



GENERAL PURPOSES COMMITTEE

Meeting to be held in Civic Hall, Leeds on
Tuesday, 18th May, 2010 at 10.00 am

MEMBERSHIP

Councillors

- S Bentley - Weetwood;
- A Blackburn - Farnley and Wortley;
- J Blake - Middleton Park;
- R Brett - Burmantofts and Richmond Hill;
- A Carter (Chair) - Calverley and Farsley;
- R Finnigan - Morley North;
- P Gruen - Cross Gates and Whinmoor;
- J Procter - Wetherby;
- N Taggart - Bramley and Stanningley;
- K Wakefield - Kippax and Methley;

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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 25 of the Access to Information Procedure Rules (in the event of an appeal the press and public will be excluded).</p> <p>(*In accordance with Procedure Rule 25, written notice of an appeal must be received by the Chief Democratic Services Officer at least 24 hours before the meeting)</p>	
2			<p>EXEMPT INFORMATION - POSSIBLE EXCLUSION OF THE PRESS AND PUBLIC</p> <p>1 To highlight reports or appendices which officers have identified as containing exempt information, and where officers consider that the public interest in maintaining the exemption outweighs the public interest in disclosing the information, for the reasons outlined in the report.</p> <p>2 To consider whether or not to accept the officers recommendation in respect of the above information.</p> <p>3 If so, to formally pass the following resolution:-</p> <p>RESOLVED – That the press and public be excluded from the meeting during consideration of the following parts of the agenda designated as containing exempt information on the grounds that it is likely, in view of the nature of the business to be transacted or the nature of the proceedings, that if members of the press and public were present there would be disclosure to them of exempt information, as follows:-</p>	

Item No	Ward/Equal Opportunities	Item Not Open		Page No
3			<p>LATE ITEMS</p> <p>To identify items which have been admitted to the agenda by the Chair for consideration.</p> <p>(The special circumstances shall be specified in the minutes)</p>	
4			<p>DECLARATION OF INTERESTS</p> <p>To declare any personal/prejudicial interests for the purpose of Section 81(3) of the Local Government Act 2000 and paragraphs 8 to 12 of the Members' Code of Conduct.</p>	
5			<p>APOLOGIES FOR ABSENCE</p> <p>To receive any apologies for absence from the meeting.</p>	
6			<p>MINUTES OF THE PREVIOUS MEETING - 8TH FEBRUARY 2010</p> <p>To confirm as a correct record the minutes of the meeting held on 8th February 2010.</p>	1 - 4
7			<p>EMPLOYMENT COMMITTEE TERMS OF REFERENCE</p> <p>To receive a report of the Assistant Chief Executive (Corporate Governance) reviewing the Employment Committee Terms of Reference as part of a review of policies and procedures which apply to senior staff and having regard to the impending process to recruit and appoint to a number of posts within the Corporate Leadership Team ("CLT").</p>	5 - 14

Item No	Ward/Equal Opportunities	Item Not Open		Page No
8			<p>LICENSING ARRANGEMENTS</p> <p>To receive a report of the Assistant Chief Executive (Corporate Governance) informing members of proposed amendments to the constitution documents relating to the Council's licensing arrangements.</p>	15 - 26
9			<p>OVERVIEW AND SCRUTINY - PROPOSED CHANGES AND AMENDMENTS TO THE CONSTITUTION</p> <p>To receive a report of the Chief Democratic Services Officer proposing recommendations in respect of amendments to the Overview and Scrutiny function following the officer annual review of the Constitution.</p>	27 - 72
10			<p>REVIEW OF CALL IN PROCEDURE RULES</p> <p>To receive a report of the Chief Democratic Services Officer reviewing the requirement to have original signatures on Call In request forms in the light of 12 months operational experience. The report also provides an analysis of Members involved in Call In.</p>	73 - 80
11			<p>ANNUAL REVIEW OF THE CONSTITUTION</p> <p>To receive a report of the Assistant Chief Executive (Corporate Governance) proposing amendments to the Constitution arising from the annual review.</p>	81 - 156
12			<p>WORK PROGRAMME</p> <p>To receive a report of the Assistant Chief Executive (Corporate Governance) notifying and inviting comment from the Committee upon the work programme for 2010/11.</p>	157 - 160

Agenda Item 6

GENERAL PURPOSES COMMITTEE

MONDAY, 8TH FEBRUARY, 2010

PRESENT: Councillor R Brett in the Chair
Councillors S Bentley, J Blake, R Brett,
R Finnigan, P Gruen, J Procter, N Taggart
and K Wakefield

Apologies Councillor A Carter

34 Appeals against refusal of inspection of documents

There were no appeals against refusal of inspection of documents.

35 Exempt Information - possible exclusion of the press and public

There were no resolutions to exclude the public.

36 Late items

There were no late items added to the agenda.

37 Declaration of Interests

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

38 Apologies for absence

Apologies for absence were received on behalf of Councillor A Carter.

39 Minutes of the Previous Meeting - 20th October 2009

RESOLVED –

Member's resolved that the minutes of the General purposes Committee meeting held on 20th October 2009 be approved as a correct record.

40 Matters Arising

Further to Minute 33 Councillor Gruen asked whether the Assistant Chief Executive (Corporate Governance) had publicised the new executive arrangements and whether there had been any response. It was confirmed to the Committee that the new executive arrangements had been published, as yet there has been no response.

Further with regards to Minute 33 Councillor Gruen requested an update on the progress made with writing to the Secretary of State to convey Members' concerns that under the new arrangements, full Council will not lawfully be able to preclude the Leader from carrying out executive functions him/herself, nor from delegating them to an individual Executive Member. The Committee was informed that a letter had been sent to the Secretary of State but as yet no response had been received.

41 Appointment of Chairs to Ward Based Community Forums

The Head of Governance Services presented a report of the Director of Environment and Neighbourhoods and the Assistant Chief Executive (Corporate Governance). The report asked the Committee to make recommendations to full Council about an amendment to the Area Committee Procedure Rules concerning the appointment of Chair's to Ward Based Community Forums. Members particularly discussed:

- the importance of ward members determining these matters and the need for some sort of proportionality within the wards; and
- the need for further clarity with the emphasis placed on political balance.

RESOLVED – Members of the General Purposes Committee resolved to:

- (a) request that the Assistant Chief Executive (Corporate Governance) amend the proposals in line with discussions at the meeting and circulate the same to the 5 leaders for comment ; and,
- (b) recommend to full Council the final amendment to Rule 7 of the Area Committee Procedure Rules as referred to in (a) above, including provisions for resolving potential disputes via the Member Management Committee, (the amendment to be effective from May 2010).

42 Appointments to Outside Bodies Procedure Rules - Proposed Amendment

The Head of Governance Services presented a report of the Assistant Chief Executive (Corporate Governance) asking the Committee to make recommendations to full Council about changes to the Appointments to Outside Bodies Procedure Rules. The changes would make it a requirement that only group whips or their nominee would be consulted prior to the Assistant Chief Executive (Corporate Governance) utilising her delegated authority to appoint a member to an outside body where a body requires an appointment prior to the next meeting of the Member Management Committee.

Members agreed with the amendments being proposed.

RESOLVED – Members of the General Purposes Committee resolved to recommend to full Council the proposed amendment to Rule 4.6(iii) of the

Appointments to Outside Procedure Rules as set out in appendix 2 to this report.

43 Amendment To Officer Delegation Scheme (Council (Non Executive) Functions

The Head of Governance Services presented a report of the Assistant Chief Executive (Corporate Governance) asking the Committee to make recommendations to full Council about amendments to the Officer Delegation Scheme (Council (non-executive) Functions) and consequential amendments. This would create a delegation of Council function to the Chief Economic Development Officer with regard to the licensing of market and street trading. Members particularly discussed:

- the reasons behind the use of concurrent delegations; and
- that the concurrent delegation being discussed will complete the concurrent powers for the City Development Directorate.

RESOLVED – Members resolved to;

- (a) note the amendments made to the Constitution by the Leader of the Council and the consequential amendments to the constitution to be made by the Assistant Chief Executive (Corporate Governance); and
- (b) recommend to full Council the amendment of the Officer Delegation Scheme (Council (non-executive) Functions) to provide for the concurrent delegation of licensing of markets and street trading functions to the Chief Economic Development Officer.

44 Work Programme

The Assistant Chief Executive (Corporate Governance) submitted a report notifying Members of the draft work programme for 2009/10.

Members discussed the items on the work programme and specifically noted the scheduling of the Community Governance Review item and the Managing Work Force Change items.

RESOLVED - Members resolved to:

- (a) agree that the draft work programme for the remainder of the municipal year be noted; and
- (b) request an update with regards to the Managing work Force Change item specifically;
 - (i) when it will be scheduled; and
 - (ii) what will be contained within it.

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Report of the Assistant Chief Executive (Corporate Governance)

General Purposes Committee

Date: 18 May 2010

Subject: Proposed Amendments to the Employment Committee Terms of Reference

Electoral Wards Affected:

Ward Members consulted
(referred to in report)

Specific Implications For:

Equality and Diversity

Community Cohesion

Narrowing the Gap

Executive Summary

The General Purposes Committee has the authority to consider proposals to amend the Constitution and to make recommendations to full Council.

This report concerns proposed amendments to the Employment Committee's Terms of Reference, contained in Part 3, Section 2B of Leeds City Council's Constitution.

As they currently appear, its Terms of Reference expressly provide for the Employment Committee to make recommendations to Council to appoint or dismiss the Chief Executive. They do not, however, currently make any express provision for the Committee to recommend or to take disciplinary action short of dismissal against the Chief Executive.

Under the Local Authorities (Standing Orders) (England) Regulations 2001 ("the Regulations"), "disciplinary action" in relation to local authority employees means any action occasioned by alleged misconduct which, if proved, would be recorded on the employee's personal file. Disciplinary action short of dismissal will usually consist of either a written warning or a final written warning or, in certain circumstances, a transfer or demotion.

The current Terms of Reference do not include an express power (as is recommended under the model disciplinary procedure in the Joint Negotiating Committee's National Salary Framework and Conditions of Service Handbook for Local Authority Chief Executives) for the Employment Committee to suspend the Chief Executive.

The Employment Committee's Terms of Reference also authorise it to deal with **appeals** relating to grading, grievance and discipline in respect of the Chief Executive

(and the Deputy Chief Executive and Directors). There is, however, no provision for an initial stage in relation to a grievance submitted by the Chief Executive.

Under the Regulations, a local authority must incorporate into its standing orders provisions to the effect that no disciplinary action can be taken against the authority's Head of Paid Service, its Monitoring Officer or its Chief Finance Officer (by the local authority or by any committee or sub-committee) other than in accordance with a report by a Designated Independent Person ("DIP"). Suspension of those officers on full pay for up to 2 months (any longer requires the DIP's authority) **can** take place but neither the Regulations themselves nor the Council's Officer Employment Procedure Rules specify who has the authority to order suspension. It is therefore proposed that this power should be expressly exercisable by the Employment Committee and its Terms of Reference amended accordingly.

1.0 Purpose of This Report

- 1.1 As part of a review of policies and procedures which apply to senior staff and having regard to the impending process to recruit and appoint to a number of posts within the Corporate Leadership Team ("CLT"), the Employment Committee's Terms of Reference have been reviewed.
- 1.2 This report and its recommendations aim to address gaps in the Employment Committee's Terms of Reference, so that responsibility for decision making in relation to disciplinary and grievance issues in respect of the Chief Executive, Monitoring Officer and Director of Resources is properly set out.

2.0 Background Information

- 2.1 Under the 2001 Regulations, no disciplinary action (other than suspension for up to 2 months for investigatory purposes) may be taken against the Head of the Authority's Paid Service (i.e. in the case of Leeds City Council, the Chief Executive), its Monitoring Officer or its Chief Finance Officer (Director of Resources) other than in accordance with the recommendation of a Designated Independent Person ("DIP").
- 2.2 The Regulations also stipulate that the officers mentioned in 2.1 (and a number of other statutory and non-statutory Chief Officers) cannot be **appointed** or **dismissed** without a "proper officer" being appointed to canvass the Executive of the Authority for any material and well-founded objections.
- 2.3 While the Authority cannot dismiss or take other disciplinary action against the Chief Executive, the Monitoring Officer or the Director of Resources except in accordance with the recommendation of a DIP¹, the "proper officer" process is not required in the case of disciplinary action short of dismissal.

3.0 Main Issues

- 3.1 Disciplinary action short of dismissal against the Chief Executive

A copy of the current wording of the Employment Committee's Terms of Reference appears as Appendix A of this Report. It will be noted that while paragraph 1 deals

¹ Regulation 6 and paragraph 3 of Schedule 3 of the Local Authorities (Standing Orders) (England) Regulations 2001

with the **appointment** and **dismissal** of the Chief Executive and paragraph 2 deals with **appointment, dismissal** and **disciplinary action** against the Deputy Chief Executive and Directors (as defined in the footnote to the Employment Committee's Terms of Reference), there is no provision for **disciplinary action short of dismissal** to be taken against the Chief Executive (even though paragraph 3 refers to **appeals relating to discipline** (i.e. not merely appeals relating to dismissal) in respect of the Chief Executive).

It is therefore proposed to amend the Terms of Reference of the Employment Committee as shown in paragraph 2 of Appendix B

Grievances

3.2 Grievances submitted by the Chief Executive

In relation to grievances raised by the Chief Executive, the model procedure provides for an informal stage (it recommends this be handled by the Monitoring Officer). If that does not resolve the grievance, the Model Procedure recommends a referral to the Grievance Committee with any appeal to Full Council.

The current Chief Executive's Statement of Written Particulars includes the standard Grievance Procedure clause for Leeds City Council employees:

"14.1 *If you have [a] grievance relating to your employment you should discuss the matter initially with your immediate supervisor. If the grievance is to be raised formally, this must be submitted in writing. The process for this and further steps are governed by the Council's Grievance Procedure, which can be found in the local Conditions of Service referred to in paragraph 3 above."*

However as with the Council's Disciplinary Procedure, the Chief Executive and those employed on Chief Officers' Conditions are expressly excluded from the scope of the standard Leeds City Council Grievance Procedure.

The Model Procedure recommends that Councils establish a Grievance Committee. Although it suggests that the Grievance Committee should not comprise the same members as the Investigation and Disciplinary Committee, there is no reason why the function of hearing a grievance could not be dealt with by one panel of members of the Employment Committee, with any subsequent disciplinary issues arising out of it being dealt with by a different panel of members. This could be clarified in the footnote.

3.3 At present, there is no provision in the Employment Committee's Terms of Reference for the Committee to hear a grievance submitted by the Chief Executive.

3.4 This report therefore recommends amendment of the Employment Committee's Terms of Reference to address this issue and for the Employment Committee to deal with any such grievance and a differently constituted Employment Committee to deal with any appeal by the Chief Executive.

It may be that the informal process for resolving a grievance submitted by the Chief Executive (under the model procedure set out in Appendix 8 of the JNC Chief Executives' Handbook) will be adopted and incorporated by reference into the new Chief Executive's contract of employment in due course.

Appendix B of this report shows the proposed amendments to the Terms of Reference of the Employment Committee to address the points raised above.

3.5 Grievances against the Chief Executive

Paragraph 3 of the current Terms of Reference deals with **appeals** relating to grading, **grievance** and discipline in respect of the Chief Executive, Deputy Chief Executive and Directors. The current Chief Executive's statement of written particulars incorporates the Joint Negotiating Committee's National Salary Framework and Conditions of Service Handbook for Local Authority Chief Executives. In the case of grievances, the Handbook is advisory rather than prescriptive. Additionally, the advice leaves many issues to be determined by each local authority. For example, the nomination of a "receiving officer" to administer an initial filtering process (to decide whether a complaint about the Chief Executive is really a complaint about a particular Council service rather than against the Chief Executive personally, or is patently frivolous or unfounded, or could be resolved informally). It is generally inappropriate for a subordinate to hear a superior's grievance and the Chief Executive is the most senior officer in the Council. On that basis, the Handbook suggests that the Head of Human Resources (Chief Officer Human Resources in the case of Leeds City Council) carries out this filtering role. Either way, this should be clarified – as should the applicable grievance procedure itself. It is suggested that this be addressed by the Chief Officer (Human Resources) prior to the appointment of a new Chief Executive and as part of the terms and conditions of his or her employment from the outset.

3.6 Suspension of the Chief Executive

Investigatory suspension of the Chief Officer, Monitoring Officer or Director of Resources for up to 2 months does not require the prior authority of a DIP (see paragraph 3 of Schedule 3 of the Regulations and paragraph 6 of the Officer Employment Procedure Rules). It is not clear, however, who would take the decision to suspend the Chief Executive of Leeds City Council.

3.7 Under the Joint Negotiating Committee's National Salary Framework and Conditions of Service for Local Authority Chief Executives, the model disciplinary procedure envisages that in most cases the power to suspend will be vested in the Investigating and Disciplinary Committee (equivalent to the Employment Committee at Leeds City Council). The model procedure also provides for the Chief Executive to be suspended at very short notice in exceptional circumstances. Under the model procedure, it is suggested that the Chair of the Investigating and Disciplinary Committee should hold the delegated power in those circumstances. This requires specific provision to avoid a Chief Executive from being able to challenge any suspension for lack of specific authority. However, while a function can be delegated to a committee, a sub-committee or to an officer, delegation to a single elected member is not provided for. It is therefore suggested that if that aspect of the model procedure were adopted, a suspension solely by the Chair of the Employment Committee would be open to challenge. A further practical problem would be that Leeds City Council does not have a standing Chair of the Employment Committee to call upon in those circumstances (the Chair being appointed at the time). While the usual 5 clear days notice generally applies to the Employment Committee, the Constitution does provide for shorter notice (Paragraph 4.1 of the Access to Information Procedure Rules). In the case of Leeds City Council, the Employment Committee can be convened at very short notice and it is not thought necessary, therefore, for a power to suspend at very short notice to be given to the Chair of the Committee even if that had been possible.

- 3.8 Accordingly, it is recommended that the Employment Committee's Terms of Reference should be amended to include an express power to suspend the Chief Executive. The Regulations limit the [internal] power to suspend to a maximum of 2 months. Any longer period of suspension requires the authority of the DIP. It is also proposed by this report that the power to suspend the Monitoring Officer or the Director of Resources should be vested in the Employment Committee rather than in the Chief Executive. While this might appear to restrict the Chief Executive's power, ultimately no disciplinary action itself (suspension not being disciplinary action for these purposes) could be taken against the Monitoring Officer or the Director of Resources without the appointment of a DIP in any event. The statements of written employment particulars for the Monitoring Officer and the Director of Resources state that the disciplinary rules and appeal mechanisms applicable are those set out in the Council's Disciplinary Procedure and Code of Conduct. Since these statements of particulars were issued, a new disciplinary procedure has been introduced and all JNC staff are expressly excluded from it. A new disciplinary procedure for JNC staff is to be agreed and introduced.

Amendment to correct administrative error

As a minor point, item 3 in the footnote to the current version of the Employment Committee's Terms of Reference refers to paragraph 3 of the Regulations. This should be a reference to paragraph 3 of Part II of Schedule 1 of the Regulations. It is therefore recommended that this be amended accordingly (as per Appendix B).

4.0 Implications For Council Policy And Governance

- 4.1 In terms of Corporate Governance it is important that the Authority has clear processes and procedures (a) for regulating the conduct of **all** of its officers, including in relation to disciplinary matters (without necessarily having to resort to dismissal) and (b) for dealing with any grievances that **any** of its officers may have.
- 4.2 The proposed amendments only relate to the Chief Executive, the Monitoring Officer and the Director of Resources, and there are no direct Council-wide policy implications.

5.0 Legal And Resource Implications

- 5.1 Without clear authority to take disciplinary action short of dismissal against the Chief Executive or to suspend the Chief Officer, Monitoring Officer or Director of Resources, the Council takes the risk that any such action could be challenged as being ultra vires or, at least in the case of the Chief Executive, of having to choose between the extremes of dismissal on the one hand and taking no action on the other.
- 5.2 This also has implications for the Council in relation to any claims that might be brought by a Chief Executive for wrongful and/or unfair dismissal.
- 5.3 While it might in practice be difficult for a Chief Executive to remain in post after having received a written warning, not to have a lesser sanction than dismissal as an option could render the dismissal of a Chief Executive procedurally unfair. If there is no provision for the Chief Executive to be given a written warning, for example, he or she could argue that (a) any such sanction would be invalid or (b) that any dismissal would be both procedurally and substantively unfair (on the basis that the alleged conduct would only warrant disciplinary action short of dismissal but that the procedure does not allow for that lesser sanction).

- 5.4 The failure by an employer to follow a fair procedure when dismissing an employee can also lead to a percentage increase in any tribunal award of compensation of up to 25%.
- 5.5 At present, while the Employment Committee can hear a grievance appeal in respect of the Chief Executive, it is not apparent from the Employment Committee's Terms of Reference who would hear the initial grievance. This provides scope for a challenge to the process in the context of any subsequent claim brought by the Chief Executive and, in theory, the potential for an increase in any tribunal award and to the authority of whoever the Council proposes should deal with a grievance at the first formal stage.

6.0 Conclusions

- 6.1 The current version of the Employment Committee's Terms of Reference should be amended:
- 6.1.1 to cover grievances relating to the Chief Executive;
- 6.1.2 to cover disciplinary action short of dismissal against the Chief Executive; and
- 6.1.3 to give the Committee the power to suspend the Chief Executive, Monitoring Officer or Director of Resources.

7.0 Recommendations

- 7.1 It is recommended that the General Purposes Committee considers whether the Employment Committee's Terms of Reference should be amended as per the attached draft (Appendix B).

Background Documents:

Appendix A: The current Employment Committee's Terms of Reference

Appendix B: Proposed amended Employment Committee's Terms of Reference

Employment Committee

Appendix A

The Employment Committee is authorised to discharge the following Council (non-executive)¹ functions².

1. to make recommendations to Council to appoint or dismiss the Chief Executive.
2. to appoint or dismiss or take disciplinary action against the Deputy Chief Executive and Directors³.
3. to deal with appeals relating to grading, grievance and discipline in respect of the Chief Executive, Deputy Chief Executive and Directors.

¹ Item 37 of para I of Schedule 1 to the Local Authorities (Functions and Responsibilities)(England) Regulations 2000 as amended

² "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

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

- the Deputy Chief Executive, the Assistant Chief Executives, those named as Directors in the Council structure and any other officers who are required to report directly to, or who are directly accountable to, the Chief Executive in relation to most or all of the duties of their posts; and
- any officer who is required to report directly or is directly accountable to any officer included within the immediately preceding paragraph in relation to all or most of the duties of their post.

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Employment Committee

The Employment Committee is authorised to discharge the following Council (non-executive)¹ functions².

1. to make recommendations to Council to appoint or dismiss the Chief Executive.
2. [to take disciplinary action short of dismissal against the Chief Executive.](#)
3. [to hear any grievance submitted by the Chief Executive and referred to it by the Chief Officer Human Resources.](#)
4. [to hear any appeal referred to it by the Chief Officer Human Resources against the outcome of the first formal stage of a grievance against the Chief Executive.](#)
5. [to suspend the Chief Executive, Monitoring Officer or Director of Resources pending completion of the disciplinary process. Any such suspension must not last longer than two months \(unless extended by the Designated Independent Person³\).](#)
6. to appoint or dismiss or take disciplinary action against Directors⁴.
7. [to deal with appeals⁵ relating to grading, grievance and disciplinary action short of dismissal](#) in respect of the Chief Executive.
8. [to deal with appeals⁵ relating to grading, grievance and disciplinary action \(including dismissal\) in respect of Directors⁴.](#)

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¹ Item 37 of [paragraph 1](#) of Schedule 1 to the Local Authorities (Functions and Responsibilities) (England) Regulations 2000 as amended

² "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

³ [Regulation 6 and Schedule 3 of the Local Authorities \(Standing Orders\) \(England\) Regulations 2001](#)

⁴ "Directors" in this context is to be construed as any officer referred to in sub-paragraph (b), (c), or (d) of paragraph 3 [of Part II of Schedule 1](#) of the Local Authorities (Standing Orders)(England) Regulations 2001, namely:

- the Deputy Chief Executive, the Assistant Chief Executives, those named as Directors in the Council structure and any other officers who are required to report directly to, or who are directly accountable to, the Chief Executive in relation to most or all of the duties of their posts; and
- any officer who is required to report directly [to](#), or is directly accountable to, any officer included within the immediately preceding paragraph in relation to all or most of the duties of their post.

⁵ [Any such appeals shall be heard by a differently constituted Employment Committee from that which heard the original grievance or dealt with the original disciplinary proceedings, as the case may be](#)

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Report of the Assistant Chief Executive Corporate Governance

General Purposes Committee

Date: 18 May 2010

Subject: Licensing Arrangements

Electoral Wards Affected:

Ward Members consulted
(referred to in report)

Specific Implications For:

Equality and Diversity

Community Cohesion

Narrowing the Gap

Executive Summary

1. This report proposes a number of amendments to the constitution in relation to the licensing arrangements at Leeds City Council. The amendments reflect changes in legislation and/or promote clarity within the constitution.

1.0 Purpose of this report

- 1.1 To inform members of proposed amendments to the constitution documents relating to the Council's licensing arrangements.
- 1.2 To request that the Committee consider and recommend the proposed amendments to full Council.

2.0 Background information

- 2.1 The Licensing Committee was created under the Licensing Act 2003 ("the 2003 Act") its initial terms of reference were to deal with all the different types of licences granted under that Act. Functions under the Gambling Act 2005 ("the 2005 Act") were added to the terms of reference in January 2007. Section 7 of the Licensing Act 2003 also provides that full Council may arrange for the Licensing Committee to discharge any function of the Authority which relates to a matter referred to the Licensing Committee, but which is not a licensing function (Section 7(3)). Council may also refer the matter to the Committee where a matter relates to both a licensing function and to a function of the Authority which is not a licensing function, and arrange for the Committee to discharge the other non licensing function (Section 7(5)(b)).
- 2.2 The Licensing and Regulatory Panel deals with other licensing matters such as taxi and private hire licensing and sex establishments. It also has a wide range of terms of reference covering miscellaneous licensing functions and permissions such as marriage premises and acupuncture. These miscellaneous functions are invariably dealt with by officers under delegated powers.

3.0 Main issues

Licensing Committee Terms of Reference

- 3.1 The Licensing Committee currently deals with the functions of making a Designated Public Places Order (DPPO) in respect of alcohol consumption under the Criminal Justice and Police Act 2001. Making a DPPO is not a licensing function under the 2003 Act but relates to a licensing function. This function is one that has been delegated to the Licensing Committee by full Council under the provisions in Section 7(3) of the Licensing Act 2003. The terms of reference for Licensing Committee currently include reference to this function in the footnotes and it is proposed that this function is moved into the main body of the terms of reference for the purposes of clarity.
- 3.2 The Violent Crime Reduction Act 2006 introduced Alcohol Disorder Zones (ADZs). These came into force in 2009 when regulations were made. An area can be designated an ADZ where there is a problem with alcohol related nuisance, crime and disorder but there is no clear link between the problem and an individual licensed premises. A problem with an individual licensed premises can already be tackled under current licensing legislation. The process for designating an ADZ is set out in the regulations and involves consulting on the proposals obtaining the consent of the police, developing an action plan and operating and administering the ADZ.
- 3.3 It is proposed that the function of making an ADZ is delegated to the Licensing Committee again using the power in Section 7(3) Licensing Act 2003. This is

because ADZs could be said to relate to an existing licensing function, however they are not licensing functions under the 2003 Act. It is therefore proposed that the function of making an ADZ be added to the Licensing Committee's terms of reference.

- 3.4 Revised terms of reference for the Licensing Committee incorporating these proposals are attached at Appendix 1.

Licensing and Regulatory Panel Terms of Reference

- 3.5 During 2010 the Council will have new powers to regulate lap dancing and similar sexual entertainment venues. These powers come from the Policing and Crime Act 2009 which amends the Local Government (Miscellaneous Provisions) Act 1982. The Local Government (Miscellaneous Provisions) Act 1982 already deals with sex shops and sex cinemas. Leeds City Council has previously adopted the existing powers and these functions are currently delegated to the Licensing and Regulatory Panel. It is considered likely that the council will wish to adopt these new powers. It is therefore proposed that the additional powers be delegated in the same manner to the Licensing and Regulatory Panel, to be used if adopted.

- 3.6 Revised terms of reference for the Licensing and Regulatory Panel incorporating this additional function are attached at Appendix 2.

Article 8A

- 3.7 Amendments to Article 8A are also proposed to clarify that the Licensing Committee can carry out functions that are not licensing functions but which are referred to it by virtue of the powers in Section 7 of the Licensing Act 2003.
- 3.8 An amendment requiring members to undergo compulsory training as requested by Member Management Committee is also proposed.
- 3.9 A revised Article 8A incorporating these changes is attached at Appendix 3.

Assistant Chief Executive (Corporate Governance) Officer Delegation Scheme (Council (none executive) functions)

- 3.10 Consequential amendments to the Officer Delegation Scheme for the Assistant Chief Executive (Corporate Governance) could be required if the proposed amendments to the terms of reference for the Licensing and Regulatory Panel are approved. The scheme could be amended to delegate the powers to licence sexual entertainment venues to officers as well as to the Panel. These amendments are additional to those set out in the ACE (Corporate Governance) Officer Delegation Scheme which is attached to a separate report attached to this agenda.
- 3.11 If the proposed amendments to the Licensing Committee terms of reference are approved then it will be for the Licensing Committee itself to delegate those powers to officers. Therefore these proposals are not currently reflected in the ACE (Corporate Governance) Officer Delegation Scheme.

4.0 Implications for council policy and governance

- 4.1 The proposed amendments will ensure that the functions to be carried out by the Licensing Committee and Licensing and Regulatory Panel are clearly stated and updated to contain new functions given to the Council in newly enacted legislation.

5.0 Legal and resource implications

- 5.1 The proposed amendments will ensure the constitution is updated to contain functions granted by new legislation.
- 5.2 Any additional resource implications as a result of ADZ's and the licensing of sexual entertainment venues should be covered by existing departmental budgets.

6.0 Conclusions

- 6.1 That the proposed constitutional amendments shown in the attached appendixes and the consequential amendments to the Officer Delegations Scheme should be recommended to full Council.

7.0 Recommendations

- 7.1 That the Committee consider this report and recommend to full Council that the function of marketing an Alcohol Disorder Zone is a function which relates to the licensing functions of the Licensing Committee and should be delegated by full Council to the Licensing Committee.
- 7.2 That the proposed amendments to the Licensing Committee's Terms of Reference shown at Appendix 1 be recommended to full Council.
- 7.3 That the proposed amendments in the Licensing and Regulatory Panels Terms of Reference shown at Appendix 2 be recommended to full Council.
- 7.4 That the proposed amendments to Article 8A shown at Appendix 3 be recommended to full Council.
- 7.5 That consequential amendments to the Assistant Chief Executive (Corporate Governance) (Council (none-executive) functions) to delegate the power to licence sexual entertainment venues to officers be recommended to full Council.

The Licensing Committee

With the exception¹ of

- any licensing function under the Licensing Act 2003 (the 2003 Act) or the Gambling Act 2005 (the 2005 Act) reserved to full Council;² or
- any licensing function where full Council has referred a matter to another committee,³

the Licensing Committee is authorised to discharge⁴ the following functions⁵:

1. to discharge the licensing functions of the licensing authority;⁶
- 2.1 to discharge any other function of the authority referred to it by full Council;⁷

2.2 pursuant to the provision in section 2.1 above full Council has delegated to the Licensing Committee the following functions:

2.2.1 the power to make a designated public places order in respect of alcohol consumption under the Criminal Justice and Police Act 2001⁸

2.2.2 the power to designate an area as an Alcohol Disorder Zone⁹

3 in respect of any approval, consent, licence, permission, or registration which they may grant,

- (a) To impose conditions limitations or restrictions;
- (b) To determine any terms;
- (c) To determine whether and how to enforce any failure to comply;
- (d) To amend, modify, vary or revoke;
- (e) To determine whether a charge should be made or the amount of such a charge.

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¹ In accordance with Section 7(2) of the 2003 Act or s154 (2) (a) and (c) of the 2005 Act.

² Part 3, Section 2A of the Constitution sets out licensing functions reserved to full Council, as licensing authority under the 2003 Act and under the 2005 Act.

³ Under the provisions of Section 7(5)(a) of the 2003 Act.

⁴ The Committee may arrange for any of its functions to be discharged by one or more sub-committees, or by an officer, subject to the exceptions set out in Section 10(4) of the 2003 Act see also Section 154 of the 2005 Act.

⁵ "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.

⁶ This includes the power to set fees under Section 212 of the 2005 Act

⁷ Full Council may arrange for the Licensing Committee to discharge any function of the authority which relates to a matter referred to the Committee but is not a licensing function (Section 7(3)). It may also refer a matter to the Committee where a matter relates to both a licensing function and to a function of the authority which is not a licensing function, and arrange for the Committee to discharge the other function (Section 7(5)(b) of the 2003 Act). Before exercising this power, the Council must consult with the Committee.

⁸ Item 49 of Para I of Schedule 1 to the 2000 Regulations

⁹ Item 50 Para I of Schedule 1 to the 2000 Regulations

Deleted: Pursuant to this provision on 11 January 2006 Council delegated to the Licensing Committee the power to make a designated public places order in respect of alcohol consumption under the Criminal Justice and Police Act 2001

Council Committees' Terms of Reference

3. to make recommendations to full Council in connection with the discharge of its functions as licensing authority;¹⁰ and
4. to receive reports from, and to make recommendations and representations to other committees or bodies as appropriate.¹¹

¹⁰ Including recommendations arising from the monitoring of the operation and impact of the licensing or Gambling policy by the Licensing Committee.

¹¹ Where the licensing authority exercises its power under Section 7(5)(a) of the 2003 Act the other Committee must consider a report of the Licensing Committee. Where the Council does not make arrangements under Section 7(3), it must (unless the matter is urgent) consider a report of the Licensing Committee with respect to the matter before discharging the function (Section 7(4)).

REGULATORY PANELS**Licensing and Regulatory Panel**

The Licensing and Regulatory Panel is authorised to discharge¹ the following functions:²

1. To discharge all Council (non-executive)³ functions relating to:
 - (a) licensing and registration functions⁴ in respect of:
 - (i) caravan sites⁵
 - (ii) hackney carriages and private hire vehicles⁶
 - (iii) sex shops, sex cinemas⁷ and sexual entertainment venues⁸
 - (iv) performances of hypnotism⁹
 - (v) acupuncture, ear-piercing and electrolysis¹⁰
 - (vi) pleasure boats and vessels¹¹
 - (vii) market and street trading¹²
 - (viii) scrap yards¹³
 - (ix) dog breeding, pet shops, animal breeding, animal trainers and exhibitors, zoos, wild animals¹⁴
 - (x) the employment of children¹⁵
 - (xi) premises for the solemnisation of marriage¹⁶
 - (xii) charitable collections¹⁷
 - (xiii) operation of loudspeakers¹⁸
 - (xiv) movement and sale of pigs and cattle¹⁹
 - (xv) storage of celluloid²⁰

Deleted: and

¹ With the exception of any licensing function under the Licensing Act 2003, the Panel and the Council may arrange for any of these functions to be discharged by an officer – the functions for the time being so delegated are detailed in Section 2 of Part 3 of this Constitution

² "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.

³ Local Authorities (Functions and Responsibilities) (England) Regulations 2000 as amended (the 2000 Regulations).

⁴ Para. B of Schedule 1 to the 2000 Regulations

⁵ Items 1 and 2 of Para. B of Schedule 1 to the 2000 Regulations

⁶ Item 3 – 5 of Para. B of Schedule 1 to the 2000 Regulations

⁷ Item 15 of Para. B of Schedule 1 to the 2000 Regulations

⁸ Item ** of paragraph** of the Regulations [section 27 Policing and Crime Act 2009 and Schedule 3 Local Government (Miscellaneous Provisions) Act 1972]

⁹ Item 16 of Para. B of Schedule 1 to the 2000 Regulations

¹⁰ Item 17 of Para. B of Schedule 1 to the 2000 Regulations

¹¹ Item 18 of Para. B of Schedule 1 to the 2000 Regulations

¹² Item 20 of Para. B of Schedule 1 to the 2000 Regulations

¹³ Item 25 of Para. B of Schedule 1 to the 2000 Regulations

¹⁴ Items 29 - 33 of Para. B of Schedule 1 to the 2000 Regulations

¹⁵ Item 35 of Para. B of Schedule 1 to the 2000 Regulations

¹⁶ Item 36 of Para. B of Schedule 1 to the 2000 Regulations

¹⁷ Item 39 of Para. B of Schedule 1 to the 2000 Regulations

¹⁸ Item 40 of Para. B of Schedule 1 to the 2000 Regulations

¹⁹ Items 43 – 46 of Para. B of Schedule 1 to the 2000 Regulations

²⁰ Item 56 of Para. B of Schedule 1 to the 2000 Regulations

- (xvi) meat product premises and dairy establishments²¹
- (xvii) motor salvage operators²²

(b) health and safety at work²³ to the extent that those functions are discharged otherwise than in the authority's capacity as an employer; and
(c) smoke-free premises under the Health Act 2006 and regulations.²⁴

2. In respect of any approval, consent, licence, permission, or registration which they may grant,

- (a) To impose conditions limitations or restrictions;
- (b) To determine any terms;
- (c) To determine whether and how to enforce any failure to comply;
- (d) To amend, modify, vary or revoke;
- (e) To determine whether a charge should be made or the amount of such a charge.

3. To discharge any licensing function²⁵, where full Council has referred a matter to the Panel.²⁶

²¹ Items 57 – 59 of Para. B of Schedule 1 to the 2000 Regulations

²² Item 71 of Para. B of Schedule 1 to the 2000 Regulations

²³ Para. C of Schedule 1 to the 2000 Regulations

²⁴ Para FA, of Schedule 1 to the 2000 Regulations.

²⁵ Under the Licensing Act 2003

²⁶ (Section 7(5)(a) of the Licensing Act 2003). The matter must relate to

- a licensing function of the licensing authority under the Licensing Act 2003 and
- a function which is not a licensing function.

Unless the matter is urgent, the Panel must consider a report of the Licensing Committee in respect of the matter before discharging the function concerned (Section 7(6)).

ARTICLE 8A - LICENSING ARRANGEMENTS

8.1 LICENSING FUNCTIONS

The Council is the licensing authority under the Licensing Act 2003 (the 2003 Act) and the Gambling Act 2005 (the 2005 Act).

8.1.1 General Duties¹

Under the 2003 Act with a view to promoting the licensing objectives.²

The licensing authority must also have regard to:³

- its licensing policy, and
- guidance issued by the Secretary of State under section 182 of the 2003 Act.

Under the 2005 Act in relation to the granting of premises licences the licensing authority, should aim to permit the use of premises for gambling insofar as the Authority thinks it⁴:

- in accordance with the relevant Code of Practice issued under section 24
- in accordance with any relevant guidance issued by the Commission under section 25 of the 2005 Act
- reasonably consistent with the licensing objectives⁵ (subject to the two points above) and
- in accordance with the Statement published by the authority under s349 of the 2005 Act (subject to the three points above)

8.2 THE LICENSING COMMITTEE

8.2.1 Functions

With the exception⁶ of

- any licensing function⁷ reserved to full Council;⁸ or

¹ These duties also apply to any committee sub-committee or officer exercising delegated authority from the licensing authority.

² The licensing objectives are: the prevention of crime and disorder; public safety; the prevention of public nuisance; and the protection of children from harm.

³ Section 4 of the 2003 Act.

⁴ Section 153 of the 2005 Act

⁵ The licensing objectives are preventing gambling from being a source of crime or disorder, being associated with crime or disorder or being used to support crime, ensuring that gambling is conducted in a fair and open way and protecting children and other vulnerable persons from being harmed or exploited by gambling

⁶ In accordance with Section 7(2) of the 2003 Act and Section 154 ((2) (a) and (c) the 2005 Act.

⁷ "Licensing functions" mean functions of the licensing authority under the 2003 Act or the 2005 Act.

Article 8A - Licensing Arrangements

- any licensing function where full Council has referred a matter to another committee;⁹

the Licensing Committee is authorised to discharge¹⁰ the licensing functions¹¹ of the licensing authority under the 2003 Act or the 2005 Act.

The Licensing Committee is also authorised to discharge functions referred to it by full Council under S.7(3) or S.7(5)(b) of the 2003 Act.

The Terms of Reference of the Licensing Committee are set out in Part 3 of the Constitution.

8.2.2 Composition

The Licensing Committee must consist of at least ten but not more than fifteen, Members.¹²

8.2.2.1 Members of the Licensing Committee must complete all compulsory training and shall not sit as a member of the committee or it's sub-committee's unless such training has been undertaken in accordance with the Council's prescribed training programme.

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8.2.3 Sub-committees

The Licensing Committee may appoint one or more sub-committees, which may discharge the same function concurrently.¹³

8.2.4 Delegation to Officers

The Licensing Committee or its sub-committees may arrange for the discharge of their functions by an officer, subject to the exceptions set out in the 2003 Act.¹⁴

8.2.5 Licensing Committee Procedure

The Licensing Committee may regulate its own procedure and that of its sub-committees, subject to any regulations.¹⁵

8.2.6 Conflicts of Interest¹⁶

⁸ Part 3, Section 2A of the Constitution sets out licensing functions reserved to full Council, as licensing authority under the 2003 Act.

⁹ Under the provisions of Section 7(5)(a) of the 2003 Act.

¹⁰ The Committee may arrange for any of its functions to be discharged by one or more sub-committees, or by an officer, subject to the exceptions set out in Section 10(4) of the 2003 Act.

¹¹ "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.

¹² Section 6 of the 2003 Act.

¹³ Section 9(1) of the 2003 Act.

¹⁴ Section 10 of the 2003 Act (see also s154(4) and s232(3) of the 2005 Act). Delegations to Officers are set out in Part 3 of the Constitution.

¹⁵ Section 9(3) of the 2003 Act.

Part 2 Article 8A

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Article 8A - Licensing Arrangements

Where the Licensing Committee is unable to discharge any function delegated to it, because of the number of its Members who are unable to take part in the consideration of discussion of any matter or vote on any question with respect to it, the Committee must refer the matter back to full Council as licensing authority, and full Council must discharge that function.

¹⁶ Section 7(9) of the 2003 Act.(see also s154(3) and s232(2) of the 2005 Act)
Part 2 Article 8A
Page 3 of 3
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Originator: P Marrington

Tel:39 51151

Report of the Chief Democratic Services Officer

General Purposes Committee

Date: 18 May 2010

Subject: Overview and Scrutiny – Proposed Changes and Amendments to the Constitution

Electoral Wards Affected:

Ward Members consulted
(referred to in report)

Specific Implications For:

Equality and Diversity

Community Cohesion

Narrowing the Gap

Executive Summary

1. The annual review of Scrutiny has identified a number of areas for amendment within Article 6 of the Constitution, the Scrutiny Boards' Terms of Reference and the Scrutiny Board Procedure Rules. These are either to ensure consistency in wording, to reflect legislative changes or to provide procedural clarity.
2. Appendices 1 to 3 of this report detail the proposed amendments.
3. The General Purposes Committee is requested to consider the proposed changes and recommend to Council that the Constitutional amendments be approved.

1.0 Purpose of Report

- 1.1 The purpose of this report is to set out recommendations in respect of amendments to the Overview and Scrutiny function following the officer annual review of the Constitution.

2.0 Background Information

- 2.1 The annual review of Scrutiny more often than not identifies a number of areas for amendment within Article 6 of the Constitution, the Scrutiny Boards' Terms of Reference and the Scrutiny Board Procedure Rules. These are either to ensure consistency in wording, to reflect legislative changes or to provide procedural clarity.
- 2.2 The current review has identified the following:

Appointment of Scrutiny Officer

Under new Section 21ZA of the Local Government Act 2000, the Council is under a statutory duty to designate one of their officers as "Scrutiny Officer".

It is therefore recommended that the Council designates the Head of Scrutiny and Member development as the Scrutiny Officer.

Amendments to Article 6 and the Scrutiny Board Procedure Rules are recommended, to reflect the designation and duties of the post.

Article 6 (See Appendix 1)

- Additional bullet point to clarify that value for money reviews on particular services, functions or issues relating to their area of responsibility may be undertaken by Scrutiny Boards.
- Minor change to footnotes to update the names of NHS bodies
- Amendment to reflect the designation and duties of the Council's Scrutiny Officer – see above.
- Amendment to the power to co-opt onto the Crime and Disorder Committee, following recent amendments to legislation¹,

Scrutiny Board Terms of Reference (See Appendix 2)

- Additional bullet point to clarify that value for money reviews on particular services, functions or issues relating to their area of responsibility may be undertaken by Scrutiny Boards.
- Amendments to officers' titles in the footnote to the terms of reference for the Scrutiny Board (Environment and Neighbourhoods).
- Amendment to delete reference to repealed legislation (Scrutiny Board (Health)).

Scrutiny Board Procedure Rules (See Appendix 3)

¹ Crime and Disorder (Overview and Scrutiny) Regulations 2009 as amended
Page 28

- Minor change to footnotes to update the names of NHS bodies
- Minor amendments and re-ordering of paragraphs to make distinction between reviews and other items of work which may result in reports and recommendations and full Scrutiny Inquiries which involve formal terms of reference, the use of the Inquiry selection criteria and formal discussion with the relevant Executive Board Member.
- Amalgamation of paragraphs describing how requests for Scrutiny are managed to ensure consistency.
- Inclusion of specific reference to “Partner Authorities”, including new powers for Scrutiny Boards to require information, reflecting legislation.² .
- Clarification that should a Member withdraw their signature from a Call In and no further signatures are obtained within the required time period, the Call In will fall.
- All references to the “Proper Officer” under the Rules to be amended to refer to the “Scrutiny Officer” – see above.
- Clarification of Rule 17.2 relating to the duty of Members and officers to attend and answer questions.
- Deletion of Rule 25, referring to the production of the annual report, since this duplicates the provision for this in Article 6.

2.3 This report reflects the Administration’s wish to retain the existing seven Scrutiny Boards

3.0 Implications for Council Policy and Governance

3.1 The Council’s Scrutiny arrangements are one of the key parts of the Council’s governance arrangements. This review of the Constitution seeks to ensure that the arrangements continue to be efficient and relevant to the work of the Council.

4.0 Legal and Resource Implications

4.1 There are no legal implications to the proposed amendments. The financial implications of retaining seven Scrutiny Boards will be met from contingency funds.

5.0 Recommendation

5.1 The General Purposes Committee is requested to consider the proposed changes to Article 6, Scrutiny Board Terms of Reference and Scrutiny Board Procedure Rules and recommend to Council that:

- The Council designates the post of Head of Scrutiny and Member Development, as its Scrutiny Officer in accordance with Section 21ZA of the Local Government Act 2000.
- The Constitutional amendments as detailed in appendix 1 -3 be approved.
- That seven Scrutiny Boards are retained

² Local Authorities (Overview and Scrutiny Committees)(England) Regulations 2009.

Background Papers

None used.

ARTICLE 6 – SCRUTINY BOARDS

6.1 ROLE

The Council will appoint the Scrutiny Boards set out in the left hand column of the table below to exercise functions (conferred by section 21 of the Local Government Act 2000 and in accordance with the National Health Service Act 2006) in relation to the matters set out in the right hand column of the table.

Scrutiny Board	Scope ¹
Scrutiny Board (Adult Social Care)	Matters relating to adult services.
Scrutiny Board (Central and Corporate Functions)	Matters relating to central and corporate functions;
Scrutiny Board (Children’s Services)	Matters relating to children’s services.
Scrutiny Board (City Development)	Matters relating to city development
Scrutiny Board (Environment and Neighbourhoods)	Matters relating to environment and neighbourhoods The authority’s crime and disorder committee ²
Scrutiny Board (Health)	Matters relating to the planning, provision and operation of health services
Scrutiny Board (City and Regional Partnerships)	Matters relating to the authority’s key and strategic partnerships.

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 State³.

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

¹ See further Terms of Reference set out in Part 3 of the Constitution

² Section 19 Police and Justice Act 2006

³ Section 21 Local Government Act 2000

Article 6 - Scrutiny Boards

- 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 reconsideration⁴

The Scrutiny Board (Health) will also:

- review or scrutinise any matter relating to the planning, provision and operation of health services in the authority's area;
- make reports and recommendations to local NHS bodies⁵ and to the Council or the Executive on any matter reviewed or scrutinised by it; and
- be consulted by local NHS body⁶.

The Scrutiny Board (Environment and Neighbourhoods) is the Council's crime and disorder committee. In this capacity it will:

- review or scrutinise the exercise of crime and disorder functions⁷ by responsible authorities⁸;
- review or scrutinise any local crime and disorder matter in relation to a Member⁹; and
- make reports or recommendations to the Council or the Executive about the exercise of crime and disorder functions¹⁰ or any local crime and disorder matter in relation to a Member¹¹.

6.3 SPECIFIC ROLES

⁴ The Scrutiny Board (Health) cannot exercise the right to Call-in decisions, nor can the Scrutiny Board (Environment and Neighbourhoods) in its capacity as crime and disorder committee.

⁵ NHS bodies in Leeds, means NHS Leeds, the Leeds Teaching Hospitals, Leeds Partnerships NHS Foundation Trust, NHS Yorkshire and the Humber, and the Yorkshire and Humber Specialised Commissioning Group.

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

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 (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.

¹⁰ See footnote 8

¹¹ See footnote 10
Part 2 Article 6
Page 2 of 7

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Vision for Scrutiny

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

Policy development and review

All Scrutiny Boards may:

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

Scrutiny

All Scrutiny Boards may:

- review and scrutinise the decisions made by and performance of the Executive and/or committees and Directors both in relation to individual decisions and over time;
- review and scrutinise the performance of the Council and the Executive in relation to policy objectives, performance targets and/or particular service areas;
- question Members of the Executive, other Members¹² and/or committees and Directors about their decisions and performance, whether generally in comparison with service plans and targets over a period of time, or in relation to particular decisions, initiatives or projects;
- make recommendations to the Executive and/or appropriate committees and/or Council arising from the outcome of the scrutiny process;
- review and scrutinise the performance of other public bodies in the area and invite reports from them by requesting them to address the Scrutiny Board and local people about their activities and performance; and
- question and gather evidence.

¹² in relation to a matter where the Member has exercised functions under Section 236 Local Government and Public Involvement in Health Act 2007(exercise of functions by local Members)

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

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

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

6.5 SCRUTINY OFFICER

The Council will designate the post of Head of Scrutiny and Member Development, as Scrutiny Officer¹⁵.

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 members¹⁶;
- (c) to provide support and guidance to Members (including Executive Members), and officers¹⁷, in relation to the Scrutiny Boards' functions;
- (d) to report to Council¹⁸ annually about how the authority has carried out its overview and scrutiny functions.

¹⁵ Under Section 21Z Local Government Act 2000.

¹⁶ The Scrutiny Officer shall exercise overall responsibility for the finances made available to Scrutiny Boards.

¹⁷ The Scrutiny Officer shall exercise overall responsibility for the work programme of the officers employed to support the work of the Scrutiny Boards.

¹⁸ After consultation with the relevant Scrutiny Chairs

²⁰ 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

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¶
The Proper Officer¹³ will produce an annual report for Council about the work of the Scrutiny function.¶

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The Proper Officer¹⁴ shall exercise overall responsibility for the finances made available to the Scrutiny Boards.

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16 September 2009¶

6.6 PROCEEDINGS

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

6.7 CO-OPTED MEMBERS

Education Representatives

The following shall be appointed as voting representatives on each relevant Scrutiny Board dealing with educational matters²⁰:

(a) For a term of office which does not go beyond the next Annual Meeting of the Council:

- one Church of England diocese representative
- one Roman Catholic diocese representative

(b) For a four year term of office:

- three parent governor representatives

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

Crime and Disorder Committee

Subject to the following provisions, in its capacity as crime and disorder committee, the Scrutiny Board (Environment and Neighbourhoods) may co-opt additional members to serve on the Board²¹.

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 Board²⁴:

²¹ The Crime and Disorder (Overview and Scrutiny) Regulations 2009

²⁴ 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.

Deleted: The Scrutiny Board can only in this capacity co-opt as a member a person who:
¶ is an employee, officer or member of a responsible authority²² or of a co-operating person or body²³; and
¶ ~~is not an Executive Member.~~ ¶
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¶ 16 September 2009¶

Article 6 - Scrutiny Boards

- (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

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

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Scrutiny Board (Adult Social Care)

1. In relation to **Adult Services**¹ to exercise the functions of a Scrutiny Board including the following:
 - (a) to review or scrutinise the exercise of any council or executive function, or any other related matter²;
 - (b) to make reports or recommendations to Council or the Executive in connection with the exercise of any functions of the Council or the Executive;
 - (c) to receive and review external audit and inspection reports;
 - (d) to act as the appropriate Scrutiny Board³ in relation to the Executive's initial proposals for a plan or strategy within the Budget and Policy Framework;
 - (e) to review corporate performance indicators and to make such reports and recommendations as it considers appropriate;
 - (f) to undertake value for money reviews;
 - (g) to review outcomes, targets and priorities within the Leeds Strategic Plan and to make such reports and recommendations as it considers appropriate; and
 - (h) to review or scrutinise executive decisions made but not implemented.⁴

2. To receive and monitor formal responses to any reports or recommendations made by the Board.

¹ These are the functions delegated to the Director of Adult Social Services under the officer delegation scheme (council functions) and the officer delegation scheme (executive functions), including matters pertaining to outside bodies and partnerships to which appointments have been made by the authority

² including matters pertaining to outside bodies and partnerships to which appointments have been made by the authority

³ under the Budget and Policy Framework Procedure Rules

⁴ which have been called-in under Rule 21 of the Scrutiny Board Procedure Rules.

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Scrutiny Board (Children's Services)

1. In relation to **Children's Services**¹, to exercise the functions of a Scrutiny Board including the following:
 - (a) to review or scrutinise the exercise of any council or executive function, or any other related matter²;
 - (b) to make reports or recommendations to Council or the Executive in connection with the exercise of any functions of the Council or the Executive including proposals for changes to policies and practices;
 - (c) to receive and review external audit and inspection reports;
 - (d) to act as the appropriate Scrutiny Board³ in relation to the Executive's initial proposals for a plan or strategy within the Budget and Policy Framework;
 - (e) to review corporate performance indicators and to make such reports and recommendations as it considers appropriate;
 - (f) to undertake value for money reviews;
 - (g) to review outcomes, targets and priorities within the Leeds Strategic Plan and to make such reports and recommendations as it considers appropriate; and
 - (h) to review or scrutinise executive decisions made but not implemented.⁴

2. To receive and monitor formal responses to any reports or recommendations made by the Board.

¹ These are the functions delegated under the officer delegation scheme (council functions) and the officer delegation scheme (executive functions) to:

- the Director of Children's Services;
- Chief Officer (Children and Young People's Social Care); and
- the Chief Officer (Early Years and Integrated Youth Support Service);

but excluding those matters assigned to the Scrutiny Board (Health) under the Local Authority (Overview and Scrutiny Committees Health Scrutiny Functions) Regulations 2002 as amended.

² including matters pertaining to outside bodies and partnerships to which appointments have been made by the authority

³ under the Budget and Policy Framework Procedure Rules

⁴ which have been called-in under Rule 21 of the Scrutiny Board Procedure Rules

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Scrutiny Board (City Development)

1. In relation to **City Development**,¹ to exercise the functions of a Scrutiny Board including the following:
 - (a) to review or scrutinise the exercise of any council or executive function, or any other related matter²;
 - (b) to make reports or recommendations to Council or the Executive in connection with the exercise of any functions of the Council or the Executive including proposals for changes to policies and practices;
 - (c) to receive and review external audit and inspection reports;
 - (d) to act as the appropriate Scrutiny Board³ in relation to the Executive's initial proposals for a plan or strategy within the Budget and Policy Framework; and
 - (e) to review corporate performance indicators and to make such reports and recommendations as it considers appropriate;
 - (f) [to undertake value for money reviews](#);
 - (g) to review outcomes, targets and priorities within the Leeds Strategic Plan and to make such reports and recommendations as it considers appropriate; and
 - (h) to review or scrutinise executive decisions made but not implemented.⁴

2. To receive and monitor formal responses to any reports or recommendations made by the Board.

¹ These are

- the functions delegated to the Director of City Development under the officer delegation scheme (council and executive functions);
- the functions delegated to the Chief Planning Officer under the officer delegation scheme (council and executive functions);
- the functions delegated to the Chief Officer Highways and Transportation under the officer delegation scheme (council and executive functions);
- the functions delegated to the Chief Officer Asset Management under the officer delegation scheme (council and executive functions);
- the functions delegated to the Chief Officer Economic Development under the officer delegation scheme (council and executive functions);
- the functions delegated to the Chief Libraries Arts and Heritage Officer under the officer delegation scheme (executive functions); and
- the functions delegated to the Chief Recreation Officer under the officer delegation scheme (council and executive functions)

² including matters pertaining to outside bodies and partnerships to which appointments have been made by the authority

³ under the Budget and Policy Framework Procedure Rules

⁴ which have been called-in under Rule 21 of the Scrutiny Board Procedure Rules.

Council Committees' Terms of Reference

Scrutiny Board (City and Regional Partnerships)

1. In relation to **city and regional partnerships**,¹ to exercise the functions of a Scrutiny Board including the following:
 - (a) to review or scrutinise the exercise of any council or executive function or any other related matter;
 - (b) to review how any partnership contributes to the outcomes, targets and priorities within the Leeds Strategic Plan;
 - (c) to receive and review external audit and inspection reports;
 - (d) to undertake value for money reviews;
 - (e) to make reports or recommendations to the Council, the Executive or a relevant partnership in connection with the partnership's performance and functions, and the authority's engagement with the partnership;
 - (f) to act as the appropriate Scrutiny Board² in relation to the Executive's initial proposals for a plan or strategy within the Budget and Policy Framework; and
 - (g) to review or scrutinise executive decisions made but not implemented.³

2. To receive and monitor formal responses to any reports or recommendations made by the Board.

¹ These include:

- strategic and key partnerships identified as such under the Appointment to Outside Bodies Procedure Rules; and
- significant partnerships identified as such under the Council's Governance Framework.

² under the Budget and Policy Framework Procedure Rules

³ which have been called-in under Rule [21](#) of the Scrutiny Board Procedure Rules.

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Scrutiny Board (Central and Corporate Functions)

1. In relation to matters concerning **Central and Corporate Functions**¹, to exercise the functions of a Scrutiny Board including the following:
 - (a) to review or scrutinise the exercise of any council or executive function or any other related matter²;
 - (b) to make reports or recommendations to Council or the Executive in connection with the exercise of any functions of the Council or the Executive, including proposals for changes to policies and practices;
 - (c) to receive and review external audit and inspection reports;
 - (d) to act as the appropriate Scrutiny Board³ in relation to the Executive's initial proposals for a plan or strategy within the Budget and Policy Framework⁴;
 - (e) to review corporate performance indicators and to make such reports and recommendations as it considers appropriate;
 - (f) to undertake value for money reviews;
 - (g) to review outcomes, targets and priorities within the Leeds Strategic Plan and to make such reports and recommendations as it considers appropriate;
 - (h) to review or scrutinise executive decisions made but not implemented,⁵ and
 - (i) to monitor the implementation of the capital programme⁶.

2. To receive and monitor formal responses to any reports or recommendations made by the Board.

¹ These are the functions delegated under the officer delegation scheme (council functions) and the officer delegation scheme (executive functions) to:

- the Chief Executive;
- the Assistant Chief Executive (Corporate Governance);
- the Assistant Chief Executive (Planning, Policy and Improvement);
- the Chief Officer (Customer Services); and
- the Director of Resources.

² including matters pertaining to outside bodies and partnerships to which appointments have been made by the authority

³ under the Budget and Policy Framework Procedure Rules

⁴ including in relation to the Budget

⁵ which have been called-in under Rule 21 of the Scrutiny Board Procedure Rules.

⁶ Each Scrutiny Board may consider individual capital schemes that fall within its terms of reference. Part 3 Section 2B

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Scrutiny Board (Environment and Neighbourhoods)

1. In relation to **Environment and Neighbourhoods**¹, to exercise the functions of a Scrutiny Board including the following:
 - (a) to review or scrutinise the exercise of any council or executive function, or any other related matter²;
 - (b) to make reports or recommendations to Council or the Executive in connection with the exercise of any functions of the Council or the Executive including proposals for changes to policies and practices;
 - (c) to receive and review external audit and inspection reports;
 - (d) to act as the appropriate Scrutiny Board³ in relation to the Executive's initial proposals for a plan or strategy within the Budget and Policy Framework; and
 - (e) to review corporate performance indicators and to make such reports and recommendations as it considers appropriate;
 - (f) to undertake value for money reviews;
 - (g) to review outcomes, targets and priorities within the Leeds Strategic Plan and to make such reports and recommendations as it considers appropriate; and
 - (h) to review or scrutinise executive decisions made but not implemented.⁴
2. To exercise the functions of a **crime and disorder committee**⁵, including the following:
 - (a) to review or scrutinise the exercise of crime and disorder functions⁶ by responsible authorities⁷;
 - (b) to review or scrutinise any local crime and disorder matter in relation to a Member⁸;

¹These are the functions delegated to the Director of Environment and Neighbourhoods, the Chief Environmental Services Officer, the Chief Housing Services Officer and the Chief Regeneration Officer under the officer delegation schemes (council functions) and the officer delegation scheme (executive functions), and the functions which the authority has agreed that another person should exercise as agent of the authority (Section 27 of the Housing Act 1985).

² including matters pertaining to outside bodies and partnerships to which appointments have been made by the authority

³ under the Budget and Policy Framework Procedure Rules

⁴ which have been called-in under Rule 21 of the Scrutiny Board 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 (Section 5 of the Crime and Disorder Act 1998)

Part 3 Section 2B

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- (c) to make a report 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.
3. To receive and monitor formal responses to any reports or recommendations made by the Board.

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 above

¹⁰ See footnote 8 above

Scrutiny Board (Health)¹

1. To review any matter relating to the planning, provision and operation of health services in relation to:
 - arrangements made by local NHS bodies² and the authority to secure hospital and community health and health related services to the inhabitants of the authority's area;
 - the provision of such services to those inhabitants;
 - the provision of family health services (Primary Care Trust), personal medical services personal dental services, pharmacy and NHS ophthalmic services;
 - the public health arrangements in the area including arrangements by local NHS bodies for the surveillance of, and response to, outbreaks of communicable disease or the provision of specialist health promotion services;
 - the planning of health and health related services by local NHS bodies and the authority, including plans made in co-operation with partners for setting out a strategy for improving both the health of the local population and the provision of health care to that population;
 - the arrangements made by local NHS bodies and the authority for consulting and involving patients and the public;
 - any proposals for a substantial development or variation of health services within the authority's area.
2. To consider such proposals as are referred to it by local NHS bodies and the authority and to report back the result of its considerations to the referring body and others as appropriate.
3. To review how and to what effect health policy is being implemented, and health improvement achieved, by the authority and local NHS bodies and to make reports and recommendations as appropriate.
4. To receive representations from Area Committees or relevant groups of interest and to report to the authority and local NHS Bodies as appropriate.
5. In relation to matters in respect of which a local NHS body consults more than

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¹ Local Authority (Overview and Scrutiny Committees Health Scrutiny Functions) Regulations 2002 as amended.

² in Leeds this means [NHS Leeds](#), [the Leeds Teaching Hospitals](#), [Leeds Partnerships NHS Foundation Trust](#), [NHS Yorkshire and the Humber](#), [and the Yorkshire and Humber Specialised Commissioning Group](#).

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one scrutiny committee within its area, or in relation to matters which a number of West Yorkshire Metropolitan Councils elect to jointly scrutinise a function or service provided by the NHS body, to:

- (i) nominate Members to a joint committee, such nominations to reflect the political balance of the Board;
- (ii) delegate its scrutiny functions to another local authority.

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 work¹.

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) shall select education representatives in accordance with Article 6 of the Constitution.

Any education representative appointed in accordance with Article 6 of the Constitution, shall serve as an education representative on all relevant Scrutiny Boards.²

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

The Scrutiny Officer³, 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.

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2.0 DECLARATIONS OF INTEREST

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

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

² 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.

³ Designated in accordance with Section 21ZA Local Government Act 2000 (the 2000 Act). See further [Article 6](#)

Scrutiny Board Procedure Rules

2.2 Where any non-voting co-opted member of a Scrutiny Board has an interest in an item, he/she must declare the interest and may be required by the Chair of the Scrutiny Board to withdraw from the meeting at which that issue is under discussion.

2.3 The Scrutiny Board (Health) may include Members who are involved in the executive of a local NHS body⁴, as a member or an employee. Where such a Member has a personal or prejudicial⁵ interest in a matter, they must declare the interest. If the interest is prejudicial they must not participate in any Inquiry or consultation process which concerns that NHS body. In addition Scrutiny Board (Health) Members may not be involved in any scrutiny exercise that may advantage the NHS body where they have a prejudicial interest.

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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.

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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 (Environment and Neighbourhoods) must meet as the Scrutiny Board considers appropriate to review or scrutinise the exercise of crime and disorder functions⁶ by responsible authorities⁷, but no less than once in every twelve month period⁸.

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 A substitute Member shall be entitled to attend a Call In meeting of a Scrutiny Board in place of a regular Member.⁹

5.0 NOTICES OF MEETINGS

⁴ In Leeds this means NHS Leeds, the Leeds Teaching Hospitals, Leeds Partnerships NHS Foundation Trust, the NHS Yorkshire and Humber, and the Yorkshire and Humber Specialised Commissioning Group

⁵ See the Members Code of Conduct paragraphs 8 to 12 on Interests

⁶ 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)

⁷ These are the bodies and persons responsible for crime and disorder strategies – Section 1(6) 2006 Act

⁸ Regulation 4 Crime and Disorder (Overview and Scrutiny) Regulations 2009

⁹ The defined pool of substitutes will be any member of a Scrutiny Board *excluding* those who have been signatures to the Call In.

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Deleted: the Leeds Primary Care Trust,

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- 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 Rules¹⁰. This shall be without prejudice to any power of exclusion to suppress or prevent disorderly conduct or other misbehaviour at a meeting.

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- 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.
- 7.2 All oral evidence given to a Scrutiny Board shall be recorded in full, either in writing or by such other method (such as tape recording) as shall appear to the Scrutiny Board to be appropriate.
- 7.3 The tapes of oral evidence must be kept for an appropriate period of time to be determined in each case.¹¹

8.0 CHAIRS

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

9.0 RIGHTS OF SCRUTINY BOARD MEMBERS TO DOCUMENTS

- 9.1 In addition to their rights as Councillors, Members on a Scrutiny Board have additional rights to documents as set out in the Access to Information Procedure Rules.
- 9.2 When a Scrutiny Board conducts a review, every member of the Scrutiny Board¹² shall have a right of access to any documents which are relevant to the subject matter of the review.¹³

¹⁰ [These are in Part 4 of the Constitution](#)

¹¹ The Scrutiny Board Procedure Rules Guidance Note provides guidance on the use of taped evidence to Scrutiny Boards.

¹² 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.

¹³ The Protocol for Elected Member/Education Leeds Relations sets out rights of access to information relating to the activity of Education Leeds. Rights of access are subject to the Data Protection Act 1998.

Scrutiny Board Procedure Rules

9.3 Nothing in the above paragraph prevents more detailed liaison between the Executive and a Scrutiny Board as appropriate depending on the particular matter under consideration.

10.0 AGENDA ITEMS

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

- appeals against refusal of inspection of documents;
- exclusion of public;
- late items;
- declarations of interest;
- apologies for absence;
- minutes of the last meeting;
- the Scrutiny Board's work programme; and
- the business otherwise set out on the agenda for the meeting.

11.0 WORK PROGRAMMING

11.1 No Scrutiny Board may undertake a review into:

- any decision of a Regulatory Panel or the Licensing Committee or a Licensing sub-committee;¹⁴
- any decisions which may be appealed against to a Regulatory Panel;
- any decision taken by an officer under delegated authority which falls within the terms of reference of a Regulatory Panel or the Licensing Committee or a Licensing Sub-Committee;¹⁵
- any decision taken prior to 24 May 1999¹⁶, 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;¹⁷ or

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¹⁴ In respect of a licence or permission granted to an individual or in respect of an individual premises

¹⁵ In respect of a licence or permission granted to an individual or in respect of an individual premises

¹⁶ This was the date of the commencement of scrutiny arrangements in Leeds.

¹⁷ It might be appropriate for a Scrutiny Board to conduct an Inquiry at the conclusion of any of the proceedings referred to. For example it could investigate why proceedings were started. Such an Inquiry should not however act as an appeal against those proceedings.

- o individual personnel issues.

11.2 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.

11.3 In relation to the development of plans and strategies which are not part of the authority’s Budget and Policy Framework, a Scrutiny Board may investigate the available options for policy development.

12.0 REQUESTS FOR SCRUTINY

Reviews requested by the Executive or Council

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12.1 Where the Executive or Council resolves to recommend that a review should be undertaken into a particular matter, the Scrutiny Officer shall add this recommendation to the agenda for the next Ordinary Meeting of the relevant Scrutiny Board.

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Reviews requested by a member of a Scrutiny Board

12.2 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.

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Councillor calls for action

12.3 Any Member may refer any local government matter¹⁸ to the relevant Scrutiny Board. In considering whether to refer a matter, the Member must have regard to any guidance issued by the Secretary of State.

12.4 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.

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12.5 The Scrutiny Officer shall acknowledge all such referrals.

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

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12.7 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.

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¹⁸ This means a matter which relates to the discharge of any function of the authority, affects all or part of the electoral area for which the Member is elected or any person who lives or works in that area, and which is not an excluded matter as defined by Section 21(11) of the 2000 Act.

Scrutiny Board Procedure Rules

12.8 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 matter¹⁹; and
- any representations made by the Member.

12.9 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 its decision.

Local crime and disorder matters

12.10 Any Member may refer any local crime and disorder matter²⁰ to the Scrutiny Board (Environment and Neighbourhoods).

12.11 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.

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12.12 The Scrutiny Officer shall acknowledge all such referrals.

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

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12.14 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.

Health and social care matters

12.15 The Local Involvement Network may refer any matter relating to:

- the planning, provision and operation of health services; or
- social care services²¹

to the relevant Scrutiny Board.

12.16 The Scrutiny Officer shall add any such referral to the agenda for the next Ordinary Meeting of the relevant Scrutiny Board.

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

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

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¹⁹ Under Section 236 of the 2007 Act

²⁰ 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

²¹ 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)
Part 4 (c)

12.19 In deciding whether to exercise any functions in relation to any health or social care matter, the relevant Scrutiny Board must take into account any relevant information provided by the Local Involvement Network.

12.20 The Scrutiny Officer will inform the Local Involvement Network about any action taken in relation to the matter.

Requests for reviews from other sources

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12.21 The appropriate Scrutiny Board shall consider a request from any other source²² to conduct a review²³.

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13.0 SELECTING SCRUTINY INQUIRIES

13.1 Where a review is particularly complex, a Scrutiny Board may undertake a full scrutiny Inquiry with formal terms of reference.

13.2 Before deciding to undertake a scrutiny Inquiry, a Scrutiny Board must

- consider how the proposed Inquiry meets criteria approved from time to time²⁴, and
- consider the current workload of the Scrutiny Board and the available resources required to carry out the work.

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¶ 13.2 In deciding whether to carry out an Inquiry into a local government matter²⁵ referred under Rule 12.3, the Scrutiny Board may have regard to:¶ <#>any powers which the Member may exercise in relation to the matter²⁶; and¶ <#>any representations made by the Member. ¶

¶ <#>If the Scrutiny Board decides not to carry out an Inquiry into the matter, the

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¶ 13.4 In deciding whether to exercise any functions in relation to any health or social care matter referred under Rule 12, the relevant Scrutiny Board must take into account any relevant information provided by the Local Involvement Network. ¶

¶ 13.5 The

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

- consult with any relevant Director²⁷ 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 evidence²⁸; and
- compile a preliminary list of documents which the Scrutiny Board require to be produced.

²² including Scrutiny Chairs.

²³ See further Scrutiny Board Procedure Rules Guidance Notes

²⁴ set out in the Scrutiny Board Procedure Rules Guidance Notes

²⁷ Any reference to a Director within these Rules should be deemed to include reference to all officers listed in Article 12 of the constitution. These include chief officers with concurrent delegations to directors. In relation to Scrutiny Board (Health), it also includes the Director of Public Health

²⁸ As an Inquiry proceeds it may become apparent that further witnesses are required

14.0 REPORTS AND RECOMMENDATIONS

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14.1 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.

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14.2 Where a Scrutiny Board is considering making specific recommendations it shall invite advice from the appropriate Director(s) prior to it finalising its recommendations²⁹. The detail of that advice shall be reported to the Scrutiny Board and considered before the report is finalised.

14.3 The review report shall include:

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- 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)³⁰ ;
- a list of all documentation that has been considered by the Board; and
- any conclusions and recommendations on the matter reviewed or scrutinised.

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

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14.5 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 Minority Report will be an appendix to the Scrutiny Board's Report.³¹

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Councillor calls for action

14.6 Where a Scrutiny Board is considering making a report or recommendations in relation to a local government matter³², it may have regard to:

- any powers which the Member may exercise in relation to the matter³³; and
- any representations made by the Member.

14.7 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.

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14.8 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 under Rule 12.3³⁴.

²⁹ The Director shall consult with the appropriate Executive Member before providing any such advice.

³⁰ 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.

³¹ The Scrutiny Board Procedure Rules Guidance Note provides guidance on Minority Reports.

³² See footnote 18

³³ Under Section 236 of the 2007 Act

³⁴ Subject to the provisions of Section 21D 2000 Act re confidential and exempt information

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Health scrutiny functions

14.9 The Scrutiny Board (Health) may make reports and recommendations to local NHS bodies, or the Executive or Council. Such reports and recommendations shall include³⁵:

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

14.10 Where the Scrutiny Board (Health) has completed its review and made reports and recommendations to local NHS bodies scrutinised, the Scrutiny Officer will copy the report to:

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- Local MPs and MEPs;
- NHS Yorkshire and Humber;
- PCT and other NHS Trusts;
- Leeds Voice;
- Local Involvement Network; and
- Other bodies or organisations that have expressed an interest in the Inquiry.

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

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Crime and disorder functions

14.12 Where the Scrutiny Board (Environment and Neighbourhoods) makes a report or recommendations to the Council or Executive about the exercise of crime and disorder functions³⁶ by responsible authorities³⁷, the Scrutiny Officer will provide a copy to

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- each of the responsible authorities³⁸; and
- each of the co-operating persons and bodies³⁹.

14.13 Whenever the Scrutiny Board provides a copy of a report or recommendation under Rule 14.12 the Scrutiny Officer will also notify any authority, person or body to whom it provides the copy, of the steps they must take⁴⁰.

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Local crime and disorder matters

14.14 In deciding whether to make a report or recommendations in relation to a local crime and disorder matter⁴¹ referred under Rule 12, the Scrutiny Board will have regard to:

³⁵ [See further the Protocol between Scrutiny Board \(Health\) and NHS bodies which details these arrangements.](#)

³⁶ See footnote 6.

³⁷ See footnote 7

³⁸ See footnote 7

³⁹ These are the persons or bodies with whom the responsible authorities have a duty to co-operate under Section 5(2) of the 1998 Act.

⁴⁰ In accordance with Section 19 (8B) 2006 Act. [See further the Protocol between Scrutiny and the Crime and Disorder Reduction Partnership, detailing these arrangements.](#)

Scrutiny Board Procedure Rules

- any powers which the Member may exercise in relation to the matter⁴²; and
- representations made by the Member about why it should make a report or recommendations.

14.15 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.

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14.16 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 matter⁴³, the Scrutiny Officer will copy the report to:

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- 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 bodies as it thinks appropriate.

14.17 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.

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General

14.18 Any Scrutiny Board may publish their report or recommendations⁴⁴. Subject to any provisions above, the Scrutiny Board shall submit its report to the Scrutiny Officer for consideration by the Executive (if the proposals are consistent with the existing Budget and Policy Framework), or to the Council as appropriate.⁴⁵ The Scrutiny Board must by notice in writing require the Executive or the Council to:

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- consider the report or recommendations;
- indicate what (if any) steps the Executive or the Council propose to take;
- publish their response⁴⁶; and
- provide a copy of their response to the referring Member.⁴⁷

15.0 RESPONSES TO REPORTS AND RECOMMENDATIONS

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15.1 Except as provided below, the Council, the Executive Board, Area Committees or officers shall consider any report and recommendations of a Scrutiny Board within two months of it being received⁴⁸. The Council or Executive is under a duty to

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⁴¹ See footnote [20](#)

⁴² Under Section 236 of the 2007 Act

⁴³ See footnote [20](#)

⁴⁴ Section 21B(2), 2000 Act, subject to provisions about confidential and exempt information set out in [Section 21D, and any provision made under Section 22 \(12A\)](#).

⁴⁵ A Scrutiny Board may also send a copy of a report to any relevant partnership.

⁴⁶ If the Scrutiny Board published the report or recommendation

⁴⁷ Where the report or recommendations are about a local government matter

⁴⁸ [Or \(if later\) the notice – Section 21B 2000 Act](#)

respond to the Scrutiny Board, indicating what action (if any) it proposes to take and to publish its response.⁴⁹

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

Partner authorities⁵⁰

15.3 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 a local improvement target which:

- relates to a partner authority and
 - is specified in the Council's local area agreement
- the Scrutiny Board may by notice⁵¹ 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 recommendations⁵².

15.4 The partner authority must comply with any requirement imposed under 15.3,

Councillor calls for action

15.4 Where a Scrutiny Board has made a Report in relation to a local government matter, any response must also be sent to the Member who referred the matter under Rule 12.3.

Crime and disorder functions

15.5 Where a relevant authority, or co-operating person or body has been notified by the Scrutiny Officer under Rule 14.12, it must:

- consider the report or recommendations;
- respond in writing to the Scrutiny Board within 28 days of the date of the report or recommendations⁵⁵, 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

15.6 Where the Council or the Executive other relevant authority, person or body has been notified by the Scrutiny Officer under Rule 14.16, it must:

- consider the report or recommendations;

Deleted: another body, except as provided below the body concerned will be asked to send its response to the Board within two months⁵³ of receipt of the report or recommendations.

Deleted: 15.2 The body should set out in response to the recommendations made:⁵⁴¶
 ¶
 <#>the views of the body¶
 <#>details of any action already taken in response to the recommendations; ¶
 <#>proposed action and timescales; or¶
 <#>reasons for inaction.¶

¶ 15.3 The

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⁴⁹ Section 21B 2000 Act

⁵⁰ 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 police authority or a chief officer of police. This provision will not apply if the partner authority is a health service body and the report was provided to the body under Rule 14.9.

⁵¹ Subject to provisions relating to confidential and exempt information in Section 21D 2000 Act

⁵² Subject to provisions relating to confidential and exempt information in Section 21D 2000 Act

⁵⁵ or if this is not reasonably possible, as soon as reasonably possible thereafter

Scrutiny Board Procedure Rules

- respond in writing to the Scrutiny Board within 28 days of the date of the report or recommendations⁵⁶, indicating what (if any) action it proposes to take; and
- have regard to the report or recommendations in exercising its functions.

Health scrutiny functions

15.7 Where the Scrutiny Board requests a response from a local NHS body to whom it has made a report or recommendation, that body shall respond in writing to the Scrutiny Board within 28 days⁵⁷.

15.8 The response should also be copied to:

- Local MPs and MEPs;
- NHS Yorkshire and Humber;
- PCT and other NHS Trusts;
- Leeds Voice;
- Local Involvement Network; and
- Other bodies or organisations that have expressed an interest in the Inquiry

15.9 The Scrutiny Officer will also place a copy of the response on the Council's web-site

16.0 WITNESSES – GENERAL PRINCIPLES

16.1 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.

16.2 Those assisting the Scrutiny Board by giving evidence shall be treated with respect and courtesy⁶².

16.3 When a Member with a prejudicial interest in a matter is giving evidence to the Scrutiny Board⁶³, they should ensure they act as a witness by moving to the area in which other witnesses are giving evidence. The Member should only be present in

⁵⁶ or if this is not reasonably possible, as soon as reasonably possible thereafter

⁵⁷ [Regulation 3\(3\) Local Authority \(Overview and Scrutiny Committees Health Scrutiny Functions\) Regulations 2002](#)

⁶² see Member/Officer Protocol in Part 5 of the Constitution.

⁶³ Members' Code of Conduct paragraph 12(2)

Deleted: 16.0 RECOMMENDATIONS MADE OUTSIDE THE FORMAL SCRUTINY INQUIRY PROCESS¶

¶ 16.1 . It is recognised that from time to time Scrutiny Boards may wish to make comment or issue recommendations which have been generated outside of the formal Scrutiny Inquiry process.¶

Deleted: 16.2 Where a Scrutiny Board makes a recommendation outside of the formal Scrutiny Board Inquiry process this will be set out in a Statement⁵⁸ from the Scrutiny Board.¶

Deleted: 16.3 Where a Scrutiny Board is considering making specific recommendations it shall invite advice from the appropriate Director(s) prior to it finalising its recommendations⁵⁹. The detail of that advice shall be reported to the Scrutiny Board and considered before the Statement is finalised.¶

Deleted: 16.5 Where the Scrutiny Board (Health) has made recommendations to local NHS bodies scrutinised, the

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Deleted: Scrutiny Officer will copy the Statement to:¶
¶
<#>Local MPs and MEPs;¶
<#>NHS Yorkshire and Humber;¶
<#>PCT and other NHS Trusts;¶
<#>Leeds Voice;¶
<#>Local Involvement Network; and¶
<#>Other bodies or organisations that have expressed an interest in the issue.¶

Deleted: 16.6 Where a Scrutiny Board has sent a Statement to a body, the body concerned will be asked to send its response to any recommendations to the Board within 2 months⁶⁰ of receipt of the Statement.¶

¶ 16.7 . The body should set out in response to the recommendations made:¶ ... [1]

Deleted: 16.8 In the case of responses from NHS bodies the response should also be copied to:¶

¶
<#>Local MPs and MEPs;¶
<#>NHS Yorkshire and ... [2]

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the room when giving the evidence and must leave the room once they have given their evidence and answered any questions.

17.0 MEMBERS AND OFFICERS GIVING ACCOUNT/ INFORMATION

17.1 A Scrutiny Board may require any Executive Member, or Member in relation to a matter where the Member has exercised functions⁶⁴, the Chief Executive and/or any senior officer to attend before it to answer questions and provide information about:

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

17.2 It is the duty of those officers and Members to attend and to answer questions⁶⁵.

17.3 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.

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17.4 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.

17.5 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.

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17.6 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.

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17.7 Directors may be accompanied by any other officer the Director feels appropriate.

17.8 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.

17.9 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.

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Health scrutiny functions

⁶⁴ under Section 236 of the 2007 Act

⁶⁵ 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 21 (15) 2000 Act).

Scrutiny Board Procedure Rules

- 17.10 [Subject to giving reasonable notice of the intended date of attendance, the](#) Scrutiny Board (Health) may require an officer of a local NHS body to attend and answer such questions as appear to the Scrutiny Board to be necessary for discharging its functions.⁶⁶
- 17.11 Scrutiny Board (Health) in carrying out the review and scrutiny of a particular matter shall:
- invite interested parties to comment on the matter; and
 - take account of relevant information available to it and, in particular relevant information provided to it by the Local Involvement Network.
- 17.12 An NHS body 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.⁶⁷

Crime and Disorder Committee

- 17.13 Subject to giving reasonable notice of the intended date of attendance, the Scrutiny Board (Environment and Neighbourhoods)⁶⁸ may require an officer or employee of a responsible authority⁶⁹ or of a co-operating person or body⁷⁰ in order to answer questions.
- 17.14 The Scrutiny Board (Environment and Neighbourhoods) may in writing request responsible authorities⁷¹ and co-operating persons and bodies⁷² to provide it with information⁷³.

Partner authorities

- 17.15 [Scrutiny Board may in writing request a partner authority to provide such information⁷⁴, as the Scrutiny Board may reasonably require in order to discharge its functions⁷⁵.](#)
- 17.16 [A partner authority must comply with any such request.⁷⁶](#)

18.0 ATTENDANCE BY OTHERS

⁶⁶ [The duty of the officer to comply with any requirement to attend and answer questions is subject to Regulations 6 and 10 Local Authorities \(Overview and Scrutiny Committees Health Scrutiny Functions\) Regulations 2002 as amended. Officer includes a Chief Executive.](#)

⁶⁷ Regulation 5 Local Authorities (Overview and Scrutiny Committees Health Scrutiny Functions) Regulations 2002 as amended.

⁶⁸ In its capacity as crime and disorder committee

⁶⁹ See footnote [7](#)

⁷⁰ See footnote [39](#)

⁷¹ See footnote [7](#)

⁷² See footnote [39](#)

⁷³ This must be provided in accordance with the Crime and Disorder (Overview and Scrutiny) Regulations 2009.

⁷⁴ [The information must relate to a local improvement target which relates to the partner authority and is specified in the local area agreement](#)

⁷⁵ [See further Scrutiny Board Procedure Rule Guidance Note 8](#)

⁷⁶ [Subject to Regulations 11 and 12 Local Authorities \(Overview and Scrutiny Committees\) \(England\) Regulations 2009](#)

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- 18.1 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 questions⁷⁷.
- 18.2 A Scrutiny Board may appoint advisers and assessors to assist them in their work.
- 18.3 A Member with a prejudicial interest in a matter may make representations and/or answer questions at a Scrutiny Board⁷⁸. In such circumstances the Member should move to the area of the room in which such other members of the public or persons are seated, and should only be present in the room while making representations and/or answering questions. The Member must leave the room once they have made their representations and/or answered any questions until the end of that item.

19.0 EXECUTIVE DECISIONS OUTSIDE THE BUDGET OR POLICY FRAMEWORK

- 19.1 The relevant Director shall seek the agreement of the Chair of the relevant Scrutiny Board that a decision can be taken as a matter of urgency where:
- a proposed decision is contrary to the Council's policy framework, or is not wholly in accordance with the budget approved by full Council; and
 - the decision is a matter of urgency; and
 - it is not practical to convene a quorate meeting of the full Council.
- 19.2 The Director shall give detailed reasons to the Chair about why it is not practical to convene a quorate meeting of full Council when seeking his/her agreement.
- 19.3 In the absence of the Chair of the relevant Scrutiny Board, the Director may obtain agreement from the Lord Mayor or in the absence of both, the Deputy Lord Mayor.
- 19.4 The Director must note on the record of the decision:
- the consent of the Chair of the relevant Scrutiny Board to the decision being taken as a matter of urgency; and
 - the Chair's reasons for giving consent.
- 19.5 Following the decision, the decision taker will provide a full report to the next available Council meeting explaining:
- the decision;
 - the reasons for it; and
 - the reason why taking the decision was treated as a matter of urgency.

20.0 KEY DECISIONS NOT CONTAINED WITHIN THE FORWARD PLAN

General exception

- 20.1 Where it is proposed to take a Key Decision which has not been included in the Forward Plan, the relevant Director will give the Chair of the relevant Scrutiny Board

⁷⁷ It may for example wish to hear from residents, stakeholders, Members or officers in other parts of the public sector.

⁷⁸ Members' Code of Conduct paragraph 12(2)

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Scrutiny Board Procedure Rules

not less than 5 days written notice of the matter on which the decision is to be made.

Special urgency

- | 20.2 If by virtue of the date by which a decision must be taken, it is not possible to give 5 days written notice of the matter, the decision taker (if an officer) or the Chair of the body making the decision shall seek the agreement of the Chair of the relevant Scrutiny Board that the decision cannot reasonably be deferred.
- | 20.3 In the absence of the Chair of the relevant Scrutiny Board, the Director may obtain agreement from the Lord Mayor or in the absence of both, the Deputy Lord Mayor.

Report to Council

- | 20.4 A Scrutiny Board can require the Executive to submit a report to Council where it considers that a Key Decision has been taken which was not in the Forward Plan or which has not been the subject of the general exception or special urgency provisions⁷⁹.

| **21.0 CALL-IN⁸⁰**

- | 21.1 Subject to the exceptions set out below, the following may be called in to be reviewed and scrutinised by the relevant Scrutiny Board⁸¹:
 - all decisions of the Executive Board;
 - executive decisions taken by Area Committees; and
 - Key and Major Decisions taken by Officers.
- | 21.2 The power to call in decisions does not extend to⁸²:
 - decisions made under regulatory arrangements;
 - decisions made by Joint Committees; or
 - decisions not taken by the authority.
- | 21.3 When a decision is made which is subject to Call-In, the Chief Democratic Services Officer shall publish the decision, and make it available on the Council database within two days of the decision being made.
- | 21.4 He/she will also send each elected Member of the relevant Scrutiny Board an electronic copy of the record of the decision within two days of it being made.
- | 21.5 The notice will bear the date on which it is published. It will specify that the decision will come into force, and may then be implemented, on the expiry of five working days after the publication of the decision, unless the decision is called in.
- | 21.6 During that period, the Scrutiny Officer shall Call-In a decision for scrutiny by the

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⁷⁹ See Access to Information Procedure Rules

⁸⁰ There is a separate Guidance Note which sets out in full the operation of the Call-In

| ⁸¹ Where a decision falls within the terms of reference of more than one Scrutiny Board, the Scrutiny Officer will determine the relevant Scrutiny Board, after consultation with Scrutiny Chairs.

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⁸² A decision which is a direct consequence of implementing a previous key or major decision, cannot be called in – see definition of key and major decisions, guidance notes on delegated decision-making.

Part 4 (c)

relevant Scrutiny Board if:

- two non executive elected Members (who are not from the same political group) or
- any five non executive elected Members

request him/her to do so⁸³. The Scrutiny Officer will call a meeting of the relevant Scrutiny Board to review or scrutinise the decision, unless a Member withdraws their signature, and no further signatures are obtained within the call-in period.

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21.7 A request for Scrutiny must be made on the approved pro forma and contain the original signatures of those Calling In the decision.

21.8 At the meeting the Scrutiny Board will invite signatories to the notification⁸⁴ to explain the reasons for the Call-In⁸⁵. The relevant member of the Executive Board, Area Committee Chair or officer (as appropriate) shall be required to attend the Meeting and shall be given the opportunity to respond to the reasons given for the Call-In. The Scrutiny Board shall make such further enquiries as it considers necessary and appropriate. The Scrutiny Board may also extend the invitation to other relevant witnesses, as considered appropriate, in order to specifically assist the Board in its deliberations over the called in decision.

21.9 The Scrutiny Board shall then either;

- release the decision for implementation; or
- recommend to the decision-maker that the decision should be reconsidered; or
- where the decision is considered to fall outside the agreed budget or policy framework, recommend to the decision-maker that the decision should be reconsidered, and notify the decision-maker that if it is not, the Scrutiny Board will refer the matter to full Council.

21.10 If the Scrutiny Board resolves that a decision is to be referred back for consideration, the Scrutiny Officer will prepare a report⁸⁶ to the decision-maker within three working days of the Scrutiny Board meeting.

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21.11 In exceptional circumstances, the Scrutiny Board may resolve to adjourn the meeting to consider information regarded as essential for the Board to come to a conclusion. The maximum time allowed for an adjournment is 5 working days.

22.0 CALL-IN EXCEPTIONS

22.1 The Call-In procedure set out above shall not apply:

- where the decision being taken is stated by the decision maker to be urgent⁸⁷;
- nor

⁸³ A Member cannot be a signatory to call-in a decision of the Area Committee of which they are a member. This also excludes members of the Scrutiny Board to which the Call In will be referred.

⁸⁴ or their nominees

⁸⁵ The signatories should specify which of the principles of decision making (set out in Article 13.2 of the constitution) has not been followed. The signatories may also provide further written evidence provided this supports the stated reasons for calling in the decision.

⁸⁶ the provisions relating to a minority report do not apply to any decision of the Committee in relation to a matter which has been called in.

Scrutiny Board Procedure Rules

- where the decision is in relation to a matter which has been the subject of a previous Call-In.⁸⁸

23.0 NHS BODIES - CONSULTATION WITH THE SCRUTINY BOARD (HEALTH)

- 23.1 A local NHS body must consult the Scrutiny Board (Health) 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 service⁸⁹.
- 23.2 The Scrutiny Board may make comments on the proposal consulted on by such date as may be specified by the NHS body.
- 23.3 Where the NHS body is satisfied that a decision has to be taken without allowing time for consultation because of a risk to safety or welfare of patients or staff, the NHS body shall notify the Scrutiny Board immediately of:
- the decision taken; and
 - the reason why no consultation has taken place.
- 23.4 Where the Scrutiny Board (Health) is not satisfied that:
- consultation on any proposal referred to in [Rule 23.1](#) has been adequate in relation to content or time allowed; or
 - where [Rule 23.3](#) applies, the reasons given by the NHS body are adequate;
- it may report this to the Secretary of State in writing. The Secretary of State may require the local NHS body concerned to carry out such consultation, or such further consultation, with the Scrutiny Board as he/she considers appropriate.
- 23.5 Where further consultation has been required, the local NHS body shall, having regard to the outcome of such further consultation, reconsider any decision it has taken in relation to the proposal in question.
- 23.6 In any case where the Scrutiny Board (Health) considers that the proposal would not be in the interests of the health service in the authority's area, it may report this to the Secretary of State in writing. The Secretary of State may make a final decision on the proposal and require the local NHS body to take such action, or desist from taking such action, as he/she may direct.

Deleted: <#>ANNUAL REPORT TO COUNCIL¶¶ <#>¶¶ <#>25.1 . The Proper Officer will report to Council⁹⁰ annually about how the authority has carried out its overview and scrutiny functions.¶¶

⁸⁷ A decision may be declared urgent by the decision-maker if they consider that any delay in implementing the decision would seriously prejudice the authority's interest or the public interest.

⁸⁸ This includes a decision which has been modified by the decision making body following a recommendation by a Scrutiny Board after call in of the earlier decision

⁸⁹ Under the Local Authority (Overview and Scrutiny Committees Health Scrutiny Functions) Regulations 2002 as amended.

Part 4 (c)

- 16.6 Where a Scrutiny Board has sent a Statement to a body, the body concerned will be asked to send its response to any recommendations to the Board within 2 months¹ of receipt of the Statement.
- 16.7 The body should set out in response to the recommendations made:²; the views of the body
details of any action already taken in response to the recommendations;
proposed action and timescales; or
reasons for inaction.

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

Local MPs and MEPs;
NHS Yorkshire and Humber;
PCT and other NHS Trusts;
Leeds Voice;
Local Involvement Network; and
Other bodies or organisations that have expressed an interest in the Inquiry.

¹ For NHS Bodies this time limit is 28 days (the Local Authority (Overview and Scrutiny Committee Health Scrutiny Functions) Regulations 2002).

² Where a recommendation is to a Director, the Director shall consult with the appropriate Executive Member when formulating a proposed response. The Scrutiny Board report and proposed response will be considered by the Executive Board prior to a response being sent to the Scrutiny Board

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Originator: P Marrington

Tel:39 51151

Report of the Chief Democratic Services Officer

General Purposes Committee

Date: 18th May 2010

Subject: Review of Call In Procedures

Electoral Wards Affected:

Ward Members consulted
(referred to in report)

Specific Implications For:

Equality and Diversity

Community Cohesion

Narrowing the Gap

Executive Summary

1. In January 2009 Council agreed to amend the Call In procedure rules, requiring that original signatures be used on the Call In Request Form. General Purposes Committee in recommending this change to Council asked that it be reviewed in six months. This review took place and was considered by this committee on 8th September 2009.
2. At its meeting on 8th September 2009 Members resolved to continue with the requirement to have original signatures on Call In request forms. The committee however asked that the process be kept under review and that a further report be submitted in six months, including an analysis of the number of individual Members involved with Call Ins.
3. The purpose of this report is to review the requirement to have original signatures on Call In request forms in the light of 12 months operational experience and the comments of Members identified in Paragraph 3.4
4. The report also details the analysis of the number of individual Members involved with Call Ins.

1.0 Purpose of Report

- 1.1 The purpose of this report is to review the requirement to have original signatures on Call In request forms in the light of 12 months operational experience and the comments of Members identified in Paragraph 3.4. The report also provides an analysis of Members involved in Call In.

2.0 Background Information

- 2.1 In September 2009 this committee reviewed the requirement to have original signatures on Call In request forms. By way of a reminder, when this matter was first discussed some Members were concerned that requiring original signatures may inconvenience Members who had other commitments outside of the City, and consequently may not be able to provide a signature within the required time-scale. Concerns were also raised that the quality of Members' contributions to discussions would not change even if original signatures were required. Some Members also questioned why electronic signatures should not be accepted, as they were in other circumstances (on White papers, for example). However, other Members argued that requiring original signatures would help to avoid decisions being Called In by Members who were not fully aware of the issues involved, in addition to the possibility of Members' signatures being added to Call In Request Forms without the knowledge of the Member concerned.
- 2.2 To help the discussion Members considered research (below) that demonstrated that the practice of requiring original signatures varies amongst Core Cities.

Core City	Procedure
Birmingham	require original signatures.
Newcastle	Allow electronic signatures
Liverpool	Require original signatures on paper copies, however they would accept electronic signatures ONLY if they have been sent by that person through their individual email account (Not on behalf of them)
Bristol	Only accept original signatures.
Sheffield	Have not had this debate but would currently accept electronic signature
Nottingham	Never had a Call In
Manchester	Rules unclear but are likely to ask for an original signature

3.0 Review of current arrangements

3.1 Since the adoption of the 'original signature rule' there have been eight Call Ins. (as of January 2010) These were;

- Budget Action Plan Staffing Issues (April 2009)
- Voice Recognition system (April 2009)
- Supporting People (May 2009)
- ICT Refresh - Sports for the Future (August 2009)
- North Hyde Park Resident's Association, South Headingley Community Association, and Friends of Woodhouse Moor regarding the Council's proposal to establish BBQ areas on Woodhouse Moor. (September 2009)
- To award a contract for the delivery of Connexions Intensive Support Services – Wedge Based Services (October 2009)
- 2009/10 Well-being Fund. Radio Fever – approval of revenue funding (December 2009)¹
- Neighbourhood Networks²

3.2 From the Scrutiny Unit's perspective there were no administrative issues faced in progressing these Call Ins in terms of delays or reported difficulties in obtaining signatures.

3.3 In June 2009 and again in February 2010 the Head of Scrutiny and Member Development wrote to the Leaders of the five political groups, their Whips and all Scrutiny Chairs, inviting views on the current arrangements.

3.4 Cllr Brett has responded stating that he is happy with the current arrangements, as have Cllrs Hyde, Pryke, Chapman and Anderson. Cllr Smith has stated that he would be content for the rule to be relaxed. Cllr Gruen has stated that the Labour Group considers the requirement to be cumbersome and unnecessary. However he also states that the Labour Group has not experienced any particular problems in obtaining signatures.

Analysis of Members involved in Call In.

3.5 General Purposes Committee requested an analysis of those Members involved in Call In. Appendix 1 provides the full breakdown of Call Ins received and those participating over the period 2001 to now.

3.6 Since 2001 there have been various rules in place regarding who can initiate a Call In and the numbers of signatures required. Further more, there have been a number of changes to the membership and political balance of the Council with some Members leaving and new Members joining. As such it is very difficult to draw any meaningful conclusions from the data.

¹ This Call In was withdrawn

² Decision withdrawn

- 3.7 Since 2001 there have been 38 Call Ins, of which 9 (23%) involved Members of the ruling Administration. These 38 can be broken down as follows;
- 12 - Executive Board Decisions (32%)
 - 24- Delegated Decisions (63%)
 - 2 - Area Committee decisions (5%)³
- 3.8 Since May 2008 and the requirement that any two Members *not* from the same Group or *any* five Members must be present to initiate a Call In, there has been a total of 16 Call Ins. This represents 42% of all Call Ins. Of these 16 Call Ins four (25%) involved Members of the ruling Administration.
- 3.9 Of the eight Call Ins received since the introduction of the original signature rule, three have involved Members of the ruling Administration,
- 3.10 These eight Call Ins have required a total of 32 signatures. These have been provided by 21 Members. Eight Members have signed two Call Ins. Those Members are; Cllrs Gruen, Taggart, Driver, Oglivie, Illingworth, Lowe and D Blackburn. Cllr Pryke signed three Call Ins of the eight Call Ins.

4.0 Implications for Council Policy and Governance

- 4.1 The Council's Scrutiny arrangements are one of the key parts of the Council's governance arrangements. This review of Scrutiny Board procedure rules seeks to ensure that the arrangements continue to be efficient and relevant to the work of the Council.

5.0 Legal and Resource Implications

- 5.1 There are no legal or resource implications to the proposed amendments.

6.0 Recommendation

- 6.1 The General Purposes Committee is requested to review the requirement to have original signatures on Call In request forms in the light of 12 months operational experience and the comments of Members identified in Paragraph 3.4.

Background Papers

Scrutiny Board Procedure Rules
Report to General Purpose Committee – 20th November 2008

³ One Area Committee decision Called In was withdrawn
Page 76

Analysis of Members involved in Call In

2001/2002 - 2 Members from 2 Groups from relevant Scrutiny Board	
Consultation on Admission Arrangements	W Hyde & R Harker
% of Call Ins involving ruling Administration	0%

2002/2003 - 2 Members from 2 Groups from relevant Scrutiny Board	
Fairer Charging Policies for Home Care	Thakur & Brown
HRA	Loudon & Tear
Lettings Policy	Loudon & Tear
Secondary and post 16 review	Driver & Harker
Transfer of pupil referral unit	W Hyde & Harker
Building Agency contracts	Cleasby & JL Carter
Whinmoor Grange cemetery	Anderson & Tear
ALMO Procurement	Sullivan & R Feldman
Extension of multi client repair contract	Garvani & Kirkland
Day Centre Staffing Reduction	Harrand & Mitchell
% of Call Ins involving ruling Administration	30%

2003/2004 - 2 Members from 2 Groups from relevant Scrutiny Board	
Temple Moor High School admission numbers	Driver & Harker
Wortley High School pitch	Castle & Souper
% of Call Ins involving ruling Administration	50%

2004/2005 - 2 Members from 2 Groups from relevant Scrutiny Board or 3 Members in the case of a Scrutiny Board which have members from one opposition group	
Advertising on street lights	Lowe, J Lewis Beevers
Abbey Mills referbishment	Atkinson, McKenna, G Hyde
% of Call Ins involving ruling Administration	0%

2005/2006 - 2 Members from the Overview and Scrutiny Committee from 2 Groups	
Closure of Beckett Park	Minkin & Leadley
% of Call Ins involving ruling Administration	0%

2006/2007 - 2 Members from the Overview and Scrutiny Committee from 2 Groups	
Mills Hill and Potternewton primary closure	Grahame & Leadley
Contract with Disabilities Trust	Grahame & Leadley
% of Call Ins involving ruling Administration	0%

2007/2008 - 2 Members from the Overview and Scrutiny Committee from 2 Groups	
Leeds Half Marathon	Minkin & Gettings
Review of car parking charges	Hanley & Getings
Compusory purchase orders	Grahame & Gettings
Radio Asian Fever grant	Pryke & Gettings
% of Call Ins involving ruling Administration	25%

2008/2009 - Any two Members <i>not</i> from the same Group or any five Members	
Future of Abbey Mills	Illingworth, Atha, Yeadon, Nash Dowson
Capital Programme	R Lewis, Lyons, Mulherin, Ogilvie Dunn
A660	Monahan & Illingworth
Connexions	Gruen, Dowson, Mulherin, J Lewis, Atha
Crems charges	M Rafique, Hanley, Iqbal, Selby, Armitage
Budget Action - Staffing	Gruen, Taggart, Driver, Renshaw, Nash
Voice Recognition	Ogilvie, M Rafique, Armitage, Driver, J Lewis
Savins Mill gyratory	Illingworth, Atha, Yeadon, Hanley, Taggart, J McKenna

Marketing Leeds Grant	J Lewis, Yeadon, Dowson, Mulherin, Nash
Parking Price reveiw	Hanley, Jarosz, Rafique, J Lewis Gruen
% of Call Ins involving ruling Administration	10%

2009/2010 - Any two Members <i>not</i> from the same Group or any five Members (Must not be a Member of the Board considering call in)	
Radio fever	Latty & Pryke ¹
BBQ Woodhouse	Illingworth & Rhodes- Clayton
Sport ICT	Lowe Gruen, Atha, Illingworth, Grahame
Supporting people	Pryke, D Blackburn, Taggart, Ewens, Mathews
Connexions	Ogilvie, Lowe Coulson, D Blackburn
Neighbourhood networks (decision withdrawn)	Anderson, Pryke
% of Call Ins involving ruling Administration	50%

¹ This Call In was withdrawn

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Report of the Assistant Chief Executive (Governance Services)

General Purposes Committee

Date: 18 May 2010

Subject: Annual review of the constitution

Electoral Wards Affected:

Ward Members consulted
(referred to in report)

Specific Implications For:

Equality and Diversity

Community Cohesion

Narrowing the Gap

Executive Summary

1. This report sets out a number of minor amendments to the constitution, following the annual review of the constitution by the Assistant Chief Executive (Corporate Governance).
2. Amendments are proposed for clarification or updating purposes to the summary and explanation and to Articles 1, 3, 4, 9, 12, 13 and 16.
3. Amendments are also proposed for updating or clarification to the terms of reference for the Standards Committee, the Corporate Governance and Audit Committee and Member Management Committee.
4. It is proposed to amend the officer delegation scheme – council (non-executive) functions so that officers may sub-delegate to officers of suitable seniority or experience.
5. A number of amendments are proposed to delegations to individual officers. These are detailed within paragraphs 3.17 to 3.27 of the report.
6. Minor amendments are proposed to the Council Procedure Rules, for clarification and updating, including an amendment to Rule 26.3, to clarify the duties and powers of substitute members.
7. A minor amendment is proposed to the Outside Bodies Procedure Rules, in relation to appointments arising outside the annual review.

1.0 Purpose Of This Report

- 1.1 To ask the General Purposes Committee to recommend amendments to the constitution to Council, following the annual review of the constitution.

2.0 Background Information

- 2.1 General Purposes Committee is authorised to consider proposals to amend the constitution and make recommendations to full Council.
- 2.2 The constitution is updated throughout the year. However, the Head of Governance Services, also reviews the constitution before the annual meeting, on behalf of the Monitoring Officer. The review includes consultation with key officers.
- 2.3 This report proposes a number of minor amendments to the constitution, following the annual review. These include amendments following new legislation. Other items on this agenda also deal with amendments to the constitution.

3.0 Main Issues

Part 1 - Summary and Explanation

- 3.1 It is proposed that this is amended to clarify that the constitution consists of the Articles and other parts of the constitution, and to replace the reference to the Corporate Plan, with a reference to the Strategic Plan. To reflect the current position, it is also proposed to delete a reference to deputations by members of the public being considered by Scrutiny Boards, and replace this with a reference to deputations being made to Area Committees and full Council. It is further proposed to clarify citizens' rights in relation to Scrutiny Boards. The proposed amendments are set out in appendix 1 to this report.

Part 2 – the Articles

Article 1

- 3.2 It is proposed to clarify that Parts 1-7 are all part of the constitution – see appendix 2.

Article 3

- 3.3 It is proposed to clarify in footnote 1, that citizens' rights to information are subject to the provisions in the access to information procedure rules. Also, it is proposed to update the provisions relating to deputations as set out above, and be more specific about citizens' rights to participate in Scrutiny Board investigations. It is also proposed to insert a reference to citizens' rights to inspect the register of Members' interests. The proposed amendments are set out in appendix 3.

Article 4

- 3.4 Article 4.2 currently states that only the Council will adopt and change the constitution. However, Article 15 provides further detail about the process for amending the constitution. In many instances, the function is delegated.

- 3.5 It is therefore proposed that a footnote be inserted into 4.2, to clarify that this provision is subject to Article 15. The proposed amendment is set out in appendix 4 to this report.

Article 9

- 3.6 Article 9.2.2 currently states that the Chair of Standards Committee will be a non voting co-opted member of the Corporate Governance and Audit Committee. It is proposed to add a footnote to this provision, reflecting Section 102(3) of the Local Government Act 1972 to clarify that the Chair of the Standards Committee will take no part in any business of the committee relating to the regulation or control of the finance of the local authority.
- 3.7 During the municipal year 09/10, the Standards Committee created a Consideration Sub-Committee and a Hearings Sub-Committee to carry out some of the Standards Committee's functions, and these new sub-committees need to be reflected in the Article. It is therefore proposed that 9.3.2 of the Article is amended to clarify that the terms of reference for all of the Standards Committee's Sub-Committees are set out in Part 3, Section 2B of the Constitution.
- 3.8 The proposed amendments to Article 9 are set out in appendix 5.

Article 12

- 3.9 Article 12.2 lists the functions of the Monitoring Officer. However this list does not currently correspond with the list contained within the Monitoring Officer Protocol. It is therefore proposed that the list within Article 12 is expanded to include these additional functions, so that the documents are consistent.
- 3.10 Minor amendments to the post-titles of three officers are also proposed, to reflect the titles they were given on appointment – see paragraph 3.27 below.
- 3.11 The proposed amendments are set out in appendix 6.

Article 13

- 3.12 It is proposed to amend 13.5(b) by the addition of a footnote to exclude from the definition of a Key Decision, decisions made in relation to making, payment or borrowing of loans under treasury management or to the purchasing of energy under existing energy contracts. This will enable these decisions to be made promptly in response to the prevailing financial climate. If full Council approve this amendment, the Assistant Chief Executive (Corporate Governance) proposes under her delegated authority, to amend the Guidance Notes on Delegated Decision making, so that these decisions would be Significant Operational Decisions – see further paragraph 3.29 in relation to how it is proposed that these decisions would be reported. The proposed amendments to Article 13 are set out in appendix 7 attached.

Article 16

- 3.13 It is proposed to amend 16.3 to bring the provisions in line with those set out in Section 37 Local Government Act 2000. It is considered that wider publication of the Council's constitution in hard copy format is no longer necessary given the wide access to the constitution through its publication on the Council's internet site. The proposed amendment to Article 16 is set out at appendix 8 attached.

Part 3

Standards Committee Terms of Reference

- 3.14 It is proposed that footnote 10 of the terms of reference is amended to reflect the change from “Adjudication Panel for England” to “First-Tier Tribunal (Local Government Standards in England)” with effect from 18 January 2010.

Corporate Governance and Audit Committee Terms of Reference

- 3.15 It is proposed to amend these so that the reference to the Statement on Internal Control is amended to read “Annual Governance Statement”, as it is known in Leeds. The proposed new footnote clarifies that this is Leeds City Council’s Statement on Internal Control. The proposed amendments are set out in appendix 9 to this report.

Member Management Committee Terms of Reference

- 3.16 Existing terms of reference for the Member Management Committee enable it to act as an advisory body on practices and procedures affecting Elected Members but do not specifically refer to the committee’s role in relation to Member accommodation matters. The proposed amendments to the terms of reference specifically recognise this committee as being responsible for representing, to the Executive, the views of Members on such matters. The proposed amendments are set out in appendix 10 to this report.

Officer Delegation scheme – Council (non-executive) functions

- 3.17 Amendments are proposed throughout the Officer Delegation Scheme – Council (non-executive) functions to the footnotes which refer to the further delegation of functions by the Directors and Chief Officers to whom they are delegated in the scheme.
- 3.18 Currently those footnotes read that the officer “may arrange for such delegation to be exercised by an officer of suitable experience and seniority”. It is proposed that each footnote be amended to read “experience or seniority” in order to make it clear that an officer who is newly appointed to a post and therefore has been assessed as having the skills necessary to exercise the functions of the post is not prevented from doing so by the fact that he/she has insufficient experience.
- 3.19 Members will note that the amendment is shown on those portions of the Officer Delegation Scheme – Council (non-executive) functions to which other amendments are proposed, for example, in appendix 13 to this report, but will apply throughout.
- 3.20 An amendment in the same terms is also proposed to paragraph 1 General Delegations to Officers.

Assistant Chief Executive (Corporate Governance)

- 3.21 A number of amendments are proposed to the delegation to the Assistant Chief Executive (Corporate Governance), to accurately reflect relevant legislation. It is proposed to remove reference to the licensing of game dealers as the local authority’s function in this regard has been repealed under the Regulatory Reform

(Game) Order 2007. Footnote 5 has been amended to refer to the Police Act 1996 in place of the Police Act 1998.

- 3.22 In addition, it is proposed to include within this delegation power to license performances of hypnotism. This will enable the Assistant Chief Executive (Corporate Governance) to discharge and sub-delegate this function instead of the current situation which requires that any such applications are dealt with by the Licensing and Regulatory Panel. These amendments are set out at appendix 11 to this report.

Director of City Development

- 3.23 It is proposed to insert an explanatory footnote into the scheme of delegation to the Director of City Development to clarify that the power to make a limestone pavement order is not included in the delegation as there are no such limestone pavements in the Leeds area.

Chief Planning Officer

- 3.24 It is proposed to remove footnote 5 from the delegation to the Chief Planning Officer. This reflects the fact that the Directions referred to in the footnote have been cancelled. The paragraph to which the footnote related remains relevant in planning terms, and it is therefore proposed to leave this paragraph in place despite the cancellation of the relevant Direction. The proposed amendment is set out at Appendix 12 to this report.

Chief Recreation Officer

- 3.25 An amendment is proposed to the delegation to the Chief Recreation Officer, which introduces an exception to the delegation. This exception, which prevents the Chief Recreation Officer exercising his delegation in the event that the Director of City Development so directs, reflects a similar exception to each of the other delegations to Chief Officers. In addition, it is proposed to insert a footnote to reflect that proposed above for the scheme of delegation to the Director of City Development, to clarify that the power to make a limestone pavement order is not included in either delegation as there are no such limestone pavements in the Leeds area. The proposed amendments to the delegation scheme for the Chief Recreation Officer are set out in appendix 13 to this report.

Director of Environment and Neighbourhoods

- 3.26 It is proposed to insert a footnote into the scheme of delegation to the Director of Environment and Neighbourhoods to indicate that the duty to keep a list of persons entitled to sell non-medicinal poisons is not included in the delegation as the duty is exercised by West Yorkshire Trading Standards as a joint service on behalf of all Local Authorities in the area. Members may wish to note that a further piece of work is planned for the 2010/2011 municipal year in order to identify and set out in the Constitution a list of all similar functions performed by joint services, and those delegated to other local authorities to carry out on behalf of Leeds City Council.

Chief Officer (Environmental Services), Chief Officer (Housing Services) and Chief Officer (Regeneration)

- 3.27 It is proposed to amend the delegation scheme so that the titles of the above officers exactly reflect the titles to which they were appointed – that is, the Chief

Environmental Services Officer, Chief Housing Services Officer and Chief Regeneration Officer.

Guidance Notes on Delegated Decision Making

- 3.28 Subject to the relevant amendment to the Officer Delegation Scheme being approved by full Council, the Assistant Chief Executive (Corporate Governance) proposes to amend the Guidance Notes under her delegated authority to reflect the proposed amendment in relation to sub-delegation to officers of suitable seniority or experience.
- 3.29 Subject to the relevant amendment to Article 13, set out in paragraph 3.12, being approved by full Council, she also proposes to amend the Guidance Notes as follows:
- Paragraphs 4.3 to 4.5 so that the definitions of Key and Major Decisions reflect the revised definition it is proposed to adopt in Article 13.
 - Definition of a Significant Operational Decision so that it specifically includes those categories to be exempted from the definitions of Key and Major Decisions.
 - Paragraph 7.1 by the addition of a footnote to clarify that treasury management decisions will not be subject to the normal reporting provisions but that reports to the Executive Board will be made twice each year, setting out the overall position in relation to making, payment and borrowing of long term loans under treasury management.

Part 4

Council Procedure Rules

- 3.30 Rule 1.1(g) refers to the establishment of “committees, boards and panels” at the annual meeting. Since boards and panels **are** committees, it is proposed to simplify Rule 1.1(g) so that the reference is to committees only, and that this reference is used consistently throughout the Rules. It is also proposed to insert a new footnote to Rule 1.1(g), to clarify that the reference to committees does include boards and panels.
- 3.31 It is also proposed to add a footnote to Rule 1.1(g) to provide that any reference within the Rules to committees established under Rule 1.1 (g), shall be construed as including any other committees established during the municipal year. This will ensure that the Rules apply to all committees established by full Council, whether established at the annual meeting or later in the year.
- 3.32 Rule 2.2 sets out the order of business at a Council meeting, including at 2.2 (h) to (n) that Council will consider any recommendations from the Executive Board and other committees, which are each individually specified. It is recommended that the Rule is amended to delete the reference to each specific committee, and replace with a new (h) “to consider any recommendation of the Executive Board, and committees established under Rule 1.1(g) and any sub-committees thereof.” This will ensure that the Rule will always reflect whatever committee structure is current. References to “sub-committees” have been inserted at other relevant places in the Rules for consistency.
- 3.33 It is proposed to update the reference in Rule 11.1(b) to the West Yorkshire Passenger Transport Authority, to read West Yorkshire Integrated Transport Authority, as the body is now called.

- 3.34 It is proposed to amend Rule 26.3 which currently has conflicting provisions about the powers and duties of a substitute member. The current Rule 26.3(a) provides that a substitute member “will not be able to exercise any special powers or duties exercisable by the person for whom they are substituting”. However, 26.3(b) provides that the substitute member “shall have the like duties, powers and responsibilities”. It is proposed to amalgamate the provisions by deleting 26.3(b), but amending 26.3(a) to clarify that a substitute member shall be for all purposes a duly appointed member of the committee. The effect of the amendment is to confirm that a substitute member will **not** have any special powers or duties of the member for whom they are substituting.
- 3.35 It is also proposed that Rule 28.3 is amended to clarify the quorum requirements of the Standards Committee and its Sub-Committees, in accordance with regulations. It is proposed that the quorum requirements of the full Standards Committee are footnoted with a reference to the relevant legislation so that these can be easily cross referenced.
- 3.36 It is further proposed that clarification be inserted into Rule 28 regarding the quorum for the four Sub-Committees of the Standards Committee, outlining that no decision may be taken by these Sub-Committees unless a Leeds City Councillor is present, in accordance with regulations and footnoting the relevant legislative reference.
- 3.37 The proposed amendments are shown in appendix 14 to this report.

Outside Bodies Procedure Rules

- 3.38 It is proposed to amend Rule 2 in relation to any request for appointment to a body arising outside the annual review. It is proposed that a relevant Director will advise whether an organisation meets the criteria for appointment specified in the Rule 2.3. The matter will then be referred to Member Management Committee to determine whether an appointment should be made, and to which category.
- 3.39 The proposed amendment also provides a mechanism for identifying a Lead Officer. It is set out in appendix 15 to this report.

4.0 Implications For Council Policy And Governance

- 4.1 It is in accordance with good governance principles to review and update the constitution regularly.

5.0 Legal And Resource Implications

- 5.1 The amendments proposed will update the constitution in accordance with legislative changes. There are no resources implications arising from the proposed amendments.

6.0 Conclusions

- 6.1 The constitution should be amended to keep it up to date with legislation, and to clarify responsibilities.

7.0 Recommendations

- 7.1 General Purposes Committee are asked to recommend to Council to:

7.1.1 Approve the following amendments:

- (a) to the summary and explanation, as set out in appendix 1 to this report;
- (b) to Article 1, as set out in appendix 2 to this report;
- (c) to Article 3, as set out in appendix 3 to this report;
- (d) to Article 4 as set out in appendix 4 to this report;
- (e) to Article 9 as set out in appendix 5 to this report;
- (f) to Article 12 as set out in appendix 6 to this report;
- (g) to Article 13 as set out in appendix 7 to this report;
- (h) to Article 16 as set out in appendix 8 to this report;
- (i) to the Standards Committee terms of reference, as set out in paragraph 3.14 of this report;
- (j) to the Corporate Governance and Audit Committee terms of reference as set out in appendix 9 to this report;
- (k) to the Member Management Committee terms of reference, as set out in appendix 10 to this report;
- (l) to the officer delegation scheme – council (non-executive) functions to allow Directors and Chief Officers with delegations to sub-delegate to officers of “suitable experience or seniority” as set out in paragraphs 3.17 – 3.20 of this report;
- (m) to the delegation to the Assistant Chief Executive (Corporate Governance) as set out in appendix 11 to this report;
- (n) to the delegation to the Director of City Development as out in paragraph 3.23 of this report;
- (o) to the delegation to the Chief Planning Officer as set out in appendix 12 to this report;
- (p) to the delegation to the Chief Recreation Officer as set out in appendix 13 to this report;
- (q) to the delegation to the Director of Environment and Neighbourhoods, as set out in paragraph 3.26 of this report, and to the post-titles of Chief Officers within that directorate, as set out in paragraph 3.27;
- (r) to the Council Procedure Rules, as set out in appendix 14 to this report; and
- (s) to the Outside Bodies Procedure Rules, as set out in appendix 15 to this report.

7.1.2 Note the consequential amendments which the Assistant Chief Executive (Corporate Governance) proposes to make under her delegated authority to the Guidance Notes on Delegated Decision Making, should full Council approve the amendments to the Officer Delegation Scheme and to Article 13.

PART 1 – SUMMARY AND EXPLANATION

The Council’s Constitution

Leeds City Council has agreed a constitution which sets out how the Council operates, how decisions are made and the procedures which are followed to ensure that these are efficient, transparent and accountable to local people. Some of these processes are required by law, while others are a matter for the Council to choose.

The Articles in Part 2 of the Constitution set out the basic rules governing the Council's business. More detailed procedures and codes of practice are provided in separate rules and protocols in other Parts of the Constitution.

- Deleted: The
- Deleted: is divided into articles which
- Deleted: at the end of the document.
- Deleted: is in the Constitution
- Deleted: Corporate

What is in the Articles?

Article 1 of the Constitution commits the Council to open, responsive and accountable decision-making in achieving its Strategic Plan.

Articles 2 – 16 explain the rights of citizens and how the key parts of the Council operate. These are:

- Members of the Council (Article 2)
- Citizens and the Council (Article 3)
- The Council meeting (Article 4)
- Chairing the Council (Article 5)
- Scrutiny Boards (Article 6)
- The Executive (Article 7)
- Regulatory Panels (Article 8)
- Licensing Arrangements (Article 8A)
- Governance Committees (Article 9)
- Area committees (Article 10)
- Joint arrangements (Article 11)
- Officers (Article 12)
- Decision making (Article 13)
- Finance, contracts and legal matters (Article 14)
- Review and revision of the Constitution (Article 15)
- Suspension, interpretation and publication of the Constitution (Article 16)

How the Council operates

The Council is composed of 99 Councillors (with one-third elected three years in four). Councillors are democratically accountable to residents of their Ward. The over-riding duty of Councillors is to the whole community, but they have a special duty to their constituents, including those who did not vote for them.

Summary and Explanation

Councillors have to agree to follow a code of conduct to ensure high standards in the way they undertake their duties. The Standards Committee trains and advises them on the Code of Conduct, and deals with allegations of misconduct made against Members.

All Councillors meet together as the Council. Meetings of the Council are normally open to the public. Here Councillors decide the Council's overall policies and set the budget each year and hold to account the Executive and committees.

HOW DECISIONS ARE MADE

The Executive:

The Executive is the part of the Council which is responsible for most day to day decisions. The Executive is made up of a Leader who chooses between 2 (two) and 9 (nine) Councillors, not including the Leader, to form the Cabinet to share the leadership of the authority. When Key Decisions are to be discussed or made, these are published in the Executive's Forward Plan in so far as they can be anticipated. If these Key Decisions are to be discussed with Council officers at a meeting of the Executive, this will generally be open for the public to attend except where personal or confidential matters are being discussed. The Executive has to make decisions which are in line with the Council's overall policies and budget. If the Executive wishes to make a decision which is outside the Budget or Policy Framework, this must be referred to the Council as a whole to decide.

Area Committees:

In order to give local citizens a greater say in Council affairs, Area Committees have been established on the basis of representing inner and outer wedges of the City. Regulations allow the Executive to make arrangements for the discharge of functions for which the Executive is responsible by Area Committees. The Executive will identify a number of functions, known as Area Functions, that Area Committees may exercise decision making on. However the Executive remains ultimately responsible for these services and may remove or limit a Committee's powers. As with the Executive, in exercising their powers Area Committees must make decisions which are in line with the Council's overall policies and budget. The Committees involve all the Councillors from the Wards within each Committee area and meetings are held in public.

Overview and Scrutiny:

Scrutiny Boards support the work of the Executive and the Council as a whole. They allow citizens to have a greater say in Council matters by holding public inquiries into matters of local concern. These lead to reports and recommendations which advise the Executive and the Council as a whole on its policies, budget and service delivery. Scrutiny Boards also monitor the decisions of the Executive. Scrutiny Boards can "Call-In" a decision which has been made by the Executive but not yet implemented. This enables them to consider whether the decision is appropriate. They may recommend that the Executive reconsider the decision.

Summary and Explanation

They may also be consulted by the Executive or the Council on forthcoming decisions and the development of policy.

The Council's staff:

The Council has people working for it (called "officers") to give advice, implement decisions and manage the day to day delivery of its services, as well as taking decisions if responsibility has been delegated to them. Some officers have a specific duty to ensure that the Council acts within the law and uses its resources wisely. A protocol governs the relationships between officers and Members of the Council.

Citizens' Rights:

Citizens have a number of rights in their dealings with the Council. These are set out in more detail in Article 3. Some of these are legal rights, whilst others depend on the Council's own processes. The local Citizens' Advice Bureau and Law Centre can advise on individuals' legal rights.

Where members of the public use specific Council services, for example as a parent of a school pupil or as a Council tenant, they have additional rights. These are not covered in this Constitution.

Citizens have the right to:

- vote at local elections if they are registered;
- contact their local Councillor about any matters of concern to them;
- obtain a copy of the Constitution;
- attend meetings of the Council and its committees except where, for example, personal or confidential matters are being discussed;
- petition to request a referendum on a mayoral form of executive;

submit deputations to full Council or to Area Committees;

contribute to investigations by Scrutiny Boards where invited or by making representations;

find out, from the Executive's Forward Plan, what Key Decisions are to be discussed by the Executive or officers, and when;

- attend meetings of the Executive where Key Decisions are being discussed or decided;

Deleted: contribute to investigations by the Scrutiny Boards through the submission of ¶ deputations and representations; ¶ ¶

Summary and Explanation

- see reports and background papers, and any record of decisions made by the Council and Executive;
- complain to the Council if they feel:
 - (i) they have been discriminated against or treated unfairly;
 - (ii) staff have been rude or impolite;
 - (iii) there has been unreasonable delay in providing a service; or
 - (iv) the quality of service provided has been unsatisfactory.
- compliment the Council when they have been treated exceptionally well or speedily, which can help to spread good practice throughout the Council;
- complain to the Ombudsman if they think the Council has not followed its procedures properly. However, they should only do this after using the Council's own complaints process;
- complain to the Council's Standards Committee – Assessment Sub-Committee if they have evidence which they think shows that a Councillor has not followed the Council's Code of Conduct; and
- inspect the Council's accounts and make their views known to the external auditor.

Participation by Citizens

The Council welcomes participation by its citizens in its work. For further information on your rights as a citizen please contact the Chief Democratic Services Officer, Leeds City Council, Civic Hall, Leeds, LS1 1UR.

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 Strategic 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.

Deleted: and all its appendices

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.

It is also to help the Council to achieve its mission which is to bring the benefits of a prosperous, vibrant and attractive City to all the people of Leeds.

Article 1 - The Constitution

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;
- 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 3 - CITIZENS AND THE COUNCIL

3.1 CITIZENS' RIGHTS

Citizens have the following rights. Their rights to information and to participate are explained in more detail in the Access to Information Procedure Rules in Part 4 of this Constitution:

• **Voting and Petitions**

Citizens on the electoral roll for the area have the right to vote and sign a petition to request a referendum for an Elected Mayor form of Constitution.

• **Information**

Citizens have the right¹ to:

- (i) attend meetings of the Council and its Boards/Panels;
- (ii) attend meetings of the Executive when Key Decisions are being considered;
- (iii) find out from the Forward Plan what Key Decisions will be taken by the Executive and when;
- (iv) see reports and background papers, and any records of decisions made by the Council and the Executive;
- (v) inspect the Council's accounts and make their views known to the external auditor; and
- (vi) inspect the Members' Register of Interest and Gifts and Hospitality, as available on the Council's website.

Deleted: except where confidential or exempt information is likely to be disclosed, and the meeting is therefore held in private

Deleted: and

• **Participation**

Citizens have the right to submit deputations to Area Committees and full Council, and may be asked to contribute to investigations by Scrutiny Boards.

• **Complaints.**

Citizens have the right to complain to:

- (i) the Council itself under its complaints scheme;

¹ The rights set out in this article are subject to the Access to Information Procedure Rules, but in addition to a citizen's other private rights. An individual's private rights include the right to make a subject access request under the Data Protection Act 1998 to obtain details from the Council of the information the Council holds in relation them.

- (ii) the Ombudsman after using the Council's own complaints scheme; and/or
- (iii) the Standards Committee – Assessment Sub-Committee about a breach of the Councillor's Code of Conduct.

3.2 CITIZENS' RESPONSIBILITIES

Citizens must not be violent, abusing or threatening to Councillors or officers and must not wilfully harm things owned by the Council, Councillors or officers.

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:
 - Children and Young Peoples Plan
 - Crime and Disorder Reduction Strategy²
 - Development plan documents³
 - Licensing Authority Policy Statement⁴
 - Local Transport Plan
 - Plans and alterations which together comprise the Development Plan
 - Sustainable Community Strategy⁵
 - Youth Justice Plan⁶
- (ii) other plans and strategies adopted by the Council in accordance with ODPM guidance which recommends adoption by the Council as part of the Policy Framework⁷:
 - Leeds Strategic Plan⁸
- (iii) other plans and strategies adopted by the Council⁹:
 - Council Business Plan
 - Health and Wellbeing Plan
 - Economic Development Strategy
 - Climate Change Strategy
 - Leeds Housing Strategy

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

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 is the Safer Leeds Partnership Plan

³ Section 15 Planning and Compulsory Purchase Act 2004

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

⁵ When preparing or modifying this strategy, the authority must (Section 4 Local Government Act 2000):

- consult and seek the participation of each partner authority (as defined by Section 10-4 of the Local Government and Public Involvement in Health Act 2007) and such other persons as it considers appropriate; and
- have regard to any guidance issued by the Secretary of State.

⁶ Section 40 Crime and Disorder Act 1998

⁷ In accordance with Schedule 4 of the Regulations

⁸ Local area targets are set by the Executive.

⁹ In accordance with Schedule 4 of the Regulations

- **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.

- **Housing Land Transfer**

Housing Land Transfer means the approval or adoption of applications (whether in draft form or not) to the Secretary of State for approval of a programme of disposal of 500 or more properties to a person under the Leasehold Reform, Housing and Urban Development Act 1993 or 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 in Article 15](#)

ARTICLE 9 – GOVERNANCE COMMITTEES

9.1 GENERAL PURPOSES COMMITTEE

9.1.1 In accordance with Article 15 the General Purposes Committee has authority to consider proposals for amending the constitution and making recommendations to full Council.

9.2 CORPORATE GOVERNANCE AND AUDIT COMMITTEE

9.2.1 Members of the Executive; and Political Group Leaders and Whips from the administration and the major opposition Group are precluded from being members of the Corporate Governance and Audit Committee.

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

9.3 STANDARDS COMMITTEE

9.3.1 The Council meeting will establish a Standards Committee.

9.3.2 The Terms of Reference for the Sub-Committees of the Standards Committee are set out in Part 3, Section 2B of the Constitution.

Deleted: Standards Committee, the Assessment Sub-Committee and the Review Sub-Committee

9.3.3 Membership

The Standards Committee will be composed of:

- Seven Elected members of Leeds City Council (Elected Members)
- Four Independent Members (Independent Members); and
- Three Parish Members (a Parish Member).²

9.3.4 Elected Members

9.3.4.1 Shall be Councillors other than the leader, three of whom shall be representatives of the three largest political groups; and of the remaining four, at least one being a representative from a political group not being one of the three largest.

9.3.4.2 A maximum of one Elected Member may also be an Executive Member³.

9.3.4.3 An Elected Member may also be a Member of a Parish or Town Council in the Leeds City Council Area.

¹ In accordance with the provisions of S102(3) of the Local Government Act 1972, the Chair of Standards Committee will take no part in any business of the Corporate Governance and Audit Committee relating to the regulation or control of the finance of the authority.

² Following appointment to the Standards Committee a Parish member will remain a Member of the Standards Committee until their term of office on the Committee expires, unless at any such time they cease to be Members of their Parish Council (i.e. they resign, are disqualified or are not re-elected or re-appointed to the Parish Council). A temporary cessation in their membership of their Parish Council during election periods is not to be taken as terminating their appointment to the Standards Committee.

³ Regulation 4(b) Standards Committee (England) Regulations 2008

9.3.5 Independent Members

- 9.3.5.1 Shall be people who are not Members or officers of Leeds City Council or any other Relevant Authority⁴ (although a person who is an independent member of the standards committee of another relevant authority may be appointed as an independent member of the standards committee), and
- 9.3.5.2 They shall not have been a Member or officer of Leeds City Council within the 5 years preceding the date of their appointment, and
- 9.3.5.3 They shall not be a relative or close friend of a Member or officer of Leeds City Council.⁵
- 9.3.5.4 Appointment of a new Independent Member to the Standards Committee will be made by Full Council upon the recommendation of a panel. The Panel will include the Assistant Chief Executive (Corporate Governance) and the Chair of the Standards Committee.
- 9.3.5.5 An Independent Member shall not be appointed to serve more than two terms.
- 9.3.5.6 Independent Members will be entitled to vote at meetings.
- 9.3.5.7 The Chair of the Committee will be appointed from the Independent Members appointed to it.⁶

9.3.6 Parish Members

- 9.3.6.1 Shall be Members of a Parish or Town Council wholly or mainly in the Leeds City Council's area, and
- 9.3.6.2 Shall not also be Members of Leeds City Council⁷
- 9.3.6.3 A Parish Member must be present when matters relating to Parish Councils or their Members are being considered. The Parish Member is entitled to vote.

9.3.7 Sub-Committees of the Standards Committee

9.3.7.1 Assessment Sub-Committee

The Standards Committee shall appoint an Assessment Sub-Committee to exercise the function of assessing allegations of misconduct made against Members and determining whether the allegations should be referred to the Monitoring Officer⁸ for investigation or other action.⁹

⁴ Section 49(6) Local Government Act 2000

⁵ Regulation 5 (2 & 3) Standards Committee (England) Regulations 2008

⁶ Section 53(4) Local Government Act 2000

⁷ Regulation 4(2) Standards Committee (England) Regulations 2008

⁸ Or to the Standards Board for England Section 57A(2)(b) Local Government Act 2000

⁹ Regulation 6, Standards Committee (England) Regulations 2008 No.1085/2008

The Sub-Committee membership will be composed of one Independent Member, two Elected Members and one Parish Member¹⁰.

The Chair of the Assessment Sub-Committee will be appointed from the Independent Members appointed to the Standards Committee.¹¹

9.3.7.2 Review Sub-Committee

The Standards Committee shall appoint a Review Sub-Committee to exercise the function of reviewing a decision made by the Assessment Sub-Committee that no action should be taken in relation to an allegation.¹²

The Sub-Committee membership will be composed of one Independent Member, two Elected Members and one Parish Member¹³. Members of the Assessment Sub-Committee which made the initial assessment of an allegation will not be eligible for membership of the Review Sub-Committee in relation to the same allegation.

The Chair of the Review Sub-Committee will be appointed from the Independent Members appointed to the Standards Committee.¹⁴

9.3.7.3 Consideration Sub-Committee

The Standards Committee shall appoint a Consideration Sub-Committee to hold consideration meetings¹⁵.

The Sub-Committee membership will be composed of one Independent Member, two Elected Members and one Parish Member¹⁶. Members of the Assessment or Review Sub-Committee which made the decision to refer an allegation for investigation will be eligible for membership of the Consideration Sub-Committee in relation to the same allegation.

The Chair of the Consideration Sub-Committee will be appointed from the Independent Members appointed to the Standards Committee.¹⁷

9.3.7.4 Hearings Sub-Committee

The Standards Committee shall appoint a Hearings Sub-Committee to hold determination hearings¹⁸.

¹⁰ The Parish Member only need attend if the matters being discussed by the Sub-Committee involve a Town/Parish Council Member.

¹¹ Regulation 6, Standards Committee (England) Regulations 2008 No.1085/2008

¹² Regulation 6, Standards Committee (England) Regulations 2008 No.1085/2008, and Section 57B Local Government Act 2000

¹³ The Parish Member only need attend if the matters being discussed by the Sub-Committee involve a Town/Parish Council Member.

¹⁴ Regulation 6, Standards Committee (England) Regulations 2008 No.1085/2008

¹⁵ Regulation 17, Standards Committee (England) Regulations 2008 No. 1085/2008

¹⁶ The Parish Member only need attend if the matters being discussed by the Sub-Committee involve a Town/Parish Council Member.

¹⁷ Regulation 6, Standards Committee (England) Regulations 2008 No.1085/2008

¹⁸ Regulation 18, Standards Committee (England) Regulations 2008 No. 1085/2008

Article 9 - Governance Committees

The Sub-Committee membership will be composed of two Independent Members, two Elected Members and one Parish Member. Members of the Assessment Sub-Committee or Review Sub-Committee who referred the allegation for investigation, or the Consideration Sub-Committee who referred the allegation to the Hearings Sub-Committee, will be eligible for membership of the Hearings Sub-Committee in relation to the same allegation.

The Chair of the Hearings Sub-Committee will be the Chair of the Standards Committee or his nominee, chosen from the Independent Members appointed to the Standards Committee.¹⁹

¹⁹ Regulation 6(2), Standards Committee (England) Regulations 2008 No. 1085/2008
Part 2 Article 9A
Page 4 of 4

ARTICLE 12 - OFFICERS

12.1 MANAGEMENT STRUCTURE

- **General**

The full Council may engage such staff (referred to as officers) as it considers necessary to carry out its functions.

- **Chief Officers**

The full Council will engage persons for the following posts, who will be designated Chief Officer¹:

POST	FUNCTIONS AND AREAS OF RESPONSIBILITY
Chief Executive (and Head of Paid Service)	<p>Overall corporate management and operational responsibility (including overall management responsibility for all officers);</p> <p>Provision of professional advice to all parties in the decision making process;</p> <p>Together with the Monitoring Officer, responsibility for a system of record keeping for all the Council's decisions;</p> <p>Representing the Council on partnership and external bodies (as required by statute or the Council).</p>
Deputy Chief Executive	<p>Assisting the Chief Executive in the overall corporate management and operational responsibility of the Council;</p> <p>Taking the lead on corporate initiatives, particularly the delivery of the Council's organisational corporate objectives;</p> <p>Representing the Council on partnership and external bodies.</p>

¹ Any reference to a Director within the constitution shall be deemed to include reference to all officers listed in this Article, except where the context requires otherwise.

POST	FUNCTIONS AND AREAS OF RESPONSIBILITY
<p>Assistant Chief Executive (Corporate Governance) (and Monitoring Officer)</p>	<p>The Solicitor to the Council and Monitoring Officer; provision of legal advice;</p> <p>Management of corporate governance;</p> <p>Procurement and purchasing, electoral matters, land charges, vehicle licensing, other licensing² and enforcement duties, registration of births, deaths and marriages and civil partnerships, parish councils, and the management of matters relating to Members, the Lord Mayor, Committees and Scrutiny Support.</p> <p>Data protection, human rights, freedom of information and regulation of surveillance activities.</p>
<p>Assistant Chief Executive (Planning, Policy and Improvement)</p>	<p>Corporate planning and policy development,</p> <p>Performance management, service improvement and transformation;</p> <p>Corporate equality and diversity activities;</p> <p>International and external relations;</p> <p>Communications strategy and policy, press and media relations;</p> <p>Knowledge and information management; and</p> <p>Customer services and the promotion of welfare rights.</p>
<p>Director of Resources (and Section 151 Officer)</p>	<p>The Chief Finance Officer (Section 151 Officer) to the Council - provision of financial advice;</p> <p>Ensuring financial prudence of decision making, and the proper administration of financial affairs including benefits, student support, the collection of revenue, Council tax and national non domestic rates, internal audit, creditor payments and the Council's insurance arrangements;</p> <p>Industrial relations and employment matters including employee training and health and safety;</p> <p>Risk management, civil defence and emergency planning;</p> <p>The application of information, communication and associated technologies to support the discharge of any of the Council's functions;</p> <p>Services relating to building maintenance, catering, cleaning, transport</p>

² Under the Licensing Act 2003 and the Gambling Act 2005
Part 2 Article 12
Page 2 of 9
Issue –

POST	FUNCTIONS AND AREAS OF RESPONSIBILITY
	<p>and school crossing patrols; and</p> <p>Civic and community buildings, accommodation and facilities management.</p>
Director of City Development	<p>Contaminated land, obtaining information as to interest in land, and arrangements for the execution of highways works;</p> <p>The management of land (including valuation, acquisition, appropriation, disposal and other dealings with land or any interest in land); the operation of retail and wholesale markets and car boot sales;</p> <p>The promotion of economic development and economic regeneration;</p> <p>The management of the city centre (including the promotion of the city centre and management of public spaces);</p> <p>Highways and road traffic functions excluding parking enforcement;</p> <p>Building control; safety at sports grounds; land drainage; environmental management including the formulation and implementation of environmental improvement programmes;</p> <p>Design services and asset management;</p> <p>Street naming and numbering;</p> <p>Tourism and promotions;</p> <p>Cultural services (including the arts, libraries, record repositories, museums and art galleries, public entertainment, halls and venues);</p> <p>Recreation services (including parks, countryside and sports facilities);</p> <p>Cemeteries, crematoria, burial grounds and mortuaries; and</p> <p>Countryside management (including all matters relating to the provision and maintenance of footpaths and bridleways), and the provision and maintenance of landscaping schemes.</p>
Director of Environment and Neighbourhoods	<p>Statutory nuisances and air quality;</p> <p>Housing (excluding those matters delegated to ALMOs); the condition and occupation of housing; caravan sites and land occupied by travelling people;</p> <p>Area based housing led regeneration; community planning and community initiatives; community safety and the reduction of crime and disorder;</p> <p>Management and oversight of area based working arrangements;</p> <p>Vocational training and allied services for persons over compulsory school age, and the promotion of arrangements to assist persons to obtain employment, and employers to obtain employees;</p>

POST	FUNCTIONS AND AREAS OF RESPONSIBILITY
	<p>Environmental and consumer protection; health and safety, public health (including the investigation and control of notifiable diseases); animal welfare;</p> <p>The development and implementation of the municipal waste policy; and</p> <p>Streetscene management and related enforcement functions.</p>
Director of Children's Services ³	The planning, commissioning and delivery of children's services (i.e. education, social and health services pertaining to children) and the promotion of arrangements for inter-agency co-operation.
Director of Adult Social Services ⁴	The planning, commissioning and delivery of services for vulnerable adults including social services and the promotion of arrangements for inter-agency co-operation.
Chief Officer (Customer Services)	Customer services and the promotion of welfare rights
Chief Officer (Children and Young People's Social Care)	Social services pertaining to children
Chief Officer (Early Years and Integrated Youth Support Service)	Early years development and childcare planning; youth services, services in so far as they relate to information advice and guidance under the Learning and Skills Act 2000, and operational responsibilities for the Youth Offending Service so far as they relate to the local authority
Chief Asset Management Officer	Obtaining of information as to interests in land, management of land, design services and asset management.
Chief Economic Development Officer	Operation of markets and car boot sales, promotion of economic development and economic led regeneration, the management of the city centre and tourism and promotions.
Chief Officer Highways and Transportation	Highways and road traffic functions excluding parking enforcement.
Chief Libraries, Arts and Heritage Officer	Cultural services (including the arts, libraries, record repositories, museums and art galleries, public entertainments, halls and venues).

³ Appointed under Section 18 Children Act 2004

⁴ Appointed under Section 6 of the Local Authority Social Services Act 1970
Part 2 Article 12

POST	FUNCTIONS AND AREAS OF RESPONSIBILITY
Chief Planning Officer	The authority’s role as local planning authority, building control, safety at sports grounds and street naming and numbering.
Chief Recreation Officer	Recreation services (including parks, countryside and sports facilities) Cemeteries, crematoria, burial grounds and mortuaries; and Countryside management (including all matters relating to the provision and maintenance of footpaths and bridleways), and maintenance of landscaping schemes.
Chief Environmental Services Officer	Statutory nuisances and air quality; The condition and occupation of private housing; caravan sites Environmental and consumer protection; health and safety, public health (including the investigation and control of notifiable diseases); animal welfare; and Streetscene management and related enforcement functions.
Chief Housing Services Officer	Housing (excluding those matters delegated to ALMOs); Private sector housing renewal; Land occupied by travelling people; and Housing regeneration through a public/private partnership.
Chief Regeneration Officer	Planning and procurement of area based, and housing led regeneration; Community planning and community initiatives; The management and oversight of area based working arrangements; and Vocational training and allied services for persons over compulsory school age, and the promotion of arrangements to assist persons to obtain employment and employers to obtain employees.

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Officer functions are further described in Part 3 of the Constitution.

• **Head of Paid Service, Monitoring Officer and Chief Finance Officer**

The Council will designate the following posts as shown:

DESIGNATION	POST	DEPUTY
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Head of Paid Service	Chief Executive	Deputy Chief Executive
Monitoring Officer	Assistant Chief Executive (Corporate Governance)	Chief Officer (Legal Licensing and Registration)
Chief Finance Officer	Director of Resources	Chief Officer (Financial Management)

The duties of both the Monitoring Officer and Chief Finance Officer (apart from the administration of the financial affairs of the Council) must be carried out personally, but can be carried out by a deputy nominated by them in cases of absence or illness.

Such posts will have the functions described in Article 12.2–12.4 below.

- **Structure**

The Head of Paid Service will determine and publicise a description of the overall departmental structure of the Council showing the management structure and deployment of officers. This is set out at Part 7 of this Constitution.

FUNCTIONS OF THE HEAD OF PAID SERVICE

- **Discharge of functions by the Council**

The Head of Paid Service will report to full Council on the manner in which the discharge of the Council’s functions is co-ordinated, the number and grade of officers required for the discharge of functions and the organisation of officers.

- **Restrictions on functions**

The Head of Paid Service cannot be the Monitoring Officer but may hold the post of Chief Finance Officer if a qualified accountant.

12.2 FUNCTIONS OF THE MONITORING OFFICER

- **Maintaining the Constitution**

The Monitoring Officer will maintain an up-to-date version of the Constitution and will ensure that it is widely available for consultation by Members, staff and the public.

- **Ensuring lawfulness and fairness of decision making.**

After consulting with the Head of Paid Service and Chief Finance Officer, the Monitoring Officer will report to the full Council or to the Executive in relation to an executive function, if he/she considers that any proposal, decision or omission would give rise to unlawfulness or if any decision or omission has given

rise to maladministration. Such a report will have the effect of stopping the proposal or decision being implemented until the report has been considered.

- **Reporting on maladministration or injustice**

The Monitoring Officer will prepare reports as required by the Local Government Act 1974 and the Local Government and Housing Act 1989 in relation to complaints which have been the subject of investigation by the Local Government Ombudsman and which have revealed maladministration, whether or not that maladministration has caused injustice.

- **Supporting the Standards Committee**

The Monitoring Officer will contribute to the promotion and maintenance of high standards of conduct through provision of support to the Standards Committee⁵.

- **Functions relating to the Members' register of interests and gifts and hospitality**

The Monitoring Officer will establish, maintain and publish the register of Members' interests and gifts and hospitality.

- **Functions relating to local assessment of Code of Conduct Complaints**

To carry out functions relating to the local assessment of code of conduct complaints under the Local Government Act 2000 and the Standards Committee (England) Regulations 2008.

- **Receiving reports**

The Monitoring Officer will receive and act on reports made by Ethical Standards Officers and decisions of the First-Tier Tribunal (Local Government Standards in England) Case Tribunals.

- **Conducting investigations**

The Monitoring Officer will conduct investigations into matters referred by the Standards Committee⁶ or by Ethical Standards Officers and make reports or recommendations in respect of the investigations to the Standards Committee⁷.

- **Parish Councils**

The Monitoring Officer will perform ethical framework functions in relation to Parish and Town Councils in the Leeds area.

- **Proper officer for access to information.**

⁵ Or its sub-committees

⁶ Or its sub-committees

⁷ Or its sub-committees

Article 12 - Officers

The Monitoring Officer will ensure that decisions, together with the reasons for those decisions and relevant officer reports and background papers are made publicly available as soon as possible.

- **Advising whether executive decisions are within the budget and policy framework**

The Monitoring Officer will advise whether decisions of the Executive are in accordance with the Budget and Policy Framework

- **Contributing to corporate management**

The Monitoring Officer will contribute to the corporate management of the Council, in particular through the provision of professional legal advice.

- **Providing advice**

The Monitoring Officer will provide advice on the scope of powers and authority to take decisions, maladministration, financial impropriety, probity and Budget and Policy Framework issues to all Councillors and will support and advise Councillors in their respective roles. The Monitoring Officer will also advise Members on the interpretation of the Members' Code of Conduct.

- **Reporting on resources**

The Monitoring Officer will report to the Council, as necessary on the staff, accommodation and resources s/he requires to discharge his/her statutory functions.

- **Receiving copies of certificates**

The Monitoring Officer will receive copies of certificates under the Local Authorities (Contracts) Regulations 1997.

- **Restrictions on posts**

The Monitoring Officer cannot be the Chief Finance Officer or the Head of Paid Service.

12.3 FUNCTIONS OF THE CHIEF FINANCE OFFICER

- **Ensuring lawfulness and financial prudence of decision making**

After consulting with the Head of Paid Service and the Monitoring Officer, the Chief Finance Officer will report to the full Council or to the Executive in relation to an executive function and the Council's external auditor if he/she considers that any proposal, decision or course of action will involve incurring unlawful expenditure, or is unlawful and is likely to cause a loss or deficiency or if the Council is about to enter an item of account unlawfully.

- **Administration of financial affairs**

The Chief Finance Officer will have responsibility for the administration of the financial affairs of the Council.

- **Contributing to corporate management**

The Chief Finance Officer will contribute to the corporate management of the Council, in particular through the provision of professional financial advice.

- **Providing advice**

The Chief Finance Officer will provide advice on the scope of powers and authority to take decisions, maladministration, financial impropriety, probity and Budget and Policy Framework issues to all Councillors and will support and advise Councillors and officers in their respective roles.

- **Give financial information**

The Chief Finance Officer will provide financial information to the media, members of the public and the community.

12.4 **Duty to provide sufficient resources to the Monitoring Officer and Chief Finance Officer**

The Council will provide the Monitoring Officer and Chief Finance Officer with such officers, accommodation and other resources as are in their opinion sufficient to allow their duties to be performed.

12.5 **Conduct**

Officers will comply with the codes of conduct and protocols set out in Part 5 of this Constitution.

12.6 **Employment**

The recruitment, selection and dismissal of officers will comply with the Officer Employment Procedure Rules set out in Part 4 of this Constitution.

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ARTICLE 13 - DECISION MAKING

13.1 RESPONSIBILITY FOR DECISION MAKING

The Council will issue and keep up to date a record of what part of the Council or individual has responsibility for particular types of decisions or decisions relating to particular areas or functions. This record is set out in Part 3 of this Constitution.

13.2 PRINCIPLES OF DECISION MAKING

All decisions of the authority, whether made by Council, Executive Board Councillors collectively¹ or officers, will be made in accordance with the following principles:-

- Proportionality (i.e. the action must be proportionate to the desired outcome)
- Due consultation and the taking of professional advice from officers
- Respect for human rights
- A presumption in favour of openness
- Clarity of aims and desired outcomes
- An explanation of the options considered and details of the reasons for the decision
- Natural justice
- Positive promotion of equality of opportunity

13.3 DECISION MAKING BY THE FULL COUNCIL

Subject to Article 13.9, the Council meeting will follow the Council Procedures Rules set out in Part 4 of this Constitution when considering any matter.

- **Decisions reserved to full Council**

Decisions relating to the functions listed in Article 4.2 or detailed in Part 3 of this Constitution as matters reserved to full Council will be made by the full Council and not delegated.

13.4 DECISION MAKING BY OTHER COMMITTEES AND SUB-COMMITTEES ESTABLISHED BY THE COUNCIL

Subject to Article 13.9, other Council committees and sub-committees will follow those parts of the Council Procedures Rules set out in Part 4 of this Constitution as apply to them.

13.5 DECISION MAKING BY THE EXECUTIVE

Subject to Article 13.9, the executive will follow the Executive Procedures Rules set out in Part 4 of this Constitution when considering any matter.

¹ For example in Committees or Regulatory Panels

Article 13 - Decision Making

The Executive² is empowered to make decisions in relation to executive functions of the Council only. Some of the decisions the Executive will make will be more important than others. For this reason decisions are placed into one of four categories: Key Decisions, Major Decisions, Significant Operational Decisions and Administrative Decisions.³

• Key decisions

These are decisions which are likely to:

- (a) result in the authority incurring expenditure or making savings which is/are significant having regard to the authority's budget for the service or function to which the decision relates; or
- (b) be significant in terms of its effects on communities living or working in an area comprising two or more wards or electoral divisions in the area of the authority.

By way of defining "significant" for the Council's purposes, a Key Decision is:

- an Executive decision likely to incur expenditure/make savings over £250,000 pa⁴; or
- an Executive decision which is likely to have a significant effect on communities living or working in an area comprising two or more wards

and which is not a decision which is a direct consequence of implementing a previous Key Decision⁵.

A decision taker may only make a Key Decision in accordance with the requirements of the Executive Procedure Rules set out in Part 4 of this Constitution.

13.6 DECISION MAKING BY AREA COMMITTEES

The Executive shall determine from time to time the executive functions⁶ that may be exercised by Area Committees. These functions will be exercisable concurrently

² The executive may be the Executive Board itself or any other committee or officer acting under authority delegated by the Leader or the Executive Board as set out in Part 3 of this Constitution

³ Further details of the definition of Major Decisions, Significant Operational Decisions and Administrative Decisions can be found in the Guidance notes on delegated decision making set out in Part 3 of this Constitution

⁴ Except where:-

- a) this expenditure or saving will result from a Treasury Management decision in relation to the making, payment or borrowing of a loan; or
- b) this expenditure will result from a decision to purchase energy under the terms of an energy supply contract which has been awarded following the appropriate procurement process; or
- c) this expenditure will result from a decision to approve a care plan which specifies residential or nursing care which the council has a duty to provide under Section 21 or Section 29(4) National Assistance Act 1948, Section 117 Mental Health Act 1983, Section 17 and Section 20 Children Act 1989 or Section 2 Local Government Act 2000.

⁵ Under the capital programme, a decision to **authorise expenditure** over £250,000 will be a **key** decision, but a decision to **award a contract** over the value of £250,000 will constitute an **administrative** decision.

⁶ Part 3 Sections 3C and 3D of the Constitution provide details of the extent of the delegation determined by the executive.

by the Executive Board and, in accordance with the Officer Delegation Scheme (Executive Functions), by Directors.

13.7 DECISION MAKING BY SCRUTINY BOARDS

Scrutiny Boards have power to make recommendations only in relation to executive functions and some non-executive functions.

Scrutiny Boards will follow their respective Procedure Rules set out in Part 4 of this Constitution when considering any matter.

13.8 DECISION MAKING BY OFFICERS

Officers will follow the Officer Delegation Scheme and its Guidance Notes set out in Part 3 of this Constitution when considering any matter.

Officers will have regard to the definitions of Major, Significant Operational and Administrative decisions set out in the Guidance notes on Delegated Decision Making and the requirements which apply to each of those categories of decisions.

13.9 DECISION MAKING BY COUNCIL BODIES ACTING AS TRIBUNALS

The Council or an officer acting as a tribunal or in a quasi judicial manner or determining/considering (other than for the purpose of giving advice) the civil rights and obligations or the criminal responsibility of any person will follow a proper procedure which accords with the requirements of natural justice and the right to a fair trial contained in Article 6 of the European Convention on Human Rights.

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ARTICLE 16 - SUSPENSION, INTERPRETATION AND PUBLICATION OF THE CONSTITUTION

16.1 SUSPENSION OF THE CONSTITUTION

- **Limit to suspension.**

The Articles of this Constitution may not be suspended. The Rules specified below may be suspended by the full Council to the extent permitted within those Rules and the law.

- **Procedure to suspend.**

A motion to suspend any Rules will not be moved without notice unless at least one half of the whole number of Councillors are present. The extent and duration of suspension will be proportionate to the result to be achieved, taking account of the purposes of the Constitution set out in Article 1.

- **Rules capable of suspension**

The following Rules may be suspended in accordance with Article 16.1:
 - Council Procedure Rules

16.2 INTERPRETATION

The ruling of the Lord Mayor as to the construction or application of this Constitution or as to any proceedings of the Council shall not be challenged at any meeting of the Council. Such interpretation will have regard to the purposes of this Constitution contained in Article 1.

16.3 PUBLICATION

- The Constitution and such statutory provisions as regulate the proceedings and business of the Council, shall be made available on the Council’s internet and intranet sites. Upon receipt of the Member’s declaration of acceptance of office on the Member’s being elected to the Council the Chief Executive shall inform the Member that these documents are available.
- The Assistant Chief Executive (Corporate Governance) will ensure that copies are available for inspection at the Council’s principal office¹, and can be purchased by members of the local press and the public on payment of a reasonable fee.

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Deleted: <#>The Assistant Chief Executive (Corporate Governance) will ensure that the summary of the Constitution is made widely available within the area and is updated as necessary.¶

¹ Namely Civic Hall, Leeds, LS1 1UR
 Part 2 Article 16
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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)
5. to consider the Council's arrangements relating to internal audit requirements including:
 - (a) considering the Annual Internal Audit Report
 - (b) monitoring the performance of internal audit
6. to make, on behalf of the Council, and having had regard to any recommendations of Standards Committee, representations to external agencies⁴ about any matter relating to general principles of conduct, model

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¹ Functions¹ 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 1 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 Regulations 2003, as amended.

⁴ Such external agencies may include, but are not restricted to, the District or Approved Auditor, the Commission for Local Government, the Standards Board for England, an Ethical Standards Officer, the Adjudication Panel for England or an adjudication case panel

Council Committees' Terms of Reference

codes of conduct and the codes of conduct or protocols approved from time to time by or on behalf of the Council.

Member Management Committee

The Member Management Committee is authorised to discharge the following functions¹:

- 1. to determine which outside bodies² require Elected Member ³ representation or appointment and to act as Appointing Body for the purposes of making appointments to outside bodies categorised as Strategic and Key Partnership Outside Bodies⁴;
- 2. to determine requests to establish informal Working Groups of Members, except where such a request falls to be determined by another Committee⁵;
- 3. to act as an Advisory Body for the purposes of implementing practices and procedures affecting Elected Members⁶; and
- 4. to consider matters in relation to the Training and Development of Elected Members; Deleted: and
- 5. to represent the views of Elected Members to the executive, in relation to the provision to Elected Members of information, communication and associated technologies; and Deleted: .
- 6. to represent the views of Elected Members to the executive, in relation to the provision of accommodation for Elected Members. Deleted:

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 Excluding those appointments to joint committees which are reserved to full Council

³ Including the appointment of a suitable nominee as set out in the Appointments to Outside Bodies Procedure Rules

⁴ Within the Protocol for making Local Authority Appointments to Outside Bodies, such bodies are categorised as either Strategic and Key Partnership bodies (for which this Committee is the Appointing Body) or Community and Local Engagement bodies (for which the relevant Area Committee is the Appointing Body).

⁵ This Committee will not be the sole body for appointing Working Groups and, specifically, those Working Groups referred to in the Scrutiny Board Procedure rules are excluded. However, the Committee may be asked to consider cases where it is necessary to set up an ad hoc Working Group to reflect a wide range of Member views and there are no clear criteria for determining membership.

⁶ This Committee may not vary the requirements of the Constitution but there may be cases where alternative arrangements may have general implications for Members and it is appropriate to seek a view which reflects a broad view of Members before determining how a particular matter should be progressed

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Assistant Chief Executive (Corporate Governance)

1. The Assistant Chief Executive (Corporate Governance) is the Monitoring Officer for the Council.
2. The Assistant Chief Executive (Corporate Governance) is deputy Electoral Registration Officer¹.
3. The Assistant Chief Executive (Corporate Governance) is authorised to discharge the following Local Choice Functions which have been assigned to full Council (see Part 3 Section 1 of the Constitution)

(a)	To appoint review boards under the Social Security Act 1998 ²
(b)	To make arrangements for appeals against exclusion of pupils from maintained schools
(c)	To make arrangements for appeals regarding school admissions ³
(d)	To make arrangements for appeals by governing bodies ⁴
(e)	To make arrangements to enable questions to be put at Council meetings on the discharge of the functions of a police authority ⁵

4. Subject to the exceptions listed below, the Assistant Chief Executive (Corporate Governance)⁶ is authorised to discharge the following Council (non-executive) functions:

Licensing and Regulatory⁷:

(a)	To license hackney carriages and private hire vehicles	(a) As to hackney carriages, the Town Police Clauses Act 1847 as extended by section 171 of the Public Health Act 1875 and section 15 of the Transport Act 1985 and sections 47, 57, 58, 60 and 79 of the Local Government
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¹ The Chief Officer (Legal Licensing and Registration) and the Electoral Services Manager are also appointed as deputy Electoral Services Managers.

² s34 (4) Social Security Act 1998

³ s94 (1), (1A) and (4) School Standards and Framework Act 1998

⁴ s95 (2) School Standards and Framework Act 1998

⁵ s20 Police Act, 1996

⁶ The fact that a function has been delegated to the Assistant Chief Executive (Corporate Governance) does not require the Assistant Chief Executive (Corporate Governance) to give the matter his/her personal attention and the Assistant Chief Executive (Corporate Governance) may arrange for such delegation to be exercised by an officer of suitable experience or seniority. However the Assistant Chief Executive (Corporate Governance) remains responsible for any decision taken pursuant to such arrangements.

⁷ The function of licensing dealers in game and the killing and selling of game, listed at paragraph 23 of part B of Schedule 1 to the Functions and Responsibilities Regulations 2000, has been removed from the delegation scheme as the local authority's responsibility in this regard was repealed under the Regulatory Reform (Game) Order 2007.

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

		(Miscellaneous Provisions) Act 1976 (b) As to private hire vehicles, sections 48, 57, 58, 60 and 79 of the Local Government (Miscellaneous Provisions) Act 1976
(b)	To license drivers of hackney carriages and private hire vehicles	Section 51, 53, 54, 59, 61 and 79 of the Local Government (Miscellaneous Provisions) Act 1976
(c)	To license operators of hackney carriages and private hire vehicles	Sections 55 to 58, 62 and 79 of the Local Government (Miscellaneous Provisions) Act 1976
(d)	*To licence sex shops and sex cinemas	The Local Government (Miscellaneous Provisions) Act 1982, Section 2, Schedule 3
(e)	To license performances of hypnotism.	The Hypnotism Act 1952.
(f)	*To license scrap yards	Section 1 of the Scrap Metal Dealers Act 1964
(g)	*To approve premises for the solemnisation of marriages	Section 46A of the Marriage Act 1949 and the Marriages (Approved Premises) Regulations 1995(SI 1995/510)
(h)	*To license persons to collect for charitable and other causes	Section 5 of the Police, Factories etc (Miscellaneous Provisions) Act 1916 and section 2 of the House to House Collections Act 1939
(i)	To register motor salvage operators	Part I of the Vehicles (Crime) Act 2001

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Deleted: *To license dealers in game and the killing and selling of game

Deleted: Sections 5, 6, 17, 18 and 21 to 23 of the Game Act 1831; sections 2 to 16 of the Game Licensing Act 1860 section 4 of the customs and Inland Revenue Act 1883, sections 12(3) and 27 of the Local Government Act 1874 and section 213 of the Local Government Act 1972

Functions relating to elections⁸:

(a)	Functions relating to community governance	
i	Duties relating to community governance reviews	Section 79 of the Local Government and Public Involvement in Health Act 2007
ii	Functions relating to community governance petitions.	Sections 80, 83 to 85 of the Local Government and Public Involvement in Health Act 2007
iii	Functions relating to terms of reference of review	Sections 81(4) to (6) of the Local Government and Public Involvement in Health Act 2007
iv	Power to undertake a community governance review.	Section 82 of the Local Government and Public Involvement in Health Act 2007
v	Duties when undertaking review.	Section 93 to 95 of the Local Government and Public Involvement in Health Act 2007
vi	Duty to publicise outcome of review.	Section 96 of the Local Government and Public Involvement in Health Act 2007
vii	Duty to send two copies of order to Secretary of State and Electoral Commission.	Section 98(1) of the Local Government and Public Involvement in Health Act 2007
(b)	To dissolve small parish councils	Section 10 of the Local Government Act 1972
(c)	To make orders for grouping parishes,	Section 11 of the Local Government Act 1972

⁸ Functions relating to making of recommendations under section 87 – 92 of the Local Government and Public Involvement in Health Act 2007 (Item 5 Paragraph EB of Schedule 1 of the Local Authorities (Functions and Responsibilities) (England) Regulations 2000/2853) are reserved to the relevant committee that is responsible for making recommendations to full council.

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

	dissolving groups and separating parishes from groups	
(d)	To make temporary appointments to parish councils	Section 91 of the Local Government Act 1972

Functions relating to changing governance arrangements:

(a)	To consult prior to drawing up proposals ⁹	S33E Local Government Act 2000
(b)	To make arrangements to hold a referendum ¹⁰	S33K(2) Local Government Act 2000
(c)	To publish a notice if proposals are not approved in referendum	S33K(6) Local Government Act 2000
(d)	To implement new governance arrangements	S33G and S33H Local Government Act 2000
(e)	To comply with any direction from the Secretary of State	S33I Local Government Act 2000

Functions relating to standing orders:

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

Exceptions¹¹:

The Assistant Chief Executive (Corporate Governance) is not authorised to discharge those functions marked *above where objections have been received.

Licensing Functions delegated by Licensing Committee:

<p>Subject to the exceptions listed below, the Assistant Chief Executive (Corporate Governance) is authorised to discharge the licensing functions¹² of the licensing authority.</p> <p><u>Exceptions:</u></p> <ul style="list-style-type: none"> • any licensing function¹³ reserved to full Council¹⁴; and • any licensing function where full Council has referred a matter to a committee other than the Licensing Committee¹⁵; and • any licensing function within the terms of reference of the Licensing Sub-committees¹⁶; and • to object when the Authority is consultee and not the relevant authority 	Licensing Act 2003 and the Gambling Act 2005.
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⁹ Subject to consultation with party Leaders about the consultation plan

¹⁰ Where the Council has decided to hold a referendum

¹¹ Under this delegation scheme (council functions). The Licensing and Regulatory Panel may however arrange for the discharge of any of its functions by the Assistant Chief Executive (Corporate Governance) - (Section 101(2) Local Government Act 1972.

Appointments to Committees Boards and Panels

To appoint members to vacancies during the period between the local elections and the Annual Council meeting, in consultation with appropriate whips, in order to secure that meetings necessary to be held during that period can proceed with adequate and appropriate membership levels.

¹² "Licensing functions" means functions under the 2003 Act and the 2005 Act.

¹³ "Licensing functions" means functions under the 2003 Act and the 2005 Act.

¹⁴ Part 3, Section 2A of the Constitution sets out licensing functions reserved to full Council, as licensing authority under the 2003 Act.

¹⁵ Under the provisions of Section 7(5)(a) of the 2003 Act

¹⁶ Except where a Licensing sub-committee has arranged for the discharge of any of their functions to an Officer
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Officer Delegation Scheme (Council (non-executive) functions)

Chief Planning Officer

Subject to the exceptions listed below, the Chief Planning Officer¹ is authorised to discharge the following Council (non-executive) functions:

Town and Country Planning and Development Control

(a)	To determine application for planning permission	Sections 70(1)(a) and (b) and 72 of the Town and Country Planning Act 1990
(b)	To determine applications to develop land without compliance with conditions previously attached	Section 73 of the Town and Country Planning Act 1990
(c)	To grant planning permission for development already carried out	Section 73A of the Town and Country Planning Act 1990
(d)	To decline to determine application for planning permission	Section 70A of the Town and Country Planning Act 1990
(e)	Duties relating to the making of determinations of planning applications	Sections 69, 76 and 92 of the Town and Country Planning Act 1990 and Articles 8, 10 to 13, 15 to 22 and 25 and 26 of the Town and Country Planning (General Development Procedure) Order 1995 (SI 1995/419) and directions made thereunder
(f)	To determine application for planning permission made by a local authority, above or jointly with another person	Section 316 of the Town and Country Planning Act 1990 and the Town and Country Planning General Regulations 1992 (SI 1992/1492)
(g)	To make determinations, give approvals and agree certain other matters relating to the exercise of permitted development rights	Parts 6, 7, 11, 17, 19, 20, 21 to 24, 26, 30 and 31 of Schedule 2 to the Town and Country Planning (General Permitted Development) Order 1995 (SI 1995/418)
(h)	To enter into agreement regulating development or use of land	Section 106 of the Town and Country Planning Act 1990
(i)	To issue a certificate of existing or proposed lawful use or development	Sections 191(4) and 192(2) of the Town and Country Planning Act 1990
(j)	To serve a completion notice	Section 94(2) of the Town and Country Planning Act 1990
(k)	To grant consent for the display of advertisements	Section 220 of the Town and Country Planning Act 1990 and the Town and Country Planning (Control of Advertisements) Regulations 1992
(l)	To authorise entry onto land	Section 196A of the Town and Country Planning Act 1990
(m)	To require the discontinuance of a use of land	Section 102 of the Town and Country Planning Act 1990
(n)	To issue a temporary stop notice	Section 171E of the Town and Country Planning Act 1990

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

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

(o)	To serve a planning contravention notice, breach of condition notice or stop notice	Sections 171C, 187A and 183(1) of the Town and Country Planning Act 1990
(p)	To issue an enforcement notice	Section 172 of the Town and Country Planning Act 1990
(q)	To apply for an injunction restraining a breach of planning control	Section 187B of the Town and Country Planning Act 1990
(r)	To determine applications for hazardous substances consent, and related powers	Sections 9(1) and 10 of the Planning (Hazardous Substances) Act 1990
(s)	To determine conditions to which old mining permissions, relevant planning permissions relating to dormant sites or active Phase I or II sites, or mineral permissions relating to mining sites, as the case may be, are to be subject	Paragraph 2(6)(a) of Schedule 2 to the Planning and Compensation Act 1991, paragraph 9(6) of Schedule 13 to the Environment Act 1995 (c 25) and paragraph 6(5) of Schedule 14 to that Act
(t)	To require proper maintenance of land	Section 215(1) of the Town and Country Planning Act 1990
(u)	To determine application for listed building consent, and related powers	Sections 16(1) and (2), 17 and 33(1) of the Planning (Listed Buildings and Buildings and Conservation Areas) Act 1990
(v)	To determine applications for conservation area consent	Section 16(1) of the Planning (Listed Buildings and Conservation Areas Act 1990 , as applied by section 74(3) of that Act
(w)	Duties relating to applications for listed building consent and conservation area consent	Sections 13(1) and 14(1) and (4) of the Planning (Listed Buildings and Buildings and Conservation Areas) Act 1990 and regulations 3 to 6 and 13 of the Town and Country Planning (Listed Buildings and Buildings in Conservation Areas) Regulations 1990 and paragraphs 8, 15 and 26 of Department of the Environment , Transport and the Regions Circular 01/01
(x)	To serve a building preservation notice, and related powers	Sections 3(1) and 4(1) of the Planning (Listed Buildings and Buildings and Conservation areas) Act 1990
(y)	To issue enforcement notice in relation to demolition of listed building in conservation area	Section 38 of the Planning (Listed Buildings and Buildings and Conservation Areas) Act 1990
(z)	To acquire a listed building in need of repair and to serve a repairs notice	Sections 47 and 48 of the Planning (Listed Buildings and Buildings and Conservation Areas) Act 1990
(aa)	To apply for an injunction in relation to a listed building	Section 44A of the Planning (Listed Buildings and Buildings and Conservation Areas) Act 1990
(bb)	To execute urgent works	Section 54 of Planning (Listed Buildings and Buildings and Conservation Areas) Act 1990
(cc)	To issue, amend or replace safety certificates (whether general or special) for sports grounds	The Safety of Sports Grounds Act 1975

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

(dd)	To issue, cancel, amend or replace safety certificates for regulated stands at sports grounds	Part II of the Fire Safety and Safety of Places of Sport Act 1987
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Commons Registration

(a)	To register common land or town or village greens, except where the power is exercisable solely for the purpose of giving effect to (i) an exchange of lands affected by an order under section 19(3) of, or paragraph 6(4) of Schedule 3 to, the Acquisition of Land Act 1981 (c 67) or (ii) an order section 147 of the Inclosure Act 1845 (c8 & 9 Vict c 118)	Regulation 6 of the commons Registration (New Land) Regulations 1969 (SI 1969/1843)
(b)	To register variation of rights of common	Regulation 29 of the Commons Registration (General) Regulations 1966 (SI 1966/1471)
(c)	Functions relating to the registration of common land and town or village greens	Part 1 of the Commons Act 2006 (c.26) and the Commons Registration (England) Regulations 2008 (S.I. 2008/1961)
(d)	Power to apply for an enforcement order against unlawful works on common land	Section 41 of the Commons Act 2006
(e)	Power to protect unclaimed registered common land and unclaimed town or village greens against unlawful interference.	Section 45(2)(a) of the Commons Act 2006.
(f)	Power to institute proceedings for offences in respect of unclaimed registered common land and unclaimed town or village greens	Section 45(2)(b) of the Commons Act 2006

Hedgerows and Trees

(a)	The protection of important hedgerows	The Hedgerows Regulations 1997
(b)	The preservation of trees	Sections 197 to 214D of the Town and Country Planning Act 1990, and the Trees Regulations 1999

High Hedges

(a)	Complaints about high hedges	Part 8 of the Anti-Social Behaviour Act 2003
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Exceptions:

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

The Chief Planning Officer is not authorised² to discharge the following functions:

Town and Country Planning and Development Control

(a)	the determination of applications following a written request ⁴ to the Chief Planning Officer by <ul style="list-style-type: none"> • a Ward Member concerning an application within his/her ward • a Chair of a Area Committee, concerning an application within his/her Area Committee area that an application be referred to the relevant Plans Panel;
(b)	the determination of applications for development that would constitute a significant departure from the Development Plan, including a significant departure from any Local Development Framework currently in force;
(c)	the determination of applications for development that would be materially different from any supplementary planning guidance or planning brief approved by or on behalf of the Council;
(d)	the determination of applications for major development ⁶ which would have significant impacts on local communities;
(e)	the approval of applications, where approval would reverse a previous decision taken by Plans Panel;
(f)	the approval of applications, where approval would conflict with an objection raised by a statutory technical consultee;
(g)	where the Chief Planning Officer considers that the application should be referred to the relevant Plans Panel for determination because of the significance, impact or sensitivity of the proposal;
(h)	the determination of applications submitted in a personal capacity by or on behalf of Members, the Chief Executive, Deputy Chief Executive, an Assistant Chief Executive, Director, Chief Officer or any officer who carries out development control functions.

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Commons Registration

(a)	Where objections have been received.
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² Under this delegation scheme (council functions). A Plans Panel may however arrange for the discharge of **any** of its functions by the Chief Planning Officer - (Section 101(2) Local Government Act 1972).

⁴ This request must be made to the Chief Planning Officer within 21 days of the date of notification and must include reason(s) for the requested referral based on material planning consideration(s) and must give rise to concerns affecting more than neighbouring properties (these being those which are notified by means of a letter as part of the Council's policy regarding publicity on householder planning applications).

⁶ "Major Development" for these purposes means:

- Residential development involving the erection of ten or more dwellings or, if the number of dwellings are not known, sites of 0.5 hectares or more.
- Other development proposals (apart from minerals and waste development) where the application would result in the erection of gross floorspace of not less than 1,000 msq, or sites of 1 hectare or more.
- Minerals and waste development where the application may require an Environmental Impact Assessment

Chief Recreation Officer

With the exception of those matters where the Director of City Development has directed that the delegated authority should not be exercised and that the matter should be referred to him/her or the relevant committee for consideration, the Chief Recreation Officer¹ is authorised to discharge the following Council (non-executive) functions²:

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(a)	To license pleasure boats and pleasure vessels	Section 94 of the Public Health Acts Amendment Act 1907
(b)	To authorise erection of stiles etc on footpaths or bridleways marked on the definitive map of public rights of way	Section 147 of the Highways Act 1980
(c)	To create footpath bridleway or restricted byway by agreement	Section 25 of the Highways Act 1980
(d)	To create footpaths bridleways and restricted byways	Section 26 of the Highways Act 1980
(e)	Duty to keep register of information with respect to maps, statements and declarations	Section 31A of the Highways Act 1980
(f)	To stop up footpaths bridleways and restricted byways	Section 118 of the Highways Act 1980
(g)	To determine application for public path extinguishment order	Sections 118ZA and 118C(2) of the Highways Act 1980
(h)	To make a rail crossing extinguishment order	Section 118A of the Highways Act 1980
(i)	To make a special extinguishment order	Section 118B of the Highways Act 1980
(j)	To divert footpaths bridleways and restricted byways	Section 119 of the Highways Act 1980
(k)	To make a public path diversion order	Sections 119ZA and 119C(4) of the Highways Act 1980
(l)	To make a rail crossing diversion order	Section 119A of the Highways Act 1980
(m)	To make a special diversion order	Section 119B of the Highways Act 1980
(n)	To require applicant for order to enter into agreement	Section 119C(3) of the Highways Act 1980
(o)	To make an SSSI diversion order	Section 12B of the Highways Act 1980
(p)	To keep register with respect to applications under sections 118ZA, 118C, 119ZA and 119C of the Highways Act 1980	Section 121B of the Highways Act 1980
(q)	To decline to determine certain applications	Section 121C of the Highways Act 1980
(r)	To assert and protect the rights of the public to use and enjoyment of highways marked on the definitive map of public rights of way	Section 130 of the Highways Act 1980

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

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² Item 41 Paragraph 1 of Schedule 1 of the Local Authorities (Functions and Responsibilities) (England) Regulations 2000 not included as there are no limestone pavements in the Leeds district.

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

(s)	To apply for variation of order under Section 130B of the Highway Act 1980 in relation to footpaths marked on the definitive map of public rights of way	Section 130B(7) of the Highways Act 1980
(t)	To authorise temporary disturbance of surface of footpath bridleway or restricted byway	Section 135 Highways Act 1980
(u)	To divert footpath bridleway or restricted byway temporarily	Section 135A of the Highways Act 1980
(v)	To extinguish certain public rights of way	Section 32 of the Acquisition of Land Act 1981
(w)	To keep definitive map and statement under review	Section 53 of the Wildlife and Countryside Act 1981
(x)	To include modifications in other orders	Section 53A of the Wildlife and Countryside Act 1981
(y)	To keep register of prescribed information with respect to applications under section 53(5) of the Wildlife and Countryside Act 1981	Section 53B of the Wildlife and Countryside Act 1981
(z)	To prepare map and statement by way of consolidation of definitive map and statement	Section 57A of the Wildlife and Countryside Act 1981
(aa)	To designate footpath marked on the definitive map of public rights of way as cycle track	Section 3 of the Cycle Tracks Act 1984
(bb)	To extinguish public right of way over land acquired for clearance	Section 294 of the Housing Act 1981
(cc)	To authorise stopping up or diversion of footpath bridleway or restricted byway	Section 257 of the Town and Country Planning Act 1990
(dd)	To extinguish public rights of way over land held for planning purposes	Section 258 of the Town and Country Planning Act 1990
(ee)	To enter into agreements with respect to means of access	Section 35 of the Countryside and Rights of Way Act 2000
(ff)	To provide access in absence of agreement	Section 37 of the Countryside and Rights of Way Act 2000

COUNCIL PROCEDURE RULES

1.0 ANNUAL MEETING OF COUNCIL

1.1 Timing and Business

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

The annual meeting will:

- (a) elect a person to preside if the Lord Mayor and Deputy Lord Mayor are not present;
- (b) elect the Lord Mayor;
- (c) elect the Deputy Lord Mayor;
- (d) approve the minutes of the last meeting;
- (e) receive any announcements from the Lord Mayor and/or Head of Paid Service;
- (f) elect the Leader¹;
- (g) establish such committees² as are required by statute and such other committees as it considers appropriate to deal with matters which are neither reserved to the Council nor are executive functions (as set out in Part 3, Section 2A of this Constitution);³
- (h) No appointments under Rule 1 shall be for a period beyond the next Annual Meeting of the Council but they may be altered at any meeting of the Council;
- (i) agree the scheme of delegation or such part of it as the Constitution determines it is for the Council to agree (as set out in Part 3, Section 2C of this Constitution);
- (j) receive the documents presented by the Leader in accordance with Executive Procedure Rule 1.2;
- (k) approve a programme of ordinary meetings of the Council for the year; and
- (l) consider any business set out in the notice convening the meeting.

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¹ Only at the annual meeting held in 2010, or at any other subsequent annual meeting held on a day when the Leader's term of office is to end by virtue of Section 44E(3) Local Government Act 2000. If the Council fails to elect the Leader at the relevant annual meeting, the Leader is to be elected at a subsequent meeting.

² Such committees may be known as boards or panels.

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

1.2 Selection of Councillors on Committees and Outside Bodies

At the annual meeting, the Council will:

- (a) decide which committees to establish for the municipal year;
- (b) decide the size and terms of reference for those committees;
- (c) decide the allocation of seats to political groups in accordance with the political balance rules;
- (d) appoint to those committees and outside bodies except where appointments to those bodies has been delegated by the Council; and
- (e) appoint the Chair of those committees.

2.0 ORDINARY MEETINGS

2.1 Council Meetings

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

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

2.2 Order of Business

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

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

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

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- (d) receive such communications as the Lord Mayor, the Leader, Deputy Leader, or Members of the Executive Board, or the Chief Executive consider to be appropriate;
- (e) receive deputations (if any) in accordance with Rule 10;
- (f) receive such reports as the Chief Executive, Monitoring Officer or Section 151 Officer consider appropriate;
- (g) deal with questions (if any) in accordance with Rule 11;
- (h) consider any recommendation of the Executive Board, and committees, established under Rule 1.1(g), and any sub-committees thereof;
- (i) receive the minutes of the Executive Board and committees established under Rule 1.1(g), and any sub-committees thereof; and
- (j) consider White Paper Motions (if any) submitted in accordance with Rule 12.

2.3 Variation of Order of Business

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

3.0 **TIME LIMITS FOR BUSINESS**

3.1 Where a meeting commences at 1.30 pm the following will apply (in cases where an ordinary meeting commences at a different time the same timescales shall be applied).

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

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

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

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

4.0 **WINDING UP OF BUSINESS**

4.1 This Rule applies on the expiry of any of the periods specified in Rule 3.1.

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 <#>consider any recommendations of a Scrutiny Board;¶
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 <#>consider any recommendations of the Standards Committee;¶
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 <#>consider any recommendations of the General Purposes Committee;¶
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 <#>consider any recommendations of the Corporate Governance & Audit Committee;¶
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 <#>consider any recommendations of the Licensing Committee;¶
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 consider any recommendations of Area Committees

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4.2 At the conclusion of the speech being delivered at the expiry of the specified period, the Lord Mayor shall put to the vote, without further discussion, all the questions necessary to dispose of the motion then under debate provided that:

- (a) If the speech to be concluded is a speech moving a motion, the Lord Mayor shall allow the motion to be formally seconded (without comment); or
- (b) If the speech to be concluded is a speech moving an amendment, the Lord Mayor shall allow the amendment to be formally seconded (without comment) and the mover of the motion to exercise his/her right of reply;
- (c) Otherwise, the Lord Mayor shall allow the mover of a motion to exercise his/her right of reply

5.0 EXTRAORDINARY MEETINGS

Those listed below may request the Proper Officer to call Council Meetings in addition to ordinary meetings:

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

6.0 NOTICE OF AND SUMMONS TO MEETINGS

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

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

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7.0 POWERS AND DUTIES OF THE LORD MAYOR

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

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- 7.2 Any duty of the Chief Executive in relation to the conduct of a meeting may be exercised in the Chief Executive's absence by the Assistant Chief Executive (Corporate Governance) .

8.0 QUORUM

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

9.0 COMMUNICATIONS

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

10.0 DEPUTATIONS

- 10.1 Deputations may be received at any meeting of the Council except the Annual Meeting, provided that the Council's Chief Democratic Services Officer receives seven days previous notice.
- 10.2 Any Member of the Council may move a motion without notice, that the deputation be or not be received as the case may be, and such motion, on being seconded, shall be put to the vote without debate.
- 10.3 There shall be no discussion on any matter raised by a deputation, but any Member may move a motion, without notice, that the subject matter be referred to the appropriate committee and such a motion, on being seconded, shall be put to the vote without debate.
- 10.4 The following requirements shall apply to deputations:
- 10.4.1 A deputation shall consist of at least two and no more than five people, only one of whom shall speak and the speech including the reading of any written material shall not be more than five minutes in duration.

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- 10.4.2 Deputations which relate solely to the interests of one individual or company will not normally be admitted. In cases of doubt, the Council's Chief Executive will determine the eligibility of any deputation request.
- 10.4.3 Representations relating to matters subject to current consideration by a Plans Panel, the Licensing Committee or a sub-committee thereof shall be restricted to those allowed under the Protocol for Public Speaking at Plans Panels or the Licensing Committee Procedure Rules and shall not be allowed as deputations to Council. In cases of doubt the Assistant Chief Executive (Corporate Governance) may require written details of the proposed deputation speech prior to determination of the request.
- 10.4.4 The number of deputations which may be received by the Council at any meeting where deputations are permitted shall not exceed five.
- 10.4.5 Deputations shall be heard in the order in which notice is received.
- 10.4.6 Where two or more deputations are presenting opposing views on the same matter, not more than one of these related deputations shall be received at the same meeting.
- 10.4.7 A deputation shall not be admitted to the Council on matter which has been the subject of deputation in the preceding six months, except as a result of a prior refusal under paragraph 10.4.6.

11.0 QUESTIONS BY MEMBERS

11.1 Questions on Notice

- (a) At each meeting of the Council (except the Annual Meeting, any Extraordinary Meeting or the Budget Meeting) a continuous period of not more than 30 minutes from the commencement of the first question shall be available for oral questions.
- (b) During question time, a Member may ask the Leader of the Council, the Deputy Leader, any Executive Member⁵ or the Chair of any committee⁶ established under Rule 1.1(g), through the Lord Mayor, any question on any matter in relation to which the Council has powers or duties, or which affects the City of Leeds, or to a Member of the Council who is a nominated representative of the West Yorkshire Authorities for Integrated Transport, Police or Fire and Rescue, on the discharge of the functions of the relevant joint Authority or who has been nominated to answer questions about the activities of a company in which the Council have an interest.
- (c) A question shall not be asked in the absence of the Member in whose name it stands unless they have given authority in writing to the Chief Executive for it to be asked by some other Member of the Council.

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⁵ In relation to any matter within their portfolio.

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

11.2 Notice of Questions

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

11.3 Response

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

11.4 Form of Response

An answer may take the form of:

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

11.5 Supplementary Question

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

11.6 Expiry of Question Time

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

12.0 MOTIONS ON NOTICE12.1 Notice

Except for motions which can be moved without notice under Rule 13, written notice of every motion signed by the Member or Members of Council giving notice must be delivered at the office of the Chief Executive prior to 10.00am of the day preceding the day for issue of the Summons. The number of motions admissible for full debate at any given meeting shall be limited to four⁷. Any motions over and above that number shall be referred back to the proposer unless the proposer

⁷ Two of these being reserved to the largest opposition group, and one being reserved to the Administration.

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accepts that the procedure at 3.1 (d) shall be applied. The Proposer shall have the right to correct or withdraw a White Paper Motion up to 10.00 am on the day for the issue of the Summons. The Chief Executive shall enter all notices of motion received in a book which shall be kept open for the inspection of every Member of the Council. All motions of which such notice is given shall be known as White Paper Motions.

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

12.2 Scope

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

12.3 Motion Set Out in Agenda

- (a) The Chief Executive shall set out in the Summons for every meeting of the Council all motions of which notice has been duly given, (unless the Member giving such notice intimated in writing when giving it, that it was intended to move it at some later meeting, or has since withdrawn it in writing) and notice

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

- (b) The business under any notice upon the Council Summons shall not be proceeded with in the absence of the Member or Members of the Council in whose name or names it stands, unless they have given authority in writing for it to be taken up by some other Member or Members of the Council, or it is business which, by law, the Council must transact or business emanating from a committee the notice whereof stands in the name of the Chair of that committee in which latter case the resolution may be moved, without authority in writing, by some other Member of the committee. In the case of any recommendations of the Standards Committee, the recommendation must be moved by a Member of that Committee who was present at the meeting.

13.0 MOTIONS/AMENDMENTS

13.1 Motions and amendments requiring notice

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

13.2 Motions without notice

The following motions and amendments may be moved without notice:

- (a) appointment of a Chair of the meeting at which the motion is made;
- (b) in relation to the accuracy of a report, minutes or recommendation before Council;
- (c) to change the order of business in the agenda;
- (d) that leave be given to withdraw an item of business including a motion or amendment;
- (e) that the Council proceed to the next business;
- (f) that the question be now put;
- (g) that the debate be adjourned;
- (h) that the meeting be adjourned
- (i) authorising the sealing of documents;
- (j) suspending Council Procedure Rules, in accordance with Rule 22.1;

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- (k) motion to exclude the press and public in accordance with the Access to Information Rules;
- (l) that a Member named under Rule 20, be not further heard or leave the meeting;
- (m) giving consent of the Council where its consent is required by this Constitution; and
- (n) that a communication be referred to the appropriate Committee

14.0 RULES OF DEBATE

14.1 No Speeches Until Motion Seconded

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

14.2 Right to require motion in writing

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

14.3 Seconder's Speech

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

14.4 Content of Speeches

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

14.5 Period Permitted for Speeches

(a) Except by the leave of Council (and as follows), no speaker may speak for more than five minutes. The speech of the mover of a motion or an amendment, the winding-up speech of the mover of a motion, or in relation to business moved under Rule 2.2 (j), the speech of an Executive Member or Chair when summing up on minutes within their portfolio or in respect of their committee, shall not exceed ten minutes. (This rule shall not apply to the Lord Mayor or to matters which are not the ordinary business of the Council). In instances where there are two Executive portfolio holders within a single portfolio, the Support Executive Member shall be allowed to sum up in respect of his/her part of the portfolio for a period not exceeding ten minutes, immediately prior to the Lead Executive Member exercising his/her right to sum up.

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(b) The Member moving the business referred to in Rule 2.2 (j) (receipt of minutes) shall, in addition to the ten minutes allowed for winding up purposes, be allowed to speak for a period not exceeding five minutes to

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respond to comments made on the Leader's portfolio immediately after such comments have been made.

- (c) The summing up rights of an Executive Member or Chair as provided for in 14.5(a) above shall, in the absence of an Executive Member or Chair, be exercisable by such member as may be nominated by the absent member or, failing that, by the relevant Party Whip.

14.6 When a Member May Speak Again

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

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

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

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14.7 Amendments to Motions

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

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

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

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

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- (a) Only one amendment may be moved to any given minute under a motion to receive the minutes. This shall be one to request the decision-maker to reconsider the decision.
- (b) The Executive Member or Chair responsible for the section of the minutes to which the amendment relates shall have five minutes to comment as the last speaker in the debate on the amendment in addition to his/her rights under Rule 14.5(a). (In the event that the amendment is the sole matter discussed under the given section of the minutes then the ten minutes allowed under Rule 14.5(a) shall be applied.)
- (c) The vote will be taken on the amendment before proceeding to comments on that section of the minutes.

14.9 Further Amendments

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

14.10 Alteration of Motion

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

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

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

14.11 Withdrawal of Motion or Minutes

A motion or amendment shall not be withdrawn except with the consent of the seconder and of the Council. There shall be no discussion upon an application to

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withdraw a motion or amendment but any Member shall be at liberty to move that the leave applied for be given and the Council without discussion shall vote thereon.

14.12 Right of Reply

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

14.13 Motions Which May Be Moved During Debate

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

- (a) to amend the motion;
- (b) to adjourn the meeting;
- (c) to adjourn the debate;
- (d) to proceed to the next business;
- (e) that the question be now put;
- (f) that a Member be not further heard;
- (g) by the Lord Mayor under Rule 20 that a Member leave a meeting;
- (h) to exclude the press and public in accordance with the Access to Information Procedure Rules; or
- (i) to give consent to the withdrawal of a motion or amendment.

14.14 Closure Motions

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

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

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

14.15 Resumption of Adjourned Debate

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

14.16 Points of Order

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

14.17 Personal explanation

A Member may make a personal explanation at any time. A personal explanation may only relate to some material part of an earlier speech by the Member which may appear to have been misunderstood in the present debate. The ruling of the Lord Mayor on the admissibility of a personal explanation will be final.

14.18 Lord Mayor's Ruling Final

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

14.19 Interpretation of Council Procedure Rules

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

15.0 RESCINDING RESOLUTIONS OF COUNCIL

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

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16.0 VOTING**16.1 Majority**

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

16.2 Casting Vote

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

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16.3 Show of Hands

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

16.4 Recorded Vote

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

16.5 Right to Require Individual Vote to be Recorded

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

16.6 Division Bells

- (a) Where a closing speech has started there will be a single ring of the bell.

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

16.7 Voting on Appointments

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

17.0 MINUTES

17.1 Signing the Minutes

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

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

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

17.3 Form of Minutes

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

18.0 RECORD OF ATTENDANCE

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

19.0 EXCLUSION OF PUBLIC

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

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

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20.0 MEMBERS' CONDUCT

20.1 Standing to Speak

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

20.2 Lord Mayor Standing

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

20.3 Member not to be Heard Further

If at a meeting any Member indulges in misconduct by behaving irregularly, improperly, offensively, or by wilfully obstructing the business of the Council, any other Member (including the Lord Mayor) may move "that the Member named be not further heard" and the motion, if seconded will, with the leave of the Lord Mayor, be put and voted on without further discussion.

20.4 Member to Leave the Meeting

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

20.5 General Disturbance

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

21.0 DISTURBANCE BY THE PUBLIC

- 21.1 If a Member of the public interrupts the proceedings at any meeting the Lord Mayor will warn the person concerned. If that person continues the interruption, the Lord Mayor will order their removal from the meeting room.
- 21.2 In the case of general disturbance in any part of the meeting room open to the public the Lord Mayor may call for that part to be cleared.

22.0 SUSPENSION AND AMENDMENT OF COUNCIL PROCEDURE RULES

22.1 Suspension

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

22.2 Amendment

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

23.0 INTEREST OF MEMBERS AND OFFICERS

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

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

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24.0 MOTIONS AFFECTING COUNCIL EMPLOYEES

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

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25.0 APPLICATION TO COMMITTEES AND SUB COMMITTEES

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

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

26.0 SUBSTITUTE MEMBERS

26.1 Allocation

Part 4 (a)

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- (a) In relation to each Regulatory Panel, the Council shall appoint substitute members, comprising all other members of the other Regulatory Panels and the Development Plan Panel. A nominated member shall be entitled to attend meetings in place of a regular member, subject to the substitute member having received appropriate training.
- (b) In relation to the Member Management Committee, an Executive Member, Deputy Executive Member, Whip or Assistant Whip shall be entitled to attend meetings in place of a regular member of the Committee.
- (c) In relation to the Development Plan Panel, the Council shall appoint substitute Members, comprising all Members of the Regulatory Panels. A nominated Member shall be entitled to attend meetings in place of a regular Member, subject to the substitute Member having received appropriate training.
- (d) In relation to the Corporate Governance and Audit Committee, the Council shall appoint substitute members via nominations from party Whips. Each Whip shall nominate one substitute for each member that sits on the Committee. Whips may not nominate any members that would be excluded from full membership under the provisions of Article 9 of the Constitution.
- (e) In relation to the General Purposes Committee, an Executive Member, Deputy Executive Member, Whip or Assistant Whip shall be entitled to attend meetings in place of a regular member of the Committee.
- (f) In relation to Scrutiny Boards, substitute members shall be appointed in accordance with the Scrutiny Board Procedure Rules.

26.2 Substitution

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

26.3 Powers and Duties

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

27.0 **SPECIAL MEETINGS OF COMMITTEES**

27.1 The Chair of a committee established under Rule 1.1(g), may call a meeting at any time. A special meeting shall also be called on the requisition of any three Members of such committees delivered in writing to the Chief Executive. The Agenda for such a special meeting shall set out the business to be considered

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Council Procedure Rules

thereat and no business other than that set out in the Agenda shall be considered at that meeting.

28.0 QUORUM OF COMMITTEES AND SUB-COMMITTEES

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

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

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

28.4 The quorum for the Standards Committee - Assessment Sub-Committee, the Standards Committee – Review Sub-Committee, the Standards Committee Consideration Sub-Committee, and the Standards Committee Hearings Sub-Committee shall be three.¹⁰ Where a meeting of one of these Sub-Committees is convened to discharge any of the functions specified in Section 57(A) or 57(B) of the Local Government Act 2000, or Regulations 17 to 20 of the Standards Committee (England) Regulations 2008, no decision may be taken unless at least one Leeds City Councillor is present when such matters are being considered.¹¹ Where a meeting is convened to discharge any of the above functions in relation to a Member or former Member of a Parish Council, no decision may be taken unless at least one Parish Member of the Standards Committee is present when such matters are being considered.¹²

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

28.6 The quorum for the Licensing Committee shall be as set out in the Licensing Procedure Rules.

28.7 The quorum of any sub-committee shall be determined by the appointing committee.

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

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

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

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

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

Part 4 (a)

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28.8 Except where authorised by statute, business shall not be transacted at a meeting unless a quorum is present.

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(Extract from Outside Bodies Procedure Rules)

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

- 2.1 The Chief Democratic Services Officer will maintain a list of all Outside Bodies to which the Council appoints an Elected Member.
- 2.2 Each year the Member Management Committee will review the list of notified Outside Bodies and will determine whether the Council should make/continue to make an appointment to those bodies.
- 2.3 Determination will be based on one or more of the following criteria being met:
- the proposed appointment is a statutory requirement;
 - the proposed appointment would be consistent with the Council's policy or strategic objectives; and/or
 - the proposed appointment would add value to the Council's activities.

2.4 Requests from an Outside Body to make an appointment received after such an annual review will be referred to the relevant Director who will:

- provide advice on whether the Outside Body meets one or more of the criteria in Rule 2.3; and
- identify the Lead Officer to work with the appointed Member should an appointment be made to the Strategic and Key Partnerships category.

2.5 Such requests will then be referred to the Member Management Committee for determination by reference to the same criteria.

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Originator: Phil Garnett

Tel: 51632

Report of the Assistant Chief Executive (Corporate Governance)

General Purposes Committee

Date: 18 May 2010

Subject: Work Programme 2010/11

Electoral Wards Affected:

Ward Members consulted
(referred to in report)

Specific Implications For:

Equality and Diversity

Community Cohesion

Narrowing the Gap

1.0 Purpose Of This Report

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

2.0 Background Information

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

3.0 Main Issues

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

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

3.4 Meetings for 2010/11 are in the process of being scheduled to make it easier to set aside time in Members' diaries, they will roughly be two weeks in advance of the meeting of full Council. The intention being that if a meeting is not required it can be cancelled.

4.0 Implications for Council Policy And Governance

4.1 There are no implications for Council Policy and Governance.

5.0 Legal And Resource Implications

5.1 There are no legal or resource implications.

6.0 Recommendations

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

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

ITEM	DESCRIPTION	RESPONSIBLE OFFICER
July 2010		
Members Role Description	To consider a report on adding Member role description to the Members Allowances Scheme.	(Head of Scrutiny and Member Development) Peter Marrington
Standards Committee Compulsory Training	To consider proposed amendments to Article 9 in relation to training.	Principal Corporate Governance Officer Kate Sadler
September 2010 – No items scheduled as yet		
November 2010 – No items scheduled as yet		
January 2010 – No items scheduled as yet		
February 2010 – No items scheduled as yet		
March 2010 – No items scheduled as yet		
May 2010 – No items scheduled as yet		
Unscheduled		
Senior Officer Remuneration Policy	To receive a report proposing the creation of a senior officer remuneration committee	Chief Officer HR Lorraine Hallam
Community Governance Review	To receive a report do considering Aligning ward and parish boundaries – after PDR	Head of Licensing and Registration John Mulcahy

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