

BRISTOL CITY COUNCIL

**COUNCIL MEETING
19 January 2010**

Report of: Stephen McNamara, Monitoring Officer and Service Director
(Legal)

Title: Changes to Leader's Scheme of Delegation

Ward: All

RECOMMENDATION

That Full Council:

1. Receives the Leader's new scheme of delegation to come into effect 1 February 2010; and
2. Notes the Terms of Reference of Neighbourhood Committees.

Summary

On 1 February the Leader will delegate decision making powers to councillors on each Neighbourhood Partnership in relation to the following functions:

1. Expenditure of well-being budgets
2. Environmental projects
3. Mini-recycling sites and maintenance projects
4. Highway maintenance
5. Minor traffic schemes
6. Community centres/buildings

For the purposes of the constitution, the councillors on each Neighbourhood Partnership form a council committee ("Neighbourhood Committee"). The Neighbourhood Committee Terms of Reference set out the rules and principles applying to delegated decision-making by councillors on Neighbourhood Partnerships.

Policy

1. The Council's Corporate Plan 2008-2011 (*Our City: better neighbourhoods*)

Consultation

2. Internal

Councillors and officers

3. External

The Thriving Neighbourhoods Board of The Bristol Partnership

Police

Context

4. On 1 October 2009 the Leader and Cabinet agreed to:
 - a) Establish 14 Neighbourhood Committees comprising Ward Members based on the boundaries of the existing 14 Neighbourhood Partnerships;
 - b) Devolve budget decision making of up to £10.94M in relation to certain services;
 - c) Strengthen community involvement through Neighbourhood Partnerships and local forums; and
 - d) Make budget provision of £0.5M in 2010/2011 to provide officer support to the new devolved structure and delivery.
5. On 10 December 2009 Cabinet agreed the apportionment of budgets to Neighbourhood Committees.
6. Article 7.06 of the council's constitution requires the Leader of Council to maintain a list setting out which members of the executive, committees and officers or joint arrangements are responsible for the exercise of the council's executive functions.
7. The list setting out responsibility for executive functions is known as the Leader's scheme of delegation. The model scheme used by Leaders for numerous years has been based upon that of the Cabinet having responsibility for key decisions and non-key decisions being delegated to the officer corps.
8. The constitution's executive procedure rules (EPR 1.4) allow the Leader to amend her delegation scheme at any time during the year. As the proper officer, the Head of Legal Services is required to report to full Council setting out the changes made by the Leader.

9. The Leader and Cabinet decided to establish Neighbourhood Committees as set out in the summary above and as detailed in the relevant cabinet report on 1st October 2009. For these to become active there needs to be a formal delegation by the Leader of executive powers to them. The nature and extent of these delegations are set out in Appendix 1.

Proposal

10. The proposal is that council receives the new scheme of delegation and notes the Neighbourhood Committee Terms of Reference.

Equalities Impact Assessment

11. An equality impact assessment was produced in relation to proposals set out in the 1 October 2009 Cabinet report.

Legal and Resource Implications

Legal

These are as set out in this report and the reports to cabinet dated 1 October 2009 and 10 December 2009.

Financial

(a) Revenue

None from this report but see the previous reports to cabinet.

(b) Capital

None from this report but see the previous reports to cabinet.

Personnel

None from this report but see the previous reports to cabinet.

Appendices:

Appendix 1 – Leader's scheme of delegation

Appendix 2 – Neighbourhood Committee Terms of Reference

LOCAL GOVERNMENT (ACCESS TO INFORMATION) ACT 1985 Background Papers:

None

Delegation of executive functions

Made by the Leader of the Council to come into effect 1 February 2010

1. Scheme of Delegation: Summary

- 1.1 In the following scheme of delegation, the Leader of the Council has delegated the responsibility for making decisions to the executive meeting together as the cabinet.
- 1.2 The scheme delegates powers to the councillors sitting within Neighbourhood Partnerships and to strategic directors to make non-key decisions falling within their responsibility as set out in sections 4 and 5 below.
- 1.3 The conferring of delegated powers does not prevent the Leader from personally exercising the functions herself.
- 1.4 The city council's cabinet has the following members:

Councillor Barbara Janke	Leader of the Council
Councillor Simon Cook	Deputy Leader and Cabinet Member for Culture, Sport and Capital Projects
Councillor Michael Popham	Cabinet Member for Efficiency and Value for Money
Councillor Jon Rogers	Cabinet Member for Transport and Sustainability
Councillor Mark Wright	Cabinet Member for Housing and Service Improvement
Councillor Clare Champion-Smith	Cabinet Member Children and Young People
Councillor Gary Hopkins	Cabinet Member for Environment and Community Safety
Councillor Bev Knott	Cabinet Member for Care and Neighbourhoods

Councillor Clare Champion-Smith is the lead member for children's services for the purposes of the Children Act 2004.

2. Introduction

- 2.1. The Leader of the Council has specified the portfolio responsibility for the **Local Choice Functions** falling to be discharged by the executive. She has completed the table of local choice functions as allocated by full council.

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- 2.2 She has specified that she will personally oversee executive functions relating to the following:
- (a) the council's strategic plans and council budget.
 - (b) the Bristol Partnership, including economic development, regeneration, including digital inclusion and the Green Capital;
 - (c) Corporate communications and marketing;
 - (d) the Local Area Agreement and Multi Area Agreement.

3. Delegated powers to the executive meeting as the cabinet

The Cabinet comprises all members of the executive. The Cabinet is authorised to take decisions in connection with matters as, but for an emergency, would be required to be included in the forward plan. The Cabinet shall also be entitled to discharge any executive functions as it considers fit .

4. Executive functions delegated to councillors in Neighbourhood Partnerships (Neighbourhood Committees)

- 4.1 Bristol has a Neighbourhood Partnership (NP) for each of the following areas (each known as a "Neighbourhood"):

- Avonmouth and Kingsweston wards
- Henbury and Southmead wards
- Henleaze, Westbury-on-Trym and Stoke Bishop wards
- Horfield and Lockleaze wards
- Redland, Cotham and Bishopston wards
- Frome Vale, Hillfields and Eastville wards
- Cabot, Clifton and Clifton East wards
- Ashley, Easton and Lawrence Hill wards
- St George East and St George West wards
- Brislington East and Brislington West wards
- Bedminster and Southville wards
- Knowle, Filwood and Windmill Hill wards
- Hengrove and Stockwood wards
- Hartcliffe, Bishopsworth and Whitchurch Park wards

- 4.2 The councillors elected to serve the wards in a Neighbourhood are members of the corresponding NP and, for the purposes of the council constitution, comprise a council committee known as a "Neighbourhood Committee". To the councillors in each Neighbourhood Partnership (ie. each Neighbourhood Committee) the Leader has delegated executive functions relating to the following as set out in the report to Cabinet on 10 December 2009:

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- a) The promotion of well-being
- b) Environmental projects
- c) Bring banks (mini recycling centres)
- d) Highways maintenance (ie. road surface dressing/renewal and footway reconstruction/resurfacing)
- e) Minor traffic schemes
- f) Decisions relating to council-owned community centres and buildings

The Leader intends to devolve to Neighbourhoods further executive functions in the 2010-2011 municipal year.

- 4.3 The NP councillors may only take decisions that are in accordance with the Neighbourhood's approved budget for the function.
- 4.4 The NP councillors may only exercise a function in so far as the function impacts on their own NP area.
- 4.5 Rules and principles applying to NP councillor decisions are set out in the Neighbourhood Committee terms of reference.

5. Summary of the executive functions to be discharged by each strategic director

5.1 Chief Executive

Any function of the executive, and in particular, any executive function concerning the strategic management of the council.

5.2 Children, Young People and Skills

Any function of the executive falling within the portfolio of the strategic director of **children, young people and skills** in relation to:

- (a) education services including matters such as schools and education other than at school, achievement and school improvement, curriculum support, attendance, admissions, community education, early years education, childcare, special education needs, behaviour and exclusions;
- (b) community use of school premises;
- (c) management of the Building Schools for the Future programme;
- (d) social services including disabled children's services, in so far as they relate to children, young people and their families;
- (e) after-care services for looked after children;
- (f) early years child care services;
- (g) youth services and children's play;
- (h) health services including any health-related functions exercised on behalf of an NHS body, in so far as they relate to young people and

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- their families;
- (i) inter-agency cooperation functions of the children's services authority including building and leading the arrangements for inter-agency co-operation;
- (j) coordinating the Children and Young People's Trust and the Bristol Safeguarding Children Board;
- (k) maintenance of database of children in the area;
- (l) all other local authority functions relating to the education, welfare and employment of children and young people and their families.

5.3 City Development

Any function of the executive falling within the portfolio of the strategic director of **city development** including functions relating to:

- (a) transport;
- (b) city surveyor, highways asset management, streets, roads, public rights of way, bridges and sewers;
- (c) street naming and numbering;
- (d) traffic including traffic and network management and road safety;
- (e) parking;
- (f) building control;
- (g) city docks and harbour authority functions;
- (h) engineering consultancy;
- (i) city centre projects and urban design;
- (j) landscape design;
- (k) planning including policy and development control;
- (l) environment protection including environmental quality;
- (m) sustainable development including food policy;
- (n) regeneration and neighbourhood renewal;
- (o) economic development;
- (p) libraries and archives;
- (q) cultural services including the arts, museums, archaeological services and adult learning;
- (r) tourism and events;
- (s) major city development projects;
- (t) contract management arrangements;
- (u) property maintenance (excluding housing stock);
- (v) energy management.

5.4 Deputy Chief Executive

Any function of the executive falling within the portfolio of the **deputy chief executive** including functions relating to:

- (a) performance management and improvement including best value;
- (b) civil contingencies;
- (c) strategic planning and corporate policy;

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- (d) liaison with audit commission and central Government;
- (e) ensuring compliance with the Comprehensive Area Assessment (CAA);
- (f) co-ordination of the Bristol Partnership;
- (g) external affairs including the Local Area Agreement (LAA) and Multi-Area Agreement (MAA);
- (h) promotion of well-being including corporate management of strategic relationships with the voluntary and community sector;
- (i) external and internal communications;
- (j) media and public relations;
- (k) corporate consultation;
- (l) corporate complaints;
- (m) any other functions the Chief Executive may delegate to him.

5.5 **Health and Social Care**

Any function of the executive falling within the portfolio of the strategic director of **health and social care** in relation to:

- (a) all of the city council's social services functions and related services so far as they relate to adults and disabled young people, including the provision of personal social services and the safeguarding and protection of vulnerable adults;
- (b) support to asylum seekers;
- (c) the city council's work with health services on public and community health issues;
- (d) any health-related functions exercised on behalf of an NHS body in so far as they relate to adults or disabled young people;
- (e) promoting tackling of health inequalities.

5.6 **Neighbourhoods**

Any function of the executive falling within the portfolio of the strategic director of **neighbourhoods** in relation to:

- (a) functions arising in the city council's roles as local housing authority;
- (b) public protection and related regulatory and advice services including consumer protection (including the Council's work as weights and measures authority and the provision of consumer advice/guidance); food safety and the like (including the work of the food authority); pest control services; the dog wardens service; animal health and welfare services; public health and environmental health services;
- (c) environmental health services, including the control of nuisance /pollution/ contamination of land, disease control and the council's obligations under the Public Health Acts and related legislation;
- (d) waste and streetscene including cleansing services, waste disposal, fly posting, graffiti, abandoned and nuisance vehicles;
- (e) Gypsies and Travellers including caravan and gypsy caravan site provision;

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- (f) benefits administration;
- (g) advice services in relation to housing, money and welfare rights;
- (h) homelessness prevention and support services;
- (i) tackling of anti-social behaviour;
- (j) emergency control and security monitoring;
- (k) promoting community safety and reducing crime, disorder and drug use;
- (l) prevention of youth offending;
- (m) coordinating the Safer Bristol Partnership;
- (n) community development, community governance and local partnerships;
- (o) equalities, social justice and community cohesion;
- (p) allotments, heritage estates, parks and natural environment responsibilities;
- (q) sports and sports development;
- (r) burial and cremation services;
- (s) licensing including public entertainment, gambling and taxis.

5.7 Public Health

Any function of the executive falling within the portfolio of the strategic director of **public health** including functions relating to:

- (a) implementing the council's and the Bristol Partnership's strategic vision for health improvement and health inequalities;
- (b) performance management of health and well-being targets;
- (c) development and delivery of health and well-being agenda through local, regional, national and international partnerships.

5.8 Resources

Any function of the executive falling within the portfolio of the strategic director of **resources** including functions relating to:

- (a) financial management, internal audit, insurance and treasury management;
- (b) corporate asset management and capital strategy;
- (c) corporate valuation and estate management services;
- (d) legal services;
- (e) land charges;
- (f) elections;
- (g) the management of matters relating to the Lord Mayor's office;
- (h) co-ordinating data protection, human rights, freedom of information and the regulation of surveillance activities;
- (i) support to the Coroner's Office;
- (j) democratic support services;
- (k) the registration of births, deaths, marriages and civil partnerships;
- (l) corporate commissioning and procurement;

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- (m) corporate human relations and workforce planning;
- (n) promotion of equality in employment.

5.9 Transformation

Any function of the executive falling within the portfolio of the strategic director of **transformation** in relation to the following:

- (a) customer services delivered through the Customer Contact Centre, the corporate website, Customer Service Points and other locations;
- (b) information and communications technology, services, processes and standards for the whole council;
- (c) transactional services including finance, human resources, procurement and facilities management;
- (d) organisation development strategy and delivery in support of people performance improvement;
- (e) transformation portfolio programme and project management methods, standards and quality assurance including lean process engineering capability.

6. Delegation of executive functions to officers

Each **delegated officer** shall be entitled to discharge executive functions allocated to the department described in section 4 above for which s/he is the **delegated officer**, subject to the general provisions governing delegations contained in section 7 below:

- (a) The officer occupying the post of service director legal services (and members of his team under his direction) is authorised to do all things necessary to perform legal services in connection with the discharge of **executive functions** delegated under this section of the constitution.
- (b) The officer designated as the chief finance officer (and his team under his direction) is authorised to do all things necessary in the performance of financial services in connection with the discharge of **executive functions** delegated under this section of the constitution.
- (c) In addition to any other delegation to an officer contained in this section of the constitution, each city council officer may discharge any **executive function** as necessary for them to perform such of the duties as are set out in their job description as they are required to undertake by the officer or officers responsible for their management and subject to the general provisions governing delegations contained in section 7 below.

7. General provisions governing delegations to neighbourhood committees, officers and executive members

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- 7.1 The conferring of a delegated power is not intended to and does not in fact supersede or replace any statutory requirement or override any provision of the city council's articles, procurement regulations, financial regulations and any other provision of the constitution.
- 7.2 Accordingly decision makers acting under delegated powers must do so in accordance with any such provision and having due regard to any relevant city council policy or Government guidance.
- 7.3 Reference to any act, order or regulation etc. is deemed to be a reference to any modification or re-enactment thereof.
- 7.4 All key decisions shall be made by cabinet or the Leader. This limitation upon the delegated powers of officers shall not apply where there is a clear and pressing need for a key decision to be taken and it is not reasonably practicable, for any reason, for that decision to be taken by members. In such circumstances the chief executive and strategic directors shall have authority to take key decisions. Before exercising such exceptional authority, officers must, as far as practicable, consult with the monitoring officer, the chief finance officer, the Leader of the Council, the relevant executive member and relevant scrutiny chair. Any decision taken under this exemption will be reported to all members immediately and be subject of a formal report to the next meeting of cabinet and of the relevant scrutiny committee.
- 7.5 It is recognised that **delegated officers** cannot personally undertake the discharge of every function conferred upon them. **Delegated officers** are accordingly entitled to arrange for the discharge by their subordinate officers of functions allocated to them provided that the **delegated officer** remains responsible for and accountable to the city council for the exercise of his / her delegated powers and puts in place such measures as the delegated officer considers appropriate to ensure that those officers assisting him / her in the discharge of **functions** do so in accordance with the provisions of this constitution and do not exceed the limits of any authorisation made to them by the **delegated officer** to assist him / her in this task.
- 7.6 For the avoidance of doubt, any reference in this part to the discharge of any **functions** includes a reference to the doing of anything which is calculated to facilitate, or is conducive or incidental to, the discharge of those functions.
- 7.7 If any **delegated officer** receives any statutory notice which if contravened would give rise to a risk of prosecution, he / she shall immediately refer it to the service director legal services and to the Leader of the Council, who shall be entitled to call for a report on the matter to him / her self and/or to the cabinet.
- 7.8 For the avoidance of doubt, an officer seized of the power to make a decision, may, where he / she considers it necessary in the particular circumstances, refer the matter for decision by the cabinet;
- 7.9 All **delegated officers** and the cabinet should seek and obtain appropriate professional advice from those employed or otherwise engaged by the city council for that purpose in connection with the matter under consideration.

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Any report made by officers to the Leader of the Council or the cabinet should show on its face whether or not such advice has been obtained.

- 7.10 All decisions taken by neighbourhood committees and officers must be consistent with the council's budget and policy framework and in accordance with any policy, plan or criteria adopted by cabinet.

8. Delegations to Joint Committees

- 8.1 The following functions are delegated to the **Joint Waste Committee** of Bath and North East Somerset Council, Bristol City Council, North Somerset Council and South Gloucestershire Council:

All executive functions and powers as may be necessary, calculated to facilitate, incidental or conducive to the discharge of waste collection and disposal functions (under Ss. 45 to 51 of the Environmental Protection Act 1990) as set out in the *Joint Working Arrangements Agreement for the Development and Delivery of the "PFI Waste Project"* dated 29 October 2008.

- 8.2 The following functions are delegated to the **Joint Transport Committee** of Bath and North East Somerset Council, Bristol City Council, North Somerset Council and South Gloucestershire Council:

All executive functions and powers as may be necessary, calculated to facilitate, incidental or conducive to the discharge of the functions of the Joint Transportation Executive Committee as detailed in, and subject to such limitations and conditions set out in the Constitution of that committee.

9. Directions made by the Leader of the Council pursuant to Section 15 of the Local Government Act 2000

The Leader has made no direction under sub-sections 5, 6 or 7 of the above legislation.

10. Other Specific delegations to officers

- 10.1 The officers specified at 9.2 and 9.3 may institute criminal proceedings at designated police stations by requesting the custody officer to charge a suspect on the council's behalf, but only:

9.1.1 in connection with offences the council has power to enforce; and

9.1.2 following consultation with the service director legal services or an appropriate member of his team, except when the officer is acting outside of normal council business hours.

- 10.2 The following officers in the trading standards team are so authorised: trading standards manager or acting manager; enforcement officer; accredited financial investigator; trading standards officer.

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10.3 The following officers in the South West illegal money lending/scam-buster team are so authorised: South West regional enforcement manager or acting manager; senior investigator; investigator.

Barbara Janke

Leader of the Council - 7 January 2010

Appendix 2

NEIGHBOURHOOD COMMITTEES TERMS OF REFERENCE

1. Overview

- 1.1 There is a Neighbourhood Partnership (NP) for each of the following 14 areas (each to be known as a “Neighbourhood”):
- Avonmouth and Kingsweston wards
 - Henbury and Southmead wards
 - Henleaze, Westbury-on-Trym and Stoke Bishop wards
 - Horfield and Lockleaze wards
 - Redland, Cotham and Bishopston wards
 - Frome Vale, Hillfields and Eastville wards
 - Cabot, Clifton and Clifton East wards
 - Ashley, Easton and Lawrence Hill wards
 - St George East and St George West wards
 - Brislington East and Brislington West wards
 - Bedminster and Southville wards
 - Knowle, Filwood and Windmill Hill wards
 - Hengrove and Stockwood wards
 - Hartcliffe, Bishopsworth and Whitchurch Park wards
- 1.2 The councillors elected to serve the wards in a Neighbourhood are members of the corresponding NP, along with other individuals who live and work in the Neighbourhood (see NP terms of reference for more details). For the purposes of the council constitution, all of the councillors on a NP comprise a council committee known as a “Neighbourhood Committee” and have delegated power to take certain local decisions on behalf of the council.¹
- 1.3 This committee of councillors sits within the Neighbourhood Partnership and is expected to take its decisions as part of a meeting of the NP. When taking decisions, the NP councillors should take into account any relevant views expressed by other members of the Neighbourhood Partnership.
- 1.6 Non-councillor members of NPs do not have delegated authority to make decisions on behalf of the council. Council decisions include decisions to spend council monies, award a grant or contract on behalf of the council, or determine the materials or methods to be used by the council or its contractors in carrying out works (this is not an exhaustive list). Non-councillor members of an NP may consider such matters and express a view to its councillors, the Cabinet or council officers in relation to decisions that are relevant to their Neighbourhood. For

example, they may identify priorities for service delivery in their area, or agree how to respond to a consultation.ⁱⁱ

2. Functions delegated to councillors in Neighbourhood Partnerships (Neighbourhood Committees)

2.1 Executive functions

The Leader of the Council shall determine from time to time the executive functions that may be exercised by NP councillors and will set out these functions in the Leader's Scheme of Delegation (LINK).

2.3 Non-executive functions

Full council has not yet delegated any non-executive functions to NP councillors. (Non-executive functions include regulatory functions such as planning decisions and licensing as well as nominations to outside bodies.)

3. Membership

3.1 The membership of each Neighbourhood Partnership will include all councillors who have been elected for wards in the Neighbourhood and no other councillors. All NP councillors for a Neighbourhood will constitute the Neighbourhood Committee for that Neighbourhood. It is expected that all NP councillors will attend each meeting of their respective Neighbourhood Partnership.

4. Procedure rules

Meeting arrangements

4.1 Neighbourhood Partnership meetings will normally be held quarterly. The expectation is that Neighbourhood Committees will make their decisions within Neighbourhood Partnership meetings. Meetings will be chaired by the NP Chair until the councillors are required to take a vote on a delegated council decision. At this point, unless the NP Chair and Councillor Chair is the same person, the role of chair will be assumed by the Councillor Chair. Once the councillor decision has been taken, the NP Chair will resume the role of chair.

Election of Councillor Chair

- 4.2 A Councillor Chair will be elected by NP councillors at the first NP meeting of the Municipal Year.ⁱⁱⁱ
- 4.3 The Councillor Chair will be elected by overall majority. Where there is no overall majority of votes, the Councillor Chair shall be either: a member of the political group with the most councillors on the Neighbourhood Partnership; or where there is no such largest group, a member of whichever political group represented on the Neighbourhood Partnership, is the largest group on the council.

Quorum

- 4.4 The quorum for the NP councillors to take a delegated council decision is 50% of councillors in the NP.

Voting

- 4.5 Only elected councillors are entitled to vote on delegated council decisions taken by Neighbourhood Partnerships.
- 4.6 In the event of an equality of votes the Councillor Chair will have a second, or casting vote.

Substitute arrangements

- 4.7 NP councillors cannot be substituted.

Agenda

- 4.8 A model agenda is set out in the notes to this document.^{iv} Each agenda must include Declarations of Interests of councillor members.

Minutes of meetings

- 4.9 The meeting of Neighbourhood Partnerships shall be minuted and such minutes will be made available to the public in accordance with the Access to Information Procedure Rules (in part 4 of the council's constitution).

Right to submit statements

- 4.10 Members of the public may submit statements that relate to issues that are on the agenda for the meeting or any other issues, provided sufficient advance notice is given.^v

Statements may be submitted by e-mail to:
democratic.sevices@bristol.gov.uk or

Post to: Bristol City Council, Democratic Services Section, Room 220, Council House, College Green, Bristol, BS1 5TR; or

Fax: 0117 9222146

5. Access to Information Rules

Neighbourhood Committees will comply with the Access to Information Rules contained in part 4 of the council's constitution, which means, among other things, that:

- Meetings must be held in public
- 5 days notice of meetings must be given
- Agendas and reports must be published 5 days in advance of meetings
- Minutes and records of decisions with reasons must be published.

6. Code of Conduct

- 6.1 Neighbourhood Partnership councillors shall comply with the Members' Code of Conduct and any other code of conduct or protocol relating to the conduct of councillors which may be adopted by the council (eg. officer member protocol).

7. Reports to full Council

- 7.1 The Councillor Chair, on behalf of the Neighbourhood Partnership, may bring a report to full Council on the work of their Neighbourhood Partnership. Full Council will normally only receive one such report at each of its meetings (unless otherwise agreed by the Lord Mayor).

8. Decision making

8.1 Neighbourhood Committees must make decisions:

- in accordance with the council's budget and policy framework;
- in accordance with the approved budget for its area for the relevant function;
- in accordance with all relevant procedure rules within the constitution including -
 - financial regulations
 - contract procedure regulations
 - procurement regulations;
- in accordance with any other council policy, plan or criteria approved by cabinet and with any relevant contractual arrangements; and
- in a meeting following consideration of a report from a strategic director or his/her nominee.

8.2 A Neighbourhood Committee may only exercise a function in so far as the function impacts on its own area.

8.3 Neighbourhood Committees may not make a decision which impacts in a significant way on another Neighbourhood without first consulting with the committee for that area. If they cannot secure the agreement of that neighbouring committee, then the matter should be referred to either the relevant strategic director or cabinet for decision.

8.4 A Neighbourhood Committee, or two or more Neighbourhood Committees jointly, may refer a matter to either the relevant strategic director or cabinet for a decision.

8.5 The Leader may require a matter in relation to an executive function due to be considered by a Neighbourhood Committee to be determined by herself, cabinet or the relevant strategic director.

8.6 Where the Monitoring Officer or Chief Finance Officer is of the opinion that a proposal, decision, or omission of a Neighbourhood Committee is or if made would be:

- (a) outside its terms of reference; or
- (b) outside its approved budget; or
- (c) outside any relevant policy, plan or criteria approved by cabinet or with any relevant contractual arrangements; or
- (d) outside the budget and policy framework; or
- (e) not in accordance with any relevant procedure rules,

the Monitoring Officer or Chief Finance Officer shall refer the matter to cabinet or full Council as appropriate for consideration at the next available meeting.

- 8.7 Where a matter has been referred to cabinet or full Council under this section, the implementation of the proposal or decision shall be suspended until the matter is considered by cabinet and/or full Council.

Where a matter has been referred to cabinet under 6.9 (a) (b) or (c) cabinet may:

- (a) decide the matter itself; or
- (b) endorse any decision already made; or
- (c) refer the matter back to the Neighbourhood Committee for determination; and/or
- (d) make any other decision it considers appropriate.

- 8.8 Where a matter has been referred to cabinet under 6.9 (d) or (e), then Cabinet may:

- (a) refer the matter to full Council for consideration; or
- (b) decide the matter within the budget and policy framework or in accordance with the procedure rules; or
- (c) refer the matter back to the Neighbourhood Committee for determination within the budget and policy framework, or in accordance with the procedure rules.

- 8.9 Before deciding any matter in accordance with this rule, cabinet will consider a report from a statutory officer or strategic director.

Guidance notes

ⁱ The Neighbourhood Committees are established pursuant to regulation 6 of the The Local Authorities (Arrangements for the Discharge of Functions (England) Regulations and are “area committees” as defined by s.18 Local Government Act 2000.

ⁱⁱ Councillors will be expected to work closely together with other members of their Neighbourhood Partnership to promote their area and help in the improvement of services in the area. Non-councillor NP members will have the opportunity to put their comments/recommendations/views in relation to decisions to be made to the Councillors. Whilst Councillors will be expected to take into account these, this should not compromise their independence as

Councillors and not constrain them from making decisions that they deem to be in the interests of the wider community.

ⁱⁱⁱ The NP councillors may decide to appoint Councillor Chairs on a rotating, or other temporary basis, in which case the Councillor Chair appointed at one meeting holds office until another Councillor Chair assumes the role at a subsequent meeting.

^{iv} Agendas of meetings will normally include the following items:

- a) Apologies for absence
- b) Approval of minutes from previous meeting.
- c) Declarations of Interest (of councillors)
- d) Chair's announcements
- e) Public Forum statements (maximum time of 30 minutes)
- f) Reports on proposed decisions for councillors and on other matters to be considered by the Neighbourhood Partnership (to include a report from the Area Coordinator)
- g) Consider matters that the Chair of the Neighbourhood Partnership has agreed are urgent

Sometime prior to the public meeting the NP Chair, Councillor Chair and other interested parties as appropriate, may meet with relevant officers in private to plan and agree what business is to be transacted during the coming and future meetings.

^v The statements should be normally be no longer than one side of A4 paper. Members of the public may then address the meeting (the chair may wish to set a time limit, eg. a maximum of three minutes). Anyone wishing to submit a statement is expected to contact the Democratic Services Officer named on the agenda and submit their statement by no later than 12.00 noon the working day before the meeting. The Chair has the discretion to allow any member of the public, whether or not they have submitted a written statement, to speak during the meeting.

JR 11.1.10