



GENERAL PURPOSES COMMITTEE

Meeting to be held in Civic Hall, Leeds on
Friday, 5th November, 2010 at 9.00am

MEMBERSHIP

Councillors

| | | |
|---------------------|---|---------------------------|
| S Bentley | - | Weetwood; |
| A Blackburn | - | Farnley and Wortley; |
| J Blake | - | Middleton Park; |
| A Carter | - | Calverley and Farsley; |
| J L Carter | - | Adel and Wharfedale; |
| R Finnigan | - | Morley North; |
| S Golton | - | Rothwell; |
| P Gruen | - | Cross Gates and Whinmoor; |
| A Lowe | - | Armley; |
| J Procter | - | Wetherby; |
| N Taggart | - | Bramley and Stanningley; |
| K Wakefield (Chair) | - | Kippax and Methley; |

Agenda compiled by:
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Civic Hall
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39 51632

A G E N D A

| Item No | Ward/Equal Opportunities | Item Not Open | | Page No |
|---------|--------------------------|---------------|--|---------|
| 1 | | | <p>APPEALS AGAINST REFUSAL OF INSPECTION OF DOCUMENTS</p> <p>To consider any appeals in accordance with Procedure Rule 25 of the Access to Information Procedure Rules (in the event of an appeal the press and public will be excluded).</p> <p>(*In accordance with Procedure Rule 25, written notice of an appeal must be received by the Chief Democratic Services Officer at least 24 hours before the meeting)</p> | |
| 2 | | | <p>EXEMPT INFORMATION - POSSIBLE EXCLUSION OF THE PRESS AND PUBLIC</p> <p>1 To highlight reports or appendices which officers have identified as containing exempt information, and where officers consider that the public interest in maintaining the exemption outweighs the public interest in disclosing the information, for the reasons outlined in the report.</p> <p>2 To consider whether or not to accept the officers recommendation in respect of the above information.</p> <p>3 If so, to formally pass the following resolution:-</p> <p>RESOLVED – That the press and public be excluded from the meeting during consideration of the following parts of the agenda designated as containing exempt information on the grounds that it is likely, in view of the nature of the business to be transacted or the nature of the proceedings, that if members of the press and public were present there would be disclosure to them of exempt information, as follows:-</p> | |

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| 3 | | | <p>LATE ITEMS</p> <p>To identify items which have been admitted to the agenda by the Chair for consideration</p> <p>(The special circumstances shall be specified in the minutes)</p> | |
| 4 | | | <p>DECLARATION OF INTERESTS</p> <p>To declare any personal/prejudicial interests for the purpose of Section 81(3) of the Local Government Act 2000 and paragraphs 8 to 12 of the Members' Code of Conduct.</p> | |
| 5 | | | <p>APOLOGIES FOR ABSENCE</p> <p>To receive any apologies for absence from the meeting.</p> | |
| 6 | | | <p>MINUTES OF THE PREVIOUS MEETINGS</p> <p>To confirm as a correct record the minutes held on 6th September 2010 and 23rd September 2010.</p> | 1 - 6 |
| 7 | | | <p>AMENDMENTS TO THE CONSTITUTION</p> <p>To receive a report of the Assistant Chief Executive (Corporate Governance) recommending to full Council amendments to Article 9 of the Constitution and the Council Procedure Rules.</p> | 7 - 34 |
| 8 | | | <p>PETITIONS SCHEME</p> <p>To receive a report of the Assistant Chief Executive (Corporate Governance) providing an overview of the authority's duty to adopt a petitions scheme, and providing a facility for submitting electronic petitions. The report asks the General Purposes Committee to recommend a petition scheme for approval by full Council, together with necessary constitutional amendments.</p> | 35 - 54 |

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| 9 | | | <p>WORK PROGRAMME</p> <p>To receive a report of the Assistant Chief Executive (Corporate Governance) notifying and inviting comment from the committee upon the work programme for the municipal year.</p> | 55 - 58 |

Agenda Item 6

GENERAL PURPOSES COMMITTEE

MONDAY, 6TH SEPTEMBER, 2010

PRESENT: Councillor K Wakefield in the Chair

Councillors S Bentley, A Blackburn,
J Blake, A Carter, J L Carter, S Golton,
P Gruen, T Leadley (as substitute for R
Finnigan), A Lowe, T Murray (as substitute
for N Taggart) and J Procter

Apologies Councillors
R Finnigan and N Taggart

10 Appeals against refusal of inspection of documents

There were no appeals against the refusal of inspection of documents.

11 Exempt Information - possible exclusion of the press and public

The Committee considered the designation of Appendix 2 and 3 to Agenda item 7 (minute 16 refers) as exempt under the Access to Information Procedure Rule 10.4 (5).

RESOLVED – That the exemption applied to Appendix 2 and 3 to Agenda Item 7 be maintained and as a consequence the public be excluded from the discussion of the item.

12 Late items

In accordance with his powers under Section 100 B (4) (b) of the Local Government Act 1972, the Chair admitted late supplementary information in relation to PRP schemes for Refuse Collectors (See Agenda Item 7, minute No.16).

13 Declaration of Interests

No declarations of interest were made either under this item or at any stage during the meeting.

14 Apologies for absence

Apologies for absence were received from Councillor Taggart and Councillor Finnigan.

15 Minutes of the Previous Meeting

RESOLVED - That the minutes of the General Purposes Committee meeting held on 28th June 2010 be approved as a correct record.

16 PRP Scheme for Refuse Collectors

The Director of Resources and Director of Environment and Neighbourhoods presented their report which introduced the criteria by which potential Performance Related Pay (PRP) schemes within the Council should be assessed. The report updated the Committee on progress with the implementation of a PRP scheme for the Refuse Collection service and sought authorisation for the Director of Resources to finalise the scheme before it's introduction. The report also informed the Committee of other work being done to look at implementing PRP schemes in other parts of the Council.

Following the introduction of the item, the Committee agreed that members of the public should be excluded so that Appendix 2 and 3 could be discussed in conjunction with the rest of the report. At this stage further confidential information updating the Committee on the latest developments was distributed.

Members discussed the report and its appendices in detail in particular they considered all the options available to the Council for remunerating refuse collectors and the implications associated with them.

Members considered the future recruitment of refuse collectors and the need for job descriptions to be clear that the work of refuse collecting is suitable for both women and men.

RESOLVED – Members of the General Purposes Committee resolved to:

- note that further work is being done to identify the potential introduction of PRP schemes in other areas of the Council's workforce;
- note the criteria set out at Appendix 1 to the report as the criteria by which PRP schemes considered for introduction within the Council are assessed;
- support the introduction of a PRP scheme within the Refuse Collection service provided that it meets the criteria set out at Appendix 1 to the report and subject to consideration of further financial information to be provided by the Director of Resources.
- to convene a further emergency meeting following the provision of Director of Resource's further information to the group leaders.

17 Area Committees: Amendment to Composition

The Chief Regeneration Officer presented a report of The Director of Environment and Neighbourhoods which proposed to change the ward composition of two area committees. The report considered that by doing so anomalies in the demographic and socio economic profiles of the current committees in the North West of the city could be resolved. The changes proposed aimed to produce committees composed of wards with comparable profiles.

Members discussed the extent of work done to consult both the public and the members of the wards affected by the proposed changes and concluded that further work needed to be done with regards to this.

RESOLVED – Members of the General Purposes Committee resolved to withdraw the item.

18 Amendment to Council Procedure Rules - Question Time

The Principal Corporate Governance Officer (Corporate Governance) presented a report of the Assistant Chief Executive (Corporate Governance). The report proposed an amendment to Council Procedure Rule 11.6 'Expiry of Question Time' to allow that at the close of question time, the question in progress will be dealt with in full, including the asking and response to any supplementary question.

RESOLVED - Members of the General Purposes Committee resolved to recommend to full Council to approve the amendment to Council Procedure Rule 11.6 as detailed in the Appendix to the report.

19 Work Programme

The Assistant Chief Executive (Corporate Governance) submitted a report notifying members of the draft work programme for the 2010/11 municipal year.

RESOLVED - Members resolved to agree that the draft work programme for 2010/11 be noted.

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GENERAL PURPOSES COMMITTEE

THURSDAY, 23RD SEPTEMBER, 2010

PRESENT: Councillor K Wakefield in the Chair

Councillors S Bentley, A Blackburn,
J Blake, A Carter, R Finnigan, S Golton,
P Gruen, M Lobley (as substitute for J L
Carter), T Murray (as substitute for N
Taggart), A Ogilvie (as substitute for A
Lowe) and J Procter

Apologies Councillors J L Carter, A Lowe and
N Taggart

20 Short Notice

Meeting called at short notice under the provisions of paragraph 4.1 of the Access to Information Procedure Rules.

21 Appeals against refusal of inspection of documents

There were no appeals against the refusal of inspection of documents.

22 Exempt Information - possible exclusion of the press and public

The Committee considered the designation of Appendix 1 to Agenda item 5 (minute 24 refers) as exempt under the Access to Information Procedure Rules 10.4 (4) and (5).

RESOLVED - That the press and public be excluded from the meeting during consideration of the following part of the agenda designated as containing exempt information on the grounds that it is likely, in view of the nature of the business transacted, that if members of the press and public were present there would be disclosure to them of exempt information, as follows:-

Appendix 1 to Agenda item 5 because it contained information relating to negotiations in connection with industrial relations and information in respect of which a claim to legal professional privilege could be maintained in legal proceedings . It was considered in these circumstances that the public interest in maintaining the exemption from publication outweighed the public interest in disclosing the information.

23 Declaration of Interests

No declarations of interest were made either under this item or at any stage during the meeting.

24 Apologies for absence

Apologies for absence were received from Councillors Taggart, Lowe and J L Carter.

25 Introduction of Performance Related Pay Schemes

Before the item was considered the Committee agreed that members of the public should be excluded as the Main issue in the report referred directly to the exempted Appendix 1.

The Director of Environment and Neighbourhoods presented his and the Director of Resources report, which followed on from the report received by General Purposes Committee on 6th September 2010. This report set out further analysis of the options appraisal previously presented, in order to inform a decision in relation to the implementation of a Performance Related Pay (PRP) Scheme for the Refuse Collection Service.

Members considered the options available with the respective financial and legal implications, and also the equal pay legislation more generally.

Members also discussed the implementation of other PRP schemes across the Council .

RESOLVED - Members of the General Purposes Committee resolved to agree the introduction of a PRP scheme within the Refuse Collection Service and authorise the Director of Resources to finalise negotiations with the Trade Unions in order to enter into a collective agreement to bring it into effect.

(This item was considered urgent so as to ensure that the PRP scheme could be introduced as soon as possible to realise the savings as soon as possible in the current financial climate.)



Originator: Tony Westwood

Tel: ext 51710

Report of the Assistant Chief Executive (Corporate Governance)

General Purposes Committee

Date: 5 November 2010

Subject: Amendments to the Constitution

Electoral Wards Affected:

Ward Members consulted
(referred to in report)

Specific Implications For:

Equality and Diversity

Community Cohesion

Narrowing the Gap

Executive Summary

1. Further to the resolutions made at the Annual Council Meeting, amendments are recommended to the Constitution.
2. These are as follows:
 - amendments to Article 9 (membership of Corporate Governance and Audit Committee) as set out in appendix 1 to this report;
 - amendment to Council Procedure Rule 12.1 (allocation of motions between political groups); and
 - amendment to Council Procedure Rule 14.5 (reference to Support Executive Member).
3. In addition, an amendment to Council Procedure Rule 1.1 (re considering recommendations of General Purposes Committee at the Annual Meeting) is recommended for clarity.
4. The proposed amendments to the Council Procedure Rules are set out in appendix 2 to this report.

1.0 Purpose Of This Report

- 1.1 To ask the General Purposes Committee to recommend to Council amendments to Article 9 of the Constitution, and to the Council Procedure Rules.

2.0 Background Information

- 2.1 General Purposes Committee is authorised to consider proposals to amend the Constitution and make recommendations to full Council.
- 2.2 Further to the change in Administration a number of inconsistencies have been identified in the Constitution.
- 2.3 In particular, there are consequential amendments arising from the change from an Administration with one major opposition group, to the current Administration with two major opposition groups.
- 2.4 In addition, it is proposed to clarify Rule 1.1, (which sets out the business to be considered at the Annual Meeting), to reflect that recommendations from General Purposes Committee are considered at that meeting, (in relation to amendments to the Constitution).

3.0 Main Issues

Updating Amendments

Article 9.2

- 3.1 As currently drafted, Article 9.2 provides that “Members of the Executive; and Political Group Leaders and Whips from the administration and the major opposition Group are precluded from being members of the Corporate Governance and Audit Committee”. There is now more than one major opposition group.
- 3.2 It is therefore recommended that this provision should refer to “the three largest groups”.
- 3.3 The recommended amendments are shown in the attached appendix 1 to this report.

Council Procedure Rule 12.1

- 3.4 Council Procedure Rule 12.1, in relation to Motions on Notice, provides that the number of motions admissible for full debate at any given meeting shall be limited to four. Footnote 7 currently refers to ‘Two of these being reserved to the largest opposition group, and one being reserved to the administration’.
- 3.5 It is recommended that the footnote should be amended to read, ‘One to the Labour Group, one to the Conservative Group, one to the Liberal Democrat Group and one to one of the two minority groups’. This is not intended to change the current practice of Whips’ involvement in determining the order in which motions are to be heard at any meeting.
- 3.6 Group Whips have been consulted, and agree that the proposed amendments are appropriate.

3.7 The recommended amendments are shown in appendix 2 to this report.

Council Procedure Rule 14.5

3.8 Council Procedure Rule 14.5, in relation to the period permitted for speeches at meetings, makes provision for the procedure to be followed when there are two Executive portfolio holders within a single portfolio. As there are no longer any jointly-held portfolios, it is recommended that this reference be removed.

3.9 The recommended amendments are shown in appendix 2 to this report.

Miscellaneous Amendments

Council Procedure Rule 1.1

3.10 Council Procedure Rule 1.1, Timing and Business at the Annual Meeting, does not currently include explicit reference to full Council considering the recommendations of General Purposes Committee. It is recommended that this be inserted in the order of business between the election of the Leader and the establishment of Committees.

3.11 In accordance with this amendment, there would need to be consequential amendments to footnote 3 and Council Procedure Rules 2.2(h); 2.2(i); 6.2; 11.1(b); 15.1; 16.2; 19.1; 19.2; 24.1; 27.1 and 28.1, whereby any reference to Council Procedure Rule 1.1(g) are amended to read 1.1(h).

3.12 The recommended amendments are shown in appendix 2 to this report.

4.0 Implications For Council Policy And Governance

4.1 It is in accordance with good governance principles to update the Constitution to ensure that it is fit for purpose.

5.0 Legal And Resource Implications

5.1 There are no legal or resource implications arising from the proposed amendments.

6.0 Conclusions

6.1 The Constitution should be amended to keep it fit for purpose.

7.0 Recommendations

7.1 General Purposes Committee are asked recommend Council to approve:

- amendments to Article 9 as set out in appendix 1 to this report;
- revised Council Procedure Rules, amended as set out in appendix 2 to this report.

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APPENDIX ONE

9.2 CORPORATE GOVERNANCE AND AUDIT COMMITTEE

9.2.1 The following are precluded from being members of the Corporate Governance and Audit Committee:

- Members of the Executive;
- Political Group Leaders from the three largest groups; and
- Whips from the three largest groups.

9.2.2 The Chair of Standards Committee will be a non voting co-opted member of the Committee¹

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| COUNCIL PROCEDURE RULES |
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1.0 ANNUAL MEETING OF COUNCIL**1.1 Timing and Business**

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

The annual meeting will:

- (a) elect a person to preside if the Lord Mayor and Deputy Lord Mayor are not present;
- (b) elect the Lord Mayor;
- (c) elect the Deputy Lord Mayor;
- (d) approve the minutes of the last meeting;
- (e) receive any announcements from the Lord Mayor and/or Head of Paid Service;
- (f) elect the Leader¹;
- (g) consider any recommendations made by General Purposes Committee;
- (h) 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
- (i) 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;
- (j) 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);
- (k) receive the documents presented by the Leader in accordance with Executive Procedure Rule 1.2;
- (l) approve a programme of ordinary meetings of the Council for the year; and

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¹ Only at the annual meeting held in 2010, or at any other subsequent annual meeting held on a day when the Leader's term of office is to end by virtue of Section 44E(3) Local Government Act 2000. If the Council fails to elect the Leader at the relevant annual meeting, 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(h) shall be construed as including any other committee established by Full Council during municipal year.

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(m) consider any business set out in the notice convening the meeting.

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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

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

All meetings of the Council shall be held at the Civic Hall, and shall commence at such hour as the Lord Mayor may on behalf of the Council determine or, if no hour has been so fixed, at 1.30 p.m.

2.2 Order of Business

Except as otherwise provided by Rule 2.3 or by statute, the order of business at every meeting of the Council, (other than the Annual meeting, any Extraordinary Meeting or the Budget Meeting⁴, where the business to be transacted at the meeting will be specified in the Summons), shall be to:

- (a) choose a person to preside if the Lord Mayor and Deputy Lord Mayor are absent;
- (b) approve as a correct record and sign the minutes of the last meeting of the Council except where the meeting is a meeting called under paragraph 3 (extraordinary meetings) of Schedule 12 to the Local Government Act 1972, in which case the next following meeting of the Council (being a meeting called other than under that paragraph) shall be treated as a suitable meeting for the purposes of paragraph 41(1) and (2) (signing of minutes) of that Schedule;

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.

APPENDIX TWO

Council Procedure Rules

- (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) receive such reports as the Chief Executive, Monitoring Officer or Section 151 Officer consider appropriate;
- (g) deal with questions (if any) in accordance with Rule 11;
- (h) consider any recommendation of the Executive Board, and committees, established under Rule 1.1(h), and any sub-committees thereof; Deleted: g
- (i) receive the minutes of the Executive Board and committees established under Rule 1.1(h), and any sub-committees thereof; and Deleted: g
- (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 Where a meeting commences at 1.30 pm the following will apply (in cases where an ordinary meeting commences at a different time the same timescales shall be applied).

(a) The time allowed for the consideration of the item set out in Rule 2.2 (i) (receipt of minutes) shall not continue beyond 5.00 pm and at 4.45 pm, the provisions of Rule 4 regarding winding up of business shall apply.

(b) The meeting will be suspended for the fixed period of 5.00 pm to 5.20 pm.

(c) At each meeting of the Council the time allowed for consideration of items under Rule 2.2 (j) (White Paper Motions) shall not continue beyond 7.20 pm and at 7.00 pm the provisions of Rule 4 regarding winding up of business will apply, after which the following procedure shall apply:

(d) Each outstanding White Paper motion and any amendments thereto will be formally moved and seconded without debate and each will be put to the vote

4.0 WINDING UP OF BUSINESS

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

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 days of the presentation of the requisition.

6.0 NOTICE OF AND SUMMONS TO MEETINGS

- 6.1 The Chief Executive will give notice to the public of the time and place of any meeting in accordance with the Access to Information Procedure Rules. At least five clear days before a meeting, the Chief Executive will send a summons signed by him/her by post to every Member of the Council or leave it at their usual place of residence. The summons will give the date, time and place of each meeting and specify the business to be transacted, and will be accompanied by such reports as are available.
- 6.2 The notices for all meetings of committees established under Rule 1.1(h) shall be issued from the office of the Chief Executive and no matter shall be considered at such meeting without the prior agreement of the Chief Executive who shall first have been furnished with any written report or with full details of any intended verbal report.

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Council Procedure Rules

7.0 POWERS AND DUTIES OF THE LORD MAYOR

- 7.1 Any power or duty of the Lord Mayor in relation to the conduct of a meeting may be exercised by the Deputy Lord Mayor, or in the absence of the Deputy Lord Mayor, the person elected to preside at the meeting.
- 7.2 Any duty of the Chief Executive in relation to the conduct of a meeting may be exercised in the Chief Executive's absence by the Assistant Chief Executive (Corporate Governance) .

8.0 QUORUM

- 8.1 The quorum of a meeting will be one quarter of the whole number of Members.
- 8.2 If during any meeting of the Council, any Member draws to the attention of the Lord Mayor that there does not appear to be a quorum present, the Lord Mayor shall direct the Chief Executive to call over the names of the Members of the Council. If there is less than a quarter present, the Lord Mayor shall declare the meeting adjourned. The names of the Members present and those absent shall be recorded in the minutes of the Council. Provided that, where more than one third of the Members are disqualified at the same time and until the number of Members in office is increased to not less than two thirds of the whole, the quorum shall be determined by reference to the number of Members remaining qualified.
- 8.3 The consideration of any business not transacted shall be adjourned to a time fixed by the Lord Mayor at the time the meeting is adjourned or, if the Lord Mayor does not fix a time, to the next ordinary meeting of the Council.

9.0 COMMUNICATIONS

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

10.0 DEPUTATIONS

- 10.1 Deputations may be received at any meeting of the Council except the Annual Meeting, provided that the Council's Chief Democratic Services Officer receives seven days previous notice.
- 10.2 Any Member of the Council may move a motion without notice, that the deputation be or not be received as the case may be, and such motion, on being seconded, shall be put to the vote without debate.
- 10.3 There shall be no discussion on any matter raised by a deputation, but any Member may move a motion, without notice, that the subject matter be referred to the appropriate committee and such a motion, on being seconded, shall be put to the vote without debate.

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Council Procedure Rules

10.4 The following requirements shall apply to deputations:

- 10.4.1 A deputation shall consist of at least two and no more than five people, only one of whom shall speak and the speech including the reading of any written material shall not be more than five minutes in duration.
- 10.4.2 Deputations which relate solely to the interests of one individual or company will not normally be admitted. In cases of doubt, the Council's Chief Executive will determine the eligibility of any deputation request.
- 10.4.3 Representations relating to matters subject to current consideration by a Plans Panel, the Licensing Committee or a sub-committee thereof shall be restricted to those allowed under the Protocol for Public Speaking at Plans Panels or the Licensing Committee Procedure Rules and shall not be allowed as deputations to Council. In cases of doubt the Assistant Chief Executive (Corporate Governance) may require written details of the proposed deputation speech prior to determination of the request.
- 10.4.4 The number of deputations which may be received by the Council at any meeting where deputations are permitted shall not exceed five.
- 10.4.5 Deputations shall be heard in the order in which notice is received.
- 10.4.6 Where two or more deputations are presenting opposing views on the same matter, not more than one of these related deputations shall be received at the same meeting.
- 10.4.7 A deputation shall not be admitted to the Council on matter which has been the subject of deputation in the preceding six months, except as a result of a prior refusal under paragraph 10.4.6.

11.0 QUESTIONS BY MEMBERS

11.1 Questions on Notice

- (a) At each meeting of the Council (except the Annual Meeting, any Extraordinary Meeting or the Budget Meeting) a continuous period of not more than 30 minutes from the commencement of the first question shall be available for oral questions.
- (b) During question time, a Member may ask the Leader of the Council, the Deputy Leader, any Executive Member⁵ or the Chair of any committee⁶ established under Rule 1.1(h), through the Lord Mayor, any question on any matter in relation to which the Council has powers or duties, or which affects the City of Leeds, or to a Member of the Council who is a nominated representative of the West Yorkshire Authorities for Integrated Transport,

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⁵ In relation to any matter within their portfolio.

⁶ In relation to any matter within the committee's terms of reference.

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Council Procedure Rules

Police or Fire and Rescue, on the discharge of the functions of the relevant joint Authority or who has been nominated to answer questions about the activities of a company in which the Council have an interest.

- (c) A question shall not be asked in the absence of the Member in whose name it stands unless they have given authority in writing to the Chief Executive for it to be asked by some other Member of the Council.

11.2 Notice of Questions

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

11.3 Response

- (a) Every question shall be put and answered without discussion but the person to whom a question has been put may decline to answer.
- (b) A Member to whom a question is addressed shall have discretion to nominate a 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, but not so as to extend question time.

11.6 Expiry of Question Time

Where the answer has not been commenced during question time, it shall be answered by written answer circulated to Members of the Council. If the answer to such question has been commenced orally but has not been completed within question time it may be completed orally 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 number of motions admissible for full debate at any given meeting shall be limited to four⁷. Any motions over and above that number shall be referred back to the proposer unless the proposer accepts that the procedure at 3.1 (d) shall be applied. The Proposer shall have the right to correct or withdraw a White Paper Motion up to 10.00 am on the day for the issue of the Summons. The Chief Executive shall enter all notices of motion received in a book which shall be kept open for the inspection of every Member of the Council. All motions of which such notice is given shall be known as White Paper Motions.

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

12.2 Scope

- (a) Every motion shall be relevant to some matter in relation to which the Council has powers or duties or which affects the City of Leeds.
- (b) All the notices of motion received by the Chief Executive shall be submitted to the Lord Mayor. If the Lord Mayor considers that any such motion relates to matters other than of a local nature or is similar to a matter which in the past six months has been rejected at a meeting of the Council, the Member concerned shall ask leave of the Council to introduce such motion before proceeding to address the Council on it. Once the motion is dealt with, no-one can propose a similar motion for six months.
- (c) There shall be no speech or discussion upon asking for such leave to so introduce a motion. The fact that any such motion requires the leave of the Council shall be indicated in the Council Summons.
- (d) If it appears to the Lord Mayor that any such motion relates only in part to the matters stated above, the Lord Mayor may invite the Member of the Council concerned to amend the motion in agreement with the Lord Mayor either by omitting the part relating to such matters or by dividing the motion so that the part relating to such matters is stated in terms of a separate motion, but without addition to the terms of the original motion. In such event the original motion shall appear on the Council Summons with the indication that it requires the leave of the Council, but it shall be competent for the Member concerned to move without leave the part agreed by that Member with the Lord Mayor as not relating to the matters above stated, and after that motion has been disposed of, if the Member so wishes, to move with leave the remaining part so agreed.
- (e) For the purpose of Rules 12.2 b) and 12.2 d) "the Lord Mayor" shall mean only the Lord Mayor in his/her own person or if for any reason the Lord

⁷One to the Labour Group, one to the Conservative Group, one to the Liberal Democrat Group and one to one of the two minority groups.

Part 4 (a)

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Deleted: Two of these being reserved to the largest opposition group, and one being reserved to the Administration

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Mayor is unable to act or the office of the Lord Mayor is vacant, the Deputy Lord Mayor.

12.3 Motion Set Out in Agenda

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

13.0 **MOTIONS/AMENDMENTS**

13.1 Motions and amendments requiring notice

Except as set out in Rule 13.2 below, and as provided in Rule 14.8, no amendment to a motion (including an amendment to refer back any business for further consideration) shall be moved at any meeting of the Council unless notice thereof in writing setting out the amendment and signed by the Member or Members giving it, has been received by the Chief Executive not less than 24 hours before the commencement of the meeting.

13.2 Motions without notice

The following motions and amendments may be moved without notice:

- (a) appointment of a Chair of the meeting at which the motion is made;
- (b) in relation to the accuracy of a report, minutes or recommendation before Council;
- (c) to change the order of business in the agenda;
- (d) that leave be given to withdraw an item of business including a motion or amendment;
- (e) that the Council proceed to the next business;

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- (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 No Speeches Until Motion Seconded

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

14.2 Right to require motion in writing

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

14.3 Seconder's Speech

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

14.4 Content of Speeches

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

14.5 Period Permitted for Speeches

- (a) Except by the leave of Council (and as follows), no speaker may speak for more than five minutes. The speech of the mover of a motion or an amendment, the winding-up speech of the mover of a motion, or in relation to business moved under Rule 2.2 (i), the speech of an Executive Member or Chair when summing up on minutes within their portfolio or in respect of their

APPENDIX TWO

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committee, shall not exceed ten minutes. (This rule shall not apply to the Lord Mayor or to matters which are not the ordinary business of the Council).

- (b) The Member moving the business referred to in Rule 2.2 (j) (receipt of minutes) shall, in addition to the ten minutes allowed for winding up purposes, be allowed to speak for a period not exceeding five minutes to respond to comments made on the Leader's portfolio immediately after such comments have been made.
- (c) The summing up rights of an Executive Member or Chair as provided for in 14.5(a) above shall, in the absence of an Executive Member or Chair, be exercisable by such member as may be nominated by the absent member or, failing that, by the relevant Party Whip.

Deleted: In instances where there are two Executive portfolio holders within a single portfolio, the Support Executive Member shall be allowed to sum up in respect of his/her part of the portfolio for a period not exceeding ten minutes, immediately prior to the Lead Executive Member exercising his/her right to sum up.

14.6 When a Member May Speak Again

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

- (i) if the motion has been amended since the Member last spoke, to move a further amendment;
- (ii) in exercise of a right of reply given by Rule 14.12;
- (iii) to raise a point of order in accordance with Rule 14.16; or
- (iv) to make a personal explanation, as defined in Rule 14.17.

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.

14.7 Amendments to Motions

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

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

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

14.8 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 five minutes to comment as the last speaker in the debate on the amendment in addition to his/her rights under Rule 14.5(a). (In the event that the amendment is the sole matter discussed under the given section of the minutes then the ten minutes allowed under Rule 14.5(a) shall be applied.)
- (c) The vote will be taken on the amendment before proceeding to comments on that section of the minutes.

14.9 Further Amendments

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

14.10 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.

14.11 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.

14.12 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.

14.13 Motions Which May Be Moved During Debate

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

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

14.14 Closure Motions

- (a) A Member may move, without comment, at the conclusion of a speech of another Member,

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- (i) to proceed to the next business;
- (ii) that the question be now put;
- (iii) to adjourn a debate; or
- (iv) to adjourn a meeting

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

- (b) If a motion to proceed to next business is seconded, the Lord Mayor will first give the mover of the original motion a right of reply not exceeding 10 minutes and then put to the vote the motion to proceed to next business.
- (c) If a motion that the question be now put is seconded, the Lord Mayor will first put to the vote the motion that the question be now put, and if it is passed then give the mover of the original motion a right of reply under Rule 14.12 not exceeding 10 minutes before putting a motion to the vote.
- (d) If a motion to adjourn the debate or the meeting is seconded, the Lord Mayor shall put the adjournment motion to the vote without giving the mover of the original motion a right of reply on that occasion and no amendment to the motion shall be permitted unless it relates to the time of adjournment.

14.15 Resumption of Adjourned Debate

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

14.16 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.

14.17 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.

14.18 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.

14.19 Interpretation of Council Procedure Rules

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

15.0 RESCINDING RESOLUTIONS OF COUNCIL

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(h) or a sub-committee thereof.

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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(h), or a sub-committee thereof, the Chair shall, in case of an equal division of votes have a second or casting vote.

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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

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

16.5 Right to Require Individual Vote to be Recorded

Where immediately after a vote is taken at a meeting any Member so requires, there shall be recorded in the minutes of the proceedings of that meeting whether

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that person cast his/her vote for the question, against the question or whether s/he abstained from voting.

16.6 Division Bells

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

16.7 Voting on Appointments

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

17.0 MINUTES

17.1 Signing the Minutes

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

17.2 No requirement to sign minutes of previous meeting at Extraordinary Meeting

Where in relation to any meeting, the next meeting for the purpose of signing the minutes is a meeting called under paragraph 3 of Schedule 12 to the Local Government Act 1972 (an Extraordinary Meeting) then the next following meeting (being a meeting called otherwise than under that paragraph) will be treated as a suitable meeting for the purposes of paragraph 41(1) and (2) of Schedule 12 relating to signing of minutes.

17.3 Form of Minutes

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

18.0 RECORD OF ATTENDANCE

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

19.0 EXCLUSION OF PUBLIC

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

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19.2 The Council and committees established under Rule 1.1(h) 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.

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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 motion should include the wording of the motion proposed to be considered. The motion to suspend should not include the reasons why the suspension is being proposed. Suspension is only for the duration of the meeting.

22.2 Amendment

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

23.0 INTEREST OF MEMBERS AND OFFICERS

- 23.1 If any Member of the Council has any personal and prejudicial interest for the purposes of Section 81 of the Local Government Act 2000, in any contract, proposed contract or other matter that Member must withdraw from the meeting while the contract or other matter is under consideration by the Council unless the disability to discuss the matter imposed upon him/her by that Section has been removed by the Standards Committee under Section 81(4).
- 23.2 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(h) 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.

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25.0 APPLICATION TO COMMITTEES AND SUB COMMITTEES

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

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

26.0 SUBSTITUTE MEMBERS

26.1 Allocation

- (a) In relation to each Plans Panel, the Council shall appoint substitute members, comprising all other members of the other Plans Panels, the Development Plan Panel 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.
- (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 Corporate Governance and Audit Committee, the Council shall appoint substitute members via nominations from party 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.
- (e) In relation to the General Purposes 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.
- (f) In relation to Scrutiny Boards, substitute members shall be appointed in accordance with the Scrutiny Board Procedure Rules.
- (g) In relation to the Licensing Committee there shall be no substitution of Members. In relation to Licensing Sub-Committees substitute members shall be appointed in accordance with the Licensing Procedure Rules.

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

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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(h), 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.

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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(h), except as follows:

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

28.3 The quorum for meetings of the Standards Committee shall be three⁸, including at least one independent member (unless that independent member would have been present for the meeting but for the fact he was prevented or restricted from participating by virtue of the Code of Conduct, in which case the requirement for the quorum to include at least one independent member shall not apply)⁹. The Parish Member must be present when matters relating to Parish Councils or their Members are being considered.

28.4 The quorum for the Standards Committee - Assessment Sub-Committee, the Standards Committee – Review Sub-Committee, the Standards Committee Consideration Sub-Committee, and the Standards Committee Hearings Sub-Committee shall be three.¹⁰ Where a meeting of one of these Sub-Committees is convened to discharge any of the functions specified in Section 57(A) or 57(B) of the Local Government Act 2000, or Regulations 17 to 20 of the Standards Committee (England) Regulations 2008, no decision may be taken unless at least one Leeds City Councillor is present when such matters are being considered.¹¹ Where a meeting is convened to discharge any of the above functions in relation to a Member or former Member of a Parish Council, no decision may be taken unless

⁸ Regulation 7(1) Standards Committee (England) Regulations 2008.

⁹ Regulation 6(2) Relevant Authorities (Standards Committee) Regulations 2001.

¹⁰ Regulation 7(1) Standards Committee (England) Regulations 2008.

¹¹ Regulation 7(3) Standards Committee (England) Regulations 2008.

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at least one Parish Member of the Standards Committee is present when such matters are being considered.¹²

- 28.5 The quorum for a meeting of an Area Committee shall be satisfied if at least one third of the Elected Ward Members are present, and at least one Elected Ward Member from each ward within the area is present. In the case of those Committees where the Area is made of only two wards, the quorum shall be satisfied if three Members are present and at least one Elected Ward Member from each ward within the area is present.
- 28.6 The quorum for the Licensing Committee shall be as set out in the Licensing Procedure Rules.
- 28.7 The quorum of any sub-committee shall be determined by the appointing committee.
- 28.8 Except where authorised by statute, business shall not be transacted at a meeting unless a quorum is present.

¹² Regulation 7(4) Standard Committee (England) Regulations 2008.

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Report of the Assistant Chief Executive (Corporate Governance)

General Purposes Committee

Date: 5 November 2010

Subject: Petitions Scheme

Electoral Wards Affected:

Ward Members consulted
(referred to in report)

Specific Implications For:

Equality and Diversity

Community Cohesion

Narrowing the Gap

Executive Summary

1. This report provides an overview of the authority's new duty to adopt a petitions scheme, in accordance with the Local Democracy, Economic Development and Construction Act 2009.
2. The report outlines the requirements for the scheme, including setting relevant threshold numbers of signatories, and provisions requiring a petition to be considered by full Council, and for an officer to be called to account over an issue by a Scrutiny Board.
3. The report asks the General Purposes Committee to recommend a petition scheme for approval by full Council. Under the proposals, petitions with at least **800** signatures will be dealt with under the scheme, and may call an officer to account. It is proposed that petitions may also be considered by full Council, under the existing provisions for dealing with deputations. The draft scheme is attached as appendix 1 to the report.
4. Constitutional amendments required to implement the new duty are also set out in the report. These include amendments to the Scrutiny Board Procedure Rules, which the Committee are asked to recommend to full Council. These are attached as appendix 2 to the report.
5. The report also provides information about the duty to provide an electronic petitions facility, which will come into force on 15 December 2010.

1.0 Purpose Of This Report

- 1.1 This report provides an overview of the authority's duty to adopt a petitions scheme, and provide a facility for submitting electronic petitions. The report asks the General Purposes Committee to recommend a petition scheme for approval by full Council, together with necessary constitutional amendments.

2.0 Background Information

- 2.1 The Local Democracy, Economic Development and Construction Act 2009 ("the Act") imposed a new duty on the authority to approve a scheme for handling petitions, and to comply with the scheme.

Valid petitions under the scheme

- 2.2 As a minimum, the scheme must cover petitions which:

- request the authority to take or stop taking actions described in the petition;
- are signed by (at least) a specified number of people who live work or study in the authority's area; and
- are not made under another enactment¹.

- 2.3 The authority must **acknowledge** all valid petitions, within a specified time.

Taking steps in response to petitions

- 2.4 The authority is only required to **take steps** in response to valid petitions which are "active". The Act defines these as petitions which relate to:

- a function of the authority (except functions relating to a licensing or planning decision, and matters relating to an individual or entity where there is already is a statutory right to a review or appeal)²; or
- an improvement in the economic, social or environmental well-being of the authority's area to which any of its partner authorities could contribute.

- 2.5 The authority does not have to take steps in relation to a petition which is vexatious, abusive or otherwise inappropriate.

- 2.6 The scheme must include the following steps which the authority may take in response to an active petition:

- giving effect to the petition;
- considering the petition at a Council Meeting;
- holding an inquiry;
- commissioning relevant research;
- organising a public meeting;
- providing a written response to the petition organiser outlining the authority's views; and
- referring the issue to a Scrutiny Board.

¹ For example, petitions under the Local Government Act 2000, asking for a referendum for an Elected Mayor.

² These have been excluded from the definition by order of the Secretary of State. However a petition which calls for action in respect of an allegation of systematic failure of an authority to discharge a function, is not excluded even if they relate to planning or licensing.

- 2.7 Where an active petition is made, the authority must **notify** the petition organiser within a specified period, of the steps taken or which it is proposed to take, and the authority's reasons for doing so. It must also **publish** the notification on the authority's website, unless that is inappropriate.

Review of the authority's response

- 2.8 Petition organisers can require a review of the authority's response, if they consider the response to be inadequate. This must be done by a Scrutiny Board.

Publication of the scheme

- 2.9 The authority must publish the petitions scheme on its web-site, and "in such other manner as the authority considers appropriate for bringing the scheme to the attention of persons who live, work or study in its area".

Electronic petitions facility

- 2.10 From 15 December 2010, the authority will also have to provide a facility for making electronic petitions to the authority.

Statutory guidance

- 2.11 Statutory guidance about the petitions duties was issued on 30 March 2010, before the general election. This included a model petitions scheme which authorities could adopt. However, the guidance was withdrawn from 24 September 2010. This leaves the authority with greater discretion about how it carries out its statutory duties.

Draft scheme

- 2.12 General Purposes Committee has within its terms of reference the power to make recommendations to full Council in connection with the discharge of any of its functions. The Committee is therefore asked to make recommendations to full Council on the discharge of its functions relating to petitions.
- 2.13 A draft scheme for consideration is attached as Appendix 1 to this report.

Amendments to the Constitution

- 2.14 The Committee also has within its terms of reference the power to make recommendations to full Council in relation to amendments to the constitution.
- 2.15 This report proposes a number of amendments to the constitution to reflect the authority's new duties.

3.0 Main Issues

Threshold for a valid petition

- 3.1 The authority needs to set the minimum number of signatories for a valid petition under its scheme. Currently, two core cities have set no minimum, two have set 10, and one has set 20. One West Yorkshire authority has set no minimum, and two others have set 20.

- 3.2 These thresholds were set when the statutory guidance was in force, which recommended low thresholds. Authorities are no longer required to have regard to that guidance.
- 3.3 Petitions are currently dealt with in the authority in an ad hoc way. Some are sent addressed to individual Ward Members, who respond to them as they think fit. Similarly, directors decide how to respond to petitions submitted to them.
- 3.4 A scheme for handling petitions will provide petitioners with clarity about how their petition will be dealt with. It must also provide a formal review mechanism, referred to above.
- 3.5 The authority needs to make sure that it deals consistently with petitions under a formal scheme, not least in ensuring that they valid. Some degree of centralised administration of the scheme is therefore needed.
- 3.6 There is, however, a risk that dealing with petitions under the scheme through a centralised process will reduce flexibility of response, and add bureaucracy, with resulting additional costs and delays.
- 3.7 The draft scheme at appendix 1 to this report therefore proposes a threshold of **800** signatures for petitions³. This represents approximately 0.1% of the area's population. This is so that the scheme would only cover petitions with a relatively substantial degree of support, to which it is reasonable to apply a consistent formal approach and recourse to a review mechanism.
- 3.8 It should be noted that whatever threshold is adopted, petitions outside the scope of the scheme would continue to be dealt with by whichever Member or officer they were submitted to, in accordance with the authority's usual standards for responding to correspondence.

Petitions to be considered at a full Council meeting

- 3.9 The Act provides that any active petition with more than a specified number of signatures (threshold to be decided by the authority), must be considered at a meeting of full Council. The maximum threshold that could lawfully be set is currently 39,385⁴.
- 3.10 Other core cities with a scheme have set 4 000, 5 000 and 20 000. Other West Yorkshire authorities have set 1 500, 5 000 and 15 000.
- 3.11 The Council Procedure Rules currently allow for deputations of a minimum of two people to be received by full Council, subject to various notice provisions, and exceptions. To avoid further bureaucracy, and for consistency, it is proposed to treat any petition which is requested to be considered by full Council, in the same way that deputations are considered. Members will note that, in practice, **any** petition requested to be considered by full Council would be dealt with as a deputation, whether or not it is valid under the petition scheme in terms of signatures.

³ However no threshold will apply to requests for petitions to be considered at full Council; such requests will be considered under the Council's rules relating to deputations – see paragraph 3.11 above.

⁴ The statutory maximum number of signatures for this threshold is 5% of the total local authority population, as estimated by the Office of National Statistics. The population is currently estimated at 787,700.

Petition to call an officer to account

- 3.12 The Act also provides for any active petition with a more than a specified number of signatures can require an officer to be called to account – that is, attend at a Scrutiny Board to answer questions. The authority has to set the threshold for this.
- 3.13 There is no statutory maximum for the threshold number of signatures. Other core cities have set this as 1 000, 2 500 and 10 000. Other West Yorkshire authorities have set 750, 2 000 and 7 500. The draft scheme attached as appendix 1 provides for this figure to be **800**. Setting it at this minimal level would promote accountability.
- 3.14 The scheme must identify relevant officers who can be called to account, which must include statutory chief officers, and non-statutory chief officers⁵. The draft scheme refers to the list of these officers set out in Article 12 of the constitution. These are directors and chief officers with concurrent delegations from Council or the Leader. Since these are the only officers with direct responsibility for decision-making, it is not proposed to extend this list further.
- 3.15 It is proposed that the Scrutiny Board Procedure Rules are amended, to incorporate the procedure for calling an officer to account. Appendix 2 to this report sets out the amendments proposed. The terms of reference for the Boards do not need to be amended to reflect the new duty, since they are broadly drafted.

Requirement to acknowledge/notify of steps taken or proposed

- 3.16 Written acknowledgement of a valid petition, must be sent within a specified period, giving information about what the authority has done or proposes to do in response to the petition. The authority must decide the specified period. It is proposed that this should be **10 working days**, to allow time to check if a petition is valid and active under the scheme.
- 3.17 The authority also has to notify the petition organiser about steps taken or proposed. The draft scheme sets this as within **15 working days** of receipt of the petition. This is consistent with corporate response times for providing a substantive response to a complaint.

Administering the scheme

- 3.18 There are many elements of the scheme which require discretion to be exercised, when an individual petition is received. For example, deciding whether a petition is valid and active.
- 3.19 For consistency, it is proposed that these “gate-keeping” functions should be exercised by the Assistant Chief Executive (Corporate Governance).
- 3.20 For petitions which do not request referral to full Council or call an officer to account, it is proposed that the Assistant Chief Executive (Corporate Governance) refer the petition to a relevant director, who will determine the appropriate steps to be taken, after appropriate Member consultation.

Consequential amendments to the Constitution

- 3.21 To reflect the new duties, a number of other minor amendments will be required to the following documents in the constitution:

⁵ Within the meaning of Section 2 Local Government and Housing Act 1989.

- Summary and Explanation (add reference to the right to petition);
- Article 3 (Citizens' rights) (add reference to the right to petition); and
- Council summary of functions – Part 3, Section 2A (add reference to full Council duty to approve and amend the petitions scheme).

3.22 The Assistant Chief Executive (Corporate Governance) proposes to approve these minor amendments under her delegated authority.

4.0 Implications For Council Policy And Governance

4.1 The authority currently has no formal procedure for dealing with petitions. They are currently dealt with at the discretion of the relevant director, although issues raised are sometimes considered at full Council, as a deputation.

4.2 The objectives of the legislation (as set out in the withdrawn government guidance), include making sure that local people know how to express their views, and that local people will know their views have been listened to. The adoption of the scheme should therefore promote both transparency and accountability.

4.3 It is proposed that the Assistant Chief Executive (Corporate Governance) keep the scheme under review.

5.0 Legal And Resource Implications

5.1 The Council has a duty to adopt a petitions scheme. It must also provide an electronic petitions facility from 15 December 2010.

5.2 The petitions scheme must be approved by full Council. Full Council may revise the scheme at any time, subject to the amendments being publicised.

5.3 Increased costs to the Council will arise from increased work for officers, time at Council and Scrutiny Board meetings, and the set-up costs for electronic petitions. It is not yet known what these costs will be.

5.4 The Government have confirmed that local authorities will be paid for the new burden through the area-based grants process this financial year. It is not clear however how much and over what period of time they will be paid.

5.5 The authority no longer needs to have regard to the statutory guidance and model scheme. The letter advising authorities of the withdrawal of the guidance, states "you will wish to consider the current circumstances" and have regard "to both the Government's commitment to remove unnecessary prescription for local authorities and the priority of cutting out all wasteful spending". It did not, however, indicate whether the primary legislation will be repealed or amended.

6.0 Conclusions

6.1 The authority has a duty to approve and comply with a petitions scheme, which must contain key elements, as set out in paragraph 2 and 3 of this report. The authority must also provide an electronic petition facility by 15 December 2010.

6.2 The aim of the legislation was to enhance transparency and accountability. However, it is reasonable to restrict the scope of the scheme to those petitions with a relatively substantial degree of support, 800 signatures. This would formalise the

route where a particular outcome is required (such as calling an officer to account, and the review mechanism), while keeping additional bureaucracy to a minimum. If this threshold is adopted, other petitions received below this threshold would be dealt with by the authority as correspondence, but not under the scheme.

- 6.3 Keeping the proposed threshold to a minimum for requiring a petition to be considered by full Council, is consistent with the existing provisions relating to deputations, and together with a low threshold for calling an officer to account, promotes accountability.
- 6.4 The provisions of the new scheme, and the new duty must be reflected in the constitution.
- 6.5 In relation to publishing the scheme, the Assistant Chief Executive (Corporate Governance) advises that as well as publishing the scheme on the web-site, in view of financial constraints, it would be reasonable for the petitions scheme to be publicised at minimal cost in the Council's "About Leeds" newspaper, once approved, and on an annual basis after that.

7.0 Recommendations

7.1 That General Purposes Committee recommend full Council to:

- approve the petitions scheme, set out in appendix 1 to this report;
- approve the amendment to **Scrutiny Board Procedure Rule 12** as set out in appendix 2 to this report;
- note that the Assistant Chief Executive (Corporate Governance) proposes exercise her delegated authority to amend the following documents contained in the constitution, to reflect the new petitions duty:
 - **Summary and explanation;**
 - **Article 3** (Citizens' rights); and
 - **Summary of Council functions** (Part 3, section 2A).
- instruct the Assistant Chief Executive (Corporate Governance) to publish the petitions scheme on its website, and publicise it in "About Leeds";
- instruct the Assistant Chief Executive (Corporate Governance) to implement an electronic-petitions facility.

Background Papers

1. Communities and Local Government - Listening to Communities: Statutory guidance on the duty to respond to petitions.
2. Communities and Local Government - Letter withdrawing statutory guidance on petitions – 24th September 2010.
3. Various petition schemes for West Yorkshire Authorities and core cities
4. Local Democracy, Economic Development and Construction Act 2009

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Leeds City Council – Petitions Scheme

Section 11 Local Democracy Economic Development and Construction Act 2009

Key points for petition organisers

There are many different ways you can make your views known to the Council. Petitions are one way, but there are others which may be more effective or appropriate, depending on the circumstances. Please see below for further details.

If you want us to deal with your petition under this scheme, your petition should:

- include a clear and short **statement** about what the petition is for;
- state clearly it is **directed to Leeds City Council**;
- relate to a function carried out by the Council or an improvement in the economic, social or environmental well-being of the Council's area, to which any of our partner authorities could contribute;
- say what you want us to do;
- identify the **petition organiser** and provide your **contact details**;
- have at least **800 signatures**;
- if electronic, be submitted on our **e-petitions facility**;
- **say clearly** if you want it to be considered at a meeting which all Councillors may attend (**full Council**); and
- **say** whether your petition is **calling an officer to account**, and if you do, identify **which officer** and give **grounds** for the request, relating to functions for which the officer is responsible.

People signing your petition:

- may be **any age**;
- must provide an **address** which shows that they **live, work or study** in this area.

Responding to your petition

We will always respond to your petition, even if we can't deal with it under this scheme. And a request for a petition to be considered by full Council - whatever the number of signatures on the petition - may be considered under our arrangements for deputations.

Appendix A to this scheme summarises how we deal with petitions we receive. You can find contact details at the end of the scheme if you need further information.

Leeds City Council welcomes petitions. We recognise that petitions are an important way in which you can let us know your concerns.

This scheme sets out how we will deal with petitions with a substantial degree of support (that is, with at least **800 signatures**).

Petitions are not the only - or necessarily the easiest or quickest - way to resolve an issue or to make your views known. You can also:

- contact the relevant **Council service** directly;
- contact your **local Ward Councillor**;
- Raise a deputation to your local Area Committee;
- Raise a deputation to full Council (a meeting which all Councillors can attend);
- Raise a matter at your Area Committee's local forum;
- request a **Scrutiny Board inquiry**; or
- make a complaint under our **complaints process**.

We will deal with your petition under this scheme if it:

- asks us to take or stop taking action described in the petition;
- is signed by at least **800** people who live, work or study in the area; and
- is not a statutory petition¹.

The Assistant Chief Executive (Corporate Governance) will decide if your petition is valid under this scheme, and how many valid signatures it contains².

If your petition is not valid under the scheme, we will deal with it as we deal with other correspondence from the public.

2.0 Petition Organiser

Your petition should also identify the petition organiser. This is the person we will contact about the petition. We also need to have their address for correspondence, and/or telephone and/or e-mail details. These details will not be published on our web-site.

If the petition does not identify the petition organiser, we will ask the first person who signed the petition to agree be the petition organiser. If they don't agree, we will ask other signatories, starting with the next person who signed the petition, up to a maximum of 10. We won't be able to deal with your petition unless we are able to identify a petition organiser.

¹ This would be a petition made in accordance with another law, for example a petition requesting a referendum, which will be dealt with under different procedures.

² The Assistant Chief Executive (Corporate Governance) will also decide whether documents submitted are a petition. A document will be treated as a petition if you identify it as a petition, or if the Assistant Chief Executive (Corporate Governance) considers that it is intended to be a petition.

3.0 Sending in your petition

You may submit your petition **in person** or **by post** to:

Assistant Chief Executive (Corporate Governance)
c/o Corporate Governance Team
Governance Services
Leeds City Council
Civic Hall
Leeds
LS1 1UR

Or, you can scan your petition and send it to us **by e-mail** at *(insert)*. If you do this, you must scan each sheet of signatures as an exact replica of the original petition.

4.0 Electronic petitions

Your petition can also be in electronic form. For an electronic petition to be valid under this scheme you must use the Council's electronic petition facility, available from 15 December 2010 (*link*).

The electronic petition must also comply with:

- the criteria for a valid petition (set out above); and
- the criteria set out on the electronic petitions facility, about format, timescales and information to be provided.

The Assistant Chief Executive (Corporate Governance) will decide on our behalf whether you will be allowed to use our facility. We will give you a reason if we refuse your request.

We will verify signatures on an e-petition as indicated on our web-site.

We will accept a combined paper and electronic petition, providing we receive the paper part of the petition on the same day or before the end date for the electronic part. We will discount any duplicate signatures.

5.0 Acknowledging your petition

We will acknowledge each valid petition sent to us within **10 working days** of us receiving it. We will send the acknowledgement to the petition organiser³. We will also give you any appropriate information we have about what we have done, or plan to do, in response to your petition, if we have decided by then.

We won't send an acknowledgement to each person who has signed a valid petition. However, we will publish details of your petition on our web-site, unless the Assistant Chief Executive (Corporate Governance) decides that this is inappropriate.

6.0 Steps in response to your petition

For us to take steps under this scheme in response to your petition, your petition must relate to:

- a function carried out by the Council; or
- an improvement in the economic, social or environmental well-being of the Council's area, to which any of our partner authorities⁴ could contribute.

We **can't** take steps under this scheme if your petition is about:

- **a planning or licensing decision**; or
- a matter where there is already a **statutory right to a review or appeal** (other than to the Ombudsman)⁵.

Nor will we take steps if in our opinion your petition is **vexatious or abusive**, or if it would otherwise be **inappropriate** to take steps.

The Assistant Chief Executive (Corporate Governance) will decide on our behalf whether we will take steps under this scheme in response to your valid petition⁶.

We will let you know if we are not taking steps under this scheme, and will explain why not. We will also give the petition organiser information about any available appeal process they could follow instead.

³ All of the timescales in this scheme run from the date we identify the petition organiser.

⁴ Our partner authorities include West Yorkshire Fire and Rescue Authority, West Yorkshire Police Authority, West Yorkshire Integrated Transport Authority and NHS Leeds – see further Section 104 Local Government and Public Involvement in Health Act 2007.

⁵ unless the petition alleges systematic failure

⁶ In the period before an election or referendum, the Assistant Chief Executive (Corporate Governance) may decide that we need to deal differently with your petition. We will let you know if this applies to your petition, and explain why.

If we take steps under this scheme, our response will depend on what your petition asks for, and how many people have signed it. Steps may include one or more of the following:

- giving effect to the petition;
- considering the petition at full Council (a meeting which all councillors can attend);
- holding an inquiry;
- commissioning relevant research;
- organising a public meeting;
- providing a written response outlining the Council's views; and
- referring the issue to a Scrutiny Board⁷.

A Council director⁸ will consult as appropriate with any relevant councillor about your petition, and decide what steps we will take in response to your petition, unless:

- the petition must be **considered by full Council** (see below); or
- **calls an officer to account** (see below).

7.0 Petitions to be considered at full Council

If we have to take steps in response to your petition, we will consider your petition at full Council (a meeting which all councillors can attend) if:

- you clearly **ask** for your petition to be considered by full Council;
- the petitions organiser (or their nominee) is willing to attend full Council to present the petition; and
- your petition doesn't ask for an officer to be called to account – see below.

It will not always be possible for your petition to be debated at the next meeting of full Council to be held after you have sent it to us. However we will try to do this.

We will give the petition organiser at least **10 working days** notice of the date when the petition will be received by full Council (unless they agree to a shorter period).

If you ask for your petition to be considered by full Council, we will deal with it in accordance with our provisions for deputations received by full Council. These are set out in our Council Procedure Rule 10.0 (*link*).

We may take other steps in response to your petition, as well as considering it at full Council.

Full Council can't always make decisions about everything the authority is involved in. However, it can make recommendations to the relevant person or body.

⁷ Scrutiny Boards are committees of councillors who are responsible for scrutinising the work of the Council. In other words, they hold the Council's decision makers to account.

⁸ The relevant director will be identified by the Assistant Chief Executive (Corporate Governance).

8.0 Petitions calling an officer to account

Your petition may ask for a senior Council officer to be called to account at a public meeting of the authority. For example, you might want an officer to explain progress on a particular issue.

We will arrange for an officer⁹ to attend before a Scrutiny Board to answer questions, if we have to take steps in response to your petition and your petition:

- **identifies an officer** to be called to account at a public meeting of the authority; and
- **gives grounds** for the request, relating to functions for which the officer is responsible.

You will find a list of the senior officers you may petition to call to account, and the functions for which they are responsible set out in Article 12 of the constitution (*link*).

Our Scrutiny Board Procedure Rules set out the procedure for Scrutiny Boards to follow when calling officers to account (*link*).

We will send the petition organiser a copy of the Scrutiny Board's report or recommendations, and any other relevant information.

9.0 Notifying you about steps we have or will take

We may **notify** the petition organiser **about steps** we have or will take, at the same time we acknowledge the petition.

If not, then within **15 working days** of us receiving the petition, the petition organiser will be notified by:

- the **Assistant Chief Executive (Corporate Governance)** if full Council or a Scrutiny Board will deal with your petition - see below; or
- the **relevant director** who will also notify you of our reasons for deciding which steps to take.

We will also **publish** the notification on our web-site, unless the Assistant Chief Executive (Corporate Governance) considers this inappropriate, in all the circumstances.

⁹ The Scrutiny Board may consider that it would be more appropriate for a different officer to attend.

10.0 Review of steps we have taken

If you do not feel we have dealt with your petition properly, the petition organiser may ask for a **review** of our response.

To request a review, the petition organiser must contact **by post**:

Assistant Chief Executive (Corporate Governance)
c/o Corporate Governance Team
Governance Services
Leeds City Council
Civic Hall
Leeds
LS1 1UR.

Or, a request could be made by **e-mail**, to: *(insert)*

Any request should:

- be made within **28** working days of receiving our final notification about the steps we have taken, or intend to take; and
- include a short **explanation** about why you think our response to your petition is inadequate.

A **Scrutiny Board** will carry out the review, and the Assistant Chief Executive (Corporate Governance) will inform the petition organiser of the results.

We will also publish the results of the review on our web-site, unless the Assistant Chief Executive (Corporate Governance) considers that in all the circumstances it would be inappropriate to do so.

11.0 Contact details

The Assistant Chief Executive (Corporate Governance) is authorised to carry out all functions relating to this scheme on our behalf, except:

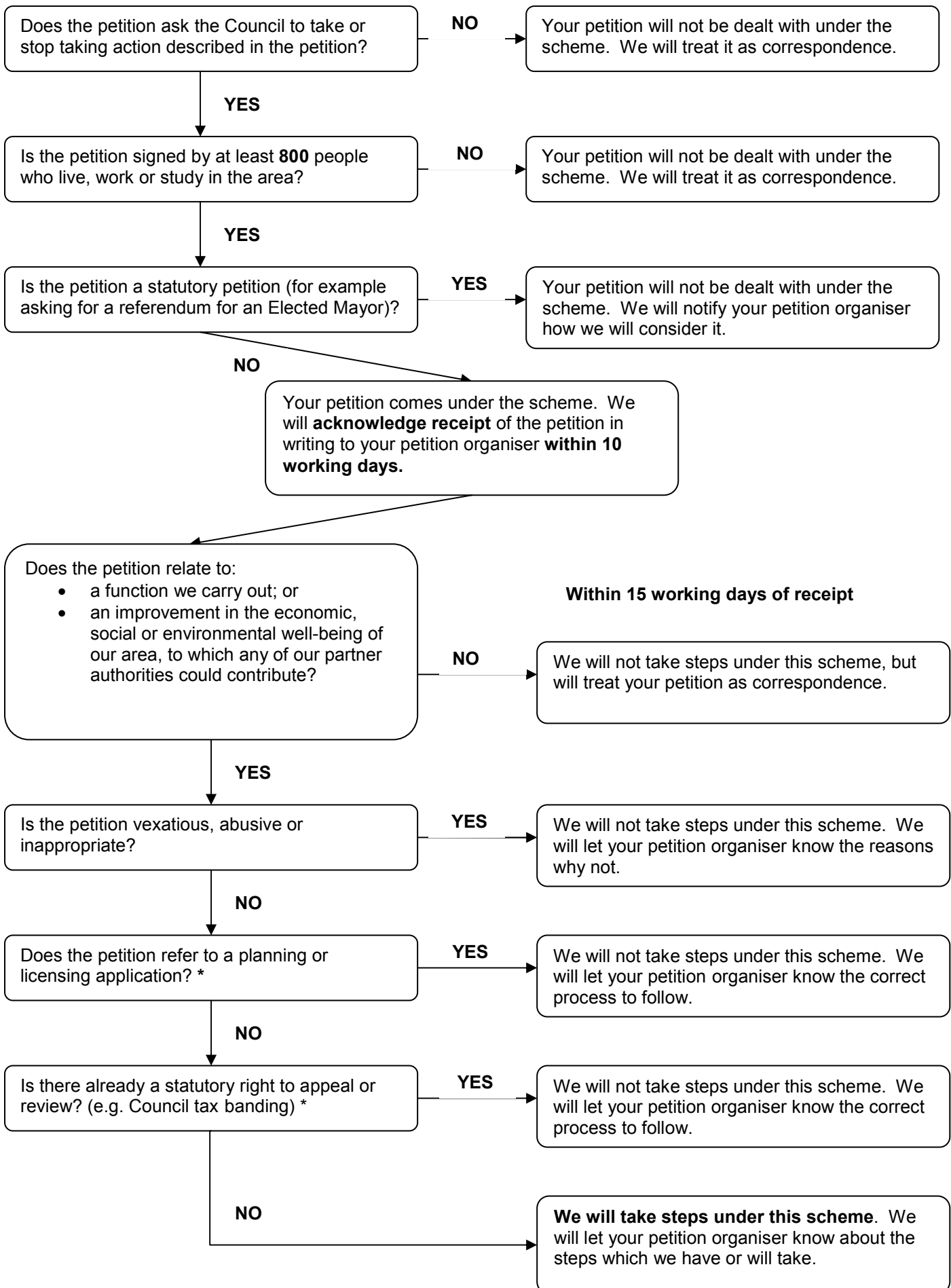
- approving or amending the scheme (which full Council does); or
- where the scheme specifies otherwise.

If you have any queries about the scheme or how it works please **contact** the Assistant Chief Executive (Corporate Governance) as set out above, or telephone *(insert)*. Or you can e-mail us at petitions@leeds.gov.uk

The Assistant Chief Executive (Corporate Governance) will also keep this scheme under review.

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Petitions under the Leeds City Council Petition Scheme



* See further Local Authorities (Petitions)(England) Order 2010/898. The exclusion does not apply if the petition refers to an allegation that a function for which the authority is responsible has not been discharged at all or that its discharge has failed or is failing on a systematic basis.

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**REQUESTS FOR SCRUTINY – proposed amendment to Scrutiny Board
Procedure Rule 12**

Petitions

- 12.22 People who live, work or study in the Council's area may submit a petition calling an officer to account by a Scrutiny Board¹. Where this meets the criteria specified in the Council's petition scheme, the relevant Scrutiny Board must hold a review of the issue raised in the petition, and require the relevant officer, or another more appropriate officer, to attend before it to answer questions.
- 12.23 A petition organiser may also require a Scrutiny Board to hold a review into the Council's response to a petition², where this is considered inadequate.

¹ Section 18 Local Democracy, Economic Development and Construction Act 2009.

² Where the petition has been dealt with under the Council's petitions scheme.

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Originator: Phil Garnett

Tel: 51632

Report of the Assistant Chief Executive (Corporate Governance)

General Purposes Committee

Date: 5 November 2010

Subject: Work Programme 2010/11

Electoral Wards Affected:

Ward Members consulted
(referred to in report)

Specific Implications For:

Equality and Diversity

Community Cohesion

Narrowing the Gap

1.0 Purpose Of This Report

1.1 The purpose of this report is to notify members of the Committee of the draft work programme for the current municipal year. The draft work programme is attached at Appendix 1 to this report.

2.0 Background Information

2.1 The work programme provides information about future items for the General Purposes Committee agenda, when items will be presented and the which officer will be responsible for the item.

3.0 Main Issues

3.1 The draft work programme for 2010/11 is attached at Appendix 1.

3.3 Members are requested to consider whether they wish to add any items to the work programme.

4.0 Implications for Council Policy And Governance

4.1 There are no implications for Council Policy and Governance.

5.0 Legal And Resource Implications

5.1 There are no legal or resource implications.

6.0 Recommendations

- 6.1 Members are asked to note the draft work programme and advise officers of any additional items they wish to add.

**GENERAL PURPOSES COMMITTEE
WORK PROGRAMME 2010/11**

| ITEM | DESCRIPTION | RESPONSIBLE OFFICER |
|---|---|--|
| 17th January 2011 2pm | | |
| Delegations to Assistant Chief Executive (Corporate Governance) | To receive a report proposing an amendment to the Officer Delegation Scheme (Council functions) for the Assistant Chief Executive (Corporate Governance) in relation to the role of Deputy Returning Officer, and the appointment of a Deputy Electoral Registration Officer. | Head of Licensing and Registration John Mulcahy / Assistant Chief Executive (Corporate Governance) |
| Amendment to the Planning Framework | To receive a report proposing an amendment to the Planning Policy Framework and the subsequent amendment to Article 4 of the Constitution. | Chief Officer (Planning, Policy and Improvement) |
| 4th February 2011 9am – No items scheduled as yet | | |
| | | |
| 23rd March 2011 9am – No items scheduled as yet | | |
| | | |
| 17th May 2011 2pm | | |
| Review of Call in | To receive a report considering the Call in procedure. | (Head of Scrutiny and Member Development) Peter Marrington |
| Unscheduled | | |
| Community Governance Review | To receive a report considering Aligning ward and parish boundaries – after PDR. | Head of Licensing and Registration John Mulcahy |
| Review of Officer Delegation Scheme for Planning | To receive a report reviewing the Officer Delegation Scheme for planning. | Principal Corporate Governance Officer Liz Davenport |

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