

**Supplementary Information in respect of
Item 8 – Recommendations of the General
Purposes Committee - Amendments to the
Constitution**

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To All Councillors

Democratic & Central Services

Governance Services

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Our Ref:

Your Ref:

23 May 2018

Dear Councillor

ANNUAL MEETING – 24th May 2018

Please find attached for your information, documentation that was marked as 'to follow' on the Council Summons.

Please attach these to your papers for the meeting.

Yours sincerely

Kevin Tomkinson
Principal Governance Officer



Report of City Solicitor**Report to Full Council****Date: 24th May 2018****Subject: Annual Review of Constitution**

Are specific electoral wards affected? If yes, name(s) of ward(s):	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
Are there implications for equality and diversity and cohesion and integration?	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
Is the decision eligible for call-in?	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
Does the report contain confidential or exempt information? If relevant, access to information procedure rule number: Appendix number:	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No

Summary of main issues

1. This report sets out recommendations from General Purposes Committee for amendments to the Constitution following the City Solicitor's annual review to ensure that the Constitution remains up to date and fit for purpose.

Recommendations

2. Members are requested to approve the amendments below for the reasons set out in this report:
 - 2.1 Article 5 (Appendix A)
 - 2.2 Article 6 (Appendix F)
 - 2.3 Article 15 (Appendix E)
 - 2.4 Council Procedure Rules (Appendix B)
 - 2.5 Planning Code of Good Practice (Appendix C)
 - 2.6 Protocol for Public Speaking at Plans Panels (Appendix D)

1. Purpose of this report

- 1.1 This report sets out proposals which General Purposes Committee recommend following the City Solicitor's annual review of the Constitution.

2. Background information

- 2.1 The terms of reference for General Purposes Committee provide at paragraph 2 that the committee will "consider proposals to amend the constitution and make recommendations to full Council."
- 2.2 General Purposes Committee met on 18th May 2018 and resolved to recommend the proposals set out in this report.

3. Main issues

Vice Chair of Council

- 3.1 In accordance with the Royal Charter Vice-Chair of Leeds City Council is entitled to style themselves as the Deputy Lord Mayor. However in 2011 the custom and practice of the authority changed and since this time the vice-chair has not used the title.
- 3.2 Amendments are proposed to Article 5 reflecting this change in custom and practice in order to ensure that the Council's arrangements are clear and transparent whilst continuing to reflect the status conferred by the Royal Charter. The proposed amendments are set out at Appendix A attached.
- 3.3 An additional amendment is proposed to Rule 1.1 of the Council Procedure Rules to reflect the adopted custom and practice in respect of titling the Vice-Chair of Council as detailed at 3.1 above.
- 3.4 The proposed amendments to the Council Procedure Rules are set out at Appendix B Attached.

Joint Plans Panel

- 3.5 Joint Plans Panel is an informal meeting bringing together the Council's Area Plans Panels, City Plans Panel and Development Plan Panel for consultation and training.
- 3.6 The Joint Plans Panel is consulted annually on the content of the Planning Code of Good Practice (in accordance with paragraph 9.1 of the Code) and the Protocol for Public Speaking at the Plans Panels (in accordance with paragraph 5.1 of the Protocol.) However as the Joint Plans Panel is an informal meeting it is not authorised to formally approve any amendments to the Constitution. Amendments to both documents are therefore proposed to reflect that the formal decision to amend either document is to be taken by the Chief Planning Officer in consultation with the Joint Plans Panel.
- 3.7 Given the changes proposed to the Code and Protocol a further amendment is recommended to Article 15 of the Constitution to correctly record the authority to amend those documents.
- 3.8 Amendments to the three documents are set out at Appendices C to E attached.

Quorum Arrangements

- 3.9 The City Solicitor has undertaken a review of the quorum arrangements for Council and its committees.
- 3.10 The Local Government Act 1972 requires at Schedule 12 paragraph 6 that “no business shall be transacted at a meeting of a principal council unless at least one quarter of the whole number of members of the council are present”
- 3.11 An amendment is proposed at the footnote to Rule 8.1 of the Council Procedure Rules to provide clarity around quorum of Council by specifying that 25 Members will be required to convene a quorate meeting of Council.
- 3.12 In addition an amendment is proposed to rule 28.3 amending the quorum required for a meeting of a Community Committee to half (five Members in a committee of nine, and six Members in a committee of twelve). This represents the first review of the arrangements which has taken place since the restructuring of Community Committees in 2014 which achieved greater balance in the number of wards comprised in each of the ten committees. The increase in quorum is intended to support engagement in Community Committees, reflecting the increasing importance of decision making within Community Committees which fully understand the implications of those decisions for the communities they represent.
- 3.13 The proposed amendments are set out at Appendix B attached.

Scrutiny Board Alignment

- 3.14 General Purposes Committee recommend the realignment of Scrutiny Boards. The proposal requires an amendment to Article 6 of the Constitution, as set out at Appendix F attached, and aligns the authority’s functions across a total of five Scrutiny Boards. This realignment will promote better co-ordination of the scrutiny function and enable enhanced scrutiny oversight of Executive arrangements.

4. Corporate considerations

4.1 Consultation and engagement

- 4.1.1 The report to General Purposes Committee set out details of consultation which took place with Members and officers in relation to each proposed amendment.

4.2 Equality and diversity / cohesion and integration

- 4.2.1 There are no implications for this report.

4.3 Council policies and best council plan

- 4.3.1 Continuous monitoring and updating of the Constitution is in line with the Council’s value of being open, honest and trusted.

4.4 Resources and value for money

- 4.4.1 There are no implications for this report.

4.5 Legal implications, access to information, and call-in

- 4.5.1 The amendments to the Constitution are recommended by General Purposes Committee in accordance with the Committee's terms of reference.

4.6 Risk management

- 4.6.1 There are no implications for this report.

5. Conclusions

- 5.1 The constitutional amendments set out in this report will ensure that the Council's constitution is up to date and fit for purpose.

6. Recommendations

- 6.1 Members are requested to approve the amendments below for the reasons set out in this report:

- 6.1.1 Article 5 (Appendix A)
- 6.1.2 Article 6 (Appendix F)
- 6.1.3 Article 15 (Appendix E)
- 6.1.4 Council Procedure Rules (Appendix B)
- 6.1.5 Planning Code of Good Practice (Appendix C)
- 6.1.6 Protocol for Public Speaking at Plans Panels (Appendix D)

7. Background documents¹

- 7.1 None

¹ The background documents listed in this section are available to download from the Council's website, unless they contain confidential or exempt information. The list of background documents does not include published works.

ARTICLE 5 - CHAIRING THE COUNCIL

5.1 ROLE AND FUNCTION OF THE LORD MAYOR

The Royal Charter of 1897 conferred the right of the First Citizen in Leeds to be “styled, entitled and called” Lord Mayor of Leeds.

The Lord Mayor, elected at the Annual Meeting of the Council, acts as Chair of the Council, is Leeds’ first citizen, represents all the people of the City, and, for the year of office, is non-political.

The Lord Mayor will have the following roles and functions:

- to be the First Citizen of Leeds;
- to promote the Council as a whole and act as a focal point for the community;
- to uphold and promote the purposes of the Constitution, and to interpret the Constitution when necessary;
- to preside over meetings of the Council so that its business can be carried out efficiently and with regard to the rights of Councillors and the interests of the Community;
- to ensure that the Council meeting is a forum for the debate of matters of concern to the local community and the place at which Members (who are not on the Executive) are able to hold the Executive to account;
- to promote public involvement in the Council's activities;
- to be the conscience of the Council; and
- to attend such civic and ceremonial functions as the Council and he/she determines appropriate.

5.2 ROLE AND FUNCTION OF ~~DEPUTY LORD MAYOR~~VICE CHAIR OF COUNCIL

The ~~Deputy Lord Mayor~~Vice-Chair of Council¹, elected at the Annual Meeting of the Council, will have the following responsibilities:

- ~~to assist and deputise for the Lord Mayor in carrying out the responsibilities of office;~~
- in the absence of the Lord Mayor, to preside over meetings of the Council so that its business can be carried out efficiently and with regard to the rights of Councillors and the interests of the Community; and

¹ In accordance with the Royal Charter of 1897 the Vice-chair has the right to be “styled, entitled and called” Deputy Lord Mayor, however this title has not been used since May 2011.

Article 5 – Chairing the Council

- to attend such civic and ceremonial functions as the Council ~~and~~ or the Lord Mayor determine appropriate.

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~~ Vice Chair of Council are not present;
- (b) elect the Lord Mayor;
- (c) elect a ~~Deputy Lord Mayor (or~~ Vice Chair of Council);
- (d) pass a vote of thanks to the retiring Lord Mayor;
- (e) approve the minutes of the last meeting;
- (f) receive any declarations of interest from Members;
- (g) receive any announcements from the Lord Mayor and/or Head of Paid Service;
- (h) elect the Leader¹;
- (i) consider any recommendations made by General Purposes Committee;
- (j) establish such committees² 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);³
- (k) 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;
- (l) 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);

¹ Only as required by Article 7. If the Council fails to elect the Leader at the relevant annual meeting, or a vacancy in the office arises, the Leader is to be elected at a subsequent meeting.

² Such committees may be known as boards or panels.

³ References in these Rules to any committee established under Rule 1.1(j) shall be construed as including any other committee established by Full Council during municipal year.

- (m) receive the documents presented by the Leader in accordance with Executive and Decision Making Procedure Rules;
- (n) approve a programme of ordinary meetings of the Council for the year; and
- (o) 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; and
- (e) appoint the Chair of those committees.

2.0 **ORDINARY MEETINGS**

2.1 Council Meetings

The Council may amend the programme of ordinary meetings agreed at the annual meeting.

All ordinary meetings shall be held at the **Civic Hall, Leeds**, at **1.00pm**, unless full Council decides otherwise.

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 Meeting⁴, or a State of the City meeting⁵ 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 Vice Chair of Council are absent;

⁴ Business over and above the budget is usually admitted by agreement but there is a presumption that such agreement will not include the attendance of deputations or question time.

⁵ Or such other similarly styled meeting

- (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, Deputy 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) consider any recommendation of the Executive Board, and committees, established under Rule 1.1(j)⁶, and any sub-committees thereof;
- (g) receive such reports as the Chief Executive, Monitoring Officer or Section 151 Officer consider appropriate⁷;
- (h) deal with Executive questions (if any) in accordance with Rule 11;
- (i) receive the minutes of the Health and Wellbeing Board and Executive Board;
- (j) 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 Each deputation shall be for no more than 5 minutes
- 3.2 A period of 30 minutes will be allowed for Executive Questions.
- 3.3 Subject to Rule 4.1 consideration of all business to dispose of the motion to receive Health and Wellbeing Board and Executive Board minutes shall not continue beyond 4.20 pm.

⁶ Annual reports will be received from the following committees: Scrutiny (jointly); Community Committees (jointly); Plans Panels (jointly); Licensing Committee; Standards Committee.

⁷ In the case of a report relating to devolved matters, consideration of this report will take place after the tea break time; be time limited to 30 minutes; and will enable all groups the to contribute to the debate.

The motion to receive the minutes shall be conducted as follows;

- Consideration of Health and Wellbeing Board will be for a period of twenty minutes including up to 4 minutes for the Chair of that Board to sum up at the conclusion of which comments on Executive Board minutes will be heard.
- The Leader of Council will sum up for a period of up to ten minutes .

3.4 Each White Paper Motion shall be limited to forty five minutes, at the conclusion of which voting shall commence.

4.0 WINDING UP OF BUSINESS

4.1 At the conclusion of the speech being delivered at the expiry of a specified time period, the Lord Mayor shall put to the vote, without further discussion, all that is necessary to dispose of the matter under debate⁸ provided that:

- Executive Questions

Where a question has been commenced orally (but has not been completed within the time allotted for question time) that question is completed including any supplementary to that question and the response thereto.

- Consideration of Minutes

If the relevant portfolio holder has not commenced summing up in accordance with rule 14.1 g) they shall have the opportunity to sum up (for a period of not more than 5 minutes)⁹

The Leader of Council has had the opportunity to sum up (for a period of not more than 10 minutes).

- White Paper Motions/ Amendments

The Mover of the motion has had the opportunity to sum up (for a period of not more than 4 minutes).

- Reference Back

The relevant Executive Board Member or Chair has had the opportunity to sum up (for a period of not more than 3 minutes) on the reference back.

⁸ For clarification, "all that is necessary properly to dispose of the matter under debate" means, as relevant, for the original motion properly to be moved and seconded; for any and all amendment(s) properly to be moved and seconded; and for the mover of the original motion to have an opportunity to exercise their right of reply/right to sum up.

⁹ The Leader's summing up may continue after 4:20 pm if necessary to accommodate the executive Member's summing up in relation to their portfolio.

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; and
- (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 clear days¹⁰ 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 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 established under Rule 1.1(j) 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 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 Vice Chair, or in the absence of the Vice Chair, 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 City Solicitor.

8.0 QUORUM

- 8.1 The quorum of a meeting will be one quarter of the whole number of Members¹¹.
- 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

¹⁰ Not including the date the requisition was received and not including weekends or bank holidays

¹¹ ~~Which shall be 25 Members unless~~ Where more than one third of the Members are disqualified at the same time, ~~and when~~ 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

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.

- 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 The Council will not receive more than four deputations at any ordinary meeting.¹²
- 10.2 A request for permission to bring a Deputation must be submitted, to the Head of Governance and Scrutiny Support, at least fourteen clear days in advance of the Council meeting for which permission is sought.
- 10.3 A copy of the proposed deputation speech must accompany the permission request.
- 10.4 Deputations shall be relevant to some matter in relation to which the Council has powers or duties or which affects the City of Leeds.
- 10.5 Deputation requests which relate solely to the interests of an individual or company, or which present, or may appear to present unsubstantiated allegations or claims in respect of an individual, group of individuals, a company or any other body, or are in any way vexatious or otherwise significantly prejudicial to the interests of the Council or the City of Leeds, will not be permitted.
- 10.6 Requests concerning matters being considered by a Plans Panel, the Licensing Committee (or a sub-committee) will not be received.
- 10.7 The suitability of a Deputation shall be determined by the Chief Executive. Permission to attend Council and present a Deputation shall be issued by the Chief Executive.
- 10.8 Eligible deputations shall be heard in the order in which permission is granted.

¹² Except the Annual Meeting, an Extraordinary Meeting, the Budget Meeting and a State of the City (or other similarly styled) meeting where deputations shall not be heard.

- 10.9 A deputation shall consist of at least two and no more than five people. One person from a deputation may address the Council, for no longer than five minutes¹³.
- 10.10 Where two or more deputations present opposing views on the same matter, the Council will not receive more than one of these related deputations at the same meeting.
- 10.11 The Council shall not normally receive a deputation on a matter that has been the subject of a deputation in the previous six months, except as a result of a refusal at 10.10.
- 10.12 The Council shall not debate any matter raised by a deputation when it is presented.
- 10.13 Any Member of the Council may move a motion without notice, that the deputation be or not be received, or that the subject matter be referred to the appropriate committee¹⁴. The Lord Mayor will put such a motion on being seconded, to the vote without debate.

11.0 EXECUTIVE QUESTIONS

11.1 Questions on Notice

- (a) Executive Questions may be put at each ordinary meeting of the Council (except, the Budget Meeting or a State of the City meeting¹⁵).
- (b) During question time, a Member may ask the Leader of the Council, the Deputy Leader, any Executive Member¹⁶ or the Chair of any executive committee¹⁷ 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 Leeds¹⁸.
- (c) A question shall not be asked in the absence of the Member in whose name it stands unless they have given authority 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 10.00am on the Monday preceding the Council meeting. Questions from an

¹³ Including the reading of any written material

¹⁴ Or to the officer with appropriate delegated authority who shall consider the matter in consultation with the relevant Executive Member.

¹⁵ or other such styled meeting. Questions cannot be put at the Annual Meeting or any Extraordinary Meeting.

¹⁶ In relation to any matter within their portfolio.

¹⁷ In relation to any matter within the committee's terms of reference.

¹⁸ A Member may also ask a Member of the Council appointed by full Council to another body, any question about functions discharged by that other body. Any question about any function discharged by the West Yorkshire Fire and Rescue Authority must be directed to a Member nominated by that Authority..

individual or group will be taken in the order in which notice of the question is received from that individual or group.

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 addressed¹⁹ shall have discretion to nominate a 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

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.

11.6 Unanswered Questions

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 a question has been commenced orally but has not been completed within question time it may be completed orally including any supplementary to that question and the response thereto.

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 10.00am of the day preceding the day for issue of the Summons. The proposer of a Motion shall have

¹⁹ Except in relation to functions discharged by the West Yorkshire Fire and Rescue Authority – see footnote 15 above.

the right to correct or withdraw a Motion up to 10.00 am on the day the Summons is to be issued.

12.2 White Paper Motions

The number of White Paper motions admissible for full debate at any given meeting shall be limited to three^{20 21}.

12.3 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 has been rejected at a meeting of the Council, the Member concerned shall ask leave of the Council to introduce such a motion before proceeding to address 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 motion requiring notice relates only in part to the matters stated in (b) 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 of Council the remaining part of the motion.

12.4 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, and notice of all business which in the judgement of the Chief Executive requires to be brought before the Council.

²⁰One to the Labour Group, one to the Conservative Group, one to be shared on a rota agreed by the other political groups.

²¹ Where submitted, the first White Paper considered will be that submitted by the Conservative Group

- (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.

13.0 MOTIONS/AMENDMENTS

13.1 Motions and amendments requiring notice

- a) 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 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:
- no later than 10.00am on the working day before the commencement of the meeting; or
 - no later than 10.00 am on the third working day after the issue of the Summons if the amendment is to the Budget Motion.

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; and
- (n) that a communication be referred to the appropriate Committee

14.0 RULES OF DEBATE

14.1 Period Permitted for Speeches

Except by the leave of Council (and as follows);

- a. A Member may address Council under the Communications item for up to 3 minutes.
- b. A Member moving a White Paper motion may speak for up to 5 minutes.
- c. A Member seconding a White Paper motion may speak for up to 4 minutes²²,
- d. A Member may speak for up to 4 minutes when contributing to, or summing up on, White Paper debates.
- e. A Member moving any other motion may speak for up to 4 minutes.
- f. A Member moving any amendment may speak for up to 4 minutes.
- g. An Executive Board Member or other such Member as may be determined appropriate, may speak for up to 6 minutes²³ when summing up on comments made on Minutes.
- h. An Executive Board Member responsible for the section of the minutes to which an amendment (reference back) relates shall have 3 minutes to comment as the last speaker in the debate on the amendment (reference back).
- i. The Leader of Council may speak for up to ten minutes when summing up on the Minutes.
- j. A Member contributing to, or summing up on, any business other than set out above, may speak for up to 3 minutes.

²² A Member when seconding a White Paper motion, or an amendment to a White Paper Motion, may reserve that speech until a later period of the debate.

²³ Where the Executive Board Member is the Leader of Council the time available for summing up on his/her portfolio shall be 5 minutes.

- k. On resuming an adjourned debate, the Member who moved its adjournment is entitled to speak first for up to 3 minutes.

14.2 No Speeches Until Motion Seconded

All other motions or amendments shall not be discussed unless it has been proposed and seconded.

14.3 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.

14.4 Content of Speeches

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

14.5 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) if the motion has been amended since the Member last spoke, to move a further amendment
- (ii) in exercise of a right of reply
- (iii) to raise a point of order in accordance with Rule 14.15
- (iv) to make a personal explanation in accordance with 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 moved under Rule 2.2(i) 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.

14.6 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 14.6(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.

14.7 Amendments (Reference Back) to a Motion to receive the Minutes

- (a) Only one amendment may be moved to any given minute under a motion to receive the minutes. This shall be one to request the decision-maker to reconsider the decision.
- (b) The Executive Member or Chair responsible for the section of the minutes to which the amendment relates shall have 3 minutes to comment as the last speaker in the debate on the amendment in addition to his/her rights under Rule 14.1(g). In the event that the amendment is the sole matter discussed under the given section of the minutes then the six minutes allowed under Rule 14.1(g) shall be applied.
- (c) The vote will be taken on the amendment before proceeding to comments on that section of the minutes.

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 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 that 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;
- (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; or

- (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 the next business is seconded, the Lord Mayor will first give the mover of the original motion a right of reply in accordance with time limits for speaking set out in Procedure Rule 14.1. The Lord Mayor will then put to the vote the motion to proceed to the 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 in accordance with time limits for speaking set out in Procedure Rule 14.1 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 and is final.

15.0 RESCINDING RESOLUTIONS OF COUNCIL

- 15.1 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 established under Rule 1.1(j) or a sub-committee thereof.

16.0 VOTING

16.1 Majority

Unless this Constitution or the law 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 established under Rule 1.1(j), or a sub-committee thereof, 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 show of hands as announced by the Lord Mayor will there upon become final.

16.4 Recorded Vote

Where a recorded vote is required in accordance with paragraphs (a) or (b) below then the minute of the proceedings shall include a record of the names of persons who cast a vote for the decision or against the decision or who abstained from voting.

A recorded vote is required in the following circumstances:-

- (a) Any vote required to be recorded by law²⁴, or
- (b) Any vote where, before the vote is taken on any matter before Council, any two Members of the Council demand that the votes are recorded.

16.5 Right to Require Individual Vote to be Recorded

Where immediately after a vote is taken at a meeting if 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.

²⁴ Including but not limited to the requirement to record a vote in relation to a budget decision in accordance with paragraph 11 of Schedule 2, Part 2 of the Local Authorities (Standing Orders) (England) Regulations 2001.

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

- 18.1 The clerk for the meeting will record the attendance of all Members present during the whole or part of a meeting.

19.0 EXCLUSION OF PUBLIC

- 19.1 Subject to any statutory prohibitions and to paragraph 19.2 below, meetings of the Council and committees established under Rule 1.1(j) and any sub-committees thereof, shall be open to the public²⁵. 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 established under Rule 1.1(j) 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.

²⁵ The Recording Protocol: Third Party Recording of Committees, Boards and Panels, set out at Appendix 1 to the Access to Information Procedure Rules applies.

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 indulges in misconduct by behaving irregularly, improperly, offensively, or by wilfully obstructing the business of the Council, any other Member (including the Lord Mayor) may move "that the Member named be not further heard" and the motion, if seconded will, with the leave of the Lord Mayor, be put and voted on without further 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 motion²⁶ 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 Members must comply with the Members' Code of Conduct.

23.2 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

24.1 If any question arises at a meeting of the Council or a committee established under Rule 1.1(j) 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, 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 and Decision Making Procedure Rules). Only the following Rules apply to meetings of committees and sub-committees:

6.2, 8, 16.1, 16.2, 16.5, 17, 18, 19, 21, 23 - 28.

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

²⁶ And all subsequent amendments.

26.0 SUBSTITUTE MEMBERS

26.1 Allocation

- (a) In relation to each Plans Panel, the Council shall appoint a list of substitute members comprising all other members of the other Plans Panels, the Development Plan Panel and the Licensing Committee. In addition the list may include any Members, nominated by their group Whip, who are not members of these committees, but have received appropriate training. A nominated member shall be entitled to attend meetings in place of a regular member, subject to the substitute member having received appropriate training.
- (b) In relation to the Member Management Committee, an Executive Member, Deputy Executive Member, Whip or Assistant Whip shall be entitled to attend meetings in place of a regular member of the Committee.
- (c) In relation to the Development Plan Panel, the Council shall appoint substitute Members, comprising all Members of the Plans Panels and the Licensing Committee. A nominated Member shall be entitled to attend meetings in place of a regular Member, subject to the substitute Member having received appropriate training.
- (d) In relation to the Housing Advisory Board, the Council shall appoint substitute members via nominations from group Whips. Each Whip shall nominate one substitute for each member that sits on the Committee.
- (e) In relation to the Corporate Governance and Audit Committee, the Council shall appoint substitute members via nominations from group Whips. Each Whip shall nominate one substitute for each member that sits on the Committee. Whips may not nominate any members that would be excluded from full membership under the provisions of Article 9 of the Constitution.
- (f) In relation to the General Purposes Committee, an Executive Member, Deputy Executive Member, group leader or deputy group leader, group whip or assistant whip, shall be entitled to attend meetings in place of a regular member of the Committee.
- (g) In relation to Scrutiny Boards, any non-executive member is eligible to attend in the place of an absent scrutiny board member.
- (h) In relation to Standards and Conduct Committee, the Council shall appoint substitute members via nominations from group Whips. Each Whip shall nominate one substitute for each member that sits on the Committee. A nominated member shall be entitled to attend meetings in place of a regular member, subject to the substitute member having received appropriate training.

(i) In relation to the Health and Wellbeing Board

- the Council shall appoint substitute Members via nominations from group Whips. Each Whip shall nominate one substitute for each Member that sits on the Board; and
- any non-voting representative of each Clinical Commissioning Group and of Healthwatch Leeds appointed by the Health and Wellbeing Board, may substitute for a relevant voting representative.
- the named substitute from the Third Sector can attend and participate in meetings and vote in the absence of the Third Sector member appointed to the Board.

j) In relation to Community Committees

- Elected members cannot be substituted
- Where a representative from a designated organisation has been co-opted on to the Community 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.

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 committee concerned.

26.3 Powers and Duties

A substitute member shall be for all purposes a duly appointed member of the committee to which s/he is appointed as a substitute member for the meeting in question. 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.

27.0 SPECIAL MEETINGS OF COMMITTEES

- 27.1 The Chair of a committee established under Rule 1.1(j), may call a meeting at any time. A special meeting shall also be called on the requisition of any three Members of such committees 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 established under Rule 1.1(j), 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 a meeting of a Community Committee shall be satisfied if at least one ~~third-half²⁷~~ 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 comprised 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.~~
- 28.4 The quorum for the Licensing Committee shall be as set out in the Licensing Procedure Rules.
- 28.5 The quorum of any sub-committee shall be determined by the appointing committee.
- 28.6 The quorum of the Health and Wellbeing Board shall be four, including one councillor and a CCG representative.
- 28.7 The quorum of the Housing Advisory Board shall be four, including two Councillors and one tenant/leaseholder voting co-opted member.
- 28.8 Except where authorised by statute, business shall not be transacted at a meeting unless a quorum is present

²⁷ ~~For a Community Committee of twelve Members the quorum shall be six; for a Community Committee of nine Members the quorum shall be five.~~

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Planning Code of Good Practice

1 Introduction

- 1.1 This Planning Code of Good Practice guide replaces the previously published *Code of Practice for the Determination of Planning Matters* and does not supplement the *Members Code of Conduct*. This guide is primarily aimed at Plans Panel Members and the emphasis of it is to provide practical supportive advice to Members when dealing with planning matters, keeping decisions safe and mitigating the risk of possible challenge.

2 Roles and responsibilities

- 2.1 Members and officers have different but complementary roles in the planning process. Members have more than one role in the process – as Ward Members and as Panel Members.

2.2 Ward Members not on the Plans Panels

- 2.2.1 Ward Members who are not on the Plans Panel are in a position to represent the interests of their Ward when it comes to planning and related applications. Ward Members may:
- attend the Plans panel meeting as an observer
 - speak on applications, subject to the provisions in the public speaking protocol
 - speak on proposals at pre-application presentations to the plans panel, subject to the provisions in the public speaking protocol
 - get involved with pre-application meetings with officers and developers and in consultations on the draft heads of terms for section 106 agreements
 - request briefings from officers on applications

2.3 Members who are on the Plans Panels

- 2.3.1 The role of Members who are involved in the planning decision making process is to exercise their judgment properly on the planning application before them – and be seen to do this. In coming to a decision on a planning application Members should make this decision based solely on material planning considerations. Officer reports to the Plans Panels will identify what is regarded as material to a decision and if Members are unclear on what matters may or may not be material to a decision they should seek advice from officers.
- 2.3.2 Whilst Members must act within the law, the exercise of planning judgment is theirs and theirs alone. The Panel must take into account all relevant ministerial guidance, local plans (and related documents) and the advice of officers. The weight Members attach to the relevant considerations is a matter of their planning judgment and Members should not give weight to

non-planning related matters that may be raised by members of the public. Members are democratically accountable to their electors and to the wider public on whose behalf they act.

2.4 Officers

- 2.4.1 The Chief Planning Officer has a dual role in the decision making process. First of all he makes decisions on the majority of planning applications under delegated powers. Secondly he makes recommendations on planning matters which are determined by Members at Plans Panels. When making such recommendations the function of officers is to support and advise Members, ensure that any decision they make is lawful and identify any possible consequences of taking decisions.

3 Predetermination and Bias

- 3.1 In making their decisions Members of the Plans Panel should not be seen to side with either the applicant or the objector/s prior to the hearing of the application when all the relevant facts are known. Members are required to keep an open mind. This is a requirement of the law and a separate guidance note on predetermination and bias to assist Members in complying with this complex area of legislation and case law is attached as appendix 1.

4 Development Proposals Submitted by Members and Employees

- 4.1 Where development proposals are submitted by Members and employees in respect of their own property or land it is particularly important that the Council ensures that such applications are handled in a way that gives no grounds for accusations of favouritism.
- 4.2 Serving Members of Council who submit applications or act as agents should play no part in the decision making process for that application. Further they should not take part in the processing of the application nor should they lobby employees or officers either directly or indirectly.
- 4.3 Any planning officer who submits an application for their own property or on behalf of a friend or family member will inform the Chief Planning Officer in writing and such applications will be determined by the Plans Panel.
- 4.4 Officers are required under the Employee Code of Conduct to make a declaration by completing the Register of Interests form, declaring any matters which may conflict with duties as an employee and their personal interests such as:
- any financial interest in any planning application;
 - other interest where others may think that a conflict of interest may arise, such as for proposals near their residence

- 4.5 In circumstances where there is a conflict of interest, the officer has no involvement in any part of the decision making process.

5 Member contact with applicants and developers

- 5.1 The Government encourages applicants to enter into pre-application discussions. Such discussions are a normal part of the planning process to seek further information and to seek to identify improvements to proposals at an early stage. These discussions and meetings provide an opportunity for the potential applicant to receive advice and information about the policy and technical requirements that must be met and advice on design, on community engagement and other issues which may improve the chances of an application being acceptable to the Local Planning Authority (LPA). However, it should be made clear that any guidance given will not bind the LPA to making a particular decision.
- 5.2 A protocol for pre-application discussions with local communities and Ward Members¹ exists to ensure that discussions take place early in the process within clear parameters and governance arrangements.
- 5.3 To minimise the prospect of challenges based on predetermination and bias, the guidelines below should be followed:
- It will always be made clear that any information or statements made cannot bind the LPA to making a particular decision.
 - Wherever possible, Members should be accompanied by an officer when meeting with applicants.
 - Members should refer applicants who approach them for advice to officers.
 - A written record of the discussion should be made by the officer.
 - Plans Panel Members are free to take part in meetings with potential applicants or their agents but extra care is needed to avoid any perception of predetermination or bias.

6 Plans Panel meetings

6.1 Attendance at meetings

- 6.1.1 It is important to ensure that Members taking planning decisions are in possession of all the relevant facts, including matters pointed out or that come to light during a site visit by Plans Panel, matters that may have been raised during public speaking and matters that may have been discussed and considered by Plans Panel on earlier occasions. Attendance of Members on all occasions during the application phase² i.e. once the application has been submitted, will not only demonstrate that Members are fully informed

¹ Leeds City Council Pre Application Engagement- a guide to best practice, 2013

but will also ensure that high quality consistent and sound decisions are made, and that the risks of legal challenge are minimised.

- 6.1.2 If Members have not attended on each occasion during the application phase and want to take part in the decision on an application, they should consider whether or not they are fully appraised of all the facts and relevant information necessary to properly reach a decision.

6.2 Conduct at meetings

- 6.2.1 The Chair of the Plans Panel is responsible for the conduct of the meeting in accordance with the relevant Council Procedure Rules and for the effective delivery of business.
- 6.2.2 The Plans Panel meetings are open to the public and they are often well attended particularly when there is a contentious application on the agenda. Meetings are also attended by the applicants/agents and/ or other parties supporting an application and/or objectors against an application. It is important to demonstrate that decisions have been made fairly and transparently and in the correct manner. Any debate should be confined to the planning merits of the matter.

6.3 Decisions different to the officer recommendation

- 6.3.1 Decisions on planning applications must be taken in accordance with the Development Plan unless material considerations indicate otherwise. From time to time the Panel may attach different weight to the potential planning considerations and therefore, take a decision which differs from the officer recommendation.
- 6.3.2 Where this occurs, Members must be able to give a clear basis and reason for not taking the officer recommendation. It is important to ensure, as far as possible, that any decision made will be capable of surviving a legal challenge or appeal. So in the event that this occurs the Chair will ensure that the following principles are followed:-
- When a planning application has been deferred following a resolution not to accept the officer recommendation, the Chair shall put to the meeting a proposed statement of why the recommendation is not considered acceptable, which, when agreed by the Panel, will be formally recorded in the minutes.
 - In these circumstances, at a subsequent meeting, the Chief Planning Officer will respond in a further written report the provisional reasons formulated by the Panel for granting or refusing permission. If the Plans Panel is still of the same view, then it shall again consider its reasons for the decision and a

² The application phase does not include the pre-application stage, but following the submission of a planning application will include each of the occasions when an application comes before Panel, including presentations, position statements, issues papers and formal site visits. For the avoidance of doubt outline applications and detailed or reserved matters applications, or a new application for an amended scheme are distinct and separate applications and attendance is not required across both or all of these.

summary of those planning reasons shall be given, the reasons will then be recorded in the minutes of the meeting.

- The officer attending the meeting should be given the opportunity to explain the implications of the decision.
- Members should ensure they clearly identify and understand the planning reasons leading to this conclusion. These reasons must be given before the vote and be recorded.

6.3.3 Where an appeal to the Secretary of State is subsequently lodged against a decision which was different to the officer's recommendation, planning officers will act as a professional witness at the inquiry or hearing unless there is reason to suggest that this would prejudice the outcome. However, it should be noted that where the Planning Officer giving evidence is the officer that recommended approval, then their role is that of advocate for the Council's case.

6.4 Deferred applications

In some cases, planning applications may come before the Panel on more than one occasion. This is particularly the case with larger schemes where a pre-application presentation and/ or a position report, (a report which describes the stage a proposal has reached and the main issues involved) is presented to the Plans Panel, or when an application is deferred for a site visit or further information. Where an application is deferred then the reasons for deferral will be clearly stated and minuted.

6.5 Public speaking

- 6.5.1 All Members are entitled to speak at a panel meeting in accordance with the provisions in the protocol for public speaking at the plans panels³. The length of time Members may speak for and at what stage of the process is outlined in this protocol.
- 6.5.2 Where Members have a disclosable pecuniary interest in the application then they must not speak in relation to the application, even as a member of the public. Instead, the Member must leave the room during that item and not take any part in the discussion or vote on the application, unless they have a dispensation from the Head of Paid Service.
- 6.5.3 Speakers will only be entitled to address the Panel on one occasion unless the application has been significantly changed or amended. In these circumstances, speakers will only be able to speak about new matters or the amended details and not about matters which have been previously considered by the Panel.
- 6.5.4 Speakers should not raise any substantial new information at a meeting (including correspondence, other documents, photographs or models) at the Plans Panel meeting, as this does not give all parties adequate time to

³ Leeds City Council Protocol for Public Speaking at Plans Panels

consider and respond to the submissions, and Members of the Panel will not be able to give proper consideration to issues raised in the material.

- 6.5.5 It is important that Members of the public are not permitted to communicate with or pass messages to individual panel Members as this may give the appearance of partiality.

7 Site Visits

- 7.1 Members should try to attend organised site visits as they can be a helpful part of the decision making process.
- 7.2 Members' site visits are a fact-finding exercise which allow Members to gain further information on a specific issue(s), to assist Members to gain a better understanding of the proposal and can help to make a more informed decision. Usually site visits are agreed in consultation with the Chair in advance and will take place on the morning of the Plans Panel meeting.
- 7.3 Members are able to request that a site visit takes place, but Members will need to consider and provide planning reasons why visiting the site is of benefit. At plans panel meetings the name of the member requesting the visit and the reasons for the visit will be recorded as part of the minutes. A site visit is only likely to be of benefit if:
- There are significant policy or precedent implications and specific site factors need to be carefully addressed; and/or
 - Details of the proposed development cannot be ascertained from plans and any supporting information to Members satisfaction at the Plans Panel; and/or
 - Where design considerations are of the highest importance particularly in relation to the surrounding locality; and/or
 - There is good reason why the comments of the applicant and objectors cannot be expressed adequately in writing, or the proposal is particularly contentious.
- 7.4 Site visits will operate as follows:
- Site visits generally take place on the morning of the Plans Panel meeting.
 - The site visit is under the control of the Chair of the Plans Panel
 - Members should listen and ask questions of fact from the applicant or other parties, but should avoid entering into a debate concerning the merits of the proposal
 - Members should remain together as a group throughout the visit
 - It is recommended that Members who declare a disclosable pecuniary interest in such items should not attend the Committee site visit in relation to that item
- 7.5 Site visits are not intended as an opportunity for objectors, applicants or others to lobby Members or argue their case. Members should remain impartial; they must not appear to favour one or other party and must avoid reaching a final

decision until all views have been presented at the subsequent Plans Panel meeting.

8 Member training

- 8.1 It is important that all Members involved in the planning process are aware of their role in the process and the policy and legal framework in which they operate.
- 8.2 Therefore, Members serving on Plans Panel must attend⁴ as a minimum, the following compulsory training each year:
- For Members new to the Plans Panels two sessions comprising a governance and conduct session and mid-year update session
 - For experienced Members of the Plans Panels, a single mid-year update session
- 8.3 A record of attendance for the compulsory training will be maintained by Member Development Services and a list provided to Party Whips for monitoring.
- 8.4 Other specialised training will be offered periodically throughout the year which will enhance and extend Members' knowledge of planning matters. These are not compulsory but will assist Members in carrying out their role on the Plans Panel.

9 Review and updating this guide

- 9.1 The responsibility for the review and updating this planning code of good practice will be undertaken by the Chief Planning Officer in consultation with a joint-meeting of the Joint Plans Panel^{4s} on an annual basis. Ad hoc reviews may occur if there are significant changes to be made, again these will be considered by a joint-meeting of the Joint Plans Panels.

⁴ As set out in Article 8.2.2 of the Council's Constitution, Members of the Plans Panel must complete all compulsory training and shall not sit as a Member of the Panel unless such training has been undertaken in accordance with the Council's prescribed training programme.

⁴ An informal meeting bringing together the Council's Area Plans Panels, City Plans Panel and Development Plan Panel

Guidance Note On Bias And Predetermination in the Planning Process

What is Bias and Predetermination?

The law on bias and predetermination (which is a particular form of bias) is part of the general legal obligation on public authorities to act fairly.

Decision makers are entitled to be **predisposed** to particular views. However, **predetermination** occurs where someone closes their mind to any other possibility beyond that predisposition, with the effect that they are unable to apply their judgement fully and properly to an issue requiring a decision.

The leading case on local authority bias and predetermination⁵ acknowledges the difference between judges sitting judicially and councillors making decisions in a democratic environment. Given the role of councillors, there must be 'clear pointers' before predetermination is established.

Section 25 Localism Act 2011

Section 25(2) of the Localism Act 2011 provides that a decision maker is not to be taken to have had, or to have appeared to have had, a closed mind when making a decision just because –

- (a) the decision maker had previously done anything that directly or indirectly indicated what view the decision maker took, or would or might take in relation to a matter, and
- (b) the matter was relevant to the decision.

The section makes it clear that if a councillor has given a view on an issue, this, considered in isolation, does not show that the councillor has a closed mind on that issue. So, the mere fact that a councillor has campaigned on an issue or made public statements about their approach to an item of council business does not prevent that councillor from being able to participate in discussion of that issue and to vote on it.

Having said this, the use of the words 'just because' in section 25 suggest that other factors when combined with statements made etc. can still give rise to accusations of predetermination. This has also been the approach that the courts have taken to this issue. When considering whether predetermination has taken place they will consider all events leading to the decision, (and also, where appropriate, those following the decision) rather than looking at individual events in isolation.

The case law has also made it clear that the words used by particular members and the interpretation put on those words is of particular importance. So care still needs to be taken when making statements in advance of the determination of planning applications as there is a risk that they can be misinterpreted or taken out of context.

⁵ (R(Lewis)v Persimmon Homes Teesside Ltd [2008] EWCA Civ 746

Guidance

With this in mind:-

- It is always advisable to avoid giving the impression that you have made up your mind prior to the decision making meeting and hearing the officer's presentation and any representations made on behalf of the applicant and any objectors.
- With this in mind, if you do comment on a development proposal in advance of the decision, consider using a form of words that makes it clear that you have yet to make up your mind and will only do so at the appropriate time and in the light of the advice and material put before you and having regard to the discussion and debate in the Panel meeting.
- Particular care should be taken where there are chance encounters with objectors to development proposals or in the context of meetings which are not formally minuted. These are situations where the risk of what you say being misrepresented or taken out of context is particularly high.

Concluding Comments

As a councillor operating within a political environment you should not be afraid to express views on issues. However, in doing so it is important that you avoid giving the impression that you have already made up your mind and that your part in the decision is a foregone conclusion.

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Protocol for public speaking at the Plans Panels**1 Introduction**

- 1.1 This Protocol sets out the procedures to allow public speaking at the meetings of the Plans Panels.
- 1.2 Subject to the exceptions below public speaking does not apply where Members are considering a report for information or where Members are considering detailed reasons for refusal or conditions of approval following a decision of an earlier Panel not to accept the Chief Planning Officer's recommendation. It also does not cover applications subject to non-determination appeals, where members' views may be sought.

2 Procedures**2.1 Pre-application presentations**

- 2.1.1 Pre- application presentations are a valuable part of the planning process and allow information to be shared at an early stage, proposals to be altered and amended prior to the submission of a formal application and for applicants to take on board comments from Ward Members and representatives from the local community.
- 2.1.2 Agents or applicants have the opportunity to present their proposal to the Plans Panel for a maximum of 10 minutes. The *Protocol for pre-application presentations at Plans Panel meetings*¹ sets out the formal process of the pre-application presentation to the plans panels.
- 2.1.3 A Ward Member or their nominated community representative may then address the panel on giving notice of their intention to speak to the Chief Planning Officer by no later than 5pm on the Tuesday before the Panel meeting. Speakers should register before the panel meeting begins, with a member of staff who will be inside the meeting room.
- 2.1.4 A Ward Member or their nominated community representative will be allowed to speak for a maximum of 10 minutes following the developer/ applicant presentation. Where there is more than one speaker, the time may be shared.
- 2.1.5 At this stage no formal decision will be taken by the Plans Panel and members may ask questions from both parties to seek clarification on any points arising.

¹ Leeds City Council Protocol for pre-application presentations at the plans panels, 2014

2.2 Position Statements

- 2.2.1 Position statements are part of the three phase process for determination of a planning application usually on large, complex or sensitive schemes and are brought to provide an update to the Panel. Position statements are provided for information and no decisions will be taken by the Plans Panel at this stage.
- 2.2.2 Applicants or agents have the opportunity to speak on the information provided in the Position Statement for a maximum of four minutes.
- 2.2.3 A Ward Member or their nominated community representative may then address the Panel for a maximum of four minutes.

2.3 Matters for determination or other matters requiring a decision

- 2.3.1 Applicants, supporters and objectors to an application or other form of consent before the Panel for determination or other matter requiring a decision, will normally be allowed to speak to the Panel, subject to the details of the procedure set out below and on giving notice of their wish to do so to the Chief Planning Officer by no later than 5.00pm on the Tuesday immediately preceding the Panel.
- 2.3.2 Applicants, supporters or objectors will have a maximum of four minutes to address the Panel. At the discretion of the Chair additional time maybe allowed; this additional time will be offered to both supporters and objectors.
- 2.3.3 In the event of more than one applicant, supporter or objector wishing to speak, a spokesperson should be nominated. However, at the discretion of the Chair more than one speaker for each side may be allowed, provided that the total presentation does not exceed the four minute time limit.
- 2.3.4 Where an application is recommended for approval, objectors to an application will be invited to speak first. Members of the Panel may ask questions and seek clarification of any point arising. The applicant or supporters will then have the right to reply after which Members of the Panel may ask questions and seek clarification of any points arising.
- 2.3.5 Where an application is recommended for refusal, the objector will only be allowed to speak if the applicant or supporter has registered their intention to address the Panel, except in circumstances outlined in paragraph 2.3.7. The objector will be invited to speak first and Members of the Panel may ask questions and seek clarification of any points arising. The applicant then has the right to reply and Members of the Panel may then ask questions to seek clarification.

- 2.3.6 The applicant, supporter and objectors shall take no further part in the Panel debate but may answer questions of fact put by the Chair to clarify matters arising during the debate.
- 2.3.7 If the applicant or supporters do not speak in relation to an application recommended for refusal the objectors will not normally be invited to speak unless, in the Chair's opinion, the Panel is likely to move approval against the Officer recommendation.
- 2.3.8 If no objector wishes to speak to an application for approval, the applicant or supporter will not normally be invited to speak unless, in the Chair's opinion, the Panel are likely to move refusal against the officer recommendation.
- 2.3.9 In the circumstances where the officer's recommendation of approval is not accepted by Panel and the applicant or supporters have not been given an opportunity to speak, they shall be given the opportunity to address the Panel for up to four minutes when detailed reasons for refusal are reported. Members of the Panel may then ask questions and seek clarification of any point arising.
- 2.3.10 In the circumstances where the officer's recommendation of refusal is not accepted by Panel and the objectors have not been given the opportunity to speak they shall be given an opportunity to address the Panel for up to four minutes when detailed conditions for approval are reported. Members of the Panel may then ask questions and seek clarification of any point arising.
- 2.3.11 For the avoidance of doubt applicants, supporters or objectors will only be entitled to address the Panel on one occasion unless, in the opinion of the Chair, significant new information has been produced raising new material planning considerations. In these circumstances, speakers should only speak about new matters or the amended details, not about matters which have been previously considered by the Panel.

3 Passing around of information

- 3.1 The circulation of materials will not normally be accepted during the meeting. Public speaking is an opportunity to highlight important points already made in representations, rather than to introduce new information. Members of the Panel will not be able to give proper consideration of any new issues raised in the material.

4 Members of Plans Panel

- 4.1 A Member of the Plans Panel having a disclosable pecuniary interest in an application must either declare that interest or bring it to the attention of the meeting (if it is already included on the Register of Interests) and may not participate in the discussion or vote on the matter and must leave the room.
- 4.2 No Members with a disclosable pecuniary interest (whether they are a member of the Plans Panel or not) is entitled to address the panel in accordance with the terms of this protocol for public speaking².

5 Review

- 5.1 This Protocol may be reviewed, revised or revoked by the Chief Planning Officer in consultation with a ~~joint~~ meeting of the Joint Plans Panel³s at any time.

² A Member may address the meeting if they have in place an appropriate dispensation relating to the relevant DPI.

³ An informal meeting bringing together the Council's Area Plans Panels, City Plans Panel and Development Plan Panel

ARTICLE 15 - REVIEW AND REVISION OF THE CONSTITUTION

15.1 DUTY TO MONITOR AND REVIEW THE CONSTITUTION

15.1.1 The Monitoring Officer will monitor and review the operation of the Constitution to ensure that the aims and principles of the Constitution are given full effect.

- **Protocol for monitoring and review of constitution**

15.1.2 A key role for the Monitoring Officer is to be aware of the strengths and weaknesses of the Constitution adopted by the Council, and to make recommendations for ways in which it could be amended in order better to achieve the purposes set out in Article 1. In undertaking this task the Monitoring Officer may:

- (a) observe meetings of different parts of the Member and officer structure;
- (b) undertake an audit trail of a sample of decisions;
- (c) record and analyse issues raised with him/her by Members, officers, the public and other relevant stakeholders; and/or
- (d) compare practices in this authority with those in other comparable authorities, or national examples of best practice.

15.2 CHANGES TO THE CONSTITUTION

- **Approval**

15.2.1 Changes to Parts 1 and 2 of the Constitution will only be approved by the full Council after consideration of the proposal by the General Purposes Committee and following advice from the Monitoring Officer, save that authority to make certain changes is delegated to the Monitoring Officer as detailed at 15.2.3 below. Changes to the Constitution may be made by simple majority.

15.2.2 Changes to Parts 3 to 7 of the Constitution will be approved by the body or person to whom such authority has been delegated as indicated in the table set out at Annex 1 attached. Where the approval of full Council is required for such changes in Parts 3 to 5 of the Constitution, then they will only be approved by full Council after consideration of the proposal by the General Purposes Committee and following advice from the Monitoring Officer.

15.2.3 The Monitoring Officer is authorised to make any changes to any Part of the Constitution which are required:

- as a result of legislative change or decisions of the Council¹ or Executive² to enable him/her to maintain it up to date;
- or for the purposes of clarification only.

15.2.4 All changes made by officers under delegated authority will be recorded as delegated decisions.

¹ Including Council Committees and Officers acting under delegated authority.

² Including Committees of the Executive and Officers acting under delegated authority.

ANNEX 1

Part of Constitution	Title of Document	Body/Person with authority to change the document
Part 3 Section 1	Responsibility for Local Choice Functions	Full Council
Part 3 Section 2A	Functions of the Full Council	Full Council
Part 3 Section 2B	Council Committees' Terms of Reference	Full Council
Part 3 Section 2C	Officer Delegation Scheme (Council (Non-Executive) Functions)	Full Council
Part 3 Section 2D	Council (Non-Executive) Delegations to and from other authorities	Full Council
Part 3 Section 3A	Responsibility for Executive Functions	Leader of Council
Part 3 Section 3B(a)	Executive Member Portfolios	Leader of Council
Part 3 Section 3B(b)	Executive Members: Oversight of Officer Executive Delegations	Leader of Council
Part 3 Section 3B(c)	Support to Executive Members	Leader of Council
Part 3 Section 3C	Executive Committee and Advisory Committee Terms of Reference	Leader of Council
Part 3 Section 3D	Community Committee Executive Delegation Scheme	Executive Board
Part 3 Section 3E	Officer Delegation Scheme (Executive Functions)	Leader of Council
Part 3 Section 3F	Executive Delegations to Other Authorities	Leader of Council
Part 3 Section 4	Joint Arrangements	Full Council (in relation to Council Functions) Leader of Council (in relation to Executive Functions)
Part 4 a	Council Procedure Rules	Full Council
Part 4 b	Executive and Decision Making Procedure Rules	Executive Board (in relation to Executive Functions set out at Rules 1.1 to 1.4, 2.1 and 3.1) Full Council (all other)
Part 4 c	Scrutiny Board Procedure Rules	Full Council
Part 4 d	Scrutiny Board Procedure Rules Guidance Notes	Head of Governance and Scrutiny Support

Article 15 – Review and Revision of the Constitution

Part 4 e	Community Committee Procedure Rules	Leader of Council (in relation to executive functions set out in section 3.1-3.5 and section 8) Full Council (all other)
Part 4 f	Budget and Policy Framework Procedure Rules	Full Council
Part 4 g	Access to Information Procedure Rules	City Solicitor
Part 4 h	Appointments to Outside Bodies Procedure Rules	Full Council
Part 4 i	Contracts Procedure Rules	Director of Resources and Housing
Part 4 j	Financial Regulations	Chief Finance Officer
Part 4 k	Officer Employment Procedure Rules	Director of Resources and Housing
Part 4 l	Procedure for Considering Complaints Alleging a Failure to Comply with a Members' Code of Conduct within the Area of Leeds Metropolitan District Council	Full Council
Part 4 m	Licensing Procedure Rules	Licensing Committee
Part 5 a	Members Code of Conduct	Full Council
Part 5 b	Employee Code of Conduct	Director of Resources and Housing
Part 5 c	Protocol on Member/Officer Relations	Standards and Conduct Authority
Part 5 d	Protocol – Roles of Members and Officers in Decision Making	Executive Board
Part 5 e	Monitoring Officer Protocol	Standards and Conduct Committee
Part 5 f	Protocol for the Co-ordination of External Inspection Reports	Director of Resources and Housing
Part 5 g	Planning Code of Good Practice	<u>Chief Planning Officer (In consultation with A-j)</u> Joint meeting of the Plans Panels)
Part 5 h	Protocol for Public Speaking at Plans Panels	<u>Chief Planning Officer (In consultation with A-j)</u> Joint meeting of the Plans Panels
Part 5 i	Code of Practice for Determining Licensing Matters	Licensing Committee
Part 5 j	Corporate Governance Code and Framework	Corporate Governance and Audit Committee
Part 5 k	Chief Finance Officer Protocol	Corporate Governance and Audit

Article 15 – Review and Revision of the Constitution

		Committee
Part 6	Members' Allowances Scheme	Full Council

ARTICLE 6 – SCRUTINY BOARDS

6.1 **ROLE**

The Council will appoint Scrutiny Boards as set out in Annex 2 to this Article to exercise functions conferred by section 9F of the Local Government Act 2000 and in accordance with the National Health Service Act 2006, in accordance with their terms of reference¹.

6.2 **VISION FOR SCRUTINY**

The Council has adopted a Vision for Scrutiny, which is attached at Annex 1.

6.3 **ROLE OF SCRUTINY**

Policy development and review

Within their Terms of Reference 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

Within their terms of reference all Scrutiny Boards may:

- 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.

¹ As set out at Part 3 Section 2A of the Constitution

Article 6 - Scrutiny Boards

6.4 **SCRUTINY OFFICER**

The Council has designated the post of Head of Governance and Scrutiny Support, as Scrutiny Officer².

The functions of the Scrutiny Officer are:

- (a) to promote the role of the Scrutiny Boards;
- (b) to provide support to the Scrutiny Boards and their members³;
- (c) to provide support and guidance to Members (including Executive Members), and officers⁴, in relation to the Scrutiny Boards' functions;
- (d) to report to Council⁵ annually about how the authority has carried out its overview and scrutiny functions.

6.5 **PROCEEDINGS**

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

6.6 **SCRUTINY BOARD CHAIRS**

The Chair of each of the Scrutiny Boards shall be appointed in accordance with the Council Procedure Rules.

Group spokespersons shall not be appointed to Chair a Scrutiny Board which corresponds to the same portfolio.⁶

² Under Section 9FB Local Government Act 2000.
³ The Scrutiny Officer shall exercise overall responsibility for the finances made available to Scrutiny Boards.
⁴ The Scrutiny Officer shall exercise overall responsibility for the work programme of the officers employed to support the work of the Scrutiny Boards.
⁵ After consultation with the relevant Scrutiny Chairs
⁶ This does not apply to those groups who have less than 10% of the membership of the Council

6.7 CO-OPTED MEMBERS

Education Representatives

The following shall be appointed as voting representatives on each relevant Scrutiny Board dealing with educational matters⁷:

- (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.

Crime and Disorder Committee

Subject to the following provisions, the Scrutiny Board allocated special responsibility for crime and disorder may co-opt additional members to serve on the Board⁸.

- The Scrutiny Board cannot in this capacity co-opt an Executive Member.
- Unless the Scrutiny Board decides otherwise, any such co-opted member shall not be entitled to vote.
- The Scrutiny Board may limit a co-opted person's membership to the exercise of the Board's powers in relation to a particular matter or type of matter.
- The Scrutiny Board may withdraw the co-opted person's membership at any time.

Additional co-opted members

The following may be appointed to each Scrutiny Board⁹:

- (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

⁷ 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

⁸ The Crime and Disorder (Overview and Scrutiny) Regulations 2009

⁹ 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.

ANNEX 1

Vision for Scrutiny at Leeds

"To promote democratic engagement through the provision of an influential scrutiny function which is held in high regard by its many stakeholders and which achieves measurable service improvements which add value for the people of Leeds through a member led process of examination and review"

To achieve this Scrutiny will follow the nationally agreed 'Four Principles of Good Scrutiny';

1. Provide 'critical friend' challenge to decision makers, through holding them to account for decisions made, engaging in policy review and policy development;
2. Promote Scrutiny as a means by which the voice and concerns of the public can be heard;
3. Ensure Scrutiny is carried out by 'independent minded' Board members;
4. Improve public services by ensuring reviews of policy and service performance are focused.

To succeed Council recognises that the following conditions need to be present;

- Parity of esteem between the Executive and Scrutiny
- Co-operation with statutory partners
- Member leadership and engagement
- Genuine non-partisan working
- Evidence based conclusions and recommendations
- Effective dedicated officer support
- Supportive Directors and senior officer culture

Council agrees that it is incumbent upon Scrutiny Boards to recognise that resources to support the Scrutiny function are, (like all other Council functions), under considerable pressure and that requests from Scrutiny Boards cannot always be met. Therefore Council agrees that constructive consultation should take place between the Executive and Scrutiny about the availability of resources prior to any work being undertaken.

Consequently, when establishing their work programmes Scrutiny Boards should

- ***Seek the advice of the Scrutiny officer, the relevant Director and Executive Member about available resources***
- ***Avoid duplication by having a full appreciation of any existing forums already having oversight of, or monitoring a particular issue (e.g. Plans Panel, Housing Advisory Board, established member working groups, other Scrutiny Boards)***
- ***Ensure any Scrutiny undertaken has clarity and focus of purpose and will add value and can be delivered within an agreed time frame.***

Scrutiny Board	External oversight	Officer oversight (by reference to the Officer Delegation Scheme)	
		Council Functions	Executive Functions
Strategy and Resources		Chief Executive Director of Resources and Housing Chief Officer (Financial Services) City Solicitor Director of Communities and Environment	Chief Executive (1-3) Director of Resources and Housing (1-9) City Solicitor (1-3) Chief Officer (Financial Services)(1) Director of Communities and Environment (2, 15 – 17, 19) Director of City Development (6, 9)
Infrastructure, Investment and Inclusive Growth	Risk management authorities (defined by S6 Flood and Water Management Act 2010)	Director of City Development (a-w) Chief Planning Officer	Chief Executive (4) Director of Communities and Environment (9) Director of City Development (1, 3- 5, 7-8, 11) Chief Planning Officer (1-4) Director of Children and Families (2e)
Environment, Housing and Communities	Responsible authorities (defined by S5 Crime and Disorder Act 1998)	None	Director of Communities and Environment (1, 3-8, 10-14, 18) Director of Resources and Housing (10-12) Director of City Development (1 ¹⁰ , 2)
Children and Families		Director of Children and Families	Director of Children and Families (1, 2a-d & f, 3)
Adults, Health and Active Lifestyles	Relevant NHS bodies or health service providers including:- NHS England NHS Leeds Clinical Commissioning Group Local NHS Trusts and other NHS service providers Healthwatch Leeds	None	Director of Adults and Health (1 - 8) Director of Public Health (1-6) Director of City Development (10)

¹⁰ Relating to provision of frontline services only

SPECIAL RESPONSIBILITIES OF SCRUTINY BOARDS

1 – Flood risk Management

The Scrutiny Board (Infrastructure, Investment and Inclusive Growth) is allocated special responsibility for flood risk management namely:-

- To review and scrutinise the exercise by risk management authorities¹¹ of flood risk management functions¹² which may affect the Leeds City Council area¹³.

2 – Crime and Disorder

The Scrutiny Board (Environment, Housing and Communities) is allocated special responsibility for crime and disorder namely:-

- To exercise the functions of a crime and disorder committee¹⁴, including the following:
 - a) To review or scrutinise the exercise of crime and disorder functions¹⁵ by responsible authorities¹⁶; and
 - b) To review or scrutinise any local crime or disorder matter¹⁷ raised by a Member.

3 – Health

The Scrutiny Board (Adults, Health and Active Lifestyles) is allocated special responsibility for health namely:-

- to review and scrutinise any matter relating to the planning, provision and operation of the health service in its area and to make reports and recommendations on any such matter it has reviewed or scrutinised;
- to comment on, make recommendations about, or report to the Secretary of State in writing about such proposals as are referred to the authority by a relevant NHS body or a relevant health service provider;
- to respond to consultation by any relevant NHS body or health service provider; and

¹¹ As defined by Section 6 Flood and Water Management Act 2010
¹² As defined by Section 4 Flood and Water Management Act 2010
¹³ In accordance with Section 9FH Local Government Act 2000
¹⁴ In accordance with Section 19 Police and Justic Act 2006
¹⁵ As defined by Section 6 Crime and Disorder Act 1998 (formulating and implementing crime and disorder strategies)
¹⁶ These are the authorities responsible for crime and disorder strategies set out in Section 5 Crime and Disorder Act 1998.
¹⁷ Any matter concerning –

- a) crime and disorder (including in particular forms of crime and disorder that involve anti-social behaviour or other behaviour adversely affecting the local environment); or
- b) the misuse of drugs, alcohol and other substances in that area.

Article 6 - Scrutiny Boards

- to nominate Members to any joint overview and scrutiny committee appointed by the authority.¹⁸

Matters which fall within the terms of reference of this Scrutiny Board include:

- arrangements made by local NHS bodies to secure hospital and community health services to the inhabitants of the authority's area and the quality and safety of such services;
- the provision of family health services, personal medical services, personal dental services, pharmacy and NHS ophthalmic services;
- arrangements made by the authority for public health, health promotion, health improvement and for addressing health inequalities;
- the planning of health services by NHS bodies, including plans made in co-operation with local authority's Health and Wellbeing Board for improving both the health of the local population and the provision of health care to that population;
- any matter referred by Healthwatch Leeds; and
- the arrangements made by relevant NHS bodies and health service providers for consulting and involving patients and the public.

The Scrutiny Board may make recommendations to the authority, relevant NHS bodies, or relevant health service providers arising from the scrutiny process.

4– Residual Responsibility

The Scrutiny Board (Strategy and Resources) is allocated residual responsibility for any function not otherwise allocated to a Scrutiny Board.

¹⁸ such nominations to reflect the political balance of the Board.

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