



The Annual Meeting of the Council will be held in the Civic Hall, Leeds on Thursday, 24th May, 2007 at 6.00 pm

Members of the Council are invited to attend and transact the following business:

1. To Elect a Lord Mayor for the City of Leeds to hold office until the date of the Annual Meeting in 2008
2. To pass a vote of thanks to the retiring Lord Mayor
3. To appoint a Deputy Lord Mayor of the City of Leeds to hold office until the date of the Annual Meeting in 2008
4. To receive any announcements from the Lord Mayor / or Chief Executive
5. To approve as a correct record the proceedings of the Council meeting held on 18th April 2007(Copy attached)
6. To elect as leader Councillor Harris for the period 24th May 2007 to 30th November 2007 and Councillor A Carter for the period commencing 1st December 2007 to the Annual Meeting in 2008
7. To consider the recommendations of the Standards Committee with regard to the adoption of a Members Code of Conduct under Section 51 of the Local Government Act 2000 (Report attached)
8. To consider recommendations of the Corporate Governance and Audit Committee and agree amendments to the Constitution as contained in the report of the Assistant Chief Executive (Corporate Governance) (Report attached)
9. To:
 - (a) establish Committees having terms of reference as detailed in Schedule 9(a) (attached)
 - (b) make appointments to the above committees as detailed in Schedule 9(b) (attached)
 - (c) to appoint to outside organisations as detailed in Schedule 9(c) (attached)
10. To:
 - (a) receive the list presented by the Leader setting out the arrangements for the discharge of executive functions as detailed in Schedule 10(a) (to follow)
 - (b) authorise Group Leaders to appoint Lead Members to support members of the Executive in the discharge of their responsibilities as detailed in Schedule 10(b) (attached)

11. To approve the dates of the meetings of the Council for the Municipal Year 2007/08 detailed in Schedule 11 (attached)

Chief Executive

Civic Hall
Leeds
LS1 1UR

Proceedings of the Meeting of the Leeds City Council held
Civic Hall, Leeds on Wednesday, 18th April, 2007

PRESENT: The Lord Mayor Councillor Mohammed Iqbal in the Chair

WARD

ADEL & WHARFEDALE

Clive Fox
Barry John Anderson
John Leslie Carter

ALWOODLEY

Peter Mervyn Harrand
Ronald David Feldman
Ruth Feldman

ARDSLEY & ROBIN HOOD

Karen Renshaw
Jack Dunn

ARMLEY

Janet Harper
Alison Natalie Jane Lowe
James McKenna

BEESTON & HOLBECK

David Congreve
Angela Gabriel
Adam Ogilvie

BRAMLEY & STANNINGLEY

Neil Taggart
Angela Denise Atkinson
Ted Hanley

BURMANTOFTS & RICHMOND HILL

David Hollingsworth
Ralph Pryke
Richard Brett

WARD

CALVERLEY & FARSLEY

Frank Robinson
Andrew Carter
Amanda Lesley Carter

CHAPEL ALLERTON

Jane Dowson
Sharon Hamilton
Mohammed Rafique

CITY & HUNSLET

Mohammed Iqbal
Elizabeth Nash
Patrick Davey

CROSSGATES & WHINMOOR

Peter John Gruen
Pauleen Grahame

FARNLEY & WORTLEY

Luke Russell
David Blackburn
Ann Blackburn

GARFORTH & SWILLINGTON

Thomas Murray
Andrea Harrison
Mark Russell Phillips

GIPTON & HAREHILLS

Alan Leonard Taylor
Javaid Akhtar

GUISELEY & RAWDON

Graham Latty
Stuart Andrew

HAREWOOD

Alec Shelbrooke
Ann Castle
Rachael Procter

HEADINGLEY

Martin Hamilton
David Morton
James John Monaghan

HORSFORTH

Brian Cleasby
Christopher Townsley
Andrew Barker

HYDE PARK & WOODHOUSE

Linda Rhodes-Clayton
Penny Ewens
Kabear Hussain

KILLINGBECK & SEACROFT

Brian Michael Selby
Graham Hyde
Veronica Morgan

KIPPAX & METHLEY

Keith Ivor Wakefield
John Keith Parker
James Lewis

KIRKSTALL

Elizabeth Minkin
John Anthony Illingworth

MIDDLETON PARK

Debra Ann Coupar
Geoffrey Driver
Judith Blake

MOORTOWN

Richard Harker
Mark Daniel Harris
Brenda Lancaster

MORLEY NORTH

Thomas Leadley
Robert Finnigan
Stewart McArdle

MORLEY SOUTH

Christopher James Beverley
Judith Elliot
Terrence Grayshon

OTLEY & YEADON

Ryk Downes
Graham Peter Kirkland
Colin Campbell

PUDSEY

Mick Coulson
Josephine Patricia Jarosz
Richard Alwyn Lewis

ROTHWELL

Barry Stewart Golton
Donald Michael Wilson
Steve Smith

ROUNDHAY

Paul Wadsworth
Matthew Lobley
Valerie Kendall

TEMPLE NEWSAM

Michael Lyons
William Schofield Hyde
David Schofield

WEETWOOD

Judith Mara Chapman
Brian David Timothy Jennings
Susan Bentley

WETHERBY

John Michael Procter
Gerald Wilkinson
Andrew Millard

105 Announcements

- (a) The Lord Mayor reported that the Civic Hall Warden, Roy Wordsworth, was seriously ill and that he had sent best wishes to Roy and his family on behalf of the Council.
- (b) The Lord Mayor reported that Councillor Mulherin had given birth to a son on 19th March 2007.
- (c) The Lord Mayor announced that Councillor Millard would not be seeking re-election in May and Council offered appreciation for his services.

106 Minutes

It was moved by Councillor M Hamilton seconded by Councillor Hanley and

RESOLVED – That the minutes of the meeting held on 18th April 2007 be approved.

107 Declarations of Interest

The Lord Mayor announced that a list of written declarations submitted by Members was on deposit in the public galleries and had been circulated to each Member's place in the Chamber.

Following an invitation to declare further individual interests declarations in accordance with the Council's Code of Practice were made as follows:

- (a) Members declared personal interests in respect of the first deputation referred to in minute 109 as follows:

Councillor Elliott as Treasurer of the Royal Society of St George
Councillor Grayshon as Webmaster of the Royal Society of St George
Councillor Beverley as a member of the Royal Society of St George

- (b) Members declared personal interests in minute 111 of this meeting as follows:

Atkinson	- Board Director of Leeds Bradford Airport
Elliott	- Director of South South East ALMO
Anderson	- Director of West North West ALMO
Latty	- Former Director of North West Homes ALMO
Wadsworth	- Director of an ALMO
Wilkinson	- Director of an ALMO
Lobley	- Involved with the Oakwood Town and District Centres Scheme and as Acting Chairman of Community Action for Roundhay Elderly
Kendall	- Member of Community Action for Roundhay Elderly
Castle	- Alternate Member of Airport Board
Anderson	- Member of Leeds Bradford Airport
Chapman	- Director of West North West ALMO and Alternate Director of Leeds Bradford Airport
Golton	- Director of Leeds Bradford Airport

- Lowe - Member of an ALMO Board
- Barker - Director of Leeds Bradford Airport
- Campbell - Director of Leeds Bradford Airport

(c) Members declared personal interests in minute 112 of this meeting as follows:-

- Atkinson - Director of Leeds Bradford Airport
- Chapman - Alternate Director of Leeds Bradford Airport
- Golton - Director of Leeds Bradford Airport
- Barker - Director of Leeds Bradford Airport
- Campbell - Director of Leeds Bradford Airport
- W Hyde - Director of Leeds Bradford Airport

(Further declarations are referred to in minute 112)

(d) Members declared personal interests in minute 114 of this meeting as follows:

- Wakefield - School Governor
- J Lewis - Governor of Kippax North Infants and Juniors and Methley Primary
- Finnigan - Member of Morley Town Council
- Elliott - Member of Morley Town Council
- Grayshon - Member of Morley Town Council
- Wilkinson - Member of Wetherby Town Council
- Fox - Member of Arthington and Bramhope Parish Councils
- Ewens - Member of the University of Leeds Court

(e) Members declared personal interests in minute 116 of this meeting as follows:

- Blake - Member of Leeds PCT Board
- S Hamilton - NHS Employee

(f) Councillors Harris and Chapman declared personal and prejudicial interests in minute 118 of this meeting with regard to Jewish community interests in the matter

(g) Members declared personal interests in minute 121 of this meeting as follows:

- Akhtar - Governor of Harehills Primary and Wykebeck Primary Schools
- Barker - Governor of Horsforth Featherbank Infant School
- Bentley - Governor of Iveson Primary School
- Campbell - Governor of Queensway Primary School
- Chapman - Governor of Weetwood Primary School
- Cleasby - Governor of Westbrook Lane Primary School

Downes	- Governor of Ashfield School, Otley and Rufford Park School
Ewens	- Governor of Leeds Central Federation of Schools
Harker	- Governor of Moortown Primary School
Hollingsworth	- Governor of Shakespeare Primary and Brownhill Primary Schools
Hussain	- Governor of Bankside Primary and Rosebank Primary Schools
Pryke	- Governor of Ebor Gardens Primary School
Smith	- Governor of Oulton Primary School
Taylor	- Governor of Harehills Primary and Oakwood Primary Schools
Wilson	- Governor of Rothwell Primary and Rothwell Haigh Road Primary Schools
Finnegan	- Governor of Victoria Primary School, Morley; Churwell Primary School and Joseph Priestley College, Morley
Elliott	- Governor of Fountain Primary School, Morley; Newlands Primary School, Morley and Woodkirk High School, Morley
Grayshon	- Governor of Newlands Primary School, Morley and Seven Hills School, Morley
J L Carter	- Governor of Adel School
Anderson	- Governor of Cookridge Holy Trinity School
R D Feldman	- Governor of Allerton High and Brodetsky Primary Schools
Mrs R Feldman	- Governor of Alwoodley Primary School
Harrand	- Governor of Wigton Moor Primary School
Mrs A Carter	- Governor of Calverley Parkside Primary School
A Carter	- Governor of Farsley Springbank Primary and Farsley Westroyd Primary Schools
R Procter	- Governor of Bardsey Primary School
Wilkinson	- Governor of Collingham Lady Elizabeth Hastings Primary School
Wadsworth	- Governor of Allerton Grange High and Rufford Park Primary Schools
Kendall	- Governor of Roundhay High School
Castle	- Governor of Central Leeds Federation
Shelbrooke	- Governor of East Garforth Primary
W Hyde	- Governor of Colton Primary and Temple Moor High Schools
Schofield	- Governor of Whitkirk High School
Bale	- Governor of Guiseley Primary and Yeadon Westfield Primary Schools
D Blackburn	- Governor of Whingate Primary and Lower Wortley Primary
A Blackburn	- Governor of Rycroft Primary and Lawns Park Primary
Russell	- Governor of Cobden Primary
McArdle	- Governor of Asquith Primary
Low	- Governor of Raynville Primary

Nash	– Governor of New Bewerley Primary
Taggart	– Governor of Bramley Primary
Morgan	– Governor of Our Lady of Good Counsel Primary and Grange Farm Primary
Renshaw	– Governor of Seven Hills Primary and East Ardsley Primary
G Hyde	– Governor of Parkland Primary and Seacroft Grange Primary
Dunn	– Governor of Thorpe Park Primary
Jarosz	– Governor of Tyersal Primary
Gabriel	– Governor of St Anthonys RC Primary and Hugh Gaitskell Primary
Selby	– Governor of Cross Flatts Primary and Grange Farm Primary
Coupar	– Governor of Sharp Lane Primary
Ogilvie	– Governor of Cottingley Primary
S Hamilton	– Governor of Hillcrest Primary
Dowson	– Governor of Bracken Edge Primary
Rafique	– Governor of Chapel Allerton Primary
Harper	– Governor of Pudsey Primrose Hill Primary
Murray	– Governor of Swillington Primary School
Driver	– Governor of Middleton Primary and Windmill Primary
Harrison	– Governor of Garforth Green Lane Primary
Grahame	– Governor of St Gregory’s RC Primary
Gruen	– Governor of Hillcrest Primary
R Lewis	– Governor of Pudsey Southroyd J & I and Pudsey Greenside J & I
Blake	– Governor of Westwood Primary
Davey	– Governor of St Francis of Assisi Primary
Wadsworth	– Governor of Rufford Park Primary, Gledhow Primary
Kendall	- Governor of Roundhay High School

- (h) Councillor Lancaster declared a personal and prejudicial interest in minute 122 of this meeting having a son serving in the armed forces.
- (i) Councillor Murray declared a personal and prejudicial interest in minute 117 of this meeting as a member of CEO Learning Partnerships
- (j) Councillors Wakefield and Driver declared personal interests in minute 117 of this meeting as members of the NED of the Learning and Skills Council and of Leeds Thomas Danby Corporation respectively
- (k) Councillors Hussain and Akhtar declared personal interests in minute 123 of this meeting having family connections with the Kashmiri community.

108 **Communications**

The Chief Executive reported that the Council had been awarded the Charter of Member Development and, at the invitation of the Lord Mayor, Mr M Leitch

of the Local Government Office for Yorkshire and the Humber presented the award to the Leader of Council.

109 Deputations

Four deputations were admitted to the meeting and addressed Council as follows:

- 1 Royal Society of St George (Leeds Branch) seeking the Council's support for their Annual Festival and Family Fun Day
- 2 Wharfe Meadows Action Group regarding the proposed fencing of the River Wharfe in Otley
- 3 Sikh Welfare Trust regarding the provision of community language teaching in Leeds Secondary Schools
- 4 Parents and Carers Action Group to save Terry Yorath House

RESOLVED – That the subject matter of the deputations be referred to the Executive Board for consideration.

110 Reports

Reports admitted to the agenda in accordance with Council Procedure Rule 2.2(f) were considered as follows:

(a) Attendance at Meetings – Councillor Mulherin

It was moved by Councillor M Hamilton seconded by Councillor Hanley and

RESOLVED – That approval be given to the absence of Councillor Mulherin from meetings of the authority for a period of six months from the date of this meeting.

(b) Leader of Council

It was moved by Councillor M Hamilton seconded by Councillor J Procter and

RESOLVED – That the term of office of Councillor A Carter as Leader of the Council as agreed at the Annual Meeting 2006 be extended to 24th May 2007.

111 Questions

- 1 Councillor Wakefield to the Executive Member (City Services)

Can the Executive Member for Learning please tell me what progress is being made toward the Council meeting their 40% recycling target by 2020?

The Executive Member (City Services) replied

2 Councillor Bentley to the Lead Executive Member (Children's Services)

Could the Lead Executive Board member for Children's Services tell me about recent developments in the care of our Looked after Children?

The Lead Executive Member (Children's Services replied)

3 Councillor Lobley to the Leader of Council

Could the Leader of Council please give an update on proposals for the Oakwood area in the Town & District Centre Scheme

The Leader of Council replied.

4 Councillor Grayshon to the Leader of Council

Could the Leader of Council confirm that the finance is available to support the Morley Bottoms Regeneration Project

The Leader of Council replied

5 Councillor Hanley to the Leader of Council

Will the leader of the Council add his support to Cllr Wakefield's call that the people of our city should be given the opportunity to decide how the money from the sale of Leeds Bradford Airport is spent?

The Leader of Council replied

6 Councillor Campbell to the Leader of Council

Could the Executive Board member for Development advise me about plans for the future of Otley Civic Centre?

The Leader of Council replied

7 Councillor Schofield to the Leader of Council

Could the Leader of Council please confirm the Council's commitment to investing in Crossgates through the Town & District Centre Scheme

The Leader of Council replied

8 Councillor Lyons to the Executive Member (City Services)

Can the Executive Board Member for City Services please confirm the locations which are being considered for your administration's planned incinerator?

The Executive Member (City Services) replied

- 9 Councillor Monaghan to the Support Executive Member (Children's Services)

Could the Executive Board Member for City Services comment on the recent Beacon Status Award for the Healthy Schools Initiative

The Support Executive Member (Children's Services) replied

- 10 Councillor Kendall to the Executive Member (Adult Health and Social Care)

Could the Executive Board Member for Adult Health and Social Care tell me if he supports the campaign by Help the Aged, Age Concern England, The Association of Directors of Social Services, Carers UK, the Joseph Rowntree Foundation and other organisations for the government to provide substantial extra funds to care for the elderly?

The Executive Member (Adult Health and Social Care) replied

- 11 Councillor Illingworth to the Executive Member (Neighbourhoods and Housing)

Why are the defective uPVC doors on the Moor Grange Estate not being replaced in accordance with the resolution of the Leeds North West Homes Capital Programme Committee on 15 November 2006?

Councillor Anderson, Lead Member replied on behalf of the Executive Member.

At the conclusion of Question Time the following questions remained unanswered and it was noted that under the provisions of Council Procedure Rule 11.6 written responses would be sent to each Member of Council:

- 12 Councillor Hussain to the Executive Member (Leisure)
13 Councillor Castle to the Executive Member (Neighbourhoods and Housing)
14 Councillor Coupar to the Executive Member (Adult Health and Social Care)
15 Councillor Bentley to the Executive Member (Adult Health and Social Care)
16 Councillor R Lewis to the Executive Member (Neighbourhoods and Housing)

112 **Recommendations of the Executive Board**

It was moved by Councillor A Carter seconded by Councillor Harris

That the Chief Executive be authorised to effect the removal of non-executive directors from the Leeds Bradford International Airport Board before completion of the transaction in accordance with the recommendation of the Executive Board.

During the discussion it was moved by Councillor Harris seconded by Councillor M Hamilton and

RESOLVED – That under the provisions of Council Procedure Rule 13.2, the question be now put

The motion being put to the vote it was

RESOLVED – That the Chief Executive be authorised to effect the removal of non-executive directors from the Leeds Bradford International Airport Board before completion of the transaction in accordance with the recommendation of the Executive Board.

On the requisition of Councillors Taggart and Hanley the voting on the motion that the question be now put was recorded as follows:

YES

Akhtar, Anderson, Andrew, Barker, Bentley, A Blackburn, D Blackburn, Brett, Campbell, A Carter, J L Carter, Mrs A Carter, Castle, Chapman, Cleasby, Downes, Ewens. Mrs R Feldman, R D Feldman, Fox, Golton, M Hamilton, Harker, Harrand, Harris, Hollingsworth, Hussain, W Hyde, Jennings, Kendall, Kirkland, Lancaster, Latty, Lobley, Millard, Monaghan, Morton, Phillips, J Procter, R Procter, Pryke, Rhodes-Clayton, Robinson, Russell, Schofield, Shelbrooke, Smith, Townsley, Wadsworth, Wilkinson, Wilson

51

NO

Beverley, Blake, Congreve, Coulson, Coupar, Davey, Dowson, Driver, Dunn, Elliott, Finnigan, Gabriel, Grahame, Grayson, Gruen, S Hamilton, Hanley, Harper, Harrison, G Hyde, Illingworth, Jarosz, Leadley, J Lewis, R Lewis, Lowe, Lyons, McKenna, Minkin, Morgan, Murray, Nash, Ogilvie, Parker, Rafique, Renshaw, Selby, Taggart, Wakefield

39

ABSTAIN

McArdle

1

On the requisition of Councillors Taggart and Gruen the voting on the motion to accept the recommendation of the Executive Board was recorded as follows:

YES

Akhtar, Anderson, Andrew, Barker, Bentley, A Blackburn, D Blackburn, Brett, Campbell, A Carter, J L Carter, Mrs A Carter, Castle, Chapman, Cleasby, Downes, Ewens, Mrs R Feldman, R D Feldman, Fox, Golton, M Hamilton Harker, Harrand, Harris, Hollingsworth, Hussain, W Hyde, Jennings, Kendall, Kirkland, Lancaster, Latty, Lobley, McArdle, Millard, Monaghan, Morton, Phillips, J Procter, R Procter, Pryke, Rhodes-Clayton, Robinson, Russell, Schofield, Shelbrooke, Smith, Taylor, Townsley, Wadsworth, Wikinson, Wilson

53

NO

Blake, Coulson, Coupar, Davey, Dowson, Driver, Dunn, Elliott, Finnigan, Gabriel, Grahame, Gruen, S Hamilton, Hanley, Harper, Harrison, G Hyde, Illingworth, Jarosz, Leadley, J Lewis, R Lewis, Lowe, Lyons, McKenna, Minkin, Morgan, Murray, Nash, Ogilvie, Parker, Rafique, Renshaw, Selby, Taggart, Wakefield

36

ABSTAIN

Beverley

1

(Further to the declarations of interest referred to in minute 107(c) Councillor Atkinson indicated her declaration to be personal and prejudicial and left the meeting during discussion of this matter, Councillors Anderson, Castle, Downes and Selby declared personal interests as Airport Board members or Alternate members and Councillor Cleasby as a member of the Airport Consultative Committee)

113 **Amendments to the Constitution**

It was moved by Councillor A Carter seconded by Councillor Harris and

RESOLVED - That the report of the Assistant Chief Executive (Corporate Governance) on amendments to the Constitution approved by the Leader and the Monitoring Officer further to Executive Board decisions in relation to the Council Change Programme be noted.

114 **Minutes**

It was moved by Councillor A Carter seconded by Councillor M Hamilton and

RESOLVED – That the minutes submitted to Council in accordance with Council Procedure Rule 2.2(m) be received.

Council Procedure Rule 4 providing for the winding up of business was applied prior to all notified comments on the minutes having been debated.

(The meeting was suspended at 5.50 pm and resumed at 6.30 pm)

115 Variation in the Order of Business

It was moved by Councillor M Hamilton seconded by Councillor J Procter and

RESOLVED – That under the provisions of Council Procedure Rule 22.1, Rule 2.2 be suspended to vary the order of business by taking items as notified on the Summons in the order of 10, 15, 12, 11, 13, 14 and 16.

116 White Paper Motion- Leeds Children's Hospital

It was moved by Councillor J Lewis seconded by Councillor Grahame

That this Council welcomes the record investment in the NHS in Leeds since 1997, but regrets the recent news that plans for a dedicated Children's Hospital in Leeds have suffered a setback. This Council urges all Leeds' elected politicians to continue to support the public demand and calls for its speedy construction.

An amendment was moved by Councillor Harris seconded by Councillor A Carter

delete all after 'This Council' and replace with :

"deplores the government's failure to secure a Children's Hospital for Leeds. Just as with their failure to provide the funding for supertram, this once again demonstrates how Leeds is being treated as a second class city by Tony Blair and how ineffective our Labour MPs are at influencing their government. Council notes that whilst it may be desirable to approach these matters on a non-partisan basis, such an approach has signally failed to produce the desired effect in the past."

The amendment was carried and upon being put as the substantive motion it was

RESOLVED –That this Council deplores the government's failure to secure a Children's Hospital for Leeds. Just as with their failure to provide the funding for supertram, this once again demonstrates how Leeds is being treated as a second class city by Tony Blair and how ineffective our Labour MPs are at influencing their government. Council notes that whilst it may be desirable to approach these matters on a non-partisan basis, such an approach has signally failed to produce the desired effect in the past.

On the requisition of Councillors Hanley and McKenna the voting was recorded as follows:

On the Amendment

YES

Akhtar, Anderson, Andrew, Barker, Bentley, Beverley, A Blackburn, D Blackburn, Brett, Campbell, A Carter, J L Carter, Mrs A Carter, Castle, Chapman, Cleasby, Downes, Ewens, Mrs R Feldman, R D Feldman, Fox,

Golton, M Hamilton, Harker, Harrand, Harris, Hollingsworth, Hussain, W Hyde, Kendall, Kirkland, Lancaster, Latty ,Lobley, Millard, Monaghan, Morton, Phillips, J Procter, R Procter, Pryke, Rhodes-Clayton, Robinson, Russell, Schofield, Shelbrooke, Smith, Taylor, Townsley, Wadsworth, Wilkinson, Wilson

52

NO

Blake, Coulson, Coupar, Davey, Dowson, Driver, Elliott, Finnigan, Grahame, Grayshon, Gruen, Hanley, Harper, Harrison, G Hyde, Illingworth, Jarosz, Jennings, Leadley, J Lewis, R Lewis, Lowe, Lyons, McKenna, Minkin, Morgan, Nash, Ogilvie, Parker, Rafique, Selby, Wakefield

32

ABSTAIN

McArdle

1

On the substantive motion

YES

Akhtar, Anderson, Andrew, Barker, Bentley, Beverley, A Blackburn, D Blackburn, Brett, Campbell, A Carter, J L Carter, Mrs A Carter, Castle, Chapman, Cleasby, Downes, Ewens, Mrs R Feldman, R D Feldman, Fox, Golton, M Hamilton, Harker, Harrand, Harris, Hollingsworth, Hussain, W Hyde, Kendall, Kirkland, Lancaster, Latty ,Lobley, Millard, Monaghan, Morton, Phillips, J Procter, R Procter, Pryke, Rhodes-Clayton, Robinson, Russell, Schofield, Shelbrooke, Smith, Taylor, Townsley, Wadsworth, Wilkinson, Wilson

52

NO

Blake, Coulson, Coupar, Davey, Dowson, Driver, Elliott, Finnigan, Grahame, Grayshon, Gruen, Hanley, Harper, Harrison, G Hyde, Illingworth, Jarosz, Leadley, J Lewis, R Lewis, Lowe, Lyons, McKenna, Minkin, Morgan, Nash, Ogilvie, Parker, Rafique, Selby

30

ABSTAIN

Jennings, McArdle

2

117 White Paper Motion - Teaching English for Speakers of Other Languages

It was moved by Councillor Harris seconded by Councillor Grayshon and

RESOLVED - That this Council notes that recent reports from the Audit Commission and statements by the Prime Minister have highlighted the role that teaching English for Speakers of Other Languages has in ensuring both migrant workers and immigrants are able to play a full role in British society.

Council therefore condemns the recent decision of the Learning and Skills Council at a national level to reduce funding for ESOL teaching, in particular to reduce access to such courses by removing automatic fee remission and restricting free tuition to priority groups, primarily those who are unemployed or receiving income based benefits.

Council therefore supports the call of the 'Leeds Learning Partnership Skills for Life Sub Group' for the LSC to reverse this change in policy.

On the requisition of Councillors Harris and Harker the voting was recorded as follows:

YES

Akhtar, Anderson, Andrew, Barker, Bentley, A Blackburn, D Blackburn, Blake, Brett, Campbell, A Carter, J L Carter, Mrs A Carter, Castle, Chapman, Cleasby, Congreve, Coulson, Coupar, Davey, Downes, Dowson, Driver, Dunn, Elliott, Ewens, Mrs R Feldman, R D Feldman, Fox, Gabriel, Golton, Grahame, Grayshon, Gruen, M Hamilton, S Hamilton, Hanley, Harker, Harper, Harrand, Harris, Harrison, Hollingsworth, Hussain, G Hyde, W Hyde, Illingworth, Jarosz, Kendall, Kirkland, Lancaster, Latty, Leadley, J Lewis, R Lewis, Lobley, Lowe, Lyons, McArdle, McKenna, Millard, Minkin, Monaghan, Morgan, Morton, Nash, Ogilvie, Parker, Phillips, J Procter, R Procter, Pryke, Rafique, Renshaw, Rhodes-Clayton, Robinson, Russell, Selby, Shelbrooke, Smith, Taggart, Taylor, Townsley, Wadsworth, Wakefield, Wilkinson, Wilson

87

NO

Beverley

1

(Councillor Murray, having declared a personal and prejudicial interest, left the meeting during consideration of this item)

118 White Paper Motion - Cemetery Provision in Leeds

It was moved by Councillor Wakefield seconded by Councillor Rafique

That this Council expresses its concern regarding the growing crisis in cemetery provision across Leeds.

An amendment was moved by Councillor J Procter seconded by Councillor Campbell

Delete all after “This Council” and add

“congratulates those who provide a first class cemetery service to the people of Leeds and notes there is no crisis within the service”.

The amendment was carried and upon being put as the substantive motion it was

RESOLVED – That this Council congratulates those who provide a first class cemetery service to the people of Leeds and notes there is no crisis within the service.

(Councillors Harris and Chapman, having declared personal and prejudicial interests left the meeting during consideration of this item)

119 Suspension of Council Procedure Rules

During the debate under minute 118 above it was moved by Councillor M Hamilton seconded by Councillor Hanley and

RESOLVED – That under the provisions of Council Procedure Rule 22.1, Procedure Rule 3.2 be suspended to allow the debate on all White Paper Motions to be concluded.

120 White Paper Motion - Sustainable Communities Bill

It was moved by Councillor Anderson seconded by Councillor Shelbrooke

That this Council fully supports the provisions set out in the Sustainable Communities Bill, in particular addressing the following problems:

1. The degeneration of local communities, deteriorating high streets, cuts to the number of post offices, declining civic participation and environmental degradation.
2. Lack of a coherent Government strategy to address this decline.
3. Lack of transparency in the allocation of resources to local communities.

Council further welcomes the powers that will be given to support the sustainability of local communities by requiring central Government to:

1. Protect the local environment;
2. Tackle social exclusion and poverty;
3. Increase local participation in democracy; and
4. Ensure the prudent use of natural resources

An amendment was moved by Councillor J Lewis seconded by Councillor Blake

Delete all after:

“That this Council fully supports the provisions set out in the Sustainable Communities Bill.”

until

“Council further welcomes the powers that will be given to support the sustainability of local communities by requiring central Government to:

1. Promote local economic activity, such as local shops and services;
2. Protect the local environment;
3. Tackle social exclusion and poverty;
4. Increase local participation in democracy; and
5. Ensure the prudent use of natural resources”

The amendment was lost and upon being put to the vote it was

RESOLVED - That this Council fully supports the provisions set out in the Sustainable Communities Bill, in particular addressing the following problems:

- 1 The degeneration of local communities, deteriorating high streets, cuts to the number of post offices, declining civic participation and environmental degradation.
- 2 Lack of a coherent Government strategy to address this decline.
- 3 Lack of transparency in the allocation of resources to local communities.

Council further welcomes the powers that will be given to support the sustainability of local communities by requiring central Government to:

- 1 Protect the local environment;
- 2 Tackle social exclusion and poverty;
- 3 Increase local participation in democracy; and
- 4 Ensure the prudent use of natural resources

121 White Paper Motion - Primary Schools in Leeds

It was moved by Councillor Gruen seconded by Councillor Davey

That Council believes that Primary Schools should not only be beacons of educational excellence and well being, but are also essential centres for community activity and cohesion.

Council therefore states its view that in Leeds we need a diverse network of schools, including small village schools, firmly based on the needs of local communities. Council rejects any theoretical model, which contemplates that only 2 forms of entry provide a viable solution throughout Leeds.

An amendment was moved by Councillor Harker seconded by Councillor Procter

Delete all after 1st paragraph and add the following:

“In Leeds we have primary schools to be proud of; a rich and diverse patchwork of successful provision including large urban schools and small village schools working to ensure that all our children are happy, healthy,

safe, successful and free from the effects of poverty. This strong and dynamic system of primary education, increasingly linked to some outstanding early years provision, is further developing, through the Extended Services agenda, to meet the needs of their families and their local communities.”

The mover and seconder of the motion having accepted the amendment with the consent of Council, the amendment was put as the substantive motion and it was

RESOLVED - That Council believes that Primary Schools should not only be beacons of educational excellence and well being, but are also essential centres for community activity and cohesion.

In Leeds we have primary schools to be proud of; a rich and diverse patchwork of successful provision including large urban schools and small village schools working to ensure that all our children are happy, healthy, safe, successful and free from the effects of poverty. This strong and dynamic system of primary education, increasingly linked to some outstanding early years provision, is further developing, through the Extended Services agenda, to meet the needs of their families and their local communities.

122 White Paper Motion - British Forces Postal Service

It was moved by Councillor A Carter seconded by Councillor J Procter and

RESOLVED - That this Council condemns the decision that British forces and their families who are stationed overseas can no longer receive parcels free of charge as they could in 2003.

This Council believes it is an appalling and disgraceful way to treat our dedicated and hardworking troops and their families given the hardship they face in areas of conflict across the world and therefore asks that the Government reinstates this service as a matter of urgency.

(Councillor Lancaster, having declared a personal and prejudicial interest, left the meeting during consideration of this item)

123 White Paper Motion - Identification of Kashmiri as a Separate Category within the 2011 Census

It was moved by Councillor Hussain seconded by Councillor Akhtar and

RESOLVED - That this Council urges the Government to include Kashmiri as a separate category in questions on ethnic group and identity in the 2011 Census and other national surveys, and to consider the inclusion of other groups not adequately represented in the 2011 Census ethnic group categories.

This Council asks the Chief Executive to write to the National Statistician to request this change and to write to the Local Government Association, seeking their support and that of other local authorities.

Council rose at 10.10 pm

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Originator: Kate Sadler

Tel: 0113 24 78408

Report of the Assistant Chief Executive (Corporate Governance)

Annual Meeting of Council

Date: 24th May 2007

Subject: Adoption of a new Code of Conduct for Members

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 seeks Members' approval for the adoption of a new Code of Conduct for Members drafted in accordance with the new Model Code of Conduct issued by order of the Secretary of State on 4th April 2007, and brought into force on 3rd May 2007.

1.0 Purpose Of This Report

- 1.1 This report seeks Members approval for the adoption of a new Code of Conduct for Members drafted in accordance with the new Model Code of Conduct issued by order of the Secretary of State on 4th April 2007, and brought into force on 3rd May 2007.

2.0 Background Information

- 2.1 The Local Government Act 2000 makes provision for the Secretary of State to issue a Model Code of Conduct for Members. The Code must be adopted by Local Authorities and Members must give a written undertaking that they will abide by the Code.
- 2.2 The current Code of Conduct for Members in Leeds was approved by parliament in November 2001 and adopted by the Council on 27th March 2002.
- 2.3 Over the period of its operation a number of problems have been identified with the current Code of Conduct and the Secretary of State has drafted a new Model Code of Conduct.

3.0 Main Issues

- 3.1 The Secretary of State for Communities and Local Government made the Local Authorities (Model Code of Conduct) Order 2007 on 4th April 2007. The Order came into force on 3rd May 2007.
- 3.2 Local Authorities are required to adopt the Code within 6 months of its being made¹, or the provisions of the Code are imposed upon the authority. It is therefore necessary that Leeds City Council adopts a new Code of Conduct, reflecting the provisions set out in the Code by 1st October 2007.
- 3.3 Section 50 of the Local Government Act, which sets out the Secretary of State's power to issue a Model Code of Conduct, provides that the Model Code may contain provisions which are mandatory and provisions which are optional. Section 51(4) of the Local Government Act 2000 provides that the authority must adopt a Code which incorporates any mandatory provisions and may include other provisions which are consistent with that Model Code.
- 3.4 All of the provisions set out in the Model Code are mandatory for Leeds City Council.
- 3.5 The Local Government Act 2000 Part 3 Section 54(2) states that the Standards Committee **must** carry out the following functions:
- advising the authority on the adoption or revision of a Code of Conduct; and
 - advising, training, or arranging to train Members and Co-opted Members of the authority on matters relating to the authority's Code of Conduct.
- 3.6 At a meeting on 1st May 2007 the Standards Committee considered the new Model Code and resolved to recommend to Council that a new Code of Conduct be adopted for Members of Leeds City Council in the form set out at Appendix 1 to this report.

¹ The Standards Board for England have recently confirmed that the 6 month period runs from the making of the order rather than its coming into force.

4.0 Implications For Council Policy And Governance

- 4.1 The Council is obliged to adopt, and Members will be obliged to abide by, the new Model Code of Conduct by no later than 1st October 2007. The Code is intended to uphold standards of Conduct in public life, whilst supporting members fully in their roles as community advocates.
- 4.2 Whilst Members are required to give a written undertaking to abide by the Code, advice has been received to indicate that Members undertaking to abide by the existing Code will suffice. However, it will be necessary for all Members to register their interests afresh. The Assistant Chief Executive (Corporate Governance) will seek to assist Members in this through the provision of training and individualised pro-formas based on their current register of interests.
- 4.3 Steps will be taken to ensure that Members receive appropriate training to enable them to abide by the new Code of Conduct when implemented.

5.0 Legal And Resource Implications

- 5.1 There are no legal implications to this report.
- 5.2 There will be clear resource implications for the training of Members and officers to support the implementation of the new Code of Conduct. However, it is considered that these can be met from existing resources.

6.0 Conclusions

- 6.1 Leeds City Council is required to adopt a new Code of Conduct reflecting the mandatory provisions of the new Model Code by no later than 1st October 2007. The draft Code set out at Appendix 1 to this report contains those provisions which are mandatory for Leeds City Council.

7.0 Recommendations

- 7.1 Members are requested to approve adoption of the draft Code of Conduct for Members set out at Appendix 1 to this report.

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MEMBERS CODE OF CONDUCT

Part 1

GENERAL PROVISIONS

Introduction and interpretation

1. (1) This Code applies to **you** as a member of an authority.
- (2) You should read this Code together with the general principles prescribed by the Secretary of State
- (3) It is your responsibility to comply with the provisions of this Code.
- (4) In this Code—
 - "meeting" means any meeting of—
 - (a) the authority;
 - (b) the executive of the authority;
 - (c) any of the authority's or its executive's committees, sub-committees, joint committees, joint sub-committees, or area committees;
 - "member" includes a co-opted member and an appointed member.
- (5) In relation to a parish council, references to an authority's monitoring officer and an authority's standards committee shall be read, respectively, as references to the monitoring officer and the standards committee of the district council or unitary county council which has functions in relation to the parish council for which it is responsible under section 55(12) of the Local Government Act 2000.

Scope

2. (1) Subject to sub-paragraphs (2) to (5), you must comply with this Code whenever you—
 - (a) conduct the business of your authority (which, in this Code, includes the business of the office to which you are elected or appointed); or
 - (b) act, claim to act or give the impression you are acting as a representative of your authority,and references to your official capacity are construed accordingly.

(2) Subject to sub-paragraphs (3) and (4), this Code does not have effect in relation to your conduct other than where it is in your official capacity.

(3) In addition to having effect in relation to conduct in your official capacity, paragraphs 3(2)(c), 5 and 6(a) also have effect, at any other time, where that conduct constitutes a criminal offence for which you have been convicted.

(4) Conduct to which this Code applies (whether that is conduct in your official capacity or conduct mentioned in sub-paragraph (3)) includes a criminal offence for which you are convicted (including an offence you committed before the date you took office, but for which you are convicted after that date).

(5) Where you act as a representative of your authority—

(a) on another relevant authority, you must, when acting for that other authority, comply with that other authority's code of conduct; or

(b) on any other body, you must, when acting for that other body, comply with your authority's code of conduct, except and insofar as it conflicts with any other lawful obligations to which that other body may be subject.

General obligations

3. (1) You must treat others with respect.

(2) You must not—

(a) do anything which may cause your authority to breach any of the equality enactments (as defined in section 33 of the Equality Act 2006);

(b) bully any person;

(c) intimidate or attempt to intimidate any person who is or is likely to be—

(i) a complainant,

(ii) a witness, or

(iii) involved in the administration of any investigation or proceedings,

in relation to an allegation that a member (including yourself) has failed to comply with his or her authority's code of conduct; or

(d) do anything which compromises or is likely to compromise the impartiality of those who work for, or on behalf of, your authority.

(3) In relation to police authorities and the Metropolitan Police Authority, for the purposes of sub-paragraph (2)(d) those who work for, or on behalf of, an authority are deemed to include a police officer.

4. You must not—

(a) disclose information given to you in confidence by anyone, or information acquired by you which you believe, or ought reasonably to be aware, is of a confidential nature, except where—

(i) you have the consent of a person authorised to give it;

(ii) you are required by law to do so;

(iii) the disclosure is made to a third party for the purpose of obtaining professional advice provided that the third party agrees not to disclose the information to any other person; or

(iv) the disclosure is—

(aa) reasonable and in the public interest; and

(bb) made in good faith and in compliance with the reasonable requirements of the authority; or

(b) prevent another person from gaining access to information to which that person is entitled by law.

5. You must not conduct yourself in a manner which could reasonably be regarded as bringing your office or authority into disrepute.

6. You—

(a) must not use or attempt to use your position as a member improperly to confer on or secure for yourself or any other person, an advantage or disadvantage; and

(b) must, when using or authorising the use by others of the resources of your authority—

(i) act in accordance with your authority's reasonable requirements;

(ii) ensure that such resources are not used improperly for political purposes (including party political purposes); and

(c) must have regard to any applicable Local Authority Code of Publicity made under the Local Government Act 1986^[15].

7. (1) When reaching decisions on any matter you must have regard to any relevant advice provided to you by—

(a) your authority's chief finance officer; or

(b) your authority's monitoring officer,

where that officer is acting pursuant to his or her statutory duties.

(2) You must give reasons for all decisions in accordance with any statutory requirements and any reasonable additional requirements imposed by your authority.

Part 2

INTERESTS

Personal interests

8. (1) You have a personal interest in any business of your authority where either—

(a) it relates to or is likely to affect—

(i) any body of which you are a member or in a position of general control or management and to which you are appointed or nominated by your authority;

(ii) any body—

(aa) exercising functions of a public nature;

(bb) directed to charitable purposes; or

(cc) one of whose principal purposes includes the influence of public opinion or policy (including any political party or trade union),

of which you are a member or in a position of general control or management;

(iii) any employment or business carried on by you;

(iv) any person or body who employs or has appointed you;

(v) any person or body, other than a relevant authority, who has made a payment to you in respect of your election or any expenses incurred by you in carrying out your duties;

(vi) any person or body who has a place of business or land in your authority's area, and in whom you have a beneficial interest in a class of securities of that person or body that exceeds the nominal value of £25,000 or one hundredth of the total issued share capital (whichever is the lower);

(vii) any contract for goods, services or works made between your authority and you or a firm in which you are a partner, a company of which you are a remunerated director, or a person or body of the description specified in paragraph (vi);

(viii) the interests of any person from whom you have received a gift or hospitality with an estimated value of at least £25;

(ix) any land in your authority's area in which you have a beneficial interest;

(x) any land where the landlord is your authority and you are, or a firm in which you are a partner, a company of which you are a remunerated director, or a person or body of the description specified in paragraph (vi) is, the tenant;

(xi) any land in the authority's area for which you have a licence (alone or jointly with others) to occupy for 28 days or longer; or

(b) a decision in relation to that business might reasonably be regarded as affecting your well-being or financial position or the well-being or financial position of a relevant person to a greater extent than the majority of—

(i) (in the case of authorities with electoral divisions or wards) other council tax payers, ratepayers or inhabitants of the electoral division or ward, as the case may be, affected by the decision;

(ii) (in the case of the Greater London Authority) other council tax payers, ratepayers or inhabitants of the Assembly constituency affected by the decision; or

(iii) (in all other cases) other council tax payers, ratepayers or inhabitants of your authority's area.

(2) In sub-paragraph (1)(b), a relevant person is—

(a) a member of your family or any person with whom you have a close association; or

(b) any person or body who employs or has appointed such persons, any firm in which they are a partner, or any company of which they are directors;

(c) any person or body in whom such persons have a beneficial interest in a class of securities exceeding the nominal value of £25,000; or

(d) any body of a type described in sub-paragraph (1)(a)(i) or (ii).

Disclosure of personal interests

9. (1) Subject to sub-paragraphs (2) to (7), where you have a personal interest in any business of your authority and you attend a meeting of your authority at which the business is considered, you must disclose to that meeting the existence and nature of that interest at the commencement of that consideration, or when the interest becomes apparent.

(2) Where you have a personal interest in any business of your authority which relates to or is likely to affect a person described in paragraph 8(1)(a)(i) or 8(1)(a)(ii)(aa), you need only disclose to the meeting the existence and nature of that interest when you address the meeting on that business.

(3) Where you have a personal interest in any business of the authority of the type mentioned in paragraph 8(1)(a)(viii), you need not disclose the nature or existence of that interest to the meeting if the interest was registered more than three years before the date of the meeting.

(4) Sub-paragraph (1) only applies where you are aware or ought reasonably to be aware of the existence of the personal interest.

(5) Where you have a personal interest but, by virtue of paragraph 14, sensitive information relating to it is not registered in your authority's register of members' interests, you must indicate to the meeting that you have a personal interest, but need not disclose the sensitive information to the meeting.

(6) Subject to paragraph 12(1)(b), where you have a personal interest in any business of your authority and you have made an executive decision in relation to that business, you must ensure that any written statement of that decision records the existence and nature of that interest.

(7) In this paragraph, "executive decision" is to be construed in accordance with any regulations made by the Secretary of State under section 22 of the Local Government Act 2000

Prejudicial interest generally

10. (1) Subject to sub-paragraph (2), where you have a personal interest in any business of your authority you also have a prejudicial interest in that business where the interest is one which a member of the public with knowledge of the relevant facts would reasonably regard as so significant that it is likely to prejudice your judgement of the public interest.

(2) You do not have a prejudicial interest in any business of the authority where that business—

(a) does not affect your financial position or the financial position of a person or body described in paragraph 8;

(b) does not relate to the determining of any approval, consent, licence, permission or registration in relation to you or any person or body described in paragraph 8; or

(c) relates to the functions of your authority in respect of—

(i) housing, where you are a tenant of your authority provided that those functions do not relate particularly to your tenancy or lease;

(ii) school meals or school transport and travelling expenses, where you are a parent or guardian of a child in full time education, or are a parent governor of a school, unless it relates particularly to the school which the child attends;

(iii) statutory sick pay under Part XI of the Social Security Contributions and Benefits Act 1992, where you are in receipt of, or are entitled to the receipt of, such pay;

(iv) an allowance, payment or indemnity given to members;

(v) any ceremonial honour given to members; and

(vi) setting council tax or a precept under the Local Government Finance Act 1992.

Prejudicial interests arising in relation to overview and scrutiny committees

11. You also have a prejudicial interest in any business before an overview and scrutiny committee of your authority (or of a sub-committee of such a committee) where—

(a) that business relates to a decision made (whether implemented or not) or action taken by your authority's executive or another of your authority's committees, sub-committees, joint committees or joint sub-committees; and

(b) at the time the decision was made or action was taken, you were a member of the executive, committee, sub-committee, joint committee or joint sub-committee mentioned in paragraph (a) and you were present when that decision was made or action was taken.

Effect of prejudicial interests on participation

12. (1) Subject to sub-paragraph (2), where you have a prejudicial interest in any business of your authority—

(a) you must withdraw from the room or chamber where a meeting considering the business is being held—

(i) in a case where sub-paragraph (2) applies, immediately after making representations, answering questions or giving evidence;

(ii) in any other case, whenever it becomes apparent that the business is being considered at that meeting;

unless you have obtained a dispensation from your authority's standards committee;

(b) you must not exercise executive functions in relation to that business; and

(c) you must not seek improperly to influence a decision about that business.

(2) Where you have a prejudicial interest in any business of your authority, you may attend a meeting (including a meeting of the overview and scrutiny committee of your authority or of a sub-committee of such a committee) but only for the purpose of making representations, answering questions or giving evidence relating to the business, provided that the public are also allowed to attend the meeting for the same purpose, whether under a statutory right or otherwise.

Part 3

REGISTRATION OF MEMBERS' INTERESTS

Registration of members' interests

13. (1) Subject to paragraph 14, you must, within 28 days of—

(a) this Code being adopted by or applied to your authority; or

(b) your election or appointment to office (where that is later),

register in your authority's register of members' interests (maintained under section 81(1) of the Local Government Act 2000) details of your personal interests where they fall within a category mentioned in paragraph 8(1)(a), by providing written notification to your authority's monitoring officer.

(2) Subject to paragraph 14, you must, within 28 days of becoming aware of any new personal interest or change to any personal interest registered under paragraph (1), register details of that new personal interest or change by providing written notification to your authority's monitoring officer.

Sensitive information

14. (1) Where you consider that the information relating to any of your personal interests is sensitive information, and your authority's monitoring officer agrees, you need not include that information when registering that interest, or, as the case may be, a change to that interest under paragraph 13.

(2) You must, within 28 days of becoming aware of any change of circumstances which means that information excluded under paragraph (1) is no longer sensitive information, notify your authority's monitoring officer asking that the information be included in your authority's register of members' interests.

(3) In this Code, "sensitive information" means information whose availability for inspection by the public creates, or is likely to create, a serious risk that you or a person who lives with you may be subjected to violence or intimidation.



Originator: L Stratford

Tel: 51632

Report of the Assistant Chief Executive (Corporate Governance)

Full Council

Date: 24th May 2007

Subject: Recommendations of the Corporate Governance and Audit Committee

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 presents recommendations to Council made by the Corporate Governance and Audit Committee at their meetings on the 25th April 2007 and 16th May 2007 in respect of amendments to the Constitution.
2. A summary of those amendments Council is recommended to approve is attached at Appendix One to this report.

1.0 Purpose Of This Report

- 1.1 This report presents recommendations to Council made by the Corporate Governance and Audit Committee at their meetings on the 25th April 2007 and 16th May 2007 in respect of amendments to the Constitution. A summary of all the proposed amendments is attached at Appendix One to this report.

2.0 Background Information

- 2.1 Corporate Governance and Audit Committee's terms of reference authorise them to consider proposals to amend the Constitution and make recommendations to Council.
- 2.2 At their meetings on the 25th April and the 16th May 2007, the Corporate Governance and Audit Committee considered various reports which proposed amendments to the Constitution. This report sets out the recommendations to Council by the Committee, in respect of the proposed amendments.

3.0 Main Issues

Corporate Governance and Audit Committee 25th April 2007

- 3.1 Attached at Addendum 1 to this report, is the report considered by the Corporate Governance and Audit Committee, together with its appendices, containing various proposed amendments identified by the annual review of the Constitution.
- 3.2 The Corporate Governance and Audit Committee resolved to recommend to Council to approve the amendments, as set out in the report, as follows:
- the removal from Article 4 of the Constitution of the Food Law Enforcement Plan as detailed in paragraph 3.3 of the report;
 - the removal from Article 4 of the Constitution of the Plan and Strategy which comprise the Housing Investment Programme as detailed in paragraph 3.4 of the report;
 - the addition of a Council Procedure Rule 14.5(c), to allow a nominated member to exercise summing up rights in the absence of an Executive Member / Chair, as detailed in paragraph 3.1 of the report;
 - the deletion of Council Procedure Rules 14.6(i) and (iii), to clarify when a Member may speak twice in a debate, as proposed in paragraph 3.2 of the report;
 - an amendment to paragraph 2.1 of the Appointments to Outside Body Procedure Rules as detailed in paragraph 3.13 of the report, to more accurately reflect current practice;
 - an amendment to paragraph 4.2 of the Appointments to Outside Body Procedure Rules as detailed in paragraph 3.14 of the report to avoid the potential for a conflict of interest for Members appointed to an organisation; and
 - the addition of a paragraph at 4.10 of the Appointments to Outside Body Procedure Rules as detailed in paragraph 3.15 of the report to clarify the period of an appointment.
- 3.3 A further recommendation was contained within the report regarding the introduction of a new Scrutiny Board Procedure rule to acknowledge that Scrutiny Boards on occasions undertake reviews outside of the formal Scrutiny Inquiry process and

which may result in the publication of observations and recommendations. However, the Committee resolved to refer this amendment for further consideration.

Corporate Governance and Audit Committee 16th May 2007

Scrutiny Board Procedure Rules

- 3.4 Attached at Addendum 2 to this report, is the report considered by the Corporate Governance and Audit Committee, together with its appendices, containing a proposed amendment to the Scrutiny Board Procedure Rules:
- 3.5 The Corporate Governance and Audit Committee resolved to recommend to Council to approve the amendment, as set out in the report, as follows:
- the introduction of a new Scrutiny Board Procedure rule to acknowledge that Scrutiny Boards on occasions undertake reviews outside of the formal Scrutiny Inquiry process which may result in the publication of observations and recommendations, as set out at paragraph 3.4 of the report and detailed in appendix 1 to that report.

Scrutiny – Amendments to Terms of Reference

- 3.6 Attached at Addendum 3 to this report, is the report considered by the Corporate Governance and Audit Committee, together with its appendices, containing a number of proposed amendments to the Overview and Scrutiny function following an annual review.
- 3.7 The Corporate Governance and Audit Committee resolved to recommend to Council to approve the amendments, as set in the report, as follows:
- To adopt the Constitutional amendments to give effect to the redesign of the Overview and Scrutiny Function as detailed in option 1 (mapping Scrutiny Boards to Director Portfolios, with Overview and Scrutiny Committee mapping on to the two Assistant Chief Executive portfolios and with a separate Scrutiny Board to look specifically at leisure and cultural issues) and as set out in appendix 1 (Article 6) and 2 of the report.

Governance of Plans Panels

- 3.8 Attached at Addendum 4 to this report, is the report considered by the Corporate Governance and Audit Committee, together with its appendices, containing recommendations in relation to the governance of the Council's Plans Panels.
- 3.9 The Corporate Governance and Audit Committee resolved to recommend to Council to approve the amendments, as set out in the report, as follows:¹
- It is recommended that Article 8 of the Constitution is amended to
 - a) Stipulate that the membership of Plans Panels should comprise of no less than 7 and no more than 11 members of Council.

¹ The Committee also requested the Standards Committee to review the Code of Practice for Members responsible for Determining Planning Applications with a view to the code stipulating that only those Members who have attended the site visit and have been present throughout the whole consideration of an application at the Plans Panel shall be entitled to determine the application.

- b) Stipulate that the completion of compulsory prescribed training is a prerequisite to any Member sitting as a Plans Panel Member²

Amendments to Council Procedure Rules

- 3.10 Attached at Addendum 5 to this report, is the report considered by the Corporate Governance and Audit Committee, together with its appendices, containing recommendations in relation to proposed amendments to the manner in which Council meetings are conducted with a view to securing conclusion of the meetings by no later than 7 pm.
- 3.11 The Corporate Governance and Audit Committee resolved to recommend to Council to approve the amendments, as set out in the report, as follows:
- that the amended Council Procedure Rules, as appended to the report, be adopted, subject to an amendment that the Council meeting shall commence at 1.30pm.

Governance of Corporate Governance and Audit Committee

- 3.12 Attached at Addendum 6 to this report, is the report considered by the Corporate Governance and Audit Committee, together with its appendices, containing recommendations in relation to proposed changes to the membership of the Corporate Governance and Audit Committee, to be reflected in a new Article 9A.
- 3.13 The Corporate Governance and Audit Committee resolved to recommend to Council to approve the amendments, as set out in the report, with the exception that Group Leader's and Whips from the Green Party and the Morley Borough Independent Party³ may serve on the Corporate Governance and Audit Committee.
- 3.14 The recommendation to Council therefore is:
- to amend Article 9 of the Constitution to preclude members of the Executive; and Political Group Leaders and Whips from the administration and the major opposition Group(s) from being members of the Corporate Governance and Audit Committee.

4.0 Implications For Council Policy And Governance

- 4.1 The annual review of the Constitution helps to ensure that it is up to date and relevant to the work of the Council. Such reviews are recognised best practice in the Audit Commission's Comprehensive Performance Assessment framework for the annual Use of Resources assessment.
- 4.2 The proposed amendments to the Constitution in relation to its scrutiny arrangements, demonstrate continuing improvements to the Council's Overview and Scrutiny arrangements, providing strong and robust challenge to the authority's Executive.

5.0 Legal And Resource Implications

- 5.1 The legal and resource implications of the proposed amendments are set out in the attached Addenda, where appropriate.

² As per approvals given by Standards Committee to amend the Code of Practice for the Determination of planning Matters.

³ Other than those who are Members of the Executive Board.

6.0 Conclusions

6.1 The Corporate Governance and Audit Committee have recommended Council to approve a number of amendments to the Constitution, as detailed in this report.

7.0 Recommendations

7.1 Council is recommended to approve the following amendments to the Constitution:

- the removal from Article 4 of the Constitution of the Food Law Enforcement Plan;
- the removal from Article 4 of the Constitution of the Plan and Strategy which comprise the Housing Investment Programme;
- the addition of a Council Procedure Rule 14.5(c), to allow a nominated member to exercise summing up rights in the absence of an Executive Member / Chair;
- the deletion of Council Procedure Rules 14.6(i) and (iii), to clarify when a Member may speak twice in a debate;
- an amendment to paragraph 2.1 of the Appointments to Outside Body Procedure Rules to more accurately reflect current practice;
- an amendment to paragraph 4.2 of the Appointments to Outside Body Procedure Rules to avoid the potential for a conflict of interest for Members appointed to an organisation; and
- the addition of a paragraph at 4.10 of the Appointments to Outside Body Procedure Rules to clarify the period of an appointment.
- the introduction of a new Scrutiny Board Procedure rule to acknowledge that Scrutiny Boards on occasions undertake reviews outside of the formal Scrutiny Inquiry process which may result in the publication of observations and recommendations;
- to adopt the Constitutional amendments to give effect to the redesign of the Overview and Scrutiny Function as detailed in option 1 (mapping Scrutiny Boards to Director Portfolios, with Overview and Scrutiny Committee mapping on to the two Assistant Chief Executive portfolios and with a separate Scrutiny Board to look specifically at leisure and cultural issues) and as set out in appendix 1 (Article 6) and 2 of the report.
- that Article 8 of the Constitution is amended to:
 - a) Stipulate that the membership of Plans Panels should comprise of no less than 7 and no more than 11 members of Council; and
 - b) Stipulate that the completion of compulsory prescribed training is a prerequisite to any Member sitting as a Plans Panel Member⁴
- that the amended Council Procedure Rules, attached at Addendum 5, are adopted subject to an amendment that the Council meeting shall commence at 1.30pm.
- to amend Article 9 of the Constitution to preclude members of the Executive; and Political Group Leaders and Whips from the administration and the major opposition Group(s) from being members of the Corporate Governance and Audit Committee.

⁴ As per approvals given by Standards Committee to amend the Code of Practice for the Determination of planning Matters.

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Annual Meeting 2007

Constitution Amendment Control Sheet¹

Addendum 1 – General Amendments

Section of the Constitution	Documents affected	Main Issues - nature of amendments
Recommendation from Corporate Governance and Audit Committee 15th April 2007		
Part 2	Article 4	Removal of two plans: <ul style="list-style-type: none"> • The Food Law Enforcement Service Plan; and • The Plan and Strategy which comprise the Housing Investment Programme
Part 4	Council Procedure Rules	Addition of a rule 14.5(c) to provide summing up rights to a nominee of the appropriate Executive Member. Deletion of Rules 14.6(i) and (iii).
Part 4	Appointments to Outside Body Procedure Rules	Amendment to: <ul style="list-style-type: none"> • Paragraph 2.1 to better reflect current practice. • Paragraph 4.2 to reflect need for MMC to consider Member Interests prior to appointment. Additional paragraph 4.10 to detail the duration of appointments.

Addendum 2 – Scrutiny Board Procedure Rules

Section of the Constitution	Documents affected	Main Issues - nature of amendments
Recommendation from Corporate Governance and Audit Committee 16th May 2007		
Part 4	Scrutiny Board Procedure Rules	New Rule 16 inserted (with consequential renumbering) to provide for observations and recommendations to be made outside of the formal inquiry mechanism.

¹ This document summarises those amendments Corporate Governance and Audit Committee are recommending to Council, any other amendments considered but not recommended are not included on this summary document.

Addendum 3 – Overview and Scrutiny Arrangements

Section of the Constitution	Documents affected	Main Issues - nature of amendments
Recommendations from Corporate Governance and Audit Committee 16th May 2007		
Part 2	Article 6	To reflect the changes to the Scrutiny Board TORs summarised below.
Part 3	Overview and Scrutiny Committee and Scrutiny Board Terms of Reference	Terms of reference of Scrutiny Boards to be mapped to Director (with an Overview and Scrutiny Committee mapping on to the two Assistant Chief Executive portfolios) with a separate Scrutiny Board to look specifically at leisure and cultural issues.

Addendum 4 – Governance of Plans Panels

Section of the Constitution	Documents affected	Main Issues - nature of amendments
Recommendations from Corporate Governance and Audit Committee 16th May 2007		
Part 2	Article 8	Amend to: Stipulate that the membership of Plans Panels should comprise of no less than 7 and no more than 11 members of Council. Stipulate that the completion of compulsory prescribed training is a prerequisite to any Member sitting as a Plans Panel Member.

Addendum 5 – Council Procedure Rules

Section of the Constitution	Documents affected	Main Issues - nature of amendments
Recommendations from Corporate Governance and Audit Committee 16th May 2007		
Part 4	Council Procedure Rules	Changes are summarised as: Council meetings to commence at 1.30pm. An increase in time allocated to comments on minutes Limitation of White Paper motions subject to full debate limited to 4 and consideration of such within limited timescales (reduced by 30 mins)

		<p>Tea break of a specified time and at fixed point during the meeting.</p> <p>Amendment to allow any member to move that another Council may resolve that a Member not be heard further.</p>
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Addendum 6 – Corporate Governance and Audit Committee

Section of the Constitution	Documents affected	Main Issues - nature of amendments
Recommendations from Corporate Governance and Audit Committee 16th May 2007		
Part 2	Article 9	To amend Article 9 of the Constitution to preclude members of the Executive; and Political Group Leaders and Whips from the major opposition Group(s) from being members of the Corporate Governance and Audit Committee.

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Originator: L Stratford

Tel: 51632

Report of the Assistant Chief Executive (Corporate Governance)

Corporate Governance and Audit Committee

Date: 25th April 2007

Subject: Constitution – Annual Review / Amendments

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 recommendations from the Assistant Chief Executive (Corporate Governance), in respect of amendments to the Constitution, following an annual review of the Constitution.
2. The key proposals are:
 - the removal from Article 4 of the Constitution of the Food Law Enforcement Service Plan and the Plan and Strategy which comprise the Housing Investment Programme;
 - the addition of a Council Procedure Rule 14.5(c), to allow a nominated member to exercise summing up rights in the absence of an Executive Member / Chair;
 - the deletion of Council Procedure Rules 14.6(i) and (iii), to clarify when a Member may speak twice in a debate;
 - the introduction of a new Scrutiny Board Procedure rule to acknowledge that Scrutiny Boards on occasions undertake reviews outside of the formal Scrutiny Inquiry process which may result in the publication of observations and recommendations;
 - an amendment to paragraph 2.1 of the Appointment to Outside Bodies Procedure Rules to more accurately reflect current practice,
 - an amendment to paragraph 4.2 of the Appointment to Outside Bodies Procedure Rules to avoid the potential for a conflict of interests for Members appointed to an organisation; and
 - the addition of a paragraph at 4.10 of the Appointment to Outside Bodies Procedure Rules to clarify the period of any appointment.

1.0 Purpose Of This Report

1.1 This report recommends a number of amendments to the Constitution for consideration at the Annual Meeting of Council on 24th May 2007. Attached at appendix 1 to this report is a table summarising all the proposed amendments.

2.0 Background Information

2.1 The terms of reference of the Corporate Governance and Audit Committee authorise the Committee to “consider proposals to amend the Constitution and make recommendations to full Council”.

2.2 Towards the end of each municipal year, the Assistant Chief Executive (Corporate Governance) undertakes an annual review of the Constitution. This involves:

- consultation with officers with delegated authority to amend any document of the Constitution, asking them to review the document;
- consultation with key officers within the Council in respect of those sections of the Constitution relevant to their remit, inviting them to review those sections and recommend changes where appropriate;
- reviewing the Constitution to ensure compliance with laws and regulations; and
- co-ordinating any consequential amendments necessary.

3.0 Main Issues

Article 4 - Budget and Policy Framework

3.1 Article 4 contains the Council’s Budget and Policy Framework. This framework contains a number of plans and strategies which are approved by Full Council. Some of these documents are required by Regulations and others are those which the Council has chosen to include. The revised Article 4 is attached at appendix 2 to this report.

3.2 Following a review of Article 4 the Director of Environment and Neighbourhoods has identified two plans which require removal from the Budget and Policy Framework:

- Food Law Enforcement Service Plan

3.3 The Food Law Plan is an operational service delivery plan (for a relatively small team). Whilst the subject matter is an important aspect of the Council’s public protection role, the Director’s view is that because of the operational focus of the plan it is difficult to justify continuing the inclusion within the Budget and Policy Framework.

- The Plan and Strategy which comprise the Housing Investment Programme

3.4 From 2002/03, the process by which local authorities accessed and distributed capital finance for local authority owned stock, changed. Central Government now allocates regional funding through the Yorkshire and Humber Regional Housing Board; as such the current references within the Budget and Policy Framework to the HIP are obsolete and require deletion.

- 3.5 In the absence of a formal reporting mechanism via the Budget and Policy Framework the Director of Environment and Neighbourhoods has made a commitment to report to the relevant Scrutiny Board on a regular basis in order that members are informed of how the allocation of resources is to be determined.

Council Procedure Rules

- 3.6 Council Procedure Rule **14.5** provides for the summing up rights of Executive Members and Chairs in respect of minutes under their responsibility. In the absence of an Executive Member by reason of illness at the February Council meeting it became apparent that Council Procedure Rules do not provide for a nominee to sum up in the absence of an Executive Member or Chair.

It is proposed that this apparent omission is addressed by the addition of a Rule 14.5(c) in the following terms:

- “(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”

The whips have been consulted with regard to this proposed minor amendment.

- 3.7 This proposed amendment relates to Council Procedure Rule **14.6**. It has long been the general understanding with regard to White Paper debates that, with the exception of the summing up rights of the original mover, no member may speak more than once in the debate. At the meeting held on 17th January a member who had spoken once in the debate sought to speak a second time citing the provisions of Council Procedure Rule 14.6(i). The Council Procedure Rule states “a member who has spoken once on any motion shall not speak again whilst it is the subject of debate except to speak once on an amendment moved by another member”. An amendment had been moved by another member since the member in question had first spoken and it was therefore a correct interpretation of the rule to allow the member to speak albeit counter to the general understanding of the majority of members. It appeals that Rule 14.6(iii) provides a further circumstance where a member could speak for a second time in a White Paper debate.

Council Procedure Rules specify in other places where a member may speak more than once in a debate as follows:

- 14.6 The final paragraph provides that comments on the minutes in each portfolio section of the Executive Board and each committee, board or panel moved under Rule 2.2(m) shall be regarded as being comments upon separate motions and such comments shall be relevant to such section of the minutes as are under debate.
- 14.5(b) Allows that the mover of the motion to receive the minutes shall have five minutes to respond under their portfolio in addition to their moving / winding up rights.
- 14.8(b) Provides that in the case of a reference back the relevant Executive Member or Chair shall have a five minute right of reply in addition to their rights under rule 14.5(a).
- 14.12(a) & (b) Embodies the movers right of reply

As Rule 14.12 (c) specifically precludes the mover of an amendment from a right of reply this tends to reinforce the view that it has not been the wish of Council that members (other than the mover of the original motion) should speak more than once in a White Paper debate.

Council Procedure Rules other than 14.6(i) and (iii) provide for instances when a member may speak more than once in a debate. It is therefore concluded that 14.6(i) and (iii) can be deleted from Council Procedure Rules. In the event of a genuine need to speak twice a member could seek leave of Council to suspend the remaining provisions of 14.6 to allow this.

This proposed deletion was considered and had the support of all party whips at a Whips meeting held on 20th February 2007.

- 3.8 The proposed changes to rule 14 are shown on the attached appendix 3.

Scrutiny Board Procedure Rules

- 3.9 The existing Scrutiny Board Procedure Rules do not acknowledge that on occasions Scrutiny Boards make observations and recommendations outside of the formal Inquiry process. The proposed amendments to the procedure rules will ensure that should such observations or recommendations be made, Scrutiny Boards will follow the same process of negotiation and consultation with the relevant Director and Executive Member as if they were made as a result of a formal Inquiry.

- 3.10 It is proposed therefore to add a new procedure (Section 16) as shown in appendix 4.

Appointments to Outside Body Procedure Rules

- 3.11 In 2004 procedure rules to govern the appointment of Members to Outside Bodies were agreed by Full Council.
- 3.12 A review of the operation of the procedure rules has been undertaken. Following the review, the Assistant Chief Executive (Corporate Governance) has recommended the following alterations to the Procedure Rules.

- 3.13 It is recommended that Paragraph 2.1 be amended to read:

“The Chief Democratic Services Officer will maintain a list of all Outside Bodies to which the Council appoints an Elected Member.”

This amendment will more accurately reflect current practice.

- 3.14 Further it is recommended that paragraph 4.2 be amended to reflect the need for Member Management Committee to have regard to a Member’s current interests prior to making any appointment. Paragraph 4.2 would then read as follows

“Nominations will then be sought for the remaining places. The Member Management Committee should have regard to a Member’s current interests prior to making any appointment. The Member Management Committee will have regard to the principle of securing an overall allocation of places which reflects the proportion of Members from each Political Group on the Council as a whole.”

- 3.15 Finally it is recommended that an additional paragraph be inserted at 4.10 of the procedure rules to detail the duration of appointments.

The proposed paragraph is as follows:

“4.10 All appointments are subject to annual change unless otherwise stated in the Constitution of the external organisation. Each appointment (including in-year replacements) runs for the municipal year, ending at the next Annual Council meeting.”

- 3.16 For completeness the amended Appointments to Outside Bodies Procedure Rules are appended at appendix 5.

4.0 Implications For Council Policy And Governance

- 4.1 The Constitution is one of the key parts of Leeds City Council’s governance arrangements. The annual review helps to ensure that the Constitution is up to date and relevant to the work of the Council. Such reviews are recognised as best practice by the Audit Commission.

5.0 Legal And Resource Implications

- 5.1 During the year the Assistant Chief Executive (Corporate Governance) keeps under review any legislative changes which may impact the Constitution (see further item 14 on this agenda).
- 5.2 There are no resource implications to the proposed amendments.

6.0 Recommendations

- 6.1 The Corporate Governance and Audit Committee is requested to recommend to Council the following amendments to the Constitution:

- the removal from Article 4 of the Constitution of the Food Law Enforcement Service Plan as detailed in paragraph 3.3 of this report;
- the removal From Article 4 of the Constitution the Plan and Strategy which comprise the Housing Investment Programme as detailed in 3.4 of this report;
- the addition of a Council Procedure Rule 14.5(c), to allow a nominated member to exercise summing up rights in the absence of an Executive Member / Chair, as detailed in paragraph 3.1 of this report;
- the deletion of Council Procedure Rules 14.6(i) and (iii), to clarify when a Member may speak twice in a debate, as proposed in paragraph 3.2 of this report;
- the introduction of a new Scrutiny Board Procedure rule relating to acknowledge that Scrutiny Boards on occasions undertake reviews outside of the formal Scrutiny Inquiry process which may result in the publication of observations and recommendations, as set out at paragraph 3.9 and detailed in appendix 4 to this report.

- an amendment to paragraph 2.1 of the Appointment to Outside Bodies Procedure Rules as detailed in paragraph 3.13 of this report to more accurately reflect current practice,
- an amendment to paragraph 4.2 of the Appointment to Outside Bodies Procedure Rules as detailed in paragraph 3.14 of this report to avoid the potential for a conflict of interests for Members appointed to an organisation; and
- the addition of a paragraph at 4.10 of the Appointment to Outside Bodies Procedure Rules as detailed in paragraph 3.15 of this report to clarify the period of any appointment.

**Constitution Annual Review / Amendments
Summary Table**

Document Affected	Page	Nature of Amendment
Article 4	22-23	Removal of two plans: <ul style="list-style-type: none"> • The Food Law Enforcement Service Plan; and • The Plan and Strategy which comprise the Housing Investment Programme
Council Procedure Rules	216-217	Addition of a rule 14.5(c) to provide summing up rights to a nominee of the appropriate Executive Member. Deletion of Rules 14.6(i) and (iii).
Scrutiny Board Procedure Rules	244-245	New Rule 16 inserted (with consequential renumbering) to provide for observations and recommendations to be made outside of the formal inquiry mechanism.
Appointments to Outside Body Procedure Rules	335-336	Amendment to: Paragraph 2.1 to better reflect current practice. Paragraph 4.2 to reflect need for MMC to consider Member Interests prior to appointment Additional paragraph 4.10 to detail the duration of appointments.

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 Council:
- Annual Library Plan ¹
 - Best Value Performance Plan
 - Children and Young Peoples Plan
 - Children’s Services Plan²
 - Community Strategy
 - Crime and Disorder Reduction Strategy
 - Development plan documents³
 - Local Transport Plan
 - Plans and alterations which together comprise the Development Plan
 - Youth Justice Plan
 - Licensing Authority Policy Statement⁴
- (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 Framework⁵:
- ~~Corporate Plan~~
- (iii) other plans and strategies adopted by the Council⁶:
- Council Plan⁷

Deleted: <#>Food Law Enforcement Service Plan¶
<#>The Plan and Strategy which comprise the Housing Investment Programme¶

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

• Budget

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The budget includes the allocation of financial resources to different services and projects, proposed contingency funds, the Council Tax base, setting the Council

¹ Plan no longer required, retained on the Constitution until the Local Authorities (Functions and Responsibilities)(England) Regulations 2000 are amended

² Plan no longer required, retained on the Constitution until the Local Authorities (Functions and Responsibilities)(England) Regulations 2000 are amended

³ Section 15 Planning and Compulsory Purchase Act 2004

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

⁵ In accordance with Schedule 4 of the Regulations

⁶ In accordance with Schedule 4 of the Regulations

⁷ This is comprised of the annual review of the Council’s Corporate Plan and the Best Value Performance Plan.

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 Constitution;
- 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.

- (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 (m), the speech of an Executive Member or Chair when summing up on minutes within their portfolio or in respect of their committee, board or panel, 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.
- (b) The Member moving the business referred to in Rule 2.2 (m) (receipt of minutes) shall, in addition to the ten minutes allowed for winding up purposes, be allowed to speak for a period not exceeding five minutes to respond to comments made on the Leader's portfolio immediately after such comments have been made.

(c) The summing up rights of an Executive Member or Chair as provided for in 14.5(a) above shall, in the absence of an Executive Member or Chair, be

exercisable by such member as may be nominated by the absent member or, failing that, by the relevant Party Whip.

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, board or panel moved under Rule 2.2(m) 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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<#>if the Member's first speech was on an amendment moved by that Member or another Member, to speak on the main issue. For the purpose of this paragraph the "main issue" shall exclude the subject of the amendment whether or not the amendment on which the Member spoke was carried;¶

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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

- (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.

15.0 RESPONSE TO INQUIRY REPORTS AND RECOMMENDATIONS

- 15.1 Where a Scrutiny Board has sent a Report to a body, the body concerned will be asked to send its response to the Board within 2 months²² of receipt of the Report.
- 15.2 The body should set out in response to the recommendations made:
- the views of the body²³;
 - details of any action already taken in response to the recommendations
 - proposed action and timescales; or
 - reasons for inaction.
- 15.3 In the case of responses from NHS bodies the response should also be copied to:
- Local MPs and MEPs;
 - West Yorkshire Health Authority;
 - PCTs and other NHS Trusts;
 - Leeds Voice;
 - Patient and public involvement forums and
 - Other bodies or organisations that have expressed an interest in the Inquiry.
- 15.4 The Proper Officer will also place a copy of the response in local libraries, and on the Council's web-site

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.
- 16.2 Where a Scrutiny Board makes a recommendation outside of the formal Scrutiny Board Inquiry process this will be set out in a Statement²⁴ from the Scrutiny Board
- 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 recommendations²⁵. The detail of that advice shall be reported to the Scrutiny Board and considered before the Statement is finalised.
- 16.4 There is no provision for a Minority Statement.

²² For NHS Bodies this time limit is 28 days (the Local Authority (Overview and Scrutiny Committee Health Scrutiny Functions) Regulations 2002).

²³ Where a recommendation is to a Director, the Director shall consult with the appropriate Executive Member when formulating a response.

²⁴ Statements from Scrutiny Boards result from work undertaken by a Scrutiny Board outside the formal Inquiry process in order to allow the Scrutiny Board to express comments and recommendations.

²⁵ The Director shall consult with the appropriate Executive Member before providing any such advice.

Scrutiny Board Procedure Rules

16.5 The Scrutiny Board (Health and Adult Social Care) may make specific recommendations to a local NHS body.

16.6 Where the Scrutiny Board (Health and Adult Social Care) has made recommendations to local NHS bodies scrutinised, the Proper Officer will copy the Statement to:

- Local MPs and MEPs;
- West Yorkshire Strategic Health Authority;
- PCTs and other NHS Trusts;
- Leeds Voice;
- Patient and public involvement forums; and
- Other bodies or organisations that have expressed an interest in the Inquiry.

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16.7 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 months²⁶ of receipt of the Statement.

16.8 The body should set out in response to the recommendations made:

- the views of the body²⁷;
- details of any action already taken in response to the recommendations
- proposed action and timescales; or
- reasons for inaction.

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

- Local MPs and MEPs;
- West Yorkshire Health Authority;
- PCTs and other NHS Trusts;
- Leeds Voice;
- Patient and public involvement forums and
- Other bodies or organisations that have expressed an interest in the Inquiry.

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16.10 The Proper Officer will also place a copy of the response in local libraries, and on the Council's web-site

17.0 WITNESSES – GENERAL PRINCIPLES

17.1 Where a Scrutiny Board wishes to take evidence from a witness, the Proper 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.

²⁶ For NHS Bodies this time limit is 28 days (the Local Authority (Overview and Scrutiny Committee Health Scrutiny Functions) Regulations 2002).

²⁷ Where a recommendation is to a Director, the Director shall consult with the appropriate Executive Member when formulating a response.

APPOINTMENTS TO OUTSIDE BODIES PROCEDURE RULES

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1.0 Scope

- 1.1 These Procedure Rules relate to those external organisations and partnerships (referred to as *Outside Bodies*) which have requested the Council to appoint an Elected Member (or suitable nominee) to them.
- 1.2 For the avoidance of doubt, these Procedure Rules do not apply to appointments to Joint Committees/authorities which are reserved to Council. These are listed separately in Part Three (Section 1) of the Constitution - Responsibility for Local Choice Functions.
- 1.3 Additionally it is recognised that, often at a local level, individual Elected Members may be personally approached to attend meetings of a variety of organisations in their personal capacity rather than in their capacity as a Councillor. Such instances are not covered within the scope of these 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 to make an appointment received after such an annual review will be similarly referred to the Member Management Committee for determination by reference to the same criteria.

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3.0 Determination of how an Appointment should be made

- 3.1 Where an organisation is deemed to have met one or more of these criteria, the Member Management Committee will allocate it into one of the following categories.
 - **Strategic and Key Partnerships** – participation contributes to the Council's strategic functions, priorities and community leadership role.
 - **Community and Local Engagement** – not necessary to fulfil strategic or key partnership role but, nonetheless, beneficial in terms of leading, engaging and supporting the community from an area or ward perspective

- 3.2 Where an Outside Body has been categorised as **Strategic and Key Partnership**, appointment to it will be made by the Member Management Committee.
- 3.3 Where an Outside Body has been categorised as **Community and Local Engagement**, appointment to it will be made by the appropriate Area Committee.
- 3.4 Where it is not clear as to which particular Area Committee should make an appointment, the Member Management Committee will refer the request to the relevant Area Committee Chairs who will determine which is the appropriate Area Committee to make the appointment. This will be reported to the next meeting of the Area Committee.

4.0 The Appointment Procedure

Strategic and Key Partnerships

- 4.1 The Member Management Committee will first consider whether it is appropriate for an appointment to be of a specific office holder¹ either by reference to the constitution of the outside body concerned or in the light of any other circumstances as determined by the Member Management Committee. Such appointments will then be offered on this basis.
- 4.2 Nominations will then be sought for the remaining places. [The Member Management Committee should have regard to a Member's current interests prior to making any appointment.](#) The Member Management Committee will have regard to the principle of securing an overall allocation of places which reflects the proportion of Members from each Political Group on the Council as a whole.
- 4.3 All appointments are subject to annual change unless otherwise stated in the constitution of the external organisation. Each appointment (including in-year replacements) runs for the municipal year, ending at the next Annual Council Meeting.
- 4.4 Elected Members² will fill all available appointments but it is recognised that Party Groups may not wish to take up vacancies which are made available to them. In such circumstances vacancies will be notified to the Member Management Committee and agreement sought as to whether the vacancy will be filled
- 4.5 A vacancy occurring during the municipal year will normally be referred to the Member Management Committee for an appointment to be made, having regard to the principles as described above.

¹ For example it may be considered necessary or otherwise appropriate to appoint a specific Executive Board Member

² Section 249 Local Government Act 1972 states that Aldermen and Honorary Freemen may attend and take part in civic ceremonies but do not have the right to attend Council/committee meetings or receive any allowances or payments under a Members Allowance Scheme. This establishes the principle that such persons should not to be treated as Councillors, and therefore cannot be appointed to outside bodies in place of a Councillor if the request from an organisation is for a Councillor

Part 4 (i)

Page 2 of 4

Issue 1 – May 2006

- 4.6 The Director of Legal and Democratic Services will have Delegated authority to make an appointment in the following circumstances:
- (i) where an appointment has been agreed by the Member Management Committee as a Whips nominee and the appropriate group Whip subsequently submits a nomination;
 - (ii) where a group Whip wishes to replace a Member previously approved by the Member Management Committee with another Member of the same group; and/or
 - (iii) where an organisation requires an appointment prior to the next meeting of the Member Management Committee, subject to this appointment being agreed by all Members of the Member Management Committee.

That any instances of this delegation being used be reported to the next meeting of the Member Management Committee

Community and Local Partnerships

- 4.7 The Area Committee will first consider whether it is appropriate for an appointment to be of a specific office holder³ either by reference to the constitution of the outside body concerned or in the light of any other circumstances as determined by the Area Committee. Such appointments will then be offered on this basis.
- 4.8 Nominations will then be sought for the remaining places, having regard to trying to secure an overall allocation of places which reflects the proportion of Members from each Political Group on the area as a whole.
- 4.9 Elected Members⁴ will fill all available appointments but it is recognised that Party Groups may not wish to take up vacancies which are made available to them. In such circumstances vacancies will be notified to the Area Committee and agreement sought as to whether the vacancy will be filled.

[4.10 All appointments are subject to annual change unless otherwise stated in the constitution of the external organisation. Each appointment \(including in-year replacements\) runs for the municipal year, ending at the next Annual Council Meeting.](#)

[4.11](#) A vacancy occurring during the municipal year will normally be referred to the Area Committee for an appointment to be made, having regard to the principles as described above.

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[4.12](#) Area Management Committees may review the list of organisations to which they are asked to make appointments at any time and make recommendations to the Member Management Committee.

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³ For example it may be considered necessary or otherwise appropriate to appoint a specific Ward Member

⁴ Section 249 Local Government Act 1972 states that Aldermen and Honorary Freemen may attend and take part in civic ceremonies but do not have the right to attend Council/committee meetings or receive any allowances or payments under a Members Allowance Scheme. This establishes the principle that such persons should not to be treated as Councillors, and therefore cannot be appointed to outside bodies in place of a Councillor if the request from an organisation is for a Councillor

4.13. The Director of Legal and Democratic Services will have Delegated authority to make an appointment where an organisation requires an appointment prior to the next meeting of the relevant Area Committee, subject to all Members of that Area Committee being consulted on the proposals.

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4.14. That any instances of this delegation being used be reported to the next meeting of the relevant Area Committee

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Support for Elected Member Appointees To External Organisations

Lead officer: A lead officer will be identified by the Chief Democratic Services Officer in consultation with the relevant Director for all relevant appointments in the Strategic and Key Partnerships category .

This officer will work closely with the appointed Member(s) to provide briefings and support. Further advice will also be offered by the Chief Finance Officer and/or the Chief Legal Services Officer as appropriate.

Briefings: For organisations in the Community and Local engagement category, a lead officer will not be allocated unless the Director and/or relevant Executive Member for the service area deem that this will be beneficial. However, the representative may still seek support and briefings from Council officers.

Induction: Partner/external organisations are expected to provide an induction into their affairs for newly appointed Council representatives. In the case of Strategic and Key Partnership Category appointments it is the lead officer's responsibility to ensure that an induction is arranged.

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Originator:	P N Marrington
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Report of the Assistant Chief Executive (Corporate Governance)

Corporate Governance and Audit Committee

Date: 16th May 2007

Subject: Amendments to Scrutiny Board Procedure Rules

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 This report recommends the introduction of a new Scrutiny Board Procedure rule to acknowledge that Scrutiny Boards on occasions undertake reviews outside of the formal Scrutiny Inquiry process which may result in the publication of observations and recommendations.

2.0 Background Information

2.1 The terms of reference of the Corporate Governance and Audit Committee authorise the Committee to "consider proposals to amend the Constitution and make recommendations to full Council".

2.2 Towards the end of each municipal year, the Assistant Chief Executive (Corporate Governance) undertakes an annual review of the Constitution. This involves:

- consultation with officers with delegated authority to amend any document of the Constitution, asking them to review the document;
- consultation with key officers within the Council in respect of those sections of the Constitution relevant to their remit, inviting them to review those sections and recommend changes where appropriate;
- reviewing the Constitution to ensure compliance with laws and regulations; and
- Co-ordinating any consequential amendments necessary.

3.0 Main Issues

- 3.1 The existing Scrutiny Board Procedure Rules do not acknowledge that on occasions Scrutiny Boards make observations and recommendations outside of the formal Inquiry process.
- 3.2 For example Scrutiny Boards might receive a briefing paper on a topic, hold discussions with relevant officers and quickly come to a collective view on a matter which in turn results in a recommendation for action. Examples of such recommendations made this municipal year are shown in the table below.

Scrutiny Board	Recommendations made outside of the formal Inquiry Process
Children's Services	3 recommendations on the 14 – 19 Review after a single meeting with officers
Development	2 recommendations on Worklessness after a series of briefing papers
Leisure	9 recommendations on the Carriageworks.
Health and Adult Social care	1 recommendation on Renal Services 1 recommendation on Wharfedale strategy

- 3.3 What is distinctive about these recommendations is that whilst legitimately made they have not been through the rigor of being discussed with the relevant Executive Board Member or Director in the way recommendations made within the formal Inquiry process are.
- 3.4 The proposed amendments to the procedure rules acknowledge that Scrutiny Boards will and do make recommendations outside of the formal Inquiry process and ensure that Scrutiny Boards follow the same process of negotiation and consultation with the relevant Director and Executive Member as if they were made as a result of a formal Inquiry.
- 3.5 It is proposed therefore to add a new procedure (Section 16) as shown in appendix 1.

4.0 Implications For Council Policy And Governance

- 4.1 The Constitution is one of the key parts of Leeds City Council's governance arrangements. The annual review helps to ensure that the Constitution is up to date and relevant to the work of the Council. Such reviews are recognised as best practice by the Audit Commission.

5.0 Legal And Resource Implications

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

6.0 Recommendations

6.1 The Corporate Governance and Audit Committee is requested to recommend to Council the following amendments to the Constitution:

- the introduction of a new Scrutiny Board Procedure rule relating to acknowledge that Scrutiny Boards on occasions undertake reviews outside of the formal Scrutiny Inquiry process which may result in the publication of observations and recommendations, as set out at paragraph 3.4 and detailed in appendix 1 to this report.

15.0 RESPONSE TO INQUIRY REPORTS AND RECOMMENDATIONS

- 15.1 Where a Scrutiny Board has sent a Report to a body, the body concerned will be asked to send its response to the Board within 2 months¹ of receipt of the Report.
- 15.2 The body should set out in response to the recommendations made:
- the views of the body²;
 - details of any action already taken in response to the recommendations
 - proposed action and timescales; or
 - reasons for inaction.
- 15.3 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;
 - Patient and public involvement forums and
 - Other bodies or organisations that have expressed an interest in the Inquiry.
- 15.4 The Proper Officer will also place a copy of the response in local libraries, and on the Council's web-site.

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.
- 16.2 Where a Scrutiny Board makes a recommendation outside of the formal Scrutiny Board Inquiry process this will be set out in a Statement³ from the Scrutiny Board
- 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 recommendations⁴. The detail of that advice shall be reported to the Scrutiny Board and considered before the Statement is finalised.
- 16.4 The Scrutiny Board (Health and Adult Social Care) may make specific recommendations to a local NHS body.

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 response.

³ Statements from Scrutiny Boards result from work undertaken by a Scrutiny Board outside the formal Inquiry process in order to allow the Scrutiny Board to express comments and recommendations.

⁴ The Director shall consult with the appropriate Executive Member before providing any such advice.

16.5 Where the Scrutiny Board (Health and Adult Social Care) has made recommendations to local NHS bodies scrutinised, the Proper Officer will copy the Statement to:

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

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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 months⁵ of receipt of the Statement.

16.7 The body should set out in response to the recommendations made:

- the views of the body⁶;
- details of any action already taken in response to the recommendations
- proposed action and timescales; or
- reasons for inaction.

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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;
- Patient and public involvement forums and
- Other bodies or organisations that have expressed an interest in the Inquiry.

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16.9 The Proper Officer will also place a copy of the response in local libraries, and on the Council's web-site

17.0 WITNESSES – GENERAL PRINCIPLES

17.1 Where a Scrutiny Board wishes to take evidence from a witness, the Proper 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.

17.2 Those assisting the Scrutiny Board by giving evidence shall be treated with respect and courtesy⁷.

⁵ For NHS Bodies this time limit is 28 days (the Local Authority (Overview and Scrutiny Committee Health Scrutiny Functions) Regulations 2002).

⁶ Where a recommendation is to a Director, the Director shall consult with the appropriate Executive Member when formulating a response.

⁷ see further Member/Officer Protocol in Part 5 of the Constitution.

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Report of the Assistant Chief Executive (Corporate Governance)

Corporate Governance and Audit Committee

Date: 16th May 2007

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

1.0 Purpose Of This Report

1.1 This report sets out a recommendation from the Assistant Chief Executive (Corporate Governance), in respect of amendments to the Overview and Scrutiny function following an annual review.

2.0 Background Information

2.1 The Council's change programme has established the posts of five Directors and two Assistant Chief Executives:

- a) Children's Services – incorporating the LAA theme of 'Children and Young people'
- b) Adult Social Services – incorporating the LAA theme of 'Healthier Communities and Older People'
- c) Environment & Neighbourhoods – incorporating the LAA theme of 'Safer and Stronger Communities'
- d) City Development – incorporating the LAA theme of 'Economic Development and the Environment'
- e) Resources
- f) Assistant Chief Executive (Policy, Planning and Improvement)
- g) Assistant Chief Executive (Corporate Governance)

2.2 This has necessitated the need to review Scrutiny Board arrangements.

3.0 Main Issues

- 3.1 Arising from the review of Scrutiny Board arrangements *two* options have been modelled. Other more radical alternatives have been discussed in the past, for example reducing the number of permanent Scrutiny Boards to one single Overview and Scrutiny Committee, with powers to appoint task-oriented, time limited ‘Scrutiny Panels’ to undertake specific Inquiries. However these have not been presented again on the assumption that such a proposal would again not obtain support.
- 3.2 The options have been drawn up retaining the existing model as far as is practicably possible.
- 3.3 **Option 1** maps Scrutiny Boards to *Director* portfolios, (with an Overview and Scrutiny Committee mapping on to the two Assistant Chief Executive portfolios). This option proposes a separate Scrutiny Board to look specifically at leisure and cultural issues.
- 3.4 This option recognises the natural boundary around the leisure provision which covers a number of major public facing projects and activities which may be overshadowed in a larger portfolio. Such a Board currently exists and for it to continue would provide an opportunity to build on the work already started.
- 3.5 This option has coherent links with the LAA and the White Paper’s drive to encourage scrutiny to focus on more strategic issues.

Option 1 - Scrutiny Boards Mapped to Director Portfolios

OFFICER	SCRUTINY BOARD
Chief Executive, Deputy Chief Executive, Assistant Chief Executive (policy Planning and Improvement), Assistant Chief Executive (Corporate Governance) Plus co-ordinating/advisory role	Overview and Scrutiny Committee
Director of Resources	Scrutiny Board (Resources)
Director of City Development	Scrutiny Board (City Development) Scrutiny Board (Culture & Leisure)
Director of Environment and Neighbourhoods	Scrutiny Board (Environment and Neighbourhoods)
Director of Children’s Services	Scrutiny Board (Children’s Services)
Director of Adult Social Services	Scrutiny Board (Health and Adult Social Care)

- 3.4 **Option 2** maps scrutiny boards to *Executive Board* portfolios. The final configuration of Scrutiny Boards would be dependant upon the Leader’s arrangements for discharge of Executive functions by Executive Members in the new municipal year.
- 3.5 The recommendation from the Assistant Chief Executive (Corporate Governance) for the reasons cited above is that option 1 (Scrutiny Boards mapped to director portfolios) be adopted for the municipal year 2007/08. The Terms of Reference for

these Scrutiny Boards are shown as Appendix 1. Consequential changes to Article 6 of the Constitution are shown in Appendix 2.

4.0 Implications for Council Policy and Governance

4.1 The Constitution is one of the key parts of Leeds City Council's governance arrangements. The annual review of Scrutiny Boards helps to ensure that the Constitution is up to date and relevant to the work of the Council. Such reviews are recognised as best practice by the Audit Commission.

5.0 Legal And Resource Implications

5.1 There are no legal implications to the proposed amendments.

6.0 Recommendations

6.1 The Corporate Governance and Audit Committee is requested to consider the proposed changes to the Overview and Scrutiny function and recommend to Council that:

- The Constitutional Amendments to give effect to the redesign of the Overview and Scrutiny Function as detailed in option 1 and in appendix 1 and 2 be approved

Appendix 1

ARTICLE 6 – SCRUTINY BOARDS

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 Health and Social Care Act 2001¹) in relation to the matters set out in the right hand column of the table.

Scrutiny Board	Scope ²
Overview and Scrutiny Committee	Matters concerning central and corporate functions; Matters falling within the terms of reference of more than one Scrutiny Board; and Matters not included within the terms of reference of any other Scrutiny Board
Scrutiny Board (Children’s Services)	Matters relating to children’s services.
Scrutiny Board (City Development)	Matters relating to city development
Scrutiny Board (Culture and Leisure)	Matters relating to culture and leisure
Scrutiny Board (Environment and Neighbourhoods)	Matters relating to environment and neighbourhoods.
Scrutiny Board (Health and Adult Social Care)	Matters relating to the planning, provision and operation of health services; and matters relating to adult services.
Scrutiny Board (Resources)	Matters relating to resources

6.2 SCRUTINY COMMISSIONS

Where the subject of an Inquiry falls within the terms of reference of more than one Scrutiny Board, the Overview and Scrutiny Committee may appoint an ad hoc Scrutiny Commission³ to undertake the Inquiry.

6.3 GENERAL FUNCTIONS

Within their terms of reference⁴, all Scrutiny Boards will

- review or scrutinise the exercise of any function of the Council or Executive;

¹ The Health and Social Care Act 2001 introduced new powers for authorities that hold responsibility for social services to review and scrutinise the operation of the health service in their areas and make reports and recommendations to NHS bodies.

² See further Terms of Reference set out in Part 3 of the Constitution

³ A Commission will be a sub-committee of the Overview and Scrutiny Committee

⁴ Terms of reference are set out in Part 3 of the Constitution

Article 6 - Scrutiny Boards

- make reports or recommendations to Council or the Executive in connection with the exercise of any functions of the Council or the Executive; and
- make reports or recommendations to the Council or the Executive on any matter affecting the area or its inhabitants;

The Overview and Scrutiny Committee will exercise the right to Call-In decisions made but not yet implemented by the Executive, for reconsideration.

The Scrutiny Board (Health and Adult Social Care) 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

6.4 SPECIFIC ROLES

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:

⁵ NHS bodies in Leeds include the Primary Care Trust, the Leeds Teaching Hospitals NHS Trust, NHS Yorkshire and the Humber and the Leeds Mental Health Teaching NHS Trust

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

Part 2 Article 6

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Article 6 - Scrutiny Boards

- 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 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.

The Scrutiny Board (Health and Adult Social Care) 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 public⁷;

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

Annual Report

The Overview and Scrutiny Committee will produce an annual report for Council about the work of the Scrutiny function.

⁷ Under the duty placed on them by Section 11 of the Health and Social Care Act 2001

Article 6 - Scrutiny Boards

6.5 FINANCE

The Proper Officer⁸ shall exercise overall responsibility for the finances made available to the Scrutiny Boards.

6.6 OFFICERS

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

6.7 PROCEEDINGS

Scrutiny Boards⁹ will conduct their proceedings in accordance with the Scrutiny Board Procedure Rules set out in Part 4 of this Constitution.

6.8 CO-OPTED MEMBERS

Education Representatives

The following shall be appointed as voting representatives on each relevant Scrutiny Board dealing with educational matters¹⁰:

- (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.

Additional co-opted members

The following may be appointed to each Scrutiny Board¹¹:

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

⁸ This is the Head of Scrutiny and Member Development.

⁹ Scrutiny Commissions will conduct their proceedings in accordance with the Scrutiny Commission Procedure Rules in Part 5 of the Constitution

¹⁰ 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

¹¹ 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.

- 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

Appendix 2

SCRUTINY BOARDS TERMS OF REFERENCE

The Overview and Scrutiny Committee

The Overview and Scrutiny Committee is authorised to carry out the following:

Advisory functions

1. To receive and consider reports on:
 - the authority's strategic outcomes for the coming year;
 - the authority's performance in relation to the strategic outcomes;
 - details of the Executive's Forward Plan.
2. To identify areas for Scrutiny Inquiry which appear to the Committee to be necessary to be undertaken and to recommend such Inquiries to the relevant Scrutiny Board.
3. To develop common practice in relation to the discharge of overview and scrutiny functions.
4. To produce an annual report for Council.

Scrutiny 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;

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 Deputy Chief Executive; and
- the Assistant Chief Executive (Corporate Governance).

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

Council Committee's Terms of Reference

- (e) to review corporate performance indicators and to make such reports and recommendations as it considers appropriate.
2. To receive and monitor formal responses to any reports or recommendations made by the Committee.

Overview and Scrutiny Function

1. To appoint an ad hoc Scrutiny Commission⁵ to undertake an Inquiry where the subject of an Inquiry falls within the terms of reference of more than one Scrutiny Board;
2. To contribute to the corporate assessment of departmental performance;
3. To exercise the functions of a Scrutiny Board where a matter falls within the terms of reference of more than one Scrutiny Board;
4. To exercise the functions of a Scrutiny Board in respect of any matter not included within the terms of reference of any other Scrutiny Board;
5. To exercise call-in powers in relation to executive decisions made but not implemented⁶; and
6. To receive and monitor formal responses to any reports or recommendations made by Scrutiny Commissions.

⁴ including in relation to the Budget

⁵ A Scrutiny Commission will be a sub-committee of the Committee

⁶ As set out in section 21(3) of the Local Government Act 2000 and in accordance with the Scrutiny Board Procedure Rules

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; and
 - (e) to review corporate performance indicators and to make such reports and recommendations as it considers appropriate.

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;
- the Chief Officer (Early Years and Youth Services); and
- the Chief Officer (Children's Social Services)

but excluding those matters assigned to the Scrutiny Board (Health and Adult Social Care) 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

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.

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 (a)-(d) of the officer delegation scheme (council functions) and 1 and 2 (a)-(m) of the officer delegation scheme (executive functions); and
- the functions delegated to the Chief Planning Officer under the officer delegation scheme (council functions)
- the functions delegated to the Director of City Services under (a)-(o) of the officer delegation scheme (council functions) and function (c) of the officer delegation scheme (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

Scrutiny Board (Culture and Leisure)

1. In relation to Culture and Leisure,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.
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 (e)-(jj) of the officer delegation scheme (council functions) and 2 (n)-(r) of the officer delegation scheme (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

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.

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

¹These are:

- the functions delegated to the Director of Environment and Neighbourhoods under the officer delegation schemes (council functions) and the officer delegation scheme (executive functions); and
- the functions (d) delegated to the Director of City Services under the officer delegation scheme (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

Scrutiny Board (Health and Adult Social Care)

Health Service Scrutiny¹

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 under the duty placed on them by Section 11 of the Health and Social Care Act 2001;
 - 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

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

² in Leeds this means the Primary Care Trust, the Leeds Teaching Hospitals NHS Trust, NHS Yorkshire and the Humber and the Leeds Mental Health Teaching NHS Trust

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.

Other Scrutiny Functions:

- 6. In relation to any matter which does not fall within paragraphs 1- 5 above, to exercise the functions of a Scrutiny Board in relation to **Adult Services**³ including the following:
 - (a) to review or scrutinise the exercise of any council or executive function, or any other related matter⁴;
 - (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 Board⁴ 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.
- 7. To receive and monitor formal responses to any reports or recommendations made by the Board.

³ 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).

⁴ including matters pertaining to outside bodies and partnerships to which appointments have been made by the authority

⁴ under the Budget and Policy Framework Procedure Rules

Scrutiny Board (Resources)

1. In relation to **Resources**,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 consider any notice or departmental response reported in accordance with Financial Procedure Rules or Contract Procedure Rules; and
 - (g) to monitor the implementation of the capital programme⁴.

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 Resources under the officer delegation schemes (council functions) and the officer delegation scheme (executive functions); and
- the functions (a) and (b) delegated to the Director of City Services under the officer delegation scheme (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 This does not preclude individual Scrutiny Boards from consideration of individual capital schemes which fall within their terms of reference.

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Originator: Phil Crabtree,
Caroline Allen
Tel: 78177/74496

Joint Report of the Assistant Chief Executive (Corporate Governance) & Chief Officer (Planning Services)

Corporate Governance and Audit Committee

Date: 16th May 2007

Subject: Governance of Plans Panels

Electoral Wards Affected:

Ward Members consulted
(referred to in report)

Specific Implications For:

Equality and Diversity

Community Cohesion

Narrowing the Gap

Executive Summary

The purpose of this report is to consider the options for governing the membership of Plans Panels. Consideration of these options is required in advance of the Annual Council meeting so as to ensure that any changes in these arrangements can be in place for the 2007/08 municipal year.

In view of recommendations of Scrutiny and in light of the Local Government White Paper and recent research, Officers are of the view that it would be beneficial to the Council to provide a clearer governance framework for Plans Panels within the Constitution.

The report presents proposals to develop the current limited provisions within Article 8 of the Constitution. In summary the proposals are that the membership of Plans Panels should;

- Comprise of no less than 7 and no more than 11 members of Council.
- Stipulate that the completion of compulsory prescribed training is a prerequisite to any Member's appointment to a Plans Panel

Additionally this report requests the Standards Committee to review the Code of Practice for Members responsible for Determining Planning Applications with a view to the Code being amended to stipulate that only those Members who have attended the site visit and have been present throughout the whole consideration of an application at the Plans Panel shall be entitled to determine the application.

1.0 Purpose Of This Report

1.1 The purpose of this report is to consider the options for governing the membership of Plans Panels. Consideration of these options is required in advance of the Annual Council meeting so as to ensure that any changes in these arrangements can be in place for the 2007/08 municipal year. In order to progress these proposals it is necessary to first report to Corporate Governance and Audit Committee and for recommendations to be approved by Full Council.

2.0 Background Information

- 2.1 The Council appoints to three Plans Panels (committees) that consider planning matters in the geographical areas outlined in the table presented as Appendix 1.
- 2.2 The method of appointing to the panels falls within the provisions of Sections 15 and 16 of the Local Government and Housing Act 1989. The Act provides that member appointments to such bodies should be based on overall political balance of the authority. Within that overall framework the authority is able to apply other provisions as it may choose.
- 2.3 The recent Local Government White Paper and the recent Communities and Local Government report 'Councillor Involvement in Planning Decisions' (the 'CLG report') both have implications for the way in which the Council might wish to consider appointing members to Plans Panels.
- 2.4 Currently there is no pre-defined number of Members for plans panels. At each Annual Council meeting Group Whip(s) of the administration Group(s), in consultation with officers and other party groups, formulate committee numbers to comply with the requirements of the Local Government and Housing Act 1989. Within that process it is necessary to balance numbers on Committees to ensure political balance, both on individual committees and across the total of all other committees.

3.0 Main Issues

- 3.1 Overview and Scrutiny Committee has been examining Planning Performance. Of particular concern is the speed of decision making in relation to BV109 targets, the percentage of appeals allowed against the authority's decision to refuse applications (ie. Over turns), and the high workload of staff and that some of the key stakeholders are dissatisfied with our service standard.
- 3.2 Overview and Scrutiny Committee have identified concerns and issues that have a strong correlation with the CLG report particularly in the following areas:
- (i) The need to facilitate greater involvement in pre-application discussions at both Panel and Ward level.
 - (ii) The need for Members to become involved in the Policy making process. At present little time is devoted to this.
 - (iii) Training should be mandatory for Panel Members
 - (iv) The need to address overturn rates.

- 3.3 It is considered that the size of Panels inhibits these and other key areas of work such as involvement in policy making, considering pre application presentations and attending site visits. These activities work best in the Central Plans Panel which has a smaller number of Members and a smaller (and more selective) workload than the East and West Panels, and where, anecdotally customer satisfaction (particularly from the development industry perspective) is highest.
- 3.4 A key therefore to progressing these issues is to address the composition of the plans panels serving the east and west of the city. These panels have amongst the highest numbers of appointed members of any committee.
- 3.5 It is important to ensure that decision-making is consistent across the City, i.e similar applications are treated in a similar way and that 'local' factors do not dominate or make an undue contribution to overturns. It is concluded therefore, that there may be considerable benefits in reviewing the size of the East and West Panels. The Chief Planning Officer and Assistant Chief Executive (Corporate Governance) will continue to monitor these issues.
- 3.6 These messages are reinforced by the following:
- Local Government White Paper¹
- 3.6.1 The Local Government White Paper emphasizes the key importance that planning has in terms of its place-shaping role and the scope for local planning authorities to utilise the reformed planning system in a forward looking strategic way in order to create places where communities can thrive.
- Barker Review of Land Use Planning²
- 3.6.2 The Barker Review states that "Local Authority members should seek to delegate more planning decisions to their officers – 90 per cent of cases are currently delegated, but only 3 per cent of cases are for major developments. This suggests that in some cases members determine cases where it is less important to deploy their democratic mandate – which is used to best effect in setting out the vision for the area through the local development plan".
- 3.6.3 On the issue of training, the White Paper recognises that Members are better equipped to perform their planning role when they have received the right training, which should be refreshed as required. The need for ongoing training and an emphasis on this being compulsory is set out again in the Barker recommendations and the recommendations from the CLG report.

¹ Strong and Prosperous Communities – Department of Communities and Local Government October 2006

² Barker Review of Land Use Planning - Kate Barker December 2006

- Communities and Local Government Report on Councillor Involvement in Planning Decisions³

3.6.4 Recent research commissioned by the Communities and Local Government examined in detail the different decision making structures in place across a range of local planning authorities with a particular focus on the extent to which different structures promoted the aims and aspirations of the reformed planning system. A key conclusion was that Local Authorities needed to consider different approaches to the size, composition and geographical remit of their planning committees.

3.6.5 On the question of the size of the committee the CLG report's conclusions supported the use of smaller committees and states:

"It has been argued that Committee size does not matter if the authority has a sufficiently good scheme of delegation. We do not agree. Our studies show that the more Members there are on a committee, the less they feel separated from their constituency role, and so the greater the tendency to depart from agreed planning policy for reasons other than robust planning ones. This is because the Committee Members do not feel they have to play a special role in exercising their planning decision making functions. Members of a smaller committee, on the other hand, from the evidence of our research can more easily take the impartial decision making role, while taking fully into account all the relevant material considerations, including the relevant policies, views of ward Members, and opinions of members of the public."

3.3.6 The CLG report accepts the proposition that Ward Members should be permitted to sit on planning committees covering their ward but does emphasise the importance of training and the need for clear guidance to be provided to ensure that Members understand their 'dual role' and can act accordingly.

3.6.7 In support of these findings and to help ensure consistency in planning determinations Officers are of the view that the Standards Committee be asked to review the Code of Practice for Members responsible for Determining Planning Applications with a view to stipulating that only those Members who have attended the site visit and have been present throughout the whole consideration of an application at the Plans Panel shall be entitled to determine the application.

4.0 Implications For Council Policy And Governance

4.1 Officers are strongly of the view that it would be beneficial to the Council to provide a clear governance framework within the Constitution, which takes account of areas raised by Scrutiny, and, addresses some of the key issues arising from the Local Government White Paper, the Barker Review and the CLG report. Whilst some of the areas of concerns in this report (detailed in Section 3) could be achieved informally (for example via Whips agreement at the Annual Council meeting), officers are of the view that the Council should seek to embed these principles within the Constitution.

³ CLG Final Report January 2007

4.2 Minded that prescribing defined numbers for these panels (or other committees bound by the Local Government and Housing Act 1989) would, in all probability, restrict the Council's scope for appointing politically balanced committees, Appendix 2 presents proposals to develop the current limited provisions within Article 8 of the Constitution. In summary the proposals are to:

- a) Stipulate that the membership of Plans Panels should;
 - Comprise of no less than 7 and no more than 11 members of Council.
- b) Stipulate that the completion of compulsory prescribed training is a prerequisite to any Member sitting as a Plans Panel Member⁴

4.3 Additionally this report asks the Standards Committee to review the Code of Practice for Members responsible for Determining Planning Applications with a view to the code stipulating that only those Members who have attended the site visit and have been present throughout the whole consideration of an application at the Plans Panel shall be entitled to determine the application.

5.0 Legal And Resource Implications

5.1 The proposals within this report are in line with the provisions within Sections 15 and 16 of the Local Government and Housing Act 1989⁵. These proposals are also consistent with the latest CLG guidance and promote best practice thus reducing the scope for successful legal challenges to be brought against decisions of the Plans Panels.

6.0 Conclusions

6.1 Officers are of the view that the proposals within this report will provide for a more effective panels system that will assist Members and Officers to maximise the time they spend on the key areas of decision making; particularly the most significant and controversial applications; allowing the Panels to conduct their business in a timely fashion and thereby provide a better service to objectors and other members of the community attending Panel meetings.

6.2 It is also felt that the proposals will help applicants and others involved in the development process in delivering more timely and predictable outcomes and help to send a wider message to the development community in attracting new investment and helping the City to 'Move up a league'.

⁴ As per approvals given by Standards Committee to amend the Code of Practice for the Determination of planning Matters.

⁵ Regarding the appointment of politically balanced committees
Page 89

7.0 Recommendations

7.1 It is recommended that Article 8 of the Constitution is amended to

- a) Stipulate that the membership of Plans Panels should comprise of no less than 7 and no more than 11 members of Council.
- b) Stipulate that the completion of compulsory prescribed training is a prerequisite to any Member sitting as a Plans Panel Member⁶

7.2 To request the Standards Committee to review the Code of Practice for Members responsible for Determining Planning Applications with a view to the code stipulating that only those Members who have attended the site visit and have been present throughout the whole consideration of an application at the Plans Panel shall be entitled to determine the application.

⁶ As per approvals given by Standards Committee to amend the Code of Practice for the Determination of planning Matters.

WEST	CITY CENTRE	EAST
<p>Adel & Wharfedale</p> <p>Armley</p> <p>Bramley and Stanningley</p> <p>Calverley & Farsley</p> <p>Farnley & Wortley</p> <p>Guiseley & Rawdon</p> <p>Headingley</p> <p>Horsforth</p> <p>Hyde Park & Woodhouse (part)</p> <p>Kirkstall</p> <p>Otley & Yeadon</p> <p>Pudsey</p> <p>Weetwood</p>	<p>Burmantofts & Richmond Hill (part)</p> <p>City and Hunslet (part)</p> <p>Hyde Park & Woodhouse (part)</p>	<p>Alwoodley</p> <p>Ardsley & Robin Hood</p> <p>Beeston and Holbeck</p> <p>Burmantofts & Richmond Hill (part)</p> <p>Chapel Allerton</p> <p>City and Hunslet (part)</p> <p>Crossgates & Whinmoor</p> <p>Gipton & Harehills</p> <p>Garforth & Swillington</p> <p>Harewood</p> <p>Killingbeck & Seacroft</p> <p>Kippax & Methley</p> <p>Middleton Park</p> <p>Moortown</p> <p>Morley North</p> <p>Morley South</p> <p>Rothwell</p> <p>Roundhay</p> <p>Temple Newsam</p> <p>Wetherby</p>

ARTICLE 8 - REGULATORY PANELS

8.1 REGULATORY PANELS

The Council will appoint the panels set out in Part 3 Section 2B of this Constitution to discharge the functions described in Part 3 Section 2A.

8.2 PLANS PANEL MEMBERSHIP

8.2.1 Plans Panels will;

- Comprise of no less than 7 and no more than 11 members of Council.

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



Originator: Ian Walton

Tel: 2474350

Report of the Chief Democratic Services Officer

Corporate Governance and Audit Committee

Date: 16th May 2007

Subject: Proposed Amendments to Council Procedure Rules

Electoral Wards Affected:

Ward Members consulted
(referred to in report)

Specific Implications For:

Equality and Diversity

Community Cohesion

Narrowing the Gap

Executive Summary

This report follows on from two earlier reports to Whips . The report offers amendments to the way in which Council meetings are conducted which are intended to secure shorter meetings.

The earlier start time of 1.00 pm as already agreed by Whips is included.

Timescales for discussion on minutes and White Papers are based on end times rather than timings from commencement in order to provide for a fixed end time to meetings.

A proposal to ensure dispatch of all White Papers and to limit the number of such to four for debate is included.

The proposals, if accepted by the Corporate Governance and Audit Committee will be subject to approval by Council in respect of changes to Council Procedure Rules.

1.0 Purpose Of This Report

- 1.1 To present to the Corporate Governance and Audit Committee proposed amendments to the manner in which Council meetings are conducted with a view to securing conclusion of the meetings by no later than 7.20 pm.

2.0 Background Information

- 2.1 Reports were submitted to Whips on 31st October 2006 and 20th February 2007 on potential variations to the conduct of Council meetings in order to address current concerns at the finishing time and the length of Council meetings.
- 2.2 The decision of Whips on 20th February that some proposals be piloted at the April Council meeting did not prove possible for reasons stated on the Whips agenda for the 17th April 2007.
- 2.3 The residual situation is that the Whips' decision of 20th February that Council meetings for 2007/08 will commence at 1.00 pm remains in place. In the absence of a trial of any arrangements at the April meeting this report seeks to identify potential changes which embody the principles agreed to date and is submitted directly to the Corporate Governance and Audit Committee in view of the very limited time in advance of the Annual Council meeting.

3.0 Proposals

- 3.1 On a premise that meetings will commence at 1.00 pm and should conclude at 7.20 pm the attached draft revised Procedure Rules would allow for the following:
- An increase in the time allocated for comments on minutes (Procedure Rule 3.1(a)). On a presumption that comments on minutes would commence at approximately 2.30 pm the Procedure Rule revision allows approximately two and half hours for this item. (An estimated additional 30 minutes)
 - The limitation of White Paper Motions to be subject to full debate to 4 (Rule 12.1) and consideration of such within limited timescales to avoid the current "extend the meeting / risk a requisitioned meeting" conflict (Rule 3.1(b) and (c)). Provision is also made for the submission of further motions where the mover is willing to accept that it be put directly to the vote. In maximizing the time for comment on minutes the time available for White Papers is reduced by approximately 30 minutes.
 - A tea break of a specified duration at a fixed point in the meeting to ensure that other timing arrangements work and to retain a structured meeting. The tea break will be in the Ante-Room to the Chamber.
- 3.2 In the event that these proposed Procedure Rule changes are accepted then consideration will need to be given to some consequential issues:
- 3.2.1 In addition to the proposals outlined above regarding the timings and structure of Council meetings the Assistant Chief Executive (Corporate Governance) also proposes an amendment to Council Procedure Rule 20.3. (Members not be heard further) This particular rule concerns the arrangements whereby Council may resolve that a Member not be heard further. As currently drafted there appears to be an unnecessary onus placed on the Lord Mayor in dealing with such circumstances.

3.2.2 Therefore the following replacement wording is proposed for rule 20.3;

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.

3.2.3 A foot note to Council Procedure Rule 2.2 clarifies to some degree the business which may be admitted to the Budget meeting by agreement

4.0 Conclusions

4.1 If the current types of business and discussion are to continue at Council meetings and if there is a wish that the business be dealt with more quickly and to prescribed timescales then this report offers a potential solution. This report also clarifies Council Procedure Rules in cases where a motion is put that a Member be not heard further.

5.0 Recommendations

5.1 The Corporate Governance and Audit Committee is requested to consider the content of this report and whether they would wish to recommend to Council that the amended Council Procedure Rules as appended to the report, or any variation thereon, be adopted.

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 Leader;
- (g) establish such committees, boards and panels 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);
- (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) approve a programme of ordinary meetings of the Council for the year; and
- (k) consider any business set out in the notice convening the meeting.

1.2 Selection of Councillors on Committees and Outside Bodies

At the annual meeting, the Council will:

- (a) decide which committees to establish for the municipal year;
- (b) decide the size and terms of reference for those committees;

- (c) decide the allocation of seats to political groups in accordance with the political balance rules;
- (d) appoint to those committees and outside bodies except where appointments to those bodies has been delegated by the Council; and
- (e) appoint the Chair of those committees.

2.0 ORDINARY MEETINGS

2.1 Council Meetings

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 1.00 pm.

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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 Meeting¹, 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;
- (d) receive such communications as the Lord Mayor, the 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;

¹ 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

- (g) deal with questions (if any) in accordance with Rule 11;
- (h) consider any recommendations of the Executive Board;
- (i) consider any recommendations of a Scrutiny Board/Overview and Scrutiny Committee;
- (j) consider any recommendations of the Standards Committee;
- (k) consider any recommendations of the Corporate Governance & Audit Committee;
- (l) consider any recommendations of Area Committees
- (m) receive the minutes of the Executive Board and committees, boards and panels established under Rule 1.1(g); and
- (n) 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 1.00 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 (g) (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 (n) (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 Rules 3.1 and 3.2.

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Council Procedure Rules

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, boards and panels 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.

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.

Deleted: 4.3 . If any motion or amendment has not been moved at the expiry of any of the periods referred to in Rule 4.1 above, it shall be treated as withdrawn¶¶

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 Director of Legal and Democratic Services.

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.

Council Procedure Rules

- 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 Director of Legal and Democratic Services 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 Member² or the Chair of any committee³, board or panel 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 Authority for Passenger Transport, Police and Fire and Civil Defence 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.

² In relation to any matter within their portfolio.

³ In relation to any matter within the committee's terms of reference.

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

11.2 Notice of Questions

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

11.3 Response

- (a) Every question shall be put and answered without discussion but the person to whom a question has been put may decline to answer.
- (b) A Member to whom a question is addressed shall have discretion to nominate a Lead 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 NOTICE

12.1 Notice

Except for motions which can be moved without notice under Rule 13, written notice of every motion signed by the Member or Members of Council giving notice must be delivered at the office of the Chief Executive prior to 10.00am of the Tuesday of the week before the next meeting of the Council if it is to be held on a Wednesday or before 1.00p.m. of the day preceding the day for issue of the Summons if the meeting of the Council is to be held on any other day. The number of motions admissible for full debate at any given meeting shall be limited to four.⁴ Any motions over and above that number shall be referred back to the proposer unless the proposer accepts that the procedure at Rule 3.1(c) will be applied. 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 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

⁴ Two of these being reserved to the largest opposition group, and one being reserved to the Administration

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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 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;

Council Procedure Rules

- (d) that leave be given to withdraw an item of business including a motion or amendment;
- (e) that the Council proceed to the next business;
- (f) that the question be now put;
- (g) that the debate be adjourned;
- (h) that the meeting be adjourned
- (i) authorising the sealing of documents;
- (j) suspending Council Procedure Rules, in accordance with Rule 22.1;
- (k) motion to exclude the press and public in accordance with the Access to Information Rules;
- (l) that a Member named under Rule 20, be not further heard or leave the meeting;
- (m) giving consent of the Council where its consent is required by this Constitution; and
- (n) that a communication be referred to the appropriate Committee

14.0 RULES OF DEBATE

14.1 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 (m), the speech of an Executive Member or Chair when summing up on minutes within their portfolio or in respect of their committee, board or panel, 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.
- (b) The Member moving the business referred to in Rule 2.2 (m) (receipt of minutes) shall, in addition to the ten minutes allowed for winding up purposes, be allowed to speak for a period not exceeding five minutes to respond to comments made on the Leader's portfolio immediately after such comments have been made.

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) to speak once on an amendment moved by another Member;
- (ii) if the motion has been amended since the Member last spoke, to move a further amendment;
- (iii) if the Member's first speech was on an amendment moved by that Member or another Member, to speak on the main issue. For the purpose of this paragraph the "main issue" shall exclude the subject of the amendment whether or not the amendment on which the Member spoke was carried;
- (iv) in exercise of a right of reply given by Rule 14.11;
- (v) to raise a point of order in accordance with Rule 14.15; or
- (vi) to make a personal explanation, as defined in Rule 14.16.

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

14.7 Amendments to Motions

- (a) An amendment must be relevant to the motion and will be to:-

Council Procedure Rules

- (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

- (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).
- (c) The vote will be taken on the amendment before proceeding to comments on that section of the minutes.

14.9 Further Amendments

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

amendment at such time as the Lord Mayor shall decide. Subject to this, all amendments shall be considered in the order in which notice thereof has been given.

14.10 Alteration of Motion

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

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

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

14.11 Withdrawal of Motion or Minutes

A motion or amendment shall not be withdrawn except with the consent of the seconder and of the Council. There shall be no discussion upon an application to withdraw a motion or amendment but any Member shall be at liberty to move that the leave applied for be given and the Council without discussion shall vote thereon.

14.12 Right of Reply

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

14.13 Motions Which May Be Moved During Debate

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

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

Council Procedure Rules

- (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.

- (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 14.11 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, board or panel established under Rule 1.1(g).

16.0 VOTING

16.1 Majority

Unless this Constitution 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, board or panel established under Rule 1.1(g), the Chair shall, in case of an equal division of votes have a second or casting vote.

16.3 Show of Hands

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

16.4 Recorded Vote

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.
- (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, boards and panels established under Rule 1.1(g) and any sub-groups 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.

19.2 The Council and committees, boards and panels 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.

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

Deleted: If at a meeting any Member in the opinion of the Lord Mayor notified to the Council, indulges in misconduct by persistently disregarding the ruling of the Chair, or by ¶ behaving irregularly, improperly, offensively, or by wilfully obstructing the business of the Council, the Lord Mayor or any other Member may move "That the Member named be not further heard", and the motion if seconded will be put and voted on without 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.

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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.

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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 Departmental Directors shall record in a book kept for the purpose particulars of any notice given by an officer of the Council of a personal interest in a contract and each

such book shall be open during office hours to the inspection of any Members of the Council.

24.0 MOTIONS AFFECTING COUNCIL EMPLOYEES

24.1 If any question arises at a meeting of the Council or a committee, board or panel 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 or other body as the case may be, has decided whether or not the power of exclusion of the public under section 100A of the Local Government Act 1972 shall be exercised.

25.0 APPLICATION TO COMMITTEES AND SUB COMMITTEES

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

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

26.0 SUBSTITUTE MEMBERS

26.1 Allocation

- (a) In relation to each Regulatory Panel, the Council shall appoint substitute members, comprising all other members of the other 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.
- (b) In relation to the Corporate Governance & Audit Committee, an Executive Member, Lead 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 Members' Management Committee, an Executive Member, Lead Member, Whip or Assistant Whip shall be entitled to attend meetings in place of a regular member of the Committee.
- (d) 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.
- (e) In relation to the Standards Committee and the Parish Council Hearings Sub-Committee, a reserve parish member shall be entitled to attend meetings in place of a full parish member, and a reserve independent member shall be entitled to attend meetings in place of a full independent member.

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 panel or committee concerned

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26.3 Powers and Duties

- (a) 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.
- (b) A substitute member shall be for all purposes a duly appointed member of the Board or Panel to which s/he is appointed as a substitute member for the meeting in question and shall have the like duties, powers and responsibilities as the member whom s/he is replacing.

27.0 SPECIAL MEETINGS OF COMMITTEES

27.1 The Chair of a committee, board or panel 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, boards and panels delivered in writing to the Chief Executive. The Agenda for such a special meeting shall set out the business to be considered thereat and no business other than that set out in the Agenda shall be considered at that meeting.

28.0 QUORUM OF COMMITTEES AND SUB-COMMITTEES

28.1 Four Members (including the Chair) shall form a quorum in committees, boards and panels established under Rule 1.1(g), except as follows:

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

28.3 The quorum for meetings of the Standards Committee shall be three, 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). The Parish Member must be present when matters relating to Parish Councils or their Members are being considered.

28.4 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.

- 28.5 The quorum of any sub-committee shall be determined by the appointing committee.
- 28.6 Except where authorised by statute, business shall not be transacted at a meeting unless a quorum is present.



Originator: A Hodson
Tel: 43208

Report of the Assistant Chief Executive (Corporate Governance)

Corporate Governance and Audit Committee

Date: 16th May 2007

Subject : Proposed Changes to the Constitution Regarding the Governance Arrangements for the Corporate Governance and Audit Committee

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 REPORT:

- 1.1 The purpose of this report is to present to the Committee proposed changes concerning the membership of the Corporate Governance and Audit Committee.
- 1.2 These changes are consistent with the guidance, issued by the Chartered Institute of Public Finance and Accountancy (CIPFA), for local authority audit committees.

2.0 BACKGROUND

- 2.1 The following is an executive summary of the CIPFA guidance:

Although audit committees have been a feature of the public sector for some time, there has been a lack of clarity about how they should operate in local government. Audit committees are not just the concern of auditors; they are about the governance, financial reporting and performance of the whole authority. Yet the fact that local government is not required to establish them is unique in the public sector – less than half of all local authorities have audit committees.

Good corporate governance requires independent, effective assurance about the adequacy of financial management and reporting. These functions are best delivered by an audit committee, independent from the executive and scrutiny functions.

Effective audit committees help raise the profile of internal control, risk management and financial reporting issues within an organisation, as well as providing a forum for the discussion of issues raised by internal and external auditors. And they enhance public trust and confidence in the financial governance of an authority.

- 2.2 CIPFA stresses that audit committees have a key role in corporate governance. They should, therefore, be clearly integrated into an authority's governance framework.
- 2.3 The guidance explores the main purposes of an audit committee and concludes that these include giving independent assurance to members and the public, scrutinising financial management and reporting, and providing challenge across the council. In addition to internal and external audit, the functions overseen by the committee should include a number of control strategies such as risk management, the authority's governance and assurance statements, and anti-fraud and anti-corruption arrangements. All these roles are currently embedded in the terms of reference for this committee.
- 2.4 CIPFA believes that the audit committee must be independent of the executive and scrutiny functions and that it must have a clear right of access to full council, other council groups and committees. The number of members and the frequency of meetings are not prescribed.
- 2.5 The guidance stresses the importance of the audit committee's relationship with the authority's chief finance officer (and in terms of Leeds arrangements also the Assistant Chief Executive (Corporate Governance)). The audit committee helps the officer(s) to discharge his or her statutory functions. In turn, these officers are a key source of expert advice and guidance for the audit committee.
- 2.6 Status and independence are important, but being effective also means having well informed people able to confirm to the council that the right processes are in place to give confidence that the authority's financial stewardship and overall governance arrangements can be relied upon.

3.0 Main Issues

- 3.1 There are clearly many areas in which the Leeds approach matches the requirements of the CIPFA guidance. However the issue in respect of independence of executive and scrutiny functions requires some further consideration.
- 3.2 It is apparent that the Corporate Governance and Audit Committee's membership does not fully comply with the issued CIPFA guidance, nor the Level 4¹ requirements of the Use of Resources Key Line of Enquiry for Internal control.

Membership – Proposed addition to Article 9 of the Constitution

- 3.3 In order for the Council to achieve the highest use of resources rating the inclusion of Executive Members on the Committee needs to be addressed. Appendix 1 presents a proposed addition to Article 9 of the Constitution. In summary this proposal precludes members of the Executive and Political Group Leaders and Whips from being members of the Corporate Governance and Audit Committee. It is felt that such provisions will provide for the independence recommended by CIPFA and the Level 4 requirements of the Use of Resources Key Line of Enquiry for Internal control. This states that audit committees should be established which are independent of the executive.

¹ This is the highest rating

4.0 Implications For Council Policy And Governance

4.1 The proposals within this report bring the governance arrangements for the Corporate Governance and Audit Committee in line with Chartered Institute of Public Finance and Accountancy (CIPFA) guidance for local authority audit committees and enable the Council to demonstrate compliance with Level 4 of the Use of Resources Key Lines of Enquiry for Internal Control (as they relate to the membership of Audit Committees).

5.0 Recommendations

5.1 Corporate Governance and Audit Committee is asked to recommend to Full Council the approval of:

- Amendments to Article 9 of the Constitution to preclude members of the Executive and Political Group Leaders and Whips from being members of the Corporate Governance and Audit Committee – as detailed at Appendix 1.

ARTICLE 9a –CORPORATE GOVERNANCE AND AUDIT COMMITTEE

COMPOSITION

Membership

- 9.1.1 Members of the Executive and Political Group Leaders and Whips are precluded from being members of the Corporate Governance and Audit Committee.
- 9.1.2 The Chair of Standards Committee will be a non voting co-opted member of the Committee

SECTION 2B

**COUNCIL COMMITTEES' TERMS
OF REFERENCE**

SECTION 2B: COUNCIL COMMITTEE TERMS OF REFERENCE

<u>Name of Committee</u>	<u>Membership</u>
Overview and Scrutiny Committee	10 Members of the authority ¹
Scrutiny Board – Children’s Services	12 Members of the authority
Scrutiny Board – City Development	11 Members of the authority
Scrutiny Board – Environment and Neighbourhoods	12 Members of the authority
Scrutiny Board – Health and Adult Social Care	11 Members of the authority
Scrutiny Board – Culture and Leisure	11 Members of the authority
Scrutiny Board – Resources	11 Members of the authority
The Standards Committee	Membership as outlined at Article 9
Parish and Town Council Hearings Sub-Committee	4 Members, 2 Independent Members, 1 City Councillor and 1 Parish Councillor
Area Committees	Membership as outlined at Article 10
Employment Committee	Minimum of 3 Members of the authority comprising at least 1 Member of the Executive
Corporate Governance and Audit Committee	Membership as outlined at Article 9
Member Management Committee	8 Members, comprising Leader nominations from each party group
Licensing Committee	15 Members of the authority
Licensing Sub-Committee (x5)	3 Members of the authority ²
Regulatory Panels	
Licensing and Regulatory Panel	11 Members of the authority
Plan Panels:	
(a) Plans Panel (East)	Membership as outlined at Article 8
(b) Plans Panel (West)	
(c) Plans Panel (City Centre)	
Advisory Committee	
Development Plan Panel	9 Members of the authority

¹ Each Chair of a Scrutiny Board shall be a member of the Overview and Scrutiny Committee

² The main Licensing Committee will appoint 3 Members to each sub-committee

The Overview and Scrutiny Committee

The Overview and Scrutiny Committee is authorised to carry out the following:

Advisory functions

1. To receive and consider reports on:
 - the authority's strategic outcomes for the coming year;
 - the authority's performance in relation to the strategic outcomes;
 - details of the Executive's Forward Plan.
2. To identify areas for Scrutiny Inquiry which appear to the Committee to be necessary to be undertaken and to recommend such Inquiries to the relevant Scrutiny Board.
3. To develop common practice in relation to the discharge of overview and scrutiny functions.
4. To produce an annual report for Council.

Scrutiny 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;

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 Deputy Chief Executive; and
- the Assistant Chief Executive (Corporate Governance).

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

Council Committee's Terms of Reference

- (e) to review corporate performance indicators and to make such reports and recommendations as it considers appropriate.
2. To receive and monitor formal responses to any reports or recommendations made by the Committee.

Overview and Scrutiny Function

1. To appoint an ad hoc Scrutiny Commission⁵ to undertake an Inquiry where the subject of an Inquiry falls within the terms of reference of more than one Scrutiny Board;
2. To contribute to the corporate assessment of departmental performance;
3. To exercise the functions of a Scrutiny Board where a matter falls within the terms of reference of more than one Scrutiny Board;
4. To exercise the functions of a Scrutiny Board in respect of any matter not included within the terms of reference of any other Scrutiny Board;
5. To exercise call-in powers in relation to executive decisions made but not implemented⁶; and
6. To receive and monitor formal responses to any reports or recommendations made by Scrutiny Commissions.

⁴ including in relation to the Budget

⁵ A Scrutiny Commission will be a sub-committee of the Committee

⁶ As set out in section 21(3) of the Local Government Act 2000 and in accordance with the Scrutiny Board Procedure Rules

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; and
 - (e) to review corporate performance indicators and to make such reports and recommendations as it considers appropriate.

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;
- the Chief Officer (Early Years and Youth Services); and
- the Chief Officer (Children's Social Services)

but excluding those matters assigned to the Scrutiny Board (Health and Adult Social Care) 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

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.

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 (a)-(d) of the officer delegation scheme (council functions) and 1 and 2 (a)-(m) of the officer delegation scheme (executive functions); and

- the functions delegated to the Chief Planning Officer under the officer delegation scheme (council functions)
- the functions delegated to the Director of City Services under (a)-(o) of the officer delegation scheme (council functions) and function (c) of the officer delegation scheme (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

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.

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

¹These are:

- the functions delegated to the Director of Environment and Neighbourhoods under the officer delegation schemes (council functions) and the officer delegation scheme (executive functions); and
- the functions (d) delegated to the Director of City Services under the officer delegation scheme (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

Scrutiny Board (Health and Adult Social Care)

Health Service Scrutiny¹

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 under the duty placed on them by Section 11 of the Health and Social Care Act 2001;
 - 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

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

² in Leeds this means the Primary Care Trust, the Leeds Teaching Hospitals NHS Trust, NHS Yorkshire and the Humber and the Leeds Mental Health Teaching NHS Trust

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.

Other Scrutiny Functions:

- 6. In relation to any matter which does not fall within paragraphs 1- 5 above, to exercise the functions of a Scrutiny Board in relation to **Adult Services**³ including the following:
 - (a) to review or scrutinise the exercise of any council or executive function, or any other related matter⁴;
 - (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 Board⁴ 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.
- 7. To receive and monitor formal responses to any reports or recommendations made by the Board.

³ 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).

⁴ including matters pertaining to outside bodies and partnerships to which appointments have been made by the authority

⁴ under the Budget and Policy Framework Procedure Rules

Scrutiny Board (Culture and Leisure)

1. In relation to Culture and Leisure,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.
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 (e)-(jj) of the officer delegation scheme (council functions) and 2 (n)-(r) of the officer delegation scheme (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

Scrutiny Board (Resources)

1. In relation to **Resources**,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 consider any notice or departmental response reported in accordance with Financial Procedure Rules or Contract Procedure Rules; and
 - (g) to monitor the implementation of the capital programme⁴.

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 Resources under the officer delegation schemes (council functions) and the officer delegation scheme (executive functions); and
- the functions (a) and (b) delegated to the Director of City Services under the officer delegation scheme (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 This does not preclude individual Scrutiny Boards from consideration of individual capital schemes which fall within their terms of reference.

The Standards Committee

The Standards Committee is authorised to discharge the following functions¹:

1. to consider and determine one or more codes of conduct for Members or protocols for Member/officer relations and to promote, monitor, review and amend such codes of conduct or protocols;
2. to consider and determine any allegations² of misconduct³ made against Members and to determine any sanction to be imposed on a finding of misconduct;
3. to consider and determine applications for dispensations⁴;
4. to make representations to and to liaise with external agencies⁵ about any matter relating to general principles of conduct, model codes of conduct and the codes of conduct or protocols approved from time to time by or on behalf of the Council;
5. to provide advice and guidance to Members and officers and to make arrangements for training in matters relating to codes of conduct and protocols.
6. to consider and advise the Council with respect to the adoption or amendment of a Code of Conduct for Officers and to promote, monitor and review the Code of Conduct.⁶

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. The functions derive from Part 3 of the Local Government Act 2000 and are discharged both in relation to Leeds City Council and its Members, and parish councils wholly or mainly in its area and the Members of those parish councils.

² Such allegations shall include complaints referred to the committee by Ethical Standards Officers under section 60(2) and (4) or Section 64(2) of the Local Government Act 2000 and may include other allegations considered in reports submitted to the Council or the Standards Committee by external agencies.

³ "misconduct" for these purposes means a breach of

- the Code of Conduct adopted where an allegation has been referred under Section 60(2) or (4) or Section 64(2) of the Local Government Act by an Ethical Standards Officer; or
- the National Code of Local Government Conduct where the alleged breach is committed before 5 April 2002; or
- any of the Authority's Protocols/Codes which refer to the conduct of Members, other than the Code of Conduct
- a breach of the Members' Allowances Scheme in relation to the requirement to submit six monthly reports, or a gross neglect of duties highlighted by such a report.

⁴ In accordance with the Relevant Authorities (Standards Committees) (Dispensations) Regulations 2002

⁵ 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

⁶ It is not the function of the Committee to determine or become involved in individual officer conduct or disciplinary cases but rather to provide an overview of the application of the provisions of the Code across the Council.

The Standards Committee - Parish and Town Council Hearings Sub-Committee

The Standards Committee - Parish and Town Council Hearings Sub-Committee is authorised to discharge the following function:

1. to consider and determine any allegations¹ of misconduct² made against Parish and Town Council Members and to determine any sanction to be imposed on a finding of misconduct.

¹ Such allegations shall include complaints referred to the committee by Ethical Standards Officers under section 60(2) and (4) or Section 64(2) of the Local Government Act 2000.

² "misconduct" for these purposes means a breach of the Code of Conduct adopted where an allegation has been referred under Section 60(2) or (4) or Section 64(2) of the Local Government Act by an Ethical Standards Officer.

Area Committees

Within each Committee's area:

(Council functions)

1. to make Elected Member appointments¹ to Outside Bodies as determined by the Member Management Committee;
2. to advise or make representations to the Council, the Executive Board, Scrutiny Boards or Regulatory Panels on all matters affecting community interests;²
3. to consider and respond to consultations on planning briefs and frameworks and on major development proposals affecting the Committee's area;³
4. to consider proposals referred to the Committee by the Council, Executive Board, Scrutiny Boards or Regulatory Panels and to report back the Committee's views to the referring body;⁴
5. to receive and hear deputations;
6. to consider the performance, targeting, frequency and co-ordination of services and make recommendations to the Executive Board as appropriate;⁵

(Executive functions)⁶

7. *to promote and improve the economic, social and environmental well-being of the Committee's area*⁷;
8. *to exercise Area Functions*;⁸

¹ In accordance with the Appointments to Outside Bodies Procedure Rules at Section 4 of the Constitution.

² This is an advisory function under Section 102(4) Local Government Act 1972.

³ This is an advisory function under Section 102(4) Local Government Act 1972.

⁴ This is an advisory function under Section 102(4) Local Government Act 1972.

⁵ This is an advisory function under Section 102(4) Local Government Act 1972.

⁶ All executive functions will be exercisable concurrently with the Executive Board.

⁷ In accordance with Section 2 of the Local Government Act 2000, and in furtherance of, and subject to the limitations set out in the Well-being Schedule detailed in Part 3 Section 3D of the Constitution approved by the Leader and submitted to Council on 28 June.

⁸ As determined from time to time by the Executive Board and in furtherance of, and subject to the limitations set out in the Area Function Schedule(s) detailed in Part 3 Section 3D of the Constitution and the Area Committee Procedure Rules in Part 4 of the Constitution.

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 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 Para 37 of Section I of the Functions Regulations

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

Corporate Governance and Audit Committee

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

1. to consider and determine Council (non-executive) functions² delegated to a Director³ where the Director has decided not to exercise the delegated authority and has referred the matter to the Committee.
2. to consider the Council's arrangements relating to accounts 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 Statement on Internal Control; 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.
3. 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.
4. to review the adequacy of policies and practices to ensure compliance with statutory and other guidance
5. to review the adequacy of the Council's Corporate Governance arrangements (including matters such as internal control and risk management)
6. 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
7. to consider proposals to amend the Constitution and make recommendations to full Council⁴

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 These functions, which include those local choice functions, which have been determined as non executive functions, are detailed in Sections 1 and 2 of Part 3 of the Constitution.

³ Director" includes those Officers specified in Sections 1 and 2 of Part 3 of the Constitution.

⁴ As outlined in Article 15 of the Constitution

Member Management Committee

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

1. to determine which outside bodies² should have Member representation and to act as Appointing Body for the purposes of making appointments to outside bodies categorised as Strategic and Key Partnership Outside Bodies³;
2. to consider requests to establish informal Working Groups of Members⁴;
3. to act as an Advisory Body for the purposes of implementing practices and procedures affecting Elected Members⁵;
4. to consider matters in relation to the Training and Development of Elected Members; and
5. to consider matters in relation to the provision of information, communication and associated technologies in support of Elected Members.

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 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).

⁴ 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.

⁵ 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

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. to discharge any other function of the authority referred to it by full Council;⁷
3. to make recommendations to full Council in connection with the discharge of its functions as licensing authority;⁸
4. To receive reports from, and to make recommendations and representations to other committees or bodies as appropriate.⁹

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 s154 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 s212 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 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.

Pursuant to this provision on 12 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

⁸ Including recommendations arising from the monitoring of the operation and impact of the licensing or Gambling policy by the Licensing Committee.

⁹ 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)).

Licensing Sub-Committees

The Licensing Sub-Committees are authorised to discharge¹ the following functions² concurrently³:

1. functions⁴ under:

- (a) section 18(3) of the 2003 Act (determination of application for premises licences where representations have been made);
- (b) section 31(3) of the 2003 Act (determination of application for provisional statements where representations have been made);
- (c) section 35(3) of the 2003 Act (determination of application for variation of premises licence where representations have been made);
- (d) section 39(3) of the 2003 Act (determination of application to vary designated premises supervisors following police objection);
- (e) section 44(5) of the 2003 Act (determination of application for transfer of premises licences following police objection);
- (f) section 48(3) of the 2003 Act (consideration of police objection made to an interim authority notice);
- (g) section 52(3) of the 2003 Act (determination of an application for review of a premises licence);
- (h) section 72(3) of the 2003 Act (determination of application for club premises certificates where relevant representations have been made);
- (i) section 85(3) of the 2003 Act (determination of application to vary club premises certificates where representations have been made);
- (j) section 88(3) of the 2003 Act (determination of application for review of a club premises certificate);
- (k) section 105(2)(decision to give counter notice following police objection to a temporary event notice);
- (l) section 120(7) of the 2003 Act (determination of application for grant of personal licence following police objection);
- (m) section 121(6) of the 2003 Act (determination of application for renewal of personal licences following police objection);
- (n) section 124(4) of the 2003 Act (revocation of licence where convictions come to light after grant or renewal of personal licences);
- (o) section 20(3) of the 2003 Act (making recommendations for restricting the admission of children to the exhibition of any film)
- (p) section 159 of the 2005 Act (determination of application for premises licences where representations have been made)⁵

¹ With the exception of those functions set out in paragraphs 1 and 2 above, and subject to any direction given by the Licensing Committee, the Licensing Sub-Committees may arrange for any of these functions to be discharged by an officer (Section 10(2) and (5) of the Licensing Act 2003 (the 2003 Act)).

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 Section 10(3) of the 2003 Act.

⁴ Including agreeing whether a hearing is necessary.

⁵ Including deciding whether representations are vexatious, frivolous, or will certainly not influence the authority's determination of the application

- (q) section 187 of the 2005 Act (determination of application for variation of premises licence where representations have been made);⁵
 - (r) section 188 of the 2005 Act (determination of application for transfer of premises licences following objection);⁶
 - (s) section 195 of the 2005 Act (consideration of objection made to an application for reinstatement);⁶
 - (t) section 203 of the 2005 Act (determination of review of a premises licence);
 - (u) section 204 of the 2005 Act (determination of application for provisional statements where representations have been made);⁶
 - (v) section 224 of the 2005 Act (decision to give counter notice following an objection to a temporary use notice);
 - (w) schedule 10 of the 2005 Act (consideration of representations in relation to the proposed rejection of a family entertainment centre permit);
 - (x) schedule 14 of the 2005 Act (consideration of representations in relation to the proposed rejection of a prize gaming permit);
 - (y) schedule 13 of the 2005 Act (consideration of representations in relation to the proposed rejection of an alcohol licensed premises gaming machine permit);
 - (z) schedule 12 of the 2005 Act (consideration of representations in relation to the proposed rejection of a club gaming permit or club machine permit);
2. To discharge any other function referred by the Licensing Committee, including making representations to the Licensing Committee in connection with the discharge of its functions.

Exceptions

A Sub Committee is not authorised to discharge functions under paragraph 1 (a) to (e) above where the application relates to an event in the open air, in a temporary structure and where the proposed capacity of the event exceeds 30,000 people.

⁶ Including deciding whether representations are vexatious, frivolous, or will certainly not influence the authority's determination of the application

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) pool promoters^{7*}
- (iv) track betting licences^{8*}
- (v) amusement machines^{9*}
- (vi) lotteries^{10*}
- (vii) amusements with prizes^{11*}
- (viii) sex shops and sex cinemas¹²
- (ix) performances of hypnotism¹³
- (x) acupuncture, ear-piercing and electrolysis¹⁴
- (xi) pleasure boats and vessels¹⁵
- (xii) market and street trading¹⁶
- (xiii) game¹⁷
- (xiv) premises for the preparation of food¹⁸
- (xv) scrap yards¹⁹
- (xvi) dog breeding, pet shops, animal breeding, animal trainers and exhibitors, zoos, wild animals²⁰

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 6 of Para. B of Schedule 1 to the 2000 Regulations

⁸ Items 7 and 8 of Para. B of Schedule 1 to the 2000 Regulations

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

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

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

¹² Item 15 of Para. B of Schedule 1 to the 2000 Regulations

¹³ Item 16 of Para. B of Schedule 1 to the 2000 Regulations

¹⁴ Item 17 of Para. B of Schedule 1 to the 2000 Regulations

¹⁵ Item 18 of Para. B of Schedule 1 to the 2000 Regulations

¹⁶ Item 20 of Para. B of Schedule 1 to the 2000 Regulations

¹⁷ Item 23 of Para. B of Schedule 1 to the 2000 Regulations

¹⁸ Item 24 of Para. B of Schedule 1 to the 2000 Regulations

¹⁹ Item 25 of Para. B of Schedule 1 to the 2000 Regulations

²⁰ Items 29 - 33 of Para. B of Schedule 1 to the 2000 Regulations

- (xvii) knackers' yards²¹
- (xviii) the employment of children²²
- (xix) premises for the solemnisation of marriage²³
- (xx) charitable collections²⁴
- (xxi) operation of loudspeakers²⁵
- (xxii) movement and sale of pigs and cattle²⁶
- (xxiii) storage of celluloid²⁷
- (xxiv) meat product premises and dairy establishments²⁸
- (xxv) egg products, butchers and fish products²⁹
- (xxvi) auction and wholesale markets³⁰
- (xxvii) food business premises³¹
- (xxviii) motor salvage operators³²

* These functions will transfer to the Licensing Committee under the Gambling Act 2005 however the Act will not be fully implemented until September 2007. There will therefore be a transitional period between January and September 2007. For this reason, these functions will remain within the terms of reference of the Licensing and Regulatory Panel during this period.

(b) health and safety at work³³ to the extent that those functions are discharged otherwise than in the authority's capacity as an employer.

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.

To discharge any licensing function³⁴, where full Council has referred a matter to the Panel.³⁵

²¹ Item 34 of Para. B of Schedule 1 to the 2000 Regulations

²² Item 35 of Para. B of Schedule 1 to the 2000 Regulations

²³ Item 36 of Para. B of Schedule 1 to the 2000 Regulations

²⁴ Item 39 of Para. B of Schedule 1 to the 2000 Regulations

²⁵ Item 40 of Para. B of Schedule 1 to the 2000 Regulations

²⁶ Items 43 – 46 of Para. B of Schedule 1 to the 2000 Regulations

²⁷ Item 56 of Para. B of Schedule 1 to the 2000 Regulations

²⁸ Items 57 – 59 of Para. B of Schedule 1 to the 2000 Regulations

²⁹ Items 60 - 63 of Para. B of Schedule 1 to the 2000 Regulations

³⁰ Item 66 of Para. B of Schedule 1 to the 2000 Regulations

³¹ Items 67-68 of Para. B of Schedule 1 to the 2000 Regulations

³² Item 71 of Para. B of Schedule 1 to the 2000 Regulations

³³ Para. C of Schedule 1 to the 2000 Regulations

³⁴ Under the Licensing Act 2003

³⁵ (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)).

Plans Panels

The Plans Panels are authorised¹ to discharge² the following functions³

1. all Council (non-executive)⁴ functions relating to:
 - (a) town and country planning and development control⁵;
 - (b) safety certificates for sports grounds and fire certificates⁶;
 - (c) common land or town and village greens⁷;
 - (d) street works and highways⁸;
 - (e) public rights of way⁹;
 - (f) the protection of hedgerows and the preservation of trees¹⁰; and
 - (g) high hedges¹¹

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; and/or
 - (e) to determine whether a charge should be made or the amount of such charge.

3. to discharge any licensing function¹², where full Council has referred a matter to the panel.

¹ Each Plans Panel is authorised to discharge functions in respect of its own geographical area as indicated on the plan attached (A larger scale more detailed copy of the plan is maintained by the Chief Planning and Development Services Officer)

² With the exception of any licensing function under the Licensing Act 2003, the Panels 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.

³ "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

⁴ Local Authorities (Functions and Responsibilities)(England)Regulations 2000

⁵ Items 5-31, Para. A of Schedule 1 of the 2000 Regulations

⁶ Items 26, 27 and 28 of Para B of Schedule 1 of the 2000 Regulations

⁷ Items 37 and 38 of Para B of Schedule 1 of the 2000 Regulations

⁸ Items 41,46A to 55 of Para B of Schedule 1 of the 2000 Regulations

⁹ Part I of Para I of Schedule 1 of the 2000 Regulations

¹⁰ Items 46 and 47 of Para I of Schedule 1 of the 2000 Regulations

¹¹ Item 47A of Para. I of Schedule 1 of the 2000 Regulations

¹² (section 7 (5) (a) of the Licensing Act 2003) The matter must relate to:

- a licensing function of the licensing authority 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))

ADVISORY COMMITTEE

Development Plan Panel

An advisory Committee¹ authorised to make recommendations regarding:

1. the Authority's Unitary Development Plan; and
2. the Local Development Framework.

In particular

To advise the Council in relation to functions which are²

- specified as being non executive functions or
- being local choice functions, are reserved to the Council; and

To advise the Executive in relation to functions which are²

- *specified as being executive functions, or*
- *being local choice functions, are not reserved to the Council, or*
- *are functions which are not specified as being either non executive functions or local choice functions and by default are executive functions*

¹ Appointed by the Council in accordance with Section 102(4) of the Local Government Act 1972.

² In accordance with the Local Authorities (Functions and Responsibilities) (England) Regulations 2000 as from time to time amended.

LEEDS CITY COUNCIL

ANNUAL MEETING

24th MAY 2007

MEMBERSHIP OF COMMITTEES/BOARDS/PANELS

Party Whips are authorised to allocate seats in accordance with the proportions set out on this schedule and such appointments will subsequently be reported to Council.

	LABOUR	LIB DEM	CONS	MBI	GREEN	IND	BNP
1	<u>SCRUTINY BOARDS</u>						
	(a) <u>Overview</u>						
	Chair	Whips nominee	Whips nominee	Whips nominee			
	Whips nominee	Whips nominee	Whips nominee				
	Whips nominee	Whips nominee					
	Whips nominee						
	(b) <u>Scrutiny Board (Children's Services)</u>						
	Whips nominee	Whips nominee	Chair	Whips nominee			
	Whips nominee	Whips nominee	Whips nominee				
	Whips nominee	Whips nominee	Whips nominee				
	Whips nominee						
	Whips nominee						
	(c) <u>Scrutiny Board (City Development)</u>						
	Whips nominee	Chair	Whips nominee				
	Whips nominee	Whips nominee	Whips nominee				
	Whips nominee	Whips nominee	Whips nominee				
	Whips nominee						
	Whips nominee						
	(d) <u>Scrutiny Board (Environment and Neighbourhoods)</u>						
	Whips nominee	Whips nominee	Chair		Whips nominee		Beverley
	Whips nominee	Whips nominee	Whips nominee				
	Whips nominee		Whips nominee				
	Whips nominee						
	Whips nominee						
	(e) <u>Scrutiny Board (Health and Social Care)</u>						
	Whips nominee	Chair	Whips nominee		Whips nominee		
	Whips nominee	Whips nominee	Whips nominee				
	Whips nominee	Whips nominee					
	Whips nominee						
	Whips nominee						

LABOUR	LIB DEM	CONS	MBI	GREEN	IND	BNP
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(f) Scrutiny Board (Culture and Leisure)

Chair	Whips nominee	Whips nominee	Whips nominee			
Whips nominee	Whips nominee	Whips nominee				
Whips nominee	Whips nominee					
Whips nominee						
Whips nominee						

(g) Scrutiny Board (Resources)

Whips nominee	Chair	Whips nominee				
Whips nominee	Whips nominee	Whips nominee				
Whips nominee	Whips nominee	Whips nominee				
Whips nominee						
Whips nominee						

2 LICENSING COMMITTEE

Whips nominee	Chair	Whips nominee	Whips nominee
Whips nominee	Whips nominee	Whips nominee	
Whips nominee	Whips nominee	Whips nominee	
Whips nominee	Whips nominee		
Whips nominee			
Whips nominee			

3 LICENSING AND REGULATORY PANELS

The Regulatory Panel

For the purposes of Council Procedure Rule 26.1(Appointment of Substitute Members) the members of the Regulatory Panels shall form a single Regulatory Panel (The Regulatory Panel) comprising all of the members appointed to any of the Regulatory Panels subject to the proposed substitute members having received appropriate training for the relevant Panel prior to their acting as a substitute.

(a) Plans Panel (East)

Whips nominee	Whips nominee	Chair		
Whips nominee	Whips nominee	Whips nominee		
Whips nominee		Whips nominee		
Whips nominee				

(b) Plans Panel (West)

Whips nominee	Chair	Whips nominee	Whips nominee
Whips nominee	Whips nominee	Whips nominee	
Whips nominee			
Whips nominee			

(c) Plans Panel (City Centre)

Whips nominee	Whips nominee	Chair	Whips nominee	Whips nominee
Whips nominee	Whips nominee	Whips nominee		
Whips nominee				

(d) Licensing and Regulatory

LABOUR

Whips nominee
Whips nominee
Whips nominee
Whips nominee
Whips nominee

LIB DEM

Whips nominee
Whips nominee

CONS

Chair
Whips nominee

MBI

Whips
nominee

GREEN

Whips
nominee

IND

BNP

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LEEDS CITY COUNCIL

ANNUAL MEETING

24TH MAY 2007

**MEMBERSHIP OF CORPORATE GOVERNANCE AND AUDIT COMMITTEE, MEMBER
MANAGEMENT COMMITTEE AND DEVELOPMENT PLAN PANEL**

APPOINTMENTS IN ACCORDANCE WITH SECTION 17 OF THE LOCAL GOVERNMENT
AND HOUSING ACT 1989

Party Whips are authorised to allocate seats in accordance with the principles set out on this
schedule and such appointments will subsequently be reported to the Council

LABOUR LIB DEM CONS MBI GREEN IND BNP

Corporate Governance and Audit Committee

Whips nominee Whips nominee **Chair** Whips nominee Whips nominee
Whips nominee

Member Management Committee

P Gruen M Hamilton** J Procter* T Leadley A Blackburn
M Lyons S Bentley G Latty

*Chair for the period 24th May 2007 to 30th November 2007
**Chair for the period 1st December to the date of the Annual
Meeting of Council 2008

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LEEDS CITY COUNCIL

ANNUAL MEETING

24TH MAY 2007

**MEMBERSHIP OF ADVISORY COMMITTEE TO THE EXECUTIVE
(DEVELOPMENT PLAN PANEL) AND STANDARDS COMMITTEE**

LABOUR LIB DEM CONS MBI GREEN IND BNP

Development Plan Panel

Whips nominee	Whips nominee	Chair	Whips nominee	Whips nominee
Whips nominee	Whips nominee	Whips nominee		
Whips nominee				

Standards Committee

Whips nominee	Whips nominee	Whips nominee	Whips nominee	Whips nominee
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LEEDS CITY COUNCIL

ANNUAL MEETING

24th MAY 2007

APPOINTMENTS TO OUTSIDE ORGANISATIONS

Party Whips are authorised to allocate seats in accordance with the allocations set out on this schedule and such appointments will subsequently be reported to Council.

LABOUR	LIBERAL DEMOCRAT	CONSERVATIVE	MORLEY BOROUGH IND	GREEN IND	BNP
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WEST YORKSHIRE FIRE AND RESCUE AUTHORITY

Councillors

4	2	1		1	
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WEST YORKSHIRE PASSENGER TRANSPORT AUTHORITY

Councillors

3	2	2	1		
---	---	---	---	--	--

NOMINATIONS TO SERVE ON THE WEST YORKSHIRE POLICE AUTHORITY

Councillors

1	1	1			
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LABOUR	LIBERAL DEMOCRAT	CONSERVATIVE	MORLEY BOROUGH IND	GREEN	IND	BNP
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WEST YORKSHIRE PENSION FUND JOINT ADVISORY GROUP

Councillors

1	1	1				
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WEST YORKSHIRE PENSION FUND INVESTMENT PANEL

Councillors

1		1				
---	--	---	--	--	--	--

WEST YORKSHIRE JOINT SERVICES COMMITTEE

Councillors

2	1	1				
---	---	---	--	--	--	--

Appointments to this Committee consist of the Leader plus three members. A Panel of three named substitutes is also appointed and a ratio of 1:1:1 is suggested.

Substitutes

1	1	1				
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Agenda Item 10

**COUNCIL SUMMONS
ITEM 10(b)**

LEEDS CITY COUNCIL

ANNUAL MEETING

24th MAY 2007

APPOINTMENT OF LEAD MEMBERS

To note that Lead Members to support members of the Executive in the discharge of their responsibilities have been assigned as follows:

<u>Labour</u>	<u>Liberal Democrat</u>	<u>Conservative</u>
3	8	8

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LEEDS CITY COUNCIL

COUNCIL MEETING

24th MAY 2007

Calendar of Council Meetings for the Municipal Year 2007/2008

The following is a proposed list of dates for Council meetings for the municipal year:

20th June 2007 at 1.30 p.m.
18th July 2007 at 1.30 p.m.
5th September 2007 at 1.30 p.m.
31st October 2007 at 1.30 p.m.
*December
16th January 2008 at 1.30 p.m.
20th February 2008 at 1.30 p.m.
9th April 2008 at 1.30 p.m.
22nd May 2008 at 6.00 p.m. – Annual Meeting

Dates of individual panels and boards will be subject to confirmation following the appointment of Chairs

*A meeting will be arranged on a date yet to be finalised for the specific purpose of considering future Executive Arrangements for the Council

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