

## **PART 2**

### **SCHEME OF DELEGATION**

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

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**PART 2A: GENERAL PRINCIPLES**

**1. Principles of Decision Making**

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

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

- (k) All decisions taken through the political management process should be taken only after a properly constructed report has been presented and considered. The report should make it clear what options were considered and the reason for the decision that was taken.
- (l) In some instances (in case of urgency or where confidential or exempt business is being considered) it may not be appropriate to comply with all these principles. Decision makers must be satisfied that the principles have been complied with as far as practicable and that in all the circumstances it is appropriate to take the decision.

## **2. Types of Decision**

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

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

2.2. Under the Constitution, decisions taken by:-

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

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

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

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

## **3. Key Decisions**

3.1. A key decision is an executive decision which is likely to:-

- (a) result in the City Council incurring expenditure, making savings or receiving income which is/are significant having regard to the

Council's budget for the service or function to which the decision relates or;

- (b) be significant in terms of its effects on communities living or working in an area comprising 2 or more wards or electoral divisions in the area of the City.

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

- (a) results in expenditure, savings, income, additional funding or virement of over £1 million per annum being incurred or achieved and which additionally, in the case of a capital scheme, has not been identified in the "Approved Programme" within the Capital Programme; or
- (b) results in an outcome which will have a marked effect on communities living or working in an area comprising 2 or more wards.

3.3. The following will be deemed not to be key decisions:-

- (a) any decision to implement or take forward an earlier key decision.
- (b) any decision that is non-executive.

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

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

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

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

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

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

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

upon request.

**6. Government Consultation Papers**

- 6.1. Responses to Government Consultation Papers (unless the Chief Executive determines that they relate to a “technical” issue) shall be agreed by Cabinet Member (where practicable within the timescale) updating the Shadow Cabinet Member.
- 6.2. Where the Government Consultation paper is high profile or of a particular matter of substantial public importance this will be decided by Council (where practicable within the timescale). Where the timescale of a Government Consultation Paper that is high profile or of a particular matter of substantial public importance does not permit consideration by Council, responses shall be decided by Cabinet. Where the timescale of any such Government Consultation Paper does not permit consideration by Cabinet, responses shall be agreed by the Leader, the appropriate Cabinet Member and Chief Executive and appropriate Director following consultation with the appropriate Shadow Cabinet Member. In the last case, the appropriate Cabinet Member has the authority, at their discretion, to refer a consultation to the relevant Scrutiny Board.

**7. Allocation of Functions**

- 7.1. In this part "Functions of the Executive" will mean functions of the Leader and Cabinet and "Council functions" shall mean functions of the full Council of the City of Coventry comprising its Elected Members and chairperson (or Lord Mayor) and of any committees or sub committees exercising functions on behalf of the full Council.
- 7.2. Section 9D of the Local Government Act 2000 provides that all functions of a local authority shall be functions of the Executive of that authority except in so far as they are reserved to Council by legislation or by regulations made under the Local Government Act 2000. The Local Authorities (Functions and Responsibilities) (England) Regulations 2000 set out those functions:
- (a) which must not be discharged by the Executive and are therefore reserved as Council functions
  - (b) which may be the responsibility of the Executive subject to the Council's discretion (these are set out in the table of Local Choice Functions – paragraph 8.1 refers)
  - (c) which may not be the sole responsibility of the Executive, where the Council exercises a confirmatory function; and
  - (d) that would otherwise be Executive functions but which fall to be discharged other than by the Executive in prescribed

circumstances, that is when they become Council functions.

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

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

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

- the Executive as a body
- an individual member of the Executive
- a Committee of the Executive
- an area committee
- an officer

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

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

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

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

<b>Local Choice Function</b>	<b>Responsible Body or Person</b>	<b>Any Restrictions</b>	<b>Statutory References</b>
Any function under a local Act other than a function specified or	Council	Except to the extent that powers are	Local Authorities Functions and

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referred to in Regulation 2 of, or Schedule 1 to, the Regulations		delegated to officers	Responsibilities (England) Regulations 2000.
The determination of an appeal against any decision made by or on behalf of the authority	Council but delegated to the Appeals Committee	Except to the extent that powers are delegated to officers	Any enactment conferring a power on the Council to determine such appeals.
The making of arrangements in relation to appeals against the exclusion of pupils from maintained	Council but delegated to the Schools Appeals Committee	Except to the extent that powers are delegated to officers	Section 52 of the Education Act 2002 and any relevant subordinate legislation.
The making of arrangements for school admission appeals	Council but delegated to the Schools Appeals Committee	Except to the extent that powers are delegated to officers	Sections 94(1), (1A), (4) and (5) of the School Standards and Framework Act 1998 and relevant subordinate legislation.
The making of arrangements for appeals by governing bodies against an LEA decision to admit a child permanently excluded from two schools	Council but delegated to the Schools Appeals Committee	Except to the extent that powers are delegated to officers	Sections 87 and 95(2) and (3A) of the School Standards and Framework Act 1998 and relevant subordinate legislation
Any function relating to contaminated land	Council	Delegated to the Licensing and Regulatory Committee	Part IIA of the Environmental Protection Act 1990 and relevant

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		except to the extent that powers are delegated to officers	subordinate legislation
The discharge of any function relating to the control of pollution or the management of air quality	Council	Delegated to the Licensing and Regulatory Committee except to the extent that powers are delegated to officers	The Pollution Prevention and Control Act 1999; Part IV of the Environmental Protection Act 1990 and the Clean Air Act 1993
The service of an abatement notice in respect of a statutory nuisance	Council	Delegated to the Licensing and Regulatory Committee except to the extent that powers are delegated to officers	The Noise and Statutory Nuisance Act 1993 and the Environmental Protection Act 1990
The passing of a resolution that Schedule 2 to the Noise and Statutory Nuisance Act 1993 should apply in the authority's area.	Council	Delegated to the Licensing and Regulatory Committee except to the extent that powers are delegated to officers	Section 8 of and Schedule 2 to the Noise and Statutory Nuisance Act 1993
The inspection of the authority's area to detect any statutory nuisance	Council	Delegated to the Licensing and Regulatory Committee except to the extent that powers are delegated to officers	Section 79 of the Environmental Protection Act 1990

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The investigation of any complaint as to the existence of a statutory nuisance	Council	Delegated to the Licensing and Regulatory Committee except to the extent that powers are delegated to officers	Section 79 of the Environmental Protection Act 1990
The obtaining of information as to interests in land	Council	Delegated to the Planning Committee except to the extent that powers are delegated to officers	Section 330 of the Town and Country Planning Act 1990
The obtaining of particulars of persons interested in land	Cabinet or Cabinet Member	Except to the extent that powers are delegated to officers	Section 16 of the Local Government (Miscellaneous Provisions) Act 1976
The making of agreements for the execution of highways works	Council	Delegated to the Planning Committee except to the extent that powers are delegated to officers	Section 278 of the Highways Act 1980 and Section 23 of the New Roads and Street Works Act 1991
The appointment of any individual - (a) to any office other than an office in which he is employed by the authority; (b) to any body other than: (i) the authority (ii) a joint committee of two or more authorities; or	Council		Any enactment conferring a power to make such appointments or to revoke the same

**Part 2A - General Principles**

(c) to any committee or sub-committee of such a body; and the revocation of any such appointment.			
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**PART 2B: FUNCTIONS OF CABINET**

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

**1. Form and Constitution**

- 1.1. The Cabinet will consist of the Leader and Deputy Leader together with at least 1, but not more than 8 other Councillors appointed to the Cabinet by the Leader.
- 1.2. The Cabinet cannot include the Lord Mayor or Deputy Lord Mayor and there will be no substitutes or co-optees for Cabinet Members. The Leader may appoint Deputy Cabinet Members who will have the roles and responsibilities set out in paragraph 5 below.
- 1.3. To ensure that the Cabinet is aware of cross-party views on matters to be decided by the Cabinet, representatives from the opposition Political Groups will be entitled to attend meetings of the Cabinet but not to vote. There will be a maximum of four such representatives, two of whom will be nominees of the Main Opposition Group and one each from the next two numerically largest opposition Political Groups. The nominations are to be submitted by those opposition Political Groups. Such representatives will be determined by the Council and will be entitled to nominate substitute members.
- 1.4. Members of the Cabinet cannot be members of any Scrutiny Board, Audit and Procurement Committee, Planning Committee or Licensing and Regulatory Committee.

**2. Appointment of Leader and Deputy Leader**

- 2.1. The Leader will be a Councillor elected to the position of Leader by the Council. The Leader will hold office until the date of the first annual meeting of the Council that takes place after the Leader's normal retirement as a Councillor, unless:-
  - (a) they are removed from that office by resolution of the Council, or
  - (b) they resign from the office, or
  - (c) they are no longer a Councillor.
- 2.2. If the Council passes a resolution to remove the Leader from office, it will elect a new Leader at the meeting at which the Leader is removed or at a subsequent meeting.

- 2.3. The Deputy Leader will be a Councillor appointed to that position by the Leader. The Deputy Leader will hold office until the end of the term of the Leader unless:-
- (a) they are removed from that office by Leader, or
  - (b) they resign from the office, or
  - (c) they are no longer a Councillor.
- 2.4. If for any reason the Leader is unable to act or the office of Leader is vacant, the Deputy Leader will act in his or her place.
- 2.5. In the event that the Council does not elect a Leader at the first Annual Meeting of the Council that takes place after the existing Leader's normal retirement as a Councillor, then the existing Leader shall appoint a Deputy Leader and Cabinet and where this is not possible, the Deputy Leader shall become Leader, appoint a Deputy Leader and Cabinet and shall carry out Executive functions until a Leader is elected. If this is not possible in the circumstances, then the Chief Executive will exercise the executive functions of the Leader until a new Leader is elected.

**3. Other Cabinet Members**

- 3.1. Other Cabinet Members will hold office until the end of the term of office of the Leader unless:-
- (a) they are removed from that office by the Leader, or
  - (b) they resign from office, or
  - (c) they are no longer Councillors.
- 3.2. If for any reason the office of both the Leader and Deputy Leader are vacant or neither one able to act, then the remaining Cabinet Members shall appoint one from their number to act in place of the Leader and Deputy Leader or shall act collectively in place of the Leader and Deputy Leader until such time as a new Leader is elected at a Council meeting.

**4. Advisory Panels**

- 4.1. The Cabinet and Cabinet Members may appoint Cabinet Advisory Panels to provide advice and guidance to the Cabinet and Cabinet Members. Such Panels may be made up of Councillors and persons outside the Council. They need not reflect the political balance of the Council. Cabinet Advisory Panels will operate in accordance with Cabinet Procedure Rule 3D 8.7.

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

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

- 5.1. Deputy Cabinet Members have the following role and responsibilities:
- (a) To support the Cabinet Member in carrying out their responsibilities.
  - (b) To deputise for the Cabinet Member at meetings including Cabinet, and any other relevant meetings or external events.
  - (c) To attend Scrutiny Board or Scrutiny Co-ordination Committee meetings as required, answering questions and speaking on behalf of the Cabinet Member.
  - (d) To maintain awareness of policy developments and advise the Cabinet Member of key developments.
  - (e) To bring to the attention of the Cabinet Member issues of concern to members who are not part of the Executive.
  - (f) To undertake research and any other tasks under the direction of the Cabinet Member.
  - (g) To liaise with relevant officers to be up to date with service developments and ensure the Cabinet Member is informed of key issues, and to be consulted in the absence of the Cabinet Member where this is required in the Scheme of Delegation.

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

**6. Shadow Cabinet Members**

The Leader of the Main Opposition Group will be entitled to nominate Councillors to act as Shadow Cabinet Members. Shadow Cabinet Members have no decision-making powers but will be entitled to attend meetings in their role and speak at the discretion of the Cabinet Member. They will also be entitled to receive briefings in relation to their Shadow Portfolio.

**7. Terms of Reference of Cabinet**

- 7.1. The Cabinet will specifically be responsible for:
- (a) Maintaining and improving governance of the City.

## Part 2B Functions of Cabinet

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

## **Part 2B Functions of Cabinet**

- (n) Agreement of responses to Government or other consultation papers where consideration by full Council is not practicable within the timescale of the relevant consultation (Part 2A paragraph 6 refers).
- (o) Recommendations to the Council on matters which by virtue of financial significance must be referred to Council for confirmation in accordance with the Council's Financial Procedure Rules (Part 3 refers).
- (p) To consider (where appropriate) reports and recommendations from Scrutiny on matters considered under the Call-In arrangements or as part of a Scrutiny Review or otherwise respond to the relevant Scrutiny Board/Committee concerned.
- (q) To consider motions referred from Full Council and Petitions referred to them.
- (r) To make proposals to the Council from time to time as to the delineation of boundaries of Wards and Parliamentary Constituencies and any other matters relating to the administrative arrangements for local elections and electoral registration.
- (s) To take any urgent action (other than decisions as to levying or issuing a precept for a rate or borrowing money or any matter statutorily requiring a decision of the Council). In such circumstances, the decision of the Cabinet will contain a statement justifying the grounds upon which the urgent action was taken.
- (t) The Cabinet may reallocate monies within the overall budget in response to new pressures or changing circumstances. However, the Cabinet is not empowered to incur additional expenditure which cannot be offset by additional income, contingency funds or one-off resources without reference to the full Council.
- (u) To discharge the Executive Functions of the Council, except to the extent that these have been delegated to a Cabinet Member or to an employee.

## **8. Responsibilities of the Leader of the Council**

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

- (a) Represent and promote the City and the interests of its citizens to the outside world, in conjunction with the Lord Mayor.
- (b) Make statements, or nominate another Member to make statements, on issues or matters at Council Meetings.
- (c) Head, or nominate another Member to head, delegations of Members and appropriate Employees from the Council to meet Ministers or other representatives of central government.
- (d) Co-ordinate working arrangements/relationships with the Council's partners and other agencies within the City in the achievement of the best possible standards of living for its citizens.
- (e) Take action needed, including the authorisation of financial and other resources, in response to any incidents which result in the City Council's Emergency Planning Procedures being activated.
- (f) Take any executive decisions that have not been allocated or exercise any functions that have been delegated to an executive member, in their absence or otherwise as the Leader considers appropriate in consultation with the Deputy Leader and/or the Deputy Cabinet Member where appropriate. The decision to consult the Deputy Cabinet Member shall be at the Deputy Leader's discretion.

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

- 9.1. The Leader will appoint a Councillor to be the Deputy Leader and shall appoint at least one further Councillor as a Cabinet Member. The Leader may also appoint up to a further seven other Councillors as Cabinet Members. The Leader together with the Deputy Leader and the Cabinet Member(s) appointed by the Leader will form the Cabinet.
- 9.2. The appointment of the Deputy Leader and Cabinet Member(s) shall take effect upon the date that written notification of such an appointment is received by the Director of Law, Governance, and Safer Communities. The Leader shall report upon any such appointment at the next available Full Council meeting.
- 9.3. The Leader will determine those matters reserved to full Cabinet and the content of each Cabinet Member portfolio so as to ensure that the Executive Functions of the City Council are properly and effectively discharged.
- 9.4. The Leader will allocate Executive Functions amongst the Councillors as they see fit and may from time to time alter those arrangements. The allocation of Executive Functions and any alterations to such

arrangements and to arrangements for the appointment of Deputy Cabinet Members will take effect upon the date that written notification is received by the Director of Law, Governance, and Safer Communities. The Leader shall report upon the allocation of Executive Functions within the Cabinet or any changes to such arrangements at the next available Full Council meeting.

- 9.5. The Leader may remove the Deputy Leader and any Cabinet Member from office. Such removal from office will take effect upon the date that written notification is received by the Director of Law, Governance, and Safer Communities. The Leader shall report upon any such removal from office and the appointment of Deputy Cabinet Members at the next available Full Council meeting.
- 9.6. The Leader may appoint and remove Deputy Cabinet Members as non-executive Members, to advise and support Cabinet Members in carrying out their role. Deputy Cabinet Members may deputise for the relevant Cabinet Member in their absence as set out in the Cabinet Procedure Rules. Deputy Cabinet Members may not discharge any function given to the Cabinet Member and are not members of the Executive.
- 9.7. The Leader may as they sees fit delegate Executive Powers to employees and may amend such a scheme of delegation from time to time. Any such arrangements shall take effect upon the date that written notification is received by the Director of Law and Governance. The Leader shall report upon any such scheme of delegation or any changes to it at the next available Full Council meeting.

**10. Cabinet Portfolios**

- 10.1. The Cabinet Member responsible for each portfolio will be required to advise the Cabinet on the matters relating to his or her portfolio when the Cabinet is acting collectively.
- 10.2. The Cabinet Member responsible for each portfolio will take decisions on behalf of the City Council relevant to the portfolio other than those matters which:-
- (a) Require approval by the Council;
  - (b) Where appropriate should be determined by the Council due to its significance or importance following consultation with the Leader;
  - (c) Are reserved to Scrutiny, the Ethics Committee or to the Cabinet;
  - (d) Are delegated to other City Council Committees or to Employees;

- (e) Are significant in financial terms as specified in the Financial Procedure Rules;
  - (f) Are Key Decisions;
  - (g) Are decisions which have an impact on any other Cabinet portfolio or portfolios and should be taken by Cabinet collectively or by the relevant Cabinet Members jointly;
- 10.3. The Director of Law, Governance, and Safer Communities and Governance or their representative will be present at any Meeting where a Cabinet Member responsible for a portfolio makes a decision to advise and record that decision and, if the Director, Governance, and Safer Communities or their representative is not present, no decision will be deemed to have been taken.
- 10.4. Decisions of the Cabinet and Cabinet Members are subject to the Call-In arrangements, except where urgent (Part 3E refers).
- 10.5. Notwithstanding the above, the Cabinet Member responsible for each portfolio may refer any matter which they considers should be dealt with by the Cabinet collectively because of its significance or importance.

**11. Main Opposition Group and Leader of the Main Opposition Group.**

The Main Opposition Group is the Political Group that has the numerically largest opposition Group. The Leader of that Group is the Leader of the Main Opposition Group. In the event of there being one than more Group having the same numerically largest number of seats, all of those Groups will be afforded the same rights.

9.6. Cabinet Portfolios

<b>Member</b>	<b>Name, Address and Ward</b>	<b>Portfolio</b>
The Leader (Policy and Leadership)	Councillor George Duggins  Representing Longford Ward	One Coventry Council Plan Scrutiny External relations / public relations Chair of Cabinet / Management Board meetings Emergency Planning Regional Matters West Midlands Combined Authority Corporate Governance Information Management and Governance Risk Management Political Management Job Shop
The Deputy Leader (Jobs, Regeneration and Climate Change)	Councillor Lynette Kelly  Representing Earlsdon Ward	Economic Development City Centre (Regeneration) International Trade and Inward Investment Commercial and Operational Property Growth Company Urban Regeneration Transportation Tourism and Marketing Sustainability and climate change Social Enterprise Strategy Local and Regional Policing Deputising on Leader Items Lord Mayor's International Liaison and Diplomacy Peace, Reconciliation and Twinning
Cabinet Member (Community Safety and Cohesion)	Councillor J McNicholas  Representing Lower Stoke Ward	Community Safety Community Cohesion Public Protection and Licensing Prosecution and Enforcement Democratic Services Electoral Services Legal Services

**Part 2B Functions of Cabinet**

		<p>Training (Members)          Constitutional Matters          Domestic Violence and Sexual Exploitation          Media Strategy          Events          Strategic Energy Partnership</p>
<p>Cabinet Member          (Strategic Finance and Resources)</p>	<p>Councillor R Brown          Representing Cheylesmore Ward</p>	<p>Strategic Finance          Medium Term Financial Strategy          Budget Setting / Transformation          External Resources          Operational Finance incl. Revenues and Benefits          Service Transformation and value for money          Procurement          Human Resources          Organisational Development          Key Staff Recruitment and Retention          Customer Services          Health and Safety          Pensions          Digital Strategy          Information Technology</p>
<p>Cabinet Member          (Children and Young People)</p>	<p>Councillor M Mutton          Representing Radford Ward</p>	<p>Children and Families (Early Help)          Children and Young People's Social Care          Child Exploitation          Young People          Youth Offending Service          Safeguarding          *S19 Children Act 2004 Lead Member          Fostering, Adoption, Special Guardianship Orders and Kinship Care          Corporate Parenting</p>
<p>Cabinet Member          (Education, Skills and Equalities)</p>	<p>Councillor Abdul Khan          Representing Foleshill Ward</p>	<p>Post 16 Education and Training          Schools          Early Years          Special Educational Needs and Disability</p>

**Part 2B Functions of Cabinet**

		<p>Libraries          Adult Education          Higher and Further Education          (incl. Universities)          Skills and Employability          Equalities</p>
<p>Cabinet Member          (City Services)</p> <p>Deputy Cabinet Member</p>	<p>Councillor Patricia Hetherton</p> <p>Representing Radford Ward</p> <p>Councillor P Akhtar</p> <p>Representing Whoberley Ward</p>	<p>Highways, Drainage and Lighting          Licensing Policy (Hackney Carriage and Private Hire)          Public Realm          Street Services (Ground Maintenance, Refuse (domestic and commercial), Street Cleaning)          Waste Management          Flood Management          Environment          Bereavement Services          Traffic Management and Road Safety          Average Speed Cameras          Parking Policy and Operations</p>
<p>Cabinet Member          (Adult Services)</p>	<p>Councillor Linda Bigham</p> <p>Representing Longford Ward</p>	<p>Social Care for Adults and Older People          Better Care Fund          Transforming Care          Carers          Adult Safeguarding          Adult social care integration with health          Loneliness and Isolation          Digital Exclusion          Armed Forces Champion</p>

## Part 2B Functions of Cabinet

<p>Cabinet Member (Public Health, Sport and Wellbeing)</p> <p>Deputy Cabinet Member</p>	<p>Councillor Kamran Caan</p> <p>Representing Upper Stoke Ward</p> <p>Councillor Gurdev Hayre</p> <p>Representing Upper Stoke Ward</p>	<p>Health Strategy and Policy Integrated Care Systems Health Inequalities and Marmot Air Quality Local Health Economy Public Health Sexual Health Teenage Pregnancies Mental Health Poverty Fuel Poverty Sport, Physical Activity and Parks</p>
<p>Cabinet Member (Housing and Communities)</p>	<p>Councillor Naeem Akhtar</p> <p>Representing St Michael's Ward</p>	<p>Archives Arts Heritage Museums Conservation City of Culture 2021 Legacy Mutuals Community and Voluntary Sector Relations Community Centres Refugees and Asylum Seekers Welfare Advice Services Housing and Homelessness Planning Policy</p>

\*Cabinet Member Children and Young People is designated as the Lead Member for Children's Services as required by Section 19 of the Children's Act 2004

**PART 2C: FUNCTIONS OF COUNCIL**

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

	<b>Functions</b>	<b>Statutory Reference</b>
1.1	Adopting and changing the Constitution.	Part 1A Local Government Act 2000 and subordinate legislation
1.2	Electing the Lord Mayor and appointing the Deputy Lord Mayor.	Sections 3 and 5 Local Government Act 1972
1.3	Electing and removing the Leader.	Sections 9I to 9ID Local Government Act 2000
1.4	Approving or adopting the Policy Framework and the Budget.	Sections 9D and 105 Local Government Act 2000; Regulation 4 and Schedule 3 of The Local Authorities (Functions and Responsibilities) (England) Regulations 2000/2853
1.5	Making decisions where executive decisions are contrary to the policy framework or executive decisions are contrary to or not wholly in accordance with the budget.	Sections 9D and 105 Local Government Act 2000; Regulation 5 and Schedule 4 of The Local Authorities (Functions and Responsibilities) (England) Regulations 2000/2853
1.6	In relation to functions which are not the responsibility of the Cabinet agreeing and/or amending the terms of reference for committees, or joint committees, deciding on their composition and making appointments to them, including appointing the Chairs and Deputy Chairs of Committees.	Sections 101 and 102 Local Government Act 1972 and Sections 9F and 9FA Local Government Act 2000
1.7	Power to alter governance arrangements.	Section 9KC Local Government Act 2000
1.8	Appointing representatives to outside bodies unless	

	the appointment is an executive function or has been otherwise delegated by the Council.	
1.9	Adopting an allowances scheme (See Part 5).	Section 175 Local Government Act 1972 Section 18 Local Government and Housing Act 1989, the Local Authorities (Members' Allowances) (England) Regulations 2003, the Local Authorities (Standing Orders) Regulations 1993 (SI 1993/202) and the Local Authorities (Standing Orders) (England) Regulations 2001 (SI 2001/3384) and any other regulations thereunder
1.10	Changing the name of the area.	Section 74 Local Government Act 1972
1.11	Making, amending or revoking standing orders.	Sections 106, 135, paragraph 42 Schedule 12 Local Government Act 1972; Section 9P Local Government Act 2000; Sections 8 and 20 Local Government and Housing Act 1989 and the Local Authorities (Standing Orders) Regulations 1993 (SI 1993/202,) the Local Authorities (Standing Orders) (England) Regulations 2001 (SI 2001/3384) and any other relevant regulations
1.12	Confirming the appointment of the Head of Paid Service, the Monitoring Officer and the Chief Finance Officer and dismissal of the Head of Paid Service.	Sections 151 Local Government Act 1972; Sections 4 & 5 Local Government and Housing Act 1989; Local Authorities (Standing Orders) Regulations 1993 (SI 1993/202) and the Local Authorities (Standing Orders) (England) Regulations 2001 (SI 2001/3384)
1.13	Duty to provide staff and resources, to the Monitoring Officer and Head of Paid Service.	Sections 4 and 5 of the Local Government and Housing Act 1989

1.14	Power to relax a restriction or restrictions on exit payments, subject to the consent of the Treasury	Section 153C(1) of the Small Business, Enterprise and Employment Act 2015 and the Restriction of Public Sector Exit Payments Regulations 2020 (SI 2020/1122)
1.15	Powers relating to Overview and Scrutiny Committees (voting rights of co-opted Members).	Section 9F et seq of the Local Government Act 2000
1.16	Making, amending, revoking, re-enacting or adopting bylaws.	Any provision or any enactment (including a local Act) whenever passed; Section 14 Interpretation Act 1978
1.17	Promoting or opposing the making of local legislation or personal Bills.	Section 239 Local Government Act 1972
1.18	All local choice functions which the Council decides should be undertaken by itself rather than any other person or body or other matters reserved to full Council by this Constitution including the following: <ul style="list-style-type: none"> <li>• Appointing the Members and Chairs of the Scrutiny Boards and Members, Chair and Deputy Chair of Scrutiny Co-ordination Committee</li> <li>• Electing the Lord Mayor and Deputy Lord Mayor.</li> </ul>	Sections 9D and 105 Local Government Act 2000; Regulation 3(1) and Schedule 2 of The Local Authorities (Functions and Responsibilities) (England) Regulations 2000/2853; sections 3 and 5 Local Government Act 1972
1.19	Determining whether or not to delegate to another local authority any of its functions or to accept the delegation of any functions from another	Sections 101 and 102 Local Government Act 1972

Part 2C - Functions of Council

	local authority.	
1.20	Appointing Proper Officers for the purposes of any particular functions	Section 270(3) Local Government Act 1972
1.21	Approval for the purposes of public consultation draft proposals associated with the preparation of alterations to, or the replacement of, a development plan (but excluding any SPG or development brief prepared under the Development Plan) under Regulations 10.21 and 22.	Town and Country Planning (Development Plans) (England) Regulations 1999 (1999/3280)
1.22	Power to change the name of a parish.	Section 75 of the Local Government Act 1972
1.23	Power to alter the dates of Parish Elections.	Section 53 Local Government and Public Involvement in Health Act 2007
1.24	Power to undertake a Community Governance Review.	Section 82 Local Government and Public Involvement in Health Act 2007
1.25	Power to confer title of Honorary Alderman and Alderwomen, or to admit an honorary freeman.	Section 249 of the Local Government Act 1972, ss(5), and (6); West Midlands County Council Act 1980
1.26	Functions relating to local government pensions.	Regulations under section 7, 12 or 24 Superannuation Act 1972
1.27	Functions under the Fireman's Pension Scheme relating to pensions etc. to persons employed as members of fire and rescue services maintained pursuant to the Fire and Rescue Services Act 2004.	Section 26 Fire Services Act 1947 (most of this Act has been repealed by the Fire and Rescue Services Act 2004, Section 26 of this Act still has effect as it has been preserved by Section 36 of the 2004 Act and the Firefighters' Pension Scheme Order (SI 1992/129), and the Firefighters' Pension Scheme (England and Scotland) Order 2004 (SI 2004/2306), the Firefighters' Pension Scheme (Amendment) (England)

**Part 2C - Functions of Council**

		Order 2006 (SI 2006/1810) and the Firefighters' Compensation Scheme (England) Order 2006 (SI 2006/1811))
1.28	Power to make payments or provide other benefits in cases of maladministration.	Section 92 of the Local Government Act 2000
1.29	All relevant functions relating to local and national elections and referenda.	Sections 8(2), 18A to 18E 31, 39(4), 52(4), 54 of the Representation of People Act 1983 Also refer to the review of Polling Districts and Polling Places (Parliamentary Elections) Regulations 2006, (SI 2006/2965), and the Local Elections (Principal Areas) (England and Wales) Rules 2006, (SI 2006/3304), Chapter 6 of the Police Reform and Social Responsibility Act 2011 and The Town and Country Planning Act, 1990 (as amended) and any regulations made thereunder.
1.30	Duty to declare vacancy in office in certain cases.	Section 86 of the Local Government Act 1972
1.31	Duty to give public notice of a casual vacancy.	Section 87 of the Local Government Act 1972
1.32	The passing of a resolution: (a) for whole Council elections; and (b) to change the name of an electoral area.	Section 32 of the Local Government and Public Involvement in Health Act 2007; Section 59 of the Local Government and Public Involvement in Health Act 2007
1.33	Appointment of Coroner	The Coroners and Justice Act 2009
1.34	Appointment of one or more independent persons to advise on Elected and Co-opted Member misconduct.	Sections 26 – 37 and Schedule 4 of the Localism Act 2011
1.35	All other matters which,	Any provision of any

	by law, must be reserved to the Council	enactment (including a local Act) whenever passed or made
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**1. The Policy Framework will include the following Plans and Strategies**

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

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

**2. Budget**

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

**3. Constitution**

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

changes to the Constitution will be made by the Cabinet Member (Policing and Equalities) only.

**PART 2D: FUNCTIONS OF SCRUTINY**

**1. General**

- 1.1. The Council will appoint a Scrutiny Co-ordination Committee and Scrutiny Boards. The appropriate Scrutiny Boards will also be designated as the Council's Health Overview and Scrutiny Committee and Crime and Disorder Committee.
- 1.2. Scrutiny Boards will carry out the functions of scrutiny and overview as conferred by law to review or scrutinise decisions made or other actions taken in connection with the discharge of any functions which are the responsibility of the Cabinet (whether or not delegated to an employee) and to make reports or recommendations to the Cabinet or the Council with respect to the discharge of those functions.
- 1.3. Scrutiny Boards may also review or scrutinise decisions made or other action taken in connection with the discharge of any functions which are not the responsibility of Cabinet and may make reports or recommendations to the Council, the Cabinet, any Cabinet Member, or other Committee in relation to those functions. However, Scrutiny Boards are not permitted to call-in or review individual or particular decisions in respect of development control, licensing, regulation, consents or other permissions, or where an alternative appeal or dispute resolution procedure applies or where the rules of natural justice or human rights requirements would be compromised by such call-in or review.
- 1.4. Scrutiny Boards may also make recommendations to the Council or to Cabinet on any other matters which affect the City or any inhabitants of the City.
- 1.5. The Scrutiny Boards will carry out their functions having regard to the Scrutiny Procedure Rules and the terms of reference for Scrutiny.
- 1.6. The Scrutiny Co-ordination Committee is responsible for the overall management of the Scrutiny and Overview function and for dealing with call-ins. The Procedure Rules relating to Scrutiny Co-ordination Committee are as set out in Part 3.

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

- 2.1. Scrutiny Boards will have the power to investigate any matters they consider relevant to their work area and to make recommendations to the Council, the Cabinet, any Cabinet Member or any other Committee of the Council as they see fit.
- 2.2. The terms of reference of each Scrutiny Board will be:-

## Part 2D - Functions of Scrutiny

- (a) To perform all overview and scrutiny functions on behalf of the Council in relation to the area of work allocated to that Scrutiny Board.
- (b) To appoint such time limited sub-groups as it considers appropriate to help fulfil those overview and scrutiny functions.
- (c) Taking into account the views of the Scrutiny Co-ordination Committee, to approve a work programme for the Scrutiny Board, including the programme of work of any sub-group it appoints so as to ensure that time is effectively and efficiently utilised.
- (d) To receive requests from the Cabinet, any Cabinet Members, the Scrutiny Co-ordination Committee and/or the full Council to undertake investigations or other work and to respond accordingly.
- (e) To review proposals from the Cabinet in relation to the Budget and Policy Framework.
- (f) To consider Performance Management information.
- (g) To scrutinise Cabinet and any Cabinet Member decisions and the activities of relevant external organisations.
- (h) To consider reports back by Members and/or employees on their attendance at conferences.
- (i) To consider petitions referred to it by the Cabinet or any Cabinet Member.
- (j) To refer any matter that potentially also falls within the remit of another Scrutiny Board to Scrutiny Co-ordination Committee for a decision in accordance with paragraph 3.1(b) below.

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

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

- (a) To receive the annual work programmes prepared by the Scrutiny Boards to ensure that there is efficient use of the Scrutiny Boards' time and that the potential for duplication of effort is minimised.
- (b) Where matters potentially fall within the remit of more than one Scrutiny Board, to determine which Scrutiny Board will be responsible for any particular issue or to consider proposals from Scrutiny Boards that they set up joint arrangements, and to resolve any issues of dispute between them.

- (c) To ensure consistency of approach in the work of Scrutiny Boards and Sub-Groups.
- (d) At the request of the Cabinet or any Cabinet Member to make decisions about the priority of referrals made (in the form of reports or recommendations for reconsideration) by the Scrutiny Boards to the Cabinet or any Cabinet Member if the volume of such referrals creates difficulty for the management of Cabinet or any Cabinet Member business or jeopardises the efficient running of Council business.
- (e) To determine whether or not a report to Cabinet or Cabinet Member is urgent and not subject to call-in where the Chair (or their nominee) has not already made that decision.
- (f) To have the powers in relation to the call-in of Cabinet or any Cabinet Member's decisions made but not implemented as set out in section 9F of the Local Government Act 2000.
- (g) To receive reports back on attendance at Conferences etc. relating to the Lord Mayoralty.
- (h) Receive reports back on the work of Outside Bodies.
- (i) Receive details of any urgent decisions taken in order for them to understand the need for urgency (see Part 3D).
- (j) Review the way in which the Council has dealt with a petition.

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

Councillors, except a member of the Cabinet, may be appointed as a member of a Scrutiny Board and the Scrutiny Co-ordination Committee. However, in order to ensure that no Member may be involved in scrutinising a decision in which they have been directly involved, no former Cabinet Member may sit on the Scrutiny Board relevant to the portfolio they held as a Cabinet Member or the Scrutiny Co-ordination Committee (if it relates to their former portfolio) for a period of 12 months. In addition, any Member who is appointed as a Deputy Cabinet Member may not be appointed to the Scrutiny Board or Scrutiny Co-ordination Committee which is relevant to the portfolio for which they have been appointed as a Deputy Cabinet Member.

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

**5. Co-optees**

- 5.1. Subject to paragraph 6 below, each Scrutiny Board or Sub-Group will be entitled to appoint non-voting co-optees. Co-optees will be

appointed by the Scrutiny Board to which they are to be appointed in accordance with the Scrutiny Procedure Rules in Part 3.

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

**6. Education Representatives**

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

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

- 6.2. Such appointees, with the exception for the time being of the representative appointed under 6.1(d) above, may speak and vote on education issues only, but may speak on other issues.

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

- 6.4. Such appointees shall serve a minimum term of two years and a maximum term of four years.

**7. Quorum for Scrutiny Boards and Scrutiny Co-ordination Committee**

- 7.1. The quorum for Scrutiny Boards will be three Elected Members.
- 7.2. The quorum for the Scrutiny Co-ordination Committee will be five Elected Members.

**8. Substitute Members for Scrutiny Boards and Scrutiny Co-ordination Committee**

- 8.1. Any Elected Member of a Scrutiny Board or the Scrutiny Co-ordination Committee will be entitled to nominate another Elected Member (except any Cabinet Member) to substitute for them at a meeting or part of a meeting of a Scrutiny Board or Scrutiny Co-ordination Committee, (subject to the rules detailed in Paragraph

4 above) provided that notice of the nomination of that substitution is given to the Director of Law, Governance, and Safer Communities, at least one hour in advance of the meeting.

**9. Chairing Meetings of Scrutiny Boards and Scrutiny Co-ordination Committee**

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

9.2. In the event that the Chair of a Scrutiny Board is unable to chair a meeting of the Board for whatever reason, that meeting shall be chaired by the Deputy Chair of the Scrutiny Co-ordination Committee provided that this is by prior agreement with the Deputy Chair and notice of the change is given to the Director of Law, Governance, and Safer Communities at least one hour in advance of the meeting. In the event that neither the Chair of the Scrutiny Board nor the Deputy Chair of the Scrutiny Co-ordination Committee is able to chair the meeting, the remaining members of the Board will elect a member from among them to chair the meeting on that occasion.

**10. Sub-Groups**

10.1. Scrutiny Boards may choose to create a Sub-Group to investigate or review a particular topic. Those sub-groups need not reflect the political composition of the Council. Any Councillor, except a member of the Cabinet (and subject to the rules detailed in Paragraph 4 above), may be invited by Scrutiny Board to be a member of a Sub-Group appointed by that Scrutiny Board, whether or not they are a member of that Scrutiny Board. In addition, a Sub-Group may appoint non-voting co-optees.

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

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

**11. Specific Functions**

**11.1. Policy Development and Review**

11.1.1. Scrutiny Boards may:

- (a) assist the Council and the Cabinet in the development of its budget and policy framework by in-depth analysis of policy

issues;

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

## **11.2. Scrutiny**

### **11.2.1. Scrutiny Boards may:**

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

- (i) require an Elected Member to attend before it and answer questions relating to any function that has been delegated to that Member by either the Council or the Leader (on behalf of the Cabinet) relating to that Member's Ward; and
- (j) in relation to petition matters, require senior officers to attend before it and answer questions on their work and the Council petitions scheme in Part 3 of this Constitution.

**12. Finance**

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

**13. Annual Report**

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

**14. Call-in**

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

**PART 2E: ETHICS COMMITTEE**

The Council has established an Ethics Committee

**1. Composition**

- 1.1. Elected Members are to be appointed by full Council. The Committee must be politically balanced.

**2. Chair**

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

**3. Quorum**

- 3.1. The quorum of the Committee will be three Elected Members.

**4. Independent Persons**

- 4.1 The Council will appoint independent Persons to the Ethics Committee

**5. Terms of Reference**

- 5.1. The Ethics Committee will have responsibility for the following functions which are reserved to it.
- 5.2. The Ethics Committee will have the following terms of reference:-
- (a) Promoting and maintaining high standards of conduct by Elected Members and co-opted Members;
  - (b) Making recommendations to the Council on the appointment of "Independent Persons" under the Localism Act 2011;
  - (c) Approving and revising the Complaints Protocol which will set out the detailed procedures for considering complaints made against Elected and Co-opted Members under the Code of Conduct for Elected and Co opted Members;
  - (d) Considering complaints made against Elected and Co-opted Members under the Code of Conduct for Elected and Co-opted Members in accordance with the Complaints Protocol;
  - (e) Monitoring the operation of the Code of Conduct for Elected and Co opted Members and making appropriate recommendations to the relevant body;

- (f) At the request of the Elected Member or co-opted member concerned, reviewing any decision of the Monitoring Officer not to grant a dispensation in relation to disclosable pecuniary interests in accordance with Section 33 of the Localism Act 2011;
- (g) Monitoring the operation of the Code of Conduct for Employees and making appropriate recommendations to the relevant body;
- (h) Considering complaints made against Elected Member s of Finham Parish Council, Keresley Parish Council and Allesley Parish Council under the relevant Parish Council's Code of Conduct for Elected Member s in accordance with the City Council's Complaints Protocol; and
- (i) Considering any other matters which are relevant to the ethical governance of the Council, its Members or Employees.

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

- 6.1. Where it is alleged that a Member or Parish Councillor has breached their respective Member Code of Conduct, contact should be made in the first instance providing details of the alleged breach with the Monitoring Officer, Coventry City Council, Council House, Earl Street, Coventry, CV1 5RR, email: [julie.newman@coventry.gov.uk](mailto:julie.newman@coventry.gov.uk).

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

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

**1. Composition**

- 1.1. The Committee shall comprise of Elected Members (not drawn from Cabinet) to be appointed by full Council.

**2. Chair**

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

**3. Quorum**

- 3.1. The quorum of the Committee will be 5 Elected Members.

**4. Functions Delegated to the Licensing and Regulatory Committee**

- 4.1. The Committee will have responsibility for the following delegated functions **except** where specific functions have been delegated to an employee of the Council by virtue of Part 2M of this Constitution and subject to those provisions regarding legal proceedings.

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

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

(England) Regulations 2000/2853 together with any Local Choice functions delegated to the Committee by Council as set out in Part 2A.

- (c) To advise full Council or Cabinet on the authority's response to any consultation documents issued by the Secretary of State on licensing and regulatory matters and revisions to the local statements of licensing policy.
- (d) To establish sub-committees:-
  - i. Comprising three members as and when required for the purpose of conducting hearings under the Licensing Act 2003 and Gambling Act 2005.
  - ii. For the purposes of considering Hackney Carriage and Private Hire (taxis) applications under the Town Police Clauses Act 1847, the Local Government (Miscellaneous Provisions) Act 1976, the Council's own taxi licensing policy.
- (e) To delegate these functions, where appropriate, to the appropriate Director or Head of Service or other appropriate employees; and
- (f) To approve, adopt, review, amend and revise codes of best practice and procedure for licensing and regulatory matters within its terms of reference and to make the same publicly available.

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

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

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

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

### **6. Licensing Policy**

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

(a) Licensing Act 2003 and Gambling Act 2005: full Council

(b) Hackney carriages/private hire: Cabinet Member (City Services) \*

(c) Other policies: Cabinet Member (Policing and Equalities) \*

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

- 6.2. All members of the Committee must have received appropriate training before carrying out any licensing function.

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

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

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

- 7.3. The membership of each Sub-Committee will be 3 Elected Members, to be selected by the Director of Law and Governance, in consultation with the Chair of the Licensing and Regulatory Committee, drawn from the membership of the Licensing and Regulatory Committee.

- 7.4. Sub-Committees are the subject of proportionality requirements of the Local Government Act 1989 and the Director of Law and Governance, in selecting the membership of any Sub-Committee, will ensure that the membership, as far as it is practicable, properly reflects the political makeup of the Council.

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

- 7.5. A Member who is unable to attend a meeting will be entitled to appoint a substitute Member, provided that such substitute Member is a member of the Licensing and Regulatory Committee.
- 7.6. The quorum for each Sub-Committee will be 3 Members.
- 7.7. The Chair for each meeting will be appointed by the Sub-Committee at the start of their meeting. (The Chair will normally be a Member of the Controlling Group).
- 7.8. The Sub-Committees are subject to the Access to Information Procedure Rules set out in Part 3.
- 7.9. Decisions of the Sub-Committees are not subject to the call-in procedure.
- 7.10. Minutes of the Sub-Committees will be submitted to the Licensing and Regulatory Committee.
- 7.11. The Director of Law and Governance will report regularly to the Chair of the Licensing and Regulatory Committee on Members' availability for and/or attendance at Sub-Committees.
- 8. Sub-Committees of the Licensing and Regulatory Committee - Hackney Carriages and Private Hire (Taxis)**
- 8.1. All Members of the Licensing and Regulatory Committee will be required to receive training before considering Hackney Carriages and Private Hire (Taxis) applications.
- 8.2. Two Sub-Committees of the Licensing and Regulatory Committee will be established by full Council to consider Hackney Carriages and Private Hire (Taxis) applications.
- 8.3. The membership of each Sub-Committee will be made up of half of the membership of the Licensing and Regulatory Committee. The Chair and Deputy Chair of the Licensing and Regulatory Committee will be appointed to both Sub-Committees.
- 8.4. Sub-Committees are the subject of proportionality requirements of the Local Government Act 1989.
- 8.5. A Member who is unable to attend a meeting of a Sub-Committee will be entitled to appoint a substitute Member, provided that such substitute Member is a member of the Licensing and Regulatory Committee.
- 8.6. The quorum for each Sub-Committee will be 4 Elected Members.

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- 8.7. The Chair for each of the Sub-Committees will be the Chair of the Licensing and Regulatory Committee.
- 8.8. The Sub-Committees are subject to the Access to Information Procedure Rules set out in Part 3.
- 8.9. Decisions of the Sub-Committees are not subject to the call-in procedure.
- 8.10. Minutes of the Sub-Committees will be submitted to the next meeting of that Sub-Committee.

**PART 2G: PLANNING COMMITTEE**

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

**1. Composition**

- 1.1. The Committee shall comprise of Elected Member s (not drawn from Cabinet) to be appointed by full Council. There will be no provision for substitute Councillors to attend Committee meetings.

**2. Chair**

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

**3. Quorum**

- 3.1. The quorum of the Committee will be five Elected Members.

**4. Functions Delegated to the Planning Committee.**

- 4.1. The Planning Committee will have responsibility for the following delegated functions except where specific functions have been delegated to an employee:

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

buildings of architectural or historic interest and matters in connection with the acquisition, restoration and disposal of buildings (excluding terms for the acquisition or disposal of land and property) or materials for conservation purposes.

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

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

- 5.1. The exercise of the above functions by the Planning Committee will include the power to impose any condition limitation or other restriction on any approval consent licence permission or registration granted in the exercise of those functions and the power to determine any other terms to which any such approval consent licence permission or registration is subject.
- 5.2. The exercise of the above functions by the Planning Committee will include the power to determine whether, and in what manner, to enforce any failure to comply with any approval consent licence permission or registration granted or any failure to comply with the condition limitation or term to which a such approval consent licence permission or registration is subject or any other contravention in relation to a matter with regard to which the function has been exercised.
- 5.3. The exercise of the above functions by the Planning Committee will include the power to amend modify or vary any such approval consent licence permission or registration or any condition limitation or term

to which it is subject and the power to revoke any such approval consent licence permission or registration.

**6. Legal Proceedings**

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