



**REPORT OF CHIEF DEMOCRATIC SERVICES OFFICER**

**FULL COUNCIL**

**DATE : 23<sup>rd</sup> May 2005**

**SUBJECT: AMENDMENTS TO THE CONSTITUTION**

<p><b>Electoral Wards Affected : All</b></p>	<p><b>Specific Implications For :</b></p> <p>Ethnic Minorities <input type="checkbox"/></p> <p>Women <input type="checkbox"/></p> <p>Disabled People <input type="checkbox"/></p>
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**1.0 PURPOSE OF THE REPORT**

1.1 This report presents a number of proposed amendments to the Constitution for consideration at the Annual Meeting of Council on the 23<sup>rd</sup> May 2005.

**2.0 AMENDMENTS TO THE CONSTITUTION**

2.1 This report contains various amendments to the Constitution recommended to Council by the Corporate Governance and Audit Committee on the 10<sup>th</sup> May 2005. The details are contained in Addenda which follow and are summarised at Appendix 1.

2.2 **Addendum 1 – Scrutiny.** This Addendum contains proposed amendments to the Constitution in relation to the Council’s Scrutiny arrangements. These changes include a replacement Article; new Terms of Reference; and revised procedure rules.

2.3 The Corporate Governance and Audit Committee recommend that Council agrees the proposals outlined in the Addendum save for the following:

- That the proposed name for the Scrutiny Board Health and Social Care be re-titled as Scrutiny Board Health and Wellbeing;
- That the proposed name for the Scrutiny Board Community Wellbeing be re-titled as Scrutiny Board Thriving Communities;
- That the operation of the new Call In arrangements be reviewed after 6 months
- That a publicly accessible guide to the operation of the new scrutiny arrangements be produced.

2.4 Further to these recommendations Full Council is asked to consider the establishment of an additional Scrutiny Board concerned with the Corporate Plan Strategic Outcome associated with Transforming Services.

- 2.5 It is considered that, on reflection, the allocation of two Strategic outcomes to the Overview and Scrutiny Committee may overburden that Committee's work load. The establishment of an additional Scrutiny Board would help alleviate these potential pressures. Appendix 2 (i) contains proposed terms of reference for a Scrutiny Board (Transforming Services). Consequential amendments to the Overview and Scrutiny Terms of the Reference are contained in Appendix 2(ii).
- 2.6 **Addendum 2 – Personnel Panel.** This Addendum contains proposals for amendments to the arrangements for Personnel Panel and the necessary amendments to the Council's Constitution to put these into effect.
- 2.7 The Corporate Governance and Audit Committee recommend that Council agrees the proposals outlined in the Addendum save for the reference to Appointments Committee in the Summary of delegated functions (Council (non Executive) functions) being corrected to Employment Committee.
- 2.8 **Addendum 3 – Other Constitutional Matters.** This Addendum contains various other proposed amendments relating to the Constitution as follows:
- The operating arrangements of Area Committees;
  - Rules of Procedure which govern the Appointment of Members to Outside Bodies;
  - Council Procedure Rules
  - An amendment to Article 14 – Finance, contracts and Legal Matters concerning the threshold for seeking competitive tenders
  - Officer Delegation Scheme – with respect to the Director of Legal and Democratic Services to reflect duties with respect to the Licensing Act 2003
- 2.9 The Corporate Governance and Audit Committee recommend that Council agrees the proposals outlined in the Addendum save for the error in the circulated papers regarding the Ward composition of the North East Outer Area Committee in Article 10 being corrected.

### **3.0 Recommendations**

- 3.0 Full Council is asked to consider the proposed changes summarised at Appendix 1 and detailed in Addenda 1 – 3 and :
- 3.1.1 Agree the Constitutional amendments relating to Scrutiny detailed in Addendum 1 save for the following:
- That the proposed name for the Scrutiny Board Health and Social Care be re-titled as Scrutiny Board Health and Wellbeing;
  - That the proposed name for the Scrutiny Board Community Wellbeing be re-titled as Scrutiny Board Thriving Communities;
  - That the operation of the new Call In arrangements be reviewed after 6 months
  - That a publicly accessible guide to the operation of the new scrutiny arrangements be produced.
  - The establishment of a Scrutiny Board (Transforming Services) as detailed in Appendix 2 (i)

- Consequential amendments to the Overview and Scrutiny Terms of Reference in appendix 2 (ii)
- 3.1.2 Agree the proposals relating to the Council's Personnel Panel arrangements detailed in Addendum 2 save for the reference to Appointments Committee in the Summary of delegated functions (Council (non Executive) functions) being corrected to Employment Committee;
- 3.1.3 Agree the other proposed Constitutional amendments detailed in Addendum 3 save for the error in the circulated papers regarding the Ward composition of the North East Outer Area Committee in Article 10 being corrected.

## ANNUAL MEETING 2005

### Constitution Amendment Control Sheet

#### Addendum 1 – Scrutiny

<b>Section of the Constitution</b>	<b>Documents Affected</b>	<b>Nature of Amendment</b>
Part 2 Articles of the Constitution	Article 6	Amendments to the names and remit of Scrutiny Boards
Part 3	Section 2B Committee Terms of Reference	Amendments to the names and Terms of Reference of Scrutiny Boards
Part 4	Scrutiny Board Procedure Rules	Amendments to Scrutiny Board Procedure Rules to give effect to the revised role of the Overview and Scrutiny Committee
		Amendments to prevent the use of Substitutes at Scrutiny Board meetings

#### Addendum 2 – Personnel Panel.

<b>Section of the Constitution</b>	<b>Documents Affected</b>	<b>Nature of Amendment</b>
Part 3 Section 1	Responsibility for Local Choice Functions	Director of Corporate Services to be given delegated powers in respect of employee appeals save those dealt with by the Employment Committee
Part 3 Section 1	Summary of delegated functions (Council(Non-Executive) Functions)	Allocation of responsibilities to the Employment Committee for disciplinary action and to deal with appeals relating to grievance, grading and discipline at director level and above
Part 3	Section 2B Committee Terms of Reference	New Terms of Reference for the Employment Committee.
Part 3 Section 2C	Officer Delegation Scheme (Council(Non-Executive) Functions)	Amendments to the delegation scheme for the Director of Corporate Services to reflect the above.

### Addendum 3 – Other Constitutional Matters

<b>Section of the Constitution</b>	<b>Documents Affected</b>	<b>Nature of Amendment</b>
Part 2 Articles of the Constitution	Article 10 Area Committees	Paragraph 10.7 updated to more accurately reflect the area committees' function relating to influencing services and promoting well being in their area
Part 2 Articles of the Constitution	Article 14 – Finance, Contracts and Legal Matters	To increase the value at point 2 of Article 14.5 to £100,000 from £35,000
Part 3, Section 2C	Officer Delegation Scheme (Council (non-executive) functions)	Amendment to delegated responsibilities re. Certain Licensing and Regulatory functions
Part 4 Procedure Rules	Council Procedure Rules	To provide for more generic references in Rules 1.1(g), 14.5, 14.6, 15.0, 16.2, 19.1, 19.2, 24,27 and 28
		Removal of footnote re. chairs casting vote on Council Business Committee/CGA
	Area Committee Procedure Rules	Paragraph 6.1 - identification of named proper officer
		Paragraph 6.6 - clarification of role to dealing with an individual complaint
		List of agenda items at paragraph 6.7 amended
		Paragraph 6.8 amended to describe co-opted member responsibilities with regard to declaring interests
		Paragraph 6.17 amended with regard to the rights of members of the public to speak at Area Committee meetings
Part 4 Procedure Rules	Outside Bodies Procedure Rules	Amend the wording of Paragraph 3.4 to allow Area Committee Chairs to determine the appropriate Area Committee
		Additional Paragraph at 4.6 outlining the giving of delegated authority to the Director of Legal and Democratic Services to make an appointment in certain circumstances

## Scrutiny Board (Transforming Services)

### Terms of Reference

1. To exercise the functions of a Scrutiny Board in relation to the strategic outcome<sup>1</sup> **Transforming Our Services** including the following:
  - a) To review or scrutinise the exercise of any Council or Executive function, or any other matter, that may affect the strategic outcome, having regard to any recommendation of the Overview and Scrutiny Committee;
  - b) To make reports or recommendations to Council or the executive in connection with the exercise of any functions of the Council or the executive related to the strategic outcome including proposals for changes to policies and practices;
  - c) To receive and review external audit and inspection reports;
  - d) To act as the appropriate Scrutiny Board<sup>2</sup> in relation to the executive's initial proposals for a plan or strategy within the Budget and Policy Framework.
2. To receive and monitor formal responses to any reports or recommendations made by the Board.

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<sup>1</sup> set out in the Corporate Plan 2005 -2008

<sup>2</sup> Under the Budget and Policy Framework Procedure Rules

## Terms of Reference

### The Overview and Scrutiny Committee

The Overview and Scrutiny Committee is authorised to carry out the following:

#### Advisory functions

1. To receive and consider reports on
  - the authority's strategic outcomes for the coming year;
  - the authority's performance in relation to the strategic outcomes;
  - details of the executive's Forward Plan;
  - requests for Inquiries from the executive and/or full Council;
  - requests for Inquiries from any other source<sup>3</sup>;
2. To identify areas for Scrutiny Inquiry which appear to the Committee to be necessary to be undertaken and to recommend such Inquiries to the relevant Scrutiny Board.
3. To determine which Scrutiny Board is the appropriate Scrutiny Board in respect of each Plan or Strategy within the Budget and Policy Framework.
4. To develop common practice in relation to the discharge of overview and scrutiny functions.
5. To produce an annual report for Council;

#### Scrutiny functions

1. To exercise the functions of a Scrutiny Board in relation to the strategic outcome<sup>4</sup> **people and culture**, including the following:
  - a) to review or scrutinise the exercise of any Council or Executive function, or any other matter that may affect either or both of the strategic outcomes;
  - b) to make reports or recommendations to Council or the executive in connection with the exercise of any functions of the Council or the executive related to the strategic outcome including proposals for changes to policies and practices;
  - c) to receive and review external audit and inspection reports;
  - d) to act as the appropriate Scrutiny Board<sup>5</sup> in relation to the executive's initial proposals for a plan or strategy within the Budget and Policy Framework;

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<sup>3</sup> Including for example, an external body or individual

<sup>4</sup> as set out in the Corporate Plan 2005-2008

<sup>5</sup> Under the Budget and Policy Framework Procedure Rules

- e) to consider any notice or departmental response reported in accordance with Financial Procedure Rules or Contract Procedure Rules.
- 2 To receive and monitor formal responses to any reports or recommendations made by the Committee.

#### Overview and Scrutiny Function

- 1 To appoint an ad hoc Scrutiny Commission<sup>6</sup> to undertake an Inquiry where the subject of an Inquiry falls within the terms of reference of more than one Scrutiny Board.
- 2 To contribute to the corporate assessment of departmental performance;
- 3 To exercise the functions of a Scrutiny Board where a matter falls within the terms of reference of more than one Scrutiny Board, including the following
- 4 To exercise the functions of a Scrutiny Board in respect of any matter not included within the terms of reference of any other Scrutiny Board;
- 5 To exercise call-in powers in relation to executive decisions made but not implemented;<sup>7</sup>
- 6 To receive and monitor formal responses to any reports or recommendations made by Scrutiny Commissions.

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<sup>6</sup> A Scrutiny Commission will be a sub-committee of the Committee

<sup>7</sup> as set out in section 21(3) of the Local Government Act 2000 and in accordance with the Scrutiny Board Procedure Rules





**LEEDS**  
CITY COUNCIL

# ADDENDUM 1

AGENDA ITEM NO.:
Originator  PN Marrington Tel: 39 51151

**REPORT OF CHIEF DEMOCRATIC SERVICES OFFICER  
CORPORATE GOVERNANCE AND AUDIT COMMITTEE**

**DATE : 10<sup>TH</sup> MAY 2005**

**SUBJECT: OVERVIEW AND SCRUTINY - PROPOSED CHANGES AND  
AMENDMENTS TO THE CONSTITUTION**

<b>Electoral Wards Affected :</b> All	<b>Specific Implications For :</b>
	Ethnic Minorities <input type="checkbox"/>
	Women <input type="checkbox"/>
	Disabled People <input type="checkbox"/>

**1.0 PURPOSE OF THE REPORT**

1.1 This report proposes a redesign of the Overview and Scrutiny Function and details corresponding amendments to the Constitution for consideration at the Annual Meeting of Council on 23<sup>rd</sup> May 2005.

**2.0 AMENDMENTS TO THE OVERVIEW AND SCRUTINY FUNCTION**

2.1 The role of Scrutiny is determined by the Local Government Act 2000. Its statutory role is to:

- Review and develop policy including making policy and budget proposals to the council;
- Hold the executive to account including review of proposed executive decisions and Call In prior to implementation;
- Performance monitoring and review, and;
- Scrutiny of NHS and other outside organisations.

2.2 The ODPM has issued guidance on the operation of Scrutiny.

*“To achieve enhanced accountability and transparency of the decision making process, effective overview and scrutiny is essential. Overview and scrutiny committees are the key element of executive arrangements. Their role should, therefore, include both:*

- *Developing and reviewing policy; and*
- *Holding the executive to account” para 3.15*

*“Overview and Scrutiny Committees should take a cross-cutting rather than narrow service-based view of the conduct of the local authority’s business and therefore the aim should be for local authorities to have, at any given point in time, a relatively small number of such committees” para 3.21*

*“Local authorities are, therefore, encouraged to consider and adopt mechanisms for co-ordinating the work of overview and scrutiny committees. Such mechanisms should be set out clearly in the local authority’s executive arrangements and constitution.” para 3.25*

- 2.3 The recent Corporate Performance Assessment also made the following observation regarding the effectiveness of scrutiny:

*“Other mechanisms are less effective in maintaining a focus on priorities.... the agendas for scrutiny meetings do not reflect a consistent focus on priority issues.”*

- 2.4 Whatever arrangements the Council has in place for its Scrutiny function, it must be able to fulfil the requirements of the 2000 Act and demonstrate that account of the guidance has been taken.

#### Revised Proposal

- 2.5 Given the comments made following the recent Corporate Performance Assessment, and the discussions held throughout the year in relation to the need to focus the work of Scrutiny Boards on matters reflecting the Corporate Plan and the Council’s priorities, this report provides proposals for the redesign of the Overview and Scrutiny function. The model proposal is for there to be multiple scrutiny committees with portfolios aligned to the Strategic Outcomes within the Council’s Corporate Plan plus an Overview and Scrutiny Committee whose role is discussed below.

#### Key Details of the Revised Proposal

- 2.6 The outline of the proposed changes is presented in a revised Article 6 of the Constitution as shown in Appendix A

#### Overview and Scrutiny Committee

- 2.7 It is proposed to redesign the Overview and Scrutiny Committee making it responsible for recommending Inquiries to be undertaken by Scrutiny Boards. In addition it is proposed that Overview and Scrutiny Committee undertake the following functions.
- Scrutinising matters falling within the remit of the Chief Executive’s Department and the Corporate Services Department
  - Scrutiny of the Budget, Corporate Plan and Community Strategy.
  - Receiving requests for Scrutiny
  - Receiving performance management reports

- Cross –cutting issues
- Call In

2.8 The Terms of Reference for this Committee are shown as Appendix B

#### Scrutiny Commissions

2.9 The Overview and Scrutiny Committee would have powers to appoint time limited Scrutiny Commissions to undertake specific cross cutting Inquiries. These would be sub-committees of the Overview and Scrutiny Committee. The Chair of the Commissions would be drawn from the Overview and Scrutiny Committee and other membership from the overall pool of Scrutiny Board Members. It is anticipated that no more than three Scrutiny Commissions would be in operation at any one time to reflect the workload of Members and available officer resources. When established, the Commissions membership will need to reflect the political balance of the Council as a whole.

#### Scrutiny Boards

2.10 It is proposed to establish five Scrutiny Boards aligned to the strategic outcomes of the Corporate Plan 2005 - 2008

- SB Children & Young People
- SB Health and Social Care
- SB Environment & Community Safety
- SB Community Wellbeing
- SB City Development

2.11 The Terms of Reference for these Scrutiny Boards are shown as Appendix C

#### Work Programming

2.12 Scrutiny Boards will determine their own work programmes. However in doing so, Scrutiny Boards will be required to formally consider any Inquiry proposals put before it by the Overview and Scrutiny Committee. Scrutiny Boards will also need to demonstrate how their work programmes contribute to the achievement of corporate priorities and to discuss any Inquiry proposal with the relevant Director and Executive Member.

2.13 In addition, when drawing up their work programmes, Scrutiny Boards will need to be mindful of the available resources required to affect that work programme.

### Briefing Items

- 2.14 It is recognised that Scrutiny Boards value their ability to discuss with officers a range of issues which may not result in a formal Inquiry. There is a balance to achieve between a plethora of reports being submitted on incidents/items which take up considerable Member and officer time and are ultimately only for information, and disconnecting Scrutiny Board Members from activity within their portfolio area.
- 2.15 Therefore Scrutiny Boards will have on their agendas a formal 'Questions and Answer' session. This would provide Scrutiny with the opportunity to have a dialogue with the relevant Corporate Priority Board Chair on issues within their portfolio area which are not formal inquiries, for example, items on the Forward Plan, current issues relating to the delivery of the Strategic outcome, possible ideas for future inquiries etc.

### Call In

- 2.16 The Call In function would be undertaken by Members of the Overview and Scrutiny Committee, with the powers to Call In decisions resting with any two Members of the Overview and Scrutiny Committee representing any two political groups.

### Education Representatives

- 2.17 Regulations issued under the Local Government Act 2000 require that, in addition to elected Members appointed by the Council, an Overview and Scrutiny Committee whose functions relate wholly or in part to any education function which are the responsibility of the Authority's Executive must include voting representations from the Church of England diocese, Roman Catholic diocese and parent governors. The existing five representatives will need to be members of the Overview and Scrutiny Committee as well as Members of the Children and Young People Scrutiny Board.
- 2.18 If the Overview and Scrutiny Committee or Scrutiny Board deals with other matters, these representatives shall not vote on those other matters, though they may stay in the meeting and speak.

### Substitutions

- 2.19 Following 'best practice' advice from the Audit Commission, substitutions would not be allowed on any Scrutiny Board, Commission or on the Overview and Scrutiny Committee.

### Scrutiny Board Procedure Rules

- 2.20 The proposed operational arrangements detailed in paragraphs 2.12 to 2.19 would require the adoption of revised Scrutiny Board Procedure Rules. These are shown as Appendix D. In addition Procedure Rules will be required for the operation of Scrutiny Commissions. These are presented as Appendix E.

- 2.21 Some consequential changes will also be required of the Council Procedure Rules. It is proposed that these minor changes are delegated to the Director of Legal and Democratic Changes.

### Regulation 33

- 2.22 As part of the revised Scrutiny arrangements the Director of Social Services advises that the receipt of Inspection reports on Leeds Children's Homes would be undertaken by her in conjunction with the appropriate Executive Members. This would replace the previous arrangements where the Scrutiny Board (Social Care) undertook this consultative role with the Director.

## **3.0 RECOMMENDATIONS**

- 3.1 Corporate Governance and Audit Committee is asked to consider the proposed changes detailed in appendices A to D and recommend to Council that:
- The Constitutional Amendments to give effect to the redesign of the Overview and Scrutiny Function be approved
  - That the Director of Legal and Democratic Services be given authority to make any consequential changes to the Council Procedure Rules.
  - Note the Director of Social Services intention to exercise her delegated authority, with respect to the receipt of inspection reports on Leeds Children's Homes, in conjunction with the appropriate Executive Members.

**ARTICLE 6 – SCRUTINY BOARDS**

**6.1 ROLE**

The Council will appoint the Scrutiny Boards set out in the left hand column of the table below to exercise functions (conferred by section 21 of the Local Government Act 2000 and in accordance with the Health and Social Care Act 2001<sup>1</sup>) in relation to the matters set out in the right hand column of the table.

<b>Scrutiny Board</b>	<b>Scope</b>
Overview and Scrutiny Committee	Matters relating to the Strategic Outcomes <sup>2</sup> people and culture and transforming our services; and  Matters falling within the terms of reference of more than one Scrutiny Board; and Matters not included within the terms of reference of any other Scrutiny Board
Scrutiny Board (Environment and Community Safety)	Matters relating to the Strategic Outcome <sup>3</sup> that within Leeds all neighbourhoods are safe, clean, green and well maintained.
Scrutiny Board (Community Wellbeing)	Matters relating to the Strategic Outcome <sup>4</sup> that within Leeds all communities are thriving and harmonious places where people are happy to live.
Scrutiny Board (Children and Young People)	Matters relating to the Strategic Outcome <sup>5</sup> that within Leeds, our children and young people are healthy, safe and successful.
Scrutiny Board (Health and Social Care)	Matters relating to the health service in the authority's area <sup>6</sup> ; and Matters relating to the Strategic Outcome <sup>7</sup> that at each stage of life, people are able to live healthy, fulfilling lives; and
Scrutiny Board (City Development)	Matters relating to the Strategic Outcome <sup>8</sup> that Leeds is a highly competitive, international city.

<sup>1</sup> The Health and Social Care Act 2001 introduced new powers for authorities that hold responsibility for social services to review and scrutinise the operation of the health service in their areas and make reports and recommendations to NHS bodies.

<sup>2</sup> set out in the Corporate Plan 2005 -2008

<sup>3</sup> set out in the Corporate Plan 2005 -2008

<sup>4</sup> set out in the Corporate Plan 2005 -2008

<sup>5</sup> set out in the Corporate Plan 2005 -2008

<sup>6</sup> in accordance with the Local Authority (Overview and Scrutiny Committees Health Scrutiny Functions) Regulations 2002 as amended

<sup>7</sup> set out in the Corporate Plan 2005 -2008

<sup>8</sup> set out in the Corporate Plan 2005 -2008

## 6.2 SCRUTINY COMMISSIONS

Where the subject of an Inquiry falls within the terms of reference of more than one Scrutiny Board, the Overview and Scrutiny Committee may appoint an ad hoc Scrutiny Commission<sup>9</sup> to undertake the Inquiry.

## 6.3 GENERAL FUNCTIONS

Within their terms of reference<sup>10</sup>, all Scrutiny Boards will

- review or scrutinise the exercise of any function of the Council or Executive;
- make reports or recommendations to Council or the executive in connection with the exercise of any functions of the Council or the executive;
- make reports or recommendations to the Council or the executive on any matter affecting the area or its inhabitants;

The Overview and Scrutiny Committee will exercise the right to call-in decisions made but not yet implemented by the executive, for reconsideration.

The Scrutiny Board (Health and Social Care) will also:

- review or scrutinise any matter relating to the planning, provision and operation of health services in the authority's area;
- make reports and recommendations to local NHS bodies<sup>11</sup> and to the Council or the executive on any matter reviewed or scrutinised by it; and
- be consulted by local NHS body<sup>12</sup>

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<sup>9</sup> A Commission will be a sub-committee of the Overview and Scrutiny Committee

<sup>10</sup> Terms of reference are set out in Part 3 of the Constitution

<sup>11</sup> NHS bodies in Leeds include the 5 Primary Care Trusts, the Leeds Teaching Hospitals NHS Trust, the Leeds Mental Health Teaching NHS Trust and the West Yorkshire Strategic Health Authority

<sup>12</sup> in accordance with the Local Authority (Overview and Scrutiny Committees Health Scrutiny Functions) Regulations 2002 as amended

## 6.4 **SPECIFIC ROLES**

### **Policy development and review**

All Scrutiny Boards may:

- assist the Council and the executive in the development of the Budget and Policy Framework by in-depth analysis of policy issues;
- conduct research, community and other consultation in the analysis of policy issues and possible options;
- consider and implement mechanisms to encourage and enhance community participation in the development of policy options;
- question members of the executive and Directors about their views on issues and proposals affecting the area; and
- liaise with other external organisations operating in the area, whether national, regional or local, to ensure that the interests of local people are enhanced by collaborative working.

### **Scrutiny**

All Scrutiny Boards may:

- review and scrutinise the decisions made by and performance of the executive and/or committees and officers both in relation to individual decisions and over time;
- review and scrutinise the performance of the Council and the executive in relation to policy objectives, performance targets and/or particular service areas;
- question Members of the executive and/or committees and Directors 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;
- make recommendations to the executive and/or appropriate committees and/or Council arising from the outcome of the scrutiny process;
- review and scrutinise the performance of other public bodies in the area and invite reports from them by requesting them to address the Scrutiny Board and local people about their activities and performance; and
- question and gather evidence.



The Scrutiny Board (Health and Social Care) may also review or scrutinise:

- arrangements made by local NHS bodies to secure hospital and community health services to the inhabitants of the authority's area;
- the provision of such services to those inhabitants;
- the provision of family health services (Primary Care Trusts), personal medical services, personal dental services, pharmacy and NHS ophthalmic services;
- the public health, health protection and specialist health promotion arrangements in the area;
- the planning of health services by NHS bodies, including plans made in co-operation with local authorities setting out a strategy for improving both the health of the local population and the provision of health care to that population;
- the arrangements made by NHS bodies for consulting and involving patients and the public<sup>13</sup>;

and make recommendations to the local NHS bodies arising from the outcome of the scrutiny process.

### **Annual Report**

The Overview and Scrutiny Committee will produce an annual report for Council about the work of the Scrutiny function.

## **6.5 FINANCE**

The Proper Officer<sup>14</sup> shall exercise overall responsibility for the finances made available to the Scrutiny Boards.

## **6.6 OFFICERS**

The Proper Officer shall exercise overall responsibility for the work programme of the Officers employed to support the work of the Scrutiny Boards.

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<sup>13</sup> under the duty placed on them by Section 11 of the Health and Social Care Act 2001

<sup>14</sup> This Officer is the Scrutiny Support Manager

## 6.7 PROCEEDINGS

Scrutiny Boards<sup>15</sup> will conduct their proceedings in accordance with the Scrutiny Board Procedure Rules set out in Part 4 of this Constitution.

## 6.8 CO-OPTED MEMBERS

### Education Representatives

The following shall be appointed as voting representatives on each relevant Scrutiny Board dealing with educational matters<sup>16</sup>:

- a) For a term of office which does not go beyond the next Annual Meeting of the Council:
  - one Church of England diocese representative;
  - one Roman Catholic diocese representative.
  
- b) For a four year term of office:
  - three parent governor representatives.

If the relevant Scrutiny Board deals with other matters, these representatives shall not vote on those other matters. They may stay in the meeting and speak.

### Additional co-opted Members

The following may be appointed to each Scrutiny Board<sup>17</sup>:

- a) For a term of office which does not go beyond the next Annual Meeting of the Council:
  - Up to five **non-voting** co-opted Members.
  
- b) For a term of office which relates to a particular Scrutiny Inquiry:
  - Up to two **non-voting** co-opted Members.

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<sup>15</sup> Scrutiny Commissions will conduct their proceedings in accordance with the Scrutiny Commission Procedure Rules in Part 5 of the Constitution

<sup>16</sup> A Scrutiny Board is a relevant Scrutiny Board where the Board's functions relate wholly or in part to any education functions which are the responsibility of the authority's executive

<sup>17</sup> Co-option would normally only be appropriate where the co-opted Member has some specialist skill or knowledge, which would be of assistance to the Scrutiny Board.

## Terms of Reference

### The Overview and Scrutiny Committee

The Overview and Scrutiny Committee is authorised to carry out the following:

#### Advisory functions

1. To receive and consider reports on
  - the authority's strategic outcomes for the coming year;
  - the authority's performance in relation to the strategic outcomes;
  - details of the executive's Forward Plan;
  - requests for Inquiries from the executive and/or full Council;
  - requests for Inquiries from any other source<sup>1</sup>;
2. To identify areas for Scrutiny Inquiry which appear to the Committee to be necessary to be undertaken and to recommend such Inquiries to the relevant Scrutiny Board.
3. To determine which Scrutiny Board is the appropriate Scrutiny Board in respect of each Plan or Strategy within the Budget and Policy Framework.
4. To develop common practice in relation to the discharge of overview and scrutiny functions.
5. To produce an annual report for Council;

#### Scrutiny functions

1. To exercise the functions of a Scrutiny Board in relation to the strategic outcomes<sup>2</sup> **people and culture** and **transforming our services**, including the following:
  - a) to review or scrutinise the exercise of any Council or Executive function, or any other matter that may affect either or both of the strategic outcomes;
  - b) to make reports or recommendations to Council or the executive in connection with the exercise of any functions of the Council or the executive related to the strategic outcome including proposals for changes to policies and practices;
  - c) to receive and review external audit and inspection reports;

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<sup>1</sup> Including for example, an external body or individual

<sup>2</sup> as set out in the Corporate Plan 2005-2008

- d) to act as the appropriate Scrutiny Board<sup>3</sup> in relation to the executive's initial proposals for a plan or strategy within the Budget and Policy Framework;
  - e) to consider any notice or departmental response reported in accordance with Financial Procedure Rules or Contract Procedure Rules.
- 2 To receive and monitor formal responses to any reports or recommendations made by the Committee.

#### Overview and Scrutiny Function

- 1 To appoint an ad hoc Scrutiny Commission<sup>4</sup> to undertake an Inquiry where the subject of an Inquiry falls within the terms of reference of more than one Scrutiny Board.
- 2 To contribute to the corporate assessment of departmental performance;
- 3 To exercise the functions of a Scrutiny Board where a matter falls within the terms of reference of more than one Scrutiny Board, including the following
- 4 To exercise the functions of a Scrutiny Board in respect of any matter not included within the terms of reference of any other Scrutiny Board;
- 5 To exercise call-in powers in relation to executive decisions made but not implemented;<sup>5</sup>
- 6 To receive and monitor formal responses to any reports or recommendations made by Scrutiny Commissions.

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<sup>3</sup> Under the Budget and Policy Framework Procedure Rules

<sup>4</sup> A Scrutiny Commission will be a sub-committee of the Committee

<sup>5</sup> as set out in section 21(3) of the Local Government Act 2000 and in accordance with the Scrutiny Board Procedure Rules

## **Contents**

### Terms of Reference:

- Scrutiny Board Children & Young People
- Scrutiny Board Health and Social Care
- Scrutiny Board Environment & Community Safety
- Scrutiny Board Community Wellbeing
- Scrutiny Board City Development

## **Scrutiny Board (Children and Young People)**

### **Terms of Reference**

1. To exercise the functions of a Scrutiny Board in relation to the strategic outcome<sup>1</sup> **our children and young people are healthy, safe and successful** including the following:
  - a) To review or scrutinise the exercise of any Council or Executive function, or any other matter, that may affect the strategic outcome, having regard to any recommendation of the Overview and Scrutiny Committee;
  - b) To make reports or recommendations to Council or the executive in connection with the exercise of any functions of the Council or the executive related to the strategic outcome including proposals for changes to policies and practices;
  - c) To receive and review external audit and inspection reports;
  - d) To act as the appropriate Scrutiny Board<sup>2</sup> in relation to the executive's initial proposals for a plan or strategy within the Budget and Policy Framework.
2. To receive and monitor formal responses to any reports or recommendations made by the Board.

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<sup>1</sup> set out in the Corporate Plan 2005 -2008

<sup>2</sup> Under the Budget and Policy Framework Procedure Rules



## **Scrutiny Board (Health and Social Care)**

### **Terms of Reference**

#### **Health Service Scrutiny<sup>1</sup>**

1. To review any matter relating to the planning, provision and operation of health services within the framework set out below:
  - arrangements made by local NHS bodies<sup>2</sup> and the Council to secure hospital and community health and health related services to the inhabitants of the authority's area;
  - the provision of such services to those inhabitants;
  - the provision of family health services (Primary Care Trusts), personal medical services personal dental services, pharmacy and NHS ophthalmic services;
  - the public health arrangements in the area; e. g. arrangements by local NHS bodies for the surveillance of, and response to, outbreaks of communicable disease or the provision of specialist health promotion services;
  - the planning of health and health related services by local NHS bodies and the Council, including plans made in co-operation with partners for setting out a strategy for improving both the health of the local population and the provision of health care to that population;
  - the arrangements made by local NHS bodies and the Council for consulting and involving patients and the public under the duty placed on them by Section 11 of the Health and Social Care Act 2001;
  - any proposals for a substantial development or variation of health services within the authority's area.
2. To consider such proposals as are referred to it by local NHS bodies and the Council and to report back the result of its considerations to the referring body and others as appropriate.
3. To review how and to what effect health policy is being implemented, and health improvement achieved, by the Council and local NHS bodies and to make reports and recommendations as appropriate.

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<sup>1</sup> Under the Local Authority (Overview and Scrutiny Committees Health Scrutiny Functions) 2002 as amended.

<sup>2</sup> in Leeds this means the 5 Primary Care Trusts, the Leeds Teaching Hospitals NHS Trust, the Leeds Mental Health Teaching NHS Trust and West Yorkshire Strategic Health Authority



4. To receive representations from area Committees or relevant groups of interest and to report to the Council and local NHS Bodies as appropriate.
5. In relation to matters in respect of which a local NHS body consults more than one scrutiny committee within its area, or in relation to matters which a number of West Yorkshire Metropolitan Councils elect to jointly scrutinise a function or service provided by the NHS body to;
  - i) nominate members to a joint committee, such nominations to reflect the political balance of the Board;
  - (ii) delegate its scrutiny functions to another local authority.

Other Scrutiny Functions:

6. In relation to any matter which does not fall within paragraphs 1-5 above, to exercise the functions of a Scrutiny Board in relation to the strategic outcome<sup>3</sup> **that at each stage of life, people are able to live healthy, fulfilling lives** including the following:
  - a) To review or scrutinise the exercise of any Council or Executive function, or any other matter, that may affect the strategic outcome, having regard to any recommendation of the Overview and Scrutiny Committee;
  - b) To make reports or recommendations to Council or the executive in connection with the exercise of any functions of the Council or the executive related to the strategic outcome including proposals for changes to policies and practices;
  - c) To receive and review external audit and inspection reports;
  - d) To act as the appropriate Scrutiny Board<sup>4</sup> in relation to the executive's initial proposals for a plan or strategy within the Budget and Policy Framework.
7. To receive and monitor formal responses to any reports or recommendations made by the Board.

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<sup>3</sup> set out in the Corporate Plan 2005 -2008

<sup>4</sup> Under the Budget and Policy Framework Procedure Rules

## **Scrutiny Board (Environment and Community Safety)**

### **Terms of Reference**

1. To exercise the functions of a Scrutiny Board in relation to the strategic outcome<sup>1</sup> **all neighbourhoods are safe, clean, green and well maintained** including the following:
  - a) To review or scrutinise the exercise of any Council or Executive function, or any other matter, that may affect the strategic outcome, having regard to any recommendation of the Overview and Scrutiny Committee;
  - b) To make reports or recommendations to Council or the executive in connection with the exercise of any functions of the Council or the executive related to the strategic outcome including proposals for changes to policies and practices;
  - c) To receive and review external audit and inspection reports;
  - d) To act as the appropriate Scrutiny Board<sup>2</sup> in relation to the executive's initial proposals for a plan or strategy within the Budget and Policy Framework.
2. To receive and monitor formal responses to any reports or recommendations made by the Board.

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<sup>1</sup> set out in the Corporate Plan 2005 -2008

<sup>2</sup> Under the Budget and Policy Framework Procedure Rules

## **Scrutiny Board (Community Wellbeing)**

### **Terms of Reference**

1. To exercise the functions of a Scrutiny Board in relation to the strategic outcome<sup>1</sup> **all communities are thriving and harmonious places where people are happy to live** including the following:
  - a) To review or scrutinise the exercise of any Council or Executive function, or any other matter, that may affect the strategic outcome, having regard to any recommendation of the Overview and Scrutiny Committee;
  - b) To make reports or recommendations to Council or the executive in connection with the exercise of any functions of the Council or the executive related to the strategic outcome including proposals for changes to policies and practices;
  - c) To receive and review external audit and inspection reports;
  - d) To act as the appropriate Scrutiny Board<sup>2</sup> in relation to the executive's initial proposals for a plan or strategy within the Budget and Policy Framework.
2. To receive and monitor formal responses to any reports or recommendations made by the Board.

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<sup>1</sup> set out in the Corporate Plan 2005 -2008

<sup>2</sup> Under the Budget and Policy Framework Procedure Rules

## **Scrutiny Board (City Development)**

### **Terms of Reference**

1. To exercise the functions of a Scrutiny Board in relation to the strategic outcome<sup>1</sup> **Leeds as a highly competitive international city** including the following:
  - a) To review or scrutinise the exercise of any Council or Executive function, or any other matter, that may affect the strategic outcome, having regard to any recommendation of the Overview and Scrutiny Committee;
  - b) To make reports or recommendations to Council or the executive in connection with the exercise of any functions of the Council or the executive related to the strategic outcome including proposals for changes to policies and practices;
  - c) To receive and review external audit and inspection reports;
  - d) To act as the appropriate Scrutiny Board<sup>2</sup> in relation to the executive's initial proposals for a plan or strategy within the Budget and Policy Framework.
2. To receive and monitor formal responses to any reports or recommendations made by the Board.

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<sup>1</sup> set out in the Corporate Plan 2005 -2008

<sup>2</sup> Under the Budget and Policy Framework Procedure Rules

# **SCRUTINY BOARD PROCEDURE RULES**

Contact Name

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To change the document

Full Council

## SCRUTINY BOARD PROCEDURE RULES

### 1. GENERAL ARRANGEMENTS

1.1 The Council will have the Scrutiny Boards<sup>1</sup> set out in Article 6 of its Constitution. It will appoint to them as it considers appropriate from time to time

1.2 No Scrutiny Board<sup>2</sup> may include an Executive Board Member.

#### 1.3 Working Groups

A Scrutiny Board may appoint a Working Group as it feels appropriate and necessary to assist in ensuring the effectiveness and efficiency of its work<sup>3</sup>.

#### 1.4 Co-opted Members

##### Education Representatives

The Scrutiny Board (Children and Young People shall select education representatives in accordance with Article 6 of the Constitution.

Any education representative appointed in accordance with Article 6 of the Constitution, shall serve as an education representative on all relevant Scrutiny Boards<sup>4</sup>

Each Scrutiny Board shall also be entitled to select non-voting co-opted Members to assist in the discharge of the Board's role, in accordance with Article 6 of the Constitution.

Except as set out in Article 6, co-opted Members may participate in the debate in the same way as Elected Members, but have no voting rights.

#### 1.5 Scrutiny Commissions

Where the subject of an Inquiry falls within the terms of reference of more than one Scrutiny Board then the Overview and Scrutiny Committee may appoint a Scrutiny Commission to undertake the Inquiry.

The appointment of a Scrutiny Commission and its proceedings will be in accordance with Article 6 and the Scrutiny Commission Procedure Rules.

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<sup>1</sup> References to a Scrutiny Board in this procedure include the Overview and Scrutiny Committee, unless the context requires otherwise.

<sup>2</sup> Or Scrutiny Commission

<sup>3</sup> These must be appointed to carry out specific tasks such as visits to premises or other information gathering activities. The Scrutiny Board Procedure Rules Guidance Note provides guidance on Working Groups.

<sup>4</sup> A Scrutiny Board is a relevant Scrutiny Board where the Board's functions relate wholly or in part to any education functions which are the responsibility of the authority's executive.

## **2. DECLARATIONS OF INTEREST**

- 2.1 Elected Members and voting co-opted members of Scrutiny Boards must observe the authority's code of conduct.
- 2.2 Where any non-voting co-opted member of a Scrutiny Board has an interest in an item, he/she must declare the interest and may be required by the Chair of the Scrutiny Board to withdraw from the meeting at which that issue is under discussion.
- 2.3 The Scrutiny Board (Health and Social Care) may include members who are involved in the executive of a particular NHS body<sup>5</sup>, as a member or an employee. Where such a member has a conflict of interest, they must declare an interest and must not participate in any Inquiry or consultation process which concerns that NHS body. In addition Scrutiny Board (Health and Social Care) members may not be involved in any scrutiny exercise that may advantage the NHS body where they have an interest.

## **3. FREQUENCY AND PLACE OF MEETINGS OF THE SCRUTINY BOARDS**

- 3.1 There shall normally be 10 Ordinary Meetings of each Scrutiny Board in each municipal year. In addition, extraordinary meetings may be called from time to time as and when appropriate.
- 3.2 A Scrutiny Board meeting may be called by
- the Chair of the relevant Scrutiny Board; or
  - any three Members of the Board; or
  - the Proper Officer if he/she considers it necessary or appropriate.
- 3.3 A Scrutiny Board may sit at such place and at such time as it considers necessary and appropriate.

## **4. QUORUM**

- 4.1 The quorum for a Scrutiny Board shall be as set out for committees in the Council Procedures Rules in Part 4 of this Constitution.
- 4.2 There is no provision for substitute Members on Scrutiny Boards.

## **5. NOTICES OF MEETINGS**

- 5.1 Notices for all meetings of a Scrutiny Board shall be issued from the office of the Chief Executive. No matter shall be considered at such meeting without the prior agreement of the Chief Executive who shall first have been provided with any written report or with full details of any intended verbal report.

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<sup>5</sup> In Leeds this means the 5 Primary Care Trusts, the Leeds Teaching Hospitals NHS Trust, the Leeds Mental Health Services Teaching NHS Trust and the West Yorkshire Strategic Health Authority.

## **6. ADMISSION TO MEETINGS**

- 6.1 Subject to any statutory prohibitions and to sub-paragraph 6.2 below, all meetings of a Scrutiny Board shall be open to the public in accordance with the Access to Information Procedure Rules. This shall be without prejudice to any power of exclusion to suppress or prevent disorderly conduct or other misbehaviour at a meeting.
- 6.2 A Scrutiny Board may resolve to exclude the press and public from a meeting (whether the whole or part only of the proceedings) by passing a resolution under the Access to Information Procedure Rules.

## **7 MINUTES**

- 7.1 All meetings of each Scrutiny Board shall be minuted.
- 7.2 All oral evidence given to a Scrutiny Board shall be recorded in full, either in writing or by such other method (such as tape recording) as shall appear to the Scrutiny Board to be appropriate.
- 7.3 The tapes of oral evidence must be kept for an appropriate period of time to be determined in each case.<sup>6</sup>

## **8 CHAIRS**

- 8.1 The Chair of a Scrutiny Board will be appointed in accordance with the Council's Procedure Rules.

## **9 RIGHTS OF SCRUTINY BOARD MEMBERS TO DOCUMENTS**

- 9.1 In addition to their rights as councillors, Members on a Scrutiny Board have additional rights to documents as set out in the Access to Information Procedure Rules in Part 4 of this Constitution.
- 9.2 When a Scrutiny Board conducts an Inquiry, every member of the Scrutiny Board<sup>7</sup> shall have a right of access to any documents which are relevant to the subject matter of the Inquiry.<sup>8</sup>
- 9.3 Nothing in the above paragraph prevents more detailed liaison between the executive and a Scrutiny Board as appropriate depending on the particular matter under consideration.

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<sup>6</sup> The Scrutiny Board Procedure Rules Guidance Note provides guidance on the use of taped evidence to Scrutiny Boards

<sup>7</sup> Information received as a member of a Scrutiny Board should be used only in this capacity. Such information should not for example be used by an elected Member to further their ward work.

<sup>8</sup> The Protocol for Elected Member/Education Leeds Relations sets out rights of access to information relating to the activity of Education Leeds. Rights of access are subject to the Data Protection Act 1998.



## **10 AGENDA ITEMS**

10.1 A Scrutiny Board shall as a minimum consider the following business at an Ordinary Meeting:

- Appeals against refusal of inspection of Documents;
- Exclusion of Public;
- Late Items;
- Declarations of interest;
- Apologies for absence;
- Minutes of the last meeting;
- Minutes of the last meeting of the Overview and Scrutiny Committee;
- Questions for the relevant Director.
- The Scrutiny Board's work programme;
- The business otherwise set out on the Agenda for the meeting.

## **11 QUESTIONS TO THE DIRECTOR**

11.1 The appropriate Director or their nominees will attend each Ordinary Meeting of each Scrutiny Board, to provide the Scrutiny Board with the opportunity to discuss a range of issues which may not result in an Inquiry<sup>9</sup>.

11.2 Where possible, members of a Scrutiny Board are expected to give an indication of matters to be raised to the Proper Officer before the meeting, for the Proper Officer to pass to the Director.

11.3 Officers will not be expected to provide written papers for this agenda item.

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<sup>9</sup> for example items on the Forward Plan, or current issues relating to the delivery of the strategic outcomes in the Corporate Plan.

## 12 INQUIRIES

### General

12.1 No Scrutiny Board may undertake an Inquiry into:

- any decision of a Regulatory Panel or the Licensing Committee<sup>10</sup> or a Licensing sub-committee;
- any decisions which may be appealed against to a Regulatory Panel;
- any decision taken by an officer under delegated authority which falls within the terms of reference of a Regulatory Panel or the Licensing Committee<sup>11</sup> or a Licensing Sub-Committee;
- any decision taken prior to 24 May 1999<sup>12</sup>, except where such a decision has influenced to a significant degree any action or decision taken subsequently to 24 May 1999 which is the subject of an Inquiry;
- except in exceptional circumstances, any decision in respect of which there are:
  - ongoing judicial proceedings; or
  - an Ombudsman or audit inquiry; or
  - a complaint under the Council's formal complaints procedure.<sup>13</sup>

#### Inquiries requested by the executive or Council

12.2 Where the executive or Council resolves to recommend that an Inquiry should be undertaken into a particular matter, the Proper Officer shall add this recommendation to the Agenda for the next Ordinary Meeting of the Overview and Scrutiny Committee or relevant Scrutiny Board. Where a Scrutiny Board decides not to undertake an Inquiry recommended by the executive or Council, the reasons for the decision shall be minuted by the Scrutiny Board.

#### Inquiries requested by a member of a Scrutiny Board

12.3 Any member of a Scrutiny Board may propose an Inquiry be undertaken into a particular matter. The Scrutiny Board will then consider whether to undertake the Inquiry. In doing so, it shall take into account the wishes of all members of that Board including those who are not Members of the political group(s) forming the Council's administration on the Council.

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<sup>10</sup> In respect of a licence or permission granted to an individual or in respect of an individual premises

<sup>11</sup> In respect of a licence or permission granted to an individual or in respect of an individual premises

<sup>12</sup> This was the date of the commencement of scrutiny arrangements in Leeds.

<sup>13</sup> It might be appropriate for a Scrutiny Board to conduct an Inquiry at the conclusion of any of the proceedings referred to. For example it could investigate why proceedings were started. Such an Inquiry should not however act as an appeal against those proceedings.

- 12.4 Before deciding to undertake such an Inquiry, a Scrutiny Board must:
- consider how the proposed Inquiry meets criteria approved from time to time by the Overview and Scrutiny Committee<sup>14</sup>; and
  - consider the current workload of the Scrutiny Board and the available resources required to carry out the work; and
  - consult with any relevant Director and Executive Member.

Requests for Inquiries from other sources

- 12.5 The Overview and Scrutiny Committee shall consider a request from any other source to conduct an Inquiry<sup>15</sup>.
- 12.6 All such requests for an Inquiry must be submitted in writing to the Proper Officer. The Proper Officer shall add the request to the Agenda for the next Ordinary Meeting of the Overview and Scrutiny Committee.
- 12.7 The Proper Officer shall acknowledge all such requests for an Inquiry.

Consideration of requests by the Overview and Scrutiny Committee

- 12.8 At the next Ordinary Meeting, the Overview and Scrutiny Committee shall consider any request for an Inquiry which the Proper Officer has added to the Agenda.
- 12.9 Where the request has not come from the executive or the Council, the person or body making the request will be invited to attend the Committee's meeting to explain the reasons for their request. The Committee Chair will decide how much time will be given to the person or body for addressing the Committee.
- 12.10 In respect of each request, the Overview and Scrutiny Committee shall determine
- how the proposed Inquiry meets criteria approved from time to time by the Overview and Scrutiny Committee<sup>16</sup>;
  - whether the Inquiry can be adequately resourced;
  - whether an Inquiry should be undertaken; and
  - if so:
    - the appropriate Scrutiny Board to undertake the Inquiry, or
    - whether a Scrutiny Commission should be appointed to undertake the Inquiry.
- 12.11 The Proper Officer will inform whoever submitted the request and any other relevant parties about the decision of the Overview and Scrutiny Committee.<sup>17</sup>

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<sup>14</sup> See further Scrutiny Board Procedure Rules Guidance Notes

<sup>15</sup> Except in exceptional circumstances, the Proper Officer will not refer requests which relate solely to the interests of one individual or company to the Committee for consideration, and will refer requests relating to matters of purely local concern to the relevant Area Committee.

<sup>16</sup> See further Scrutiny Board Procedure Rules Guidance Notes

<sup>17</sup> Other parties may include relevant Council Departments and Area Committees.

## Inquiries recommended by the Overview and Scrutiny Committee

12.12 Where the Overview and Scrutiny Committee recommends to a Scrutiny Board that they undertake an Inquiry into a particular matter, the Proper Officer shall add this recommendation to the Agenda for the next Ordinary Meeting of the relevant Scrutiny Board. Where a Scrutiny Board decides not to undertake an Inquiry recommended by Overview and Scrutiny Committee, the reasons for this decision shall be minuted by the Scrutiny Board.

### **13 CONDUCT OF INQUIRIES**

13.1 Where a Scrutiny Board decides that there shall be an Inquiry, the Scrutiny Board<sup>18</sup> shall

- agree the Terms of Reference of the Inquiry;
- agree the period within which the Inquiry's Report is to be completed;
- compile a preliminary list of witnesses from whom the Scrutiny Board require evidence<sup>19</sup>;
- compile a preliminary list of documents which the Scrutiny Board require to be produced.

### **14 WITNESSES – GENERAL PRINCIPLES**

14.1 Where a Scrutiny Board wishes to take evidence from a witness, the Proper Officer shall notify the witness of:-

- the date upon which their evidence is to be taken;
- the matters upon which evidence is sought;
- any documents that the Scrutiny Board wishes to have produced; and
- the date upon which the Board requires any written evidence from the witness.

14.2 Those assisting the Scrutiny Board by giving evidence shall be treated with respect and courtesy<sup>20</sup>.

### **15 MEMBERS AND OFFICERS GIVING ACCOUNT**

15.1 In its exercise of overview and scrutiny functions, a Scrutiny Board may require any Executive Member, the Chief Executive and/or any senior officer to attend before it to provide information about

- any particular decisions or series of decisions;
- the extent to which actions taken implement Council policy; and/or
- their performance.

15.2 It is the duty of those officers and Members to attend.

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<sup>18</sup> The Scrutiny Commission Procedure Rules apply where the Co-ordinating Overview and Scrutiny Committee has decided that an Inquiry should be undertaken by a Scrutiny Commission.

<sup>19</sup> As an Inquiry proceeds it may become apparent that further witnesses are required

<sup>20</sup> see further Member/Officer Protocol in Part 5 of the Constitution.

- 15.3 The Chair of a Scrutiny Board will inform the Proper Officer if the Scrutiny Board requires any Member (including an Executive Member) or officer to attend a Scrutiny Board under this provision. The Proper Officer shall inform the Member or officer of this, giving at least 7 working days notice of the meeting at which he/she is required to attend.
- 15.4 The notice will state:
- the nature of the item on which he/she is required to attend to give account; and
  - whether the Scrutiny Board requires him/her to produce any documents or reports.
- 15.5 Where the Scrutiny Board requires the person to produce a report, then the Proper Officer will give the Member or officer concerned sufficient notice to prepare it.
- 15.6 The Chair of the Scrutiny Board will inform the Proper Officer where a Scrutiny Board requires a Director to attend a Scrutiny Board in person. The Proper Officer shall inform the Director giving at least 7 working days notice of the meeting he/she is required to attend.
- 15.7 Directors may be accompanied by any other officer the Director feels appropriate.
- 15.8 Where the Scrutiny Board does not require a Director to attend in person, he/she will be responsible for ensuring that an officer of sufficient knowledge and requisite seniority attends. Any such witness may be accompanied by such adviser(s) as he/she considers necessary.
- 15.9 Where, in exceptional circumstances, the Member or officer is unable to attend on the required date, then the Proper Officer shall, in consultation with the Chair of the Scrutiny Board and the Member or officer, arrange an alternative date for attendance, or agree an appropriate substitute.

#### Health Scrutiny Functions

- 15.10 A Scrutiny Board may require an officer of a local NHS body to attend and answer such questions as appear to the Commission to be necessary for discharging its functions<sup>21</sup>.
- 15.11 An NHS body must provide the Scrutiny Commission with such information about the planning, provision and operation of health services in the area as the Commission shall reasonably require in order to discharge its functions<sup>22</sup>

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<sup>21</sup> -" in accordance with Regulation 10 Local Authorities (Overview and Scrutiny Committees Health Scrutiny Functions) Regs 2002 as amended. Officer includes a Chief Executive

<sup>22</sup> "in accordance with Regulation 5 Local Authorities (Overview and Scrutiny Committees Health Scrutiny Functions) Regs 2002 as amended..

## **16 ATTENDANCE BY OTHERS**

- 16.1 A Scrutiny Board may invite people other than Members or officers to address it, discuss issues of local concern and/or answer questions.<sup>23</sup>
- 16.2 A Scrutiny Board may appoint advisers and assessors to assist them in the inquiry.

## **17 REPORTS AND RECOMMENDATIONS**

- 17.1 At the conclusion of an Inquiry a Scrutiny Board shall, where it considers it to be appropriate, produce a written Report summarising the evidence that it has taken and setting out its recommendations.
- 17.2 The Board shall submit its Report to the Proper Officer for consideration by the executive (if the proposals are consistent with the existing Budget and Policy framework), or to the Council as appropriate. The Scrutiny Board (Health and Social Care)
- 17.3 Where a Scrutiny Board is considering making specific recommendations to the Executive Board it shall invite advice from the appropriate Director(s) prior to it finalising its recommendations. The detail of that advice shall be attached to the Report.
- 17.4 The Report shall include:
- An explanation of the matter reviewed or scrutinised;
  - A summary of the evidence considered;
  - a list of the participants involved in the review or scrutiny (save where the Board considers that a name of a witness should be withheld for reasons of confidentiality)<sup>24</sup> ;
  - a list of all documentation that has been considered by the Board.; and
  - Any conclusions recommendations on the matter reviewed or scrutinised.
- 17.5 The Scrutiny Board should note whether any documents contain exempt or confidential information on the list of documents.<sup>25</sup>

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<sup>23</sup> It may for example wish to hear from residents, stakeholders and Members and officers in other parts of the public sector and shall invite such people to attend.

<sup>24</sup> Where it is necessary to preserve the confidentiality of a witness their name need not be disclosed nor where the evidence which they gave amounted to exempt information need this be disclosed if it would breach the witness's confidentiality.

<sup>25</sup> In order to preclude inadvertent disclosure of any such document.

- 17.6 Where any voting Member of the Scrutiny Board does not agree with the content of the Board's Report, they may produce a Minority Report setting out their findings and recommendations. The Minority Report will be an appendix to the Scrutiny Board's Report.<sup>26</sup>
- 17.7 The Council, the Executive Board, Area Committees or officers shall consider a Report of a Scrutiny Board within two months of it being submitted to the Proper Officer.

#### Health Service Scrutiny Functions

- 17.8 The Scrutiny Board (Health and Social Care) may make specific recommendations to a local NHS body.
- 17.9 Where the Scrutiny Board (Health and Social Care) has completed its scrutiny and made reports and recommendations to local NHS bodies scrutinised, the Proper Officer will copy the report to:
- Local MPs and MEPs;
  - West Yorkshire Strategic Health Authority;
  - PCTs and other NHS Trusts;
  - Leeds Voice;
  - Patient and public involvement forums; and
  - Other bodies or organisations that have expressed an interest in the Inquiry.
- 17.10 The Proper Officer will place a copy of the report in local libraries, and on the Council's web-site.

### **18 RESPONSE TO REPORTS AND RECOMMENDATIONS**

- 18.1 Where a Scrutiny Board has sent a Report to a body, the body concerned will be asked to send its response to the Board within 2 months<sup>27</sup> of receipt of the Report.
- 18.2 The body should set out in response to the recommendations made:
- the views of the body; and
  - proposed action and timescales; or
  - reasons for inaction.
- 18.3 In the case of responses from NHS bodies the response should also be copied to:
- Local MPs and MEPs;
  - West Yorkshire Health Authority;
  - PCTs and other NHS Trusts;
  - Leeds Voice;
  - Patient and public involvement forums and
  - Other bodies or organisations that have expressed an interest in the Inquiry.

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<sup>26</sup> The Scrutiny Board Procedure Rules Guidance Note provides guidance on Minority Reports

<sup>27</sup> For NHS Bodies this time limit is 28 days (the Local Authority (Overview and Scrutiny Committee Health Scrutiny Functions) Regulations 2002).

18.4 The Proper Officer will also place a copy of the response in local libraries, and on the Council's web-site.

## **19 POLICY REVIEW AND DEVELOPMENT**

19.1 The role of the Scrutiny Boards in the development of the Council's Budget and Policy framework is set out in the Budget and Policy Framework Procedure Rules.

19.2 In relation to the development of plans and strategies which are not part of the authority's Budget and Policy framework, a Scrutiny Board may hold an Inquiry to investigate the available options for policy development.

## **20 EXECUTIVE DECISIONS OUTSIDE THE BUDGET OR POLICY FRAMEWORK**

20.1 The Director of the relevant department shall seek the agreement of the Chair of the relevant Scrutiny Board that a decision can be taken as a matter of urgency where;

- a proposed decision is contrary to the Council's policy framework, or is not wholly in accordance with the budget approved by full Council; and
- the decision is a matter of urgency; and
- it is not practical to convene a quorate meeting of the full Council.

20.2 The Director shall give detailed reasons to the Chair about why it is not practical to convene a quorate meeting of full Council when seeking his/her agreement.

20.3 In the absence of the Chair of the relevant Scrutiny Board, the Director may obtain agreement from the Lord Mayor or in the absence of both, the Deputy Lord Mayor.

20.4 The Director must note on the record of the decision:

- the consent of the Chair of the relevant Scrutiny Board to the decision being taken as a matter of urgency; and
- the Chair's reasons for giving consent.

20.5 Following the decision, the decision taker will provide a full report to the next available Council meeting explaining:

- the decision;
- the reasons for it; and
- the reason why taking the decision was treated as a matter of urgency.

## **21 KEY DECISIONS NOT CONTAINED WITHIN THE FORWARD PLAN**

### General exception

21.1 Where it is proposed to take a Key Decision which has not been included in the Forward Plan, the Director of the relevant department will give the Chair of the relevant Scrutiny Board not less than 5 days written notice of the matter on which the decision is to be made.



### Special urgency

- 21.2 If by virtue of the date by which a decision must be taken, it is not possible to give 5 days written notice of the matter, the decision taker (if an officer) or the Chair of the body making the decision shall seek the agreement of the Chair of the relevant Scrutiny Board that the decision cannot reasonably be deferred.
- 21.3 In the absence of the Chair of the relevant Scrutiny Board, the Director may obtain agreement from the Lord Mayor or in the absence of both, the Deputy Lord Mayor.

### Report to Council

- 21.4 A Scrutiny Board can require the executive to submit a report to Council where it considers that a Key Decision has been taken which was not in the Forward Plan or which has not been the subject of the general exception or special urgency provisions.

## **22 CALL-IN<sup>28</sup>**

- 22.1 Subject to the exceptions set out below the following may be called in by the Overview and Scrutiny Committee:
- all decisions of the Executive Board, and
  - executive decisions taken by Area Committees; and
  - Key and Major Decisions taken by Officers.
- 22.2 The power to call in decisions does not extend to
- decisions made under regulatory arrangements;
  - decisions made by Joint Committees;
  - decisions not taken by the Council.
- 22.3 When a decision is made which is subject to call-in, the Chief Democratic Services Officer shall publish the decision, and make it available on the Council database within two days of the decision being made.
- 22.4 He/she will also send each elected Member of the Overview and Scrutiny Committee an electronic copy of the record of the decision within two days of it being made.
- 22.5 The notice will bear the date on which it is published. It will specify that the decision will come into force, and may then be implemented, on the expiry of five working days after the publication of the decision, unless the decision is called in.
- 22.6 During that period, the Proper Officer shall call in a decision for scrutiny by the Overview and Scrutiny Committee if two elected Members of the Overview and Scrutiny Committee from any two different political groups request him/her to do so. The Proper Officer will call a meeting of the Committee to review or scrutinise the decision.

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<sup>28</sup> There is a separate Guidance Note which sets out in full the operation of the Calling In of Decisions

- 22.7 At the meeting the Committee will invite signatories to the notification to explain the reasons for the call-in. The relevant member of the Executive Board, Area Committee Chair or Officer, (as appropriate), shall be required to attend the Meeting and shall be given the opportunity to respond to the reasons given for the call-in. The Overview and Scrutiny Committee shall make such further enquiries as it considers necessary and appropriate.
- 22.8 The Committee shall then either
- release the decision for implementation; or
  - recommend to the decision-maker that the decision should be reconsidered; or
  - where the decision is considered to fall outside the agreed budget or policy framework, recommend to the decision-maker that the decision should be reconsidered, and notify the decision maker that if it is not, the Overview and Scrutiny Committee will refer the matter to full Council.
- 22.9 If the Overview and Scrutiny Committee resolves that a decision is to be referred back for consideration, the Proper Officer will prepare a report within three working days of the Overview and Scrutiny Committee meeting.

## **23 CALL-IN EXCEPTIONS**

- 23.1 The call-in procedure set out above shall not apply :
- where the decision being taken is stated by the decision maker as being urgent<sup>29</sup>; nor
  - where the decision is in relation to a matter which has been the subject of a previous call-in.<sup>30</sup>

## **24 NHS BODIES - CONSULTATION WITH THE SCRUTINY BOARD (HEALTH AND WELL-BEING)**

- 24.1 A local NHS body must consult the Scrutiny Board (Health and Social Care) where it has under consideration any substantial development of the health service in the authority's area, or for a substantial variation in the provision of a service<sup>31</sup>.
- 24.2 The Scrutiny Board may make comments on the proposal consulted on by such date as may be specified by the NHS body.
- 24.3 Where the NHS body is satisfied that a decision has to be taken without allowing time for consultation because of a risk to safety or welfare of patients or staff, the NHS body shall notify the Scrutiny Board immediately of
- the decision taken; and
  - the reason why no consultation has taken place.

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<sup>29</sup> A decision may be declared urgent by the decision maker if they consider that any delay in implementing the decision would seriously prejudice the authority's interest or the public interest.

<sup>30</sup> This includes a decision which has been modified by the decision making body following a recommendation by Overview and Scrutiny Committee after call in of the earlier decision

<sup>31</sup> Under the Local Authority (Overview and Scrutiny Committees Health Scrutiny Functions) Regulations 2002 as amended.

- 24.4 Where the Scrutiny Board (Health and Social Care) is not satisfied that
- consultation on any proposal referred to in paragraph 24.1 has been adequate in relation to content or time allowed; or
  - where paragraph 24.3 applies, the reasons given by the NHS body are adequate;

it may report this to the Secretary of State in writing. The Secretary of State may require the local NHS body concerned to carry out such consultation, or such further consultation, with the Scrutiny Board as he considers appropriate.

- 24.5 Where further consultation has been required, the local NHS body shall, having regard to the outcome of such further consultation, reconsider any decision it has taken in relation to the proposal in question.

- 24.6 In any case where the Scrutiny Board (Health and Social Care) considers that the proposal would not be in the interests of the health service in the authority's area, it may report this to the Secretary of State in writing. The Secretary of State may make a final decision on the proposal and require the local NHS body to take such action, or desist from taking such action, as he/she may direct.

# **SCRUTINY COMMISSION PROCEDURE RULES**

Contact Name

Peter Marrington  
Telephone:39 51151

Body/Person with authority  
To change the document

Full Council

## SCRUTINY COMMISSION PROCEDURE RULES

### GENERAL ARRANGEMENTS

- 1.1 Where the subject of an Inquiry falls within the terms of reference of more than one Scrutiny Board the Overview and Scrutiny Committee may appoint a Scrutiny Commission to undertake the Inquiry.

The appointment of a Scrutiny Commission and its proceedings will be in accordance with Article 6.

The Commission will cease to exist after it has completed its Inquiry.

1.3 Working Groups

A Scrutiny Commission may appoint a Working Group as it feels appropriate and necessary to assist in ensuring the effectiveness and efficiency of its work<sup>1</sup>.

### 2.0 MEMBERSHIP

- 2.1 No Scrutiny Commission may include an Executive Board Member.

- 2.2 The Overview and Scrutiny Committee will appoint the members of a Scrutiny Commission from amongst the overall membership of Scrutiny Boards<sup>2</sup>.

#### Co-opted Members

##### *Education Representatives*

- 2.3 Any education representative appointed in accordance with Article 6 of the Constitution, and in accordance with the Scrutiny Board Procedure Rules, shall serve as an education representative on any Scrutiny Commission dealing with education matters<sup>3</sup>.
- 2.4 In accordance with Article 6 of the Constitution, a Scrutiny Commission shall also be entitled to select up to two non-voting co-opted Members to assist in the discharge of the Commission's role.
- 2.5 Except as set out in Article 6, co-opted Members may participate in the debate in the same way as Elected Members, but have no voting rights.

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<sup>1</sup> These must be appointed to carry out specific tasks such as visits to premises or other information gathering activities. The Scrutiny Board Procedure Rules Guidance Note provides guidance on Working Groups.

<sup>2</sup> In making the appointments, the Committee will give effect to such wishes about who is to be appointed to the seats allocated to a particular political group as are expressed by that group's whip.

<sup>3</sup> That is, where the Commission's functions relate wholly or in part to any education functions which are the responsibility of the authority's executive.

### **3. DECLARATIONS OF INTEREST**

- 3.1 Elected Members and voting co-opted members of Scrutiny Commissions must observe the authority's code of conduct.
- 3.2 Where any non-voting co-opted member of a Scrutiny Commission has an interest in an item, he/she must declare the interest and may be required by the Chair of the Scrutiny Commission to withdraw from the meeting at which that issue is under discussion.
- 3.3 A Scrutiny Commission may include members who are involved in the executive of a particular NHS body<sup>4</sup>, as a member or an employee. Where such a member has a conflict of interest, they must declare an interest and must not participate in any Inquiry or consultation process which concerns that NHS body. In addition Scrutiny Commission members may not be involved in any scrutiny exercise that may advantage the NHS body where they have an interest.

### **4. FREQUENCY AND PLACE OF MEETINGS OF THE SCRUTINY COMMISSIONS**

- 4.1 A Scrutiny Commission meeting may be called by
- the Chair appointed by the Overview and Scrutiny Committee; and/or
  - the Proper Officer if he/she considers it necessary or appropriate.
- 4.2 A Scrutiny Commission may sit at such place and at such time as it considers necessary and appropriate.

### **5. QUORUM**

- 5.1 The quorum for a Scrutiny Commission shall be 4 unless specifically varied by a resolution of the Overview and Scrutiny Committee when making appointments to such a Commission.
- 5.2 There is no provision for substitute Members on Scrutiny Commissions.

### **6. NOTICES OF MEETINGS**

- 6.1 Notices for all meetings of a Scrutiny Commission shall be issued from the office of the Chief Executive. No matter shall be considered at such meeting without the prior agreement of the Chief Executive who shall first have been provided with any written report or with full details of any intended verbal report.

### **7. ADMISSION TO MEETINGS**

- 7.1 Subject to any statutory prohibitions and to sub-paragraph 6.2 below, all meetings of a Scrutiny Commission shall be open to the public in accordance with the Access to Information Procedure Rules. This shall be without prejudice to any power of exclusion to suppress or prevent disorderly conduct or other misbehaviour at a meeting.

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<sup>4</sup> In Leeds this means the 5 Primary Care Trusts, the Leeds Teaching Hospitals NHS Trust, the Leeds Mental Health Services Teaching NHS Trust and the West Yorkshire Strategic Health Authority.

7.2 A Scrutiny Commission may resolve to exclude the press and public from a meeting (whether the whole or part only of the proceedings) by passing a resolution under the Access to Information Procedure Rules.

## **8 MINUTES**

8.1 All meetings of each Scrutiny Commission shall be minuted.

8.2 All oral evidence given to a Scrutiny Commission shall be recorded in full, either in writing or by such other method (such as tape recording) as shall appear to the Scrutiny Commission to be appropriate.

8.3 The tapes of oral evidence must be kept for an appropriate period of time to be determined in each case.<sup>5</sup>

## **9 CHAIR**

9.1 The Overview and Scrutiny Committee will appoint the Chair of each Scrutiny Commission from amongst its membership.

## **10 RIGHTS OF SCRUTINY COMMISSION MEMBERS TO DOCUMENTS**

10.1 In addition to their rights as councillors, Members of a Scrutiny Commission have additional rights to documents as set out in the Access to Information Procedure Rules in Part 4 of this Constitution.

10.2 When a Scrutiny Commission conducts an Inquiry, every member of the Scrutiny Commission<sup>6</sup> shall have a right of access to any documents which are relevant to the subject matter of the Inquiry.<sup>7</sup>

10.3 Nothing in the above paragraph prevents more detailed liaison between the executive and a Scrutiny Commission as appropriate depending on the particular matter under consideration.

## **11 AGENDA ITEMS**

11.1 A Scrutiny Commission shall as a minimum consider the following business at an Ordinary Meeting:

- Appeals against refusal of inspection of Documents;
- Exclusion of Public;
- Late Items;

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<sup>5</sup> The Scrutiny Board Procedure Rules Guidance Note provides guidance on the use of taped evidence to Scrutiny Boards and Scrutiny Commissions

<sup>6</sup> Information received as a member of a Scrutiny Commission should be used only in this capacity. Such information should not for example be used by an elected Member to further their ward work.

<sup>7</sup> The Protocol for Elected Member/Education Leeds Relations sets out rights of access to information relating to the activity of Education Leeds. Rights of access are subject to the Data Protection Act 1998

- Declarations of interest;
- Apologies for absence;
- Minutes of the last meeting;
- The business otherwise set out on the Agenda for the meeting.

## **12 CONDUCT OF INQUIRIES**

12.1 Terms of Reference for a Scrutiny Commission Inquiry will be determined by the Overview and Scrutiny Committee

12.2 Where a Scrutiny Commission has been established to undertake an Inquiry the Scrutiny Commission shall

- Receive the Terms of Reference of the Inquiry;
- agree the period within which the Inquiry's Report is to be completed;
- compile a preliminary list of witnesses from whom the Scrutiny Commission require evidence<sup>8</sup>;
- compile a preliminary list of documents which the Scrutiny Commission require to be produced.
- have regard to any advice from the Overview and Scrutiny Committee.

## **13 WITNESSES – GENERAL PRINCIPLES**

13.1 Where a Scrutiny Commission wishes to take evidence from a witness, the Proper Officer shall notify the witness of:-

- the date upon which their evidence is to be taken;
- the matters upon which evidence is sought;
- any documents that the Scrutiny Commission wishes to have produced; and
- the date upon which the Commission requires any written evidence from the witness.

13.2 Those assisting the Scrutiny Commission by giving evidence shall be treated with respect and courtesy<sup>9</sup>.

## **14 MEMBERS AND OFFICERS GIVING ACCOUNT**

14.1 In its exercise of overview and scrutiny functions, a Scrutiny Commission may require any Executive Member, the Chief Executive and/or any senior officer to attend before it to provide information about

- any particular decisions or series of decisions;
- the extent to which actions taken implement Council policy; and/or
- their performance.

14.2 It is the duty of those officers and Members to attend.

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<sup>8</sup> As an Inquiry proceeds it may become apparent that further witnesses are required

<sup>9</sup> see further Member/Officer Protocol in Part 5 of the Constitution.



- 14.3 The Chair of a Scrutiny Commission will inform the Proper Officer if the Scrutiny Commission requires any Member (including an Executive Member) or officer to attend a Scrutiny Commission under this provision. The Proper Officer shall inform the Member or officer of this, giving at least 7 working days notice of the meeting at which he/she is required to attend.
- 14.4 The notice will state:
- the nature of the item on which he/she is required to attend to give account; and
  - whether the Scrutiny Commission requires him/her to produce any documents or reports.
- 14.5 Where the Scrutiny Commission requires the person to produce a report, then the Proper Officer will give the Member or officer concerned sufficient notice to prepare it.
- 14.6 The Chair of the Scrutiny Commission will inform the Proper Officer where a Scrutiny Commission requires a Director to attend a Scrutiny Commission in person. The Proper Officer shall inform the Director giving at least 7 working days notice of the meeting he/she is required to attend.
- 14.7 Directors may be accompanied by any other officer the Director feels appropriate.
- 14.8 Where the Scrutiny Commission does not require a Director to attend in person, he/she will be responsible for ensuring that an officer of sufficient knowledge and requisite seniority attends. Any such witness may be accompanied by such adviser(s) as he/she considers necessary.
- 14.9 Where, in exceptional circumstances, the Member or officer is unable to attend on the required date, then the Proper Officer shall, in consultation with the Chair of the Scrutiny Commission and the Member or officer, arrange an alternative date for attendance, or agree an appropriate substitute.

#### Health Service Scrutiny functions

- 14.10 A Scrutiny Commission may require an officer of a local NHS body to attend and answer such questions as appear to the Commission to be necessary for discharging its functions<sup>10</sup>.
- 14.11 An NHS body must provide the Scrutiny Commission with such information about the planning, provision and operation of health services in the area as the Commission shall reasonably require in order to discharge its functions<sup>11</sup>

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<sup>10</sup> - in accordance with Regulation 10 Local Authorities (Overview and Scrutiny Committees Health Service Functions) Regulations as amended. Officer includes a Chief Executive

<sup>11</sup> in accordance with Regulation 5 Local Authorities (Overview and Scrutiny Committees Health Service Functions) Regulations as amended

## **15 ATTENDANCE BY OTHERS**

- 15.1 A Scrutiny Commission may invite people other than Members or officers to address it, discuss issues of local concern and/or answer questions.<sup>12</sup>
- 15.2 A Scrutiny Commission may appoint advisers and assessors to assist them in the inquiry.

## **16 REPORTS AND RECOMMENDATIONS**

- 16.1 At the conclusion of an Inquiry a Scrutiny Commission shall, where it considers it to be appropriate, produce a written Report summarising the evidence that it has taken and setting out its recommendations.
- 16.2 The Commission shall submit its Report to the Proper Officer for consideration by the executive (if the proposals are consistent with the existing Budget and Policy framework), or to the Council as appropriate.
- 16.3 Where a Scrutiny Commission is considering making specific recommendations to the Executive Board it shall invite advice from the appropriate Director(s) prior to it finalising its recommendations. The detail of that advice shall be attached to the Report.
- 16.4 The Report shall include:
- An explanation of the matter reviewed or scrutinised;
  - A summary of the evidence considered;
  - a list of the participants involved in the review or scrutiny (save where the Board considers that a name of a witness should be withheld for reasons of confidentiality)<sup>13</sup> ;
  - a list of all documentation that has been considered by the Board.; and
  - Any conclusions recommendations on the matter reviewed or scrutinised.
- 16.5 The Scrutiny Commission should note whether any documents contain exempt or confidential information on the list of documents.<sup>14</sup>

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<sup>12</sup> It may for example wish to hear from residents, stakeholders and Members and officers in other parts of the public sector and shall invite such people to attend.

<sup>13</sup> Where it is necessary to preserve the confidentiality of a witness their name need not be disclosed nor where the evidence which they gave amounted to exempt information need this be disclosed if it would breach the witness's confidentiality.

<sup>14</sup> In order to preclude inadvertent disclosure of any such document.

- 16.6 Where any voting Member of the Scrutiny Commission does not agree with the content of the Board's Report, they may produce a Minority Report setting out their findings and recommendations. The Minority Report will be an appendix to the Scrutiny Commission's Report.<sup>15</sup>
- 16.7 The Council, the Executive Board, Area Committees or officers shall consider a Report of a Scrutiny Commission within two months of it being submitted to the Proper Officer.

#### Health Service Scrutiny Functions

- 16.8 The Scrutiny Commission may make specific recommendations to an NHS body.

Where the Scrutiny Commission has completed its scrutiny and made reports and recommendations to the NHS, the Proper Officer will copy the report to:

- Local MPs and MEPs;
- West Yorkshire Strategic Health Authority;
- PCTs and other NHS Trusts;
- Leeds Voice;
- Patient and public involvement forums; and
- Other bodies or organisations that have expressed an interest in the Inquiry.

- 16.9 The Proper Officer will place a copy of the report in local libraries, and on the Council's web-site.

### **17 RESPONSE TO REPORTS AND RECOMMENDATIONS**

- 17.1 Where a Scrutiny Commission has sent a Report to a body, the body concerned will be asked to send its response to the Overview and Scrutiny Committee within 2 months<sup>16</sup> of receipt of the Report

- 17.2 The body should set out in response to the recommendations made:

- the views of the body; and
- proposed action and timescales; or
- reasons for inaction.

#### Health Service Scrutiny Functions

- 17.3 In the case of responses from NHS bodies the response should also be copied to:

- Local MPs and MEPs;
- West Yorkshire Health Authority;
- PCTs and other NHS Trusts;
- Leeds Voice;
- Patient and public involvement forums; and
- Other bodies or organisations that have expressed an interest in the Inquiry.

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<sup>15</sup> The Scrutiny Commission Procedure Rules Guidance Note provides guidance on Minority Reports

<sup>16</sup> For NHS Bodies this time limit is 28 days (the Local Authority (Overview and Scrutiny Committee Health Scrutiny Functions) Regulations 2002).

- 17.4 The Proper Officer will also place a copy of the response in local libraries, and on the Council's web-site.



**LEEDS**  
CITY COUNCIL

## ADDENDUM 2

AGENDA ITEM NO.:
Originator: Nicolé Jackson
Tel: 24 74537

**REPORT OF THE DIRECTOR OF LEGAL AND DEMOCRATIC SERVICES  
REPORT TO THE CORPORATE GOVERNANCE AND AUDIT COMMITTEE  
DATE : 10<sup>th</sup> May 2005**

**SUBJECT : PERSONNEL PANEL ARRANGEMENTS - AMENDMENTS TO THE  
CONSTITUTION**

<b>Electoral Wards Affected :</b>	<b>Specific Implications For :</b>
	Ethnic Minorities <input type="checkbox"/>
	Women <input type="checkbox"/>
	Disabled People <input type="checkbox"/>

### 1 Purpose

- 1.1 To seek Members' approval to recommend to Council amendments to the arrangements for Personnel Panel and the necessary amendments to the Council's Constitution to put these into effect.

### 2 Background

- 2.1 In this Report, the Director of Legal and Democratic Services identifies amendments to the Constitution required as a result of a resolution made by the Executive Board on 9 March 2005.

### 3 Personnel Panel

- 3.1 On 9 March 2005, the Executive Board considered a joint Report from the Director of Legal and Democratic Services and the Director of Corporate Services, on progress made in effecting changes to Personnel Panel arrangements. The Board also considered a report of the Scrutiny Support Manager containing interim recommendations of the Scrutiny Board (Central and Corporate Functions).
- 3.2 The Executive Board resolved that the arrangements proposed to be made by the Director of Corporate Services in relation to employee appeals in respect of grievance, grading and dismissal be noted. The Board also resolved that the recommendations of the Scrutiny Board (Central and Corporate Functions) be approved as follows:-
  - (i) That a risk assessment of the proposed new Personnel Panel arrangements should be undertaken with particular reference to Employment Tribunals.

- (ii) That confidence in the new system be improved by providing ongoing information to staff and Members on the training provided to senior officers involved in the new arrangements.

3.3 Scrutiny Board (Central and Corporate Functions) met again on 5 April 2005 and resolved:-

- (a) That the Executive be recommended that 3 officers should form the Personnel Panel rather than 2.
- (b) That the Chief Human Resources Officer monitor the differences between departments of the type and number of appeals under the new arrangements and provide the same breakdown for appeals heard prior to the implementation of the new arrangements.
- (c) That a report be submitted to the Board in March 2006 as part of an ongoing review by Scrutiny on the new arrangements.

## 4 **Proposed Arrangements**

### In relation to Personnel Panel

- 4.1 Personnel Panel under the new arrangements will comprise three JNC officers including at least one officer at Departmental Management Team level. The officers on the panel will be more senior to the appellant and will not be from the appellant's line management. The Panel will hear appeals submitted by employees graded NJC and employees graded JNC below Director level.
- 4.2 The Director of Corporate Services to be given delegated power to put the appropriate arrangements in place for officer Panels.
- 4.3 The intention is for officers sitting on these Panels to receive appropriate training, and for the new arrangements to take effect once this training has taken place, anticipated to be by September 2005.
- 4.4 Members will continue to hear appeals for JNC staff graded at Director level and above. The current Appointments Committee to be re-named Employment Committee to hear these appeals. The composition of this Committee to remain unchanged, i.e. a minimum of three Members of the authority comprising at least one Member of the Executive.

### In relation to Council Procedures

- 4.5 The four main employment procedures affected by the alterations are the disciplinary, attendance management, grievance and performance capability procedures.
- 4.6 It is proposed that the authority to alter these procedures, and any other relevant employment procedures, be delegated to the Director of Corporate Services in consultation with the Director of Legal and Democratic Services.

## **5 Proposed changes to the Constitution**

- 5.1 The proposed changes to the Constitution to put into effect these recommendations are set out in Appendix 1 of this Report.

## **6 Recommendations**

- 6.1 Members are asked to make the following recommendations to Council:
- 6.2 To approve the proposed amendments to the Constitution as set out in Appendix 1
- 6.3 To give the Director of Legal and Democratic Services delegated authority to make any other consequential amendments to the Constitution.

**SECTION 1: RESPONSIBILITY FOR LOCAL CHOICE FUNCTIONS**

Local Choice Functions <sup>1</sup>	Decision Making Body	Delegation of functions to Committees or officers (to the extent set out below or Section 2C for Council (non-executive) functions and section 3D for executive functions)
Functions under a local Act (other than one specified or referred to in Reg 2 or Schedule 1 of the Regulations 2000)	Executive Board	The relevant Director for the function concerned.
To determine appeals against any decision of the authority.	Executive Board except in respect of matters referred to under the terms of <a href="#">reference of Personnel and Licensing &amp; Regulatory Panels</a> <u>and the Employment Committee</u> .	<a href="#">The Director of Corporate Services</a> <sup>2</sup>
To appoint review boards under the Social Security Act 1998 <sup>3</sup>	Full Council	Director of Legal and Democratic Services
To make arrangements for appeals against exclusion of pupils <sup>4</sup>	Full Council	Director of Legal and Democratic Services
To make arrangements for appeals regarding school admissions <sup>5</sup>	Full Council	Director of Legal and Democratic Services
To make arrangements for appeals by governing bodies <sup>6</sup>	Full Council	Director of Legal and Democratic Services
To make arrangements to enable questions to be put at Council meetings on the discharge of the functions of a police authority <sup>7</sup>	Full Council	Director of Legal and Democratic Services
To appoint Members to police authorities <sup>8</sup>	Full Council	

<sup>1</sup> Local Authorities (Functions and Responsibilities) Regulations 2000, Schedule 2

<sup>2</sup> [In relation to arrangements for employee appeals save those dealt with by the Employment Committee](#)

<sup>3</sup> S34(4) Social Security Act 1998

<sup>4</sup> s67(1) and Schedule 18 Education Act 1998

<sup>5</sup> s94(1), (4) and Schedule 24 Education Act 1998

<sup>6</sup> s95(2) and Schedule 25 Education Act 1998

<sup>7</sup> s20 Police Act 1996

<sup>8</sup> paragraphs 2 to 4 of Schedule 2 Police Act 1996



**Summary of delegated functions (Council (Non-executive) functions)**

<b>Council (non-executive) Functions<sup>1</sup></b>	<b>Decision Making Body</b>	<b>Delegation of functions to Officers (to the extent set out in Section 2C)</b>
<p><b>Functions relating to elections<sup>2</sup></b></p> <p><b>Functions relating to local government pensions<sup>3</sup></b></p> <p><b>Standing Orders</b> To make and amend Standing Orders and Contract Standing Orders<sup>4</sup></p>	<p><b>Full Council</b></p> <p><b>Full Council</b></p> <p><b>Full Council</b></p>	<p>The Chief Executive</p> <p>The Director of Legal and Democratic Services</p> <p>Director of Corporate Services</p> <p>Director of Corporate Services in relation to Financial Procedure Rules</p> <p>Director of Legal and Democratic Services in respect of any other Rules</p>
<p><b>Appointment of Staff<sup>5</sup></b> To appoint staff at <a href="#">chief officer-director</a> level and make recommendations regarding the appointment of head of paid service; <a href="#">to take disciplinary action including dismissal and to deal with appeals relating to grievance, grading and discipline in respect of employees at director level and above.</a></p> <p>Other</p>	<p><b>Appointments Committee</b></p>	<p>All Directors<sup>6</sup></p>

<sup>1</sup> Under the Local Authorities (Functions and Responsibilities) Regulations 2000 (the 2000 Regulations) as amended.

<sup>2</sup> Items 2-5, 7-17 Para D of Schedule 1 of the 2000 Regulations

<sup>3</sup> Item 1 of Para H of Schedule 1 of the 2000 Regulations

<sup>4</sup> Items 36 and 38 of Para I of Schedule 1 of the 2000 Regulations

<sup>5</sup> Item 37 of Para I of Schedule 1 of the 2000 Regulations

<sup>6</sup> [As nominated by the head of paid service under the Local Authorities \(Standing Orders\)\(England\) Regulations 2001](#)

<b>Council (non-executive) Functions<sup>1</sup></b>	<b>Decision Making Body</b>	<b>Delegation of functions to Officers</b> (to the extent set out in Section 2C)
<p><b>Maladministration</b> To make payments or provide benefits in cases of maladministration<sup>6</sup></p> <p><b>Statement of Accounts<sup>7</sup></b></p>	<p><b>Corporate Governance and Audit Committee</b></p> <p><b>Corporate Governance and Audit Committee</b></p>	All Directors
<b>Functions relating to licensing<sup>8</sup></b>	<b>Licensing Committee</b>	
<p><b>Taxi, gaming, entertainment, food and miscellaneous licensing</b> Functions relating to licensing and registration<sup>9</sup> (other than in relation to highways and under the Licensing Act 2003)</p> <p><b>Health and Safety<sup>10</sup></b></p> <p><b>To make an order identifying a place as a designated public place for the purposes of police powers in relation to alcohol consumption<sup>11</sup></b></p>	<p><b>Licensing and Regulatory Panel</b></p> <p><b>Licensing and Regulatory Panel</b></p> <p><b>Licensing and Regulatory Panel</b></p>	<p>Director of Neighbourhoods and Housing</p> <p>Director of Development</p> <p>Director of City Services</p> <p>Director of Learning and Leisure</p> <p>Director of Legal and Democratic Services</p> <p>All Directors</p>
<b>Determination of terms and conditions<sup>12</sup></b>		<a href="#"><u>Director of Corporate Services<sup>14</sup></u></a>

<sup>6</sup> Item 48 of Para I of Schedule 1 of the 2000 Regulations

<sup>7</sup> Item 45 of Para I of Schedule 1 of the 2000 Regulations

<sup>8</sup> Item 14A Para B of Schedule 1 of the 2000 Regulations

<sup>9</sup> Item 1-18,20-25, 29-36, 39-40, 43-46,56-63, 66-67 and 71 of Para B of Schedule 1 of the 2000 Regulations

<sup>10</sup> Para C of Schedule 1 of the 2000 Regulations

<sup>11</sup> Item 49 Para I of Schedule 1 of the 2000 Regulations

<sup>12</sup> Item 37 of Para I of Schedule 1 of the 2000 Regulations

<b>Council (non-executive) Functions<sup>1</sup></b>	<b>Decision Making Body</b>	<b>Delegation of functions to Officers</b> (to the extent set out in Section 2C)
To determine employee <del>and related</del> appeals <del>including those</del> in respect of grading, grievance and <del>discipline dismissal</del> <sup>13</sup> .	<b>Personnel Panel</b>	
<b>Town and country planning, development control and conservation<sup>15</sup></b>	<b>Plans Panels</b>	Chief Planning and Development Services Officer

<sup>13</sup> [This applies to NJC graded employees and JNC graded employees below the level of director. Appeals by employees at director level and above to be determined by the Employment Committee](#)

<sup>14</sup> [To be delegated to employees at JNC level in accordance with arrangements approved by the Director of Corporate Services](#)

<sup>15</sup> Items 5 to 31 of Para A of Schedule 1 of the 2000 Regulations

## SECTION 2B: COUNCIL COMMITTEE TERMS OF REFERENCE

### CONTENTS (Extract)

<u>Name of Committee</u>	<u>Membership</u>
The Standards Committee	See Article 9
Area Committees	Membership as outlined in Article 10
<del>Appointments</del> - <u>Employment</u> Committee	Minimum of 3 Members of the authority   comprising at least 1 Member of the executive
<del>Personnel Panel</del>	<del>3 Members of the authority</del>
Corporate Governance and Audit Committee	6 Members, comprising the Leaders of each political group and a Labour Party nominee
Member Management Committee	8 Members, comprising Leader nominations from each party group
<b>Regulatory Panels</b>	
Licensing and Regulatory Panel	9 Members of the authority
Licensing Committee	15 Members of the authority
Licensing Sub-Committee (x5)	3 Members of the authority <sup>1</sup>
Plans Panels:	12 Members of the authority
(a) Plans Panel (East)	14 Members of the authority
(b) Plans Panel (West)	5 Members of the authority
(c) Plans Panel (City Centre)	
<b>Advisory Committee</b>	
Development Plan Panel	9 Members of the authority

<sup>1</sup> The main Licensing Committee will appoint 3 of its Members to each sub-committee

## Personnel Panel

### Terms of Reference

The Personnel Panel is authorised to discharge<sup>1</sup> the following functions<sup>2</sup> :-

1. to consider and determine employee and related appeals including those in respect of grading, grievance and discipline.

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<sup>1</sup>The Panel may arrange for any of the above functions to be discharged by an officer and the delegation arrangements in force in relation to such functions at the end of the Council year 1998/99 shall continue to operate pending any review

<sup>2</sup>“Functions” for these purposes shall be construed in a broad and inclusive fashion and shall include the doing of anything which is calculated to facilitate or is conducive or incidental to the discharge of any of the specified functions.

## AppointmentsEmployment Committee

The AppointmentsEmployment Committee is authorised to discharge the following Council (non-executive)<sup>1</sup> functions<sup>2</sup>.

1. To make recommendations to Council ~~regarding the appointment of~~ to appoint or dismiss the Chief Executive ~~and to appoint Chief Officers~~.
2. To appoint or dismiss or take disciplinary action against the Deputy Chief Executive and directors<sup>3</sup>.
3. To deal with appeals relating to grading, grievance and discipline in respect of the Chief Executive, Deputy Chief Executive and directors.

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<sup>1</sup> Para 37 of Section I of the Functions Regulations

<sup>2</sup> "Functions" for these purposes shall be construed in a broad and inclusive fashion and shall include the doing of anything which is calculated to facilitate or is conducive or incidental to the discharge of any of the specified functions

<sup>3</sup> "directors" in this context is to be construed as any officer referred to in sub-paragraph (b), (c), or (d) of paragraph 3 of the Local Authorities (Standing Orders)(England) Regulations 2001

## Director of Corporate Services

The Director of Corporate Services is authorised to discharge the following Council (non-executive) functions:

(a)	Functions relating to local government pensions, etc	Regulations under section 7, 12 or 24 of the Superannuation Act 1972
(b)	To make Financial Procedure Rules	Paragraph 42 of Schedule 12 to the Local Government Act 1972
(c)	<a href="#"><u>To make arrangements to consider and determine employee appeals in relation to grievances, grading and dismissal<sup>1</sup></u></a>	<a href="#"><u>Section 112 Local Government Act 1972</u></a>
(d)	<a href="#"><u>To determine employee terms and conditions</u></a>	<a href="#"><u>Section 112 Local Government Act 1972</u></a>

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<sup>1</sup> [This applies to NJC graded employees and JNC graded employees below director level. Appeals by employees at director level and above to be determined by the Employment Committee](#)

## **OFFICER CODE OF CONDUCT (Extract)**

### **1. INTRODUCTION**

- 1.1 This Code of Conduct is aimed at ensuring that employees are aware of the standards of behaviour expected of them by Leeds City Council (LCC). ~~It applies to all employees of Leeds City Council whose employment falls within the purview of the LCC Personnel Panel.~~
- 1.2 The public is entitled to expect the highest standards of conduct from all employees who work for Leeds City Council.
- 1.3 Individuals are responsible for ensuring that they are aware of the Code and that they comply with its requirements. Line managers are responsible for ensuring that subordinates have been made aware of the provisions of this Code of Conduct.
- 1.4 Failure to observe the standards set out in this code may be regarded as serious and any breach will render an employee liable to disciplinary action, which may include dismissal. The disciplinary procedure is shown at Appendix 13 to the Local Conditions of Employment. The list of actions which will be regarded as misconduct, which is contained within the disciplinary procedure, is not exhaustive.
- 1.5 All employees have a Common Law duty of loyalty to their employers and any failure to fulfil this duty will be treated as a breach of this code of conduct. This means that whilst the Code will not specifically cover every eventuality, employees should be aware that conduct which most people would consider as unreasonable or disloyal will be treated as a breach of the Code. Such actions that would normally be obviously disloyal to most people will be considered as breaches of the Code; e.g. an employee who is shown to have publicly made derogatory or slanderous remarks about other employees or Members, would be in breach of the Code even though such activities are not specifically listed.
- 1.5.1 Employees may very well have legitimate roles to carry out: as Trade Union representatives; community action group representatives; tenant committee members etc. These roles may involve such staff in taking part in public meetings, making statements to the press etc. acting on behalf of their particular group. Employees should make clear the capacity in which they are speaking or making statements etc.. In this capacity, the employee should exercise great care in presenting the facts of the case in order to avoid personal opinions which may be damaging to the Council or derogatory or slanderous remarks about other employees or Members. Paragraph 15 of this Code specifically refers to contact with the press and media.
- 1.6 **Impropriety/Breach of Conduct**

It is the duty of each employee to report to the Internal Audit Division - see Financial Regulation FR 6.3 - In accordance with Financial Regulation 6.3, whenever a matter arises which involves, or is thought to involve, irregularities concerning cash, stores or other property of the Council or any suspected





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## Addendum 3

<b>AGENDA ITEM NO.:</b>
Originator: Andy Hodson
Tel: 224 3208

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**REPORT OF CHIEF DEMOCRATIC SERVICES OFFICER  
CORPORATE GOVERNANCE AND AUDIT COMMITTEE  
DATE : 10<sup>th</sup> May 2005**

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**SUBJECT: AMENDMENTS TO THE CONSTITUTION**

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<b>Electoral Wards Affected :</b> All	<b>Specific Implications For :</b>
	Ethnic Minorities <input type="checkbox"/>
	Women <input type="checkbox"/>
	Disabled People <input type="checkbox"/>

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**1.0 PURPOSE OF THE REPORT**

1.1 It is the role of this Committee to make recommendations to Full Council on changes to the Constitution. This report presents a number of proposed amendments to the Constitution for consideration in advance of the Annual Meeting of Council on the 23<sup>rd</sup> May 2005.

**2.0 AMENDMENTS TO THE CONSTITUTION**

2.1 This report contains various amendments to the Constitution for consideration at the Annual Meeting of Council on the 23<sup>rd</sup> May 2005. The details are outlined under the various headings in the body of this report and summarised in Appendix 1.

**Area Committees.**

2.2 Constitutional provisions relating to Area Committees were introduced by Full Council at the Annual meeting on the 23<sup>rd</sup> June 2004. A review of the operation of the Area Committee Procedure Rules during this first year of operation has been undertaken and slight amendments are proposed.

2.3 In essence these are concerned with making the intent and application of Article 10 and the Area Committee Procedure Rules clearer. The proposals are outlined below.

## Role and Functions

2.4 Amendments to role of Area Committees are proposed. It is suggested that the Area Committees' role be enhanced as follows:

- to 'improve and co-ordinate services' be amended to become 'improve, co-ordinate and **influence** the delivery of Council Services in their area'.
- To 'promote the well being of their area' be added, to reflect the well being responsibilities and budgets which have been made available for this function.

## Area Committee Meetings

### *Frequency*

2.5 It is proposed that clarification be given to the reference made in the Procedure Rules (Paragraph 6.1) to the *Proper Officer*. It is suggested that this be clarified by replacing this reference with the Chief Democratic Services Officer.

### *Business to be Transacted*

2.6 It is proposed to amend the wording of paragraph 6.6 to make it clear that Area Committees are not empowered to deal with an individual's issues or complaints.

### *Agenda Items*

2.7 It is proposed to amend the list of agenda items to be considered by Area Committees which appears at Paragraph 6.7. Area Managers consider that it is good practice for Area Committees to consider 'reports from District Partnerships and other Outside Bodies'. It is suggested that this requirement be inserted.

### *Interests*

2.8 It is proposed to amend paragraph 6.8 of the Procedure Rules to provide further transparency for Co-opted Member involvement in matters before Area Committees. The proposed amendment will require a co-opted member of an Area Committee, who has an interest in a matter before it, to declare that interest and, if necessary, withdraw from the meeting.

2.9 Addendum 1 contains the re-drafted Article 10 and Area Committee Procedure Rules which reflect the changes proposed.

## **Outside Bodies Procedure Rules**

- 2.10 In 2004 Full Council agreed amendments to the Constitution to provide for the Appointment of Members to external organisations and partnerships (referred to as Outside Bodies). The procedure rules which govern such appointments are contained in the Outside Bodies Procedure Rules within Part 4.
- 2.11 A review of the operation of the Procedure Rules during the first year of operation has been undertaken and group whips consulted on the proposed amendments, detailed below.

### Determination of how an Appointment should be made

- 2.12 It is proposed to amend the wording of Paragraph 3.4 to allow Area Committee Chairs to determine the appropriate Area Committee for making an appointment without the need for reference back to the Member Management Committee.

### The Appointment Procedure

- 2.13 It is proposed to introduce an additional Paragraph at 4.6 giving delegated authority to the Director of Legal and Democratic Services to make an appointment in certain circumstances, subject to those appointments being reported to the next meeting of the Member Management Committee. The circumstances in which the delegated authority may be used are detailed in the Procedure Rules.
- 2.14 Addendum 2 contains re-drafted Outside Body Procedure Rules which reflect the changes proposed.

## **Council Procedure Rules**

- 2.15 A number of Council Procedure Rules list all current Committees, Boards and Panels by name. The effect of this is that each time a new committee/board/panel is established, the Procedure Rules require amendment.
- 2.16 It is therefore proposed that amendments to the Constitution are made to provide for more generic references. Such amendments are made in Rules 1.1(g), 14.5, 14.6, 15.0, 16.2, 19.1, 19.2, 24,27 and 28. Amendments are also proposed in relation to Rule 25 to better reflect those Rules which are applicable to Committees, Board and Panels
- 2.17 A further amendment is proposed in relation to rule 16.2. This particular rule contains a footnote to the effect that in respect of Council Business Committee the Chair will not exercise a second or casting vote. The recent constitution of the Corporate Governance and Audit Committee (in place of the Council Business Committee), places substantive decision making responsibilities on the committee.

- 2.18 Whilst the purpose of the committee is to attempt to reach consensus on Governance and Audit matters, Officers are of the view that retaining the principle of the chair not exercising a second casting vote may limit the Committee's decision making capabilities. It is therefore proposed to delete this footnote from Rule 16.2.
- 2.19 Addendum 3 contains re-drafted Council Procedure Rules which reflect the changes proposed.

#### **Amendment to Article 14 – Finance, contracts and Legal Matters**

- 2.20 Revised Contract Procedure Rules were introduced on 1st April 2004, whereby the threshold for seeking competitive tenders was increased from £35,000 to £100,000. In order to bring Article 14.5 in line with the Contract Procedure Rules, it is proposed to increase the value at point 2 of Article 14.5 to £100,000 from £35,000.
- 2.21 Addendum 4 contains a re-drafted Article 14 which reflects the changes proposed.

#### **Amendment to Officer Delegation Scheme – Director of Legal and Democratic Services**

- 2.22 At its meeting on 12 January 2005, Council resolved to amend the terms of reference for the Licensing and Regulatory Panel, to reflect that under the Licensing Act 2003, licensing functions in respect of certain matters are discharged by the new Licensing Committee, though there is a transitional period.
- 2.23 The Director of Legal and Democratic Services has delegated authority in respect of certain functions exercised by the Licensing and Regulatory Panel. It is now proposed that the Director's delegation is amended for the same reason.
- 2.24 Addendum 5 contains the re-drafted Officer Delegation Scheme for the Director of Legal and Democratic Services.

### **3.0 Recommendations**

- 3.1 The Corporate Governance and Audit Committee is asked to consider the Constitutional changes detailed in this report and make recommendations to Full Council in respect of the changes proposed.

# Appendix 1

## ANNUAL MEETING 2005

### Constitution Amendment Control Sheet

#### Area Committees (Addendum 1)

<b>Section of the Constitution</b>	<b>Documents Affected</b>	<b>Nature of Amendment</b>
Part 2 Articles of the Constitution	Article 10 Area Committees	Paragraph 10.7 updated to more accurately reflect the area committees' function relating to influencing services and promoting well being in their area
Part 4 Procedure Rules	Area Committee Procedure Rules	Paragraph 6.1 - identification of named proper officer
		Paragraph 6.6 - clarification of role to dealing with an individual complaint
		List of agenda items at paragraph 6.7 amended
		Paragraph 6.8 amended to describe co-opted member responsibilities with regard to declaring interests
		Paragraph 6.17 amended with regard to the rights of members of the public to speak at Area Committee meetings

#### Outside Bodies Procedure Rules (Addendum 2)

<b>Section of the Constitution</b>	<b>Documents Affected</b>	<b>Nature of Amendment</b>
Part 4 Procedure Rules	Outside Bodies Procedure Rules	Amend the wording of Paragraph 3.4 to allow Area Committee Chairs to determine the appropriate Area Committee
		Additional Paragraph at 4.6 outlining the giving of delegated authority to the Director of Legal and Democratic Services to make an appointment in certain circumstances

# Appendix 1

## Council Procedure Rules (Addendum 3)

<b>Section of the Constitution</b>	<b>Documents Affected</b>	<b>Nature of Amendment</b>
Part 4 Procedure Rules	Council Procedure Rules	To provide for more generic references in Rules 1.1(g), 14.5, 14.6, 15.0, 16.2, 19.1, 19.2, 24,27 and 28
		Removal of footnote re. chairs casting vote on Council Business Committee/CGA

## Amendment to Article 14 – Finance, Contracts and Legal Matters (Addendum 4)

<b>Section of the Constitution</b>	<b>Documents Affected</b>	<b>Nature of Amendment</b>
Part 2 Articles of the Constitution	Article 14 – Finance, Contracts and Legal Matters	To increase the value at point 2 of Article 14.5 to £100,000 from £35,000

## Officer Delegation Scheme – Director of Legal and Democratic Services (Addendum 5)

<b>Section of the Constitution</b>	<b>Documents Affected</b>	<b>Nature of Amendment</b>
Part 3, Section 2C	Officer Delegation Scheme (Council (non-executive) functions)	Amendment to delegated responsibilities re. Certain Licensing and Regulatory functions

## ARTICLE 10 – AREA COMMITTEES

### AREA COMMITTEES

- 10.1 The Council will appoint ten Area Committees to serve the inner and outer areas in the North West, North East, East, South and West of the City.
- 10.2 Each Area Committee will have a link with a District Partnership of the Leeds Initiative as set out below.
- 10.3 These provisions do not apply to the City Centre<sup>1</sup>.

### COMPOSITION

- 10.3 The membership of each Area Committee will comprise all Members who have been elected for wards wholly within the area determined for the Committee as follows:

Name of Area Committee	Composition <i>All Members from the following wards</i>	Link with District Partnership
North West Inner	Weetwood, Kirkstall, Headingley, Hyde Park and Woodhouse	North West
North West Outer	Guiseley and Rawdon, Otley and Yeadon, Adel and Wharfedale, Horsforth	
North East Inner	Moortown, Roundhay, Chapel Allerton	North East
North East Outer	Wetherby, Harewood, Alwoodley,	
East Inner	Gipton and Harehills, Killingbeck and Seacroft, , Burmantofts and Richmond Hill	East
East Outer	Garforth and Swillington, Kippax and Methley, Temple Newsam, Cross Gates and Whinmoor	
South Inner	Beeston and Holbeck, Middelton Park, City and Hunslet	South
South Outer	Rothwell, Ardsley and Robin Hood, Morley South, Morley North	
West Inner	Armley, Bramley and Stanningley	West
West Outer	Calverley and Farsley, Farnley and Wortley, Pudsey	

- 10.4 Up to 4 co-opted Members may be appointed to each Area Committee.

<sup>1</sup> A Map detailing the boundary of the City Centre is appended to this Article

## **Addendum 1**

10.5 A Member of the executive may serve on an Area Committee if otherwise eligible to do so as a Councillor.

### **CHAIR**

10.5 Each Area Committee will appoint its Chair.

10.6 The Chair of each Area Committee will be an Elected Member representative on the relevant District Partnership.

### **ROLE**

10.7 Area Committees will:

- improve co-ordinate and influence services at a local level;
- act as a focal point for community involvement;
- take locally based decisions that deal with local issues;
- provide for accountability at a local level;
- help Elected Members to listen to and represent their communities;
- help Elected Members to understand the specific needs of the community in their area;
- promote community engagement in the democratic process;
- promote working relationships with District Partnerships, Parish and Town Councils.
- Promote the well being of their area.

### **FUNCTIONS**

10.8 The Terms of Reference for Area Committees are set out in Part 3 of the Constitution.

10.9 The executive shall determine from time to time the executive functions<sup>2</sup> that may be exercised by Area Committees. These functions will be exercisable concurrently by the Executive Board, and in accordance with the Officer Delegation Scheme (Executive Functions) by Directors

10.10 Area Committees will comply with:

- the Area Committee Procedure Rules<sup>3</sup>;
- all other relevant procedure rules<sup>4</sup>

### **ACCESS TO INFORMATION**

10.11 Area Committees will comply with the Access to Information Procedure Rules<sup>5</sup>.

---

<sup>2</sup> Part 3 Sections 3C and 3D of the Constitution provide details of the extent of the delegation determined by the executive.

<sup>3</sup> These are in Part 4 of the Constitution.

<sup>4</sup> These are the Council Procedure Rules, Executive Procedure Rules, Financial Procedure Rules, Contract Procedure Rules and Appointments to Outside Bodies Procedure Rules, in Part 4 of the Constitution.

<sup>5</sup> These are in Part 4 of the Constitution.



## **Addendum 1**

### *Article 10 – Area Committees and Forums*

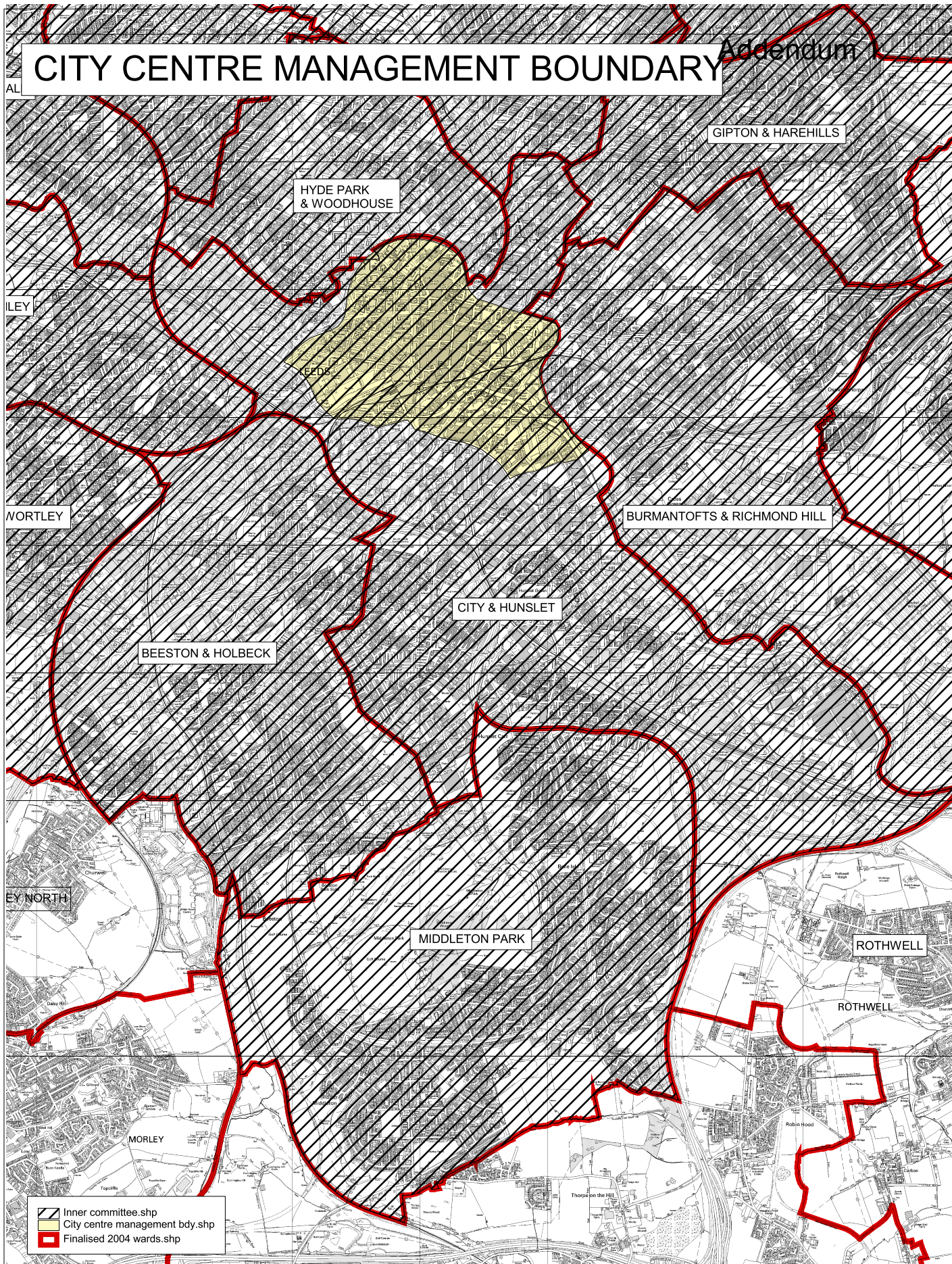
10.12 Agendas and notices for Area Committee meetings which deal with both Council and executive functions will state clearly which items are which.

### **CONFLICTS OF INTEREST**

10.13 A member of a Scrutiny Board involved in the consideration of a matter at a Scrutiny Board meeting or sub-committee, which relates to a decision made or action taken by an Area Committee of which s/he is also a member, must regard him or herself as having a personal and prejudicial interest in the matter in accordance with Paragraph 11 of the Members' Code of Conduct.



# CITY CENTRE MANAGEMENT BOUNDARY



PRODUCED BY THE DEVELOPMENT DEPARTMENT, LEEDS CITY COUNCIL

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SCALE : 1/ 40000



**LEEDS**  
CITY COUNCIL



# **AREA COMMITTEE PROCEDURE RULES**

Contact Name

Nicolé Jackson  
Telephone: 247 4537

Body/Person with authority  
To change the document

Leader: In relation to executive  
functions set out in Section 3.1 – 3.5  
& Section 8)

Full Council (All other)

# Addendum 1

## Area Committee Procedure Rules<sup>1</sup>

### 1. STATUS

- 1.1 Area Committees are appointed by Full Council. Area Committees may exercise both executive<sup>1</sup> and Council functions.

### 2. ROLE AND FUNCTIONS

#### Role

- 2.1 Area Committees will

- improve co-ordinate and influence services at a local level;
- act as a focal point for community involvement;
- take locally based decisions that deal with local issues;
- provide for accountability at a local level;
- help Elected Members to listen to and represent their communities;
- help Elected Members to understand the specific needs of the community in their area;
- promote community engagement in the democratic process;
- promote working relationships with District Partnerships, Parish and Town Councils;
- Promote the well being of their area.

#### Functions

- 2.2 The Terms of Reference for Area Committees are set out in Part 3 of the Constitution.
- 2.3 The executive shall determine from time to time the executive functions<sup>2</sup> that may be exercised by Area Committees. These functions will be exercisable concurrently by the Executive Board and, in accordance with the Officer Delegation Scheme (Executive Functions), by Directors.
- 2.4 Executive functions delegated to Area Committees may not be delegated by any Area Committee without the express consent of the Executive Board.

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<sup>1</sup> These Procedure Rules should be read in conjunction with Article 10 and the Terms of Reference for Area Committees.

<sup>2</sup> Part 3 Sections 3C and 3D of the Constitution provide details of the extent of the delegation determined by the executive.

### 3. ACCOUNTABILITIES

#### Executive Functions

- 3.1 The Local Government Act 2000 provides for the executive to make arrangements for functions which are the responsibility of the executive to be discharged by Area Committees. In exercising these functions each Area Committee is accountable to the executive.
- 3.2 On an annual basis each Area Committee is required<sup>3</sup> to prepare a draft Area Delivery Plan for consideration by the Executive Board. Area Delivery Plans will be prepared in draft form by the end of October each year to inform the budget setting process for the following year. Each Area Delivery Plan will provide details of identified priorities and proposed actions in relation to:
- the promotion and improvement of the economic, social and environmental well-being of the Committee's area;
  - the exercise of Area Functions within the area.
- 3.3 Area Delivery Plans shall be drafted in accordance with a framework determined by the Executive Board for the compilation of Area Delivery Plans.
- 3.4 Following the approval of the Council Budget, and prior to the commencement of each financial year, the Executive Board will consider and approve an Area Delivery Plan for each area.
- 3.5 Area Committees shall report to the Executive Board any significant problems encountered by them in trying to deliver agreed Area Delivery Plan priorities in their area.

#### Council Functions

- 3.6 Each Area Committee is accountable to Full Council for the exercise of Council functions within their Terms of Reference.

### 4. MEMBERSHIP

- 4.1 The membership of each Area Committee will comprise all Members who have been elected for wards wholly within the area determined for the Committee as set out in Article 10 of the Constitution.
- 4.2 A Member of the executive may serve on an Area Committee if otherwise eligible to do so as a Councillor.

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<sup>3</sup> For the financial year 2005/6 onwards

# Addendum 1

## Co-optees

- 4.3 Each Area Committee may select co-opted members to assist in the discharge of the Committee's role, in accordance with Article 10 of the Constitution.
- 4.4 Co-opted members may participate in the debate in the same way as Elected Members, but have no voting rights.
- 4.5 No co-opted member shall be appointed for a period beyond the next Annual Meeting of the Council.

## **5. APPOINTMENT OF CHAIR**

- 5.1 Each Area Committee will appoint its Chair.
- 5.2 Each Party Group with Members elected within an Area Committee area may put forward a nomination from amongst its Members on the Area Committee to Chair the Area Committee.
- 5.3 These nominations must be forwarded to the Chief Democratic Services Officer no later than 1 clear working day before the first meeting of the Area Committee (after the Annual Council meeting) each year.
- 5.4 The Chief Democratic Services Officer will ensure that nominations and the appointment of the position of Chair are dealt with at the Committee's first meeting of the municipal year.
- 5.5 The Chair will be appointed by overall majority of votes cast by those Members eligible to do so and present at the meeting. If no overall majority is achieved, then the nominee with the smallest number of votes will be eliminated from consideration, and the vote repeated.
- 5.6 Where an overall majority of votes cannot be obtained the Council will appoint a Chair.

## **6. AREA COMMITTEE MEETINGS**

### Frequency

- 6.1 There shall be at least six ordinary meetings of each Area Committee in each municipal year. The first meeting of each Area Committee will be convened by the Chief Democratic Services Officer. At its first meeting each Area Committee will approve a schedule of meetings for the municipal year.
- 6.2 Special meetings of an Area Committee may be called in accordance with Council Procedure Rule 27.

# Addendum 1

## Area Committee Procedure Rules

### Business to be Transacted

- 6.3 All business to be transacted by an Area Committee must be determined at a formal meeting of the Committee.
- 6.4 Area Committees will comply with the Access to Information Procedure Rules in Part 4 of the Constitution.
- 6.5 Agendas and notices for Area Committee meetings which deal with both Council and executive functions will state clearly which items are which.
- 6.6 The Area Committee will not deal with an individual's issues or complaints.

### Agenda Items

- 6.7 Area Committees shall consider the following business:
- appeals against refusal of inspection of documents
  - exclusion of public
  - late items
  - declarations of interest if any;
  - apologies for absence;
  - open forum
  - consideration of the minutes of the last meeting;
  - issues arising from the Committee's Area Delivery Plan;
  - appointments to outside bodies;
  - reports from District Partnerships and other Outside Bodies
  - additional matters set out on the agenda for the meeting;

### Interests

- 6.8 Elected Members of Area Committee shall comply with the Members' Code of Conduct and any other code of conduct or protocol relating to the conduct of Members which may be adopted by the Council. Where a co-opted member of an Area Committee has an interest in a matter before the committee, she or he must declare an interest and may be required to withdraw from the meeting.

### Minutes

- 6.9 The meetings of Area Committees shall be minuted, and such minutes will be made available to the public in accordance with the Access to Information Procedure Rules.

# Addendum 1

## Substitute Arrangements

- 6.10 Elected Members cannot be substituted.
- 6.11 Where a representative from a designated organisation has been co-opted on to the Area Committee that Member can be substituted by another representative from that organisation, subject to the Chair being informed before the meeting of the proposed substitution.

## Quorum

- 6.12 The quorum for a meeting of an Area Committee shall be satisfied if at least one third of the Elected Ward Members are present, and at least one Elected Ward Member from each ward within the area is present. In the case of those Committees where the Area is made of only two Wards the quorum shall be satisfied if three Members are present and at least one Elected Ward Member from each ward within the area is present.

## Voting

- 6.13 Only Elected Ward Members are entitled to vote at Area Committee meetings.
- 6.14 Co-opted members do not have voting rights.
- 6.15 In the event of an equality of votes, the Chair will have a second, or casting, vote.

## Rights to attend and speak

- 6.16 An Area Committee may invite representatives from other authorities organisations or agencies to attend Area Committee meetings. These people may speak with the permission of the Chair.
- 6.17 Members of the public present at Area Committee meetings are observers and may only speak at Area Committee meetings in accordance with rules governing deputations and open forums detailed below.

## Deputations

- 6.18 Deputations may be received at any meeting of an Area Committee provided that the Council's Chief Democratic Services Officer receives seven days previous notice.
- 6.19 A deputation shall consist of at least two and no more than five people, only one of whom shall speak except by permission of the Chair. The speech, including the reading of any written material, shall not be more than five minutes in duration.



# Addendum 1

## Area Committee Procedure Rules

- 6.20 Deputations which relate solely to the interests of one individual or company will not be admitted. In cases of doubt, the Council's Chief Democratic Services Officer will determine the eligibility of any deputation request.
- 6.21 The number of Deputations which may be received by an Area Committee at one meeting shall not exceed five.
- 6.22 Deputations shall be heard in the same order in which notices were received.
- 6.23 A Deputation shall not be admitted about any matter which has been the subject of deputation in the preceding six months.

### Open Forums

- 6.24 At the discretion of the Chair a period of up to 10 minutes may be allocated at each ordinary meeting of an Area Committee for members of the public to make representations or ask questions on matters within the terms of reference of the Area Committee. The period of time may be extended at the discretion of the Chair.
- 6.25 No member of the public shall speak for more than three minutes in the open forum, except by permission of the Chair.

## **7.0 ADVISORY OR CONSULTATIVE FORUMS**

- 7.1 An Area Committee can establish area or issue based forums, to act in an advisory or consultative capacity only.
- 7.2 A forum may cover the whole of the Committee's area or smaller areas within it, for example, one ward.
- 7.3 The Area Committee shall determine the terms of reference for any forum established and how the membership of it will be decided<sup>4</sup>.

## **8.0 DECISION MAKING**

- 8.1 Area Committees must make decisions:
- in accordance with all relevant procedure rules<sup>5</sup> within the constitution;

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<sup>4</sup> The total number of forums established and the frequency of meetings will need to be sustainable for the Members, officers of the Council and other service providing agencies, and community representatives.

## Addendum 1

- in accordance with the Council's Budget and Policy framework<sup>6</sup>;
- in accordance with the approved Area Delivery Plan for the Area and any other relevant strategy or plan approved by the Executive Board;
- following consideration of a report from relevant Director or his/her nominee.

8.2 Where a Director is of the opinion that a proposal, decision or omission by an Area Committee in relation to an executive function would result in:

- minimum service standards specified by the Executive Board not being achieved; or
- an adverse impact on service delivery or the achievement of targets; or
- delivery of any service in that area or the area of another Area Committee being adversely affected

the Director shall report that opinion<sup>7</sup> to the appropriate Executive Member, who may direct that the Area Committee's delegated authority should not be exercised and the matter should be referred to the Executive Board for consideration.

8.3 Where the Monitoring Officer or Chief Finance Officer is of the opinion that a proposal, decision or omission of an Area Committee is or if made would be

- a) outside its terms of reference; or
- b) outside its Area Delivery Plan; or
- c) outside any relevant strategy or plan approved by the Executive Board; or
- d) outside the budget and policy framework; or
- e) not in accordance with any relevant procedure rules

the Monitoring Officer or Chief Finance Officer shall refer the matter to the Executive Board and/or Council as appropriate for consideration at the next available meeting.

8.4 Where a matter has been referred to the Executive Board or the Council under 8.2 or 8.3 above, the implementation of the proposal or decision shall be suspended until the matter is considered by the Executive Board and/or the Council.

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<sup>5</sup>Council Procedure Rules, Executive Procedure Rules, Area Committee Procedure Rules, Financial Procedure Rules, Contract Procedure Rules, Appointments to Outside Bodies Procedure Rules and Access to information Procedure Rules

<sup>6</sup> Subject to the provisions of the Budget and Policy Framework Procedure Rules

<sup>7</sup> where that opinion is in relation to a decision taken by an Area Committee, the report to the Executive Member must be made within 5 working days of the relevant decision notice being published

# Addendum 1

## Area Committee Procedure Rules

- 8.5 Where a matter has been referred to the Executive Board under 8.2, the Executive Board may:
- decide the matter itself; or
  - endorse any decision already made; or
  - refer the matter back to the Area Committee for determination; and/or
  - make any other decision it considers appropriate.
- 8.6 Where a matter has been referred to the Executive Board under 8.3 a) b) c), the Executive Board may:
- decide the matter itself; or
  - endorse any decision already made; or
  - refer the matter back to the Area Committee for determination; and/or
  - make any other decision it considers appropriate.
- 8.7 Where a matter has been referred to the Executive Board under 8.3 d) or e) then the Executive Board may;
- refer the matter to the Council for consideration<sup>8</sup>; or
  - decide the matter within the budget and policy framework / in accordance with the procedure rules; or
  - refer the matter back to the Area Committee for determination within the budget and policy framework / in accordance with the procedure rules.
- 8.8 Where a matter is subject of a call-in by a Scrutiny Board, but has been the subject of reference back under Rule 8, the Scrutiny Board will be informed of this.
- 8.9 Before deciding any matter in accordance with Rule 8, the Executive Board will consider a report from a Statutory Officer or Director detailing as appropriate:-
- whether minimum service standards for a relevant Area Function are being achieved;
  - how the delegated budget for the executive function is being utilised;
  - whether a proposal decision or omission by an Area Committee would result in
    - minimum service standards specified by the Executive Board not being achieved; or

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<sup>8</sup> The Council's options are as set out in Budget and Policy Framework Rules, Rule 8  
Part 4 – Area Committee Procedure Rules  
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## Addendum 1

- an adverse impact on service delivery or the achievement of targets; or
- delivery of any service in that area or the area of another Area Committee being adversely affected;
- whether a proposal, decision or omission by an Area Committee
  - is outside its terms of reference; or
  - is outside its Area Delivery Plan; or
  - is outside any relevant strategy or plan approved by the Executive Board; or
  - is outside the budget and policy framework; or
  - is not in accordance with any relevant procedure rules.

8.10 An Area Committee, or two or more Area Committees jointly, may refer any matter in relation to its executive functions (including Area Functions) to the Executive Board for decision.

# **APPOINTMENTS TO OUTSIDE BODIES PROCEDURE RULES**

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To change the document  
Full Council

## Addendum 2

### APPOINTMENTS TO OUTSIDE BODIES PROCEDURE RULES

#### 1.0 Scope

- 1.1 These Procedure Rules relate to those external organisations and partnerships (referred to as *Outside Bodies*) which have requested the Council to appoint an Elected Member (or suitable nominee) to them.
- 1.2 For the avoidance of doubt, these Procedure Rules do not apply to appointments to Joint Committees/authorities which are reserved to Council. These are listed separately in Part Three (Section 1) of the Constitution - Responsibility for Local Choice Functions.
- 1.3 Additionally it is recognised that, often at a local level, individual Elected Members may be personally approached to attend meetings of a variety of organisations in their personal capacity rather than in their capacity as a Councillor. Such instances are not covered within the Scope of these Procedure Rules

#### 2.0 Determination of Outside Bodies to which an Appointment should be Made

- 2.1 The Chief Democratic Services Officer will maintain a list of all Outside Bodies which have notified the Council of a request to appoint an Elected Member to them.
- 2.2 Each year the Member Management Committee will review the list of notified Outside Bodies and will determine whether the Council should make/continue to make an appointment to those bodies.
- 2.3 Determination will be based on one or more of the following criteria being met.
  - The proposed appointment is a statutory requirement, or
  - The proposed appointment would be consistent with the Council's policy or strategic objectives, or
  - The proposed appointment would add value to the Council's activities
- 2.4 Requests to make an appointment received after such an annual review will be similarly referred to the Member Management Committee for determination by reference to the same criteria.

## Addendum 2

### *Appointments to Outside Bodies Procedure Rules*

#### **3.0 Determination of how an Appointment should be made**

3.1 Where an organisation is deemed to have met one or more of these criteria, the Member Management Committee will allocate it into one of the following categories.

- **Strategic and Key Partnerships** – participation contributes to the Council’s strategic functions, priorities and community leadership role.
- **Community and Local Engagement** – not necessary to fulfil strategic or key partnership role but, nonetheless, beneficial in terms of leading, engaging and supporting the community from an Area or Ward perspective

3.2 Where an Outside Body has been categorised as **Strategic and Key Partnership**, appointment to it will be made by the Member Management Committee.

3.3 Where an Outside Body has been categorised as **Community and Local Engagement**, appointment to it will be made by the appropriate Area Committee.

3.4 Where it is not clear as to which particular Area Committee should make an appointment, the Member Management Committee will refer the request to the relevant Area Committee Chairs who will determine which is the appropriate Area Committee to make the appointment. This will be reported to the next meeting of the Area Committee

#### **4.0 The Appointment Procedure**

##### Strategic and Key Partnerships

4.1 The Member Management Committee will first consider whether it is appropriate for an appointment to be of a specific office holder<sup>1</sup> either by reference to the constitution of the outside body concerned or in the light of any other circumstances as determined by the Member Management Committee. Such appointments will then be offered on this basis.

4.2 Nominations will then be sought for the remaining places. The Member Management Committee will have regard to the principle of securing an overall allocation of places which reflects the proportion of Members from each Political Group on the Council as a whole.

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<sup>1</sup> For example it may be considered necessary or otherwise appropriate to appoint a specific Executive Board Member

## Addendum 2

- 4.3 All appointments are subject to annual change unless otherwise stated in the constitution of the external organisation. Each appointment (including in-year replacements) runs for the municipal year, ending at the next Annual Council Meeting.
- 4.4 Elected Members<sup>2</sup> will fill all available appointments but it is recognised that Party Groups may not wish to take up vacancies which are made available to them. In such circumstances vacancies will be notified to the Member Management Committee and agreement sought as to whether the vacancy will be filled
- 4.5 A vacancy occurring during the municipal year will normally be referred to the Member Management Committee for an appointment to be made, having regard to the principles as described above.

4.6 That the Director of Legal and Democratic Services will have Delegated authority to make an appointment in the following circumstances;

- (i) Where an appointment has being agreed by the Member Management Committee as a Whips nominee and the appropriate group whip subsequently submits a nomination
- (ii) Where a group whip wishes to replace a Member previously approved by the Member Management Committee with another Member of the same group
- (iii) Where an organisation requires an appointment prior to the next meeting of the Member Management Committee , subject to this appointment being agreed by all Members of the Member Management Committee

That any instances of this delegation being used be reported to the next meeting of the Member Management Committee

### Community and Local Partnerships

- 4.7 The Area Committee will first consider whether it is appropriate for an appointment to be of a specific office holder<sup>3</sup> either by reference to the constitution of the outside body concerned or in the light of any other circumstances as determined by the Area Committee. Such appointments will then be offered on this basis.

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<sup>2</sup> &<sup>4</sup> Section 249 Local Government Act 1972 states that Aldermen and Honorary Freemen may attend and take part in civic ceremonies but do not have the right to attend Council/committee meetings or receive any allowances or payments under a Members Allowance Scheme. This establishes the principle that such persons should not to be treated as Councillors, and therefore cannot be appointed to outside bodies in place of a Councillor if the request from an organisation is for a Councillor

<sup>3</sup> For example it may be considered necessary or otherwise appropriate to appoint a specific Ward Member



## Addendum 2

### *Appointments to Outside Bodies Procedure Rules*

- 4.8 Nominations will then be sought for the remaining places, having regard to trying to secure an overall allocation of places which reflects the proportion of Members from each Political Group on the Area as a whole.
- 4.9 All appointments are subject to annual change unless otherwise stated in the constitution of the external organisation. Each appointment (including in-year replacements) runs for the municipal year, ending at the next Annual Council Meeting.
- 4.10 Elected Members<sup>4</sup> will fill all available appointments but it is recognised that Party Groups may not wish to take up vacancies which are made available to them. In such circumstances vacancies will be notified to the Area Committee and agreement sought as to whether the vacancy will be filled.
- 4.11 A vacancy occurring during the municipal year will normally be referred to the Area Committee for an appointment to be made, having regard to the principles as described above.
- 4.12 Area Management Committees may review the list of organisations to which they are asked to make appointments at any time and make recommendations to the Member Management Committee.

### **Support for Elected Member Appointees To External Organisations**

**Lead officer:** A lead officer will be identified by the Chief Democratic Services Officer in consultation with the relevant Director for all relevant appointments in the Strategic and Key Partnerships category .

This officer will work closely with the appointed Member(s) to provide briefings and support. Further advice will also be offered by the Chief Finance Officer and/or the Chief Legal Services Officer as appropriate.

**Briefings:** For organisations in the Community and Local engagement category, a lead officer will not be allocated unless the Director and/or relevant Executive Member for the service area deem that this will be beneficial. However, the representative may still seek support and briefings from Council officers.

**Induction:** Partner/external organisations are expected to provide an induction into their affairs for newly appointed Council representatives. In the case of Strategic and Key Partnership Category appointments it is the lead officer's responsibility to ensure that an induction is arranged.

# **COUNCIL PROCEDURE RULES**

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# **Addendum 3**

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## Addendum 3

### COUNCIL PROCEDURE RULES

#### 1.0 ANNUAL MEETING OF COUNCIL

##### 1.1 Timing and Business

In a year when there is an ordinary election of Councillors, the annual meeting will take place within 21 days of the retirement of the outgoing Councillors. In any other year, the annual meeting will take place in March, April or May.

The annual meeting will:

- a) elect a person to preside if the Lord Mayor and Deputy Lord Mayor are not present
- b) elect the Lord Mayor
- c) elect the Deputy Lord Mayor
- d) approve the minutes of the last meeting
- e) receive any announcements from the Lord Mayor and/or head of the paid service
- f) elect the leader
- g) establish such Committees, Boards and Panels as are required by statute and such other Committees as it considers appropriate to deal with matters which are neither reserved to the Council nor are executive functions (as set out in Part 3, Section 2A of this Constitution)
- h) No appointments under Rule 1 shall be for a period beyond the next Annual Meeting of the Council but they may be altered at any meeting of the Council
- i) agree the scheme of delegation or such part of it as the Constitution determines it is for the Council to agree (as set out in Part 3, Section 2C of this Constitution)
- j) approve a programme of ordinary meetings of the Council for the year; and
- k) consider any business set out in the notice convening the meeting

##### 1.2 Selection of Councillors on Committees and Outside Bodies

At the annual meeting, the Council will:

- a) decide which committees to establish for the municipal year
- b) decide the size and terms of reference for those committees

- c) decide the allocation of seats to political groups in accordance with the political balance rules
- d) appoint to those committees and outside bodies except where appointments to those bodies has been delegated by the Council
- e) appoint the Chair of those committees

## **2.0 ORDINARY MEETINGS**

### **2.1 Council Meetings**

All meetings of the Council, with the exception of any called by the Lord Mayor or following a requisition of a minimum of five Members or by Members in default of the Lord Mayor, shall be held on dates fixed by the Council at the annual meeting

All meetings of the Council shall be held at the Civic Hall, and shall commence at such hour as the Lord Mayor may on behalf of the Council determine or, if no hour has been so fixed, at 2.00 p.m.

### **2.2 Order of Business**

Except as otherwise provided by Rule 2.3 or by statute, the order of business at every meeting of the Council, (other than the Annual meeting, any extraordinary Meeting or the Budget Meeting, where the business to be transacted at the meeting will be specified in the Summons), shall be to:

- a) choose a person to preside if the Lord Mayor and Deputy Lord Mayor are absent
- b) approve as a correct record and sign the minutes of the last meeting of the Council except where the meeting is a meeting called under paragraph 3 (extraordinary meetings) of Schedule 12 to the Local Government Act 1972, in which case the next following meeting of the Council (being a meeting called other than under that paragraph) shall be treated as a suitable meeting for the purposes of paragraph 41(1) and (2) (signing of minutes) of that Schedule
- c) receive any declarations of interest from Members
- d) receive such communications as the Lord Mayor, the Leader or Members of the Executive Board, or the Chief Executive consider to be appropriate
- e) receive deputations (if any) in accordance with Rule 10
- f) receive such reports as the Chief Executive, Monitoring Officer or Section 151 Officer consider appropriate
- g) deal with questions (if any) in accordance with Rule 11

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- h) consider any recommendations of the Executive Board
- i) consider any recommendations of a Scrutiny Board/Overview and Scrutiny Committee
- j) consider any recommendations of the Standards Committee
- k) consider any recommendations of the Council Business Committee
- l) receive the minutes of the Executive Board and Committees, Boards and Panels established under Rule 1.1(g)
- m) consider White Paper Motions (if any) submitted in accordance with Rule 12

### 2.3 Variation of Order of Business

Business falling under items Rule 2.2 (a) or (b) shall not be displaced, but subject thereto the foregoing order of business may be varied by a resolution passed on a motion (which need not be in writing) duly moved and seconded, which shall be moved and put without discussion.

### 3.0 TIME LIMITS FOR BUSINESS

- 3.1 The time allowed for the consideration of the item set out in Rule 2.2 (l) (receipt of minutes) will be not more than 2 hours calculated from the commencement of the item and at the conclusion of 1 hour 45 minutes, the provisions of Rule 4 regarding winding up of business shall apply.
- 3.2 At each meeting of the Council the time allowed for consideration of items under Rule 2.2 (m) (White Paper Motions) will be 2 hours and 30 minutes (or until 7.30 p.m. if that be later) and at the conclusion of 2 hours and 15 minutes (or 7.15 p.m. if that be later) the provisions of Rule 4 regarding winding up of business will apply.

### 4.0 WINDING UP OF BUSINESS

- 4.1 This Rule applies on the expiry of any of the periods specified in Rules 3.1 and 3.2.
- 4.2 At the conclusion of the speech being delivered at the expiry of the specified period, the Lord Mayor shall put to the vote, without further discussion, all the questions necessary to dispose of the motion then under debate provided that:
  - a) If the speech to be concluded is a speech moving a motion, the Lord Mayor shall allow the motion to be formally seconded (without comment);
  - b) If the speech to be concluded is a speech moving an amendment, the Lord Mayor shall allow the amendment to be formally seconded (without comment) and the mover of the motion to exercise his/her right of reply; and
  - c) Otherwise, the Lord Mayor shall allow the mover of a motion to exercise his/her right of reply

4.3 If any motion or amendment has not been moved at the expiry of any of the periods referred to in Rule 4.1 above, it shall be treated as withdrawn.

## **5.0 EXTRAORDINARY MEETINGS**

Those listed below may request the proper officer to call Council Meetings in addition to ordinary meetings:

- a) the Council by resolution
- b) the Lord Mayor
- c) the Chief Executive, the Monitoring Officer and Section 151 Officer
- d) any five Members of the Council if they have signed a requisition presented to the Lord Mayor and s/he has refused to call a meeting or has failed to call a meeting within seven days of the presentation of the requisition

## **6.0 NOTICE OF AND SUMMONS TO MEETINGS**

6.1 The Chief Executive will give notice to the public of the time and place of any meeting in accordance with the Access to Information Procedure Rules. At least five clear days before a meeting, the Chief Executive will send a summons signed by him/her by post to every Member of the Council or leave it at their usual place of residence. The summons will give the date, time and place of each meeting and specify the business to be transacted, and will be accompanied by such reports as are available.

6.2 The notices for all meetings of Committees, Boards and Panels established under Rule 1.1(g) shall be issued from the office of the Chief Executive and no matter shall be considered at such meeting without the prior agreement of the Chief Executive who shall first have been furnished with any written report or with full details of any intended verbal report.

## **7.0 POWERS AND DUTIES OF THE LORD MAYOR**

7.1 Any power or duty of the Lord Mayor in relation to the conduct of a meeting may be exercised by the Deputy Lord Mayor, or in the absence of the Deputy Lord Mayor, the person elected to preside at the meeting.

7.2 Any duty of the Chief Executive in relation to the conduct of a meeting may be exercised in the Chief Executive's absence by the Director of Legal and Democratic Services.

## **8.0 QUORUM**

8.1 The quorum of a meeting will be one quarter of the whole number of Members.

8.2 If during any meeting of the Council, any Member draws to the attention of the Lord Mayor that there does not appear to be a quorum present, the Lord Mayor shall



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direct the Chief Executive to call over the names of the Members of the Council. If there is less than a quarter present, the Lord Mayor shall declare the meeting adjourned. The names of the Members present and those absent shall be recorded in the minutes of the Council. Provided that, where more than one third of the Members are disqualified at the same time and until the number of Members in office is increased to not less than two thirds of the whole, the quorum shall be determined by reference to the number of Members remaining qualified.

- 8.3 The consideration of any business not transacted shall be adjourned to a time fixed by the Lord Mayor at the time the meeting is adjourned or, if the Lord Mayor does not fix a time, to the next ordinary meeting of the Council.

### **9.0 COMMUNICATIONS**

- 9.1 There shall be no discussion on any matter referred to in communications from the Lord Mayor, the Chief Executive or Executive Members as are thought necessary to be read, but any Member shall be at liberty to move a motion, without notice, to refer any of such communications to the appropriate Committee and such motion, on being seconded, shall be at once put to the vote.

### **10.0 DEPUTATIONS**

- 10.1 Deputations may be received at any meeting of the Council except the Annual Meeting, provided that the Council's Chief Democratic Services Officer receives seven days previous notice.
- 10.2 Any Member of the Council may move a motion without notice, that the deputation be or not be received as the case may be, and such motion, on being seconded, shall be put to the vote without debate.
- 10.3 There shall be no discussion on any matter raised by a deputation, but any Member may move a motion, without notice, that the subject matter be referred to the appropriate Committee and such a motion, on being seconded, shall be put to the vote without debate.
- 10.4 The following requirements shall apply to Deputations:
- 10.4.1 A deputation shall consist of at least two and no more than five people, only one of whom shall speak and the speech including the reading of any written material shall not be more than five minutes in duration.
  - 10.4.2 Deputations which relate solely to the interests of one individual or company will not normally be admitted. In cases of doubt, the council's Chief Executive will determine the eligibility of any deputation request.
  - 10.4.3 The number of Deputations which may be received by the Council at any meeting where Deputations are permitted shall not exceed five.
  - 10.4.4 Deputations shall be heard in the order in which notice is received.

- 10.4.5 Where two or more Deputations are presenting opposing views on the same matter, not more than one of these related deputations shall be received at the same meeting.
- 10.4.6 A deputation shall not be admitted to the Council on matter which has been the subject of deputation in the preceding six months, except as a result of a prior refusal under paragraph 10.4.5.

## **11.0 QUESTIONS BY MEMBERS**

### **11.1 Questions on Notice**

- a) At each meeting of the Council (except the Annual Meeting, any extraordinary Meeting of the Budget Meeting) a continuous period of not more than 30 minutes from the commencement of the first question shall be available for oral questions.
- b) During question time, a Member may ask the Leader of the Council, the Deputy Leader, any Executive Member or the Chair of any Committee, Board or Panel established under Rule 1.1(g) , through the Lord Mayor, any question on any matter in relation to which the Council has powers or duties, or which affects the City of Leeds, or to a Member of the Council who is a nominated representative of the West Yorkshire Authority for Passenger Transport, Police and Fire and Civil Defence, on the discharge of the functions of the relevant joint Authority or who has been nominated to answer questions about the activities of a company in which the Council have an interest.
- c) A question shall not be asked in the absence of the Member in whose name it stands unless they have given authority in writing to the Chief Executive for it to be asked by some other Member of the Council

### **11.2 Notice of Questions**

Notice in writing of the question must be given to the Chief Executive before 10.00 am on the Monday preceding the Council meeting.

### **11.3 Response**

- a) Every question shall be put and answered without discussion but the person to whom a question has been put may decline to answer.
- b) A Member to whom a question is addressed shall have discretion to nominate a Lead Member to answer such question where the Member considers that the answer would most appropriately be given by such nominee.

### **11.4 Form of Response**

## Addendum 3

An answer may take the form of:

- a) a direct oral answer, or where the desired information is contained in a publication of the Council or of the relevant Joint Authority or Joint Committee, a reference to that publication, or
- b) where the reply to the question cannot conveniently be given orally, a written answer circulated to Members of the Council. Written answers wherever possible should be sent out by the Chief Executive within 10 working days.

### 11.5 Supplementary Question

The Member who asked a question during question time may ask one supplementary question, arising directly out of the original question, but not so as to extend question time.

### 11.6 Expiry of Question Time

Where the answer has not been commenced during question time, it shall be answered by written answer circulated to Members of the Council. If the answer to such question has been commenced orally but has not been completed within question time it may be completed orally.

## 12.0 MOTIONS ON NOTICE

### 12.1 Notice

Except for motions which can be moved without notice under Rule 13, written notice of every motion signed by the Member or Members of Council giving notice must be delivered at the office of the Chief Executive prior to 10.00 am of the Tuesday of the week before the next meeting of the Council if it is to be held on a Wednesday or before 1.00 p.m. of the day preceding the day for issue of the Summons if the meeting of the Council is to be held on any other day. The Chief Executive shall enter all notices of motion received in a book which shall be kept open for the inspection of every Member of the Council. All motions of which such notice is given shall be known as White Paper Motions.

Note - The Summons must be issued so as to be delivered five clear days before the day of the Meeting of the Council

### 12.2 Scope

- a) Every motion shall be relevant to some matter in relation to which the Council has powers or duties or which affects the City of Leeds.
- b) All the notices of motion received by the Chief Executive shall be submitted to the Lord Mayor. If the Lord Mayor considers that any such motion relates to matters other than of a local nature or is similar to a matter which in the past six months been rejected at a meeting of the Council, the Member concerned shall ask leave of the Council to introduce such motion before proceeding to address the Council on it. Once the motion is dealt with, no-one can propose a similar motion for six months.

- c) There shall be no speech or discussion upon asking for such leave to so introduce a motion. The fact that any such motion requires the leave of the Council shall be indicated in the Council Summons
- d) If it appears to the Lord Mayor that any such motion relates only in part to the matters stated above, the Lord Mayor may invite the Member of the Council concerned to amend the motion in agreement with the Lord Mayor either by omitting the part relating to such matters or by dividing the motion so that the part relating to such matters is stated in terms of a separate motion, but without addition to the terms of the original motion. In such event the original motion shall appear on the Council Summons with the indication that it requires the leave of the Council, but it shall be competent for the Member concerned to move without leave the part agreed by that Member with the Lord Mayor as not relating to the matters above stated, and after that motion has been disposed of, if the Member so wishes, to move with leave the remaining part so agreed
- e) For the purpose of Rules 12.2 b) and 12.2 d) "the Lord Mayor" shall mean only the Lord Mayor in his/her own person or if for any reason the Lord Mayor is unable to act or the office of the Lord Mayor is vacant, the Deputy Lord Mayor

### 12.3 Motion Set Out in Agenda

- a) The Chief Executive shall set out in the Summons for every meeting of the Council all motions of which notice has been duly given, (unless the Member giving such notice intimated in writing when giving it, that it was intended to move it at some later meeting, or has since withdrawn it in writing) and notice of all business which in the judgement of the Chief Executive requires to be brought before the Council
- b) The business under any notice upon the Council Summons shall not be proceeded with in the absence of the Member or Members of the Council in whose name or names it stands, unless they have given authority in writing for it to be taken up by some other Member or Members of the Council, or it is business which, by law, the Council must transact or business emanating from a Committee the notice whereof stands in the name of the Chair of that Committee in which latter case the resolution may be moved, without authority in writing, by some other Member of the Committee. In the case of any recommendations of the Standards Committee, the recommendation must be moved by a Member of that Committee who was present at the meeting.

## 13.0 **MOTIONS/AMENDMENTS**

### 13.1 Motions and amendments requiring notice

Except as set out in Rule 13.2 below, and as provided in Rule 14.8, no amendment to a motion (including an amendment to refer back any business for further

## **Addendum 3**

consideration) shall be moved at any meeting of the Council unless notice thereof in writing setting out the amendment and signed by the Member or Members giving it, has been received by the Chief Executive not less than 24 hours before the commencement of the meeting.

### **13.2 Motions without notice**

The following motions and amendments may be moved without notice:

- a) Appointment of a Chair of the meeting at which the motion is made
- b) In relation to the accuracy of a report, minutes or recommendation before Council
- c) To change the order of business in the agenda
- d) That leave be given to withdraw an item of business including a motion or amendment
- e) That the Council proceed to the next business
- f) That the question be now put
- g) That the debate be adjourned
- h) That the meeting be adjourned
- i) Authorising the sealing of documents
- j) Suspending Council Procedure Rules, in accordance with Rule 22.1
- k) Motion to exclude the press and public in accordance with the Access to Information Rules
- l) That a Member named under Rule 20, be not further heard or leave the meeting
- m) Giving consent of the Council where its consent is required by this Constitution
- n) That a communication be referred to the appropriate Committee

## **14.0 RULES OF DEBATE**

### **14.1 No Speeches Until Motion Seconded**

A motion or amendment shall not be discussed unless it has been proposed and seconded.

### **14.2 Right to require motion in writing**

Unless notice has already been given in accordance with Rules 12.1 or 13 it shall be put into writing and handed to the Lord Mayor before it is further discussed or put to the meeting

14.3 Secunder's Speech

A Member when seconding a motion or amendment may, if the intention to do so is declared, reserve that speech until a later period of the debate

14.4 Content of Speeches

Members shall direct their speech to the question under discussion, a personal explanation or a point of order

14.5 Period Permitted for Speeches

a) Except by the leave of Council (and as follows), no speaker may speak for more than five minutes. The speech of the mover of a motion or an amendment, the winding-up speech of the mover of a motion, or in relation to business moved under Rule 2.2(I), the speech of an Executive Member or Chair when summing up on minutes within their portfolio or in respect of their Committee, Board or Panel, shall not exceed ten minutes. (This rule shall not apply to the Lord Mayor or to matters which are not the ordinary business of the Council).

b) The Member moving the business referred to in Rule 2.2 (I) (receipt of minutes) shall, in addition to the ten minutes allowed for winding up purposes, be allowed to speak for a period not exceeding five minutes to respond to comments made on the Leader's portfolio immediately after such comments have been made

14.6 When a Member May Speak Again

A Member who has spoken on any motion shall not speak again whilst it is the subject of debate except:

- (i) to speak once on an amendment moved by another Member
- (ii) if the motion has been amended since the Member last spoke, to move a further amendment
- (iii) if the Member's first speech was on an amendment moved by that Member or another Member, to speak on the main issue. For the purpose of this paragraph the "main issue" shall exclude the subject of the amendment whether or not the amendment on which the Member spoke was carried

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- (iv) in exercise of a right of reply given by Rule 14.11
- (v) to raise a point of order in accordance with Rule 14.15
- (vi) to make a personal explanation, as defined in Rule 14.16

For the purpose of this Rule only, comments on the minutes in each portfolio section of the Executive Board and each Committee, Board or Panel moved under Rule 2.2(l) shall be regarded as being comments upon separate motions and such comments shall be relevant to such section of the minutes as are under debate.

#### 14.7 Amendments to Motions

- (a) An amendment must be relevant to the motion and will be to:-
  - (i) refer a subject of debate to an appropriate body or individual for consideration or reconsideration
  - (ii) leave out words
  - (iii) leave out words and insert or add others or
  - (iv) insert or add words

provided that such omission, insertion or addition of words shall not have the effect solely of negating the motion

- (b) Subject to Rule 14.7(c), only one amendment may be moved and discussed at any time. No further amendment shall be moved until the amendment under discussion has been disposed of
- (c) Amendments to White Paper motions shall be moved and discussed in the order in which notice thereof has been given and the voting thereon shall be taken after the winding-up speech of the mover of the original motion

#### 14.8 Further Amendments

- (a) If any amendment is lost, other amendments may be moved on the original motion provided that, where necessary, due notice has been given in accordance with Rule 13.1.
- (b) If an amendment is carried, the motion as amended takes the place of the original motion upon which any further such amendments may be moved but this does not prevent any further amendments being moved by references to the wording of the original motion.
- (c) If a Member wishes to move a second or further amendment and has not given due notice thereof where required in accordance with Rule 13.1 the Member shall give notice of the proposed amendment during the discussion on the first or other earlier amendment and, subject to the consent of the Lord Mayor (which question shall not be open to discussion), may move this amendment at such time as the Lord Mayor shall decide. Subject to this, all

amendments shall be considered in the order in which notice thereof has been given

14.9 Alteration of Motion

A Member may with the consent of the Council signified without discussion:-

- (a) alter a motion of which that Member has given notice, or
- (b) with the further consent of the seconder, alter a motion which that Member has moved

if (in either case) the alteration is one which could be made as an amendment thereto

14.10 Withdrawal of Motion or Minutes

A motion or amendment shall not be withdrawn except with the consent of the seconder and of the Council. There shall be no discussion upon an application to withdraw a motion or amendment but any Member shall be at liberty to move that the leave applied for be given and the Council without discussion shall vote thereon

14.11 Right of Reply

- (a) The mover of a motion has a right to reply at the close of debate of the motion immediately before it is put to the vote.
- (b) If an amendment is moved, the mover of the original motion shall also have a right of reply at the close of the debate on the amendment but may not otherwise speak on the amendment.
- (c) The mover of the amendment has no right of reply to the debate on such amendment

14.12 Motions Which May Be Moved During Debate

When a motion is under debate no motion shall be moved except the following:-

- (a) to amend the motion;
- (b) to adjourn the meeting;
- (c) to adjourn the debate;
- (d) to proceed to the next business;
- (e) that the question be now put;
- (f) that a Member be not further heard;



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- (g) by the Lord Mayor under Rule 20 that a Member leave a meeting;
- (h) to exclude the press and public in accordance with the Access to Information Procedure Rules;
- (i) to give consent to the withdrawal of a motion or amendment.

### 14.13 Closure Motions

- (a) A Member may move, without comment, at the conclusion of a speech of another Member,
  - (i) to proceed to the next business;
  - (ii) that the question be now put;
  - (iii) to adjourn a debate; or
  - (iv) to adjourn a meeting

on the seconding of which the Lord Mayor shall proceed as set out in paragraphs (b), (c) and (d) below.

- (b) If a motion to proceed to next business is seconded, the Lord Mayor will first give the mover of the original motion a right of reply not exceeding 10 minutes and then put to the vote the motion to proceed to next business.
- (c) If a motion that the question be now put is seconded, the Lord Mayor will first put to the vote the motion that the question be now put, and if it is passed then give the mover of the original motion a right of reply under Rule 14.11 not exceeding 10 minutes before putting a motion to the vote.
- (d) If a motion to adjourn the debate or the meeting is seconded, the Lord Mayor shall put the adjournment motion to the vote without giving the mover of the original motion a right of reply on that occasion and no amendment to the motion shall be permitted unless it relates to the time of adjournment.

### 14.14 Resumption of Adjourned Debate

On resuming an adjourned debate, the Member who moved its adjournment is entitled to speak first.

### 14.15 Points of Order

A Member may raise a point of order at any time and will, with the consent of the Lord Mayor, be entitled to be heard immediately. A point of order may relate only to an alleged breach of these Council Procedure Rules or statutory provision. The Member must specify the Rule or statutory provision and the way in which s/he considers it has been broken. The Lord Mayor's ruling is final.

### 14.16 Personal explanation

A Member may make a personal explanation at any time. A personal explanation may only relate to some material part of an earlier speech by the Member which

may appear to have been misunderstood in the present debate. The ruling of the Lord Mayor on the admissibility of a personal explanation will be final.

14.17 Lord Mayor's Ruling Final

The ruling of the Lord Mayor on a point of order or on the admissibility of a personal explanation shall not be open to discussion.

14.18 Interpretation of Council Procedure Rules

The ruling of the Lord Mayor as to the construction or application of any of these Rules, or as to any proceedings of the Council, shall not be challenged at any meeting of the Council.

**15.0 RESCINDING RESOLUTIONS OF COUNCIL**

No resolution of the Council shall be rescinded or varied, except upon motion made on a notice which shall refer to the resolution sought to be rescinded or varied. Provided that this Rule shall not apply to motions moved in pursuance of a recommendation by the Executive Board or a Committee, Board or Panel established under Rule 1.1(g).

**16.0 VOTING**

16.1 Majority

Unless this Constitution provides otherwise, any matter will be decided by a simple majority of those Members voting and present in the room at the time the question was put.

16.2 Casting Vote

At any meeting of the Council or a Committee, Board or Panel established under Rule 1.1(g), the Chair shall, in case of an equal division of votes have a second or casting vote.

16.3 Show of Hands

- (a) Unless a recorded vote is demanded under Rules 16.4 and 16.5, the Lord Mayor will take the vote by show of hands or if there is no dissent, by the affirmation of the meeting.
- (b) The result of a vote by show of hands will be announced provisionally by the Lord Mayor who will then allow a further reasonable period for any two Members to requisition a recorded vote. If any such requisition is made, the show of hands shall be disregarded and the voting will be recorded to show how each Member present voted.
- (c) If no such requisition is made before the Lord Mayor announces the next item of business or the closure of the meeting, as appropriate, the result of the

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show of hands as announced by the Lord Mayor will there upon become final.

#### **16.4 Recorded Vote**

Before the vote is taken on any motion, amendment, or amendment which has itself become a substantive motion, any two Members of the Council may demand that the votes are recorded and in that case the voting will be recorded to show how each Member present voted.

#### **16.5 Right to Require Individual Vote to be Recorded**

Where immediately after a vote is taken at a meeting any Member so requires, there shall be recorded in the minutes of the proceedings of that meeting whether that person cast his/her vote for the question, against the question or whether s/he abstained from voting.

#### **16.6 Division Bells**

- (a) Where a closing speech has started there will be a single ring of the bell.
- (b) In any situation where it has been agreed that a recorded vote shall be taken, there will be two rings of the bell and at least half a minute will elapse between the end of the final ring and the taking of the vote.

#### **16.7 Voting on Appointments**

If there are more than two people nominated for any position to be filled by the Council, and there is not a clear majority in favour of one person, then the name of the person with the least number of votes shall be taken off the list and a new vote shall be taken. The process will continue until there is a majority of votes for one person.

### **17.0 MINUTES**

#### **17.1 Signing the Minutes**

- a) The Lord Mayor will put the question that the minutes of the previous meeting or meetings of the Council be approved as a correct record.
- b) No discussion will take place upon the minutes, except upon their accuracy, and any question of their accuracy shall be raised by motion. If no such question is raised, or it is raised then as soon as it has been disposed of, the Lord Mayor will sign the minutes.

#### **17.2 No requirement to sign minutes of previous meeting at extraordinary meeting**

Where in relation to any meeting, the next meeting for the purpose of signing the minutes is a meeting called under paragraph 3 of Schedule 12 to the Local Government Act 1972 (an Extraordinary Meeting) then the next following meeting (being a meeting called otherwise than under that paragraph) will be treated as a

suitable meeting for the purposes of paragraph 41(1) and (2) of Schedule 12 relating to signing of minutes.

**17.3 Form of Minutes**

Minutes will contain all motions and amendments in the exact form and order the Lord Mayor put them.

**18.0 RECORD OF ATTENDANCE**

All Members present during the whole or part of a meeting must sign their names on the attendance sheets before the conclusion of every meeting to assist with the record of attendance.

**19.0 EXCLUSION OF PUBLIC**

19.1 Subject to any statutory prohibitions and to paragraph 19.2 below, meetings of the Council and Committees, Boards and Panels established under Rule 1.1(g) and any sub-groups thereof, shall be open to the public. This shall be without prejudice to any power of exclusion to suppress or prevent disorderly conduct or other misbehaviour at a meeting.

19.2 The Council and Committees, Boards and Panels established under Rule 1.1(g) and any sub Committees thereof may by resolution exclude the press and public from a meeting (whether during the whole part or part only of the proceedings) in accordance with the Access to Information Procedure Rules in Part 4 of this Constitution.

**20.0 MEMBERS' CONDUCT**

**20.1 Standing to Speak**

A Member when speaking at full Council must stand and address the Lord Mayor. If two or more Members rise, the Lord Mayor will call on one to speak and the other or others must sit. While the Member is speaking, the other Members must remain seated unless rising on a point of order or personal explanation. Members shall speak of each other by their titles of "Lord Mayor" or "Councillor" as the case may be.

**20.2 Lord Mayor Standing**

When the Lord Mayor rises during a debate, any Member speaking at the time must stop and sit down. The meeting must be silent.

**20.3 Member not to be Heard Further**

If at a meeting any Member in the opinion of the Lord Mayor notified to the Council, indulges in misconduct by persistently disregarding the ruling of the Chair, or by

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behaving irregularly, improperly, offensively, or by wilfully obstructing the business of the Council, the Lord Mayor or any other Member may move "That the Member named be not further heard", and the motion if seconded will be put and voted on without discussion.

#### **20.4 Member to Leave the Meeting**

If the Member named continues the misconduct after a motion under the foregoing paragraph has been carried, the Lord Mayor shall either move "That the Member named do leave the meeting" (in which case the motion shall be put and determined without seconding or discussion) or adjourn the meeting of the Council for such period as the Lord Mayor shall consider expedient.

#### **20.5 General Disturbance**

In the event of general disturbance which in the opinion of the Lord Mayor renders the orderly dispatch of business impossible, the Lord Mayor may, without question, adjourn the meeting of the Council for such period as s/he considers expedient.

### **21.0 DISTURBANCE BY THE PUBLIC**

21.1 If a Member of the public interrupts the proceedings at any meeting the Lord Mayor will warn the person concerned. If that person continues the interruption, the Lord Mayor will order their removal from the meeting room.

21.2 In the case of general disturbance in any part of the meeting room open to the public the Lord Mayor may call for that part to be cleared.

### **22.0 SUSPENSION AND AMENDMENT OF COUNCIL PROCEDURE RULES**

#### **22.1 Suspension**

Any Council Procedure Rule except Rule 16.5 and 17.2 may be suspended by a motion made and seconded and carried by a majority of the Members present at the meeting. A motion to suspend in relation to the proposed introduction of an emergency motion should include the wording of the motion proposed to be considered. The motion to suspend should not include the reasons why the suspension is being proposed. Suspension is only for the duration of the meeting.

#### **22.2 Amendment**

Any motion to add to, vary or revoke these Council Procedure Rules will, when proposed and seconded, stand adjourned without discussion to the next ordinary meeting of the Council.

### **23.0 INTEREST OF MEMBERS AND OFFICERS**

23.1 If any Member of the Council has any personal and prejudicial interest for the purposes of Section 81 of the Local Government Act 2000, in any contract, proposed contract or other matter that Member must withdraw from the meeting while the contract or other matter is under consideration by the Council unless the

disability to discuss the matter imposed upon him/her by that Section has been removed by the Standards Committee under Section 81(4).

- 23.2 Departmental Directors shall record in a book kept for the purpose particulars of any notice given by an officer of the Council of a personal interest in a contract and each such book shall be open during office hours to the inspection of any Members of the Council.

## **24.0 MOTIONS AFFECTING COUNCIL EMPLOYEES**

If any question arises at a meeting of the Council or a Committee, Board or Panel established under Rule 1.1(g) and any sub-Committee thereof, open to the public as to the appointment, promotion, dismissal, salary, superannuation or conditions of service, or as to the conduct of any person employed by the Council, such question shall not be the subject of discussion until the Council, Committee, or Sub-Committee or other body as the case may be, has decided whether or not the power of exclusion of the public under section 100A of the Local Government Act 1972 shall be exercised.

## **25.0 APPLICATION TO COMMITTEES AND SUB COMMITTEES**

- 25.1 All of the Council Procedure Rules apply to meetings of full Council. None of the Rules apply to meetings of the executive (see Executive Procedure Rules). Only the following Rules apply to meetings of committees and sub-committees: 6, 7, 16.1, 16.2, 16.5, 17, 19, 21, 23 - 28.

- 25.2 References to "Lord Mayor" shall read "the Chair".

## **26.0 SUBSTITUTE MEMBERS**

### **26.1 Allocation**

- a) In relation to each Scrutiny Board, the Council shall appoint substitute members, comprising all other members of the other Scrutiny Boards. A nominated<sup>1</sup> substitute member shall be entitled to attend meetings in place of a regular Member.
- b) In relation to each Regulatory Panel, the Council shall appoint substitute members, comprising all other members of the other Regulatory Panels. A nominated member shall be entitled to attend meetings in place of a regular member, subject to the substitute member having received appropriate training.
- c) In relation to the Council Business Committee, the Council shall appoint the same number of substitutes in respect of each political group as that group

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<sup>1</sup> The nomination of the substitute member must be by or with the agreement of the substituted member.

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holds seats on the Committee. A nominated substitute member shall be entitled to attend meetings in place of a regular member of the Committee.

- d) In relation to the Members' Management Committee, the Council shall appoint the same number of substitutes in respect of each political group as that group holds seats on the Committee. A nominated substitute member shall be entitled to attend meetings in place of a regular member of the Committee.
- e) In relation to the Development Plan Panel, the Council shall appoint substitute Members, comprising all Members of the Regulatory Panels. A nominated Member shall be entitled to attend meetings in place of a regular Member, subject to the substitute Member having received appropriate training.

#### **26.2 Substitution**

A substitute member shall be entitled to attend in place of a regular member provided that the Committee Clerk has been notified of this before the meeting begins. Once the meeting has begun, the regular member in respect of whom notification has been received, shall no longer be entitled to attend that meeting as a member of the Board or Panel concerned

#### **26.3 Powers and Duties**

- a) Substitute members will have all the powers and duties of any regular member of the committee but will not be able to exercise any special powers or duties exercisable by the person for whom they are substituting.
- b) A substitute member shall be for all purposes a duly appointed member of the Board or Panel to which s/he is appointed as a substitute member for the meeting in question and shall have the like duties, powers and responsibilities as the member whom s/he is replacing.

### **27.0 SPECIAL MEETINGS OF COMMITTEES**

The Chair of a Committee, Board or Panel established under Rule 1.1(g), may call a meeting at any time. A special meeting shall also be called on the requisition of any three Members of such Committees, Boards and Panels delivered in writing to the Chief Executive. The Agenda for such a special meeting shall set out the business to be considered thereat and no business other than that set out in the Agenda shall be considered at that meeting.

### **28.0 QUORUM OF COMMITTEES AND SUB-COMMITTEES**

28.1 Four Members (including the Chair) shall form a quorum in Committees, Boards and Panels established under Rule 1.1(g), except as follows:

28.2 The quorum for the Employment Committee shall be two, including one Member of the Executive Board.

- 28.3 The quorum for meetings of the Standards Committee shall be three, including at least one independent member (unless that independent member would have been present for the meeting but for the fact he was prevented or restricted from participating by virtue of the code of conduct, in which case the requirement for the quorum to include at least one independent member shall not apply).
- 28.4 The quorum for a meeting of an Area Committee shall be satisfied if at least one third of the Elected Ward Members are present, and at least one Elected Ward Member from each ward within the area is present. In the case of those Committees where the Area is made of only two Wards, the quorum shall be satisfied if three Members are present and at least one Elected Ward Member from each ward within the area is present.
- 28.5 The quorum of any sub-committee shall be determined by the appointing committee.
- 28.6 Except where authorised by statute, business shall not be transacted at a meeting unless a quorum is present.



**ARTICLE 14 – FINANCE, CONTRACT AND LEGAL MATTERS****14.1 FINANCIAL MANAGEMENT**

The management of the Council's financial affairs will be conducted in accordance with the financial procedure rules set out in Part 4 of this Constitution.

**14.2 CONTRACTS**

Every contract made by the Council will comply with the Contracts Procedure Rules set out in Part 4 of this Constitution.

**14.3 LEGAL PROCEEDINGS**

The Director of Legal and Democratic Services is 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 any part of it or in any case where the Director of Legal and Democratic Services considers that such action is necessary to protect the Council's interests.

**14.4 COMMON SEAL OF THE COUNCIL****• Custody**

The Common Seal of the Council will be kept in a safe place in the custody of the Director of Legal and Democratic Services.

**• Authority to Use Seal**

A decision of the Council, or of any part of it, 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 Director of Legal and Democratic Services should be sealed. The affixing of the Common Seal will be attested by the Director of Legal and Democratic Services or some other person authorised by him/her.

**• Attestation**

The Common Seal shall be attested by the signature (including the facsimile of the signature by whatever process reproduced) of the Director of Legal and Democratic Services and entry shall be made by the Director of Legal and Democratic Services or some other person authorised by him/her in a book to be provided for that purpose of every deed and other document to which the Common Seal has been affixed

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### **14.5 SIGNATURE OF DOCUMENTS**

- **Signature of Contracts**

The Chief Executive and the Director of Legal and Democratic Services (or other person authorised by each of them) shall each be authorised to sign as Agent for the Council all Contracts agreed to be entered into by the Council, or any part of it,

- **Contracts in writing**

Any contract with a value exceeding £100,000 entered into on behalf of the local authority in the course of the discharge of an executive function shall be made in writing. Such contracts must either be signed by at least two officers of the authority or made under the common seal of the Council attested by at least one officer.

- **Authentication of Documents for Legal Officer Proceedings**

Where any document will be a necessary step in legal proceedings on behalf of the Council it shall be signed by the Chief Executive or the Director of Legal and Democratic Services or other person authorised by him/her unless any enactment otherwise requires or authorises, or the Council give the necessary authority to some other person for the purpose of such proceedings

## Addendum 5

### Director of Legal and Democratic Services

1. The Director of Legal and Democratic Services is the Monitoring Officer for the Council.
2. Subject to the exceptions listed below, the Director of Legal and Democratic Services is authorised to discharge the following Council (non-executive) functions:

#### Licensing and Regulations:

(a)	To license hackney carriages and private hire vehicles	(a) As to hackney carriages, the Town Police Clauses Act 1847 as extended by section 171 of the Public Health Act 1875 and section 15 of the Transport Act 1985 and sections 47, 57, 58, 60 and 79 of the Local Government (Miscellaneous Provisions) Act 1976 (b) As to private hire vehicles, sections 48, 57, 58, 60 and 79 of the Local Government (Miscellaneous Provisions) Act 1976
(b)	To license drivers of hackney carriages and private hire vehicles	Section 51, 53, 54, 59, 61 and 79 of the Local Government (Miscellaneous Provisions) Act 1976
(c)	To license operators of hackney carriages and private hire vehicles	Sections 55 to 58, 62 and 79 of the Local Government (Miscellaneous Provisions) Act 1976
(d)	*To register pool promoters	Schedule 2 to the Betting, Gaming and Lotteries Act 1963
(e)	*To grant track betting licences	Schedule 3 to the Betting, Gaming and Lotteries Act 1963
(f)	*To licence inter-track betting schemes	Schedule 5ZA to the Betting, Gaming and Lotteries Act 1963
(g)	*To grant permits in respect of premises with amusement machines	Schedule 9 to the Gaming Act 1968
(h)	*To register societies wishing to promote lotteries	Schedule 1 to the Lotteries Amusements Act 1976
(i)	*To grant permits in respect of premises where amusements with prizes are provided	Schedule 3 to the Lotteries and Amusements Act 1976
(j)	*To licence sex shops and sex cinemas	The Local Government (Miscellaneous Provisions) Act 1982, Section 2, Schedule 3

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(k)	*To licence performance of hypnotism	The Hypnotism Act 1952
(l)	*To issue cinema and cinema club licences <sup>1</sup>	Section 1 of the Cinema act 1985
(m)	*To issue theatre licences <sup>1</sup>	Sections 12 to 14 of Theatres Act 1968
(n)	*To issue entertainment licences <sup>1</sup>	Section 79 of the Licensing Act 1964, sections 1 to 5 and 7 and Part I of and Schedules 1 and 2 to the Local Government (Miscellaneous Provisions) Act 1982
(o)	*To license night cafes <sup>1</sup>	Section 2 of the Late Night Refreshment Houses Act 1969
(p)	*To license dealers in game and the killing and selling of game	Sections 5, 6, 17, 18 and 21 to 23 of the Game Act 1831; sections 2 to 16 of the Game Licensing Act 1860 section 4 of the customs and Inland Revenue Act 1883, sections 12(3) and 27 of the Local Government Act 1874 and section 213 of the Local Government Act 1972
(q)	*To license scrap yards	Section 1 of the Scrap Metal Dealers Act 1964
(r)	*To approve premises for the solemnisation of marriages	Section 46A of the Marriage Act 1949 and the Marriages (Approved Premises) Regulations 1995(SI 1995/510)
(s)	*To license persons to collect for charitable and other causes	Section 5 of the Police, Factories etc (Miscellaneous Provisions) Act 1916 and section 2 of the House to House Collections Act 1939
(t)	To register motor salvage operators	Part I of the Vehicles (Crime) Act 2001

<sup>1</sup> Under the Licensing Act 2003 this will be a licensable activity and the function of granting or varying a licence to authorise this activity will be discharged by the Licensing Committee. Between 7 February 2005 and a date to be appointed by the Secretary of State, the Licensing and Regulatory Panel will deal with new applications or requests for immediate variations for these types of licence, and the Director of Legal and Democratic Services may do so under this delegated authority. The Licensing Committee will deal with conversions to and variations of licences under the Licensing Act 2003. Licences granted by the Licensing Committee will come into force from the appointed date and licences granted by the Licensing and Regulatory Panel or the Director of Legal and Democratic Services under delegated authority will then lapse.

## Addendum 5

### Functions relating to elections:

(a)	Functions in relation to parishes and parish councils	Part II of the Local Government and Rating Act 1997 and subordinate legislation under that Part
(b)	To dissolve small parish councils	Section 10 of the Local Government Act 1972
(c)	To make orders for grouping parishes, dissolving groups and separating parishes from groups	Section 11 of the Local Government Act 1972
(d)	To make temporary appointments to parish councils	Section 91 of the Local Government Act 1972

### Functions relating to standing orders:

(a)	To make standing orders	Section 106 of, and paragraph 42 of Schedule 12 to the Local Government Act 1972
(b)	To make standing orders as to contracts	Section 135 of the Local Government Act 1972

### Exceptions:

The Director of Legal and Democratic Services is not authorised to discharge those functions marked \*above where objections have been received.

### Director of Legal and Democratic Services

### Licensing Functions delegated by Licensing Committee:

Subject to the exceptions listed below, the Director of Legal and Democratic Services is authorised to discharge the licensing functions <sup>1</sup> of the licensing authority.	Licensing Act 2003
<b><u>Exceptions:</u></b> <ul style="list-style-type: none"><li>• any licensing function<sup>2</sup> reserved to full Council;<sup>3</sup> and</li><li>• any licensing function where full Council has referred a matter to a committee other than the Licensing Committee;<sup>4</sup> and</li><li>• any licensing function within the terms of reference of the Licensing Sub-committees<sup>5</sup>,and</li></ul>	

<sup>1</sup> “ Licensing functions” means functions under the 2003 Act.

<sup>2</sup> “ Licensing functions” mean functions under the 2003 Act.

<sup>3</sup> Part 3, Section 2A of the Constitution sets out licensing functions reserved to full Council, as licensing authority under the 2003 Act.

<sup>4</sup> Under the provisions of Section 7(5)(a) of the 2003 Act.

<sup>5</sup> Except where a Licensing sub-committee has arranged for the discharge of any of their functions to an Officer.

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|---|--|
| <ul style="list-style-type: none"><li>• any function under Section 52(2) or (3) of the Act; and</li><li>• any function under Section 88(2) or (3) of the Act; and</li><li>• any function under Section 167(5) of the Act: and</li><li>• to determine whether Section 20(3) or 74(3) applies to a film and make recommendations about the admission of children to that film; and</li><li>• to object when the Authority is consultee and not the relevant authority considering an application.</li></ul> |  |
|---|--|