



Hull

City Council

THE CONSTITUTION

Part B – Council and Executive Scheme of Delegation

PART B

COUNCIL AND EXECUTIVE SCHEME OF DELEGATION

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PART B**COUNCIL AND EXECUTIVE SCHEME OF DELEGATION****COUNCIL COMMITTEES****1. Overview and Scrutiny****General principles applying to all Commissions.**

- 1.1 To discharge the Overview and Scrutiny function in line with relevant legal requirements.
- 1.2 To undertake the generic role and specific functions of Overview and Scrutiny, as set out in Part A, Section 4 of the Council's Constitution.
- 1.3 To respond to consultation produced by government, local partners, or any other organisation whose activities fall within the Commissions remit.
- 1.4 To carry out time limited, subject specific, Task and Finish Panels. Each Task and Finish Panel must have agreed terms of reference which include the scope of the work, desired outcomes and required resources; the terms of reference are then to be sent to all Members of the Council.
- 1.5 To receive reports of the relevant Inspection bodies, in order to make suggestions for improvement to the Executive and/or Council as required.
- 1.6 To carry out the Overview and Scrutiny functions and responsibilities in relation to the provision, planning, management, monitoring and delivery of Council services and those of its partners which fall under the remit of each Commission.

2. Overview and Scrutiny Management Committee

- 2.1 The composition of the Committee shall be 9 Councillors, 5 Chairs of Scrutiny Commissions, plus other members to ensure political balance and non-voting expert witnesses as and when appropriate.
- 2.2 A member of the Cabinet shall not be appointed to the Committee.
- 2.3 Quorum: The quorum shall be three voting members.
- 2.4 The following services, functions and issues and fall within the remit of this Committee:

- Corporate Health/Performance
- Governance and internal corporate functions
- Call-in Function
- Strategic Corporate Finance
- Procurement, ICT and Facilities Management
- Corporate Support Services
- Business Support and Transformation
- Budget Development and Savings Initiatives – Revenue/Capital/HRA
- Budget Setting – Revenue/Capital/HRA
- Budget Monitoring – Revenue/Capital/HRA
- Financial Management
- Treasury Management
- Commissioning and Procurement Strategy
- Asset Management Strategy
- The governance and business plans of in house companies controlled or jointly controlled by the Local Authority
- *Combined Authorities
- HR Policy and Delivery
- Council Property and Assets and Building and Design Services

Overview and Scrutiny Commissions

2.5 Economy and Environment Overview and Scrutiny Commission

- 2.5.1 Composition: The composition of the Commission shall be 9 Councillors who may draw on non-voting expert witnesses as and when appropriate;
- 2.5.2 The quorum shall be three voting members;
- 2.5.3 The following services, functions and issues and fall within the remit of this Committee:
- City economy, employment and enterprise, including Economic Strategy
 - Economic investment including Government funded programmes
 - Economic partnerships, including Humber Freeport and Hull BID (Business Improvement District)
 - Visitor destination, including tourism, cultural offer and commercial leisure attractions
 - City centre regeneration and planning including major projects
 - Citywide regeneration and planning, including major projects

- Strategic Transport, including Local Transport Plan, green and active travel infrastructure, regional and national policy
- Climate change and the Hull 2030 Carbon Neutral Strategy
- Energy, including green/energy infrastructure, energy conservation, future proofing and key partnerships;
- Green city and bio-diversity net gain
- Flood risk planning and management, including Living with Water Partnership
- Highways Capital Programme
- Hull Training and Education, self-assessment and performance

2.6 **Children, Young People and Families Overview and Scrutiny Commission**

- 2.6.1 Composition: The composition of the Commission shall be 9 Councillors, 4 Voting Church and Parent Governor Co-optees and non-voting expert witnesses as and when appropriate;
- 2.6.2 The quorum shall be three elected members of the Council;
- 2.6.3 To ensure that the Hull Children's Trust Board is enable to comply with all existing and emerging statutory functions through scrutinising its work programme;
- 2.6.4 The following services and functions fall with the remit of this Commission:
- **Children's Safeguarding**
 - Children and Young People's Disability Services
 - Early Help and Safeguarding Hub
 - Assessments
 - Vulnerable, exploited, missing and trafficked children and young people
 - Children's Homes and Placements
 - Localities, Fostering and Adoption
 - Permanency
 - 16-25 Service
 - **Learning and Skills**
 - Standards and Partnerships
 - Special Educational Needs and Disabilities
 - Access and Inclusion
 - 0-11 and 11-19 Education Provision
 - Music Service
 - **Children, Young People, Families and Learning Improvement**

- Performance and Quality
- Supporting Families
- **Early Help & Prevention**
 - Early Help Initiatives
 - Family Hubs
 - Youth Services
 - Hull Youth Justices Service
 - Employability Participation and Skills
- Lifelong Learning
- Hull Safeguarding Children Partnership
- Corporate Parenting Strategy
- Voluntary and Community Services
- Influence and inform the Health and Wellbeing Strategy and support implementation of operational services

2.7 Health and Social Well-Being Overview and Scrutiny Commission

- 2.7.1 The composition of the Commission shall be 9 Councillors who may draw on non-voting expert witnesses as and when appropriate;
- 2.7.2 Quorum: The quorum shall be three voting members;
- 2.7.3 To have responsibility for advising on, and monitoring the Council on and its Partners responsibilities in relation to the Health and Social Care Act 2001;
- 2.7.4 To monitor and performance manage the contract arrangements between the Council and the Hull Healthwatch organisation and work in partnership to improve the delivery of local adult health care services;
- 2.7.5 To undertake and participate in regional health scrutiny as and when required and in line with regional guidance;
- 2.7.6 To submit views to the Care Quality Commission on the experiences of local health services as and when deemed necessary and in line with CQC guidance.
- 2.7.7 The following services, functions and issues fall within the remit of this Commission:
- Hull City Council Adult Social Care Service
 - Hull and North Yorkshire Integrated Care Board
 - Hull and East Yorkshire Hospitals NHS Trust
 - Humber Teaching NHS Foundation Trust
 - Yorkshire Ambulance Service

- Public Health Provision and Tackling Health Inequalities, including Obesity Strategy and Sexual Health Services
- Alcohol and Drugs Strategies
- Service reconfiguration – Local and Regional
- Patient Care and Provider Performance
- Healthwatch

2.8 Communities, Culture and Leisure Overview and Scrutiny Commission

- 2.8.1 Composition: The composition of the Commission shall be 9 Councillors who may draw on non-voting expert witnesses as and when appropriate.
- 2.8.2 Quorum: The quorum shall be three voting members.
- 2.8.3 The following statutory responsibility falls within the remit of this Commission:
- 2.8.4 Acting as the Council's designated Crime and Disorder Committee for the purposes of the Police and Justice Act 2006.
- 2.8.5 Responsibility for review of the following services and functions fall within the remit of this Commission:
- Community Safety and Community Safety Strategy
 - Domestic Abuse
 - Neighbourhood Nuisance
 - Community Safety Partnerships with Humberside Police
 - Community Cohesion, Equalities and Diversity
 - Integrated Offender Management (Restorative Practice) and reducing reoffending
 - Community Regeneration
 - The development of social enterprises
 - Leisure facilities and recreation
 - Leisure Services and Libraries
 - Neighbourhoods and Housing
 - Strategy
 - Area & Neighbourhood Management
 - Housing Access and Wellbeing
 - Market Intervention and Growth
 - Asset management
 - Contracting and Compliance
 - Business Development and Change
 - Streetscene Services
 - Environmental Crime Enforcement
 - Parks and Open Spaces

- Street Cleansing & Waste Management
- Waste Management Strategy
- Citywide CCTV

3. **Health and Wellbeing Board**

- 3.1 The Council will appoint the Health and Well-Being Board as a Committee of the Council.
- 3.2 The Committee may delegate the discharge of any of its functions to a sub-committee or an officer of the Council.

Composition

- 3.3 The Committee shall comprise 17 members.
- 3.4 Five members of the Committee shall be elected members of Hull City Council appointed by the Leader of the Council. When determining the elected members of the Council who will sit on the Committee, the Leader shall include the appointment of an elected member nominated by the main opposition group unless, following consultation with the Group Leaders and the Deputy Chair of the Board, the Leader determines that such appointment would impact adversely on the management of the Board's business.
- 3.5 The Chair of the Committee will be an elected member of the Council appointed by the Leader of Council (and may be the Leader of Council) and will hold a casting vote.
- 3.6 The Vice Chair of the Committee shall be the NHS Place Director for Hull.
- 3.7 The Committee will co-opt the following as voting members:
- 3.7.1 The NHS Place Director authorised by the Integrated Care System (ICS) to exercise decision making responsibility in relation to ICS health budgets for the city of Hull;
 - 3.7.2 A Representative of the Hull and East Yorkshire Hospitals NHS Trust
 - 3.7.3 A Representative of the Humber NHS Teaching Foundation Trust
 - 3.7.4 A Representative of the organisation commissioned to provide community health provision in the city of Kingston-upon-Hull;
 - 3.7.5 The officer authorised by the Primary Care Networks Provider Collaborative for the city of Hull to represent their interests;
 - 3.7.6 The Director of Public Health.

- 3.7.7 The Director of Adult Social Care.
- 3.7.8 The Corporate Director, Children and Family Services.
- 3.7.9 The nominated representative of Healthwatch.
- 3.7.10 The nominated representative of the Hull Voluntary Sector
- 3.7.11 The nominated representative of the Hull School Learning Partnership
- 3.7.12 The nominated representative of the Humberside Police and Crime Commissioner.
- 3.8 The Committee may in addition co-opt up to a maximum of four further people in an advisory, non-voting capacity.
- 3.9 The Committee shall have no substitute members except for the nominated deputies of the Office Holders identified at 3.7.1 to 3.7.8.

Quorum

- 3.10 The quorum for the Committee shall be a minimum of six voting members among whom there must be at least two elected members and two co-opted members.

Role and Functions

- 3.11 The Committee will:

Policy Development Powers

- 3.11.1 Ensure that the Joint Strategic Needs Assessment for the City of Hull is maintained current, published and promoted as a key information source to inform decision making that impacts upon the city;
- 3.11.2 Develop the Joint Health and Wellbeing Strategy for the City of Hull for adoption by the Hull City Council and the Hull Clinical Commissioning Groups within their respective Policy Frameworks;
- 3.11.3 Approve such further policy documents as are required by statute or statutory guidance issued by the Secretary of State to be confirmed by the Health and Wellbeing Board (including the “Better Care Plan” for the city).

- 3.11.4 Act as strategic advisor and consultee to decision makers considering decisions which may impact upon the Health and Wellbeing of citizens in the city of Hull so as to:
- 3.11.4.1 Improve the health and well being of the local population of Hull;
 - 3.11.4.2 Reduce health inequalities through addressing the social determinants of health and wellbeing and inequalities in access to services;
 - 3.11.4.3 Deliver the prescribed health protection functions delegated to the Council from time to time by the Secretary of State pursuant to the National Health Service Act 2006.

*As referred to in Guidance issued by the Secretary of State within Local Authority Circular LAC (DH)(2013)1

- 3.11.5 Work in collaboration with the prison service to improve the health of prisoners pursuant to section 325 of the Criminal Justice Act 2003.
- 3.11.6 Provide guidance upon the exercise of statutory powers in relation to the non-prescribed public health functions.
- 3.11.7 Encourage the delegation of powers so as to promote collaboration between and where appropriate integration of services which the Board believes will improve the health of the local population;
- 3.11.8 Monitor the commitment of Health and Social Care funds (including the “Better Care Plan”) so as to encourage the application of such funds to deliver integrated health and social care services in accordance with such obligations as may be stipulated in relation thereto;
- 3.11.9 Encourage decision makers when making decisions to have regard to the Joint Strategic Needs Assessment and the Health and Well Being Strategy for Hull;
- 3.11.10 Review, comment and provide guidance upon plans formulated by the Integrated Care Board in relation to the delivery of Health Care Services in the city.
- 3.11.11 Maintain under review the need to co-opt additional members where this will assist the Board to achieve its purpose.

Regulatory Powers

- 3.11.12 To consider the Public Health Director’s annual report;
- 3.11.13 To provide an opinion upon the discharge by the Council and the Hull Clinical Commissioning Group of the duties to have regard to the Joint Strategic Needs Assessment and the Health and Wellbeing Strategy
- 3.11.14 To determine such matters in relation to the pharmaceutical needs of the area as may be delegated to the Council from time to time by the Secretary of State;
- 3.11.15 To determine such matters in relation to Medical Examiners as may be delegated to the Council from time to time by the Secretary of State;

- 3.11.16 To consider reports dealing with the management and performance of the provision of public health services;
- 3.11.17 To monitor the effective development and operation of public health services.
- 3.12 **Information Requirements in connection with the exercise of the functions**
- 3.12.1 Where the Health and Wellbeing Board request that a member of the Board and/or the local authority supply to the Board information for the purpose of enabling or assisting it to perform its functions that request must be complied with.¹

4. **Area Committees**

- 4.1 The Council will appoint three area committees.
- 4.2 A committee may delegate the discharge of any of its functions to a sub-committee or an officer of the Council.
- 4.3 The area committees will have the following titles and will serve the wards indicated:
 - 4.3.1 **North Area Committee**
(Beverley and Newland, Orchard Park, University. Kingswood, North Carr, West Carr, Avenue, Bricknell, Central)
 - 4.3.2 **East Area Committee**
(Ings, Longhill & Bilton Grange, Sutton, Drypool, Southcoates, Marfleet, Holderness)
 - 4.3.3 **West Area Committee**
(Boothferry, Derringham, Pickering. Newington & Gypsyville, St Andrews & Dockland);

Composition

- 4.4 Each area committee shall comprise the members of Council for the wards indicated.

Quorum

¹ S199 Health and Social Care Act 2012

- 4.5 The quorum of an area committee shall be two voting members or as otherwise determined by the Committee (subject to the quorum being one third of the membership of the Committee).

Role and Functions

- 4.6 An area committee will:
- 4.6.1 Establish a ward forum or appropriate neighbourhood forums for each ward in its area and may establish such other forums as may be considered appropriate;
 - 4.6.2 Take an overview of the delivery of Council and other services provided within its area and in so doing:
 - 4.6.2.1 Monitor and, from time to time, review the performance of Council services and make recommendations for improvement;
 - 4.6.2.2 Consider the interests and opinions of the public in relation to services provided;
 - 4.6.2.3 For the avoidance of doubt:
 - 4.6.2.4 An Area Committee is not a Scrutiny Commission and where it considers that a policy or issue will benefit from Scrutiny it may exercise its powers under 4.9.2 to refer a matter to the Overview and Scrutiny Management Committee or a Scrutiny commission for consideration;
 - 4.6.2.5 An Area Committee does not have the powers of a Scrutiny Commission to require the attendance of members or officers at Area Committee meetings, however, an Area Committee has the power to call for the attendance of a relevant officer in support of any report or item they have authored or submitted to the Area Committee where said committee is due to make a decision permitted under its delegated powers from the Constitution. With the agreement of the Chair of the meeting, it is permissible for the officer to be in attendance by means of virtual communication on camera. The determination of “relevant officer” should be in agreement with the Director of Legal Services and Partnerships based on the capability to provide prompt and informative responses.
 - 4.6.3 Support the work of the governing bodies of local schools and encourage participation in the work of area forums;

- 4.6.4 Assist with and encourage the recruitment of LEA governors for schools as appropriate;
 - 4.6.5 Arrange a rota of visits by members to establishments for adults and receive reports on these, subject to compliance with relevant police vetting and the completion of appropriate training;
 - 4.6.6 Arrange a rota of visits by members to establishments for children and young persons, receive reports and fulfil the requirements of the community homes regulations, subject to compliance with relevant police vetting and the completion of appropriate training;
 - 4.6.7 Appoint LEA school governors to the governing bodies of schools wholly within the area served by the committee;
 - 4.6.8 Where a school lies mostly but not wholly within the area served by the committee, appoint Local Authority school governors for the governing body of that school in consultation with the area committee for the other area in which the school lies.
- 4.7 An area committee may:
- 4.7.1 Before determining or considering any matter, refer such matter for consideration and advice to an area, ward or neighbourhood forum or other body. The area director may, after consultation with the chair, or, in the chair's absence the deputy chair, first refer any matter to an area or ward forum, officer or other body for consideration and advice before reporting the matter to an area committee;
 - 4.7.2 Determine matters referred by a ward or area forum or focus group or other body in respect of which the area committee has delegated powers;
 - 4.7.3 Authorise the attendance of members and/or officers at conferences, seminars and meetings of outside bodies in connection with any matter affecting the area;
 - 4.7.4 Delegate the discharge of any function of the area committee to an appropriate officer. A record must be kept of all such delegations;
 - 4.7.5 An area committee may adopt a name for the committee and the area it serves in substitution for that in paragraph 5.3

above which in the opinion of the committee is the most appropriate name.

Neighbourhood Renewal

- 4.8 An Area Committee will be responsible for:
- 4.8.1 Co-ordinating and monitoring local service delivery with the aim of ensuring that agencies work together to deliver services at a neighbourhood level;
 - 4.8.2 Leading on the development of neighbourhoods;
 - 4.8.3 Engaging with and supporting residents, community and voluntary organisations, and supporting and organising training and development;
 - 4.8.4 Leading on the implementation of Neighbourhood Management Schemes and Community Renewal Schemes appropriate to neighbourhoods;
 - 4.8.5 Supporting Local Partnership working at the neighbourhood level, engaging with agencies and other local partnerships, developing and monitoring Local Neighbourhood Action Plans;
 - 4.8.6 Providing advice to Neighbourhood Partnerships;
 - 4.8.7 Working with and co-ordinating community development activity across the partners in the area;
 - 4.8.8 Participation in Local Neighbourhood Action Planning.

Advisory Role

- 4.9 An area committee shall:
- 4.9.1 Refer to the Cabinet matters relating to a delegation, policy, programme, scheme or plan which it considers requires clarification or amendment;
 - 4.9.2 Refer to the Cabinet and/or scrutiny committee(s) for consideration, advice or any proposed change in the Council's policy or its aims and objectives;
 - 4.9.3 Refer to the Cabinet all proposed requests to Members of Parliament, Members of the European Parliament, Government department, local authority associations etc., to

recommend or lobby on issues on behalf of the Council relating to their area;

- 4.9.4 Refer to the Cabinet the proposed creation of any focus group, task group or working party which is not at present constituted.
- 4.10 An area committee may:
 - 4.10.1 Recommend to the Cabinet the making of any byelaws, regulations and orders necessary to the area committee's delegated powers and duties;
 - 4.10.2 Recommend to the Cabinet and Head of Paid Service organisational and staffing changes which have service delivery implications in connection with area matters;
 - 4.10.3 Make representations as appropriate to the Planning Committee and the Licensing Committee;
- 4.11 An officer may refer any matter delegated to him/her back to the appropriate area committee and in any such case it shall be within the power of the area committee to determine the matter;
- 4.12 A decision of an area committee shall not be acted upon unless a body or officer concerned in the matter has first been consulted, in particular the Chief Finance Officer and the Director of Legal Services and Partnerships. The Head of Human Resources shall be consulted where he/she is concerned in the matter;
- 4.13 Where any dispute arises as to whether any matter falls to be determined by an area committee or officer, the matter may be referred to the Leader of Council or appropriate member of the Cabinet to resolve the dispute.

Council functions of area committees

- 4.14 The Committee may, where the matter for decision relates exclusively to the area of the Committee, determine the following:
 - 4.14.1 Permit the deposit of a builder's skip on highway under section 139 of the Highways Act 1980;
 - 4.14.2 License the planting, retention and maintenance of trees etc. in part of a highway under section 142 of the Highways Act 1980;

- 4.14.3 Authorise the erection of stiles etc. on footpaths or bridleways under section 147 of the Highways Act 1980;
- 4.14.4 License works in relation to buildings etc. which obstruct the highway under section 169 of the Highways Act 1980;
- 4.14.5 Consent to temporary deposits or excavations in streets under section 171 of the Highways Act 1980;
- 4.14.6 Dispense with obligation to erect a hoarding or fence under section 172 of the Highways Act 1980;
- 4.14.7 Restrict the placing of rails, beams etc. over highways under section 178 of the Highways Act 1980;
- 4.14.8 Consent to the construction of cellars etc. under a street under section 179 of the Highways Act 1980;
- 4.14.9 Consent to the making of openings into cellars etc. under streets and pavement lights and ventilators under section 180 of the Highways Act 1980;
- 4.14.10 Create footpaths and bridleways under section 26 of the Highways Act 1980;
- 4.14.11 Stop up footpaths and bridleways under section 118 of the Highways Act 1980;
- 4.14.12 Divert footpaths and bridleways under section 119 of the Highways Act 1980;
- 4.14.13 Assert and protect the rights of the public to use and enjoyment of highways under section 130 of the Highways Act 1980;
- 4.14.14 Removal of things so deposited on highways as to be a nuisance under section 149 of the Highways Act 1980;
- 4.14.15 Keep the definitive map and statement under review under section 53 of the Wildlife and Countryside Act 1981;
- 4.14.16 Reclassify roads used as public paths under section 54 of the Wildlife and Countryside Act 1981.

Executive Functions of Area Committees

- 4.15 The Leader of the Council may arrange for the discharging of an executive function by an Area Committee;

- 4.16 The committee may determine any matter in the discharge of an executive function where it relates exclusively to the area of the committee and is referred to the committee by the Cabinet, a member of the Cabinet or an officer having executive authority to take the decision;
- 4.17 In the event that the Cabinet delegates the determination of a specific matter to an area committee that delegation, including and conditions attached to the delegation, shall take precedence over any more general authority.

Area Committees – Access to Information

- 4.18 The agenda and notice for area committee meetings which deal with both executive functions non-executive functions will clearly indicate into which category an agenda item falls;

5. Planning Committee

- 5.1 The Council will appoint the Planning Committee;
- 5.2 The Committee may delegate the discharge of any of its functions to a sub-committee or an officer of the Council.

Composition

- 5.3 The Committee shall comprise a minimum of 11 members of Council.

Quorum

- 5.4 The quorum of the Committee shall be 3 voting members.

Role and Functions

- 5.5 The Committee will discharge the following planning and conservation functions:

- 5.5.1 The functions relating to town and country planning and development control specified in paragraphs 1 to 27 of Part A, paragraphs 10 to 12 of Part I of Schedule 1 to the Local Authorities (Functions and Responsibilities) (England) Regulations 2000 and associated matters;

- 5.5.2 Part A, Paras 1-27

1. Power to determine application for planning permission.

Sections 70(1)(a) and (b) and 72 of the Town and Country Planning Act 1990 (c. 8).

2. Power to determine applications to develop land without compliance with conditions previously attached.	Section 73 of the Town and Country Planning Act 1990.
3. Power to grant planning permission for development already carried out.	Section 73A(1) of the Town and Country Planning Act 1990.
4. Power to decline to determine application for planning permission.	Section 70A of the Town and Country Planning Act 1990(2).
5. Duties relating to the making of determinations of planning applications.	Sections 69, 76 and 92 of the Town and Country Planning Act 1990 and Articles 8, 10 to 13, 15 to 22 and 25 and 26 of the Town and Country Planning (General Development Procedure) Order 1995 (S.I. 1995/419) and directions made thereunder.
6. Power to determine application for planning permission made by a local authority, alone or jointly with another person.	Section 316 of the Town and Country Planning Act 1990 and the Town and Country Planning General Regulations 1992 (S.I. 1992/1492)(3).
7. Power to make determinations, give approvals and agree certain other matters relating to the exercise of permitted development rights.	Parts 6, 7, 11, 17, 19, 20, 21 to 24, 26, 30 and 31 of Schedule 2 to the Town and Country Planning (General Permitted Development) Order 1995 (S.I. 1995/418).
8. Power to enter into agreement regulating development or use of land.	Section 106 of the Town and Country Planning Act 1990.
9. Power to issue a certificate of existing or proposed lawful use or development.	Sections 191(4) and 192(2) of the Town and Country Planning Act 1990(4).

10. Power to serve a completion notice.	Section 94(2) of the Town and Country Planning Act 1990.
11. Power to grant consent for the display of advertisements.	Section 220 of the Town and Country Planning Act 1990 and the Town and Country Planning (Control of Advertisements) Regulations 1992(5).
12. Power to authorise entry onto land.	Section 196A of the Town and Country Planning Act 1990(6).
13. Power to require the discontinuance of a use of land.	Section 102 of the Town and Country Planning Act 1990.
14. Power to serve a planning contravention notice, breach of condition notice or stop notice.	Sections 171C, 187A and 183(1) of the Town and Country Planning Act 1990(7).
15. Power to issue an enforcement notice.	Section 172 of the Town and Country Planning Act 1990(8).
16. Power to apply for an injunction restraining a breach of planning control.	Section 187B of the Town and Country Planning Act 1990(9).
17. Power to determine applications for hazardous substances consent, and related powers.	Sections 9(1) and 10 of the Planning (Hazardous Substances) Act 1990 (c. 10).
18. Duty to determine conditions to which old mining permissions, relevant planning permissions relating to dormant sites or active Phase I or II sites, or mineral permissions relating to mining sites, as the case may be, are to be subject.	Paragraph 2(6)(a) of Schedule 2 to the Planning and Compensation Act 1991, paragraph 9(6) of Schedule 13 to the Environment Act 1995 (c. 25) and paragraph 6(5) of Schedule 14 to that Act.
19. Power to require proper maintenance of land.	Section 215(1) of the Town and Country Planning Act 1990.

20. Power to determine application for listed building consent, and related powers.	Sections 16(1) and (2), 17, 27(2) and 33(1) of the Planning (Listed Buildings and Buildings in Conservation Areas) Act 1990 (c. 9).
21. Power to determine applications for conservation area consent.	Section 16(1) of the Planning (Listed Buildings and Buildings in Conservation Areas) Act 1990, as applied by section 74(3) of that Act (10).
22. Duties relating to applications for listed building consent and conservation area consent.	Sections 13(1) and 14(1) and (4) of the Planning (Listed Buildings and Buildings in Conservation Areas) Act 1990 and regulations 3 to 6 and 13 of the Town and Country Planning (Listed Buildings and Buildings in Conservation Areas) Regulations 1990 and paragraphs 8, 15 and 22 of Department of the Environment Circular 14/97.
23. Power to serve a building preservation notice, and related powers.	Sections 3(1) and 4(1) of the Planning (Listed Buildings and Buildings in Conservation Areas) Act 1990.
24. Power to issue enforcement notice in relation to demolition of unlisted building in conservation area.	Section 38 of the Planning (Listed Buildings and Buildings in Conservation Areas) Act 1990.
25. Powers to acquire a listed building in need of repair and to serve a repairs notice.	Sections 47 and 48 of the Planning (Listed Buildings and Buildings in Conservation Areas) Act 1990.
26. Power to apply for an injunction in relation to a listed building.	Section 44A of the Planning (Listed Buildings and Buildings in Conservation Areas) Act 1990(11).
27. Power to execute urgent works.	Section 54 of the Planning (Listed Buildings and Buildings in Conservation Areas) Act 1990.

Part 1, Schedule 1, paras 10-12 and 20:

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| 10. Powers relating to the preservation of trees. | Sections 197 to 214D of the Town and Country Planning Act 1990 and the Trees Regulations 1999 (S.I. 1999/1892). |
| 11. Powers relating to the protection of important hedgerows. | The Hedgerows Regulations 1997 (S.I. 1997/1160). |
| 12. Power to make limestone pavement order. | Section 34(2) of the Wildlife and Countryside Act 1981 (c. 69). |
| 20. Power to licence market and street trading | Part III of, and Schedule 4 to, the Local Government (Miscellaneous Provisions) Act 1982, Part III of the London Local Authorities Act 1990 (c. vii) and section 6 of the London Local Authorities Act 1994 (c. xii) |

- 5.5.3 All non-executive matters under the Town and Country Planning (General Permitted Development) Order 1995 except changes to the Policy Framework which fall within the remit of Council;
- 5.5.4 Make recommendations upon planning legislation, guidance, policy, government proposals and related matters.
- 5.6 The registration of common land or town and village greens and the variation of rights of common as set out in paragraphs 37 and 38 of Part B of Schedule 1 to the Local Authorities (Functions and Responsibilities) (England) Regulations 2000;
- 5.7 To carry out the functions of the local authority for the purposes of sections 42, 47 and 60 of the Planning Act 2008 (the undertaking of consultation and preparation of local impact reports)

6.

<u>Licensing Committee</u>

- 6.1 The Council will appoint the Licensing Committee.

- 6.2 The Committee may delegate the discharge of any of its functions to a sub-committee or an officer of the Council.

Composition

- 6.3 The Committee shall comprise a minimum of 11 members of Council.

Quorum

- 6.4 The quorum of the Committee shall be 4 voting members, except that where the Committee (or any subcommittee formed by it) exercises functions under the Licensing Act 2003 or the Gambling Act 2005 when the quorum shall be 3 voting members.

Role and Functions

- 6.5 The hackney carriages and private hire vehicles, goods and miscellaneous licensing and registration functions specified in paragraphs 1 to 5, 15 to 19, 21 to 36, 39 to 46 and 56 to 68 of Part B of Schedule 1 to the Local Authorities (Functions and Responsibilities) (England) Regulations 2000, including all conditions, restrictions, charges and enforcement relating to those functions including any amending legislation:

- | | |
|---|---|
| 1. Power to issue licences authorising the use of land as a caravan site ("site licences"). | Section 3(3) of the Caravan Sites and Control of Development Act 1960 (c. 62). |
| 2. Power to license the use of moveable dwellings and camping sites. | Section 269(1) of the Public Health Act 1936 (c. 49). |
| 3. Power to license hackney carriages and private hire vehicles. | (a)as to hackney carriages, the Town Police Clauses Act 1847 (10 & 11 Vict. c. 89), as extended by section 171 of the Public Health Act 1875 (38 & 39 Vict. c. 55), and section 15 of the Transport Act 1985 (c. 67); and section 47, 57, 58, 60 and 79 of the Local Government (Miscellaneous Provisions) Act 1976 (c. 57);
(b)as to private hire vehicles, sections 48, 57, 58, 60 and 79 of the Local Government (Miscellaneous Provisions) Act 1976. |
| 4. Power to license drivers of hackney carriages and private hire vehicles. | Sections 51, 53, 54, 59, 61 and 79 of the Local Government (Miscellaneous Provisions) Act 1976. |
| 5. Power to license operators of hackney carriages and private hire vehicles. | Sections 55 to 58, 62 and 79 of the Local Government (Miscellaneous Provisions) Act 1976. |

15. Power to license sex shops and sex cinemas.	The Local Government (Miscellaneous Provisions) Act 1982, section 2 and Schedule 3.
16. Power to license performances of hypnotism.	The Hypnotism Act 1952 (c. 46).
17. Power to license premises for acupuncture, tattooing, ear-piercing and electrolysis.	Sections 13 to 17 of the Local Government (Miscellaneous Provisions) Act 1982.
18. Power to license pleasure boats and pleasure vessels.	Section 94 of the Public Health Acts Amendment Act 1907 (c. 53)(19).
19. Power to register door staff.	Paragraphs 1(2) and 9 of Schedule 12 to the London Government Act 1963 (c. 33) and Part V of the London Local Authorities Act 1995 (c. 23)(x).
21. Power to license night cafes and take-away food shops.	Section 2 of the Late Night Refreshment Houses Act 1969 (c. 53)(20), Part II of the London Local Authorities Act 1990 and section 5 of the London Local Authorities Act 1994.
22. Duty to keep list of persons entitled to sell non-medicinal poisons.	Sections 3(1)(b)(ii), 5, 6 and 11 of the Poison Act 1972 (c. 66)(21).
23. Power to license dealers in game and the killing and selling of game.	Sections 5, 6, 17, 18 and 21 to 23 of the Game Act 1831 (c. 32); sections 2 to 16 of the Game Licensing Act 1860 (c. 90), section 4 of the Customs and Inland Revenue Act 1883 (c. 10), sections 12(3) and 27 of the Local Government Act 1874 (c. 73), and section 21 of the Local Government Act 1972 (c. 70).
24. Power of register and license premises for the preparation of food.	Section 19 of the Food Safety Act 1990 (c. 16).
25. Power to license scrap yards.	Section 1 of the Scrap Metal Dealers Act 1964 (c. 69).
26. Power to issue, amend or replace safety certificates (whether general or special) for sports grounds.	The Safety of Sports Grounds Act 1975 (c. 52)(22).
27. Power to issue, cancel, amend or replace safety	Part III of the Fire Safety and Safety of Places of Sport Act 1987 (c. 27).

certificates for regulated stands at sports grounds.

28. Power to issue fire certificates.

Section 5 of the Fire Precautions Act 1971 (c. 40).

29. Power to license premises for the breeding of dogs.

Section 1 of the Breeding of Dogs Act 1973 (c. 60) and section 1 of the Breeding and Sale of Dogs (Welfare) Act 1999 (c. 11).

30. Power to license pet shops and other establishments where animals are bred or kept for the purposes of carrying on a business.

Section 1 of the Pet Animals Act 1951 (c. 35)(23); section 1 of the Animal Boarding Establishments Act 1963(c. 43)(24); the Riding Establishments Acts 1964 and 1970 (1964 c. 70 and 1970 c. 70)(25); section 1 of the Breeding of Dogs Act 1973 (c. 60)(26), and sections 1 and 8 of the Breeding and Sale of Dogs (Welfare) Act 1999.

31. Power to register animal trainers and exhibitors.

Section 1 of the Performing Animals (Regulation) Act 1925 (c. 38)(27).

32. Power to license zoos.

Section 1 of the Zoo Licensing Act 1981 (c. 37)(28).

33. Power to license dangerous wild animals.

Section 1 of the Dangerous Wild Animals Act 1976 (c. 38).

34. Power to license knackers' yards.

Section 4 of the Slaughterhouses Act 1974. See also the Animal By-Products Order 1999 (S.I. 1999/646).

35. Power to license the employment of children.

Part II of the Children and Young Persons Act 1933 (c. 33), byelaws made under that Part, and Part II of the Children and Young Persons Act 1963 (c. 37).

36. Power to approve premises for the solemnisation of marriages.

Section 46A of the Marriage Act 1949 (c. 76) and the Marriages (Approved Premises) Regulations 1995 (S. I. 1995/510)(29).

39. Power to license persons to collect for charitable and other causes.

Section 5 of the Police, Factories etc. (Miscellaneous Provisions) Act 1916 (c. 31) and section 2 of the House to House Collections Act 1939 (c. 44)(31).

40. Power to grant consent for the operation of a loudspeaker.

Schedule 2 to the Noise and Statutory Nuisance Act 1993 (c. 40).

41. Power to grant a street works licence.

Section 50 of the New Roads and Street Works Act 1991 (c. 22).

42. Power to license agencies for the supply of nurses.	Section 2 of the Nurses Agencies Act 1957 (16).
43. Power to issue licences for the movement of pigs.	Article 12 of the Pigs (Records, Identification and Movement) Order 1995 (S.I. 1995/11).
44. Power to license the sale of pigs.	Article 13 of the Pigs (Records, Identification and Movement) Order 1995.
45. Power to license collecting centres for the movement of pigs.	Article 14 of the Pigs (Records, Identification and Movement) Order 1995.
46. Power to issue a licence to move cattle from a market.	Article 5(2) of the Cattle Identification Regulations 1998 (S.I. 1998/871).
56. Power to sanction use of parts of buildings for storage of celluloid.	Section 1 of the Celluloid and Cinematograph Film Act 1922 (c. 35).
57. Power to approve meat product premises.	Regulations 4 and 5 of the Meat Products (Hygiene) Regulations 1994 (S.I. 1994/3082)(32).
58. Power to approve premises for the production of minced meat or meat preparations.	Regulation 4 of the Minced Meat and Meat Preparations (Hygiene) Regulations 1995 (S.I. 1995/3205).
59. Power to approve dairy establishments.	Regulations 6 and 7 of the Dairy Products (Hygiene) Regulations 1995 (S.I. 1995/1086)(33).
60. Power to approve egg product establishments.	Regulation 5 of the Egg Products Regulations 1993 (S.I. 1993/1520).
61. Power to issue licences to retail butchers' shops carrying out commercial operations in relation to unwrapped raw meat and selling or supplying both raw meat and ready-to-eat foods.	Schedule 1A to the Food Safety (General Food Hygiene) Regulations 1995 (S.I. 1995/1763)(34).
62. Power to approve fish products premises.	Regulation 24 of the Food Safety (Fishery Products and Live Shellfish) (Hygiene) Regulations 1998 (S.I. 1998/994).
63. Power to approve dispatch or purification centres.	Regulation 11 of the Food Safety (Fishery Products and Live Shellfish) (Hygiene) Regulations 1998.

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|-----|--|--|
| 64. | Power to register fishing vessels on board which shrimps or molluscs are cooked. | Regulation 21 of the Food Safety (Fishery Products and Live Shellfish) (Hygiene) Regulations 1998. |
| 65. | Power to approve factory vessels and fishery product establishments. | Regulation 24 of the Food Safety (Fishery Products and Live Shellfish) (Hygiene) Regulations 1998. |
| 66. | Power to register auction and wholesale markets. | Regulation 26 of the Food Safety (Fishery Products and Live Shellfish) (Hygiene) Regulations 1998. |
| 67. | Duty to keep register of food business premises. | Regulation 5 of the Food Premises (Registration) Regulations 1991 (S.I. 1991/2828). |
| 68. | Power to register food business premises. | Regulation 9 of the Food Premises (Registration) Regulations 1991. |
- 6.6 The licensing functions under Licensing Act 2003 and Gambling Act 2005 including any amending legislation.
- 6.7 Functions under the Explosives Act 1875 and 1928 and associated legislation and regulations. Conduct any necessary assent hearing under the provisions of the Manufacture and Storage of Explosives Regulations 2006.
- 6.8 Make recommendations upon licensing legislation, guidance, policy, government proposals and related matters.

7. **Appeals Committee**

- 7.1 The Council will appoint the Appeals Committee.
- 7.2 The Committee may delegate the discharge of any of its functions to a sub-committee or an officer of the Council.

Composition

- 7.3 The Committee shall comprise five members of Council.

Quorum

- 7.4 The quorum of the Committee shall be three voting members.

Role and Functions

- 7.5 The Committee will:

- 7.5.1 Consider and determine appeals against dismissal where this is allowed in the Council's personnel and Human Resources policies;
- 7.5.2 Consider and determine student award appeals, home to school transport appeals and discretionary hardship payments appeals;
- 7.5.3 Act as and determine matters brought to the Corporate Complaints Panel, Member Notice of Possession Proceedings Panel and Disputes Panel.

8. Civic Committee

- 8.1 The Council will appoint the Civic Committee.
- 8.2 The Committee may delegate the discharge of any of its functions to a sub-committee or an officer of the Council.

Composition

- 8.3 The Committee shall comprise nine members of Council including the Lord Mayor, who shall be its chair.

Quorum

- 8.4 The quorum of the Committee shall be two voting members.

Role and Functions

- 8.5 The Committee will:
- 8.5.1 Deal with civic matters relating to the Council including the giving of consent to use the Council's armorial bearings under section 44 of the Kingston upon Hull Act 1984;
 - 8.5.2 Authorise the conferment of the award of the title Honorary Burgess to honour current or former citizens who have rendered significant service to the City;
 - 8.5.3 Make recommendations to Council regarding the admission of freemen and freewomen, the conferment of the title of Honorary Alderman/Alderwoman and the admission of Honorary Freemen/Freewomen of the City.

9. Audit Committee

- 9.1 The Council will appoint the Audit Committee.
- 9.2 The Committee may delegate the discharge of any of its functions to a sub-committee or an officer of the Council.

Composition

- 9.3 The Committee shall comprise nine members of Council and may include two co-optees as non-voting members.

Quorum

- 9.4 The quorum of the Committee shall be four voting members

Role and Functions

9.5 The Committee will:

9.5.1 Review summaries of Internal Audit reports and:

9.5.1.1 require the attendance of officers at Committee to explain how they intend Committee to address issues identified as requiring action;

9.5.1.2 monitor the achievement of progress against resulting action plans;

9.5.1.3 make recommendations to the Executive and/or the Head of Paid Service and Directors upon appropriate action.

9.5.2 Review reports dealing with the management and performance of the providers of internal audit services and make recommendations to the Assistant City Treasurer (Audit and Fraud) in relation thereto.

9.5.3 Receive reports from Internal Audit where agreed recommendations have not been implemented within a reasonable timescale and, where appropriate:

9.5.3.1 require the preparation of reports from responsible officers;

9.5.3.2 require the attendance at Committee of such officer as the Committee may consider necessary to address the issues arising;

9.5.3.3 make recommendations for action to the Executive and/or Head of Paid Service and Directors upon appropriate action.

9.5.4 Review the External Auditor's Annual Governance Report and related reports and, where appropriate, make recommendations to the Executive, Head of Paid service and Directors for appropriate action.

9.5.5 Review reports agreed to be produced by the External Auditor.

9.5.6 Comment on the scope and depth of external audit work and to ensure it provides value for money.

- 9.5.7 Liaise with the Audit Commission (and its successor body) over the appointment of the Council's external auditor.
- 9.5.8 Commission work from Internal and External Audit through the agreement of audit plans and in discussion with the Chief Finance Officer.
- 9.5.9 Review the 'Whistleblowing' Policy and Procedure and its delivery and
 - 9.5.9.1 make recommendations for action to the Monitoring Officer; and
 - 9.5.9.2 monitor delivery against the identified actions.
- 9.5.10 Review the Customer Feedback Scheme. and its delivery and
 - 9.5.10.1 make recommendations for action to the Head of Paid Service; and
 - 9.5.10.2 monitor delivery against the identified actions.
- 9.5.11 Review Local Ombudsman cases and
 - 9.5.11.1 make recommendations for action (including where appropriate the payment of compensation) to the Head of Paid Service, Directors and the Monitoring Officer;
 - 9.5.11.2 monitor delivery against the identified actions.

Regulatory Framework

- 9.5.12 Maintain an overview of the Council's Constitution in respect of Contract Procedure Rules, Financial Regulations and Treasury Management arrangements;
- 9.5.13 Review any issue referred to it by the Chief Executive or a Corporate Director and any Council body;
- 9.5.14 Monitor the effective development and operation of risk management and corporate governance in the Council and approve the risk management policy and strategy and the annual risk management report;
- 9.5.15 Endorse and oversee Council policies on Anti-Fraud and Corruption Strategy and Money Laundering and consider

their effectiveness as part of the Council's control environment;

- 9.5.16 Approve the Annual Governance Statement, for sign-off by the Head of Paid Service and Leader of the Council, subject to any significant changes that occur between the date of approval and the date of sign-off;
- 9.5.17 Oversee the Council's arrangements for corporate governance and agreeing necessary actions to ensure compliance with best practice;
- 9.5.18 Oversee the Council's compliance with its own and other published financial standards and controls.

Accounts

- 9.5.19 Approve the annual statement of accounts and specifically consider whether appropriate accounting policies have been followed and whether there are concerns arising from the financial statements or from the audit that need to be brought to the attention of the Council;
- 9.5.20 Consider the External Auditor's report to those charged with governance on issues arising from the audit of the accounts.

10. **Appointments Committee**

- 10.1 The Council will appoint a committee to be known as the Appointments Committee.
- 10.2 The Committee may delegate the discharge of any of its functions to a sub-committee or an officer of the Council.

Composition

- 10.3 The Committee shall comprise seven members of Council.

Quorum

- 10.4 The quorum of the Committee shall be four voting members.

Role and Functions

- 10.5 The Committee will discharge the functions set out in the Officer Employment Procedure Rules and be responsible for appointing the person or persons who are contracted by the Council from time to time to fulfill the functions of the Council's Independent Person required

under the provisions of section 28 of the Localism Act 2011 and the Council's Whistleblowing Policy.

11. Independent Members Appointment Panel

11.1 The Council will appoint a committee to be known as the Independent Members Appointment Panel.

11.2 The Panel may delegate the discharge of any of its functions to a sub-committee or an officer of the Council.

Composition

11.3 The Panel shall comprise eight members of Council.

Quorum

11.4 The quorum of the Committee shall be four voting members.

Role and Functions

11.5 The Panel will in accordance with relevant legislation and statutory guidance, make recommendations to the Council in respect to the following appointments.

11.5.1 Members of the Independent Remuneration Panel.

12. Independent Remuneration Panel

12.1 The Council will establish a Panel to be known as the Independent Remuneration Panel.

Composition

12.2 The Panel shall comprise three members of the public selected by the Independent Members Appointments Panel. The Panel shall appoint its own chair.

Quorum

12.3 The quorum of the Panel shall be three members.

Role and Functions

12.4 The Independent Remuneration Panel shall, on a 4 yearly basis, or if otherwise requested, propose recommendations to Council on any amendments to the Members' Allowances Scheme, including:

12.4.1 The amount of basic allowance payable;

- 12.4.2 The roles and responsibilities for which a special responsibility allowance should be paid, and if so, the duties for which payment should apply and the amount to be paid;
- 12.4.3 Whether travelling and subsistence allowances should be paid and if so, the duties to which they should apply and the amount and any variation to the scheme to any reasonable adjustments required to the scheme for a member with a disability so as to ensure that they are not treated less well than a member without a disability;
- 12.4.4 Whether the scheme should include a Dependent Carers' allowances so to provide for a situation in which the member needs to engage carers to fulfil their role and the criteria in relation thereto;
- 12.1.5 Whether an allowance should be paid to co-opted members and, if so, the amount.

13 Corporate Parenting Panel Terms of Reference

"Once a child is looked after by the Council all members and officers, as their corporate parents, need to be concerned about that child as if it were their own. This concern should encompass their education, their health and welfare, what they do in their leisure time and holidays, how they celebrate their culture and how they receive praise and encouragement for their achievements"

[‘If this were my child, Department for Education and Skills (DFES) 2003]

The Corporate Parenting Panel is accountable to Full Council.

13.1 Composition

The Panel shall comprise of 22 members.

13.2 Seven voting members of the Panel shall be elected members of Hull City Council appointed by the Council.

13.3 Councillor membership shall be determined by the political make-up of the Council and will include:

13.3.1 The Portfolio Holder for Learning, Skills and Safeguarding Children as the lead member.

13.3.2 Six other members appointed through Full Council and in line with political proportionality.

13.4 The Chair and Vice Chair of the Panel will be an elected member of the Council appointed by the Council and the Chair will hold a casting vote.

13.5 The Panel will co-opt the following as non-voting members:

13.5.1 Officer Membership:

The Chief Executive of the Hull City Council
The Director of Children, Young People and Family Services

The Assistant Director of Safeguarding

The Head of Looked After Children

The Head of Resources (CYPFS)

The Children's Safeguarding and Principal Social Worker

The CLA Group Manager

The Group Manager - Children's Home

The Group Manager – Care Leaver's Service

The Head of the Virtual School

Independent Reviewing Officers Service Manager

13.5.2 Service User Membership:

A Representative of Young Voices In Care (The Council's Children in Care Council)

A Representative of Care Leavers

A Representative of the Foster Carers Forum

13.5.3 Partner Membership:

The NHS Place Director or their nominated Deputy

The Designated Nurse for Looked After Children

13.5.4 Attendance as required in accordance with the work programme:

Cabinet Portfolio Holders

Senior Officers of the Council's Corporate Strategy Team

Assistant Director Learning and Skills

Head of Service (Youth Justice)

A representative of the Humberside Police Service

A representative of Children and Adolescent Mental Health Services

Representative from NHS Hull Clinical Commissioning Group

13.6 Quorum

The quorum for the Panel shall be a minimum of three voting members.

13.7 Role and Functions

The Panel will:

- 13.7.1 Ensure that the Council with its partners effectively discharges its role as Corporate Parents for all children in their care and those who are leaving or have left care by supporting, encouraging and guiding children to lead healthy, rounded and fulfilled lives and promote the duty under Section 11 of the Children Act 2004 to safeguard and promote the welfare of children when carrying out their functions.
- 13.7.2 Have regard to the seven principles of corporate parenting as set out in Section 1 of the Children and Social Work Act 2017 (and attached at Schedule A) and ensure that the Council and its partners applies these principles in exercising their functions in relation to children looked after and young people.
- 13.7.3 Oversee and monitor the implementation of the Corporate Parenting Strategy/Children Looked After Strategy and the Looked After Children Pledge to ensure the quality and effectiveness of services delivered for CLA and care leavers.
- 13.7.4 Make recommendations to ways in which the Council and its partners can endeavour to improve the life chances of individual children and meet the needs of CLA and care leavers whilst maintaining a strategic overview of new policies and procedures in line with local and national priorities, taking into account the implementation and impact of relevant legislation and government guidance.
- 13.7.5 Ensure that the views and experiences of a wide range as possible of CLA and care leavers directly influence decision making, enable co-production of services, policy shaping and performance monitoring and that there is a mechanism for views and experiences to be made available directly to the Panel.

- 13.7.6 Monitor the quality and effectiveness of key services commissioned and delivered across the Council and partner agencies through a robust performance monitoring system to include key performance indicators in relation to the CLA population; care leavers; adoption; fostering; sufficiency of placements; virtual school; youth offending service; unaccompanied asylum seekers; health; care leavers education and employment, and Vulnerable, Exploited, Missing and Trafficked (VEMT) Children.
- 13.7.8 Consider recommendations from internal and external inspections and reviews (for example, Ofsted inspections), to agree the actions needed to address any issues identified, and to evaluate the implementation of any plans agreed that are relevant to CLA and Care Leavers.
- 13.7.9 Maintain an appropriate work programme and receive detailed reports in order for the Panel to undertake their responsibilities on the work of all key agencies that provide services for CLA and Care Leavers including health, adoption and fostering, Hull Safeguarding Children Partnership, Virtual School and Independent Reviewing Officers as required from the Local Authority and partner agencies.
- 13.7.10 Provide regular reports on activity of the Panel to the Council's Scrutiny function namely through the Early Support and Lifelong Learning Overview and Scrutiny Commission in order to maintain accountability.

Schedule A - The Seven Principles of Corporate Parenting

- (a) to act in the best interests, and promote the physical and mental health and well-being, of those children and young people;
- (b) to encourage those children and young people to express their views, wishes and feelings;
- (c) to take into account the views, wishes and feelings of those children and young people;
- (d) to help those children and young people gain access to, and make the best use of, services provided by the local authority and its relevant partners;
- (e) to promote high aspirations, and seek to secure the best outcomes, for those children and young people;
- (f) for those children and young people to be safe, and for stability in their home lives, relationships and education or work;
- (g) to prepare those children and young people for adulthood and independent living.

CABINET COMMITTEES AND MEMBERS OF CABINET**14 Corporate Trustee Committee**

- 14.1 The Leader of Council will appoint a committee to be known as the Corporate Trustee Committee;
- 14.2 The Committee may, following consultation with the Leader of Council, delegate the discharge of any of its functions to an area committee or officer of the Council.

Composition

- 14.3 The Committee shall comprise three members of the Cabinet.

Quorum

- 14.4 The quorum of the Committee shall be two voting members.

Role and Functions

- 14.5 The Committee shall:
- 14.5.8 Discharge the functions of the Council as corporate trustee in relation to those trusts where the Council is the sole trustee;
- 14.5.9 Make any appointment as a trustee which falls to be made by the Council.

15 Executive Commissioning Committee

- 15.1 The Leader of the Council will appoint a committee to be known as the Executive Commissioning Committee.

Composition

- 15.2 The Committee shall comprise six members of Cabinet together with the Chair of the Health and Wellbeing Board.

Role and Functions

- 15.3 The Committee shall discharge the following functions on behalf of the Leader:
- 15.3.1 To determine and keep under review the scope of services to be delivered on behalf of the Council through in-house companies from time to time;

- 15.3.2 To review and maintain under review the business case for the companies prepared pursuant to the Local Government (Best Value Authorities) (Power to Trade) (England) Order 2009 (“the Trading Order”) and successor statutory instruments;
- 15.3.3 To review the delivery of Best Value by the companies in accordance with statutory guidance;
- 15.3.4 To discharge the Council’s functions as shareholder in relation to companies under the control of the Council;
- 15.3.5 To apply such budget as may be delegated to it by the Leader of Council to commission goods, works, services and events to support delivery of Council strategies in relation to Leisure and Heritage, including delivery of City of Culture 2017;
- 15.3.6 To determine applications for funding made to the Council pursuant to Section 19(3) of the Local Government (Miscellaneous Provisions) Act 1976 within such budget as may be delegated to the Committee by the Leader of Council;
- 15.3.7 To ensure the co-ordination of the exercise of executive commissioning powers of the Council between the Cabinet and the Health and Wellbeing Board;
- 15.3.8 To exercise decision making on behalf of the Council on such matters in relation to the operation of the companies as the Council reserves to itself.

16 **The Cabinet and Members of the Cabinet**

Delegation of authority to discharge executive functions by the Leader of Council

- 16.1 The Leader of Council delegates to the Cabinet and, in relation to the Public Health Grant, the Health and Wellbeing Board, the authority to discharge the executive functions contained in Part A, Article 3.11.
- 16.2 The Leader of Council may delegate to a member of the Cabinet and/or the Health and Well Being Board, and/or Area Committees, the authority, subject to paragraph 16.11 below, to take decisions in the discharge of executive functions.
- 16.3 The Leader may establish outside the formal member bodies structure of the Council, panels to advise the Leader or portfolio holder on matters within their remit.
- 16.4 The Leader of Council delegates executive functions to officers in accordance with paragraph 18.1.

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- 16.5 The Cabinet may, following consultation with and unless the Leader of Council directs otherwise, delegate the discharge of an executive function to a committee of the Cabinet, a member of the cabinet, the Health and Wellbeing Board, an area committee or an officer.
- 16.6 A committee of the Cabinet may, following consultation with and unless the Leader of Council directs otherwise, delegate the discharge of an executive function to a member of the cabinet, an area committee or an officer.
- 16.7 A member of the Cabinet may, following consultation with and unless the Leader of Council directs otherwise, delegate the discharge of an executive function to an area committee or an officer.
- 16.8 The Health and Wellbeing Board may, following consultation with and unless the Leader of Council directs otherwise, delegate the discharge of an executive function of the Health and Wellbeing Board to an officer.
- 16.9 An area committee may, following consultation with and unless the Leader of Council directs otherwise, delegate the discharge of an executive function to an officer.
- 16.10 The fact that an executive function has been delegated shall not prevent the discharge of that function by the person or body that delegated the function.

General provisions

- 16.11 The exercise by a member of the Cabinet of any delegated authority (including taking advice from a special panel referred to in paragraph 16.3 above) to take a decision in the discharge of an executive function is subject to the following:
- 16.11.1 The member has, in accordance with Article 7.3, first considered a written report prepared by an appropriate officer and which contains any relevant advice from the Chief Executive, the Chief Finance Officer (City Treasurer) and/or the Assistant Director (Legal and Governance) (Chief Legal Officer and Monitoring Officer);
- 16.11.2 Where any expenditure may be incurred by the Council, the member of the Cabinet having responsibility for budget and finance shall be consulted and any decision shall be subject to the identification of sufficient approved budget to meet any expenditure;

- 16.11.3 Any decision taken shall be in accordance with Council's budget and policy framework, and any condition imposed by the law, this Constitution and any relevant statutory guidance;
- 16.11.4 The exercise of any delegated authority in relation to a matter for which more than one member of the Cabinet has a responsibility shall be exercised by agreement between those members having a responsibility;
- 16.11.5 A member of the Cabinet may, as he/she may determine appropriate, refer any matter falling with the authority delegated to him/her to the Cabinet or a committee of the Cabinet;
- 16.11.6 A member of the Cabinet shall not take any decision in the discharge of a function of a statutory officer, proper officer or any matter of a professional, managerial, operational or regulatory nature delegated to an officer pursuant to paragraph 18.1.2;
- 16.11.7 The Leader of Council may determine a scheme of delegation concerning the discharge of executive functions which may be subject to amendment at any time during the year.
- 16.12 The Leader of Council shall give written notice to the Chief Executive and to the person, body or committee concerned which sets out the extent of any amendment to the scheme and whether it involves the withdrawal of delegation from any person, body, committee or the Cabinet. The Chief Executive shall report to the next ordinary meeting of the Council any changes made by the Leader of Council.
- 16.13 A written notice given to a body or committee shall be deemed to be given to the body or committee when given to the chair of the body or committee.

Monitoring Officer

- 16.14 The exercise by a member of the Cabinet of any delegated authority is subject to the statutory responsibilities of the Assistant Director (Legal and Governance) as the Council's Monitoring Officer pursuant to section 5 of the Local Government and Housing Act 1989.

Section 151 Officer

- 16.15 The Chief Finance Officer (City Treasurer), as the Council's Section 151 Officer is authorised to take any action necessary to comply with statutory, regulatory and relevant codes of practice which relate to the financial management and administration of local authorities. The exercise by a member of the Cabinet of any delegated authority shall be

subject to the statutory responsibilities of the Chief Finance Officer pursuant to section 151 of the Local Government Act 1972.

Record of delegated functions

- 16.16 A written record of all decisions to delegate a function to a member of the Cabinet shall be kept and a list of all such decisions shall be maintained by the Assistant Director (Legal and Governance).

17

Joint Arrangements

Joint Structure Planning Advisory Committee with East Riding of Yorkshire

- 17.1 Advice on policy matters.

Humberside Combined Fire Authority

- 17.2 All duties in relation to fire prevention under the Fire Services Act 1947.

Hull & Goole Port Health Authority

- 17.3 All functions in accordance with the Hull & Goole Port Health Authority Order 2011.

Humber Bridge Board

- 17.4 All functions in connection with the Humber Bridge Act 1959. To operate and manage the Humber Bridge in accordance with the Humber Bridge Acts and the Constitution of the Board.

Humber Police and Crime Panel

- 17.5 Reviewing the budget proposed by the Police and Crime Commissioner for the Humber area.
- 17.6 Reviewing the Police and Crime Commissioner's proposed candidate for appointment.
- 17.7 Reviewing the draft police and crime plan for the Humber
- 17.8 Reviewing the Police and Crime Commissioner's annual report
- 17.9 Dealing with complaints against the Police and Crime Commissioner, with the exception of serious complaints which require referring to the IPCC
- 17.10 Requiring the Police and Crime Commissioner to attend the Panel to answer questions

- 17.11 Appointing an interim Police and Crime Commissioner in the event that the elected Commissioner is incapacitated

Joint Committee for the Civil Enforcement of Parking and Traffic Regulation Outside London (PATROL)

- 17.12 Undertaking civil enforcement appeal functions in accordance with the Traffic Management Acts on behalf of the authority.

Humber Leaders' Board

- 17.13 The Council is a member of a joint committee known as the Humber Leaders Board which has the following purposes:

- 17.14 To facilitate cooperation and collaboration between the Humber local authorities on cross Estuary working on the following themes:

1. Clean Growth
2. Ports including a potential Freeport
3. Shared management of Estuary assets

Co-ordinating joint marketing of the Humber for inward investment in relevant sectors.

- 17.15 To enable collective decision-making on issues that require sub-regional agreement from the constituent authorities.

- 17.16 To ensure local democratic and financial accountability, working with both the Hull & East Riding and Greater Lincolnshire Unitary Leaders' Joint Committees and the use of public funding streams which are allocated by Government to the Unitary Leaders' Joint Committees.

- 17.17 To act as the formal link between local authorities in the Humber on activity relevant to the above themes.

- 17.18 The Committee may delegate the discharge of any of its functions to a sub-committee.

- 17.19 Composition

- 17.20 The Committee shall be comprised of the Leader and one Executive member from each of the following Councils: Hull City Council, East Riding of Yorkshire Council, North East Lincolnshire Council and North Lincolnshire Council.

- 17.21 The Secretariat of and accountable body for the Humber Leadership Board is North East Lincolnshire. Meetings are open to the press and public, and agendas, minutes and papers are published by the Secretariat, in line with the Local Government Transparency Code.
- 17.22 Quorum
- 17.23 The quorum of the Committee shall be four members, which must include at least one Committee member from each of the four member Local Authorities.
- 17.24 Any decision made by the Joint Committee requires unanimous agreement.
- 17.25 Role and Functions
- 17.26 Consider, approve and implement decisions relating to the agreed strategic themes of clean growth, ports including a potential Freeport, shared management of Estuary assets and co-ordination of joint marketing of the Humber for inward investment in relevant sectors, across the Humber, particularly with regard to the Duty to Cooperate, including expenditure of external funding within the sub region on relevant activities.
- 17.27 Act as an advocate for investment in the sustainable economic development of the Humber sub region and be the managing body for delivery arrangements relating to the four identified strategic themes.
- 17.28 Align and decide on capital expenditure programmes and ensure policy and programmes are effectively delivered in relation to the sub region's identified four strategic themes.
- 17.29 Receive reports from both the Hull & East Riding and Greater Lincolnshire Unitary Leaders' Joint Committees and their sub committees/boards as well as proposed constituent combined authorities and local authorities; and when so minded, refer any recommendations back to the originating body for further consideration.
- 17.30 Consider strategic funding allocations for operational activities aligned to the four strategic themes identified.
- 17.31 Be the representative democratic body of the Humber sub region at regional, national and international level.
- 17.32 Contribute to emerging policy and ensure that decisions of the Humber Leadership Board will be subject to the scrutiny committee process arrangements of each proposed combined authority or local authority (unless and until Joint Scrutiny committee process arrangements are established).

Joint Health Overview and Scrutiny Committee (Yorkshire and Humber)

- 17.33 To review and scrutinise any matter relating to the planning, provision and operation of the health service in its area pursuant to Regulation 21 of the Local Authority (Public Health, Health and Wellbeing Boards and Health Scrutiny) Regulations 2013
- 17.34 To make reports and recommendations on any matter it has reviewed or scrutinised, and request responses to the same pursuant to Regulation 22 of the Local Authority (Public Health, Health and Wellbeing Boards and Health Scrutiny) Regulations 2013
- 17.35 To comment on, make recommendations about, or report to the Secretary of State in writing about proposals in respect of which a relevant NHS body or a relevant health service provider is required to consult, pursuant to Regulation 23 of the Local Authority (Public Health, Health and Wellbeing Boards and Health Scrutiny) Regulations 2013
- 17.36 To require a relevant NHS body or relevant health service provider to provide such information about the planning, provision and operation of the health service in its area as may be reasonably required in order to discharge its relevant functions, pursuant to Regulation 26 of the Local Authority (Public Health, Health and Wellbeing Boards and Health Scrutiny) Regulations 2013
- 17.37 To require any member or employee of a relevant NHS body or relevant health service provider to attend meetings to answer such questions as appear to be necessary for discharging its relevant functions, pursuant to Regulation 27 of the Local Authority (Public Health, Health and Wellbeing Boards and Health Scrutiny) Regulations 2013

Transport for the North (TfN) Scrutiny Commission

- 17.38 To review and scrutinise decisions made or other action taken by TfN
- 17.39 To make reports or recommendations with respect to the discharge of the functions of TfN
- 17.40 To make reports or recommendations on transport matters that affect the area of TfN or inhabitants of the area or other stakeholders;
- 17.41 To require members or officers of TfN to attend meetings of the Committee to answer questions;
- 17.42 To invite other persons to attend meetings of the Committee

OFFICERS**18 Officers of the Council****Delegation of functions to officers by the Council, Leader of Council and the Cabinet**

18.1 The Council, Leader of Council and the Cabinet delegate, subject to paragraph 18.5 below, to the Chief Executive, Directors and Assistant Directors, and any officer acting in his/her place in accordance with paragraph 18.6 below:

18.1.8 The authority to take decisions that give effect to decisions of the Council, committees and sub-committees of the Council taken in the discharge of non-executive functions and the Leader of Council, the Cabinet and committees of the Cabinet taken in the discharge of executive functions within the officer's Area of Responsibility;

18.1.9 The authority to take routine decisions, including those of a professional, managerial, operational or regulatory nature, in the discharge of both non-executive and executive functions within the officer's Area of Responsibility;

18.1.10 The authority to take decisions in the discharge of both non-executive and executive functions within the officer's Area of Responsibility having undertaken prior consultation with the Leader of Council, appropriate member of the Cabinet or chair of the appropriate committee or sub-committee;

18.1.11 The authority, in relation to matters not falling within paragraphs 18.1.1 to 18.1.3 above, to submit a report and make, as may be appropriate, recommendations to the Council, the Leader of Council, the Cabinet, member of Cabinet, a committee (of the Council or the Cabinet) or a sub-committee.

18.2 An officer named in paragraph 18.1 in taking a decision shall:

18.2.8 Consider the nature of a proposed decision, the outcome and effect that may reasonably be expected to result and take these into account in determining under which of the authorities provided by paragraphs 18.1.1 to 18.1.4 above the decision falls. In particular, where any doubt arises as to whether prior consultation should be undertaken under paragraph 18.1.3 or a report made under paragraph 18.1.4, the consultation shall be undertaken or the report shall be made;

- 18.2.9 Take full account of the financial effect of a decision and ensure that there is sufficient budget available to meet any cost to the Council;
- 18.2.10 Take full account of and act in accordance with the budget and policy framework and the policies, strategies, plans and objectives of the Council;
- 18.2.11 Comply with all relevant legislation, statutory guidance and any requirement contained in this Constitution including the publication of details of any key decision in the Forward Plan;
- 18.2.12 Take due account of the duty of Best Value and use the most efficient and effective means available, including the deployment of staff and other resources under their control and the procurement of other resources as may be necessary whether within or outside the Council;
- 18.2.13 Act with due regard to the corporate interests of the Council.
- 18.3 The Council, Leader of Council and the Cabinet delegate to the Chief Executive and, in his/her absence, the Director of Regeneration, and/or the Director for Public Health, the authority to discharge any non-executive or executive function in cases of emergency where it is not reasonably practical to undertake prior consultation in accordance with paragraph 18.1.3. Any decision and action taken pursuant to this authority shall be reported to the Cabinet or other appropriate body.
- 18.4 An officer referred to in paragraph 18.1 above may refer a matter to the Leader of Council, Cabinet, member of Cabinet, or appropriate committee or sub-committee for decision where he/she considers it expedient to do so.
- 18.5 An officer referred to in paragraph 18.1 above may authorise an officer(s) to discharge, on his/her behalf, functions delegated to him/her. Where the authority to be provided involves the discharge of an executive function the officer shall consult the Leader of Council before providing any authorisation. Any decision taken under this authority shall remain the responsibility of the officer named in paragraph 18.1 above and shall be taken in the name of that officer who shall remain accountable and responsible for all such decisions.
- 18.6 Where an officer referred to in paragraph 18.1 is to be absent for any period likely to exceed 5 working days, he/she or the Chief Executive or Director of Regeneration, and/or the Director of Public Health, as may be appropriate, must nominate in writing another officer to act in his/her place during their absence.

- 18.7 The officer posts referred to in paragraph 18.1 shall be deemed to include any successor post or a post which includes within the job description for that post, elements relevant to a particular delegation, which were also present in the earlier post and shall include any officer acting up or seconded
- 18.8 In exercising their delegated powers an officer referred to in paragraph 18.1 may:
- 18.8.8 incur, vary and withdraw expenditure including the making of contributions to outside bodies whose objects are complementary to the work of the Council;
 - 18.8.9 in consultation, where appropriate, with the relevant Cabinet Portfolio Member, introduce, set and vary as necessary fees and charges for the delivery of services and for the issue of any licence, registration, permit, consent or approval;
 - 18.8.10 deal with the following employment issues in accordance with the Council's procedures;
 - 18.8.11 engage, suspend, dismiss and deploy staff below Assistant Director level;
 - 18.8.12 take disciplinary action against staff up to but excluding appeals against dismissal (save where permitted through Council Policies);
 - 18.8.13 apply conditions of service in accordance with the Council's policies;
 - 18.8.14 permanently regrade posts below Assistant Director level with the approval of the Head of Paid Service;
 - 18.8.15 make establishment changes below Assistant Director level;
 - 18.8.16 deal with applications for regrading up to and including final appeal, ensuring that the person hearing the final appeal has had no previous involvement in the matter.
- 18.9 deploy other resources within their control;
- 18.10 within the financial limits set within the Contract Procedure Rules, accept tenders, place contracts and procure other resources within or outside the Council subject to compliance with the Council's Financial and Contract Procedure Rules;
- 18.11 terminate contractual and other commissioning arrangements;

- 18.12 serve, receive and act upon notices, give or refuse consents, issue determinations, apply for permissions, make orders, grant licences in the exercise of any discretionary power or in complying with any duty of the Council;
- 18.13 exercise virement within the financial limits contained in the Financial Procedure Rules;
- 18.14 provide services to other local authorities and organisations;
- 18.15 respond to consultations from Government departments and other public bodies;
- 18.16 a Assistant Director (Legal and Governance) to enforce any bye-laws relevant to their service area.

Head of Paid Service, Chief Finance Officer and Monitoring Officer

- 18.17 The Council designates the following posts and in the absence of the postholder the deputies, having the functions set out in paragraphs 18.18 to 18.39 below, as shown in the following table:

POST	DESIGNATION	DEPUTY
Chief Executive	Head of Paid Service	Deputy Chief Executive
City Treasurer	Section 151 Officer/Chief Finance Officer	Assistant City Treasurer, Financial Planning
Assistant Director (Legal and Governance)	Monitoring Officer	Legal Services Manager

Head of Paid Service

- 18.18 The Head of Paid Service will report to full Council on the manner in which the discharge of the Council's functions is co-ordinated, the number and grade of officers required for the discharge of functions and the organisation of officers.
- 18.19 To grant exemptions on the political restriction of officer posts under the Localism Act 2011
- 18.20 To designate suitably qualified officers as Authorising Officers for the purpose of granting authorisations to exercise the powers made available to the Council by the Regulation of Investigatory Powers Act, 2000.

- 18.21 To designate suitably qualified officers as a Single Point of Contact in relation to the exercise of the powers made available to the Council by the Regulation of Investigatory Powers Act, 2000.
- 18.22 The Head of Paid Service will determine and publish a description of the overall management structure of the Council.
- 18.23 The Head of the Paid Service may not at the same time be the Monitoring Officer or hold the post of Chief Finance Officer.

Chief Finance Officer

- 18.24 The Chief Finance Officer will, following consultation with the Head of the Paid Service and the Monitoring Officer, report to the full Council (or the Cabinet in relation to an executive function) and the Council's external auditor if he/she considers that any proposal, decision or course of action will involve incurring unlawful expenditure, or is unlawful and is likely to cause a loss or deficiency or if the Council is about to enter an item of account unlawfully.
- 18.25 The Chief Finance Officer shall have responsibility for the administration of the financial affairs of the Council.
- 18.26 The Chief Finance Officer will contribute to the corporate management of the Council, in particular through the provision of professional financial advice.
- 18.27 The Chief Finance Officer will provide advice on decision-making, maladministration, financial impropriety, probity and budget and policy framework issues to all members and will support and advise members and officers in their respective roles.
- 18.28 The Chief Finance Officer may provide financial information to the media, members of the public and the community.

Monitoring Officer

- 18.29 The Monitoring Officer will maintain and keep up to date the Constitution and is authorised to make such amendments to the Constitution and related documents as may be necessary to reflect and take account of changes in legislation, statutory guidance, Council policy, decisions of the Council and the Cabinet, changes to Chief Officer Areas of Responsibility, and drafting changes and/or improvements. The Monitoring Officer will ensure that the Constitution is available for consultation by members, staff and the public.
- 18.30 The Monitoring Officer will, following consultation with the Head of Paid Service and the Chief Finance Officer, report to the full Council (or the Cabinet in relation to an executive function) if he/she considers that any

proposal, decision or omission would give rise to unlawfulness or if any decision or omission has given rise to maladministration. Such report will have the effect of stopping the proposal or decision from being implemented until the report has been considered.

- 18.31 The Monitoring Officer will contribute to the promotion and maintenance of high standards of conduct by elected members.
- 18.32 The Monitoring Officer will be responsible for investigations complaints concerning members of Council.
- 18.33 The Monitoring Officer shall be the proper officer for recording executive decisions and will ensure that executive decisions, together with the reasons for those decisions and relevant officer reports and background papers, are made publicly available as soon as possible.
- 18.34 The Monitoring Officer will advise whether decisions of the Cabinet are in accordance with the budget and policy framework.
- 18.35 The Monitoring Officer will provide advice on the scope of legal powers and authority to take decisions, maladministration, financial impropriety, probity and budget and policy framework issues to all councillors.
- 18.36 The Monitoring Officer will act as Qualified Person for the determination of whether disclosure of information requested under the Freedom of Information Act 2000 would be prejudicial to the conduct of public affairs pursuant to s36 of that Act.
- 18.37 The Monitoring Officer cannot be the Chief Finance Officer or the Head of Paid Service.

Council delegation to Monitoring Officer in relation to Ethical Conduct

- 18.38 The Monitoring Officer of the Council is delegated to:
- 18.39 Provide guidance to Council on the following policies and procedures
 - 18.39.1 The Member Code of Conduct;
 - 18.39.2 The Member /Officer Relations Protocol;
 - 18.39.3 The Planning Member Code of Conduct/Protocol

Consider and determine applications for dispensations to members from the requirements relating to the treatment of interests set out in the Member Code of Conduct subject to first taking advice from the Independent Person.

- 18.40 In relation to allegations of breaches of the Member Code of Conduct:

- i receive allegations in relation to Member Conduct.
- ii to undertake such investigation as he/she may consider necessary to make a decision upon how the complaint will be addressed by the Council.
- iii to make a decision on how the allegation will be addressed subject to such decision being made in accordance with the procedure set out below.

Procedure in relation to conduct of allegations relating to Member Conduct under this delegation:

- 18.40.1 Under s28 of the Localism Act 2011 the Council is required to have in place arrangements under which allegations can be investigated and arrangements under which decisions on allegations can be made;
- 18.40.2 Before making a decision upon an allegation the authority is required to put in place arrangements under which the views of an independent person appointed by the authority are sought and taken into account in its decision;
- 18.40.3 The procedure set out below describes the approach that the Council has adopted to fulfil this requirement.

Process

- 18.40.4 Upon receipt of an allegation the Monitoring Officer shall:
 - i acknowledge receipt of the allegation
 - ii take such steps as may be necessary to clarify the detail of the allegation with the complainant

and thereafter:

 - iii notify the member against whom the allegation is made of the nature of the allegation and the reasons why the complainant believes that the Code of Conduct has been breached and require a response from the member to the allegation within 15 clear days.
 - iv where the member is a member of the political group on the Council, provide a copy of the information provided at (iii) above, to the group leader of the political group to which the member belongs.

- 18.40.5 The procedure set out below describes the approach that the Council has adopted to fulfil this requirement;
- 18.40.6 Following receipt of the member's written response the Monitoring Officer may interview the member against whom the allegation is made to inform a decision upon what action to take upon the allegation;
- 18.40.7 Where no written response is received the Monitoring Officer shall send a **final notification** to the member against whom the allegation is made that he/she intends to make a determination upon the allegation unless a response is received within a further 10 clear days;
- 18.40.8 Following receipt of the member's response or 10 clear days after issuing a **final notification** to the member against whom the allegation is made, whichever is the sooner, the Monitoring Officer shall consider the decision he/she proposes to take upon the allegation, which may include:
- a taking no action on the complaint
 - b arranging mediation or conciliation or such appropriate alternative steps agreed by the independent person to facilitate resolution of the complaint or improvements to governance within the Council
 - c determining that the allegation should be referred to the member's Group Leader, (or where the complaint is in relation to a Group Leader, the member's Group Secretary) with the Monitoring Officer's findings on the allegation, for the group to decide what action it will take upon the matter.
- 18.40.9 Forward a copy of the allegation to the Independent Person with a summary of the issues and the Monitoring Officer's proposed decision;
- 18.40.10 Within 20 clear days of the notification by the Monitoring Officer of his/her proposed course of action the independent person shall indicate whether he/she agrees with the Monitoring Officer's proposed decision;
- 18.40.11 If the independent person agrees with the Monitoring Officer's proposed course of action the Monitoring Officer shall notify the person making the proposed decision the Monitoring Officer may proceed to implement the proposed decision;

- 18.40.12 If the independent person disagrees with the Monitoring Officer's proposed course of action or the complainant or the Member declines to co-operate with the implementation by the Monitoring Officer;
- 18.40.13 At the convened meeting the Monitoring Officer shall review the decision he/she proposes to take upon the allegation, and determine what action to take, if any, giving precedence to the opinion of the independent person on matters other than the interpretation of the law. The Monitoring Officer may:
- a take no action on the complaint
 - b arrange mediation or conciliation or such appropriate alternative steps agreed by the independent person to facilitate resolution of the complaint or improvements to governance within the Council
 - c determine that the allegation should be referred to the member's Group Leader (or where the complaint is in relation to a Group Leader, the member's Group Secretary) with the Monitoring Officer's findings on the allegation, for the group to decide what action it will take upon the matter.
- 18.40.14 Where the Monitoring Officer determines the allegation, the Monitoring Officer shall record in writing his/her reasons for that decision and the decision shall be published on the Council's website;
- 18.40.15 The Monitoring Officer shall also publish on the Council's website the findings of a political group's determination following the referral by the Monitoring Officer.

Duty to provide resources to the Chief Finance Officer and Monitoring Officer

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

19

Proper Officers of the Council

Appointment of Proper Officers

- 19.1 The Chief Executive, and each Director or Assistant Director are the proper officers for all purposes relating to his/her Area of Responsibility.

- 19.2 The Council designates the following posts to be the proper officer for the functions indicated in the table below. The Chief Executive shall, where necessary, appoint a proper officer for the discharge of Council functions where any appointment is required.
- 19.3 Where in any legislation reference is made to a Proper Officer of the Council and no officer has been appointed by the Council to act for that purpose, then the Chief Executive will be deemed to be the Proper Officer until a resolution is passed by the Council appointing a particular officer as Proper Officer for that purpose. If the Chief Officer is unable to act, this power shall be delegated to the Corporate Director, if the Corporate Director is unavailable, to the Monitoring Officer.

Public Health Act 1936

Section	Description	Proper Officer
85	Officer responsible for applying to Magistrates to compel a person to attend a cleansing station.	Director of Public Health

Births and Deaths Registration Act 1953

Section	Description	Proper Officer
13	Registration of name of child or alteration of name.	Head of Customer Services

Local Authority Social Services Act 1970

Section	Description	Proper Officer
6	Role of Director of (Adult) Social Services.	Assistant Director (Adult Social Care)

Children Act 2004

Section	Description	Proper Officer
18	Role of Director of Children's Services	Director of Children and Family Services

Local Government Act 1972

Section	Description	Proper Officer
83(1) – (4)	Officer to whom persons elected shall make declaration of acceptance of office: Mayor, Deputy Mayor, Councillor	Director of Legal Services and Partnerships
84	The Officer to whom a person elected to any office under the Borough Council may give written notice of resignation.	Director of Legal Services and Partnerships
88(2)	The Officer who may convene a meeting of the Council for the election to fill a vacancy.	Director of Legal Services and Partnerships

89(1) (b)	The Officer who may receive notice in writing of a casual vacancy in the office of Councillor from two local government electors	Director of Legal Services and Partnerships
96(1)	Receipt of notices of personal and disclosable pecuniary interests.	Assistant Director (Legal and Governance)
96(2)	The Officer who shall keep the record of disclosures of personal and disclosable pecuniary interests	Assistant Director (Legal and Governance)
100B (2)	Exclusion from reports open to inspection, parts relating to items during which the meeting is likely not to be open to the public.	Assistant Director (Legal and Governance)
100B (7)(c)	The supply to the press of additional material supplied to Members of the Council in connections with items of business to be discussed.	Assistant Director (Legal and Governance)
100C (2)	Preparation of a written summary of those parts of the proceedings of a Committee which disclose exempt information.	Assistant Director (Legal and Governance)
100D (1)(a) and (5)(a)	Officer responsible for identifying background papers and compiling lists of such documents.	Assistant Director (Legal and Governance)
100F (2)	Making of decisions as to documents disclosing exempt information which are not required to be open to inspection by Members of the Council.	Assistant Director (Legal and Governance)
115(2)	The Officer who shall receive all money due from every officer employed by the Council.	Chief Finance Officer
146(1) (a) and (b)	The Officer who shall give statutory declarations and certificates with regard to securities on the change of name or status.	Chief Finance Officer
151	The Officer responsible for the proper administration of financial affairs.	Chief Finance Officer
191(2) and (4)(b)	The Officer to whom applications under Section 1 of the Ordnance Survey Act 1842 should be sent.	Director of Legal Services and Partnerships
210(6) and (7)	The Officer to whom where immediately before 1 st April 1974, any power of property held by the council with respect to a charity shall be vested to.	Director of Legal Services and Partnerships
225(1)	The officer who receives the deposit of Documents and consequently has	Assistant Director (Legal

	responsibility for the making of notes or endorsements and receipts	and Governance)
229(4) and (5)	The Officer who shall certify that a document is a photographic copy of a document in the custody of the Council.	Assistant Director (Legal and Governance)
234	The Officer who may authenticate documents.	Head of Governance
236(9)	The Officer who is responsible for sending certified copies of byelaws to appropriate bodies.	Assistant Director (Legal and Governance)
238	The Officer who shall certify copies of byelaws as true copies.	Assistant Director (Legal and Governance)
248(2)	The officer who shall keep the roll of Freemen and Freewomen in the City.	Director of Legal Services and Partnerships
Schedule 12	This schedule regulates the meetings and proceedings of local authorities.	Assistant Director (Legal and Governance)
Para 4(3) Schedule 12	The Officer who may receive notice from a member of the address to which a summons to a meeting has been sent.	Assistant Director (Legal and Governance)
Para 25(7) Schedule 14	The Officer who may certify copies of resolutions passed under the Public Health Acts 1875 to 1925 as true copies for production in legal proceedings.	Assistant Director (Legal and Governance)

Local Government Act 1974

Section	Description	Proper Officer
30(5)	The Officer who must effect publication in newspapers of the reports for Local Commissioner.	Assistant Director (Legal and Governance)

Local Government (Miscellaneous Provisions) Act 1976

Section	Description	Proper Officer
41	The Officer responsible for certifying copies of resolutions, minutes and other documents	Assistant Director (Legal and Governance)

Representation of the People Act 1983

Section	Description	Proper Officer
8	Electoral Registration Officer	Chief Executive
28	Acting Returning Officer (Parliamentary Elections)	Chief Executive
35	Returning Officer (Local Government Elections)	Chief Executive

Public Health (Control of Diseases) Act 1984

Section	Description	Proper Officer
48	Removal of body from mortuary for immediate burial	Director of Public Health
59	Authentication of documents	Director of Public Health
60	Service of notification and other documents	Director of Public Health

Weights and Measures Act 1985

Section	Description	Proper Officer
72	The appointment of inspectors in relation to weights and measures.	Director of Public Health

Public Health (Infectious Diseases) Regulations 1988

Section	Description	Proper Officer
All	These regulations prescribe the duties of the proper officer with respect to notifications, reports of disease and measures for preventing the spread of disease.	Director of Public Health

Local Government and Finance Act 1988

Section	Description	Proper Officer
114	The Officer responsible for making a financial report to the authority.	Chief Finance Officer

Local Government and Housing Act 1989

Section	Description	Proper Officer
4	Head of Paid Service	Chief Executive
5	Monitoring Officer	Assistant Director (Legal and Governance)
19	Receipt of information about Members' direct and indirect pecuniary interests.	Assistant Director (Legal and Governance)

The Food Safety 1990

Section	Description	Proper Officer
49	Notices to be signed by proper officer.	Director of Public Health

Environmental Protection Act 1990

Section	Description	Proper Officer
149	Officer responsible for dealing with stray dogs	Head of Public Protection

Local Government (Committees and Political Groups) Regulations 1990

Section	Description	Proper Officer
8(1) and (5)	Officer to whom notice is delivered about the constitution of a political group, or the change of name of a political group.	Assistant Director (Legal and Governance)
9 and 10	Officer to whom notice is delivered about a Councillor's membership of, or cessation of membership of a political group.	Assistant Director (Legal and Governance)
13	Officer to whom the wishes of a political group are expressed.	Assistant Director (Legal and Governance)
14	Officer responsible for notifying a political group about allocations and vacations of seats.	Assistant Director (Legal and Governance)

Local Government Act 2000/Localism Act 2011

Section	Description	Proper Officer
66	Matters referred to the Monitoring Officer.	Assistant Director (Legal and Governance)
81	Registers of Members' Interests and other Monitoring Officer functions.	Assistant Director (Legal and Governance)
92	Compensation for maladministration	Assistant Director (Legal and Governance)

The Local Authorities (Referendums) (Petitions and Directions) (England) Regulations 2000

Section	Description	Proper Officer
4(2)	Officer who publishes the number that is equal to 5% of the number of the local government electors for the authority's area.	Assistant Director (Legal and Governance)

The Local Authorities (Executive Arrangements) (Access to Information) (England) Regulations 2000

Section	Description	Proper Officer
3(1)	Officer responsible for producing a written statement of all executive decisions made at a public or private meeting of Cabinet, including the information specified in regulations 3(2).	Assistant Director (Legal and Governance)

5(1)	Officer responsible for ensuring that a copy of the following documents is available for public inspection.	Assistant Director (Legal and Governance)
6	Officer responsible for compiling a list of background papers to the report referred to in regulation 5 above.	Assistant Director (Legal and Governance)
9(2)	Officer who may exclude whole or part of any report provided for public inspection under regulation under 11(1), where the part excluded relates to a matter for which the proper officer considers a meeting not likely to be open to the public.	Assistant Director (Legal and Governance)
11(7)(c)	Officer who may supply to a newspaper a copy of any document supplied to Cabinet members, if she or he thinks fit.	Assistant Director (Legal and Governance)
12(1)	Officer responsible for publishing the information relating to key decisions specified in regulation 12.	Assistant Director (Legal and Governance)
15(1)	Officer responsible for doing the following where the inclusion of a matter on the forward plan is impracticable and the matter would be a key decision: <ul style="list-style-type: none"> giving notice to the Chair of the relevant overview and scrutiny committee making that notice available for public inspection 	Assistant Director (Legal and Governance)
17(3) and (4)	Officer responsible for determining whether compliance with regulations 17(1) and (2) would involve the disclosure of either exempt information or advice provided by a political advisor or assistant	Assistant Director (Legal and Governance)

The Local Authorities (Standing Orders) (England) Regulations 2001

Section	Description	Proper Officer
Paras 5 and 6 of Part II of Schedule 1	Officer for receiving notification of proposed appointment of certain officers, notifying executive members of that proposed appointment and for receiving and notifying of objections to the proposed appointment.	Assistant Director (Legal and Governance)

Anti-social Behaviour Act 2003

Section	Description	Proper Officer
40	Officer who is able to close noisy premises	Director of Public Health

Cremation Regulations 1930

Regulation	Description	Proper Officer
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7	Registrar for Cremation	Head of Customer Services
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Registration Services Act 1993 and Registration of Births, Deaths and Marriages Regulations 1968 to 1994

Section	Description	Proper Officer
9(1), 9(2), 13(2)(h), 13(3)(b) and 20(b)	Registration Services	Head of Customer Services

Traffic Management Act 2004

Section	Description	Proper Officer
17	Traffic Manager	Highway Network Traffic Manager

Port Marine Safety Code 2016

Section	Description	Proper Officer
1.11	Designated Person with responsibility for the management and implementation of the River Hull Port Safety Plan	Bridge Inspection and Maintenance Engineer

The Safety Advisory Group

Section	Description	Proper Officer
Guidance	Designated Person with responsibility for chairing the City Safety Advisory Group	Events and Sports Ground Safety Manager

The Sports Ground Safety Authority Act 2011

Section	Description	Proper Officer
1	Designated Person with responsibility for the management of the Council's responsibilities for safety within Sports grounds	Events and Sports Ground Safety Manager

Counter Terrorism and Security Act 2015

Section	Description	Proper Officer
36	Designated Person with responsibility for the management and implementation of the Prevent and Channel obligations within the Counter Terrorism and Surveillance Acts	Head of Community Safety and Partnerships

Housing Act 2004

Section	Description	Proper Officer
4, 239 249	Inspection by local housing authority to see whether Category 1 or 2 hazards exist.	Assistant Director (Neighbourhoods and Housing)

Local Elections (Principal Areas) (England and Wales) Rules 2006

Section	Description	Proper Officer
All	The Officer to whom all references to the Proper Officer in these rules relate	Chief Executive

Local Democracy, Economic Development and Construction Act 2009

Section	Description	Proper Officer
10-22	Petition Scheme, to take decisions on the validity of petitions and related matters	Assistant Director (Legal and Governance)
31	Scrutiny Officer	Head of Governance

Coroners and Justice Act 2009

Section	Description	Proper Officer
S1	Coroner	Coroner

Building Act 1984

Section	Description	Proper Officer
S78	The Proper Officer in respect of powers contained in Section 78 of the Building Act 1984, that is to act as "the surveyor" empowered to take and authorise emergency action in respect of damage and dangerous buildings, walls etc, and to order the demolition of buildings rendered dangerous by fire damage, without the prior authorisation of the Council	Assistant Director (Economic Development and Regeneration)

Data Protection Act 2018 and General Data Protection Regulation and Caldicott Committee

Section	Description	Proper Officer
S69	Data Protection Officer	Information and Data Protection Manager
	Role of Caldecott Guardian and obligations under the Review of Patient-Identifiable Information (1997) and Information: to Share or not to Share (2013),	Adults: Head of Performance and Compliance Children: Strategic Lead for Improvement, Performance and Quality

20

Chief Officers' Area of Responsibility

20.1 In carrying out the functions that fall within the Chief Officer's Area of Responsibility, the relevant Chief Officer will agree arrangements for consultation with the relevant Cabinet Portfolio Member(s) and will refer for decision to the Leader, Cabinet or a Cabinet Member with delegated powers, executive matters which fall within the definition of "Key Decision". In the absence of the Assistant Director a Director may exercise any function within the Areas of Responsibility of an Assistant Director who reports to them, with the exception of decisions that are the responsibility of the Monitoring Officer, such decisions must be made by the Monitoring Officer or Deputy Monitoring Officer.

20.2 Where in this Constitution reference is made to the Area of Responsibility of a Director or Assistant Director the Area of Responsibility includes:

20.3 Chief Executive

20.3.1 Leadership and Direction;

20.3.2 Principal adviser on strategy and policy;

20.3.3 Structuring the Council staff so as to ensure translation of national legislation into effective local policy planning, performance management and reporting.

20.3.4 Co-ordination of the delivery of services by the Council's Chief Officer team;

20.3.5 Co-ordinating the delivery of core services to the Community;

20.3.6 Acting as Returning Officer for Council Elections in accordance with Section 35 of the Representation of the People Act 1983 (the 1983 Act);

20.3.7 Acting as Electoral Registration Officer for the City in accordance with Section 8 of the 1983 Act;

20.4 Director of Legal Services and Partnerships

The exercise of the role of the Council's Chief Legal, Procurement and Monitoring officer, including:

20.4.1 Acting as the Chief Procurement Officer;

20.4.2 Co-ordination of partnership working and Housing, Neighbourhoods and Customer Services;

- 20.4.3 Overseeing the management of the Council's Overview and Scrutiny functions;
- 20.4.4 Receiving and responding to expressions of interest under Community Right to Challenge, under Part 5, Chapter 2 of the Localism Act 2011;
- 20.4.5 Acting as the Council's Senior Information Risk Officer
- 20.4.6 Acting as Deputy Returning Officer for Council Elections in accordance with Section 35 of the Representation of the People Act 1983 (the 1983 Act);
- 20.4.7 Acting as Deputy Electoral Registration Officer for the City in accordance with Section 8 of the 1983 Act;
- 20.4.8 The appointment Review Boards under Regulations under Section 34(4) (Determination of Claims and Reviews) of the Social Security Act 1998;
- 20.4.9 The making of payments or provide other benefits in cases of maladministration in accordance with Section 92 of the Local Government Act 2000 (as amended).
- 20.4.10 The grant of consent to written resolutions of any company of which the Council is a shareholder;
- 20.4.11 The appointment of Members as proxies to attend and vote at shareholders meetings of any company of which the Council is a shareholder;
- 20.5 **Through the Head of Customer Services:**
 - 20.5.1 The Registration of Births, Deaths and Marriages pursuant to Schedule 29 paragraph 41 of the Local Government Act 1972 including administration of the arrangements for the licensing of premises under the Marriage Act and the appointment of staff.
 - 20.5.2 The approval of premises for the solemnization of marriages and the registration of civil partnerships.
 - 20.5.3 The appointment of Coroners.
 - 20.5.4 Dealing with the payment of Coroner's remuneration and expenses.
 - 20.5.5 Burial and cremation;

- 20.5.6 The operation and commissioning of customer service centres with the exception of major changes in the pattern of the provision and permanent closure.

20.6 **Assistant Director (Legal and Governance)**

The exercise of the role of the Council's Chief Legal and Monitoring officer, including

- 20.6.1 Coordinating the Member Training and Development Programme including;
- management of the approved Member Training and Development Budget and;
 - authorisation of Member attendance at conferences, seminars and other training and development events in consultation with the Leader;
- 20.6.2 Acting as the Registrar of Local Land Charges;
- 20.6.3 Reviewing decisions made by the Assistant Director (Property and Assets), relating to the list of assets of community value;
- 20.6.4 Amending the Constitution where necessary to reflect changes in the law or decisions of council bodies or to correct inaccuracies;
- 20.6.5 In relation to legal documents:
- 20.6.5.1 Preparing all contracts for the sale or purchase of Council Land and property and all leases, tenancy agreements or other agreements affecting Council land or property including easements or any interest in land;
- 20.6.5.2 Settling legal documents other than those mentioned above relating to or affecting the functions of the Council;
- 20.6.5.3 Signing all formal documents intended to give effect to decisions of a council body.
- 20.6.6 The provision of professional technical skills to enable delivery of the Council's requirements in relation to project design and project management delivery;
- 20.6.7 Signing any notice, demand or other document on behalf of the Council in connection with any actual or contemplated legal or enforcement proceedings;

- 20.6.8 Generally, the institution, defending and conduct of any legal proceedings relating to the Council's functions or affecting the property, rights or interests of the Council;
- 20.6.9 Authorising named officers to appear on behalf of the Council in legal proceedings in the Magistrates' Court pursuant to Section 223 Local Government Act 1972;
- 20.6.10 The issue of simple and conditional cautions to persons guilty of criminal offences in accordance with PACE and the Home Office Guidance;
- 20.6.11 Authorising Officers to institute and or defend on behalf of the Council any legal proceedings which the Council by itself, or by a duly empowered Committee, may decide to take. In this respect, nominated staff are hereby authorised to appear in Court in person, or to be represented by a duly appointed officer of the Council in accordance with Section 223 of the Local Government Act 1972 or to be represented by a duly instructed lawyer;
- 20.6.12 Settling any action in any court or tribunal in which the Council is a party or where legal proceedings are indicated providing that any settlement exceeding £75,000 will be subject to prior consultation with the Leader or Deputy Leader of the Council except in cases of urgency where the settlement is made on the advice of Counsel;
- 20.6.13 The settlement of claims from staff for damage to personal property in accordance with the Council's policies;
- 20.6.14 To make arrangements in relation to appeals against the exclusion of pupils from maintained schools.
- 20.6.15 To make arrangements pursuant to Sections 94(1), (1A) and (4) of the Schools Standards and Framework Act 1998 (Admission Appeals).
- 20.6.16 To make arrangements pursuant to Section 95(2) of the Schools Standards and Framework Act 1998 (Children to whom Section 87 applies; Appeals by Governing Bodies).
- 20.7 **Assistant Director (Organisational Development and Human Resources)**
 - 20.7.1 The promotion and monitoring of employee relations;
 - 20.7.2 Workforce development;
 - 20.7.3 Recruitment, retention and conditions of service;

- 20.7.4 Equalities and Diversity including advice upon Equality Impact Assessments;
 - 20.7.5 Dismissal, retirement and disciplinary procedures;
 - 20.7.6 Facilitation of training, learning and development for all employees;
 - 20.7.7 Approving the regrading of posts below Assistant Director level;
 - 20.7.8 Implementing the Council's decisions in relation to Single Status and Job Evaluation;
 - 20.7.9 Offering alternative employment to any permanent employee who becomes surplus to the requirements of a Service or whose employment is at risk through reasons of ill health or other incapacity;
 - 20.7.10 Approval of applications for leave of absence in cases not covered by the Council's policies;
 - 20.7.11 Agreeing variations to the Council's scheme for payments towards removal expenses, lodging allowances and legal fees for new employees;
 - 20.7.12 To oversee the Council's responsibilities, as employer for Health and Safety and welfare matters.
- 20.8 **Managing Director (Building and Design)**
- 20.8.1 The management of the Council's statutory responsibilities in relation to the Council's Corporate Assets;
 - 20.8.2 The commissioning of the asset management services required to manage the Council's Corporate Assets;
 - 20.8.3 The management of the Council's energy needs.
- 20.9 **Assistant Director (Neighbourhoods and Housing)**
- 20.9.1 The exercise of the functions of the Council in relation to strategic housing, including:
 - 20.9.1.1 Housing research;
 - 20.9.1.2 Housing welfare and homelessness;
 - 20.9.1.3 Housing related grants;

- 20.9.1.4 Home energy conservation and affordable warmth;
- 20.9.1.5 Harassment and unlawful eviction;
- 20.9.1.6 In consultation with the City Property and Assets Manager:
 - 20.9.1.6.1 The purchase of land for the purpose of Housing Regeneration;
 - 20.9.1.6.2 The sale or lease of property which is surplus to the requirements of the Housing Service;
- 20.9.2 determining the conditions to be included in tenancy agreements;
- 20.9.3 making any decisions necessary to comply with the Council's obligations to secure tenants in compliance with Housing legislation;
- 20.9.4 the determination of any applications for grant assistance pursuant to Housing legislation;
- 20.9.5 the allocation of tenancies in accordance with policies approved by the Council;
- 20.9.6 determining all requests for consents required by the terms of tenancy agreements;
- 20.9.7 authorising action to enforce a breach of condition in tenancy agreements, including in consultation with the Assistant Director (Legal and Governance) where necessary, the institution of legal proceedings;
- 20.9.8 exercising the Council's enforcement powers in relation to private sector housing;
- 20.9.9 authorising the implementation of any action necessary to recover monies due to the Council as a result of its exercise of the powers contained in Housing legislation;
- 20.9.10 the investigation and determination of all applications made to the Council under its powers and duties to deal with homelessness;
- 20.9.11 the authorisation of any expenditure required in the exercise of the Council's functions to assist the homeless;

- 20.9.12 Meeting the requirements set down by regulatory bodies in relation to Housing and Building Safety;
- 20.9.13 Responses on the Council's behalf to requests for consent to alterations to the Articles of Association of Large Scale Voluntary Transfer companies;
- 20.9.14 Community Engagement and Community Development;
- 20.9.15 Management of the Councillor's Gipsy and Traveller caravan sites;
- 20.9.16 In consultation with the Director of Legal Services and Partnerships, taking enforcement action under Sections 77, 78 and 79 of the Criminal Justice and Public Order Act 1994 in respect of the removal of unauthorised encampments and Section 1 of the Crime and Disorder Act 1998 and Section 85 of the Anti Social Behaviour Act 2003.

20.10 **Director of Regeneration**

- 20.10.1 Co-ordination the necessary resource to ensure the effective delivery of projects across services;
- 20.10.2 Deputising and exercising the functions delegated to the Chief Executive in the absence of the Chief Executive
- 20.10.3 Culture strategic lead including commissioning the delivery of museums, art galleries, theatres, arts development, and heritage services, with the exception of major changes in the pattern of the provision and permanent closure;
- 20.10.4 Ensuring compliance with the statutory duty pursuant to s7 of the Public Libraries and Museums Act 1964 that the Council continues to provide a comprehensive and efficient library service for all persons whose residence or place of work is within the City of Hull;
- 20.10.5 The co-ordination and delivery of communications and marketing;.
- 20.10.6 The functions of the council in relation to:
 - 20.10.6.1 Regeneration;
 - 20.10.6.2 Strategic Planning;
 - 20.10.6.3 Strategic Tourism;
 - 20.10.6.4 Town Twinning;

20.11 Assistant Director (Streetscene)

- 20.11.1 Maintaining and promoting open spaces, including:
 - 20.11.1.1 Landscaping, drainage repairs and play equipment within the Council's Parks and Open Space;
 - 20.11.1.2 Countryside services;
 - 20.11.1.3 Community and Highway, land;
 - 20.11.1.4 Rights of way, including enforcement;
 - 20.11.1.5 Waste Management and Recycling;
 - 20.11.1.6 Street Cleansing;
 - 20.11.1.7 Parking control.
- 20.11.2 Commissioning services related to Car Parking, Waste Management, Public Conveniences, Street Cleansing and the Streetscene;
- 20.11.3 The exercise of all of the Council's powers in relation to the temporary closure of footpaths.
- 20.11.4 The exercise of the Council's powers under the New Roads and Streetworks Act 1991 (the 1991 Act) in relation to:
 - 20.11.4.1 The grant of street-works licences under Section 50 of the 1991 Act.
 - 20.11.4.2 The issue of fixed penalty notices under Section 95A of the 1991 Act.
 - 20.11.4.3 The cancelation of penalty charge notices in respect of parking contraventions under the Civil Enforcement of Parking Contraventions (England) Representations and Appeals Regulations 2007.
- 20.11.5 The exercise of the Council's powers under the Road Traffic Act 1984 in relation to:
 - 20.11.5.1 The issue of fixed penalty notices to statutory undertakers who fail to issue correct notices to carry out works on the road network;
 - 20.11.5.2 The issue a penalty charge notice in connection with parking offences and part of the civil parking regime.

- 20.11.6 Dealing with the provision and maintenance of bus stop infrastructure in highways and, if necessary, land abutting highways.
- 20.11.7 Undertaking non-statutory consultations before implementing proposals to locate bus stop infrastructure.
- 20.11.8 The provision and operation of closed circuit television in accordance with the Criminal Justice and Public Order Act 1994 and the Private Security Industry Act 2001.
- 20.11.9 Emergency Planning and Civil Contingencies

20.12 **Assistant Director (Economic Development and Regeneration)**

The exercise of the functions of the Council

- 20.12.1.1 In relation to policy development for Spatial Planning, Regeneration and the Local Environment and Economy.
- 20.12.1.2 as Building Control Authority, including Building Regulations, dealing with the Council's functions in relation to neglected and derelict sites and buildings;
- 20.12.1.3 In relation to Conservation and Archaeology;
- 20.12.1.4 In relation to Common Land and Town and Village Greens;
- 20.12.1.5 The exercise, in consultation with the Assistant Director (Legal and Governance) of the Council's planning and building control enforcement functions, including the institution of legal proceedings and all associated secondary legislation as amended from time to time;
- 20.12.1.6 The licencing of market and street trading;
- 20.12.1.7 The determination of applications under s115 of the Highways Act 1980, save where there is a statutory objection following public consultation;
- 20.12.1.8 The provision and operation of services to support Adult Learning;
- 20.12.1.9 Within this Area of Responsibility, the Head of Planning has delegated authority from the Planning Committee to make decisions within the

scheme of delegation determined by the Council's Planning Committee (Appendix 1);

20.12.1.10 In the absence of the Head of Planning all the powers within this Area of Responsibility are exerciseable by the Assistant Director (Economic Development and Regeneration).

20.13 Assistant Director (Property and Assets)

- 20.13.1 The sale or lease of property which is surplus to the requirements of the service for which it is held;
- 20.13.2 The settlement of the terms for the purchase or lease of property the acquisition of which has been approved in principle by the relevant Cabinet Portfolio Member
- 20.13.3 The negotiation of the acquisition of wayleaves, licences and such other rights in relation to property as are required to facilitate the discharge of the Council's functions
- 20.13.4 The grant of applications for easements, rights of way, wayleaves, licences, covenants and consents affecting council land and property not materially affecting the use to which it is or might be put
- 20.13.5 The grant of leases for up to 7 years on any council owned property, whether or not it has been declared surplus to requirements
- 20.13.6 The carrying out of rent reviews and lease renewals, variations, assignments, sub-lettings, surrenders and other landlords' consents
- 20.13.7 The appropriation of land from one use to another where this is necessary to facilitate schemes to be carried out by or on behalf of the Council
- 20.13.8 The settlement of land compensation claims either under the provisions of Part 1 of the Land Compensation Act 1973 or as a result of the Council taking entry to property for borehole samples, surveys or other site investigations
- 20.13.9 The negotiation and agreement of the rating assessment and valuation of all council owned property, in consultation with the City Treasurer.

- 20.13.10 The issue of notices requiring the provision of information as to interests in land under Section 16 of the Local Government (Miscellaneous Provisions) Act 1976.
- 20.13.11 The agreement of abortive costs in the event of a transaction not proceeding in circumstances where the Council has a liability to pay costs.
- 20.13.12 As part of the appropriate management of the Council's assets, to authorise the demolition of Council buildings.
- 20.13.13 The referral of all unresolved objections to disposals and appropriations of Open Space and Public Walks and Pleasure Grounds as set out in Section 10 of the Open Spaces Act 1906 and Section 164 of the Public Health Act 1875 to the Planning Committee for determination.
- 20.13.14 The authorisation and maintenance of a list of assets of community value and the making of adjudications and decisions in relation thereto, as defined in Part 5, Chapter 3 of the Localism Act 2011.
- 20.13.15 Where land is held by the Council for the purpose of Housing, this Area of Responsibility is exercised in conjunction with the City Neighbourhoods and Housing Manager
- 20.13.16 Through the **Head of Corporate Property:**
The management of the Council's statutory responsibilities in relation to the Council's Corporate Assets;
- 20.13.17 The commissioning of the asset management services required to manage the Council's Corporate Assets;
- 20.13.18 The management of the Council's energy needs.
- 20.14 **Assistant Director (Major Projects)**
 - 20.14.1 **Major Projects, Highways, Schools and Parks and Open Spaces:**

Subject to consultation with Cabinet, Area Committees and responsible Service Areas, the strategic oversight and programme management of major projects, with the exception of Housing Projects and Bridges, undertaken either by the Council or in relation to which the Council acts as the lead organisation, as described below:
 - 20.14.2 **Major Projects**

Undertaking the role of Intelligent Client for the commissioning and delivery of Major Projects, with the exception of Housing Projects.

20.14.3 Schools: On behalf of and in consultation with the Director of Children and Family Services:

20.14.4 Managing the Council's landlord function in relation to the Educational Assets in the city for which the Council is responsible, including Private Finance Initiative funded schools, so as to ensure the Council's obligations in relation to those assets are met;

20.14.5 Commissioning and managing the delivery of capital works identified within the Schools Capital Programme developed from the School Sufficiency Strategies for both mainstream and Special Educational Needs school placements.

20.14.6 Parks and Open Spaces

Commissioning the plan for Asset Management and delivering capital investment in Parks and Open Spaces within the city including the development of the Open Spaces Strategy;

20.14.7 Harbours

The exercise, in consultation with the Assistant Director (Legal and Governance) of the Council's enforcement functions, including the institution of legal proceedings, under legislation and byelaws related to Bridges, the Harbour and the Streetscene, and updates to such legislation from time to time.

20.14.7.1 The authorisation of suitably qualified and competent staff within and other persons acting on behalf of the Council, for the purposes of discharging duties and powers under legislation and byelaws related to Bridges, the Harbour and the Streetscene, and updates to such legislation from time to time.

20.14.7.2 The discharge of the regulatory and enforcement functions of the Council under legislation related to Bridges, the Harbour and the Streetscene, and updates to such legislation from time to time.

20.14.7.3 The Council's obligations to ensure compliance with the Port Marine Safety Code through the River Hull Harbour Authority Safety Management System as updated from time to time.

20.14.8 Through the **Harbour Master** the Assistant Director (Major Projects)'s Area of Responsibility includes:

The issue of directions in relation to the management of the harbour in accordance with his powers pursuant to the Hull Docks Act 1774, Harbours, Docks and Piers Clauses Act 1847 (as amended by the Harbour Acts 1964), the North Eastern Railway (Hull Docks) Act 1893 and the Kingston upon Hull Corporation Act 1922 and subject to compliance with Customs Laws and Regulations:

20.14.8.1 For regulating the time at which and the manner in which any vessel shall enter into, go out of, or lie in or at the harbour, dock, or pier, and within the prescribed limits, if any, and its position, mooring or unmooring, placing and removing, whilst therein;

20.14.8.2 For regulating the position in which any vessel shall take in or discharge its cargo or any part thereof, or shall take in or land its passengers, or shall take in or deliver ballast within or on the harbour, dock, or pier;

20.14.8.3 For regulating the manner in which any vessel entering the harbour or dock or coming to the pier shall be dismantled, for the safety of such vessel and for preventing injury to other vessels, the harbour, dock, or pier, and the moorings;

20.14.8.4 For removing unserviceable vessels and other obstructions from the harbour, dock, or pier, and keeping the same clear;

20.14.8.5 For regulating the quantity of ballast or dead weight in the hold of each vessel in or at the harbour, dock, or pier;

20.14.8.6 For removal of wrecks and obstruction to the harbour, dock or pier and recovery of the costs relating thereto from the vessel owners;

20.14.8.7 For removal of unserviceable vessels from the harbour or docks at the expense of the owner;

- 20.14.8.8 The mooring, unmooring, placing or remove vessels within the prescribed limits of the harbour as he shall think fit or if there is no person on board to attend to such directions, to cause the same to be carried out and to recover the costs thereof from the owner;
- 20.14.8.9 Relating to the dismantling of vessels;
- 20.14.8.10 For vessels to have hawsers, towlines or fasts fixed to moorings;
- 20.14.8.11 For the removal of vessels for the purpose of repairing, scouring or cleansing the harbour, dock or pier, and to remove the same if the master thereof neglects or refuses so to do;
- 20.14.8.12 For the discharging of cargo and the placing of discharged vessels within the harbour, including the power to remove the same and recover the costs in the event that the direction is not followed;
- 20.14.8.13 For removal of goods from the quays, in the event that the goods are left lying there longer than allowed by byelaws and to recover the costs thereof;
- 20.14.8.14 For removal of combustible matter on the quays to a place of safety;
- 20.14.8.15 For guarding combustible matter during the night on the quays or works connected with the harbour, docks or pier, and recovering the cost of the same from the owner;
- 20.14.8.16 The entry of vessels within the harbour, pier or dock to search for and extinguish fires or lights;
- 20.14.8.17 The detention of vessels of those answerable for damage done by a vessel, and;
- 20.14.8.18 The erection of lighthouses and laying down of buoys.

20.14.8.19 Through the **Head of Place and Highways Infrastructure**

The authorisation of the placing of street furniture and small structures within highway limits, including the erection of posts and bollards, and the laying of pipes and other incidental works, including hard-standing and the approval of the placing of apparatus over, in or under the highway, in accordance with S.50 New Roads and Street Works Act 1991;

20.14.8.20 The determination of applications for street permits upon the Highway, including the permitting of scaffolding and skips;

20.14.8.21 The determination of applications for the construction of vehicle crossings over footways and verges and commissioning the works required to construct such crossings where necessary;

20.14.8.22 The authorisation of suitably qualified and competent staff and other persons acting on behalf of the Council, for the purposes of discharging duties and powers under legislation and byelaws related to Highways, and updates to such legislation from time to time.

20.14.8.23 The commissioning of works to Highways and Bridges.

20.14.9 Through the **Head of Highways, Transport Strategy and Design**:

20.14.9.1 The authorisation of entry into agreements pursuant to Section 38 and s278 of the Highways Act 1980 to adopt and thereafter maintain highways at public expense;

20.14.9.2 The provision of Highways advice to the Portfolio Holder and the Director of Legal Services and Partnerships and Assistant Director (Streetscene) upon the issue of Traffic Regulation orders within the city;

20.14.9.3 The authorisation of applications to the Court to stop up the highway.

20.15 **Head of Culture, Place and City Centre**

20.15.1 Subject to consultation with the Portfolio Holder, Ward Members through Area Committees, and Hull Culture and Leisure, responsibility for the development of cultural strategy and the co-ordination of activity, advice and information toward the promotion of the city as a destination for the Arts, culture and leisure including:

- 20.15.2 The exercise of the Council's functions in relation to Event Management and the organisation of events managed or commissioned by the Council within the city boundaries.
- 20.15.3 The co-ordination and provision of advice and information to the Safety Advisory Group in relation to event management in the city;
- 20.15.4 The development and retention of volunteering in relation to cultural activity within the city;
- 20.15.5 The development of partnerships to promote the city as a tourism and business conference destination.
- 20.15.6 Through the **Events and Sports Ground Safety Manager** the safe management of Events and Sports Grounds in the city.

20.16 **Director of Children and Family Services**

- 20.16.1 the Council's role as Children's Services Authority;
- 20.16.2 leading and coordinating the local Safeguarding Children Board in accordance with legislation and guidance;
- 20.16.3 undertaking joint collaborative action as appropriate with the National Health Service and other partner organisations for the planning and provision of jointly operated services within the Council's area, including the development of Co-operation Agreements and Partnerships Agreements for joint working arrangements;
- 20.16.4 co-ordinating the transition of service provision for children who will require services into adulthood;
- 20.16.5 provision, operation, commissioning and variation of payments to external providers in respect of services for children;
- 20.16.6 meeting the requirements as set down by regulatory bodies in relation to the operation of services within Children's Services.

20.17 **Assistant Director (Children's Safeguarding)**

- 20.17.1 Social Services so far as those functions relate to:
 - 20.17.1.1 children; or

20.17.1.2 children and young people leaving care;

20.17.2 The making of applications under the Forced Marriage (Civil Protection) Act 2007;

20.17.3 the provision of assessment and treatment services for children and young people in accordance with the Mental Health Act 2007.

20.18 Assistant Director (Learning and Skills)

20.18.1 the Council's role as Local Education Authority including its role in relation to the Schools Forum, Learning Partnership and its role in commissioning 14-19 education as determined by the Education and Skills Act 2008 and any subsequent legislation relating to education and training for young people;

20.18.2 The management of community, voluntary aided, voluntary controlled and foundation schools and the relationship through the Learning Partnership with schools transferred to Multi-Academy Trusts;

20.18.3 The Council's duties in relation to children with an Education, Health and Care Plan and/or with Special Educational Needs;

20.18.4 The licensing the employment of children under Part II of the Children and Young Person Act 1933 Bylaws made under that part, and Part II of the Children and Young Person Act 1963.

20.19 Strategic Lead for Early Help and Prevention

20.19.1 The provision and operation of Early Help and Family Support and Children's Centres

20.19.2 The provision and operation of Targeted Youth Services including those included within the Headstart programme

20.19.3 The provision and operation of services relating to Youth Offending

20.19.4 The provision and operation of vocational training and allied services for persons over compulsory school age and the promotion of arrangements to assist persons to obtain employment and employers to obtain employees;

20.20 Strategic Lead Performance and Quality

- 20.20.1 The management of the Safeguarding Partnership and the Caldecott Guardian functions
- 20.20.2 The provision of assurance upon Service Quality and Performance
- 20.20.3 Lead commissioner for services required across the Directorate.

20.21 Director of Public Health

- 19.54.1 The production, in consultation with the Director of Children and Family Services of the Joint Strategic Needs Assessment pursuant to the Council's responsibilities set out in Section 116 of the Local Government and Public Involvement in Health Act 2007 for Health & Social Care needs.
- 19.54.2 The development with partners of a Joint Health and Wellbeing Strategy for the Council's area.
- 19.54.3 Deputising and exercising the functions delegated to the Chief Executive in the absence of the Chief Executive
- 19.54.4 Meeting the requirements as set down by regulatory bodies in relation to the employment, registration and training of all registerable staff within Public Health and Protection.
- 19.54.6 The preparation of the Director of Public Health's Annual Report.
- 19.54.7 The power to appoint Proper Officers and alternate Proper Officers for the Authority for matters relating to Public Health, Port Health and the Control of Infectious Disease.

20.22 Assistant Director (Early Intervention)

- 20.22.1 The development and implementation of the Council's strategy for Community Cohesion in partnership with the Assistant Director of Housing and Neighbourhoods and the Head of Customer Services.
- 20.22.2 The provision, operation and commissioning of services to Troubled Families;
- 20.22.3 The provision, operation and commissioning of a Community Safety service;

- 20.22.4 The coordination of the Council's response to Section 17 of the Crime and Disorder Act 1998 and ensure the crime and disorder implications of the Council's decisions are properly considered;
- 20.22.5 The provision of advice on community safety issues to all council services and provision of support and advice to statutory partnerships upon community safety/crime and disorder;
- 20.22.6 The discharge of the regulatory and enforcement functions of the Council in relation to anti-social behaviour including the Anti-Social Behaviour Act 2003, Crime and Disorder Act 1998, the Localism Act 2011.

20.23 Assistant Director (Health and Well being)

- 20.23.1 The authorisation of suitably qualified and competent staff to act on behalf of the Council, for the purposes of discharging duties and powers under legislation relating to Health and Wellbeing.
- 20.23.2 The delivery of the prescribed health protection functions delegated to the Council from time to time by the Secretary of State pursuant to the National Health Service Act 2006, including:
 - 20.23.2.1 Sexual Health Services (Contraception and Sexually Transmitted Infection testing and treatment);
 - 20.23.2.2 The provision to National Health Service Commissioners of public health advice;
 - 20.23.2.3 the National Child Measurement Programme;
 - 20.23.2.4 the National Health Service Health Check programme and;
 - 20.23.2.5 the Healthy Child Programme for 5 to 19 year olds.
- 20.23.3 Working in collaboration with the prison service to improve the health of prisoners pursuant to section 325 of the Criminal Justice Act 2003
- 20.23.4 The exercise, as appropriate, the statutory powers in relation to the non-prescribed public health functions including:
 - 20.23.4.1 Sexual health services;
 - 20.23.4.2 Services to reduce obesity;

- 20.23.4.3 The promotion of physical activity;
- 20.23.4.4 Services to address drug and alcohol misuse;
- 20.23.4.5 Services to address substance misuse;
- 20.23.4.6 Services designed to stop smoking and control tobacco use;
- 20.23.4.7 Public health programmes designed for children between 5 and 19 years;
- 20.23.4.8 Miscellaneous health services including:

Provision, operation and commissioning of a Health Improvement service.

20.24 Through the **Head of Service (Public Protection)**:

The exercise of the Council's statutory functions in relation to:

- 20.24.1 Pest Control;
- 20.24.2 Animal Welfare/Infectious Disease Control;
- 20.24.3 Trading Standards and Consumer Protection;
- 20.24.4 Scientific Services;
- 20.24.5 The exercise of the Council's functions including licensing, registration, making of orders, issue of notices and enforcement in respect of the following matters referred to in Schedule 1 to the Local Government (Functions and Responsibilities) Regulations 2000:
 - 20.24.5.1 Performances of hypnotism;
 - 20.24.5.2 Premises for acupuncture, tattooing, ear piercing and electrolysis;
 - 20.24.5.3 Pleasure boats and pleasure vessels;
 - 20.24.5.4 Night cafes and take-away food shops;
 - 20.24.5.5 Sale of non-medicinal poisons;
 - 20.24.5.6 Premises for the preparation of food including registration;
 - 20.24.5.7 Scrap yards;

- 20.24.5.8 Pet shops and the breeding and boarding of dogs or other animals;
- 20.24.5.9 Animal trainers;
- 20.24.5.10 Knackers' yards;
- 20.24.5.11 Charitable collections;
- 20.24.5.12 Operation of loudspeakers;
- 20.24.5.13 Street works licences;
- 20.24.5.14 Movement and sale of cattle and pigs;
- 20.24.5.15 Storage of celluloid;
- 20.24.5.16 Meat, fish, dairy and egg product establishments and butchers' shops;
- 20.24.5.17 Motor salvage operations;
- 20.24.5.18 Health and safety at work;
- 20.24.5.19 Smoke-free premises;
- 20.24.5.20 Caravan and camping sites and moveable dwellings;
- 20.24.5.21 Classification of films;
- 20.24.6 The exercise of the Council's functions in relation to:
 - 20.24.6.1 the control of pollution and the management of air quality;
 - 20.24.6.2 statutory nuisances, as referred to in Schedule 2 to the 2000 Regulations;
 - 20.24.6.3 contaminated land.
- 20.24.7 The determination of applications for approval of drainage systems submitted pursuant to Schedule 3 of the Flood and Water Management Act 2010.
- 20.24.8 The exercise, in consultation with the Assistant Director (Legal and Governance) of the Council's licensing, approval, registration and enforcement functions, including the institution of legal proceedings and all associated secondary legislation as amended from time to time.

- 20.24.9 The grant of authorisations in relation to illegal money lending and unfair trading practices.
 - 20.24.10 The agreement of transfers and assignments under health and safety legislation to change Enforcing Authority responsibilities.
 - 20.24.11 The power to appoint Public Analyst, Agricultural Analyst and Food Examiner for the Council.
 - 20.24.12 Through the **Licensing Manager** and in accordance with the scheme of delegation (Appendix 2) determined by Licensing Committee from time to time the exercise of the power to authorise, suspend, vary, transfer, extend or revoke permits, licences, certificates, registrations and approvals issued under the Public Protection legislation.
 - 20.24.13 Through the **Licensing Manager** and in accordance with the scheme of delegation determined by Licensing Committee from time to time (Appendix 3) the determination of applications and matters in relation to Licensing and Gambling.
 - 20.24.14 Through the **Licensing Manager** and in accordance with the scheme of delegation determined by Licensing Committee from time to time (Appendix 4) the exercise of the functions of the Council relating to the licensing of Hackney Carriage and Private Hire vehicles.
 - 20.24.15 Save that in the absence of the Assistant City Manager (Public Protection) and the Licensing Manager all the powers within this Area of Responsibility are exerciseable by the Assistant Director.
- 20.25 **Assistant Director (Director of Adult Social Care)**
- 20.25.1 Social Services so far as those functions relate to adults;
 - 20.25.2 functions exercisable on behalf of a NHS body so far as it relates to adults;
 - 20.25.3 leading and coordinating the local Safeguarding Adults Board in accordance with legislation and guidance;
 - 20.25.4 meeting the requirements as set down by regulatory bodies in relation to the operation of services within Adult Social Care;
 - 20.25.5 co-ordinating and facilitating the transition of service provision for young people who require services into adulthood together with the Director of Children and Family Services;

- 20.25.6 responsibility for the discharge of duties under Adult Social Care legislation including the Care Act 2014, Mental Health Act 1983 and the Mental Capacity Act 2005 and the development of associated policies, procedures and guidance;
- 20.25.7 Authorisation of the deprivation of liberty in the function of Supervisory Body in accordance the Deprivation of Liberty Safeguards (DoLS) pursuant to the Mental Capacity Act 2005;
- 20.25.8 Bidding for and administration of grants for Adult Social Care.
- 20.25.9 implementing or determining, subject to any right of review or appeal which may apply, all matters concerning the provision of mental health services including the acceptance and exercise of guardianships and receivership under the Mental Health Act 2007;
- 20.25.10 implementing or determining, subject to any right of review or appeal which may apply, all matters concerning the statutory complaints procedure;
- 20.25.11 implementing or determining, subject to any right of review or appeal which may apply, all matters concerning the provision of services provided under the Mental Capacity Act 2005;
- 20.25.12 the formal approval and authorisation of Mental Health Professionals who are eligible and qualified to be considered as Approved Mental Health Practitioners;
- 20.25.13 protection and promotion of the welfare of vulnerable adults including vulnerable young people moving into adulthood.
- 20.25.14 Managing the writing off of Adult Social Care client debt together with the Director of Finance and Transformation.

20.26 Director of Finance and Transformation

The proper administration of the Council's financial affairs including:

- 20.26.1 The exercise of the budgetary control functions referred to the Director under the Council's Financial Procedure Rules;
- 20.26.2 the arrangement of all borrowings, financing and investment in line with the Council's Treasury Management Policy Statement;
- 20.26.3 The maintenance of an effective internal audit service;
- 20.26.4 The role of lead officer for the Audit Committee;

- 20.26.5 The role of Risk Management Officer Champion and ensure appropriate risk management arrangements are in place across the Council;
 - 20.26.6 The role of lead officer for maintaining effective corporate governance arrangements and the preparation of the Annual Governance Statement;
 - 20.26.7 Ensuring the provision of appropriate banking arrangements on behalf of the Council;
 - 20.26.8 Insuring against risks;
 - 20.26.9 The operation of the Council's accounting systems and payroll;
 - 20.26.10 Writing off debts;
 - 20.26.11 Ensuring appropriate financial arrangements across the Council;
 - 20.26.12 Agreeing the terms of loans permitted under law;
 - 20.26.13 Making a statutory declaration of local authority mortgage interest;
 - 20.26.14 Responding to notices in relation to EU financial sanctions;
 - 20.26.15 The co-ordination of Business Change, Transformation and Improvement.
- 20.27 **Assistant Director (Financial Control and Transformation)**
- 20.27.1 The collection of revenue, council tax and national non-domestic rates
 - 20.27.2 The administration of benefits
 - 20.27.3 The role of the Council's Single Point of Contact for the purpose of the Regulation of Investigatory Powers Act 2000
 - 20.27.4 The facilitation of Business Change, Transformation and Improvement.
- 20.28 **Assistant Director (ICT and Digital)**
- 20.28.1 The commissioning, provision and support of ICT services and equipment;

- 20.28.2 The implementation and maintenance of digital network and communications systems to enable Council Services to be delivered to citizens securely;
- 20.28.3 The development and implementation of the Council's digital data storage strategies in consultation with the Director of Legal Services and Partnerships;
- 20.28.4 Management of the Council's digital data assets and the development and implementation of Data Warehouse strategies to facilitate the effective use of all forms of data including the Council's citywide geospatial data functions including the numbering of houses and street naming;
- 20.28.5 The implementation and maintenance of Council and citywide digital systems, in parallel with citywide and national digital systems to facilitate the integrated service delivery within the city;
- 20.28.6 The management of the Council's response to Cyber Security threats.

APPENDIX 1 – SCHEME OF DELEGATION FROM PLANNING COMMITTEE TO THE ASSISTANT DIRECTOR ECONOMIC REGENERATION AND DEVELOPMENT)**DELEGATION SCHEME – Revised May 2024**

- A. Subject to the exceptions identified under the heading “exceptions” below the following decision-making powers are delegated to Principal Development Management Officers:

Authority to determine:

- (i) Householder prior approval applications;
- (ii) Householder planning applications;
- (iii) Applications under the Advertisement Regulations (except digital advert hoardings or on listed buildings); and
- (iv) Works to trees under s.211 of the Town and Country Planning Act.

Specific Delegation

- B. Subject to the exceptions identified under the heading “exceptions” below the following decision-making powers have been delegated to the Head of Planning (HoP), Assistant Director of Economic Development and Regeneration (ADED&R), the Planning Development Manager and Principal Planning Development Management Officers:
1. Authority to determine all types of application* except as provided below, and subject to the Member call-in option contained within this delegation scheme.
 2. Authority to respond to consultations from the East Riding of Yorkshire Council and planning related Government Consultations, unless they raise issues of potential conflict with City Council Policy.
 3. Authority to refuse applications where s106 agreements have not been signed within 1 month of the date of the resolution to approve, if the HoP or ADED&R considers this appropriate at the time.
 4. Authority to approve any application where a legal agreement was required by the planning committee where the HoP or ADED&R considers the agreement is no longer necessary, as the requirements are being met through other means.
 5. Authority to approve or refuse requests for reduced S.106 payments of no less than 50% of the total amount due where this is supported by proven details of the company financial situation, as confirmed by Planning Committee on 21st February 2012 (Minute 250).
 6. Authority to refer any application to the Planning Committee where, in the opinion of the HoP or ADED&R the application raises matters of wider public interest.

(*Applications include planning permission, variations to and discharge of conditions / s.73 applications and s19 applications, non-material amendments, permission in principle, listed building consent, prior approvals, advertisement consent, lawful use/development certificates, hazardous substances consent, serving and confirmation of Tree Preservation Orders, works to trees in conservation areas or to trees protected by a TPO, and any other authorisations required under the Planning Act or associated legislation).

Exceptions

The following applications are excluded from the delegations to the HoP or ADED&R and must be decided by the Planning Committee unless the Committee expressly decides otherwise:

- (a) Applications by the Council or for development on Council owned land where the officer recommendation is for approval contrary to the Local Plan allocation;
- (b) Substantial departures from the Development Plan comprising major Development
- (c) Applications made by or on behalf of:-
 - Elected Members of the Council
 - Any employees of the Planning Service
 - Chief Executive/Corporate Director/Service Director/Assistant Director
 - Any senior officer of the Council (Manager or above) having regular contact with the Planning Department
 - Close family members (parents, children, siblings and partners) of any of the above, identified from the application form.
- (d) Recommendations requiring referral to the Secretary of State;
- (e) All planning applications and applications for listed building consent for works to listed buildings, or within its curtilage, of a building on the Buildings at Risk Register;
- (f) (i) Proposals to fell trees protected by a Tree Preservation Order (TPO) where they are recommended for approval, unless they have been identified as dead, dying or dangerous and felling is supported by the Council's Arboriculture Team Manager;
(ii) Confirmation of a TPO where they are recommended for confirmation and there are objections to the confirmation.
- (g) Variations to conditions, or alterations to approvals which materially change its appearance, where those details were approved by planning committee.

MEMBER CALL-IN PROCEDURE

- a) Each member of the Council receives a weekly list of planning and other applications which have been received.
- b) Members have 21 days to express a view in writing, which, unless otherwise agreed with the Member, places a bar on officer' action and requires a decision by Committee subject to paragraph (g) below in relation to householder applications. In such cases, the Member who called in the applications is required to attend Committee and speak for or against the proposal (unless they are a member of the Planning Committee). Members of the Planning Committee who call in applications are expected to attend the Committee meeting at which those applications are to be determined or arrange for an appropriate substitute to attend. Requests for site visits should be made at the same time. Site visits will automatically be carried out for proposals to buildings on the Listed Buildings at Risk Register (excluding minor repair works), for TPO felling proposals and for TPO confirmations.
- c) Requests made by a Member after the 21 day period above will be considered by the Chair, Deputy Chair in consultation with the HoP or ADED&R and agreed only if, in the opinion of the decision maker, the reason given justifies a Committee decision. Requests for site visits should be made at the same time. Site visits will automatically be carried out for proposals to buildings on the Listed Buildings at Risk Register (excluding minor repair works), for Tree Preservation Order (TPO) felling proposals and for TPO confirmations.
- d) Members should state their request in the following form, including a reason:

That if officers are minded to approve the application Councillor.....
would require a Committee decision for the following reason.....;

That if officers are minded to refuse the application Councillor.....
would require a Committee decision for the following reason.....
- e) Where the Member is not a Member of Planning Committee they should also indicate whether they are in support or against the proposal and state they only require a committee decision if the officer recommendation differs to their position.
- f) Where a Member requests a site visit they or their Ward colleague (or, in the case of a Member who is a member of the Planning Committee they or an appropriate substitute) will be required to attend that Committee
- g) Any application for planning consent in relation to an existing residential property occupied by a single family household (i.e. excluding a house in multiple occupation) including applications where objections have been received and retrospective applications will be determined by officers unless the application is made by a Member or officer in accordance with Exception

(c) of this scheme. Ward Members may only request a committee decision in the following circumstances:

- The property is in a conservation area or is a listed building;
- It relates to permitted development rights removed by an Article 4 Direction;
- The proposals are to improve the living standards of a disabled occupant;
- The proposal relates to ongoing work which is materially larger or different to an approved plan; or
- A circumstance not identified above, which both the Head of Planning and Chair of the Committee accept as being exceptional.

Public Speaking Protocol

PLANNING COMMITTEE

RULES AND PROCEDURES FOR SPEAKING TO COMMITTEE

1. The Planning Committee allows the public to address the Committee at the discretion of the Chairman.
2. If you wish to make representations, you must give advance notice of your intention to speak at the meeting by written notification to [email address] no later than [10 clear days] before the date of the meeting.
3. Speakers will be requested to submit a pre-recorded statements for a maximum of 3 minutes by email or by telephone recording:
 1. No later than 8 clear days before the meeting is due to place in respect of Neighbours and local residents and others
 2. No later than 4 clear days in respect of the agent or applicant.
4. Where more than one person wishes to speak on a proposal the order of business shall be:
 - (1) Neighbours
 - (2) Local Residents Groups' Representative
 - (3) Others
 - (4) Applicant or agent. An applicant (or agent) will be invited to speak only if an objector has submitted a pre-recorded statement for the meeting, if the applicant objects to the officers' recommendation, OR IF A MEMBER IS INTENDING TO SPEAK AGAINST THE PROPOSAL.
5. When several community members make similar submissions only one submission may be considered at the meeting. In that case, those making submissions will be invited to nominate a submission to be considered. In the absence of a nomination, the decision on which submission(s) will be considered will be made by the Chair of the Committee.
6. Speakers will only be permitted to make statements on planning matters and to give points of clarification.

7. The Chairman will introduce each item for which speakers are present: a Planning Officer may give professional advice; speakers will be heard; and the Committee will proceed to its decision.
8. The order of the agenda may be adjusted without notice at the meeting to prioritise those items for which speakers are attending, or to expedite the business of the Committee at the discretion of the Chairman.

PLANNING APPLICATIONS

WHAT YOU CAN TALK ABOUT

The Committee can only take account of planning matters.

These are many and varied and there is no exhaustive list. They have to be to do with matters of public interest not private interest, and with the particular planning application being considered.

They include:

PLANNING POLICIES

- The Development Plan, in particular the Local Plan of 2000.
- Government Guidance Notes and Circulars.

THE CONSEQUENCES OF DEVELOPMENT

- The effects on the enjoyment of a house or on the amenities of an area. For example, noise, disturbance, smell, loss of light, traffic, job creation and design can be important.
- Transport matters, including the need for parking and servicing.

THE ALTERNATIVES TO PERMISSION

- The existing use of a site, and previous planning decisions affecting it.
- What conditions could be imposed to make the development acceptable.

They do not include:

PRIVATE ISSUES

- Boundary disputes between neighbours, which are for them to resolve.
- Covenants or deeds.
- Trade and increased competition objections from existing businesses. The planning system provides for choice and competition.
- Alleged loss of value of property.

OPINIONS OF NEED

- That there are enough (takeaways, pubs, amusement arcades, petrol filling stations etc) in the area already, unless this is referred to in planning policy.

APPENDIX 2 - DELEGATION OF LICENSING ACT 2003 RESPONSIBILITIES

Matter to be dealt with	(1) Full Committee	(2) Sub-Committee	(3) Licensing Manager
Application for Personal Licence		If a Police objection is made	If no objection made
Application for Personal Licence with unspent convictions		All cases	
Application for Premises Licence/Club Premises Certificate		If a relevant representation is made	If no relevant representation is made
Application for provisional statement		If a relevant representation is made	If no relevant representation is made
Application to vary Premises Licence/Club Premises Certificate		If a relevant representation is made	If no relevant representation is made
Application for a Minor variation			All cases
Decision on whether to consult other Responsible Authorities on a Minor Variation			All cases
Application to vary designated Premises Supervisor		If a Police objection is made	All other cases
Request to be removed as designated Premises Supervisor			All cases
Application for transfer of Premises Licence		If a Police objection is made	All other cases
Application for interim authorities		If a Police objection is made	All other cases
Application to review Premises Licence/Club Premises Certificate		All cases	
Decision on whether a complaint is irrelevant, frivolous or vexatious, etc.		All cases	
Decision to object when local authority is a consultee and not the relevant authority considering the application		All cases	
Determination of an objection to a temporary event notice		All cases	
Suspend a premises licence/club premises certificate for non-payment of fees			All cases

APPENDIX 3 DELEGATION OF GAMBLING ACT 2005 RESPONSIBILITIES

Matter to be dealt with	Council	Licensing Committee	Licensing Manager
Three year licensing policy	X		
Policy not to permit casinos	X		
Application for premises licenses		Where representations have been made and not withdrawn	When no representations received/representations have been withdrawn
Application for a variation to a licence		Where representations have been made and not withdrawn	When no representations received/representations have been withdrawn
Application for a transfer of a licence		Where representations have been received from the Gambling Commission	Where no representations received from the Gambling Commission
Application for a provisional statement		Where representations have been made and not withdrawn	When no representations received/representations have been withdrawn
Review of a premises licence		X	
Application for a club gaming/club machine permits		Where objections have been made (and not withdrawn)	Where no objections made/objections have been withdrawn
Cancellation of club gaming/club machine permits		X	
Application for other permits			X
Cancellation of licensed premises gaming machine permits			X

**APPENDIX 4 – DELEGATION OF HACKNEY CARRIAGE AND PRIVATE HIRE
LICENSING RESPONSIBILITIES**

Matters to be dealt with	Full Committee	Sub-Committee	Licensing Manager
Application for a Drivers Licence where there are no concerns over their fitness and propriety			X
Application for a Drivers Licence where there is a lapse of time or circumstances for convictions fall outside of the Policy	X		
Application for a Drivers Licence where there is any other doubt on suitability	X		
Revocation of Driver or Operator Licence	X		
Revocation of Vehicle Licence	X		
Suspension of Licences	X		In a case of urgency pending referral to Committee

Senior Management Structure

