

PART 3 - RESPONSIBILITY FOR FUNCTIONS

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PART 3 - RESPONSIBILITY FOR FUNCTIONS

INTRODUCTION

This document forms Part 3 of Leicester City Council's Core Constitution and describes how the functions and responsibilities are allocated between the Full Council, and gives details of the Terms of Reference of bodies which hold key responsibilities.

FULL COUNCIL FUNCTIONS

Some matters are specifically reserved to Council and cannot be undertaken by the Executive.

This includes the Policy Framework and Budget which is defined in Article 4.02 of the Constitution and the matters detailed in Article 4.03 which the Council has reserved to itself:

LOCAL CHOICE FUNCTIONS

The Law provides that the Council has discretion whether to allocate certain functions and responsibilities to the City Mayor or to the Council. These functions are referred to as "Local Choice" Functions. Below is a Schedule showing how the Council has currently decided to allocate these functions between the Council and the City Mayor.

ALLOCATION OF "LOCAL CHOICE" FUNCTIONS BETWEEN COUNCIL AND THE CITY MAYOR

FUNCTION	RESPONSIBLE BODY
1. Leicestershire Act 1985: Section 10 (control of floodlighting) Section 16 (consent to projections) Section 18 (pedal cycles) (DC and RC) Section 48 (buildings used for storage of flammable substances)	Planning & Development Control Committee
2. Leicestershire Act 1985: Section 4 (interference with traffic signals etc) Section 5 (statutory undertakers apparatus etc) Section 9 (recovery of expenses of fencing etc) Section 11 (vesting of former highway land) Section 12 (damage to footways etc) Section 13 (plans etc of new streets) Section 14 (temporary prohibition of traffic etc) Section 17 (provision of trees and shrubs) Section 41 (defacing of streets) Section 59 (provision of parking places in parks etc)	City Mayor

FUNCTION	RESPONSIBLE BODY
Section 60 (contribution towards provision of recreational facilities) Section 80 (insurance of visiting pupils) Section 83 (power to provide information) Section 84 (publication of bulletins etc) Section 85 (certain particulars to be furnished in writing) Section 86 (evidence of confirmation of committee decisions etc) Section 87 (training arrangements) Section 88 (recording of documents) Section 89 (microfilming of documents) Section 90 (restriction on use of armorial bearings)	
3. Leicestershire Act 1985: Making of byelaws Any other matter under the Leicestershire Act not covered above.	Full Council
4. Making arrangements for appeals against exclusion of pupils – section 67 of the School Standards and Framework Act 1998 (<i>“the 1998 Act”</i>).	City Mayor
5. Appointment of review panels established under regulations made under Sub-Section 4 of Section 34 (determination of claims and reviews) of the Social Services Act 1998	City Mayor
6. Making arrangements for admission appeals – section 94 of the 1998 Act	City Mayor
7. Making arrangements for appeals by governing bodies – section 95 of the 1998 Act.	City Mayor
8. Making of arrangements for questions on police matters at meetings of the Council	Council
9. Appointments to the Police Authority (the Council makes nominations to a Joint Appointing Committee)	City Mayor
10. Any function relating to contaminated land, other than policy matters reserved for Full Council.	City Mayor
11. Control of pollution and the management of air quality	City Mayor
12. Control, inspection and investigation in relation to noise and other statutory nuisances.	City Mayor
13. Obtaining information under section 330 of the Town and Country Planning Act 1990 as to interests in land; Obtaining information under section 16 of the Local Government (miscellaneous Provisions) Act 1976 as to persons interested in	

FUNCTION	RESPONSIBLE BODY
land. a. in connection with functions which are the responsibility of the City Mayor. b. in connection with functions which are not the responsibility of the City Mayor.	a. City Mayor b. Planning & Development Control Committee
14. Making agreements for execution of highways works.	City Mayor
15. Making of agreements with other local authorities for the placing of staff at the disposal of those other authorities.	City Mayor
16. The appointment of any individual: a) To any office rather than the office in which he is employed by the Authority b) To any body other than: I. The Authority II. A joint committee of two or more authorities c) To any committee or sub-committee of such body. And the revocation of such appointments	a. City Mayor b. Council Council has delegated this function to the Director of Delivery, Communications and Political Governance in consultation with Group Whips / Independent Members

OTHER COUNCIL FUNCTIONS

1. Council functions which are not reserved to Full Council can be delegated to committees and/or officers.
2. The Council has established Regulatory Committees, a Planning & Development Control Committee, an Employees Committee, a Standards Committee, an Audit and Risk Committee, a Licensing and Public Safety Committee, together with Sub-Committees and an Employees Committee. These are standing committees which the Council can vary from time to time.
3. Committees can delegate to Officers. Where matters are not specifically reserved to Council or a Committee, they are delegated to the Head of Paid Service or *Director who has responsibility for the relevant function.
4. All Council functions which have not been placed within the remit of one of its committees, and which have not been reserved to Full Council are delegated to the Head of Paid Service or Director who has responsibility for the relevant function.

Even where the Head of Paid Service or a Director has delegated authority, they should consider if it is appropriate to consult relevant lead members; that is where the circumstances are particularly sensitive or if the decision in question involves significant changes to policy or strategy. Following consultation it may be considered appropriate to report the matter to Council or an appropriate committee.

* “Director” means Strategic and Divisional Directors

PLANNING AND DEVELOPMENT CONTROL COMMITTEE

TERMS OF REFERENCE

1. To keep under review and be responsible for the implementation of all new legislation relating to the discharge of its functions.
2. To keep under review, comment and advise on policies proposed or made through executive powers.
3. To carry out the development control function of the Council as local planning authority.
4. To carry out the non-executive highways function of the Council.
5. To promote and secure a pattern of development in the City which is sustainable in terms of use of local and global resources.
6. To examine all proposals to acquire land for the purpose of securing planning objectives.
7. To enforce all legislation, relevant to the Committee's terms of reference, which the Council is required or empowered to enforce except matters which are executive functions.
8. To exercise the Council's power to take legal proceedings in the public interest, in respect of matters within the Committee's terms of reference.
9. To make, vary or revoke any order, regulation, plan or scheme relating to the Committee's functions.
10. To consider and make recommendations on opposed Traffic Regulation Orders.
11. To comment upon development briefs for development sites.
12. To promote and secure high standards of design in new development.
13. To consider and determine all non-executive matters concerning conservation areas and buildings of architectural or historic interest or buildings of local significance and sites of archaeological interest.
14. To give directions to prevent demolition of a building in a conservation area.
15. To make Building Preservation Orders.
16. To serve notices stating that the City Council do or do not intend to acquire land to which a planning permission relates.
17. To make Tree Preservation Orders.

18. To consider and determine:-
 - (a) enforcement notices and stop notices;
 - (b) discontinuance, revocation and modification orders;
 - (c) provision of recommendations to the County planning authority on behalf of the unitary planning authority in respect of applications to be determined by the County authority; and
 - (d) any other similar regulatory procedures.

All matters within the Terms of Reference of the Planning & Development Control Committee which are not reserved to Full Council or this Committee are delegated to the Director of Planning, Transportation and Economic Development.

MATTERS RESERVED TO THE PLANNING AND DEVELOPMENT CONTROL COMMITTEE:-

1. Matters of strategic significance relating to the Committee's Terms of Reference.
2. To recommend to Council the making of bye-laws.
3. Making opposed regulations, order, plans and schemes within the Committee's terms of reference.
4. Such other matters as the Committee may from time to time reserve to itself for decision.

LICENSING AND PUBLIC SAFETY COMMITTEE

TERMS OF REFERENCE

1. To secure the health and comfort of the persons living or working in or visiting the City by requiring the observance of proper standards by persons owning or occupying property in or using the streets or other public places in the City.
2. All licensing and registration functions of the Council with regard to the following:-

Licensing Act 2003.

Gambling Act 2005

Hairdressers and barbers.

Sale of pet animals.

Caravan sites.

Conduct of animal boarding establishments.

Conduct of riding establishments.

Hackney carriages and private hire cars and operators and their drivers.

House to house collections.

Street collections.

Pool Promoters.

Exposure of goods for sale in streets (Street Trading).

Scrap metal dealers.

Dog Breeding establishments.

Sexual Entertainment.

Dangerous Wild Animals.

Leicester Doorwatch Scheme

Distribution of free printed matter

Skin Piercing and Tattooists

Street Cafés

Skips, scaffolding and deposits on the highway

Zoos

3. To determine the issue of all statutory licences, approvals, certificates and consents and the maintenance of all statutory registers except in any case where a specific matter falls within the Terms of Reference of another Committee or Sub-Committee of Council.
4. To enforce any other non-executive licensing legislation which the Council is required or empowered to enforce.
5. To exercise the Council's power to take legal proceedings in the public interest in relation to matters within the Committee's Terms of Reference.
6. To keep under review, comment on and provide advice to the City Mayor on policies relating to licensing and registration functions of the Council.

All matters within the Terms of Reference of the Licensing and Public Safety Committee which are not reserved to Full Council, or this Committee as stated below, or to a Licensing Sub-Committee are delegated to the Director Local Services and Enforcement

MATTERS RESERVED TO THE LICENSING AND PUBLIC SAFETY COMMITTEE:-

1. Policy developments of strategic significance relating to the above Terms of Reference.
2. Such other matters as the Committee may from time to time reserve to itself for decision.

LICENSING SUB-COMMITTEES

TERMS OF REFERENCE

The Terms of Reference of a Licensing Sub-Committee shall include the functions of the Licensing and Public Safety Committee with the exception of the consideration of policy issues, which the Licensing and Public Safety Committee has reserved to itself.

MATTERS RESERVED TO THE LICENSING ENFORCEMENT SUB COMMITTEE

1. Applications for a licence, consent or permit where a representation had been received from a ward councillor, a member of the public or an external organisation.(Excluding the Licensing Act 2003 and Gambling Act 2005).
2. Applications for a licence, consent or permit where the Director of Local Services and Enforcement considers that the existing policy does not provide sufficient clarity on determining the application and/or where it would be more appropriate for the application to be determined by the Sub-Committee.
3. Applications for a licence, consent or permit which the law determines cannot be taken by an officer.

MATTERS RESERVED TO THE LICENSING HEARINGS SUB-COMMITTEE

1. Decisions required under the Licensing Act 2003 or the Gambling Act 2005, which the law determines cannot be taken by an officer.
2. Decisions required under the Licensing Act 2003 or the Gambling Act 2005 where the Director of Local Services and Enforcement considers that the existing policy does not provide sufficient clarity on determining the application and/or where it would be more appropriate for the application to be determined by the Sub-Committee.

All matters within the Terms of Reference of a Licensing Sub-Committee which are not reserved to Full Council, the Licensing and Public Safety Committee or a Sub-Committee as stated above, are delegated to the Director of Local Services and Enforcement.

N.B. The City Council's Constitution Council Procedure Rules 4 4 (i) (iv) states that decisions which, in the opinion of the Monitoring Officer, are of a quasi-judicial nature, which includes the decisions of a Licensing Sub-Committee may not be the subject of an Objection.

EMPLOYEES COMMITTEE

TERMS OF REFERENCE

1. To consider the terms and conditions of service on which staff hold office (including procedures for their dismissal), as appropriate.
2. To determine formal disciplinary, capability, and sickness procedure appeals.
3. To act as the Council's Remuneration Committee
4. To undertake the recruitment of and oversee the appointment, training, transfer between departments, promotion, relegation and dismissal (all subject to legislative constraints regarding statutory officers) in respect of:
 - i. The Head of Paid Service
 - ii. Strategic Directors
 - iii. Divisional Directors
 - iv. And any officer who reports directly to a Strategic Director, or Head of Paid Service for all or most of their duties (excluding anyone whose duties are solely secretarial or clerical or otherwise in the nature of support services)
5. To designate one of the Council's officers as the Monitoring Officer as required by section 5(1) of the Local Government and Housing Act, 1989, in accord with the Council's Officer Employment Procedure Rules and all other legal requirements.
6. To appoint one of the Council's officers as Director of Finance, being an officer responsible for the proper administration of the Council's financial affairs as required by section 151 of the Local Government Act, 1972, the appointment to be made in accord with the Council's Officer Employment Procedure Rules and all other legal requirements.
7. To appoint Proper Officers on behalf of the Council for all statutory purposes further to Section 270(3), Local Government Act, 1972.

Membership

1. Employees Committee shall be a panel of five members appointed by the Monitoring Officer in consultation with the City Mayor or political group whips, as appropriate.
2. The maximum number of the Committee when it sits to hear any appeal shall be five, comprising the Chair and four panel members.
3. The Committee shall be subject to the rules on political balance.

4. The Committee's quorum shall be three.
5. Upon appointment the City Mayor or political group whips as appropriate shall determine, in consultation with the Monitoring Officer who shall be appointed as Chair of the meeting.
6. The Monitoring Officer, (or in her or his absence or ability to act her/his) Deputy will call all meetings of the Committee and determine the venue and time of the meeting.
7. The Chair of the meeting shall be consulted by the Monitoring Officer as to the business to be transacted at the meeting.

AUDIT & RISK COMMITTEE

1. Constitution

The Council has established a Committee of the Council to be known as the Audit & Risk Committee to report to the Council. This supports the Council's corporate governance responsibilities in relation to internal control, risk management and governance.

2. Membership

The Audit & Risk Committee shall consist solely of non-Executive Councillors. The Chair of the Committee shall be appointed by the Council from amongst the non-Executive Councillors.

The membership of the Committee should reflect the political representation of the Council as a whole.

A quorum of at least three Committee members will be required at all meetings.

3. Attendance at Meetings

The Director of Finance, the Head of Internal Audit and the Internal Audit Manager shall normally be invited to attend meetings. Other officers will be required to attend if called for by the Committee or when relevant items appear on the agenda. All Councillors are entitled to attend public meetings, should they choose to do so. All such attendees shall have the right to speak, at the discretion of the Chair, but not vote at meetings.

4. Frequency of Meetings

Meetings shall be held not less than three times a year. Additionally, special meetings may be convened if an issue arises that, in the opinion of the Chair, cannot wait until the next scheduled meeting.

5. Duties

The duties of the Committee shall be as set out in the annexed schedule to these Terms of Reference.

6. Authority

The Committee approves, on behalf of the Council, the Council's accounts and its internal control, risk management and governance frameworks and any aligned policies and arrangements.

The Committee is authorised by the Council to investigate any activity within its terms of reference. It is authorised to seek any information it requires from any employee and all employees are directed to co-

operate with any request made by the Committee. The Committee will advise the Chief Operating Officer as the Head of Paid Service if it has exercised this authority to seek information (other than routine information) from any employee, setting out the information required and the circumstances underlying the request.

The Committee is authorised by the Council, if considered necessary, to secure the attendance of third parties with relevant experience and expertise provided that the Committee shall notify the Chief Operating Officer as the Head of Paid Service before any fees for such attendance are agreed.

7. Communications

The Secretary of the Committee will circulate the agenda and papers for meetings five clear days before the meeting.

The Committee will consider and agree the approved minutes of the Committee at its next meeting.

The Committee's Terms of Reference will be made available on the Council's website. They will be reviewed and, where necessary, updated at least annually.

An annual report of the Committee's activity will be submitted to the Council each year.

Duties of the Audit & Risk Committee

1. Audit Framework

1.1 Internal Audit

- On behalf of the Council, to approve the Head of Internal Audit's annual report and opinion, considering the level of assurance given over the Council's corporate governance arrangements and decide on appropriate actions.
- To consider, challenge and approve (but not direct) Internal Audit's strategy and plan and monitor performance on an annual basis.
- To receive summaries of Internal Audit reports and the main issues arising.
- To review and challenge management's responsiveness to the internal audit findings and recommendations, seeking assurance that appropriate action has been taken where necessary and agreed recommendations have been implemented within a reasonable timescale.
- To monitor and assess the role and effectiveness of the Internal Audit function.

In fulfilling these functions, the Audit & Risk Committee fulfils the role of 'board' for the purposes of the *Public Sector Internal Audit Standards*.

1.2 External Audit

- On behalf of the Council, to review with the external auditor and inspection agencies the findings of their work including any major issues which are unresolved; key accounting and audit judgments; and the levels of errors identified during the audit. The Committee should obtain explanations from management and from external auditors, where necessary, as to why errors might remain unadjusted.
- To consider the scope and depth of external audit work and to assess whether it gives value for money.
- To liaise with Public Sector Audit Appointments Ltd (as successor body to the Audit Commission for this purpose) over the appointment of the Council's external auditor and conduct such other related functions as required by the local public audit regime.
- To facilitate effective relationships between external and internal audit, inspection agencies and other relevant bodies and ensure the value of these audit relationships is actively promoted.
- To approve any instances of non-audit work by the external auditors in accordance with the *Policy for Engagement of External Auditors for Non-Audit Work* and report any such instances to the Council.

2. Risk Management Framework

- On behalf of the Council, to consider and challenge the effectiveness of the Council's Risk Management Strategy and Framework, including the Risk Management and Insurance Services function.
- To consider and approve, on behalf of the Council, the Council's Risk Management Strategy and its key risk management policies including the Council's statement of overall risk appetite.
- To approve, on an annual basis, the Risk Management and Insurance Services function's terms of reference and its annual plan.
- To review (and take any actions as a consequence of) reports from the Head of Internal Audit & Risk Management in respect of the status of key current and emerging risks and internal controls relating to those risks (the Operational and Strategic Risk Registers).

3. Internal Control and Governance Framework

- To review the adequacy of the Council's internal control framework through review of its system of internal control and system of internal audit and overseeing the production and approval of the Council's Annual Governance Statement prepared in accordance with the Local Code of Conduct Governance.
- To consider the external auditor's report to those charged with governance on issues arising from the audit of the accounts. (The Committee is to do this before approving the Council's published financial statements. The Committee should take note of any adjustments set out in the external auditor's report and agree any such adjustments where management has declined to do so or set out the reasons for not doing so.)
- To maintain an overview of the Council's Constitution in respect of contract procedure rules, finance procedure rules and codes of conduct and behaviour.
- To review and approve, on an annual basis, the Council's anti-fraud, bribery and corruption and its disclosure (whistle-blowing) policies and procedures.
- Annually, to assess all significant risk issues considering:
 - Changes since the last annual assessment and the Council's response;
 - The scope and quality of management's ongoing monitoring of risks and the system of internal control;
 - The incidence of significant control failings in relation to all significant risks and their impact.

- To review regular reports from Internal Audit and Risk Management on risk and internal controls, considering:
 - The effectiveness of systems of internal control across the Council
 - Reports on major control issues and their impact on the Council's risk profile.
- To consider and decide on appropriate actions relating to the Council's compliance with its own and other published or regulatory policies, standards and controls, including:
 - Information assurance including compliance with the Data Protection Act;
 - Freedom of Information Act;
 - Health & Safety at Work;
 - The Disclosure Policy
 - Complaints;
 - Raising Concerns at Work; and
 - Others as appropriate.

4. Financial Reporting Framework

- To review and approve the Council's published financial statements, the external auditor's annual opinion and other reports to Members and to monitor management action in response to issues raised.
- To review and approve the annual statement of accounts and the annual Letter of Representation on behalf of the Council, giving particular attention to critical accounting policies and practices, decisions requiring a significant element of judgement, how any unusual transactions should be disclosed and the clarity of the disclosures.
- To bring to the attention of the Council any concerns arising from the financial statements or from the audit.

5. Other Matters

- To consider, approve or make recommendations in respect of any other matters referred to it by the City Mayor, Chief Operating Officer (as the Head of Paid Service) or a Director or any Council body.
- To consider any relevant matters reserved for Member-level decision as detailed in Rules of Procedure.
- To present an annual report to the Council on the Committee's conduct, business and effectiveness.

STANDARDS COMMITTEE

TERMS OF REFERENCE

1. To oversee and promote the Council's arrangements to ensure and maintain probity and the highest standards of governance in the conduct of business by members (including co-opted members) and officers.
2. To oversee and advise Full Council and the City Mayor on matters relating to the Council's corporate governance and ethical framework.
3. To receive the Council's annual Corporate Governance Review Statement.
4. To oversee, promote, monitor observance and recommend necessary change to Members' and officers' Codes of Conduct and Political Conventions.
5. To oversee and ensure the provision of appropriate training to Members and officers to enable them to adhere at all times to the provisions of the Council's Political Conventions and governance arrangements.
6. To appoint a Standards Advisory Board (chaired by an Independent Member) to scrutinise, hear and determine appropriate allegations (as set out in the Authority's "*Arrangements for dealing with Standards Complaints*") that a Member of the Council has failed, or may have failed, to comply with the Council's Code of Conduct.
7. Save in exceptional circumstances, to accept the recommendations of the Standards Advisory Board who have determined that an Elected or Co-opted Member of the Council has failed to comply with the City Council's Code of Conduct for Members, including its recommendations as to the appropriate remedy or sanction for such breach.
8. To consider under Sections 1 and 2 of the Local Government and Housing Act 1989:-
 - (a) any application received from any officer of the Council for exemption from political restriction in respect of the post held by that officer and may direct the Council that the post shall not be considered to be a politically restricted post and that the post be removed from the list maintained by the Council under Section 2(2) of that Act; and,
 - (b) upon the application of any person or otherwise, consider whether a post should be included in the list maintained by the Council under Section 2(2) of the 1989 Act, and may direct the Council to include a post in that list.
9. Temporary appointments of Independent Members may be made in accordance with the law and upon appropriate advice from the Monitoring Officer
10. The Standards Committee:

- Composition - The Standards Committee shall comprise nine Members, made up of four Elected Councillors and five Independent Members. The Independent Members shall be co-opted non-voting members of the Standards Committee, and it shall be chaired by an Elected Councillor. The Councillor make-up of the Committee will, wherever possible, reflect the political balance of the Council
- Quorum – The quorum for a meeting of the Standards Committee shall be three Councillor Members
- Frequency of Meetings –The Standards Committee will meet as and when required.

11. The Standards Advisory Board:

- Composition - The Standards Advisory Board shall comprise nine Members, made up of four Elected Councillors and five Independent Members. The Independent Members shall be co-opted voting members of the Board, and it shall be chaired by an Independent Member.
- Quorum – The quorum for a meeting of the Board shall be three, with a majority or equal number of Independent Members (with the Independent Chair having the casting vote)
- Frequency of Meetings –The Standards Advisory Board will meet as and when required.

12. The role of the Independent Person (IP) – the Independent Person is not a member of either the Standards Committee or the Standards Advisory Board. He/she remains completely neutral to the political and scrutiny process, and works closely with the City Barrister on individual complaints at the initial decision and review phases. He/she does remain a standing invitee to meetings of the Committee and the Board, and will also attend Board meetings to offer advice on the progression of individual complaints, which may or may not be adopted by the Board

Matters Reserved to the Committee:

1. All matters of significance in respect of policy, governance or training are reserved to the Committee.
2. All matters within the Terms of Reference of the Standards Committee which are not reserved to Full Council or this Committee, either by legislation, regulation or local determination, are delegated to the City Barrister and Head of Standards.

LEICESTER CITY HEALTH AND WELLBEING BOARD

Terms of Reference

Introduction

In line with the Health and Social Care Act 2012, the Health & Wellbeing Board is established as a Committee of Leicester City Council.

The Health & Wellbeing Board has operated in shadow form since August 2011. In April 2013, the Board became a formally constituted Committee of the Council with statutory functions.

1 Aim

To achieve better health, wellbeing and social care outcomes for Leicester City's population and a better quality of care for patients and other people using health and social services.

2 Objectives

- 2.1 To provide strong local leadership for the improvement of the health and wellbeing of Leicester's population and in work to reduce health inequalities.
- 2.2 To lead on improving the strategic coordination of commissioning across NHS, adult social care, children's services and public health services.
- 2.3 To maximise opportunities for joint working and integration of services using existing opportunities and processes and prevent duplication or omission.
- 2.4 To provide a key forum for public accountability of NHS, public health, social care for adults and children and other commissioned services that the Health & Wellbeing Board agrees are directly related to health and wellbeing.

3 Responsibilities

- 3.1 Working jointly, to identify current and future health and wellbeing needs across Leicester City through revising the Joint Strategic Needs Assessment (JSNA) as and when required. Preparing the JSNA is a statutory duty of Leicester City Council and Leicester City Clinical Commissioning Group.
- 3.2 Develop and agree the priorities for improving the health and wellbeing of the people of Leicester and tackling health inequalities.
- 3.3 Prepare and publish a Joint Health and Wellbeing Strategy (JHWS) that is evidence based through the work of the Joint Strategic Needs Assessment (JSNA) and supported by all stakeholders. This will set out strategic

objectives, ambitions for achievement and how we will be jointly held to account for delivery. Preparing the JHWS is a statutory duty of Leicester City Council and Leicester City Clinical Commissioning Group.

- 3.4 Save in relation to agreeing the JSNA, JHWS and any other function delegated to it from time to time, the Board will discharge its responsibilities by means of recommendation to the relevant partner organisations, who will act in accordance with their respective powers and duties
- 3.5 Ensure that all commissioners of services relevant to health and wellbeing take appropriate account of the findings of the Joint Strategic Needs Assessment and demonstrate strategic alignment between the JHWS and each organisation's commissioning plans.
- 3.6 Ensure that all commissioners of services relevant to health and wellbeing demonstrate how the JHWS has been implemented in their commissioning decisions.
- 3.7 To monitor, evaluate and annually report on the Leicester City Clinical Commissioning Group performance as part of the Clinical Commissioning Groups annual assessment by the national Commissioning Board.
- 3.8 Review performance against key outcome indicators and be collectively accountable for outcomes and targets specific to performance frameworks within the NHS, Local Authority and Public Health.
- 3.9 Ensure that the work of the Board is aligned with policy developments both locally and nationally.
- 3.10 Provide an annual report from the Health and Wellbeing Board to the Leicester City Council Executive and to the Board of Leicester City Clinical Commissioning Group to ensure that the Board is publically accountable for delivery.
- 3.11 Oversee progress against the Health and Wellbeing Strategy and other supporting plans and ensure action is taken to improve outcomes
- 3.12 The Board will not exercise scrutiny duties around health and adult social care directly. This will remain the role of the relevant Scrutiny Commissions of Leicester City Council. Decisions taken and work progressed by the Health & Wellbeing Board will be subject to scrutiny by relevant Scrutiny Commissions of Leicester City Council.
- 3.13 The Board will need to be satisfied that all commissioning plans demonstrate compliance with the Equality Act 2010, improving health and social care services for groups within the population with protected characteristics and reducing health inequalities.
- 3.14 The Board will agree Better Care Fund submissions and have strategic oversight of the delivery of agreed programmes.

4 Membership

Members:

Up to four Elected Members of Leicester City Council (4)

- The Executive Lead Member for Health & Wellbeing (1)
- An Elected Member nominated by the City Mayor (1)
- An Elected Member nominated by the City Mayor (1)
- An Elected Member nominated by the City Mayor (1)

Up to four representatives of the NHS (4)

- The Co-Chair of the Leicester City Clinical Commissioning Group (1)
- A further GP representative of the Leicester City Clinical Commissioning Group (1)
- The Managing Director of the Leicester City Clinical Commissioning Group (1)
- The Director of the Leicestershire and Lincolnshire Area Team, NHS England (1)

Up to four Officers of Leicester City Council (4)

- The Strategic Director of Adult Social Care (Leicester City Council) (1)
- The Strategic Director Children (Leicester City Council) (1)
- The Director of Public Health (Leicester City Council) (1)
- The Chief Operating Officer (Leicester City Council) (1)

Up to four further representatives including Healthwatch Leicester/Other Representatives (4)

- One representative of the Local Healthwatch organisation for Leicester City (1)
- Leicester City Basic Command Unit Commander, Leicestershire Police (1)
- Two other people that the local authority thinks appropriate, after consultation with the Health and Wellbeing Board (2)

5 Quorum & Chair

5.1 For a meeting to take place there must be at least six members of the Board present and at least one representative from each of the membership sections:

- Leicester City Council (Elected member)
- Leicester City Clinical Commissioning Group or NHS England
- One senior officer member from Leicester City Council
- Local Healthwatch/Other Representatives

- 5.2 Where a meeting is inquorate those members in attendance may meet informally but any decisions shall require appropriate ratification at the next quorate meeting of the Board.
- 5.3 Where any member of the Board proposes to send a substitute to a meeting, that substitute's name shall be properly nominated by the relevant 'parent' person/body, and submitted to the Chair in advance of the meeting. The substitute shall abide by the Code of Conduct.
- 5.4 The City Council has nominated the Executive Lead for Health & Wellbeing to Chair the Board. Where the Executive Lead for Health & Wellbeing is unable to chair the meeting, then one of the other Elected Members shall chair (noting that at least one other Elected Member must be present in order for the meeting to be declared quorate)

6 Voting

- 6.1 Officer members of Leicester City Council shall not have a vote. All other members will have an equal vote
- 6.2 Decision-making will be achieved through consensus reached amongst those members present. Where a vote is required decisions will be reached through a majority vote of voting members; where the outcome of a vote is impasse the chair will have the casting vote.

7 Code of conduct and member responsibilities

All voting members are required to comply with Leicester City Council's Code of Conduct, including submitting a Register of Interests.

In addition all members of the Board will commit to the following roles, responsibilities and expectations:

- 7.1 Commit to attending the majority of meetings
- 7.2 Uphold and support Board decisions and be prepared to follow through actions and decisions obtaining the necessary financial approval from their organisation for the Board proposals and declaring any conflict of interest
- 7.3 Be prepared to represent the Board at stakeholder events and support the agreed consensus view of the Board when speaking on behalf of the Board to other parties. Champion the work of the Board in their wider networks and in community engagement activities.
- 7.4 To participate in Board discussion to reflect views of their partner organisations, being sufficiently briefed to be able to make recommendations about future policy developments and service delivery

- 7.5 To ensure that there are communication mechanisms in place within the partner organisations to enable information about the priorities and recommendations of the Board to be effectively disseminated

8 Agenda and Meetings

- 8.1 Administration support will be provided by Leicester City Council.

- 8.2 There will be standing items on each agenda to include:

- Declarations of Interest
- Minutes of the Previous Meeting
- Matters Arising
- Updates from each of the working subgroups of the Health & Wellbeing Board,

- 8.3 Meetings will be held six times a year and the Board will meet in public and comply with the Access to Information procedures as outlined in Part 4b of the Council's Constitution

- 8.4 The first meeting of the Health and Wellbeing Board will be 11 April 2013

Agreed by Council 18/06/15

THE CITY MAYOR

The City Mayor is responsible for the allocation and discharge of all executive functions and may decide how executive functions are to be exercised. These are the functions of the City Mayor set out in Article 5 and those allocated to the City Mayor as local choice functions to the City Mayor as in Part 3. Unless reserved the City Mayor may delegate any matters.

Unless the City Mayor decides otherwise, the City Mayor & Executive, where exercising functions, may arrange for the discharge of any of those functions by a committee of the Executive, or an officer of the Council.

Unless the City Mayor decides otherwise, an individual Deputy City Mayor and Assistant City Mayors, when exercising delegated functions, may arrange for the discharge of any of those functions by an officer of the Council.

Unless the City Mayor decides otherwise, a committee of the Executive, where exercising functions, may arrange for the discharge of any of those functions by an officer of the Council.

In the case of a declared emergency, Finance Procedure Rules may provide for different arrangements for the discharge of Executive functions.

CITY MAYOR & EXECUTIVE

Article 5 of the Constitution sets out the composition and arrangements for appointments to the Executive.

Current areas of responsibility for Executive Members are recorded in the form of job descriptions on the City Mayor's Internet pages. Any delegation to the Deputy and Assistant City Mayors will be detailed in the City Mayor's Scheme of Delegation which is available on the City Mayor's Internet pages.

Any Committees established by the Executive will have clear Terms of Reference and be incorporated into the City Mayor's Scheme of Delegation.

Where executive functions have been delegated, that fact does not prevent the discharge of delegated functions by the person or body who delegated them.

Decisions falling across more than one area of Assistant City Mayor responsibility will be subject to consultation with all relevant executive Members.

WARD COMMUNITY MEETINGS

TERMS OF REFERENCE

1.1 The Purpose of a Ward Community Meetings is:

To bring people together to take action to improve the quality of life for people living in the Ward. However Ward Community Meetings are not the only mechanism for achieving effective engagement at Ward level, and Members may use other means as are appropriate to fulfil their objectives at Ward level.

1.2 Objectives of the Ward Community Meeting

- a) Involve residents in local decision-making.
- b) Work with residents to find solutions to local issues.
- c) Work with local partners.
- d) Express views when consulted by the council and partners.
- e) Develop, monitor and review plans affecting the neighbourhood.
- f) Monitor quality and performance of services in the neighbourhood provided by the Council and its partners.
- g) Assist the Council's scrutiny committees with the development of policy and scrutiny of executive decisions.
- h) Refer issues to the Council
- i) Exercise functions, powers and duties delegated to the Ward Community Meeting by the Council or the City Mayor.

2. How the Ward Community Meetings Operate

2.1 Number of Committees

- a) There will be no more than one Community Meeting in each Ward.
- b) Ward Community Meetings may agree to form joint committees or hold joint community meetings with other wards as appropriate.
- c) The City Mayor and Executive members may attend Ward Community Meetings without invitation.
- d) The Ward Community Meeting may set up working groups to identify and achieve the priorities within the ward.

2.2 Membership

Ward Community Meeting members will be the Councillors for the ward.

2.3 Invitees

Individuals and groups will be encouraged to attend and participate in the meetings, including:

- a) Local residents
- b) Housing Associations

- c) Health Trusts
- d) Police
- e) Fire and Rescue Services
- f) Tenant and Residents forum
- g) Young Peoples Network
- h) Older Peoples Network
- i) Community Groups
- j) Others as decided by the Committee

People who attend should work or live in the ward.

2.4 Budget

- a) Each Ward will have a budget allocated to it by the City Mayor
- b) The principle for allocating resources would be to implement priorities within the ward as set out in ward action plans
- c) Additional funding may be attracted from other sources.
- d) Budget expenditure decisions must be in accordance with Council's Budget and Policy Framework, Contract and Finance Procedure rules. Legal and financial implications must be considered and taken into account, where necessary.
- e) Recommendations for expenditure will be referred to the appropriate Director who will consult the executive Member as appropriate.. No action or expenditure should be incurred contrary to officer advice without referral to the City Mayor.

2.5 Voting

- a) As far as possible, Ward Community Meetings should seek to reach agreement by consensus rather than vote.
- b) It is for the chair of the meeting to decide whether a matter should be decided by a vote. Each Councillor shall have one vote. Issues put to the vote shall be decided by a majority of the Councillors present at a quorate meeting of the Community Meeting. In the case of equal votes, the chair of the meeting shall have the second or casting vote.

2.6 Quorum

Two councillors from the ward constitute a quorum. Both must be present to hold a formal meeting.

2.7 Meetings

- a) Where they take place, meetings should take place on at least three monthly cycles or as considered appropriate by Ward Councillors; and
- b) Where the Ward Community Meeting needs to meet to conduct formal business, the Council's committee procedure rules will apply including those relating to information, notice of meetings etc.

2.8 Agendas

- a) The Ward Community Meeting must set an agenda for each meeting by agreement between the ward councillors where possible, otherwise at the discretion of the person chairing the meeting.
- b) The meeting will be in 2 parts.
- c) The format of part 1 will encourage the engagement of local people and partner organisations on local issues. The style of the meeting will facilitate the expression of views of local people.
- d) Part 2 will operate in a more structured way in accord with the Council's committee procedure rules and deal with business items, for example allocation of the ward neighbourhood budget.

2.9 Chairing

The Committee will normally elect a Chair on an annual basis. Arrangements for chairing will be confirmed at each agenda meeting. If the Chair is not present at a Ward Community Meeting, another Councillor for the ward shall chair.

SCRUTINY COMMITTEES: TERMS OF REFERENCE

SCRUTINY COMMITTEES - INTRODUCTION

Scrutiny Committees hold the executive and partners to account by reviewing and scrutinising policy and practices. Scrutiny Committees will have regard to the Political Conventions and the Scrutiny Operating Protocols and Handbook in fulfilling their work.

The Overview Select Committee and each Scrutiny Commission will perform the role as set out in Article 8 of the Constitution in relation to the functions set out in its Terms of Reference.

Scrutiny Committees may:-

- i. review and scrutinise the decisions made by and performance of the City Mayor, Executive, Committees and Council officers both in relation to individual decisions and over time.
 - ii. develop policy, generate ideas, review and scrutinise the performance of the Council in relation to its policy objectives, performance targets and/or particular service areas.
 - iii. question the City Mayor, members of the Executive, committees and Directors about their decisions and performance, whether generally in comparison with service plans and targets over a period of time, or in relation to particular decisions, initiatives or projects.
 - iv. make recommendations to the City Mayor, Executive, committees and the Council arising from the outcome of the scrutiny process.
 - v. review and scrutinise the performance of other public bodies in the area and invite reports from them by requesting them to address the Scrutiny Committee and local people about their activities and performance; and
 - vi. question and gather evidence from any person (with their consent).
- **Annual report:** The Overview Select Committee will report annually to Full Council on its work and make recommendations for future work programmes and amended working methods if appropriate. Scrutiny Commissions / committees will report from time to time as appropriate to Council.

The Scrutiny Committees which have currently been established by the Council in accordance with Article 8 of the Constitution are:

- Overview Select Committee (OSC)
- Adult Social Care Scrutiny Commission
- Children, Young People and Schools Scrutiny Commission

- Economic Development, Transport and Tourism Scrutiny Commission
- Health and Wellbeing Scrutiny Commission
- Heritage, Culture, Leisure and Sport Scrutiny Commission
- Housing Scrutiny Commission
- Neighbourhood Services and Community Involvement Scrutiny Commission

SCRUTINY COMMITTEE: OVERVIEW SELECT COMMITTEE

The Overview Select Committee **will**:

- Specifically scrutinise the work of the City Mayor and Deputy City Mayor and areas of the Council's work overseen by them.
- Consider cross cutting issues such as monitoring of petitions
- Consider cross-cutting issues which span across Executive portfolios.
- Manage the work of Scrutiny Commissions where the proposed work is considered to have impact on more than one portfolio.
- Consider work which would normally be considered by a Scrutiny Commission but cannot be considered in time due to scheduling issues.
- Report annually to Council.
- Be responsible for organising and agreeing the work of scrutiny and the Commissions including agreeing annual work programmes and approving reports produced by the Commissions
- Consider the training requirements of Members who undertake Scrutiny and seek to secure such training as appropriate.

SCRUTINY COMMISSIONS

Scrutiny Commissions **will**:

- Be aligned with the appropriate Executive portfolio.
- Normally undertake overview of Executive work, reviewing items for Executive decision where it chooses.
- Engage in policy development within its remit.
- Normally be attended by the relevant Executive Member, who will be a standing invitee.
- Have their own work programme and will make recommendations to the Executive where appropriate.
- Consider requests by the Executive to carry forward items of work and report to the Executive as appropriate.
- Report on their work to Council from time to time as required.
- Be classed as specific Scrutiny Committees in terms of legislation but will refer cross cutting work to the OSC.

Consider the training requirements of Members who undertake Scrutiny and seek to secure such training as appropriate.