

# Part 1

## Summary and Explanation

### How the Council operates

The Council is composed of ~~40~~ 39 councillors who serve for four years. One-third of these Members' terms of office expire in each of three years out of four (in the fourth year county councillors are elected). Councillors are democratically accountable to residents of their ward. The overriding duty of councillors is to the whole community, but they have a special duty to their constituents, including those who did not vote for them.

Councillors have to agree to follow a code of conduct to ensure high standards in the way they undertake their duties. The Council's Audit and Governance Committee monitors the code of conduct and is responsible for investigating complaints.

All councillors meet together as the Council. Meetings of the Council are normally open to the public. Here councillors decide the Council's overall policies and set the budget each year. The Council also appoints the Lord Mayor and Deputy Lord Mayor, appoints the Leader and members to the Executive and other committees.

## Part 2

### Article 1 – The Constitution

#### 1.03 Purpose of the Constitution

The Council, ~~through its Corporate Plan through the Vision 20:20 process (the community plan) and its strategic objectives~~ will pursue its stated goal which is "To enhance Exeter as the regional capital working ~~with our partners and to work in partnership~~ to improve the quality of life for all people living, working and visiting the city."

In pursuing this goal the following core values will be promoted:

- Meet customers' needs with high-quality services
- Be flexible and have can-do approach
- Show trust and respect
- Tell people what is going on, listen and respond to their views
- Be proud to work for the city and the council

A principal objective of the Council is to promote equality of opportunity and social inclusion and the Council has agreed the following policy statement:

"The City Council is committed, both as an employer and as a deliverer of services, to ensuring that no recipient of services provided by the Council receives less favourable treatment on any grounds such as disability, ethnic origin, age, gender, sexuality, language, religion, political or other opinion, national or social origin, association with a national minority, locality, property, birth or other status".

This constitution supports these aims and objectives and explains the mechanisms and processes that the Council operates to ensure that:

- councillors are able to play a significant role in the work of the Council and represent their constituents
- decisions are taken in as open and transparent way as possible
- the view of residents and stakeholders are recognised as important influences on the way the Council operates and decisions are taken
- accountability is enhanced

## Article 2 – Members of The Council

### 2.01 Composition and eligibility

- (a) **Composition.** The Council comprises ~~40~~ 39 elected members, called councillors, who are elected to represent their ward. There are ~~18-13~~ wards in Exeter, ~~who elect three councillors to sit on the Council. most elect two councillors to sit on the Council although four wards, with a larger number of electors, elect three councillors.~~
- (b) **Eligibility.** Only registered voters of the City or those living or working here are eligible to hold the office of councillor.

### 2.02 Election and terms of councillors

**Election and terms.** The ordinary election of a third ~~(or as near as may be)~~ of all councillors will be held on the first Thursday in May in each year beginning in ~~2000~~ 2018, except that in ~~2004~~ 2017 and every fourth year after there will be no regular election.

The terms of office of councillors will be four years starting on the fourth day, ~~except in 2016~~, after being elected and finishing on the fourth day after the date of the regular election four years later.

In 2016, the term of office of councillors will depend on the number of votes each elected Councillor received in the Mayor 2016 elections. The highest polled candidate will have a four year term of office (i.e. until May 2020), in second highest polled candidate will have a three year term of office (i.e. until May 2019), with the third highest polled candidate having a two year term of office (i.e. until May 2018).

A Councillor may at any time resign their position by giving notice in writing to the Returning Officer (the Corporate Manager Democratic and Civic Support), who is the proper officer for that purpose and the resignation will be effective upon its receipt.

## Article 4 – The Full Council

### 4.01 Meanings

(a) **Policy Framework.** The policy framework is made up of a series of statutory plans and strategies as follows:

- Corporate Plan
- ~~Sustainable Community Strategy (Exeter Vision)~~
- Development Plan Documents forming the Local Development Framework
- Food Law Enforcement Service Plan;
- Climate Change Strategy;
- Contaminated Land Strategy;
- Annual Budget Strategy;
- Asset Management Plan
- Health and Safety Service Plan
- Housing Strategy (including Private Sector Housing Renewal Policy)
- Anti-Social Behaviour Policy
- Homelessness Strategy
- Community Safety Strategy
- Recycling Plan
- Licensing Policy Statement

- Gambling Policy Statement

Other overarching corporate plans and strategies may become part of the policy framework as the need arises.

- (b) **Budget.** The budget includes the allocation of financial resources to different services and projects, proposed contingency funds, the council tax base, setting the council tax and decisions relating to the control of the Council's borrowing requirement, the control of its capital expenditure and the setting of virement limits.

## Article 6 –Scrutiny Committees

### 6.01 Terms of reference

The Council will appoint three scrutiny committees one covering each of the following areas '~~Resources~~', '~~Community~~' and '~~Economy~~' '~~Corporate Services~~', '~~People~~' and '~~Place~~' to discharge the functions conferred by section 21 of the Local Government Act 2000 or regulations under section 32 of the Local Government Act 2000

See Part 4 (Rules of Procedure) for terms of reference.

## Article 7 – The Executive

### 7.08 Responsibility for functions

The Leader will:

- (a) state the size of the Executive (**maximum 10 members**);
- (b) identify which individual Executive members and/or officers are to be responsible for the exercise of a particular Executive function; and
- (c) where the Leader identifies individual delegations to Executive members, then he must give written notice of such delegation to the Chief Executive & Growth Director who shall maintain and keep up to date a list of such delegation.

## Article 8 – Regulatory and other committees

### 8.01 Regulatory and other committees

The Council will appoint a Planning Committee, Licensing Committee, Audit and Governance Committee and Major Grants ~~and New Homes Bonus~~ Panel. The terms of reference for these and committees, other than Scrutiny Committees are set out in Part 3 of the Constitution.

The Planning Committee shall appoint a Planning Member Working Group which will normally meet in private.

## Article 10 - Joint Arrangements

### 10.01 Arrangements to promote well being

The Council or the Executive, in order to promote the economic, social or environmental well-being of the City, may:

- (a) enter into arrangements or agreements with any person or body;
- (b) co-operate with, or facilitate or co-ordinate the activities of, any person or body;
- (c) exercise on behalf of that person or body any functions of that person or body; and
- (d) details of any joint arrangements including any delegations to joint committees, **Strata Joint Executive Committee, Strata Joint Scrutiny Committee and the Joint Mitigation Committee** will be found in the Council's scheme of delegations in Part 3 of this Constitution.

## Article 11 – Officers

### 11.01 Management structure

- (a) **General.** The full Council may engage such employees (referred to as officers) as it considers necessary to carry out its functions.
- (b) **Chief Officers.** The full Council will engage persons for the following posts, who will be designated chief officers:

| <b>Post</b>  | <b>Functions and areas of responsibility</b>   |
|--|--|
| Chief Executive & Growth Director (and Head of Paid Service)       | <p>Overall corporate management and operational responsibility (including overall management responsibility for all officers)</p> <p>Provision of professional advice to all parties in the decision making process.</p> <p>Together with the monitoring officer, responsibility for a system of record keeping for all the Council's decisions.</p> <p>Representing the Council on partnership and external bodies (as required by statute or the Council).</p> |
| Deputy Chief Executive, Assistant Directors and Corporate Managers | To develop and implement the <del>Vision</del> , <del>Core</del> Values and Corporate Strategy of Exeter City Council through working with members, staff, customers and external partners and to ensure that the Council operates in an innovative, progressive, customer-driven and externally-focussed way in providing cost effective, high quality outcomes in all areas of service.  |

- (c) **Head of Paid Service, Monitoring Officer and Chief Finance Officer.**  
The Council will designate the following posts as shown:

| <b>Post</b>                       | <b>Designation</b>    |
|-----------------------------------|-----------------------|
| Chief Executive & Growth Director | Head of Paid Service  |
| Corporate Manager Legal Services  | Monitoring Officer    |
| Assistant Director Finance        | Chief Finance Officer |

Such posts will have the functions described in Article 11.02–11.04 below.

- (d) **Structure.** The Head of Paid Service will determine and publicise a description of the overall departmental structure of the Council showing the management structure and deployment of officers. This is set out at Part 7 of this Constitution.

## Article 12 – Decision Making

### 12.09 Decision making by Officers

All decisions made by officers shall be in accordance with the principles and requirements of this constitution. Any key decisions and any decisions made in consultation with the portfolio holder will be recorded and held for inspection by councillors on application to the Democratic Services Manager or the Human Resources ~~Business Manager~~ Transactional Services Manager as appropriate.

# Article 15 – Suspension, Interpretation and Publication of the Constitution

## 15.03 Publication

~~The Corporate Manager Democratic/Civic Support will give a copy of this Constitution to each member of the authority (including by electronic means) upon delivery to him/her of that individual's declaration of acceptance of office on the member first being elected to the Council.~~

- (a) The Council's constitution will be made available to all members of the authority by electronic means unless a request is received in writing by the Corporate Manager, Democratic and Civic Support, for a hard copy of the constitution. On receipt of such a request, a copy will be given to the requesting member.
- (b) The Corporate Manager Democratic/Civic Support will ensure that the up to date version of the Constitution is available on the Council's website and can be purchased by members of the local press and the public on payment of a reasonable fee.

## Part 3 Responsibility for Functions

### 1. RESPONSIBILITY FOR LOCAL CHOICE FUNCTIONS

References to consultation with Human Resources means the officer or officers so designated by the ~~Assistant Director Business Transformation Transactional~~ Services Manager.

### 3. RESPONSIBILITY FOR EXECUTIVE FUNCTIONS

| Function  | Who is Responsible                                      | Delegation |
|---|---|------------|
| 3.22 Within agreed budgetary limits, to consider applications and recommend to the Executive payment of appropriate Major Grants <del>and grants from the New Homes Bonus Local Infrastructure Fund,</del> and to recommend appropriate | Major Grants<br><del>and New Homes Bonus</del><br>Panel | None       |

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| conditions to which grants should be subject. Grants must be consistent with the key actions in the corporate plan which relate to applications from community, housing, environmental, arts and cultural and sporting organisations. |  |      |
| 3.23 To monitor the grants given, ensure that conditions of funding are met, oversee service level agreements and evaluate the outcome in accordance with the agreed criteria for those purposes.                                     | Major Grants<br>and New Homes<br>Bonus Panel | None |
| 3.24 To keep under review the procedures and criteria by which the Major Grants and Local Infrastructure Fund grants are awarded and monitored, and to make recommendations to Executive in that regard.                              | Major Grants<br>and New Homes<br>Bonus Panel | None |

## Executive Portfolios

| Portfolio |  | Responsibilities  |
|-----------|--|---|
| 1.        | <b>Leader</b><br><br>“A stronger city” | <ul style="list-style-type: none"> <li>◇ Strategic vision and direction of the council</li> <li>◇ Greater Exeter</li> <li>◇ Innovation Exeter and the move to a knowledge economy</li> <li>◇ Financial strategy</li> <li>◇ Business transformation</li> <li>◇ Community engagement</li> </ul> |



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|----|---|---|
| 2. | <b>Enabling Services</b><br><br>“A well run council”<br><br>“Maintain our property assets of the city”  | <ul style="list-style-type: none"> <li>◇ Contracts and procurement</li> <li>◇ Estate management incl. Civic Centre facilities</li> <li>◇ Asset management and property records</li> <li>◇ Emergency planning and business continuity</li> <li>◇ Democratic and civic support incl. Lord Mayoralty and twinning</li> <li>◇ Legal</li> <li>◇ Financial services</li> <li>◇ ICT</li> <li>◇ Channel shift</li> <li>◇ Communication and public relations</li> <li>◇ Equalities</li> </ul>  |
| 3. | <b>Customer Access</b><br><br>“Help me with my Financial problem”<br><br>“Make it easy for me to pay you”<br><br>“Providing suitable housing” | <ul style="list-style-type: none"> <li>◇ One View of Debt (OVOD) - Benefits, council tax, council housing rent payments, business rates payments</li> <li>◇ Customer service centre</li> <li>◇ Housing advice and homelessness prevention</li> <li>◇ Social housing allocations</li> <li>◇ Private-rented sector support</li> <li>◇ Supported housing services commissioning</li> <li>◇ Housing enabling (PSL/Extralet and empty properties)</li> <li>◇ Downsizing support ensuring housing is fit for purpose</li> <li>◇ Private sector housing (including landlord support services, HMO licensing, illegal evictions)</li> </ul> |
| 4. | <b>Housing Revenue Account</b><br><br>“Be a good landlord”<br><br>“Providing suitable housing”  | <ul style="list-style-type: none"> <li>◇ HRA housing needs analysis and supply of housing</li> <li>◇ Rent and service charge setting</li> <li>◇ Landlord services</li> <li>◇ Leaseholder services</li> <li>◇ Right to buy</li> <li>◇ Tenant consultation and engagement</li> </ul>  |
| 5. | <b>Health and Place</b><br><br>“Keep place looking good”<br><br>“Keep me/my environment safe and healthy”                                     | <ul style="list-style-type: none"> <li>◇ Environmental health, licensing and health and safety</li> <li>◇ Health and wellbeing</li> <li>◇ Cleansing, recycling, refuse and waste</li> <li>◇ Fleet management</li> <li>◇ Parks and open spaces</li> <li>◇ Bereavement services</li> <li>◇ CCTV and Home Call</li> <li>◇ Car parking enforcement</li> <li>◇ Community safety and antisocial behaviour</li> <li>◇ Engineering, flooding and day-to-day management of waterways</li> </ul>  |

|    |  |  |
|----|--|--|
| 6. | <b>Economy and Culture</b><br><br>“Provide great things for me to see and do”<br><br>“Help me run a successful business” | ◇ Economic development<br>◇ Exeter BID (city centre strategy)<br>◇ Tourism<br>◇ Markets and halls<br>◇ Arts strategy and funding support<br>◇ Culture/events<br>◇ RAMM<br>◇ Leisure contract and sport<br>◇ Strategy and policy for waterways and parking  |
| 7. | <b>City Development</b><br><br>“Deliver good development”  | ◇ Green infrastructure (including carbon management and district heating)<br>◇ Planning policy and planning control<br>◇ Strategic housing policy and building new housing (non-HRA)<br>◇ Sustainable development and transport<br>◇ Building control and land charges<br>◇ Design and heritage<br>◇ Community Infrastructure Levy<br>◇ Neighbourhood planning |

## Alignment to Committees

### People Scrutiny Committee

Portfolio Holder for Customer Access

Portfolio Holder for Housing Revenue Account

### Place Scrutiny Committee

Portfolio Holder for Health and Place

Portfolio Holder for City Development

Portfolio Holder for Economy and Culture

### Corporate Services Scrutiny Committee

Leader

Portfolio Holder for Enabling Services

## Member Champions

- ◇ Responsible for driving forward specific, priority issues.
- ◇ Not portfolio holders (they do not receive a special responsibility allowance) but they report

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| directly to the Leader and have the right to attend any portfolio holder or senior officer meetings. |   |
| <b>Champion for Commercialisation of the Council</b>   | This member is responsible for helping to identify ways in which the council can generate income. Provides officers with a single person they can go to if they have an idea that they would like to explore. This is <u>not</u> about privatising council services.  |
| <b>Champion for Community Engagement</b>   | This member supports the Leader of the Council, finding ways to improve our community engagement as a council, with a particular focus on exploring ways that communities can help to design and deliver services. With the coming cuts from Government it is inevitable that we will have to do this, and we need to be well prepared for it. This member supports the leader in preparing for Community Rights in Exeter, on major grants, New Homes Bonus, and community grants incl. Community infrastructure Levy (CIL) allocation to communities. |
| <b>Champion for Sport and Physical Activity</b>  | This member is responsible for taking forward the council's promotion and development of sport and activity across the city and working towards the aim of Exeter being the most active city in the South West by 2018.   |
| <b>Member Champion<br/>(Council's Armed Forces Champion)</b>   | <p>◇ to ensure that military involvement is embedded at the highest levels within the Council.</p> <p>◇</p>   |

## Terms of Reference (Excluding Scrutiny Committees)

### EXECUTIVE COMMITTEE

1. To exercise overall control and allocation of the financial, property, information and staffing resources within the policies and budget agreed by the Council and ensure they make the most effective contribution to the achievement of the Council's objectives.
2. To consider and report to the Council on the draft annual revenue and capital estimates of all Committees and to recommend the level of Council Tax for

the ensuing year. To ensure that arrangements are in place to monitor all income and expenditure against budgetary allocations.

3. To consider the setting of new corporate objectives, policies and strategies to achieve the stated aims of the Council.
4. To provide overall leadership and guidance to the Council in the promotion of its visions for the City's social, economic and environmental well-being and to enhance the status of the City locally, nationally and internationally.
5. To develop partnerships with the business, voluntary and other appropriate sectors for the furtherance of the Council's objectives.
6. To keep under review the various strategies of the Council.
7. To consider the overall requirements of both private and public sectors relating to the provision of adequate housing accommodation to meet the social needs of the City and to secure and encourage the provision, either directly through the Council or in association with other organisations, of suitable accommodation to meet those requirements, in accordance with the Council's housing strategy. To approve rent levels for Council housing.
8. To refer matters to the appropriate Scrutiny Committee for investigation/review and report back to the Executive Committee.
9. To consider any matters specifically referred by a Scrutiny Committee.
- ~~10. To agree the Best Value service review programme and submit to Council the Best Value Performance Plan for approval.~~
11. To ensure the staffing resources of the Council, through its personnel policies, procedures and practices, contribute effectively to meeting the Council's objectives.
12. To determine, through a consultative procedure, health and safety policies for the Council.
13. To ensure appropriate arrangements for the appointment/dismissal of the Chief Executive & Growth Director, Deputy Chief Executive, Assistant Directors and Corporate Managers on JNC chief officer conditions of service.
14. To establish management and qualitative targets and standards for all Committees against which performance and results can be monitored and reviewed by the appropriate Scrutiny Committee.
15. To consider policies and implement proposals for the creation and enhancement of conservation areas, in accordance with the Council's strategy for conservation areas and historic buildings.

16. (a) To approve those parts of the Council's Local Development Framework which are not which are not the responsibility of Council, and other development briefs, including:-
  - (i) the approval of draft proposals for public consultation;
  - (ii) the adoption of documents.
- (b) To consider the impact upon the City of elements of the Development Plan which are prepared by Devon County Council, or other local authorities, and liaise with those bodies as appropriate.
17. To determine, in accordance with the Local Government Act 1972: General Disposal Consent (England) 2003, the disposal of land and buildings at less than the best consideration that can reasonably be obtained.
18. To recommend to the Council the local scheme for council tax support for the ensuing year.
19. To appoint representatives to outside bodies and to recommend to the Council all matters affecting the revision of electoral boundaries and the filling of casual vacancies on Committees etc.
20. To make recommendations to the Council as to the making, revision and amendment of the Council's constitution.
21. To exercise all and any of the powers and responsibilities of the Council not otherwise within the terms of reference of any other Committee or requiring urgent action (unless excluded from being undertaken by the Executive).

## **MAJOR GRANTS ~~AND NEW HOMES BONUS~~ PANEL**

1. Within agreed budgetary limits, to consider applications and recommend to the Executive payment of appropriate Major Grants ~~and grants from the New Homes Bonus Local Infrastructure Fund~~, and to recommend appropriate conditions to which grants should be subject. Grants must be consistent with the key actions in the corporate plan which relate to applications from community, housing, environmental, arts and cultural and sporting organisations.
2. To monitor the grants given, ensure that conditions of funding are met, oversee service level agreements and evaluate the outcome in accordance with the agreed criteria for those purposes.
3. To keep under review the procedures and criteria by which the Major Grants and Local Infrastructure Fund grants are awarded and monitored, and to make recommendations to Executive in that regard.

# Delegation to Officers

## GENERAL

1. The Strategic Management Team (JNC Officers) and all officers with delegated authority must ensure that relevant Executive members are consulted on all matters of a controversial or sensitive nature. Where appropriate, these matters must be referred to the Executive for a decision/guidance.
2. If a delegated decision requires prior consultation with a specific portfolio holder and that person is not available, if the decision cannot wait, the consultation shall be with the Leader or other portfolio holder.
3. Where any decision proposed under delegated powers is likely to involve a departure from Council policy or any instruction of the Council, Committee or Executive, the officer must refer the matter to the Executive for a decision/guidance after consultation with the Assistant Director Finance where a budgetary issue is involved.
4. Where any decision proposed under delegated powers is likely to involve the approved annual estimate being exceeded, or is outside the approved capital programme or AIM process, the officer with delegated authority must refer the matter to the Executive for a decision/guidance.
5. Where reference is made in the scheme of delegation to an exercise of a function under specific legislation, this shall be deemed to include any statutory extension, amendment, modification and re enactment and any Statutory Instrument, rule, order, or bylaw made thereunder, provided that the nature of the function delegated remains the same.
6. All decisions delegated from the Executive and made under delegated authority shall be recorded by each officer with delegated authority in order that the Scrutiny Committees can properly examine any decision reached.
7. The Deputy Chief Executive, Assistant Directors and Corporate Managers are responsible for the day to day management of operational issues. This Scheme of Delegation is intended to supplement the powers, duties and obligations set out in each officer's job description. Without prejudice to the above, the following powers have been specifically delegated to the following officers:-

## CHIEF EXECUTIVE & GROWTH DIRECTOR

1. In consultation with the Leader of the Council, (or in his/her absence the relevant Portfolio Holder), and the Chair of the relevant Scrutiny Committee, to authorise any emergency action required, on any matter which shall include incurring of expenditure, including those falling within the jurisdiction of a

Committee, subject to a report then being submitted to the Executive (or relevant Committee).

2. In cases of emergency and in consultation with the Leader of the Council, the power to prohibit public processions under section 13 of the Public Order Act 1986.
3. In consultation with the Leader of the Council, to grant or withhold consent to the Police making the Authorisation pursuant to sections 30 and 31 of the Anti-Social Behaviour Act 2003.
4. To ensure compliance with the Council's Health and Safety Policy throughout the common parts of the Civic Centre.
5. Subject to approved budget and in consultation with the Leader of the Council, Executive member with relevant portfolio to agree redundancies in accordance with the Council's adopted policy and procedure. To prepare a quarterly summary of any such redundancies for information to the Executive, Resources Scrutiny Committee and Audit and Governance Committee.

#### **DEPUTY CHIEF EXECUTIVE, ASSISTANT DIRECTORS AND CORPORATE MANAGERS**

1. To be responsible for the effective and efficient day-to-day management of the services for which he/she is responsible in accordance with the Council's agreed priorities and strategic objectives. This shall include authority to sign agreements/contracts in order to fulfil the powers, functions and duties of the service for which the officer is responsible. This power shall only be exercisable where expenditure is included in the approved annual budget, capital programme or AIMs process.
2. To ensure that all policies adopted by the Council, which shall include those relating to its workforce are implemented.
3. In agreement with the Corporate Manager Legal Services, authority to institute legal proceedings under any statute, by law or agreement (which shall include authority to appeal any decision made by a County or Magistrates Court) in the areas for which the Assistant Director/Corporate Manager is responsible.
4. Where appropriate, to defend any proceedings brought against the Council (which shall include the power to defend any appeal lodged against any decision or determination made under delegated authority).
5. To authorise the Assistant Director Environment and Corporate Manager Legal Services to undertake covert surveillance in accordance with the Regulation of Investigatory Powers (Prescription of Offices, Ranks and Positions) Order 2000.

6. To be responsible for ensuring that the Council's Health and Safety Policy is implemented within their own service area and for all buildings and sites for which they are responsible.
7. Where appropriate to discharge any function/s delegated to an officer within their service area in accordance with this Scheme of Delegation.
8. Authority is required for the removal of goods from Assistant Director Customer Access, Assistant Director Finance, Chief Executive or Deputy Chief Executive.
9. To take all necessary action for the economic, efficient and effective day to day management, administration and supervision of his/her service subject to compliance with the Council's policies on the management, employment and remuneration of staff (or in their absence the agreement of the Chief Executive) including but without prejudice to the generality of the foregoing:
  - Authorising the filling of posts within the approved budget (i.e. within the Council's establishment) and in accordance with the Council's employment policies.
  - The taking of any necessary disciplinary action short of dismissal in accordance with the Council's established policy and procedures (this function may also be exercised by other Officers as set out in the relevant employment policy); and to determine, in consultation with the Human Resources Business Manager/Partner, suspension and/or dismissal of an employee.
  - The approval of changes to the establishment structure subject to existing budgetary provision, in consultation with the Leader of The Council, the Executive member with relevant portfolio, and Human Resources Manager/Partner and the approval of the Head of Paid Service.
10. Assistant Directors in consultation with their Portfolio Holders can vary fees and charges throughout the year to take account of market conditions, with the exception of car parking charges and statutory charges set by the Government. Commercially sensitive fees are no longer published

## **DEPUTY CHIEF EXECUTIVE**

1. In consultation with the Leader of the Council, to amend the Managing Organisational Change and Redundancy Policy and Procedure where necessary.

## **ASSISTANT DIRECTOR CUSTOMER ACCESS**



1. To operate and administer the scheme of housing benefit on behalf of the Council, to include residual council tax benefit including taking all decisions or actions required under the provisions of statute and statutory instrument regulating the scheme and the collection and recovery of Housing Benefits Overpayments.
2. To determine applications for assistance from the Discretionary Housing Payment Fund and Exceptional Hardship Fund'
3. To exercise the Council's powers in respect of the administration, collection and recovery of monies owed to the Council in respect of national non-domestic rates and council tax; and the Business Improvement District levy on behalf of the Exeter BID Company.
4. To authorise appropriate officers to appear in the Magistrates Court on behalf of the Council in respect of the recovery of national non-domestic rates and council tax; and the Business Improvement District levy on behalf of the Exeter BID Company.
5. To operate and administer the local scheme for Council Tax support for working age claimants on behalf of the Council, including taking all decisions or actions required under the Council's local policy and to make administrative amendments to the Council's S 13A policy under LGFA 1992.
6. To operate and administer the scheme for Council Tax support for pension age claimants on behalf of the Council, including taking all decisions or actions required under the provisions of statute and statutory instrument regulating the scheme.
7. In accordance with the Council's approved conditions, policies and allocation scheme to:-
  - (a) Accept/refuse applications for housing. This authority shall include the power, in consultation with Executive member with relevant portfolio, to review any decision affecting an applicants right or eligibility for housing assistance and entry onto the Council's Statutory Housing Register.
  - (b) Where appropriate and in consultation with Executive member with relevant portfolio to accept applications outside those conditions and policies.
8.
  - (a) To undertake all the statutory duties imposed by the Housing Act 1996 utilising temporary accommodation, bed and breakfast accommodation, private sector accommodation and making nominations to registered providers as required.
  - (b) In consultation with the Corporate Manager Legal Services and the Assistant Director Finance, to enter into or determine leasing agreements with private landlords to provide accommodation to

homeless households as required to meet the Council's statutory requirements.

9. To arrange for and re-charge as necessary for the removal and storage of personal possessions.
10. In consultation with the Corporate Manager Legal Services, to take legal action to obtain possession of any dwelling occupied by a person accommodated in accordance with the Housing Act 1996 who has refused a reasonable offer of suitable permanent accommodation or who has been declared intentionally homeless.
11. In consultation with the Executive member with relevant portfolio to make any necessary amendment to the housing scheme.
12. To authorise the ~~service in relation to rent arrears of Service of~~ Notice of Intention to seek Possession (secure tenancies) and Notice to Quit (non-secure tenancies); ~~and Notice of Proceedings for Possession of an Introductory Tenancy (introductory tenancies).~~
13. Initiation and conduct of legal proceedings for possession in respect of cases where rent arrears are outstanding. This shall include the power to authorise officers to appear in the County Court to represent Exeter City Council in respect of rent arrears.
14. In consultation with Human Resources, the allocation of accommodation in respect of service tenancies which shall include the power to refuse allocation of accommodation to personnel whose employment has been terminated.
15. To arrange rent deposit guarantees in accordance with the Council's policy in consultation with the Assistant Director Finance.
16. To deal with and determine homelessness reviews in accordance with the Housing Act 1996.
17. In accordance with the Housing Act 1980 and the Council's agreed policy to accept/refuse applications for mortgages, including further advances to administer and monitor payments of mortgage instalments and where necessary issue possession proceedings for mortgage arrears in consultation with the Corporate Manager Legal Services
18. To accept payment of arrears of rent by instalments.
19. Authority to apply for a warrant for Possession of Property ~~in relation to rent arrears.~~
20. Authority to approve financial assistance in the form of relief from Business Rates in respect of Charities/Good Causes and cases of hardship.

21. Power to apply to County Court in respect of Housing Benefit Overpayment Recovery.
22. To grant discretionary and mandatory rate reliefs within the agreed policy of the Council
23. To appoint enforcement agents for the recovery of any outstanding debts.
24. In consultation with Corporate Manager Legal Services, authority to institute legal proceedings where fraudulent activity is suspected in relation to ~~Housing Benefit~~, Council Tax Support, Council Tax and Business Rates.
25. Power to impose penalties under LGFA 1992 for the failure to supply requested information in relation to Council Tax liability, discount and exemption and Council Tax Support
26. In consultation with the Executive member with relevant portfolio and Chief Executive, authority to apply for Charging Orders, Bankruptcy or Committal to Prison.
27. In Consultation with the Executive Member with relevant portfolio, to deal with applications for discretionary rate relief to sports clubs not in receipt of mandatory relief, as registered charities.
28. In consultation with the Executive member with relevant portfolio, to determine in accordance with the Council's agreed policy, applications for discretionary rate relief under sections 47 and 49 of the Local Government and Finance Act 1988.

## **ASSISTANT DIRECTOR CITY DEVELOPMENT**

1. Powers, responsibilities and decisions related to the Council's role as a local Planning Authority and its purpose 'Deliver Good Development' including those related to planning, building control and land charges but excluding: Functions of the Planning Committee, Executive and Council.

The following functions are delegated subject to consultation or agreement with/of other postholders/group.

| <b>Function</b>  | <b>Consultation or Agreement</b>      | <b>With Postholders/Group</b>   |
|--|---------------------------------------|---|
| <p><u>Applications</u></p> <p>Applications (including TPO confirmations) that Ward Members have requested to be brought to the Delegation Briefing.</p> <p>City Council applications not subject to any objections.</p> <p>Applications that have been subject to objections based on material planning considerations that Officers are minded to approve under delegated powers.</p> | <p>Consultation</p> <p>“</p> <p>“</p> | <p>Delegation Briefing</p> <p>“</p> <p>“</p>  |
| <p><u>Enforcement</u></p> <p>Issue of Enforcement Notice, Stop Notice (inc Temporary), Urgent Works and Repairs Notices and commencement of injunction, prosecution or other formal legal proceedings. Hazardous substance contravention notice.</p>   | <p>Agreement</p>                      | <p>Corporate Manager<br/>Legal Services and<br/><b>Portfolio City<br/>Development</b><br/><b>Executive Member with<br/>Relevant Portfolio</b></p> |
| <p><u>S106 Planning Obligations</u></p> <p>Minor variations of existing s106 agreements, new agreements involving sums of less than £10,000 and those considered</p>   | <p>Consultation</p>                   | <p>Chair of Planning Committee</p>  |

|   |                  |   |
|---|------------------|---|
| <p>necessary with regard to planning appeals.</p> <p>Decisions on use of S106 funding where the terms are not prescribed by the agreement.</p>                            | Agreement        | <p><del>Portfolio City Development</del></p> <p>Executive Member with Relevant Portfolio</p>            |
| <p><u>Neighbourhood Planning</u></p> <p>Publicity, consideration of representations and decisions in respect of applications for neighbourhood plan areas and forums.</p> | Agreement        | <p><del>Portfolio City Development</del></p> <p>Executive Member with Relevant Portfolio</p>            |
| <p><u>Local Infrastructure Fund</u></p> <p>Decisions not considered by the Panel</p>  | Agreement        | <p>Chair of the Major Grants <del>and New Homes Bonus</del> Panel or of any group that replaces it.</p> |
| <p><u>Assets of Community Value</u></p> <p>Decisions on listing assets</p>  | Agreement        | <p><del>Portfolio City Development</del></p> <p>Executive Member with Relevant Portfolio</p>            |
| <p><u>Community Infrastructure Levy</u></p> <p>Governance arrangements and allocation of funds</p>  | To be determined | <p>Arrangements as directed by Executive in due course</p>  |

#### **ASSISTANT DIRECTOR ENVIRONMENT**

- To carry out functions, duties and responsibilities of the Council in respect of the following matters:
  - drainage
  - pest control

- air and noise pollution
  - properties that are overcrowded, unfit for human habitation or in disrepair
  - abandoned vehicles/waste/refuse
  - control of dogs
  - skin piercing
- (this power shall include authority to take remedial action where necessary).

2. The licensing of:
  - Dog tracks and Guard dogs
  - Dog breeding establishments
  - Dangerous wild animals
  - Pet shops
  - Riding establishments
  - Animal boarding establishments
  - Performing animals
  - Scrap metal dealers
  - Hackney carriages and private hire vehicles
  - Street trading
  - Licensable activities (as permitted under the Licensing Act 2003 and the Gambling Act 2005)
3. To appoint Inspectors and authorise officers to carry out any function, power or duty within the remit of the Assistant Director Environment.
4. Without prejudice to the generality of the above, where appropriate in consultation with the Corporate Manager Legal Services, the Assistant Director Environment is authorised to deal with the provisions of and enforce compliance with the following Acts and associated legislation. This shall include the initiation, defence and settlement of legal proceeding, issuing of formal cautions and fixed penalty fines, service of Notices and Orders, the issue, refusal and revocation of licences, certificates and registrations, carrying out of works in default and payment and recovery of costs:
  - 4.1 Caravan Sites and Control of Development Act 1960
  - 4.2 Caravan Sites Act 1968
  - 4.3 Clean Air Act 1993
  - 4.4 Environmental Protection Act 1990 including authorisation and service of notices pursuant to Section 46.
  - 4.5 Food Safety Act 1990 which shall include service of “minded to notices” introduced by the Deregulation and Contracting Out Act 1994 and any Orders or Regulations or other instruments: (i) made thereunder, or (ii) relating thereto, or (iii) having effect by virtue of the European Communities Act 1972 and relating to food safety.
  - 4.6 Prevention of Damage by Pests Act 1949

- 4.7 Public Health Acts 1936 and 1961 and the Public Health (Control of Disease) Act 1984.
- 4.8 Local Government (Miscellaneous Provisions) Act 1976 requisition for Information in accordance under section 16
- 4.9 Local Government (Miscellaneous Provisions) Act 1976, Transport Acts 1980 and 1985 and the Town Police Clauses Act 1847 – to grant hackney carriage and Private Hire operator, vehicle and driver licences in accordance with the Council's agreed policy.
- 4.10 Road Traffic Act 1991 (Access to Criminal Records)
- 4.11 Zoo Licensing Act 1981
- 4.12 Litter Act 1983
- 4.13 Control of Pollution Act 1974
- 4.14 Animal Boarding Establishments Act 1963
- 4.15 National Assistance Acts 1945 and 1951
- 4.16 Breeding of Dogs Act 1973 and 1991
- 4.17 Riding Establishments Act 1964-1970
- 4.18 Game Act 1831
- 4.19 Game Licences Act 1860
- 4.20 Dangerous Dogs Act 1991
- 4.21 Guard Dogs Act 1975
- 4.22 Dogs Fouling of Land Act 1996, which shall include enforcing the provisions of the Act including the power to authorise officers of the Council to issue fixed penalty notices in respect of failure to remove faeces from designated land.
- 4.23 The Environmental Protection (Stray Dogs) Regulations 1992 which shall include, in cases of exceptional hardship, the power to waive payment of the recoverable fees and expenses levied in respect of dogs seized and detained as strays.
- 4.24 Water Industry Act 1991 and relevant regulations in relation to:
  - (a) functions with regard to the wholesomeness and sufficiency of public and private drinking water supplies
  - (b) entry into premises for the purpose of analysis of samples of water within Exeter City Council's district

- (c) receiving and determining applications for authorisation for relaxation of Part III of the private water supplies regulations and the revocation or modification of such authorisations

- 4.25 Health & Safety at Work etc. Act 1974 and any supporting regulations.
- 4.26 Building Act 1984 – all matters, powers, duties and functions of the Council under the provisions of the following sections:
  - Sections 59, 60, 64-66(drainage)
  - Sections 70 (food storage), 72 (means of escape fire), 76 (defective premises), 84 (drainage of yards)
- 4.27 Exeter City Council Act 1987 - the powers, duties and functions of the Council under Part 4 and Sections 21, 22, 23, 24 and 29
- 4.28 Protection from Eviction Act 1977, the Housing Defects Act 1984, the Housing Act 1985, the Housing Act 1988, the Local Government Housing Act 1989 and the Housing Act 2004 – to investigate and take appropriate action under these enactments.
- 4.29 Housing Acts 1985, 1988, 1989, 1996, the Home Energy Conservation Act 1996 and the Housing Grants, Construction and Regeneration Act 1996 – to deal with all matters, powers, functions and duties set out therein.
- 4.30 Noise Act 1996
- 4.31 Noise and Statutory Nuisance Act 1993
- 4.32 Local Government (Miscellaneous Provisions ) Act 1976
- 4.33 Local Government (Miscellaneous Provisions) Act 1982 (in accordance with the Council's agreed policies)
- 4.34 Licensing Act 2003 (to the extent permitted by section 10). In particular to determine:
  - applications for Personal Licences, where no police objection is made;
  - applications for Premises Licences/ Club Premises Certificates, where no relevant representations have been made;
  - applications for provisional statements, where no relevant representations have been made;
  - applications to vary Premises Licences/ Club Premises Certificates, where no relevant representations have been made;



- applications to vary designated Premises Supervisor, where no police objection has been made;
- requests to be removed as designated Premises Supervisor;
- applications for transfer of Premises Licences where no police objection has been made;
- applications for interim authorities where no police objection has been made;
- decisions on whether a complaint is irrelevant, frivolous, vexatious etc.
- to determine applications under the Licensing Act 2003 Minor Variations to Premises Licence Legislative Reform (Minor Variations to Premises Licences and Club Premises Certificates) Order 2009.
- the giving of a counter notice for Late Temporary Event Notices
- whether to make representations as a Responsible Authority
- the issue of a notice of suspension of licence for non payment of the Annual Fee

4.35 Local Government (Miscellaneous Provisions) Act 1982 (Schedule 3) - to determine applications for the renewal of a sex shop licence

4.36 Refuse (Disposal) Amenity Act 1978

4.37 Pollution Prevention and Control Act 1999

4.38 Clean Neighbourhoods and Environment Act 2005

4.39 Health Act 2006 and the Smoke-Free Enforcement Policy - To authorise appropriate Officers under the provisions of Chapter 1 therein

4.40 Vehicle Crimes Act 2001 and the Motor Salvage Operators Regulations 2002

5 Enforcement of local bylaws.

6 Granting financial assistance in accordance with the Council's policy for the repair/improvement of properties. This shall include the power in consultation with the Executive member with relevant portfolio and Assistant Director Finance to waive repayment and depart from the Council's agreed policy where such a departure is minor in nature.

7. To deal with the provisions of and enforce compliance with Sections 40 - 42 of the Anti-Social Behaviour Act 2003.
8. To deal with and enforce compliance with the provisions of Sections 43 to 45 and 47 of the Anti-Social Behaviour Act 2003, with the exception of sub-section 44(f), which deals with offences contrary to the Town and Country Planning Act 1990 which will be dealt with by the Assistant Director City Development.
9. To deal with the provisions of and enforce compliance with sections 55 and 56 of the Anti-Social Behaviour Act 2003, where appropriate in consultation with the Corporate Manager Legal Services.
10. To deal with all matters, powers, duties and functions, which shall include the issuing of Licences and permits in respect of lotteries and house to house and street collections in accordance with the House to House Collections Act 1939, the Police Factories (Miscellaneous Provisions) Act 1916 (Street Collections) and Schedule 17 of the Gambling Act 2005.
11. Be authorised under Section 53 of the Anti Social Behaviour Crime and Policing Act 2014 (the Act) for issuing Community Protection Notices (CPN) and related Fixed Penalty Notices of a £100 penalty fee in respect of breaches of a CPN.
12. To implement Public Spaces Protection Orders (PSPO) under Part 4 Chapter 2 of the Anti Social Behaviour Crime and Policing Act 2014 following agreement in each case at the multi-agency Anti Social Behaviour Action Team and related Fixed Penalty Notices of a £100 penalty fee in respect of breaches of a PSPO.
13. To issue a Closure Notice of no longer than 24 hours following appropriate consultation under Part 2 Chapter 3 of the Anti Social Behaviour Crime and Policing Act 2014.

## **ASSISTANT DIRECTOR FINANCE**

1. To determine interest rates and their applicable dates in respect of new and existing mortgages.
2. In consultation with the Corporate Manager Legal Services to initiate court proceedings for the recovery of arrears in respect of mortgages.
3. To be responsible:
  - a. For all day to day decisions on short term borrowing, investment and financing in accordance with the CIPFA Code of Practice "Treasury Management in the Public Services".

- b. In consultation with the Executive member with relevant portfolio for decisions on long term borrowing in accordance with the Prudential Code for Capital Finance in Local Authorities and the CIPFA Code of Practice "Treasury Management in the Public Services".
4. To deal with all insurance claims against the Council. This power shall include where necessary authority to settle all such claims.
5. To approve all housing advances for purchase or improvement.
6. To be responsible for undertaking the role of Money Laundering Reporting Officer in accordance with the Money Laundering Regulations 2003.
7. The execution and administration of treasury management decisions, in accordance with the Council's policy statement and treasury management practises and, if a CIPFA member, with CIPFA's Standard of Professional Practice on Treasury Management.
8. In consultation with the Leader of the Council and the Human Resources ~~Business Manager~~ Transactional Services Manager authorize the application of the Councils Local Government Pension Scheme Employer Discretions.
9. To approve the creation or modification of approved contractor standing lists.

## **ASSISTANT DIRECTOR HOUSING**

1. Adaptation of Council Properties for disabled persons.
2. In agreement with the Leader of the Council and ~~the Portfolio Holder for Housing Revenue Account~~ Executive Member with Relevant Portfolio (or their substitutes nominated by the Leader) and the Corporate Manager Property, following receipt of professional property management advice, the identification for disposal at market value or less than best value of small areas of land no longer required for the housing unit's purposes, in accordance with the agreed scheme.
3.
  - (a) To administer the scheme for Housing Capital Grant.
  - (b) In consultation with the Assistant Director Finance, to authorise payment of the Housing Capital Grant in accordance with 14(a) above.
  - (c) To negotiate and enter into Nomination Agreements in accordance with 14 (a) and (b) above.
  - (d) Where this does not prejudice the Authority's capital receipt, to seek maximum nomination rights on disposal of land to registered social landlords.

4. In consultation with the Corporate Manager Legal Services to enter into releases of covenants affecting former Council rented or shared ownership dwellings.
5. To deal with and approve applications for grant in accordance with section 24 and 25 of the Local Government Act 1988.
6. In consultation with the Corporate Manager Legal Services, to:-
  - (i) institute injunction proceedings in respect of anti-social behaviour pursuant to section 13 of the Act;
  - (ii) institute proceedings in the County Court to obtain Demotion Orders pursuant to section 14 of the Act;
  - (iii) institute proceedings in the County Court to obtain possession orders pursuant to section 16 of the Act; and
  - (iv) In consultation with the ~~Portfolio Holder for Enabling Services~~ **Executive Member with Relevant Portfolio** and the Assistant Director Finance, to make minor amendments to the Contract Regulations to reflect changes in legislation.
7. In consultation with the ~~Portfolio Holder Housing Revenue Account Executive Member with Relevant Portfolio~~ and Finance and Estates officers, to acquire suitable premises under the Housing Asset Management Plan framework using receipts generated by the disposal of assets.
8. In consultation with the ~~Portfolio Holder Customer Access Executive Member with Relevant Portfolio~~, to undertake an Enforced Sale, an Empty Dwelling Management Order or a Compulsory Purchase Order to bring an empty property back to use.
9. To arrange for and re-charge as necessary for the removal and storage of personal possessions.
10. The Service of Notice of Intention to Seek Possession.
11. Initiation and conduct of legal proceedings for possession in respect of cases where rent arrears are outstanding. This shall include the power to authorise

officers to appear in the County Court to represent Exeter City Council in respect of rent arrears.

12. Grant, administer and, where necessary, terminate any flexible tenancy.
13. Approve the use of commuted sums, as required, to acquire new affordable housing in consultation with the ~~Portfolio Holder Customer Access or Portfolio Holder Housing Revenue Account Executive Members with Relevant Portfolio~~ and Finance and Estates Officers.
14. Approve the use of consultants to assist the Housing Development Team in undertaking viability appraisals and the appraisal of new forms of affordable housing delivery in consultation with the ~~Portfolio Holder for City Development Executive Member with Relevant Portfolio~~
15. To terminate any tenancy or licence where necessary, by relying on the absolute grounds for possession introduced by the Anti Social Behaviour Crime and Policing Act 2014 (the ASBCP Act 2014).
16. In consultation with the ~~Portfolio Holder Customer Access Executive Member with Relevant Portfolio~~ in conjunction with the Assistant Director Finance and the Corporate Manager Legal, approve a repayment plan with a landlord where a property is handed back early from a private rental agreement with an individual landlord where outstanding funds are owed to the Council. This will be subject to a legal charge being created and registered in the Council's favour against the property.

## **ASSISTANT DIRECTOR PUBLIC REALM**

1. All matters relating to the day-to-day management of the River Exe and Canal.
2. The day-to-day management, lettings and allocation of harbour mooring and to issue consents to use landings, slipways, pontoons and berthing subject to such charges and policies approved by the Council.
3. In consultation with the Corporate Manager Legal Services, the regulation and enforcement of Harbour by-laws.
4. To exercise the Council's powers under Section 6-8, 25 and 30 of the Exeter City Act 1987.

5. In consultation with the Corporate Manager Legal Services, to agree/refuse requests for road closures.
6. To discharge the powers conferred on the City Council by the following sections of the Exeter City Council Act:-

Section 19 – Restriction of vehicles in certain residential streets; and

Section 30 – Prohibiting of parking of vehicles on footways, verges and central reservations.

7. To agree requests for the adoption of land and facilities provided by a developer for the Parks and Open Spaces service pursuant to a planning obligation.
8. In consultation with other Assistant Directors as appropriate, the letting of parks and open spaces for special events where this does not have a negative financial impact on the Council.
9. To deal with burials in accordance with the National Assistance Acts 1948-1951 and the Public health (Control of Diseases) Act 1984.
10. Where appropriate, to serve Notices to Quit terminating allotment tenancies.
11. In consultation with the Corporate Manager Legal Services and the Portfolio Holder Environment, authority to make amendments to the Allotment Gardens Rules and Conditions.
12. The identification for disposal of small areas of land no longer required for leisure purposes.
13. In consultation with the Leader of the Council and ~~Portfolio Holder for Economy and Culture~~ Executive Member with Relevant Portfolio to consider objections to Exeter City Council Parking Places Orders and amendments hereto.
14. Be authorised under Section 53 of the Anti Social Behaviour Crime and Policing Act 2014 (the Act) for issuing Community Protection Notices (CPN) and related Fixed Penalty Notices of a £100 penalty fee in respect of breaches of a CPN.
15. To implement Public Spaces Protection Orders (PSPO) under Part 4 Chapter 2 of the Anti Social Behaviour Crime and Policing Act 2014 following agreement in each case at the multi-agency Anti Social Behaviour Action Team and related Fixed Penalty Notices of a £100 penalty fee in respect of breaches of a PSPO.

16. Authority to enter into management agreements with duly elected Allotment Associations, as prescribed (Council 15 October 2014) in consultation with ~~Portfolio Holder for Environment, Health and Wellbeing. Executive Member with Relevant Portfolio~~
17. To reassign any residue from any future capital funding for the waterway in order to effect immediate and or significant repairs elsewhere in the Canal or Quay, in consultation with the ~~Portfolio Holder for Economy and Culture Executive Member with Relevant Portfolio~~ and the Assistant Director Finance.
18. To exercise the powers and functions of the Council under Section 26 of Exeter City Act 1987.
19. In consultation with the Assistant Director Finance, the power to vary the fees and charges in respect of the Council's recreational and sports facilities (this shall exclude any facilities which may have been outsourced by the Council).
20. In consultation with the ~~Portfolio Holder Economy and Culture Executive Member with Relevant Portfolio~~ to decide on bids for the use of the Bowling Green Marshes Fund, in accordance with the agreed criteria and having sought the views of ward members.

#### **CORPORATE MANAGER LEGAL SERVICES/MONITORING OFFICER**

1. To act as the Council's Chief Legal Advisor responsible for the initiation, defence, settlement and conduct of any legal proceedings which may affect the interests of the Council or the inhabitants of the City.
- 2
  - (a) The service of any notice required to terminate any contract, agreement or lease entered into by the Council including notices to vary any terms of such contract, agreement or lease.
  - (b) Where power to institute proceedings in the Magistrates Court is given by statute to the Council, the Corporate Manager Legal Services/Monitoring Officer shall institute and progress those proceedings (including progressing them in the higher courts if appropriate).
  - (c) In consultation with Assistant Director concerned, authority to issue formal cautions where he/she considers this appropriate.
3. To authorise officers under Section 7 of the Exeter City Act 1987 in respect of the maintenance of the city walls.
4. In consultation with the Assistant Director Finance and Corporate Manager Property following receipt of professional property management advice, authority to agree the release of any covenants imposed on former council houses where such release is in the interests of the Council.

5. To apply to the Justices to authorise entry into land or premises by persons named by the Assistant Director City Development under the Town & County Planning Act 1990 (as amended).
6. In conjunction with the Assistant Director Public Realm, to approve orders under Section 21 of the Town Police Clauses Act 1847, for the temporary closure of streets, subject to consultation with police and the County Council.
7. To attest the Common Seal of the Council and sign other legal documents. In his/her absence, this may also be undertaken by the Chief Legal Executive or in their absence by the Chief Executive & Growth Director.
8. To provide and sign statements of truth in accordance with the Civil Procedure Rules.
9. To institute, defend or participate in any legal proceedings in any case where such action is necessary to give effect to decisions of the Council or in any case where the Corporate Manager Legal Services considers that such action is necessary to protect the council's interest.
10. To discharge the functions of the Monitoring Officer as set out in Articles 11 and 14 of Part 2 of the Constitution.
11. To approve minor administrative/typographical corrections to the Constitution in consultation with the Leader of the Council.
12. In consultation with the Council's appointed independent person, to deal with any complaint received, alleging a breach of the Members Code of Conduct in accordance with the complaints procedure, including the authority to decide whether an allegation merits investigation.
13. To determine requests from Members for dispensations to take part in the debate and/or vote in a meeting where he/she has an interest to declare, and where there is conflict, for another member of the Audit and Governance Committee to be consulted.

## **CORPORATE MANAGER DEMOCRATIC/CIVIC SUPPORT**

- 1 (a) Designated as the "proper officer" for the purpose of the following sections of the Local Government Act 1972:-
  - (i) Section 100B(2) - determination of the agenda items and reports which are likely to be dealt with in part 2
  - (ii) Section 100B(7)(C) - supply of papers to the press
  - (iii) Section 100C(2) - summaries of the proceedings held in part 2



- (iv) Section 100F(2) - determination of documents not available for inspection by members
  - (b) Designated as the “proper officer” in respect of The Executive Arrangements (Decisions, Documents and Meetings) (England) Regulations 2000 and the Local Authorities (Executive Arrangements) (Meetings and Access to Information) (England) Regulations 2012.
- 2. In consultation with the leaders of the Political Groups, to implement minor variations of numbers **and appointments** of members of Committees/Sub-Committees, in order to comply with the proportionality requirements of the Local Government and Housing Act 1989.
- 3. To exercise the powers set out in section 31 of the Exeter City Act 1987 in respect of the restriction on the use of armorial bearings.
- 4. To authorise the use of the Guildhall for private functions.
- 5. To carry out the duties of the Electoral Registration Officer and/or arrange for the discharge of the Returning Officer’s duties.

## **CORPORATE MANAGER POLICY, COMMUNICATIONS AND COMMUNITY ENGAGEMENT**

- 1. To conduct listing reviews and compensation reviews in respect of assets of community value.

## **CORPORATE MANAGER PROPERTY**

In respect of every single decision/transaction, the Corporate Manager Property or the officer appointed for the purpose shall exercise the authority delegated to him/her in accordance with the following:

- 1) In undertaking decisions/transactions the following authority and decision processes will apply:
  - (a) Where the cost or equivalent value to the Council does not exceed £25,000 per annum - The Corporate Manager Property or the officer appointed for the purpose.
  - (b) Where the cost or equivalent value to the Council is between £25,000 and £50,000 per annum - Corporate Manager Property or the officer appointed for the purpose in consultation with the Deputy Chief Executive.

- (c) Where the cost or equivalent value to the Council is between £50,000 and £100,000 per annum - Corporate Manager Property or the officer appointed for the purpose in consultation with the Executive member with relevant portfolio and the Deputy Chief Executive.

Provided always that any decision/transaction which may involve expenditure over £100,000 in value shall be reported to the Executive for a decision.

For the avoidance of doubt no delegated authority shall be exercised unless in accordance with 1 (a) to (c) above

2. Authority to enter into and grant leases, licenses, tenancies at will and wayleave agreements.
3. To consent to the assignment, sub-letting or surrender of existing leases and to approve amendments to the terms of existing leases, licence or agreement.
4. Where appropriate in consultation with the Corporate Manager Legal, to authorise and take necessary legal proceedings for the termination and renewal of leases, agreements and licences.
5. In consultation with the Assistant Director Finance and Corporate Manager Legal, to take legal/court action to enforce payment of rent and other charges due to the Council.
6. To approve the revision of rent and licence fees either in accordance with the formula set out in the lease or in accordance with the open market value. This shall include authority to agree not to increase the rent where appropriate.
7. In consultation with the Corporate Manager Legal, authority to institute proceedings for the removal of trespassers on City Council land.
8. In consultation with the Corporate Manager Legal, authority to exercise the powers contained under Section 77 and 78 of the Criminal Justice Public Order Act 1994.
9. Authority to submit planning applications for the development or redevelopment of Council owned sites.
10. In accordance with any procedures required by the Asset Management Plan and in consultation the Assistant Director Finance, where this is deemed to be in the overall best interests of Exeter City Council, and where such disposal is of no strategic importance to the Authority, the disposal by freehold sale of land and/or buildings at open market value.
11. Authority to vary or release freehold covenants where such release is not likely to prejudice the Council's existing land holding or any future development proposals.

12. In consultation with the Assistant Director Finance and Corporate Manager Legal, to pay or accept compensation where appropriate.
13. In consultation with the Assistant Director Finance, authority to acquire interests in land, provided that such acquisition is catered for within the capital bidding programme and the AIM process.
14. To act as appointing officer and take all necessary action to comply with Party Walls, etc. Act 1996.
15. In consultation with the Assistant Director Finance and in agreement with the other relevant Assistant Director(s), to agree requests for the adoption of land and facilities provided by a developer pursuant to a planning obligation.
16. To approve the creation or modification of approved contractor standing lists.

## **SERVICE MANAGER – BUSINESS AND COMMERCIAL OPERATIONS**

1. Responsibility to interpret the Allotment Garden Rules and Conditions (agreed Council 15 October 2014) in the case of a dispute.

## **EVENTS, FACILITIES & MARKETS MANAGER**

1. The alteration of market days required as a result of statutory holidays.
2. To establish/vary tolls, fees and charges in respect of the Matford Centre, Corn Exchange and the various markets authorised by Exeter City Council.
3. The day-to-day management, including where appropriate, opening hours and bookings for the Council's recreational facilities.

## **MUSEUM MANAGER**

1. The effective day to day running of the City Museums and to determine the casual use of the Museum buildings in connection with events promoted by or supported by the City Council.
2. To exercise the powers and functions of the Council under Sections 9, 10 and of Exeter City Act 1987.
3. To agree requests for the adoption of land and facilities provided by a developer for the Museums service pursuant to a planning obligation.
4. In consultation with the ~~Portfolio Holder Economy and Culture Executive~~ **Member with Relevant Portfolio** to approve items for de-accession from the museum collection, unless the item is of a significant nature or monetary value.

5. In consultation with the Executive member with relevant portfolio and the Assistant Director Finance to make advances/loans to Social, Cultural and Sporting organisations in accordance with the Council's agreed policy, provided that such advances/loans are within the Council's agreed budgetary allocations.

#### **HUMAN RESOURCES TRANSACTIONAL SERVICES MANAGER**

1. The authority to amend HR policies and procedures where a statutory change or an organisational change (i.e. change in job title/role) has occurred making the amendments necessary.

### **Deputies for Delegated Powers**

| <b>OFFICER WITH<br/>DELEGATED AUTHORITY</b> | <b>DELEGATION NUMBER</b> | <b>DEPUTY</b> |
|---|--------------------------|---------------|
|   |                          |               |

|   |  |   |
|---|--|---|
| DEPUTY CHIEF<br>EXECUTIVE, ASSISTANT<br>DIRECTORS AND<br>CORPORATE MANAGERS | 9 (2 – Necessary<br>Disciplinary Action) | AD Environment – Cleansing and<br>Fleet Manager<br><br>AD – Public & Green Spaces<br>Manager  |
| ASSISTANT DIRECTOR<br>CITY DEVELOPMENT                                      | 1  | Relevant postholder   |
| ASSISTANT DIRECTOR<br>CUSTOMER ACCESS                                       | 1 – 28                                   | System Lead Finance<br>Housing Needs Manager<br>Services Improvement Lead<br>Local Taxation<br>Services Improvement Lead<br>Benefits<br>Services Improvement Lead<br>Payments<br>Services Improvement Lead<br>Customer Support              |
| EVENTS, FACILITIES &<br>MARKETS MANAGER                                     | 1 – 3                                    | Corn Exchange – Events,<br>Facilities & Marketing Officer<br>Matford Centre/Markets –<br>Markets, Facilities & Admin<br>Officer<br>Leisure Facilities – Leisure<br>Facilities Manager<br>Tourism Facilities – Visitor<br>Facilities Officer |
| MUSEUM MANAGER  | 1 – 5                                    | Content Management Lead<br>Officer  |
| ASSISTANT DIRECTOR<br>ENVIRONMENT   | 1 - 12<br><br>1-7                        | Environmental Health &<br>Licensing Manager<br><br>Private Sector Housing Manager   |

|                                     |  |  |
|-------------------------------------|--|--|
|                                     | 4.4<br><br>10  | Cleansing and Fleet Manager<br><br>Principal Licensing Officer   |
| ASSISTANT DIRECTOR<br>FINANCE       | 1 - 9  | <del>Principal Accountant</del><br>Technical Accounting Manager<br>(Deputy Section 151 Officer)  |
| ASSISTANT DIRECTOR<br>HOUSING       | 1 – 11<br><br>12, 15<br><br>13 – 14  | Service Lead Housing Assets,<br>Service Lead Housing<br>Customers, Housing<br>Development Manager<br><br>Service Lead Housing Customers<br><br>Housing Development Manager   |
| ASSISTANT DIRECTOR<br>PUBLIC REALM  | 1 – 5, 7 – 8, 10 – 12,<br>16 - 20<br><br>6, 13 - 15<br><br><del>7 – 8, 13</del><br><br>9 | Service Manager, Business and<br>Commercial Operations<br><br>Service Manager, Community<br>Safety and Enforcement<br><br><del>Service Manager, Public and<br/>Green Space</del><br><br>Service Managers, Public and<br>Green Space or Business and<br>Commercial Operations |
| CORPORATE MANAGER<br>LEGAL SERVICES | 2(a)<br><br>2(c), 8  | Chief Legal Executive or in<br>his/her absence either the<br>Planning or Litigation Solicitor  |

|   |                               |  |
|---|-------------------------------|--|
|   | 3, 4, 6, 7, 9<br>5<br>10      | Litigation Solicitor<br><br>Chief Legal Executive<br><br>Planning or Litigation Solicitor<br><br>Corporate Manager<br>Democratic/Civic Support |
| CORPORATE MANAGER<br>DEMOCRATIC/CIVIC<br>SUPPORT                              | 1 – 2<br><br>4<br><br>5       | Democratic Services Manager<br>(Committees)<br><br>Mayoral Support Officer<br><br>Democratic Services Manager<br>(Elections)                   |
| CORPORATE MANAGER<br>POLICY,<br>COMMUNICATIONS AND<br>COMMUNITY<br>ENGAGEMENT | 1                             |  |
| CORPORATE MANAGER<br>PROPERTY   | 1 – <del>4</del> 15<br><br>16 | Principal Estates Surveyor<br><br><br>Corporate Property Asset<br>Manager  |
| HUMAN RESOURCES<br>TRANSACTIONAL<br>SERVICES MANAGER                          | 1                             | HR Business Partners   |

## Part 4

### Council Standing Orders

## **STANDING ORDER 12(B)**

### **CONFLICT RESOLUTION – BUDGET ESTIMATES**

- (1)
  - (a) This Standing Order only applies where a dispute arises between full Council and the Executive when setting the budget for the ensuing year.
  - (b) This Standing Order may not be invoked in respect of a function that is the sole responsibility of the Executive.
- (2) Where before the ~~8<sup>th</sup>~~ 15<sup>th</sup> February in any financial year, the Executive has submitted estimates of amounts for approval and following consideration of the estimate of amount, the Council has objections to it, then before the Council approves the amount, it must inform the Leader of those objections and instruct him/her to require the Executive to reconsider, in the light of those objections, the estimate of amount put forward for approval.
- (3) The Council must specify to the Leader a period of at least 5 working days (beginning the day after the date on which the Leader receives notice of the objection) during which period, the Leader may:-
  - (a) Submit a revision of the estimates or amounts, together with the Executive's reasons for any amendments so made OR
  - (b) Inform the Council of any disagreement the Executive has with the Council's objections giving its reasons for any such objections.
- (4) Once the time limit set out in Standing Order 12(B)(3) has expired, the Council must when amending, approving or adopting the estimate or amount, take account of the Leader's response.
- (5) For the avoidance of doubt, the provisions of Standing Order 12(B) shall not apply in relation to amounts stated in a precept.

## **STANDING ORDER 17**

### **SCRUTINY OF EXECUTIVE RESOLUTION (CALL-IN)**

- (1)
  - (a) A special meeting of a relevant Scrutiny Committee shall be called to consider a decision made by an Executive Committee or Executive member published in accordance with Standing Order 13(1) provided the reasons for Call-In fall within the criteria set out in paragraph 5 of the Executive Procedure Rules.
  - (b) Any such Call-In shall require notice in writing delivered to the Corporate Manager Democratic/Civic Support not later than 10.00 am 5 days after publication of the decision ~~by at least one third of the Members of that Committee~~ by at least seven Scrutiny members, irrespective of the Scrutiny Committee on which they serve.



- (2) The special meeting must normally take place within 5 working days of receipt of such notice.
- (3) The Chair of that meeting may call the appropriate Executive member/s and/or officer/s of the Council to attend to answer any questions regarding the matter called in for scrutiny.
- (4) A member of the Scrutiny Committee may ask any Executive member with relevant portfolio any question on an item which has been called in under Standing Order 17(3).
- (5) After consideration of a decision, the Scrutiny Committee may:-
  - (a) resolve to take no further action.
  - (b) refer the matter back to the Executive for reconsideration, setting out in writing the reason for its request.
  - (c) refer the matter to Council who may refer the decision back to the Executive for reconsideration setting out in writing the reasons for its request.

Provided always that where the decision is required to be made by the Executive, the Executive may or may not amend its decision.

- (6)
  - (a) Where notice in accordance with Standing Order 17(1) is not delivered to the Corporate Manager Democratic/Civic Support, any decision made by the Executive and/or officer with delegated authority for a key decision shall be final.
  - (b) A decision made by the Executive and/or officer with delegated authority for a key decision may only be called in once for re-consideration.
  - (c) The Call-In procedure set out in this Standing Order shall not apply:-
    - (i) to any report/item already considered by the appropriate Scrutiny Committee prior to the decision being made by the Executive or officer with delegated authority for a key decision; or
    - (ii) where the decision taken is urgent.

A decision is urgent where the interests of the Council or public require immediate action and any delay caused by the call in process would prejudice the interests of the Council or the public.

## **STANDING ORDER 50**

### **STANDING ORDERS TO BE GIVEN TO MEMBERS**

- (1) ~~A printed~~ An electronic copy of the Council's constitution, which shall include a copy of these Standing Orders and of such statutory provisions as regulate the proceedings and business of the Council, shall be given to each member by the Corporate Manager Democratic/Civic Support on the making of their declaration of acceptance of office on being first elected to the Council. A hard copy will be provided by the Corporate Manager, Democratic and Civic Support on receipt of a written request by a member.

## **STANDING ORDER 52**

### **APPOINTMENT/DISMISSAL OF CHIEF OFFICERS AND SOME SECOND TIER OFFICERS**

- (1) (a) The Head of Paid Service/Strategic Director (as appropriate) shall appoint/dismiss chief officers and Assistant Directors/Corporate Managers on JNC conditions of service.
- (b) Appointment of chief officers and Assistant Directors/Corporate Managers shall follow a selection process involving the relevant portfolio holder and any other member(s) considered appropriate.
- (2) Before making an offer of employment or the dismissal, the Head of Paid Service or Strategic Director (as appropriate) shall provide all the members of the Executive, with the following: -
- (a) The name of the person to be appointed/dismissed
- (b) Any other information relevant to the appointment/dismissal.
- (c) A reasonable period within which any objection to the making of the offer of appointment/dismissal is to be made by the Leader on behalf of the Executive.
- (3) An offer of employment or the dismissal of a chief or second tier officer employed under Joint National Council Conditions of Service shall only be made once the appointor/dismissor has considered any objections made and is satisfied that any such objections are not material or well founded. In the case of the Head of Paid Service, Monitoring Officer or Chief Finance Officer the procedure set out in Standing Order 54 shall apply.
- (4) Whilst any action to suspend the Head of Paid Service, or any Chief Officer, for the purpose of investigation is being undertaken, they shall be on full pay for as long as it takes from the date that suspension takes place.
- (5) Members will not be involved in any disciplinary action against any officer below chief officer except where such involvement is necessary for an investigation or inquiry into alleged misconduct through the Council's disciplinary procedures.

## **STANDING ORDER 53**

### **OTHER APPOINTMENTS**

- (1) The Head of Paid Service, Strategic Directors and Assistant Directors/Corporate Managers (or such other officer to whom this function has been delegated) shall be responsible for appointment of staff within their area of responsibility other than those who are on Joint National Council Conditions of Service.

## **STANDING ORDER 54**

### **DISCIPLINARY ACTION-DISMISSAL OF STATUTORY OFFICERS**

~~No disciplinary action [within the meaning of Part II of the Local Authorities (Standing Orders) (England) Regulations 2001 in respect of the Head of the Authority's Paid Service, the Monitoring Officer and Chief Finance Officer, except action described in paragraph (2)] may be taken by the Council, its Committees, Sub-Committees, the Executive, relevant joint committee or any other person acting on their behalf, other than in accordance with a recommendation in a report (investigation of alleged misconduct) made by a designated independent person under Regulation 3 of those Regulations.~~

- (1) ~~A decision to dismiss the Head Paid of Service, Monitoring Officer and Section 151 Finance Officer may only be taken by Full Council in accordance with the procedure set out in the Local Authorities (Standing Orders) (England) Regulations 2015/881, as may be amended from time to time.~~
- ~~(2) The action mentioned in paragraph (1) is suspension of the officer for the purpose of investigating the alleged misconduct occasioning the action; and any such suspension shall be on full pay and terminate no later than the expiry of two months beginning on the day on which the suspension takes effect.~~
- ~~(3) Members will not be involved in any disciplinary action against any officer below chief officer except where such involvement is necessary for an investigation or inquiry into alleged misconduct through the Council's disciplinary procedures.~~

## **Access to Information Procedure Rules**

### **4. Notices of Meeting**

The council will give at least five clear days notice of any meeting by posting details of the meeting at the Civic Centre, Exeter. ~~Publication of these details on the Council's website will constitute appropriate notice of these meetings.~~

### **5. Access to Agenda and Reports Before the Meeting**

The Council will make copies of the agenda and reports open to the public available for inspection at the designated office at least five clear days before the meeting. If an item is added to the agenda later, the revised agenda (where reports are prepared after the summons has been sent out, the designated officer shall make each such report available to the public as soon as the report is completed and sent to councillors) will be open to inspection from the time the item was added to the

agenda. A reason as to why the addition to the agenda will be published at the same time.

## Scrutiny Procedure Rules

### 6. Chairs

6.1 Chairs of scrutiny committees will be drawn from among the councillors sitting on the committee.

6.2 Scrutiny chairs will undertake the following roles:

1. To chair meetings of Scrutiny Committees and ensure that the scrutiny function is developed and exercised according to the Council's Constitution.
2. To ensure that the work of the Scrutiny committee contributes to the Council's corporate objectives.
3. To manage the workload of the Scrutiny Committee to ensure that it can effectively carry out its role of:
  - reviewing the formulation of policy development
  - ~~best value service reviews~~
  - advising the Executive of areas of potential improvements.
4. To liaise with Executive Portfolio holders as appropriate.
5. To contribute to the training and development of members engaged in the scrutiny and review role.
6. To approve any report which the Committee may wish to submit to the Executive as necessary
7. To be the spokesperson for the Committee within the terms of the former DTLR Code of Recommended Practice on Local Authority Publicity

### 15. Call-In (Standing Order 17)

Call-in should only be used in exceptional circumstances. These are where members of the appropriate scrutiny committee have evidence which suggests that the Executive did not take the decision in accordance with the principles set out in Article 12 (Decision Making) or paragraph 5.4 of the Executive Procedure Rules. Call-in will not apply in the circumstances set out in paragraph 5.1 of the Executive Procedure Rules.

- (a) When a decision is made by the Executive, an individual member of the Executive or a committee of the Executive, or a key decision is made by an officer with delegated authority from the Executive, the decision shall be published, including where possible by electronic means, and shall be available in accordance with the time limits set out in Standing Order 17. All Councillors will be sent copies of the records of all such decisions within the same timescale, by the person responsible for publishing the decision.
- (b) That notice will bear the date on which it is published and will specify that the decision will come into force, and may then be implemented, on the expiry of 5 working days after the publication of the decision, unless a scrutiny committee objects to it and calls it in.
- (c) During that period, the proper officer shall call-in a decision for scrutiny by the committee if so requested by at least ~~one third of the members of the committee~~ seven Scrutiny members, irrespective of the Scrutiny Committee on which they serve , and shall then notify the decision taker of the call-in. He/she shall call a meeting of the committee on such date as he/she may determine, where possible after consultation with the chair of the committee, and this will normally be within 5 days of the decision to call-in.
- (d) If, having considered the decision, the scrutiny committee is still concerned about it, then it may refer it back to the decision making person or body for reconsideration, setting out in writing the nature of its concerns or refer the matter to full Council. If referred to the decision maker they shall then reconsider the matter as soon as possible, amending the decision or not, before adopting a final decision.
- (e) If the matter was referred to full Council and the Council does not object to a decision which has been made, then no further action is necessary and the decision will be effective in accordance with the provision below. However, if the Council does object, the Council will refer any decision to which it objects back to the decision making person or body, together with the Council's views on the decision. That decision making body or person shall choose whether to amend the decision or not before reaching a final decision and implementing it.
- (f) If the Council does not meet, or if it does but does not refer the decision back to the decision making body or person, the decision will become effective on the date of the Council meeting or expiry of the period in which the Council meeting should have been held, whichever is the earlier.
- (g) A matter may not be called-in if:
- It is a non-Executive decision
  - the decision has already been called in once

- the report/item has already been considered by the appropriate Scrutiny Committee prior to the decision being made by the Executive or officer with delegated authority for a key decision
- it is a non-key decision made by delegated officers
- it in an urgent decision.

## **Terms of Reference for Scrutiny Committees**

### **Membership**

The membership of all committees is determined by the Council at its Annual Meeting. The membership may be varied during the year only with the consent of the Council.

### **Alignment**

### **People Scrutiny Committee**

#### **Scope**

To review the implementation of existing policies and to consider the scope for new policies with regard to all aspects of the Council's functions concerning benefits, collection of council tax and business rates, housing including advice and the Housing Revenue Account

### **Place Scrutiny Committee**

#### **Scope**

To review the implementation of existing policies and to consider the scope for new policies with regard to all aspects of the Council's functions concerning economic activity and tourism, culture, leisure, waterways, Markets, RAMM, planning, sustainable development, transport, the environment, health and wellbeing, licensing, community safety and the Joint Mitigation Committee.

### **Corporate Services Scrutiny Committee**

#### **Scope**

To review the implementation of the Council's existing policy and budget framework and consider the scope for new policies for the Council use and management of its resources and discharge of its corporate and strategic services, governance arrangements, business strategy, community engagement, estate management, ICT, channel shift, communications, equalities and emergency planning.  
To review the draft budgets of the Executive and the Council and ensure the effective scrutiny of the Council's Treasury Management Strategy and policies.

### **Terms of Reference**

## **General role**

Within their terms of reference, each Scrutiny Committee will:

- (i) approve a scrutiny work plan which will include a focus on a policy development, performance review and pre-decision scrutiny
- (ii) review and/or scrutinise decisions made or actions taken in connection with the discharge of any of the Council's functions;
- (iii) submit reports and/or recommendations to the Executive and/or full Council in connection with its work;
- (iv) consider any matter which may affect the area or its inhabitants; and
- (v) exercise the right to call-in decisions made but not yet implemented by the Executive, Executive Members and/or officer key decision;
- (vi) consider petitions in accordance with the Council's Petition Scheme.

## **Specific functions**

### **(a) Policy development and review**

The Scrutiny Committees may:

- (i) assist the Council and the Executive in the development of its budget and policy framework;
- (ii) conduct research, community and other consultation in the analysis of policy issues and possible options;
- (iii) encourage and enhance community and key stakeholders engagement in the development and shaping of Council policies;
- (iv) question members of the Executive and chief officers about their views on issues and proposals which may affect the City Council and its residents; and
- (v) liaise with other external organisations, whether national, regional or local, to encourage collaborative working.

## **(b) Scrutiny**

The Scrutiny Committees may:

- (i) review and scrutinise the decisions made by, and the performance of the Executive (both collectively and individually) and Council officers from time to time and where deemed necessary;
- (ii) review and scrutinise the performance of the Council in relation to its policy objectives, performance targets and/or particular service areas;
- (iii) question Members of the Executive and Chief Officers 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 Executive and/or the Council arising from the outcome of the scrutiny process;
- (v) review and scrutinise the performance of other public and private organisations in respect of activities or proposals that have an impact on the city of Exeter, its residents and/or the Council and invite presentations/reports from them by asking them to address the Scrutiny Committees and local people about their activities and performance (no more than one presentation per committee);
- (vi) question and gather evidence from any person outside the Council (with their consent) in respect of specific issues of interest or possible impact on the Council.

### **~~Scrutiny Committee (Resources)~~**

- ~~1. To evaluate and monitor the performance of Human Resources IT, Business Transformation, Finance and all central/corporate services.~~
- ~~2. To consider and advise the Executive on draft budget proposals which fall within the remit of this Committee.~~
- ~~3. At the request of the Council or Executive, to consider such papers or issues that are to be presented to the Executive, in order that the views of the Committee are available to the Council or Executive in making its decision.~~
- ~~4. To monitor the overall financial performance of the Council, including stewardship and treasury management.~~
- ~~5. To undertake reviews of the appropriate strategies and policies emanating from the work and functions of those services within the remit of the Committee in accordance with a work plan agreed in consultation with the Executive.~~



- ~~6. To review progress made within the Corporate Plan.~~
- ~~7. To appoint members to participate in Task and Finish Groups within the remit of this Committee, receive reports from and recommend action arising from these reviews to the Executive.~~
- ~~8. To review and advise the Executive on corporate staffing issues, including:~~
  - ~~• Industrial relations~~
  - ~~• Health and safety~~
  - ~~• Equalities~~
  - ~~• Such other staffing issues as directed by the Executive~~
- ~~9. To monitor the effectiveness of the Council's participation in such Partnership and inter-agency initiatives as fall within the remit of this committee.~~
- ~~10. To review such issues that might be appropriate arising from the portfolios held by Executive Members.~~
- ~~11. To request the Executive to reconsider such activities as have been the subject of debate following the use of call-in powers.~~
- ~~12. To ensure that all services within its remit operate in accordance with equalities principles.~~

## **1. FINANCE**

The Council will meet the administrative expenses associated with meetings of the Committee.

### **~~Scrutiny Committee (Community)~~**

- ~~1. To evaluate and monitor the performance of all housing, contracts, community engagement, environmental health (including cleansing), river and canal, parks and open spaces, bereavement and CCTV/Home Call services.~~
- ~~2. To consider and advise the Executive on draft budget proposals which fall within the remit of this Committee.~~
- ~~3. At the request of the Council or Executive, to consider such papers or issues that are to be presented to the Executive, in order that the views of the Committee are available to the Council or the Executive in making its decision.~~
- ~~4. To monitor the financial performance and undertake stewardship in respect of community and environmental services.~~

- ~~5. To receive audit reports in respect of services within the remit of the Committee.~~
- ~~6. To undertake reviews of the appropriate strategies and policies emanating from the work and functions of the community and environment services in accordance with a work plan agreed in consultation with Council and the Executive.~~
- ~~7. To appoint members to participate in Task and Finish Groups within the remit of this Committee, receive reports from and recommend action arising from these reviews to the Executive.~~
- ~~8. To monitor the effectiveness of the Council's participation in such Partnership and inter-agency initiatives as fall within the remit of this Council.~~
- ~~9. To review such issues that might be appropriate arising from the portfolios held by Executive Members.~~
- ~~10. To request the Executive to reconsider such activities as have been the subject of debate following the use of call-in-powers.~~
- ~~11. To ensure that all services within its remit operate in accordance with the principles of equal opportunities.~~
- ~~12. To undertake any appropriate scrutiny of health issues in Exeter.~~
- ~~13. To discharge the functions of a Crime and Disorder Committee to oversee and scrutinise the work of the Exeter Community Safety Partnership in accordance with the Crime and Disorder (Overview and Scrutiny) Regulations 2009.~~

### **Scrutiny Committee (Economy)**

- ~~1. To evaluate and monitor the performance of all tourism, economic development, transportation, parking, estates, planning (except purely development control), Markets and Events, leisure and museums and technical (including flooding) services.~~
- ~~2. To consider and advise the Executive on draft budget proposals which fall within the remit of this Committee.~~
- ~~3. At the request of the Council or Executive, to consider such papers or issues that are to be presented to the Executive, in order that the views of the Committee are available to the Council or Executive in making its decision.~~
- ~~4. To monitor the financial performance and undertake stewardship in respect of economy and tourism services.~~

- ~~5. To receive audit reports in respect of services within the remit of the Committee.~~
- ~~6. To undertake reviews of the appropriate strategies and policies emanating from the work and functions of those services within the remit of the Committee in accordance with a work plan agreed in consultation with Council and the Executive.~~
- ~~7. To appoint members to participate in Task and Finish Groups within the remit of this Committee, receive reports from and recommend action arising from these reviews to the Executive.~~
- ~~7. To appoint members to participate in Best Value Service Review Groups within the remit of this Committee and to receive reports from and recommend action arising from Service Reviews to the Executive.~~
- ~~8. To monitor the effectiveness of the Council's participation in such Partnership and inter-agency initiatives as fall within the remit of this Committee.~~
- ~~9. To assist in the process for the adoption and approval of the Exeter Local Development Framework, and for the preparation of other elements of the Development Plan by the Regional Assembly, Devon County Council, and other local authorities.~~
- ~~10. To review such issues that might be appropriate arising from the portfolios held by the Executive Members.~~
- ~~11. To request the Executive to reconsider such activities as have been the subject of debate following the use of call-in powers.~~
- ~~12. To ensure that all services within its remit operate in accordance with the principles of equal opportunities.~~

## **Article 10**

### **Officer Employment Procedure rules**

#### **1. Recruitment and appointment**

##### **(a) Declarations**

- (i) The Council will draw up a statement requiring any candidate for appointment as an officer to state in writing whether they are the parent, grandparent, partner, child, stepchild, adopted child, grandchild, brother, sister, uncle, aunt, nephew or niece of an existing councillor or officer of the Council; or of the partner of such persons.

- (ii) No candidate so related to a councillor or an officer will be appointed without the authority of the relevant chief officer or an officer nominated by him/her.
- (b) Seeking support for appointment.
  - (i) Subject to paragraph (iii), the Council will disqualify any applicant who directly or indirectly seeks the support of any councillor for any appointment with the Council. The content of this paragraph will be included in any recruitment information.
  - (ii) Subject to paragraph (iii), no councillor will seek support for any person for any appointment with the Council.
  - (iii) Nothing in paragraphs (i) and (ii) above will preclude a councillor from giving a written reference for a candidate for submission with an application for appointment.

## **2. Recruitment of Head of Paid Service and Chief Officers (Standing Order 51)**

Where the Council proposes to appoint **a Head of Paid Service, or** a chief officer ~~and it is not proposed that the appointment be made exclusively from among its existing officers~~, the Council will:

- (a) draw up a statement specifying:
  - (i) the duties of the officer concerned; and
  - (ii) any qualifications or qualities to be sought in the person to be appointed;
- (b) make arrangements for the post to be advertised in such a way as is likely to bring it to the attention of persons who are qualified to apply for it; and
- (c) make arrangements for a copy of the statement mentioned in paragraph (1) to be sent to any person on request.

## **3. Appointment of Head of Paid Service (Standing Order 53)**

- (a) The full council will approve the appointment of the Head of Paid Service following the recommendation of such an appointment by a committee or sub-committee of the Council. That committee or sub-committee must include at least one member of the Executive.
- (b) The full Council may only make or approve the appointment of the head of paid service where no well-founded objection has been made by any member of the Executive.

4. **Appointment of Chief Officers and Officers on JNC Conditions of Service**

- (a) Appointment of chief officers (~~Deputy Chief Executive, Assistant Directors and Corporate Managers on JNC conditions of service~~) ~~or assistant directors/corporate managers on JNC conditions of service~~ shall be made by the Chief Executive & Growth Director/Deputy Chief Executive as appropriate following a selection process involving the relevant portfolio holder and any other member(s) considered appropriate.
- (b) The procedure set out in Standing Order 52(2) and 52(3) requiring consultation with members of the Executive must be followed.

5. **Other Appointments**

- (a) The appointment of Officers below those on JNC conditions of service, (other than assistants to political groups) is the responsibility of the head of paid service, which is normally discharged through the Assistant Directors/Corporate Managers or their nominees, and may not be made by councillors.
- (b) Assistants to political groups. Appointment of an assistant to a political group shall be made in accordance with the wishes of that political group.

6. **Disciplinary Action**

- (a) Suspension. The Head of Paid Service, Monitoring Officer and Chief Finance (~~Section 151~~) Officer may be suspended whilst an investigation takes place into alleged misconduct. That suspension will be on full pay and last no longer than two months.
- (b) Independent persons – ~~no action to dismiss Head Paid of Service, Monitoring Officer, Section 151 Officer, may be taken unless the procedure is in accordance with the Local Authorities (Standing Orders) (England) Regulations 2015/881, as may be amended from time to time. No other disciplinary action may be taken in respect of any of those officers except in accordance with a recommendation in a report made by a designated independent person.~~ An Independent Panel will be formed of two or more Independent Persons.
- (c) Councillors will not be involved in the disciplinary action against any officer below those on JNC conditions of service except where such involvement is necessary for any investigation or inquiry into alleged misconduct, though the Council's disciplinary, capability and related procedures, as adopted from time to time, may allow a right of appeal to members in respect of disciplinary action.

7. **Dismissal**

Councillors will not be involved in the dismissal of any officer below those on JNC conditions of service except where such involvement is necessary for any investigation or inquiry into alleged misconduct, though the Council's disciplinary, capability and related procedures, as adopted from time to time, may allow a right of appeal to members in respect of dismissals.

## **Part 5**

# **Media Protocol for Portfolio Holders and Scrutiny Chairs**

### **3.4 Planning Committee/ Licensing/Audit and Governance/Major Grants Panel and New Homes Bonus**

The chair of the relevant committee will comment on issues arising from their committee or in their absence the deputy chair (where there is one). It is important to remember that it is not appropriate for councillors serving on these committees, if approached by the media, to comment on individual applications before their are determined.

### **3.5 Titles of Individuals and Meetings**

It is proposed that titles of committees/portfolios are abbreviated when for the sake of clarity and understanding it makes sense to do so. For example: The Chair of the Scrutiny Committee for **Resources Corporate Services** could be abbreviated to Scrutiny **Resources Corporate Services** Chair.

Portfolio Holders have chosen as their preferred description for media and publicity the term "Lead Councillor for".

For all other committees the title Chair will be used.

## Part 6

### Members' Allowances Scheme

Payable with effect from 1 April 2016

**Basic allowance** payable to all Members - £5,000 per annum

#### **\*\*Special Responsibility Allowances**

|   | <b>15/17</b> |
|---|--------------|
|   | £            |
| Leader (basic x 325%)                                       | 16,250       |
| Other Executive Members with Portfolios (basic x 175%) (x6) | 8,750 each   |
| Other Executive Member without Portfolio (basic x 50%) (x1) | 2,500        |
| Chairs of Scrutiny Committees (basic x 100%) (x3)           | 5,000 each   |
| Chair of Planning Committee (basic x 100%)                  | 5,000        |
| Chair of Licensing Committee (basic x 75%)                  | 3,750        |
| Chair of Audit and Governance Committee (basic x 50%)       | 2,500        |

*\*\* Any Member qualifying for more than one special responsibility allowance is paid the higher allowance only*

|  |       |
|--|-------|
| <b>Lord Mayor's Expenses Allowance</b> | 5,000 |
| <b>Deputy Lord Mayor's Allowance</b>   | 1,250 |

#### **Dependents' Carers' Allowance**

Allowance in line with the living wage offered to the lowest paid City Council employee of £7.85 plus an uplift of the standard rate of tax. £9.42 per hour (or part) is payable to Councillors whilst on "approved duties." with effect 1 April 2015.

*NB This sum will rise to £8.25 (retaining the uplift of the standard rate of income tax, thus increasing the hourly rate to £9.91)*

#### **Travel and expenses**

To match those payable to officers of the Council for any approved duties undertaken, with travel expenses being paid for any journeys undertaken outside of the City boundaries.

December 2015

### **Dependants' Carers' Allowance Scheme**

An allowance of up to ~~£7.65~~ £7.85 per hour (pro rata for part of an hour), representing the Living Wage (plus an uplift of the standard rate of tax, thus increasing the hourly rate to ~~£9.49~~ £9.42), may be claimed in respect of expenses incurred by a Councillor when a carer for a dependent has been engaged to enable a councillor to carry out an approved duty.

A carer will be any responsible person who does not normally live with the councillor as part of that councillor's family.

An allowance will be payable if the dependant being cared for:

- is a child under the age of 14
- is an elderly person; or
- has a recognised physical or mental disability

who normally lives with the councillor as part of that councillor's family and should not be left unsupervised.

Qualifying duties are defined as meetings of the Council, its Committees and Sub-Committees, training events, briefings and such other duties as are specified by the relevant regulations\*.

For meetings or duties within the Council's boundaries, the allowance will be paid for the duration of the meeting or otherwise approved duty plus an allowance for up to one hour's total travelling time before and after the meeting.

The actual cost of care will be reimbursed, up to a maximum of ~~£7.65~~ £7.85 per hour.

This allowance will be updated annually in line with the minimum wage and an additional uplift of the standard rate of tax.

*\*Payment of allowance will be made under the powers of Section 100 of the Local Government Act 2000 and Section 7 of Part 2 of the Local Authorities (Members Allowances) (England) Regulations 2003.*

December 2015