

## MAYOR'S EXECUTIVE SCHEME OF DELEGATION

**This document sets out how executive decisions are taken at Bristol City Council.**

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### **1. Introduction to the Executive arrangements**

Marvin Rees is Bristol's Elected Mayor.

He leads the City, in particular, the City Council and has overall responsibility for the delivery of Council services. The Elected City Mayor is directly accountable to local people.

To help him oversee the delivery of Council services and to work with other partners across the City and region, he has appointed a Deputy Mayor and eight Councillors who together are known as the Executive or, more commonly, the Cabinet. The Mayor has given these Councillors areas of responsibility referred to as portfolios and these are set out in this document.

The Cabinet works closely with the Strategic Directors of the relevant services employed to oversee the Council's operations in their portfolio and support delivery of the Corporate Plan.

There is a need to ensure that departments work together and services are integrated. Many of the areas of responsibility overlap. In many instances a Cabinet Member may take the lead on one area but the responsibility is shared across the Cabinet.

The Mayor and Cabinet Members work collaboratively to ensure Council departments and initiatives are joined up and make effective use of the Council's budget and other resources, such as those of organisations in the City and the City Office.

The Cabinet have regular briefings and meetings to identify related issues and the overall direction for the Council. See attached decision making chart which sets out the process for decision making in the Council.

**'Key Decisions'** means an executive decision, which is likely –

- (a) to result in the Council incurring expenditure which is, or the making of savings which are, significant having regard to the Council's budget for the service or function to which the decision relates; or
- (b) to be significant in terms of its effects on communities living or working in an area comprising two or more wards in the area of the Council.

Bristol City Council has determined that for the purposes of (a) above that "significant" expenditure or savings are expenditure or savings (including the receipt of loss of income or capital receipts) in excess of £500,000

Decisions taken by the Mayor, Deputy Mayor and Cabinet Members are published on the Council's website.

The Mayor is committed to engaging with citizens and partners and to ensuring that the decision making process is transparent. This document supports this commitment by setting out who leads on what function.

## **2. Who takes decisions?**

The City Council has agreed a constitution which sets out how it operates, how decisions are made and the procedures which are followed. The law requires some of these processes, while others are a matter of local choice.

Statute and the Constitution specifies which matters the Council can take decisions on. These are set out in [www.bristol.gov.uk](http://www.bristol.gov.uk) These will either be designated for decision-making by Full Council or by a Committee of Council (various regulatory functions such as planning and licensing matters). The remaining functions are Executive functions.

The Mayor may discharge any of the functions that are the responsibility of the Mayor and Cabinet himself or may arrange for the discharge of those functions by the Cabinet as a whole, by another member of the Cabinet, or by an officer of the authority.

The Mayor may also arrange for the discharge of those functions by a Neighbourhood Partnership (through a neighbourhood committee), joint arrangements with another authority or by another authority. These arrangements are described below.

The Mayor is responsible for the allocation and discharge of all Executive functions and may decide how Executive functions are to be exercised.

Where agreed with the Mayor, Cabinet Members will make decisions that fall within their portfolio.

Where a decision falls across more than one portfolio it will be subject to consultation with all relevant Cabinet Members. In such cases, the Mayor will make the final decision.

All decisions taken by the Mayor or Cabinet Members will be taken in public in Cabinet meetings, the Health and Well being Board, Learning City Partnership Board, Bristol Property Board or the Bristol Homes Board.

Strategic Directors identify issues which may require Cabinet Member involvement or decision. These are recorded and considered via regular Cabinet Member briefings with the relevant portfolio holder(s).

The Mayor may identify issues and will consider whether any of these decisions should be taken in consultation with the Cabinet.

All decisions will be taken in accordance with statutory and legal requirements, the Council's constitution, budget and Financial Regulations. Where a decision affects a particular ward, then the Cabinet portfolio holder will, where practicable, consult the relevant ward Member.

This document will be subject to ongoing review by the City Mayor and an up to date version maintained on the Council's website.

### **3. Mayor and Cabinet Member portfolios**

#### **MAYOR- MARVIN REES**

##### **Portfolio Terms of Reference**

1. Council Plan
2. Communications
3. West of England Local Enterprise Partnership
4. Devolution
5. Policy
6. External Relations including Health & Wellbeing Board, Learning City Partnership Board, Bristol Property Board & Homes Board
7. Sport
8. Major city projects
9. All other executive functions not otherwise listed within Cabinet portfolio terms of reference listed below
10. Any executive functions that the Mayor may wish from time to time to have reserved to himself or to be discharged in a different manner to the general delegation arrangements described below.

#### **DEPUTY MAYOR- COUNCILLOR ESTELLA TINCKNELL (Lab)- CABINET PORTFOLIO: DEMOCRACY, CULTURE, POLICY, STRATEGY & COMMUNICATIONS, INTERNATIONAL**

##### **Portfolio Terms of Reference**

1. Cultural Strategy and policy
2. City policy making, policy and strategy development
3. Partnership policy working with the universities

4. Communications
5. International relations
6. Democratic Engagement

**COUNCILLOR CLLR MARK BRADSHAW (Lab)- CABINET PORTFOLIO:  
TRANSPORT AND HIGHWAYS**

**Portfolio Terms of Reference**

1. Transport and transport policy
2. Highways maintenance
3. Integrated public transport
4. Infrastructure
5. Flooding
6. Air Quality

**COUNCILLOR CLARE CAMPION-SMITH (Lib Dem)- CABINET PORTFOLIO:  
PEOPLE**

**Portfolio Terms of Reference**

1. Safeguarding Children and Adults (including children's board and safeguarding boards)
2. Children's Social Care
3. Corporate Parenting
4. Fostering and Adoption
5. Adult Social Care
6. Children & families support services
7. Strategic Commissioning

**COUNCILLOR CRAIG CHENEY (Lab)- CABINET PORTFOLIO: FINANCE,  
GOVERNANCE AND PERFORMANCE**

**Portfolio Terms of Reference**

1. Finance and Budget

2. Legal and statutory services
3. Corporate services, including HR, health and safety, audit, procurement
4. Performance
5. Innovation and Companies
6. Commercialism
7. Capital and Infrastructure
8. Council Tax and Benefits

**COUNCILLOR FI HANCE (Green)- CABINET PORTFOLIO: CITY HEALTH AND WELLBEING**

**Portfolio Terms of Reference**

1. Public Health including Improving Mental Health Services
2. Preventative Services
3. Commissioning
4. Public protection, regulatory and environmental health
5. Health Partnerships

**COUNCILLOR ASHER CRAIG (Lab)- CABINET PORTFOLIO: NEIGHBOURHOODS**

**Portfolio Terms of Reference**

1. VCS and Community initiatives
2. Neighbourhood Partnerships
3. Libraries, Leisure Centres and Community Assets
4. Community Safety and Safer Bristol Partnership
5. Community Cohesion
6. Citizen Services, including Benefits and Council Tax, Customer Service Centres and Customer Service Improvement
7. Streetscene (Lighting, Cleansing, Signage), Landscaping, Parks and Green Spaces
8. Waste and Recycling
9. Civil Contingency Planning

## **COUNCILLOR CLAIRE HISCOTT (Con)- CABINET PORTFOLIO: EDUCATION AND SKILLS**

### **Portfolio Terms of Reference**

1. Schools and Partnerships
2. Youth Services
3. Children's Centres
4. Higher education
5. Apprenticeships, training and work experience

## **COUNCILLOR HELEN HOLLAND (Lab)- CABINET PORTFOLIO: PLACE**

### **Portfolio Terms of Reference**

1. The Arena and major projects
2. Spatial planning
3. Local Enterprise Partnership
4. Inward investment and enterprise zone
5. Property, Property Board and development projects
6. Energy and Sustainability

## **COUNCILLOR PAUL SMITH (Lab)- CABINET PORTFOLIO: HOMES AND COMMUNITIES**

### **Portfolio Terms of Reference**

1. Council Housing and Housing Revenue Account
2. Housing Strategy
3. House-Building and Housing Innovation
4. Housing Support services and homelessness
5. Private rented sector
6. HRA Property and Land allocated for housing

#### **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

- Ashley, Easton and Lawrence Hill
- Avonmouth and Lawrence Weston
- Bishopston, Cotham and Redland
- Central, Clifton and Harbourside
- Dundry View
- Filwood, Knowle and Windmill Hill
- Greater Bedminster
- Greater Brislington
- Greater Fishponds
- Henbury, Brentry and Southmead
- Stoke Bishop, Westbury-on-Trym and Henleaze
- Horfield and Lockleaze
- St George
- Stockwood, Hengrove and Whitchurch  
(each known as a “Neighbourhood”)

4.2 The councillors elected to serve the wards in a neighbourhood are members of the corresponding neighbourhood partnership 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 Mayor has delegated executive functions relating to the following:

- a) Expenditure of well-being budget;
- b) Expenditure of budget for environment projects;
- c) Highways maintenance (ie. road surface dressing/renewal and footway reconstruction/resurfacing);
- d) Minor traffic schemes;
- e) Expenditure of monies paid to the council pursuant to a section 106 agreement (made under s.106 Town and Country Planning Act 1990) and decisions relating to prioritising site specific schemes to be funded from those monies;
- f) Expenditure of any other budget allocated to the NP by cabinet or by any strategic director.
- g) Take decisions in relation to the disposal (or retention) of green space sites within their area which have been declared surplus to Council requirements, within the protocol for surplus sites which was previously agreed by the Cabinet.

4.3 The neighbourhood partnership (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 Where a neighbourhood committee or two or more neighbourhood committees jointly by resolution, refer a matter to the Mayor for decision, then the Proper Officer will complete on their behalf, an appropriate proforma describing the issue and setting out the resolution(s). The matter will be considered by the Mayor, normally at the next available Cabinet meeting. The Chair(s) of the relevant neighbourhood committee(s) will report to the Cabinet and the relevant service director will respond accordingly.

4.6 Rules and principles applying to NP councillor decisions are set out in the Neighbourhood Committee terms of reference as approved from time to time by the Mayor. *(NB: the current terms of reference follow these delegations)*

## **5. Summary of the executive functions to be discharged by the Chief Executive and each strategic director**

### **5.1 Chief Executive**

To the extent permitted by law, any executive function not being a key decision may be exercised by the City Director notwithstanding its delegation to another Strategic Director. In accordance with the “General Principles applying to the exercise of delegated powers by officers” set out in part 3 of the Constitution, the City Director may arrange for the discharge of these functions through a Strategic Director

### **5.2 People Directorate**

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

- (a) Strategic Commissioning and procurement
- (b) Care Provision (including re-ablement, residential and community based services)
- (c) Housing Solutions
- (d) Adult Social Care
- (e) Child and Family Support
- (f) Education and Skills

### **5.3 Resources Directorate**

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

- (a) Financial management, internal audit and treasury management;



- (b) Human Resources;
- (c) ICT
- (d) Legal and Democratic services;
- (e) Support to Lord Mayor's office
- (f) Registration of births, deaths and marriages
- (g) Support to the Coroner's Office and mortuary
- (h) Elections;

#### 5.4 **Neighbourhoods Directorate**

Any function of the executive falling within the portfolio of the strategic director of **Neighbourhoods including functions** in relation to:

- (a) Neighbourhoods, including libraries, neighbourhood management, health improvement and regulatory services.
- (b) Environment and Leisure
- (c) Housing Delivery
- (d) Public Health
- (e) Integrated customer services
- (f) Food safety and weights and measures

#### 5.5 **Place Directorate**

Any function of the executive falling within the portfolio of the strategic director of **Place including functions** in relation to:

- (a) Property (including asset management, facilities management, property strategy)
- (b) Planning and Place Strategy (including strategic planning, and strategic transport)
- (c) Highways and Transport Management
- (d) Development and Regeneration

### 6. **Delegation of executive functions to officers**

Each **delegated officer** shall be entitled to discharge executive functions allocated to the department described in section 5 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/her team under his/her 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. For the avoidance of doubt the conferring of the function on the officer occupying the post of Service Director, Legal Services is not to intend or remove the power of any authorised officer engaged in investigation to obtain or seek from a Justice of the Peace, or the court, a warrant of entry, Order under RIPA 2000 or other process ancillary to the investigation he or she is engaged in.

- (b) The officer designated as the chief finance officer (and his/her team under his/her direction) is authorised to do all things necessary in the performance of financial services and insurance arrangements 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.
- (d) Strategic Directors are authorised to take decisions relating to council land as set out in the Council's Land Decisions - Scheme of Authorities as approved from time to time by the Mayor.
- (e) The officers specified in this paragraph may institute criminal proceedings at designated police stations by requesting the custody officer to charge a suspect on the council's behalf, but only:

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

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.

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.

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

- 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 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 the Mayor or Cabinet Member then the City Director and strategic directors shall have authority to take key decisions. Before exercising such exceptional authority, the responsible officer must, as far as practicable, consult with the monitoring officer, the chief finance officer, the Mayor, 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 Mayor at 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 Mayor, who shall be entitled to call for a report on the matter to himself and as necessary, 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 Mayor;
- 7.9 All **delegated officers** and the Mayor 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. Any report made by officers to the Mayor and as necessary, 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 the Mayor.

## 8. Delegations to Joint Committees

- 8.1 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.
- 8.2 **West of England Strategic Leaders Board**  
1. This scheme authorises the establishment, and delegation of executive functions to the West of England Strategic Leaders Board ("the Board") The Board is established under Section 101(5) of the Local Government Act 1972, as applied by Section 20 of the Local Government Act 2000 and Regulation 11 of the Local Authorities (Arrangements for the Discharge of Functions)(England) Regulations 2012 by the Executives of Bath and North East Somerset Council, Bristol City Council and North Somerset District Council, and by South Gloucestershire District Council.

2. The Board shall exercise the functions as further described below and the Mayor has conferred delegated authority on the Board to the extent necessary to discharge those functions or for any purpose that is calculated to facilitate, or is conducive or incidental to the discharge of those functions and the objective of the Board.
3. The Objective of the Board
4. The overall objective of the Board is to focus on strategic economic issues and to unlock barriers to growth in support of delivering the Strategic Economic Plan.
5. The Functions of the Board
6. Provide strong collective leadership and strategic direction to realise the full economic potential of the West of England.
7. Provide clear direction to support the development and delivery of key strategies to improve the economic conditions across the West of England area.
8. Provide a means for the formulation and expression of joint views of the authorities to central government and other bodies and organisations in respect of legislation, proposed legislation and other matters of concern, interest or relevance to the West of England economy with a particular focus on removing barriers to growth and the delegation of additional powers and funding.
9. Strengthen the co-ordination of joint local authority activity across the West of England, including the activities of the Local Enterprise Partnership, West of England Strategic Leaders Board and the Planning, Housing and Communities Board.
10. Identify and develop any new areas of joint working between the local authorities to further joint economic objectives.
11. Work with other appropriate agencies and bodies beyond the West of England in order to achieve any shared economic objectives.
12. Watch over, protect and promote the interest, rights, powers, functions and duties of the Authorities.
13. Ensuring that any proposals, actions whether agreed or considered will be subject to an obligation upon the Leader of each of the Authorities to report it to their own authority.
14. Take any decisions required to deliver the Strategic Economic Plan, including additional funding, freedoms and flexibilities, and delivery directly resulting from the Plan and the subsequent Growth Deal. This will not include issues covered by existing Joint Committee arrangements (JTEC or any new PHCB).
15. Making decisions based on recommendations from the Local Enterprise Partnership (“LEP”) Board.
16. Informing LEP policies and LEP applications for funding programmes.
17. Provide a formal and accountable forum for decision making relating to all relevant LEP or West of England funding streams; recommendations will come from the Investment Awards Board via the LEP.

## **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”):

- Ashley, Easton and Lawrence Hill
- Avonmouth and Lawrence Weston
- Bishopston, Cotham and Redland
- Central, Clifton and Harbourside
- Dundry View
- Filwood, Knowle and Windmill Hill
- Greater Bedminster
- Greater Brislington
- Greater Fishponds
- Henbury, Brentry and Southmead
- Stoke Bishop, Westbury-on-Trym and Henleaze
- Horfield and Lockleaze
- St George
- Stockwood, Hengrove and Whitchurch

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. 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.

1.3 The Neighbourhood Committee sits within the Neighbourhood Partnership and is expected to take its decisions as part of a public meeting. When taking decisions, the Neighbourhood Committee should take into account the Neighbourhood Plan any relevant views expressed by other members of the Neighbourhood Partnership .

1.4 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.

## **2. Functions delegated to Neighbourhood Committees**

### **2.1 Executive functions**

The Elected Mayor Council shall determine from time to time the executive functions that may be exercised by Neighbourhood Committees and will set out these functions in the Mayor's Scheme of Delegation.

### **2.3 Non-executive functions**

Full council has not yet delegated any non-executive functions to Neighbourhood Committees. (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. Agenda items which require a decision by the Neighbourhood Committee will be chaired by the Neighbourhood Committee Chair, all other agenda items will be chaired by the Neighbourhood Partnership chair.

### **Election of Neighbourhood Committee Chair**

4.2 A Neighbourhood Committee Chair will be elected by the Neighbourhood Committee at the first NP meeting of the Municipal Year.

4.3 The Neighbourhood Committee Chair will be elected by overall majority. Where there is no overall majority of votes, the Neighbourhood Committee Chair shall be either: a member of the political group with the most councillors on the Neighbourhood Committee; or where there is no such largest group, a member of whichever political group represented on the Neighbourhood Committee, is the largest group on the council.

### **Quorum**

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

#### Voting

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

#### Substitute arrangements

- 4.7 Neighbourhood Committee councillors cannot be substituted.

#### Agenda

- 4.8 A model agenda is set out in the notes to this document. 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.

Statements may be submitted by e-mail to:  
[democratic.sevices@bristol.gov.uk](mailto:democratic.sevices@bristol.gov.uk)

or:

Post to: Bristol City Council, Democratic Services Section, City Hall, College Green Bristol BS1 5TR (if delivered by hand) or Bristol City Democratic Services Section PO Box 3176 Bristol BS3 95S 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 Committee 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 Neighbourhood Committee 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 neighbourhood budget for its area;
- in accordance with the approved budget for its area for the relevant function in the case of S106 funds.
- After due regard to the Neighbourhood Partnership Plan.
- in accordance with the Councils Equalities Duties.
- 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 Elected Mayor may require a matter in relation to an executive function due to be considered by a Neighbourhood Committee to be determined by himself, 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 section 8.6, 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 8.6 (a) (b) or (c) cabinet may:

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

- 8.8 Where a matter has been referred to cabinet under 8.6 (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 section 8.6 to 8.8, 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 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 Neighbourhood Committee may decide to appoint Neighbourhood Committee Chairs on a rotating, or other temporary basis, in which case the Neighbourhood Committee Chair appointed at one meeting holds office until another Neighbourhood Committee 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) Public Forum statements (maximum time of 30 minutes)
  - e) Reports on proposed decisions for councillors, and on other matters to be considered by the Neighbourhood Partnership
  - f) Consider matters that the Chair of the Neighbourhood Partnership has agreed are urgent

Sometime prior to the public meeting the NP Chair, Neighbourhood Committee 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 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.