



GENERAL PURPOSES COMMITTEE

Meeting to be held in Civic Hall, Leeds, LS1 1UR on
Tuesday, 12th May, 2015 at 2.30 pm

MEMBERSHIP

Councillors

D Blackburn	Farnley and Wortley;
J Blake	Middleton Park;
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;
S Varley	Morley South;
K Wakefield (Chair)	Kippax and Methley;

Agenda compiled by:
Governance Services
Civic Hall
LEEDS LS1 1UR
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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 15.2 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 15.2, 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 DISCLOSABLE PECUNIARY AND OTHER INTERESTS</p> <p>To disclose or draw attention to any disclosable pecuniary interests for the purposes of Section 31 of the Localism Act 2000 and paragraphs 13-18 of the Members' Code of Conduct. Also to declare any other significant interests which the Member wishes to declare in the public interest, in accordance with paragraphs 19-20 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 12TH FEBRUARY 2015</p> <p>To receive the minutes of the meeting held on 12th February 2015</p>	1 - 4
7			<p>ANNUAL REVIEW OF CONSTITUTION</p> <p>To receive a report of the City Solicitor which proposes amendments to the Constitution following the Head of Governance Services' annual review.</p>	5 - 52

Item No	Ward/Equal Opportunities	Item Not Open		Page No
8			<p data-bbox="675 181 1390 248">WEBCASTING OF COUNCIL AND COMMITTEE MEETINGS</p> <p data-bbox="675 293 1406 725">To receive a report of the City Solicitor which seeks approval to continue with webcasting for Council meetings for a further 12 months by way of an extension to the existing contract with Public-i. and, if so, asks Members to determine the period of time by which the existing contract should be extended. The report also seeks approval for the trialling of webcasting technologies (for Executive Board and Plans Panels) within the new committee facilities on the west wing of the Civic Hall – with a view for a proposal being brought back to this committee in due course.</p> <p data-bbox="675 797 959 819">THIRD PARTY RECORDING</p> <p data-bbox="675 848 1401 943">Recording of this meeting is allowed to enable those not present to see or hear the proceedings either as they take place (or later) and to enable the reporting of those proceedings. A copy of the recording protocol is available from the contacts named on the front of this agenda.</p> <p data-bbox="675 969 1177 992">Use of Recordings by Third Parties– code of practice</p> <p data-bbox="675 1019 1406 1261"> a) Any published recording should be accompanied by a statement of when and where the recording was made, the context of the discussion that took place, and a clear identification of the main speakers and their role or title. b) Those making recordings must not edit the recording in a way that could lead to misinterpretation or misrepresentation of the proceedings or comments made by attendees. In particular there should be no internal editing of published extracts; recordings may start at any point and end at any point but the material between those points must be complete. </p>	53 - 58

GENERAL PURPOSES COMMITTEE

THURSDAY, 12TH FEBRUARY, 2015

PRESENT: Councillor P Gruen in the Chair

Councillors D Blackburn, J Blake, S Golton,
G Latty, J Lewis, A Lowe, E Nash,
J Procter, M Rafique, B Selby (as
Substitute for K Wakefield) and S Varley

Apologies Councillor K Wakefield

31 Election of Chair

RESOLVED – Councillor P Gruen was elected as Chair for the duration of the meeting.

32 Appeals against refusal of inspection of documents

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

33 Exempt Information - possible exclusion of the press and public

There were no resolutions to exclude the public.

34 Late items

There were no formal late items submitted for consideration. However supplementary information in relation to agenda item 8 “Community Governance Review Recommendations on whether to Create a New Town Council for Guiseley” was circulated prior to the meeting, this was a map which highlighted different boundaries for the proposed Town Council.

35 Declaration of Disclosable Pecuniary and Other Interests

No declarations were made.

36 Apologies for absence

There were apologies from Councillor Wakefield. Councillor Selby was in attendance as substitute.

37 Minutes - 25th November 2014

RESOLVED – The minutes were approved as a correct record.

38 Approval of the 2015/16 Pay Policy Statement

The Head of HR (Strategy and Resources) presented a report of the Chief Officer HR which sought Members' views on the revised Pay Policy Statement and for the Committee to make recommendations to full Council to approve the changes before the start of the 2015/16 financial year.

RESOLVED – The Committee resolved to:

- (a) recommend to full Council that the updated 2015/16 financial year pay policy statement be adopted;
- (b) Recommend to full Council that any required in year amendment to the Annual Pay Policy Statement in respect of the JNC pay scale be delegated to the Chief Officer HR; and
- (c) That the assurances from the Deputy Chief Executive be noted.

39 Community Governance Review recommendations on whether to create a new Town Council for Guiseley

The Head of Licensing and Registration presented his report which considered Electoral Working Group's (EWG's) recommendations following the petition from electors in polling districts from the Guiseley and Rawdon ward to establish a new Town Council for Guiseley.

The Chair proposed an amendment to the recommendations made by the Electoral Working Group by way of the circulation of a map detailing an alternative boundary for the creation of a Guiseley Town Council based on polling districts GRD, GRI, GRC, GRK and GRJ (thereby omitting polling districts GRA and GRB from the original petition proposal) (Minute 34 refers.)

The Head of Licensing and Registration confirmed that the local authority had powers to amend the boundaries of a petition as part of the Community Governance Review process.

The amendment was put to the vote and it was:

RESOLVED – that full Council be recommended to approve the creation of a Guiseley Town Council, at the earliest opportunity, to be comprised of polling districts GRD, GRI, GRC, GRK and GRJ.

40 Date and Time of Next Meeting

The Committee were informed that there was no business scheduled for its meeting on 10th March 2015 and were asked to consider cancelling the meeting.

It was noted the next meeting after this would be at 1:30pm on Thursday 21st May 2015.

RESOLVED – The Committee resolved to cancel the meeting scheduled for 2.00pm on Tuesday 10th March 2015

Draft minutes to be approved at the meeting
to be held on Tuesday, 12th May 2015

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Report author: Kate Sadler

Tel: 0113 39 51711

Report of the City Solicitor

Report to General Purposes Committee

Date: 12th May 2015

Subject: Annual Review of Constitution

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. Each year the Head of Governance Services undertakes a review of the Constitution to ensure that it is up to date, fit for purpose, embedded and routinely complied with.
2. As a result of this review the Head of Governance Services recommends a number of amendments to the Constitution for the reasons set out in this report.

Recommendations

3. The Committee are asked to recommend the proposed amendments as listed below¹ to the Annual Council Meeting for approval.
 - Article 1 (Appendix A)
 - Article 4 (Appendix B)
 - Article 6 (Appendix J)
 - Scrutiny Board Terms of Reference (Appendices C-H)
 - Corporate Governance and Audit Committee Terms of Reference (Appendix K)
 - Scrutiny Board Procedure Rules (Appendix I)

¹ Documents are listed in the order they appear in the Constitution although their appendix placement is based on their position in this report.

1 Purpose of this report

- 1.1 This report proposes amendments to the Constitution following the Head of Governance Services' annual review.

2 Background information

2.1 City Priority Plans

- 2.2 The City Priority Plan was originally drawn up for the period 2011-15 as a city-wide partnership plan, bringing together a number of priorities to help deliver the longer term Vision for Leeds 2011-30. It identified the key outcomes and priorities to be delivered by the Council and its partners over those four years and informed a subset of five individual City Priority Plans for the five strategic partnership boards: the Children's Trust Board; Sustainable Economy and Culture Board; Safer and Stronger Communities Board; Health & Wellbeing Board; and Housing & Regeneration Board. The Council's contribution to the city-wide priorities was set out in the Council Business Plan.

- 2.3 Since 2011, the Council Business Plan has evolved and is now termed the 'Best Council Plan'. On 18th March 2015, the Executive Board approved a refreshed Best Council Plan, updated for 2015/16. This Plan sets out the Council's objectives for the next twelve months and the direction and narrative for the five years up to 2020. It draws on and makes links to a range of supporting plans, many of which are city-wide partnership plans – for example, the Children & Young People's Plan and the Health & Wellbeing Strategy.

2.4 Internal Audit Arrangements

- 2.5 The Public Sector Internal Audit Standards (PSIAS), which superseded the 2006 CIPFA Code of Practice for Internal Audit in Local Government in the UK, came into force on 1st April 2013.

2.6 Realignment of Scrutiny Boards

- 2.7 In May 2012 Council agreed to amend the Boards terms of reference to facilitate scrutiny of key partnerships in which the Council was involved. Consequently Scrutiny Boards were aligned to the then existing partnerships. Over the past two years these partnerships have either ceased to exist in their original form or have been disbanded completely.

3 Main issues

3.8 City Priority Plans

- 3.9 The themes of strong partnership working, tackling inequalities, improving outcomes for all our citizens and ultimately helping Leeds to become the best city in the UK - the Vision for Leeds - run throughout the Best Council Plan. Specific partnership plans continue to be developed and updated. As such, there is no longer a requirement for a separate 'City Priority Plan' document. It is therefore proposed that the reference to the City Priority Plan should be removed from

within the Council's Policy Framework, and replaced where appropriate with reference to the Best Council Plan.

- 3.10 Proposed amendments to Articles 1 and 4 are shown at Appendix A and B attached.
- 3.11 Realignment of Scrutiny Boards
- 3.12 Each year, the Scrutiny Officer conducts a review of scrutiny arrangements to ensure that they are fit for purpose. This year, the focus of the review has been to consider the Board's terms of reference.
- 3.13 In the light of changes to the Council's key partnerships the Scrutiny Officer proposes that the terms of reference for Scrutiny Boards be drafted to mirror the executive Functions of the Council's directorates. This would maintain the same number of Scrutiny Boards and provide greater clarity over the respective remit of each Scrutiny Board.
- 3.14 A revision to the terms of reference as described above would also result in amendments to Scrutiny Board Procedure Rule 10.3 with the removal of the requirement that Scrutiny Boards should consider and report each municipal year on the activities of the Partnership Boards.
- 3.15 Proposed amendments to the terms of reference and to the Scrutiny Board Procedure Rules are set out in the attached Appendices C – I.
- 3.16 Article six of the Constitution describes the functions of the Council's Scrutiny Boards. The Council has adopted a Vision for Scrutiny, which is attached as an Annex to Article six. In addition to the amendments consequential on the realignment of the Scrutiny boards the Scrutiny Officer proposes that the Vision be updated to reflect the growing need to manage the resources available to Scrutiny more closely and the importance of ensuring added value in the work undertaken by Scrutiny.
- 3.17 The proposed amendments to Article 6 (Scrutiny Boards) are set out in Appendix J.
- 3.18 All amendments in appendices C to J have been discussed with the Leader and Deputy Leader, with Scrutiny Chairs and with the Corporate Leadership Team.
- 3.19 Internal Audit Arrangements
- 3.20 The Accounts and Audit Regulations 2015 state that '*A relevant authority must undertake an effective internal audit to evaluate the effectiveness of its risk management, control and governance processes, taking into account public sector internal auditing standards or guidance*'.

- 3.21 The PSIAS require the Corporate Governance and Audit Committee to review and approve:
- The internal audit charter;
 - The risk-based audit plan;
 - Any additional significant work not already included in the audit plan. The Internal Audit Charter defines significant as the equivalent of 5% of the annual planned audit days and in 2015/16 this would be the equivalent of 210 days.
- 3.22 The Deputy Chief Executive, as the council's Section 151 Officer, is responsible under the Local Government Act for ensuring that there are arrangements in place for the proper administration of the Authority's financial affairs. Part of the function of Internal Audit is to provide assurance on these arrangements so it is necessary to consider the level and extent of internal audit coverage of the council's activities by developing a risk based audit plan. The audit plan is prepared by the Head of Audit and agreed by the Deputy Chief Executive in his role as the council's Section 151 Officer before being submitted to CGAC for review and approval. The Head of Audit should then report on performance against the plan at a frequency to be determined by the committee.
- 3.23 Finally the Head of Audit is required to report to CGAC on an annual basis:
- That the internal audit activity is organisationally independent; and
 - The results of the Quality Assurance and Improvement Programme together with any progress against improvement plans.
- 3.24 It is proposed that amendments are made to the Corporate Governance and Audit Committee Terms of Reference as set out at Appendix K attached in order to give effect to these requirements.

4 Corporate Considerations

4.1 Consultation and Engagement

- 4.1.3 Consultation arrangements in relation to each proposal are set out within the body of the report.

4.2 Equality and Diversity / Cohesion and Integration

- 4.2.1 There are no implications for this report.

4.3 Council policies and City Priorities

- 4.3.1 All amendments are in line with the Council's Code of Corporate Governance, particularly with regard to the principles of focussing on the Council's purpose and community needs; having clear responsibilities and arrangements for accountability; and taking informed and transparent decisions which are subject to effective scrutiny and risk management.

4.4 Resources and value for money

4.4.1 Resource and value for money implications are outlined as appropriate within the main body of this report.

4.5 Legal Implications, Access to Information and Call In

4.5.1 The amendments proposed are in line with legislation and bring the constitution up to date where relevant legislation has been introduced or updated.

4.6 Risk Management

4.6.1 There are no implications for this report.

5 Conclusions

5.1 A number of amendments are necessary to ensure that the Council's constitution is up to date and fit for purpose.

6 Recommendations

6.1 The Committee are asked to recommend the proposed amendments as listed below to the Annual Council Meeting for approval.

- Article 1 (Appendix A)
- Article 4 (Appendix B)
- Article 6 (Appendix J)
- Scrutiny Board Terms of Reference (Appendices C-H)
- Corporate Governance and Audit Committee Terms of Reference (Appendix K)
- Scrutiny Board Procedure Rules (Appendix I)

7 Background documents²

7.1 None

² The background documents listed in this section are available to download from the Council's website, unless they contain confidential or exempt information. The list of background documents does not include published works.

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ARTICLE 1 – THE CONSTITUTION**1.1 POWERS OF THE COUNCIL**

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

1.2 PURPOSE OF THE COUNCIL

The primary purposes of the Council are set out in its ~~City Priority Plans~~Best Council Plan. In delivering these objectives the Council will ensure the:

- operation of clear, accountable and efficient decision-making processes;
- design, securing and delivery of services which put the needs of the public first, are non-discriminatory and are appropriate to the different needs within the community; including having arrangements to make information accessible in appropriate formats if required;
- prioritisation of services and targeting resources to communities and individuals in greatest need;
- provision of an opportunity for citizens to get involved and make their views heard;
- resolution of the major issues confronting the city through effective partnerships with other public, private and voluntary organisations;
- consideration of the long-term implications of decisions on the environmental, social and economic well-being of the City; and
- consideration of the impact of decisions upon the City's diverse and disadvantaged communities and the positive promotion of equality of opportunity.

1.3 THE CONSTITUTION

This Constitution, (Parts 1 – 7), is the Constitution of Leeds City Council.

1.4 THE PURPOSE OF THE CONSTITUTION

The Constitution sets out everything anyone who has dealings with the Council would need to know about how the Council conducts its business, who takes which decisions and how to work with the Council.

The purpose of the Constitution, therefore, is to:

- enable the Council to provide visible, accountable and effective leadership to the community in partnership with citizens, businesses and other organisations;

Article 1 - The Constitution

- support the active involvement of citizens in the process of local authority decision-making;
- help Councillors represent their constituents more effectively;
- enable decisions to be taken efficiently and effectively;
- create a powerful and effective means of holding decision-makers to public account;
- ensure that no-one will review or scrutinise a decision in which they were directly involved;
- ensure that those responsible for decision making are clearly identifiable to local people and they explain the reasons for decisions; and
- provide a means of improving the delivery of services to the community.

1.5 INTERPRETATION AND REVIEW OF THE CONSTITUTION

Where the Constitution permits the Council to choose between different courses of action, the Council will always choose that option which it thinks is closest to the purposes stated above.

The Council will monitor and evaluate the operation of the Constitution as set out in Article 15.

ARTICLE 4 – THE FULL COUNCIL

4.1 MEANINGS

• Policy Framework

The Policy Framework means the following plans and strategies:

- (i) those required by the Local Authorities (Functions and Responsibilities) (England) 2000 to be adopted by the Council¹:
- Safer Leeds Strategy²
 - Development plan documents³
 - Licensing Authority Policy Statement⁴
 - Plans and alterations which together comprise the Development Plan
 - Vision for Leeds⁵
 - Youth Justice Plan⁶
- (ii) other plans and strategies adopted by the Council⁷:
- Best Council Plan
 - Children and Young Peoples Plan⁸
 - ~~Sustainable Economy and Culture City Priority Plan~~
 - ~~Regeneration City Priority Plan~~
 - Local Flood Risk Management Strategy⁹

Additional plans and strategies may be approved or adopted as part of the Policy Framework from time to time.

• Budget

The budget includes the allocation of financial resources to different services and projects, proposed contingency funds, the Council Tax base, setting the Council Tax and decisions relating to the control of the Council's borrowing requirement, the control of its capital expenditure and setting of virement limits.

¹ The 2000 Regulations specify that the council's annual library plan needs to be part of this framework. The council is not however currently required to produce a library plan.

² This fulfils the requirement to produce a Crime and Disorder Reduction Strategy

³ Section 15 Planning and Compulsory Purchase Act 2004

⁴ This is the policy statement under the Gambling Act 2005.

⁵ This is the authority's Sustainable Community Strategy, which is prepared and modified under Section 4 Local Government Act 2000.

⁶ Section 40 Crime and Disorder Act 1998 - this is included within the Children and Young Peoples Plan

⁷ In accordance with Schedule 4 of the Regulations

⁸ ~~This includes within it the Children and Families City Priority Plan~~

⁹ Section 9 Flood and Water Management Act 2010

- **Housing Land Transfer**

Housing Land Transfer means the approval or adoption of applications (whether in draft form or not) to the Secretary of State to dispose of land used for residential purposes where approval is required under sections 32 or 43 of the Housing Act 1985.

4.2 **FUNCTIONS OF THE FULL COUNCIL**

Only the Council will exercise the following functions:

- adopting and changing the Constitution¹⁰;
- appointing the Leader;
- all local choice functions set out in Part 3 of this Constitution which the Council decides should be undertaken by itself rather than the Executive, except where those functions have been delegated by the Council;
- all those functions of the full Council set out in Section 2A of Part 3 of the Constitution; and
- all other matters which, by law, must be reserved to the Council.

4.3 **COUNCIL MEETINGS**

There are three types of Council meeting:

- The annual meeting
- Ordinary meetings
- Extraordinary meetings

and they will be conducted in accordance with the Council Procedure Rules in Part 4 of this Constitution.

4.4 **RESPONSIBILITY FOR FUNCTIONS**

The Council will maintain the documents in Part 3 of this Constitution setting out the responsibilities for the Council's functions which are not the responsibility of the Executive.

¹⁰ Except as provided for by Article 15.2

Scrutiny Board (~~Strategy and Resources and Council Services~~)

The Scrutiny Board (~~Strategy and Resources and Council Services~~) is authorised to discharge the following overview and scrutiny functions¹:

1. to review or scrutinise decisions made or other action taken in connection with any council or executive function or any matter which affects the authority's area or the inhabitants of that area;²
- ~~2. to receive and consider requests for Scrutiny from any source;~~
- ~~3. to review or scrutinise the performance of such Trust / Partnership Boards as fall within its remit~~
- ~~2. to carry out such other reviews or policy development tasks as it may be requested to do by either the Executive Board or the Council;~~
- ~~3.4. _____ to act as the appropriate Scrutiny Board³ in relation to the Executive's initial proposals for a plan or strategy⁴ within the Budget and Policy Framework which falls within its remit;⁵~~
- ~~4.5. _____ to review or scrutinise executive decisions⁶ that have been Called In; and~~
- ~~5. to review outcomes, targets and priorities within the Council Business Plan;~~
- ~~6. to receive requests for scrutiny and councillor calls for action and undertake any subsequent work; and~~
- ~~7.6. _____ to make such reports and recommendations as it considers appropriate and to receive and monitor formal responses to any reports or recommendations made.~~

¹ In relation to functions delegated under the Officer Delegation Schemes for the Chief Executive, the Deputy Chief Executive, ~~the Assistant Chief Executive (Citizens and Communities) (except in relation to function (a))~~, and the City Solicitor (whether or not those functions are concurrently delegated to any other committee or officer); and any other function not within the terms of reference of any other Scrutiny Board.

² Including matters pertaining to outside bodies and partnerships to which the authority has made appointments

³ Under the Budget and Policy Framework Procedure Rules

~~⁴ Namely the Licensing Authority Policy Statement, the Vision for Leeds, the Council Business Plan and the Budget, and any other plan or policy which shall be added to the Policy Framework and is not included within the Terms of Reference of any other Scrutiny Board.~~

⁵ Including in relation to the Budget

~~⁶ Other than those within the Terms of Reference of any other Scrutiny Board~~

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Scrutiny Board (~~Safer and Stronger~~Citizens and Communities)

The Scrutiny Board (~~Safer and Stronger~~Citizens and Communities) is authorised to discharge the following overview and scrutiny functions¹:

1. to review or scrutinise decisions made or other action taken in connection with any council or executive function of any matter which affects the authority's area or the inhabitants of that area;²

2. to receive and consider requests for Scrutiny from any source;

- ~~2.3.~~ _____ to review ofr_ scrutinise the performance of the Safer and Stronger Communitiessuch Trust / Partnership Boards as fall within its remit³;

~~3. to carry out such other reviews or policy development tasks as it may be requested to do by either the Executive Board or the Council;~~

4. to act as the appropriate Scrutiny Board in relation to the Executive's initial proposals for a ~~relevant~~ plan or strategy⁴ within the Budget and Policy Framework which falls within its remit;⁵

5. to review or scrutinise executive decisions that have been Called In;

~~6. to exercise the functions of a crime and disorder committee⁶, including the following:~~

~~a. to review or scrutinise the exercise of crime and disorder functions⁷ by responsible authorities;⁸~~

~~b.a. _____ to review or scrutinise any local crime or disorder matter raised by a Member;⁹ and~~

¹ In relation to the functions delegated to the ~~Director of Environment and Housing under the Officer Delegation Scheme (Council Functions) and the Officer Delegation Scheme (Executive Functions) at paragraphs 1 (a) to (e) and 2 (d) to (l) and the Assistant Chief Executive (Citizens and Communities) under the Officer Delegation Scheme (Executive Functions) at paragraph (a)~~ whether or not those functions are concurrently delegated to any other committee or officer.

² Including matters pertaining to outside bodies and partnerships to which the authority has made appointments

~~³ The Scrutiny Board has a duty to do this each municipal year — Scrutiny Board Procedure Rule 10.3~~

~~⁴ Namely the Safer and Stronger Communities Plan~~

⁵ In accordance with Budget and Policy Framework Procedure Rules.

~~⁶ In accordance with Section 19 Police and Justice Act 2006~~

~~⁷ As defined by Section 6 Crime and Disorder Act 1998 (formulating and implementing crime and disorder strategies).~~

~~⁸ These are the authorities responsible for crime and disorder strategies set out in Section 5 of the Crime and Disorder Act 1998~~

~~⁹ This is any matter concerning—~~

~~a) crime and disorder (including in particular forms of crime and disorder that involve anti-social behaviour or other behaviour adversely affecting the local environment), or~~

~~b) the misuse of drugs, alcohol and other substances in that area.~~

~~which affects all or part of the electoral area for which the Member is elected or any person who lives or works in that area.~~

~~7. to review outcomes, targets and priorities within the Council Business Plan and Best city... for communities priorities within the City Priority Plan;~~

~~8. to receive requests for scrutiny and councillor calls for action and undertake any subsequent work; and~~

9.6. _____ to make such reports and recommendations as it considers appropriate and to receive and monitor formal responses to any reports or recommendations made by the Board.

Scrutiny Board (~~Children and Families~~Children's Services)

The Scrutiny Board (~~Children and Families~~Children's Services) is authorised to discharge the following overview and scrutiny functions¹:

1. to review or scrutinise decisions made or other action taken in connection with any council or executive function or any matter which affects the authority's area or the inhabitants of that area;²
2. to receive and consider requests for Scrutiny from any source;
- ~~2.3.~~ to review or scrutinise the performance of ~~the Children's Trust Board;~~³ such Trust / Partnership Boards as fall within its remit
- ~~3.4.~~ to carry out such other reviews or policy development tasks as it may be requested to do by either the Executive Board or the Council;
- ~~4.5.~~ to act as the appropriate Scrutiny Board in relation to the Executive's initial proposals for a relevant plan or strategy⁴ within the Budget and Policy Framework which falls within its remit;⁵
- ~~5.6.~~ to review or scrutinise executive decisions that have been Called In; and
- ~~6.~~ to review outcomes, targets and priorities within the Council Business Plan and the Best city... for children and young people priorities within the City Priority Plan;
- ~~7.~~ to receive requests for scrutiny and councillor calls for action and undertake any subsequent work; and
- ~~8.7.~~ to make such reports and recommendations as it considers appropriate and to receive and monitor formal responses to any reports or recommendations made.

¹ In relation to functions delegated to the Director of Children's Services under the Officer Delegation Scheme whether or not those functions are concurrently delegated to any other committee or officer.

² Including matters pertaining to outside bodies and partnerships to which the authority has made appointments.

~~³ The Scrutiny Board has a duty to do this each municipal year – Scrutiny Board Procedure Rule 10.3~~

~~⁴ Namely the Youth Justice Plan and the Children and Young Peoples Plan~~

⁵ In accordance with Budget and Policy Framework Procedure Rules.

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Scrutiny Board (~~Sustainable Economy and Culture~~City Development)

The Scrutiny Board (~~Sustainable Economy and Culture~~City Development) is authorised to discharge the following overview and scrutiny functions¹:

1. to review or scrutinise decisions made or other action taken in connection with any council or executive function, or any matter which affects the authority's area or the inhabitants of that area;²

~~2. to receive and consider requests for Scrutiny from any source;~~

~~2.3. _____ to review or scrutinise the performance of the Sustainable Economy and Culture Trust / Partnership Boards as fall within its remit;³~~

~~3. to carry out such other reviews or policy development tasks as it may be requested to do by either the Executive Board or the Council.~~

4. to act as the appropriate Scrutiny Board in relation to the Executive's initial proposals for a relevant plan or strategy⁴ within the Budget and Policy Framework which falls within its remit;⁵

5. to review or scrutinise executive decisions that have been Called In;

6. to review and scrutinise the exercise by risk management authorities⁶ of flood risk management functions⁷ which may affect the Leeds City Council area;⁸
and

~~7. to review outcomes, targets and priorities within the Council Business Plan and the Best City for business priorities within the City Priority Plan;~~

~~8. to receive requests for scrutiny and councillor calls for action and undertake any subsequent work; and~~

¹ In relation to functions delegated to the Director of City Development ~~under the Officer Delegation Scheme (Council (non-executive) Functions) and the Officer Delegation Scheme (Executive Functions) at paragraphs 1(a) to (c) and 2(a) to (o) and (q), and the Chief Planning Officer under the Officer Delegation Scheme (Council functions) at Section 2, and the Officer Delegation Scheme (Executive Functions) at paragraph (a)~~ whether or not those functions are concurrently delegated to any other committee or officer.

² Including matters pertaining to outside bodies and partnerships to which the authority has made appointments.

~~³ relating to economic led regeneration. The Scrutiny Board has a duty to do this each municipal year – Scrutiny Board Procedure Rule 10.3~~

~~⁴ Namely the Development Plan Documents, Plans and alterations which together comprise the Development Plan, the Sustainable Economy and Culture City Priority Plan and the Local Flood Risk Management Strategy.~~

⁵ In accordance with Budget and Policy Framework Procedure Rules.

⁶ As defined by Section 6 Flood and Water Management Act 2010

⁷ As defined by Section 4 Flood and Water Management Act 2010

⁸ In accordance with Section 9FH Local Government Act 2000

Council Committees' Terms of Reference

9.7. _____ to make such reports and recommendations as it considers appropriate and to receive and monitor formal responses to any reports or recommendations made.

Scrutiny Board (Environment and Housing ~~and Regeneration~~)

The Scrutiny Board (Environment and Housing ~~and Regeneration~~) is authorised to discharge the following overview and scrutiny functions¹:

1. to review or scrutinise decisions made or other action taken in connection with any council or executive function or any matter which affects the authority's area or the inhabitants of that area;²
2. to receive and consider requests for Scrutiny from any source;
3. to review or scrutinise the performance of such Trust / Partnership Boards as fall within its remit
- ~~2. to carry out such other reviews or policy development tasks as it may be requested to do by either the Executive Board or the Council;~~
- ~~3.4. _____ to act as the appropriate Scrutiny Board in relation to the Executive's initial proposals for a relevant plan or strategy³ within the Budget and Policy Framework which falls within its remit;⁴~~
- ~~4.5. _____ to review or scrutinise executive decisions that have been Called In;~~
- ~~5. to review outcomes, targets and priorities within the Council Business Plan and the Best city to live priorities within the City Priority Plan;~~
- ~~6. to receive requests for scrutiny and councillor calls for action and undertake any subsequent work; and~~
6. to exercise the functions of a crime and disorder committee⁵, including the following:
 - a. to review or scrutinise the exercise of crime and disorder functions⁶ by responsible authorities;⁷
 - b. to review or scrutinise any local crime or disorder matter raised by a Member;⁸ and

¹ In relation to functions delegated to the Director of Environment and Housing under the Officer Delegation Scheme (Executive Functions) ~~paragraphs 2(a) to (c), and to the Director of City Development under the Officer Delegation Scheme (Executive Functions) paragraph 2(p)~~ whether or not those functions are concurrently delegated to any other committee or officer.

² Including matters pertaining to outside bodies and partnerships to which the authority has made appointments.

~~³ Namely the Regeneration City Priority Plan.~~

⁴ In accordance with Budget and Policy Framework Procedure Rules.

⁵ In accordance with Section 19 Police and Justice Act 2006

⁶ As defined by Section 6 Crime and Disorder Act 1998 (formulating and implementing crime and disorder strategies).

⁷ These are the authorities responsible for crime and disorder strategies set out in Section 5 of the Crime and Disorder Act 1998

⁸ This is any matter concerning –

Council Committees' Terms of Reference

7. to make such reports and recommendations as it considers appropriate and to receive and monitor formal responses to any reports or recommendations made.

a) crime and disorder (including in particular forms of crime and disorder that involve anti-social behaviour or other behaviour adversely affecting the local environment), or
b) the misuse of drugs, alcohol and other substances in that area.
which affects all or part of the electoral area for which the Member is elected or any person who lives or works in that area.

Scrutiny Board (~~Health and Well-being and Adult Social Care Services, Public Health, NHS~~)

The Scrutiny Board (~~Health and Well-being and Adult Social Care Services, Public Health, NHS~~) is authorised to discharge

1. the following overview and scrutiny functions:¹

a) to review or scrutinise decisions made or other action taken in connection with any council or executive function or any matter which affects the authority's area or the inhabitants of that area;²

~~b) to receive and consider requests for Scrutiny from any source;~~

~~b) to review or scrutinise the performance of such Trust / Partnership Boards as fall within its remit to review or scrutinise the performance of the Health and Wellbeing Board;~~³

~~c) to carry out such other reviews or policy development tasks as it may be requested to do by the Executive Board, the Council or the Health and Wellbeing Board;~~

~~d) c) to act as the appropriate Scrutiny Board in relation to the Executive's initial proposals for a relevant plan or strategy⁴ within the Budget and Policy Framework which falls within its remit;⁵~~

~~e) d) to review or scrutinise executive decisions that have been Called In;~~

~~f) to review outcomes, targets and priorities within the Council Business Plan and the Best city for...health and wellbeing priorities in the City Priority Plan;~~

~~g) to receive requests for scrutiny and councillor calls for action and undertake any subsequent work; and~~

~~h) e) to make such reports and recommendations as it considers appropriate and to receive and monitor formal responses to any reports or recommendations made.~~

2. the following functions of the authority:⁶

¹ In relation to functions delegated to the Director of Adult Social Services and the Director of Public Health under the Officer Delegation Scheme whether or not those functions are concurrently delegated to any other committee or officer, and functions exercised by the Health and Wellbeing Board.

² Including matters pertaining to outside bodies or partnerships to which the authority has made appointments.

~~³ The Scrutiny Board has a duty to do this each municipal year – Scrutiny Board Procedure Rule 10.3~~

~~⁴ Namely the Health and Wellbeing City Priority Plan.~~

⁵ In accordance with Budget and Policy Framework Procedure Rules.

⁶ In accordance with regulations issued under Section 244 National Health Service Act 2006 (the regulations).

Council Committees' Terms of Reference

- a) to review and scrutinise any matter relating to the planning, provision and operation of the health service in its area and to make reports and recommendations on any such matter it has reviewed or scrutinised;
- b) to comment on, make recommendations about, or report to the Secretary of State in writing about such proposals as are referred to the authority by a relevant NHS body or a relevant health service provider; and
- c) to nominate Members to any joint overview and scrutiny committee appointed by the authority.⁷

⁷ such nominations to reflect the political balance of the Board.

SCRUTINY BOARD PROCEDURE RULES

1.0 GENERAL ARRANGEMENTS

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

1.2 No Scrutiny Board may include an Executive Board Member.

1.3 Working Groups

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

1.4 Co-opted Members

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

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

1.5 Education Representatives

The Scrutiny Board (Children's ~~Services and Families~~) shall confirm the appointment of education representatives in accordance with Article 6 of the Constitution.

Any education representative appointed in accordance with Article 6 of the Constitution, shall serve as an education representative on all relevant Scrutiny Boards.¹

1.6 Matters within the terms of reference of more than one Scrutiny Board

The Scrutiny Officer², after consultation with Scrutiny Chairs, shall arrange for any matter to be dealt with, where it falls within the terms of reference of more than one Scrutiny Board.

2.0 DECLARATIONS OF INTEREST

2.1 Elected Members and voting co-opted members of Scrutiny Boards must observe the Member's Code of Conduct.

¹ A Scrutiny Board is a relevant Scrutiny Board where the Board's functions relate wholly or in part to any education functions which are the responsibility of the authority's executive.

² Designated in accordance with Section 9FB Local Government Act 2000 (the 2000 Act). See further Article 6

3.0 FREQUENCY AND PLACE OF MEETINGS OF THE SCRUTINY BOARDS

- 3.1 Extraordinary meetings may be called from time to time as and when appropriate.
- 3.2 A Scrutiny Board meeting may be called by
- the Chair of the relevant Scrutiny Board; or
 - any three Members of the Board; or
 - the Scrutiny Officer if he/she considers it necessary or appropriate.
- 3.3 A Scrutiny Board may sit at such place and at such time as it considers necessary and appropriate.

Crime and disorder functions

- 3.4 The Scrutiny Board (~~Safer and Stronger~~ Citizens and Communities) must meet as the Scrutiny Board considers appropriate to review or scrutinise the exercise of crime and disorder functions³ by responsible authorities⁴, but no less than once in every twelve month period⁵.

4.0 QUORUM / SUBSTITUTE MEMBERS

- 4.1 The quorum for a Scrutiny Board shall be as set out for committees in the Council Procedures Rules in Part 4 of this Constitution.
- 4.2 The Council shall appoint substitute members, comprising all other members of the other Scrutiny Boards.
- 4.3 A substitute Member shall be entitled to attend a meeting of a Scrutiny Board in place of a regular Member.

5.0 NOTICES OF MEETINGS

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

6.0 ADMISSION TO MEETINGS

- 6.1 Subject to any statutory prohibitions and to Rule 6.2 below, all meetings of a Scrutiny Board shall be open to the public in accordance with the Access to Information Procedure Rules⁶. This shall be without prejudice to any power of exclusion to suppress or prevent disorderly conduct or other misbehaviour at a meeting.

³ As defined by Section 6 Crime and Disorder Act 1998 (the 1998 Act) (formulating and implementing crime and disorder strategies) - Section 19(11) Police and Justice Act 2006 (the 2006 Act)

⁴ These are the bodies and persons responsible for crime and disorder strategies – Section 1(6) 2006 Act

⁵ Regulation 4 Crime and Disorder (Overview and Scrutiny) Regulations 2009

⁶ These are in Part 4 of the Constitution

Scrutiny Board Procedure Rules

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

7.0 MINUTES

- 7.1 All meetings of each Scrutiny Board shall be minuted. All oral evidence given to a Scrutiny Board may be recorded in full as shall appear to the Scrutiny Board to be appropriate, and shall be retained for an appropriate period of time to be determined in each case.

8.0 RIGHTS OF SCRUTINY BOARD MEMBERS TO DOCUMENTS

- 8.1 In addition to their rights as Councillors, Members on a Scrutiny Board have additional rights to documents as set out in the Access to Information Procedure Rules.
- 8.2 When a Scrutiny Board conducts a review, every member of the Scrutiny Board⁷ shall have a right of access to any documents which are relevant to the subject matter of the review.
- 8.3 Nothing in the above paragraph prevents more detailed liaison between the Executive and a Scrutiny Board as appropriate depending on the particular matter under consideration.

9.0 AGENDA ITEMS

- 9.1 A Scrutiny Board shall as a minimum consider the following business at an Ordinary Meeting:
- appeals against refusal of inspection of documents;
 - exclusion of public;
 - late items;
 - declarations of interest;
 - apologies for absence;
 - minutes of the last meeting;
 - the Scrutiny Board's work programme; and
 - the business otherwise set out on the agenda for the meeting.

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

10.0 WORK PROGRAMMING

10.1 No Scrutiny Board may undertake a review into:

- any decision of a Plans Panel, the Licensing Committee or a Licensing sub-committee;⁹
- any decisions which may be appealed against under the terms of reference of the Licensing Sub-Committees;
- any decision taken by an officer under delegated authority which falls within the terms of reference of a Plans Panel, the Licensing Committee or a Licensing Sub-Committee;¹⁰
- any decision taken prior to 24 May 1999¹¹, except where such a decision has influenced to a significant degree any action or decision taken subsequently to 24 May 1999 which is the subject of a review; or
- except in exceptional circumstances, any decision in respect of which there are:
 - ongoing judicial proceedings, Ombudsman or audit inquiry or complaint under the Council's formal complaints procedure; or
 - individual personnel issues.

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

~~10.3 At a time in the municipal year¹², all Scrutiny Boards will act as "critical friend" to the relevant partnership and consider and report on the following areas:~~

- ~~1. What contribution the Partnership Board is making to tackle poverty and inequality, and the progress being made against this?~~
- ~~2. How successfully the Board's partnership arrangements are working?~~
- ~~3. To what extent are significant benefits being seen from partnership working? How has partnership working ensured increased pace of change to address the issue in hand?~~

11.0 REQUESTS FOR SCRUTINY

Reviews requested by the Executive Board or Council

11.1 Where the Executive Board or Council resolves to recommend that a review should be undertaken into a particular matter, the Scrutiny Officer shall add this

⁹ In respect of a licence or permission granted to an individual or in respect of an individual premises

¹⁰ In respect of a licence or permission granted to an individual or in respect of an individual premises

¹¹ This was the date of the commencement of scrutiny arrangements in Leeds.

~~¹² The appropriate time for this review will be established by the Scrutiny officer in conjunction with Scrutiny Chairs and relevant Directors~~

Scrutiny Board Procedure Rules

recommendation to the agenda for the next Ordinary Meeting of the relevant Scrutiny Board.

Reviews requested by a member of a Scrutiny Board

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

Councillor calls for action

- 11.3 Any Member may refer any matter which is relevant to the functions of a Scrutiny Board¹³, but is not an excluded matter¹⁴, to that Scrutiny Board – a “councillor call for action”. In considering whether to refer a matter, the Member must have regard to any guidance issued by the Secretary of State.¹⁵
- 11.4 All such referrals must be submitted in writing to the Scrutiny Officer. The Scrutiny Officer shall add this to the agenda for the next Ordinary Meeting of the relevant Scrutiny Board.
- 11.5 The Scrutiny Officer shall acknowledge all such referrals.
- 11.6 At the next Ordinary Meeting, the Scrutiny Board shall consider any referral which the Scrutiny Officer has added to the agenda.
- 11.7 The Member making the referral will be invited to attend the Scrutiny Board’s meeting to make representations as to why it would be appropriate for the Board to exercise its functions in relation to the matter. The Scrutiny Board Chair will decide how much time will be given to the Member for addressing the Scrutiny Board.
- 11.8 In deciding whether to carry out a review, the Scrutiny Board may have regard to:
- any powers which the Member may exercise in relation to the matter¹⁶; and
 - any representations made by the Member.
- 11.9 If the Scrutiny Board decides not to carry out a review into the matter, the Scrutiny Officer will inform the referring Member about the decision of the Scrutiny Board, and the reasons for it.

Local crime and disorder matters

¹³ In accordance with Section 9FC Local Government Act 2000

¹⁴ An excluded matter means any matter which is a local crime and disorder matter under Section 19 Police and Justice Act 2006 (see below), or a matter of any description specified in an order made by the Secretary of State (SI 2012/1022).

¹⁵ ~~See further SBPR Guidance Notes~~

¹⁶ Under Section 236 of the [Local Government and Public Involvement in Health Act 2007 Act](#)

Scrutiny Board Procedure Rules

- 11.10 Any Member may refer any local crime and disorder matter¹⁷ to the Scrutiny Board (~~Safer and Stronger~~Citizens and Communities) as the Council's designated Crime and Disorder Committee..
- 11.11 All such referrals must be submitted in writing to the Scrutiny Officer. The Scrutiny Officer shall add this to the agenda for the next Ordinary Meeting of the Scrutiny Board.
- 11.12 The Scrutiny Officer shall acknowledge all such referrals.
- 11.13 At the next Ordinary Meeting, the Scrutiny Board shall consider any such referrals which the Scrutiny Officer has added to the agenda.
- 11.14 The Member making the referral will be invited to attend the Scrutiny Board's meeting to make representations as to why it would be appropriate for the Board to exercise its functions in relation to the matter. The Scrutiny Board Chair will decide how much time will be given to the Member for addressing the Scrutiny Board.

Social care matters referred by Healthwatch Leeds¹⁸

- 11.15 Healthwatch Leeds may refer any matter relating to social care services¹⁹, to the relevant Scrutiny Board.
- 11.16 The Scrutiny Officer shall add any such referral to the agenda for the next Ordinary Meeting of the relevant Scrutiny Board.
- 11.17 The Scrutiny Officer shall acknowledge receipt of all such referrals on behalf of the Scrutiny Board, within 20 working days of its receipt.
- 11.18 At the next Ordinary Meeting, the Scrutiny Board shall consider any such referral which the Scrutiny Officer has added to the agenda.
- 11.19 In deciding whether to exercise any functions in relation to social care matter, the relevant Scrutiny Board must take into account any relevant information provided by Healthwatch Leeds.
- 11.20 The Scrutiny Officer will inform Healthwatch Leeds about any action taken in relation to the matter.

¹⁷ This means a matter concerning:

- crime and disorder (including in particular forms of crime and disorder that involve antisocial behaviour or other behaviour adversely affecting the local environment); or
- the misuse of drugs alcohol and other substances which affects all or part of the electoral area for which the Member is elected or any person who lives or works in that area -Section 19(11) 2006 Act

¹⁸ For the purposes of these Rules, where relevant, any reference to Healthwatch Leeds should be construed as including reference to any relevant Local Healthwatch contractor

¹⁹ These are services provided as part of the Council's social services functions (Section 226 Local Government and Involvement in Health Act 2007 – the 2007 Act)

Requests for reviews from other sources

11.21 The appropriate Scrutiny Board shall consider a request from any other source²⁰ to conduct a review²¹, including any petition requesting Scrutiny²².

12.0 UNDERTAKING SCRUTINY INQUIRIES

12.1 Where a Scrutiny Board undertakes an Inquiry the Scrutiny Board shall consult with any relevant Director²³ and Executive Member on the terms of reference.

12.2 Where any Scrutiny Board decides that there shall be an Inquiry, the Scrutiny Board shall

- consult with any relevant Director and Executive Member.
- agree the Terms of Reference of the Inquiry;
- agree the period within which the Inquiry's Report is to be completed;
- compile a preliminary list of witnesses from whom the Scrutiny Board require evidence²⁴; and
- compile a preliminary list of documents which the Scrutiny Board require to be produced.

12.3 Where appropriate, all terms of reference for work undertaken by Scrutiny Boards will include:

“To review how and to what effect consideration has been given to the impact of a service or policy on all equality areas, as set out in the Council's equality and Diversity scheme”.

13.0 REPORTS AND RECOMMENDATIONS

13.1 At the conclusion of a review a Scrutiny Board shall, where it considers it to be appropriate, produce a written report summarising the evidence that it has taken and set out its recommendations.

13.2 Where a Scrutiny Board is considering making specific recommendations it shall invite advice²⁵ from the appropriate Director(s) prior to it finalising its recommendations. The Director shall consult with the appropriate Executive Member before providing any such advice. The detail of that advice shall be reported to the Scrutiny Board and considered before the ~~report is~~Board's recommendations are finalised and published on the Council's website.

²⁰ including Scrutiny Chairs.

²¹ See further Scrutiny Board Procedure Rules Guidance Notes

²² Where a Scrutiny Board Chair receives a petition in their capacity as a Scrutiny Chair, the Chair will respond to the petition organiser only. Thereafter, the Scrutiny Officer will be responsible for notifying the petition organiser of the date on which the petition will be considered, and of the outcome of that meeting. The Scrutiny Officer will ensure that the appropriate Executive Board Member receives a copy of the petition.

²³ Any reference to a Director within these Rules should be deemed to include reference to all officers listed in Article 12 of the constitution.

²⁴ As an Inquiry proceeds it may become apparent that further witnesses are required

²⁵ Such advice may include but is not limited to the financial and resource implications of the recommendations being considered.

~~13.3 The review report shall include:~~

- ~~• an explanation of the matter reviewed or scrutinised;~~
- ~~• a list of the participants involved in the Inquiry (save where the Board considers that a name of a witness should be withheld for reasons of confidentiality)²⁶;~~
- ~~• a list of all documentation that has been considered by the Board; and~~
- ~~• any conclusions and recommendations on the matter reviewed or scrutinised.~~

13.4 Where a Scrutiny Board is to publish or copy a report, it must comply with relevant statutory provisions relating to exempt or confidential information.

13.5 Where any voting member of the Scrutiny Board does not agree with the content of the Board's Report, they may produce a Minority Report setting out their findings and recommendations. The intention to submit a minority report should be declared within the Board meeting at the time the majority report is agreed and be both formally minuted and referred to in the final report as part of the Board's resolutions. The Chair can give this notice on behalf of a Member who cannot be present when the majority report is agreed. Where a Scrutiny Board has agreed its final report and there has been no declared intention to produce a minority report, a minority report cannot then be subsequently submitted. Where the intention to produce a minority report has been minuted, the Scrutiny Support Unit will contact the appropriate Member or Members to confirm submission dates. The minority report should be delivered to the Scrutiny Support Unit within 5 working days after the Scrutiny Board meeting. The Minority Report will be an appendix to the Scrutiny Board's Report.²⁷

Councillor calls for action

13.6 Where a Scrutiny Board is considering making a report or recommendations in relation to a matter referred as a councillor call for action, it may have regard to:

- any powers which the Member may exercise in relation to the matter²⁸; and
- any representations made by the Member.

13.7 If the Scrutiny Board decides not to make a report or recommendations into the matter, the Scrutiny Officer will inform the referring Member about the decision of the Scrutiny Board, and the reasons for its decision.

13.8 Where a Scrutiny Board has made a report or recommendations in relation to a local government matter, the Scrutiny Board must also send a copy of the report and recommendations to the Member who referred the matter..

~~²⁶ Where it is necessary to preserve the confidentiality of a witness, their name need not be disclosed nor where the evidence which they gave amounted to exempt information, need this be disclosed if it would breach the witness's confidentiality.~~

²⁷ The Scrutiny Board Procedure Rules Guidance Note provides guidance on Minority Reports.

²⁸ Under Section 236 of the 2007 Act

Crime and disorder functions

- 13.9 Where the Scrutiny Board (~~Safer and Stronger~~Citizens and Communities) makes a report or recommendations to the Council or Executive about the exercise of crime and disorder functions by responsible authorities²⁹, the Scrutiny Officer will provide a copy to
- each of the responsible authorities; and
 - each of the co-operating persons and bodies.

13.10 Whenever the Scrutiny Board provides a copy of a report or recommendation the Scrutiny Officer will also notify any authority, person or body to whom it provides the copy, of the steps they must take³⁰.

Local crime and disorder matters

- 13.11 In deciding whether to make a report or recommendations in relation to a local crime and disorder matter, the Scrutiny Board will have regard to:
- any powers which the Member may exercise in relation to the matter; and
 - representations made by the Member about why it should make a report or recommendations

13.12 The Scrutiny Officer will inform the Member who submitted the referral about any decision of the Scrutiny Board not to make a report or recommendation, and the reasons for its decision.

- 13.13 Where the Scrutiny Board makes a report or recommendations to the Council or the Executive about any matter which is a local crime and disorder matter³¹, the Scrutiny Officer will copy the report to:
- the Member who referred the matter to the Scrutiny Board; and
 - to such of
 - (i) the responsible authorities; and
 - (ii) the co-operating persons and bodiesas it thinks appropriate.

- 13.14 Whenever the Scrutiny Board:
- makes a report or recommendation to the Council or to the Executive; or
 - provides a copy of a report or recommendation,
- the Scrutiny Officer will notify the Council or the Executive, authority, body or person receiving the report and recommendations, or a copy of it, of the steps they must take.

14.0 RESPONSES TO REPORTS AND RECOMMENDATIONS

- 14.1 Except as provided below, the Council, the Executive Board, Area-Community Committees or officers shall consider any report and recommendations of a

²⁹ See footnote 4

³⁰ In accordance with Section 19 (8B) 2006 Act.

³¹ See footnote 17

Scrutiny Board Procedure Rules

Scrutiny Board within two months of it being received³². The Council or Executive is under a duty to respond to the Scrutiny Board, indicating what action (if any) it proposes to take and to publish its response.³³

~~14.2 The Scrutiny Officer will place a copy of the response on the Council's web-site³⁴.~~

Partner authorities³⁵

14.3 Where a Scrutiny Board makes a report or recommendations to the Council or the Executive, and the report or any of the recommendations relates to functions of a relevant partner authority so far as exercisable in relation to the authority's area, or the inhabitants of that area, the Scrutiny Board may by notice³⁶ in writing require the relevant partner authority to have regard to the report or recommendation in question in exercising their functions. The notice must be accompanied by a copy of the report or recommendations³⁷.

Councillor calls for action

14.4 Where a Scrutiny Board has made a Report in relation to a councillor call for action, any response must also be sent to the Member who referred the matter.

Crime and disorder functions

14.5 Where a relevant authority, or co-operating person or body has been notified by the Scrutiny Officer, it must:

- consider the report or recommendations;
- respond in writing to the Scrutiny Board within 28 days of the date of the report or recommendations³⁸, indicating what (if any) action it proposes to take; and
- have regard to the report or recommendations in exercising its functions.

Local crime and disorder matters

14.6 Where the Council or the Executive other relevant authority, person or body has been notified by the Scrutiny Officer, it must:

- consider the report or recommendations;
- respond in writing to the Scrutiny Board within 28 days of the date of the report or recommendations³⁹, indicating what (if any) action it proposes to take; and
- have regard to the report or recommendations in exercising its functions.

³² Or (if later) the notice – Section 9FE of the 2000 Act

³³ Section 9FE of the 2000 Act

~~³⁴ Confidential information must be excluded, and relevant exempt information may be excluded, in accordance with SI 2012/1021~~

³⁵ This means any person who is a partner authority for the purposes of Chapter 1 of Part 5 of the 2007 Act, other than a chief officer of police. This provision will not apply if the partner authority is a relevant NHS body and the report was provided to the body under Rule 18.

³⁶ Subject to provisions relating to confidential and exempt information in Section 9FG of the 2000 Act

³⁷ Subject to provisions relating to confidential and exempt information in Section 9FG of the 2000 Act

³⁸ or if this is not reasonably possible, as soon as reasonably possible thereafter

³⁹ or if this is not reasonably possible, as soon as reasonably possible thereafter

Flood risk management

- 14.7 A risk management authority must have regard to reports and recommendations of the relevant Scrutiny Board exercising statutory functions in relation to the scrutiny of flood risk management.
- 14.8 Where that Scrutiny Board requests a response to a report from a risk management authority, the risk management authority must:
- respond to the Board within 28 days or a longer period as agreed between the risk management authority and the Scrutiny Board, and
 - indicate what (if any) action the risk management authority proposes to take, if a response to a report is requested.

15.0 WITNESSES – GENERAL PRINCIPLES

- 15.1 Where a Scrutiny Board wishes to take evidence from a witness, the Scrutiny Officer shall notify the witness of:-
- the date upon which their evidence is to be taken;
 - the matters upon which evidence is sought;
 - any documents that the Scrutiny Board wishes to have produced; and
 - the date upon which the Board requires any written evidence from the witness.
- 15.2 Those assisting the Scrutiny Board by giving evidence shall be treated with respect and courtesy⁴⁰.

16.0 MEMBERS AND OFFICERS GIVING ACCOUNT/ INFORMATION

- 16.1 A Scrutiny Board may require any Executive Member, or Member in relation to a matter where the Member has exercised functions⁴¹, the Chief Executive and/or any senior officer to attend before it to answer questions and provide information about any matter within its terms of reference;
- 16.2 It is the duty of those officers and Members to attend and to answer questions⁴².
- 16.3 The Chair of a Scrutiny Board will inform the Scrutiny Officer if the Scrutiny Board requires any Member (including an Executive Member) or officer to attend a Scrutiny Board under this provision. The Scrutiny Officer shall inform the Member or officer of this, giving at least 7 working days notice of the meeting at which he/she is required to attend.
- 16.4 The notice will state:
- the nature of the item on which he/she is required to attend to give account; and
 - whether the Scrutiny Board requires him/her to produce any documents or reports.

⁴⁰ see Member/Officer Protocol in Part 5 of the Constitution.

⁴¹ under Section 236 of the 2007 Act

⁴² A Member or officer is not obliged to answer any question which he would be entitled to answer in or for the purposes of proceedings in a Court Section 9FA of the 2000 Act .

Scrutiny Board Procedure Rules

- 16.5 Where the Scrutiny Board requires the person to produce a report, then the Scrutiny Officer will give the Member or officer concerned sufficient notice to prepare it.
- 16.6 The Chair of the Scrutiny Board will inform the Scrutiny Officer where a Scrutiny Board requires a Director to attend a Scrutiny Board in person.
- 16.7 Directors may be accompanied by any other officer the Director feels appropriate.
- 16.8 Where the Scrutiny Board does not require a Director to attend in person, he/she will be responsible for ensuring that an officer of sufficient knowledge and requisite seniority attends. Any such witness may be accompanied by such adviser(s) as he/she considers necessary.
- 16.9 Where, in exceptional circumstances, the Member or officer is unable to attend on the required date, then the Scrutiny Officer shall, in consultation with the Chair of the Scrutiny Board and the Member or officer, arrange an alternative date for attendance, or agree an appropriate substitute.

Crime and Disorder Committee

- 16.10 Subject to giving reasonable notice of the intended date of attendance, the Scrutiny Board (~~Safer and Stronger~~Citizens and Communities)⁴³ may require an officer or employee of a responsible authority⁴⁴ or of a co-operating person or body⁴⁵ in order to answer questions.
- 16.11 The Scrutiny Board (~~Safer and Stronger~~Citizens and Communities) may in writing request responsible authorities and co-operating persons and bodies to provide it with information.

Partner authorities

- 16.12 Scrutiny Board may in writing request a partner authority to provide such information, as the Scrutiny Board may reasonably require in order to discharge its functions, being information which relates to the functions of the relevant partner authority so far as exercisable in relation to the authority's area, or the inhabitants of that area.
- 16.13 A partner authority must comply with any such request.⁴⁶

Flood risk management

- 16.14 The Scrutiny Board exercising the authority's statutory functions in relation to the scrutiny of flood risk management may request information from any risk management authority. This may be a request to attend to give information orally to the Board.

⁴³ In its capacity as crime and disorder committee

⁴⁴ See footnote 4

⁴⁵ See footnote 4

⁴⁶ Subject to Regulations 5 and 6 Local Authorities (Overview and Scrutiny Committees) (England) Regulations 2012 (SI 2012/1021).

16.15 The risk management authority must comply with any such request made in writing within 28 days, or longer period as agreed between the risk management authority and the Board.

16.16 Where confidential information must be disclosed by a risk management authority, the Scrutiny Board must hold that meeting in private, and not disclose the information except as provided for in regulations.⁴⁷

17.0 ATTENDANCE BY OTHERS

17.1 A Scrutiny Board may invite members of the public or other persons to attend meetings, address it, discuss issues of local concern and/or answer questions on matters within its Terms of Reference⁴⁸.

18.0 HEALTH SCRUTINY FUNCTIONS EXERCISED BY THE SCRUTINY BOARD (~~HEALTH AND WELLBEING AND ADULT SOCIAL CARE SERVICES AND PUBLIC HEALTH~~)⁴⁹

18.1 Information and explanations

18.1.2 A relevant NHS body⁵⁰ or health service provider⁵¹ must provide the Scrutiny Board with such information about the planning, provision and operation of health services in the area as the Board shall reasonably require in order to discharge its functions.⁵²

18.1.3 Subject to giving reasonable notice of the intended date of attendance, the Board may require any member or employee of a relevant NHS body or relevant health service provider to attend and answer such questions as appear to the Board to be necessary for discharging its functions.⁵³

18.2 Review and scrutiny of matters relating to the planning, provision and operation of the health service

18.2.1 Health matters referred by Healthwatch Leeds

Healthwatch Leeds may refer any matter relating to the planning, provision and operation of the health service, to the Scrutiny Board. The Scrutiny Officer shall

⁴⁷ See further Flood Risk Management Overview and Scrutiny Committee (England) Regulations 2011/697

⁴⁸ It may for example wish to hear from residents, stakeholders, Members or officers in other parts of the public sector.

⁴⁹ These are functions of the authority under Section 244 National Health Service Act 2006 delegated to the Board and exercised in accordance with regulations (SI 2013/218)

⁵⁰ The relevant NHS bodies for this purpose are: NHS England, CCGs which provide services to people living in the authority's area, and an NHS trust or NHS foundation trust which provides services to people who live in the authority's area.

⁵¹ A relevant health service provider for this purpose is a body or person other than an NHS trust or NHS foundation trust, which provides any relevant services to people living in the area of the authority.

⁵² In accordance with Regulation 26

⁵³ In accordance with Regulation 27.

Scrutiny Board Procedure Rules

add any such referral to the agenda for the next Ordinary Meeting of the Scrutiny Board.

The Scrutiny Officer shall acknowledge receipt of all such referrals on behalf of the Scrutiny Board, within 20 working days of its receipt.

At the next Ordinary Meeting, the Scrutiny Board shall consider any such referral which the Scrutiny Officer has added to the agenda.

The Scrutiny Officer will inform Healthwatch Leeds about any action taken in relation to the matter.

18.2.2 Comments and relevant information

In exercising its functions to review and scrutinise any matter relating to the planning, provision and operation of the health service, the Scrutiny Board must:

- invite interested parties to comment on the matter, and
- take into account relevant information available to it, in particular any information provided by Healthwatch Leeds if it has referred the matter to the Board.

18.2.3 Reports and recommendations

The Scrutiny Board may make reports and recommendations to a relevant NHS body, health service provider, or to full Council ~~Such reports and recommendations must include:~~

~~an explanation of the matter reviewed or scrutinised;
a summary of the evidence considered;
a list of the participants involved; and
an explanation of any recommendations on the matter reviewed or scrutinised.~~

Where the Scrutiny Board has completed its review and made reports and recommendations to relevant NHS bodies or health service providers, ~~the Scrutiny Officer will copy the report to:~~

~~Local MPs and MEPs;
Leeds Voice;
Healthwatch Leeds;
The Health and Wellbeing Board; and
Other bodies or organisations that have expressed an interest in the Inquiry.~~

The Scrutiny Officer will place a copy of the report on the Council's web-site.

Where the Scrutiny Board requests a response from a relevant NHS body or health service provider to whom it has made a report or recommendation, that body shall respond in writing to the Scrutiny Board within 28 days.

~~The response should also be copied to:~~

- ~~Local MPs and MEPs;~~
- ~~Leeds Voice;~~
- ~~Healthwatch Leeds;~~
- ~~The Health and Wellbeing Board; and~~
- ~~Other bodies or organisations that have expressed an interest in the Inquiry.~~

The Scrutiny Officer will also place a copy of the response on the Council's website.

18.3 Consultation by a relevant NHS body or health service provider

18.3.1 A relevant NHS body or health service provider⁵⁴ must consult the Scrutiny Board where it has under consideration any substantial development of the health service in the authority's area, or for a substantial variation in the provision of a service⁵⁵.

18.3.2 Where the NHS body is satisfied that a decision has to be taken without allowing time for consultation because of a risk to safety or welfare of patients or staff, the NHS body or health service provider shall notify the Scrutiny Board immediately of:

- the decision taken; and
- the reason why no consultation has taken place.

Comments and recommendations

18.3.3 The Scrutiny Board may make comments (including recommendations) about the proposal, by the date specified by the NHS body or health service provider.

18.3.4 If the Board has not commented or made a recommendation about a proposal, the Board must inform the NHS body or health service provider whether it proposes to make a report to the Secretary of State, or the date when it will decide whether to make such a report. If the latter, the Board must make the decision by the given date, and inform the relevant NHS body or health service provider about it.

18.3.5 The NHS body or health service provider must notify the Board if they disagree with any of the Board's recommendations, in which case the NHS body or health service provider must take such steps as are reasonably practicable to try to reach agreement.

18.3.6 Subject to 18.3.7 below, the Scrutiny Board may report to the Secretary of State in writing where:

(a) it is not satisfied that:

- consultation on any proposal has been adequate in relation to content or time allowed; or
- where no consultation has been carried out, the reasons given by the NHS body or health service provider are adequate; or

⁵⁴ Where the relevant NHS body or health service provider is an NHS trust, an NHS foundation trust or a relevant health service provider, and the proposal relates to services which a CCG or NHS England is responsible for arranging, the functions of the relevant NHS body or health service provider must be discharged by the responsible commissioner.

⁵⁵ Regulation 23, subject to exemptions set out in Regulation 24

(b) the Board considers that the proposal would not be in the interests of the health service in its area.

18.3.7 The Board may not make a report to the Secretary of State:

(a) where the relevant NHS body or health service provider has notified the Board that it disagrees with any recommendation, unless the Board is satisfied that:

- agreement has not been reached within a reasonable period of time;
- the relevant NHS body or health service provider has failed to comply with its duty to try to reach agreement; or

(b) where no comments or recommendations have been made, and the Board has not complied with 18.3.4 above.

18.3.8 A report to the Secretary in State must include:

- An explanation of the proposal;
- If the Board is not satisfied that consultation has been adequate, the reasons for this;
- If the Board is not satisfied that the reasons for not consulting are adequate, the reasons for this;
- Where the Board considers that the proposal would not be in the interests of the health service, a summary of the evidence considered, including any evidence of the effect or potential effect of the proposal on the sustainability of otherwise of the health services in the area of the authority;
- An explanation of any steps the Board has taken to try to reach agreement with the relevant NHS body or health service provider;
- Evidence that the Board has complied with the conditions in 18.3.7above;
- An explanation of the reasons for making the report;
- Any evidence in support of those reasons.

18.3.9 Where the Board has reported to the Secretary of State, the Secretary of State may (depending on the reasons in the report) make a decision about the adequacy of the consultation, reasons for non-consultation, or a final decision on the proposal.

18.3.10The Secretary of State may give a direction to NHS England or a CCG requiring consultation (or further consultation), or the matter to be determined in a particular way, or steps to be taken or not taken.

ARTICLE 6 – SCRUTINY BOARDS

6.1 ROLE

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

- Scrutiny Board (~~Health and Well-being and~~ Adult Social Services and Public Health-Care)²
- Scrutiny Board (Strategy and Resources ~~and Council Services~~)
- Scrutiny Board (~~Children's Services and Families~~)
- Scrutiny Board (~~Sustainable Economy and Culture~~ City Development)³
- Scrutiny Board (~~Safer and Stronger~~ Citizens and Communities) ~~– which shall be the authority's crime and disorder committee~~
- Scrutiny Board (Environment and Housing ~~and Regeneration~~) ~~– which shall be the authority's crime and disorder committee~~

6.2 GENERAL FUNCTIONS

In exercising, or deciding to exercise any of their functions, Scrutiny Boards must have regard to any guidance issued by the Secretary of State⁴.

Within their terms of reference, all Scrutiny Boards will

- review or scrutinise the exercise of any function of the Council or Executive;
- make reports or recommendations to Council or the Executive in connection with the exercise of any functions of the Council or the Executive; and
- make reports or recommendations to the Council or the Executive on any matter affecting the area or its inhabitants;
- exercise the right to Call-In decisions made but not yet implemented by the Executive, for reconsideration.

The Scrutiny Board (~~Health and Well-being and~~ Adult Social Care Services and Public Health) will also exercise functions of the authority⁵ to:

- review or scrutinise any matter relating to the planning, provision and operation of health services in the authority's area;

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

² Which shall respond to any consultation made under the Local Authority (Overview and Scrutiny Committees Health Scrutiny Functions) Regulations 2002.

³ Which shall undertake the authority's statutory functions in relation to the scrutiny of flood risk management

⁴ Section 9FA Local Government Act 2000

⁵ In accordance with regulations issued under Section 244 National Health Service Act 2006

Article 6 - Scrutiny Boards

- make reports and recommendations on any such matter reviewed or scrutinised by it; and
- respond to consultation by any relevant NHS body or health service provider.

The Scrutiny Board (~~Safer and Stronger Communities~~ Environment and Housing) is the Council's crime and disorder committee. In this capacity it will:

- review or scrutinise the exercise of crime and disorder functions⁶ by responsible authorities⁷;
- review or scrutinise any Member referred local crime and disorder matter⁸; and
- make reports or recommendations to the Council or the Executive about the exercise of crime and disorder functions⁹ or any local crime and disorder matter in relation to a Member¹⁰.

6.3 SPECIFIC ROLES

Vision for Scrutiny

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

Policy development and review

Within their Terms of Reference all Scrutiny Boards may:

- assist the Council and the Executive in the development of the Budget and Policy Framework by in-depth analysis of policy issues;
- conduct research, community and other consultation in the analysis of policy issues and possible options;
- consider and implement mechanisms to encourage and enhance community participation in the development of policy options;

⁶ As defined by Section 6 Crime and Disorder Act 1998 (formulating and implementing crime and disorder strategies).

⁷ These are the authorities responsible for crime and disorder strategies (Section 5 of the Crime and Disorder Act 1998)

⁸ This is any matter concerning-

(a) crime and disorder (including in particular forms of crime and disorder that involve anti-social behaviour or other behaviour adversely affecting the local environment) or

(b) the misuse of drugs alcohol and other substances in that area

which affects all or part of the electoral area for which the Member is elected or any person who lives or works in that area.

⁹ See footnote 6

¹⁰ See footnote 8

Article 6 - Scrutiny Boards

- question Members of the Executive and Directors about their views on issues and proposals affecting the area; and
- liaise with other external organisations operating in the area, whether national, regional or local, to ensure that the interests of local people are enhanced by collaborative working.

Scrutiny

Within their terms of reference all Scrutiny Boards may:

- make recommendations to the Executive and/or appropriate committees and/or Council arising from the outcome of the scrutiny process;
- review and scrutinise the performance of other public bodies in the area and invite reports from them by requesting them to address the Scrutiny Board and local people about their activities and performance; and
- question and gather evidence.

Matters which fall within the terms of reference of the Scrutiny Board (~~Health and Well-being, and~~ Adult Social ~~Care~~Services and Public Health) include:

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

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

Article 6 - Scrutiny Boards

6.4 SCRUTINY OFFICER

The Council has designated the post of Head of Scrutiny and Member Development, as Scrutiny Officer¹¹.

The functions of the Scrutiny Officer are:

- (a) to promote the role of the Scrutiny Boards;
- (b) to provide support to the Scrutiny Boards and their members¹²;
- (c) to provide support and guidance to Members (including Executive Members), and officers¹³, in relation to the Scrutiny Boards' functions;
- (d) to report to Council¹⁴ annually about how the authority has carried out its overview and scrutiny functions.

6.5 PROCEEDINGS

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

6.6 SCRUTINY BOARD CHAIRS

Group spokespersons shall not be appointed to Chair a Scrutiny Board which corresponds to the same portfolio.¹⁵

6.7 CO-OPTED MEMBERS

Education Representatives

The following shall be appointed as voting representatives on each relevant Scrutiny Board dealing with educational matters¹⁶:

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

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

¹¹ Under Section 9FB Local Government Act 2000.

¹² The Scrutiny Officer shall exercise overall responsibility for the finances made available to Scrutiny Boards.

¹³ The Scrutiny Officer shall exercise overall responsibility for the work programme of the officers employed to support the work of the Scrutiny Boards.

¹⁴ After consultation with the relevant Scrutiny Chairs

¹⁵ This does not apply to those groups who have less than 10% of the membership of the Council

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

Article 6 - Scrutiny Boards

Crime and Disorder Committee

Subject to the following provisions, in its capacity as crime and disorder committee, the Scrutiny Board (~~Safer and Stronger Communities~~ Environment and Housing) may co-opt additional members to serve on the Board¹⁷.

The Scrutiny Board cannot in this capacity co-opt an Executive Member.

Unless the Scrutiny Board decides otherwise, any such co-opted member shall not be entitled to vote.

The Scrutiny Board may limit a co-opted person's membership to the exercise of the Board's powers in relation to a particular matter or type of matter.

The Scrutiny Board may withdraw the co-opted person's membership at any time.

Additional co-opted members

The following may be appointed to each Scrutiny Board¹⁸:

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

¹⁷ The Crime and Disorder (Overview and Scrutiny) Regulations 2009

¹⁸ Co-option would normally only be appropriate where the co-opted member has some specialist skill or knowledge, which would be of assistance to the Scrutiny Board.

Vision for Scrutiny at Leeds

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

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

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

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

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

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

Consequently, when establishing their work programmes Scrutiny Boards should

- **Seek the advice of the Scrutiny officer, the relevant Director and Executive Member about available resources**

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

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Corporate Governance and Audit Committee

The Corporate Governance and Audit Committee is authorised to discharge the following functions¹:

1. to consider the Council's arrangements relating to accounts² including:
 - (a) the approval of the statement of accounts and any material amendment of the accounts recommended by the auditors;
 - (b) the approval of the Annual Governance Statement³; and
 - (c) with the exception of any matter, which may result in the accounts being qualified, responding to the Council's auditors in respect of any matter where it is not considered appropriate to make the amendments recommended by the auditors.

2. to consider the Council's arrangements relating to external audit requirements including:
 - (a) agreement and review of the nature and scope of the annual audit plan,
 - (b) the receipt of external audit reports so as to:
 - (i) inform the operation of Council's current or future audit arrangements; and
 - (ii) provide a basis for gaining the necessary assurance regarding governance prior to the approval of the Council's accounts.

3. to review the adequacy of policies and practices to ensure compliance with statutory and other guidance

4. to review the adequacy of the Council's Corporate Governance arrangements (including matters such as internal control and risk management) and

5. to consider the Council's arrangements relating to internal audit requirements including:
 - (a) reviewing and approving the Internal Audit Charter;
 - (b) reviewing and approving the risk-based plan and any additional significant work⁴;
 - (c) considering the Annual Internal Audit Report
 - (d) monitoring the performance of internal audit

¹ Functions" for these purposes shall be construed in a broad and inclusive fashion and shall include the doing of anything which is calculated to facilitate or is conducive or incidental to the discharge of any of the specified functions.

² Item 45 Paragraph I Schedule 1 of Local Authorities (Functions and Responsibilities) (England) Regulations as amended.

³ The Annual Governance Statement is Leeds City Council's Statement on Internal Control which is approved under Regulation 4(3) of the Accounts and Audit (England) Regulations 2011.

⁴ As defined in the Internal Audit Charter

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Report of the City Solicitor

Report to General Purposes Committee

Date: 12th May 2015

Subject: Webcasting of Council and Committee Meetings

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

1.0 Purpose of this report

- 1.1 This report sets out background and provides information on the webcasting of Council meetings during the last Municipal Year.
- 1.2 The purpose of the report is to:
 - 1.2.1 Seek approval to continue with webcasting for Council meetings for a further 12 months by way of an extension to the existing contract with Public-i. and, if so, asks Members to determine the period of time by which the existing contract should be extended.
 - 1.2.2 Seek approval for the trialling of webcasting technologies (for Executive Board and Plans Panels) within the new committee facilities on the west wing of the Civic Hall – with a view for a proposal being brought back to this committee in due course.

2 Background information

- 2.1 At the meeting of 18th June 2013 General Purposes Committee agreed to proposals to introduce webcasting for the 2013-14 municipal year. In July the Chief Officer Elections, Licensing and Registration entered into a contract for the supply of webcasting services for a period of 12 months with an option to extend for a further maximum period of 4 years. This committee agreed in May 2014 to Webcasting arrangements being further 12 month period.

2.2 Member Management Committee approved a protocol for webcasting Council meetings at its meeting of 23rd October 2012.

3 Main issues

Full Council

- 3.1 The original report to General Purposes Committee gave information about webcasting and explained how the technique could give live access to view Council meetings over the internet using a small number of fixed cameras linked to the Council Chamber conference management system. The technology allows access to the public agenda papers and reports alongside the video screen.
- 3.2 The report outlined some of the potential benefits including: increasing public awareness of local democracy; strengthening democratic accountability; more open transparent decision making; and encouraging public involvement. The facility would also provide the ability to view Council meetings live from another location, use the archive to replay meetings, or parts of the meeting, at a later date, search for and view particular speakers or agenda items.
- 3.3 The viewing data from the meetings webcast to date are set out below in table one. This shows a total over 25,000 viewing ‘instances’ across each all of the meetings – over 10,000 more than when reported to Members in May last year. What continues to be apparent is that the archived material remains relevant for the public after the ‘Live’ council event, with viewing figures continuing to rise a number of months after a meeting has taken place.

Table 1 Webcasting data from Full Council

Date of meeting	Live Viewings	Archive Viewing	Total
28 th November 2012	0	918	918
8 th May 2013	588	2703	3291
11 th September 2013 ¹	54	756	810
	456	2922	3378
13 th November 2013	319	1854	2173
15 th January 2014	193	1097	1290

¹ Honorary Alderman and Ordinary Meeting

Date of meeting	Live Viewings	Archive Viewing	Total
26 th February 2014	567	1443	2010
26 th March 2014	329	1449	1778
9 th June 2014	21	690	711
2 nd July 2014 ²	86	438	524
	173	1880	2053
10 th September 2014 ³	49	333	382
	95	591	686
12 th November 2014 ⁴	17	241	258
	249	1116	1365
14 th January 2015	492	1018	1510
25 th February 2015	555	643	1198
1 st April 2015	433	427	860
Total	4676	20519	25195

3.4 Last year the webcasting provider commented that the viewing figures, whilst very good (given the small amount of promotion), could be further enhanced by the use of social media during the meeting – for example placing live notifications of particular items in the meeting with a link to the webcast player (which is hosted on Leeds.gov.uk).

² Extraordinary meeting of Council to welcome Tour de France and Ordinary meeting

³ Admittance of name of Beryl Burton OBE as Honorary Freeman of City of Leeds and Ordinary meeting

⁴ Admittance of Honorary Freeman and Ordinary meeting

- 3.5 Our Communications team have, over recent meetings, facilitated further promotion of the Council Meeting, with the items under debate, and the availability of viewing via the webcast, being promoted through social media channels. This has significantly contributed to the increased number of live viewings of the meetings. For future meetings the Communications Team also intend to tag tweets during the Council meeting with #LeedsCouncil – in order to further extend reach and engagement.
- 3.6 Members are asked to consider the data presented in table 1 and agree that present webcasting arrangements for full Council be extended for a further period of 12 months.

New Civic Hall Committee Facilities

- 3.7 In July 2014 Executive Board approved a scheme for the redevelopment of committee facilities within the Civic Hall. Part of the scheme includes new audio visual equipment which is capable of recording meetings and supporting the expansion of webcasting capability into the Council's principle committee room.
- 3.8 Member's views are sought on whether, in the first instance, and subject ultimately to affordability, live webcast coverage be extended to include meetings of the Executive Board and the City Plans Panel.
- 3.9 If Members are supportive of such an approach officers recommend that a range of solutions be trialled/examined and that these be tested in advance of a further report being provided to this committee (setting out the webcasting costs and the officer and other internal resources required to support the extension of webcasting to the new committee room).

4 Corporate Considerations

4.1 Consultation and Engagement

- 4.1.3 The issues around webcasting have been discussed both formally and informally with Members through Member Management Committee, Whips meetings and through this committee.
- 4.1.4 Group Leaders have been canvassed for their views on whether webcasting should continue. The unanimous view by those that have responded (and expressed a view at the time of writing this report) is that Webcasting should continue.
- 4.1.5 There has been no public consultation about whether webcasting should continue – however the viewing figures give a reasonable proxy indicator of interest in accessing the Council meeting via webcast technology.

4.2 Equality and Diversity / Cohesion and Integration

- 4.2.1 An Equality, Diversity, Cohesion and Integration screening assessment was originally completed and reported to Members in June 2013. This showed that webcasting can provide an alternative method to access Council meetings for people with disabilities and has the potential to give wider access to all citizens and communities to local democracy.

4.3 Council policies and City Priorities

- 4.3.1 Providing access to live council meetings over the internet helps to contribute to achieving our values. The proposals contained in this report to explore opportunities to extend webcasting to meetings of both Executive Board and City Plans, will help contribute to our Best Council Plan commitments to better engage and better connect with the public.

4.4 Resources and value for money

- 4.4.1 Previous reports to General Purposes Committee established that the costs of a managed service such as that used for the two trial meetings would be in the region of £16k for coverage of Council meetings for a municipal year. This includes leased hardware, software, project and account management support, and full hosting of all content.
- 4.4.2 The costs of extending the existing contract for one year (based on a maximum of 60 hours webcasting) are £ 16,369.

4.5 Legal Implications, Access to Information and Call In

- 4.5.1 A protocol for the use of webcasting was approved by Member Management Committee on 23rd October 2012 and has been used for the two trial webcasts.

4.6 Risk Management

- 4.6.1 The technical risks associated with this project have been managed between ICT, Democratic Services and Facilities Management.
- 4.6.2 The adoption of a full-managed service on an annual basis will reduce any risks relating to equipment and limit the requirement for an initial large investment. It also provides the opportunity to review the webcast service to take account of public comment and views following a period of operation.

5 Conclusions

- 5.1 Webcasting Council meetings has demonstrated that there is an interest in accessing live feeds from Council meetings over the internet. The last twelve months has provided the opportunity to see the potential for improving public awareness, participation and engagement with the Council as an important part of local democracy.

5.2 A decision is now required about whether the Council wishes to continue to webcast its Council meetings and also if there is in principle support to expand webcasting to meetings of the Executive Board and City Plans Panels.

6 Recommendations

6.1 General Purposes Committee is asked to;

- a) Consider whether Council meetings should continue to be webcast and, if so, approve the Officer recommendation for an extension for a further 12 month period to 1st September 2016.
- b) Consider whether an expansion to, in the first instance, and subject ultimately to affordability, live webcast coverage being extended to meetings of the Executive Board and City Plans Panel is supported and if so;
 - a. Agree that a trial of webcast solutions for the new committee facility be undertaken and;
 - b. Request a further report, following the completion of the trials, setting out costed options for the expansion of webcasting to the new committee facility.

7 Background documents⁵

7.1 None

⁵ The background documents listed in this section are available to download from the Council's website, unless they contain confidential or exempt information. The list of background documents does not include published works.