

ROTHERHAM BOROUGH COUNCIL
COUNCIL SUMMONS

Notice is hereby given that the Annual Meeting of the Council of the Borough of Rotherham will be held at Bailey House, Bailey Suite, Rotherham, on Friday, 21st May, 2010 at 2.00 p.m.

A G E N D A

1. To elect a Mayor for the ensuing Municipal Year
2. To pass a vote of thanks to the retiring Mayor (Councillor Shaukat Ali)
3. To elect a Deputy Mayor for the ensuing Municipal Year
4. To submit for approval the minutes of the Council Meeting held on 21st April, 2010 - Pages 63A to 70A (Section A)
5. To consider any communication received by the Mayor or the Chief Executive and to pass a resolution or resolutions thereon.
6. To consider any questions from the Public.
7. To elect a Leader of the Council
8. Cabinet Arrangements - Leader to report
9. To receive a report from the Leader and to consider reports, minutes and recommendations of the Cabinet - Pages 178C to 192C (Section C) including the following recommendation to Council:-

Proposed Revisions to the LDF Steering Group Constitution and Terms of Reference (Minute No. C236) (Page 187C – 188C)
10. To put questions, if any, to Cabinet Members and Chairmen (or their representatives) under Standing Order No. 7(1) and 7(3).
11. To put questions, if any, to the designated Members on the discharge of functions of the South Yorkshire Police Authority, South Yorkshire Fire and Rescue Authority, South Yorkshire Integrated Transport Authority and South Yorkshire Pensions Authority, in accordance with Standing Order No. 7(5).

12. To consider Member Arrangements for 2010/11 (Schedule to be circulated at the meeting)
13. Report on Delegation of Powers - report herewith (Pages 1 - 156)
14. Report on revised Constitution - report herewith (Pages 157 - 211)
15. Scheme for Petitions - report herewith (Pages 212 - 226)
16. To receive the report of the Returning Officer as to the persons elected Members of the Council at the election of Councillors held on 6th May, 2010 - report herewith (Pages 227 - 229)
17. To determine any item which the Mayor is of the opinion should be considered as a matter of urgency

T. C. MUMFORD

Assistant Chief Executive, Legal and Democratic Services

13th May, 2010

ROTHERHAM BOROUGH COUNCIL – REPORT TO MEMBERS

1.	Meeting:	Annual Council Meeting
2.	Date:	21st May 2010
3.	Title:	Delegation of Powers
4.	Directorate:	Chief Executive's

5. Summary

The Council's Constitution includes the Scheme of Delegation for Members and Officers. The Scheme has been updated and it is proposed to make some minor changes, as set out in the report.

Changes to the Scheme as regards executive functions may be made by the Leader, and will be reported to all members.

Copies of the full scheme are available in the Members Room, and on the intranet / internet as part of the agenda for this meeting

6. Recommendations

That the Scheme of Delegation for Members and Officers for 2010 / 2011 be approved.

7. Proposals and Details

Appendix 10 to the Council's Constitution sets out the Council's Scheme of Delegation for Members and Officers.

The Council is required annually to approve the Scheme of Delegation in respect of non-executive functions. Under the "strong" Leader and Cabinet model adopted by the Council, with effect from this month, the Leader has become responsible for the delegation of executive functions. The Leader may discharge such functions or may arrange for them to be discharged by the Cabinet, a Cabinet Member, a Committee of the Cabinet, an Area Assembly Co-ordinating group, an Officer or by joint arrangements.

The Scheme of Delegation has been prepared on the basis that there will be no changes to the previous arrangement as regards the allocation of Executive functions. The Leader may make a statement at the meeting as to any amendments made to the Scheme as regards Executive functions. Any future changes will be notified to all Members of the Council directly they are made, and formally reported to the next meeting of the Council.

Some minor changes have been made to the Scheme as follows:-

- a) The list of plans and strategies that require approval by the Council has been updated to reflect changes in legislation.
- b) As regards introductory tenancies, it is recommended that panels be drawn from the Democratic Renewal Scrutiny Panel as well as the Sustainable Communities Scrutiny Panel as with such a small number of Members it has proved difficult on occasions to get a panel. Cases often relate to anti-social behaviour which is within the remit of the Democratic Renewal Scrutiny Panel.
- c) Delegations to Service Directors in respect of Human Resource matters have been updated in line with current Council policy
- d) Delegations to the Director of Planning and Regeneration have been updated as recently agreed by the Planning Board and the Cabinet Member for Economic Development, Planning and Transportation.
- e) It is recommended that the Assistant Chief Executive (Legal and Democratic Services) be given powers to agree changes to polling stations at any time, in consultation with Ward Members. This may on occasion be necessary outside of the four yearly full review which is carried out, if premises become unavailable at short notice.

The Scheme has been updated to reflect the above changes if approved.

8. Finance

There are no financial implications arising from this report.

9. Risks and Uncertainties

Without a clear and specific Scheme of Delegation of Powers there may be confusion and incorrect decision making.

10. Policy and Performance Agenda Implications

There is a need for sound corporate governance and open and transparent decision making, which is assisted by clear delegation arrangements.

11. Background Papers and Consultation

The Council's Constitution

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**THE SCHEME OF DELEGATION FOR
MEMBERS AND OFFICERS**

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MATTERS RESERVED TO THE FULL COUNCIL

1. The adoption (with or without modification) of the Adult Learning Plan (Learning and Skills Council initiative).
2. The adoption (with or without modification) of the Annual Library Plan (section 1 (2) of the Public Libraries and Museums Act 1964).
3. The adoption (with or without modification) of the plan and strategy for control of the Council's borrowing, investments or capital expenditure or for determining the Council's minimum revenue provision.
4. The adoption (with or without modification) of the Children and Young People's Plan (paragraph 1A of Schedule 2 to the Children Act 1989).
5. The preparation of strategic plans across the Neighbourhoods and Adult Services directorate which provide a long and medium term strategy for the development of Neighbourhoods and Adult Services, consistent with the overall policy framework of the Council.
6. The adoption (with or without modification) of the Sustainable Community Strategy (section 4 of the Local Government Act 2000).
7. The adoption (with or without modification) of the Corporate Plan.
8. The adoption (with or without modification) of the Crime and Disorder Reduction Strategy (sections 5 and 6 of the Crime and Disorder Act 1998).
9. The adoption (with or without modification) of the plans and strategies that together comprise the Local Development Framework.
10. The adoption (with or without modification) of the Licensing Authority Policy Statement.
11. The adoption (with or without modification) of the plan and strategy which comprises the Housing Investment Programme.
12. The adoption (with or without modification) of the Local Transport Plan (section 108 (3) of the Transport Act 2000).
13. The adoption (with or without modification) of the Youth Justice Plan (section 40 of the Crime and Disorder Act 1998).
14. (a) The approval of any plan or strategy (whether or not in the form of a draft) of which any part is required to be submitted to the Secretary of State or any Minister of the Crown for his approval; and
(b) the adoption (with or without modification) of the plan or strategy.
15. The adoption or approval of any plan or strategy (whether statutory or non-statutory) specifically reserved to the full Council.

APPLICATIONS TO THE SECRETARY OF STATE FOR CONSENT TO DISPOSALS

16. The authorisation of the making of an application to the Secretary of State for the approval of a disposals programme for 500 or more dwellinghouses (Housing and Regeneration Act 2008).
17. The authorisation of the making of an application to the Secretary of State for consent to dispose one or more dwelling-houses in a disposals programme for a financial year (section 32 of the Housing Act 1985 (power to dispose of land held for the purposes of Part II of the Housing Act 1985)).
18. The authorisation of the making of an application to the Secretary of State for consent to dispose of one or more dwelling-houses in a disposals programme for a financial year (section 43 of the Housing Act 1985 (consent required for certain disposals not within section 32 of the 1985 Act)).

MEMBERS' ALLOWANCES, ETC.

19. The making of any scheme for allowances for members of the Council, or the amending, revoking or replacing of any such scheme; and the determination of the amount of any allowance payable under a scheme, or the rates at which payments of an allowance are to be made (section 18 of the Local Government and Housing Act 1989 and regulations made under the 1989 Act).
20. The determination of the amount of any allowance payable in respect of –
 - (a) chairman's expenses;
 - (b) vice-chairman's expenses;

FUNCTIONS RELATING TO ELECTIONS

21. Duty to appoint an electoral registration officer (section 8(2) of the Representation of the People Act 1983).
22. Power to assign officers in relation to requisitions of the registration officer (section 52 (4) of the Representation of the People Act 1983).
23. Functions in relation to parishes and parish councils (Part II of the Local Government and Rating Act 1997 and the Local Government and Public Involvement in Health Act 2007 and subordinate legislation)
24. Power to dissolve small parish councils (section 10 of the Local Government Act 1972).
25. Power to make orders for grouping parishes, dissolving groups and separating parishes from groups (section 11 of the Local Government Act 1972).
26. Duty to appoint returning officer for local government elections (section 35 of the Representation of the People Act 1983).
27. Duty to provide assistance at European Parliamentary elections (section 7 of the European Parliamentary Elections Act 2002)

28. Duty to divide constituency into polling districts (section 18 of the Representation of the People Act 1983).
29. Power to divide electoral divisions into polling districts at local government elections. (section 31 of the Representation of the People Act 1983).
30. Powers in respect of holding of elections (section 39 (4) of the Representation of the People Act 1983).
31. Power to pay expenses properly incurred by electoral registration officers (section 54 of the Representation of the People Act 1983).
32. Power to fill vacancies in the event of insufficient nominations (section 21 of the Representation of the People Act 1985).
33. Duty to declare vacancy in office in certain cases. (Section 86 of the Local Government Act 1972)
34. Duty to give public notice of a casual vacancy (section 87 of the Local Government Act 1972).
35. Power to make temporary appointments to parish councils (section 91 of the Local Government Act 1972).
36. Power to determine fees and conditions for supply of copies of, or extracts from, elections documents (rule 48 (3) of the Local Elections (Principal Areas) Rules 1986 (S.I. 1986/2214) and rule 48 (3) of the Local Elections (Parishes and Communities) Rules 1986 (S.I. 1986/2215).
37. Power to submit proposals for an order under section 10 (pilot schemes for local elections in England and Wales) of the Representation of the People Act 2000 (section 10 of the Representation of the People Act 2000).

FUNCTIONS RELATING TO NAMES AND STATUS OF AREAS AND INDIVIDUALS

38. Power to change the name of a district (section 74 of the Local Government Act 1972).
39. Power to change the name of a parish (section 75 of the Local Government Act 1972).
40. Power to petition for a charter to confer borough status (section 245B of the Local Government Act 1972).
41. Power to confer title of honorary alderman or to admit to be an honorary freeman (section 249 of the Local Government Act 1972).

FUNCTIONS RELATING TO FINANCE

42. The setting of the council tax for a financial year (sections 30 and 33 of the Local Government Finance Act 1992 and the Local Authorities (Alteration of Requisite Calculations and Funds) Regulations).
43. Determination of the budget requirement for a financial year (section 32 of the Local Government Finance Act 1992 and the Local Authorities (Alteration of Requisite Calculations and Funds) Regulations 1995).
44. The approval (with or without modification) of the programme of capital expenditure for a financial year, and any variations to the programme during the year (Part IV of the Local Government and Housing Act 1989, DETR Circular 11/90 and the Guide to the Local Government Capital Finance System).
45. Determination of the borrowing limit for a financial year (section 45 of the Local Government and Housing Act 1989).
46. Duty to make arrangements for proper administration of financial affairs, including the making of financial regulations, etc. (section 151 of the Local Government Act 1972).
47. The approval of the Audit Commission Relationship Manager's annual letter.
48. The approval of the medium term financial strategy.

DESIGNATED OFFICERS

49. Duty to designate officer as the head of paid service ("the Chief Executive"), and to provide staff, etc. (Section 4 (1) of the Local Government and Housing Act 1989).
50. Duty to designate officer as the section 151 officer (Section 151 of the Local Government Act 1972).
51. Duty to designate officer as the monitoring officer, and to provide staff, etc. (section 5 (1) of the Local Government and Housing Act 1989).
52. Power to appoint officers for particular purposes (appointment of "proper officers") (section 270 (3) of the Local Government Act 1972).

POWER TO MAKE, AMEND OR RE-ENACT BYELAWS

53. Power to make, amend, revoke or re-enact byelaws (any provision of any enactment (including a local Act), whenever passed, and section 14 of the Interpretation Act 1978).

POWER TO PROMOTE OR OPPOSE LOCAL OR PERSONAL BILLS

54. Power to promote or oppose local or personal Bills (section 239 of the Local Government Act 1972).

MISCELLANEOUS FUNCTIONS

55. The making of arrangements for the discharge of functions by a committee, officer, another local authority or by a joint committee of two or more authorities (section 101 of the Local Government Act 1972).
56. The appointment of committees for the discharge of functions (section 102 of the Local Government Act 1972).
57. Power to make standing orders (section 106 of, and paragraph 42 of Schedule 12 to, the Local Government Act 1972).
58. Power to make standing orders as to contracts (section 135 of the Local Government Act 1972).
59. Power to appoint staff and to determine the terms and conditions on which they hold office (including procedures for their dismissal) (section 112 of the Local Government Act 1972).
60. Power to make payments or provide other benefits in cases of maladministration etc. (section 92 of the Local Government Act 2000).
61. Duty to approve authority's statement of accounts, income and expenditure and balance sheet or record of receipts and payments (as the case may be) (The Accounts and Audit Regulations 2006)
62. Pursuant to an order of a Minister made under section 70 Of the Deregulation and Contracting Out Act 1994, the power:–
 - (i) to authorise a person to exercise a function specified in the order; and
 - (ii) to revoke the authorisation, to the extent that the discharge of the function is not the responsibility of the executive.
63. Power to discharge any other function which, by virtue of any Act of Parliament, regulation or local Act, may not be discharged by the executive.
64. The appointment of a Chief Executive (Head of the Paid Service).

FUNCTIONS BY OTHER AUTHORITIES

1. The discharge by Anston Parish Council of the power to declare a local nature reserve under section 21 of the National Parks and Access to the Countryside Act 1949 in respect of Anston Stones Local Nature Reserve and to administer it.
2. That certain functions of the Council under the Consumer Credit Act 1974 be delegated to Birmingham City Council in the following terms:

“without prejudice to Rotherham Borough Council’s duty in its capacity as an enforcement authority to enforce the provisions of the Consumer Credit Act 1974, the functions conferred upon Rotherham Borough Council under Parts iii (licensing of credit and hire business) and Part xii (enforcement of act) of the 1974 Act be delegated to Birmingham City Council for the period commencing on 1st April 2009 and continuing for the life of the Birmingham Illegal Money Lending staff or until Rotherham Borough Council withdraws.”

APPEAL AND GRIEVANCE PANEL

1. The determination of an appeal against any decision made by or on behalf of the Council (no member of the executive or other member of the Council who was involved in making the decision appealed against may sit on the panel that considers the appeal).
2. Appeal and Grievance Panels shall comprise three members of the Council selected from a pool of six members (two of whom shall be Cabinet members and four of whom shall be Scrutiny Panel members), who have received appropriate training on employment related issues.

APPOINTMENTS PANEL

1. The power to appoint strategic directors and service directors.
2. The Panel shall comprise the Leader and Deputy Leader, the relevant Cabinet member and two representatives from the scrutiny panels nominated by the chairman of the Performance and Scrutiny Overview Committee.

EARLY RELEASE PANEL

1. The power to determine applications for early retirement.
2. The Panel shall comprise the Leader, Deputy Leader and the relevant Cabinet Member from the employing area.

STAFFING COMMITTEE

1. The Committee shall comprise the Leader, Deputy Leader, Leader of the Majority Opposition and other Cabinet Members whose portfolios are affected by the issues to be considered.
2. The Committee shall be empowered to determine:-
 - conditions of service and remuneration of the Chief Executive and chief officers.
 - Employment policies and procedures
 - Response to consultations
 - Responding to emergency staffing matters

NEGOTIATING PANEL

1. The Panel be authorised to negotiate with Trades Unions on employment matters, determine appropriate responses and direct officers accordingly.
2. The Panel shall comprise the Leader, Deputy Leader and relevant Cabinet Member.

INTRODUCTORY TENANCY – REVIEW PANEL

1. The Panel shall comprise at least three elected members from the Sustainable Community Scrutiny Panel or Democratic Renewal Scrutiny Panel and a housing policy advisor.
2. The Panel and the senior officers in Neighbourhoods Management may review and confirm, confirm with conditions attached or not confirm notices of proceedings for possession in respect of breaches of tenancy agreements.

THE PLANNING BOARD

The Planning Board has the following terms of reference in relation to non-executive planning functions –

- 1.** Power to determine applications for planning permission – sections 70 (1) (a) and (b) and 72 of the Town and Country Planning Act 1990.
- 2.** Power to determine applications to develop land without compliance with conditions previously attached – section 73 of the Town and Country Planning Act 1990.
- 3.** Power to grant planning permission for development already carried out – section 73A (a) of the Town and Country Planning Act 1990.
- 4.** Power to decline to determine an application for planning permission – section 70A of the Town and Country Planning Act 1990.
- 5.** Power to determine application for planning permission made by a local authority, alone or jointly with another person – section 316 of the Town and Country Planning Act 1990 and the Town and Country Planning General Regulations 1992 (S.I. 1992/1492).
- 6.** Power to make determinations, give approvals and agree certain other matters relating to the exercise of permitted development rights – Parts 6,7,11,17,19,20,21 to 24,26,30 and 31 of Schedule 2 to the Town and Country Planning (General Permitted Development) Order 1995 (S.I. 1995/418).
- 7.** Power to enter into agreement regulating development or use of land –section 106 of the Town and Country Planning Act 1990.
- 8.** Power to issue a certificate of existing or proposed lawful use or development – sections 191 (4) and 192 (2) of the Town and Country Planning Act 1990.
- 9.** Power to serve a completion notice – section 94 (2) of the Town and Country Planning Act 1990.
- 10.** Power to grant consent for the display of advertisements – section 220 of the Town and Country Planning Act 1990 and the Town and Country Planning (Control of Advertisements) Regulations 1992.
- 11.** Power to authorise to authorise entry onto land.
- 12.** Power to require the discontinuance of a use of land – section 102 of the Town and Country Planning Act 1990.
- 13.** Power to serve a planning contravention notice, breach of condition notice or stop notice – sections 171C, 187A and 183 (1) of the Town and Country Planning Act 1990.
- 14.** Power to issue an enforcement notice – section 172 of the Town and Country Planning Act 1990.
- 15.** Power to issue a temporary stop notice.

- 16.** Power to apply for an injunction restraining a breach of planning control – section 187B of the Town and Country Planning Act 1990.
- 17.** Power to determine applications for hazardous substances consent, and related powers – sections 9 (1) and 10 of the Planning (Hazardous Substances) Act 1990.
- 18.** Duty to determine conditions to which old mining permissions, relevant planning permissions relating to dormant sites or active Phase I or II sites, or mineral permissions relating to mining sites, as the case may be, are to be subject – paragraph 2 (6) (a) of Schedule 2 to the Planning and Compensation Act 1991, paragraph 9 (6) of Schedule 13 to the Environment Act 1995 and paragraph 6 (5) of Schedule 14 to that Act.
- 19.** Power to require proper maintenance of land – section 215 (1) of the Town and Country Planning Act 1990.
- 20.** Power to determine application for listed building consent, and related powers – sections 16 (1) and (2), 17, 27 (2) and 33 (1) of the Planning (Listed Buildings and Buildings in Conservation Areas) Act 1990.
- 21.** Power to determine applications for Conservation Area Consent – section 16 (1) of the Planning (Listed Buildings and Buildings in Conservation Areas Act 1990, as applied by section 74 (3) of that Act.
- 22.** Duties relating to applications for Listed Building Consent and Conservation Area Consent – sections 13 (1) and 14 (1) and (4) of the Planning (Listed Buildings in Conservation Areas) Act 1990 and regulations 3 to 6 and 13 of the Town and Country Planning (Listed Buildings and Buildings in Conservation Areas) Regulations 1990 and paragraphs 8, 15 and 22 of Department of the Environment Circular 14/97.
- 23.** Power to serve a Building Preservation Notice, and related powers – sections 3 (1) and 4 (1) of the Planning (Listed Buildings and Buildings in Conservation Areas) Act 1990.
- 24.** Power to issue an enforcement notice in relation to the demolition of an unlisted building in a conservation area – section 38 of the Planning (Listed Buildings and Buildings in Conservation Areas) Act 1990.
- 25.** Powers to acquire a listed building in need of repair and to serve a repairs notice – sections 47 and 48 of the Planning (Listed Buildings and Buildings in Conservation Areas) Act 1990.
- 26.** Power to apply for an injunction in relation to a listed building – section 44A of the Planning (Listed Buildings and Buildings in Conservation Areas) Act 1990.
- 27.** Power to execute urgent works – section 54 of the Planning (Listed Buildings and Buildings in Conservation Areas) Act 1990.
- 28.** Powers relating to the preservation of trees – sections 197 to 214D of the Town and Country Planning Act 1990 and the Trees Regulations 1999 (S.I. 1999/1892).
- 29.** Powers relating to the protection of important hedgerows – The Hedgerows Regulations 1997 (S.I. 1997/1160).
- 30.** Power to make limestone pavement orders – section 34(2) of the Wildlife and Countryside Act 1981 (c. 69).

THE LICENSING BOARD

The determination of all matters relating to the Council's statutory licensing functions as set out below –

1. Street and house to house Collections.
2. Amusements with prizes.
3. Operation of the Theatres Act 1968.
4. Applications for additional hackney carriage plates, granting of hackney carriage drivers' licences and transfer of hackney carriage plates from one vehicle to another within the same ownership.
5. Applications for extensions of hours of opening for cinemas.
6. The control of Hackney Carriage and Private Hire Licences under Part II of the Local Government (Miscellaneous Provisions) Act 1976, including the determination of hackney carriage fares and licence fees.
7. Operation of sections 19 to 21 of the Transport Act 1985 (grant of permits in relation to small buses).
8. Public entertainment licences (including open-air musical entertainment); private places of entertainment licences.
9. Operation of the Cinemas Act 1985.
10. Late night refreshment house licences.
11. Sex establishments – grant, renewal, transfer and variations of licenses.
12. Game dealers.
13. Registration of small lotteries under the Lotteries and Amusements Act 1976.
14. Exhibitions of hypnotism.
15. Marriage Act 1949 – applications for approval of premises.
16. Gaming Act 1968 – amusement arcade and AWP applications – grant of licences.
17. The Motor Salvage Operators Regulations 2002 – registration.

THE LICENSING ACT 2003 COMMITTEE

1. The Licensing Act 2003 Committee shall comprise not more than 15 members and may appoint from time to time sub-committees in order to effectively discharge the functions delegated to the Board by the Council in relation to the 2003 Act.
2. The Licensing Act 2003 Committee is responsible for the discharge of non-executive functions under the Licensing Act 2003.

THE AUDIT COMMITTEE

The Audit Committee has the delegated power to determine the following –

- approve the internal auditor’s annual plan
- approve revisions to the internal auditor’s plan
- approve the internal auditor’s annual report
- approve the annual review of the effectiveness of internal audit
- approve the external auditor’s annual plan
- approve revisions to the external auditor’s plan
- approve the external auditor’s annual report
- approve the annual governance statement
- approve the draft statement of accounts for audit
- receive and respond to the external auditor’s ISA260 (International Standards on Auditing) report on the accounts
- approve the final audited statements of accounts

STANDARDS COMMITTEE – TERMS OF REFERENCE

1. To promote and maintain high standards of conduct by the members and co-opted members of the Council.
2. To assist members and co-opted members of the Council to observe the Council's Code of Conduct.
3. To advise the Council on the adoption and revision of its Code of Conduct, taking into account the Model Code of Conduct, guidance from the Standards Board for England and elsewhere, and existing good practice within the Council.
4. To monitor the operation of the Code of Conduct and recommend revisions as appropriate, and to ensure that the Code is fully understood and applied throughout the Council.
5. To advise, train or arrange to train members and co-opted members of the Council on matters relating to the Code of Conduct.
6. To give dispensation to Members and Co-opted Members of the Council under the Relevant Authorities (Standards Committee) (Dispensation) Regulations 2002.
7. To carry out similar functions to those above in relation to the Parish Councils for which the Council is the responsible authority and the members of those Parish Councils.
8. To review arrangements as to the declarations of interest of members, co-opted members and officers, to monitor the operation of such arrangements and to offer advice on their application.
9. To review and recommend such other protocols, local codes and guidance as may be considered desirable to build upon the rules contained within the Code of Conduct whilst not forming part of it.
10. To establish Sub-Committees:-
 - (a) To carry out the initial assessment of written allegations that members of the Council or of a Parish Council have failed to comply with the Code of Conduct.
 - (b) To review at the request of the person making the allegation any decision to take no action.
 - (c) To receive the report of the Monitoring Officer (or person nominated by him) into any complaint referred to the Monitoring Officer and, following consideration of such report to take any action prescribed by the Local Authorities (Code of Conduct) (Local Determination) Regulations 2003 as amended.
11. To consider any report made to the Committee or the Monitoring Officer by an Ethical Standards Officer following an investigation into an allegation of a breach of the Code of Conduct and following consideration of such report to take any action prescribed by the Local Authorities (Code of Conduct) (Local Determination) Regulations 2003 as amended.

12. To consider any other recommendations, guidance or direction referred to the Committee or the Monitoring Officer by an Ethical Standards Officer or the Standards Board for England.
13. To provide any information required by the Standards Board for England regarding the exercise of the Committee's functions.
14. To consider any application for exemption from political restriction made to the Committee by the holder of any post under the Council and to give directions to the Council requiring it to include a post in the list of political restricted posts maintained by the Council.
15. To establish and monitor the operation of Complaints Procedures and Whistleblowing Procedures.
16. To review the application of the Council's Standing Orders, Financial Regulations, contract arrangements and other such provisions.
17. To review and comment upon the Council's procedures and Codes of Practice relating to public access to information, confidentiality and arrangements for data protection.
18. To review the procedures for appointment of Council representatives to outside bodies and to make recommendations to the Council or the Cabinet as necessary.
19. To consider reports arising from external inspections, audit investigations, Ombudsman investigations, legal challenges and other sources which cast doubt on the honesty or integrity of the Council, its members or officers, and to recommend action to the full Council or Cabinet as appropriate.
20. To consider and offer advice and guidance as appropriate on other matters which in the view of the Committee or the Council's Monitoring Officer could have a bearing on public perceptions of the honesty and integrity of the Council, its members, co-opted members and officers.
21. To consider and make recommendations on such other matters as the Committee itself thinks appropriate or which are referred for attention by the Council or the Cabinet which further the aim of promoting and maintaining the highest standards of conduct within the authority.

In these Terms of Reference "co-opted member of the Council" means a person who is not a member of the Council, but who:-

- (a) is a member of any Committee or Sub-Committee of the Council, or
- (b) is a member of and represents the Council on any Joint Committee or Joint Sub-Committee of the Council

and who is entitled to vote on any question which falls to be decided at any meeting of that Committee or Sub-Committee.

THE CABINET

The Cabinet has the following terms of reference and has power to determine all matters arising under these, save those which are reserved for approval by the full Council.

1. Providing a focus for community leadership in the Borough.
2. The development of plans and strategies for approval by the full Council and the determination and approval of plans and strategies which do not require the approval of the full Council.
3. The preparation and submission of budget proposals for approval by the full Council.
4. The determination of the Council Tax base and recommendations to full Council as to the level of Council Tax.
5. The preparation and submission of the Capital Programme and any changes thereto for approval by full Council.
6. The recommendation of changes to the Council's Constitution, save where those are of a clerical or administrative nature.
7. Making recommendations to Council on other matters which are reserved to full Council, except where this is the specific responsibility of some other body on the Council, such as the Standards Committee or Audit Committee.
8. The approval of variations to strategies and policies, plans and programmes within the budgetary and policy framework as determined by full Council and in accordance with the Council's Constitution.
9. The approval of variations to the Capital or Revenue Programme budgets within the overall Capital Programme and budgetary framework determined by full Council and in accordance with Financial Regulations.
10. The taking of all key decisions*.
11. The adoption of Corporate Policies which assist in the preparation and delivery of service and business plans.
12. The overall co-ordination of the Council's business and the determination of any action required to implement plans and policies agreed by the Council.
13. The monitoring of the Council's performance including performance of the Council's land and property.
14. The determination of the future use of the Council's land and property.
15. The determination of schedules of maintenance and other expenditure upon property within the approved capital programme and revenue budget.
16. Agreement to the disposal by way of sale or lease of land and buildings, including disposal of land and buildings at less than best consideration.

17. The determination of the Council's response in discussions and dealings with the public, voluntary, business and community sectors.
18. The formation and monitoring of partnerships with other agencies.
19. Receiving references from Overview and Scrutiny Committees and Area Assemblies and approving any action required in response to these.
20. Responding to reports or recommendations received from Overview and Scrutiny Committees within two months of receipt.
21. Consideration of any recommendations from the Council's Standards Committee or Audit Committee.
22. Consideration of any motions or petitions referred from the full Council.
23. The receipt of and consideration of action consequent upon any report relating to any inspection of the whole or part of the Council.
24. The receipt of and consideration of action consequent upon any report concerning the inspection of any school within the Borough.
25. The approval of any submission or application to the Secretary of State regarding the formation of an education action zone within the Borough.
26. The approval of the exercise of any powers under sections 14 or 15 of the Schools Standards and Framework Act 1998 (Intervention by Local Education Authorities in Schools in Causing Concern) or any amendment or re-enactment thereof.
27. The exercise of any other executive function which the Leader or Cabinet determines shall be decided by the full Cabinet or which has been referred to the Cabinet by an individual Cabinet Member.

* "A key decision is:-

- (a) any recommendation to Council to approve or vary the revenue or capital budget, being outside approved virement limits.
- (b) any decisions that will result in income, expenditure or savings with a gross effect of £500,000 or greater (whether or not the item has been included in the relevant approved budget and including the provision by the Council of cashflow funding to third parties), with the exception of:-
 - (i) Decisions which are a direct consequence of implementing a previous key decision and were contemplated by the decision maker when the original key decision was made.
 - (ii) Bids by the Council for funding of £500,000 or more where, if the bid should be successful, a further report seeking approval of the scheme will be submitted to Cabinet.
 - (iii) Expenditure for the day to day provision of services that was in the contemplation of the Council when the revenue budget was approved and is in the opinion of the Strategic Director of Finance inevitable.

- (iv) Expenditure that must be incurred to comply with the terms of contracts won by the Council in competition.
- (c) Any decision relating to the approval or variation of policies which are reserved to the full Council.
- (d) Any decision that is likely to have a significant positive or negative impact on the people living or working in an area comprising two or more wards (or one ward if the effects are sufficiently significant) but not if the decision will apply throughout the whole borough."

GENERAL DELEGATIONS TO CABINET MEMBERS IN RESPECT OF THEIR OWN PORTFOLIOS

Cabinet members have delegated powers to make decisions regarding all executive functions within their portfolios (including but not limited to any function reserved to the Cabinet Member within the Schedule for each Directorate) with the following exceptions.

- a) Any issue that needs to be referred to the full Cabinet under the terms of reference for Cabinet. Should there be any conflict between these terms of reference and any allocation of functions to Cabinet Members elsewhere within the Scheme, then the requirement for the matter to be referred to Cabinet shall prevail.
- b) Any other decision which the Leader or the Cabinet has determined shall be made collectively by the full Cabinet.
- c) Any decisions specifically referred to officers under this Scheme of Delegation.

Cabinet Members may also elect to refer any decision to full Cabinet if they consider that the issue has serious implications in terms either of policy or impact upon the community, even though not amounting to a key decision.

In respect of any matter which is delegated to a Cabinet Member, if he or she is absent or has an interest in a particular item of business then the Leader is authorised to substitute.

If the above circumstances arise and the Leader is unavailable, then the Deputy Leader is authorised to substitute.

If either the Leader or Deputy Leader is absent or has an interest to declare in respect of business delegated to them, or if both are unavailable to substitute for another Cabinet Member then any other available Cabinet Member be authorised to substitute.

Cabinet Portfolios

1. The Leader of the Council

Responsible for overall leadership and for the strategic policies of the Council including the Sustainable Community Strategy and the Council's Corporate Plan. Political leadership and responsibility for the Year Ahead Statement and Outcomes.

Responsible for external relations and representation of the Council's interests at European, national, regional and sub-regional levels. Leadership of key local partnerships on a bi-lateral and multi-lateral basis, including serving as the Council's principal member representative on the Rotherham Partnership.

Responsible, together with the Deputy Leader or one other cabinet member for urgent decisions during recess or other periods when it is not possible to convene a cabinet meeting.

2. The Deputy Leader

Responsible for all functions exercised by the Leader, when the Leader is absent and unavailable.

Responsible for working with the Leader to provide overall political leadership within the Council, carrying out such specific duties or project leadership as determined by the Leader to help ensure the effective and efficient discharge of the Council's functions. Given that the Leader has extensive external duties outside of Rotherham, the Deputy Leader is likely to be asked to take day-today responsibilities for some internal leadership duties, supporting the Leader in this.

Responsible for the Council's performance management and quality assurance programmes, performance clinics and political leadership of the Council's performance outcomes under the CAA framework.

Responsible for member development and training and for any other matters relating to member support and welfare.

Responsible for Legal and Democratic Services including maintaining a sound democratic process and meeting arrangements.

3. The Cabinet Member for Resources

Responsible for all aspects of:-

- Finance and Value for Money.
- Human Resources Strategy and Services.
- Developing the Capital Strategy.
- ICT Strategy and Services.
- Procurement Strategy.
- Risk Management and related Governance issues.
- Customer Access Strategy.

Responsible for political management of the Council's Medium Term Financial Strategy, overall charging/fees policies and the development of shared services with external bodies.

Responsible for liaison with and oversight of the strategic contract with BT (RBT) and for assuring effective outcomes from this joint venture.

Responsible politically for performance outcomes within the Use of Resources block of the CAA framework, and for liaison with Board members of other key organisations also involved in the performance assessment (eg NHS Rotherham, Police).

4. **The Cabinet Member for Children and Young People**

Responsibility for all functions relating to Children, Young People and Families as set out in statutory guidance. This includes championing children's issues and political leadership on:-

- Education and Lifelong Learning.
- Children's Social Care Services.
- Safeguarding of Children.
- Youth Services.
- Children's Voice and Influence Activity.
- Careers Guidance.
- Children's Health and Wellbeing.
- Young People's Employment and training .
- Influencing all services allied to these issues, from the children's perspective.

Responsible politically for performance outcomes within the Children & Young People's service assessments under the CAA framework and relevant inspection regimes.

5. **The Cabinet Member for Health & Social Care**

Responsible for all functions relating to Adult Social Care, Disability Services and Mental Health Services, including all responsibilities set out in statutory guidance and relating to these issues. This includes championing older people's services disability issues and mental health issues locally and externally.

Responsible for the Council's involvement in health promotion and improvement, public health strategy and liaison with NHS Rotherham, Rotherham Foundation Trust, Rotherham and Doncaster Mental Health Trust and any other health bodies that impact on health services in Rotherham. Responsible politically for performance outcomes within the Adult, Older Peoples, Mental Health and Health Service assessments under the CAA framework and relevant inspection regimes.

6. **The Cabinet Member for Housing & Neighbourhoods**

Responsible for all aspects of housing strategy, including Housing Market Renewal and affordable housing programmes.

Responsible for liaison and political management of the relationships and contracts with Rotherham 2010 Ltd and with other social housing landlords.

Responsible, jointly with the Cabinet Member for Planning, Transportation and Economic Development, for liaison with the Homes and Communities Agency and for the development of effective joint working with that body.

Responsible for the development and implementation of Neighbourhoods Strategy and Neighbourhood renewal policy, including initiatives to tackle social exclusion and inequalities in prosperity in deprived areas [working closely with the Cabinet Member for Community Development and Engagement on this].

Responsible for the continuing development of Area Assemblies and neighbourhood management initiatives.

Responsible politically for performance outcomes in all these themes under the CAA framework and relevant inspection regimes.

Responsible for Community Safety (and liaison with the Police).

7. **The Cabinet Member for Economic Development, Planning and Transportation**

Responsible for all aspects of planning, transportation, asset management and economic development policy (including tourism) services and delivery, including liaison on a city-region/sub-regional basis with other authorities.

Responsible for the Rotherham Renaissance programme and plan and for all business development initiatives undertaken by the Council or in association with other key agencies such as Yorkshire Forward and the HCA (in liaison with the Cabinet Member for Housing and Neighbourhoods).

Responsible for developing and championing the Council's policies on sustainability and sustainable development.

Responsible politically for performance outcomes in all these themes under the CAA framework and relevant inspection regimes.

Responsible for taking the lead on matters relating to the Integrated Transport Authority.

8. **The Cabinet Member for Streetpride Services**

Responsible for all aspects of Streetpride services including:-

- Litter and waste management.
- Parking management services.
- Grounds maintenance.
- Other street services/maintenance activity.
- Public realm improvement.

Responsible politically for performance outcomes in these service areas under the CAA regime and relevant inspections.

9. **The Cabinet Member for Cultural Services and Sport**

Responsible for all aspects of culture, leisure and sports policy and services including:-

- Sporting facilities and sports promotion.
- Leisure facilities and recreational areas.
- Libraries and Museums.
- Parks and open spaces.

- Children's play areas.
- Events planning and management including the Rotherham Show.

Responsible for championing increased participation in sport and recreation and liaison with NHS Rotherham on this.

Responsible for the co-ordination of events and activity for the 2012 Olympic Games.

Responsible politically for performance outcomes in these service areas under the CAA regime and relevant inspections.

(This Member to work closely with the Cabinet Member for Health and Social Care on developing health opportunities through sport and leisure.)

10. **The Cabinet Member for Community Development and Engagement**

Responsible for promoting cohesive and inclusive communities and for all aspects of engagement and communications with local residents, businesses and groups to maximise participation in local civic and community affairs and to drive up satisfaction with local services and performance.

Responsible specifically for:-

- Community cohesion.
- Prevent Strategy.
- Voluntary sector liaison.
- Corporate communications.
- Equalities in the community.
- Consultation strategy.
- Asylum/migration services.
- Parish Council liaison.

(This member will need to work closely with the Cabinet Member for Housing and Neighbourhoods on many of these issues, including close liaison on Area Assemblies and Community Safety.)

Responsible politically for performance outcomes in these service areas under the CAA framework and relevant inspections.

Delegation Arrangements for Members and Officers attendance at Seminars, Conferences and National and International Visits

1. That Cabinet Members authorise attendance for Members on Council business related to their portfolios at locations within the UK.
2. That Strategic Directors authorise attendance for Officers on Council business related to their Directorates at locations within the UK, but where the Strategic Director is to attend, the Chief Executive, Strategic Director of Finance or the Assistant Chief Executive (Legal and Democratic Services) authorises his or her attendance.
3. That the Leader, in consultation with the Chief Executive, authorises Members and officers' attendance on Council business at locations outside the UK.
4. That the Deputy Leader, in consultation with the Chief Executive, authorises the Leader's attendance on Council business at locations outside the UK.
5. That where both the Leader and the Chief Executive propose to attend on Council business at a location outside the UK, the Deputy Leader, in consultation with the Strategic Director of Finance or the Assistant Chief Executive (Legal and Democratic Services), authorises their attendance.
6. That a record of the decision and the reasons for the decision be kept for at least six years, beginning with the date on which the decision was made.
7. That the Democratic Services Manager keep a record of decisions made by Members or by Members and officers and Strategic Directors keep a record of decisions made in relation to their officers.
8. That representatives on outside bodies be authorised to attend relevant meetings, seminars, conferencing and training events and the relevant Cabinet Member be kept informed.

DELEGATIONS TO OFFICERS

General Principles

Where decisions are taken or powers exercised by the officers under delegated powers, the following principles shall apply:-

1. Whether specifically stated or not, delegated powers shall be exercised in accordance with the Council's Standing Orders and Financial Regulations and relevant Codes of Practice approved by the Council, and for the time being in force.
2. Where an officer is authorised to take decisions, the decision shall be taken in the name of, but not necessarily personally, by that officer. It shall be the responsibility of each officer to whom powers are delegated to identify and record the names of staff and the classes of decision they are authorised to take in his or her name. However, actions and decisions under that authority must be taken in the name of the officer to whom the power is delegated, and remain his or her responsibility.
3. Where delegated powers are to be exercised personally by the officer concerned, then in his or her absence the power shall be exercised by any other officer named in the delegation or failing that by the Strategic Director for the directorate concerned.

The Borough Emergency Co-ordinators

1. Power to sanction expenditure up to a maximum of £500,000 in order to facilitate the Council's response to an emergency incident in which the Emergency Plan is activated.

All Strategic Directors

1. Authorisation of virement of revenue budgets in accordance with Financial Regulations.
2. In accordance with Standing Orders and Financial Regulations, matters relating to the acceptance of tenders relating to contracts for works, goods and services in accordance with approved budgets or supplementary estimates, not otherwise delegated to Members or to the Service Director.
3. In the absence of a Service Director within the directorate, or if a Service Director has a conflict of interest in relation to any matter concerning him/her, any power delegated to him/her.
4. Authorisation of gifts legacies and hospitality offered to Service Directors within the directorate, in accordance with the Council's Code of Conduct.
5. Authorisation of requests from Service Directors to undertake additional outside employment in accordance with the Council's policies and procedures.
6. Aspects of the grievance procedure as permitted within Council Policy.
7. Powers in respect of staffing and establishment and departmental assets identical to those delegated to the Service Director appearing below in respect of staff reporting directly to the Strategic Director.

Under £500,000 – Approval of Select Lists of Tenderers.
8. Overall monitoring within the Directorate of:-

Service Plans
Complaints
Performance Indicators
Sickness Absence
Overtime
Incidents of Violence.
9. Compensation payments, in accordance with the Council's Customer Complaints Code of Practice for Officers.
10. To determine service provision and operational matters within the agreed revenue budget for the Directorates.

All Service Directors

1. In respect of financial matters

Authorisation to spend within approved budgets subject to the policies, Standing Orders and Financial Regulations of the Council.

Authorisation for the virement of revenue budgets in accordance with Financial Regulations.

2. In respect of Departmental Assets

The purchase of replacement vehicles, plant or equipment, including computer hardware and software for which financial provision has been made in accordance with the Financial Regulations and Standing Orders of the Council.

Declaring obsolete furniture and equipment, and other materials surplus to requirements provided that the estimated value of any one item or group of items shall not exceed £1000.

3. In respect of Procurement Contract Administration and Best Value

In accordance with Standing Orders and Financial Regulations, matters relating to the specification for works, goods and services, the seeking of estimates quotations and tenders, the evaluation of the same and acceptance of tenders relating to contracts for works, goods and services in accordance with approved budgets or supplementary estimates.

In respect of in-house service providers, the authorisation of individual variations.

4. Proper Officer

Appoint as Proper Officer in relation to items of business originating within the service for the purposes of the following provisions of the Local Government Act 1972:

Section 100 D(1)(a) - Compilation of lists of background papers

Section 100 D(5)(a) - Identification of background papers.

5. Issues delegated to Service Director/Strategic Directors

All the HR elements listed below, are delegated fully to Service Directors/Strategic Directors who have a responsibility to seek guidance from Directorate HR Managers in ensuring that any decisions are in line with national/local agreements, equal pay requirements, are consistent and accord with the philosophy of a single employer.

The list refers to delegations where the issues concerned are within Council policy. Where, on any of these items, a decision would not be within Council policy, a report will be prepared, in conjunction with Directorate HR Managers and the Assistant Chief Executive (Human Resources), for consideration by the SLT.

Establishment of posts/changes to establishment/restructuring/transfer of posts between sections and units.

Approval to fill vacant posts within approved establishment including posts externally funded. (Where Directors delegate this responsibility to senior managers in the Service a list of Authorised Officers for this purpose should be maintained by the Directorate HR Manager.)

Appointment to posts below Service Director, within approved establishment. (Where Directors delegate this responsibility to senior managers, a list of authorised officers should be maintained by the Directorate HR Manager.)

Use of the re-location scheme for new appointments. (The standard pro-forma should be used.)

Transfer of staff internally to equivalently graded posts.

Approval to recruit additional temporary staff for maternity leave cover.

Approval to recruit additional temporary staff to meet work demands/seasonal fluctuations. (All arrangements should be registered and recorded appropriately by the Service.)

Agree applications for Job Share and filling of resultant vacancies. (The standard pro- forma should be used by Services and retained as a record of an agreed job share arrangement.)

Agree Work Experience Placements for students NOT employed by the Council. (There is a standard form for this purpose which should be used by Services.)

Agree the transition of employees from probationary to permanent employment status.

Grading of new posts/changes to existing grades (to satisfy equal pay requirements job grades are submitted via the Directorate HR Manager for assessment by the Corporate Pay & Grading Panel). Also covered by this delegation will be other payments for non-regular working for all staff, including, for example, standby payments and in addition, the application of the Council's grading protection scheme.)

Agree appropriate starting salaries. (Directors have full delegated powers (Effective date 11.12.01) to determine the salary necessary to attract candidates (within the grade determined for the job). Directorate HR Managers should be consulted and consistent guidelines for the Directorate established and maintained.

Consider personal applications for re-grading (under the advisement of a member of the Corporate Pay & Grading Panel)

Approval of honoraria/ex-gratia payments in appropriate circumstances. (In accordance with Corporate guidelines to ensure consistency of approach and maintain equality.)

The conduct of the disciplinary procedure with power to initiate investigation and undertake disciplinary procedures up to and including dismissal. (Directors may delegate this responsibility to appropriate Officers, this should be done in consultation with the Directorate HR Manager to ensure a consistent approach.)

The conduct of the Grievance procedure with power to initiate Investigations and undertake first stage grievance hearings. (Directors may delegate this responsibility to appropriate Officers, this should be done in consultation with the Directorate HR Manager to ensure a consistent approach.)

Monitoring of sickness procedures.

Ill Health Terminations.

Approval of attendance on full time training courses, conferences etc. or to give lectures (not exceeding one week duration.)

Authorisation of gifts/legacies and hospitality offered to staff.

Authorisation of requests from staff to undertake additional employment. (The authority delegated to Service Directors allows them to authorise additional employment for staff above scp28.)

Authorisation of overtime payments to staff. (In accordance with corporate guidelines to ensure consistency and maintain equality.)

Granting of special leave without pay.

Granting of special leave with pay including TU time off.

Consider applications to extend the period of paid sickness absence. (This relates to the extension of the period of half pay. It is only at the point when employees are reaching the end of the period of half pay that such consideration can be given.)

Early release of pension benefits – Ill-health Retirement. (Subject to the appropriate medical approval and in consultation with the Strategic Director and the Cabinet Member with responsibility for employment issues.)

Payment of 'buy-out' compensation. (Any 'buy-out' arrangements will need to be consistently applied in line with the philosophy of a single employer.)

Issue of compulsory redundancy notices. (In consultation with Strategic HR.)

Approval of excess travel expenses (Where Council Policy is not appropriate. (Any arrangements should be consistently applied in line with the philosophy of a single employer.)

Requests for re-employment from persons having *previously taken early release from the Council's employment.*

6. Powers not delegated to Service Directors/Strategic Directors

Process of requests for Early Release from the Council's employment - This power is delegated only to the Assistant Chief Executive (Human Resources) with the Early Release panel making the decision.

7. Compensation payments not exceeding £500, in accordance with the Council's Customer Complaints Code of Practice for Officers.

DELEGATION OF FUNCTIONS BY DIRECTORATE

The Chief Executive

1. Power to authorise any act necessary to give effect of any decision to the Council, the Cabinet or any Board, Committee or Sub-Committee.
2. To take such action as he considers appropriate in an emergency in consultation with such Members and Officers as he considers circumstances will allow.
3. To deal with all press releases and media enquiries on behalf of the Council and to implement the Council's public relations strategy.
4. Authorisation of gifts, legacies and hospitality offered to Strategic Directors in accordance with the Council's Code of Conduct.
5. Power, in consultation with the Leader of the Council, to deal with Single Regeneration Project approvals, following Rotherham Partnership approvals, as appropriate.

Proper Officer Provisions

1. The Chief Executive be confirmed as the head of paid service in accordance with Section 4 of the Local Government Housing Act 1989.
2. That under the provisions of Sections 8 and 35 of the Representation of the People Act 1983 the Chief Executive be appointed as

Registration Officer for any constituency or part of a constituency in the District of Rotherham and

Returning Officer for the elections of Councillors of the District and for elections of Councillors of Parishes within the District.

3. That the Chief Executive be appointed the Proper Officer in relation to Section 83 of the Local Government Act 1972 (Declaration of Acceptance of Office) - Witness and Receipt of Declarations of Acceptance of Office.
4. That the Returning Officer be designated Proper Officer to receive notifications and to whom documents must be delivered for District Council elections.

The Assistant Chief Executive - Legal and Democratic Services

1. That the Assistant Chief Executive - Legal and Democratic Services be appointed the Monitoring Officer for the purposes under Section 5 of the Local Government Housing Act 1989.
2. Designation as Deputy Electoral Registration Officer to deputise for the Electoral Registration Officer under Section 52 of the Representation of the People Act 1983.
3. The granting of wayleaves and consents to public utility undertakings in consultation with the appropriate Director of Service.
4. Decision as to whether a Member has a right to see a report containing exempt information, as defined in the Local Government Act 1972, Schedule 12A, Part 1, paragraphs 1-5, 7, 7A, B or C, because he/she has a right to know information it contains. In the event of a disagreement, the matter be referred to the Cabinet for a decision.
5. In consultation with the Strategic Director of Finance, to authorise expenditure under the statutory costs head of account.
6. To institute and defend matters on behalf of the Council in respect of legal proceedings in any court or tribunal.
7. Authority to authorise the use of the Council's coat of arms by external bodies or organisations where appropriate.
8. The functions of the Council as Commons Registration Authority under the Commons Registration Act 1965 and the Commons Act 2006 to determine applications to register land as a town or Village Green or Common Land including the power to appoint an Independent Inspector and to convene a Public Inquiry into the application.
9. Authorising changes to polling stations, in consultation with Ward Members.

Proper Officer

1. The Assistant Chief Executive - Legal and Democratic Services be appointed Proper Officer in relation to:

Any reference in any enactment passed before or during the 1971/72 session of Parliament other than the Local Government Act 1972 or in any Instrument made before 26th October, 1972 to the Clerk of a Council or the Town Clerk of a Borough which by virtue of any provision of the said Act is to be construed as a reference to the Proper Officer of the Council.

Any reference in any local statutory provision to the Clerk of a specified Council or the Town Clerk of a specified Borough in respect of powers which pass to the Rotherham District Council.

The following provisions in the Local Government Act 1972 namely:

Section 84 (Resignation) Receipt of declaration of resignation of office.

Section 13 (Constitution of Parish meeting etc.) – Parish Trustee

Section 88 (Filling of Casual Vacancy in case of Chairman etc.) – Convening of Meeting of Council to fill the Casual Vacancy in the office of Chairman

Section 89 (Filling of Casual Vacancy in case of Councillors) – Receipt of notice of casual vacancy from two local government electors.

Section 210 (Charities) – Charity functions of holders of offices with existing authorities transferred to holders of equivalent office with new authorities or, if there is no such office, to proper officers.

Section 225 (Deposit of documents with proper Officer of authority etc.) – Deposit of Documents.

Section 229 (Photographic copies of documents) – Certification of photographic copies of documents.

Section 234 (Authentication of documents)

Section 236 (Procedure etc. for Byelaws) – To send copies of byelaws for Parish records.

Section 238 (Evidence of Byelaws) - Certification of Byelaws.

Schedule 12 (Meetings and Proceedings of Local Authorities) Paragraph 4(2)(b) – Signature of summonses to Council Meetings – Receipt of notices regarding address to which summons to meetings is to be sent.

Schedule 14 (Public Health Acts 1875 to 1925) – Certification of resolutions under Paragraph 25 of Schedule 14.

Proper officer for the purposes of Article 9 of the Local Authorities etc. (Miscellaneous Provisions) Order 1974 to enable the production in Court of certified copies of Byelaws made by a predecessor authority as evidence of the Byelaws

Proper officer to whom a request should be delivered for a casual vacancy in the office of parish councillor to be filled by election.

In the absence of the Chief Executive, proper officer in relation to Section 83 of the Local Government Act 1972 (Declaration of acceptance of office), that is to say the witnessing and receipt of declarations of acceptance of office.

Proper officer in relation to Section 19 of the Local Government and Housing Act 1989 (general notices of members' interests).

In relation to Section 81 of the Local Government Act 2000 (Disclosure and Registration of Members' Interests etc.) for receipt of notices from members and co-opted members of their financial and other interests and to maintain the register of such interests required under Section 81(1).

2. The Team Manager (Non-Contentious), or in his absence the Team Manager (Contentious), be appointed to act in the event of the Assistant Chief Executive - Legal and Democratic Services being absent or otherwise unable to act as Proper Officer in relation to all the above-mentioned matters other than those relating to elections.
3. That Lorraine Cuthbert-Hoyle, Senior Legal Officer, and Dawn Armstrong, Legal Clerk in the Contentious team of the Legal Services Division be authorised, under the provisions of Section 223(1) of the Local Government Act 1972, to prosecute, defend and appear on the Council's behalf in proceedings before the Magistrates' Court and to conduct any such proceedings.
4. That Mr. Stephen Bryan Clarke and Ms. Sumera Shabir be authorised to prosecute or defend on behalf of the Council, or to represent the Council, in proceedings before a Court or Tribunal, pursuant to Part II of the Courts and Legal Services Act, 1990:-
 - (a) Section 27(b) in respect of:-
 - Section 223 of the Local Government Act 1972, in relation to the Magistrates' Court.
 - Section 60 of the County Courts Act 1984, in relation to local authority housing matters.
 - (b) Section 27(d), in relation to matters where the Council was to be represented as a party to proceedings.
 - (c) Section 27(e) and the Lay Representatives (Rights of Audience) Order 1999, in relation to civil matters heard in chambers or dealt with as a small claim in accordance with rules of court.
5. That the Proper Officer (Legal) have delegated powers to authorise all legal documentation relating to "Building Schools for the Future".

The Democratic Services Manager

1. In consultation with the Leader and Deputy Leader be responsible for the provision of accommodation and hospitality for all special events.
2. In consultation with the Leader, be authorised to determine overnight use of ET1.

Proper Officer

1. The Democratic Services Manager be responsible for the following provisions of the Local Government Act 1972:

Section 100b(2)	- circulation of reports and agendas,
Section 100b(7)c	- supply of papers to the press,
Section 100c(2)	- summaries of minutes,
Section 100f(2)	- papers not available to Members,
Section 248	- keeping the roll of freemen

The Strategic Director of Finance

1. In accordance with the provisions of Section 151 of the Local Government Act 1972 (Financial Administration) to be responsible for the administration of the financial affairs of the Council.

Duties extended by S114 of the 1988 Local Government Finance Act and The Accounts and Audit Regulations 2003.

2. In accordance with Section 115 of the Local Government Act 1972 (Accountability of Officers) to be responsible for the receipt of money due from Officers.
3. In accordance with Section 146 of the Local Government Act 1972 (Transfer of Securities on Alteration of Area etc.) to be responsible for the declarations and certificates with regard to securities.
4. As Proper Officer of the Council for the purpose of Section 228(3) of the Local Government Act 1972 (Accounts of "any Proper Officer" to be open to inspection by any member of the Authority).
5. As Proper Officer of the Council in relation to any reference in any enactment passed before or during the 1971/72 Session of Parliament other than the Local Government Act 1972, or in any instrument made before 26th October 1972 to the Treasurer of a Council or a Borough which, by virtue of any provision of the said Act, is to be construed as a reference to the Proper Officer of the Council.
6. As the Officer responsible on behalf of the Authority for maintaining an adequate and effective system of Internal Audit as required by the Accounts and Audit Regulations 2006.
7. The power to declare a rate of interest applicable to the advances and transfers mentioned in sub-section 1(a) and (c) of Section 110 of the Housing Act 1980 and a rate of interest applicable to the sums left outstanding as mentioned in sub-section 1(b) of the said Section 110, the power to vary the rate of interest and the periodic payments referred to in sub-section 3 of the said Section 110 the power to serve notices relating to the variations and to take all necessary action to implement changes in the rates of interest.

Cheques

1. To sign cheques and to approve the list of Officers and signatories for the transfer of funds and other transactions on the online banking system.
2. To make arrangements for the encashment of open cheques in agreement with the Council's bankers.

Bank Overdraft Facilities

1. To borrow on overdraft from the Authority's approved bankers such sums as may be from time to time required (but so that the amount outstanding at any one time shall not exceed £2 million).

Leasing

1. To negotiate leasing finance, as required, through brokers or other financial institutions.

Mortgage Interest Relief at Source

1. To act as approved signatory for repayment claims under the Finance Act 1982:-

Director of Central Finance
Director of Service Finance

National Non-Domestic Rates

1. To determine applications for mandatory relief from National Non-Domestic Rate in accordance with Section 43(5) of the Local Government Finance Act 1988.

Minute C469 - National Non-Domestic Rates - Discretionary Powers

1. To request certificates under Section 44A of the Local Government Finance Act 1988 in respect of allowances granted for temporary periods when business premises are only partly occupied.

Banking Arrangements

1. Subject to the prevailing procurement arrangements for the Authority, to negotiate or put out to tender Banking Arrangements including service developments and the authority to appoint Consultants to assist in the process.

Insurance Arrangements

1. Subject to the prevailing procurement arrangements for the Authority, to negotiate or put out to tender the Council's insurance arrangements including service developments and the authority to appoint Consultants to assist in the process.
2. To operate the Council's Insurance arrangements.

Virements

1. To approve Virements after consultation with the Strategic Leadership Team for amounts above those delegated to the Strategic Director.

Write-Offs

1. To approve, where appropriate, the writing-off of Sundry Debtor, Community Charge, Non-Domestic Rates, Council Tax and Former Tenants Arrears to a maximum of £25,000 and amounts above that level after consultation with the Strategic Leadership Team and Cabinet Member for Resources.
2. To approve, where appropriate the writing-off of irrecoverable payments of salaries and wages up to a value of £5,000 and above that amount after consultation with the Strategic Leadership Team.

Internal Funds

1. To approve, after consultation with the Strategic Leadership Team, advances from internal funds which have been created to provide advances to Directorates.
2. To authorise requests from the Strategic Director of Environment and Development Services, to replace damaged vehicles having made the necessary financial arrangements for their replacement.

Budgets

1. To deal with in year budget issues of less than £100,000, including the identification and allocation of budgets for previously unbudgeted expenditure but excluding the option of using Council balances, after consideration by the Strategic Leadership Team.

Council Tax and Housing Benefit Fraud - Prosecution

1. To instigate legal proceedings, against false claimants for Council Tax and Housing Benefit (Minute B107 - September 2002).

Visa/Credit Cards

1. To make arrangements for the use of Visa and credit/debit cards in relation to all transactions including foreign travel.

Inflationary Increases

1. To implement the annual increases in Long Service Awards and Non-Contributory Pension Scheme (Rotherham County Borough) in accordance with the approved inflationary procedure.

General

1. The Director of Internal Audit and Governance, the Director of Central Finance and the Director of Service Finance are hereby appointed to act in the event of the Strategic Director of Finance being absent or unable to act as the Proper Officer in respect of all the above delegated powers.

The Prudential Code – Prudential Factors (Minute No. 253 of 25/2/04)

1. Authority is delegated to the Strategic Director of Finance, within the total limit for any individual year, to effect movement between the separately agreed limits for borrowing and other long term liabilities, in accordance with option appraisal and best value for money for the authority. Any such changes will be reported to the Council at its next meeting following the change.
2. That with regard to the Operational Boundary for External Debt (Section 5), authority is delegated to the Strategic Director of Finance, within the total Operational Boundary for any individual year, to effect movement between the separately agreed figures for borrowing and other long term liabilities, in a similar fashion to the authorised limit. Any such changes will be reported to the Council at its next meeting following the change.

That the undermentioned officers be authorised:-

1. Under the provisions of Sections 101 and 223 of the Local Government Act 1972 to institute, carry on, prosecute and defend proceedings in relation to the recovery of Council Tax, Community Charge, National Non-Domestic Rates and General Rates which the Council, as Billing, Charging, Collecting and formerly Rating Authority, is itself authorised to institute, carry on, prosecute and defend.
2. To act on behalf of the Billing, Charging and Collecting Authority in the execution of all or any Warrants which may from time to time be granted under the Local Government Finance Act 1988 (as amended) and the Local Government Finance Act 1992.
3. To act on behalf of the Billing, Charging and Collecting Authority in proceedings undertaken at the Valuation Tribunal in respect of Council Tax, Community Charge and National Non-Domestic Rate Appeals:-

Mr. Robert Cutts
Mrs. Melanie Kennedy
Mr. Dave Morley
Mrs. Sally Olivia
Miss Suzanne Styring
Mrs. Diane Woolley

Mrs. Rachel Humphries
Mr. Robert McCormack
Mr. Alan Norcliffe
Mr. Peter Stringer
Mrs. Christy Knight
Mrs. Julie Chapman

RBT

The Service Leader, Public Access

The Service Leader Revenues Connect and Development Services be appointed proper officer under paragraph 41 of schedule 29 to the Local Government Act 1972, in exercise of functions under sections 9 (1) and (2), 13 (2) (h) and 13 (3) (b) and 20 (b) of the Registration Service Act 1953.

Environment and Development Services

The Strategic Director of Environment and Development Services

1. To determine operational matters relating to Health and Safety.
2. To determine operational matters relating to Emergency Planning.
3. Implementation of capital projects within approved budgets.
4. Following annual budget and scheme allocation by the Cabinet Member – development and implementation of the Rotherham Economic Regeneration Fund (RERF) and other funding regimes and the approval of detailed spending on individual projects.
5. The functions of the Council as Commons Registration Authority under the Commons Registration Act 1965 and Commons Act 2006 (with the exception of the determination of applications to register land as a Town or Village Green or Common Land including the power to appoint an Independent Inspector and to convene a Public Inquiry into the application.)

The Director of Planning and Regeneration

The Director of Planning and Regeneration delegated powers are as follows:

A. Development Control

General

Approve applications within Sections 1 – 6A except where objections (other than anonymous objections) have been received, (see section 9.1 below).

Refuse applications within Sections 1 – 6A even where objections have been received, other than where application is retrospective (see section 9.2 below).

In consultation with the Chairman and Vice Chairman of the Planning Board, approve/refuse any application submitted by a Councillor or Officer of the Council, or by a relative thereof (see Section 9.3 below).

The approval/refusal of applications under Section 6 (B), irrespective of the number of letters of objection.

Refuse an application where the plans are inadequate or supporting information is insufficient and this is the primary reason for refusal.

Under Article 25 of the General Development Procedure Order 1995, to 'finally dispose of' applications in accordance with the terms of the Order.

1. Applications for householder development:

- 1.1 Alterations or extension to dwelling houses.
- 1.2 Erection of buildings within the curtilage of residential properties, to include garages etc.
- 1.3 Erection of a fence, wall, gate, or other means of enclosure.
- 1.4 Formation of a vehicular access onto a classified road.
- 1.5 A minor householder development not falling within the above criteria.

2. Applications for residential development:

- 2.1 Conversion of a building to a dwelling house.
- 2.2 Conversion of a building to up to 9 flats.
- 2.3 The erection or conversion of up to 14 dwelling houses on land for which planning permission has been granted within the past 3 years.
- 2.4 The approval of reserved matters (up to 14 units) in respect of dwelling houses or of flats.

- 2.5 Erection of up to 9 dwellings or 9 flats within an area allocated for residential development in the Unitary Development Plan (including Mixed Use allocations that include C3 residential in the 'mix').
- 2.6 Outline applications where the accompanying Design and Access Statement indicates an upper limit of 9 dwellings within an area allocated for residential development in the Unitary Development Plan (including Mixed Use allocations that include C3 residential in the 'mix').
3. Applications for commercial, industrial, retail, leisure or recreation development:
 - 3.1 A modification or construction of a new shop front, including installation of security shutters.
 - 3.2 A minor change of use or other minor development.
 - 3.3 The display of an advertisement (Section 220 of the Town and Country Planning Act).
 - 3.4 Outline applications where the accompanying Design and Access Statement indicates an upper overall floorspace limit of 2,000 square metres, or changes of use of land with a site area up to 2 hectares, both where the site is allocated as such in the Unitary Development Plan (including Mixed Use allocations that includes the relevant use within the 'mix').
 - 3.5 The change of use of buildings or erection of new buildings and reserved matters relating to such development or related mixed use schemes, all where the total floor area proposed is under 2,000 square metres, on land either currently used for that purpose, or allocated as such within the Unitary Development Plan (including Mixed Use allocations that includes the relevant use within the 'mix').
 - 3.6 The alteration or extension (up to 2,000 square metres) of premises within an area allocated for such use in the Unitary Development Plan (including Mixed Use allocations that includes the relevant use within the 'mix') or in an existing area or complex containing such uses.
 - 3.7 The erection of overhead electricity lines up to 66KV, and installation of statutory undertakers equipment, which is not classed as permitted development.
 - 3.8 Any other minor development not referred to above.
4. Applications submitted by the Council
 - 4.1 Applications submitted by the Council, either solely or in conjunction with a partnership body, for small scale development, such as small new buildings/extensions to Council buildings (up to a floor area limit of 300 square metres), formation of related parking areas, temporary buildings, fencing, etc.

5. Applications for Minerals and Waste:

- 5.1 Except where reserved to the Planning Board, the determination or amendment of reserved matters, in an application for planning permission, relating to schemes of working, restoration and aftercare.
- 5.2 The siting of plant, machinery, buildings, structures or erections, proposed by a minerals undertaker under Part 19 of Class B of the Town and Country Planning (General Permitted Development) Order 1995.
- 5.3 The siting of plant, machinery, buildings, structures or erections, proposed by the Coal Authority or a licensed operator on an authorised site under Part 20 of Class C of the Town and Country Planning (General Permitted Development) Order 1995.

6. Other application types:

(A)

- 6.1 Applications for Conservation Area Consent, relating to development falling within the scheme of delegation.
- 6.2 Applications for Listed Building Consent for Grade 2 Listed Buildings for development falling within the scheme of delegation.
- 6.3 Variation or discharge of conditions (Section 73 and Section 73A of the Town and Country Planning act 1990) on previous approvals not determined by the Planning Board.
- 6.4 Applications to prune and fell trees covered by Tree Preservation Orders.
- 6.5 Applications for prior approval (as set out in the Town and Country Planning (General Permitted Development) Order 1995) including those relating to agricultural development, demolition, and telecommunications apparatus.
- 6.6 Applications for Hazardous Substance Consent, unless objection has been received from the Health and Safety Executive or Environment Agency and it is proposed to grant consent.
- 6.7 Applications for non-material amendments

(B)

- 6.8 Power to determine certificates of lawfulness of existing and proposed use/operations in respect of Sections 191 and 192 of the Town and Country Planning Act 1990.
- 6.9 Applications to prune and fell trees subject to 6 weeks notice within a Conservation Area
- 6.10 Applications for works to, and the removal of historic hedgerows

7. Miscellaneous

- 7.1 The determination of the need for an Environmental Impact Assessment and screening and scoping, in accordance with the Town and Country Planning (Environmental Impact Assessment) (England and Wales) Regulations 1999 (as amended).
- 7.2 The carrying out of statutory publicity and consultation.
- 7.3 The determination of whether an application constitutes a departure from the Development Plan.
- 7.4 The undertaking of negotiations to conclude an agreement under Section 106 or S106A of the Town and Country Planning Act 1990.
- 7.5 The making of Tree Preservation Orders under S198 of the Town and Country Planning Act 1990.
- 7.6 The confirmation of Tree Preservation Orders where no objections have been received.
- 7.7 Power to decline to determine applications for planning permission, under Section 70A and 70B or to decline to accept an application under Section 73 of the Town and Country Planning Act 1990.
- 7.8 The approval and discharge of details required by a planning condition, unless minuted by Planning Board that they wish to agree the details.
- 7.9 The taking of all necessary steps in relation to appeal proceedings, to include steps to settle the same.
- 7.10 Responses to consultations from other Local Planning Authorities on planning applications covered under this Scheme of Delegation.
- 7.11 The determination as to whether a planning application submitted constitutes permitted development.

8. Planning Enforcement (see also Section 9)

- 8.1 Power to authorise entry onto land (under Section 196A and S214B of the Town and Country Planning Act 1990).
- 8.2 Power to seek a warrant for entry into buildings in the magistrates court (Section 196B and S214C) of the Town and Country Planning Act).
- 8.3 Power to issue a requisition for information (Section 330 of the Town and Country Planning Act 1990).
- 8.4 Power to issue a planning contravention notice (Section 171C of the Town and Country Planning Act).
- 8.5 Power to issue a breach of condition notice (Section 187A of the Town and Country Planning Act).

- 8.6 Power to issue a tree replacement notice (Section 207 and 209 of the Town and Country Planning Act 1990).
 - 8.7 Power to issue a hedgerow retention notice and a hedgerow replacement notice under the requirements of the Hedgerow Regulations 1997.
 - 8.8 Where there is a breach of planning control, the determination as to whether it is expedient to take action.
 - 8.9 Power to authorise compliance with Criminal Procedure and Investigations Act 1996 when pursuing prosecutions.
 - 8.10 Power to issue a Discontinuance Notice pursuant to Regulation 8 of the Town and Country Planning (Control of Advertisements) (England) Regulations 2007.
 - 8.11 Power to issue notice requiring land/buildings to be maintained (S215 of the Town and Country Planning Act).
 - 8.12 Power to authorise surveillance under the Regulation of Investigatory Powers Act 2000 (this power only exercised by the Director of Planning or the Planning Manager).
 - 8.13 Power to issue a Completion Notice under S94 of the Town and Country Planning Act 1990.
9. In consultation with the Chair and Vice Chair
- 9.1 The approval of an application under sections 1 - 7(A) of the Scheme of Delegation where no more than 5 objections have been received (separate objections from separate addresses – separate names on petitions are only counted if they are provided with an address).
 - 9.2 The refusal of a retrospective application, irrespective of whether objections have been received, to allow possible enforcement action to be considered, other than proposals falling within Schedule 1 of the Environmental Impact Assessment Regulations.
 - 9.3 Where the proposal would otherwise fall within the Scheme of Delegation, the approval or refusal of an application submitted by a Councillor or Officer of the Council or by any relative thereof.
 - 9.4 The issue of a planning Enforcement Notice, Listed Building Enforcement Notice, Temporary Stop Notice or Stop Notice.
 - 9.5 The pursuance or not of a prosecution in respect of:
 - Failure to return a requisition for information (S330 Notice) or planning contravention notice.
 - Failure to comply with a planning/listed building enforcement notice/ temporary stop notice/ stop notice or breach of condition notice.
 - The unauthorised display of advertisements.
 - Unauthorised works to listed buildings.

- Unauthorised works to a protected tree/tree within a Conservation Area.
 - Failure to comply with requirements of a S215 Notice.
 - Any other offence under the Town and Country Planning Act 1990, the Planning (Listed Buildings and Conservation Areas) Act 1990 and the Planning (Hazardous Substances) Act 1990.
- 9.6 The authorisation of default works under relevant Sections of the Town and Country Planning Act.
- 9.7 To agree Section 106 Agreements of a minor nature (such as relinquishing an extant permission) and agree applications for amendments of a minor nature to completed S106 Agreements or amendments of a minor nature to the Heads of Terms of S106 Agreements endorsed by Board but not as yet signed.

(Note: Where agreement cannot be reached between Officers and Chairman and Vice Chairman under Section 9 the matter shall be referred to the Planning Board.)

B Building Control

1. Power to pass or reject plans for a proposed work – Section 16 of the Building Act 1984 and Building Regulations made under the 1984 Act.
2. Power to prosecute an offender for contravention of building regulations – Section 35 of the Building Act 1984 – Subject to consultation with Cabinet Member prior to commencement of proceedings.
3. Power to serve a Section 36 notice requiring removal or alteration of any work that contravenes building regulations – Section 36 of the Building Act 1984 - Subject to consultation with Cabinet Member prior to service of notice.
4. Power to serve a notice and commence proceedings in respect of retaining walls – Section 34 of the South Yorkshire Act 1980 - Subject to consultation with Cabinet Member prior to service of notice and commencement of proceedings.
5. The discharge of any executive function in respect of disabled access and associated matters in relation to applications for building regulations consent – the implementation of any determination of the Cabinet Member and the discharge of any function of a regulatory nature.
6. Any action in respect of dangerous buildings or structures under the South Yorkshire Act 1980, the Building Act 1984 or the Highways Act 1980 - the consideration and determination of any matter of a regulatory nature in connection with the discharge of the particular function under the South Yorkshire Act 1980 or the Building Act 1984.

C Transportation

1. In accordance with the South Yorkshire Local Transport Plan, and other policy documents, the discharge of any executive function in connection with transport policies and programmes - the implementation of any determination of the Cabinet Member and the discharge of any function of a regulatory nature.
2. The implementation of traffic management, traffic calming and area safety schemes. The implementation of any determination of the Cabinet Member and the discharge of any function of a regulatory nature and duties in relation to the Traffic Management Act 2004.

3. The discharge of any executive function in respect of the packaging of bids for regeneration and transport monies – the implementation of any determination of the Cabinet Member and the discharge of any function of a regulatory nature.
4. In accordance with the South Yorkshire Bus Investment Stakeholder Board discharge of any executive function in respect of highway schemes and quality bus corridors. The implementation of any determination of the Cabinet Member and the discharge of any function of a regulatory nature.
5. General
 - 5.1 The discharge of any executive function in connection with regional planning transportation - the implementation of any determination of the Cabinet Member and the discharge of any function of a regulatory nature.
 - 5.2 The discharge and implementation of any decision in respect of the packaging of bids for transport monies.
 - 5.3 The discharge of any executive function in respect of the consideration and determination of any development control policy or strategic guidance not related to individual applications - the implementation of any determination of the Cabinet Member and the discharge of any function of a regulatory nature.
 - 5.4 The discharge of any executive function in connection with urban design schemes – the implementation of any determination of the Cabinet Member and the discharge of any function of a regulatory nature.
 - 5.5 The discharge (in consultation where appropriate with countryside and conservation bodies and the Cabinet Member) of any function in connection with countryside planning matters, including functions in respect of:- - the South Yorkshire Community Forest; the Trans-Pennine Trail; the Chesterfield Canal, and like schemes the preparation of specific schemes and applications for grants in connection with such schemes – Regarding (ii) the implementation of any determination of the Cabinet Member and the discharge of any function of a regulatory nature.
 - 5.6 Power to name and alter the names of streets – Sections 17 & 18 of the Public Health Act.
 - 5.7 Power to number and renumber streets – Section 15 of the South Yorkshire Act 1980.
 - 5.8 The discharge of any executive function in respect of guidance on residential and industrial estate layouts - the implementation of any determination of the Cabinet member and the discharge of any function of a regulatory nature.
 - 5.9 Any action in respect of the making of a Compulsory Purchase Order – Following any determination by the Cabinet Member and the discharge of any function of a regulatory nature.

- 5.10 Liaising with the Local Government Yorkshire & Humber, Government Office the Regional Development Agency, the South Yorkshire Passenger Transport Authority and the public transport operators serving South Yorkshire.
- 5.11 Contracts Below £20,000 – External Public and Private Sector Work – Authority to bid to provide services and enter into contracts – in accordance with Financial Regulations.
- 5.12 Contracts Above £20,000 – External Public and Private Sector Work – Authority to bid to provide services and enter into contracts – in accordance with Financial Regulations.
- 5.13 In consultation with the Cabinet Member to select an appropriate consultant from the select list (compiled from a list provided by Yorkshire Forward), as and when necessary, in order to provide a timely and effective planning and transportation service.

D Regeneration

- 1. Following annual budget and scheme level approval, development and implementation of Rotherham Economic Regeneration Fund (RERF), YF's Single Pot/Geographic Programme, and other funding regimes and the approval of detailed spending on individual projects.
- 2. Lettings of Managed Business Units in accordance with an agreed schedule of rents.
- 3. The delegation of the above matters will not apply where any applicant is, or has a business relationship with an elected member/senior officer of the Council
- 4. The implementation of submissions for grant aid, special financial packages for inward investment and submissions to awarding bodies in respect of capital schemes, including capital schemes for highways - the implementation of any determination of the Cabinet Member and the discharge of any function of a regulatory nature.
- 5. The implementation of any determination of the Cabinet Member and the discharge of any function of a regulatory nature.
- 6. The implementation of any decision in connection with the Rotherham Local Strategic Partnership, and functions associated with any grant regime, including European Regional Development Fund (ERDF) and Yorkshire Forward - the implementation of any determination of the Cabinet Member and the discharge of any function of a regulatory nature.
- 7. In conjunction with the Regional Development Agency, Government Departments or other bodies, the implementation of any decision in respect of the promotion of Economic Development and Regeneration - the implementation of any determination of the Cabinet Member and the discharge of any function of a regulatory nature.
- 8. Regional economic development guidance, including responding to and liaising with other interested parties and representing the Council at meetings at which such guidance is considered.

Car Boot Sales

Administration and licensing of Car Boot Sales for Charitable purposes

Shops/Offices

New leases/assignments/surrender/renewal of leases/rent reviews.

Variation to user clauses, consents.

16. Fairs - Approval to hold a fair on Council Land – on consultation with the Director of Culture and Leisure Services Approval of rent consequent on above Bylaws
17. Contracts below £20,000 – External Public and Private Sector Work – authority to bid to provide services and enter into contracts in consultation with the Strategic Director, Environment and Development Services – in accordance with Financial Regulations.
18. That the Director of Planning and Regeneration Office be delegated powers to agree terms and conditions of any acquisition or disposal of land or buildings in furtherance of the regeneration objectives of that service subject to the confirmation of the Director of Asset Management Services, of those terms.

The Director of Streetpride

1. Any executive function not otherwise reserved to the full Council, the Cabinet, a committee of the Cabinet, a member of the Cabinet, a joint committee discharging executive functions or another local authority.
2. In accordance with the Barnsley, Doncaster and Rotherham Waste Partnership the discharge of any executive function, the implementation of any determination of the Cabinet Member and the discharge of any function of a regulatory nature.
3. Any non-executive functions not otherwise reserved to the Licensing Board, or any other person or body discharging non-executive functions in accordance with executive arrangements made by the Council, in respect of the following:-

Building Act 1984
Clean Neighbourhoods and Environment Act 1995
Companies Act 1985
Control of Pollution Act 1974
Countryside Act 1968
Countryside and Rights of Way Act 2000
Cycle Tracks Act 1984
Dogs (Fouling Of Land) Act 1996
Environment Act 1995
Environmental Protection Act 1990
Factories Act 1961
Health and Safety at Work etc Act 1974
Highways Act 1980
Local Government Act 1972
Local Government Act 1894
Local Government (Miscellaneous Provisions) Acts 1976 and 1982
National Parks and Access to the Countryside Act 1949
New Roads and Street Works Act 1991
Public Health Acts 1936 and 1961
Refuse Disposal (Amenity) Act 1978
Rights of Way Act 1990
Road Traffic Acts 1988 and 1991
Road Traffic (Consequential Provisions) Act 1988
Road Traffic Regulations Act 1984
Solicitors Act 1974
South Yorkshire Act 1980
Supply of Goods and Services Act 1982
Traffic Management Act 2004
Transport Act 1985
Video Recordings Acts 1984 and 1993
Waste and Emissions Trading Act 2003
Water Act 1945
Wildlife and Countryside Act 1981

4. To undertake all duties on behalf of the Council and to authorise prosecution proceedings for failure to comply with the following Acts:-

Building Act 1984 Section 59 – Power to require owner or occupier of buildings to make satisfactory provision for drainage/to repair drainage which is prejudicial to health

Clean Neighbourhoods and Environment Act 2005 Sections 2, 3, 4, 6, 7, 10, 11, 12 and 99

Contravention of Traffic Regulation Orders and Off Street Parking Places Orders

Environmental Protection Act 1990 Section 80 – Power to serve an abatement notice where a statutory nuisance exists; Section 89(1) – Power to keep the land clear of litter and refuse

Heavy Goods Vehicle Operators Licences – Powers to lodge objections and make representations to the Traffic Commissioners

Highways Act 1980

Land Drainage Act 1991

Local Government (Miscellaneous Provisions) Act 1976 Section 35 – Power to require obstructions to be removed from a private sewer

Mines and Quarries (Tips) Act 1969 Sections 12, 141(1), 17(3) and 18(1)

New Roads and Street Work Act 1991

Prevention of Damage by Pests Act 1949 Section 4 – Power to require work to keep property free from rats

Public Health Act 1936 Sections 262, 263 and 264

Public Health Act 1961 Section 17 – Power to serve notice on persons requiring sewers etc. to be repaired or to release a stoppage

Refuse Disposal (Amenity) Act 1978 as amended by the Clean Neighbourhoods and Environment Act 2005 – Dealing with abandoned vehicles

Traffic Management Act 2004 and Road Traffic Regulations Act 1984 – Director of Streetpride be appointed as an Authorising Officer to authorise cases for prosecution and authorise Civil Enforcement Officers to operate in accordance with the Act.

Water Industry Act 1991

5. That the Council's powers relating to the above acts and any orders, regulations, statutory instruments, statutory Codes of Practice and/or Bylaws made thereunder and any future modifications, enlargements or amendments thereof be delegated to the Director of Streetpride.

The powers conferred include:-

Instigation of Legal Proceedings
Service of Statutory Notices

Granting and Refusal of Licences
Authorisation to Carry Out Work in Default

6. Power to apply to the Secretary of State for an order stopping up or diverting any highway under the Town and Country Planning Act 1990:-

Section 247 Highways affected by development.

Section 248 Highways crossing or entering route of proposed new highway.

Section 249 Order extinguishing right to use vehicles on highway.

7. Powers to make order under the Town and Country Planning Act 1990:-

Section 257 Footpaths and bridleways affected by developments: Stopping up or diversion.

Section 258 Extinguishment of public rights of way over land held for planning purposes.

Section 261(2) Temporary stopping up of highways for mineral workings.

Section 278 Contributions towards Highway Works by persons deriving special benefit from them.

8. In respect of Controlled Waste:-

Issue "Duty of Care" Controlled Waste Transfer Notes for the transfer of commercial waste and commercial clinical waste from the holder of the waste to the person/organisation collecting the waste.

Issue "Duty of Care" controlled Waste Transfer Notes for the transfer of controlled waste from the holder of the waste to the person/organisation processing/disposing of the waste.

9. In respect of Commercial Waste:-

Enter into an agreement on behalf of the Council to collect commercial and commercial clinical waste from the holder of the waste, for which a reasonable charge may be made.

10. Authority to negotiate and enter into agreements for rights to utilise highway structures for the purposes of carrying statutory undertaker's apparatus and similar facilities.

11. In respect of Contracts:-

Below £100,000 – subject to compliance with the Council's Standing Orders and Financial Regulations, authority to open and accept tenders,

Below £20,000 – Private Sector Work – Authority to bid to provide services and enter into contracts.

Below £50,000 – External Public Work – Authority to bid to provide services and enter into contracts.

12. The implementation of submissions for grant aid, special financial packages for inward investment and submissions to awarding bodies in respect of capital schemes, including capital schemes for highways and in respect of woodland management.
13. In accordance with the South Yorkshire Transport Plan, and other policy documents, the discharge of any executive function in connection with transport policies and programmes – Regarding (ii), the implementation of any determination of the Cabinet Member and the discharge of any function of a regulatory nature.
14. The implementation of the packaging of bids for regeneration and transport monies – Regarding (ii), the implementation of any determination of the Cabinet Member and the discharge of any function of a regulatory nature.
15. The implementation of traffic management, traffic calming and area safety schemes – Regarding (ii), the implementation of any determination of the Cabinet Member and the discharge of any function of a regulatory nature.
16. In accordance with the South Yorkshire Strategic Quality Partnership the discharge of any executive function in respect of highway schemes and quality bus corridors – Regarding (ii), the implementation of any determination of the Cabinet Member and the discharge of any function of a regulatory nature.
17. Power to make representations to and lodge objections with the Traffic Commissioners in relation to an application for the renewal of a bus operator's licence – Director of Streetpride and Director of Asset Management to consult Cabinet Member and Director of Planning and Regeneration prior to making representations or lodging objections.
18. The implementation of the removal of graffiti from private property – section 92 of the National Parks and Access to the countryside Act 1949 – Director of Streetpride and the Director of Asset Management to exercise function in conjunction with the Director of Planning and Regeneration Service.

The Director of Asset Management Service

1. Determine the operational matters and priorities and resources allocation relating to Health and Safety according to the adopted Health and Safety policy.
2. Determine the operational matters and priorities and resources allocation relating to Emergency Planning.
3. Capital Strategy and Asset Management

To be lead operational officer, in the absence of the Strategic Director, in providing advice on real estate related matters.

To chair the Capital Strategy and Asset Review (Corporate) Team and make recommendations to the Cabinet on the future use of all or any land and property assets (real estate) in the possession of the Council and conduct Council wide reviews as required to enable recommendations to be made.

The implementation of any matter not otherwise specified in this Table that concerns the Environment and Development Services Directorate Area and that has been allocated to the particular member of the executive.

4. Implementation of the capital projects within approved budgets in accordance with the Council's Capital Project Procedures.
5. Land and Property

That the Director of Asset Management Service has delegated powers to agree terms and conditions of any disposal or acquisition of land and buildings, and

Authority to approve the terms of rent reviews, assignments, lease renewals, ~~tenancies~~ licences, tenancies and consents ~~and~~

Authority to approve new leases and

Authority to refuse consent to assign leases, sub-lettings, ground landlord approval, user clauses, release of restrictive covenants, easements and wayleaves.

Authority to assign leases, approve sub-lettings, change user clauses and grant landlords approvals.

Education Service Tenancies:- authority to authorise possession proceedings against caretakers in education service tenancies.

(The delegation on the above matters will not apply where any applicant is, or has a business relationship with an elected member/senior officer of the Council)

6. Contracts

Above £20,000 – External Public and Private Sector Work – authority to bid to provide services and enter into contracts – in accordance with Financial Regulations.

Below £20,000 – External Public and Private Sector Work – Authority to bid to provide services and enter into contracts in consultation with the Strategic Director of Environment and Development Services – in accordance with Financial Regulations.

7. Approval of Hire and other Charges

Release of Restrictive Covenants, ground landlords' approval, easements or wayleaves.

8. Approve variations to user clauses.

9. The Implementation of any decision in respect of the making of a Compulsory Purchase Order – the implementation of any determination of the Cabinet Member and the discharge of any function of a regulatory nature.

10. Determine the operational matters and priorities and resources allocation relating to Facilities Management and Services, land ownership records and energy and property related environmental management.

11. Determine the operational matters and priorities and resources allocation relating to Building Design and Construction, including the procurement of contractors and consultants (except H.R.A – Housing) and letting of contracts according to European law.

12. Determine the operational matters and priorities and resources allocation relating to the Corporate Transport Unit, and includes the procurement, of vehicles, maintenance of vehicles, effective implementation of the Vehicle Operators Licence in accordance with European Law and Transport Policy.

The Director of Culture and Leisure Services

1. Operational management and maintenance of Parks, Recreation Grounds, Play Areas, Camping, Caravan and Picnic Sites, Allotments, Leisure Facilities, Swimming Pools, Commercial and Promotional Services, Country parks, all land held by the Council specifically for public open space and recreation, Countryside Service, Art Galleries, Museums, Designated Heritage Site(s), Theatre, Arts Centre, Community Arts Unit, Public Art, Museum and Art Collections, letting of land and premises, engaging performers, crafts people, artists, stewards and all other necessary staff.
2. Provision of floral decorations.
3. Management of Catering Services within designated venues.
4. Contract performers/exhibitors, etc. and programme professional performance in accordance with Council policies.
5. Letting of land controlled by the Environment and Development Services Directorate for fairs, circuses and travelling shows.
6. To accept offers of museum artefacts, works of art, etc. being gifts or bequests according to the Council's acquisition and disposal policy for Museums and Arts.
7. To accept loans to the Council of museum specimens and works of art.
8. To decide upon applications to reproduce museum specimens, works of art etc.
9. To arrange lectures, exhibitions, openings relating to the Council's Museum and Arts Collections.
10. To arrange holiday closing of all sites and services controlled by the Culture and Leisure Services Department.
11. Authorisation of grants to voluntary bodies up to a value of £500 according to the Council's criteria for Arts, Heritage and Recreation grants.
12. To arrange hospitality for performers, exhibitors etc., and to negotiate with firms to sponsor performances.
13. Authorisation of reduced charges/hire fees up to a value of £500 according to the Council's criteria.
14. Management of all Capital Projects within Culture and Leisure Services.
15. To act as the Council Client for the proposed PFI Leisure provision in Rotherham.
16. To work in co-operation with Children and Young Peoples Services Directorate to provide a comprehensive cultural activity programme for children and young people.
17. To deliver a comprehensive and effective library service in line with government guidelines.

18. To act as the Council's contact point for all regional and cultural bodies e.g. Sports Council, Arts Council.

Children and Young People's Services

The Strategic Director of Children and Young People's Services

1. The duty to secure the operational management of the provision of all services made by the Authority in the discharge of its functions as a local education authority.
2. The operational role relating to the securing of sufficient school places to provide primary and secondary education and any other education for which the Authority has responsibility, including:-
 - nursery education;
 - any residual responsibilities for providing further education which are not the responsibility of the Further Education Funding Council;
 - any exceptional provision required for those children of compulsory school age who, by reason of illness, exclusion or otherwise may not receive suitable education;
 - facilities for recreation and social and physical training.
3. All operational requirements relating to the establishment, discontinuance and significant change in character of schools maintained by the Authority, including the preparation of any submissions to Government or other offices.
4. Any steps required to constitute or, following constitution, support governing bodies.
5. Any steps required to discharge the Authority's obligations with respect to the financing or funding of schools, including the preparation and review of schemes of delegation and the power to act where the Strategic Director considers that suspension of the delegated budget of a school is necessary.
6. The discharge of the Authority's functions relating to the employment of staff within schools maintained by the Authority.
7. The discharge of any of the Authority's functions relating to the appraisal of teachers or head teachers.
8. The issue of advice to governing bodies concerning the use of school premises.
9. The discharge of the Authority's functions relating to discipline in schools, including: any reserve powers vested in the Authority relating to the prevention of a breakdown of discipline in schools.
10. The discharge of the Authority's functions relating to pupils with special educational needs, including:
 - the assessment, where necessary, of any child's special educational needs;
 - the issue and maintenance of any Statement of special educational needs relating to a pupil;
 - the defending of any appeal to the Special Educational Needs Tribunal against a decision by the Authority.

11. The discharge of the Authority's functions relating to the admission of pupils to schools, including:-
 - the implementation of the fixing, review and variation of standard numbers and admission numbers;
 - the publication of the Authority's admission arrangements, including any arrangements to preserve the character of aided or special agreement schools [foundation or voluntary aided schools upon implementation of the School Standards and Framework Act 1998];
 - the making of arrangements to enable parents to express a preference as to the school at which they wish their child to be educated;
 - the administration of a system to enable parents, and governing bodies where appropriate, to appeal against a decision of the Authority in relation to the admission of a child, including the duty to advertise for lay members to sit on appeal committees [panels upon implementation of the School Standards and Framework Act 1998];
 - the issuing of any directions to a governing body to admit a pupil to its school.
12. The operational management of the Authority's functions relating to the curriculum in schools, including the implementation of the National Curriculum and the securing of due provision of religious education.
13. The discharge of the Authority's functions relating to the attendance of pupils at schools.
14. The discharge of the Authority's functions relating to the inspection of schools or the inspection of the local education authority, including:-
 - the preparation and distribution of any written statement of action;
 - the publication of any written statement of action or report;
15. The power to order an inspection of any school for a specific purpose by the Authority pursuant to Section 25 of the School Inspections Act 1996, or any amendment or re-enactment thereof.
16. The discharge of any functions of the Authority relating to baseline assessments.
17. The discharge of any of the Authority's functions in relation to the provision of advice on careers.
18. The preparation of statements setting out the Authority's plans for reducing infant class sizes.
19. The implementation of a system to elect parent governors as representatives on education committees.
20. The operational management and publication of the Authority's arrangements for providing transport for persons attending schools or other educational institutions.
21. The preparation and review of a statement setting out the Authority's arrangements in connection with the education of children with behavioural difficulties.

22. The publication of a disability statement pursuant to Section 528 of the Education Act 1996, or any amendment or re-enactment thereof.
23. Any submission relating to Education Action Zones within the area of the Authority.
24. The discharge of any powers of intervention in schools exercisable by the Authority, including:
 - the power to issue a warning notice to a governing body;
 - the power to appoint additional governors;
 - the power to suspend the school's delegated budget
25. The establishment and support of a School Organisation Committee and Admissions Forum.
26. The preparation and review of a School Organisation Plan and Admissions Forum.
27. The following Proper Officer roles:-
 - (a) Duly authorised officer for making Statements of Special Educational Needs
 - (b) Duly authorised officer for commencing prosecutions under Section 444 of the Education Act 1996, or any amendment or re-enactment thereof (school attendance)
 - (c) Duly authorised officer for commencing proceedings relating to the service of and prosecution for failure to comply with School Attendance Orders under Part VI, Chapter II of the Education Act 1996, or any amendment or re-enactment thereof.
 - (d) Duly authorised officer for commencing proceedings under Section 36 of the Children Act 1989, or any amendment or re-enactment thereof (Education Supervision Orders).
 - (e) Duly authorised officer for commencing prosecutions under Section 547 of the Education Act 1996 or any amendment or re-enactment thereof (nuisance on educational premises).
 - (f) Duly authorised officer for the non-executive function of issuing licences for and prohibition and restriction of the employment of children, together with powers of entry to inspect the place of employment, under byelaws made in pursuance of the Education Act 1996, the Children and Young Persons' Acts 1933-1969, the Children Act 1989 and any regulations made thereunder or any amendments and re-enactments thereof.

The Programme Director - BSF

The Programme Director – BSF be delegated powers in respect of “Building Schools for the Future” to negotiate on behalf of the Council over the whole period from OJEU publication up to and including Financial Close.

SCHEDULE A

Children and Young People's Services Functions				
Reference	Cabinet	Cabinet Member	Strategic Director	Service Director
1. Strategic Planning				
1.1 To approve strategic plans across the Directorate which provide a long and medium-term strategy for the development of Children and Young People's Services, consistent with the overall policy framework of the Council.	Approval or recommendation to Council			
1.2 To approve Directorate and Service Plans, as required by the Council, which will form the basis for budget planning and monitoring.		Decision		
1.3 To ensure the Services' approved Business Plans which set out the framework for the delivery of services are consistent with the short, medium and long-term plans of the Children and Young People's Services Directorate.			Decision	
1.4 To approve financial plans for the Children and Young People's Services Directorate and allocate resources to Services in accordance with approved Service Plans.	Decision			
1.5 To adopt Corporate Children and Young People's Services policies which assist in the delivery of Service Plans.	Decision			
2. Performance Review				

Children and Young People's Services Functions				
Reference	Cabinet	Cabinet Member	Strategic Director	Service Director
2.1 To adopt and maintain a plan and procedure for monitoring and reviewing Service activity/outcomes in fulfilling the terms of the Service Plans.			Decision	
2.2. To be responsible for the management of Service performance in the use of allocated resources against strategic objectives as outlined in the Service Plans and to ensure consistency in the delivery of outputs and outcomes against Service Plans.			Decision	
2.3 To determine any transfer of resources within and across the Directorate consistent with the maintenance of effective performance and a balanced budget.			Up to £100k across Services in accordance with financial regulations	Up to £100k re ov Service in accordance wi financial regulation
2.4 To ensure all policy development is consistent with overall Council policy and national priorities in respect of Children and Young People's Services.			Decision	
2.5 To ensure that adequate arrangements are in place for managing information relating to the Children and Young People's Services functions, including the provision of information required by all statutory and local scrutiny arrangements.			Decision	
2.6 To monitor and review activity across the Directorate with respect to workforce development and staff care.			Decision	

Children and Young People's Services Functions				
Reference	Cabinet	Cabinet Member	Strategic Director	Service Director
3. Service Provision				
General				
3.1 To agree policy and objectives for the delivery of Children and Young People's Services.	Decision			
3.2 To ensure appropriate arrangements are made for the commissioning, purchasing and delivery of services and advise the Cabinet member of any issues arising.			Decision	
3.3 To determine the strategic framework for contracting and market development, including the relationship with the Council's "in-house" provider units.	Decision			
3.4 To determine the process of tendering and letting of contracts, ensuring that contract compliance is maintained by the application of appropriate monitoring arrangements (in accordance with Standing Orders).	Decision			
3.5 To determine grants to voluntary organisations in accordance with the overall budgetary provision for grant aid.		Decision		
3.6 To be responsible for the operation of the Council's statutory obligations for the delivery of Children and Young People's Services as delegated by the Cabinet.			Decision	
3.7 To receive an annual report from each sub-division of the service.		Decision		

Children and Young People's Services Functions					
Reference		Cabinet	Cabinet Member	Strategic Director	Service Director
3.8	To determine the eligibility criteria for service provision.	Decision			
3.9	To apply the eligibility criteria but retain the discretion to determine individual service provision where appropriate.		Decision Over £3000 annually	Decision Up to £3000 annually	
3.10	To ensure the full assessment of welfare needs for Service Users and their carers is undertaken.				Decision
3.11	To be responsible for the appropriate targeting of resources ensuring needs are most appropriately met through the balanced provision of care and support.				Decision
3.12	To initiate Court proceedings in respect of non-payment of charges.			Decision	
3.13	To ensure consultation with the public, service users and carers and the provision of information concerning Local Authority priorities for the provision of Children and Young People's Services.				Decision
3.14	To ensure that appropriate arrangements are made to safeguard the Health and Safety of service users and staff in accordance with statutory requirements and Council policy.				Decision
3.15	To determine appropriate programmes for the efficient operation, maintenance and protection of buildings within the service.				Decision

Children and Young People's Services Functions				
Reference	Cabinet	Cabinet Member	Strategic Director	Service Director
3.16 To receive inspection reports and service responses in respect of provision of childminding and day care provision and to ensure appropriate action has been taken in respect of recommendations from these reports.		Decision		
3.17 To receive and consider reports relating to the provision and inspection of community homes, voluntary homes and registered children's homes.		Decision		
3.18 To authorise the temporary closure of or suspension of admissions to a school, pupil referral unit or children's home on grounds other than financial viability.			Decision	
3.19 To consider representations concerning any aspect of Service provision including appeals against the ability to pay charges.				Decision
3.20 To assist in the monitoring of complaints and ensure the policy and procedure for handling complaints is in accordance with the Directorate's complaints procedure.				Decision
3.21 To receive and consider issues arising from complaints.		Decision		
3.22 To delegate to the Cabinet Member powers and duties arising from the agreed terms of reference for the Cabinet Member and the associated Schedule of Delegation of Powers and Duties.	Decision			

Children and Young People's Services Functions				
Reference	Cabinet	Cabinet Member	Strategic Director	Service Director
Service Provision				
4.1 The receipt of and consideration of action consequent on any report concerning the inspection of any school within the borough, or the inspection of the local education authority.	Decision			
4.2 The approval of any submission or application to the Secretary of State regarding the formation of an Education Action Zone within the borough.	Decision			
4.3 The approval of the exercise of any powers under sections 14 or 15 of the School Standards and Framework Act 1998 (intervention by LEAs in schools causing concern) or any amendment or re-enactment thereof.	Decision			
4.4 To determine any significant change in character of schools maintained by the Authority;		Decision		

Children and Young People's Services Functions				
Reference	Cabinet	Cabinet Member	Strategic Director	Service Director
4.5	Securing sufficient school places to provide primary and secondary education and any other education for which the Authority has responsibilities, including:- <ul style="list-style-type: none"> - nursery education; - any residual responsibilities for providing further education which are not the responsibility of the Further Education Funding Council; - any exceptional provision required for the children of compulsory school age who, by reason of illness, exclusion or otherwise may not receive suitable education; - facilities for recreation and social and physical training; 	Decision		
4.6	Approving schemes of delegation prepared by the Strategic Director in relation to the delegation of funding to schools in the Authority's area.	Decision		
4.7	The approval of any policy or strategy in relation to the implementation of any statutory requirements regarding the curriculum in schools, including the implementation of the National Curriculum and the securing of due provision of religious education.	Decision		
4.8	The approval of any policy or arrangement relating to the admission of pupils to schools for which the Authority is the admission authority.	Decision		

Children and Young People's Services Functions				
Reference	Cabinet	Cabinet Member	Strategic Director	Service Director
4.9	The approval of any arrangements for the preservation of the character of aided or special agreement schools [foundation or voluntary aided schools upon implementation of the School Standards and Framework Act 1998].	Decision		
4.10	The approval of any fixing, review or variation of the standard number of any school.	Decision		
4.11	The approval of any Statement setting out the arrangements which the Authority intends to make in order to comply with any limit imposed by Section 1 of the School Standards and Framework Act 1998 (or any amendment thereof) in relation to infant classes at schools maintained by the Authority.	Decision		
4.12	The approval of any policy or arrangements which the Authority might wish to adopt to determine eligibility for transport to be provided by the Authority for persons attending schools or other educational institutions.	Decision		
4.13	The determination of any policy or arrangement adopted by the Authority in relation to the provision of meals at schools (including free meals).	Decision		

Children and Young People's Services Functions				
Reference	Cabinet	Cabinet Member	Strategic Director	Service Director
4.14 The determination of any Statement setting out the arrangements the Authority proposes to make in connection with the education of children with behavioural difficulties (made pursuant to Section 527A of the Education Act 1996, or any amendment or re-enactment thereof).		Decision		
4.15 The determination of school terms and holidays.		Decision		
4.16 The duty to secure the operational management of the provision of all services made by the Authority in the discharge of its education functions.			Decision	
4.17 The operational role relating to the securing of sufficient school places to provide primary and secondary education and any other education for which the Authority has responsibility, including:- <ul style="list-style-type: none"> - nursery education; - any residual responsibilities for providing further education which are not the responsibility of the Further Education Funding Council; - any exceptional provision required for those children of compulsory school age who, by reason of illness, exclusion or otherwise may not receive suitable education; - facilities for recreation and social and physical training. 			Decision	

Children and Young People's Services Functions					
Reference		Cabinet	Cabinet Member	Strategic Director	Service Director
4.18	All operational requirements relating to the establishment, discontinuance and significant change in character of schools maintained by the Authority, including the preparation of any submissions to Government or other offices.			Decision	
4.19	Any steps required to constitute or, following constitution, support governing bodies.			Decision	
4.20	Any steps required to discharge the Authority's obligations with respect to the financing or funding of schools, including the preparation and review of schemes of delegation and the power to act where the Executive Director considers that suspension of the delegated budget of a school is necessary.			Decision	
4.21	The discharge of the Authority's functions relating to the employment of staff within schools maintained by the Authority.			Decision	
4.22	The discharge of any of the Authority's functions relating to the appraisal of teachers or head teachers.			Decision	
4.23	The issue of advice to governing bodies concerning the use of school premises.			Decision	
4.24	The discharge of the Authority's functions relating to discipline in schools, including: any reserve powers vested in the Authority relating to the prevention of a breakdown of discipline in schools.			Decision	

Children and Young People's Services Functions				
Reference	Cabinet	Cabinet Member	Strategic Director	Service Director
<p>4.25 The discharge of the Authority's functions relating to pupils with special educational needs, including:</p> <ul style="list-style-type: none"> - the assessment, where necessary, of any child's special educational needs; - the issue and maintenance of any Statement of special educational needs relating to a pupil; - the defending of any appeal to the Special Educational Needs Tribunal against a decision by the Authority. 			Decision	
<p>4.26 The discharge of the Authority's functions relating to the admission of pupils to schools, including:-</p> <ul style="list-style-type: none"> - the implementation of the fixing, review and variation of standard numbers and admission numbers; - the publication of the Authority's admission arrangements, including any arrangements to preserve the character of aided or special agreement schools [foundation or voluntary aided schools upon implementation of the School Standards and Framework Act 1998]; 			Decision	

Children and Young People's Services Functions					
Reference		Cabinet	Cabinet Member	Strategic Director	Service Director
<ul style="list-style-type: none"> - the making of arrangements to enable parents to express a preference as to the school at which they wish their child to be educated; - the administration of a system to enable parents, and governing bodies where appropriate, to appeal against a decision of the Authority in relation to the admission of a child, including the duty to advertise for lay members to sit on appeal committees [panels upon implementation of the School Standards and Framework Act 1998]; - the issuing of any directions to a governing body to admit a pupil to its school. 					
4.27	The operational management of the Authority's functions relating to the curriculum in schools, including the implementation of the National Curriculum and the securing of due provision of religious education.			Decision	
4.28	The discharge of the Authority's functions relating to the attendance of pupils at schools.			Decision	
4.29	<p>The discharge of the Authority's functions relating to the inspection of schools or the inspection of the local education authority, including:-</p> <ul style="list-style-type: none"> - the preparation and distribution of any written statement of action; - the publication of any written statement of action or report; 			Decision	

Children and Young People's Services Functions				
Reference	Cabinet	Cabinet Member	Strategic Director	Service Director
4.30	The power to order an inspection of any school for a specific purpose by the Authority pursuant to Section 25 of the School Inspections Act 1996, or any amendment or re-enactment thereof.		Decision	
4.31	The discharge of any functions of the Authority relating to baseline assessments.		Decision	
4.32	The discharge of any of the Authority's functions in relation to the provision of advice on careers.		Decision	
4.33	The preparation of statements setting out the Authority's plans for reducing infant class sizes.		Decision	
4.34	The implementation of a system to elect parent governors as representatives on education committees.		Decision	
4.35	The operational management and publication of the Authority's arrangements for providing transport for persons attending schools or other educational institutions.		Decision	
4.36	The preparation and review of a statement setting out the Authority's arrangements in connection with the education of children with behavioural difficulties.		Decision	
4.37	The publication of a disability statement pursuant to Section 528 of the Education Act 1996, or any amendment or re-enactment thereof.		Decision	

Children and Young People’s Services Functions				
Reference	Cabinet	Cabinet Member	Strategic Director	Service Director
4.38 Any submission relating to Education Action Zones within the area of the Authority.			Decision	
4.39 The discharge of any powers of intervention in schools exercisable by the Authority, including: <ul style="list-style-type: none"> - the power to issue a warning notice to a governing body; - the power to appoint additional governors; - the power to suspend the school’s delegated budget 			Decision	
4.40 The establishment and support of a School Organisation Committee and Admissions Forum.			Decision	
4.41 The preparation and review of a School Organisation Plan and Admissions Forum.			Decision	
4.42 The following Proper Officer roles:- <ul style="list-style-type: none"> (a) Duly authorised officer for making Statements of Special Educational Needs (b) Duly authorised officer for commencing prosecutions under Section 444 of the Education Act 1996, or any amendment or re-enactment thereof (school attendance) (c) Duly authorised officer for commencing proceedings relating to the service of and prosecution for failure to comply with School Attendance Orders under Part VI, Chapter II of the Education Act 			Decision Decision	

Children and Young People's Services Functions					
Reference		Cabinet	Cabinet Member	Strategic Director	Service Director
<p>1996, or any amendment or re-enactment thereof.</p> <p>(d) Duly authorised officer for commencing proceedings under Section 36 of the Children Act 1989, or any amendment or re-enactment thereof (Education Supervision Orders).</p> <p>(e) Duly authorised officer for commencing prosecutions under Section 547 of the Education Act 1996 or any amendment or re-enactment thereof (nuisance on educational premises).</p> <p>(f) Duly authorised officer for the non-executive function of issuing licences for and prohibition and restriction of the employment of children, together with powers of entry to inspect the place of employment, under byelaws made in pursuance of the Education Act 1996, the Children and Young Persons' Acts 1933-1969, the Children Act 1989 and any regulations made thereunder or any amendments and re-enactments thereof</p>					
Service Provision					
5.1	To ensure that appropriate arrangements are made in accordance with legislation for children looked after by the Local Authority.		Decision		
5.2	To ensure that appropriate arrangements are made relating to the adoption service for children provided through the Rotherham Adoption Agency.		Decision		

Children and Young People's Services Functions					
Reference		Cabinet	Cabinet Member	Strategic Director	Service Director
5.3	To maintain a register of children with disabilities.				Decision
5.4	To contribute towards the maintenance of joint agency regulations to meet the requirements of an effective child protection service.				Decision
5.5	To receive and consider reports related to the work of the Local Safeguarding Children Board.		Decision		
5.6	To ensure the provision of a Youth Offending Service in accordance with Criminal Justice Legislation and the National Standards associated with that legislation.			Decision	
5.7	To be responsible for receiving and considering reports in connection with complaints and representations activities arising out of the Local Authority Social Services Act 1970, the Local Authority Social Services (Complaints Procedure) Order 1990, Complaints Procedure Directions 1990, Representations Procedure (Children) Regulations 1991 and the Children's (Representations, Placements and Reviews) (Miscellaneous Amendments) Regulations 1991.		Decision		

Schedule of Powers Act	Summary Description of Powers	Cabinet	Cabinet Member	Strategic Director	Service Director
A. Service Provision					
<p>Complaints and Representations Local Authority Social Services Act 1970 S.7B</p> <p>Local Authority Social Services (Complaints Procedure) Order 1990, Representations Procedure (Children) Regulations 1991, Children's (Representations, Placements and Reviews (Miscellaneous Amendments) Regulations 1991</p> <p>Care Standards Act 2000</p> <p>Children (Leaving Care) Act 2000</p> <p>National Care Standards Act, 2000</p> <p>Rotherham Local Safeguarding Children Board, Working Together under the Children Act 1989, the Children Act 2004 and the Adoption and Children Act 2002.</p>	<p>Every Local Authority must establish a procedure for considering any representations (including complaints) in the relation to the discharge, or any failure to discharge, its social service functions.</p> <p>Local Authorities should attempt to resolve complaints informally. When this is not to the satisfaction of the complainant, they should be informed of the formal procedure. Formal complaints should be heard by a panel of three persons, at least one of whom should be an independent person.</p> <p>Local Authorities must have arrangements in place that will ensure it complies with regulations and the National Minimum Standards.</p> <p>The Authority is responsible to establish and maintain Local Safeguarding Children Board with responsibility for developing, monitoring and reviewing child protection policies.</p>			Decision	<p>See Schedule delegation to officers</p> <p>See Schedule delegation to officers</p>
Children's Act 2004	Each Authority shall prepare and publish a Children and Young Peoples Plan.				See Schedule delegation to officers

Schedule of Powers Act	Summary Description of Powers	Cabinet	Cabinet Member	Strategic Director	Service Director
<p>Data Protection Act 1998 D.P.A. Guidance to Social Services 2000</p>	<p>Generally, individuals have a right to access to information maintained in relation to themselves and to obtain copies and require amendment of any inaccurate information.</p>				<p>Decision</p>
<p>A1. Children and Families Services General Duty of Care Children Act 1989 S.17</p> <p>Residential Care Children Act 1989 S.20 and 23</p>	<p>The Local Authority has a general duty to safeguard and promote the welfare of children in their area who are in need and to promote the upbringing of children by their families by providing a range and level of services appropriate to those children's needs.</p> <p>Local Authorities must provide or arrange accommodation for a child in need in their area who appears to require it because there is no person with parental responsibility for the child, the child is lost or abandoned, or the person who has been caring for the child is prevented from providing accommodation.</p>				<p>See Schedule delegation to officers</p> <p>See Schedule delegation to officers</p>

Schedule of Powers Act	Summary Description of Powers	Cabinet	Cabinet Member	Strategic Director	Service Director
	<p>Accommodation can be provided by placement with a suitable person or in a Local Authority residential home, or a voluntary or privately owned registered children's home.</p> <p>When accommodation is to be provided for siblings they should be kept together where reasonably practicable. The accommodation provided for any child should, where practicable, be near his or her home.</p>				See Schedule delegation to officers
<p>Secure Accommodation Children Act 1989 Criminal Justice and Public Order Act 1993 Criminal Justice Act 1991 Children (Secure Accommodation) Regulations 1991 Children (Secure Accommodation No. 2) Regulations 1991</p>	<p>Provision for the use of secure accommodation against set criteria.</p> <p>It is the duty of every Local Authority to comply with any security requirement placed upon them and it must provide or arrange with another Authority the provision of sufficient secure accommodation.</p>				See Schedule delegation to officers
Adoption and Children Act 2002	Every Local Authority will establish and maintain an adoption service, which must include making and participating in arrangements for the adoption of children and for the provision of adoption support services.				Decision

Schedule of Powers Act	Summary Description of Powers	Cabinet	Cabinet Member	Strategic Director	Service Director
Private Fostering Children Act 1989 S.67 as amended by Children Act 2004 Foster Placement (Children) Regulations 1991 Placement of Children with Parents, etc. Regulations 1991 Children (Private Arrangements for Fostering) Regulations 1991	Local Authorities have a duty to satisfy themselves as to the welfare of privately fostered children. The Authority will visit privately fostered children as laid down in regulations.				See Schedule delegation to officers
Consideration of a Child's Wishes Children Act 1989 S.22	When making a decision about a child they are looking after, the Local Authority must take into account the wishes and feelings of the child, his or her parents and any other significant person in relation to the child.				See Schedule delegation to officers
Advise, Assist and Befriend Children Act 1989 S.24 Children (Leaving Care) Act, 2000	It is the duty of the Local Authority to safeguard and promote the needs of care leavers and advise, assist and befriend any child looked after by the Authority with a view to promoting the child's welfare when and after he or she leaves the Authority's care.				See Schedule delegation to officers
Contact with a Child in Care Children Act 1989 S.34 Contact with Children Regulations 1991	A Local Authority must allow reasonable contact between a child in its care and the parents, guardian and previous carer of that child (unless a Court Order to the contrary has been obtained.)				Decision

Schedule of Powers Act	Summary Description of Powers	Cabinet	Cabinet Member	Strategic Director	Service Director
Investigation and Social Reports Children Act 1989 S.7, 37 and 47	At the request of the Courts, the Local Authority must investigate the child's circumstances and report to the Courts.				Decision
Children Act 1989	Local Authorities must make, or cause to be made, enquiries into the circumstances of any child in Police custody or subject to an Emergency Protection Order or, where they have reasonable grounds to believe that the child may be suffering significant harm, to allow them to decide what action they should take to promote the welfare of the child.				See Schedule delegation to officers
Care Orders Children Act 1989 Part IV, S.31	The Courts can make a number of Orders with respect to a young person which require action by the Local Authority. These range from Care Orders, under which the Authority assume parental responsibility for the child, to Family Assistance Orders requiring an officer of the Authority to be made available to assist any person named in the Order.				See Schedule delegation to officers

Schedule of Powers Act	Summary Description of Powers	Cabinet	Cabinet Member	Strategic Director	Service Director
Review of Children's Cases Children Act 1989 Review of Children's Cases Regulations 1991	Local Authorities are required to review the cases of children looked after by them. The first review must take place within four weeks of a child being provided with accommodation or looked after by the Authority. The second review must take place within a further three months, followed by six monthly reviews.				See Schedule delegation to officers
Charging for Services Children Act 1989 S.29	Some Local Authority services for children can be charged for. However, the charges must not be more than the individual can reasonably be expected to pay.	Decision			
Children and Disabilities Chronically Sick and Disabled Persons Act Disabled Persons (Services Consultation and Representation Act 1986 Children Act 1989 Carers Assessment The Carers (Recognition and Services) Act 1995 Carers and Disabled Children Act 2000	It is the duty of every Local Authority to establish and maintain a register of children with disabilities. Every Local Authority also had a duty to assess and consider need of children with a disability and the needs of children leaving special education provision. Carers may request an assessment of their ability to provide and continue to provide care for an ill or disabled person. This can include young people (under 18) who are acting as carers.				See Schedule delegation to officers See Schedule delegation to officers

Schedule of Powers Act	Summary Description of Powers	Cabinet	Cabinet Member	Strategic Director	Service Director
<p>Youth Crime Children Act 1989 Criminal Justice Act 1991, 1994 Police and Criminal Evidence Act Crime and Disorder Act 1998</p>	<p>The Local Authority must make arrangements to provide advice and guidance in relation to young people appearing before the Youth Court. There is also a duty to supervise young people made the subject of Supervision Orders by the Court. The Local Authority has a duty under the Police and Criminal Evidence Act to act as an appropriate adult for children being interviewed by the Police where it is not possible for the parent to undertake this task.</p> <p>The Local Authority must make applications to the Family Proceedings Court to place a child (under 10) under the Supervision of a "responsible officer" and requires the child to comply with such requirements as are specified.</p> <p>The Local Authority, after consultation with the Police, and with the support of the local community, will submit a scheme for approval to the Home Office.</p>				<p>See Schedule delegation to officers</p> <p>Decision</p> <p>Decision</p>
	<p>Each Local Authority must establish youth offending teams for their area in accordance with the Criminal Justice legislation.</p>				<p>Decision</p>

Schedule of Powers Act	Summary Description of Powers	Cabinet	Cabinet Member	Strategic Director	Service Director
Direct Payments Carers and Disabled Children Act 2000	Local Authorities responsible for children's disability services may make direct payments to disabled 16 and 17 year olds in respect of their securing the provision of such services.				Decision
Adoption	The Service Director will reach decisions relating to the placement of children looked after for adoption – following recommendations made by the Adoption Panel. In the absence of the Head of Service the Executive Director performs this function.				Decision
Financial Write-Offs	After consulting the Service Director concerned, the Strategic Director of Finance may:- (a) write off debts due to the Council of upto £5,000 (b) write off debts due to the Council of £5,000.01 or more after consulting the Corporate Management Team, Financial Regulations 17(21).				Decision Decision
Disabled Young People Leaving Full-Time Education Disabled Person (Services, Consultation and Representation) Act 1986 S.5(5)	Having received notification from an L.E.A. that a disabled young person is shortly to leave full-time education, the Local Authority must carry out an assessment of the young person's need for statutory welfare services.				See Schedule delegation to officers

Schedule of Powers Act	Summary Description of Powers	Cabinet	Cabinet Member	Strategic Director	Service Director
<p>Services for Disabled People National Assistance Act 1948 Sections 29, 30, 41, 48 and 49)</p>	<p>Local Authorities must arrange certain welfare services for disabled people who have been assessed as needing them. These include:-</p> <ul style="list-style-type: none"> - practical assistance in the home - meals - assistance in carrying out adaptations to disabled people's home - provision of extra facilities in the home for safety, comfort or convenience - provision of (or help in obtaining) telephones (including related special equipment), television, radio, library or similar facilities, holidays, recreation, assistance to allow that person to take advantage of educational facilities, transport to or from services - social work, advice and support - facilities for social rehabilitation and adjustment - facilities for occupational, social, cultural and recreational activities, including payments to people for work. 				<p>See Schedule delegation to officers</p>

Schedule of Powers Act	Summary Description of Powers	Cabinet	Cabinet Member	Strategic Director	Service Director
	Local Authorities may also contribute to the cost of warden services and provide holiday homes, workshops, free or subsidised transport, help in obtaining accommodation and instruction about methods of overcoming disability.				
Guardianship Orders Mental Health Act 1983 S.7 and 8 Mental Health (Hospital, Guardianship and Consent to Treatment) Regulations 1983	<p>Local Social Service Authorities may make a guardianship application in respect of a patient of over 16 years suffering from a mental disorder where it is in the interest of the patient's welfare or for the protection of others that the patient is received into guardianship.</p> <p>The Authority granted a Guardianship Order can require the patient to reside at a specified place, require the patient to attend medical treatment, education, occupation or training and require access to the patient to be given to a Medical Practitioner or Approved Social Worker.</p>		Decision		Decision

Schedule of Powers Act	Summary Description of Powers	Cabinet	Cabinet Member	Strategic Director	Service Director
Emergency Admission to Hospital Mental Health Act 1983 S.2, 3 and 4 Mental Health (Hospital, Guardianship and Consent to Treatment) Regulations 1983	In any case of urgent necessity, an Approved Social Worker may make an emergency application of admission for assessment. A written recommendation from a registered Medical Practitioner is required to support the application. This emergency application will allow compulsory admission to hospital for a period of up to 72 hours. A second medical recommendation must be obtained within those 72 hours if the patient is to be detained for an assessment period of up to 28 days.				See Schedule delegation to officers

The Statutory Role of the Director of Adult Social Services

Responsibilities	Cabinet	Strategic Director
1. ACCOUNTABILITY		
1.1 To be responsible for assessing, planning and commissioning adult social care and well-being services to meet the needs of all adults with social care needs in the authority’s area (including the specific needs of carers, people from ethnic minority backgrounds and people living in rural communities)		Responsible
1.2 To be responsible for the efficiency, effectiveness and value for money of the adult social care services provided or commissioned by the local authority. Those responsibilities extend to residents receiving services out of the council area.		Responsible
1.3 To ensure there are robust arrangements for supervising contracts, where services have been outsourced, and in monitoring those services in respect of quality standards and timely delivery.		Responsible
1.4 To ensure that all people with social care needs are assessed by the local authority, that all people who meet eligibility criteria are provided with suitable services and that there is appropriate provision of low-level and preventative services.		Responsible
1.5 To ensure that targeted case-finding takes place to identify people at risk from social exclusion.		Responsible
1.6 To support the health and adult social care scrutiny functions of elected members.		Responsible
1.7 To ensure that procedures for handling complaints from users of social care, their families and carers are working		Responsible

Responsibilities	Cabinet	Strategic Director
effectively.		
1.8 To ensure arrangements for assessing and meeting the needs of people with a range of long-term conditions and disabilities in the local authority's area are in place which ensure individuals do not fall between services, including, having a named manager responsible for assessing and meeting the needs of such individuals.		Responsible
1.9 To ensure his or her staff work with neighbouring local authorities and relevant specialist national service providers to meet specialist, low-incidence need.		Responsible
1.10 To monitor the effectiveness and efficiency of the service where commissioned from another agency, to require improvements to be made where the service falls short of the performance standards, quality or efficiency specified and to be provided with such monitoring and improvement information as he or she may require.		Responsible
2. PROFESSIONAL LEADERSHIP		
2.1 To provide leadership, creating conditions for others to perform and to innovate, to be responsible for creating the framework for the effective delivery of adult social services.		Responsible
2.2 To be responsible for the management, welfare and professional development of all local authority staff involved in planning, commissioning and/or providing social services.		Responsible
2.3 To ensure relevant professional and occupational standards and standards of conduct are maintained across adult social care services provided by or commissioned.		Responsible
2.4 To be responsible for undertaking a strategic needs assessment for adults and families with actual or potential		Responsible

Responsibilities	Cabinet	Strategic Director
social care needs across the local authority area, in partnership with the Strategic Director of Children and Young People's Services, the Director of Public Health and other statutory agencies/or organisations, and in consultation with the wider community.		
2.5 To be responsible for strategic workforce planning (in relation to the local authority's social services functions) for the adult social care workforce. To include working in partnership with the Strategic Director of Children and Young People's Services to jointly plan the social care workforce needed to meet the needs of families and the community.		Responsible
2.6 To develop, in conjunction with the PCT, a strategic workforce development plan forming an integral part of local delivery plans, giving consideration to the quality and competencies of the social care workforce as a whole.		Responsible
2.7 To be responsible for the delivering services to relevant national and local standards, including monitoring the resource levels for adult social services needed to maintain standards.		Responsible
3. LEADING THE IMPLEMENTATION OF STANDARDS		
3.1 To implement national and local standards in respect of corporate governance, probity, workforce and all aspects of the business of adult social services.		Responsible
3.2 To ensure services are regularly monitored and remedial action taken.		Responsible
3.3 To ensure high quality information about adult social services and progress against targets is provided to Government and regulatory bodies as and when required.		Responsible
3.4 To be responsible for supporting the performance assessment process run by the Care Quality Commission		Responsible

Responsibilities	Cabinet	Strategic Director
and for taking forward the commission's findings/recommendations.		
3.5 To ensure there is a clear organisational and operational focus on safeguarding vulnerable adults in vulnerable situations, ensuring clear protocols are in place for dealing with adults identified as being at risk in line with the 'No Secrets' Modernising Social Services 1998, Safeguarding Adults 2005 guidance.		Responsible
3.6 To ensure that the local Safeguarding Board or similar arrangements are working effectively and that POVA requirements are met.		Responsible
3.7 To ensure staff providing care services exercise a duty of care and that the personal dignity of service users is upheld.		Responsible
4. MANAGING CULTURAL CHANGE		
4.1 To be responsible for managing a process of cultural change to ensure the scope for personal choice is maximised with services moving towards a model that promotes the well-being of individuals, is person centred, and supports independent living and social inclusion.		Responsible
4.2 To ensure an appropriate balance between low-level and preventative services and services designed to meet the needs of people that are higher.		Responsible
4.3 To ensure the cultural needs of communities are taken into account in strategic planning and commissioning.		Responsible
5. PROMOTING LOCAL ACCESS AND OWNERSHIP AND DRIVING PARTNERSHIP WORKING		
5.1 To be responsible for effectively communicating information about services available in the local authority area, eligibility criteria and charging policies to service users.		Responsible

Responsibilities	Cabinet	Strategic Director
5.2 To be responsible for ensuring appropriate involvement of, and consultation with service users, their families and carers and the wider community in planning, design and provision of adult social care services, and for considering how accessible services are.		Responsible
5.3 To be responsible for maintaining clear and effective arrangements to support the joint planning, monitoring and delivery of local authority social services with the NHS, housing authorities, Supporting People programme and other statutory agencies.		Responsible
6. DELIVERING AN INTEGRATED WHOLE SYSTEMS APPROACH TO SUPPORTING COMMUNITIES		
6.1 To ensure adequate partnership working arrangements are in place between the Strategic Directors of Neighbourhoods and Adult Services and Children and Young People's Services to enable a whole systems approach to social care to be taken.	Responsible	
6.2 To ensure arrangements are in place to ensure that the contribution of all local authority services to meeting the needs of adults with social care needs is maximised.	Responsible	
6.3 To ensure the Strategic Directors of Neighbourhoods and Adult Services and Children and Young People's Services have adequate arrangements in place to ensure that all young people with long-term social care needs have been assessed and where eligible, receive a service which meets their needs throughout their transition to becoming adults.	Responsible	
6.4 To ensure all services falling within the remit of the Strategic Director of Neighbourhoods and Adult Services remain focused appropriately on safeguarding both adults	Responsible	

Responsibilities	Cabinet	Strategic Director
and children.		
7. PROMOTING SOCIAL INCLUSION AND WELLBEING		
7.1 To ensure arrangements are in place to promote social inclusion and wellbeing, including consideration of the needs of families and carers in the planning and delivery of the full range of services provided by the local authority.		Responsible
7.2 To champion the needs of adults beyond the organisational boundaries of adult social care.		Responsible
7.3 To promote equality of opportunity and eliminating discrimination in respect of adult social care services.		Responsible

ROTHERHAM METROPOLITAN BOROUGH COUNCIL

NEIGHBOURHOODS AND ADULT SERVICES DIRECTORATE

Neighbourhoods and Adult Services Functions

Reference	Cabinet	Cabinet Member	Strategic Director	Service Director
8. Strategic Planning (see 1.1; 2.5; 2.6; 4.3; 5.3; 6 and 7.1 – Statutory Role of the Director of Adult Social Services(DASS))				
8.1 To prepare strategic plans across the Directorate which provide a long and medium-term strategy for the development of Housing, Neighbourhoods and Adult Services, consistent with the overall policy framework of the Council.	Recommendation to Council			
8.2 To approve Directorate and Service Plans, as required by the Council, which will form the basis for budget planning and monitoring.		Decision		
8.3 To ensure the Services approved Service Plans which set out the framework for the delivery of services are consistent with the short, medium and long-term plans of the Neighbourhoods and Adult Services Directorate.		Decision		
8.4 To approve financial plans for the Neighbourhoods and Adult Services Directorate and allocate resources to Services in accordance with approved Service Plans.		Decision		

Reference	Cabinet	Cabinet Member	Strategic Director	Service Director
8.5 To approve development and changes to the Resource Allocation System in accordance with approved Service Plans		Decision		
8.6 To adopt housing and neighbourhood services and Corporate Adult Services policies which assist in the delivery of Service Plans.	Decision			
9. Performance Review (see 1.2; 1.3; 1.10; 2.7; 3.1; 3.2; 3.3; 3.4; and 5.3 1 – Statutory Role of the Director of Adult Social Services)				
9.1 To adopt and maintain a plan and procedure for monitoring and reviewing Service activity/outcomes in fulfilling the terms of the Directorate and Service Plans.		Decision		
9.2 To be responsible for the monitoring and review of Service performance in the use of allocated resources against strategic objectives as outlined in the Directorate and Service Plans.		Decision		

Reference	Cabinet	Cabinet Member	Strategic Director	Service Director
9.3 a) To determine any transfer of resources within and across the Directorate consistent with the maintenance of effective performance and a balanced budget. b) Transfer of resources between Directorates.	Report to SLT and then Cabinet for final decision.		Up to £100k across Services in accordance with financial regulations and should also be reported to Cabinet Member.	Up to £100k re own Service in accordance with financial regulations and should also be reported to Strategic Director and Cabinet Member.
9.4 To be responsible for the monitoring and review of service performance across the Directorate to ensure consistency in the delivery of outputs and outcomes against Service Plans.		Decision		
9.5 To ensure all policy development is consistent with overall Council policy and national priorities in respect of housing, neighbourhoods services and social care.			Decision	
9.6 To ensure that adequate arrangements are in place for managing information relating to the Neighbourhoods and Adult Services function, including the provision of information required by all statutory and local scrutiny arrangements. (see 3.3 DASS)			Decision	
9.7 To monitor and review activity across the Directorate with respect to complaints. (see 1.7 DASS)		Decision		

Reference	Cabinet	Cabinet Member	Strategic Director	Service Director
9.8 To monitor and review activity across the Directorate with respect to workforce development and staff care. (see 2.2 and 2.3 DASS)			Decision	
10. Service Provision				
General				
10.1 To ensure the development of policy and objectives for the delivery of housing services, neighbourhood services and personal adult social services.	Decision			
10.2 To be responsible for the development, delivery and monitoring of arrangements made for the provision of the service specific plans, purchasing strategies and resultant Service Plans.			Decision	
10.3 To ensure appropriate arrangements are made for the commissioning, purchasing and delivery of services. (see 1.1 DASS)	Decision			
10.4 To ensure appropriate Delivery Plan detailing the provision of housing management and maintenance services by 2010 Rotherham Ltd is in place and monitored.		Decision		

Reference	Cabinet	Cabinet Member	Strategic Director	Service Director
10.5 To determine the strategic framework for contracting and partnerships and market development, including the relationship with the Council's "in-house" provider units and external service providers. (see 1.2 DASS)	Decision			
10.6 To determine contract terms and conditions for services and the letting of specific contracts.		Decision (over £500 k)	Decision (under £500 k)	
10.7 To determine the process of tendering and letting of contracts, ensuring that contract compliance is maintained by the application of appropriate monitoring arrangements (in accordance with Standing Orders). (see 1.3 DASS)	Decision			
10.8 To determine grants to voluntary organisations in accordance with the overall budgetary provision for grant aid.		Decision		
10.9 To be responsible for the operation of the Council's statutory obligation for the delivery of housing services, neighbourhood services and adult social care services as delegated by the Cabinet, ensuring policies are developed in line with legislative, regulatory and Council policy requirements. (see 1.1 DASS)		Decision		
10.10 To ensure appropriate arrangements are made for the safeguarding of adults in line with the 'No Secrets' guidelines				Director of Health and Wellbeing

Reference	Cabinet	Cabinet Member	Strategic Director	Service Director
10.11 To monitor and review the effectiveness of individual services within the Neighbourhoods and Adult Services Directorate including an annual report from each sub-division of the service. (see 1.2 DASS)			Decision	
10.12 To determine the eligibility criteria for service provision. (see 1.4 DASS)	Decision			
10.13 To apply the eligibility criteria but retain the discretion to determine individual service provision where appropriate. (see 1.4 DASS)			Decision Up to £100,000 annually	Director Health and Wellbeing
10.14 To ensure the full assessment of social care needs for Service Users and their carers is undertaken. (see 1.1; 1.4; 1.5; and 1.8 DASS)				Director Health and Wellbeing
10.15 To be responsible for the appropriate targeting of resources ensuring needs are most appropriately met through the balanced provision of care and support. (see 4.2 DASS)				Director Health and Wellbeing
10.16 To determine appropriate levels of charging for services.		Decision		
10.17 To initiate Court proceedings in respect of non-payment of charges.				Director Commissioning and Partnerships Director Health and Wellbeing

Reference	Cabinet	Cabinet Member	Strategic Director	Service Director
<p>10.18 To ensure the development and maintenance of necessary partnerships with other agencies and Directorates within Rotherham Metropolitan Borough Council for the efficient and effective delivery of community care services to adults consistent with Government direction and guidance. (see 1.9; 2.4; 2.5; 2.6; 5.3; 6.1; 6.2 and 6.3 DASS)</p>			Decision	
<p>10.19 To develop and maintain forums for consultation with providers for delivery of adult social care services. (see 5.2 and 7.1 DASS)</p>				Director Commissioning and Partnerships
<p>10.20 Arrange and conduct a Joint Strategic Needs Assessment of the local adult population in line with the Guidance. DH Guidance on Joint Strategic Needs Assessment Dec 2007</p>			Decision	Director Commissioning and Partnerships
<p>10.21 To ensure consultation with the public, service users and carers and the provision of information concerning Local Authority priorities for the provision of adult social care services. (see 4.3; 5.1; and 5.2 DASS)</p>				Director Commissioning and Partnerships
<p>10.22 To contribute to the approach and prioritisation of application for external funding, including government grants.</p>		Decision		
<p>10.23 To ensure that appropriate arrangements are made to safeguard the Health and Safety of service users and staff in accordance with statutory requirements and Council policy.</p>				All Service Directors

Reference	Cabinet	Cabinet Member	Strategic Director	Service Director
10.24 To determine appropriate programmes for the efficient operation, maintenance and protection of buildings within the service.				All Service Directors
10.25 To receive inspection reports and service responses in respect of housing and neighbourhood services and of provision of residential and nursing care and to ensure appropriate action has been taken in respect of recommendations from these reports.		Decision		
10.26 To receive and consider reports relating to the inspection of Local Authority residential homes.		Decision		
10.27 To authorise the temporary closure or suspension of admissions of local authority residential or day care unit on grounds other than financial viability.			Decision	
10.28 To authorise the temporary suspension of admissions to independent sector residential, nursing home or day units on grounds other than financial viability.				Director Health and Wellbeing Director Commissioning and Partnerships

Reference	Cabinet	Cabinet Member	Strategic Director	Service Director
<p>10.29 To be responsible for receiving and considering reports in connection with complaints and representations activities arising out of the Local Authority Social Services Act 1970, the Local Authority Social Services (Complaints Procedure) Order 1990, Complaints Procedure Directions 1990, Representations Procedure (Children) Regulations 1991 and the Children's (Representations, Placements and Reviews) (Miscellaneous Amendments) Regulations 1991.</p>		Decision		
<p>10.30 To consider representations concerning any aspect of Service provision including appeals against the ability to pay charges.</p>				<p>All Service Directors</p> <p>Director Commissioning and Partnerships(for Appeals against ability to pay charges)</p>
<p>10.31 To assist in the monitoring of complaints and ensure the policy and procedure for handling complaints is in accordance with the Directorate's complaints procedure. To receive and consider issues arising from complaints. (see 1.7 DASS)</p>				All Service Directors
<p>10.32 To consider implications arising out of complaints review procedure.</p>		Decision		

Reference	Cabinet	Cabinet Member	Strategic Director	Service Director
10.33 To delegate to the Cabinet Member powers and duties arising from the agreed terms of reference for the Cabinet Member and the associated Schedule of Delegation of Powers and Duties. (see 2.4; 2.6 and 5.3 DASS)	Decision			
10.34 To ensure the provision of appropriate support in respect of services to Rotherham's N.H.S. partners.				All Service Directors
10.35 To ensure in co-operation with other appropriate Committees that arrangements are made for the undertaking of assessments and provision of adaptations.		Decision		
11 Strategy and Policy				
To determine policy and procedures in the following matters:-		Decision		
11.1 The tenancy agreement for tenants of dwellings within the Housing Revenue Account.		Decision		
11.2 Renovation, Home Repair Assistance, Group Repair and Disabled Facilities Grants.		Decision		
11.3 The role of Housing in regeneration and sustainability		Decision		
11.4 Strategies and policies arising from the estimation of general housing need , special housing need and stock condition within the Borough.		Decision		

Reference	Cabinet	Cabinet Member	Strategic Director	Service Director
11.5 The Housing Investment Programme Strategy and Budget.		Decision		
11.6 Any matter arising from the Councils complaints procedure or any matter recommended by the Ombudsman where the matter is a question of policy.		Decision		
11.7 The approval of supplementary estimates to be funded from balances within any General Fund account under the control of Neighbourhoods and Adult Services.		Decision		
11.8 The tendering strategy for the maintenance of all Council owned properties.		Decision		
11.9 <ul style="list-style-type: none"> ▪ The closure, clearance and improvement of dwellings whether individually or in respect of areas of housing, ▪ the making of Compulsory Purchase Orders in relation to housing matters, ▪ the authorisation of discretionary home loss and disturbance payments and ▪ the payment of vendor's fees prior to the declaration of a compulsory purchase order or clearance area. 		Decision		
11.10 The Council's enabling role and partnerships with other agencies, tenants and tenants groups insofar as it applies to housing.		Decision		

Reference	Cabinet	Cabinet Member	Strategic Director	Service Director
11.11 Tenant and resident consultation and involvement in the formulation and implementation of Council's Housing, Housing Management and Housing Regeneration strategies.		Decision		
11.12 Mortgage advances and improvement loans.		Decision		
11.13 The approval of supplementary estimates to be funded from balances within the Housing Revenue Account.		Decision		
11.14 Any matter relating to the functions of any unit within the Neighbourhood and Adult Services Directorate.		Decision		
11.15 The role of the Directorate in Local Agenda 21 and Sustainability.		Decision		
12. Enforcement, Operations and Service Matters				
To determine the following matters:		Decision		
12.1 In respect of the Allocation Scheme for Council Housing under the Housing Act 1996, related legislation, and relevant codes of guidance, Transfers of Tenancy and Nominations to Registered Social Landlords		Decision		

Reference	Cabinet	Cabinet Member	Strategic Director	Service Director
12.2 Policy in connection with the allocation and letting of property held within the Housing Revenue Account.		Decision		
12.3 Save in so far as delegated to the Service Director for Neighbourhood Services, in respect of Renovation Grants and Home Repair Assistance and Disabled facilities Grants under the Housing Grants, Construction and Regeneration Act, 1996 or related legislation secondary legislation or Government Circulars, whether mandatory or discretionary; <ul style="list-style-type: none"> ▪ The approval of grant. ▪ The payment of grants ▪ Interim payments and unforeseen works 		Decision		
13. Miscellaneous				
Determination of the following matters:				

Reference	Cabinet	Cabinet Member	Strategic Director	Service Director
13.1 Matters relating to the submission and acceptance of tenders relating to contracts for the procurement of goods and services in accordance with standing orders and financial regulations.		Decision		
13.2 The fixing of fees and charges for services provided.		Decision		
13.3 Applications in respect of mortgage advances which fall within the Council's approved scheme and loans for house purchase or for the adaptation, improvement, conversion or repair of houses.		Decision		
13.4 Applications for extensions, adaptations grants or awards in the private and public sectors in excess of £25,000, to be submitted for approval.		Decision		
13.5 Disposal of Council owned housing, i.e. acquired property or system built or otherwise defective property by means of sale on the open market or deed of gift or long lease to a registered social landlord, provided local ward members concur and in accordance with the Council's land disposal procedures.		Decision		
13.6 Employee/Trainee awards made within the Directorate and/or Business Units.		Decision		
13.7 Applications for all seminars and conferences to be submitted for approval.			Decision	

Reference	Cabinet	Cabinet Member	Strategic Director	Service Director
13.8 The implementation of National Conditions of Service and Local Joint Agreements in accordance with Corporate policy and procedure.		Decision		
14. Contracting and Best Value				
The determination of the following matters:				
14.1 Policy and procedures and matters arising in connection with the conduct and performance of a contractor, including the Council's own workforce.		Decision		
14.2 Future procurement strategy, contract packaging and market analysis.		Decision		
14.3 Measures necessary to achieve 'best value' in the functions of the programme area and high standards of performance and quality of service delivery.		Decision		
14.4 Policy and procedures to improve service delivery, efficiency and effectiveness.		Decision		
15. Service Provision				
General				

Reference	Cabinet	Cabinet Member	Strategic Director	Service Director
15.1 The Strategic Director of Neighbourhoods and Adult Services be delegated the power to determine the content of the preparation programme, changes to the co-ordinating team or minor changes to the partnership arrangements in connection with the South Yorkshire Housing Low Demand Pathfinder.			Decision	

Schedule of Powers Act	Summary Description of Powers	Cabinet	Cabinet Member	Strategic Director	Service Director
A. Service Provision					
Complaints and Representations Local Authority Social Services Act 1970 S.7B Local Authority Social Services (Complaints Procedure) Order 1990, Care Standards Act 2000	<p>Every Local Authority must establish a procedure for considering any representations (including complaints) in the relation to the discharge, or any failure to discharge, its social service functions.</p> <p>Local Authorities should attempt to resolve complaints informally. When this is not to the satisfaction of the complainant, they should be informed of the formal procedure. Formal complaints should be heard by a panel of three persons, at least one of whom should be an independent person.</p>				<p>See Schedule of delegation to officers</p> <p>Director Commissioning and Partnerships</p>

Schedule of Powers Act	Summary Description of Powers	Cabinet	Cabinet Member	Strategic Director	Service Director
National Care Standards Act, 2000	Local Authorities must have arrangements in place that will ensure it complies with regulations and the National Minimum Standards.				Decision Director Commissioning and Partnerships Director Health and Wellbeing
Community Care Plans, N.H.S. and Community Care Act 1990, S.46, Community Care Plans Direction 1991, Community Care Plans (Consultation) Directions 1993, Community Care Plans (Independent Sector Non-Residential Care) Direction 1994	Each Authority shall prepare and publish and plan for the provision of community care services in its areas. Consult the relevant N.H.S. partners, voluntary organisations and representatives of provider organisations (who made their wish to be consulted known to Local Authorities) and when carrying out their functions with regard to Community Care Plans, and the Better Care, Higher Standards Charter.				See Schedule of delegation to officers
Data Protection Act 1998 D.P.A. Guidance to Social Services 2000	Generally, individuals have a right to access to information maintained in relation to themselves and to obtain copies and require amendment of any inaccurate information.				Decision All Service Directors

Schedule of Powers Act	Summary Description of Powers	Cabinet	Cabinet Member	Strategic Director	Service Director
A. Adult Services					
1. Community Care:					
Community Care Services N.H.S. and Community Care Act 1990	<p>Community Care Services are defined as:-</p> <p>(a) Part III of the National Assistance Act, 1948</p> <p>(b) Section 45 of Health Services and Public Health Act 1968.</p> <p>(c) Section 21 of and Schedule 8 to the National Health Service Act 1977.</p> <p>(d) Section 117 of the Mental Health Act 1983.</p>				<p>Decision</p> <p>Director Health and Wellbeing</p> <p>Director Health and Wellbeing</p>
Assessment N.H.S. and Community Care Act 1990 S.47(1) Places a duty on local councils to carry out assessment of need for community care services	Local Authorities are required to assess people whom they think may require community care services, and decide on the basis of that assessment what, if any, services they should arrange to meet those needs.				See Schedule of delegation to officers

Schedule of Powers Act	Summary Description of Powers	Cabinet	Cabinet Member	Strategic Director	Service Director
	<p>When they carry out the assessment they must inform the Housing and Health Authorities if they think there are also health or housing needs, and must invite those Authorities to become involved in the assessment. The services that are likely to be available from those Authorities should be taken into account.</p>				
<p>Fair Access to Care Health Act 1999 S.31 Fair Access to Care Services [LAC(2002)13] NHS & Community Care Act 1990 S47</p>	<p>Local Authorities are required to make only one eligibility decision with respect to adults seeking social care support. This decision should be made following an assessment of an individual's presenting needs. Based on the outcomes of this assessment, Local Authorities should prioritise individual eligibility of needs according to the risks to their independence in both the short and long-term if help were not provided.</p>				<p>See Schedule of delegation to officers</p> <p>Director Commissioning and Partnerships for strategic decision on level of FACS</p>

Schedule of Powers Act	Summary Description of Powers	Cabinet	Cabinet Member	Strategic Director	Service Director
Services for Older People Health Services and Public Health Act 1968 S.45	<p>Local Authorities may arrange services to promote the welfare of older people. Such services include:-</p> <ul style="list-style-type: none"> - meals and recreation - information about services - transport to and from services - social work, visiting and advice - practical assistance with adaptations and provision of extra facilities for greater safety, comfort or convenient warden services - assistance in finding suitable households for boarding 				See Schedule of delegation to officers
Burial Public Health (Control of Disease) Act 1984 Section 46 (2) and (5)	Burial and cremation of persons dying in accommodation provided under Part III of the National Assistance Act 1948 or dying in the community and recovery of expenses from his estate.				See Schedule of delegation to officers
General Services National Health Service Act 1977 Sched. 8 National Assistance Act 1948 Part III	<p>Local Authorities must arrange a home help service on such a scale as is adequate for the needs of people in their area.</p> <p>Local Authorities may arrange laundry services to those households for which home help is to be or could be provided.</p> <p>Local Authorities may arrange care for nursing or expectant mothers.</p>				See Schedule of delegation to officers

Schedule of Powers Act	Summary Description of Powers	Cabinet	Cabinet Member	Strategic Director	Service Director
Prevention, Care and After-Care N.H.S. Act 1977 Sched. 8	<p>Local Authorities may provide services to prevent illness, or for people who are ill or who have been ill, including:-</p> <ul style="list-style-type: none"> - day centres - meals on wheels for housebound people - social services to prevent break-up of families due to the ill health of the adults in that family - night sitter services - recuperative holidays - services specifically for people who are dependent on alcohol and drugs - social and recreational activities. 				See Schedule of delegation to officers
Community Care (Delayed Discharges)Act 2003	Legislation introduced the system of reimbursement on a 'per day' basis for delays in hospital where patients are fit for discharge but unable to be discharged due to social services being unable to provide assessment and provision of community care services as the sole reason for delay				See Schedule of delegation to officers
Charging for Services National Assistance Act 1948 Health and Social Services and Social Security Adjudications Act 1983 (Section 17)	Local Authorities may charge for most of the above services. In the case of non-residential services the charges must be reasonable and not be more than reasonably practical for the individual user to pay.	Decision			

Schedule of Powers Act	Summary Description of Powers	Cabinet	Cabinet Member	Strategic Director	Service Director
<p>Fairer Charging Policies for Home Care and Other Non-Residential Social Services S.7, LASS Act 1970 and LAC (2001)32, and Supporting People, Section 93 of the Local Government Act 2000.</p> <p>Local Government Act 2000</p>	<p>Local Authorities have a duty to provide appropriate Welfare Benefits advice at the time of the charge assessment and to undertake financial assessments to arrive at a charge according to statutory guidance. Delivering policy on financial assessment schemes.</p> <p>Determines welfare services in respect of which Supporting People Grants for excellent authorities are paid.</p>	Decision			See Schedule of delegation to officers
<p>Co-operation with Health Authorities N.H.S. Act 1977 S.22 and 28</p>	<p>Local Authorities are required to ensure effective co-operation with Health Authorities. Local Authorities should make the services of Social Services staff available to the Health Authority to enable that Authority to discharge its community care functions, so far as is reasonably necessary and practical.</p>				<p>Decision</p> <p>All Service Directors</p>

Schedule of Powers Act	Summary Description of Powers	Cabinet	Cabinet Member	Strategic Director	Service Director
<p>Carers Assessment The Carers (Recognition and Services) Act 1995</p> <p>Disabled Persons(Services Consultation and Representation) Act 1986 – Section 8</p> <p>Carers and Disabled Childrens Act 2000 Section 1</p> <p>Carers and Disabled Childrens Act 200 Section 2</p> <p>Carers and Disabled Childrens Act 200 Section 5</p> <p>Carers (Equal Opportunities) Act 2004</p>	<p>Carers may request an assessment of their ability to provide and continue to provide care for an ill or disabled person.</p> <p>We must consider the ability of the carer to provide care when deciding what services to provide</p> <p>Gives carers aged 16 and over who are caring for a service user aged 18 or over, the right to an assessment (independent of that of the service user) of their ability to provide or continue to provide care</p> <p>We can provide services such as physical help, training or counselling for carers</p> <p>Extends Direct Payments to carers aged 16 and over who care for a person aged 18 and over</p> <p>We must inform Carers of their rights to assessment under the CDC Act 2000 and the C(R&S) Act 1995</p>				See Schedule of delegation to officers
2. Community Care: Adult Residential Care					

Schedule of Powers Act	Summary Description of Powers	Cabinet	Cabinet Member	Strategic Director	Service Director
<p>Choice of Care Home The National Assistance Act 1948 (Choice of Accommodation) Directions 1992 The National Assistance Act 1948 (Choice of Accommodation) (Amendment) Directions 1993 LAC(2004)20(replaces The National Assistance Act 1948 (Choice of Accommodation)Directions 1992</p>	<p>If, after assessing an individual as requiring residential care, a particular care home is preferred by the individual, then they should be placed in their preferred home (subject to certain factors such as suitability and expense). Establishing placement in excess of the Authority's usual price/ guide price.</p>				<p>See Schedule of delegation to officers</p>
<p>Ordinary Residence Determination – Section 24(3) D(6), National Assistance Act 1948. Health and Social Care Act 2008 section 148 section 146</p>	<p>Local Authorities have a financial responsibility for providing community care services for persons deemed 'ordinary residents in their area'.</p> <p>Permit DP to a third partypurchase community care services</p>				<p>See Schedule of delegation to officers</p>
<p>Cross Border disputes National Assistance Act 1948</p>	<p>Authority can arrange for people to receive residential care outside their boundaries but this can lead to disputes about ordinary residence about which authority should pay for care. Act provides a dispute resolution mechanism whereby the Secretary of State for Health could make a determination of ordinary residence.</p>				

Schedule of Powers Act	Summary Description of Powers	Cabinet	Cabinet Member	Strategic Director	Service Director
Section 31 Health Act 1999 and N.H.S. Bodies and Local Authorities Partnership Arrangements Regulations, 2000 NHS Act 2006	Entering into Partnership arrangements with N.H.S. partners Partnership arrangements	Decision			
Health and Social Care Act 2001, Section 49 Section 49 Health and Social Care Act 2008	Requires local authorities to agree local arrangements for the implementation of free N.H.S. nursing care and Continuing Health funding arrangements. Excludes nursing care from community care services Ordinary residence				Decision Director Health and Wellbeing

Schedule of Powers Act	Summary Description of Powers	Cabinet	Cabinet Member	Strategic Director	Service Director
<p>Charges for Residential Care National Assistance Act 1948 The Health and Social Services and Social Security Adjudications Act 1983 S.21, 24 The National Assistance (Assessment of Resources) Regulations 1992 and subsequent amendments National Assistance (Sums for Personal Requirements) Regulations 1995</p> <p>Charges for Residential Care 2009 LAC(2005)7: Charges for residential accommodation LAC(2005)18: LAC DH (2009):3</p>	<p>Local Authorities should charge for the residential care it arranges in accordance with the national regulations.</p> <p>Charges for residential accommodation – Charges for Residential Amendment Guide amendment 24</p>		Decision		
<p>Deferred Payments Section 55 of Health and Social Care Act, 2001</p> <p>LAC (2001)25,LAC(2001)29, LAC (2002)11</p>	<p>Enter into agreement to defer payment for charges on property until the property is sold.</p>				See Schedule of delegation to officers
<p>Section 50 – 52 of Health and Social Care Act, 2001 and the Preserved Rights (Transfer of Responsibilities to Local Authorities) Regulations 2001 (S.I. No. 2001/3776)</p>	<p>Local Authorities should secure community care services for people who have preserved rights. This includes residential accommodation where appropriate.</p>				See Schedule of delegation to officers

Schedule of Powers Act	Summary Description of Powers	Cabinet	Cabinet Member	Strategic Director	Service Director
<p>NHS and Community Care Act 1990 Section 47(1)</p>	<p>Local Authorities should, therefore, assess the care needs of the residents concerned; legislation placed an obligation on Local Authorities to identify people with preserved rights and to carry out an appropriate care assessment.</p> <p>LA to carry out assessment of need for community care services</p>				
<p>3. Community Care: People with Disabilities</p>					
<p>Assessment Disabled Person (Services, Consultation and Representation) Act 1986 – Section 2 N.H.S. and Community Care Act 1990 S.47(2) The Local Authority Social Services (Designation of Functioning Order) 1989</p> <p>Disability Discrimination Act 2005</p>	<p>Local Authorities are required to assess the needs of people with disabilities for certain welfare services (see below) with or without request. This means people who are “blind, deaf or without speech, or who suffer from mental disorder of any description, or are substantially and permanently disabled by their illness, injury or congenital deformity.” Update this with DDA 2005 definition of disability? The Disability Discrimination Act (DDA) defines a disabled person as someone who has a physical or mental impairment that has a substantial and long-term adverse effect on his or her ability to carry out normal day-to-day activities</p>				<p>See Schedule of delegation to officers</p>

Schedule of Powers Act	Summary Description of Powers	Cabinet	Cabinet Member	Strategic Director	Service Director
	This assessment can be requested by disabled people themselves or by their carers. The assessment must take into account any carers' ability to continue providing care on a regular basis (S.8).				

Schedule of Powers Act	Summary Description of Powers	Cabinet	Cabinet Member	Strategic Director	Service Director
Section 4	Services under Section 2 of the 1970 Act – Duty to consider the needs of Disabled People.				
Section 5	Persons leaving Special Education.				
Section 8	Duty of the Local Authority to take into account abilities of carers.				
Disabled Young People Leaving Full-Time Education Disabled Person (Services, Consultation and Representation) Act 1986 S.5(5)	Having received notification from an L.E.A. that a disabled young person is shortly to leave full-time education, the Local Authority must carry out an assessment of the young person's need for statutory welfare services.				See Schedule of delegation to officers
Services for Disabled People National Assistance Act 1948 Sections 29, 30, 41, 48 and 49) Chronically Sick & Disabled Persons Act 1970 Updated 1986 Disabled Persons (Services and Consultation and Representation) Act 1986 section 4	Local Authorities must arrange certain welfare services for disabled people who have been assessed as needing them. These include:-				See Schedule of delegation to officers

Schedule of Powers Act	Summary Description of Powers	Cabinet	Cabinet Member	Strategic Director	Service Director
	<ul style="list-style-type: none"> - practical assistance in the home - meals - assistance in carrying out adaptations to disabled people's home - provision of extra facilities in the home for safety, comfort or convenience - provision of (or help in obtaining) telephones (including related special equipment), television, radio, library or similar facilities, holidays, recreation, assistance to allow that person to take advantage of educational facilities, transport to or from services 				
	<ul style="list-style-type: none"> - social work, advice and support - facilities for social rehabilitation and adjustment - facilities for occupational, social, cultural and recreational activities, including payments to people for work. <p>Local Authorities may also contribute to the cost of warden services and provide holiday homes, workshops, free or subsidised transport, help in obtaining accommodation and instruction about methods of overcoming disability.</p>				
Registers and Information National Assistance Act 1948 S.29 and 29A	Local Authorities must compile registers of disabled people.				See Schedule of delegation to officers

Schedule of Powers Act	Summary Description of Powers	Cabinet	Cabinet Member	Strategic Director	Service Director
Chronically Sick and Disabled Persons Act 1970 S.1 (Sections 1, 2 and 18)	Local Authorities must take steps to establish the number of disabled people living in their areas and the need for welfare services for these people. Information about the services on offer should be published.				See Schedule of delegation to officers
Employment Disabled Persons (Employment) Act 1958	Local Authorities may, with the approval of the Secretary of State for employment, arrange for the provision of facilities for employment and training for registered persons who are seriously disabled.				See Schedule of delegation to officers
Disability Discrimination Act 2005	Disability Equality Duty – eliminate unlawful discrimination, reasonable adjustments , access to goods, services, employment etc				See schedule of delegation to officers
Direct Payments Community Care (Direct Payments) Act 1996 and Practice Guidance 2000. Community Care, Services for Carers and Children’s Services (Direct Payments) Guidance 2003. Health and Social Care Act 2008	Local Authorities responsible for community care services may make direct payments to persons in respect of their securing the provision of such services. Extension of direct payments				See Schedule of delegation to officers Director Commissioning and Partnerships
4. Mental Health					
Care in Scotland Mental Health (Scotland) Act 2003	Welfare of certain persons whilst in hospital in Scotland.				Decision

Schedule of Powers Act	Summary Description of Powers	Cabinet	Cabinet Member	Strategic Director	Service Director
<p>Guardianship Orders Mental Health Act 1983 S.7 and 8 Mental Health Act (2007) Mental Health (Hospital, Guardianship and Consent to Treatment) Regulations 1983</p> <p>Mental Capacity Act 2005 Deprivation of Liberty Safeguards</p>	<p>Local Social Service Authorities may make a guardianship application in respect of a patient of over 16 years suffering from a mental disorder where it is in the interest of the patient's welfare or for the protection of others that the patient is received into guardianship.</p> <p>The Authority granted a Guardianship Order can require the patient to reside at a specified place, require the patient to attend medical treatment, education, occupation or training and require access to the patient to be given to a Medical Practitioner or Approved Social Worker.</p> <p>Provide arrangements and processes to ensure the proper implementation of the Mental Capacity Act (2005) Code of Practice Deprivation of Liberty Safeguards. Provide Best Interest Assessors in conjunction with partners.</p>			Decision	Decision
<p>Court Of Protection Mental Capacity Act 2005</p>	<p>The provision to apply for court of protection to make decisions, for people who lack the capacity to do this for themselves relating to their property and financial matters.</p>				See Schedule of delegation to officers
<p>Emergency Admission to Hospital Mental Health Act 1983 S.2, 3</p>	<p>Requires two registered medical practitioners – Approved Mental Health Professionals.</p>				See Schedule of delegation to officers

Schedule of Powers Act	Summary Description of Powers	Cabinet	Cabinet Member	Strategic Director	Service Director
<p>and 4 Mental Health (Hospital, Guardianship and Consent to Treatment) Regulations 1983M</p> <p>Mental Health Act 2007 S114</p>	<p>In any case of urgent necessity, an Approved Mental Health Practitioner may make an emergency application of admission for assessment. A written recommendation from a registered Medical Practitioner is required to support the application. This emergency application will allow compulsory admission to hospital for a period of up to 72 hours. A second medical recommendation must be obtained within those 72 hours if the patient is to be detained for an assessment period of up to 28 days.</p>				
<p>Mental Health Act 1983 S.11</p>	<p>Before or within a reasonable time after an application of admission for assessment is made by an Approved Mental Health Practitioner, that Social Worker shall take any practical action to ensure the nearest relative of the patient is aware of the application and of his or her powers as the nearest relative.</p> <p>It is the duty of an Approved Mental Health Practitioner to make an application for admission to hospital or for guardianship where he is satisfied that an application ought to be made.</p>				<p>See Schedule of delegation to officers</p>

Schedule of Powers Act	Summary Description of Powers	Cabinet	Cabinet Member	Strategic Director	Service Director
Social Reports Mental Health Act 1983 S.14 Mental Health Act 2007 S 14	Where a patient is admitted to hospital under an application of admission, the managers of the hospital shall inform the local Social Services Authority who will then interview the patient and provide the managers with a report of his/her social circumstances. Approved Mental Health Professional replaces Approved Social Worker				See Schedule of delegation to officers
Approved Social Workers Mental Health Act 1983 S.114 Mental Health Act 2007 S.114	A local Social Services Authority shall appoint sufficient Approved Mental Health Practitioners for the purposes of discharging the mental health functions.				See Schedule of delegation to officers
Power of entry and Inspection Mental Health Act 1983 S.115 Mental Health Act 2007	An Approved Mental Health Practitioner may enter and inspect any premises within this area in which a mentally disordered person is living if he has reasonable cause to believe the patient is not under proper care.				Decision
Hospital Visits Mental Health Act 1983 S.116	When a young person in the Authority's care or a person subject to the guardianship of the Authority is admitted to a hospital or nursing home, the Authority shall arrange for visits to be made to the patient.				Decision
After Care Mental Health Act 1983 S.117(2) (see also N.H.S. Act 1997 Sched. 8)	It shall be the joint duty of the Health Authority and the Local Authority to provide, in co-operation with voluntary organisations, after-care for certain categories of discharged mentally				See Schedule of delegation to officers

Schedule of Powers Act	Summary Description of Powers	Cabinet	Cabinet Member	Strategic Director	Service Director
<p data-bbox="241 268 667 300">Mental Health Act 1983 S.117</p> <p data-bbox="230 563 566 635">Mental Health Act 1983 S.117(2)</p>	<p data-bbox="707 196 1249 523">disordered patients. Requires an Approved Social Worker (MH Act 2007 – replaces Approved Social Worker with AMHP) to assess a person’s mental health, along with key health colleagues, when providing aftercare services for people leaving hospital after being compulsory detained.</p> <p data-bbox="707 563 1223 778">There is a joint duty on Health and Social Services to provide after care services for ex-patients such as accommodation problems, family relationships, and the provision of domiciliary services and day centres</p>				
<p data-bbox="230 786 651 890">Supervised Discharge Mental Health (Patient in the Community) Act 1995</p>	<p data-bbox="707 786 1216 1153">Extension of duties under S.117 of 1983 Mental Health Act. Formal arrangements for supervision which can require a user to reside in a specified place and to undertake specific medical treatment, occupation, education or training. Includes power to require entry to place of residence and power to convey the patient.</p>				<p data-bbox="1933 786 2145 890">See Schedule of delegation to officers</p>
<p data-bbox="129 1197 510 1225">5. Financial Write-Offs</p>					
	<p data-bbox="707 1233 1234 1337">After consulting with the Service Accountant on behalf of the Strategic Director of Finance:-</p> <p data-bbox="707 1377 1249 1449">(a) Write off debts due to the Council of up to £500</p>				<p data-bbox="1933 1377 2168 1481">See Schedule of delegation to officers</p>

Schedule of Powers Act	Summary Description of Powers	Cabinet	Cabinet Member	Strategic Director	Service Director
	(b) Write off debts £501 to £5000				Decision Director Health and Wellbeing Director Commissioning and Partnerships
	(c) Write off debts £5001 and over			Decision Decision in consultation with Cabinet Member and Strategic Director Of Finance. Amounts over £5000 shall be communicated to Senior Leadership Team	
6. Independent Living					
Housing Operational and Procedural Matters	Authorisation of mandatory payments in respect of the Secure Tenants of				Decision

Schedule of Powers Act	Summary Description of Powers	Cabinet	Cabinet Member	Strategic Director	Service Director
	<p>Local Authorities (compensation for improvements) Regulations 1994.</p> <p>Authorisation of mandatory financial compensation in respect of the Secure Tenants of Local Housing Authorities (right to repair) Regulations 1994.</p>				
Statutory Provisions	<p>The discharge of – any executive function not otherwise reserved to the full Council, the Cabinet, a committee of the Cabinet, a member of the Cabinet, a joint committee discharging executive functions or another local authority, and any non-executive functions not otherwise reserved to the Licensing Board, or any other person or body discharging non-executive functions in accordance with executive arrangements made by the Council, in respect of the following:–</p> <p>Homelessness Act 2002</p>				Decision
Statutory Provisions cont...	<p>That the Council's powers relating to the above acts and any orders, regulations, statutory instruments, statutory Codes of Practice and/or Bylaws made there under and any future modifications, enlargements or amendments thereof be delegated to the Service Director for Independent Living.</p>				Decision

Schedule of Powers Act	Summary Description of Powers	Cabinet	Cabinet Member	Strategic Director	Service Director
	<p>The powers conferred include: Instigation of Legal Proceedings Authorisation of Information and Summonses Authorisation of Applications for a Warrant to Enter Premises Service of Statutory Notices Granting and Refusal of Licences Authorisation to Carry out Work in Default Appointment of Inspectors and Officers Appointment of Chief and Deputy Chief Inspector of Weights and Measures Authorisation of Officers Appointment of Official and Authorised Veterinary Officers, Public Analysts.</p>				
Renovation, Home Repair Assistance and disabled Facilities Grants	<p>Grants where the value of works is assessed by the Service Director for Independent Living as being less than or equal to £30,000 in respect of Disabled Facilities Grants and £7,500 in respect of Renovation Grants and all home repair assistance grants. N.B. there is no delegated power to officers in respect of an application from a private landlord for a discretionary grant.</p> <p>Interim payments in respect of Home Renovation, Renovation and Disabled Facilities Grants up to a maximum of 50% of the value of completed work</p>				Decision

Schedule of Powers Act	Summary Description of Powers	Cabinet	Cabinet Member	Strategic Director	Service Director
	<p>provided at least 50% of the total anticipated works have been satisfactorily completed. Where the payment involves disbursements to the Utilities Companies and any services provided by the Local Authority, such disbursements shall be included within this power but shall be additional to the percentages applied within this paragraph and may be made at any time after the approval of the grant.</p> <p>Additional payments for unforeseen works subject to a maximum of £500 in respect of any single grant. All agreed claims for unforeseen works subject to a maximum of £500 in respect of any single grant.</p> <p>All agreed claims for unforeseen and additional works be delegated to the Housing Access Manager.</p> <p>Approval of interim payments up to 90% legislative maximum be delegated to the Housing Access Manager.</p>				
Renovation, Home Repair Assistance and disabled Facilities Grants cont...	<p>Authorisation of extensions of time in respect of grant aided works. In respect of applicants using the agency service, authorisation of the payment of fees to persons or</p>				Decision

Schedule of Powers Act	Summary Description of Powers	Cabinet	Cabinet Member	Strategic Director	Service Director
	<p>agencies in the preparation of plans, reports or other inspections prior to the award of a grant.</p> <p>In respect of applicants using the agency service, the maintenance of a list of approved contractors.</p> <p>Monies by way of loan, the amount being the difference between the value of approved renovation, disabled facilities or public sector adaptation works and the amount of grant payable, subject to specific provisions of Council policy.</p> <p>Variation of the grant payable in such instances where the final accounts show reductions to the amount of grant approved, or where, owing to circumstances beyond the control of the applicant, the eligible works cannot be carried out on the basis of the determined expenses or failure to complete by contractor or other appropriate instances.</p> <p>Approval subject to any necessary conditions, where grant applicants wish to vary the standard specification for fixtures and fittings beyond that approved by the Council.</p>				
Housing Operational and Procedural Matters	Delegated to Housing Choices Manager:-				

Schedule of Powers Act	Summary Description of Powers	Cabinet	Cabinet Member	Strategic Director	Service Director
	<p>Homelessness determinations in accordance with the Housing Act 1985 and the code of guidance</p> <p>Authorisation of mandatory payments in respect of the Secure Tenants of Local Authorities (compensation for improvements) Regulations 1994</p> <p>Determination of such costs as are reasonably rechargeable to tenants in respect of repairs necessitated by factors other than fair wear and tear on the Council's property and fixtures.</p> <p>Delegated to 2010 Rotherham Ltd:-</p> <p>Service of appropriate notices in respect of unauthorised occupation of land or dwellings.</p> <p>Allocation and letting of vacant dwellings and garages provided they are within the policy of the Council.</p> <p>Approval of successions and assignments meeting the statutory requirements and the policy of the Council. Approval of second successions and commencement of possession proceedings in accordance statutory provision and Council policy.</p>				

Schedule of Powers Act	Summary Description of Powers	Cabinet	Cabinet Member	Strategic Director	Service Director
Housing Operational and Procedural Matters cont...	<p>Permitting tenants to resume their tenancy if the request is within a reasonable time from receipt of vacant possession.</p> <p>Admitting the right to buy in accordance with the Housing Act 1985. Determining boundaries for dwellings prior to conveyancing upon a right to buy claim.</p> <p>Authority to decant tenants of the Council to alternative accommodation provided the period is not likely to exceed 12 weeks.</p> <p>Authorise appropriate legal action in respect of breaches of the Council's tenancy agreements and other legal measures against the perpetrators of harassment, crime and anti-social behaviour and racial harassment against tenants and residents. Examples of such legal action is among but not limited to injunctions and anti-social behaviour orders.</p> <p>Authorise appropriate publicity by the Council for the purposes of advising members of the public that anti-social behaviour orders and injunctions have been made and in assisting in the enforcement of anti-social behaviour orders and injunctions, by encouraging the reporting of any</p>				<p>Decision</p> <p>Decision</p>

Schedule of Powers Act	Summary Description of Powers	Cabinet	Cabinet Member	Strategic Director	Service Director
	<p>breaches.</p> <p>The power to prosecute an offender in respect of –</p> <p>Offences relating to advertisements displayed in contravention of regulations; and</p> <p>Removal of placards or posters displayed in contravention of regulations.</p>				
<p>High Hedges</p> <p>Delegated powers under Part 8 of the Anti-Social Behaviour Act 2003 and any orders, regulations, statutory instruments all statutory codes of practice made there under.</p>					Decision
<p>Introductory Tenancies</p>	<p>Delegation of powers to the Anti-Social Behaviour Review Panel and Senior Officers in Housing Management to review and confirm, confirm with conditions attached and not confirm Notices of Proceedings for possessions on cases of breaches of the Tenancy Agreement.</p>				Decision

Schedule of Powers Act	Summary Description of Powers	Cabinet	Cabinet Member	Strategic Director	Service Director
Housing and Neighbourhood Services					
Group Repair Scheme	Approval of individual phases provided for within a framework contract. Project Management. Authorisation of payment for unforeseen works and variations provided always that such matters are in accordance with the Council's Standing Orders, Capital project procedures and the terms and conditions of the contract.				Decision
In respect of 2010 Rotherham Ltd.	Authority to represent the Council at any general meeting of 2010 Rotherham Ltd. Discharge responsibilities of the Council's representative as determined in the Management Agreement.				Decision
Statutory Provisions Administration of Justice Act 1970, As Amended Agriculture Act 1970 Agriculture Produce (Grading and Marking) Acts 1928 and 1931 Agriculture (Safety, Health and Welfare Provisions) Act 1956 Animal Boarding Establishments Act 1963 Animal Health Act 1981 Animal Health and Welfare Act 1984	The discharge of – any executive function not otherwise reserved to the full Council, the Cabinet, a committee of the Cabinet, a member of the Cabinet, a joint committee discharging executive functions or another local authority, and any non-executive functions not otherwise reserved to the Licensing Board, or any other person or body discharging non-executive functions in accordance with executive arrangements made by the Council, in				Decision Director of Housing and Neighbourhood Services

Schedule of Powers Act	Summary Description of Powers	Cabinet	Cabinet Member	Strategic Director	Service Director
Animal Welfare Act 2006 Anti-Social Behaviour Act 2003 Breeding of Dogs Act 1973 and 1991 Broadcasting Act 1990 Building Act 1984 Burial Act 1857 Business Names Act 1985 Children and Young Persons Act 1933 Children and Young Persons (Protection from Tobacco) Act 1991 Clean Air Act 1993 Clean Air & Neighbourhood Act 2004 Companies Act 1985 Consumer Arbitration Agreements Act 1988 Consumer Credit Act 1974	<p>respect of the Acts in column one.</p> <p>That the Council's powers relating to these acts and any orders, regulations, statutory instruments, statutory Codes of Practice and/or Bylaws made there under and any future modifications, enlargements or amendments thereof be delegated to the Director of Housing and Neighbourhood Services.</p> <p>The powers conferred include: Instigation of Legal Proceedings Authorisation of Informations and Summonses Authorisation of Applications for a Warrant to Enter Premises Service of Statutory Notices Granting, suspension and refusal of licences, authorisations and registrations for persons, premises or processes Authorisation to Carry out Work in Default</p>				<p>Via Written Authorisation to approve on behalf of Director of Housing and Neighbourhood Services: Safer Neighbourhood Manager Business Regulation Manager</p>

Schedule of Powers Act	Summary Description of Powers	Cabinet	Cabinet Member	Strategic Director	Service Director
Statutory Provisions cont...					Decision
Consumer Protection Act 1987	Appointment of Inspectors and Officers				
Control of Pollution Act 1974					
Copyright, Designs and Patents Act 1988	Appointment of Chief and Deputy Chief Inspector of Weights and Measures				
Cremation Acts 1902 and 1952	Authorisation of Officers				
Cremation Regulations (England and Wales) 2008	Appointment of Official and Authorised Veterinary Officers, Public Analysts.				
Crime & Disorder Act 1998	Formal transfer / assignment or enforcement responsibilities				
Criminal Justice Act 1988					
Criminal Justice and Public Order Act 1994					
Dangerous Dogs Acts 1989 and 1991					
Dangerous Wild Animals Act 1976					
Development of Tourism Act 1969					
Dogs Acts 1871 and 1906					
Dogs (Fouling of Land) Act 1996					
Education Reform Act 1988					
Environment Act 1995					
Enterprise Act 2002					
Environmental Protection Act 1990					
Estate Agents Act 1979					
European Communities Act 1972					
Factories Act 1961					
Fair Trading Act 1973					
Farm and Garden Chemicals Act 1967					
Financial Services and Markets Act 2000					
Fire Safety and Safety of Places of Sport Act 1987	Authority to the Safer Neighbourhood Manager to issue Section 46				
Food Act 1984	Environmental Protection Act 1990 notices and to authorise prosecutions for offences under Section 46 of the 1990 Act and Section 137(1) of the				
Food (Chilli, Chilli Products, Curcuma and Palm Oil) (Emergency Control) (England) Regulations 2005					

Schedule of Powers Act	Summary Description of Powers	Cabinet	Cabinet Member	Strategic Director	Service Director
Food and Environment Protection Act 1985 Food Hygiene (England) Regulations 2006 Food Labelling Regulations 1996 Food Safety Act 1990 Forgery and Counterfeiting Act 1981 Fraud Act 2006 Gambling Act 2005 Game Act 1831 General Food Regulations 2004 Guard Dogs Act 1975 Hallmarking Act 1973 Harris Tweed Act 1993 Health Act 2006 Health and Safety at Work etc Act 1974 Highways Act 1980 Hire Purchase Act 1965 House to House Collections Act 1939 Housing Act 1985 Housing Act 1996 Housing Act 2004 Insolvency Act 1986 Insurance Brokers (Registration) Act 1977 Insurance Companies Act 1981 Intoxicating Substances (Supply) Act 1985 Licensing Act 1964 Licensing Act 2003 Limitation Act 1980 Local Authorities Cemeteries Order 1977 Local Government Act 1972	Highways Act 1980 in respect of wheeled bins				Decision

Schedule of Powers Act	Summary Description of Powers	Cabinet	Cabinet Member	Strategic Director	Service Director
Local Government Act 1894 Local Government (Miscellaneous Provisions) Acts 1976, 1987 and 1982 Malicious Communications Act 1988 Marriage Act 1949 Materials and Articles in Contact with Food (England) Regulations 2005 Medicines Acts 1968 and 1971 Minors Contracts Act 1987 Misrepresentations Act 1967 Mock Auctions Act 1961 Motor Salvage Operators Regulations 2002 Motor Vehicles (Safety Equipment for Children) Act 1991 National Assistance Acts 1948 and 1951 Noise and Statutory Nuisance Act 1992 Offices, Shops and Railway Premises Act 1963 Official Food and Feed Controls (England) Regulations 2006 Organic Product Regulations 2004 Performing of Animals (Regulation) Act 1925 Pet Animals Act 1911 and 1951 Poisons Act 1972 Police, Factories (Miscellaneous Provisions) Act 1916 Prevention of Damage by Pests Act 1949 Prices Acts 1974 and 1975 Proceeds of Crime Act 2002 Products of Animal Origin (Third					Decision

Schedule of Powers Act	Summary Description of Powers	Cabinet	Cabinet Member	Strategic Director	Service Director
Country Imports)(England) Regulations 2006 Property Misdescriptions Act 1991 Protection of Children (Tobacco) Act 1986 Public Health Acts 1936 and 1961 Public Health (Control of Diseases) Act 1984 Regulatory Reform (Fire Safety) Order 2005 Refuse Disposal (Amenity) Act 1978 Restrictive Trade Practices Act 1976 Riding Establishments Acts 1964 and 1970 Road Traffic Acts 1988 and 1991 Road Traffic (Consequential Provisions) Act 1988 Road Traffic (Foreign Vehicles) Act 1972					

Schedule of Powers Act	Summary Description of Powers	Cabinet	Cabinet Member	Strategic Director	Service Director
Road Traffic Offenders Act 1988 Safety of Sports Grounds Act 1975 Sale of Goods Act 1979 Sale and Supply of Goods Act 1994					Decision
Scotch Whisky Act 1980 Scrap Metal Dealers Act 1964 Slaughter of Poultry Act 1967 Solicitors Act 1974 South Yorkshire Act 1980 Sunday Trading Act 1994 Supply of Goods (Implied terms) Act 1973 Supply of Goods and Services Act 1982 Telecommunications Act 1984 Theft Acts 1968 and 1978 Timeshare Act 1992 Torts (Interference with Goods) Act 1977 Town Police Clauses Act 1847 Trade Descriptions Act 1968 Trade Marks Act 1994 Trading Representations (Disabled Persons) Acts 1958 and 1972 Transport Act 1985 Unfair Contract Terms Act 1977 Unsolicited Goods and Services Acts 1971 and 1975 Vehicle (Excise) Act 1971 Vehicle (Crime) Act 2001 Vehicle Emissions Testing – Road Traffic (Vehicle Emissions) (Fixed					Decision

Schedule of Powers Act	Summary Description of Powers	Cabinet	Cabinet Member	Strategic Director	Service Director
Penalty) (England) Regulations 2002 Video Recordings Acts 1984 and 1993 Water Act 1945 Water Industry Act 1991 (As amended by the Water Consolidation (Consequential Provisions) Act 1991) Weights and Measures Act 1976 Weights and Measures Act 1985 Wildlife and Countryside Act 1981 Working Time Regulations 1998 Young Persons (Employment) Acts 1938 and 1964 Zoo Licensing Act 1981					
<p>Miscellaneous Statutory Provisions</p> <p>The service of Notice and the carrying out of works under Section 29 of the Local Government (Miscellaneous Provisions) Act 1982 (vacant houses).</p> <p>The instigation of proceedings under the Protection from Eviction Act 1977.</p> <p>The service of Repair Notices upon Private Sector Landlords under the provisions of Section 189(1) and Section 190(1) of the 1985 Housing Act.</p> <p>The service of Statutory Notices under the relevant provisions of Section 352,</p>	<p>That the Council's powers relating to the following Acts and any Orders, regulations, statutory instruments, statutory Codes of Practice and/or Bylaws made there under and any future modifications or enlargements thereof be delegated to the Service Director for Housing and Neighbourhood Services and officers empowered by the Service Director for Housing and Neighbourhood Services from time to time:-</p>				<p>Decision</p> <p>Via written Authorisation to approve on behalf of Director of Housing and Neighbourhood Services: Safer Neighbourhood Manager</p>

Schedule of Powers Act	Summary Description of Powers	Cabinet	Cabinet Member	Strategic Director	Service Director
<p>372, 354 and 358 of the 1985 Housing Act in respect of Houses in Multiple Occupation.</p> <p>The service of a Notice under the provisions of 364 of the Housing Act 1985 requiring occupancy details in respect of a House in Multiple Occupation.</p> <p>The service of Notices under the provisions of Section 194 and 374 of the 1985 Housing Act in respect of entry to premises to carry out works in default.</p>					
<p>The service of a Notice under the provisions of Section 335 of the 1985 Housing Act requiring the occupier to provide a statement of numbers, ages, sexes of persons sleeping in the dwelling.</p> <p>The service of a Notice under the provisions of Section 338 of the 1985 Housing Act in respect of the abatement of overcrowding.</p> <p>The service of a Statutory Notice under the provisions of Section 80 of the 1990 Environmental Protection Act in respect of statutory nuisance.</p>					Decision

Schedule of Powers Act	Summary Description of Powers	Cabinet	Cabinet Member	Strategic Director	Service Director
<p>The service of Statutory Notice under the provisions of Section 76 of the Building Act 1984 in respect of statutory nuisance.</p> <p>The service of Statutory Notice under the provisions of Section 59 of the Building Act 1984 in respect of drainage.</p> <p>The service of Statutory Notice under the provisions of Section 79 of the Building Act in respect of ruinous and dilapidated buildings.</p> <p>The service of Notice under the provisions of Section 84 of the Building Act 1984 in respect of defective yard paving.</p>					
<p>The service of Notice under the provisions of Section 4 of the Prevention of Damage by Pests Act 1949 in respect of accumulations liable to provide harbourage for rodents.</p> <p>The service of Notice under the provisions of Section 16 of the Local Government (Miscellaneous Provisions) Act 1976 requiring ownership details in respect of a premise.</p>					Decision

Schedule of Powers Act	Summary Description of Powers	Cabinet	Cabinet Member	Strategic Director	Service Director
<p>The service of Notice under the provisions of Section 45 of the Public Health Act 1936 in respect of repairs to W.Cs.</p> <p>The service of Notice under the provisions of Section 83 and 84 of the 1936 Public Health Act in respect of verminous premises, articles and persons.</p> <p>The service of Notice under the provisions of Section 287 of the 1938 Public Health Act, power to enter premises in respect of investigation of statutory nuisances.</p>					
<p>Empowerment of qualified Environmental Health Officers to serve the above notices for and on behalf of the Service Director for Neighbourhood Services, designated as Proper Officer of the Council in relation to any notice, demand or other written document.</p>					Decision
<p>Standards in private sector housing</p> <p>Delegated powers under Part 1, 2, 3, 4 and 7 of the Housing Act 2004 and any orders, regulations, statutory instruments or statutory codes of practice made there under</p>					Decision Director of Housing and Neighbourhood Services

Schedule of Powers Act	Summary Description of Powers	Cabinet	Director	Cabinet Member	Head of Function
<p>Standards in private sector housing</p> <p>Delegated powers under Parts 1, 2, 3, 4 and 7 of the Housing Act 2004 and any orders, regulations, statutory instruments or statutory codes of practice made there under.</p> <p>Provision of Sheltered Housing Wardens Service</p>				<p>Decision</p>	<p>Decision</p>

ROTHERHAM BOROUGH COUNCIL – REPORT TO MEMBERS
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1.	Meeting:	Annual Council Meeting
2.	Date:	21st May 2010
3.	Title:	Constitution
4.	Directorate:	Chief Executive's

5. Summary

Following the adoption of the revised Constitution at the Council meeting of 21st April 2010, the supporting Executive Procedure Rules and Overview and Scrutiny Procedure Rules have been amended.

A further amendment to the Constitution is proposed to take account of the new Statutory duty to establish a Petitions scheme, which is the subject of a separate report to this meeting.

6. Recommendations

That the revised Executive Procedure Rules and Overview and Scrutiny Procedure Rules, and the amended wording to Article 8 of the Constitution be approved.

7. Proposals and Details

Following the adoption by the Council at its meeting on 21st April 2010 of the amended Constitution, the Executive Procedure Rules have been amended in line with the revised arrangements. Principal changes concern the operation of the Executive and the Councils Scheme of Delegation at paragraphs 1 and 2 which have been amended to reflect the “strong” leader model. A copy of the document is attached as Appendix 1.

The Overview and Scrutiny Procedure Rules are not directly affected by the changes to governance as regards the Executive but they have been updated and amended so that they fully reflect recent changes in legislation. These include the creation of the Statutory Scrutiny Officer, the designation of the Democratic Renewal Scrutiny Panel as the Crime and Disorder Committee and Councillor Call for Action. It is also proposed to include a new part VI within the rules to cover the role of Overview and Scrutiny Committees as regards the Council’s scheme for handling petitions, which will be a statutory requirement from 15th June 2010 and is the subject of a separate report to this meeting. A copy of the revised rules is attached at Appendix 2.

An amendment to Article 8 of the Constitution itself to refer to the role of Overview and Scrutiny as regards the Scheme for the handling of petitions is attached at Appendix 3.

8. Finance

There are no financial implications arising from this report.

9. Risks and Uncertainties

There is a need for the Council’s Constitution to be amended to reflect the revised Governance arrangements which were agreed in December 2009 and take effect this month. The Council’s Constitution and supporting documents should be regularly updated to reflect changes in legislation, including the recent requirements as regards the scheme for the handling of petitions, which are shortly to take effect.

10. Policy and Performance Agenda Implications

The amendments reflect changes in legislation, notably the requirement to adopt new governance arrangements contained in the Local, Government and Public Involvement in Health Act 2007 following the Governments White Paper “ Strong and Prosperous Communities”.

11. Background Papers and Consultation

The Council’s Constitution

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ROTHERHAM BOROUGH COUNCIL

EXECUTIVE PROCEDURE RULES

ARRANGEMENT OF RULES

Rule

PART I

THE OPERATION OF THE EXECUTIVE, ETC.

- 1 The operation of the executive
- 2 The scheme of delegation for Members and Officers
- 3 Conflicts of interest

PART II

EXECUTIVE MEETINGS AND RECORDS OF EXECUTIVE DECISIONS

- 4 Executive meetings
- 5 The conduct of executive meetings
- 6 Recording executive decisions

PART III

THE FORWARD PLAN

- 7 Publicising preparation of forward plan
- 8 The forward plan
- 9 Content of the forward plan
- 10 Exceptions to requirement for details of key decisions to feature in forward plan

PART IV

REPORTS TO THE COUNCIL

- 11 Reports to the Council

PART V

THE POLICY FRAMEWORK

- 12 The policy framework and the executive
- 13 Development of plans and strategies
- 14 Adoption or approval of plans or strategies

Appendix Cabinet Member Portfolios

Questions from the Public at Cabinet Meetings – Recommended Practice

EXECUTIVE PROCEDURE RULES

PART I THE OPERATION OF THE EXECUTIVE, ETC.

1 The operation of the executive

Who may make executive decisions?

(1) The arrangements for the discharge of executive functions are set out in Article 7 of the constitution, these Executive Procedure Rules and the Scheme of Delegation for Members and Officers.

(2) The Leader of the Council may decide how executive functions that are not set out in the above executive arrangements are to be exercised.

(3) The Leader may discharge any executive function and shall approve the Scheme of Delegation for Members and Officers as regards executive functions, which may provide for such functions to be discharged by -

- the Cabinet as a whole;
- a committee of the Cabinet;
- an individual member of the Cabinet;
- an officer;
- an area assembly co-ordinating group;
- joint arrangements with another local authority; or
- another local authority.

Sub-delegation of executive functions

(4) Subject to any statutory provisions and except where the Leader specifies otherwise, where executive functions have been delegated to the Cabinet, they may be delegated further to any of the individuals or other bodies described in paragraph (3).

(5) Unless the Leader specifies otherwise, where executive functions have been delegated to a committee of the Cabinet or to an individual Cabinet Member, they may be delegated further to an officer.

(6) The fact that executive functions have been delegated does not prevent the discharge of those functions by the delegator.

2 Scheme of Delegation for Members and Officers

(1) The Scheme of Delegation for Members and Officers may only be amended by the Leader as regards executive functions and will contain the details required in Article 5 of the Constitution.

(2) Amendments to the Scheme as regards executive functions will be reported to all members of the Council in accordance with Standing Orders.

3 Conflicts of Interest

(1) If a Member of the Cabinet has a conflict of interest in relation to a matter for his or her consideration, the Leader of the Council will substitute or in his absence the Deputy Leader.

(2) If both the Leader or Deputy Leader are absent or if they themselves have a conflict of interest then the Cabinet Member with responsibility for resources is authorised to substitute.

(3) Where all of the above have a conflict of interest then the matter will be referred to the full Cabinet.

PART II**EXECUTIVE MEETINGS AND RECORDS OF EXECUTIVE DECISIONS****4 Cabinet meetings***Frequency of meetings*

(1) The Cabinet will ordinarily meet at the Town Hall, Moorgate Street, Rotherham S60 2TH approximately every 2 weeks but there will be a recess during the month of August

Quorum

(2) The quorum for a meeting of the Cabinet shall be 5. The quorum for a meeting of a committee of the Cabinet shall be one-third of the committee's membership.

Executive decisions

(3) Cabinet decisions which have been delegated to the Cabinet as a whole or a committee of the Cabinet will be taken at a meeting convened in accordance with the *Access to Information Rules*.

(4) Where executive decisions are delegated to a committee of the Cabinet, the rules applying to executive decisions taken by the committee will be the same as those applying to those taken by the Cabinet as a whole.

5 The conduct of executive meetings*Chairing meetings*

(1) Meetings of the Cabinet will be chaired by the Leader, or in his or her absence, by the Deputy Leader. In the absence of both the Leader and Deputy Leader, the Cabinet shall choose another Cabinet Member to preside.

Others' attendance at executive meetings

(2) The Chairman of the Performance and Scrutiny Overview Committee may attend Cabinet meetings, and at the invitation of the chair, may speak but not vote.

(3) The *Access to Information Rules* govern who may attend meetings of the Cabinet held in public.

(4) For the first twenty minutes of each meeting of the Cabinet held in public, members of the public may attend and ask questions in accordance with the procedure appended to these Rules.

Consultation

(5) All reports to the Cabinet, from any member of the Cabinet or an officer, on proposals relating to the budget and policy framework, must contain details of the nature and extent of consultation with stakeholders and relevant overview and scrutiny committees, and details of the outcome of that consultation.

(6) Reports about other matters must set out the details and outcome of consultation as appropriate.

(7) The level of consultation required will be appropriate to the nature of the matter under consideration.

Adding items to the Cabinet's agenda

(8) The Leader may put on the agenda of any Cabinet meeting any matter which he or she wishes (whether or not authority has been delegated to the Cabinet, a committee of the Cabinet or any member or officer in respect of that matter) and the Democratic Services Manager will comply with the Leader's instructions in that respect.

(9) The Democratic Services Manager will comply with a Cabinet member's request to make sure that an item is placed on the agenda of the next available meeting of the Cabinet for its consideration.

(10) Any member of the Council may ask the Leader to put an item on the agenda of a Cabinet meeting, and if the Leader agrees the item will be considered at the next available meeting of the Cabinet.

(11) The Assistant Chief Executive (Legal and Democratic Services) or the Strategic Director of Finance (or both) may include an item for consideration on the agenda of a Cabinet meeting, and may require the Democratic Services Manager to call such a meeting in pursuance of their statutory duties.

(12) Notwithstanding subparagraph (11), where any two of the Chief Executive, the Assistant Chief Executive (Legal and Democratic Services) and the Strategic Director of Finance are of the opinion that a meeting of the Cabinet needs to be called to consider a matter that requires a decision, they may instruct the Democratic Services Manager to include the matter as an item on the agenda of the next scheduled meeting of the Cabinet.

(13) If a decision on the matter is required before the Cabinet is next scheduled to meet, the officers entitled to include an item on the agenda under subparagraph(12) may also require the Democratic Services Manager to convene an extraordinary meeting of the Cabinet to consider the matter.

6 Recording executive decisions*Executive decisions made at meetings*

(1) As soon as reasonably practicable following a Cabinet meeting held in public or in private, the Democratic Services Manager (or in his absence an Officer designated by him) will prepare a minute in respect of every executive decision made at the meeting.

(2) A minute prepared under subparagraph (1) will record –

- the decision;
- the reasons for the decision;
- details of any alternative options considered and rejected when the decision was made;
- any personal interest declared by a member of the Cabinet participating in the making of the decision; and
- any dispensation granted by the Council's Standards Committee to a member who declared a personal and prejudicial interest.

Executive decisions made by individual executive members

(3) As soon as reasonably practicable following the making of an executive decision by an individual member of the Cabinet, the member concerned will instruct the Democratic Services Manager to prepare a statement (or in his absence prepare the statement himself or herself) in respect of that decision.

(4) A statement prepared under subparagraph (3) will record –

- the decision;
- the reasons for the decision;
- details of any alternative options considered and rejected by the member when he or she made the decision;
- any personal interest declared by the Cabinet Member or a member who was consulted by the Cabinet member in relation to the decision; and
- any dispensation granted by the Council's Standards Committee to a member who was consulted by the Cabinet Member in respect of a personal and prejudicial interest.

PART III**THE FORWARD PLAN****7 Publicising preparation of forward plan***Document publicising preparation of forward plan*

(1) In accordance with the Leader's instructions, the Assistant Chief Executive (Legal and Democratic Services) will arrange for the annual publication, in at least one newspaper circulating in the borough, of a document containing the details specified in subparagraph (3).

Notice period

(2) The document must be published at least 14 but not more than 21 days before the commencement date of the first forward plan for that particular year.

Contents of document

(3) The document must state –

- that the Cabinet will be making key decisions on behalf of the Council;
- that each month the Cabinet will prepare a plan ("the forward plan"), which will contain details of the matters upon which key decisions are likely to be made by the Cabinet during the four months' period following publication of the plan;
- where each current forward plan may be inspected during office hours and free of charge;
- that each forward plan will contain a list of the documents submitted to the Cabinet for consideration in relation to particular matters upon which key decisions are likely to be made;
- the address from which (subject to any constraints on disclosure on the ground that the document contains confidential or exempt information) copies of, or extracts from, any document listed in the current forward plan can be obtained;
- that other documents relevant to the matters listed in the current forward plan may be submitted to the Cabinet;
- the procedure for requesting details of any other documents submitted to the Cabinet in accordance with the previous paragraph as they become available; and
- the monthly publication dates during the following twelve months on which each forward plan will be published and available to the public.

8 The forward plan*Preparation of forward plan*

(1) The Leader will prepare the Cabinet's forward plan containing details of the matters that are likely to be the subject of key decisions.

- (2) The forward plan will be for a period of four months commencing on the first working day of the month.
- (3) The forward plan will be updated monthly and a new forward plan produced, incorporating any outstanding matters from the previous plan, at least 14 days prior to the date on which the new plan will commence.
- (4) The most recent forward plan will supersede any earlier plan or plans.

Meaning of "key decision"

(5) A key decision means –

- any recommendation to Council to approve or vary the revenue or capital budget, being outside approved virement limits.
- any decisions that will result in income, expenditure or savings with a gross effect of £500,000 or greater (whether or not the item has been included in the relevant approved budget and including the provision by the Council of cashflow funding to third parties), with the exception of:-
 - (i) Decisions which are a direct consequence of implementing a previous key decision and were contemplated by the decision maker when the original key decision was made.
 - (ii) Bids by the Council for funding of £500,000 or more where, if the bid should be successful, a further report seeking approval of the scheme will be submitted to Cabinet.
 - (iii) Expenditure for the day to day provision of services that was in the contemplation of the Council when the revenue budget was approved and is in the opinion of the Strategic Director of Finance inevitable.
 - (iv) Expenditure that must be incurred to comply with the terms of contracts won by the Council in competition.
- Any decision relating to the approval or variation of policies which are reserved to the full Council.
- Any decision that is likely to have a significant positive or negative impact on the people living or working in an area comprising two or more wards (or one ward if the effects are sufficiently significant) but not if the decision will apply throughout the whole borough."

9 Content of the forward plan

(1) Subject to Rule 10(1), each forward plan prepared by the Leader will contain the details specified in subparagraph (2), in so far as they are available or might reasonably have been expected to be obtained at that time the plan is prepared.

Details in forward plan

(2) The details referred to in subparagraph (1) are –

- the matter in respect of which the key decision is to be made;
- the name and a list of its members, if the decision-maker is a decision-making body that will make the key decision;
- the date on which, or the period within which, the key decision is to be made;

- the identity of the principal groups or organisations whom the it is proposed to consult before making the key decision;
- the means by which the proposed consultation is to be undertaken;
- the steps that may be taken by anyone who wishes to make representations to the Cabinet about the matter in respect of which the key decision is to be made, and the date by which those steps must be taken; and
- a list of the documents submitted to the decision-maker for consideration in relation to the matter in respect of which the decision is to be made.

Meaning of "decision-maker"

(3) In these Rules the "decision-maker" means –

- in the case of an individual, the Leader, the member of the Cabinet or officer who is authorised to discharge the executive function in accordance with the Council's *Delegation Scheme for Members and Officers* or
- in the case of a decision-making body,
 - the Cabinet or a committee of the Cabinet, or
 - the joint committee or a sub-committee of the joint committee (where all the members of the joint committee or sub-committee are members of a local authority executive),
 - an area assembly co-ordinating group

which is authorised to discharge the executive function in accordance with the Council's *Delegation Scheme for Members and Officers*.

Excluded information or advice

(4) The forward plan will contain particulars of the matters that will be the subject of key decisions but, in accordance with the *Access to Information Rules*, it will not contain confidential or exempt information.

10 Exceptions to requirement for details of key decisions to feature in forward plan

General exception

(1) Where it has been impracticable to include a matter on the executive's forward plan and the matter would be a key decision, the Cabinet must only make the decision if the Democratic Services Manager has –

- notified in writing the chairman of the Performance and Scrutiny Overview Committee or, if there is no chairman, each member of the committee of the matter about which the decision is to be made; and
- placed a copy of the notice at the Town Hall or the place of the meeting, and

5 clear days have elapsed since the notice was given and made available at the Town Hall or the place of the meeting.

Special urgency

(2) If the date by which a key decision must be made makes it impracticable to comply with subparagraph (1), the key decision can only be made if the Cabinet has obtained the agreement of –

- the chairman of the Performance and Scrutiny Overview Committee, or
- the Mayor if the chairman of that committee is absent or unable to act, or
- the Deputy Mayor if both the Mayor and chairman of that committee are absent or unable to act,

that the making of the key decision is urgent and it cannot reasonably be deferred.

**PART IV
REPORTS TO THE COUNCIL**

11 Reports to the Council

Executive decision not treated as key decision

(1) The Performance and Scrutiny Overview Committee may require the decision-maker responsible for an executive decision to submit a report for consideration by the full Council, if the committee considers that the decision-maker should have treated the decision as a key decision but did not do so.

(2) The decision-maker must submit the report to the full Council within such reasonable period as is specified by the committee.

Contents of report to full Council

(3) The report must contain details of –

- the decision-maker;
- the decision and the reasons for the decision; and
- if the Cabinet share the opinion of the decision-maker that the decision was not a key decision, the reasons for that opinion,

Quarterly reports on urgent key decisions

(4) At quarterly intervals, the Leader will submit to the full Council a report containing details of urgent decisions taken in compliance with rule 10 (2) (special urgency) during the preceding three months.

(5) A report submitted under subparagraph (4) will include –

- particulars of each urgent decision made; and
- summary of the matters in respect of which each decision was made.

**PART V
THE POLICY FRAMEWORK**

12 The policy framework and the executive

Development and implementation of plans and strategies

(1) The Cabinet is responsible for developing the plans and strategies that are adopted or approved by the Council and comprise the policy framework.

(2) Once the Council has adopted or approved a plan or strategy, the executive is responsible for implementing it.

Alteration or modification of plans and strategies

(3) Subject to subparagraph (4) and (5), the executive may not alter or modify any plans or strategies that comprise the policy framework, and must take executive decisions in accordance with them.

(4) Without the prior consent of the full Council, the executive may not take a decision that will have the effect of changing any plan or strategy comprised in the policy framework unless –

- the decision is necessary to ensure compliance with the law, ministerial direction or government guidance;
- the particular plan or strategy permits minor changes; or
- the decision is necessary to meet a budgetary constraint (an overspend).

(5) Without the prior consent of the full Council, the executive may not take a decision that falls outside the policy framework unless –

- the decision may reasonably be regarded as urgent; and
- the decision-maker has obtained from the chairman of the Performance and Scrutiny Overview Committee or, in his or her absence the Mayor or in his or her absence the Deputy Mayor a statement in writing that the decision needs to be made as a matter of urgency.

(6) The executive shall note the chairman or Mayor's consent on the record of a decision made under subparagraph (5).

Reporting decisions falling outside policy framework

(7) As soon as practicable after making a decision that falls outside the policy framework, the executive shall submit a report to the full Council, which includes details of –

- the decision;
- the emergency or other circumstances in which the decision was made; and
- the reasons for the decision.

13 Development of plans and strategies

Timetable for preparation of plans and strategies

(1) In respect of any plan or strategy comprised in the policy framework, the Cabinet will determine the timetable for –

- (a) consulting as appropriate local stakeholders;
- (b) preparing its initial proposals;
- (c) consulting overview and scrutiny committees; and
- (d) submitting the draft plan or strategy for the Council's adoption or approval.

(2) Details of consultation with local stakeholders will be included in the relevant forward plan or plans that are available for inspection at the Town Hall.

Preparation of initial proposals

(3) In preparing its initial proposals for a particular plan or strategy, the Cabinet will consider the outcome of any review of policy carried out by an overview and scrutiny committee in respect of the plan or strategy.

(4) The Cabinet's initial proposals for the particular plan or strategy will be referred for the consideration of relevant overview and scrutiny committees, who may consult with local stakeholders in so far as the executive has not already consulted them.

(5) The Cabinet's initial proposals will be forwarded to the Statutory Scrutiny Officer, who will forward them to the chairmen of the Performance and Scrutiny Overview Committee and the relevant overview and scrutiny committees.

(6) Within such period specified by the Cabinet, the overview and scrutiny committees consulted by the Cabinet will report the outcome of their deliberations to the executive.

Recommendation of adoption or approval of firm proposals

(7) Having considered the views of local stakeholders and any overview and scrutiny committees' reports, the Cabinet may amend its initial proposals then recommend to the Council the adoption of its firm proposals for the particular plan or strategy.

14 Adoption or approval of plans and strategies

Adoption or approval

(1) Having regard to the views of local stakeholders (where sought) and any overview and scrutiny committee reports, the Council will consider the Cabinet's firm proposals for the particular plan or strategy and may adopt them, propose amendments to them or refer them back to the executive for further consideration,

(2) The Council's decision under subparagraph (1) will be publicised at the Town Hall and a copy given to the Leader.

(3) The Council's decision to adopt the Cabinet's firm proposals for a particular plan or strategy will take immediate effect.

(4) If the Council has objections to the plan or strategy it must inform the Leader of them and request the reconsideration of the plan or strategy in the light of these objections.

(5) The Leader must be given at least 5 working days to arrange for the plan or strategy with any proposed amendments to be resubmitted to the Council or notify the Council of any disagreement with the Council's objections together with reasons for any such amendments or disagreements.

(6) The Council must when reconsidering the plan or strategy take into account any amendments made and the reasons for them and any disagreements with the Council's objections and the reasons for them

(7) The Council's final decision on the adoption or approval of a particular plan or strategy will be of immediate effect and will be publicised at the Town Hall and on the Council's website.

Schedule 1

CABINET PORTFOLIOS

The portfolios of individual Cabinet members are as follows –

1. **The Leader of the Council**

Responsible for overall leadership and for the strategic policies of the Council including the Sustainable Communities Strategy and the Council's Corporate Plan. Political leadership and responsibility for the Year Ahead Statement and Outcomes.

Responsible for external relations and representation of the Council's interests at European, national, regional and sub-regional levels. Leadership of key local partnerships on a bi-lateral and multi-lateral basis, including serving as the Council's principal member representative on the Rotherham Partnership.

Responsible, together with the Deputy Leader or one other cabinet member for urgent decisions during recess or other periods when it is not possible to convene a cabinet meeting.

2. **The Deputy Leader**

Responsible for all functions exercised by the Leader, when the Leader is absent and unavailable.

Responsible for working with the Leader to provide overall political leadership within the Council, carrying out such specific duties or project leadership as determined by the Leader to help ensure the effective and efficient discharge of the Council's functions. [Given that the Leader has extensive external duties outside of Rotherham, the Deputy Leader is likely to be asked to take day-today responsibilities for some internal leadership duties, supporting the Leader in this].

Responsible for the Council's performance management and quality assurance programmes, performance clinics and political leadership of the Council's performance outcomes under the CAA framework.

Responsible for member development and training and for any other matters relating to member support and welfare.

Responsible for Legal and Democratic Services including maintaining a sound democratic process and meeting arrangements.

3. **The Cabinet Member for Resources**

Responsible for all aspects of:-

- Finance and Value for Money.
- Human Resources Strategy and Services.
- Developing the Capital Strategy.
- ICT Strategy and Services.
- Procurement Strategy.
- Risk Management and related Governance issues.
- Customer Access Strategy.

Responsible for political management of the Council's Medium Term Financial Strategy, overall charging/fees policies and the development of shared services with external bodies.

Responsible for liaison with and oversight of the strategic contract with BT (RBT) and for assuring effective outcomes from this joint venture.

Responsible politically for performance outcomes within the Use of Resources block of the CAA framework, and for liaison with Board members of other key organisations also involved in the performance assessment (eg NHS Rotherham, Police).

4. **The Cabinet Member for Children and Young People**

Responsibility for all functions relating to Children, Young People and Families as set out in statutory guidance. This includes championing children's issues and political leadership on:-

- Education and Lifelong Learning.
- Children's Social Care Services.
- Safeguarding of Children.
- Youth Services.
- Children's Voice and Influence Activity.
- Careers Guidance.
- Children's Health and Wellbeing.
- Young People's Employment and training .
- Influencing all services allied to these issues, from the children's perspective.

Responsible politically for performance outcomes within the Children & Young People's service assessments under the CAA framework and relevant inspection regimes.

5. **The Cabinet Member for Health & Social Care**

Responsible for all functions relating to Adult Social Care, Disability Services and Mental Health Services, including all responsibilities set out in statutory guidance and relating to these issues. This includes championing older people's services disability issues and mental health issues locally and externally.

Responsible for the Council's involvement in health promotion and improvement, public health strategy and liaison with NHS Rotherham, Rotherham Foundation Trust, Rotherham and Doncaster Mental Health Trust and any other health bodies that impact on health services in Rotherham. Responsible politically for performance outcomes within the Adult, Older Peoples, Mental Health and Health Service assessments under the CAA framework and relevant inspection regimes.

6. **The Cabinet Member for Housing & Neighbourhoods**

Responsible for all aspects of housing strategy, including Housing Market Renewal and affordable housing programmes.

Responsible for liaison and political management of the relationships and contracts with Rotherham 2010 Ltd and with other social housing landlords.

Responsible, jointly with the Cabinet Member for Planning, Transportation and Economic Development, for liaison with the Homes and Communities Agency and for the development of effective joint working with that body.

Responsible for the development and implementation of Neighbourhoods Strategy and Neighbourhood renewal policy, including initiatives to tackle social exclusion and inequalities in prosperity in deprived areas [working closely with the Cabinet Member for Community Development and Engagement on this].

Responsible for the continuing development of Area Assemblies and neighbourhood management initiatives.

Responsible politically for performance outcomes in all these themes under the CAA framework and relevant inspection regimes.

Responsible for Community Safety (and liaison with the Police).

7. **The Cabinet Member for Economic Development, Planning and Transportation**

Responsible for all aspects of planning, transportation, asset management and economic development policy (including tourism) services and delivery, including liaison on a city-region/sub-regional basis with other authorities.

Responsible for the Rotherham Renaissance programme and plan and for all business development initiatives undertaken by the Council or in association with other key agencies such as Yorkshire Forward and the HCA (in liaison with the Cabinet Member for Housing and Neighbourhoods).

Responsible for developing and championing the Council's policies on sustainability and sustainable development.

Responsible politically for performance outcomes in all these themes under the CAA framework and relevant inspection regimes.

Responsible for taking the lead on matters relating to the Integrated Transport Authority.

8. **The Cabinet Member for Streetpride Services**

Responsible for all aspects of Streetpride services including:-

- Litter and waste management.
- Parking management services.
- Grounds maintenance.
- Other street services/maintenance activity.
- Public realm improvement.

Responsible politically for performance outcomes in these service areas under the CAA regime and relevant inspections.

9. **The Cabinet Member for Cultural Services and Sport**

Responsible for all aspects of culture, leisure and sports policy and services including:-

- Sporting facilities and sports promotion.
- Leisure facilities and recreational areas.
- Libraries and Museums.
- Parks and open spaces.
- Children's play areas.
- Events planning and management including the Rotherham Show.

Responsible for championing increased participation in sport and recreation and liaison with NHS Rotherham on this.

Responsible for the co-ordination of events and activity for the 2012 Olympic Games.

Responsible politically for performance outcomes in these service areas under the CAA regime and relevant inspections.

(This Member to work closely with the Cabinet Member for Health and Social Care on developing health opportunities through sport and leisure.)

10. **The Cabinet Member for Community Development and Engagement**

Responsible for promoting cohesive and inclusive communities and for all aspects of engagement and communications with local residents, businesses and groups to maximise participation in local civic and community affairs and to drive up satisfaction with local services and performance.

Responsible specifically for:-

- Community cohesion.
- Prevent Strategy.
- Voluntary sector liaison.
- Corporate communications.
- Equalities in the community.
- Consultation strategy.
- Asylum/migration services.
- Parish Council liaison.

(This member will need to work closely with the Cabinet Member for Housing and Neighbourhoods on many of these issues, including close liaison on Area Assemblies and Community Safety.)

Responsible politically for performance outcomes in these service areas under the CAA framework and relevant inspections.

Appendix**Questions from the Public at Cabinet Meetings – Recommended Procedure**

1. At the start of each meeting of the Cabinet, 20 minutes be allocated for members of the public (other than Members of the Council) to put questions.
2. Subject to 3 below, an individual shall be permitted to ask one question only.
3. Following the answer to the original question, a questioner may ask one supplementary question. This may not introduce any new issue and shall only be by way of seeking further or clearer information regarding the original question and the answer given.
4. Questions should only concern matters which are within the Council's area of responsibility or influence.
5. Questions:-
 - (a) Must be reasonable and fair.
 - (b) Must not be defamatory, offensive or abusive.
 - (c) Must not seek personal information regarding individual employees or users of Council services.
 - (d) Must not relate to individual employment issues.
 - (e) Must not relate to matters on which there is a pending right of appeal.
 - (f) Must not relate to matters subject to litigation.
6. The Chairman may decline to answer any question, whether for non-compliance with the above guidance or otherwise. The Chairman may curtail any debate which is considered to be inappropriate or not constructive.
7. Subject to compliance with the above guidance, all individuals shall be treated equally and have fair access to the meeting.

**ROTHERHAM BOROUGH COUNCIL
OVERVIEW AND SCRUTINY PROCEDURE RULES**

ARRANGEMENT OF RULES

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AND SCRUTINY COMMITTEES**

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2. Terms of reference
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OVERVIEW AND SCRUTINY PROCEDURE RULES

PART I

APPOINTMENT AND TERMS OF REFERENCE ETC OF OVERVIEW AND SCRUTINY COMMITTEES

1 Appointment of overview and scrutiny committees

- 1) The Council's overview and scrutiny committees are set out in the Schedule to these Rules, and the Council will appoint to them from time to time as it considers appropriate and those committees may appoint sub-committees.
- 2) Overview and scrutiny review groups may also be appointed on an ad hoc basis for a fixed period with clear terms of reference, on the expiry of which they shall cease to exist.
- 3) In these Rules, unless the context otherwise requires, the term "overview and scrutiny committee" means –
 - the Performance and Scrutiny Overview Committee (PSOC),
 - the policy review and scrutiny panels appointed annually by the Council, and any of its or their Review Groups.
- 4) The Council may appoint from time to time informal panels or working groups, comprising members, council officers and others, such as representatives from local communities and businesses, to assist in the scrutiny process.

2 Terms of reference

- 1) The terms of reference of the PSOC are set out in paragraph 1 of Schedule 1.
- 2) The terms of reference of policy review and scrutiny panels are set out in paragraph I of Schedule 2.
- 3) The specific areas for scrutiny by each overview and scrutiny committee are set out in Schedule 2.

3 Membership

Appointment of members to overview and scrutiny committees

- 1) All councillors except members of the Cabinet may be members of an overview and scrutiny committee, but no member may be involved in scrutinising a decision in which he or she has been directly involved.
- 2) All members of overview and scrutiny committees will be appointed annually by the Council, and each committee will be empowered to appoint members of the committee to its Review Groups.

Co-optees

- 3) A policy review and scrutiny committee may appoint a number of people as non-voting co-optees of the panel, as set out in paragraph 2 of Schedule 2.

Education representatives

- 4) The Children and Young People's Services Scrutiny Panel shall include in its membership the following voting representatives ("the education representatives") –
- at least one Church of England diocese representative;
 - at least one Roman Catholic diocese representative;
 - between two and five parent governor representatives; and
 - at the direction of the Secretary of State for Education representatives of other faiths or denominations.
- 5) Where the Children and Young People's Services Scrutiny Panel deals with other than educational matters, the education representatives shall not vote on those other matters, though they may stay in the meeting and speak to them.

Membership of particular committees

- 6) The membership of the PSOC is set out in paragraph 2 of Schedule 1.
- 7) The membership of the policy review and scrutiny panels is set out in paragraph 2 of Schedule 2.

4 Meetings

- 1) The PSOC will hold ordinary meetings of the committee at the frequency specified in paragraph 3 and at the place specified in paragraph 4 of Schedule 1 to the Rules, and, in addition, extraordinary meetings may be called from time to time as and when appropriate.
- 2) Each policy review and scrutiny panel will hold ordinary meetings at the frequency specified in paragraph 3 and at the place specified in paragraph 5 of Schedule 2 to the Rules, and, in addition, extraordinary meetings may be called from time to time as and when appropriate.
- 3) The chairman and vice-chairman of an overview and scrutiny committee may call an extraordinary meeting of the committee.

5 Quorum

The quorum for an overview and scrutiny committee meeting will be one-third of its Members.

PART II
ADMINISTRATION, BUDGET AND POLICY REVIEW AND DEVELOPMENT
AND ACCESS TO DOCUMENTS

6 Administration

Chairmen of committees

- 1) The chairmen and vice-chairmen of overview and scrutiny committees will be appointed at the Annual Council meeting from the Councillors appointed to the committee.

Work programme

- 2) Subject to any direction of the PSOC, a policy review and scrutiny panel will be responsible for setting its own work programmes, and in so doing it must take into account the wishes of members of the panel who are not members of the largest political group on the Council.

Agenda items

- 3) A member of an overview and scrutiny committee may notify the Statutory Scrutiny Officer that he or she wishes an item relevant to the functions of the committee to be included on the agenda for the next available meeting of the committee.
- 4) The Statutory Scrutiny Officer will inform the chairman of the particular overview and scrutiny committee of the request at the earliest opportunity, and make arrangements for the matter to be included on the agenda at the next available meeting of that overview and scrutiny committee.
- 5) Any member of the Council who is not a member of an overview and scrutiny panel may give written notice to the Statutory Scrutiny Officer that he or she wishes an item to be included on the agenda of a particular overview and scrutiny panel.
- 6) The Statutory Scrutiny Officer will inform the chairman of the particular overview and scrutiny panel of the notice at the earliest opportunity, and make arrangements for the matter to be included on the agenda at the next available meeting of that overview and scrutiny panel.

Expeditious response to requests for reviews

- 7) Policy review and scrutiny panels must respond, as soon as their work programme permits, to requests from the Council or the Cabinet or both, as the case may be, to review particular areas of Council activity.
- 8) On completion of a review, an overview and scrutiny committee must report its findings and any recommendations to the PSOC within one month. The findings and recommendations will then be referred to the Cabinet or the Council as appropriate within a further month.
- 9) The Council or the Cabinet or both must consider the report of an overview and scrutiny committee and respond to the recommendations within two months of receiving it.
- 10) The chairman of the PSOC and the Chair of the Scrutiny Review Group shall attend the meeting of the Cabinet which considers the findings and recommendations.

7 Budget, policy framework, and related matters

Policy review and development

- 1) The role of overview and scrutiny committees in relation to the development of the Council's budget and policy framework is set out in detail in the Council's *Financial Regulations* and in Part V of the *Executive Procedure Rules*.

- 2) In relation to the development of the Council's approach to other matters not forming part of its policy and budget framework, policy review and scrutiny panels may make proposals to the Cabinet for policy developments in so far as they relate to matters within their terms of reference.
- 3) Overview and scrutiny committees may hold enquiries and investigate the available options for future direction in policy development and may appoint advisers and assessors to assist them in this process.

Site visits, public surveys, etc. and attendance of witnesses

- 4) Overview and scrutiny committees may go on site visits, conduct public surveys, hold public meetings, commission research and do all other things that they reasonably consider necessary to inform their deliberations.
- 5) Overview and scrutiny committees may ask witnesses to attend to address them on any matter under consideration and may pay to any advisers, assessors and witnesses a reasonable fee and expenses for so doing. A copy of the Witness Charter is attached at Schedule 4.

PART III
REFERRAL, CONSIDERATION AND RESPONSE TO REPORTS

8 Reports from overview and scrutiny panels

Referral of report

- 1) Once it has formed recommendations on proposals for development, an overview and scrutiny committee will prepare a formal report and submit it for consideration initially by the PSOC and then by the Cabinet (if the proposals are consistent with the existing budgetary and policy framework), or the Council as appropriate (eg if the recommendation would require a departure from or a change to the approved budget and policy framework).

Consideration of report

- 2) The Council or Cabinet must consider the report of the overview and scrutiny committee and respond to the recommendations within two months of it being submitted.

9 Ensuring consideration of reports

Making sure that overview and scrutiny reports are considered by the Cabinet

- 1) The Cabinet will consider an overview and scrutiny committee report within two months of the review group reporting.

Time limit for responding to report

- 2) If for any reason the Cabinet does not consider a report within two months of its completion, the matter will be referred to the Council for review, and the Statutory Scrutiny Officer will arrange for the report to be considered at the next following Council meeting.

10 Cabinet's response to reports

Cabinet's response to overview and scrutiny committee reports

- 1) When the Council meets to consider a referral from an overview and scrutiny committee on a matter that would impact on the budget and policy framework, it will also consider the response of the Cabinet to the committee's proposals.
- 2) Where a committee prepares a report for consideration by the Cabinet, in relation to a matter which has been delegated to an individual member of the Cabinet, the Statutory Scrutiny Officer will also send a copy of the report to that member for consideration.

Time limit for responding to report

- 3) The Cabinet must consider the report and respond in writing to the PSOC within two months of receiving it.
- 4) A copy of the Cabinet's response to the report must be sent to the Statutory Scrutiny Officer, and the individual member of the Cabinet with responsibility for that particular portfolio to which the report relates will be invited to attend a future meeting of the policy review and scrutiny panel to present his or her response.

PART IV

ACCESS TO DOCUMENTS AND ATTENDANCE OF CABINET MEMBERS AND OFFICERS ETC. AT COMMITTEE MEETINGS**11 Access to documents, etc***Rights of overview and scrutiny committee members to documents*

- 1) In addition to their rights as councillors, members of overview and scrutiny committees have the additional right to documents and to notice of meetings, as set out in the *Access to Information Procedure Rules*.
- 2) Nothing in this rule prevents more detailed liaison between the Cabinet and an overview and scrutiny committee, as appropriate, depending on the particular matter under consideration.

12 Attendance of members and officers, etc at committee meetings*Members and officers giving account*

- 1) In fulfilling its scrutiny role, an overview and scrutiny committee may require any member of the Cabinet, the Chief Executive, who is the head of paid service, and any senior officer to attend before it to explain in relation to matters within the panel's remit -
 - any particular decision or series of decisions,
 - the extent to which the actions taken implement Council policy,
 - his, her or their performance,
 and it is the duty of those persons to attend if so required.
- 2) Where any member or officer is required to attend an overview and scrutiny committee under this provision, the chairman of that panel will inform the Statutory Scrutiny Officer.
- 3) The Statutory Scrutiny Officer will inform the member or officer in writing that the committee requires his attendance, giving at least 10 working days' notice of the meeting at which he or she is required to attend.
- 4) The notice to the member or officer will state the nature of the matter on which he or she is required to attend to give account and whether any papers are required to be produced to the committee.
- 5) Where the account to be given to the committee will require the production of a report, the member or officer concerned will be given sufficient notice to allow for preparation of the report.
- 6) If in exceptional circumstances the member or officer is unable to attend on the required date, the committee must, in consultation with the member or officer, arrange an alternative date for attendance to take place within a maximum of two weeks from the date of the original request.
- 7) The protocol for the conduct of officers attached at Schedule 3 shall apply regarding their support of the scrutiny function.

Attendance by others

- 8) An overview and scrutiny committee may invite other persons, such as residents, stakeholders, contractors and members and officers in other parts of the public sector, to address it and discuss issues of local concern or answer questions, criticisms or complaints. Those asked to address any panel will be furnished with a copy of the Scrutiny Witness Charter and have access to support and guidance from the Statutory Scrutiny Officer.

PART V
CALL-IN

13 Call-in*Publication of Cabinet decisions*

- 1) A decision of the Cabinet, a committee of the Cabinet, or an individual member of the Cabinet will be published, including where possible by electronic means, and be available for inspection at the Town Hall ordinarily within three working days of the decision being made.
- 2) At the same time as decisions made in accordance with subparagraph (1) are published, all of the members of the Council and the education representatives will be notified and sent copies of the records of the decisions by the Democratic Services Manager.
- 3) A notice sent under subparagraph (2) will bear the date on which it is published and state that any decision specified in the notice will come into force on the expiry of 7 working days after its publication ("the notification period"), and may then be implemented, unless the decision is called-in.

Decisions that may be called-in

- 4) Any decision of the Cabinet may be called-in unless it is –
 - in the form of a recommendation to the full Council;
 - an urgent decision (as defined by rule 14 (2)) and the reason for urgency is recorded in the body of the decision;
 - a decision of the Adoption Panel;
 - concerned with procedural matters; or
 - in connection with an appeal.
- 5) Where a Cabinet decision takes the form of an approval of details only, the principle having been established by an earlier Cabinet decision, then call-in shall be confined to those details.

Call-in of decision for scrutiny

- 6) During the notification period –
 - in the case of a decision that does not relate to an education function, a member of the Council who is supported by at least five other members may request the chairman of the PSOC to call-in the decision for scrutiny by that committee; and
 - in the case of a decision that relates to an education function, a member or education representative who is supported by five members or five education representatives (or a combination of both members and education representatives) may request the chairman of the PSOC to call-in the decision for scrutiny by the Children and Young People's Services Scrutiny Panel.
- 7) The chairman of the PSOC will record –
 - the decision to which the call-in relates;
 - the name of the member, or in the case of a decision that relates to an education function the name of the member or education representative, requesting call-in of the decision;
 - the names of the members, or in the case of a decision that relates to an education function the names of the members or education representatives or members and representatives, supporting the request;

- the reason for the call-in; and provide the Statutory Scrutiny Officer with those details and request him or her to confirm that the decision is subject to call-in.
- 8) The Statutory Scrutiny Officer will notify the decision-maker and the strategic director of the directorate concerned of the call-in request and advise him or her that implementation of the decision be delayed until conclusion of the call-in process.
- 9) Where appropriate and after consulting the chairman of the PSOC, the Statutory Scrutiny Officer will add the call-in request to the agenda for the next following meeting of the committee or, in the case of an education function, the Children and Young People's Services Scrutiny Panel.

Refer back of decision

- 10) Where having considered the decision the PSOC, or in the case of an education function the Children and Young People's Services Scrutiny Panel, is still concerned about it, the committee or panel may refer it back to the decision-maker for reconsideration, setting out in writing the nature of its concerns, or refer the decision for consideration by the full Council.
- 11) If the decision is referred back to the decision-maker, he, she or they must reconsider the decision within ten working days and either amend it or not amend it before making a final decision, which will come into force and take effect on that date.

Date on which decision to come into force and take effect

- 12) If after deciding to call-in a decision, the PSOC or, in the case of an education function, the Children and Young People's Services Scrutiny Panel –
- does not consider the decision at the next following meeting of the committee or panel, or
 - meets to consider the decision called-in but does not refer the decision for consideration by the full Council or back for reconsideration by the decision-maker,

the decision shall come into force and take effect on the date of the committee or panel's meeting.

- 13) If the full Council –

- meets but does not object to a decision called-in and referred by the PSOC or Children and Young People's Services Scrutiny Panel,
- meets but does not refer the decision back for reconsideration by the decision-maker

the decision shall come into force and take effect on the date of the Council meeting.

Decision referred back by Council

- 14) If the full Council objects to a decision called-in and referred to it by the PSOC or the Children and Young People's Service Scrutiny Panel, the Council will refer the decision back to the decision-maker together with the Council's views on the decision, and the decision-maker may amend the decision or not before reaching a final decision and implementing it.
- 15) If the Cabinet as a whole or a committee or sub-committee of the Cabinet made the called-in decision, a meeting of the Cabinet or committee or sub-committee (as the case may be) will be convened within ten working days of the Council's request to reconsider it.
- 16) If an individual made the called-in decision, that individual will reconsider the decision within ten working days of the Council's request to reconsider it.

14 Call-in and urgency*Urgent Cabinet decisions*

- 1) The call-in procedure shall not apply where the decision being taken by the Cabinet is urgent.
- 2) A decision will be urgent if any delay likely to be caused by the call-in process would seriously prejudice the Council's or the public's interests.
- 3) The record of the decision, and notice by which it is made public shall state whether, in the opinion of the decision-maker, the decision is an urgent one and therefore not subject to call-in.
- 4) The Mayor must agree both that the decision proposed is reasonable in all the circumstances and to it being treated as a matter of urgency.
- 5) In the absence of the Mayor, the Deputy Mayor's consent must be obtained, and in the absence of both the Chief Executive's consent, or his nominee's consent in his absence, must be obtained.

Reporting and monitoring urgent Cabinet decisions

- 6) Where the Mayor, Deputy Mayor or Chief Executive consents to exempting a decision from call in on grounds of urgency, the Chairman of the PSOC and Statutory Scrutiny Officer will be informed as soon as possible after the decision is made.
- 7) Decisions taken as a matter of urgency must be reported to a meeting of the full Cabinet, together with the reasons for urgency.
- 8) The operation of the procedures relating to scrutiny, call-in and urgency will be monitored annually, and a report submitted to the full Council with proposals, if necessary, for review of the procedures.

PART VI
PETITIONS

15 Petitions*The Council's scheme for handling petitions*

- 1) Overview and Scrutiny Committees have the following responsibilities in respect of petitions submitted under the above scheme.

Petitions referred by the Council

- 2) The Council may refer to an Overview and Scrutiny Committee a petition received or debated at the Council meeting.
- 3) The petition will be reported to the next convenient meeting of the committee. The committee shall consider the petition and make a report in response to the Council or to Cabinet. The report may make recommendations as to the steps to be taken by Council or Cabinet in response to the petition.

Petitions calling officers to account

- 4) Petitions to hold an officer to account which meet the qualifying threshold under the Scheme shall be reported to the next convenient meeting of the relevant Overview and Scrutiny Committee.
- 5) The Statutory Scrutiny Officer shall in advance of the meeting notify the petition organiser of the date and time of the meeting and invite him or her to submit a list of questions which he or she would like to be put to the officer at the meeting. The petition organiser may submit such questions up to three working days before the meeting.
- 6) At the meeting, the chair may invite the petition organiser if present to address the committee on the issues raised in the petition. The chair shall then ask the officer to report to the committee on the matters raised by the petition. Members of the committee may question the officer and such questions may include any questions submitted prior to the meeting by the petition organiser. However, the petition organiser shall not put questions directly to the officer.
- 7) After the officer has attended before the committee, the committee shall make a report or recommendations to the Council or the Cabinet and shall send a copy of that report or those recommendations to the petition organiser.

Review of steps

- 8) A petition organiser may request an Overview and Scrutiny Committee to review the adequacy of the steps proposed to be taken by the Council in response to a petition.
- 9) Notice of such a request shall be submitted to the Statutory Scrutiny Officer who shall determine which is the relevant Overview and Scrutiny Committee and shall notify the petition organiser of the time, date and place of the next convenient meeting of that Overview and Scrutiny Committee. Such notification shall also be given to the Cabinet Member whose portfolio includes the subject matter of the petition.
- 10) At the meeting, the chair shall invite the petition organiser, if present, to address the committee on why he or she considers that the Council's decision on the petition is inadequate. The chair may also invite the Cabinet Member, if present, to make representations.
- 11) The committee shall make a report as to its findings under the review and may make recommendations to the Council, the Cabinet or the relevant Cabinet Member.

- 12) The petition organiser shall be notified of the results of the review within five working days of the meeting of the committee. The results of the review shall be published on the Council's website unless the committee considers that in all the circumstances it would be inappropriate to do so.

PART VII**PROCEDURE AT OVERVIEW AND SCRUTINY MEETINGS****16 Order of business at committee meetings***Order of business*

- 1) The order of business at overview and scrutiny meetings will be determined in accordance with the Council's *Procedural Standing Orders*.

Questions from the public and Press

- 2) An overview and scrutiny committee will allocate time at its meetings for questions from members of the Press and public on matters within the committee's remit

Investigations

- 3) Where an overview and scrutiny committee conducts investigations (for example with a view to policy development), the committee may invite persons to attend to give evidence at panel meetings.
- 4) In conducting an investigation, a committee will ensure that
 - the investigation is conducted fairly and that all members of the committee are given the opportunity to ask questions of attendees and to contribute and speak;
 - those assisting the committee by giving evidence are treated with respect and courtesy; and
 - the investigation is conducted so as to maximise the efficiency of the investigation or analysis.
- 5) Following an investigation or review, the committee will prepare and submit a report to the Cabinet or full Council or both, as appropriate, and shall make the report and findings public.

*Conflicts of interest – membership of area assembly co-ordinating groups and overview**and scrutiny panels*

- 6) Where an overview and scrutiny committee is scrutinising items of business in relation to the specific decisions or proposals of an area assembly co-ordinating group, a member of the committee who is also a member of the particular area assembly co-ordinating group may not, speak to or vote on those items and shall withdraw.
- 7) Sub-paragraph (6) does not apply if:
 - the member concerned attends the meeting for the purpose of answering questions or otherwise giving evidence relating to that decision or action; or
 - the member concerned has been given a dispensation to speak or vote (or both) on the items by the Council's Standards Committee.

General policy reviews

- 8) Where a committee is reviewing policy generally, a member of an area assembly co-ordinating group must declare his interest before the relevant agenda item is reached but need not withdraw from the meeting and may speak to and vote on the item.

17 The party whip

- 1) When considering any matter, in respect of which a member of a committee is subject to the operation of a party whip, the member must declare the existence of the whip and the nature of it before the commencement of the committee's deliberations on the matter.

- 2) The declaration and the detail of the operation of whipping arrangements will be recorded in the minutes of the meeting.

18 Councillor Call for Action

In accordance with Section 119 of the Local Government and Public Involvement in Health Act 2007 and Sections 19 and 20 of part 3 of the Police and Justice Act 2006, any member of the Council may submit a Councillor Call for Action (CCfA) on a local government or crime and disorder matter. This is intended only to be used when all the usual channels for resolving such issues have been exhausted.

Referral is by way of notice to the Statutory Scrutiny Officer that an item be placed on the next available meeting of the Performance and Scrutiny Overview Committee and will be dealt with under the procedure set out in these rules.

- 1) Any member of the Council may submit a Councillor Call for Action (CCfA) on a local government or crime and disorder matter.
- 2) A local government matter means a matter which:
 - a) relates to the discharge of any function of the authority;
 - b) affects all or part of the electoral area for which the Member is elected or any person who lives or works in that area, and;
 - c) is not an excluded matter.
- 3) A local crime and disorder matter, in relation to a member of a local authority, means a matter concerning:
 - a) Crime and disorder (including in particular forms of crime and disorder that involve anti-social behaviour or other behaviour adversely affecting the local environment), or
 - b) The misuse of drugs, alcohol and other substances.which affects all or part of the electoral area for which the member is elected or any person who lives or works in that area.
- 4) Specifically excluded from becoming a CCfA are:
 - a) any matter relating to a planning decision;
 - b) any matter relating to a licensing decision;
 - c) any matter relating to an individual or entity in respect of which that individual or entity has a right of recourse to a review or right of appeal conferred by or under any enactment;
 - d) any matter which is vexatious, discriminatory or not reasonable to be included in the agenda for, or to be discussed at, a meeting of the Performance and Scrutiny Overview Committee or at a meeting of a sub-committee of that panel.
- 5) A matter does not fall within a description in paragraph 4 (a) – (d), if it consists of an allegation that a function for which the authority is responsible has not been discharged at all or that its discharge has failed or is failing on a systematic basis, notwithstanding the fact that the allegation specifies or refers to a planning decision, a licensing decision or a matter relating to an individual or entity in

respect of which that individual or entity has a right of recourse to review or right of appeal conferred by or under any enactment.

- 6) Unless specifically excluded, with regard to crime and disorder matters, the Performance and Scrutiny Overview Committee has the power to:
- a) review or scrutinise decisions made, or other action taken, in connection with the discharge by the responsible authorities* of their crime and disorder functions;
 - b) to make reports or recommendations to the Crime and Disorder Reduction Partnership with respect to the discharge of those functions.

Notes:

A licensing decision means:

Any decision in relation to:

- An application for any authorisation within the meaning of the section 2 of the Licensing Act 2003 (b), or
- A request for a review of any such decision, or
- Any enforcement decision made under that Act or subordinate legislation made under that Act.

Planning decision means:

- Any decision on an application under the Planning Acts or subordinate legislation made under those Acts for any agreement, approval, consent or permission, or
- Any enforcement decision relating to any development within the meaning of those Acts(a); and
- 'right of recourse to a review' does not include any right to make a complaint to the Commission for Local Administration pursuant to the Local Government Act 1974(b).

*Responsible authorities means the bodies or persons who are responsible authorities within the meaning given by section 5 of the Crime and Disorder Act 1998. Namely:

- (i) The Council for the area;
- (ii) The Police and Police Authority for the area;
- (iii) The Fire and Rescue Service and Fire and Rescue Authority for the area;
- (iv) The NHS.

Schedule 1**PERFORMANCE AND SCRUTINY OVERVIEW COMMITTEE***Terms of reference*

1) The PSOC's terms of reference are as follows –

PSOC to scrutinise

- Policy Review and Development
- Call-in
- Financial Strategy and Management
- Risk Management
- Corporate Legal Services
- Corporate Governance
- External affairs (sub-regional, national and international partnerships and engagement)
- Local strategic partnerships
- Procurement Strategy
- RBT Liaison and Development
- E-Government, data protection and freedom of information
- IT Strategy and Management
- Councillor Call for Action.
- Customer Services Strategy
- Corporate Complaints
- Corporate Performance

Annual overview and scrutiny work programmes

- To approve an annual overview and scrutiny work programme, including the programme of any sub-committees it appoints.
- To ensure that there is efficient use of the committee's and policy review and scrutiny panels' time, and that the potential for duplication of effort is minimised.
- To ensure that members of the committee and policy review and scrutiny panels may efficiently carry out their work.
- To prepare and approve an annual overview and scrutiny work programme for implementation by the scrutiny panels or their review groups, including –
 - best value reviews in accordance with the Best Value Performance Plan;
 - service reviews conducted on the basis of a scheduled programme of reviews or in response to a matter brought to the committee's attention by –
 - an area assembly,
 - a policy review and scrutiny panel or sub-committee,

- an organisation with which the Council is in partnership, or
- the public as a result of a public consultation exercise; or
- The Forward Plan;
- Reviews in consequence of the Council's Corporate Plan.
- Performance reviews of joint authorities, committees and other bodies whose activities concern the borough and its inhabitants (eg the Police, and public transport operators).
- Reviews under the statutory powers to scrutinise the health service.
- Reviews under the Council's power to promote the well-being of the citizens of Rotherham.
- To monitor and review the implementation of changes made following the acceptance by the Council of recommendations in earlier scrutiny reports.
- To submit an annual report to the Council on the operation of overview and scrutiny committees and recommendations for future work, in accordance with article 8(6) of the Constitution.

Cross-cutting issues and resolution of disputes

- To determine which scrutiny panel will assume responsibility for any particular issue, where matters fall within the remit of more than one scrutiny panel and to resolve any issues of dispute between scrutiny panels.

Requests for reports from Cabinet and management of referrals to Cabinet

- To receive requests from the Cabinet and the full Council or both for reports from scrutiny panels and to allocate them if appropriate to one or more panels.
- To put in place and maintain a system to ensure that referrals from scrutiny panels to the Cabinet, either by way of report or for reconsideration, are managed efficiently.

Prioritising referrals to Cabinet

- To make decisions at the Cabinet's request about the priority of referrals to Overview and Scrutiny if the volume of referrals creates difficulty for the management of Cabinet business, threatens the effective working of the Overview and Scrutiny process, or jeopardises the efficient running of council business.

Powers of call-in

- To have the powers of call-in of an overview and scrutiny committee, in relation to an executive decision made but not implemented, as set out in section 21(3) of the Local Government Act 2000, that is to say the power –
 - to recommend reconsideration of the decision, or
 - to arrange for the decision to be considered by the full Council.

Review or scrutiny of Cabinet and regulatory committees

- To review or scrutinise decisions or actions taken by the executive in the discharge of executive functions.
- To make reports or recommendations to the executive or the full Council in respect of functions which are the responsibility of the executive.

- To review or scrutinise decision making processes or actions taken in connection with the discharge of functions which are not the responsibility of the executive.
- To make reports or recommendations to the full Council in respect of functions which are not the responsibility of the executive.

Value for Money Reviews

- To co-ordinate the carrying out of value for money reviews, including -
 - proposing and monitoring the Council's programme of fundamental performance reviews;
 - allocating specific value for money reviews to particular scrutiny panels;
 - ensuring that review programmes are carried out in a proper manner and to the satisfaction of the Audit Commission Best Value Inspectorate;
 - receiving reports from scrutiny panels on the outcome of reviews and their implications.
- To make reports or recommendations to the full Council or the Cabinet on best value.

Matters affecting the borough or its inhabitants

- To make reports or recommendations to the full Council or the Cabinet on matters which affect the borough or the inhabitants of the borough.
- To arrange public consultation exercises for the purpose of assessing public satisfaction with current policies or to assist in the development of new policies.

Membership of PSOC

- 2) The membership of the PSOC shall comprise –
- a chairman who shall be a councillor appointed by the Council;
 - the chairmen and vice-chairmen of the policy review and scrutiny panels, who shall be councillors appointed by the Council; and
 - one Opposition councillor nominated by Opposition councillors and appointed by the Council.

Committee meetings

- 3) Ordinary meetings of the PSOC shall be set for 9.30 am on Fridays the week after the Cabinet meets.
- 4) Meetings of the PSOC will normally be held at the Town Hall, Rotherham, Moorgate Street, Rotherham, S60 2TH.

Schedule 2

TERMS OF REFERENCE FOR SCRUTINY PANELS**ADULT SERVICES AND HEALTH (Health and Wellbeing) – Thursdays 10.00 am**

1) The work of the panel will include scrutiny of:

- How vulnerable people (whether by reason of age, illness, physical or sensory disability, learning disability or mental health problems), are helped to live as independently as possible in the community, through social care and other related services, including housing, leisure and health;
- Adult health services commissioned for the people of Rotherham (under the powers of health scrutiny as outlined in the Health and Social Care Act 2001);
- Partnerships and commissioning arrangements in relation to adult social care services and their governance arrangements;
- Health improvements and the promotion of wellbeing for the people of Rotherham.

The Panel will also act as a consultee in respect of those matters of 'substantial variation' on which NHS bodies must consult with the Council's health scrutiny function.

Regional and specialist health services. Health issues that affect residents of two or more local authorities within Yorkshire and the Humber, will be scrutinised according to the Protocol for the Yorkshire and the Humber Council's Joint Health Scrutiny Committee.

DEMOCRATIC RENEWAL (Cohesion and Safety) – Thursdays 4.00 pm

The Panel is designated as the Crime and Disorder Committee under the Police and Justice Act 2006.

The work of the panel will include scrutiny of:

- The Safer Rotherham Partnership (as the responsible authority) in connection with their crime and disorder functions (under the powers outlined in the Police and Justice Act 2006);
- Anti-Social Behaviour Strategy and Community Safety;
- Strategic Partnerships linked to above agendas through SRP, LSP etc;
- Democratic and electoral issues;
- Community cohesion and social inclusion and the Council's specific initiatives to promote them;
- Equalities and diversity and the Council's specific initiatives to promote them;
- Responsibility for the Councillor Call for Action in relation to crime and disorder issues (under the powers outlined in the Police and Justice Act 2006).

CHILDREN AND YOUNG PEOPLE'S SERVICES – Fridays 9.30 am

The work of the panel will include scrutiny of:

- The integrated Children and Young People's Service and their governance arrangements;
- Strategic partnerships related to the integrated services;
- Educational and training opportunities for children and young people;
- Children and Young People's social care and health (under the powers of health scrutiny as outlined in the Health and Social Care Act 2001), including improving services to vulnerable children and young people;
- Children and Young People's Plan and other related strategies;
- Young People' Services;
- Early years provision; and
- Other cross-cutting services provided specifically for children and young people.

REGENERATION – Fridays 1.00 pm

- The work of the panel will include scrutiny of:
- The Council's economic development and regeneration strategies, including Rotherham Renaissance;
- Waste Management and Streetpride services;
- Planning, transportation and technical services and the strategic partnerships linked to these;
- Corporate property and asset management;
- Emergency Planning;
- Tourism, culture and leisure services and strategies; and
- PFI and strategic partnerships;
- Lifelong learning services and related strategic partnerships;
- Workforce planning and skills development.

SUSTAINABLE COMMUNITIES – Thursdays 9.30 am

The work of the panel will include scrutiny of:

- Community engagements and involvement through democratic forums such as Area Assemblies and Parish Councils; and
- Borough Wide Housing Strategy;
- Accountability of the ALMO and other housing providers;
- Environmental issues to include pollution control, waste reduction/recycling, control of litter, dog fouling and fly tipping;
- Trading Standards and Food Standards/Health and Safety;
- Neighbourhood Strategy Development and Management;
- Sustainable Development and Strategy.

Annual overview and scrutiny work programmes

- To carry out the annual overview and scrutiny work programme set for the particular panel by the PSOC, including –
 - best value reviews;
 - service reviews conducted on the basis of a scheduled programme of reviews or in response to a matter brought to the committee’s attention by an area assembly, policy review and scrutiny panel, organisation with which the Council is in partnership or as a result of a public consultation exercise;
 - reviews in consequence of the Cabinet’s annual work plan;
 - performance reviews of joint authorities, committees and other bodies whose activities concern the borough and its inhabitants (eg the Police, and public transport operators).

Requests for reports from PSOC

- To prepare reports commissioned by the PSOC in response to requests from the Cabinet and the full Council or both for reports from policy review and scrutiny panels.

Powers of call-in

- In the case of the Children and Young People’s Services Scrutiny Panel, the power, in accordance with section 21(3) of the Local Government Act 2000, to call-in an executive decision which relates to an education function and which has not been implemented, for the purpose of considering whether –
 - to recommend reconsideration of the decision, or
 - to arrange for the decision to be considered by the full Council.

Review or scrutiny of Cabinet’s discharge of education functions and regulatory committees

- In the case of the Children and Young People’s Services Scrutiny Panel, the power to review or scrutinise decisions or actions taken by the executive in the discharge of education functions.

Reports and recommendations in respect of Cabinet functions

- To make reports or recommendations to Cabinet or the full Council in respect of functions which are the responsibility of the executive and which fall within the remit of the particular panel.

Review and scrutiny of non-executive decisions

- To review or scrutinise decisions made or actions taken in connection with the discharge of functions which are not the responsibility of the executive but which fall within the remit of the particular panel.
- To make reports or recommendations to the full Council in respect of functions which are not the responsibility of the executive but which fall within the remit of the particular panel.
-

Matters affecting the borough or its inhabitants

- To prepare reports or recommendations commissioned by the PSOC on matters that affect the borough or the inhabitants of the borough for submitting to the Council or the Cabinet.
- To arrange public consultation exercises for the purpose of assessing public satisfaction with current policies or to assist in the development of new policies.

Membership of policy review and scrutiny panels

- 2) The membership of each of the Council's policy review and scrutiny panels shall comprise –
 - a chairman and vice-chairman, who shall be councillors appointed annually by the Council;
 - other councillors appointed annually by the Council;
 - any non-voting co-optees appointed from time to time by each panel; and
 - In the case of the Children and Young People's Services Scrutiny Panel –
 - the education representatives appointed by the Council to the panel; and
 - the chairman of the PSOC when considering an executive decision in relation to an education function that the panel has called-in.

Panel meetings

- 3) Subject to paragraph 4, policy review and scrutiny panels must meet at least once every six weeks but may otherwise determine the dates, times and frequencies of their meetings.
- 4) In consideration of its workload, including any annual overview and scrutiny work programme allocated to it by the PSOC, each policy review and scrutiny panel shall review from time to time the frequency of its meetings.
- 5) Meetings of policy review and scrutiny panels will normally be held at the Town Hall, Rotherham, Moorgate Street, Rotherham, S60 2TH.

Schedule 3

**PROTOCOL FOR THE CONDUCT OF OFFICER RELATIONS IN
SERVICING THE SCRUTINY FUNCTION**

1 Introduction

This paper is intended to build on existing informal methods of working and develop a shared officer protocol to enhance the work of scrutiny across the Council. Due to nature and complexity of scrutiny's work, this document cannot deal with all situations or questions that may arise, however it seeks to provide clarity on some common issues and practice.

An essential part of scrutiny is that it is Member led. In order to ensure that scrutiny continues to develop as an effective influencing body it is vital that appropriate officer support is provided to members of the Council.

2 Scrutiny in Rotherham

Under the political management arrangements set by the Local Government Act 2000, the Cabinet is the main focus for the Council's decision-making, direction and day-to-day management. Alongside the Cabinet, the establishment of a Scrutiny function is central to these new structures. All non-Cabinet Councillors serve on at least one Scrutiny Panel. The primary focus of scrutiny is to ensure that the best outcomes are achieved for the people of Rotherham by examining in depth the Council's activities, decisions and plans.

In Rotherham, the Council's Scrutiny function is carried out by the Performance and Scrutiny Overview Committee (PSOC) and five Scrutiny Panels.

The panels are as follows:

- ⌚ Adult Services and Health Scrutiny Panel
- ⌚ Children and Young People's Services Scrutiny Panel
- ⌚ Democratic Renewal Scrutiny Panel
- ⌚ ~~Economic~~ Economic Regeneration Scrutiny Panel
- ⌚ Sustainable Communities Scrutiny Panel

PSOC is made up of the Chairs and Vice-Chairs of the each of the panels, the Leader of the Majority Opposition Group and an overall Chair. The Chair of PSOC and the Chairs and Vice-Chairs are appointed annually by the Council. Each of the scrutiny panels may appoint a number of people as non-voting co-optees of the panel or onto reviews. This includes representatives from local business organisations, tenants groups or community groups with particular interests or expertise. In the case of Children and Young People's Scrutiny Panel, it is obliged by law to co-opt representatives from the Diocesan Boards and Parent Governors, which then have voting rights on education matters.

3 Role and Responsibilities of Scrutiny

The role of the scrutiny function is to examine, and challenge where appropriate, the way in which Council services are organised and delivered to our communities, suggesting areas for improvements as appropriate. Scrutiny also has the power to call-in decisions made by Cabinet members and to scrutinise the work of external organisations. Within their terms of reference, the PSOC and Panels will between them carry out the following:

- Review or scrutinise decisions made in relation to any of the Council's functions;
- Hold detailed reviews and make recommendations to the Cabinet or full Council of issues which affect the well-being of the Borough;
- Assist the Council and the Cabinet in the development of the budget;
- Conduct in-depth analysis of policy issues and assist in policy development;
- Consider plans and strategies (including the Council forward plan of Key Decisions) prior to their implementation;
- Question members of the Cabinet and boards and chief officers about their views on issues and proposals affecting the borough;
- Review the performance of the Council;
- Liaise with external organisations operating in the borough to ensure that the interests of local communities are enhanced by collaborative working;
- Make reports and recommendations to the full Council or the Cabinet (or both) in relation to any of the Council's functions;
- In the case of the PSOC, operate the call-in procedure;
- In the case of Adult Services and Health Scrutiny Panel and Children and Young People's Scrutiny Panel, co-ordinate the power of health scrutiny on behalf of the Council.

4. Officer support for Scrutiny

All officers have a duty to support **all** Members of Council. With respect to scrutiny, this could involve attending meetings, giving briefings, advising scrutiny Members and providing information.

Scrutiny in the Council is directly supported by a senior officer team located in the Chief Executive's Office. The Scrutiny Advisers contribute to the provision of support, advice and investigatory back-up for the scrutiny arrangements. 'What is scrutiny' is attached as Appendix 1. The Scrutiny Advisers can be used as the first port of call when seeking advice or information on the scrutiny functions. Their details are listed in Appendix 2.

In addition, the following groups of officers have specific roles:

- ⌚ Democratic Services;
- ⌚ Strategic Directors/Directorate Management Teams;
- ⌚ Other departmental officers – particularly supporting Review Groups.

4.1 The role of the Scrutiny Services:

- Provide independent corporate officer advice and support to the Scrutiny Panels and Chairs;
- Support the Chairs in the setting of agendas and liaise with Democratic Services and other appropriate officers to ensure that requested items appear on the

agenda. (With the Chair's consent, items referred from the delegated decisions meetings or Directorates may appear on the agenda as appropriate);

- Draft agendas for panel meetings and review groups for distribution by Democratic Services;
- Advise officers of the deadlines for reports, working within the statutory deadlines set out in the Access to Information guidance (papers must be published five clear working days before the meeting);
- Support Members to undertake the power of call-in;
- Inform officers of Scrutiny Members' work programme at earliest opportunity; and provide regular updates on areas they wish to scrutinise;
- Plan, advise and support Member review groups, including drafting scrutiny review reports as appropriate;
- Alert Directorates on a timely basis of Scrutiny Members interests and concerns;
- Provide the corporate lead on scrutiny;
- Develop and maintain effective relationships and networks to facilitate the continued development of scrutiny within the Council and as necessary, with other bodies and partners in Rotherham, the region and nationally.

4.2 The role of Democratic Services:

- Send out agenda and supporting papers within the statutory timescales set out in the Access to Information guidance;
- Issue invitations to people asked to attend meetings of the Panels;
- Work with the Scrutiny Team to facilitate the smooth running of scrutiny panel meetings;
- Take minutes of the proceedings;
- Notify the Scrutiny Adviser of referred items for the agendas;
- Provide appropriate support to scrutiny reviews;
- Notify officers of any required action arising from the minutes.

4.3 The role of Strategic Director/Directorate Management Team:

- Assist Panel Members to develop an ongoing programme of reviews by providing information and advice to Members;
- Co-ordinate the arrangements for officer attendance at Panel meetings and review groups;
- Co-ordinate the preparation and submission of materials to scrutiny panels and review groups;
- Ensure that reports and other written papers are sent to the Scrutiny Adviser within the agreed timescales.
- Co-ordinate the preparation of briefing material for the Panel for each Review as requested;
- Provide appropriate officer support to review groups;
- Produce action plans for the implementation of scrutiny recommendations and provide updates on their progress on a regular basis;
- Exchange information with the scrutiny team on relevant issues of concern or interest to enhance the smooth running of the scrutiny function;
- Provide briefings for the Chair and Vice-Chair on issues of concern or interests relating to the panel's business as requested.

4.4 Councillor Call for Action Protocol

- 1) CCfA should only be used in exceptional circumstances. These are where Councillors have been unable to resolve issues and problems on behalf of their

residents. CCfA will be a means of 'last resort' in a broad sense, with issues being raised at Scrutiny Panels after other avenues have been exhausted.

- 2) All CCfA's need to be submitted, in writing, to the Statutory Scrutiny Officer, on the supplied form, providing full details of the issue concerned, including an explanation of what the issue is, why it is being raised as a CCfA, the steps that have been taken to resolve the issue and the expected outcome to be achieved from the CCfA.
- 3) The Statutory Scrutiny Officer will:
 - (a) Acknowledge receipt of the CCfA with the Member who submitted it;
 - (b) Ask the Monitoring Officer to make a decision on whether or not the submitted CCfA fits any of the aforementioned exemption criteria.
- 4) If the submitted CCfA falls into one of the aforementioned exemption criteria then it will fail at this point and the Monitoring Officer will inform the member of this outcome.
- 5) If the CCfA is valid then the Statutory Scrutiny Officer will co-ordinate a response from the relevant persons in preparation for consideration at the next practicable meeting of PSOC.
- 6) PSOC will, after consideration, refer the matter to the relevant policy review and scrutiny panel.
- 7) The CCfA will be considered at the next meeting of the policy review and scrutiny panel.
- 8) The member who submitted the CCfA will be invited to attend and speak at the scrutiny panel considering the submitted CCfA.
- 9) Unless specifically excluded, with regard to local government matters, a policy review and scrutiny panel has the power to:
 - a) review or scrutinise decisions made, or other action taken, in connection with the discharge of any functions which are the responsibility of the executive;
 - b) make reports or recommendations to the authority or executive with respect to the discharge of any functions which are the responsibility of the executive;
 - c) to review or scrutinise decisions made, or other action taken, in connection with the discharge of any functions which are not the responsibility of the executive;
 - d) to make reports or recommendations to the authority or the executive with respect to the discharge of any functions which are not the responsibility of the executive;
 - e) to make reports or recommendations to the authority or the executive on matters which affect the authority's area or the inhabitants of that area.

- 10) If the policy review and scrutiny panel decides not to exercise any of their powers in relation to the submitted CCfA it must notify the Member who submitted the CCfA of its decision and the reasons for it.

Appendix 1

What is 'scrutiny'?

The Local Government Act 2000 required all councils in England and Wales to introduce new political arrangements, setting out clear roles for councillors. One of the key changes was the introduction of the new scrutiny role. The work of scrutiny largely takes place in scrutiny panels or in review or working groups. We do this by:

- ⌚ Challenging the Council's performance to raise standards and checking whether our services meet people's needs;
- ⌚ Examining the Council's Cabinet decisions and holding the Cabinet Members to account;
- ⌚ Looking at issues which affect the well-being of the Borough and the community eg anti-social behaviour or pollution and making recommendations or developing policies in response to these;
- ⌚ Considering the work of outside bodies, for example, local health services.

2. Who will be present at a scrutiny meeting?

Scrutiny Panels are made up of elected members. Some Scrutiny Panels and working groups also have co-opted members, who are usually representatives of specialist organisations or groups. A Scrutiny Adviser will be present at the meetings to support members as well as a Committee Services Officer who will take notes or 'minutes' of the proceedings.

The Scrutiny Panels and most of the working groups are chaired by a councillor. **Scrutiny panel meetings** are normally open to the public and the press and media may be present, unless confidential items are being discussed. Panel meetings scrutinise areas of key interest or concern, performance information or items referred from Cabinet Members, Area Assemblies or other groups.

Review groups are usually smaller meetings and are often held in 'private session'. These usually explore single issues in more detail; examples include examining how the Council deals with debt recovery and measures to address motor biking nuisance.

3. Where and when are scrutiny meetings held?

Scrutiny Panel and scrutiny working group meetings are normally held in the Town Hall on Moorgate Street. However sometimes it is more appropriate for meetings to be held in other locations depending on the issues being considered. Staff from the Scrutiny team will let you know in advance where the meeting is to be held.

Scrutiny Panel meetings are usually held monthly. The dates and times of meetings are available on the intranet or in the council diary on the email system. Review or working groups are organised on an 'as and when' basis. If you are attending a review meeting or working group, a copy of the agenda and any relevant papers will be sent to you prior to the meeting. Copies of scrutiny panel agendas are available on the council's intranet.

4. How meetings are organised

Scrutiny Panels are often large meetings, with approximately 20 people attending. Because of the number of people attending, these meetings are more formal. The working groups however, are smaller to encourage a relaxed 'round-table' discussion.

At the panel meeting, when your agenda item is reached the Chair will introduce your item and welcome you to the meeting, giving your name and title. You will be asked to talk through the report or give your presentation, bringing members' attention to any concerns or relevant matters. The Chair will ask panel members if they have any questions and you will be asked to address them. However, if the report is for information or noting, the Chair may not want a presentation and may go straight to questions. Normally, you will be able to leave after your item is concluded although occasionally the Chair may ask you to stay to contribute to the discussion in case there are relevant issues brought up by other speakers or witnesses.

Working groups or review meetings are more informal than 'full panel'; the aim being to look at a particular issue or concern in more depth. You will normally have a series of questions sent to you in advance as a basis for discussion. Supplementary questions may be asked to explore an issue further and encourage a good exchange of views. If you are attending a review meeting, you may be asked to take a seat outside the meeting room until you are called. You can leave once you have made your contribution although on occasions, the Chair may ask you to stay to participate in relevant discussions. If you have any queries about the process, please seek clarification from the Scrutiny Adviser or Chair.

Attending a Scrutiny meeting – a simple check list:

- ◆ Check whether you are being asked to attend a full panel or a review meeting.
- ◆ Seek clarification about the concerns or issues the Panel or working group is likely to want to examine. Ask about the format required; do Members want a presentation, a written paper or a verbal update?
- ◆ Seek clarification about deadlines for submission of reports or papers.
- ◆ If you are submitting a document, think about its size – is a summary available or can full copies be made available in the Town Hall Member's Room or on the intranet?
- ◆ Let us know in advance if the report or information is confidential or exempt.
- ◆ Has the item been referred for information or noting? Please check if you are being asked to speak to the report or attend to address any questions that may arise.
- ◆ Ask where your item is on the agenda – do you have to come at the beginning of the meeting or can you arrive at an allotted time? Please be patient if timings overrun!
- ◆ If you are bringing handouts, ask in advance how many copies you are likely to need.
- ◆ Let us know in advance if you want to use PowerPoint, OHP or other audio visual aids.
- ◆ If you are making a presentation or a verbal report, check with the Scrutiny Adviser how much time is available – be prepared to be flexible.
- ◆ Avoid jargon and explain all acronyms (if it is a complex document, provide a glossary of terms). Use plain language. Don't assume that Members are experts or will have specialist knowledge about your subject area.
- ◆ **Remember**, the Scrutiny Advisers are here to help. If you have any queries or need further information about any aspect of scrutiny in Rotherham, please contact us.

5. What happens next?

Following your contribution, you may be asked to submit a follow-up report to a future meeting or recommendations may be made by the panel to other bodies. **Please make sure you make a note of any request or recommendations and liaise with the Scrutiny Adviser about deadlines and process.**

If you have attended a review group, you will receive the draft notes or minutes from the meeting to comment on the factual accuracy. On the basis of the information or evidence presented, the review group will make their conclusions and/or recommendations. These are usually submitted in a written report and you will have an opportunity to comment on a draft copy. The final review report will normally be submitted to the Council's Cabinet for its decision on the recommendations.

6. Access

If you have any access needs (eg information in large print or on tape), please contact the Scrutiny Adviser before the meeting so arrangements can be made in good time.

7. Contact and Information

Scrutiny in Rotherham is supported by the Statutory Scrutiny Officer and a team of Scrutiny Advisers, each of whom assumes principal responsibility for a Panel. The areas of responsibilities and contact details of each of the team are set out below. If you have any further queries about any scrutiny issue, please contact us:-

Copies of Scrutiny Panel agendas and reports are available on the Council's website on <http://modern.gov.rotherham.gov.uk/ieDocHome.asp?Page=all&Categories=&Year=2010>

For more information about scrutiny in Rotherham go to:

<http://www.rotherham.gov.uk/info/1031/scrutiny>

APPENDIX 2

APPENDIX 2

AREA OF RESPONSIBILITY		
<p>Cath Saltis Statutory Scrutiny Officer</p>	<ul style="list-style-type: none"> ○ Strategic Overview of Scrutiny ○ Performance and Scrutiny Overview Committee ○ Lead on Sub-Regional/Regional Scrutiny ○ Member Development 	<p>Email: cath.saltis@rotherham.gov.uk Tel: (01709) 822779</p>
<p>Sioned-Mair Richards Scrutiny Adviser</p>	<ul style="list-style-type: none"> ○ Sustainable Communities Scrutiny Panel 	<p>Email: sioned-mair.richards@rotherham.gov.uk Tel: (01709) 254453</p>
<p>Ben Knight/Cath Saltis Scrutiny Adviser/as above</p>	<ul style="list-style-type: none"> ○ Democratic Renewal Scrutiny Panel 	<p>Email: ben.knight@rotherham.gov.uk Tel: (01709) 254452</p>
<p>Bronwen Moss Scrutiny Adviser</p>	<ul style="list-style-type: none"> ○ Economic Regeneration Scrutiny Panel 	<p>Email: bronwen.moss@rotherham.gov.uk Tel. (01709) 822790</p>
<p>Delia Watts Scrutiny Adviser</p>	<ul style="list-style-type: none"> ○ Adult Services and Health Scrutiny Panel ○ Lead on Health Scrutiny 	<p>Email: delia.watts@rotherham.gov.uk Tel. (01709) 822778</p>
<p>Caroline Webb Senior Scrutiny Adviser</p>	<ul style="list-style-type: none"> ○ Children and Young People’s Scrutiny Panel 	<p>Email: caroline.webb@rotherham.gov.uk Tel. (01709) 822765</p>
<p>Sharon Crook</p>	<ul style="list-style-type: none"> ○ Administrative Officer 	<p>Email: sharon.crook@rotherham.gov.uk Tel: (01709) 822776</p>

Schedule 4**SCRUTINY WITNESS CHARTER**

Rotherham Metropolitan Borough Council recognises the need to support witnesses attending Scrutiny Panels and Scrutiny working groups and the valuable contribution that witnesses make to the scrutiny process.

This Witness Charter and the Guidance for Witnesses sets out:

- what witnesses can expect when attending a Scrutiny Panel or Scrutiny working group;
- the steps that will be taken to keep witnesses informed about the procedure; and
- what will be expected of witnesses throughout the scrutiny process.

The Council will:

- 1) Let witnesses have details of the time, date and place of the scrutiny meeting at which their evidence is to be taken.
- 2) Let witnesses have information about why they have been invited to attend a Scrutiny Panel or Scrutiny Working Group and the matters which the scrutiny body will wish to ask them about.
- 3) Provide witnesses with copies of all relevant reports, papers and background information.
- 4) Ensure that witnesses are introduced at the start of a meeting.
- 5) Ensure that all witnesses are treated with courtesy and respect.
- 6) Ensure, where appropriate, that witnesses are provided with information about claiming witness expenses.
- 7) Ensure that witnesses are informed of any steps recommended as a result of a scrutiny review.

GUIDANCE FOR WITNESSES

1. Who will be present at a scrutiny meeting?

Scrutiny Panel meetings are normally held in public and the press and media may be present. Members of the Scrutiny Panel or scrutiny working group are elected councillors. Some Scrutiny Panels and working groups also have co-opted members, who are usually representatives of specialist organisations or groups. The Scrutiny Panels and most of the working groups are chaired by a councillor. A Scrutiny Adviser will also be present at the meeting as well as a Committee Services Officer who will make notes or 'minutes' of the proceedings. Other officers from Rotherham MBC may also be present.

2. Scrutiny meetings

Scrutiny Panel and scrutiny working group meetings are normally held in the Town Hall on Moorgate Street. However sometimes it is more appropriate for meetings to be held in other locations depending on the issues being considered. We will write to you to let you know where the meeting is to be held.

Occasionally, if sensitive or confidential information is being considered, we may be required to hold the Panel or working group in private. We will let you know in advance if this is the case.

To help you prepare, the Scrutiny Adviser will advise you before the meeting of the areas that the Scrutiny Panel or scrutiny working group will focus on. The Adviser will also be able to give you advice on the format and answer any queries you may have about the meeting. A copy of the agenda and any relevant papers will be sent to you prior to the meeting.

3. Giving evidence

The main aim of inviting witnesses to meetings is to gain information and consider different experiences about a particular issue or concern. On the basis of the evidence received, the Scrutiny Panel or working group will make judgements and recommendations.

Scrutiny Panels are often large meetings, with approximately 20 people attending. Because of the numbers, these meetings tend to be more formal. The working groups however, are smaller to encourage a relaxed 'round-table' discussion.

You will normally be given a specific time to attend a Scrutiny Panel or working group to give your views and answer any questions. You may be asked to take a seat outside the meeting room until you are called to give your evidence. Every effort will be made to keep to the times allocated.

When the item comes up, the Chair will invite the councillors and co-opted members present to ask you and any other witnesses, questions on the issues outlined. If you are not clear about a particular question, please ask for clarification.

In certain circumstances, you may be invited to submit written evidence prior to the meeting or asked to give a short presentation to the Panel or working group. A Scrutiny Adviser will contact you to give advance notice of any requests and discuss with you what is required.

4. Witness requirements

If you have any particular requirements or access needs to enable you to give evidence, please contact the Scrutiny Adviser before the meeting so arrangements can be made in

good time. If you need information in other formats, for instance large print or on tape, please let us know as soon as possible.

A number of the meeting rooms in the Town Hall are installed with a hearing loop system and rooms are accessible for wheelchair users or people with mobility impairments. There is a ramped entrance to the Town Hall and a lift to each of the floors. On occasions Scrutiny Panels and working groups may meet in other venues and these will as far as possible, be fully accessible.

5. After you have given evidence

Once you have finished giving evidence and there are no more questions, you can leave the meeting. However, occasionally, witnesses may be asked to stay to contribute to the discussion in case there are issues brought up by other witnesses. If you are attending a Scrutiny Panel, witnesses are welcome to stay for the entire meeting.

Your evidence (together with that of other witnesses), will inform any conclusions and/or recommendations that a Scrutiny Panel or working group makes. These are usually submitted in a written report. If a report is produced you will receive a draft copy and have an opportunity to comment on the factual accuracy of your contribution.

A Scrutiny report will normally be submitted to the Council's Cabinet who will make a decision on any recommendations contained in the report.

6. Witness Expenses

If you are attending a Scrutiny Panel or working group as a witness, you are entitled to claim reasonable travel expenses (for instance bus fares or mileage and parking). If you are a carer you are also able to claim an allowance for the care of a dependent relative. You should, where possible, obtain receipts for any expenditure. The Scrutiny Adviser will be able to advise you on making a claim for expenses.

7. Feedback

We value your time and the contribution you make. If you have any comments, whether positive or negative, about your experiences as a witness or the scrutiny process in general, please contact the scrutiny team on any of the numbers below.

- to make reports or recommendations to the Council or the Cabinet with respect to the discharge of any functions which are not the responsibility of the executive;
- to make reports or recommendations to the Council or the Cabinet on matters which affect the borough or the inhabitants of the borough.

General role

(2) Within their terms of reference, overview and scrutiny committees will between them –

- review or scrutinise decisions or review and scrutinise decisions made or actions taken in connection with the discharge of any of the Council's functions;
- make reports or recommendations to the full Council or the Cabinet (or both) and to a joint committee, area assembly or area assembly co-ordinating group in connection with the discharge of any of the Council's functions;
- consider any matter affecting the borough or its inhabitants; ~~and~~
- exercise in the case of the Performance and Scrutiny Overview Committee and the Children and Young People's Services Scrutiny Panel the right to call-in for reconsideration decisions made but not yet implemented by the executive or an area assembly co-ordinating group (if applicable); **and**
- **under the Council's scheme for handling petitions,**
 - i make reports or recommendations in response to petitions referred by the Council**
 - ii question senior officers in response to qualifying petitions holding officers to account**
 - iii review the Council's response to petitions upon request by the petition organiser**

Policy development and review

(3) Overview and scrutiny committees may –

- assist the Council and the Cabinet in the development of its budget and policy framework by in-depth analysis of policy issues;
- conduct research and consult with local communities and others, in the analysis of policy issues and possible options;
- consider and implement mechanisms to encourage and enhance community participation in the development of policy options;
- question members of the Cabinet and committees and chief officers about their views on issues and proposals affecting the borough; and
- liaise with other external organisations operating in the borough, whether national, regional or local, to ensure that the interests of local communities are enhanced by collaborative working.

ROTHERHAM BOROUGH COUNCIL – REPORT TO MEMBERS
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1.	Meeting:	Council
2.	Date:	21st May 2010
3.	Title:	Local Government Reform – duty to respond to petitions: commencement and Council scheme
4.	Directorate:	Chief Executive's

5. Summary

Sections 10 to 22 of the Local Democracy, Economic Development and Construction Act 2009 (c. 20) provide a statutory duty for principal local authorities to handle and respond to petitions. This includes making provision for the submission of e-petitions and adopting a “scheme for handling petitions”. The Council is now required adopt a Petitions Scheme, taking account of provisions set out in an Order and statutory guidance. This report makes recommendations for the adoption of a Petitions Scheme and determination of associated issues.

6. Recommendations

That Council agrees:

- a) That the scheme attached as Appendix A be adopted as the Council's “Scheme for handling petitions”
- b) That the commencement dates for the provisions of the scheme be as follows:
 - (i) Paragraphs 1 to 3; 5 to 21; and 29 to 31 – 15th June 2010
 - (ii) Paragraphs 4 and 22 to 28 – 15th December 2010
- c) That the Council's constitution and standing orders be amended as follows:
 - (i) After section (1) of Article 6 of the constitution insert “(1A) Any citizen may organise, sign and present a petition to the Council in accordance with the Council's Scheme for handling petitions”
 - (ii) In Standing Order 4 insert “Presentation of petitions” and “Debate on petitions”
 - (iii) After Standing Order 8 insert “8A Presentation of petitions”
 - (iv) After Standing Order 8A insert “8B Debate on petitions”
 - (v) That the sub-paragraphs set out in Appendix B to this report apply to Standing Orders 8A and 8B
 - (vi) That amendments to Article 8 of the constitution and the Overview and Scrutiny Rules are included in a separate report to the Council.
- d) That the list of officers, by position, who may be called to give evidence as set out in Appendix C be approved.

7. Proposals and Details

Sections 10 to 22 of the Local Democracy, Economic Development and Construction Act 2009 (c. 20) (the Act) provide a statutory duty for principal local authorities to handle petitions made to the authority including the making of a scheme for the handling of petitions. The scheme will be required to set out how the Council handles petitions in accordance with the details of the duty. The scheme will require the approval of the full Council and to be published on the Council's web site.

The Local Democracy, Economic Development and Construction Act 2009 (Commencement No. 3) Order 2010 brings the new duty into force. It provides that the duty with the exception of e-petitions comes into effect on 15th June 2010; and for e-petitions 15th December 2010.

Section 19 of the Act provides that the Secretary of State may issue guidance and a model petition scheme. Statutory guidance has been published "Listening to communities: Statutory guidance on the duty to respond to petitions" which does include a model scheme.

The requirements of the duty set out that the Council will have flexibility to determine the details of the scheme subject to meeting the following minimum requirements:

- Anyone who lives, works or studies in Rotherham, including under 18's, can sign or organise a petition and trigger a response;
- A facility for making electronic petitions is provided by the Council;
- Petitions must be acknowledged within a time period specified by the Council;
- Among the many possible steps that the Council may choose to take in response to a petition, the following steps must be included in the scheme:
 - Taking the action requested in the petition;
 - Considering the petition at a meeting of the Council;
 - Holding an inquiry;
 - Holding a public meeting;
 - Commissioning research;
 - A written response to the petition organiser setting out the Council's views on the request in the petition; and
 - Referring the petition to scrutiny.
- Petitions with a significant level of support trigger a debate of the full council. The Council will determine this threshold locally but it must be no higher than 5 per cent of the local population;
- Petitions with a requisite level of support, set by the Council, trigger a senior local government officer to give evidence at a meeting of the authority's overview and scrutiny committee. The committee may also require the relevant Cabinet Member, or other member as appropriate to attend; and
- Petition organisers can prompt a review of the Council's response if the response is felt to be inadequate.

The Council may also include other information in the scheme including how petitions will be handled which do not qualify for consideration under the scheme.

E-petitions

The Act requires the same requirements for electronic petitions as for paper petitions, except for the following:

- The Council will only be required to respond to e-petitions made through the Council's e-petition facility;
- The Council will need to decide, when a request to host an e-petition is received, whether the petition is appropriate for publishing on the web site;
- The Council will decide what equates to a signature on an e-petition; and
- The Council will be required to provide a facility for people to submit petitions to the authority electronically. In addition to this, the Council will be able to choose to respond to e-petitions submitted by other means and should indicate in the petition scheme how these types of petitions will be dealt with.

Should the Council decide not to host an e-petition, an explanation of the reasons will be required.

Responding to petitions

As a minimum, a petition scheme must apply if a petition:

- Calls for the authority to take action;
- Is signed by the requisite number of people who live, work or study in the local area;
- Is made under another enactment but does not qualify under that enactment;
- If made electronically, is made through the authority's e-petition facility;

The Council will be able to require information to verify signatures, but may also choose to take account of signatures that give no address or association with the area. To verify signatures of e-petitions, the provision of an e-mail address or post code may be required.

Extent and exclusions

Petitions will need to cover relevant matters, which are described as relating to the economic, social or environmental well-being of the area. These may cover the functions of partner authorities as well as those functions delivered directly by the Council. "Partner Authorities" are those bodies with a duty to co-operate under Chapter 1 of Part 5 of the Local Government and Public Involvement in Health Act 2007 (c. 28).

Should a petition call for an action that is contrary to Council policy, then it will be sufficient to refuse the request providing that an explanation is given.

Vexatious petitions may be refused under the scheme. It is recommended that the same criteria be used as that in guidance for dealing with freedom of information requests.

The consideration of petitions may also be refused if the issue is the subject of legal proceedings; relates to individual members of the community or are excluded matters. Excluded matters are set out in The Local Authorities (Petitions) (England) Order 2010 as:

- Any matter relating to a planning decision;
- Any matter relating to a licensing decision;
- Any other matter relating to an individual or entity in respect of which that individual or entity has a right of recourse to a review or right of appeal conferred by or under any enactment.

Petitions relating to systemic failure in planning and licensing matters would not be excluded.

However, the Council may continue to receive petitions in relation to planning and licensing and set out how these will be dealt with outside of the requirements of the new duty.

Petitions that are specifically covered in other legislation are also excluded from the duty and the Council's scheme. Such petitions will continue to be dealt with under the provisions of the appropriate legislation.

In responding to petitions, the Council will be required to be proportionate to the seriousness of the issue raised.

Petition debates

The Act requires that petitions which receive a significant level of support should be debated at a meeting of the full council. The Council is required to set out in the petition scheme the number of signatures needed to trigger a debate as part of the authority's response. This debate may be added to the agenda of a normal meeting of the full council.

The scheme will need to provide for the petitioners to present their petition or ask a member to present it for them and could provide for members to ask questions of the petitioners as part of the debate. It is expected that such a debate would result in a decision of the full council or a recommendation to Cabinet, whichever is appropriate to the issue.

It will be for the Council to set the threshold of the number of signatures required to trigger a debate, but this must not be more than 5% of the local population. Petitions calling for a debate must fall within the provisions of the scheme, not including any excluded matter for debate, or call for any officer to give evidence.

Petitions calling officers to account

The Council's petition scheme must allow for petitions to trigger a senior member of council staff to attend a meeting of the Council's overview and scrutiny committee and answer questions about their work. The guidance to be followed in the questioning of officers is that already applied under the Local Government Act 2000 (c. 22). The Council will need to set a threshold for the minimum number of signatures required to trigger this action. The model scheme suggests a minimum of 750 signatures as a threshold.

The Council must determine which senior officers the provisions apply to. The head of paid service and the most senior officers responsible for the delivery of services are suggested. When asked to give evidence, this will be restricted to issues related to the job and no other matters personal detail. A proposed list of officers, by position, is attached at **Appendix C**.

The Council will be required to give notice to petitioners detailing when an officer is to give evidence at scrutiny. Petitioners should also be provided with a report of any findings and recommendations made by scrutiny.

Petition reviews

Section 17 of the Act provides for appeal. If a petition organiser is not satisfied with the way the Council has dealt with a petition, this section gives the organiser the power to ask the overview and scrutiny committee to review the Council's response to the petition. The overview and scrutiny committee will decide whether the steps taken by the executive in response to the petition were adequate.

The overview and scrutiny committee will be required to bear in mind the list of potential steps which could be used to respond to the petition set out in the Act. An adequate response is likely to be proportionate to the issue set out in the petition and the level of support the petition has received.

If the committee has reason to be concerned about the adequacy of the authority's response it may decide to carry out a full review of the issues raised in the petition. If the committee thinks that the authority is seriously neglecting its responsibility to listen to local people, the committee can arrange for the full council to carry out the review function.

The Council will be required to inform the petitioners of the outcome of a review and post the results on the Council's web site.

Standing Orders and Rules

Procedurally, the Council will need to make a number of changes to the Constitution and Standing Orders to comply with the duty. **Appendix B** to the report sets out changes in relation to presentation of and debate on petitions. Amendments will also be required to Article 8 of the constitution and the Overview and Scrutiny Rules in relation to officers called to give evidence and appeals. It is proposed that these will be presented to the annual meeting of the Council alongside other amendments.

8. Finance

There are no direct financial implications identified at this stage. It is unlikely that there will be significant costs associated with the introduction of e-petitioning as the current Council web-site is capable of hosting this facility. Costs may arise from administration of the scheme, but this will be dependant on the volume of new administration generated by the duty and scheme.

9. Risks and Uncertainties

The key risk is the unknown additional demand that may be brought about by the duty. Additionally, to ensure compliance with the duty, it will be necessary to not only record the receipt of petitions, but also to create an audit trail for the dealing with petitions once received.

Traditionally, petitions have been presented to the Council through various means, not just formally at meetings. If, as expected, this were to continue, the Council will need to ensure that the receipt of such petitions is recorded and reported for due consideration in accordance with the provisions of the duty.

10. Policy and Performance Agenda Implications

The Council has a long history of handling and responding to petitions. The new duty builds on the Council's approach, with the "scheme" providing greater clarity to the community.

Whilst the duty and scheme are statutory requirements, locally they need to be seen in the context of the broader policy agenda around community engagement, "calls for action" and partnership working. This would result in further reports covering communicating the provisions of the new duty as part of the "Community Engagement Framework", and practical steps for engaging partner authorities. Cabinet has previously agreed this course of action.

The outcomes arising from the new duty are likely to impact on performance against National Indicator No. 4 (% of people who feel they can influence decisions in their locality).

11. Background Papers and Consultation

Ahead of commencement of the new duty, the Government consulted on draft guidance, Order and model scheme. The Council responded to this consultation following a report to Cabinet on 24th February 2010.

Background papers

Local Democracy, Economic Development & Construction Act 2009 (c. 20)
The Local Democracy, Economic Development and Construction Act 2009 (Commencement No. 3) Order 2010
The Local Authorities (Petitions) (England) Order 2010
Local Government and Public Involvement in Health Act 2007 (c. 28)
Listening to communities: Statutory guidance on the duty to respond to petitions
Minute C193, Cabinet, 24th February 2010

Contact Names:

Tim Mumford, Assistant Chief Executive (Legal and Democratic Services), RMBC, extension 23500, tim.mumford@rotherham.gov.uk
Steve Eling, Principal Policy Officer, Chief Executive's Office, RMBC, extension 54419, steve.eling@rotherham.gov.uk

APPENDIX A

Scheme for handling Petitions

1. The council welcomes petitions and recognises that petitions are one way in which people can let us know their concerns. All petitions sent or presented to the council will receive an acknowledgement from the council within 10 working days of receipt.
2. This acknowledgement will set out what we plan to do with the petition. We will treat something as a petition if it is identified as being a petition, or if it seems to us that it is intended to be a petition.
3. Paper petitions can be sent to:
**The Chief Executive
Council Offices
Doncaster Gate
Doncaster Road
Rotherham
S65 1DJ**
4. Or be created, signed and submitted online by following this link [\[link\]](#)
5. Petitions can also be presented to a meeting of the council. These meetings take place on a **6 weekly basis**, dates and times can be found here [\[link\]](#). If you would like to present your petition to the council, or would like your councillor or someone else to present it on your behalf, please contact **Lewis South, Democratic Services Manager** on **(01709) 822050** at least 10 working days before the meeting and they will talk you through the process. **A petition to be presented to the Council will require the support of 1000 or more signatories.** If your petition has received signatures **equivalent to 5% or more of the population of the Borough** it will also be scheduled for a council debate [\[link to section on Full Council Debates\]](#) and if this is the case we will let you know whether this will happen at the same meeting or a later meeting of the council.

What are the guidelines for submitting a petition?

6. Petitions submitted to the council must include:
 - a clear and concise statement covering the subject of the petition. It should state what action the petitioners wish the council to take
 - the name and address and signature of any person supporting the petition.
7. Petitions should be accompanied by contact details, including an address, for the petition organiser. This is the person we will contact to explain how we will respond to the petition.

8. The contact details of the petition organiser will not be placed on the website. If the petition does not identify a petition organiser, we will contact signatories to the petition to agree who should act as the petition organiser.
9. Petitions which are considered to be vexatious, abusive or otherwise inappropriate will not be accepted. In the period immediately before an election or referendum we may need to deal with your petition differently – if this is the case we will explain the reasons and discuss the revised timescale which will apply. If a petition does not follow the guidelines set out above, the council may decide not to do anything further with it. In that case, we will write to you to explain the reasons.

What will the council do when it receives my petition?

10. An acknowledgement will be sent to the petition organiser within 10 working days of receiving the petition. It will let them know what we plan to do with the petition and when they can expect to hear from us again. It will also be published on our website.
11. If we can do what your petition asks for, the acknowledgement may confirm that we have taken the action requested and the petition will be closed. If the petition has enough signatures to trigger a council debate, or a senior officer giving evidence, then the acknowledgment will confirm this and tell you when and where the meeting will take place. If the petition needs more investigation, we will tell you the steps we plan to take.
12. If the petition applies to a planning or licensing application, is a statutory petition (for example requesting a referendum on having an elected mayor), or on a matter where there is already an existing right of appeal, such as council tax banding and non-domestic rates, other procedures apply. Further information on all these procedures and how you can express your views is available here [**insert links**]
13. We will not take action on any petition which we consider to be vexatious, abusive or otherwise inappropriate and will explain the reasons for this in our acknowledgement of the petition.
14. To ensure that people know what we are doing in response to the petitions we receive the details of all the petitions submitted to us will be published on our website, except in cases where this would be inappropriate. Whenever possible we will also publish all correspondence relating to the petition (all personal details will be removed). When you sign an e-petition you can elect to receive this information by email. We will not send you anything which is not relevant to the e-petition you have signed, unless you choose to receive other emails from us. [**link to account settings**]

How will the council respond to petitions?

15. Our response to a petition will depend on what a petition asks for and how many people have signed it, but may include one or more of the following:

- taking the action requested in the petition
- considering the petition at a council meeting
- holding an inquiry into the matter
- undertaking research into the matter
- holding a public meeting
- holding a consultation
- holding a meeting with petitioners
- referring the petition for consideration by the council's overview and scrutiny committee*
- calling a referendum
- writing to the petition organiser setting out our views about the request in the petition

*Overview and scrutiny committees are committees of councillors who are responsible for scrutinising the work of the council – in other words, the overview and scrutiny committee has the power to hold the council's decision makers to account.

16. In addition to these steps, the council will consider all the specific actions it can potentially take on the issues highlighted in a petition. The table below gives some examples.

Petition subject	Appropriate steps
Alcohol related crime and disorder	If your petition is about crime or disorder linked to alcohol consumption, the council will, among other measures, consider the case for placing restrictions on public drinking in the area by establishing a designated public place order or, as a last resort, imposing an alcohol disorder zone. When an alcohol disorder zone is established the licensed premises in the area where alcohol related trouble is being caused are required to contribute to the costs of extra policing in that area. The council's response to your petition will set out the steps we intend to take and the reasons for taking this approach.
Anti-social behaviour (ASB)	As the elected representatives of your local area, as social landlord and licensing authority, the council plays a significant role to play in tackling anti-social behaviour. The council, in conjunction with our partners in the local crime and disorder partnership have set out how we deal with issues of anti-social behaviour; you can find more details here.

	<p>When responding to petitions on ASB, we will consider in consultation with our local partners, all the options available to us including the wide range of powers and mechanisms we have to intervene as part of our role as social landlord and licensing authority. For example, we will work with the neighbourhood policing team in the affected area to identify what action might be taken including what role CCTV might play, consider identifying a dedicated contact within the council to liaise with the community and neighbourhood partners on issues of ASB in the area in question and, where appropriate, we will alert the crime and disorder reduction partnership and crime and disorder overview and scrutiny committee to the issues highlighted in the petition.</p>
Under-performing schools	<p>We will consider, in consultation with local partners, all the options available to us when working with schools to secure their improvement. For example, on our behalf, the school improvement partner will play a pivotal role, challenging and brokering support for poorly performing schools. Where a school is under performing we will consider whether it is appropriate in the circumstances to issue a warning notice outlining expectations and a timeframe for the school to improve its performance standards. Other measures available to us, where schools fail to comply with a warning notice or are in an Ofsted category of notice to improve (requiring significant improvement) or special measures including; appointing additional governors, establishing an interim executive board, removal of the school's delegated budgets, requiring the school to enter into a formal contract or partnership or, only if the school is in special measures, closure.</p>
Under-performing health services	<p>We will work with local health partners to consider the matter raised in the petition including, where appropriate, exploring what role the Local Involvement Network (LINK) might have in reviewing and feeding back on the issue (the LINK is run by local individuals and community groups and independently supported – their role to find out what people want in terms of local health services, monitor those services and to use their powers to hold them to account). The Performance and Scrutiny Overview Committee will also be alerted to the petition and where the matter is sufficiently or potentially serious, the issue will be referred to them to consider for review.</p>

17. If your petition is about something over which the council has no direct control (for example the local railway or hospital) we will consider making representations on behalf of the community to the relevant body. The council works with a large number of local partners [**link to list of LAA partners**] and where possible will work with these partners to respond to your petition. If we are not able to do this for any reason (for example if what the petition calls for conflicts with council policy), then we will set out the reasons for this to you. You can find more information on the services for which the council is responsible here [**link**].
18. If your petition is about something that a different council is responsible for we will give consideration to what the best method is for responding to it. This might consist of simply forwarding the petition to the other council, but could involve other steps. In any event we will always notify you of the action we have taken.

Full council debates

19. If a petition contains signatures **equivalent to 5% or more of the population of the Borough** it will be debated by the full council unless it is a petition asking for a senior council officer to give evidence at a public meeting. This means that the issue raised in the petition will be discussed at a meeting which all councillors can attend. The council will endeavour to consider the petition at its next meeting, although on some occasions this may not be possible and consideration will then take place at the following meeting. The petition organiser will be given **five minutes** to present the petition at the meeting and the petition will then be discussed by councillors for a maximum of **15 minutes**. The council will decide how to respond to the petition at this meeting. They may decide to take the action the petition requests, not to take the action requested for reasons put forward in the debate, or to commission further investigation into the matter, for example by a relevant committee. Where the issue is one on which the council executive are required to make the final decision, the council will decide whether to make recommendations to inform that decision. The petition organiser will receive written confirmation of this decision. This confirmation will also be published on our website.

Officer evidence

20. Your petition may ask for a senior council officer to give evidence at a public meeting about something for which the officer is responsible as part of their job. For example, your petition may ask a senior council officer to explain progress on an issue, or to explain the advice given to elected members to enable them to make a particular decision.

21. If your petition contains at least **750** signatures, the relevant senior officer will give evidence at a public meeting of the council's overview and scrutiny committee. A list of the senior staff that can be called to give evidence can be found here **[insert link]**. You should be aware that the overview and scrutiny committee may decide that it would be more appropriate for another officer to give evidence instead of any officer named in the petition – for instance if the named officer has changed jobs. The committee may also decide to call the relevant councillor to attend the meeting. Committee members will ask the questions at this meeting, but you will be able to suggest questions to the chair of the committee by contacting **Cath Saltis, Head of Scrutiny Services (01709) 822779** up to three working days before the meeting.

E-petitions

22. The council welcomes e-petitions which are created and submitted through our website **[link]**. E-petitions must follow the same guidelines as paper petitions **set out in paragraphs 6 – 9 of the Scheme for handling petitions**. The petition organiser will need to provide us with their name, postal address and email address. You will also need to decide how long you would like your petition to be open for signatures. Most petitions run for six months, but you can choose a shorter or longer timeframe, up to a maximum of 12 months.
23. When you create an e-petition, it may take five working days before it is published online. This is because we have to check that the content of your petition is suitable before it is made available for signature.
24. If we feel we cannot publish your petition for some reason, we will contact you within this time to explain. You will be able to change and resubmit your petition if you wish. If you do not do this within 10 working days, a summary of the petition and the reason why it has not been accepted will be published under the 'rejected petitions' section of the website.
25. When an e-petition has closed for signature, it will automatically be submitted to **[insert details]**. In the same way as a paper petition, you will receive an acknowledgement within 10 working days. If you would like to present your e-petition to a meeting of the council, please contact **[insert details]** within 10 working days of receipt of the acknowledgement.
26. A petition acknowledgement and response will be emailed to everyone who has signed the e-petition and elected to receive this information. The acknowledgment and response will also be published on this website.

How do I 'sign' an e-petition?

27. You can see all the e-petitions currently available for signature here **[insert link]**.
28. When you sign an e-petition you will be asked to provide your name, your postcode and a valid email address. When you have submitted this information you will be sent an email to the email address you have provided. This email will include a link which you must click on in order to confirm the email address is valid. Once this step is complete your 'signature' will be added to the petition. People visiting the e-petition will be able to see your name in the list of those who have signed it but your contact details will not be visible.

What can I do if I feel my petition has not been dealt with properly?

29. If you feel that we have not dealt with your petition properly, the petition organiser has the right to request that the council's overview and scrutiny committee review the steps that the council has taken in response to your petition. It is helpful to everyone, and can improve the prospects for a review if the petition organiser gives a short explanation of the reasons why the council's response is not considered to be adequate.
30. The committee will endeavour to consider your request at its next meeting, although on some occasions this may not be possible and consideration will take place at the following meeting. Should the committee determine we have not dealt with your petition adequately, it may use any of its powers to deal with the matter. These powers include instigating an investigation, making recommendations to the council executive and arranging for the matter to be considered at a meeting of the full council.
31. Once the appeal has been considered the petition organiser will be informed of the results within 5 working days. The results of the review will also be published on our website.

APPENDIX B

8A Presentation of petitions by members of the public at Council meetings

- (1) Subject to sub-paragraph (3), a member of the public may present a qualifying petition and speak for a maximum of five minutes.
- (2) Subject to sub-paragraph (3), a member of the public may ask a member to present a qualifying petition on their behalf.
- (3) A qualifying petition is a petition within the meaning of paragraphs 5, 6, 7, 9 and 12 of the Council's Scheme for Handling Petitions, notice of which has been given at least ten days before the day of the Council meeting.

8B Debate on petition

- (1) A qualifying petition with signatures meeting the threshold set out in paragraph 19 of the Council's Scheme for Handling Petitions will automatically trigger a debate of the Council, except where the petition is asking for a senior council officer to give evidence at a public meeting.
- (2) A petition meeting the criteria set out in sub-paragraph (1) may be debated at the meeting at which it is presented, or at a later meeting.
- (3) There shall be a guillotine on the debate of a petition of 15 minutes, after which the vote will be put, unless the Mayor at his or her discretion extends the debate.
- (4) The Council shall decide how to respond to the petition and shall decide either:
 - (a) To take the action the petition requests;
 - (b) Not to take the action the petition requests for reasons stated in the debate;
 - (c) To commission further investigation into the matter, which may include reference to a particular committee for their views, prior to consideration at a future meeting of the Council;
 - (d) Refer the petition to Cabinet where it relates to an executive function, in which case the Council may make recommendations to Cabinet.

APPENDIX C

Officers to be called to give evidence at a public meeting under section 16 of the Local Democracy, Economic Development & Construction Act 2009 (c. 20)

- (1) Members of the Strategic Leadership Team comprising the head of paid service, statutory chief officers and non-statutory chief officers within the meaning of section 2 of the Local Government & Housing Act 1989 (c. 42)
- (2) Any statutory officer not being a member of the Strategic Leadership Team.
- (3) Any service director.

REPORT OF THE RETURNING OFFICER**To: The Chairman and members of the Council****ELECTION OF COUNCILLORS**

I can report that the persons indicated below were elected Members of the Council at the election held on Thursday 6th May 2010

Ward	Candidates	Votes
Anston & Woodsetts	Josephine Anne Burton Simon Paul Edmundson Clive Robert Jepson Colin Edward Tawn	2369 (elected) 2146 801 672
Boston Castle	Ashiq Hussain Rose Margaret McNeely Peter Frederick Murdock Abdul Razaq Catherine Diane Thompson	1191 2342 (elected) 762 892 531
Brinsworth & Catcliffe	Alan Buckley Terry Robert Fieldhouse Shaun Richard Hughes Keith Lockley Margaret Rose Walsh	2610 (elected) 982 974 594 411
Dinnington	Kristian Denman Jacqueline Margaret Falvey Denise Margaret Hickson	1584 2713 (elected) 1156
Hellaby	Lynda Donaldson Douglas Fairfax Andrew David Foster Glyn Barry Robinson	2254 (elected) 861 852 1970
Holderness	Martin Hickson Thomas David Holmes Jovan Maric Paul Neville Martin Gerald Smith	478 715 1234 632 2891 (elected)
Hooper	Stephen Handel Jones Andrew Newton Michael John Pallant Brian Steele	1150 513 862 2653 (elected)
Keppel	Ian Colin Barron David Cutts Joanna Margaret Kirby Janice Middleton Russell James Wells	2077 (elected) 593 641 1314 1287

Ward	Candidates	Votes
Maltby	Gordon Hugh Brown Michael John Burke Michael James Conlon Keith Hunter Edward Millward Amy Louise Rushforth	433 810 372 610 787 1992 (elected)
Rawmarsh	William George Baldwin Richard William Penycate Douglas Stinson David Howard Palmer Tiptaft Shaun Wright	744 292 721 772 2656 (elected)
Rother Vale	Robert Foulds Nigel Haywood Wilton Lee Richard Scott Russell	1588 1159 2468 (elected)
Rotherham East	Shaukat Ali David Armeson Peter Crichton Griffith Ilyas Mohd Christian Carl Backer Kramer Matthew Stevenson	2199 (elected) 130 421 714 396 663
Rotherham West	Jahangir Akhtar Michael Cooke Basharat Dad Brian Jessop Caven Vines	2403 (elected) 693 737 775 767
Silverwood	John William Mitchell Geoffrey Outram Melissa Parker Patricia Anne Russell John Wilkinson	687 735 1237 2359 (elected) 598
Sitwell	Judith Oliver Dalton Anthony Martin Mannion Jean Thirlwall Valerie Irene Wilkinson	2238 2684 (elected) 751 793
Swinton	Neil License Shaun O'Dell Brian Eastwood Taylor	2902 (elected) 1402 974
Valley	Lucie Helen Brittain Jason Paul Pearson Dave Pickering David Ridgway	936 943 2188 (elected) 828
Wales	Peter Harold Blanksby Charlotte Alicia Blencowe Dennis Flynn Jennifer Whysall	704 1837 753 2320 (elected)
Wath	Alan Atkin Brian Albert Bailey Josephine Margaret Taylor	2901 (elected) 1344 1025

Ward	Candidates	Votes
Wickersley	Tina Charisse Dowdall Susan Ellis Donald Bruce Ross Alan Norman Turnbull	881 2814 (elected) 1517 592
Wingfield	Keith Goulty Marlene Guest Christopher Norman Middleton Michael Donald Paul Sylvester Maureen Vines	1948 (elected) 770 498 1467 307

Martin Kimber
Returning Officer