

LUTON



Town Hall, Luton LU1 2BQ
Tel: 01582 546000

To: All Members of the Council

1st September 2014


Dear Councillor

You are hereby summoned to attend a meeting of LUTON BOROUGH COUNCIL to be held in the COUNCIL CHAMBER, TOWN HALL, LUTON on

Tuesday 9th September 2014 at 6.00 p.m.

for the purpose of transacting the business set out in the Agenda below.

Yours sincerely



Trevor Holden
Chief Executive

AGENDA
No. 7/14

1. MINUTES

To approve as a correct record the Minutes of the meeting of the Council held on 15th July 2014 as set out on pages 302 to 306.

2. PRESENTATIONS

1. Honorary Recorder Judge Richard Foster
2. Jon Boucher – Deputy Chief Constable Bedfordshire Police

3. MAYOR'S ANNOUNCEMENTS

4. CORRECTION SHEET

The Mayor to refer to any correction sheet circulated at the meeting.

5. QUESTIONS UNDER STANDING ORDER 7.1

To consider any questions submitted in accordance with Standing Order 7.1. [Any unfinished business under this item will be dealt with at Agenda Item 11]

6. REPORT OF THE BEDFORDSHIRE FIRE AND RESCUE AUTHORITY

To consider the report of the Bedfordshire Fire and Rescue Authority as set out on pages 307 to 310.

7. BEDFORDSHIRE FIRE AND RESCUE AUTHORITY: QUESTIONS

A representative of the Bedfordshire Fire and Rescue Authority to answer any questions submitted under Standing Order 15.1.

Page Nos.

8. REPORTS OF CHIEF EXECUTIVE (HEAD OF POLICY AND PERFORMANCE)

- | | | |
|----|--|------------|
| 1. | Health and Wellbeing Board – Additional Substitute | 311 to 312 |
| 2. | Overview and Scrutiny Annual Report | 313 to 321 |

9. REPORTS OF THE HEAD OF HUMAN RESOURCES AND MONITORING OFFICER

- | | | |
|----|--|------------|
| 1. | Constitution
(Appendices A – C numbered separately) | 322 to 323 |
| 2. | Interim Appointment Head of Support Challenge and Intervention – Extension of 9 Month Appointment Period | 324 to 325 |

10. NOTICES OF MOTION

1. To consider the following motion of which notice has been given in accordance with Standing Order 13.1 signed by Councillor Garrett:

‘Council

Acknowledges the contribution made to the work of the Council and in recognition of their service to the people of Luton, this Council requests the Chief Executive to write to Lord McKenzie of Luton and former Councillor Vivian Dunnington inviting them to accept an Honorary Freedom of the Borough.'

2. To consider the following motion of which notice has been given in accordance with Standing Order 13.1 signed by Councillor Franks:

'Council:

Recognises that at the same time as many ordinary Luton families are facing falling household income and rising costs of living, some multinational companies are avoiding billions of pounds of tax from a tax system that fails to make them pay their fair share. Luton Borough Council, other UK local authorities and local governments in developing countries would benefit from a fairer tax system where multinational companies pay their fair share. This would enable Luton residents and residents around the world to benefit from quality public services like education. The UK government must listen to the strength of public feeling and act to end the injustice of tax dodging by large multinational companies, in the UK and in developing countries.

Council therefore requests the Chief Executive to write on behalf of the Council to the two Luton MPs and the two Luton based members of the House of Lords asking them to do whatever they can to encourage government to take urgent action to close down schemes which are clearly designed for no other purpose than to allow corporation to avoid paying UK taxes.'

11. QUESTIONS UNDER STANDING ORDER 7.1

To deal with any unfinished business left over from Agenda Item 5 above.

MINUTES OF THE COUNCIL

AT THE MEETING OF THE COUNCIL OF THE BOROUGH OF LUTON HELD AT THE TOWN HALL, LUTON ON

TUESDAY 15th JULY 2014 AT 6.00 P.M.

PRESENT:

THE MAYOR -
THE DEPUTY MAYOR -
COUNCILLORS -

Councillor Farooq
Councillor T. Malik
Akbar, Ashraf, M. Ayub, N.
Ayub, Bailey, Burnett,
Campbell, Castleman, Cato,
Chapman, J. Davies, R. J.
Davis, Dolling, Foord, Franks,
Gale, Garrett, Hanif, Hinkley,
Hopkins, Hussain, A. Khan, T.
Khan, Knight, Lewis, Malcolm,
K. Malik, Mead, Moles, O'
Callaghan, Rathore, Riaz,
Rivers, Roden, Saleem,
Sharif, Shaw, Simmons,
Skepelhorn, Stewart, Taylor,
Timoney, Titmuss, Whittaker,
Worlding and Zia

60 MINUTES (REF: 1)

Resolved: That, the Minutes of the meeting of the Council held on 20th May 2014 and 28th May 2014 be taken as read, approved as a correct record and signed by the Mayor.

61 APOLOGIES FOR ABSENCE

None noted.

62 MAYOR CONDUCT (REF: 2.1)

The Mayor reminded Members of the need to observe proper conduct, to show respect for each other and to observe her rulings at meetings of the Council.

63 MAYOR'S CHARITY EVENTS (REF: 2.2)

The Mayor advised Members of a number of his upcoming Charity events:

- Miraj Indian Restaurant on 30th July at 7.30pm at a cost of £12 per person.
- Swiss Garden Afternoon Tea and Garden Tour at Shuttleworth on 13th September at 1.00pm at a cost of £25 per person.
- Dress the Mayor in his Official Outfit/Beetle Drive on 25th September at 7.30pm at a cost of £10 per person.
- Jade House Chinese Restaurant on 27th October at 7.30pm at a cost of £18 per person

All proceeds would be donated to the Mayor's Charities: Cancer Research UK, Mary Seacole, Edhi Foundation and The Bismillah. Tickets and further details of these events could be obtained from the Business and Member Support team.

64 LOCAL GOVERNMENT FINANCE ACT 1992

The Chief Executive reminded the Council that a list of items before the Council which were within the ambit of Section 106 of the Local Government Finance Act 1992 had been circulated to all Members and that any Member to whom that Section applied should disclose the fact and refrain from voting on any question relating to those items.

(Note: No disclosures by Members were made.)

65 DISCLOSURES OF INTEREST

The Director of Environment and Regeneration reported one disclosure of interest received from Councillor Sharif who disclosed a personal but not prejudicial interest in agenda item 11, Bi-Annual Report of the Bedfordshire Police and Crime Commissioner Panel in her capacity as Deputy Police and Crime Commissioner.

66 PRESENTATION – PUBLIC HEALTH ANNUAL REPORT (ITEM 2)

The Mayor introduced Gerry Taylor, Director of Public Health who gave a presentation on the Annual Public Health report.

The Director of Public Health agreed to circulate a response to Members queries on the mental health first aid training and the proportion of Luton's population going into higher education.

Resolved: That the Director of Public Health be thanked for her presentation on the Annual Public Health report.

67 PRESENTATION – JON BOUTCHER DEPUTY CHIEF CONSTABLE (ITEM 3)

Resolved: That this item would be rescheduled for the next Council meeting due to the Deputy Chief Constable being unable to attend the meeting.

68 QUESTION UNDER STANDING ORDER 7.1 (REF: 5)

Councillor Garrett asked and Councillor A. Khan responded to a question (Ref: Q/7/14) of which written notice had been given under Standing Order 7.1.

Councillor Mead asked and Councillor Shaw responded to question Ref: Q/8/14) of which written notice had been given under Standing Order 7.1.

Councillor Garrett asked and Councillor Taylor responded to a question (Ref: 9/14) of which written notice had been given under Standing Order 7.1.

69 REPORT OF THE BEDFORDSHIRE FIRE AND RESCUE AUTHORITY (REF: 6)

Councillor Saleem, the Council spokesperson on the Bedfordshire Fire and Rescue Authority presented the reports on the proceedings of the meetings of the Authority held on 17th June 2014.

Resolved: That the report (Ref: 6) be received.

70 BEDFORDSHIRE FIRE AND RESCUE AUTHORITY: QUESTIONS (REF: 7)

The Mayor advised that no written notice had been given by Councillors under Standing Order 15.1 of their intention to ask a question of the Bedfordshire Fire and Rescue Authority.

71 RECOMMENDATION FROM EXECUTIVE -TREASURY MANAGEMENT ANNUAL REPORT YEAR ENDED 31ST MARCH 2014 (REF: 8.1)

Upon consideration of the report of the Head of Finance on the Treasury Management Annual Report – Year Ended 31st March 2014 (Ref: 8.1) it was proposed by Councillor Hussain, seconded by Councillor Simmons and:

Resolved: (i) That the Treasury Management Annual Report for the year ended 31st March 2014 as set out at Appendix Ai to the report of the Head of Finance (Ref: 8.1) be approved;

(ii) That the retrospective adjustments to prudential indicators for: Gross Borrowing (as set out in paragraph 12 Table 1A - Appendix A) to the report of the Head of Finance (Ref: 8.1) be approved.

72 DEVELOPMENT CONTROL COMMITTEE AND TAXI AND PRIVATE HIRE LICENSING COMMITTEE – CHANGE OF MEMBERSHIP (REF: 9.1)

Upon consideration of the report of the Chief Executive (Head of Policy and Performance) (Ref: 10.1) regarding the change of membership to the Development Control Committee. It was proposed by Councillor Simmons seconded by Councillor Timoney.

Resolved: (i) That the replacement of Councillor Sid Knight with Councillor Mahmood Hussain, on Development Control Committee, with immediate effect be approved.

(ii) That the filling of the current Liberal Democrat vacancy on the Taxi & Private Hire Licensing Committee by Conservative Councillor Mike Garrett, until such time as the Liberal Democrat Group wish to appoint a member of that Group be approved.

73 APPOINTMENT TO THE VACANCY OF AN INDEPENDENT MEMBER OF STANDARDS COMMITTEE (REF: 10.1)

Upon consideration of the report of the Head of Human Resources and Monitoring Officer) (Ref: 10.1) on the appointment to the vacancy of an independent member of Standards Committee, it was proposed by Mr John Jones seconded by Councillor Taylor and

Resolved: That the appointment of Paula Brennan as an Independent Member of the Standards Committee to take effect on 16th July 2014 for the term of four years be approved.

74 BI-ANNUAL REPORT OF THE BEDFORDSHIRE POLICE AND CRIME COMMISSIONER (REF: 11)

Upon consideration of the Bi Annual report of the Bedfordshire Police and Crime Panel, it was proposed by Councillor Whittaker, seconded by Councillor Dolling:

“That the Bi-annual report of the Bedfordshire Police and Crime Panel be received.”

An amendment was proposed by Councillor Shaw, seconded by Councillor Hussain:

“While noting the Bi-annual report of the Bedfordshire Police and Crime Panel, the Council does not agree with all of the findings of the work of the

Panel, in particular the Panel's conclusions in relation to anti-social behaviour, hate crime and the levels of crime."

The proposed amendment was accepted by the proposer and seconder of the motion.

The amendment was then put to the meeting and it was:

Resolved: That while noting the Bi-annual report of the Bedfordshire Police and Crime Panel, the Council does not agree with all of the findings of the work of the Panel, in particular the Panel's conclusions in relation to anti-social behaviour, hate crime and the levels of crime

(Note: Councillor Sharif disclosed a personal (but not prejudicial) interest in the above item in her role as the Deputy Police and Crime Commissioner and remained in the meeting.)

75. NOTICE OF MOTION (REF: 11)

(a) It was proposed by Councillor Dolling, seconded by Councillor Taylor that:

'Council:

Congratulates the management, staff and supporters of Luton Town Football Club on the club's return to the English Football league.

Recognises the cultural, social and financial benefits a successful football club brings to the town.

Requests the Chief Executive to write to Club Manager, John Still, to invite him to accept, on behalf of all those involved, the Honorary Freedom of the Borough of Luton"

(b) Upon being put to the meeting the motion was carried and it was:

Resolved: That:

Council:

Congratulates the management, staff and supporters of Luton Town Football Club on the club's return to the English Football league.

Recognises the cultural, social and financial benefits a successful football club brings to the town.

Requests the Chief Executive to write to Club Manager, John Still, to invite him to accept, on behalf of all those involved, the Honorary Freedom of the Borough of Luton.

(Note: The meeting ended at 7.45 p.m.)



BEDFORDSHIRE FIRE AND RESCUE AUTHORITY

REPORT OF BEDFORDSHIRE FIRE AND RESCUE AUTHORITY FROM ITS MEETING ON 22 JULY 2014 TO LUTON BOROUGH COUNCIL

Bedfordshire Fire and Rescue Authority (FRA) held a meeting on 22 July 2014 at Dunstable Community Fire Station. The major issues discussed at the meeting are summarised below:

1. COMMUNICATIONS

Fire Brigades Union: Trade Dispute

Members received an update on the latest round of strike action and a summary of strike action that had taken place during the month of July 2014. There had been 16 periods of strike action in July 2014 to date, with one 9 hour strike and 15 two hour strikes. This had resulted in a total of 39 hours of strike action during the month.

During the periods of strike action, 8 or 9 rescue pumps had been available for emergency response, with the Aerial Ladder Platform also being available on occasion. 33 emergency calls had been received, 20 of which required an emergency response by the Service.

Members discussed a letter circulated to Chief Fire Officers and Chairs of Fire and Rescue Authorities setting out the Government's latest position and confirming that the Government would not negotiate with the FBU whilst it was on strike. It also advised on the closure of the consultation period on changes to the Fire Fighters Pension Scheme and that fire fighters would be able to retire at the age of 55 with an actuarially reduced pension if they were not willing or able to maintain an appropriate level of fitness. This was the position as it had been in June 2013.

2. PUBLIC PARTICIPATION

Members agreed that a review be undertaken to identify the reasons for the low levels of attendance and public participation at Fire and Rescue Authority meetings. The use of social media and possible changes to the times and locations of meetings would be considered.

Councillors McVicar and Mingay were appointed to the review group to represent Members of the Fire and Rescue Authority.

3. CORPORATE SERVICES POLICY AND CHALLENGE GROUP 24 JUNE 2014

Members received the Minutes of the meeting of the Corporate Services Policy and Challenge Group held on 24 June 2014. It was agreed that there would be a quorum of 3 Members from at least two constituent authorities for future meetings.

4. SERVICE DELIVERY POLICY AND CHALLENGE GROUP 25 JUNE 2014

Members received the Minutes of the meeting of the Service Delivery Policy and Challenge Group held on 25 June 2014. It was agreed that there would be a quorum of 3 Members from at least two constituent authorities for future meetings.

Members discussed the appropriateness of reporting of incidents where Officers had acted outside of Standard Operating Procedures. Concern was expressed that the Fire and Rescue Authority should fully consider whether it would place itself in any legal difficulties or be more vulnerable to legal action by presenting this information in a public domain. Members agreed that the Service Delivery Policy and Challenge Group should continue to receive this information.

The procedures used by this Authority had been identified as exemplar practice in new national guidance.

5. HUMAN RESOURCES POLICY AND CHALLENGE GROUP 2 JULY 2014

Members received the Minutes of the meeting of the Human Resources Policy and Challenge Group held on 2 July 2014. It was agreed that there would be a quorum of 3 Members from at least two constituent authorities for future meetings.

Members adopted the proposed Local Government Pension Scheme Discretions and agreed that delegated authority to exercise the proposed discretions where relevant be granted to a newly created Service Panel of officers set out in the report.

6. AUDIT AND STANDARDS COMMITTEE 26 JUNE 2014

Members received the Minutes of the meeting of the Audit and Standards Committee held on 26 June 2014. A recommendation had been made to the Fire and Rescue Authority relating to the submission of the Annual Overarching Performance Report Year End 2013/14 to the full Fire and Rescue Authority.

Members were reminded to seek advice prior to meetings if they believed they had an interest to disclose.

7. REVENUE BUDGET AND CAPITAL PROGRAMME

Members were presented with the latest budget monitoring position as at 30 June 2014. A £100,000 overspend, excluding salary budgets, was currently forecast relating to items under the Head of Strategic Support. This, along, with a £309,000 forecast underspend on salaries, resulted in a total forecast underspend of £209,000.

The forecast overspend was due to the anticipated costs of the Cambridgeshire Public Service Network exceeding the budgeted amount by £50,000 and a £50,000 overspend in the computer software budget. The budget for computer software would be amended in future budgets.

A reduction had been made to the Capital Programme as defibrillators were now being treated as revenue expenditure as the majority of defibrillators were donated to Parish Councils after purchase and were not held longer than a year so did not meet the definition of capital expenditure.

Members were advised that all costs and savings associated with the strike action were being allocated to a specific cost code so that this could be monitored.

8. ANNUAL OVERARCHING PERFORMANCE REPORT YEAR END 2013/14

Following its consideration at the Audit and Standards Committee meeting on 26 June 2014, Members received an overarching performance report for year end 2013/14 that was aligned to the Service's strategic objectives and strategies.

It was agreed that the Overarching Performance Report be presented annually at the full Fire and Rescue Authority meetings and that the report be published on the internet.

9. THE LOCAL GOVERNMENT TRANSPARENCY CODE 2014

Members received a report advising them of the forthcoming requirements for the Authority under the Transparency Code 2014. The Transparency Code set out the minimum data that local authorities should be publishing, as well as the frequency and method of publication.

Members approved the publication of information in line with the requirements of the Local Government Transparency Code 2014.

10. SERVICE OPERATIONAL COMMAND

Members considered a proposal from the Chief Fire Officer to change the way in which Service Operational Command was provided within Bedfordshire Fire and Rescue Service. The proposal would result in an annual saving of around £70,000.

Members agreed to a reduction in the Operational Principal Officer Team by one Assistant Chief Fire Officer and that the responsibility level of the five Area Commanders be increased to provide Service Operational Command cover from 1 August 2014, with management changes and post re-designation being managed by the Chief Fire Officer between now and late September.

Members were advised that the additional responsibility of Service Operational Command for the Area Commanders is remunerated by a salary increase to reflect the increase in operational responsibility and consequent reduction in rota days and the Service's Pay Statement is updated accordingly.

A restructure would be required to re-distribute the Assistant Chief Fire Officer responsibilities as determined by the Chief Fire Officer through existing delegation.

(Note: Assistant Chief Fire Officer Fothergill was not present for the discussion of this item.)

COUNCILLOR SALEEM
MEMBER OF BEDFORDSHIRE FIRE AND RESCUE AUTHORITY



BEDFORDSHIRE FIRE AND RESCUE AUTHORITY

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2. PUBLIC PARTICIPATION

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Members were advised that the additional responsibility of Service Operational Command for the Area Commanders is remunerated by a salary increase to reflect the increase in operational responsibility and consequent reduction in rota days and the Service's Pay Statement is updated accordingly.

A restructure would be required to re-distribute the Assistant Chief Fire Officer responsibilities as determined by the Chief Fire Officer through existing delegation.

(Note: Assistant Chief Fire Officer Fothergill was not present for the discussion of this item.)

COUNCILLOR SALEEM
MEMBER OF BEDFORDSHIRE FIRE AND RESCUE AUTHORITY

COUNCIL

DATE: 9 SEPTEMBER 2014

**SUBJECT: HEALTH AND WELLBEING BOARD – ADDITIONAL
SUBSTITUTE**

REPORT OF: HEAD OF POLICY AND PERFORMANCE

CONTACT OFFICER: BREN MCGOWAN 01582-547335

IMPLICATIONS:

LEGAL	COMMUNITY SAFETY
EQUALITIES	ENVIRONMENT
FINANCIAL	CONSULTATIONS
STAFFING	OTHER

WARDS AFFECTED: ALL

PURPOSE

1. The purpose of this report is to advise the Council of a proposed change of membership of the Health and Wellbeing Board.

RECOMMENDATION(S)

2. **Council is recommended to approve the addition of Dominic Cox as a named substitute for Dr Sarah Whiteman (NHS England) on the Health and Wellbeing Board with immediate effect.**

BACKGROUND

3. The arrangements for the Health and Wellbeing Board allow for named substitutes. In order to maintain continuity, named substitutes are sent all board papers and are invited to attend all meetings in an observer capacity. Up to two substitutes are permitted for each place on the Board.

REPORT

4. NHS England has advised an additional nomination as named substitute.

PROPOSAL/OPTION

5. At the request of the NHS England it is proposed that Dominic Cox be included as named substitute for NHS England on the Health and Wellbeing Board.
6. It is proposed that this change take place with immediate effect.

LIST OF BACKGROUND PAPERS

LOCAL GOVERNMENT ACT 1972, SECTION 100D

7. There are no background papers relating to this report.

COUNCIL

DATE: 9th SEPTEMBER 2014

SUBJECT: OVERVIEW AND SCRUTINY ANNUAL REPORT
2013/2014

REPORT BY: HEAD OF POLICY AND PERFORMANCE

CONTACT OFFICER: LISA JEROME 01582 546041

IMPLICATIONS:

LEGAL	COMMUNITY SAFETY
EQUALITIES	ENVIRONMENT
FINANCIAL	CONSULTATIONS
STAFFING	OTHER

WARDS AFFECTED: NONE

PURPOSE

1. The purpose of this report is to submit the Overview and Scrutiny Annual Report for 2013/2014.

RECOMMENDATION(S)

2. The Council is recommended to note the Overview and Scrutiny Annual Report 2013/2014 attached at Appendix A to this report.

REPORT

3. The Council's Constitution requires the Overview and Scrutiny Board to submit a yearly report on their work to Council.

4. At its meeting held on 27th August, the Overview and Scrutiny Board resolved to authorise the Democracy and Scrutiny Team Leader to finalise the Annual Report in consultation with the Chair of the Overview and Scrutiny Board.
5. The Overview and Scrutiny Annual Report 2013/14 is attached at Appendix A. The report details the work of the Overview and Scrutiny Board and its Task and Finish Groups during the year 2013/2014. This is the fifth annual report of the Overview and Scrutiny Board, which was established by Council in September 2009.

PROPOSAL/OPTION

6. The Council is recommended to note the Overview and Scrutiny Annual Report 2013/14.

APPENDIX

7. Appendix A: Scrutiny Annual Report 2013/14

LIST OF BACKGROUND PAPERS **LOCAL GOVERNMENT ACT 1972, SECTION 100D**

8. Overview and Scrutiny Board Minute

APPENDIX



Overview & Scrutiny

Annual Report 2013-14

A message from Councillor Doris Hinkley, Chair Overview and Scrutiny Board

“Welcome to the Overview and Scrutiny Annual Report, which explains the work of the Overview and Scrutiny Board (OSB) and its Task and Finish Groups during 2013-14.

Overview and Scrutiny is a vital part of Luton Borough Council’s responsibility to its residents. All non-executive councillors are eligible to participate in the work of scrutiny, to hold the Council’s Executive to account and help inform its decisions by reviewing and making recommendations to improve Council services.

Overview and Scrutiny also considers and makes recommendations on wider issues affecting the people of Luton. During the year it has worked closely with Community Safety Partnership, Free Schools, Luton Cultural Services Trust, Luton and Dunstable Hospital and other public and private sector partners, who have all contributed to the well-being of the people of Luton. I take this opportunity to thank the great many officers from the Council, as well as partners organisations,

who have, contributed openly and positively to scrutiny.

Finally, I also thank all my fellow Members who have participated in Scrutiny and put in substantial effort during the course of the year.

If you would like to contribute to overview and scrutiny, remember all scrutiny meetings are open to the public. If you want to find out more about overview and scrutiny, the Democracy Team will be pleased to supply you with more information. Contact details are listed at the end of this report.”

Councillor Doris Hinkley

Introduction

The last year has seen a continuation of challenges for local government. With a backdrop of reduced funding from Government this Council along with our partners are seeking ways to work more closely together. In this environment, the role of scrutiny is important and we have a clear responsibility to scrutinise the implementation of new approaches. In this report we have highlighted some of the significant activity that has taken place over the last year and considered the challenges to be faced over the next year.

The Chair of the Board in 2013-14 was Councillor Doris Hinkley (Liberal

APPENDIX

Democrat) and the Vice Chairs were Councillors Michael Garrett (Conservative) and Councillor Amy O'Callaghan (Labour).

Key Scrutiny Work in 2013-2014

- **Working with External Partners and Local Communities**

Throughout the year, the Board received a range of reports and presentations from organisations and individuals from outside the Council to assist with overview and scrutiny work; these included Community Safety Partnership, Free Schools, Luton Cultural Services Trust, Luton and Dunstable Hospital

- **Working with the Executive/Portfolio Holders**

The Board has continued to be actively involved with the work of the Executive, regularly scrutinising the Executive's Forward Plan, which remains a standing item on the work programme. Monthly meetings are also held with the Chair and Vice Chairs of the Overview and Scrutiny Board. The Chair also has the opportunity to meet on a regular basis with the Leader of the Council, to discuss corporate issues facing the Council. The Executive Member Finance has a standing invitation to attend the Finance Review Group.

TASK AND FINISH GROUPS

The Overview and Scrutiny Board has the power and responsibility to set up time limited task and finish groups that focus on a particular issue and consider it in greater detail than is possible at the Overview and Scrutiny Board. These reviews will typically last around six months and will include a mixture of interviews with relevant Council officers and expert witnesses, research of best practice elsewhere, meetings with service users and community groups and consultation with the wider community. Membership of the task and finish group is drawn from all Members of the Council other than Executive Members and can be extended to include statutory and non-statutory co-optees and experts in the relevant subject area.

Outlined below is a brief summary of the work of the two standing sub-committees – the Finance Review Group and the Health and Social Care Review Group and the latest position in respect of current task and finish groups.

FINANCE REVIEW GROUP

The Finance Review Group (FRG) continued to sit in 2013/14 as a standing sub-committee of the Overview and Scrutiny Board (OSB). Its purpose includes:

- Enabling closer scrutiny of the Council's finances;
- Enhancing decision-making process on spending priorities;

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- Overseeing public involvement to improve accountability.

During the year, the FRG continued to focus on and made comments and recommendations to the Executive on key aspects of the Council's Transformation Programme and budget performance around contingency reserves and risks, particularly on a number of high level capital projects. It also reviewed Voluntary and Community Sector (VCS) funding, funding options for affordable housing and the overarching impact of measures to address budget pressures facing the council

The FRG reported and made comments and recommendations to the Executive on a number of occasions, which was mostly noted and/ or accepted, to help them make well informed and transparent decisions. A further key area to be scrutinised was the public accounts of various organisations receiving funding from London Luton Airport Limited (LLAL)

HEALTH AND SOCIAL CARE REVIEW GROUP

The Health and Social Care Review Group (HSCRG) continued to sit in 2013/14, as a standing sub-committee of the Overview and Scrutiny Board. It was the Council's arrangement for scrutinising how health and social care services were provided and developed for the community, holding NHS organisations to account and requiring them to listen and respond.

Its responsibilities include:

- Overseeing NHS and social care reforms in Luton;
- Holding decision-makers to account for commissioning decisions;
- Undertaking health and social care topical reviews and making recommendations for improvement;
- Dealing with consultation by NHS organisations, to ensure proposals for substantial service variation or development were in the interests of local health services.

In the last year, the HSCRG reviewed and commented on diverse matters, including the following:

- Performance of Mental Health Services in Luton;
- Progress of its recommendations relating to the procedures and practices of the Coroner's and associated services;
- Safeguarding adults and children in Luton
- A number of Adult Social Care items including Day Services, Carers Strategy, Home Care Services and the Learning Disability Joint Commissioning Strategy;
- A number of Luton Clinical Commissioning Group's (CCG) commissioning activities, including re-procurement of Mental Health and Community Health Services and intentions for Long Term Conditions;

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- The cessation of the South Beds Dial-a-Ride provision for Luton residents;
- 'Better Together' the Health and Social Care integration programme;
- Implications for Luton of the East of England Ambulance Service Strategic Plan;

▪ **DOMESTIC VIOLENCE TASK AND FINISH GROUP**

Luton's Overview and Scrutiny Board agreed to set up the group in order to:

- gain an understanding of the issues and impact of domestic violence in Luton and to raise awareness about it and to increase community confidence in reporting domestic violence
- identify the Council's priority objectives for addressing this issue and whether these have been achieved
- identify resources and funding available to tackle this problem
- look at best practice in dealing with domestic abuse and make recommendations for improvements.

The task and finish group, made up of six councillors, will also examine the Council's policies, procedures and practices; access to provisions; prevention measures; reporting procedures and safeguarding arrangements for children and

vulnerable adults. In addition, the review will include information from voluntary organisations and Bedfordshire Police who will be invited to give evidence on their response to victims of domestic violence.

The review is currently at the evidence gathering stage and has already received information from a variety of sources including the Independent Domestic Violence Advocates (IDVA's); Luton Borough Council's adult and children safeguarding teams; Jo Neale from the University of Bedfordshire who gave a presentation to members on the professional response to women in abusive relationships; Children Centres; Women's Aid and Luton Women's All Women's Centre.

Consultation with service users, agencies and young people is due to start in September and the outcomes will be included in the final report together with conclusions and recommendations which will be published in the autumn.

INFANT MORTALITY

- The Infant Mortality Task and Finish Group commenced in March 2013 and concluded in November 2013.
- The Infant Mortality Task and Finish Group's final report on

APPENDIX

recommendations highlighted concerns around high infant deaths in Luton which were linked to consanguinity along with a number of other lifestyle factors and tasked the Director of Public Health (DPH) with coordinating a response to the recommendations including real focus on awareness of the causes of the high rate of infant mortality in Luton.

- All 16 recommendations were agreed by the Executive who commended the report for onward transmission by the DPH, Luton CCG and other key health partners.
- In line with its recommendations, a coordinated response by the DPH Gerry Taylor was reported to the Health and Social Care Review Group at its meeting on 2nd April 2014 with assurance that the programme of work to reduce infant mortality in Luton was actively in progress.
- Outcomes since the report was published includes: (i) Progress on consultation with community groups commissioned by public health with expected outcome due later this year to inform and update of the action plan; (ii) Real focus on reducing the number of pregnant women smoking, raising awareness of the importance of early booking for pregnant women, the inclusion of Infant Mortality in the CCG's 2014/15 work programme, etc.
- HSCRG continues to monitor progress of work and implementation and further reports are expected on the

following; Public Health work on Genetics; Audit of gender imbalance findings; Links between the family poverty strategy and infant mortality.

COMMUNITY TRANSPORT

Following cessation of the South Beds Dial-a-Ride provision in Luton in late 2013, a small HSCRG task group conducted a short light touch review of the situation and made a number of recommendations for consideration in developing a permanent replacement community transport service. The Executive decided on proposals for the new service on 28th July 2014. This matter remains under review by the HSCRG.

DISCHARGE FROM HOSPITAL

- As reported last year, a Discharge from Hospital Task and Finish Group reviewed partnership strategy and performance issues relating to hospitalisation and discharges from hospital
- so as to understand Luton patients' needs and identify policy and practice issues and concerns and their effects primarily on patients' experience and to advise/ make recommendations for improvements.

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- The Task and Finish Group concluded its work in July 2013.
- Its final report and recommendations were received and commended by the Executive;
- All recommendations were accepted by NHS partners and the Council's Adult Social Care and all the service based ones are now being taken forward as part of the integration 'Better Together' programme, led jointly by Luton CCG and Luton Borough Council;
- HSCRG continue to monitor progress.
- The provision of school meals;
- Housing related issues including housing allocations and sheltered housing;
- Provision of playing fields;
- Business transformation within the Council;
- Community Transport;
- Impact of the Care Act and the Luton Carers Strategy.

CALL-INS

There was one call-in during 2013-14, which was considered and dealt with by the Overview and Scrutiny Board relating to the Response to the North Herts New Local Plan Consultation.

CHALLENGES FOR 2014/15

The Overview and Scrutiny Board will continue to focus on the big issues affecting the town and to raise the profile and awareness of the Overview and Scrutiny process with our partners and Council Officers, to encourage participation and involvement. Scrutiny work programmes are developing well for 2014/15 and key issues have already been identified including:

- The role of school governors in Luton Schools;

GLOSSARY OF TERMS

EXECUTIVE - The Executive is responsible for the day-to-day running of the Council and the development of policy. Executive Members have specific areas of responsibility eg: Housing, Environment, Adult Social Care.

CALL-IN - this is the process by which the Overview and Scrutiny Board considers whether a decision has been properly taken or is the right decision.

TASK AND FINISH GROUPS –

Time limited groups set up by the OSB to focus on a particular issue, either Council responsibility or other partner agencies such as Health Trusts, and to make recommendations to Executive. Whilst the Executive is not obliged to support the recommendations, it has been shown that effective consultation has been proven to lead to consensus and to Executive support for reviews undertaken.

CONTACT

If you want to know more, or have any suggestions for scrutiny, contact us in the Democracy Team on 01582 546041 or email scrutiny@luton.gov.uk.

COUNCIL:**DATE: 9th SEPTEMBER 2014****SUBJECT: CONSTITUTION****REPORT BY: HEAD OF HUMAN RESOURCES AND MONITORING OFFICER****CONTACT OFFICER: JOHN NEWMAN****IMPLICATIONS:**

LEGAL	✓	COMMUNITY SAFETY
EQUALITIES	✓	ENVIRONMENT
FINANCIAL	✓	CONSULTATIONS
STAFFING		OTHER

WARDS AFFECTED: NONE

PURPOSE

To update Parts 1, 2 and 7 of the Constitution.

RECOMMENDATION(S)It is **RECOMMENDED** that the Council:-

- 1 approves the revised Part 1 (Summary and Explanation) of the Constitution as attached,
- 2 approves the revised Part 2 (Articles of the Constitution) of the Constitution as attached,
- 3 approves the revised Part 7 (The Scheme of Delegation to Officers (Non-Executive Functions) of the Constitution as attached, and
- 4 authorises the Head of Human Resources and Monitoring Officer to amend the Constitution accordingly.

BACKGROUND

Part 1 of the Constitution (Summary and Explanation) and Part 2 of the Constitution (Articles of the Constitution) were last updated on 22 October 2012 and 11 May 2011 respectively.

Part 7 of the Constitution (The Scheme of Delegation to Officers (Non-Executive Functions) was last updated by the Council on 3 February 2014.

REPORT

The revised Parts 1 and 2 attached at Appendix A and B respectively contain no substantive amendments but seek to update the same in the light of other changes made throughout the Constitution and statutory changes and to allow Parts 1 and 2 to accord with the current Constitution and the law. The amendments sought herein effect these and Council approval is sought for the avoidance of doubt.

The revised Part 7 attached at Appendix C seeks to update the position incorporating consequential changes including statutory changes and save for this does not seek to substantially update the same.

IMPLICATIONS

Human Resource

There are no Resource implications to this Report and this has been agreed with Angela Claridge on 15 August 2014.

Legal

There are no legal direct implications to this Report and this has been agreed with Jas Josen Solicitor in Legal Services on 15 August 2014.

APPENDICES

- Appendix A Part 1 (Summary and Explanation) of the Constitution
- Appendix B Part 2 (Articles of the Constitution) of the Constitution
- Appendix C Part 7 (The Scheme of Delegation to Officers (Non-Executive Functions) of the Constitution

LIST OF BACKGROUND PAPERS

None



LUTON BOROUGH COUNCIL

CONSTITUTION

PART 1

SUMMARY AND EXPLANATION

LUTON BOROUGH COUNCIL**CONSTITUTION****PART 1: SUMMARY AND EXPLANATION****1. The Constitution**

- 1.1 **THE COUNCIL OF THE BOROUGH OF LUTON** otherwise known as Luton Borough Council ("the Council") has agreed a Constitution ("this Constitution") which sets out how the Council operates, how decisions are made and the procedures which are followed to ensure that these are efficient, transparent and accountable to local people. Some of these processes are required by the law, while others are a matter for the Council to choose.
- 1.2 Part 2 of this Constitution (Articles of the Constitution) contains sixteen (16) Articles which set out the basic rules governing the Council's business. The Council's detailed wording methods, including the Council's detailed procedural rules (such as Standing Orders and Financial Regulations) and a number of Codes of Practice are set out in this Constitution.

2. What is in this Constitution

- 2.1 Article 1 of Part 2 of this Constitution (Articles of the Constitution) commits the Council to provide clear leadership to the community, to enable citizens to understand how the Council works and to support the active involvement of citizens in the decision making process.
- 2.2 Articles 2 to 16 of Part 2 of this Constitution (Articles of the Constitution) explain the rights of citizens and how the key parts of the Council operate. These are:-
- Councillors (Members of the Council) (Article 2);
 - Citizens and the Council (Article 3);
 - The Full Council (Article 4);
 - Chairing the Council (Article 5);
 - Overview and Scrutiny (Article 6);
 - The Executive (Article 7);
 - Regulatory Committees, Judicial Panels and Other Bodies (Article 8);
 - The Standards Committee (Article 9);
 - Area Boards (Article 10);

- Joint Arrangements (Article 11);
- Officers of the Council (Article 12);
- Decision Making (Article 13);
- Finance, Contracts and Legal Matters (Article 14);
- Review and Revision of the Constitution (Article 15); and
- Suspension, Interpretation and Publication of the Constitution (Article 16).

3. How the Council Operates

- 3.1 The Council is composed of forty eight (48) Councillors (also known as Members or Members of the Council) elected every four (4) years. Councillors are democratically accountable to the residents of their respective Ward. The overriding duty of Councillors is to the whole community, but they have a special duty to their constituents, including those who did not vote for them.
- 3.2 Councillors have to agree to follow a code of conduct known as the Code of Conduct for Members to ensure high standards in the way they undertake their duties. The Council's Standards Committee is responsible for ensuring that Councillors are trained and advised on matters relating to their conduct.
- 3.3 All Councillors meet together as the Full Council. Meetings of the Full Council are normally open to the public. Here Councillors decide the Council's overall policies and set the budget each year. The Full Council will decide issues referred to it by the Executive which involve a departure from the Council's Policy Framework or expenditure not provided for in the Council's Budget Framework.
- 3.4 The Full Council appoints from among the Councillors the Executive Leader who then appoints the other members of the Executive (known collectively as Members of the Executive). The Executive Leader then decides on the responsibilities which each Member of the Executive should have.

4. How Decisions are made

- 4.1 The Executive is the part of the Council which is responsible for most decisions. The Executive is made up of the Executive Leader appointed by the Full Council and up to nine (9) other Councillors appointed by the Executive Leader. The Executive will normally meet in public except where personal or confidential matters are being discussed. The Executive has to publish a Forward Plan setting out, as far as can be anticipated, the major areas of decision to be discussed over the coming months. The Executive has to make decisions in line with the Council's Policy Framework and the

Council's Budget Framework. If the Executive wishes to make a decision outside either of these it must refer the matter to the Full Council to decide.

- 4.2 Decisions relating to applications from individuals will in general not be the responsibility of the Executive but will be dealt with by the Council's Regulatory Committees. The matters for which the Regulatory Committees are responsible include planning applications and licensing applications. In addition a number of civic governance matters such as the making of Bye-laws and the conduct of elections will be the responsibility of the Regulatory Committees.

5. Overview and Scrutiny

- 5.1 There is an Overview and Scrutiny Board which supports the work of the Executive and the Council as a whole. The Overview and Scrutiny Board appoints Sub Committees known as Task and Finish Groups to examine particular issues. This system of overview and scrutiny allows citizens to have a greater say in local issues by holding public inquiries into matters of local concern. These inquiries lead to Reports and Recommendations to the Executive and the Full Council.
- 5.2 The Overview and Scrutiny Board also monitors decisions of the Executive. Decisions which have been made by the Executive but not yet implemented can be "called in" by any two (2) Councillors and referred to the Overview and Scrutiny Board. The Overview and Scrutiny Board will then consider the decision and may recommend that the Executive re-consider the decision.
- 5.3 The Overview and Scrutiny Board may also be consulted by the Executive or the Full Council on forthcoming decisions and the development of policy.

6. Area Boards

The Council has set up five (5) Area Boards, each covering an area of the Borough of Luton. Each Area Board consists of the Councillors representing the Wards in the area and is responsible for advising the Executive on matters relating to the areas for which the Area Board is responsible. Each Area Board has a small discretionary budget allocation which it can use, subject to guidelines, on service enhancement in its area. Area Boards meet in the area they represent and the meetings are normally in public.

7. The Council's Employees

The Council employs approximately three thousand (3,000) people (excluding school staff). The Council's employees (other than school staff) are often referred to as "Officers" as this term is used in this Constitution. The Council's Officers are employed to give advice, implement decisions and manage the day to day delivery of the Council's services. Some of the Council's decisions are made by Officers under what are known as delegated powers. These are normally in technical service delivery areas. A full list of

the decision making powers delegated to the Council's Officers is set out in Part 6 and Part 7 of the Constitution.

8. Citizens' Rights

- 8.1 Citizens have a number of rights in their dealings with the Council. These are set in more detail in Article 3 of this Constitution. Some of these are legal rights (such as the right to vote), which others depend on the Council's own resources. The Local Citizen's Advice Bureau can advise on individuals' legal rights.
- 8.2 Where members of the public use specific Council services, for example as a parent of a school pupil or as a Council tenant, they have additional rights. These additional rights are not covered in this Constitution.

Citizens have the right to:-

- vote at local elections if they are registered;
- contact their local Councillor about any matters of concern to them;
- obtain a copy of this Constitution on payment of the fee fixed by the Council;
- attend meetings of the Full Council and its Committees except where, for example, personal or confidential matters are being discussed;
- petition to request a referendum on a mayoral form of Executive;
- find out, from the Executive's Forward Plan, what major decisions are to be discussed by the Executive and when;
- attend meetings of the Executive where these are held in public;
- see Reports, and background papers relating to Reports to the Full Council and the Council's Regulatory Committees;
- see Reports, and background papers relating to Reports to the Executive;
- see Reports, and background papers relating to Reports to the Area Boards and the Overview and Scrutiny Board;
- complain to the Council in accordance with the Council's Complaints Procedure set out in Part 18 of this Constitution;
- complain to the Local Government Ombudsman or to the Housing Ombudsman as appropriate if they think the Council has not followed its procedures properly. However, they should only do this after using

the Council's own Complaints Procedure;

- complain to the Council if they have evidence which they think shows that a Councillor has not followed the Council's Code of Conduct for Members (set out in Part 9 of this Constitution); and
- to inspect the Council's accounts and make their views known to the Council's external auditors.

The Council welcomes participation by citizens in the work of the Council. For further information on your rights as a citizen, please contact:-

The Head of Policy and Performance
Luton Borough Council
Town Hall
LUTON
LU1 2BQ

Tel: 01582 546073
Fax: 01582 546680
E-mail: HOPP@luton.gov.uk



LUTON BOROUGH COUNCIL

CONSTITUTION

PART 2

ARTICLES OF THE CONSTITUTION

LUTON BOROUGH COUNCIL**CONSTITUTION****PART 2: ARTICLES OF THE CONSTITUTION****CONTENTS**

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LUTON BOROUGH COUNCIL

CONSTITUTION

PART 2: ARTICLES OF THE CONSTITUTION

ARTICLE 1 – OVERVIEW OF THE CONSTITUTION AND DEFINITIONS

1.1 Status of this Constitution

This Constitution is the Constitution of **LUTON BOROUGH COUNCIL** (“the Council”) and is the principal and over-riding document governing the way in which the Council conducts its business.

1.2 The Powers of the Council

The Council will exercise all its powers and duties in accordance with the law and this Constitution.

1.3 Purpose of this Constitution

The purpose of this Constitution is to:-

- (1) enable the Council to provide clear leadership to the community in partnership, where appropriate, with citizens, businesses and voluntary and other organisations;
- (2) support the active involvement of citizens in the process of local decision-making;
- (3) bring all the Rules and Codes of Practice that govern and regulate the Council's way of working into a single document;
- (4) enable citizens to understand how the Council works and who is responsible for decisions;
- (5) enable decisions to be taken efficiently and effectively;
- (6) provide a mechanism for holding decision-makers to account;
- (7) help Members to represent their constituents in the most effective way; and
- (8) contribute to the improvement of the delivery of services to the public.

1.4 Definitions

In this Constitution the following expressions have the meanings assigned to them below:-

- (1) "**2000 Act**" means the Local Government Act 2000;
- (2) "**Budget Framework**" has the meaning given to it by Article 4.1.2 below;
- (3) "**Co-opted Member**" means a member of a Committee or Sub-Committee of the Council who is not a Member of the Council;
- (4) "**Councillor**" has the same meaning as "Member";
- (5) "**Executive Arrangements**" for the purposes of Part II of the 2000 Act means:-
 - (a) Article 6 below (Overview and Scrutiny) and Chapter 4 (Overview and Scrutiny Procedure Rules) of Part 4 of this Constitution (Standing Orders);
 - (b) Article 7 below (the Executive) and Chapters 2 and 3 (Access to Information Procedure Rules and Executive Procedure Rules respectively) of Part 4 of this Constitution (Standing Orders);
 - (c) Article 10 below (Area Boards);
 - (d) Article 11 below (Joint Arrangements);
 - (e) Article 13 below (Decision Making) and the provisions of Chapters 2 to 5 inclusive (Access to Information Procedure Rules, Executive Procedure Rules, Overview and Scrutiny Procedure Rules and Regulatory Committee Procedure Rules respectively) of Part 4 of this Constitution (Standing Orders); and
 - (f) Part 3 of this Constitution (Responsibility for Functions);
- (6) "**Member**" means Member of the Council but does not include a Co-opted Member unless otherwise specified;
- (7) "**Officer**" has the meaning given to it by Article 12.1 below;
- (8) "**Policy Framework**" has the meaning given to it by Article 4.1.1 below;
- (9) "**Proper Officer**" in these Articles means, unless otherwise specified, for the purposes of Article 7 below the Chief Executive and for all other purposes the Head of Policy and Performance; and
- (10) "**Standing Orders**" means the Council's Standing Orders as set out in Part 4 of this Constitution (Standing Orders).

1.5 Interpretation and Review of this Constitution

- 1.5.1 Where this Constitution permits the Council to choose between different courses of action, the Council will always choose that option which it thinks is closest to the purposes stated above.
- 1.5.2 The Council will monitor and review the operation of this Constitution in accordance with the provisions of Article 15 below.

ARTICLE 2 – COUNCILLORS (MEMBERS OF THE COUNCIL)**2.1 Composition and Eligibility****2.1.1 Composition**

The Council consists of forty eight (48) Councillors (also known as Members of the Council or Members). The Borough of Luton has nineteen (19) Wards. Either two (2) or three (3) Members are elected from each of these Wards in accordance with a scheme drawn up by the Electoral Commission and approved by the Secretary of State.

2.1.2 Currently the Council's Wards together with the number of Members of the Council elected for each Ward are as follows:-

NAME OF WARD	NUMBER OF MEMBERS ELECTED FOR THAT WARD
Barnfield	2
Biscot	3
Bramingham	2
Challney	3
Crawley	2
Dallow	3
Farley	3
High Town	2
Icknield	2
Leagrave	3
Lewsey	3
Limbury	2
Northwell	2
Round Green	3
Saints	3

Stopsley	2
South	3
Sundon Park	2
Wigmore	3

2.1.3 Eligibility

Only registered electors of the Borough of Luton or those entitled to stand for election by virtue of their residence or work in the Borough are eligible to be elected to the office of Councillor.

2.2 Election and Term of Office of Councillors

2.2.1 Elections will be held of the whole Council every four (4) years on the first Thursday in May, or on such other date as the Secretary of State may appoint. The last elections were held on 5 May 2011 and the next elections are due to be held on 7 May 2015.

2.2.2 The term of office of each Councillor is four (4) years beginning on the fourth (4th) day after the day of election and ending on the fourth (4th) day after the date of the next regular election of Councillors.

2.3 Roles and Functions of Councillors

2.3.1 Key Roles

All Councillors will:-

- (1) collectively be the ultimate policy-makers and carry out a number of strategic and corporate management functions;
- (2) contribute to the good governance of the area and actively encourage community participation and citizen involvement in decision making;
- (3) effectively represent the interest of their respective Ward and of individual constituents;
- (4) respond to constituents' enquiries and representations fairly and impartially;
- (5) participate in the governance and management of the Council; and
- (6) maintain the highest standards of conduct and ethics.

2.3.2 Rights and Duties

- (1) Councillors will have such rights of access to such documents, information, land and buildings of the Council as are necessary for the proper discharge of their functions in accordance with the law.
- (2) Councillors will not make public information which is confidential or exempt (as defined in the Access to Information Rules contained in Chapter 2 (Access to Information Procedure Rules) of Part 4 of this Constitution (Standing Orders) without the consent of the Council or divulge information given in confidence to anyone other than a Councillor or Officer of entitled to know it.

2.4 Conduct

Councillors will at all times observe the Council's Code of Conduct for Members and the Protocol for Member/Officer Relations set out in Parts 9 and 10 of this Constitution (Code of Conduct for Members and Protocol for Member/Officer Relations respectively).

2.5 Allowances

Councillors will be entitled to receive allowances in accordance with the Scheme of Members' Allowances set out in Part 13 of this Constitution (Scheme of Members' Allowances).

ARTICLE 3 - CITIZENS AND THE COUNCIL

3.1 Citizens' Rights

Citizens have the following rights.

(1) Voting and Petitions

Citizens whose names appear on the electoral roll for the Borough of Luton have the right to vote and to sign a petition to request a referendum for an elected Mayor.

(2) Information

Citizens have the right to:-

- (a) attend meetings of the Full Council and the Council's Regulatory Committees, the Executive, the Overview and Scrutiny Board and any Sub-Committee established by the Overview and Scrutiny Board, Area Boards and other bodies except where these meet in private;
- (b) find out from the Executive's Forward Plan what key decisions will be considered by the Executive and when;
- (c) see Reports and background papers, and any records of decisions made by the Full Council, the Executive, the Overview and Scrutiny Board or any Sub-Committee established by the Overview and Scrutiny Board or any Regulatory Committee or Area Board; and
- (d) inspect the Council's accounts and make their views known to the Council's external auditors.

(3) Complaints

Citizens have the right to complain to:-

- (1) the Council itself under the Council's Complaints Procedure set out in Part 18 of this Constitution (Complaints Procedure);
- (2) the Local Government Ombudsman or the Housing Ombudsman as appropriate, but this should only be done after using the Council's own complaints procedure; and
- (3) the Head of Human Resources and Monitoring Officer as the Council's Monitoring Officer that there has been a breach of the Council's Code of Conduct for Members set out in Part 9 of this Constitution (Code of Conduct for Members).

3.2 Citizen Responsibilities

Citizens must not be violent, abusive or threatening to Councillors or Officers and must not wilfully harm things owned by the Council, Councillors or Officers.

ARTICLE 4 - THE FULL COUNCIL

4.1 Definitions

4.1.1 **"The Policy Framework"** means the following plans and strategies required by law to be included in the Policy Framework:-

- Crime and Disorder Reduction Strategy maintained under Sections 5 and 6 Crime and Disorder Act 1998;
- Development plan documents maintained under Section 15 Planning and Compulsory Purchase Act 2004;
- Licensing Authority Policy Statement maintained under Section 349 Gambling Act 2005;
- Local Transport Plan maintained under Section 108(3) Transport Act 2000;
- Plans and alterations which together comprise the Development Plan maintained under Section 38 Planning and Compulsory Purchase Act 2004;
- Sustainable Community Strategy maintained under Section 4 Local Government Act 2000; and
- Youth Justice Plan maintained under Section 40 Crime and Disorder Act 1998.

4.1.2 **"Budget Framework"** means the Revenue and Capital budgets set by the Council, subject to Parts 4 and 5 of this Constitution (Standing Orders and Financial Regulations respectively) and the Council's Scheme of Devolved Financial Management and any variations to either the Revenue or Capital budgets which are made in accordance with provisions in any of these documents, which variations shall be deemed to have been made within the Council's Budget Framework.

4.1.3 **"Housing Land Transfer"** means the approval or adoption of an application (whether in draft form or not) to the Secretary of State for approval of a programme of disposal of five hundred (500) or more properties to a person under the Leasehold Reform, Housing and Urban Development Act 1993 or to dispose of land used for residential purposes where approval is required under Sections 32 or 43 of the Housing Act 1985.

4.2 Functions of the Full Council

The Full Council, and only the Full Council, will exercise the functions set out in Table 1 to Part 3 of this Constitution (Responsibility for Functions) where such functions are indicated as being the responsibility of the Full Council.

4.3 Council Meetings

There are three (3) types of Council meeting:-

- (1) the Annual Meeting of the Council;
- (2) ordinary meetings; and
- (3) extraordinary meetings;

and they will be conducted in accordance with Standing Orders.

4.4 Responsibility for Functions

It is the responsibility of the Full Council to ensure that Part 3 of this Constitution (Responsibility for Functions), insofar as that Part sets out the functions of the Council which are not the responsibility of the Executive, is kept up to date.

ARTICLE 5 - CHAIRING THE COUNCIL

- 5.1** The Mayor, or in the absence of the Mayor, the Deputy Mayor, will have the following roles and functions:-
- (1) to take precedence and to be the first citizen of the Borough of Luton;
 - (2) to represent the Council, the Borough of Luton and its inhabitants on civic and ceremonial occasions; and
 - (3) to preside over meetings of the Full Council.
- 5.2** The Mayor, and the Deputy Mayor, will be elected annually by the Council at the Annual Meeting of the Full Council.
- 5.3** The Mayor, or in the absence of the Mayor, the Deputy Mayor, will have the following responsibilities:-
- (1) to uphold and promote the purposes of this Constitution;
 - (2) to preside over meetings of the Full Council so that its business can be carried out effectively and with regard to rights of councillors and the interests of the community;
 - (3) to ensure that, at meetings of the Full Council, Members conduct themselves in a dignified and proper manner, with respect for one another, and in accordance with the rules of debate set out in Part 4 of this Constitution (Standing Orders);
 - (4) to ensure that the Full Council meeting is a forum for the debate of matters of concern to the local community and the place at which Members who are not on the Executive are able to hold the Executive to account;
 - (5) with the Executive Leader, to promote public involvement in the Council's activities;
 - (6) to be the conscience of the Council; and
 - (7) to attend such civic and ceremonial functions as the Council and the Mayor determine appropriate.

ARTICLE 6 - OVERVIEW AND SCRUTINY

6.1 General Framework

- 6.1.1 The Council will appoint an Overview and Scrutiny Committee to be known as the Overview and Scrutiny Board with the responsibilities set out in Section 1 of Table 5 to Part 3 of this Constitution (Responsibility for Functions) for the purpose of discharging the functions conferred by Section 21 of the 2000 Act and any Regulations made under Section 32 of the 2000 Act.
- 6.1.2 The Overview and Scrutiny Board may establish such Sub-Committees (to be known as and subsequently referred to in these Articles as Task and Finish Groups) as it may determine for the purpose of carrying out any of its responsibilities or for the purpose of assisting or advising the Overview and Scrutiny Board in relation to its responsibilities. The provisions of this Article 6 apply to any Task and Finish Group, within its remit, as they apply to the Overview and Scrutiny Board.
- 6.1.3 The Council will carry out its power under the Health and Social Care Act 2001 ("the 2001 Act") to review and scrutinise matters relating to the health service (as defined in Section 7 of the 2001 Act):-
- (1) through the Overview and Scrutiny Board and any Task and Finish Group appointed by the Overview and Scrutiny Board specifically for the purpose; or
 - (2) through such Joint Overview and Scrutiny Committees as the Council may from time to time establish with other local authorities as may be required by statute, by the direction of the Secretary of State or otherwise.
- 6.1.4 Any Joint Overview and Scrutiny Committee established as described in Article 6.1.3 (2) above shall exercise the powers and duties under the Local Authority (Overview and Scrutiny Committees Health Scrutiny Functions) Regulations 2002 and the provisions of this Article 6 shall as far as is possible apply to any such Joint Overview and Scrutiny Committee subject to those powers and duties.

6.2 Role of Overview and Scrutiny Board

- 6.2.1 The Overview and Scrutiny Board (and any Task and Finish Group appointed by the Overview and Scrutiny Board) will:-
- (1) review and/or scrutinise decisions made or actions taken in connection with the discharge of any of the Council's functions;
 - (2) make reports and/or recommendations to the Full Council and/or the Executive and/or to any Regulatory Committee and/or any Joint

Committee and/or any Area Board in connection with the discharge of any of their functions;

- (3) consider any matters affecting the area or its inhabitants;
- (4) consider any matters, in relation to decisions made but not yet implemented by the Executive or any Area Board, in accordance with the Call-In procedure set out in Standing Orders; and
- (5) conduct Best Value Reviews in accordance with the Local Government Act 1999 and any subordinate legislation.

6.2.2 The Overview and Scrutiny Board will have the role of co-ordinating the work of overview and scrutiny and reporting to the Full Council on the overview and scrutiny process generally.

6.2.3 Policy Development and Review

The Overview and Scrutiny Board may:-

- (1) assist the Council and the Executive in the development of the Council's Policy Framework and the Council's Budget Framework by in-depth analysis of policy issues;
- (2) conduct research, community and other consultation in the analysis of policy issues as possible options;
- (3) consider and implement mechanisms to encourage and enhance community participation in the development of policy options;
- (4) question Members of the Executive or the Members of any Regulatory Committee and/or Officers about their views on issues and proposals affecting the Borough of Luton; and
- (5) liaise with other external organisations operating in the Borough of Luton, whether national, regional or local, to ensure that the interests of local people are enhanced by collaborative working.

6.2.4 Overview and Scrutiny

The Overview and Scrutiny Board may:-

- (1) review and scrutinise the decisions made by and performance of the Executive and any Regulatory Committee, and by Officers, but shall not review or scrutinise the decisions of any of the Council's Judicial Panels or any decision of a Regulatory Committee affecting the personal circumstances of an individual;
- (2) review and scrutinise the performance of the Council in relation to its

policy objectives, performance targets and/or particular service areas;

- (3) question Members of the Executive and the Members of any Regulatory Committee, and Officers, about their decisions and performance, whether generally in comparison with service plans and targets over a period of time or in relation to particular decisions, initiatives or projects, but shall not question such Members or Officers about decisions affecting the personal circumstances of an individual;
- (4) make recommendations to the Executive or to the Full Council or to any Regulatory Committee arising from the outcome of the overview and scrutiny process;
- (5) review and scrutinise the performance of other public bodies in the area and invite reports from them by requesting them to address the Overview and Scrutiny Board and local people about their activities and performance; and/or
- (6) question and gather evidence from any person (with their consent).

6.2.5 Finance

The Overview and Scrutiny Board may exercise overall responsibility for the finances made available to them.

6.2.6 Annual Report

The Overview and Scrutiny Board will make an annual report the Full Council on the workings of the overview and scrutiny process.

6.2.7 Officers

The Overview and Scrutiny Board shall exercise overall responsibility for the work programme of the Officers employed to support the work of the scrutiny process.

6.3 **Proceedings of the Overview and Scrutiny Board and of any Task and Finish Group established by the Overview and Scrutiny Board**

The Overview and Scrutiny Board and any Task and Finish Group established by the Overview and Scrutiny Board will conduct their proceedings in accordance with the provisions of Standing Orders.

ARTICLE 7 - THE EXECUTIVE

7.1 Role

The Executive will carry out all of the Council's functions which are not the responsibility of any other part of the Council, whether by law or under this Constitution.

7.2 Form and Composition

The Executive will consist of the Executive Leader and at least two (2), but not more than nine (9), Members appointed to the Executive by the Executive Leader.

7.3 The Executive Leader

7.3.1 The Executive Leader will be a Member elected to the position of Executive Leader by the Full Council.

7.3.2 The Executive Leader will hold office until:-

- (1) (s)he resigns from the office; or
- (2) (s)he is suspended from being a Councillor under Part III of the 2000 Act (although (s)he may resume office at the end of the period of suspension); or
- (3) (s)he is removed from office by resolution of the Full Council passed in accordance with Article 7.3.3 below; or
- (4) the day of the first Annual Meeting of the Council to be held after the first whole-Council elections to take place following her/his election to the office of Executive Leader.

7.3.3 The Full Council may by resolution remove the Executive Leader from office provided that:-

- (1) any such resolution is passed at a meeting of the Full Council specially convened for the purpose with the proposed resolution set out in the Summons for the meeting; and
- (2) the Full Council by the same resolution elects another Member of the Council to be the Executive Leader.

7.4 Other Executive Members

7.4.1 Each Member of the Executive other than the Executive Leader shall hold office until:-

- (1) (s)he resigns from office; or
- (2) (s)he is suspended from being a Councillor under Part III of the 2000 Act (although (s)he may resume office at the end of the period of suspension); or
- (3) (s)he ceases to be a Member of the Council; or
- (4) (s)he is removed from office by the Executive Leader.

7.5 The Executive Leader shall, as soon as practicable after appointing a Member of the Council to the Executive, notify the Proper Officer in writing of the appointment.

7.6 The Executive Leader may at any time by notice in writing to the Proper Officer resign from the office of Executive Leader and the resignation shall take effect from the date on which the Proper Officer receives the notice of resignation.

7.7 A Member of the Executive may at any time by notice to the Executive Leader, with a copy to the Proper Officer, resign from the Executive and the resignation shall take effect from the date when the Executive Leader receives the notice.

7.8 The Executive Leader shall nominate another Member of the Executive (to be known as "the Deputy Executive Leader") to act in place of the Executive Leader if the Executive Leader is absent or otherwise unable to carry out her/his duties.

7.9 Neither the Mayor nor the Deputy Mayor may be appointed to the Executive.

7.10 Proceedings of the Executive

Proceedings of the Executive shall take place in accordance with Standing Orders.

7.11 Responsibility for Functions

7.11.1 Subject to Articles 7.11.2 and 7.11.3 below Executive Functions shall be discharged by the Executive Leader.

7.11.2 The Executive Leader may arrange for the discharge of any of the Executive Functions among the following:-

- (1) the Executive; or
- (2) another Member of the Executive; or
- (3) a Committee of the Executive; or

- (4) an Officer.
- 7.11.3 Where or to the extent that any of the Executive Functions are, under Article 7.11.2 above, to be discharged by the Executive, then, unless the Executive Leader otherwise directs, the Executive may arrange for the discharge of any of those functions by:-
- (1) a Committee of the Executive; or
- (2) an Officer.
- 7.11.4 Where or to the extent that any of the Executive Functions are, under Article 7.11.2.above, to be discharged by a Member of the Executive, then, unless the Executive Leader otherwise directs, that Member may arrange for the discharge of any of those functions by an Officer.
- 7.1.5 Where or to the extent that any of the Executive Functions are, under Article 7.11.2 or 7.11.3 above, to be discharged by a Committee of the Executive, then, unless the Executive Leader otherwise directs, that Committee may arrange for the discharge of any of those functions by an Officer.
- 7.11.6 Without prejudice to Articles 7.11.1 to 7.11.4 above the Executive Leader may arrange for any Member of the Executive to have special responsibility for and to advise the Executive in relation to any Executive Function without having power to discharge that function, and may vary any such arrangements at any time.
- 7.11.7 Any arrangements made under Articles 7.11.2 to 7.11.5 above by the Executive Leader, a Member of the Executive or a Committee of the Executive shall not prevent the person or body who made the arrangements from exercising the functions subject to the arrangements.
- 7.11.8 Where the Executive Leader, a Member of the Executive or a Committee of the Executive makes arrangements for the discharge of a function under any of Articles 7.11.2, 7.11.4 or 7.11.5 above, the person making such arrangements shall, as soon as practicable after the making of such arrangements, notify the Proper Officer that such arrangements have been made and provide the Proper Officer with details of the arrangements.
- 7.11.9 Article 7.11.8 above applies to the variation or revocation of any arrangements for the discharge of an Executive Function made under Articles 7.11.2, 7.11.4 or 7.11.5 above as it applies to the making of such arrangements.
- 7.11.10 Any arrangements made under Articles 7.11.2, 7.11.4 or 7.11.5 above for the discharge of an Executive Function shall not have effect until Article 7.11.8 above, or, as the case may be, Article 7.11.9 above has been complied with.

ARTICLE 8 - REGULATORY COMMITTEES, JUDICIAL PANELS AND OTHER BODIES**8.1 Regulatory Committees**

The Full Council will appoint the Regulatory Committees set out in the left hand column of Table 1 to Part 3 of this Constitution (Responsibility for Functions) for the purposes of discharging the functions set out in the right-hand column of that Table.

8.2 Appeal Panels

The Full Council will appoint the Judicial Panels, set out in Table 4 to Part 3 of this Constitution (Responsibility for Functions), or will appoint pools of Members from which the Members of those Judicial Panels will be appointed by the Proper Officer.

8.3 Additional Panels and Other Bodies

The Full Council will appoint the Additional Panels and Bodies set out in Table 1 to Part 3 of this Constitution other than the Panels and Bodies set out in Table 7 to Part 3 of this Constitution (Responsibility for Functions) which shall be appointed by the Executive.

ARTICLE 9 - THE STANDARDS COMMITTEE

9.1 Standards Committee

The Full Council will establish and maintain a Standards Committee.

9.2 Composition

9.2.1 Membership

The Standards Committee will consist of:-

- (1) five (5) Members of the Council; and
- (2) five (5) persons (to be known as "Independent Members") who are not Members or Officers or members of any other body having a Standards Committee and who are otherwise qualified under Part III of the 2000 Act.

9.3 The Independent Members to serve on the Standards Committee shall be appointed by the Full Council following public advertisement.

9.4 The Independent Members will be appointed for a four (4) year term of office but may be re-appointed in accordance with the procedure referred to in Article 9.3 above.

9.5 The Independent Members will be entitled to vote at meetings of the Standards Committee.

9.6 No more than one Member of the Executive may be a Member of the Standards Committee and where a Member of the Executive is a Member of the Standards Committee that Member may not chair or preside over meetings of the Standards Committee.

9.7 Role and Function of Standards Committee

The Standards Committee will have the following roles and functions:-

- (1) promoting and maintaining high standards of conduct by Members and Co-opted Members ;
- (2) assisting Members and Co-opted Members to observe the Code of Conduct for Members ("the Code of Conduct");
- (3) advising the Council on the adoption or revision of the Code of Conduct;
- (4) monitoring the operation of the Code of Conduct;
- (5) advising, training or arranging to train Members and Co-opted

Members on matters relating to the Code of Conduct;

- (6) granting dispensations to Members and Co-opted Members from the requirements relating to interests set out in the Code of Conduct;
- (7) holding, or appointing one or more Sub-Committees to hold hearings into allegations that a Member has breached the Code of Conduct,;
- (8) considering allegations that a Member has breached the Protocol for Member/Officer relations, other local protocols or relevant parts of Standing Orders; and
- (9) such other functions as the Council from time to time determine as set out in Table 3 to Part 3 of this Constitution (Responsibility for Functions).

ARTICLE 10 - AREA BOARDS

10.1 Area Boards

The Council will appoint the Area Boards set out in Section 1 of Table 8 to Part 3 of this Constitution (Responsibility for Functions) with the terms of reference set out in that Table.

10.2 Responsibility for Functions

The Full Council, in respect of Non-Executive Functions, and the Executive, in respect of Executive Functions, will be responsible for ensuring that Sections 1 and 2 of Table 8 to Part 3 of this Constitution (Responsibility for Functions) are kept up to date.

10.3 Conflicts of Interest - Membership of Area Boards and Scrutiny Committees

- 10.3.1 If a the Overview and Scrutiny Board, or a Task and Finish Group established by the Overview and Scrutiny Board (in either case subsequently referred to in this Article 10 as a “Scrutiny Committee”) is scrutinising specific decisions or proposals in relation to the business of an Area Board of which a member of the Scrutiny Committee was a Member at the time when the matters being scrutinised were considered or decided by the Area Board, then that Member may not speak or vote at any meeting of the Scrutiny Committee meeting at which the matters are considered and must withdraw from the meeting.
- 10.3.2 Where the Scrutiny Committee is reviewing policy generally the Member must declare her/his interest before the relevant agenda item is reached but need not withdraw.

10.4 Area Boards Proceedings

- 10.4.1 Area Boards will be subject to the provisions of this Constitution and, in particular, to the provisions of Standing Orders.
- 10.4.2 Where an Area Board is responsible for both Executive and Non-Executive Functions then any Agenda or report relating to a meeting of that Area Board shall state clearly whether any item of business is an Executive Function or a Non-Executive Function.

10.5 Members of the Executive on Area Boards

A Member of the Executive may serve on an Area Board if otherwise eligible to do so as a Member.

ARTICLE 11 - JOINT ARRANGEMENTS

11.1 General

11.1 The Executive, in order to promote the economic, social or environmental well-being of the Borough of Luton, may:-

- (1) enter into arrangements or agreement with any person or body;
- (2) co-operate with, or facilitate or co-ordinate the activities of, any person or body; and
- (3) exercise on behalf of that person or body any functions of that person or body.

11.2 Detailed Provisions relating to Joint Arrangements

11.2.1 The Council may establish joint arrangements with one or more Local Authorities and/or their Executives to exercise functions which are not Executive Functions in any of the participating Authorities, or to advise the Council. Such arrangements may involve the appointment of a Joint Committee with these other Local Authorities.

11.2.2 The Executive may establish joint arrangements with one or more Local Authorities to exercise functions which are Executive Functions. Such arrangements may involve the appointment of Joint Committees with these other Local Authorities.

11.2.3 Except as set out in Article 11.2.4 below, the Executive may only appoint Members of the Executive to a Joint Committee and those Members of the Executive need not reflect the political composition of the Council as a whole.

11.2.4 The Executive may only appoint to a Joint Committee Members of the Executive who are not members of the Executive where the Joint Committee has functions for only part of the area of the Borough of Luton, and that area is smaller than two fifths (2/5) of the Borough by area or population. In such cases, the Executive may appoint to the Joint Committee any Councillor who is a Member for a Ward which is wholly or partly contained within the Borough.

11.2.5 Where an appointment is made by the Executive in the circumstances set out in Article 11.2.4 above, the requirements that appointments reflect the political balance on the Council as a whole do not apply.

11.2.6 Details of any joint arrangements including any delegations to any Joint Committee are set out in Part 8 of this Constitution (Joint Arrangements and Arrangements under Section 101 Local Government Act 1972).

11.3 Access to Information

- 11.3.1 The Access to Information Procedure Rules set out in Chapter 2 (Access to Information Procedure Rules) of this Constitution (Standing Orders) apply.
- 11.3.2 If all the members of a Joint Committee are Members of the Executive in each of the participating Authorities then its access to information regime is the same as that applied to the Executive.
- 11.3.3 If the Joint Committee contains members who are not on the Executive of any participating Authority then the Access to Information Rules in Part VA of the Local Government Act 1972 will apply.

11.4 The Delegation to and from other Local Authorities

- 11.4.1 The Council may delegate Non-Executive Functions to another Local Authority or, in certain circumstances, the Executive of another Local Authority.
- 11.4.2 The Executive may delegate Executive Functions to another Local Authority or to the Executive of another Local Authority in certain circumstances.
- 11.4.3 The decision whether or not to accept a delegation in respect of Executive Functions from another Local Authority shall be reserved to the Full Council.

11.5 Contracting Out

The Executive, in respect of Executive Functions, and the Full Council, in respect of Non-Executive Functions, may contract out to another body or organisation functions which may be exercised by an Officer and which are subject to an order under Section 70 of the Deregulation and Contracting Out Act 1994, or under contracting arrangements where the contractor acts as the Council's agent under usual contracting principles, provided there is no delegation of the Council's discretionary decision making.

ARTICLE 12 – OFFICERS OF THE COUNCIL

12.1 Definitions

In this Article 12:-

- (1) **"Officer "** means any employee or member of staff engaged by the Council, or any part of the Council, to carry out the Council's functions and includes any person engaged for such purposes under any temporary or short term contract and any person engaged in any agency or other non-employed situation;
- (2) **"Head of Paid Service"** means the Officer designated for the purposes of Section 4 of the Local Government and Housing Act 1989 ("the 1989 Act");
- (3) **"Chief Finance Officer"** means the Officer designated for the purposes of Section 151 of the Local Government Act 1972 ("the 1972 Act"); and
- (4) **"Monitoring Officer"** means the Officer designated for the purposes of Sections 5 and 5A of the 1989 Act.

12.2 Management Structure

12.2.1 The Full Council shall make arrangements to engage such Officers as are necessary to carry out the Council's functions.

12.2.2 Senior Officers of the Council

The Full Council shall be responsible for making arrangements for the appointments to the following posts ("the specified senior posts"):-

- (1) Chief Executive;
- (2) Director of Commercial and Transformation Services;
- (3) Director of Children and Learning;
- (4) Director of Environment and Regeneration;
- (5) Director of Housing, Community Living and Adult Social Services;
- (6) Director of Public Health;
- (7) any Head of Service reporting to a Director or to the Chief Executive; and
- (8) any other post reporting to a Director or to the Chief Executive other

than in a secretarial or other similar support role.

12.2.3 The Chief Executive will be the Council's Head of Paid Service.

12.2.4 The Head of HR and Monitoring Officer will be the Council's Monitoring Officer.

12.2.5 The Head of Finance will be the Council's Chief Finance Officer.

12.2.6 The posts referred to in Articles 12.2.3 to 12.2.5 above will have the functions described in Articles 12.3 to 12.5 below.

12.2.7 Structure

The Head of Paid Service will determine and publicise a description of the overall departmental structure of the Council showing the management structure and deployment of Officers. This is set out at Part 19 of this Constitution (Management Structure). The appointment of individual Officers other than those listed in Article 12.2.2 above will be made by Officers who have been designated by the Head of Paid Service for this purpose. The Council's Disciplinary Procedure and Grievance Procedure are set out in Part 20 of this Constitution (Disciplinary Procedure and Grievance Resolution Procedure).

12.3 Functions of the Head of Paid Service

12.3.1 Discharge of Functions by the Council

The Head of Paid Service will report to the Full Council on the manner in which the discharge of the Council's functions is co-ordinated, the number and grade of Officers required for the discharge of functions and the organisation of Officers.

12.3.2 Restrictions on Functions

The Head of Paid Service may not be the Monitoring Officer but may be designated, should the Council wish to do so, as the Chief Finance Officer, provided that the Chief Executive is professionally qualified to hold that post.

12.4 Functions of the Monitoring Officer

12.4.1 Maintaining this Constitution

The Monitoring Officer will maintain an up-to-date version of this Constitution and will ensure that it is widely available for consultation by Members, Officers and the public.

12.4.2 Ensuring Lawfulness and Fairness of Decision Making

After consulting with the Head of Paid Service and the Chief Finance Officer, the Monitoring Officer will report to the Full Council, or to the Executive in relation to Executive Functions, if (s)he considers that any proposal, decision or omission would give rise to unlawfulness or if any decision or omission has given rise to maladministration. Such a report will have the effect of stopping the proposal or decision being implemented until the report has been considered.

12.4.3 Supporting the Standards Committee

The Monitoring Officer will contribute to the promotion and maintenance of high standards of conduct through provision of support to the Standards Committee.

12.4.4 The Conduct of Investigations

The Monitoring Officer will ensure that investigations are conducted into matters referred by her/his and that reports or recommendations in respect of such investigations are made to the Standards Committee, or to any Sub-Committee appointed by the Standards Committee for the purpose.

12.4.5 Proper Officer for Access to Information

The Monitoring Officer will ensure that there is in place a procedure for making decisions of the Executive, together with the reasons for those decisions and relevant reports of Officers and background papers publicly available as soon as possible.

12.4.6 Advising whether Executive Decisions are within the Policy Framework and the Budget Framework

The Monitoring Officer, or her/his representative, will advise whether decisions of the Executive are in accordance with the Policy Framework and the Budget Framework.

12.4.7 Providing Advice

The Monitoring Officer will provide advice on the scope of powers and authority to take decisions, maladministration, financial impropriety and probity to all Councillors.

12.4.8 Restrictions on Posts

The Monitoring Officer may not be designated as the Chief Finance Officer or as the Head of Paid Service. The Head of Paid Service may not be designated as the Monitoring Officer.

12.5 Functions of the Chief Finance Officer

12.5.1 Ensuring Lawfulness and Financial Prudence of Decision Making

After consulting with the Head of Paid Service and the Monitoring Officer, the Chief Finance Officer will report to the Full Council, or to the Executive in relation to Executive Functions, and the Council's external auditor if (s)he considers that any proposal, decision or course of action will involve incurring unlawful expenditure, or is unlawful and is likely to cause a loss or deficiency or if the Council is about to enter an item of account unlawfully.

12.5.2 Administration of Financial Affairs

The Chief Finance Officer will have responsibility for the administration of the financial affairs of the Council.

12.5.3 Contributing to Corporate Management

The Chief Finance Officer will contribute to the corporate management of the Council, in particular through the provision of professional financial advice.

12.5.4 Providing Advice

The Chief Finance Officer will provide advice on the scope of powers and authority to take decisions, maladministration, and probity to all Councillors and will advise and support Councillors and Officers in their respective roles.

12.5.5 Giving Financial Information

The Chief Finance Officer will provide financial information to the media, the public and the community.

12.6 Duty to provide sufficient Resources to the Monitoring Officer and Chief Finance Officer

The Council will provide the Monitoring Officer and the Chief Finance Officer with such Officers, accommodation and other resources as are in their opinion sufficient to allow their duties to be performed.

12.7 Conduct

Officers will comply with the Protocol on Member/Officer Relations and the Council's Code of Conduct for Employees set out in Parts 10 and 11 of this Constitution (Protocol on Member/Officer Relations and the Council's Code of Conduct for Employees respectively).

12.8 Employment

The recruitment, selection and dismissal of Officers will comply with the Officer Employment Procedure Rules contained in Chapter 7 (Officer Employment Procedure Rules) of Part 4 of this Constitution (Standing Orders).

ARTICLE 13 - DECISION MAKING

13.1 Responsibility for Decision Making

The Council will issue and keep up to date a record of what part of the Council or individual has responsibility for particular types of decisions or decisions relating to particular areas or functions. This record is set out in Part 3 of this Constitution (Responsibility for Functions).

13.2 All decisions of the Council will be made in accordance with the following principles:-

- (1) proportionality, in that the action must be proportionate to the desired outcome;
- (2) due consultation and the taking of professional advice from Officers ;
- (3) respect for human rights;
- (4) a presumption in favour of openness;
- (5) clarity of aims and desired outcomes;
- (6) the need to explain what options were considered; and
- (7) the reasons for the decision should be set out.

13.3 Types of Decision

13.3.1 Decisions Reserved to the Full Council

Decisions relating to the functions referred to in Article 4.2 above will be made by the Full Council.

13.3.2 Key Decisions

- (1) A "key decision" is:-
 - an Executive decision which, is likely:-
 - (a) to result in the Council incurring expenditure which is, or the making of savings which are, significant having regard to the Council's budget for the service or function to which the decision relates; or
 - (b) to be significant in terms of its effects on communities living or working in an area comprising two or more Wards or electoral divisions in the Borough of Luton

and in accordance with Section 38 of the 2000 Act, in determining the meaning of "significant" for these purposes regard shall be had to any guidance for the time being issued by the Secretary of State.

- (2) A decision maker may only make a key decision in accordance with the requirements of Standing Orders.

13.4 Decision Making by the Full Council

Subject to Article 13.8 below the Full Council meeting will be in accordance with Chapter 1 (Full Council Procedure Rules) of Part 4 of this Constitution (Standing Orders) when considering any matter.

13.5 Decision Making by the Executive

Subject to Article 13.8 below the Executive will follow the provisions of Standing Orders set out in Chapters 2 and 3 (Access to Information Procedure Rules and Executive Procedure Rules respectively) of Part 4 of this Constitution (Standing Orders) when considering any matter.

13.6 Decision Making by the Overview and Scrutiny Board and Task and Finish Groups established by the Overview and Scrutiny Board

The Overview and Scrutiny Board and any Task and Finish Group established by the Overview and Scrutiny Board will follow the provisions of Chapter 4 (Overview and Scrutiny Procedure Rules) of Part 4 of this Constitution (Standing Orders) when considering any matter.

13.7 Decision Making by Other Committees

Subject to Article 13.8 below other Council Committees, together with any Sub-Committees, and the Council's Judicial Panels will follow the provisions of Chapters 5 and 6 (Regulatory Committee Procedure Rules and Standards Committee Procedure Rules respectively) of Part 4 of this Constitution (Standing Orders) as they apply to them.

13.8 Decision Making by Council Bodies Acting as Tribunals

The Council's Judicial Panels, and any other part of the Council, acting as a tribunal or in a quasi judicial manner or determining/considering the civil rights and obligations, or the criminal responsibility, of any person, will follow a proper procedure which accords with the requirements of natural justice and the right to a fair trial contained in Article 6 of the European Convention on Human Rights.

ARTICLE 14 - FINANCE, CONTRACTS AND LEGAL MATTERS**14.1 Financial Management**

The management of the Council's financial affairs will be conducted in accordance with the Council's Financial Regulations set out in Part 5 of this Constitution (Financial Regulations).

14.2 Contracts

Every Contract made by the Council will comply with the provisions of Chapter 9 (Contracts Procedure Rules) of Part 4 of this Constitution (Standing Orders).

14.3 Legal Proceedings

The Principal Solicitors are individually authorised to institute, defend or participate in any legal proceedings in any case where such action is necessary to give effect to decisions of the Council, or of the Executive, or of any part of the Council, or in any case where the any of the Principal Solicitors considers that such action is necessary to protect the Council's interest.

14.4 Authentication of Documents

Where any document is necessary to any legal procedures or proceedings on behalf of the Council, it will be signed by one of the Principal Solicitors, unless any enactment otherwise authorises or requires, or the Council has given requisite authority to some other person.

14.5 Common Seal of the Council

The Common Seal of the Council will be kept in a safe place in the custody of the Head of Human Resources and Monitoring Officer. A decision of the Council, or of any part of the Council, will be sufficient authority for sealing any document necessary to give effect to the decision. The Common Seal will be affixed to those documents which in the opinion of the Head of Human Resources and Monitoring Officer should be sealed. The affixing of the Common Seal will be attested in accordance with the provisions of Chapter 8 (Administration, Documents and Consultation) of Part 4 of this Constitution (Standing Orders).

ARTICLE 15 - REVIEW AND REVISION OF THIS CONSTITUTION

15.1 Review of Constitution

- 15.1.1 The Head of Human Resources and Monitoring Officer as the Council's Monitoring Officer will monitor and review the operation of this Constitution to ensure that the aims and principles of this Constitution are given full effect.
- 15.1.2 In carrying out the responsibility of Article 15.1.1 above, the Head of Human Resources and Monitoring Officer as the Council's Monitoring Officer must ensure that (s)he is aware of the strengths and weaknesses of this Constitution .
- 15.1.3 In carrying out the responsibility of Article 15.1.1 above, the Head of Human Resources and Monitoring Officer as the Council's Monitoring Officer shall consult with and take into account the views of Members and Officers.
- 15.1.4 Subject to Article 15.2 below, the Head of Human Resources and Monitoring Officer as the Council's Monitoring Officer shall report any proposal to amend this Constitution to the Constitution Committee.

15.2 Changes to this Constitution

15.2.1 Approval

Changes to this Constitution will only be approved by the Full Council, after consideration of a proposal by the Constitution Committee or by the Head of Paid Service or by the Head of Human Resources and Monitoring Officer as the Council's Monitoring Officer or by the Head of Finance, with the following exceptions:-

- (1) the Scheme of Delegation to Officers (Executive Functions), which may only be amended by the Executive or by the Head of Human Resources and Monitoring Officer as the Council's Monitoring Officer under the powers conferred under Article 15.2.1 (11) below;
- (2) the Scheme of Delegation to Officers (Non-executive Functions), which may be amended in accordance with that Scheme by the relevant Regulatory Committee in respect of matters dealt with by that Regulatory Committee or generally by the Full Council or by the Head of Human Resources and Monitoring Officer as the Council's Monitoring Officer under the powers conferred under Article 15.2.1 (11) below;
- (3) changes to the Portfolios of Members of the Executive (as set out in Section 2 of Table 6 to Part 3 to this Constitution (Responsibility for Functions)) which may be made by the Executive or the Executive Leader in accordance with Article 7.14 above;

- (4) an amendment made to Part 4 of this Constitution (Standing Orders) where that amendment is made under a provision of that Part of this Constitution which authorises the amendment to be made otherwise than by the Full Council;
- (5) the Other Protocols and Conventions set out in Part 16 of this Constitution (Other Protocols and Conventions) which may be amended or replaced by the body which originally approved them;
- (6) the Recruitment Discipline and Grievance Procedures set out in Part 20 of this Constitution (Disciplinary Procedure and Grievance Resolution Procedure) which may be amended by the Administration and Regulation Committee;
- (7) an amendment to the Register of Members in Part 15 of this Constitution (Register of Members), made to reflect a change to the details in the Register, which may be made by the Head of Human Resources and Monitoring Officer as the Council's Monitoring Officer;
- (8) any change or amendment to this Constitution made by the Head of Human Resources and Monitoring Officer as the Council's Monitoring Officer pursuant to a resolution of the Full Council authorising her/him to make such changes or changes of a kind specified in the resolution;
- (9) any change or amendment to this Constitution made by the Head of Human Resources and Monitoring Officer as the Council's Monitoring Officer to ensure compliance with the law or in the interests of clarity;
- (10) any change or amendment made by the Head of Human Resources and Monitoring Officer as the Council's Monitoring Officer to one Part of this Constitution in consequence to a change or amendment to another Part of this Constitution;
- (11) any change or amendment made by the Head of Human Resources and Monitoring Officer as the Council's Monitoring Officer as a matter of record or to reflect a factual or legislative change; and
- (12) any change or amendment to Part 19 of this Constitution (Management Structure) to reflect a change in the Management Structure approved by the Council or a change in any job title(s) approved by the Full Council or a Committee acting under delegated powers, which change or amendment may in either case be made by the Head of Human Resources and Monitoring Officer as the Council's Monitoring Officer.

15.2.2 Change of Form of Executive

The Council shall not approve a proposal to change the form of Executive from a Leader and Cabinet form of Executive to any other form of Executive without taking reasonable steps to consult with local electors and other

interested persons in the area and shall, in any case where such action is required by law, hold a binding referendum.

ARTICLE 16 - SUSPENSION, INTERPRETATION AND PUBLICATION OF THE CONSTITUTION

16.1 Suspension of this Constitution

16.1.1 Limit to Suspension

The Articles of this Constitution may not be suspended. Standing Orders may be suspended in accordance with provisions contained in Standing Orders.

16.1.2 Procedure to Suspend

The Council shall, when considering any motion to suspend Standing Orders in accordance with the provisions of Standing Orders, have regard to the purposes of this Constitution set out in Article 1 above and shall ensure that the extent and any duration of any suspension is proportionate to the result to be achieved.

16.2 Interpretation

Except as otherwise provided in Standing Orders in relation to the interpretation of Standing Orders, any question or dispute as to the construction, application or interpretation of this Constitution, or of any Part of this Constitution, shall be referred to the Monitoring Officer, whose decision shall be final. In interpreting and construing this Constitution, the Head of Human Resources and Monitoring Officer as the Council's Monitoring Officer shall have regard to the purposes of this Constitution contained in Article 1 above.

16.3 Publication

16.3.1 The Head of Human Resources and Monitoring Officer as the Council's Monitoring Officer will provide an electronic copy of this Constitution to each Member and provide a further electronic copy as soon as practicable after any amendments to this Constitution are made, or after the Member is first elected to the Council, whichever is the later. At the request of any Member the Head of Human Resources and Monitoring Officer as the Council's Monitoring Officer will provide that Member with a printed copy of the current version of this Constitution.

16.3.2 The Head of Human Resources and Monitoring Officer as the Council's Monitoring Officer will ensure that copies of this Constitution are available for inspection at Council offices, libraries and other appropriate locations, and can be purchased by members of the local press and the public on payment of a reasonable fee.

16.3.3 The Head of Human Resources and Monitoring Officer as the Council's Monitoring Officer shall ensure that this Constitution is published on the

Council's website.

- 16.3.4 The Head of Human Resources and Monitoring Officer as the Council's Monitoring Officer will ensure that the summary of this Constitution set out in Part 1 of this Constitution (Summary and Explanation) is made widely available within the Borough of Luton and is updated as necessary.



LUTON BOROUGH COUNCIL

CONSTITUTION

PART 7

SCHEME OF DELEGATION TO OFFICERS (NON-EXECUTIVE FUNCTIONS)

LUTON BOROUGH COUNCIL

CONSTITUTION

PART 7: SCHEME OF DELEGATION TO OFFICERS (NON-EXECUTIVE FUNCTIONS)

1. INTRODUCTION

- 1.1 The Officers of the Council shall in respect of Non-Executive Functions have delegated to them the functions, powers and duties referred to in Paragraphs 3 and 4 below, but subject to the general reservations, conditions and qualifications set out in Paragraphs 5 and 6 below.

2. DEFINITIONS

- 2.1 In this Scheme the following expressions shall have the meanings assigned to them below:

“the Articles” means the Articles of the Constitution as set out in Part 2 of the Constitution;

“the Constitution” means the Constitution of the Council prepared and maintained under Section 37 of the 2000 Act;

“Corporate Director” means an officer who reports to the Chief Executive, whose post title includes the word “Director” and who is responsible for one or more Heads of Service;

“the Council” means Luton Borough Council;

“the Executive” means the Executive of Luton Borough Council appointed under the provisions of Part II of the 2000 Act;

“Executive Functions” means those functions of the Council which by virtue of Section 13 of the 2000 Act are the responsibility of the Executive and any Local Choice Function which under the provisions of the Constitution is the responsibility of the Executive;

“Financial Regulations” means the Financial Regulations as set out in Part 5 of the Constitution;

“the Functions Regulations” means the Local Authorities (Functions and Responsibilities) (England) Regulations 2000;

“the general reservations” means the reservations, conditions and qualifications set out in Paragraphs 5 and 6 of this Scheme;

“Head of Service” means an officer who reports to a Corporate Director or to

the Chief Executive irrespective of that officer's post title, but does not include an officer whose duties are wholly or substantially in the nature of secretarial, administrative or clerical support;

"Local Choice Function" means a function of the Council which under Regulation 3(1) of and Schedule 2 to the Functions Regulations may or may not be the responsibility of the Executive;

"Non-Executive Functions" means those functions of the Council which under Regulation 2 of and Schedule 1 to the Functions Regulations are not the responsibility of the Executive and any Local Choice Function which under the provisions of the Constitution is not the responsibility of the Executive;

"power" includes any function, power or duty;

"the relevant budget" means the total approved revenue budget for the relevant financial year for, in the case of the Chief Executive or a Corporate Director, the Department for which the Chief Executive or Corporate Director is responsible, and, in the case of a Head of Service, the service area for which the Head of Service is responsible, with, in any case, no commitment to additional expenditure in any future year above the level of the budget for the relevant financial year;

"the relevant Corporate Director" means the Corporate Director responsible for the function in question or the Corporate Director to whom the Head of Service taking, proposing to take, or responsible for, the function in question reports;

"the relevant financial year" means the financial year in which the decision or action in question is taken;

"the relevant Head of Service" means the Head of Service responsible for the function in question or the Head of Service to whom the officer taking, proposing to take, or responsible for, the function in question reports;

"the relevant Judicial Panel" means the Judicial Panel responsible for function in question under Part 3 of the Constitution (Responsibility for Functions);

"Regulatory Committee" means one of the following Committees:

Administration and Regulation Committee,
Development Control Committee, and
Licensing Committee;

"the relevant Regulatory Committee" means the Regulatory Committee, or a Sub-Committee of a Regulatory Committee, having responsibility for the power in question;

"Schedule 1" means Schedule 1 to this Scheme;

"Schedule 2" means Schedule 2 to this Scheme.

"Scheme of Devolved Financial Management" means the Scheme of Devolved Financial Management referred to in Financial Regulations;

"Standing Orders" means the Standing Orders as set out in Part 4 of the Constitution;

"the 2000 Act" means the Local Government Act 2000;

- 2.2 Subject to the definitions in Paragraph 2.1 above and to any other provision in this Scheme all expressions in this Scheme shall have the same meaning as they do in the Articles or in Standing Orders, and, if there be any conflict between the meaning of any expression in the Articles and the same expression in Standing Orders, the meaning of the expression in the Articles shall prevail.
- 2.3 Any reference in this Scheme to any Statute, Bye-law, Regulation or Scheme made by the Council or to any Part of the Constitution shall include any amendment, modification, re-enactment or re-issue of the Statute, Bye-law, Regulation, Scheme or Part of the Constitution.

3. GENERAL DELEGATIONS TO OFFICERS

- 3.1 Each officer of the Council or category of officer of the Council specified in column (1) of Schedule 1 shall have delegated to her/him/them the powers specified in column (3) of Schedule 1 in relation to each such officer or category of officers.
- 3.2 For reference purposes each power specified in column (3) of Schedule 1 shall have the reference number in relation to that power specified in column (2) of Schedule 1.
- 3.3 The delegation of any power specified in column (3) of Schedule 1 shall be subject to any condition(s) or qualification(s) specified in column (4) of Schedule 1, which shall apply in addition to the general reservations.

4. SPECIFIC DELEGATIONS TO OFFICERS

- 4.1 Each officer of the Council specified in column (1) of Schedule 2 shall have delegated to her/him the powers specified in column (3) of Schedule 2 in relation to that officer.
- 4.2 For reference purposes each power specified in column (3) of Schedule 2 shall have the reference number in relation to that power specified in column

(2) of Schedule 2, which reference number shall include, for information purposes only, an indication of the relevant Regulatory Committee, or where relevant, Full Council, using the following key:-

FC	=	Full Council
AD/REG	=	Administration and Regulation Committee,
DC	=	Development Control Committee,
LIC	=	Licensing Committee, and
ALL	=	All Regulatory Committees.

- 4.3 The delegation of any power specified in Column (3) of Schedule 2 shall be subject to any condition(s) or qualification(s) specified in Column (4) of Schedule 2, which shall apply in addition to the general reservations.

5. GENERAL RESERVATIONS CONDITIONS AND QUALIFICATIONS APPLYING TO DELEGATIONS

- 5.1 The following reservations, conditions and qualifications apply to the exercise of all powers delegated to officers:-

- (1) all powers and duties shall be exercised on behalf of and in the name of the Council;
- (2) the Constitution shall be complied with;
- (3) the right of the Council and the relevant Regulatory Committees to impose further conditions or restrictions on the exercise by officers, or any specified officer, of any delegated power;
- (4) the right of the Council and the relevant Regulatory Committee to exercise any power delegated to an officer, or to issue directions to an officer on the exercise of any power or duty, but the Council or the relevant Regulatory Committee shall not act in either of these ways if:-
 - (a) the officer concerned has already acted in the exercise of the delegated power; or
 - (b) to do so would involve or potentially involve the Council being in breach of any statute, rule of law, or of the rules of natural justice, or would be likely to involve maladministration; or
 - (c) any third party rights would be adversely affected; or
 - (d) the power is one which has been delegated to an officer because of that officer's professional qualification or expertise and requires for its exercise professional judgement based on that qualification or expertise.
- (5) an officer may decline to exercise her/his delegated power in any case and make a recommendation to the relevant Regulatory Committee but shall not do so if any third party rights would be adversely affected solely as a result of the officer declining to exercise her/his delegated power.

- (6) Where an appeal lies against a delegated decision of an officer or where the determination of an application for the grant, renewal, or transfer of a licence or consent is not delegated to an officer, the appeal or, as the case may be, the application will be made to the relevant Judicial Panel and not to a Regulatory Committee.

6. AMENDMENT TO SCHEME

- 6.1 This Scheme may be amended at any time by the Council.
- 6.2 The relevant Regulatory Committee may at any time amend Schedule 2 in relation to powers within the terms of reference of that Regulatory Committee.
- 6.3 Nothing in this Scheme shall preclude the relevant Regulatory Committee from revoking an officer's delegated authority in relation to a power delegated under Schedule 2 (either generally or in respect of specific matters) if the relevant Regulatory Committee considers that it is necessary to do so urgently in the interests of the Council.
- 6.4 In an emergency the Chief Executive:
 - (1) shall have authority to exercise the power given to the relevant Regulatory Committee under Paragraph 6.3 above;
 - (2) shall have power to revoke a specific officer's delegated authority in relation to a power delegated under Schedule 1 if the Chief Executive considers that it is necessary to do so urgently in the interests of the Council.

SCHEDULE 1**GENERAL DELEGATIONS TO OFFICERS**

<u>(1) OFFICER</u>	<u>(2) REFERENCE NUMBER</u>	<u>(3) POWER DELEGATED</u>	<u>(4) CONDITIONS OR QUALIFICATIONS TO WHICH DELEGATION IS SUBJECT</u>
ALL HEADS OF SERVICE	1/01	To award a contract to the person or firm submitting the lowest (or, in the case of income to the Council, the highest) or most economically advantageous quotation or tender.	Compliance with Chapter 9 of Standing Orders.
	1/02	To approve the final accounts of Contracts entered into by the Council.	
	1/03	To implement any decision of the Council or a Regulatory Committee or of an officer acting under delegated powers.	
	1/04	In any case where an enactment provides, authorises or requires a power to be carried out by an authorised officer of the Council, to authorise an officer to carry out that power under that enactment and to provide the officer with a warrant of authority, identity card or similar document.	

	1/05	To permit filming or sound recording on Council premises in relation to any matter within the Head of Service's area of responsibility.	Subject to prior consultation with the Head of Policy and Performance.
	1/06	Any power delegated to Heads of Service or Chief Officers by Standing Orders, Financial Regulations or the Scheme of Devolved Financial Management.	Any condition or qualification imposed by the Standing Order, Financial Regulation or provision of the Scheme of Devolved Financial Management under which the power is delegated.
	1/07	To appoint employees to the Council's establishment other than those within JNC related Chief Officer Conditions of Service.	Delegations 1/07 to 1/30 are subject to compliance with the Council's Policies and Procedures, particularly (but not exclusively) the Council's Policies and Procedures relating to Recruitment, Redundancy and Redeployment, Organisational Change, Job Evaluation and Equalities and the Single Status Agreement and to the relevant budget not being exceeded in addition to any specific condition or qualification specified below in relation to any of those Delegations.
	1/08	To confirm an employee's appointment following any probationary period.	As for Delegation 1/07.
	1/09	To vary or to carry out a restructuring of the Service's establishment.	As for Delegation 1/07 and subject to consultation with the Head of Human Resources and Monitoring Officer and the Head of Finance.

	1/10	In any case where the Executive, or a person acting on behalf of the Executive, including any Officer to whom powers have been delegated by the Executive, has made a decision in relation to an Executive function ("the Executive decision"), to take any and all action in relation to any employee in the Head of Service's Service, which is necessary or required to implement, or which is consequent on the Executive decision.	As for Delegation 1/07 and subject to consultation with the Head of Human Resources and Monitoring Officer.
	1/11	To approve honoraria payments to employees for temporary additional duties.	As for Delegation 1/07 and subject to consultation with the Head of Human Resources and Monitoring Officer.
	1/12	To grant special leave to an employee.	As for Delegation 1/07.
	1/13	To grant unpaid leave to an employee.	As for Delegation 1/07.
	1/14	To grant an essential or casual user car allowance to an employee.	As for Delegation 1/07 and subject to consultation with the Head of Human Resources and Monitoring Officer.
	1/15	To approve an ex gratia payment to an employee who has suffered physical injury or damage to her/his personal property arising out of her/his employment.	As for Delegation 1/07 and subject to the payment or payments in relation to a single incident not exceeding £500 or between £500.01 and £1,000 following consultation with the Head of Finance. Any payment over £1,000.001 will require the approval of the Full Council.

	1/16	To exercise discretion in the starting salary of an employee.	As for Delegation 1/07.
	1/17	To award an additional increment or additional increments to an employee based on merit and within the employee's grade.	As for Delegation 1/07.
	1/18	To discipline and dismiss an employee in accordance with the Council's Disciplinary Procedure.	As for Delegation 1/07.
	1/19	To authorise an employee to undertake a training course and to approve financial assistance for such training.	As for Delegation 1/07.
	1/20	To recover (or to waive recovery of) any financial assistance which the Council may be entitled to recover from employee who discontinues a training course.	As for Delegation 1/07.
	1/21	To authorise overtime payments to an employee.	As for Delegation 1/07.
	1/22	To take on additional temporary or casual employees to cover for sickness, leave or peaks of workload.	As for Delegation 1/07.
	1/23	To approve apprenticeships.	As for Delegation 1/07.

	1/24	To approve the provision of telephone facilities for an employee required to be on emergency call out.	As for Delegation 1/07.
	1/25	To offer work experience placements to students.	As for Delegation 1/07.
	1/26	To approve payments under the Council's relocation scheme for new employees.	As for Delegation 1/07.
	1/27	To approve time off for trade union duties.	As for Delegation 1/07.
	1/28	To approve attendance by an employee at any conference relevant to the employee's area of work or professional discipline.	As for Delegation 1/07.
	1/29	To approve a request from any organisation for an employee to be available for call out duties in normal working hours in the event of an emergency or disaster.	As for Delegation 1/07.
	1/30	To approve a request from an employee to take on another employment, carry out a business or undertake work, other than work for the Council outside of normal working hours.	As for Delegation 1/07 and subject to being satisfied that such employment, business or other work will not conflict with the interests of the Council or with the employee's normal duties.
	1/31	To request the Head of Housing, to allocate Council housing to a new employee on a temporary basis.	

	1/32	To take all necessary action to deal with any emergency, whether or not such emergency relates to the Head of Service's area of responsibility.	<p>(1) If a Head of Service takes any action in an emergency relating to the responsibilities of any other Head of Service, or of a Corporate Director or the Chief Executive, (s)he shall, if practicable, consult the relevant Corporate Director or Chief Executive before taking the action and, in any event, shall inform that other Head of Service as soon as practicable after taking the action.</p> <p>(2) Any action taken in an emergency which would otherwise be outside the delegated authority of a Head of Service or which involves expenditure for which there is no provision shall be reported to the relevant Corporate Director, to the Head of Finance and to the relevant Regulatory Committee at the earliest opportunity.</p>
	1/33	To do anything necessarily incidental to the powers and duties delegated under this Scheme, or to the Head of Service's area of responsibility.	

	1/34	To arrange for another Officer in her/his Service to carry out any power delegated to that Head of Service, either under Schedule 1 or under Schedule 2.	Subject to the other Officer having the necessary qualifications and experience to exercise the power delegated.
ALL CORPORATE DIRECTORS	1/35	To appoint an interim Head of Service within the relevant Corporate Director's own Department.	Subject to the conditions set out in (1) to (3) above in relation to the Chief Executive under Delegation 1/40.

THE RELEVANT HEAD OF SERVICE	1/36	To exercise any power delegated under this Scheme to an officer who reports to the relevant Head of Service.	<p>The relevant Head of Service shall not exercise this power if any of the following apply:</p> <ul style="list-style-type: none"> (a) the officer concerned has already acted in the exercise of the delegated power; or (b) to do so would involve or potentially involve the Council being in breach of any statute, rule of law, or of the rules of natural justice, or would be likely to involve maladministration; or (c) any third party rights would be adversely affected; or (d) the power is one which has been delegated to an officer because of that officer's professional qualification or expertise and requires for its exercise professional judgement based on that qualification or expertise.
	1/37	To approve an ex-gratia payment to a third party who has suffered loss rising out of the actions of the Council.	SUBJECT to the payment in respect of a single incident not exceeding £500 or between £500.01 and £1,000 following consultation with the Head of Finance.

THE RELEVANT CORPORATE DIRECTOR	1/38	To exercise any power delegated under this Scheme to a Head of Service who reports to the relevant Corporate Director.	<p>The relevant Corporate Director shall not exercise this power if any of the following apply:</p> <ul style="list-style-type: none"> (a) the officer concerned has already acted in the exercise of the delegated power; or (b) to do so would involve or potentially involve the Council being in breach of any statute, rule of law, or of the rules of natural justice, or would be likely to involve maladministration; or (c) any third party rights would be adversely affected; or (d) the power is one which has been delegated to an officer because of that officer's professional qualification or expertise and requires for its exercise professional judgement based on that qualification or expertise.
	1/39	To approve an ex-gratia payment to a third party who has suffered loss rising out of the actions of the Council.	SUBJECT to the payment in respect of a single incident being in excess of £1,000.01 but not exceeding £2,000. Any payment over £2,000 will require the approval of the Full Council.

CHIEF EXECUTIVE	1/40	To appoint an interim Corporate Director or, within the Chief Executive's own Department, an interim Head of Service.	<p>(1) Compliance with the Council's established recruitment policies, practices and procedures.</p> <p>(2) The relevant budget not being exceeded.</p> <p>(3) No such appointment being for a period of more than 9 months from the date on which the appointee commences her/his duties.</p>
	1/41	In relation to Heads of Service in the Chief Executive's Department, to exercise the power delegated to the relevant Corporate Director under delegated power 1/39 below.	Subject to the conditions set out in (a) to (d) in relation to Delegation 1/38.

SCHEDULE 2**SPECIFIC DELEGATIONS TO OFFICERS**

(1) OFFICER	(2) REFERE NCE NUMBER	(3) POWER DELEGATED	(4) CONDITIONS OR QUALIFICATIONS TO WHICH DELEGATION IS SUBJECT
HEAD OF BUSINESS AND CONSUMER SERVICES	2/01 AD/REG	To appoint any person as an Inspector under Section 19 of the Health and Safety at Work etc. Act 1974 and to vary or revoke any such appointment.	
	2/02 FC	To authorise or permit an officer of the Council to be appointed as an Inspector under Section 19 of the Health and Safety at Work etc. Act 1974 by any of the following authorities: Bedford Borough Council, Broxbourne Borough Council, Central Bedfordshire Council, Dacorum Borough Council, East Hertfordshire District Council, Hertfordshire County Council, Hertsmere Borough Council, North Hertfordshire District Council, St. Albans City and District Council, Stevenage Borough Council,	

		<p>Three Rivers District Council, Watford Borough Council, and Welwyn Hatfield Borough Council</p> <p>(referred to collectively in Delegations 2/03 and 2/04 as "the relevant authorities").</p>	
	2/03 FC	Under Section 1 of the Local Authorities (Good and Services) Act 1970, to authorise or permit an officer of the Council to be appointed as an Inspector under Section 19 of the Health and Safety at Work etc. Act 1974 by the Health and Safety Executive within the Borough of Luton or within the area or areas of any of the relevant authorities.	
	2/04 FC	To appoint an officer of any of the relevant authorities or an officer of the Health and Safety Executive as an Inspector under Section 19 of the Health and Safety at Work etc. Act 1974 for the purpose of the discharge of any of the Council's functions under that Act.	
	2/05 FC	Under Section 20(2)(c)(i) of the Health and Safety at Work etc. Act 1974 to authorise a person to accompany an Inspector appointed under Section 19 of that Act.	

	2/06 AD/REG	To serve Improvement and Emergency Prohibition Notices Under Sections 10 and 12 of the Food Safety Act 1990.	
	2/07 AD/REG	All powers under the European Communities Act 1972 or Regulations made under that Act in relation to food hygiene, food standards, food safety, imported food and animal feed.	
	2/08 AD/REG	To serve Statutory Notices in respect of the execution of works in default and recovery and apportionment of expenses arising from the following statutes:- (1) Control of Pollution Act 1974; and (2) Clean Air Act 1993.	Delegation 2/08 shall not apply in any case where the Chief Executive or the Head of Human Resources and Monitoring Officer has delegated power to serve such notices.
	2/09 AD/REG	To issue permissions for street and house to house collections in accordance with the Council's Standard Conditions.	
	2/10 AD/REG	Registration of persons and premises for the purpose of carrying on the business of acupuncture, tattooing, ear-piercing and electrolysis.	

	2/11 AD/REG	<p>The Council's functions powers and duties under the following Acts and any Directives or Regulations made under those Acts together with any other relevant current legislation for the time being in force:</p> <ul style="list-style-type: none"> - Animal Boarding Establishments Act 1963; - Clean Air Act 1993; - Dangerous Wild Animals Act 1976; - Environmental Protection Act 1990; - Game Act 1831; - Guard Dogs Act 1975; - Section 13-17, Local Government (Miscellaneous Provisions) Act 1982; - Pet Animals Act 1951; 	<ol style="list-style-type: none"> 1. Delegation 2/11 shall not apply in any case where the Chief Executive or the Head of Human Resources and Monitoring Officer has delegated power to exercise a function under the legislation referred to. 2. The Delegations in relation to the Gambling Act 2005 shall only have effect insofar as no other Delegation is in force in relation to the same matter.
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		<ul style="list-style-type: none"> - Riding Establishments Acts 1964 and 70; - Slaughterhouses Act 1974; and - Zoo Licensing Act 1981. 	
	2/12 AD/REG	To grant, renew, suspend or revoke Hackney Carriage Drivers' Licences and Hackney Carriage Vehicle Licences or to grant, renew, suspend or revoke Private Hire Drivers' Licences, Private Hire Vehicle Licences and Private Hire Operators' Licences.	<p>1 Delegation 2/12 is subject to compliance with the Council's Standard Conditions in relation to the grant and renewal of Hackney Carriage Drivers' Licences and Hackney Carriage Vehicle Licences and in relation to the grant and renewal of Private Hire Drivers' Licences, Private Hire Vehicles' Licences and Private Hire Operators' Licences, together in each case with the Council's Convictions Policy.</p> <p>2 Where the Head of Business and Consumer Services or any other Officer to whom any like power is delegated under this Scheme of Delegation or otherwise is unable to make a decision upon a review within 3 months (s)he shall consult with the Chair of the Administration and Regulation Committee.</p>
	2/13 AD/REG	To maintain a register under the Pharmacy and Poisons Act 1933.	

2/14 AD/REG	To refuse acceptance of any application for any licence which is incomplete, filled out incorrectly or outside any formal time limit required by legislation.	
2/15 AD/REG	To determine claims under Smoke Control Orders. Determination of Applications under Section 6 of the Clean Air Act 1968.	
2/16 AD/REG	Approval of prior consents to work on construction sites and conditions to be attached thereto under Section 61 of the Control of Pollution Act 1974.	
2/17 AD/REG	The functions powers and duties of the Council in respect of the Environment Act 1995 Part IV and Sections 108 to 110, 113 and 123 of Part V.	

	2/18 AD/REG	<p>To issue any licences/certificates and/or make and keep any registration of persons or premises in pursuance of the following Acts and where appropriate collect fees for the issue or variation of such licences and certificates:-</p> <p>Environmental and Safety Information Act 1988;</p> <p>Poisons Act 1972; and</p> <p>Performing Animals (Regulation) Act 1925.</p>	
	2/19AD/R EG	To take such action as is necessary to comply with the duty imposed on the Council by the Vehicles (Crime) Act 2001.	
	2/20AD/R EG	Power to enforce against offences under Part 1 Health Act 2006 (smoking restrictions).	
	2/21 AD/REG	Power to transfer enforcement functions to another enforcement authority under the Smoke-free (Premises and Enforcement) Regulations 2006.	

	2/22 AD/REG	<p>Authority, where sufficient information is available prior to a noisy or pay party to enable an injunction to be obtained:-</p> <ol style="list-style-type: none"> (1) to instruct Counsel to take any necessary action; (2) to take proceedings in the High Court under Section 222 of the Local Government Act 1972 including injunction proceedings and such other action as Counsel may advise to prevent within the Borough of Luton any persons from committing or attempting to commit an offence or offences contrary to Schedule 1 to the Local Government (Miscellaneous Provisions) Act 1982; (3) to take proceedings under Sections 80 and 81 of the Environmental Protection Act 1990, including injunction proceedings and such other action as Counsel may advise when an offence has been committed under Section 80(4) of the said Act and it is unlikely that proceedings for the offence would afford an adequate remedy in the case of a noise nuisance; and 	
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		(4) in interlocutory proceedings to give an undertaking as to damages on behalf of the Council where this is specifically required.	
	2/23 LIC	To grant, vary, refuse, revoke or add condition to a Site or Collector's Licence under the Scrap Metal Dealers Act 2013.	Delegation 2/23 is subject to there being no representations made.
	2/24 LIC	To ensure the details of all grants, variations, refusals and revocations of Scrap Metal Licences are transmitted to the Environment Agency for entry on the National Register.	
CHIEF BUILDING CONTROL SURVEYOR	2/25 AD/REG	To issue, amend or replace safety certificates (whether general or special) for sports grounds under the Safety of Sports Grounds Act 1975.	
	2/26 AD/REG	To issue, cancel, amend or replace safety certificates for regulated stands at sports grounds under Part III of the Fire Safety and Safety of Places of Sport Act 1987.	

DEVELOPMENT CONTROL MANAGER	2/27 DC	In relation to any appeal made under the Town and Country Planning Act 1990 or any Regulations or Directions made under that Act, to prepare, submit and present the Council's statement including appropriate conditions and, if appropriate, in the case of enforcement appeals, a statement as to whether the Council would be prepared to grant permission or consent for the development or works the subject of the appeal.	1.	Subject to the interpretation at 2 below the following are excepted from the powers delegated under Delegations 2/04 to 2/11.
	2/28 DC	To determine all applications for planning permission, approval and consent and to issue responses to prior notifications under the provisions of the Town and Country Planning Act 1990 (including the imposition of appropriate conditions).	1.1	Applications for outline or full planning permission (or for approval of reserved matters relating to means of access and/or siting and/or design) for residential schemes involving the development of 0.5 hectares or more of land or the erection of 10 dwellings or more.
	2/29 DC	To supply of copies of all applications for planning permission and plans accompanying such applications, at full cost, except to persons/organisations who are unable to inspect the documents by reason of disability or they being a considerable distance from the Town Hall.	1.2	Changes of use of buildings involving the creation of 10 units or more of residential accommodation.
			1.3	Applications for outline or full planning permission (or for approval of reserved matters relating to means of access and/or siting and/or design) for non-residential schemes involving the development of 0.5 hectares or more of land or the creation of 1,000 square metres or more of floorspace.
			1.4	Changes of use involving non-residential accommodation exceeding 1,000 square metres of floorspace.

	2/30 DC	To serve Planning Contravention Notices under Section 171C, and Breach of Conditions Notices in accordance with Section 187A of the Town and Country Planning Act 1990.	1.5	Where the decision would be contrary to the provisions of the development plan then in force for the area, except in the case of minor variations from approved planning standards (as described in Paragraph 2.1 below).
	2/31 DC	To authorize officers of the Council to enter on to land in accordance with the terms of the Town and Country Planning Act 1990 and the Planning (Listed Buildings and Conservation Areas) Act 1990.	1.6	Where the decision would be contrary to 4 or more written representations from separate addresses or households or to a petition containing 4 or more signatures from separate addresses or households either objecting to or supporting an application received in writing within the period specified for representations from members of the public (other than the applicant or their agent) when the objection or petition is made having regard to material planning considerations (as specified in Paragraph 2.2 below).
	2/32 DC	To determine whether a proposed minor amendment to an existing planning application permission requires submission of a fresh planning application and to approve any such fresh application where no planning objections have been made.	1.7	Where a Member of the Council or the Chief Executive has requested that a decision on an application be made by the Development Control Committee.

	2/33 DC	To advertise applications which, if approved, would be contrary to the provisions of the development plan, as required by the Town and Country Planning (Development Plans and Consultation) Directions 1992.	<p>1.8 Where an application for permanent development (i.e. not temporary buildings or structures) has been submitted by or on behalf of the Council or relates to land owned or occupied by the Council which is recommended for approval and which is:-</p> <ul style="list-style-type: none"> a) subject to a written objection from a consultee or member of the public, or b) is either contrary to the development plan or not in conformity with the Council's planning standards. <p>1.9 Where an application has been submitted by or on behalf of a Member or officer of the Council which is recommended for approval and which is:-</p> <ul style="list-style-type: none"> a) subject to a written objection from a consultee or member of the public; or b) is either contrary to the development plan or not in conformity with the Council's planning standards.
	2/34DC	To formulate responses to consultations from other local planning authorities and statutory undertakers.	

			<p>1.10 Where the decision of the Development Control Manager would run counter to an earlier decision or condition imposed by the Development Control Committee in respect of the same site.</p> <p>1.11 Where the terms of any permission that might be granted are to be subject to an Agreement or planning obligation under Section 106 of the Town and Country Planning Act 1990.</p>
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			<p>2. <u>Interpretation</u></p> <p>2.1 The minor variations referred to in Paragraph 1.5 above are variations to the Councils standards in respect of driveway lengths, the provision of garaging and parking, minimum garden sizes, distances between buildings etc.</p> <p>2.2 For the purposes of Paragraph 1.6 above the following shall not be regarded as material planning considerations:-</p> <ul style="list-style-type: none"> (a) an objection to the principle of development where the proposal is not contrary to the policies of the approved development plan; (b) a trade objection which anticipates competition from the proposed development; (c) objections relating to trespass on to the objector's property; (d) noise and other forms of disturbance arising during and solely as a result of any building operations involved in the development;
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			<ul style="list-style-type: none">(e) the question of future maintenance of the objector's property; perceived loss of value to the objector's property, drainage and other issues covered by building control procedures;(f) issues which are covered by other legislation and over which planning controls do not exist;(g) alleged unauthorised activities or works or directly relating to the proposal under consideration and which might be dealt with through other planning investigations;(h) comments of a wholly personal nature, including opinions of morality and comments which are abusive or discriminatory in nature; or(i) the wording or context of proposed advertisements.
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	2/35 DC	To issue and serve enforcement notices, special enforcement notices, stop notices, temporary stop notices, completion notices and notices requiring proper maintenance of land under the Town and Country Planning Act 1990.	
	2/36 DC	To issue and serve listed building and conservation area enforcement notices, building preservation notices and urgent works notices under the Planning (Listed Buildings and Conservation Areas) Act 1990.	
	2/37 DC	To contest any appeal and the execution of works in default where action has been taken under the Town and Country Planning Act 1990 or the Planning (Listed Buildings and Conservation Areas) Act 1990 under Delegations 2/12 or 2/13 above.	
	2/38 DC	To deal with matters relating to the preservation of trees under sections 197 to 214D of the Town and Country Planning Act 1990 with the exception of a Tree Preservation Order to which an objection has been made and not withdrawn.	

	2/39 DC	To deal with requests for information under Section 330 of the Town and Country Planning Act 1990 and the Local Government (Miscellaneous Provisions) Act 1982 (ownership etc. of property).	
HEAD OF ENGINEERING AND STREET SERVICES	2/40 AD/REG	To serve statutory notices, executive works in default, recover and apportion expenses and any other powers and duties of the Council in respect of the Environment Act 1995 Part II, Sections 45, 51 to 57, 59 to 60 and Part IV, 86 to 90, 92, 93, 95 to 99.	
	2/41AD/R EG	To grant permission for the provision of services, amenities, recreation and refreshment facilities on the highway, and related powers, under Sections 115E, 115F and 115K of the Highways Act 1980.	

DIRECTOR OF ENVIRONMENT AND REGENERATION	2/42 AD/REG	To grant, renew, suspend or revoke Hackney Carriage Drivers' Licences and Hackney Carriage Vehicle Licences or to grant, renew, suspend or revoke Private Hire Drivers' Licences, Private Hire Vehicle Licences and Private Hire Operators' Licences.	<p>1 Delegation 2/42 is subject to compliance with the Council's Standard Conditions in relation to the grant and renewal of Hackney Carriage Drivers' Licences and Hackney Carriage Vehicle Licences and in relation to the grant and renewal of Private Hire Drivers' Licences, Private Hire Vehicles' Licences and Private Hire Operators' Licences, together in each case with the Council's Convictions Policy.</p> <p>2 Where the Director of Environment and Regeneration or any other Officer to whom any like power is delegated under this Scheme of Delegation or otherwise is unable to make a decision upon a review within 3 months (s)he shall consult with the Chair of the Administration and Regulation Committee as to the future conduct of the review.</p>
HEAD OF HUMAN RESOURCES AND MONITORING OFFICER	2/43 AD/REG	To agree to the retirement of employees on grounds of permanent ill health within the requirements of the Local Government Pension Scheme and the Council's agreed practice.	Subject to obtaining medical advice
	2/44 AD/REG	To approve extensions of sick pay by up to 3 months.	After consulting the relevant Head of Service

	2/45 AD/REG	To approve payments in lieu of notice where it is inappropriate to require an employee to work her/his notice period.	After consulting the relevant Head of Service and the Head of Finance
	2/46AD/R EG	To take such action as is necessary either to add or to remove the name of any person from either the list of Experienced Members or Lay Members able to sit on the Luton Independent Education Admission Appeal Panel or from the list of Members able to sit on the Luton Independent Education Exclusion Review Panel.	
	2/47 AD/REG	To appoint persons from the relevant list of members to sit on an individual Luton Independent Education Admission Appeal Panel or on an individual Luton Independent Education Exclusion Review Panel.	
	2/48 ALL	To appoint appropriately qualified persons to act as the Clerk to the Luton Independent Admission Appeal Panel and to the Luton independent Exclusion Review Panel whether in either case relating to an appeal or review in respect of a maintained school or otherwise.	

	2/49 FC	To make minor or consequential amendments to the Council's Constitution necessary in the interests of clarity, the avoidance of duplication or inconsistency or to bring the documents into line with legislative requirements.	
	2/50 FC	To change or amend the Constitution pursuant to a resolution of the Full Council authorising him/her to to make such changes or changes of a kind specified in the Resolution.	
	2/51 FC	To change or amend the Constitution to ensure compliance with the law or in the interests of clarity.	
	2/52FC	To change or amend one Part of the Constitution in consequence of a change or amendment to another Part of the Constitution.	
	2/53 FC	To change or amend the Constitution as a matter of record or to reflect a factual or legislative change.	

	2/54 FC	To change or amend Part 19 of the Constitution to reflect a change in the Management Structure approved by the council or a change in any job title(s) approved by the Full Council or a Committee acting under delegated powers.	
	2/55 FC	To amend Part 7 of the Constitution (the Scheme of Delegation to Officers (Non-Executive Functions)),	Subject to the Head of Human Resources and Monitoring Officer having notified the leaders of the political groups on the Council of the proposed change(s) and to all the political group leaders having indicated their support for the proposed change or to no political group leader objecting to the proposed change within 20 working days of the notification.
PRINCIPAL SOLICITORS	2/56 ALL	To prosecute for offences both under statute and at common law and institute proceedings.	In respect of Non-Executive Functions.
	2/57 ALL	To authorise any officer of the Council to appear in Court under the provisions of Section 223 of the Local Government Act 1972.	With respect to Non-Executive Functions.
HEAD OF PLANNING AND TRANSPORT	2/58 DC	To determine applications for consents under the Tree Preservation Order Regulations.	

	2/59 DC	To consider applications for Claims for Deemed Consent under the provisions of the Planning (Hazardous Substances) Regulations 1992.	
	2/60 DC	To determine applications for consent under the Planning (Listed Buildings and Conservation Areas) Act 1990 for minor works affected Listed Buildings but not extending either the height or floor area of such buildings.	
	2/61 DC	To determine applications for a determination as to whether or not the Local Planning Authority wishes to exercise control over the demolition of a building under the Town and Country Planning (Demolition – Description of Buildings) (No. 2) Direction 1992.	
	2/62 DC	To determine the extent of “Environmental Statements” to be submitted by prospective developers in accordance with the Town and Country Planning (Assessment of Environmental Effects) Regulations 1988.	After consulting the Chair of Development Control Committee.
	2/63 DC	To issue a Retention Notice in respect of any relevant application made under Regulation 5 of the Hedgerow Regulations 1997.	

	2/64 DC	To serve statutory notices, execute works in default, recover and apportion expenses and any other powers or duties of the Council in respect of circumstances where the Environment Act 1995 Part II (Section 57) applies (to deal with land which presents an imminent danger or serious danger or serious harm or serious pollution of controlled waters).	After consulting the Head of Business and Consumer Services.
HEAD OF SPECIALIST FAMILY SUPPORT SERVICES	2/65 REG	To approve the employment of children.	

SERVICE MANAGER – ECONOMIC GROWTH AND PUBLIC PROTECTION	2/66 REG	To grant, renew, suspend or revoke Hackney Carriage Drivers' Licences and Hackney Carriage Vehicle Licences or to grant, renew, suspend or revoke Private Hire Drivers' Licences, Private Hire Vehicle Licences and Private Hire Operators' Licences.	<p>1 Delegation 2/65 is subject to compliance with the Council's Standard Conditions in relation to the grant and renewal of Hackney Carriage Drivers' Licences and Hackney Carriage Vehicle Licences and in relation to the grant and renewal of Private Hire Drivers' Licences, Private Hire Vehicles' Licences and Private Hire Operators' Licences, together in each case with the Council's Convictions Policy.</p> <p>2 Where the Service Manager Economic Growth and Public Protection or any other Officer to whom any like power is delegated under this Scheme of Delegation or otherwise is unable to make a decision upon a review within 3 months (s)he shall consult with the Chair of the Administration and Regulation Committee as to the future conduct of the review.</p>
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SERVICE MANAGER - PUBLIC PROTECTION (OPERATIONS)	2/67 REG	To grant, renew, suspend or revoke Hackney Carriage Drivers' Licences and Hackney Carriage Vehicle Licences or to grant, renew, suspend or revoke Private Hire Drivers' Licences, Private Hire Vehicle Licences and Private Hire Operators' Licences.	<ol style="list-style-type: none"> <li data-bbox="1314 193 2056 587">1 Delegation 2/66 is subject to compliance with the Council's Standard Conditions in relation to the grant and renewal of Hackney Carriage Drivers' Licences and Hackney Carriage Vehicle Licences and in relation to the grant and renewal of Private Hire Drivers' Licences, Private Hire Vehicles' Licences and Private Hire Operators' Licences, together in each case with the Council's Convictions Policy. <li data-bbox="1314 587 2056 970">2 Where the Service Manager – Public Protection (Operations) or any other Officer to whom any like power is delegated under this Scheme of Delegation or otherwise is unable to make a decision upon a review within 3 months (s)he shall consult with the Chair of the Administration and Regulation Committee as to the future conduct of the review.
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SERVICE MANAGER – PUBLIC PROTECTION (AUTHORISATIONS)	2/68 REG	To grant, renew, suspend or revoke Hackney Carriage Drivers' Licences and Hackney Carriage Vehicle Licences or to grant, renew, suspend or revoke Private Hire Drivers' Licences, Private Hire Vehicle Licences and Private Hire Operators' Licences.	<p>1 Delegation 2/67 is subject to compliance with the Council's Standard Conditions in relation to the grant and renewal of Hackney Carriage Drivers' Licences and Hackney Carriage Vehicle Licences and in relation to the grant and renewal of Private Hire Drivers' Licences, Private Hire Vehicles' Licences and Private Hire Operators' Licences, together in each case with the Council's Convictions Policy.</p> <p>2 Where the Service Manager – Public Protection (Authorisations) or any other Officer to whom any like power is delegated under this Scheme of Delegation or otherwise is unable to make a decision upon a review within 3 months (s)he shall consult with the Chair of the Administration and Regulation Committee as to the future conduct of the review.</p>
	2/69 LIC	Under the Licensing Act 2003 to refuse personal licences where refusal is mandatory and otherwise to grant them.	A personal licence may only be granted where no objection notice is given by the Police.
	2/70 LIC	Under the Licensing Act 2003, to grant and to vary premises licences and club premises certificates and to issue provisional statements.	Delegation 2/69 only applies where no relevant representations are made.

	2/71 LIC	Under the Licensing Act 2003 to vary a premises licence to specify a new premises supervisor.	Where no Police objection is made.
	2/72 LIC	Under the Licensing Act 2003 to grant or reject applications for transfer of premises licences where such grant or rejection is mandatory	
	2/73 LIC	Under the Licensing Act 2003 to decide whether a representation made is irrelevant, frivolous or vexatious.	
	2/74 LIC	Under the Licensing Act 2003 to issue to relevant premises users counter notices when permitted limits have been exceeded for Temporary Event Notices.	
	2/75 LIC	Under the Licensing Act 2003 to reject any ground for review of a premises licence or club premises certificate if satisfied that the ground is not relevant to one or more of the licensing objectives, the ground is frivolous or vexatious or the ground is a repetition.	After consulting with the Chair and Vice Chair of the Licensing Committee.
	2/76 LIC	Under the Licensing Act 2003, to carry out the Council's functions with regard to enforcement.	

	2/77 LIC	Under the Gambling Act 2005 to grant applications for premises licences, for variation or transfer of premises licences, and for Provisional Statements.	Where no representations under Section 161 of the Gambling Act 2005 are received or where any such representations have been withdrawn.
	2/78 LIC	Under the Gambling Act 2005 to grant applications for club gaming and club machine permits.	Where no objections are received from the Gambling Commission or the Police or where any such representations have been withdrawn.
	2/79 LIC	Under the Gambling Act 2005 to grant applications for family entertainment centre gaming machine permits, licensed premises gaming machine permits, and prize gaming permits.	
	2/80 LIC	Under the Gambling Act 2005 to grant applications for the grant or renewal of permits for amusement with prizes gaming machines, commercial amusement with prizes or low stake gaming on alcohol premises under the Gaming Act 1968 as amended by the Licensing Act 2003.	
	2/81 LIC	Under the Gambling Act 2005 to set fees where appropriate.	
	2/82 LIC	Under the Gambling Act 2005 to grant applications for other permits.	

	2/83 LIC	Under the Gambling Act 2005 to cancel licensed premises gaming machine permits.	
	2/84 LIC	Under the Gambling Act 2005 to serve counter-notices in response to temporary use notices where the maximum permitted period is exceeded.	
	2/85 REG	To approve premises as approved premises for the solemnisation of civil marriages under Section 26(1)(bb) of the Marriage Act 1949 (as amended by the Marriage Act 1994) and The Marriages (Approved Premises) Regulations 1995.	
	2/86 REG	To have all the powers of the Proper Officer under the Registration Service Act 1953 and all other relevant enactments with respect to the Registration of Births, Marriages and Deaths.	

	2/87 LIC	<p>Under the Gambling Act 2005 to reject applications for the review of premises licences where the grounds on which the review is sought:-</p> <ol style="list-style-type: none"> (1) do not raise an issue relevant to the principles to be applied under section 153 Gambling Act 2005; (2) are frivolous; (3) are vexatious; (4) will certainly not cause the Licensing Authority to wish to revoke or suspend the premises licence or to exclude, remove or amend an exclusion or to add, remove or amend a condition; (5) are substantially the same as grounds specified in an earlier application for review; or (6) are substantially the same as representations made in relation to the application for the premises licence. 	After consulting the Chair and Vice Chair of the Licensing Committee
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	2/88 LIC	To grant, vary, refuse, revoke or add condition to a Site or Collector's Licence under the Scrap Metal Dealers Act 2013.	Delegation 2/87 is subject to there being no representations made.
	2/89 LIC	To ensure the details of all grants, variations, refusals and revocations of Scrap Metal Licences are transmitted to the Environment Agency for entry on the National Register.	
TRANSPORT MANAGER	2/90 REG	Under Section 60 of the Local Government (Miscellaneous Provisions) Act 1976 to suspend a Hackney Carriage or Private Hire Vehicle Licence where a vehicle so licensed fails to satisfy the Council's technical requirements and, in the opinion of the Transport Manager, is not fit for use as a Hackney Carriage or Private Hire vehicle.	
THE CLERK TO THE LUTON INDEPENDENT APPEAL ADMISSION PANEL	2/91 ALL	To take all necessary action with regard to the conduct of that appeal as is necessary in the furtherance thereof.	
THE CLERK TO THE LUTON INDEPENDENT EXCLUSION REVIEW PANEL	2/92 ALL	To take all necessary action with regard to the conduct of that review as is necessary in the furtherance thereof.	

COUNCIL

DATE: 9th SEPTEMBER 2014

SUBJECT: INTERIM APPOINTMENT HEAD OF SUPPORT,
CHALLENGE & INTERVENTION - EXTENSION OF
9 MONTH APPOINTMENT PERIOD

REPORT BY: HEAD OF HUMAN RESOURCES AND
MONITORING OFFICER

CONTACT OFFICER: Angela Claridge 01582 546291

IMPLICATIONS:

LEGAL	✓	COMMUNITY SAFETY
EQUALITIES		ENVIRONMENT
FINANCIAL		CONSULTATIONS
STAFFING		OTHER

WARDS AFFECTED: NONE

PURPOSE

1. The purpose of this report is to request the Council to temporarily relax it's ruling regarding the period of interim appointments for the post of Head of Support, Challenge and Intervention.

RECOMMENDATION(S)

2. That the Council be recommended to temporarily relax Council resolution 117(vi)/04 until 31/01/2015 to further allow the Interim appointment of the Head of Support, Challenge and Intervention to exceed the maximum 9 month period currently provided for in the Scheme of Delegation to officers (Non-Executive Functions) pending the permanent recruitment to the post.

BACKGROUND

3. At its meeting held on 24th July 2004 the Council resolved (amongst other things) to amend the scheme of delegation to officers (Non-Executive functions) to clarify that Corporate Directors had the authority to appoint interim Heads of Service, subject to compliance with the Council's established practices and procedures, for a period not to exceed nine months.
4. This ruling has, where necessary, also been applied to Corporate Directors posts.

REPORT

5. After an unsuccessful external recruitment exercise last year an internal process was undertaken by Officers to appoint on an interim basis.
6. John Wrigglesworth was appointed as Interim Head of Support, Challenge and Intervention from the 1st September 2013.
7. The Interim Appointment is due to end on the 30th September 2014 as agreed at Full Council on the 20th May 2014.

PROPOSAL/OPTION

8. That the Council resolution set out at Minute 117(vi)/04 be temporarily relaxed until 31st December 2014 to allow the interim appointment of the Head of Support, Challenge and Intervention to exceed the maximum 9 month period currently provided for in the Scheme of Delegation to officers (Non-Executive Functions).

LEGAL IMPLICATIONS

11. There are no legal implications. As agreed with the Head of HR and Monitoring Officer on 29th August 2014.

LIST OF BACKGROUND PAPERS

LOCAL GOVERNMENT ACT 1972, SECTION 100D