6. Suspension of Licence

22.6.1. 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.

22.7. Revocation of Licence

22.7.1. 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.

22.8. Hackney Carriage and Private Hire Vehicles

22.8.1. Grant, renewal or transfer of Licence

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

22.9. Refusal to grant, renew or transfer Licence

22.9.1. 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.

22.9.2. 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.

22.10. Revocation/suspension of Licence

22.10.1. 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.

22.11. Private Hire Vehicle Exemptions

22.11.1. 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.

22.12. Advertisements on Hackney Carriages

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

22.13. Private Hire Operators

22.14. Grant/renewal of licences

22.14.1. 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
- (a) 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).

22.15. Refusal to grant/renew licences

22.15.1. 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.

22.16. 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 Monitoring Officer 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, Director of Finance and Resources (Section 151 Officer), Director of Law and Governance (Monitoring Officer) (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.
- 2.3. To ensure that the Coventry Shareholder Committee is aware of cross-party views on matters to be decided by the Committee, representatives from the opposition groups will be entitled to attend meetings of the Committee 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

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:

- (a) 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.
- (b) Provided that where a decision that relates to any such matter affects the budgetary framework or has been reserved to Full Council under the Delegations policy for the relevant Company, the Shareholder Committee will consider the decision and provide a recommendation to Full Council.
- (c) Report to the Council annually on the performance of the trading activities of the relevant Company.
- (d) 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.
- 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)).