

ACCESS TO INFORMATION PROCEDURE RULES

1. SCOPE

These rules apply to all meetings of the Council, its Committees, Overview and Scrutiny and Policy Development Committees, Area Committees, the Standards Committee and Regulatory Committees and the Executive (together called meetings).

2. ADDITIONAL RIGHTS TO INFORMATION

These rules do not affect any more specific rights to information contained elsewhere in this Constitution or the law.

3. RIGHTS TO ATTEND MEETINGS

- 3.1 Members of the public and the media shall, subject to the exceptions contained in these and other Rules in this Constitution, be entitled to attend all meetings to which these Rules apply.
- 3.2 Attendance at meetings may be limited by the capacity of the room in which the meeting is held. The Chair of the meeting may eject members of the public from a meeting in respect of disturbance or unruly behaviour. At meetings of the Full Council, in addition to Members and officers of the Council, admittance to the floor of the Council Chamber shall be at the discretion of the Lord Mayor.
- 3.3 Photography, video and sound recording ~~shall be at the discretion of the Chair of the meeting. This shall generally be permitted where meetings are held in public, provided adequate notice has been given and convenient arrangements can be made.~~ at meetings shall be permitted under the direction of the Chair of the meeting in accordance with paragraph 21 of the Council Procedure Rules.

4. NOTICE OF MEETING

The Council will give at least five clear working days' notice (excluding the days on which the meeting is called and on which it is held) of any meeting to which these Rules apply by posting details of the meeting at Sheffield Town Hall and/or Howden House and on the Council's website, except that where the meeting is convened at shorter notice in accordance with these Rules, details shall be posted from the time the meeting is convened.

the Body will, immediately and without debate, put to the vote that the Member be excluded for the remainder of the meeting

- 19.2 If a majority of the Members of the Body present vote in favour, the Chair shall order the Member to leave the meeting and/or may adjourn the meeting for such period as he/she in his/her discretion shall consider expedient.
- 19.3 In the event of a general disturbance which in the opinion of the Chair renders the due and orderly despatch of business impossible, the Chair in addition to any other power vested in him/her may, without the question being put, adjourn the meeting for such period as he/she in his/her discretion shall consider expedient.
- 19.4 Any complaint about alleged misconduct on the part of a Member which may give rise to a breach of the Members' Code of Conduct must be reported to the Monitoring Officer.

20 Disturbance by Members of the Public

If a Member of the public interrupts proceedings of a meeting the Chair shall warn him/her. If he/she continues the interruption or repeatedly interrupts, the Chair shall order his/her removal from the meeting room. In the case of meetings where there is a general disturbance in any part of the meeting room open to the public the Chair shall order that part to be cleared.

21 Use of Equipment such as Mobile Phones and ~~other such Recording Equipment~~

Mobile telephones, pagers and other such equipment must be switched to silent mode during meetings of the Council and other Bodies. so as not to disturb the conduct of the meeting. Photography, video and sound recording of the proceedings of meetings whilst open to the public shall be permitted under the direction of the Chair of the meeting and in accordance with any protocols and guidance issued by the Council's Monitoring Officer. The Chair has discretion to withdraw or suspend this permission should he or she deem it necessary, for example if the recording is disrupting the conduct of the meeting, or where a member of the public participating in a meeting objects to being recorded. In order to assist the Chair to manage the recording of the meeting, any member of the public wishing to record must inform the Chair and the recording must be clearly visible. The Chair of a Body, as appropriate, shall decide as to whether the use of television cameras and recording equipment should be permitted in meetings.

Article 9 - The Standards Committee and Health and Wellbeing Board

9.01 Standards Committee

The Council (in this Article 'the City Council') will establish a Standards Committee to determine complaints under the Code of Members' Conduct referred to it by the Monitoring Officer and promote high standards of Councillor conduct.

9.02 Composition

(a) Committee Membership

The Standards Committee will comprise:

(i) not more than eight Members of the City Council with proportionality disapplied (5 Labour and 3 Liberal Democrat members, with one Member from each Party to be present at each meeting), ~~and~~

~~(ii), on an interim basis until guidance is issued by the Government, the membership will also include up to 5-4 non-voting co-opted members (the 4 existing Independent Members of the Standards Committee and including~~ 1 representative of the three Parish ~~and~~ Town Councils drawn from a pool of 3 representatives);

(b) Chair and Deputy Chair

The Chair and Deputy Chair of the Committee and of its Sub-Committees shall be appointed by the Committee or Sub-Committee; ~~and~~

(c) Quorum

The quorum for meetings of the Committee and any of its Sub-Committees shall be three Members and must include representatives of two political parties.

(d) Appointment of Substitutes

Where an Appointed Member of the Standards Committee is unable to attend a meeting of that Committee, he/she may arrange for a Substitute Member to attend, subject to the following conditions:-

- (i) a Committee Member wishing to be substituted will seek a substitute from the approved list of 2 Members for his/her Party Group;
- (ii) the Chief Executive or his/her representative must be notified in writing of the substitution at least one full working day before the day of the Committee; and
- (iii) the substitution shall last for the duration of the meeting, including an adjourned meeting.

9.03 Role and Functions

The Standards Committee and its Sub-Committees will have the terms of reference set out in Part 3 of this Constitution. The Committee will exercise the following role and functions:

- (a) promoting and maintaining high standards of conduct by Councillors, Co-opted Members;
- (b) advising the Council on the adoption or revision of the Councillors' Code of Conduct and Protocols relating to Councillor and Officer behaviour;
- (c) discharging, the functions of hearing complaints against Councillors concerning the Councillors' Code of Conduct referred by the Monitoring Officer;
- (d) the exercise of the above functions in relation to the Parish Councils wholly or mainly in its area and the Members of those Parish Councils.

9.04 Health and Wellbeing Board

The Health and Wellbeing Board is established in accordance with and to discharge the statutory functions under the Health and Social Care Act 2012 from 1 April 2013.

The role of the Board is to be a strong and effective partnership which improves the commissioning and delivery of services across the NHS and the Council, leading in turn to improved health and wellbeing for the people of Sheffield.

9.05 Membership

SENIOR OFFICER EMPLOYMENT COMMITTEE

Terms of Reference

- (a) To consider, subject to legal requirements relating to the Council's Statutory Officers and to the Officer Employment Rules in Part 4 of this Constitution, and make recommendations to the Council on all matters relating to the appointment, discipline and dismissal of the Chief Executive.
- (b) To determine, subject to legal requirements relating to the Council's Statutory Officers and to the Officer Employment Rules in Part 4 of this Constitution, all matters relating to the appointment, discipline and dismissal of:-
- Executive Directors;
 - ~~Officers who report directly to the Chief Executive or an Executive Director for all or most of their duties (excluding anyone whose duties are solely secretarial or clerical or otherwise in the nature of support services);~~
 - The Council's Statutory Officers, other than the Chief Executive.
- (c) To determine, subject to legal requirements relating to the Council's Statutory Officers and to the Officer Employment Rules in Part 4 of this Constitution, all matters relating to the appointment of:-
- Directors who report directly to the Chief Executive or an Executive Director for all or most of their duties
- (~~e~~) To establish such Sub-Committees as appropriate to undertake recruitment and to hear individual matters, which may include authority to make appointments and other decisions, and authority to make recommendations direct to the Council.

STANDARDS COMMITTEE

Terms of Reference

- (a) Promoting and maintaining high standards of conduct by Councillors, Co-opted Members Representatives on Committees and Sub-Committees.

- (b) where the decision taker is an individual, his or her name and title, if any, and where the decision taker is a body, its name and a list of members;
- (c) the date on which, or the period within which, the decision will be taken;
- (d) a list of the documents submitted to the decision taker for consideration in relation to the matter.
- (e) the address from which, subject to any prohibition or restriction on their disclosure, copies of, or extracts from, any document listed is available;
- (f) that other documents relevant to those matters may be submitted to the decision maker;
- (g) the procedure for requesting details of those documents (if any) as they become available;

14. **GENERAL EXCEPTION FOR A MATTER NOT IN THE FORWARD PLAN**

If it has not been possible to give 28 days' notice of a matter which is likely to be a Key Decision, then the decision may only be made if :-

- (a) the Monitoring Officer has given written notice to the Chair of a relevant Scrutiny and Policy Development Committee, or if there is no such person, each Member of that Committee, by notice in writing of the matter about which the decision is to be made;
- (b) the Monitoring Officer has made copies of that notice available to the public at the offices of the Council and on the Council's website;
- (c) at least 5 clear days have elapsed since the Monitoring Officer complied with paragraphs (a) and (b) in this Rule;
- (d) As soon as reasonably practicable after the Monitoring Officer has complied with paragraphs (a), (b) and (c) he or she must—

(i) make available at the Sheffield Town Hall offices, a notice setting out the reasons why it has not been possible to give 28 days'; and (ii) publish that notice on the Council's website.

- (e) where the executive decision is to be taken at a meeting of the Cabinet or a Cabinet Committee, or by Individual Member or Officer, the public access requirements of these Rules must be complied with.

15. **SPECIAL URGENCY FOR TAKING A KEY DECISION**

Where the date by which a Key Decision must be taken makes it impracticable to comply with the previous General Exception Rule, then the decision can only be taken if the decision taker (if an individual) or the Chair of the Body making the decision, has obtained agreement that making the decision is urgent and cannot reasonably be deferred from

(a) the Chair of a relevant Scrutiny and Policy Development Committee; or

(b) if there is no such person or that person is unable to act, the Lord Mayor; or

(c) if neither of those persons is able to act, the Deputy Lord Mayor.

As soon as reasonably practicable after the Monitoring Officer has complied with paragraph (a), (b) and (c) he or she must—

(i) make available at the Sheffield Town Hall offices, a notice setting out the reasons why it has not been possible to give 28 days'; and (ii) publish that notice on the Council's website.

A Key Decision taken under paragraphs ~~14 and~~ 15 of these Rules will be exempt from call-in.

The Leader will submit an annual report to the Council containing details of each executive decision taken under this Rule. The report will include:-

(a) particulars of each decision made; and

(b) a summary of the matters in respect of which each decision was made.

Appendix C

WHISTLEBLOWING CONTACT OFFICERS

If you are unable to report a genuine concern by any of the means explained in the policy, you may choose to telephone one of your Directors’ numbers as listed below. Outside normal office hours, a voicemail or answer machine facility will be in operation. Please remember that you must leave your name and telephone number at which you can be contacted.

Deputy Chief Executive Team

Joe Fowler	Director of Communications and Performance	34019
James Henderson	Director of Policy and Research	53126
Edward Highfield	Director of Economy, Enterprise & Skills	53126
Chris Shaw	Director of Health Improvement	53126
Lynne Bird	Director of Legal and Governance	34018

Resources Leadership Team

Eugene Walker	Director of Finance	35872
Julie Toner	Director of Human Resources	34081
Cheryl Blackett	Head of Human Resources, Policy & Governance	34080
Sue Palfreyman	Head of Human Resources, Service Delivery	35530
Sue Kelsey	Interim Head of Schools HR Service	2930880
Nalin Seneviratne	Director of Property & Facilities Management	34120
Paul Green	Director of Information Services	36818
Barry Moller	Commercial Director	2053819
Julie Bullen	Director of Customer Services	36967
Kevin Foster	Director of Transformation Programme	2053478
Neil Dawson	Head of Transport Services	2037595

Children, Young People and Families

Jayne Ludlam	Deputy Executive Director of Children & Families	2930063
John Doyle	Director of Business Strategy	35663
Maggie Williams	Children’s Commissioner	2930968
Tony Tweedy	Director of Lifelong Learning, Skills & Communities	2296140

Place

John Charlton	Deputy Executive Director/Director of Streetforce	36552
Paul Billington	Director of Culture and Environment	35071
Les Sturch	Director of Development Services	35909
Mick Crofts	Director of Business Strategy	36148
Sue Millington	Senior Strategy Manager	35128
Andy Nolan	Director of Sustainable Development	36135

Communities		
<u>Eddie Sherwood</u>	<u>Director of Care and Support Communities</u>	<u>34840</u>
<u>Miranda Plowden</u>	<u>Director of Commissioning</u>	<u>35057</u>
<u>Jan Fitzgerald</u>	<u>Interim Director of Community Services</u>	<u>34486</u>
<u>Bev Coukham</u>	<u>Director of Business Strategy</u>	<u>35094</u>
<u>James Henderson</u>	<u>Director of Policy, Performance & Communications</u>	<u>2753126</u>
<u>Chris Shaw</u>	<u>Director of Health Improvement</u>	<u>2735015</u>
<u>Lynne Bird</u>	<u>Director of Legal & Governance</u>	<u>2734018</u>
<u>Eugene Walker</u>	<u>Director of Finance</u>	<u>2735872</u>
<u>Julie Toner</u>	<u>Director of Human Resources</u>	<u>2734081</u>
<u>Cheryl Blackett</u>	<u>Head of Human Resources, Specialist & Advisory Services</u>	<u>2734080</u>
<u>Sue Palfreyman</u>	<u>Head of Human Resources, Business Systems, Capability, Development & Change</u>	<u>2735530</u>
<u>Nalin Seneviratne</u>	<u>Director of Capital & Major Projects</u>	<u>2057017</u>
<u>Paul Green</u>	<u>Director of Information Services</u>	<u>2736818</u>
<u>Barry Mellor</u>	<u>Director of Commercial Services</u>	<u>2053928</u>
<u>Julie Bullen</u>	<u>Director of Customer Services</u>	<u>2736972</u>
<u>Neil Dawson</u>	<u>Director of Transport & Facilities Management</u>	<u>2037592</u>
<u>Jayne Ludlam</u>	<u>Interim Director of Children, Young People & Families</u>	<u>2735726</u>
<u>Matthew Sampson</u>	<u>Acting Deputy Executive Director CYPF</u>	<u>2734913</u>
<u>John Doyle</u>	<u>Director of Business Strategy</u>	<u>2735663</u>
<u>Maggie Williams</u>	<u>Deputy Executive Director CYPF</u>	<u>2930968</u>
<u>Tony Tweedy</u>	<u>Director of Lifelong Learning, Skills & Communities</u>	<u>2296140</u>
<u>Edward Highfield</u>	<u>Director of Creative Sheffield</u>	<u>2232349</u>
<u>Paul Billington</u>	<u>Director of Culture and Environment</u>	<u>2734700</u>
<u>Les Sturch</u>	<u>Director of Regeneration & Development Services</u>	<u>2735449</u>
<u>Mick Crofts</u>	<u>Director of Business Strategy & Regulation</u>	<u>2735776</u>
<u>Andy Nolan</u>	<u>Lead - Sustainable Cities Programme</u>	<u>2057415</u>
<u>Eddie Sherwood</u>	<u>Director of Care and Support Communities</u>	<u>2734840</u>
<u>Joe Fowler</u>	<u>Director of Commissioning</u>	<u>2734605</u>
<u>Jan Fitzgerald</u>	<u>Interim Director of Community Services</u>	<u>2734486</u>
<u>Bev Coukham</u>	<u>Director of Business Strategy</u>	<u>2053105</u>
<u>Janet Sharpe</u>	<u>Interim Director of Housing</u>	<u>2735074</u>

WHISTLEBLOWING CO-ORDINATORS

Human Resources

<u>Cheryl Blackett</u>	<u>Head of Human Resources, Policy and Governance</u>	<u>34080</u>
<u>Sue Palfreyman</u>	<u>Head of Human Resources, Service Delivery</u>	<u>35530</u>
<u>Sue Kelsey</u>	<u>Interim Head of Schools HR Service</u>	<u>2930880</u>

Legal and Governance

<u>Lynne Bird</u>	<u>Director of Legal and Governance</u>	<u>34019</u>
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Audit		
Steve Gill	Chief Internal Auditor	34363
Finance		
Eugene Walker	Director of Finance	35872
Health and Safety		
Steve Clark	OD Manager, Safety and Employee Well-being	34796
Safeguarding		
Cath Erine	Service Manager	36870
Karen Bennett	Service Manager	2053846
Des Charles	Service Manager	35819
Human Resources		
Cheryl Blackett	Head of Human Resources, Policy and Governance	2734080
Sue Palfreyman	Head of Human Resources, Service Delivery	2735530
Legal		
Lynne Bird	Director of Legal & Governance	2734018
Finance		
Eugene Walker	Director of Finance	2735872
Health and Safety		
Steve Clark	HR Manager	2734796
Safeguarding		
Cath Erine	Service Manager	2736870
Karen Bennett	Service Manager	2053846
Des Charles	Service Manager	2735819
Audit		
Fraud Hotline		2736060

TRADE UNION REPRESENTATIVES

Jon Mordecai	UNISON	2736307
Mark Keeling	UNITE	2736486
Shelagh Carter	GMB	2768017

CONTACT ADVISERS

Marjorie Fee	07989 359564
Gary Dickson	07803 888493

<u>Satya Thompson</u>	<u>07876 038745</u>
<u>Tracey Jack</u>	<u>07785 294106</u>
<u>Fiona Sinclair</u>	<u>07799 342583</u>
<u>Karen Ramsay</u>	<u>07768 698577</u>
<u>Fayzeh Mohamed</u>	<u>07730 815657</u>
<u>Josie Billings</u>	<u>07785294639</u>

(Contact Officers/Co-ordinators/Trade Union Representatives/Contact Advisers last updated May 2013)

(Contact Officers/Co-ordinators/Trade Union Representatives last updated June 2012)

**GUIDANCE NOTE ON GENERAL PROCEDURES
 AT PLANNING AND HIGHWAYS COMMITTEE
 MEETINGS**

Issue Date: September 2012

INDEX TO CONTENTS

Index	405
Introduction	407
1 Members' Training	407
2 Chair's briefing	408
3 The Public Nature of Committee Meetings	408
4 Obtaining Advice on the Exclusion of the Press and Public	409
5 The Submission Of Late And/Or Confidential Information	410
6 The Submission of Defamatory And Offensive Information	411
7 Unreasonable Conduct in Decision Making	411
8 Maintaining Public Confidence in the Committees	413
9 Maintaining Public Confidence in the Role of Planning Officers	413
10 Allegations Of Misconduct Of Officers	415
11 Commencement of Committee Meeting	416
12 Meeting Procedure and Decision Making	417
13 Requests for Site Visits	418
14 Calling For A Public Inquiry	418
15 Declarations of Interest	419

Sheffield City Council – Constitution
Part 5 – Guidance Note on General Procedures at Planning and Highways
Committees (Revised September 2012/Minor amendments June 2013)

16	Observers and Public Speaking at Committee Meeting	419
17	Role of the Chair	420
18	After The Committee	421

Introduction

This Guidance is for Planning and Highways Committee Members attending Committees and is intended to supplement the Corporate Code Of Conduct For Members, (the Code of Conduct) and any Code Of Conduct for Council Members And Officers In Relation To Planning Matters issued from time to time by the City Council with regard to the operation of Committees and the determination of Planning matters

This Guidance is not binding upon Members but sets out examples of both best practice and inappropriate conduct to aid in the interpretation of the above Codes and it is in the best interests of the City Council, the Committees and individual Members to follow this guidance, as compliance or non-compliance with this Guidance may be a material consideration in any subsequent investigation of a complaint as to Member's conduct. This Guidance Note is on general procedures for Committees and specific guidance on particular matters such as Telecommunications will be issued from time to time by the legal contact officers for Members.

The aim of this Guidance is to reduce the number of situations where things said or done by Members attending the Committees are misconstrued resulting in damage to the Council's reputation and loss of confidence in the planning system unnecessary legal challenges, planning appeals and awards of costs against the City Council

This Guidance may be amended at any time to accommodate changes in the law, procedure and best practice and revised copies will be circulated to all Members prior to the next meeting of the relevant Committee.

1. Members' Training

Members are reminded that determining matters under the Town and Country Planning Act 1990 and related legislation at a Committee requires a degree of knowledge and familiarity of planning law and procedure on their part. Member training is offered as a prerequisite to all new Members to Committees and regular updates and training for existing Members is offered by Planning Officers as is required due to legislative or policy change.

No Member may be appointed to serve on a Planning and Highways Committee until they have received the necessary training. This is to ensure that correct procedures are followed and proper planning considerations are employed in decision making. The integrity of the planning system and the need for public confidence require this.

2. Chair's Briefing Meetings

Chair's Briefing Meetings will be held, ~~subject to the discretion of the Chair of the relevant Committee in consultation~~ with Officers, and will ~~generally be advisable to~~ deal with circumstances such as the late submission of relevant information and of procedural issues concerning the conduct of the Committee hearing ~~which have arisen after publication of the Agenda. If the Agenda does not raise any such issues, the Chair of the Committee may therefore dispense with any Briefing Meeting.~~

2.1 Planning and Highways Committee Briefing Meetings

2.1.1 The role of any Briefing Meeting which is held is to basically, allow developers to present large-scale development proposals to the Committee early in the planning process, and wherever possible at the pre-application stage, so that the developers will benefit from early feedback on any concerns that the Committee Members may have about the proposal. This gives the developer the opportunity to amend their proposals if they wish and avoids the possibility that the Committee's eventual decision on the application might come as a surprise to the developer. Planning Committee Members are required to attend any Briefings to ensure that developers get any feedback necessary.

2.2 Such meetings are not to be used for discussion of the merits of any proposal.

~~2.3 Where a legal issue is raised during a Briefing Meeting concerning a point of law or procedure, such as to the exclusion of the press and public (see paragraph 4 below) specialist legal advice must be sought from the Legal Services contact Officer for that meeting of the Committee. No Members other than Committee Members should attend briefing meetings.~~

3. The Public Nature of Committee Meetings

3.1 All Committees are public meetings of a committee of the City Council and it is a legal requirement that the public and the press are admitted to all such meetings.

3.2 The issue of transparency of proceedings is especially important in planning matters where a controversial application determined by an officer under a delegated power or in a closed session may lead to

unfounded allegations of bias which can only be removed by having the matter determined in public. A controversial application in this context may mean a matter which is relatively simple to determine in terms of planning policy, but which may encounter significant public opposition due to the nature and proximity of the anticipated use e.g. a major metropolitan landfill site 250 metres from a small town.

- 3.3 In addition Planning Authorities are expected to consider the views of local residents in determining planning applications, with the failure to do so resulting in a potential award of costs at a subsequent planning appeal. Excluding the press and public could therefore be used against the City Council to make a claim for such costs.
- 3.4 The Committee is a Regulatory Body for the purposes of the Council Procedure Rules in that it discharges on behalf of the City Council those planning and highways regulation duties imposed by statute. This means that the cap as to length of meeting under Clause 5.10 Part 4, Council Procedure Rules does not apply to meetings of the Committee so as to allow full access to the public to all items on the Agenda of the Committee without premature termination of the public right to make representations caused by overrunning.

~~4. Obtaining Advice on the Exclusion of The Press And Public~~

- ~~4.1 On those very rare occasions where the exclusion of the press and public from a meeting may be required, specialist legal advice should have been obtained from the Legal Services contact officer before this issue is raised at the start the meeting of the Committee to ensure that Members and officers are familiar with the procedure and that it is correct to apply the procedure in that case.~~
- ~~4.2 In any circumstance where this issue has been raised for the first time after the start of the Committee, an adjournment of the Committee should be obtained to allow for specialist legal advice to be sought from Legal Services contact officer and given to the Members. Legal Services will ensure that where possible a contact officer is available for every Area Committee meeting. Officers will be notified in advance prior to the start of the Committee meeting the identity of the contact officer. Other matters on the agenda can be dealt with by Members whilst this advice is being sought to avoid undue delay.~~

4.5 The Submission Of Late and/or Confidential Information

- 4.5.1** Sometimes information is submitted to a Member by an objector or other third party which if it were received in time would normally be incorporated into a report on an agenda, or supplementary agenda, but for one reason or another has been received too late for this to occur. This information may be in the form of a written submission or a set of photographs or some other audio-visual aid, submitted just before the Committee Meeting directly to Members by persons supporting or objecting to a particular item on the Agenda and without notice to the Officers.
- 4.5.2** If such late information is submitted directly to a Member, the Member should pass on this information as soon as possible to the Planning Officer (or the Committee Secretary if the meeting is about to commence) to determine the best course of action given the amount of information received and the stage of the proceedings, as well as when this information first became available for submission. Depending upon these factors this may mean that the particular item in question has to be deferred until the next meeting of the Committee. This should only occur in the most extreme circumstances when determination on the date of the current Committee is impossible.
- 4.5.3** The deliberate late submission of information on a contentious item should not be used as an excuse for a deferral of that item to the next Committee. Members should therefore consider very carefully any circumstances where a party has had access to information relevant to the determination of an item but has withheld submitting this information until after the publication of the Agenda. In such circumstances it may be advisable to put such an item to the end of the Agenda and/or allow a short adjournment for officers to assess the late information and make a verbal report back to the Committee to the Committee. This would prevent undue delay arising in the determination of contentious issues which might lead to unnecessary planning appeals.
- 4.5.4** Sometimes a person will attempt to supply information to a Member which is claimed to be confidential in nature. Members should remember that they have a general duty of confidentiality under paragraph 3 of Part 1 of the Code of Conduct, and any action taken by the Member concerning the use of such confidential information should be in accordance with that duty.

45.5 The principle of transparency in the planning process will generally find against any relevant information to the planning process being withheld from public scrutiny, restricting any right of confidentiality which may be sought by the person providing the information. In such circumstances the Member will normally be required to ask the person supplying the confidential information to decide between openly providing this information or of withdrawing this information from consideration whatsoever, so as to comply with both the duty under paragraph 3 of part 1 of the Code of Conduct, and the public principle of transparency.

45.6 Only where the City Council have been advised by the appropriate authorities that there is a legitimate and well founded threat to life or property from the publication of such information, would a right of confidentiality be ever considered to exist sufficient to overcome the principle of transparency. Mere commercial or personal interests on their own will never justify the breach of the principle of transparency.

5.6 The Submission of Defamatory and Offensive Information

56.1 Overtly defamatory or offensive remarks in a representation will not be accepted, even if legitimate planning issues are also raised. Its publication would not only bring the planning process into dispute, but may also render the Council liable in damages if malice can be proved. Correspondents will be informed that they will need to be resubmitted with such comments removed.

56.2 There may be instances where an unsubstantiated allegation may contain information material to the determination of a course of enforcement action or a planning application. A developer or land owner may regard the allegations as defamatory, but if they cannot be safely ignored and are material to the delegated or Committee decision to be made, their consideration will be justified.

67. Unreasonable Conduct In Decision Making

67.1 Members must be aware that making a decision based on grounds not related to planning issues will be considered to be unreasonable conduct by both Planning Inspectors and the High Court, resulting in this decision causing an award of costs against the City Council at a planning or enforcement appeal and/or the decision being quashed on judicial review with an award of costs against the City Council.

67.2 All planning authorities have the discretion not to adopt the professional or technical advice of its Planning Officers, so that a

decision against the advice of the Planning Officer will not automatically be considered to be unreasonable conduct. Regard should be had however to paragraphs 6.01 and 6.02 of Part 1 of the Code of Conduct, concerning decision making.

- | **67.3** Members will sometimes face considerable public support for or against a particular item on the Agenda of the meeting. Whilst the views of local residents have to be taken into account when determining a planning application, if those views are not relevant to a planning issue it is unreasonable conduct for Members to take them into account when making a decision. Planning Officers seek to identify planning and non-planning issues raised as part of the consultation process and decisions as an aid to Members in this regard.

- | **67.4** Decisions which ignore Local or National Policy Guidance will generally be deemed to be unreasonable and may result in costs being awarded to the appellant. Decisions which seek to evade National or Local Policy Guidance by adopting grounds for refusal which are in line with that policy but which are clearly not applicable to the circumstances of the particular application will also generally be deemed to be unreasonable and may result in costs. Again Planning Officers will refer to relevant National and Local policy guidance in their reports as an aid to Members in this regard.

- | **67.5** Disagreement with the Planning Officers will normally be reasonable where it involves Members giving different weight to certain material planning considerations, based on careful consideration of the advice given by planning officers and of the supporting evidence. Planning decisions often involve weighing up conflicting considerations leading to a balanced judgement and reports to the Planning Committee will indicate where there is conflicting evidence or where a recommendation is finely balanced. Genuine differences of opinion between the Planning Officer and the Members on such issues can therefore exist without either bringing the planning system into disrepute or risking an award of costs.

- | **67.6** Members should also be aware that when authorising enforcement proceedings that unreasonable decisions will put the Council at financial risk. A Stop Notice can create substantial costs for a developer or land owner and the Council is only protected from a substantial compensation claim if the development being stopped is unlawful. Any Enforcement Notice that requires the owner/occupier to do more than is required may not only result in an award of costs but may also result in a substantial claim for compensation should the

accompanying Enforcement Notice be dismissed on appeal. The Planning Officers report will provide guidance for Members as to what is reasonable in the circumstances of the case on these points.

7.8. Maintaining Public Confidence in the Committees

7.8.1 Public confidence in the local operation of the planning system can be undermined by Members making unreasonable decisions (as set out in paragraph 7 above), as this may result in an increase in the number of appeals which the City Council lose. Success on these appeals may encourage disappointed applicants to make appeals for all applications in the hope that an Inspector will be more likely to grant planning permission than the Committee. In such a situation the City Council would have an increasing amount of officer time and resources spent on matters not suitable for appeal in the first place.

~~8.2 As currently constituted there are two Committees each served by their own Members. Members should not at any time in the course of a meeting of the Committee comment at all upon any matter which is, or has been, or will be on the Agenda of the other Committee, or about the conduct of any other Member or Planning Officer in relation to an Committee.~~

~~8.3 Members should also be careful not to give the impression or appearance of joining in or reacting to any such comments made by member of the public, press, or other persons, which may be misconstrued in a positive or negative fashion as being in favour or against the decision of another Committee.~~

7.28.4 Members should be especially careful when dealing with the media in respect of matters pertaining to the Committees, as adversely reported comments may also result in a loss in public confidence.

7.38.5 Members should note that conduct undermining confidence in the planning system may also constitute conduct bringing the authority into disrepute under paragraph 4 of Part 1 of the Code of Conduct.

8.9 Maintaining Public Confidence in the Role of Planning Officers

8.9.1 Members should at all times during meetings of Committees maintain a professional relationship with Planning Officers as set out in paragraph 2.05 of the Code of Conduct, sticking strictly to the Items contained within the Agenda and to the order of business as set out in the

Sheffield City Council – Constitution
 Part 5 – Guidance Note on General Procedures at Planning and Highways
 Committees (Revised September 2012/Minor amendments June 2013)

Agenda, rather than seek to raise matters with the Planning Officer not on the Agenda which may be misconstrued by those present.

- | **89.2** Members should be careful as regards individual approaches to Planning Officers immediately before or after Committees. If the approach is in relation to an item on the Agenda, this may be misconstrued as an attempt by other persons present to influence the Planning Officer's professional and impartial advice and give rise to the appearance of a personal or ~~prejudicial~~ Disclosable Pecuniary interest existing where no such interest exists. All matters pertaining to an item on the Agenda, including questions to the Planning Officer should be dealt with under the normal order of business in open meeting.

- | **89.3** Members who would be barred from an item on the Agenda of a particular Committee due to having a Disclosable Pecuniary Interest should take special care when making any approach to the Planning Officer. If these approaches are immediately prior to or immediately after the Committee meeting, or that particular Agenda Item, then this may be misconstrued as an attempt to unduly influence the Committee through the Planning Officer, even if the approach is unrelated to anything on the Agenda.

- | **89.4** Members can legitimately question the views of planning officers in a robust manner and openly express disagreement with their professional views. This can lead to a better understanding of the issues involved by all persons present, to the benefit of the planning system.

- | **89.5** Members should however seek to avoid an unduly adversarial, repetitive or demeaning style of questioning, as this may reflect badly upon both the planning officer and the Member to the detriment of public confidence in the operation of the planning system. It is important that the professional standing and credibility of planning officers and the objectivity and efficacy of Committee Members is maintained in order that the public has confidence in the Council's planning system and is not unduly sceptical in its operation.

- | **89.6** Members are further referred to paragraphs 2.04 through to 2.07 (inclusive) of the Code of Conduct which deals with the general obligations between Members and Officers.

9.10 Allegations of Misconduct of Officers

- 9.10.1** Members should be reminded that Planning Officers and other Officers will often work with the professionals acting on behalf of a developer to improve a poor or marginal scheme through a series of negotiations over often quite lengthy periods of time. This is part of the duties of Planning Officers and does not of itself imply that there has been improper collusion between the Planning Officer and the Developer, or that the Developer has exercised undue influence over the Planning process.
- 9.10.2** If a Member reasonably believes that improper collusion exists, or that undue influence is being exercised by a Developer in respect of a Planning Officer then this allegation should be notified to the Monitoring Officer before the meeting of the Committee. The Monitoring Officer will then inform the Director of Development Services and take action with regard to informing external investigators such as the South Yorkshire Police. The Member should thereafter provide whatever evidence or assistance may be required in the proper investigation of this matter by the City Council and/or the Police.
- 9.10.3** In the event of an allegation of improper collusion or undue influence being raised prior to the Committee meeting, the planning case file and Report will be reviewed by a Planning Officer senior to the Planning Officer preparing the report and previously unconnected to the application and any amendments to the Report will be presented by that senior Planning Officer.
- 9.10.4** In no circumstances should a Member seek to make an allegation of improper collusion or undue influence in the course of the Committee meeting itself. Aside from disrupting the proper conduct of the meeting and bringing the planning system into disrepute, this would prejudice the proper investigation of the allegation and personally leave the Member open to investigation for misconduct and an action for slander by the Developer and his agents, as well as the Planning Officer, should the allegation not be substantiated. A Member should not also therefore seek to defer a determination following an allegation of misconduct made by a member of the public.
- 9.10.5** Members need to be aware that conduct which falls outside these guidelines can be the subject of an application for judicial review on the ground that the Committee failed to deal with the particular application in a proper manner: it does not matter that the decision may have been correct in planning terms. It could also justify an application for costs in

a planning appeal. Allegations of bias and/or improper collusion could potentially also be the subject of an action for slander; statements of that nature only attract qualified privilege which can be withdrawn if malice is proved.

104 Commencement of Committee Meeting

- 104.1 Prior to the start of the meeting the Committee Secretary will have found out which members of the public wish to speak on which items on the agenda. The order of the agenda should therefore be revised in consultation with the Chair, to move those items up the agenda which have the most interest to those members of the public present so as to allow it to be dealt with first and to avoid disruption of the meeting.
- 104.2 The Committee Secretary will then announce the revised order of business and will explain, for the benefit of the public, the procedure for addressing the Committee. The Committee Secretary will also announce, after consultation with the Planning Officer, if any application is now not to be considered at the current meeting or has been completely withdrawn by the applicant.
- 104.3 In respect of applications which are now to be considered at the next Committee Meeting, any members of the public present who attended the meeting of the Committee to speak to that application should be offered the chance to either speak to that application with their comments incorporated into the revised report for that application, or to return to the next meeting of the Committee when the item would normally return for consideration. The preferred option would be for members of the public to attend to speak to that application at the next Committee meeting.
- 104.4 To speed up the proceedings, it will be assumed that Members will have read the reports on the agenda. Presentations will however be invited where they help to focus the Committee on the material considerations, where there are supplementary reports or to help the public understand why decisions are being made.
- 104.5 Members leaving the room during consideration of an item can not thereafter take part in the decision on that item upon their return, as they cannot be seen to have been in full possession of the information required to make that determination, and may have been influenced by events occurring outside the Committee during their absence.

112 Meeting Procedure and Decision Making

112.1 Members are reminded of the procedure for considering each application as follows:-

- Planning Officer introduction to report, where appropriate (see paragraph 11.4 above) .
- Public representations – speaker(s) against recommendation first; speaker(s) for recommendation second.
- Planning Officer response to public representations.
- Member report back on any site visit held.
- Member questions.
- Planning Officer responses.
- Member comments.
- Voting on Planning Officer recommendations (with any amendments/ suggested changes/ additional conditions, etc.) as per Council Procedure Rules.
- Give reasons for grant or refusal of application.
- When granting a planning application, to indicate whether or not it should be required that any amendments to the application which need planning permission which are subsequently submitted by the applicant to be reported to the Committee for a decision.

112.2 Members may ask for the vote to be recorded, as normally no record is taken of the numbers for or against on a particular determination, only whether or not the matter was agreed or refused by the Committee. Clause 18.4 of part 4, Council Procedure Rules sets out in full the proper procedure for a formal recorded vote.

112.3 Separate guidance in the form of a Guidance Note To Chair On Disruption Of Planning And Highways Committee By Members Of The Public exists in relation to the disruption of Committee Meetings by members of the public, which includes the intimidation of Members.

13.12. Requests for Site Visits

- 13.1.1 Wherever possible, planning officers and the Chair of the Committee will try and anticipate where a site visit might be required and organise it in advance of the Committee, to avoid unnecessary delay. A clear case should be presented by any Member suggesting an additional site visit and consideration given to any advice from officers present about available information that might negate the need for a visit. Paragraph 6 of the Code of Conduct contains specific rules regarding this issue.
- 13.1.2 When the Planning Officer suggests a decision on an application be deferred pending a site visit and a member of the public is present at that meeting and may be unable to attend the following meeting, then he/she should be allowed to speak and a note of such representations will be made and taken into account when that application is considered.
- 13.1.3 Members are reminded that the Code of Conduct at paragraphs 6 and 7 regulates Members conduct with regard to both formal Committee Site Visits and individual site visits.
- 13.1.4 Attendance at a formal Committee Site Visit is not mandatory for Members voting on the subsequent item on the Agenda, but Members are expected to attend if they feel that they could not make a decision without a site visit in any particular case or to ensure that sufficient Members attend to maintain public confidence in the need for the visit. If a Member cannot for whatever reason attend upon the formal Committee Site Visit and feel that they need to visit the application site before making their decision, they should undertake an individual site visit prior to the Committee, or abstain from the decision at the Committee.

13.4 Calling for A Public Inquiry

- 13.4.1 When an application is refused, and is likely to be the subject of an appeal there is sometimes pressure at a Committee from objectors and other members of the public present for a public inquiry to be held in respect of any potential appeal, as it is erroneously believed that the City Council have the power to hold such an inquiry, and that a public inquiry will be more likely to be swayed by the representations of the objectors.

134.2 The Planning Inspectorate determine which of the three types of appeal is the most appropriate for any particular appeal. The three types of appeal are :-

- Written representations;
- Informal hearing;
- Public inquiry.

An appeal will be written representations if both the appellant and the Council agree to it. These appeals are undertaken purely on the basis of documents submitted by the parties and are the cheapest and quickest form of appeal.

134.3 If there is no agreement as to written representations being the most appropriate form of appeal then the appeal will be either an informal hearing or a public inquiry at the sole decision of the Planning Inspectorate. Both parties may make representations regarding which is the more appropriate method of appeal, but the decision is solely that of the Planning Inspectorate.

134.4 In practical terms there is very little difference between an informal hearing and a public inquiry for an objector as both are held in public and both allow for objectors to make representations. The only real difference is that the public inquiry allows for evidence to be given under oath. All three types of appeal will deal with exactly the same material planning considerations. An appeal is as likely to be upheld on its planning merits after written representations as it would at an informal hearing or a public inquiry.

14.5 **Declarations of Interest**

145.1 Members should be clear about declaring an interest and when they should leave the room when the matter is discussed. Part 2 of the Code of Conduct contains specific Rules regarding this issue. If in doubt, Members should seek [specialist legal advice](#) from the [Legal Contact Officer](#) ~~beforehand~~ [prior to the start of the meeting](#). Whilst officers will give advice, it should be noted that the decision itself rests with the Member.

15.6 **Observers and Public Speaking at Committee Meetings**

156.1 The current practice of allowing only one spokesperson for each principal point of view is at the Chair's discretion. There are rules regarding this issue at paragraph 5 of the Code of Conduct. Whilst the

public do not have a right to speak, there will be times when additional speakers will wish to make representations. Sometimes denying a member of the public the chance to speak can create difficulties and Chairs are reminded to exercise this discretion having regard to the right to a fair hearing under Article 6.1 of the Human Rights Act 1998 and paragraph 5.2(c) of the Code of Conduct.

156.2 Members' are reminded that public speaking is normally limited to a maximum of 5 minutes (as opposed to 3 minutes at Council and Cabinet meetings). Paragraph 5.2(d)-(g) of the Code of Conduct contains rules regarding this point. The Committee Secretary will keep a check of the time and inform the Chair when the 5 minutes is about to elapse. It would be helpful at that time if the Chair would advise the speaker to draw to a conclusion if it is not apparent that the speaker has nearly finished. A note of the public speakers and the key points made by them will be made by the Committee Secretary and retained on file with the agenda. ~~(do they?)~~

156.3 Cabinet Members attending Committee meetings as observers should take no part in the conduct of the meetings and should only contribute when specifically invited to do so by the Committee. The procedure for Councillors wishing to address the Committee is the same as for members of the public.

1716. Role of the Chair

167.1 The Chair, in running the meeting, should be mindful of the need to retain a degree of independence as far as possible, and to be fair to all Members of the Committee. It is suggested that best practice be followed by the Chair in being the last speaker on an item of business, prior to the vote being taken.

167.2 If there are equal numbers of votes for and against a decision, the Chair will have a second or casting vote in accordance with Clause 18.2 of part 4, Council Procedure Rules. There is no restriction on how the Chair chooses to exercise a casting vote.

167.3 The Chair is expected to maintain order and to allow the Committee to perform its proper functions without disruption by either Members of the Committee or by members of the public. The powers of the Chair in relation to dealing with disruption by Members of the public are set out in a separate Guidance Note to Chair On Disruption Of Planning And Highways Committee By Members Of The Public. Committee Members should not seek to condone the behaviour of members of the public in

acts of disruption, and support the Chair in the proper exercise of those powers under the Council Procedure Rules.

167.4 Feedback from businesses and members of the public who have attended Committee meetings suggest that they can sometimes be confused as to why decisions have been made. The Chair has a role in ensuring that decisions are clearly explained, especially if against the officer recommendation in the report.

17.8 After the Committee

178.1 The determination by the Committee may not be the end of the planning process in respect of some applications. Where an applicant appeals, the process may continue for up to a year after the Committee meeting. Members should therefore be aware of outstanding appeals which are reported back on the Committee Agenda, and avoid statements and conduct which might give the indication of unreasonable conduct in the making of the decision.

178.2 Whilst Members would be free to join and even organise lobby groups related to a particular application after the determination of a decision (subject to paragraph 17.1 above), Members should bear in mind that a duplicate application may be made by the applicant to the application refused which will require determination in the future. It may well be that Members may be forced to declare an interest and possibly be barred from taking part in this subsequent determination, if their statements and conduct indicate that they could not approach this duplicate application with an open mind.

178.3 Members must bear in mind that Planning and Legal Officers are under a duty to pursue every such appeal against refusal with due diligence and rigour under their separate professional codes irrespective of their initial advice to the Committee. Committee Members should not therefore seek to influence the conduct of any subsequent appeal case by the City Council. Members should be aware that they are able to make representations at all types of appeal in their own name as an objector or supporter to the development, and attend in person at both informal hearings and public inquiries to make those representations.

178.4 The decision of the Inspector will be reported back to the Committee at the first available opportunity. Members should not use this report back to comment adversely upon the Inspectors decision, or upon the conduct of the appeal, or the original application as this would undermine confidence in the planning system. In the overwhelming

majority of planning appeals the Inspector will reach a decision substantially similar to the original report of the Planning Officer, dismissing the appeal against the decision of the Committee based upon that report.

178.5 In a minority of cases the Inspector may uphold the appeal despite the Planning Officer's report and the decision of the Committee. Whilst there is a right for Inspector's decisions to be reviewed that is by an application for judicial review in the High Court based on evidence that the decision was unreasonable in planning terms or followed a misinterpretation of law or planning policy; it is not a right of appeal.

~~Decisions to take judicial review proceedings may have considerable financial consequences for the Council and should therefore only be taken after obtaining Counsel's opinion. Although the Director of Legal and Governance has delegated powers to institute and defend legal proceedings generally, unless that is necessary to ensure that statutory timetables are met (in which case a report would be brought to the relevant Committee at the earliest opportunity) a decision to institute proceedings would be taken by the relevant Committee following a joint report by the Head of Planning and the Director of Legal and Governance.~~

178.6 There will also be a very small number of appeals which have been dismissed following refusal by Committee Members contrary to Planning Officers advice. There may be good reasons for the decision of the Inspector in such cases which are unrelated to the quality of the advice given in the original report, but the Head of Planning will review the case and ensure that any lessons that need to be are learnt.

Comment [DG(1): A decision to bring proceedings is an executive function that is delegated to Director of Legal and Governance in the Leader's Scheme

Principles for Joint Health Scrutiny

22. The health of the areas residents is dependent on a number of factors including the patterns of deprivation and the quality of services provided by the NHS, the Local Authorities and local partnerships. The success of joint health scrutiny is dependent on the Members of the Joint Committee as well as the NHS.
23. The Local Authorities and NHS bodies will be willing to share knowledge, respond to requests for information and carry out their duties in an atmosphere of courtesy and respect in accordance with their Codes of Conduct. Personal and ~~prejudicial~~ Disclosable Pecuniary interests will be declared in all cases, in accordance with the Code of Conduct.
24. The scrutiny process will be open and transparent in accordance with the Local Government Act 1972 and the Freedom of Information Act 2000 and meetings will be held in public. Only information that is expressly defined in regulations to be confidential or exempt from publication will be considered in private.
25. Different approaches to scrutiny reviews may be taken in each case. The Joint Committee will seek to act as inclusively as possible and will take evidence from a wide range of opinion including patients, carers, the voluntary sector, NHS regulatory bodies and staff associations. Attempts will be made to ascertain the views of hard to reach groups, young people and the general public.
26. The Joint Committee will establish links with the other public and patient involvement bodies (PCT and Trust Patient Forums) established by the Commission for Public and Patient Involvement in Health under the NHS Reform and Health Care Professions Act 2002.
27. The Regulations covering health scrutiny require the Chief Executive of NHS bodies to attend meetings of Health Scrutiny Committees. The Joint Committee however recognises that, in certain circumstances, the Chief Executive may not find it possible to attend and other appropriate Officers will then attend, dependent upon the matter under review. Reasonable time will be given for the provision of information by those asked to provide evidence to the Joint Committee.
28. Evidence and final reports will be written in plain English where possible. Acronyms and technical terms will be explained.

1.5 Notwithstanding these arrangements, individual authorities may wish to comment on proposals by NHS bodies under the broader duties imposed on NHS Bodies by Section 242 of the National Health Service Act 2006.

1.6 This protocol has been developed and agreed by all the local authorities with responsibility for health scrutiny in the Yorkshire and the Humber region (Bradford, Calderdale, Kirklees, Leeds, Wakefield, York, North Lincolnshire, Barnsley, Doncaster, Rotherham, Sheffield, East Riding, North Yorkshire, North East Lincolnshire and Hull) as a framework for carrying out joint scrutiny of health in the region in response to a statutory consultation by an NHS body.

2.0 COVERAGE

2.1 Whilst this protocol deals with arrangements within the boundary of Yorkshire and the Humber, it is recognised that there may be occasions when consultations may affect adjoining regions. Arrangements to deal with such circumstances would have to be determined and agreed separately, as and when appropriate.

3.0 PRINCIPLES FOR JOINT HEALTH SCRUTINY

3.1 The basis of joint health scrutiny will be co-operation and partnership with a mutual understanding of the following aims:

- To improve the health of local people and to tackle health inequalities
- Ensuring that people's views and wishes about health and health services are identified and integrated into plans, services and commissioning that achieve local health improvement.
- Scrutinising whether all parts of the community are able to access health services and whether the outcomes of health services are equally good for all sections of the community.

3.2 The Local Authorities and NHS bodies will be willing to share knowledge, respond to requests for information and carry out their duties in an atmosphere of courtesy and respect in accordance with their Codes of Conduct. Personal and ~~prejudicial~~ Disclosable Pecuniary interests will be declared in all cases, in accordance with the Code of Conduct.

3.3 The scrutiny process will be open and transparent in accordance with the Local Government Act 1972 and the Freedom of Information Act 2000 and meetings will be held in public. Only information that is expressly defined in regulations to be confidential or exempt from publication will be considered in private.

MANAGEMENT STRUCTURE

1.1 Chief Officers

Chief Executive and Head of Paid Service

- Has overall corporate and management responsibility for the work of the Council, including the number and grade of officers required for the discharge of functions
- May discharge the functions discharged to other officers in cases of urgency or emergency and in consultation with the Leader

Chief Executive

Responsible for:-

~~Performance and Communications~~
~~Scrutiny and Corporate Planning~~
~~Health Improvement and Health Inequalities~~
~~Support to SFP Health Partnership~~
~~Healthy City Project~~
~~Sheffield City Region~~
~~Strategy for Economy, Skills and Enterprise~~
~~Economic Investment Planning~~
~~Policy and Research~~
~~Voluntary Sector Strategy and Funding~~
~~City Information~~
~~Spatial Information applications including GIS~~
~~Democratic Services and Member Development~~
~~Organisational Change, Customer Strategy~~
~~Governance & Involvement, including Elections~~
~~Emergency Planning / Business Continuity~~
~~Legal Services including Land Charges~~
~~Register Office~~
Director of Policy, Performance and Communications

- Corporate Policy and Strategy
- Research and Analysis
- Performance Management
- Strategic and Business Planning
- Communications, including Campaigns, Marketing, Press and PR, and internal Communications
- City Information
- Partnerships Development
- Strategy for VCF Sector and Related Funding
- Equalities, Social Justice and Community Involvement

- Scrutiny
- Elections and Referenda
- Electoral Registration

Director of Sheffield First Partnership

- Sheffield City Strategy
- Sheffield Outcomes Framework
- State of Sheffield Report
- Sheffield Executive Board
- Sheffield Partnerships Collaboration
- Sheffield Whole Place (City) Budgets Programme
- Business First Partnership Unit

Executive Director Resources

Responsible for:-

- ~~Finance, including Revenues and Benefits through Capita contract~~
- ~~Commercial Services, including Corporate Procurement and Strategic Contract Management~~
- ~~Property Services and Facilities Management, including Kier Partnership~~
- ~~Customer Services, including Corporate Contact Centre and First Point and Complaints~~
- ~~Transport Services~~
- ~~Business Information Solutions, including Capita contracted services~~
- ~~Transformation Service and Business Management and Support~~
- ~~Human Resources, including HR Connect contracted services through Capita~~

Director of Finance

- Revenue Budget and Accounting
- Capital Programme Budgeting and Accounting
- Project Finance
- Internal Audit
- External Grant Funding
- Housing and Council Tax Benefits Client Team
- Council Tax Collection
- Collection of Sundry Debt

Director of Commercial Services

- Commercial, Commissioning, Procurement and Contract Management, Processes and Support
- E-Business (Trading electronically with the Council's Suppliers)
- Business Services Category (Procurement)

- Construction Category (Procurement)
- Young People, Health and Care Category (Procurement)
- Commercial Projects
- Strategic Contract Management (e.g. Capita, Veolia, Highways PFI, Kier LLP, Kier Property and FM)
- Supplier Relationships
- All External Spend Data and related Freedom of Information Requests
- Approach/Process for Trade Supplier Payments
- Managing Community Right to Challenge Submissions

Director of Customer Services

- Customer Services (Contact Centre, First Point, Reception Services)
- Corporate Complaints Team
- Blue Badge Service
- City Wide Alarms Call Handling Service
- 101 Service/Out of Hours Service
- Post Offices
- Customer First Programme
- E-Services (Council Website)
- Armed Forces Community Covenant
- Translation and Interpretation
- Customer Service Strategy and Projects
- Sheffield Registry Office
- Communications and Customer Care Team – Council Housing Service

Director of Business Information and Transformation

- Transformation Service – Business Change
- Business Analysis
- Enterprise Architecture
- IT Service Management
- Programme and Project Management
- Strategy and Planning
- Information Security
- ICT Governance and Assurance
- ICT Outsourced Partnership Management
- Information Management
- IS Business Partnering
- IT Training

Director of Human Resources

- HR Business Partners
- HR Policy and Specialist Advice on Employment Matters
- HR Advice and Support on People Management

- Brockwood Park Training Centre
- Schools HR Service – Strategy and Governance
- Learning and Development Delivery Service
- HR Support for Major Change Projects
- Occupational Health
- Health and Safety
- HR Connect – Capita HR Transactions
- HR Connect – Capita Payroll

Director of Legal and Governance

- Legal Services
- Land Charges
- Monitoring Officer
- Standards
- Constitution
- Governance
- Democratic Services
- Member Development
- Mayoral Team
- Political Assistants and Group Support Officer
- Members Support

Director of Transport and Facilities Management

- Transport Fleet and Contract Management
- Transport Strategy and Governance
- HGV/PVC Operator Licences
- Passenger Transport for Vulnerable Adults and Children
- Taxi Driver and Vehicle Testing
- Vehicle Testing, Maintenance and Repairs
- Specialist Transport to Major City Events
- Chauffeur Service
- Community Buildings Team
- Schools Property Services
- Facilities Management, including Statutory Compliance and Maintenance - all Portfolios (except Housing)
- Property Records
- Kier Asset Partnership Ltd. Shared Services – Facilities Management

Executive Director Children, Young People and Families

Responsible for:-

- ~~Capacity Planning and Development~~
- ~~Assets and Building Schools for the Future~~

- ~~• Change Management and Organisational Development Schools~~
 - ~~• Admissions~~
 - ~~• Children and Families~~
 - ~~• Fieldwork Services~~
 - ~~• Fostering and Adoption~~
 - ~~• Safeguarding~~
 - ~~• Learning Difficulties and Disabilities~~
 - ~~• Multi-Agency-s~~
 - ~~• Parenting and Looked After Children~~
 - ~~• Commissioning Health Services~~
 - ~~• Family Support Services~~
 - ~~• Special Educational Needs provision and services~~
 - ~~• Early Years and Children's Centres~~
 - ~~• Inclusion Centres~~
 - ~~• Transforming Learning including schools CPD~~
 - ~~• Educational Attainment of Looked After Children~~
 - ~~• Behaviour, and Healthy Schools Strategy including Anti-Bullying Strategy~~
 - ~~• School Attendance~~
 - ~~• Inclusion and Learning Services~~
 - ~~• Schools~~
 - ~~• Special Schools~~
 - ~~• Special Educational Needs~~
 - ~~• Transforming Learning and BSF Vision~~
 - ~~• Behaviour, Attendance and Anti-Bullying Scheme~~
 - ~~• EMTAS~~
 - ~~• Lifelong Learning, Skills and Communities~~
 - ~~• Learning, Skills and Employment~~
 - ~~• 14-19 Partnership~~
 - ~~• Adult Learning~~
 - ~~• Youth Offending~~
 - ~~• Youth Commissioning~~
 - ~~• Employment and Skills~~
 - ~~• Extended School~~
 - ~~• Children's Commissioning Services~~
 - Acting Director of Children and Families Service
 - Children's Social Work Services
 - Fostering Service
 - Adoption Service
 - Safeguarding Service
 - Learning Difficulties and Disabilities Service
 - Multi-Agency Support Teams
 - Early Intervention and Prevention Services
-

- Attendance Services
- Parenting Strategy
- Looked After Children Services
- Corporate Parenting
- Commissioning Health Services
- Children's Centres Support Services
- Children's Residential Services
- Aldine House Secure Home
- Strategic Contracting and Access to Resource Service
- Aiming High and Short Break Services
- Early Years Planning and Sufficiency
- Strategic Leadership of the Early Years
- Leadership of the Review of Early Years
- Childcare
- Young Children's Centres
- Children's Centres Inspections
- Childminders
- 0-5 Strategy
- Youth Justice Service

Deputy Executive Director Inclusion and Learning Services

- Advocacy for Children & Young People.
 - Primary, Secondary and Special Schools – Performance Monitoring, Challenge and Communication
 - Targeted Support for Vulnerable Groups including those with EAL
 - Educational Attainment of Looked After Children
 - Behaviour Service, including Inclusion Centres
 - School Governor Service
 - School Sports Strategy, including Swimming
 - School Music Service
 - Learning Support Service
 - Outdoor Education Service
 - E-Learning
 - School Places Planning and Commissioning
 - Commissioning School Transport
 - Early Years Learning Outcomes
 - Children Missing from Education
 - School Admissions and Admission Appeals
 - SEN Services and Commissioning of SEN Places, Provision and Transport
 - Strategic Lead for SEN
 - Strategic Lead for Services to Schools
 - De-escalation Service for Schools, Communities and Parents
-

- Early Years Inclusion
- Maintained Nursery Schools

Director of Business Strategy

- Capital Strategy, including BSF
- CYPF and Schools Resourcing Strategies
- Revenue Budget and Business Planning Strategy, including Traded Services
- Emergency Planning and Business Continuity
- Schools Transport Strategy and Delivery
- School Food Services
- CYPF Information Strategy
- Risk Assessment and Management (including Information Risk)
- Financial Probity and Performance
- Governance and Compliance
- Strategic Resource Planning
- School Financial and Resource Planning Advice and Guidance
- Business Partner Relationship Management:
 - Asset Management
 - Human Resources
 - Finance
 - Information Communication Technology
 - Procurement
 - Efficiency Programme
 - Customer First
 - Transformation Change Programmes – Capital, Budget, Strategic Outcomes, Academy Conservation Programme, Modern Efficient Council (MEC), Corporate Strategy

Director, Lifelong Learning, Skills and Communities

- 14-19 Partnership, Planning and Provision
- Adult Community and Family Learning
- Integrated Youth Support
- Employment and Skills
- Extended Learning and Support
- Community Cohesion
- Portfolio Policy, Planning and Performance
- Sheffield City Region Skills Lead for the City Deal

Executive Director, Communities

Responsible for:-

Business Strategy

- ~~Improvement and Development~~
- ~~Quality and Safeguarding~~
- ~~Business Partner Liaison~~

Commissioning

- ~~Strategic Commissioning and Partnerships~~
- ~~Housing Commissioning and Regulation~~
- ~~Accountable Body Services Team~~

Community Services

- ~~Community Buildings Team~~
- ~~Locality Management Team~~
- ~~Community Safety~~
- ~~Libraries, Archives and Information~~

Care and Support

- ~~Social Work Assessment and Care Management~~
- ~~Transforming Adult Social Care~~
- ~~In-house Provider Services (including Care4you and People with Disabilities and Sensory Impairment)~~
- ~~Housing Solutions, Asylum Accommodation and Support Service~~
- ~~Joint Learning Disability Service~~

Director of Business Strategy

- Improvement and Development:
 - Performance Management, including,
 - Programme Development and Monitoring
 - Business and Portfolio Strategy, Planning and Monitoring
 - Business Improvement, Efficiency and VFM
 - Business Transformation/Change Management Information
 - Monitoring and Management
 - Business Continuity
 - Business Systems Maintenance and Development
- Quality and Safeguarding:
 - Safeguarding and Strategic Overview and Governance
 - Serious Incidents and Serious Case Reviews
 - Governance and Quality Improvement
 - Staff and Customer Involvement/Workforce Development
 - Risk Management, Information Governance and Business Continuity
 - Equalities, Diversity and Inclusion

- Business Partner Liaison

Director of Community Services

- Locality Management Arrangements
- Community Safety, Cohesion and Migration
- Libraries, Archives and Information
- Drug and Alcohol/Domestic Abuse Co-ordination (DACT)
- Healthy Communities Programme

Director of Care and Support

- Community, Hospital and Intermediate Care, Social Work Assessment and Care Management Teams, including safeguarding assessments of people in need
- Self-Directed Support and Personal Budgets for People Needing Social Care and Support
- In-House Provider Services (including Care4You and People with Disabilities and Sensory Impairment
- Housing Solutions (homelessness prevention, assessments and allocations), Asylum Accommodation and Support Service and Equipment and Adaptations
- Joint Learning Disability Service
- Local Assistance Scheme

Director of Commissioning

- Housing Commissioning:
 - Future of Council Housing
 - Housing Revenue Account Business Plan
 - Lettings Policy Review
 - Leaseholders, Right to Buy and Financial Services
 - Private Rented Standards
 - Social Landlords Relationships
 - Housing-related Support
- Adult Social Care Commissioning:
 - Intelligence and Forecasting
 - Older People
 - Mental Health
 - Learning Disabilities
 - Carers
 - Service Development (personalisation, prevention, integrated services)

o ~~Contracts and Partnerships~~

Executive Director Place

Responsible for:-

- ~~• Activity Sheffield~~
- ~~• Arts and Museums~~
- ~~• Facilities~~
- ~~• City Centre Management~~
- ~~• Policy, Projects & PM~~
- ~~• Public Realm Maintenance~~
- ~~• Bereavement Services~~
- ~~• Graffiti Removal~~
- ~~• Development Services~~
- ~~• PFI Client~~
- ~~• Transport and Highways~~
- ~~• Design and Project Management~~
- ~~• Planning Division~~
- ~~• Waste (Including Abandoned Vehicles)~~
- ~~• Building Control~~
- ~~• Parking Services~~
- ~~• Licensing~~
- ~~• Flood Risk Management~~
- ~~• Carbon Reduction~~
- ~~• Air Quality~~
- ~~• Parks & Countryside Service~~
- ~~• Trees and Woodlands~~
- ~~• Development Services~~
- ~~• Business Strategy and Regulation~~
- ~~• Environmental Protection~~
- ~~• Pest Control~~
- ~~• Trading Standards~~
- ~~• Health Protection~~
- ~~• Medico Legal Centre~~
- ~~• Street Force~~
- ~~• PFI/ Strategic Partner~~
- ~~• Neighbourhoods Investment Programme~~
- ~~• Housing, Enterprise and Regeneration~~
- ~~• BIG~~
- ~~• City Development~~
- ~~• Over-arching Housing Strategy~~
- ~~• Thriving District and Local Centres~~

- ~~• Rural Community Strategy~~
- ~~• Liveability~~
- ~~• Sustainable Development~~
- ~~• Climate Change and Environment Strategy~~
- ~~• Creative Sheffield and Marketing Sheffield~~

Director of Capital and Major Projects

- Corporate Property Services
- Estate and Valuation Services
- Sheffield Markets Services
- Property Disposals and Acquisitions
- Rural Estates Management
- Commercial Estate Management
- Kier Asset Partnership Ltd Shared Services – Estate and Valuation Services
- Capital Investment and Capital Delivery Service
- Emergency Planning/Business Continuity, including shared service with Rotherham
- Interim responsibility for:-
- Sustainable Development
- Climate Change
- Policy and Projects
- Home Insulation Programme and Green Deal
- Environmental Strategy
- Renewable Energy and District Energy

Director of Culture & Environment

- Arts Projects
- Activity Sheffield
- City Centre Management
- City and Community Events
- Trees and Woodlands
- Parks and Countryside
- Public Realm Maintenance
- Bereavement Services
- Non-Highways Graffiti Removal
- Public Toilets
- Sports and Arts Trusts
- Allotments
- Ranger Service

Director of Regeneration and Development Services

- Air Quality
- Building Standards and Public Safety

- Flood Risk Management
- Highways Maintenance (PFI Client)
- Planning
- South Yorkshire Archaeology
- South Yorkshire Forest
- Transport, Traffic and Parking Services
- Interim Lead for Housing, Enterprise and Regeneration:-
- Local Growth Fund
- Thriving District Centres
- Over-arching Housing Strategy, Investment and Regeneration
- Sheffield Housing Company
- City Development
- Scowerdons, Weaklands and Newstead Housing Regeneration Project

Director of Business Strategy and Regulation

- Business Partner Relationship Management
- Business Planning
- Governance and Compliance
- Performance Management
- Programme Management
- Resilience Management
- Risk
- Business Continuity
- Emergency Planning
- Strategic Resource Planning
- Operational Services:
- Coroner's Advice
- Medico-Legal Centre (MLC)
- Licensing
- Regulatory Services
- Health Protection
- Environmental Protection
- Trading Standards
- Pest Control
- Waste Management (including abandoned vehicles)

Director of Marketing Sheffield

- Marketing of Sheffield
 - City Branding
 - City Promotion
 - Commissioning of Major Events
 - Leisure and Business Tourism
 - Stakeholder Engagement with Private Sector
-

- Change Management Role
- Champion Creative Sheffield
- External Relations with National Organisations (Visit England etc.)
- Interface with LEP

Director of Creative Sheffield

- Business/Inward Development
- Sector Development
- Indigenous Business Aftercare/Support
- SME Business Support
- Enterprise in Schools
- First Point for Business
- Economic Strategy/Policy
- Sheffield City Region and Local Enterprise Partnership

Director of Public Health

Responsible for:-

- Public Health overall, including Health Improvement, Health Protection and Health Services' Public Health
- Public Health input to the (NHS) Clinical Commissioning Group
- Lead Director for the Joint Strategic Needs Assessment
- Public Health Transition for the NHS to the City Council
- Liaison with Executive Directors regarding Integration of Public Health Specialist Teams into the Portfolio Management Structures
- Planning for and responding to emergencies that present a risk to public health
- Membership of the Health and Wellbeing Board
- Writing an Annual Report on the Health of the Population

Director of Health Improvement

- Health Improvement
- Health Inequalities
- WHO Healthy City Project
- Public Health and NHS Transition Work
- Health and Improvement Plan
- Health Impacts of Housing
- Business Planning and Performance for Public Health Office

2. PROPER OFFICERS

2.1 The following are the Proper officers of the Council for the purposes stated:-

Local Government Act 1972	Description	Proper Officer
Section 83	Officer to witness and receive declarations of acceptance of office.	Joint Head of Democratic Services
Section 84	Officer to whom a person elected to any office under the Council may give written notice or resignation.	Joint Head of Democratic Services
Section 88 (2)	Officer who may convene a meeting of the Council for the election to fill casual vacancy of chairman of the Council.	Joint Head of Democratic Services
Section 89 (1)	Officer who may receive notice in writing of a casual vacancy in the office of Councillor from two local government electors.	Elections Officer
Section 96 (1)	Officer who may receive from councillors general notices of pecuniary interests and to keep a record of such disclosures.	Joint Head of Democratic Services
Section 100B (2)	Officer who may think fit to exclude from reports open to inspection parts relating to	Director of Legal and Governance, in consultation with the

	items during which the meeting is likely not to be open to the public.	relevant Executive Director.
Section 100B (7) (c)	Officer to make available to the press copies of documents already supplied to Councillors.	Joint Head of Democratic Services.
Section 100C (2)	Officer responsible for preparing a written summary of those parts of the committee proceedings which disclose exempt information.	Joint Head of Democratic Services.
Sections 100D	Officer responsible for identifying background papers and compiling list of such documents.	Relevant Executive Director.
Section 100F (2)	Officer making decision as to documents disclosing exempt information which are not required to be open to inspection by Councillors.	Director of Legal and Governance, in consultation with the relevant Executive Director.
Section 115	Officer to whom all officers shall pay monies received by them and due to the Local Authority.	Executive Director, Resources or her nominee.
Section 146(1)	Officer authorised to produce a statutory declaration specifying securities and verifying name change of authority.	Director of Legal and Governance.

Section 191	Officer to receive notices from Ordnance Survey Office in relation to ascertaining or locating Local Authority boundaries.	Director of Legal and Governance.
Section 204 (3)	Officer to whom notice of application for a Justices License under schedule 1 of the Licensing Act 1964 should be given.	Principal Licensing Officer.
Sections 210 (6) and (7)	Officer in whom power is vested to exercise any power with respect to a charity exercisable by any officer of a former authority.	Director of Legal and Governance.
Section 225	Officer with whom documents may be deposited pursuant to law, to make notes or endorsements and give acknowledgements or receipts.	Director of Legal and Governance.
Section 228	Officer responsible for keeping accounts open for inspection by any member of the Authority.	Executive Director, Resources.
Sections 229	Officer who shall certify that a document is a photographic copy of a document in the custody of the Council.	Director of Legal and Governance
Section 234 (1)	Officer who may authenticate	Director of Legal and

Sheffield City Council - Constitution
 Part 7 – Management Structure and Proper Officers (Minor amendments
 February and June 2013)

	notices, orders or other documents on behalf of the Council.	Governance
Section 238	Officer responsible for certifying copies of bye-laws.	Director of Legal and Governance
Schedule 12 Paragraph 4 (2) (b)	Officer who may sign and send to all Councillors a summons to attend Council meetings.	Chief Executive.
Schedule 12 Paragraph 4 (3)	Officer who may receive notice from a Councillor providing an address to which a summons to a meeting is to be sent.	Joint Head of Democratic Services
Schedule 14 Paragraph 25	Officer who may certify resolutions passed under this paragraph.	Director of Legal and Governance
Local Government Act 1974	Description	Proper Officer
Section 30 (5)	Officer responsible for arranging publication in newspapers of notice of Local Commissioner's report on investigation of a complaint.	Director of Legal and Governance
Local Government (Miscellaneous	Description	Proper Officer

Provisions) Act 1976		
Section 41	Officer responsible for certifying copies of resolutions, minutes and other documents.	Director of Legal and Governance
Highways Act 1980		
	Description	Proper Officer
Section 59	Officer responsible for certifying that extraordinary expenses have been incurred in maintaining the highway by reason of damage caused by excessive weight or other extraordinary traffic.	Head of Highway Maintenance Transport and Highways
Section 205	Officer responsible for undertaking duties as specified in the schedules in relation to private street works.	Head of Highway Maintenance Transport and Highways
Section 210	Officer responsible for certifying amendments to estimated costs and provisional apportionment of costs under the private street works code.	Head of Highway Maintenance Transport and Highways
Sections 211, 212 & 216	Officer responsible for making final apportionment of costs as detailed in the schedules under the private street works code.	Head of Highway Maintenance Transport and Highways
Section 295	Officer responsible for issuing	Head of Transport, Traffic and Parking

	notices requiring removal of materials from non-maintainable streets in which works are due to take place.	<u>Services and Highways/ Highway Network Manager & Sheffield Traffic Manager</u>
Section 321	Officer responsible for authenticating notices and other documents.	Head of Transport, <u>Traffic and Parking Services/Head of Highway Maintenance and Highways</u>
Schedule 9 Paragraph 4	Officer responsible for signing plans showing proposed prescribed improvement or building lines.	Head of <u>Highway Maintenance Transport and Highways</u>
Registration of the People Act 1983	Description	Proper Officer
Section 8	Officer to act as Registration Officer for the registration of Parliamentary and Local Government Electors.	Elections Officer
Section 28	Officer to act as Acting Returning Officer at Parliamentary Elections.	Chief Executive
Section 35	Officer appointed as Returning Officer for local elections.	Chief Executive
Section 67	Officer to whom declarations and public notice of election agents' appointments are made.	Elections Officer
Section 131	Officer responsible for providing accommodation for holding election court.	Elections Officer

Buildings Act 1984		
Buildings Act 1984	Description	Proper Officer
Section 78 (8)	Officer responsible for taking immediate action in relation to dangerous buildings.	Director of Regeneration and Development Services
Local Government Finance Act 1988		
Local Government Finance Act 1988	Description	Proper Officer
Section 114	Officer responsible for making financial reports to the authority.	Executive Director, Resources.
Section 116	Officer responsible for notifying auditor of date, time and place of meeting to consider Section 114 report and of decision of such meeting.	Executive Director, Resources.
Local Government & Housing Act 1989		
Local Government & Housing Act 1989	Description	Proper Officer
Section 2 (4)	Officer with whom the list of politically restricted posts shall be deposited.	Chief Executive.
Section 4	Officer designated as Head of Paid Service.	Chief Executive.
Section 5	Officer Designated as Monitoring Officer.	Director of Legal and Governance.

Local Government (Committees & Political Groups) Regulations 1990	Description	Proper Officer
Section 8 (1) & (5)	Officer to whom notice is delivered about the constitution of a political group, or the change of name of a political group.	Joint Head of Democratic Services.
Section 9 and 10	Officer to whom notice is delivered about a Councillor's membership of, or cessation of membership of, a political group.	Joint Head of Democratic Services.
Section 13	Officer to whom the wishes of a political group are expressed.	Joint Head of Democratic Services.
Section 14	Officer responsible for notifying a political group about allocations and vacancies of seats.	Joint Head of Democratic Services
Local Government Act 2000	Description	Proper Officer
Section 81	Officer responsible for establishing and maintaining a register of interests.	Joint Head of Democratic Services

The Local Authorities (Executive Arrangements) (Access to Information) (England) Regulations 2000	Description	Proper Officer
Regulation 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 regulation 3 (2).	Joint Head of Democratic Services
Regulation 4	Officer responsible for producing a written statement of all executive decisions made by individual Councillors.	Joint Head of Democratic Services
Regulation 5 (1)	Officer responsible for ensuring that a copy of the following documents is available for public inspection: <ul style="list-style-type: none"> • the written statement referred to in regulation 3 • part or all of any report considered by the decision maker and 	Joint Head of Democratic Services

	relevant to the decision made.	
Regulation 6	Officer responsible for compiling a list of background papers to the report referred to in regulation 5.	Joint Head of Democratic Services
Regulation 11 (7) (c)	Officer who may supply to a newspaper a copy of any document supplied to Cabinet members, if he or she thinks fit.	Joint Head of Democratic Services
Regulation 12 (1)	Officer responsible for publishing the information relating to key decisions specified in regulation 12 (1).	Joint Head of Democratic Services
Regulation 13	Officer responsible for publishing the Forward Plan.	Joint Head of Democratic Services
Regulation 15 (1)	Officer responsible for informing the relevant Committee Chairman of decision to be made and not in the Forward Plan.	Joint Head of Democratic Services
Regulation 17	Officer responsible for determining whether compliance with regulations 17 (1) or 17 (2) would involve the disclosure of either exempt	Director of Legal and Governance

	information or advice provided by a political advisor or assistant.	
Regulation 21 (4)	Officer who may form an opinion as to whether a document contains or is likely to contain information confidential information, exempt information or the advice of a political advisor or assistant.	Director of Legal and Governance
The Local Authorities (Referendums) (Petitions and Directions) (England) Regulations 2000	Description	Proper Officer
Regulation 4 (2)	Officer who publishes the number that is equal to 5 per cent of the number of local government electors for the authority's area.	Director of Legal and Governance/Elections Officer
The Local Authorities (Standing Orders) (England) Regulations 2000	Description	Proper Officer
Schedule 1 Paragraphs 5 and 6	Officer responsible for receiving notification of proposed	Director of Human Resources

	appointment of certain officers, notifying executive members of that proposed appointment and for receiving and notifying of objections to the proposed appointment.	
Health and Social Care Act 2012	Description	Proper Officer
Section 30 to 37	Officer to carry out the role of Director of Public Health.	Director of Public Health
<u>Local Democracy, Economic Development and Construction Act 2009</u>	<u>Description</u>	<u>Proper Officer</u>
<u>Section 31</u>	<u>Officer to carry out the role of Lead Scrutiny Officer</u>	<u>Head of Governance and Involvement</u>

RECORD OF DELEGATED DECISION

Record of Decision of the Director of Legal and Governance, Lynne Bird –
273 4018

Dated **12 June 2013**

Subject Minor Changes to the Constitution – Council Procedure Rules,
Protocol for Member/Officer Relations and Scrutiny Procedure
Rules

Reasons

In making the changes to the Constitution agreed at the Council Meeting on 5 June 2013, a small number of further minor changes have arisen.

It is proposed to bring Council Procedure Rule 25 in line with current practice relating to the Appointment and Membership of Council Meetings.

It is also necessary to update two references to the 'Director of Corporate Resources' to read 'Executive Director, Resources' and amend the post title of the officer designated as the Lead Scrutiny Officer.

Recorded Decision

In accordance with the authority delegated to the Director of Legal Services by the City Council on 5th January 2011 to make minor and consequent changes to the Constitution, I have after consultation with the Lord Mayor on 12 June 2013 authorised the changes recorded below, which will come into immediate effect and will be reported back to Full Council at the next appropriate opportunity.

Council Procedure Rule 25 (page 101)

25 Appointment and Membership of Council Committees~~Cabinet, Overview and Scrutiny and Policy Development Committees, etc. except Advisory Groups~~

- 25.1 The Council shall at its Annual Meeting appoint and agree, in accordance with political balance rules if applicable, membership and terms of reference for its Committees, which must include at least one Overview and Scrutiny and Policy Development Committees. It shall also appoint such other Committees as it considers appropriate, such as, Regulatory Committees, a Standards Committee, an Audit Committee, Area Committees and such other Bodies as it is required by law and as it deems necessary to appoint for the ensuing year. ~~together with representatives on external organisations.~~

Council Procedure Rules Part B (page 106)**(B) MISCELLANEOUS MATTERS****B1 Officers**

- (1) For the purposes of Section 4 of the Local Government and Housing Act 1989, as modified by Schedule 5 to the Local Government Act, 2000, the Head of Paid Service shall be the Chief Executive.
- (2) For the purposes of Section 5 of the Local Government and Housing Act 1989, "the Monitoring Officer" shall be the Director of Legal and Governance.
- (3) For the purposes of Section 151 of the Local Government Act 1972, the officer with responsibility for the administration of the financial affairs of the Council "the Chief Financial Officer" shall be the Executive Director, ~~of Corporate~~ Resources.

Protocol for Member/Officer Relations (page 368)**Key Officer Roles**

Statutory Posts Certain Senior Officers hold posts with mandatory statutory responsibilities including the Chief Executive, the Monitoring Officer (Director of Legal and Governance), appointed under Section 5 of the Local Government and Housing Act 1989 and the Chief Finance Officer (Executive Director, ~~of Corporate~~ Resources) appointed under Section 151 Local Government Act 1972. Members must respect these responsibilities and accept that these Officers may be required to give advice or make decisions which Members may not agree with or support.

Scrutiny Procedure Rule 16 (page 166)**16. Call-In**

The decision records in respect of all Executive meetings or Committees of the Executive, Area Committee Executive decisions, Individual Cabinet Member decisions and Officer Key Decisions will normally be published within two days of the meeting and copies will be made available to each member of the Council and to the statutory education representatives. Members wishing to call-in such a decision for scrutiny must do so by 4.00 p.m. up to 4 working days following notification of the Executive decision(s)

Any decision not called in for scrutiny by that deadline will come into force and may then be implemented.

Five Members, including two from the relevant Scrutiny Committee, must give notice to call-in a decision for scrutiny. Notice of call-in must be submitted to the Director of Legal and Governance and ~~Director Head of Performance-Governance and Communications-Involvement~~ (as Lead Scrutiny Officer) who will record the date and time of receipt of such notice. Not more than two notices of call-in will be accepted for any individual decision, but other Members may be able to register an interest in the item with the relevant Scrutiny Committee Chair.

Lynne Bird
Director of Legal and Governance

Signed.....

Date.....

RECORD OF DELEGATED DECISION

Record of Decision of the Director of Legal and Governance, Lynne Bird –
273 4018

Dated **12 June 2013**

Subject Minor Change to the Constitution – Members’ Allowances
Scheme

Reasons

The Members Allowances Scheme was revised by the City Council on 15th May 2013. As a result of the changes made to the Special Responsibility Allowances (SRAs) in Schedule 1 (special responsibilities in respect of which special responsibility allowances are payable), not all of the Shadow Cabinet Members now receive an SRA, as the number of allowances available to the opposition groups is determined by the size of the group. However, the role of Shadow Cabinet Member is still a recognised position of responsibility within the Authority. Schedule 2 of the Scheme (duties in respect of which travel, out-of-City subsistence and childcare allowances are available) was not amended by the Council and still includes “Meetings by Members **in receipt of a special responsibility allowance** with a Chief Officer or relevant officer or on any other matter arising from the statutory duties of the Council as deemed necessary.”, and excludes “For Councillors **not in receipt of a special responsibility allowance**, attendance at informal discussions, meetings or visits between Councillors and/or with officers or with other organisations, as these duties are deemed to form part of the Councillor’s constituent duties.” It is therefore proposed to remedy this anomaly by way of a minor consequential change to the Scheme by replacing the specific references to “in receipt of a Special Responsibility Allowance” with the reference to “in a recognised position of responsibility”.

Recorded Decision

In accordance with the authority delegated to the Director of Legal Services by the City Council on 5th January 2011 to make minor and consequent changes to the Constitution, I have after consultation with the Lord Mayor on 12th June 2013 authorised the changes recorded below, which will come into immediate effect and will be reported back to Full Council at the next appropriate opportunity.

The revised wording is highlighted in bold.

Part 6 – Members’ Allowances Scheme – Schedule 2 (Approved Duties)

Approved Duties –

- Meetings by Members **in a recognised position of responsibility** with a Chief Officer or relevant officer or on any other matter arising from the statutory duties of the Council as deemed necessary

Excluded Duties –

- For Councillors **not in a recognised position of responsibility**, attendance at informal discussions, meetings or visits between Councillors and/or with officers or with other organisations, as these duties are deemed to form part of the Councillor’s constituent duties.

Lynne Bird
Director of Legal and Governance

Signed.....

Date.....

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