



GENERAL PURPOSES COMMITTEE

Meeting to be held in Civic Hall, Leeds, LS1 1UR on
Monday, 25th June, 2012 at 2.00 pm

MEMBERSHIP

Councillors

A Blackburn	-	Farnley and Wortley;
J Blake	-	Middleton Park;
R Finnigan	-	Morley North;
S Golton	-	Rothwell;
P Gruen	-	Cross Gates and Whinmoor;
G Latty	-	Guiseley and Rawdon;
J Lewis	-	Kippax and Methley;
A Lowe	-	Armley;
E Nash	-	City and Hunslet;
J Procter	-	Wetherby;
M Rafique	-	Chapel Allerton;
K Wakefield (Chair)	-	Kippax and Methley;

Agenda compiled by:
Governance Services
Civic Hall
LEEDS LS1 1UR
Telephone No:

Debbie Oldham
395 1712

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 Head of Governance Services 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>	

Item No	Ward/Equal Opportunities	Item Not Open		Page No
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 MEETING</p> <p>To confirm as a correct record the minutes of the meeting held on 9th May 2012.</p>	1 - 6
7			<p>COMMUNITY GOVERNANCE REVIEW TO CONSULT ON PROPOSALS TO INCREASE THE NUMBER OF PARISH COUNCILLORS FOR SCARCROFT PARISH COUNCIL</p> <p>To receive a report of the Head of Licensing and Registration considering the terms of reference, timetable and process for a Community Governance Review following the receipt of a request from Scarcroft Parish Council to increase the size of the Parish Council from 7 to 9 Councillors.</p>	7 - 20

Item No	Ward/Equal Opportunities	Item Not Open		Page No
8			<p>COMMUNITY GOVERNANCE REVIEW TO CONSULT ON PROPOSALS TO CREATE A NEW PARISH OF RAWDON</p> <p>To receive a report of the Head of Licensing and Registration considering the terms of reference, timetable and process for a Community Governance Review following the receipt of a petition from electors in polling districts from the Horsforth, Guiseley & Rawdon and Otley & Yeadon wards to establish a new parish for Rawdon.</p>	21 - 36
9			<p>ESTABLISHMENT OF THE WEST YORKSHIRE POLICE AND CRIME PANEL</p> <p>To receive a report of the City Solicitor requesting the Committee to recommend full Council to formally agree to the establishment of the West Yorkshire Police and Crime Panel as a joint committee of the five West Yorkshire Authorities.</p>	37 - 44
10			<p>AMENDMENTS TO COUNCIL DELEGATION SCHEME</p> <p>To receive a report of the Director of Environment and Neighbours and Director of City Development considering the proposed changes to the Officer Delegation Scheme (Council (non executive) functions) in respect of the Director of Environment and Neighbours and Director of City Development and to recommend to full Council that the proposals are adopted.</p>	45 - 62
11			<p>APPOINTMENT OF THE INDEPENDENT PERSON</p> <p>To receive a report of the City Solicitor presenting the Committee with the recommendation of a Member Panel in relation to the appointment of an Independent Person.</p>	63 - 72

Agenda Item 6

GENERAL PURPOSES COMMITTEE

WEDNESDAY, 9TH MAY, 2012

PRESENT: Councillor K Wakefield in the Chair

Councillors A Blackburn, J Blake,
Campbell, S Golton, P Gruen, T Leadley,
J Lewis, A Lowe, E Nash, J Procter,
M Rafique and P Wadsworth

Apologies Councillor R Finnigan

99 Appeals against refusal of inspection of documents

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

100 Exempt Information - possible exclusion of the press and public

There were no resolutions to exclude the public.

101 Late items

The Chair admitted one late item to the agenda – Item 12 – Review of Council Meetings (Minute No.110 refers).

Also admitted by the Chair was supplementary information to Item 10 – Constitution Amendments in the form of Appendix 8 (Minute 108 refers).

102 Declaration of Interests

Councillor Wakefield declared a personal interest in Agenda item 7 – Election and Term of Office of the Leader – as the current Leader of the Council.

103 Apologies for absence

Apologies for absence were received from Councillor Finnigan.

The clerk to the Committee notified Members that Councillors Wadsworth and Campbell had been appointed to the Committee to replace former Councillors Lobley and Mathews respectively.

104 Minutes of the Previous Meeting

The minutes of the General Purposes Committee meeting held on 19th March 2012 were approved as a correct record.

105 Election and term of office of the Leader

The City Solicitor presented her report which asked Members to consider provisions within the Council's executive arrangements following amendments to the Local Government Act 2000.

RESOLVED – Members of the General Purposes Committee resolved to recommend to full Council to:

- (a) confirm existing executive arrangements relating to the current term of office for the Leader during their term;
- (b) approve amendments to Council Procedure Rule 1 to reflect updated legislation and provide for the election of a Leader in the event of a vacancy; and
- (c) note that the City Solicitor proposes to exercise her delegated authority to update article 7 and Section 2A of Part 3 of the constitution, to reflect legislative changes.

(Councillor A Blackburn entered the meeting during the discussion of this item at 10:08 am)

106 New standards arrangements under the Localism Act 2011

Members considered the report by the City Solicitor which presented proposals in relation to new conduct arrangements for Members under the Localism Act 2011.

Councillor Nash provided an introduction to the report and thanked members of the Member working group responsible for the drafting of proposals before the committee.

The Head of Governance Services confirmed that that shortlisting (and any subsequent interviews) for an Independent Person will be conducted by Members.

RESOLVED – Members of the General Purposes Committee resolved to full Council to:

- (a) adopt the code of conduct set out in appendix 1 to the report;
- (b) delegate authority to the City Solicitor in consultation with Group Whips, to finalise the code of conduct in light of Regulations which will define disclosable Pecuniary Interests; and
- (c) approve:

- the terms of reference for a Standards and Conduct Committee set out in appendix 2 to the report, to be appointed to replace the existing Standards Committee.
- amendments to Council Procedure Rule 26 to provide for substitute members for new Standards and Conduct Committee.
- Procedure Rules for the handling of complaints that a Member may have failed to comply with the code of conduct, as set out in appendix 3 to the report.

107 Review of the Decision Making Framework

The City Solicitor presented her report and the report of the Director of Resources. The report presented proposed amendments to the council's Executive decision making framework.

The City solicitor also informed the Committee that The Director of Resources and the City Solicitor have reviewed the Executive Decision Making arrangements and identified scope to:

- enhance opportunities to ensure Ward Councillors are engaged at an early stage in the decisions which affect their constituencies;
- speed up the implementation of decisions of Area Committees; and
- make arrangements more transparent, with a focus on clear accountability.

RESOLVED – Members of the General Purposes Committee resolved to recommend to full council to:

- (a) approve revised Article 13 as set out in Appendix 1 to this report;
- (b) approve Executive and Decision Making Procedure Rules, as set out in Appendix 2 to this report; and
- (c) withdraw concurrent delegations to Chief Officers under the Council's officer delegation scheme (Council functions).

108 Constitutional amendments - Scrutiny arrangements

The Committee received a report which proposed amendments to the authority's scrutiny arrangements following an annual review by the Scrutiny Officer.

RESOLVED – Members of the General Purposes Committee resolved to recommend to full Council to:

- (a) approve revised terms of reference for Scrutiny Boards, as set out in appendices 1– 6 of the report;
- (b) approve revised Article 6 as set out in Appendix 7 to the report;
- (c) approve revised Scrutiny Board Procedure Rules as set out in appendix 8 to this report; and
- (d) endorse the proposal of the Scrutiny Officer to remove guidance notes from the constitution, which relate to inquiry selection criteria, minority reports and equality and diversity/cohesion and integration issues.

109 Constitutional amendments - miscellaneous

The Committee received the report which recommended amendments to the constitution to full Council, following the annual review of the constitution.

Members proposed and agreed that there should be a further amendment to the Area Committee Procedure Rules featured in the appendix to the report. This being that all nominations must be notified to the Head of Governance Services by no later than 5pm, the day before the meeting convened to consider the appointment of the Chair, as opposed to no later than 5pm 1 clear working day prior to the issue of the Summons for the Annual Council Meeting.

RESOLVED – Members of the General Purposes Committee resolved to recommend to full Council to:

- (a) approve amendments to Area Committee Procedure Rule 5, as set out in the appendix to the report, subject to the amendment proposed and agreed during discussion of the item being included in these amendments; and
- (b) remove the summary of delegated council functions, and appendix from Section 2A of Part 3 of the constitution.

110 Late Item - Review of Council Meetings

The Committee received a report which contained proposals arising from discussions with Group Leaders and Whips and asked the Committee to recommend to full Council the adoption of the new arrangements for Council Meetings outlined within the report, with the necessary consequential arrangements to Council Procedure Rules being delegated to the City Solicitor in consultation with Group Whips.

Members discussed the report in detail giving opinions on the proposals.

RESOLVED – Members of the General Purposes Committee resolved to recommend that full Council:

- (a) agree a reformatted Council day by:

- Introducing a new item to Council meetings, “Members’ community issues”.
 - Varying the order of Council business to allow for the receipt of recommendations from the Executive board and committees immediately after the item receiving reports from Statutory Officers.
 - Providing for full Council to receive minutes from joint authorities/committees, and the Leeds Initiative Strategic Partnerships, as well as committees.
 - Reducing the number of deputations to four.
 - Time limiting White Paper Motions, and reserving submission of the first to the opposition.
- (b) agree that two State of the City meetings be held each municipal year;
- (c) delegate to the City Solicitor the agreement, in consultation with Group Whips, of the necessary consequential changes to the council procedure rules to facilitate the new arrangements.

Members of the General Purposes Committee also resolved to:

- (d) review the revised arrangements during the course of the municipal year; and
- (e) note the options available to the Council to Live Stream Council meetings and request that a further report be prepared for consideration by no later than July 2012.

(Councillor J Procter left the meeting at 10:44am during the discussion of this item)

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Report author: John Mulcahy

Tel: 39 51877

Report of Head of Licensing and Registration

Report to General Purposes Committee

Date: 25 June 2012

Subject: Community Governance Review to consult on proposals to increase the number of parish councillors for Scarcroft parish council

Are specific electoral Wards affected?	<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> No
If relevant, name(s) of Ward(s): Harewood		
Are there implications for equality and diversity and cohesion and integration?	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No
Is the decision eligible for Call-In?	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No
Does the report contain confidential or exempt information? If relevant, Access to Information Procedure Rule number: Appendix number:	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No

Summary of main issues

1. The Council received a request from Scarcroft Parish Council on 2 April 2012 to increase the size of the Parish Council from 7 to 9 councillors.
2. Following the receipt of such a request the Council is required to consider undertaking a Community Governance Review.
3. This report outlines the process and timetable for such a Community Governance Review.

Recommendations

4. That the process and timetable for the review as detailed in the report and attached Terms of Reference be approved.

1 Purpose of this report

- 1.1 To consider the terms of reference, timetable and process for a Community Governance Review following the receipt of a request from Scarcroft Parish Council to increase the size of the Parish Council from 7 to 9 Councillors.

2 Background information

- 2.1 The Council received a letter from the clerk to Scarcroft parish council on 2 April 2012. Following the receipt of such a request the Council is required to consider undertaking a Community Governance Review. A copy of the request is attached at Appendix A.
- 2.2 The request was submitted in accordance with Part 4 of the Local Government and Public Involvement in Health Act 2007 (the Act).
- 2.3 Before the Act came into force, Councils had power to vary the numbers on local parish councils by making an order. Procedures were not prescriptive and numbers on parish councils, or other Parish electoral arrangements, could be varied easily and quickly. Unfortunately this is no longer the case and the procedures prescribed for community governance reviews, set out in the 2007 Act, have to be followed even when the only issue to be considered is a variation in a parish council's numbers.
- 2.4 The Act allows for the public to petition for reviews in their areas. It is, however, not necessary for a petition to be received to initiate a review. Scarcroft Parish Council has requested an increase in its numbers and it is for the Council to decide whether it wishes to undertake a review of the Scarcroft parish area with a view to increasing the size of the parish council.
- 2.5 If the Council decides to undertake a review, the review must make recommendations as to what new parish or parishes (if any) should be constituted in the area under review. In relation to existing parishes under review, the review must also make recommendations as to whether the parish should be abolished or not, or its area altered or not, whether or not the name of the parish should be changed, and whether or not the parish should continue to have a council. However, if the parish has 1,000 or more local government electors, the review must recommend that the parish should have a council. If the review recommends a parish should continue to have a parish council, the review must also make recommendations as to what changes (if any) should be made to the council's electoral arrangements (which include the number of councillors to be elected to the council).
- 2.6 The Council has the power to undertake a community governance review of the whole or part of its area. As a result, the Council could commence a separate review of a wider area than Scarcroft if it so wished, and could then make recommendations as to new parishes, the aggregation of parishes, or the alteration or abolition of parishes in a wider part of its area.

3 Main issues

- 3.1 In their request, the Parish Council state that they currently have 7 members following their last review in 2004. In more recent years they report that they have found the emerging responsibilities of the Localism Act and Planning Policy along with other public measures an increasing burden. The Parish Council states that it is finding it difficult to cover a wide range of meetings and training requirements with their current number of parish councillors. This is further compounded by the need to accommodate leave entitlement and fact that 5 of the current parish councillors work during the day and therefore have limited availability.
- 3.2 Scarcroft Parish Council has put forward a reasoned request for an increase in numbers. There is no formal guidance on the size of parish councils, but the minimum number is 5. The DCLG reports that, nationally, local councils representing the following electorates have, typically, the number of councillors stated:
- Less than 500 — between 5 and 8 councillors
 - Between 501 and 2,500 — between 6 and 12 councillors
- 3.3 The 1972 Act, as amended, specifies that each parish council must have at least five councillors; there is no maximum number. The Electoral Commission has no reason to believe that this pattern of council size to population has altered significantly since the research was conducted. Although not an exact match, it broadly reflects the council size range set out in the National Association of Local Councils Circular 1126; the Circular suggested that the minimum number of councillors for any parish should be 7 and the maximum 25.
- 3.4 Scarcroft has 1,010 electors. It should also be noted that the electorate is due to increase in numbers if the housing the parish council refers to in its letter proceeds. In the light of the reasons put forward by the Parish Council, officers consider that a review should proceed.
- 3.5 When a request such as this is received, if the Council decides to undertake a Community Governance Review, it must do so within 12 months. In these circumstances the stages of the Review are as follows: -
- Terms of Reference for the Review Agreed (the reason for this report)
 - Council consults widely with local people on proposal
 - Council takes into account any representations received
 - Council makes recommendations whether there should be an increase to the number of parish councillors
 - Council publishes its decision
 - Interim governance arrangements agreed

- Election held (the timetable for the review has been set so the elections for any new parish councillors can coincide with the Police and Crime Commissioner elections in November 2012 to help reduce costs)

- 3.6 The first stage of the Review as prescribed by the Act is to establish the terms of reference which will set out the matters on which the review is to focus. Draft terms of reference are attached as Appendix B to the report. This document includes a timetable for the review. It is proposed that the results of the consultation and recommendations in terms of draft proposals be reported to General Purposes Committee who will make final proposals to be agreed by Full Council.
- 3.7 When undertaking a Community Governance Review a principal council must have regard to guidance issued by the Secretary of State and the Electoral Commission. The stages outlined above take account of the requirements of the legislation and the available guidance. However, subject to this, it is for the Council to decide how to undertake the review. In deciding what recommendations to make, the Council must take into account any other arrangements (apart from those relating to parishes) that have already been made, or that could be made for the purposes of community representation or community engagement in respect of the area under review.
- 3.8 In order for any required election to take place jointly with the Police and Crime Commissioner elections on 15 November 2012, this review would need to be finalised by no later than 5 October in order to make the necessary changes to the registers before publication on 16 October. Also, it should be noted that the last date for publication of Notice of Election for a parish election to take place on 15 November is 11 October, after this date the election could not take place on 15 November. This makes the timetable outlined in Appendix B critical with no allowance for any slippage.
- 3.9 Involvement of Elections Working Group (EWG) – During previous polling district reviews, General Purposes Committee has asked EWG to act as a dedicated Working Group for those reviews, recommending proposals to General Purposes Committee for their consideration. It should be noted that the EWG has an extensive knowledge of electoral procedures and is the main consultation forum for officers and Members to discuss electoral issues. It is proposed that EWG co-ordinate representations for this Community Governance Review in a similar manner, considering representations made by the public or other stakeholders, and be used as a vessel to discuss any representations submitted. The views of EWG will be presented to General Purposes Committee for their consideration, together with details of representations made as described in 4.1 below and the Committee will then determine the recommendations to be made in respect of the Community Governance Review to Full Council for a decision.

4 Corporate Considerations

4.1 Consultation and Engagement

- 4.1.1 All local government electors for the area under review and any other person or body who appears to have an interest in the review will be consulted on the

proposal and their representations will be taken into account as part of the review. The council must have regard to the need to secure that the community governance arrangements for the area reflects the identities and interests of the community in the area and are effective and convenient.

4.2 Equality and Diversity / Cohesion and Integration

4.2.1 An equality screening document has been completed for this review and has concluded that the consultation arrangements will help ensure all people affected by the review are given an opportunity to comment which will address any equality, diversity, cohesion or integration issues raised.

4.3 Council policies and City Priorities

4.3.1 This review does not affect the council's budget and policy framework, although reviewing local electors needs does support the council's aims to be the best city for communities, and in particular the four year priority to increase a sense of belonging that builds cohesive and harmonious communities.

4.4 Resources and value for money

4.4.1 No additional human resources are required to carry out the review.

4.4.2 There is no budget to carry out Community Governance Reviews so the cost of this review will have to be met from within existing budget. The cost of carrying out this review is estimated at £1,000. This is mainly costs from printing and publishing Notices in local press.

4.5 Legal Implications, Access to Information and Call In

4.5.1 Under the Constitution, the Council has delegated authority to the Chief Executive to discharge the following Council (non executive) functions namely: -

“ ...

- (k) Functions relating to community governance¹
 - (i) Duties relating to community governance reviews
 - (ii) Functions relating to community governance petitions
 - (iii) Functions relating to terms of reference of review
 - (iv) Power to undertake a community governance review
 - (v) Duties when undertaking review
 - (vi) Duty to publicise outcome of review
 - (vii) Duty to send two copies of order to Secretary of State and Electoral Commission.”

4.5.2 If the Chief Executive chooses not to exercise that delegated authority, he may refer the matter to General Purposes Committee, who have authority: -

¹ Functions relating to making of recommendations under section 87 – 92 of the Local Government and Public Involvement in Health Act 2007 (Item 5 Paragraph EB of Schedule 1 of the Local Authorities (Functions and Responsibilities) (England) Regulations 2000/2853) are reserved to the relevant committee that is responsible for making recommendations to full Council.

“to consider and determine Council (non executive) functions delegated to a Director where the Director has decided not to exercise the delegated authority and has referred the matter to the committee.”

- 4.5.3 There is no provision similar to that regarding executive functions that allows the relevant Executive Member to require the “Director” to not exercise the delegated authority but to take a matter to Executive Board.
- 4.5.4 However, the Chief Executive has the opportunity to consult with the relevant Member(s), before deciding whether to exercise his delegated authority or alternatively himself choose to refer the matter to General Purposes Committee.
- 4.5.5 Therefore any community governance review under the existing constitutional provisions can be determined by the Chief Executive, or he has the alternative to refer the matter to General Purposes Committee, who themselves make final recommendations to Full Council.
- 4.5.6 The Chief Executive has chosen to refer this matter to GPC to the extent set out in this report.
- 4.5.7 However, General Purposes Committee alone has the delegated authority to make recommendations for the final proposals for any Community Governance Review to Full Council. This is not delegated to the Chief Executive.

4.6 Risk Management

- 4.6.1 There is always a risk of challenge to the decision. There is no right to appeal as such, although if local electors disagreed with the final recommendations they could lobby the full Council not to give effect to them, or a decision by full Council could be challenged by way of judicial review on the usual principles.

5 Conclusions

- 5.1 That a request has been received from the existing Scarcroft Parish Council asking the council to consider a Community Governance Review to increase the number of parish councillors from 7 to 9.

6 Recommendations

- 6.2 That the process and timetable for the review as detailed in the report and attached Terms of Reference be approved.

7 Background documents²

- Local Government and Public Involvement in Health Act 2007
- The Electoral Commission Guidance on Community Governance Reviews, April 2008

² The background documents listed in this section are available for inspection on request for a period of four years following the date of the relevant meeting. Accordingly this list does not include documents containing exempt or confidential information, or any published works. Requests to inspect any background documents should be submitted to the report author.

**Review of Parishes and Related Matters
Local Government and Public Involvement in Health Act 2007**

Terms of Reference

Introduction

Following the receipt of a request from Scarcroft parish council the Council will undertake a Community Governance Review of Scarcroft.

The request for the Community Governance Review was submitted in accordance with the Local Government and Public Involvement in Health Act 2007 and proposes to increase the number of parish councillors from 7 (seven) to 9 (nine).

In undertaking the review, the Council will be guided by the relevant parts of the Local Government Public Involvement in Health Act 2007, the relevant parts of the Local Government Act 1972 and Guidance on Community Governance Reviews issued by the Department of Communities and Local Government and the Electoral Commission.

These terms of reference will set out the matters on which the review is to focus.

Why is the Council Undertaking the Review?

The Review is to be undertaken due to the receipt of a request from the existing parish council. The council, although not required to carry out a review, has decided that a review should be carried out in the interests of local electors to ensure the community governance arrangements for the area reflects the identities and interests of the community in the area and are effective and convenient.

The recommendation within the request is to increase the number of parish councillors from 7 (seven) to 9 (nine). The existing parish council put forward that the emerging responsibilities from new legislation would be best served by increasing the number of parish councillors for Scarcroft.

As the request was agreed by the Council it will undertake a Review in accordance with the Local Government and Public Involvement in Health Act 2007.

A copy of the request put forward by the parish council and a map defining the area of the parish are attached as appendices to these terms of reference.

What will the Review consider?

The Review is to consider the creation of 2 (two) new parish councillors. The review will need to consider the effect on current electoral arrangements including any warding arrangements.

The review must make recommendations as to what new parish or parishes (if any) should be constituted in the area under review. In relation to existing parishes under review, the review must also make recommendations as to whether the parish should be abolished or not, or its area altered or not, whether or not the name of the parish should be changed,

and whether or not the parish should continue to have a council. However, if the parish has 1,000 or more local government electors, the review must recommend that the parish should have a council. If the review recommends a parish should continue to have a parish council, the review must also make recommendations as to what changes (if any) should be made to the council's electoral arrangements (which include the number of councillors to be elected to the council).

In relation to the council's electoral arrangements, the review must consider whether to recommend that the parish should, or should not, be or continue to be divided into wards for the purpose of electing councillors. For these purposes, the Council must consider whether the number, or distribution, of the local government electors for the parish would make a single election of councillors impracticable or inconvenient, and whether it is desirable that any area or areas of the parish should be separately represented on the council. In deciding to recommend that a parish should be divided into wards, the Council must have regard to certain factors when considering the size and boundaries of the wards, and the number of councillors to be elected for each ward. These factors are the number of local government electors for the parish, any change in the number, or distribution, of the local government electors which is likely to occur in the period of five years from the start of the review, the desirability of fixing boundaries which are, and will remain, easily identifiable, and any local ties which will be broken by the fixing of any particular boundaries. In deciding to recommend that a parish should not be divided into wards, the Council must have regard to certain factors when considering the number of councillors to be elected for the parish. These factors are the number of local government electors for the parish, and any change in that number which is likely to occur in the period of five years from the start of the review.

In deciding what recommendations to make, the Council must take into account any other arrangements (apart from those relating to parishes) that have already been made, or that could be made for the purposes of community representation or community engagement in respect of the area under review.

All local government electors for the area under review and any other person or body who appears to have an interest in the review will be consulted on the proposal and their representations will be taken into account as part of the review. The council must have regard to the need to secure that the community governance arrangements for the area reflects the identities and interests of the community in the area and are effective and convenient.

Parish Governance within the District

The Council wants to ensure that there is clarity and transparency to the areas that parish councils represent and that the electoral arrangements are appropriate, equitable and readily understood by the electorate.

In their White Paper, Strong and Prosperous Communities, the Government emphasised that "Ultimately, the recommendations made in a community governance review ought to bring about improved community engagement, more cohesive communities, better local democracy and result in more effective and convenient delivery of local services."

Who undertakes the Review?

Community Governance Reviews are the responsibility of the Head of Licensing and Registration who will report representations received during the review period along with draft and final recommendations. The Council's General Purposes Committee will determine the recommendations to be made to full Council in relation to the Review.

How the Council proposes to conduct consultations during the Review?

In arriving at its recommendations in a review, the Council will need to take account of the views of local people. The Local Government and Public Involvement in Health Act 2007 requires the Council to consult the local government electors for the area under review and any other person or body who appears to have an interest in the review (for instance the local Member of Parliament and ward councillors) and to take the representations that are received into account by judging them against the criteria in the Local Government and Public Involvement in Health Act 2007.

The Council will consult in an appropriate manner within the review area ensuring that those affected are given the opportunity to respond. In accordance with the Local Government and Public Involvement in Health Act 2007, representations received in connection with the Review will be taken into account, and consultees will be informed of the outcome of the Review.

Any decisions made and the reasons for those decisions will be published following the review. The mechanism for this will be through the Council's website, issuing press releases, personal communications where appropriate and through notices in libraries in the area affected by the review.

How to contact us or make a representation

Contact details at the Council for the duration of the review are as follows. Any representations should also be sent to this address. Representations should include the full name and contact details for the person or organisation making the representation: -

Susanna Benton
Electoral Services Manager
susanna.benton@leeds.gov.uk
0113 2476727

Electoral Services
Level 2, Town Hall
The Headrow
Leeds LS1 3AD

A timetable for the Review

02 April 2012	Request Received by Chief Executive
25 June 2012	Report to General Purposes Committee Terms of Reference and Timetable for Review to be approved
26 June 2012	Council to publish Terms of Reference

26 June 2012	Consultation begins with representations invited
31 July 2012	Closing date for representations (five week consultation period)
August 2012	Elections Working Group consider representations on proposals and recommend final proposals to General Purposes Committee
29 August 2012	General Purposes Committee consider recommendations from Elections Working Group and agree final recommendations for Full Council
12 September 2012	Full Council to approve final proposals and Reorganisation of Community Governance Order. Council publishes decision, reasons for decision, and informs persons interested.
13 September 2012	Additional parish councillors established if necessary and interim governance arrangements put in place
15 November 2012	Elections of new Parish councillors (to coincide with Police and Crime Commissioner Elections) if necessary

Please note the timetable is subject to minor alteration although the Review must be completed within 12 months of the publication of the terms of reference

Electorate Forecasts

The latest Register of Electors published on 1 June 2012 shows the following numbers of electors within the area subject to the Review: 1,010.

When the Council comes to consider the electoral arrangements of the parishes in its area, it is required to consider any change in the number or distribution of the electors which is likely to occur in the period of five years beginning with the day when the review starts.

Viability of any new Parish

The Council recognises that parishes should be viable and should possess a precept that enables them to actively and effectively promote the well-being of their residents and to contribute to the real provision of services in their areas in an economic and efficient manner. The Council is committed to ensuring that the Review leads to parishes that are based on areas which reflect community identity and interest and which are viable as an administrative unit.

Electoral arrangements

An important part of our Review will comprise giving consideration to 'Electoral Arrangements'. The term covers the way in which a council is constituted for the parish. It covers:

- The ordinary year in which elections are held
- The number of councillors to be elected to the council;
- The division (or not) of the parish into wards for the purpose of electing councillors;
- The number and boundaries of any such wards;

- The number of councillors to be elected for any such ward; and
- The name of any such ward.

The Local Government Act 1972 states that ordinary election of parish councillors shall take place in 1976, 1979 and every fourth year thereafter (i.e. 2007, 2011, 2015, etc) However, the government has indicated that it would want the parish electoral cycle to coincide with the cycle for the district council, so that the costs of elections can be shared. If the Review finds that it will be appropriate to hold an election for parish councillors, for a newly formed parish, at an earlier date than the next scheduled ordinary elections, the terms of office of any newly elected parish councillors will be so reduced as to enable the electoral cycle to revert to the normal cycle in the district at the next ordinary elections.

The Council notes that the number of parish councillors for each parish council shall not be less than five. There is no maximum number and there are no rules relating to the allocation of councillors.

Government guidance is that each area should be considered on its own merits, having regard to its population, geography and the pattern of communities.

The Council must have regard to the following factors when considering the number of councillors to be elected for a parish:

- The number of local government electors for the parish;
- Any change in that number which is likely to occur in the period of five years beginning with the day when the review starts.

The Council wishes to ensure that the allocation of councillors to parishes is broadly equitable across the District, while acknowledging that local circumstances may occasionally merit variation.

The Council appreciates that there are different demands and consequently different levels of representation between the urban and rural parishes in the district.

Reorganisation of community governance orders and commencement

When the Review has been completed the Council may make a Reorganisation of Community Governance Order. Copies of this Order, the map(s) that show the effects of the order in detail, and the document(s) which set out the reasons for the decisions that the Council has taken (including where it has decided to make no change following a Review) will be deposited at the Council's offices, on the website and in local libraries within the area affected by this review.

Consequential Matters

The Council notes that a Reorganisation Order may cover any consequential matters that appear to the Council to be necessary or proper to give effect to the Order. These may include:

- The transfer and management or custody of property;

- The setting of precepts for new parishes;
- Provision with respect to the transfer of any functions, property, rights and liabilities;
- Provision for the transfer of staff, compensation for loss of office, pensions and other staffing matters.

In these matters, the Council will be guided by Regulations that have been issued following the 2007 Act.

In particular, the Council notes that the Regulations regarding the transfer of property, rights and liabilities require that any apportionments shall use the population of the area as estimated by the proper officer of the Council as an appropriate proportion.

Furthermore, the Council notes the Regulations regarding the establishment of a precept for a new parish and their requirements. Parish Councils have the power to raise revenue to help meet their spending requirements by issuing a 'Precept'. This is the total amount to be raised through the Council Tax from all the dwellings within the defined Parish area.

Each Parish Council set their own level of precept and let the principal council know each year. Typically this is to cover costs associated with the running and administration of the parish, such as the Clerks wages etc, as well as any local projects.

Date of publication of terms of reference

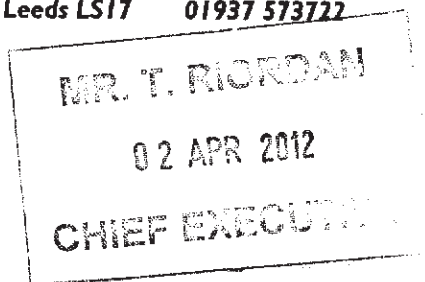
John Mulcahy
Head of Licensing and Registration
26 June 2012

- Tom Mulcahy to please arrange for a response on Tom's behalf.

SCARCROFT PARISH COUNCIL established 4 December 1894

Clerk to the Council: Peter R Hart ,One The Dell , Bardsey , Leeds LS17 01937 573722
e- mail peter.r.hart@btinternet.com

The Chief Executive
Leeds City Council
Civic Hall
LEEDS LS1 1UR



Dear Mr Riordon

NUMBER of COUNCILLORS

Monday 26 March 2012-03-26

I am writing to seek the City Council's approval for a further two councillors to represent the Parish. The present number is seven.

The parish population is about 1000 with about a further 200 living in the village and with the probability of about 35 new houses being added in the next twelve months. However it is not our view that the number of councillors relates directly to the population but to the amount of work to be undertaken. It will be immediately obvious that governmental measures apply equally to places with large and small populations.

In 1994 the National Association of Local Councils took the view that the legal minimum of five members was inconveniently small and not very practical. As a result Scarcroft increased from 5 to 7 in 2004. That did, of course, make the work easier to handle but the measures of recent years and the emerging responsibilities of the Localism Act and Planning Policy and other public measures are an increasing burden. It all makes it more difficult for our seven members to take on an increasing number of portfolios, quite apart from attendance at meetings such as the ENE Forum, local public meetings and various training programmes. Our Council meetings rarely last less than 3 1/2 hours - we are too small to work in sub committees.

As background comment it should be added that five of our members work during the day so their availability is limited. Another matter affecting all Councils is increased holiday entitlement which impacts more seriously on small councils.

The cost of this measure is very limited because none of our members claim allowances. Overall, however, an approval of our request would be in tune with nation and local policies which encourage the greater participation of local communities.

I would be glad to try to supply any further information.

Yours sincerely

Peter R Hart
Clerk to the Council and Responsible Financial Officer

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Report author: John Mulcahy

Tel: 39 51877

Report of Head of Licensing and Registration

Report to General Purposes Committee

Date: 25 June 2012

Subject: Community Governance Review to consult on proposals to create a new parish of Rawdon

Are specific electoral Wards affected? If relevant, name(s) of Ward(s): Horsforth, Guiseley & Rawdon and Otley & Yeadon	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
Are there implications for equality and diversity and cohesion and integration?	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
Is the decision eligible for Call-In?	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
Does the report contain confidential or exempt information? If relevant, Access to Information Procedure Rule number: Appendix number:	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No

Summary of main issues

1. The Council received a petition from electors in polling districts from the Horsforth, Guiseley & Rawdon and Otley & Yeadon wards on 18 May 2012 asking for the creation of a new parish council for Rawdon.
2. The petition has been validated by Electoral Services staff and meets the requirements of the Local Government and Public Involvement in Health Act 2007.
3. Following the receipt of a valid petition the Council is required to undertake a Community Governance Review.
4. This report outlines the process and timetable for such a Community Governance Review.

Recommendations

5. That the process and timetable for the review as detailed in the report and attached Terms of Reference be approved.

1 Purpose of this report

- 1.1 To consider the terms of reference, timetable and process for a Community Governance Review following the receipt of a petition from electors in polling districts from the Horsforth, Guiseley & Rawdon and Otley & Yeadon wards to establish a new parish for Rawdon.

2 Background information

- 2.1 The Council received a valid petition from electors in polling districts from the Horsforth, Guiseley & Rawdon and Otley & Yeadon wards on 18 May 2012. Following the receipt of a petition the Council is required to undertake a Community Governance Review.
- 2.2 The petition was submitted in accordance with the Local Government and Public Involvement in Health Act 2007 (the Act).
- 2.3 The area covered by the review has 5,684 local Government electors and as such would need any petition to be signed by at least 569 of those electors in accordance with the Act¹. The petition has been signed by 751 local government electors in the area affected by the review.
- 2.4 The petition defines on a map and in words the area to which the review is to relate. A map was submitted with the petition and the geographical area is defined as that currently known as Rawdon.
- 2.5 The recommendation within the petition is to create a new parish, and a new parish council called Rawdon to serve the community. The petitioners put forward that the needs of the different communities would be best served by creating a separate parish for Rawdon. A copy of the map illustrating the boundaries of the proposed new parish is attached as Appendix A.
- 2.6 A community governance review must in any event, make recommendations as to what new parish or parishes (if any) should be constituted in the area under review. If the review recommends that a new parish should be constituted, the review must also make recommendations as to the name of the new parish, whether or not the new parish should have a parish council, and whether or not the new parish should have one of the alternative styles. However, where a new parish has 1,000 or more local government electors, the review must recommend that the parish should have a council.
- 2.7 The Council has the power to undertake a community governance review of the whole or part of its area other than in response to a valid community governance petition. As a result, the Council could commence a separate review of a wider area than the petition area if it so wished, and could then make recommendations as to new parishes, the aggregation of parishes, or the alteration or abolition of parishes in a wider part of its area.

¹ Section 80 (3) (c) - If the petition area has more than 2500 local government electors, the petition must be signed by at least 10% of the electors

3 Main issues

3.1 When a valid petition is received the Act says the Council is required to undertake a Community Governance Review within 12 months. In these circumstances the stages of the Review are as follows: -

- Petition validated (the petition has already been validated by Electoral Services)
- Terms of Reference for the Review Agreed (the reason for this report)
- Council consults widely with local people on proposal
- Council takes into account any representations received
- Council makes recommendations whether a new parish should be implemented
- Council publishes its decision
- Interim governance arrangements agreed and precept set
- Election held (the timetable for the review has been set so the elections to any new parish can coincide with the Police and Crime Commissioner elections in November 2012 to help reduce costs)

3.2 The first stage of the Review as prescribed by the Act is to establish the terms of reference which will set out the matters on which the review is to focus. Draft terms of reference are attached as Appendix B to the report. This document includes a timetable for the review. It is proposed that the results of the consultation and recommendations in terms of draft proposals be reported to General Purposes Committee who will make final proposals to be agreed by Full Council.

3.3 When undertaking a Community Governance Review a principal council must have regard to guidance issued by the Secretary of State and the Electoral Commission. The stages outlined above take account of the requirements of the legislation and the available guidance. However, subject to this, it is for the Council to decide how to undertake the review. In deciding what recommendations to make, the Council must take into account any other arrangements (apart from those relating to parishes) that have already been made, or that could be made for the purposes of community representation or community engagement in respect of the area under review.

3.4 In order for any required election to take place jointly with the Police and Crime Commissioner elections on 15 November 2012, this review would need to be finalised by no later than 5 October in order to make the necessary changes to the registers before publication on 16 October. Also, it should be noted that the last date for publication of Notice of Election for a parish election to take place on 15 November is 11 October, after this date the election could not take place on 15

November. This makes the timetable outlined in Appendix B critical with no allowance for any slippage.

- 3.5 Involvement of Elections Working Group (EWG) – During previous polling district reviews, General Purposes Committee has asked EWG to act as a dedicated Working Group for those reviews, recommending proposals to General Purposes Committee for their consideration. It should be noted that the EWG has an extensive knowledge of electoral procedures and is the main consultation forum for officers and Members to discuss electoral issues. It is proposed that EWG co-ordinate representations for this Community Governance Review in a similar manner, considering representations made by the public or other stakeholders, and be used as a vessel to discuss any representations submitted. The views of EWG will be presented to General Purposes Committee for their consideration, together with details of representations made as described in 4.1 below and the Committee will then determine the recommendations to be made in respect of the Community Governance Review.

4 Corporate Considerations

4.1 Consultation and Engagement

- 4.1.1 All local government electors for the area under review and any other person or body who appears to have an interest in the review will be consulted on the proposal and their representations will be taken into account as part of the review. The council must have regard to the need to secure that the community governance arrangements for the area reflects the identities and interests of the community in the area and are effective and convenient.

4.2 Equality and Diversity / Cohesion and Integration

- 4.2.1 An equality screening document has been completed for this review and has concluded that the consultation arrangements will help ensure all people affected by the review are given an opportunity to comment which will address any equality, diversity, cohesion or integration issues raised.

4.3 Council policies and City Priorities

- 4.3.1 This review does not affect the council's budget and policy framework, although reviewing local electors' needs does support the council's aims to be the best city for communities, and in particular the four year priority to increase a sense of belonging that builds cohesive and harmonious communities.

4.4 Resources and value for money

- 4.4.1 No additional human resources are required to carry out the review.
- 4.4.2 There is no budget to carry out Community Governance Reviews so the cost of this review will have to be met from within existing budget. The cost of carrying out this review is estimated at £1,000. This is mainly costs from printing and publishing Notices in local press.

4.5 Legal Implications, Access to Information and Call In

4.5.1 Under the Constitution, the Council has delegated authority to the Chief Executive to discharge the following Council (non executive) functions namely: -

“ ...

- (k) Functions relating to community governance²
 - (i) Duties relating to community governance reviews
 - (ii) Functions relating to community governance petitions
 - (iii) Functions relating to terms of reference of review
 - (iv) Power to undertake a community governance review
 - (v) Duties when undertaking review
 - (vi) Duty to publicise outcome of review
 - (vii) Duty to send two copies of order to Secretary of State and Electoral Commission.”

4.5.2 If the Chief Executive chooses not to exercise that delegated authority, he may refer the matter to General Purposes Committee, who have authority: -

“to consider and determine Council (non executive) functions delegated to a Director where the Director has decided not to exercise the delegated authority and has referred the matter to the committee.”

4.5.3 There is no provision similar to that regarding executive functions that allows the relevant Executive Member to require the “Director” to not exercise the delegated authority but to take a matter to Executive Board.

4.5.4 However, the Chief Executive has the opportunity to consult with the relevant Member(s), before deciding whether to exercise his delegated authority or alternatively himself choose to refer the matter to General Purposes Committee.

4.5.5 Therefore any community governance review under the existing constitutional provisions can be determined by the Chief Executive, or he has the alternative to refer the matter to General Purposes Committee, who themselves make final recommendations to Full Council.

4.5.6 The Chief Executive has chosen to refer this matter to General Purposes Committee.

4.5.7 However, General Purposes Committee alone has the delegated authority to make recommendations for the final proposals for any Community Governance Review to Full Council. This is not delegated to the Chief Executive.

4.6 Risk Management

4.6.1 There is always a risk of challenge to the decision. There is no right to appeal as such, although if local electors disagreed with the final recommendations they

² Functions relating to making of recommendations under section 87 – 92 of the Local Government and Public Involvement in Health Act 2007 (Item 5 Paragraph EB of Schedule 1 of the Local Authorities (Functions and Responsibilities) (England) Regulations 2000/2853) are reserved to the relevant committee that is responsible for making recommendations to full Council.

could lobby the full Council not to give effect to them, or a decision by full Council could be challenged by way of judicial review on the usual principles.

5 Conclusions

- 5.1 That a validated petition from electors in the area has been received and that the council is bound to carry out a Community Governance Review to determine whether the new parish of Rawdon should be established.

6 Recommendations

- 6.1 That the process and timetable for the review as detailed in the report and attached Terms of Reference be approved.

7 Background documents³

- Local Government and Public Involvement in Health Act 2007
- The Electoral Commission Guidance on Community Governance Reviews, April 2008
- Petition from electors in Horsforth, Guiseley & Rawdon and Otley & Yeadon wards received on Friday 18 May 2012

³ The background documents listed in this section are available for inspection on request for a period of four years following the date of the relevant meeting. Accordingly this list does not include documents containing exempt or confidential information, or any published works. Requests to inspect any background documents should be submitted to the report author.

Review of Parishes and Related Matters
Local Government and Public Involvement in Health Act 2007

Terms of Reference

Introduction

Following the receipt of a petition the Council will undertake a Community Governance Review of Rawdon.

The Petition for the Community Governance Review was submitted in accordance with the Local Government and Public Involvement in Health Act 2007 and proposes the establishment of “Rawdon” parish.

In undertaking the review, the Council will be guided by the relevant parts of the Local Government Public Involvement in Health Act 2007, the relevant parts of the Local Government Act 1972 and Guidance on Community Governance Reviews issued by the Department of Communities and Local Government and the Electoral Commission.

These terms of reference will set out the matters on which the review is to focus.

Why is the Council Undertaking the Review?

The Review is to be undertaken due to the receipt of a valid petition from electors in the area subject to the review. The petition meets the following conditions of Section 80 of the Local Government and Public Involvement in Health Act 2007:

- (3) The petition must be signed as follows:
 - (a) If the petition area has fewer than 500 local government electors, the petition must be signed by at least 50% of the electors.
 - (b) If the petition area has between 500 and 2500 local government electors, the petition must be signed by at least 250 of the electors;
 - (c) If the petition area has more than 2500 local government electors, the petition must be signed by at least 10% of the electors.
- (4) The petition must:
 - (a) define the area to which the review is to relate (whether on a map or otherwise); and
 - (b) specify one or more recommendations which the petitioners wish a community governance review to consider making.
- (5) If the specified recommendations include the constitution of a new parish, the petition must define the area of the new parish (whether on a map or otherwise).
- (6) If the specified recommendations include the alteration of the area of an existing parish, the petition must define the area of the parish as it would be after alterations (whether on a map or otherwise).

The area subject to the review has 5,684 local government electors and as such would need to be signed by at least 569 of those electors. The petition has been signed by 751 local government electors within the petition area.

The petition defines on a map and in words the area to which the review is to relate. A map was submitted with the petition and the geographical area is defined as that currently known as Rawdon.

The recommendation within the petition is to create a new parish council called Rawdon to serve the community. The petitioners put forward that the needs of the different communities would be best served by creating a separate parish for the area of Rawdon.

As the petition was found to be valid the Council will undertake a Review in accordance with the Local Government and Public Involvement in Health Act 2007.

A copy of the submissions put forward by local government electors are available for inspection at the address below and the map defining the area of the new parish is attached as an appendix to these terms of reference.

What will the Review consider?

The Review is to consider the creation of a new parish. The review will need to consider the name for the new parish and the electoral arrangements including the number of Councillors to be elected and any warding arrangements.

The review must make recommendations as to what new parish or parishes (if any) should be constituted in the area under review. In relation to existing parishes under review, the review must also make recommendations as to whether the parish should be abolished or not, or its area altered or not, whether or not the name of the parish should be changed, and whether or not the parish should continue to have a council. However, as this proposed parish has 1,000 or more local government electors, the review must recommend that the parish should have a council. If the review recommends a parish should continue to have a parish council, the review must also make recommendations as to what changes (if any) should be made to the council's electoral arrangements (which include the number of councillors to be elected to the council).

In relation to the council's electoral arrangements, the review must consider whether to recommend that the parish should, or should not, be or continue to be divided into wards for the purpose of electing councillors. For these purposes, the Council must consider whether the number, or distribution, of the local government electors for the parish would make a single election of councillors impracticable or inconvenient, and whether it is desirable that any area or areas of the parish should be separately represented on the council. In deciding to recommend that a parish should be divided into wards, the Council must have regard to certain factors when considering the size and boundaries of the wards, and the number of councillors to be elected for each ward. These factors are the number of local government electors for the parish, any change in the number, or distribution, of the local government electors which is likely to occur in the period of five years from the start of the review, the desirability of fixing boundaries which are, and will remain, easily identifiable, and any local ties which will be broken by the fixing of any

particular boundaries. In deciding to recommend that a parish should not be divided into wards, the Council must have regard to certain factors when considering the number of councillors to be elected for the parish. These factors are the number of local government electors for the parish, and any change in that number which is likely to occur in the period of five years from the start of the review.

In deciding what recommendations to make, the Council must take into account any other arrangements (apart from those relating to parishes) that have already been made, or that could be made for the purposes of community representation or community engagement in respect of the area under review.

All local government electors for the area under review and any other person or body who appears to have an interest in the review will be consulted on the proposal and their representations will be taken into account as part of the review. The Council must have regard to the need to secure that the community governance arrangements for the area reflects the identities and interests of the community in the area and are effective and convenient.

Parish Governance within the District

The Council wants to ensure that there is clarity and transparency to the areas that parish councils represent and that the electoral arrangements are appropriate, equitable and readily understood by the electorate.

In their White Paper, Strong and Prosperous Communities, the Government emphasised that “Ultimately, the recommendations made in a community governance review ought to bring about improved community engagement, more cohesive communities, better local democracy and result in more effective and convenient delivery of local services.”

Who undertakes the Review?

Community Governance Reviews are the responsibility of the Head of Licensing and Registration who will report representations received during the review period along with draft and final recommendations. The Council’s General Purposes Committee will determine the recommendations to be made to full Council in relation to the Review.

How the Council proposes to conduct consultations during the Review?

In arriving at its recommendations in a review, the Council will need to take account of the views of local people. The Local Government and Public Involvement in Health Act 2007 requires the Council to consult the local government electors for the area under review and any other person or body who appears to have an interest in the review (for instance the local Member of Parliament and ward councillors) and to take the representations that are received into account by judging them against the criteria in the Local Government and Public Involvement in Health Act 2007.

The Council will consult in an appropriate manner within the review area ensuring that those affected are given the opportunity to respond. In accordance with the Local Government and Public Involvement in Health Act 2007, representations received in

connection with the Review will be taken into account, and consultees will be informed of the outcome of the Review.

Any decisions made and the reasons for those decisions will be published following the review. The mechanism for this will be through the Council's website, issuing press releases, personal communications where appropriate and through notices in libraries in the area affected by the review.

How to contact us or make a representation

Contact details at the Council for the duration of the review are as follows. Any representations should also be sent to this address. Representations should include the full name and contact details for the person or organisation making the representation: -

Susanna Benton
 Electoral Services Manager
susanna.benton@leeds.gov.uk
 0113 2476727

Electoral Services
 Level 2, Town Hall
 The Headrow
 Leeds LS1 3AD

A timetable for the Review

17 May 2012	Petition Received by Chief Executive
25 June 2012	Report receipt of petition to General Purposes Committee Terms of Reference and Timetable for Review to be approved
26 June 2012	Council to publish Terms of Reference
26 June 2012	Consultation begins with representations invited
31 July 2012	Closing date for representations (five week consultation period)
August 2012	Elections Working Group consider representations on proposals and recommend final proposals to General Purposes Committee
29 August 2012	General Purposes Committee consider recommendations from Elections Working Group and agree final recommendations for Full Council
12 September 2012	Full Council to approve final proposals and Reorganisation of Community Governance Order. Council publishes decision, reasons for decision, and informs persons interested.
13 September 2012	New parish established if necessary and interim governance arrangements put in place
15 November 2012	Elections to new Parish if required (to coincide with Police and Crime Commissioner Elections)

Please note the timetable is subject to minor alteration although the Review must be completed within 12 months of the publication of the terms of reference

Electorate Forecasts

The latest Register of Electors published on 1 June 2012 shows the following numbers of electors within the area subject to the Review: 5,684

When the Council comes to consider the electoral arrangements of the parishes in its area, it is required to consider any change in the number or distribution of the electors which is likely to occur in the period of five years beginning with the day when the review starts.

Viability of any new Parish

The Council recognises that parishes should be viable and should possess a precept that enables them to actively and effectively promote the well-being of their residents and to contribute to the real provision of services in their areas in an economic and efficient manner. The Council is committed to ensuring that the Review leads to parishes that are based on areas which reflect community identity and interest and which are viable as an administrative unit.

Names and styles of any new parishes

The Council will endeavour to reflect existing local or historic place-names, and will give a strong presumption in favour of names proposed in the petition and by local interested parties

Electoral arrangements

An important part of our Review will comprise giving consideration to 'Electoral Arrangements'. The term covers the way in which a council is constituted for the parish. It covers:

- The ordinary year in which elections are held
- The number of councillors to be elected to the council;
- The division (or not) of the parish into wards for the purpose of electing councillors;
- The number and boundaries of any such wards;
- The number of councillors to be elected for any such ward; and
- The name of any such ward.

The Local Government Act 1972 states that ordinary election of parish councillors shall take place in 1976, 1979 and every fourth year thereafter (i.e. 2007, 2011, 2015, etc) However, the government has indicated that it would want the parish electoral cycle to coincide with the cycle for the district council, so that the costs of elections can be shared. If the Review finds that it will be appropriate to hold an election for parish councillors, for a newly formed parish, at an earlier date than the next scheduled ordinary elections, the terms of office of any newly elected parish councillors will be so reduced as to enable the electoral cycle to revert to the normal cycle in the district at the next ordinary elections.

The Council notes that the number of parish councillors for each parish council shall not be less than five. There is no maximum number and there are no rules relating to the allocation of councillors.

Government guidance is that each area should be considered on its own merits, having regard to its population, geography and the pattern of communities.

The Council must have regard to the following factors when considering the number of councillors to be elected for a parish:

- The number of local government electors for the parish;
- Any change in that number which is likely to occur in the period of five years beginning with the day when the review starts.

The Council wishes to ensure that the allocation of councillors to parishes is broadly equitable across the District, while acknowledging that local circumstances may occasionally merit variation.

The Council appreciates that there are different demands and consequently different levels of representation between the urban and rural parishes in the district.

Reorganisation of community governance orders and commencement

When the Review has been completed the Council may make a Reorganisation of Community Governance Order. Copies of this Order, the map(s) that show the effects of the order in detail, and the document(s) which set out the reasons for the decisions that the Council has taken will be deposited at the Council's offices, on the website and in local libraries within the area affected by this review.

Consequential Matters

The Council notes that a Reorganisation Order may cover any consequential matters that appear to the Council to be necessary or proper to give effect to the Order. These may include:

- The transfer and management or custody of property;
- The setting of precepts for new parishes;
- Provision with respect to the transfer of any functions, property, rights and liabilities;
- Provision for the transfer of staff, compensation for loss of office, pensions and other staffing matters.

In these matters, the Council will be guided by Regulations that have been issued following the 2007 Act.

In particular, the Council notes that the Regulations regarding the transfer of property, rights and liabilities require that any apportionments shall use the population of the area as estimated by the proper officer of the Council as an appropriate proportion.

Furthermore, the Council notes the Regulations regarding the establishment of a precept for a new parish and their requirements. Parish Councils have the power to raise revenue to help meet their spending requirements by issuing a 'Precept'. This is the total amount to be raised through the Council Tax from all the dwellings within the defined Parish area.

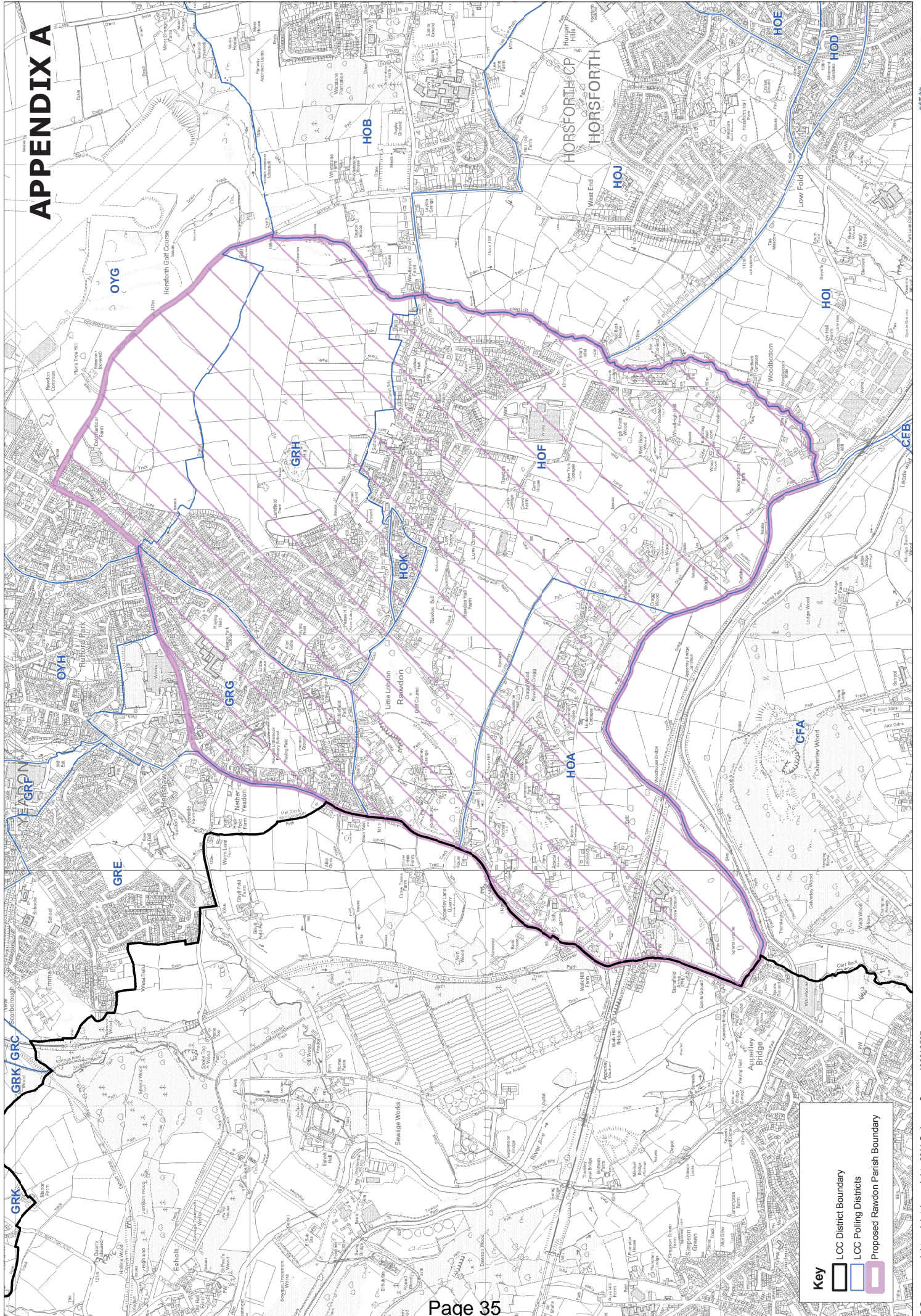
Each Parish Council set their own level of precept and let the principal council know each year. Typically this is to cover costs associated with the running and administration of the parish, such as the Clerks wages etc, as well as any local projects.

Date of publication of terms of reference




John Mulcahy
Head of Licensing and Registration
26 June 2012

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APPENDIX A



Key

-  LCC District Boundary
-  LCC Polling Districts
-  Proposed Rawdon Parish Boundary

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Report of City Solicitor

Report to General Purposes Committee

Date: 25 June 2012

Subject: Establishment of the West Yorkshire Police and Crime Panel

Are specific electoral Wards affected? If relevant, name(s) of Ward(s):	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
Are there implications for equality and diversity and cohesion and integration?	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
Is the decision eligible for Call-In?	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
Does the report contain confidential or exempt information? If relevant, Access to Information Procedure Rule number: Appendix number:	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No

Summary of main issues

- 1 This report advises about establishing a Police and Crime Panel as a joint committee with other West Yorkshire authorities, to scrutinise an elected Police and Crime Commissioner from November 2012.

Recommendations

- 2 That General Purposes Committee recommend to full Council:
 - To note the Council's statutory obligation to establish, and agree arrangements for the West Yorkshire Police and Crime Panel.
 - To agree to form a joint committee with the four other West Yorkshire councils, as detailed in the report.
 - To delegate authority to the City Solicitor to enter into an agreement to formalise the panel arrangements set out in this report (subject to full Council considering the proposed allowances, further to any recommendation from the Independent Remuneration Panel).
 - To appoint the following Members to the Panel:

Labour	Conservative
Cllr Lowe	Cllr J L Carter
Cllr Iqbal	

1 Purpose of this report

- 1.1 To ask General Purposes Committee to recommend full Council to formally agree to the establishment of the West Yorkshire Police and Crime Panel as a joint committee of the five West Yorkshire Authorities.

2 Background information

- 2.1 The Police and Social Responsibility Act 2011 (the Act) introduces the election of Police and Crime Commissioners and the establishment of Police and Crime Panels for each police area. The elections of Commissioners will be held on 15 November 2012, and the new Commissioners will take office on 22 November 2012.
- 2.2 On 14 December 2012, the Executive Board considered a report from the Director of Environment and Neighbourhoods, outlining the 2011 Act, and its implications for Leeds City Council. The Executive Board resolved that “a project group should be established, to consider and make recommendations to the Safer Leeds Executive and the Council’s Executive Board on a range of issues in preparation for the appointment of the Commissioner.”
- 2.3 The Police Authority will be abolished, but the Panel is not a replacement for the Police Authority, and it does not have a role in scrutinising the performance of the police force. That is the role of the Commissioner.

3 Main issues

- 3.1 Leeds City Council together with the four other local authorities in West Yorkshire (Bradford, Calderdale, Wakefield and Kirklees) is required to establish a West Yorkshire Police and Crime Panel (the Panel) and jointly agree the arrangements for its operation.
- 3.2 The Panel will have responsibility under the Act for scrutinising the Commissioner, promoting openness in the transaction of police business in the West Yorkshire Police area and undertaking specific functions which include:
- Reviewing and making recommendations on the Commissioner’s Police and Crime Plan.
 - Questioning the Commissioner at a public meeting on his/her Annual Report.
 - Reviewing the appointment of a Chief Constable (with power to veto the appointment with a 2/3 majority).
 - Reviewing the Commissioner’s proposal to remove the Chief Constable.
 - Reviewing the Commissioner’s proposed precept (with power to veto with a 2/3 majority).
 - Investigating complaints about the Commissioner.

- 3.3 The Council of the City of Wakefield Council have been acting as lead authority on this issue, including the preparation of draft documentation relating to the joint committee.
- 3.4 The **Panel arrangements** to be agreed by the authorities must cover:
- **Membership** - specifically which authorities should appoint the extra members of the Panel, where there are nine or fewer authorities, and provision about co-optees (including their terms of office);
 - payment of **allowances**;
 - the promotion of the role of the Panel, **administrative arrangements**, and **support and guidance** to members and officers; and
 - how the authorities will meet the **costs** of the panel, and how funds paid to meet the costs of the panel are to be paid to, or distributed between the relevant authorities.
- 3.5 **Membership**
- 3.5.1 As there are fewer than ten local authorities in this police area, each is required to appoint one or more of its councillors to be a member of the Panel, to make a total of ten councillor members.
- 3.5.2 The Panel is also required to co-opt two Panel members who are not councillors. With the approval of the Secretary of State, it may co-opt additional members who may be (but need not be) councillors.
- 3.5.3 Importantly, all authorities have a statutory duty to establish a Panel that meets the “balanced appointment objective” in Schedule 6 of the Act. This requires members of the Panel (when taken together and so far as is reasonably practicable) to:
- Represent all parts of the Police Area.
 - Represent the political make-up of all authorities.
 - Have the skills, knowledge and experience to discharge the functions of the Panel.
- 3.5.4 To meet the balanced appointment objective, it is proposed that the ten members appointed by the constituents authorities are in the following proportions: Leeds 3, Bradford 2 ,Kirklees1, Wakefield 2, Calderdale 1. However, it is also proposed that subject to the agreement of the Secretary of State in relation to the number of co-optees, Bradford and Kirklees each nominate a further Member for the Panel to co-opt (in addition to the two other non councillor co-optees identified in paragraph 3.5.2 above).

3.5.5 In terms of political make-up, based on current political representation across West Yorkshire, the following is proposed:

Authority	Local Authority Appointment			Places for LA to nominate PCP to appoint			Overall		
	Lab	Cons	Lib Dem	Lab	Cons	Lib Dem	Lab	Cons	Lib Dem
Leeds	2	1					2	1	
Bradford	1	1		1			2	1	
Kirklees	1	1					1	1	
Wakefield	2						2		
Calderdale	1					1	1		1
Totals	7	3	0	1	0	1	8	3	1

3.5.6 Through recommendations arising from this report , full Council will be asked to appoint the following Councillors to the new Panel.

Labour Group

Councillor Lowe
Councillor Iqbal

Conservative Group

Cllr J.L. Carter

3.5.7 It is proposed that each Member of the Panel appointed or nominated by each constituent Council shall continue to hold office unless the Council appointing or nominating him/her withdraws the appointment or nomination, or he/she resigns his/her membership of the Panel or his/her term of office expires.

3.5.8 It is also proposed that each Council may send a substitute Member to meetings, as notified to the Chief Officer by the Council, and this substitute Member will be permitted to act as a substitute Member with full voting rights at meetings of the Panel and any Sub-Committees appointed by the Panel. It is proposed that a substitute Member may only attend two meetings of the Panel consecutively, and if this is the case then the Member who has not attended for the two meetings shall no longer be a Member of the Panel and his/her Council will be required to appoint a new Member to the vacant seat on the Panel.

3.5.9 In relation to Co-opted(non-councillor) Members who are not nominated by the authority, it is proposed that they are appointed for a term of office of two years, but for 2012 that term of office will be for 18 months. These Co-opted members will be recruited by the Panel. At its first meeting the Panel will decide which Members will deal with this process, and will decide on criteria and a process to be followed. If a casual vacancy arises for such a Co-opted member, the Panel will decide on the process to be followed to fill that vacancy. Co-opted members who wish to resign will give notice to the Chief Officer.

3.6 **Allowances**

- 3.6.1 The work of the Commissioner, and thus the Panel, is likely to be extremely high profile as the Commissioner will be entirely accountable for the operation of the police force within their area. As the Panel is legally bound to deal with any non-criminal complaints about the Commissioner, this also means the Panel will attract a significant degree of public interest.
- 3.6.2 All of the meetings of the Panel are in public and as the Commissioner is legally obliged to attend all Panel meetings, if invited, this means media coverage of Panel meetings is extremely likely.
- 3.6.3 To date, there are 7 meetings of the Panel scheduled between June 2012 and April 2013 (4 shadow and 3 formal) as well as three separate training sessions. All meetings are three hours long, and additional meetings may need to be scheduled, i.e. to finalise the precept.
- 3.6.4 It is anticipated there will be one sub-committee in the first instance which focuses on complaints against the Commissioner but more may need to be set up when the workload of the Panel is more clear.
- 3.6.5 The workload of Panel Members is likely to be equivalent to that of a scrutiny chair. The average payment for this role across the five authorities is £11,716.00.
- 3.6.6 The lead authority have advised that Leaders consider that paying all Panel Members the same allowance is the preferred approach in the interests of fairness, and that allowances for Panel Members will not commence until November 2012 as the Panel does not have any legal responsibilities until the Commissioner has been elected on November 22nd.
- 3.6.7 The Independent Remuneration Panel have therefore been asked to advise on the proposal that these positions attract a Special Responsibility Allowance of £11,716 pa.

3.7 **Administrative arrangements / support and guidance**

- 3.7.1 It is proposed that the Council of the City of Wakefield to be designated as the Support Services Authority for the Panel, which will include promoting the role of the Panel. As part of this arrangement Wakefield's three statutory officers will support the work of the Panel. The three statutory officers are:
- Chief Officer – Chief Executive
 - Chief Financial Officer – Director of Finance and Property
 - Monitoring Officer – Service Director Legal and Governance
- 3.7.2 As part of these administrative arrangements, the Association of West Yorkshire Authorities officers will act as the secretariat to the Panel.

3.7.3 It is also proposed that each Council identify a lead officer to provide support and guidance to its Members on the West Yorkshire Police and Crime Panel, Executive Members of the five Councils, encourage Chief Executives, and officers of the five Councils, in relation to the functions of the West Yorkshire Police and Crime Panel.

3.8 **Costs**

3.8.1 The Home Office have confirmed that it will provide £53,300 per annum (from 1 October 2012) of funding to the support services authority (Wakefield) for secretariat and other administrative support to the Panel.

3.9 By law, it is for the Panel to make **rules of procedure**, which must cover:

- appointment of a Chair;
- method of decision making;
- sub-committees.

4 **Corporate Considerations**

4.1 **Consultation and Engagement**

4.1.2 The Leaders, Chief Executives and Chief Legal Officers of the five West Yorkshire local authorities have all been consulted on the establishment of the West Yorkshire Police and Crime Panel.

4.2 **Equality and Diversity / Cohesion and Integration**

4.2.1 Equalities duty will be included as a key factor in the work of the Panel, in making arrangements for the future scrutiny of the Police and Crime Commissioner, and the appointment of co-opted Members, as required by the 2011 Act.

4.3 **Council policies and City Priorities**

4.3.1 Implementing the reforms required by the 2011 Act effectively will be key in helping the council to deliver its City Priority to make Leeds the best city for communities, in particular the priorities relating to reducing crime levels and tackling and reducing anti-social behaviour.

4.4 **Resources and value for money**

4.4.1 As set out above, the Home Office have confirmed £53,300 per annum (from 1 October 2012) of funding to the support services authority. No additional funding is provided towards set up costs.

4.5 Legal Implications, Access to Information and Call In

4.5.1 The establishment of a joint committee enables the Council to meet its statutory responsibility under the Police Reform and Social Responsibility Act 2011. Some of the decisions that will be taken by the joint committee will be by simple majority, but there are certain matters which require 2/3 majority to veto (e.g. regarding the precept or appointment of a Chief Constable).

4.6 Risk Management

4.6.1 As reported in the Executive Board report, the Council's appointed project group will consider risk management issues arising from risks to the Council's Community Safety Partnership and the delivery of its promises.

5 Conclusions

5.1 The Service Director Legal and Governance for the lead authority has advised that the recommendations represent the most practical solution to meeting the council's statutory responsibilities and to ensure that the arrangements are agreed collectively by the 5 authorities within the timeframe expected by the Home Secretary.

6 Recommendations

6.2 That General Purposes Committee recommend to full Council :

- To note the Council's statutory obligation to establish and agree arrangements for the West Yorkshire Police and Crime Panel.
- To agree to form a joint committee with the four other West Yorkshire Councils, as detailed in the report.
- To delegate authority to the City Solicitor to enter into an agreement to formalise the panel arrangements set out in this report, (subject to full Council considering the proposed allowances, further to any recommendation from the Independent Remuneration Panel).
- To appoint the following Members to the Panel:

Labour

Cllr Lowe

Cllr Iqbal

Conservative

Cllr J L Carter

7 Background documents¹

¹ The background documents listed in this section are available for inspection on request for a period of four years following the date of the relevant meeting. Accordingly this list does not include documents containing exempt or confidential information, or any published works. Requests to inspect any background documents should be submitted to the report author.

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Report of Director of City Development and Director of Environments and Neighbourhoods

Report to General Purposes Committee

Date: 25th June 2012

Subject: Amendments to Council Delegation Scheme

Are specific electoral Wards affected? If relevant, name(s) of Ward(s):	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No
Are there implications for equality and diversity and cohesion and integration?	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No
Is the decision eligible for Call-In?	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No
Does the report contain confidential or exempt information? If relevant, Access to Information Procedure Rule number: Appendix number:	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No

Summary of main issues

1. At its AGM on 21st May the Council made changes to its Executive Member Portfolios
2. At the same time, consultations were begun regarding moving services from City Development to Environment and Neighbourhoods and vice versa.
3. This report summarises the moves and proposes that amendments are made to the Officer Scheme of Delegation to allow for responsibilities to transfer for various functions.

Recommendations

4. General Purposes Committee are asked to consider proposed changes before these are reported to Full Council for all Elected Members consideration.

1 Purpose of this report

- 1.1 To consider proposed changes to the Officer Delegation Scheme (Council (non executive) functions) in respect of the Director of Environment and Neighbours and Director of City Development
- 1.2 For the Committee to recommend to Full Council that changes are adopted.

2 Background information

- 2.1 At its AGM the Council agreed to amend the portfolios of Executive Members.
- 2.2 At the same time consultations were begun regarding a movement of services from City Development to Environment and Neighbourhoods and vice versa.
- 2.3 This report covers the moves and proposes that amendments are made to the Officer Scheme of Delegation to allow for responsibilities to move for various functions

3 Main issues

- 3.1 Portfolio responsibility for Parks and Countryside has transferred to the Executive Member of Environment Services. As has responsibility for Climate Change and Environmental Policy.
- 3.2 Conversely responsibility for Jobs and Skills and has moved to the Executive Member for Leisure and Skills. Area based Regeneration also moves to the Development Portfolio.
- 3.3 To better align services to the revised portfolios it was also announced that a planned move of services between Directors would follow. This would create better and more coherent accountability regarding the Executive Member Portfolios. Operationally, it would also allow for greater service consolidation and joint working on Council priorities. In terms of services affected the following was announced:
 - 3.3.1 Employment and Skills – to move to City Development
 - 3.3.2 Regeneration Projects – to move to City Development
 - 3.3.3 Parks and Countryside – to move to Environment and Neighbourhoods.
- 3.4 These moves can come into effect by re-arrangement Chief Officer reporting lines. Otherwise there is no immediate need for changes to services.
- 3.5 It is also proposed that there will be a consolidation of climate change and fuel saver activity within the Environment and Neighbourhoods Directorate, however, the detail of this arrangement will be considered further, before any organisation changes are implemented.
- 3.6 Consultations on the proposed changes are detailed in this report.

- 3.7 To enable Directors to assume proper responsibility for these functions, various changes to the Constitution are needed.
- 3.7.4 Council functions which are delegated to Officers, require approval of Full Council. Proposals for these changes are given in Appendix I.
- 3.7.5 Where the changes to the Executive functions that apply to the above are concerned, revisions can be made by the Leader taking a delegated decision before the Council meeting. These changes will come into effect at the same time the Council functions are revised. Proposed changes are given in Appendix II.
- 3.7.6 Changes predominantly apply to a range of legal powers under a variety acts and mainly concern Public Rights of Way in relation to Parks and Countryside services.

4 Corporate Considerations

4.1 Consultation and Engagement

- 4.1.7 Group Leaders have been notified of the organisational changes in terms of transferring services between the two Directorates. Members would also have been able to access communications on the intranet.
- 4.1.8 Cascaded briefings have been provided for all staff affected, and this includes support service staff too.
- 4.1.9 The trade unions have also been consulted .
- 4.1.10 Feedback suggests widespread support for changes.

4.2 Equality and Diversity / Cohesion and Integration

- 4.2.1 A screening exercise has been carried out. The transfer of functions will mean that there will be extremely limited changes to how services operate and consequent equality implications. The Screening is attached as a background paper.

4.3 Council policies and City Priorities

- 4.3.1 Changes to the scheme of delegation will enable closer working and a better focus on City Priorities.

4.4 Resources and value for money

- 4.4.1 There are no immediate plans to make changes to how services operate. However, it is likely that various options will be considered in the future regarding better service delivery and potential efficiencies.

4.5 Legal Implications, Access to Information and Call In

4.5.1 In order to operate effectively, the transfer of services between directorates will require amendments to the scheme of delegation and in turn the relevant Directors to amend their sub-delegations to enable transparent decision making.

4.6 Risk Management

4.6.1 N/a

5 Conclusions

5.1 Changes to Executive Board portfolios have led to plans to manage some services more effectively in different Directorates. Consequently, changes to the scheme of delegation are also needed. These can be addressed by the Leader in relation to Executive functions. However only Full Council can approve changes to the non-executive functions.

6 Recommendations

6.1.1 The General Purposes Committee are asked to recommend that the Full Council agrees to changes in the scheme of delegation that are given in Appendix I.

7 Background documents¹

7.2 Equality Impact Screening

¹ The background documents listed in this section are available for inspection on request for a period of four years following the date of the relevant meeting. Accordingly this list does not include documents containing exempt or confidential information, or any published works. Requests to inspect any background documents should be submitted to the report author.

Director of City Development

The Director of City Development¹ is authorised to discharge the following Council (non-executive) functions:

(a)	To license market and street trading	Part III of , and Schedule 4 to, the Local Government (Miscellaneous Provisions) Act 1982	Deleted: (a) Deleted: To license pleasure boats and pleasure vessels Deleted: Section 94 of the Public Health Acts Amendment Act 1907
(b)	To issue, amend or replace safety certificates (whether general or special) for sports grounds	The Safety of Sports Grounds Act 1975	Deleted: c
(c)	To issue, cancel, amend or replace safety certificates for regulated stands at sports grounds	Part II of the Fire Safety and Safety of Places of Sport Act 1987	Deleted: d
(d)	To grant a street works licence	Section 50 of the New Roads and Street Works Act 1991	Deleted: e
(e)	To grant permission for provision etc of services, amenities, recreation and refreshment facilities on highway and related powers	Sections 115E, 115F and 115K of the Highways Act 1980	Deleted: f
(f)	To publish notice in respect of proposal to grant permission under section 115E of the Highways Act 1980	Section 115G of the Highways Act 1980	Deleted: g
(g)	To permit deposit of builder's skip on highway	Section 139 of the Highways Act 1980	Deleted: h
(h)	To license planting, retention and maintenance of trees etc in part of highway	Section 142 of the Highways Act 1980	Deleted: i
(i)	To authorise erection of stiles etc on footpaths or bridleways ²	Section 147 of the Highways Act 1980	Deleted: (j)
(j)	To license works in relation to buildings etc which obstruct the highway	Section 169 of the Highways Act 1980	
(k)	To consent to temporary deposits or excavations in streets	Section 171 of the Highways Act 1980	Deleted: l
(l)	To dispense with obligation to erect hoarding or fence	Section 172 of the Highways Act 1980	Deleted: m
(m)	To restrict the placing of rails, beams etc over highways	Section 178 of the Highways Act 1980	Deleted: n
(n)	To consent to construction of cellars etc	Section 179 of the Highways Act 1980	Deleted: o

¹ The fact that a function has been delegated to the Director does not require the Director to give the matter his/her personal attention and the Director may arrange for such delegation to be exercised by an officer of suitable experience and seniority. However the Director remains responsible for any decision taken pursuant to such arrangements.

² Functions (i), (g), (s) and (v) are also delegated to the Director of Environments and Neighbourhoods whose powers are limited to areas contained within the Definitive Map of Public Rights of Way.

Officer Delegation Scheme (Council (non-executive) functions)

(p)	under street To consent to the making of openings into cellars etc under streets and pavement lights and ventilators	Section 180 of the Highways Act 1980	Deleted: p
			Deleted: (q) ... [1]
			Deleted: (r) ... [2]
			Deleted: (s) ... [3]
			Deleted: (t) ... [4]
			Deleted: (u) ... [5]
			Deleted: (v) ... [6]
(q)	To make a special extinguishment order	Section 118B of the Highways Act 1980	Deleted: w
			Deleted: (x) ... [7]
			Deleted: (y) ... [8]
			Deleted: (z) ... [9]
			Deleted: (aa) ... [10]
			Deleted: (bb) ... [11]
			Deleted: (cc) ... [12]
			Deleted: (dd) ... [13]
(r)	To assert and protect the rights of the public to use and enjoyment of highways	Section 130 of the Highways Act 1980	Deleted: (ee) ... [14]
			Deleted: ff
(s)	To serve notice of proposed action in relation to obstruction	Section 130A of the Highways Act 1980	Deleted: g...g ... [15]
(t)	To apply for variation of order under section 130B of the Highway Act 1980	Section 130B(7) of the Highways Act 1980	Deleted: hh
			Deleted: (ii) ... [16]
			Deleted: (jj) ... [17]
(u)	To make good damage and remove obstructions	Section 135B of the Highways Act 1980	Deleted: k...k ... [18]
(v)	To remove nuisances deposited on the highway	Section 149 of the Highways Act 1980	Deleted: ll
			Deleted: (mm) ... [19]
			Deleted: (nn) ... [20]
			Deleted: (oo) ... [21]
			Deleted: (pp) ... [22]
			Deleted: (qq) ... [23]
(w)	To designate footpath as cycle track	Section 3 of the Cycle Tracks Act 1984	Deleted: r...r ... [24]
			Deleted: (ss) ... [25]
(x)	To authorise stopping up or diversion of highway	Section 247 of the Town and Country Planning Act 1990	Deleted: tt
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			Deleted: (vv) ... [27]
			Deleted: (ww) ... [28]
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(q)		
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To create footpath bridleway or restricted byway by agreement		
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Section 25 of the Highways Act 1980		
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To create footpaths bridleways and restricted byways		
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Section 26 of the Highways Act 1980		
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Duty to keep register of information with respect to maps, statements and declarations		
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Section 31A of the Highways Act 1980		
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(t)		
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To stop up footpaths bridleways and restricted byways		
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Section 118 of the Highways Act 1980		
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To determine application for public path extinguishment order		
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Sections 118ZA and 118C(2) of the Highways Act 1980		
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(v)		
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To make a rail crossing extinguishment order		
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Section 118A of the Highways Act 1980		
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To divert footpaths bridleways and restricted byways		
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Section 119 of the Highways Act 1980		
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To make a public path diversion order

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Sections 119ZA and 119C(4) of the Highways Act 1980

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To make a rail crossing diversion order

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Section 119A of the Highways Act 1980

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To make a special diversion order

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Section 119B of the Highways Act 1980

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To require applicant for order to enter into agreement

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Section 119C(3) of the Highways Act 1980

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To make an SSSI diversion order

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Section 12B of the Highways Act 1980

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To keep register with respect to applications under sections 118ZA, 118C, 119ZA and 119C of the Highways Act 1980

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Section 121B of the Highways Act 1980

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To decline to determine certain applications

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Section 121C of the Highways Act 1980

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To authorise temporary disturbance of surface of footpath bridleway or restricted byway

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Section 135 Highways Act 1980

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To divert footpath bridleway or restricted byway temporarily

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Section 135A of the Highways Act 1980

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To extinguish certain public rights of way

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Section 32 of the Acquisition of Land Act 1981

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To keep definitive map and statement under review

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Section 53 of the Wildlife and Countryside Act 1981

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(oo)

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To include modifications in other orders

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Section 53A of the Wildlife and Countryside Act 1981

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(pp)

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To keep register of prescribed information with respect to applications under section 53(5) of the Wildlife and Countryside Act 1981

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Section 53B of the Wildlife and Countryside Act 1981

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(qq)

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To prepare map and statement by way of consolidation of definitive map and statement

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Section 57A of the Wildlife and Countryside Act 1981		
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Page 2: [25] Deleted	Leeds User	25/05/12 11:26:00
To extinguish public right of way over land acquired for clearance		
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Section 294 of the Housing Act 1981		
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(uu)		
Page 2: [26] Deleted	Leeds User	25/05/12 11:26:00
To authorise stopping up or diversion of footpath bridleway or restricted byway		
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Section 257 of the Town and Country Planning Act 1990		
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(vv)		
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To extinguish public rights of way over land held for planning purposes		
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Section 258 of the Town and Country Planning Act 1990		
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(ww)		
Page 2: [28] Deleted	Leeds User	25/05/12 11:26:00
To enter into agreements with respect to means of access		
Page 2: [28] Deleted	Leeds User	25/05/12 11:26:00
Section 35 of the Countryside and Rights of Way Act 2000		
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(xx)		
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To provide access in absence of agreement		
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Section 37 of the Countryside and Rights of Way Act 2000		

Director of Environment and Neighbourhoods

The Director of Environment and Neighbourhoods¹ is authorised to discharge the following Council (non-executive) functions:

(a)	To issue licences authorising the use of land as a caravan site ("site licences")	Section 3(3) of the Caravan Sites and Control of Development Act 1960
(b)	To license the use of moveable dwellings and camping sites	Section 269(1) of the Public Health Act 1936
(c)	To license premises for acupuncture, tattooing, ear-piercing and electrolysis	Sections 13 to 17 of the Local Government (Miscellaneous Provisions) Act 1982
(d)	To license premises for the breeding of dogs	Section 1 of the Breeding of Dogs Act 1973 and Section 1 of the Breeding and Sale of Dogs (Welfare) Act 1999
(e)	To license pet shops and other establishment where animals are bred or kept for the purposes of carrying on a business	Section 1 of the Pet Animals Act 1951, section 1 of the Animal Boarding Establishments Act 1963, the Riding Establishments Act 1964 and 1970, section 1 of the Breeding of Dogs Act 1973 and sections 1 and 8 of the Breeding and Sale of Dogs (Welfare) Act 1999
(f)	To register animal trainers and exhibitors	Section 1 of the Performing Animals (Regulation) Act 1925
(g)	To license zoos	Section 1 of the Zoo Licensing Act 1981
(h)	To license dangerous wild animals	Section 1 of the Dangerous Wild Animals Act 1976
(i)	To grant consent for the operation of a loudspeaker	Schedule 2 to the Noise and Statutory Nuisance Act 1993
(j)	To issue licences for the movement of pigs	Article 12 of the Pigs (Records, Identification and Movement) Order 1995 (SI 1996/11)

¹ The fact that a function has been delegated to the Director does not require the Director to give the matter his/her personal attention and the Director may arrange for such delegation to be exercised by an officer of suitable experience and seniority. However the Director remains responsible for any decision taken pursuant to such arrangements.

Officer Delegation Scheme (Council (non-executive) functions)

(k)	To license the sale of pigs	Article 13 of the Pigs (Records, Identification and Movement) Order 1995
(l)	To license collecting centres for the movement of pigs	Article 14 of the Pigs (Records, Identification and Movement) Order 1995
(m)	To issue a licence to move cattle from a market	Article 5(2) of the Cattle Identification Regulations 1998 (SI 1998/871)
(n)	To sanction use of parts of buildings for storage of celluloid	Section 1 of the Celluloid and Cinematograph Film Act 1922
(o)	Duty to enforce Chapter 1 and regulations made under it	Section 10(3) of the Health Act 2006
(p)	Power to authorise officers	Section 10(5) of, and paragraph 1 of Schedule 2 to, the Health Act 2006
(q)	Functions related to fixed penalty notices	Paragraphs 13,15 and 16 of Schedule 1 to the Health Act 2006. Smoke-free (Vehicle Operators and Penalty Notices) Regulations 2007 (SI 2006/760)
(r)	Power to transfer enforcement functions to another enforcement authority	Smoke-free(Premises and Enforcement) Regulations 2006 (SI 2006/3368)
(s)	To license pleasure boats and pleasure vessels	Section 94 of the Public Health Acts Amendment Act 1907
(t)	To authorise erection of stiles etc on footpaths or bridleways²	Section 147 of the Highways Act 1980
(u)	To create footpath bridleway or restricted byway by agreement	Section 25 of the Highways Act 1980
(v)	To create footpaths bridleways and restricted byways	Section 26 of the Highways Act 1980
(w)	Duty to keep register of information with respect to maps, statements and declarations	Section 31A of the Highways Act 1980
(x)	To stop up footpaths bridleways and restricted byways	Section 118 of the Highways Act 1980
(y)	To determine application for public path extinguishment order	Sections 118ZA and 118C(2) of the Highways Act 1980
(z)	To make a rail crossing extinguishment order	Section 118A of the Highways Act 1980
(aa)	To divert footpaths bridleways and restricted byways	Section 119 of the Highways Act 1980

² Functions (t) – (ww) are limited to areas contained within the Definitive Map of Public Rights of Way. Functions (t), (ii), (jj) and (rr) are also delegated to the Director of City Development whose powers are not limited to areas contained within the Definitive Map of Public Rights of Way.

Officer Delegation Scheme (Council (non-executive) functions)

(bb)	To make a public path diversion order	Sections 119ZA and 119C(4) of the Highways Act 1980
(cc)	To make a rail crossing diversion order	Section 119A of the Highways Act 1980
(dd)	To make a special diversion order	Section 119B of the Highways Act 1980
(ee)	To require applicant for order to enter into agreement	Section 119C(3) of the Highways Act 1980
(ff)	To make an SSSI diversion order	Section 12B of the Highways Act 1980
(gg)	To keep register with respect to applications under sections 118ZA, 118C, 119ZA and 119C of the Highways Act 1980	Section 121B of the Highways Act 1980
(hh)	To decline to determine certain applications	Section 121C of the Highways Act 1980
(ii)	To assert and protect the rights of the public to use and enjoyment of highways	Section 130 of the Highways Act 1980
(jj)	To apply for variation of order under section 130B of the Highway Act 1980	Section 130B(7) of the Highways Act 1980
(kk)	To authorise temporary disturbance of surface of footpath bridleway or restricted byway	Section 135 Highways Act 1980
(ll)	To divert footpath bridleway or restricted byway temporarily	Section 135A of the Highways Act 1980
(mm)	To extinguish certain public rights of way	Section 32 of the Acquisition of Land Act 1981
(nn)	To keep definitive map and statement under review	Section 53 of the Wildlife and Countryside Act 1981
(oo)	To include modifications in other orders	Section 53A of the Wildlife and Countryside Act 1981
(pp)	To keep register of prescribed information with respect to applications under section 53(5) of the Wildlife and Countryside Act 1981	Section 53B of the Wildlife and Countryside Act 1981
(qq)	To prepare map and statement by way of consolidation of definitive map and statement	Section 57A of the Wildlife and Countryside Act 1981
(rr)	To designate footpath as cycle track	Section 3 of the Cycle Tracks Act 1984
(ss)	To extinguish public right of way over land acquired for clearance	Section 294 of the Housing Act 1981
(tt)	To authorise stopping up or diversion of footpath bridleway or restricted byway	Section 257 of the Town and Country Planning Act 1990
(uu)	To extinguish public rights of way over land held for planning purposes	Section 258 of the Town and Country Planning Act 1990
(vv)	To enter into agreements with respect to means of access	Section 35 of the Countryside and Rights of Way Act 2000
(ww)	To provide access in absence of agreement	Section 37 of the Countryside and Rights of Way Act 2000

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The Director Of City Development

With the exception of those matters where an appropriate Executive Member¹ has directed that the delegated authority should not be exercised and that the matter should be referred to the Executive Board for consideration² and with the exception of those matters reserved to the Executive Board³, the Director of City Development⁴ is authorised to discharge the following functions⁵:

1. Local choice functions which have been assigned to the Executive (see Section 1 of Part 3 of the Constitution):
 - (a) any function related to contaminated land;
 - (b) obtaining of information as to interests in land; and
 - (c) the making of agreements for the execution of highways works under S278 Highways Act 1980.

2. Any function of the Executive⁶ in relation to:
 - (a) the management of land (including valuation, acquisition, appropriation, disposal and other dealings with land or any interest in land);
 - (b) the operation of retail and wholesale markets and car boot sales;
 - (c) the promotion of economic development and economic led regeneration;
 - (d) the management of the city centre (including the promotion of the city centre and management of public spaces);
 - (e) building control (whether under the Building Act 1984 or otherwise);

¹ An "appropriate Executive Member" is the Leader or other appropriate portfolio-holding Member of the Executive Board.

² The Director may consider in respect of any matter that the delegated authority should not be exercised and that it should be referred for consideration to the Executive Board.

³ Certain disposals of land are currently required to be referred to an appropriate committee for consideration.

⁴ The fact that a function has been delegated to the Director does not require the Director to give the matter his/her personal attention and the Director may arrange for such delegation to be exercised by an officer of suitable experience and seniority. However the Director remains responsible for any decision taken pursuant to such arrangements.

⁵ "Function" for these purposes is to be construed in a broad and inclusive fashion and includes the doing of anything which is calculated to facilitate or is conducive or incidental to the discharge of any of the specified functions. The delegation also includes the appointment of the Director as "proper officer" for the purpose of any function delegated to him/her under these arrangements.

⁶ The Director of City Development will be mindful of the potential for conflicts of interest arising and will make appropriate arrangements in this respect.

Officer Delegation Scheme (Executive Functions)

- (f) the authority's role as highways authority and road traffic authority except in relation to parking enforcement;
- (g) safety at sports grounds;
- (h) flood and water management;
- (i) design services;
- (j) asset management⁸;
- (k) street naming and numbering;

~~(l) tourism and promotions;~~

~~(m) cultural services (including the arts, libraries, record repositories, museums and art galleries, public entertainments, halls and venues);~~

~~(n) sports facilities (excluding golf courses and outdoor pitches in parks);~~

~~(o) assets of community value~~

~~(p) area based housing led regeneration;~~

~~(q) vocational training and allied services for persons over compulsory school age, and the promotion of arrangements to assist persons to obtain employment and employers to obtain employees.~~

Deleted: (l) . environmental management and the formulation and implementation of environmental improvement programmes; ¶
¶

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(p) . cemeteries, crematoria, burial grounds and mortuaries; ¶
¶
<#>countryside management (including all matters relating to the provision and maintenance of footpaths and bridleways), and the provision and maintenance of landscaping schemes; and ¶

⁸ 'Asset management' includes the purchasing of energy under the terms of an energy supply contract (including the purchasing of energy for schools). The Director of City Development will consult with the appropriate Executive Member in this regard.

The Director Of Environment And Neighbourhoods

With the exception of those matters where an appropriate Executive Member¹, has directed that the delegated authority should not be exercised and that the matter should be referred to the Executive Board, for consideration², the Director of Environment and Neighbourhoods³ is authorised to discharge the following functions⁴:

1. Local choice functions which have been assigned to the Executive (see Section 1 of Part 3 of the Constitution):
 - (a) the service of an abatement notice in respect of a statutory nuisance;
 - (b) the passing of a resolution that schedule 2 of the Noise and Statutory Nuisance Act 1993 should apply in the authority's area;
 - (c) the inspection of the authority's area to detect any statutory nuisance;
 - (d) the investigation of any complaint as to the existence of a statutory nuisance; and
 - (e) the control of pollution or management of air quality.
2. Any function of the Executive in relation to
 - (a) the authority's role as housing authority⁶ excluding those functions which the authority has agreed, with the approval of the Secretary of State, that another person should exercise as agent of the authority⁷;
 - (b) the condition and occupation of housing;
 - (c) caravan sites and land occupied by travelling people;

¹ An "appropriate Executive Member" is the Leader or other appropriate portfolio-holding Member of the Executive Board

² The Director may consider in respect of any matter that the delegated authority should not be exercised and that it should be referred to the Executive Board for consideration

³ The fact that a function has been delegated to the Director does not require the Director to give the matter his/her personal attention and the Director may arrange for such delegation to be exercised by an officer of suitable experience and seniority. However the Director remains responsible for any decision taken pursuant to such arrangements.

⁴ "Function" for these purposes is to be construed in a broad and inclusive fashion and includes the doing of anything which is calculated to facilitate or is conducive or incidental to the discharge of any of the specified functions. The delegation also includes the appointment of the Director as "proper officer" for the purpose of any function delegated to him/her under these arrangements.

⁶ Including functions relating to Supporting People

⁷ These agreements have been made in accordance with Section 27 Housing Act 1985 - see further addendum 1

Officer Delegation Scheme (Executive Functions)

- (d) community safety and the reduction of crime and disorder (including the management of closed circuit TV);
- (e) environmental and consumer protection, health and safety other than in relation to Council employees, public health (including the investigation and control of notifiable diseases);
- (f) animal welfare;
- (g) development and implementation of municipal waste policy; and
- (h) streetscene management and related enforcement functions, including parking enforcement, street and gully cleansing, refuse collection, grounds maintenance, waste management, public conveniences, graffiti removal, fly-tipping and dog warden services.
- (i) environmental management and the formulation and implementation of environmental improvement programmes;
- (i) parks and countryside (including golf courses and outdoor pitches in parks);
- (k) cemeteries, crematoria, burial grounds and mortuaries;
- (l) countryside management (including all matters relating to the provision and maintenance of footpaths and bridleways), and the provision and maintenance of landscaping schemes.

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Deleted: (f) vocational training and allied services for persons over compulsory school age, and the promotion of arrangements to assist persons to obtain employment and employers to obtain employees.¶

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Report of the City Solicitor

Report to General Purposes Committee

Date: 25th June 2012

Subject: Appointment of the Independent Person

Are specific electoral Wards affected? If relevant, name(s) of Ward(s): n/a	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
Are there implications for equality and diversity and cohesion and integration?	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
Is the decision eligible for Call-In?	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
Does the report contain confidential or exempt information? If relevant, Access to Information Procedure Rule number: n/a Appendix number: n/a	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No

Summary of main issues

1. The purpose of this report is to present the General Purposes Committee with the recommendation of a Member Panel in relation to the appointment of an Independent Person.

2. Two candidates applied for the position of Independent Person, one of whom is the current Chair of the Standards Committee, Mr Gordon Tollefson. On the basis of his written application the panel agreed to recommend the appointment of Mr Gordon Tollefson as the Independent Person for a period of one year beginning on 11th July 2012.

Recommendations

3. Members of General Purposes Committee are asked to recommend that full Council appoints Mr Tollefson for a period of up to one year under the transitional arrangements contained in Article 7 of the Commencement Order.

1 Purpose of this report

- 1.1 The purpose of this report is to present the General Purposes Committee with the recommendation of a Member Panel in relation to the appointment of an Independent Person.

2 Background information

- 2.1 The role description and a short advertisement were placed on the Council's website for a five week period and written applications were invited by Monday 14th May 2012. The role description is attached to this report as Appendix 1.
- 2.2 A Member Working Group had previously been asked to nominate any suitable candidates for the position, and these nominated people were contacted and invited to apply. Two candidates applied for the position of Independent Person, one of whom is the current Chair of the Standards Committee, Mr Gordon Tollefson.

3 Main issues

- 3.1 A Member panel comprising the Chair designate of the Standards and Conduct Committee and the whips of the two largest opposition groups met to consider the two applications received on Tuesday 15th May 2012. As there were only two applicants, the panel decided that it was possible to make a recommendation on the basis of the written applications only.
- 3.2 As the arrangements under the Localism Act are new and the role of the Independent Person is slightly unclear, Members of the Panel agreed that the successful candidate should only be appointed for a period of one year in the first instance.
- 3.3 They also agreed that the Standards and Conduct Committee should review the new standards arrangements after one year to consider whether the new arrangements were fit for purpose. This review would include consideration of the role description and appointment of the Independent Person.
- 3.4 On the basis of his written application the panel agreed to recommend the appointment of Mr Gordon Tollefson as the Independent Person for a period of one year beginning on 11th July 2012.
- 3.5 Mr Tollefson retired from the NHS in January 2006 where he worked as a Senior Ambulance Service Manager. Mr Tollefson has served as a Magistrate in Leeds since 1994 and chairs Courts on a regular basis. Mr Tollefson is now a Executive Board Member of Leodis Healthcare Practice based Commissioning LLP, and became the Deputy Lord Lieutenant in 2008.
- 3.6 Mr Tollefson was also a member of the Leeds City Council Independent Remuneration Panel before joining the Standards Committee in May 2009 as a reserve Independent Member. Mr Tollefson went on to become the Chair of the Standards Committee from June 2010 to date.

4 Corporate Considerations

4.1 Consultation and Engagement

- 4.1.1 A Member Working Group considered the role description for the Independent Person during its meetings in February and March, and the role description was agreed by a meeting of the Whips on 27th March 2012.
- 4.1.2 The Whips also agreed that a smaller group of Members from the Member Working Group should comprise the short listing (and if necessary interview) panel for the position.

4.2 Equality and Diversity / Cohesion and Integration

- 4.2.1 There are no implications for equality and diversity or cohesion and integration arising from this report.

4.3 Council policies and City Priorities

- 4.3.1 The proposed new standards arrangements, of which the Independent Person is a part, are consistent with the principles in the Code of Corporate Governance, particularly principle three “Good Conduct and Behaviour”.

4.4 Resources and value for money

- 4.4.1 As the role of the Independent Person is new, the Head of Governance Services will be seeking a view as to the level of payment the role will attract from the Independent Remuneration Panel. This might be anywhere up to an annual retainer payment of £2,500. The Panel are due to consider this matter as part of their annual review work in June 2012.

4.5 Legal Implications, Access to Information and Call In

- 4.5.1 Sections 28(7) and (8) set out the role of the Independent Person and who is eligible to hold this position. According to sub-section (8)(b) a person is not eligible to be appointed as the Independent Person if at any time during the 5 years ending with the appointment the person was a member, co-opted member or officer of the relevant authority or of a Parish Council in the authority’s area. This would exclude former Independent Members of the Standards Committee from applying, as Independent Members are co-opted members of Leeds City Council.
- 4.5.2 However, Article 7 of The Localism Act 2011 (Commencement No.6 and Transitional Savings and Transitory Provisions) Order 2012 makes transitional provisions in relation to standards. Article 7 states that a person may be appointed by a relevant authority as the independent person if they are not a member or co-opted member of the standards committee of the relevant authority on 1st July 2012, but have held such a post at any time during the 5 years ending on 30th June 2012. This transitional provision only applies in relation to appointments made before 1st July 2013.

- 4.5.3 Government considers that this addresses the practical realities councils are facing in recruiting an independent person, but equally recognises the need for there to be a clean break with the Standards Board regime and that simultaneously being a member of an existing standards committee and an independent person for the incoming new arrangements risks a conflict of interest.
- 4.5.4 Therefore as Mr Tollefson's appointment as Chair of the Standards Committee ends on 30th June 2012 when the Standards Committee is abolished, he will be eligible to be appointed as the Independent Person on 11th July 2012.
- 4.5.5 Section 28(c) sets out that the vacancy for the Independent Person must be advertised in such a manner as the authority considers is likely to bring it to the attention of the public, the person must submit an application for the position, and their appointment must be approved by a majority of the members of the authority. The Head of Governance Services can confirm that the first two requirements have been complied with, and full Council will be asked to approve the appointment by a majority on 11th July 2012.
- 4.5.6 There are no implications for access to information arising from this report as there is no confidential or exempt information identified within the report. The decision is not open to call-in as the decision is a Council function.

4.6 Risk Management

- 4.6.1 There is a risk associated with not appointing the Independent Person until the 11th July 2012, in that there will be a period of ten days between the new standards regime coming into force and the Independent Person being appointed.
- 4.6.2 However, it is considered that this risk is acceptable given that it is unlikely that the services of the Independent Person would be urgently required during these ten days, especially as the subject Member of any complaint has a period of 28 days within which to attempt informal resolution.
- 4.6.3 In addition, if the Independent Person were to be appointed prior to the Localism Act coming into force, Mr Tollefson would have to resign as the Chair of the Standards Committee in order to be eligible for the position, which would cause difficulties should the Standards Committee be required to meet again before it is abolished.

5 Conclusions

- 5.1 The short listing and interview panel met to consider the two applications received on Tuesday 15th May 2012. As there were only two applicants, the panel decided that it was possible to make a recommendation on the basis of the written applications only.
- 5.2 On the basis of his written application the panel agreed to recommend the appointment of Mr Gordon Tollefson as the Independent Person for a period of one year beginning on 11th July 2012.
- 5.3 Members of the General Purposes Committee are asked to note the transitional arrangements contained in Article 7 of the Localism Act 2011 (Commencement

No.6 and Transitional Savings and Transitory Provisions) Order 2012, which are summarised in paragraphs 4.5.2 to 4.5.6 above.

6 Recommendations

- 6.1 Members of General Purposes Committee are asked to recommend that full Council appoints Mr Tollefson for a period of up to one year under the transitional arrangements contained in Article 7 of the Commencement Order.

7 Background documents¹

- 7.1 Chapter 7 of the Localism Act 2011
- 7.2 The Localism Act 2011 (Commencement No.6 and Transitional, Savings and Transitory Provisions) Order 2012
- 7.3 Email from the Department of Communities and Local Government, received 17th February 2012

¹ The background documents listed in this section are available for inspection on request for a period of four years following the date of the relevant meeting. Accordingly this list does not include documents containing exempt or confidential information, or any published works. Requests to inspect any background documents should be submitted to the report author.

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ROLE DESCRIPTION

POST TITLE:

INDEPENDENT PERSON OF LEEDS CITY COUNCIL

PURPOSE OF JOB

The purpose of an Independent Person is to help increase public confidence in ethical standards and provide a clear signal that the complaints process in relation to the Members' Code of Conduct is fair. The Independent Person will be asked to provide a view on all complaints that have been investigated, and this view must be taken into account by the Standards and Conduct Committee. In doing so, the Independent Person provides a check on vexatious or politically motivated complaints. The Independent Person may also be asked to provide a view by Members who are the subject of a complaint, who may feel victimised or pressured by a member or members of the council.

RESPONSIBILITIES

As an appointed Independent Person of Leeds City Council your responsibilities will be the following:

1. To consider and provide a view in relation to allegations of misconduct made against Members, co-opted members, or Parish Councillors;
2. To attend meetings of the Standards and Conduct Committee (as and when required) to answer questions in relation to their expressed view, and to provide any supplementary information; and
3. To respond to requests for advice from Members, co-opted members, or Parish Councillors who are subject to a complaint of misconduct.

RELATIONSHIPS

The Standards and Conduct Committee will be made up of seven Councillors. The postholder will also have regular contact with elected Members and co-opted members of Leeds City Council, Members of Parish and Town Councils in the Leeds area, the Monitoring Officer and Deputy Monitoring Officer.

LOCATION

Meetings of the Standards and Conduct Committee take place in Civic Hall. The Civic Hall is fully accessible to wheelchair users, including an adapted, unisex toilet. There are talking lifts with Braille markers, to all floors.

REMUNERATION

The payment to the Independent Person is likely to equate to the allowance currently payable to an Independent Member of the Standards Committee. This amount will be reviewed annually.

QUALIFICATIONS

To be eligible for the post:

- You cannot currently be a member, co-opted member or employee of Leeds City Council, or have held one of these positions within the five years before the date of appointment.
- You cannot currently be a member, co-opted member or employee of a Parish or Town Council in the Leeds area, or have held one of these positions within the five years before the date of appointment.
- You cannot be a relative or close friend of a member, co-opted member or employee of Leeds City Council or a Parish or Town Council in the Leeds area.
- You cannot be actively engaged in local party political activity.
- You must have filled in an application for the position.
- The appointment must have been approved by the majority of members i.e. the appointment has been ratified by a meeting of the Full Council.

PERSON SPECIFICATION

Detailed below are the type of skills, experience and knowledge which are required of applicants applying for the post. The “Essential Requirements” indicate the minimum requirements, and applicants lacking these attributes will not be considered for the post. The points detailed under “Desirable Requirements” are additional attributes to enable the applicant to perform the position more effectively or with little or no training. They are not essential, but may be used to distinguish between acceptable candidates.

SKILLS	Ess	Des	MOA
Ability to consider appropriate legal advice	✓		A/I
Tact and diplomacy in handling sensitive matters	✓		A/I
Independence of mind, objectivity and impartiality	✓		A/I
Ability to efficiently analyse and comprehend facts and complex information, identify relevant evidence and reach reasonable and sustainable decisions	✓		A/I
Ability to interact positively with other members of the authority, build positive working relationships with members of the Standards and Conduct Committee and identify and deal with conflict	✓		A/I
Ability to listen and, if necessary, probe by asking questions in order to obtain clarification of issues	✓		A/I
Ability to use appropriate IT facilities and programmes, such as email and Microsoft Word	✓		A

KNOWLEDGE	Ess	Des	MOA
Knowledge of the Standards and Conduct Committee procedure for considering and deciding complaints of misconduct		✓	I
Understanding of the code of conduct adopted by Leeds City Council, and the codes of conduct adopted by Parish and Town Councils in the Leeds area		✓	A/I
Knowledge of issues relating to standards in public life	✓		A/I

Understanding of the roles of political parties and groups in local government	✓		I
Knowledge of decision making structures and processes of Leeds City Council		✓	I

BEHAVIOURAL AND OTHER RELATED CHARACTERISTICS	Ess	Des	MOA
Available to commit sufficient time to the duties of the role (to be available to respond to Members who wish to discuss any complaints of misconduct against them within a reasonable timescale, to provide a view on complaints of misconduct which have been investigated within a reasonable timescale, and to attend meetings of the Standards and Conduct Committee as and when required)	✓		A/I
The successful candidate must possess appropriate IT facilities, including an email account which can receive confidential documents and is checked on a regular basis, or the candidate should be willing to purchase such equipment out of their allowance	✓		A
Willingness to undertake training on the interpretation of the code of conduct adopted by Leeds City Council and the codes of conduct adopted by Parish and Town Councils in the Leeds area, and other relevant issues	✓		A/I
Willingness to commit to and abide by the rules regarding confidentiality and exempt information adopted by Leeds City Council	✓		A/I
A professional approach and presentation	✓		I
An awareness of the sensitive and confidential nature of the work	✓		I

METHOD OF ASSESSMENT (MOA)	A = Application Form
	I = Interview

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