



GENERAL PURPOSES COMMITTEE

Meeting to be held in Civic Hall, Leeds on
Tuesday, 8th September, 2009
at 10.30 am

MEMBERSHIP

Councillors

J Blake
P Gruen
N Taggart
K Wakefield

S Bentley
R Brett

A Carter (Chair)
J Procter

R Finnigan

A Blackburn

A G E N D A

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

Item No	Ward	Item Not Open		Page No
3			<p>LATE ITEMS</p> <p>To identify items which have been admitted to the agenda by the Chair for consideration</p> <p>(The special circumstances shall be specified in the minutes)</p>	
4			<p>DECLARATION OF INTERESTS</p> <p>To declare any personal/prejudicial interests for the purpose of Section 81(3) of the Local Government Act 2000 and paragraphs 8 to 12 of the Members' Code of Conduct.</p>	
5			<p>APOLOGIES FOR ABSENCE</p> <p>To receive any apologies for absence from the meeting.</p>	
6			<p>MINUTES OF THE PREVIOUS MEETING - 13TH JULY 2009</p> <p>To confirm as a correct record the minutes of the meeting held on 13th July 2009.</p>	1 - 2
7			<p>EXECUTIVE ARRANGEMENTS: PROPOSALS</p> <p>To receive a report of the Assistant Chief Executive (Corporate Governance) advising the Committee of the results of the consultation on changes to the Council's executive arrangements, setting out the next steps which the Council must take, and asking the Committee to make recommendations to full Council about drawing up its proposals for changing its executive arrangements.</p>	3 - 32

Item No	Ward	Item Not Open		Page No
8			<p>VISION FOR SCRUTINY</p> <p>To receive a report of the Chief Democratic Services Officer requesting that General Purposes Committee consider the draft Vision for Scrutiny and recommend its adoption to full Council.</p>	33 - 36
9			<p>REVIEW OF CALL IN PROCEDURES</p> <p>To receive a report of the Chief Democratic Services Officer reviewing the requirement to have original signatures on the Call In request forms in the light of six months operational experience and the comments of Members.</p>	37 - 40
10			<p>MANAGEMENT OF WHITE PAPER MOTIONS</p> <p>To receive a report of the Assistant Chief Executive (Corporate Governance) presenting the current processes for the management of White Paper motions, identifying problems associated with the processes and presenting proposals for improvement.</p>	41 - 44
11			<p>ARTICLE 15</p> <p>To receive a report of the Assistant Chief Executive (Corporate Governance) requesting that General Purposes Committee recommend that full Council approve the proposed amendments to Article 15 of the Constitution.</p>	45 - 48

Agenda Item 6

GENERAL PURPOSES COMMITTEE

MONDAY, 13TH JULY, 2009

PRESENT: Councillor J L Carter in the Chair

Councillors S Bentley, A Blackburn,
B Lancaster, J Procter, N Taggart and
K Wakefield

Apologies Councillors J Blake, R Brett, A Carter and
P Gruen

1 Appointment of the Chair

As the Chair of the Committee was not in attendance, nominations for the Chair were requested.

It was moved by Councillor J L Carter, seconded by Councillor J Procter and **RESOLVED** - that Councillor J L Carter be appointed as Chair for the duration of this meeting.

2 Appeals against refusal of inspection of documents

There were no appeals against refusal of inspection of documents.

3 Exempt Information - possible exclusion of the press and public

There were no resolutions to exclude the public.

4 Late items

There were no late items added to the agenda.

5 Declaration of Interests

No declarations of interest were made at the meeting.

6 Apologies for absence

Apologies for absence from the meeting were received on behalf of Councillors Blake, Brett, A Carter, and Gruen.

7 Minutes of the Previous Meeting - 13th May 2009

RESOLVED – Members resolved that the minutes of the General Purposes Committee meeting held on 13th May 2009 be approved as a correct record.

8 Member Management Committee Terms of Reference

The Principal Corporate Governance Officer presented a report of the Assistant Chief Executive (Corporate Governance) putting forward amendments to the terms of reference of Member Management Committee, proposed by the Whips for the political groups.

Members particularly discussed matters relating to the training and development of Members, and the reasons why these functions cannot be delegated to Member Management Committee. It was confirmed that, as they are executive functions, they can only be carried out by the Executive Board, a Committee of the Executive or an officer with the appropriate delegations.

RESOLVED – Members of the General Purposes Committee resolved to recommend the proposed amendments to Member Management Committee's terms of reference, as set out in Appendix 1 to the report, to full Council for approval.



Report of the Assistant Chief Executive (Corporate Governance)

General Purposes Committee

Date: 8th September 2009

Subject: Executive arrangements: proposals

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 advises the Committee of the results of the consultation on changes to the Council's executive arrangements. That is, changing to either an Elected Mayor and Cabinet executive, or to the "new-style" Leader and Cabinet form. The report also sets out the next steps which the Council must take, and asks the Committee to make recommendations to full Council about drawing up its proposals for changing its executive arrangements.
2. The main points to note are the results from individual members of the general public. Of these, 395 people preferred the Elected Mayor and Cabinet option, while 324 people preferred the Leader and Cabinet option. The response rate from members of the public represented 0.13% of the registered electorate. Of the responses from Leeds City Council Councillors, all of the 4 formal responses from party groups favoured the Leader and Cabinet form. The report also sets out responses from other consultees.
3. In deciding which of the two options to adopt, the Council should take into account the results of the consultation, but should also have regard to the extent to which the proposals, if implemented, would be likely to assist in securing continuous improvement in the way in which the Council's functions are exercised, having regard to a combination of economy, efficiency and effectiveness.
4. The proposals for the Council to move to either of the options must include:
 - a timetable with respect to the implementation of the proposals;
 - details of any transitional arrangements which are necessary for the implementation of the proposals; and
 - the allocation of functions between the executive and the authority ("local choice functions").

5. In relation to the timetable, it is proposed that full Council will consider the recommendations of this committee at its meeting on 16 September, at which it will draw up its proposals for a change in form. These must then be publicised, and the Council then must resolve to change its executive form at a specially convened meeting of full Council before 31 December 2009. This could take place on the same date as the scheduled Council meeting in November 2009.

1.0 Purpose Of This Report

- 1.1 This report advises the Committee of the results of the consultation on changes to the Council's executive arrangements.
- 1.2 The report also sets out the next steps which the Council must take, and asks the Committee to make recommendations to full Council about drawing up its proposals for changing its executive arrangements.

2.0 Background Information

- 2.1 At its meeting on 30 October 2008, the Constitutional Proposals Committee received a report on the new executive arrangements introduced by the Local Government and Public Involvement in Health Act 2007. The report advised that, as a minimum, the Council must resolve **by 31 December 2009** to move to a "new-style" Leader and Cabinet form (or this would be imposed by the Secretary of State). Alternatively, the Council could choose by the same date, to move to a directly Elected Mayor and Cabinet form.
- 2.2 That report set out the main differences between the forms, which are:
- the **Elected Mayor** is directly elected, has a four year term and cannot be removed by resolution of the Council; but
 - the **Leader** is elected by the Council, will generally have a four year term¹, and may be removed by resolution of the Council².
- 2.3 The report also set out the new procedure for changing executive arrangements. The Council is required to:
- **consult** before drawing up proposals for a change in form;
 - **draw up proposals**³;
 - decide whether the change should be subject to approval by a **referendum**;
 - **publicise** the proposals;
 - **hold the referendum** if they have decided there should be one;
 - **resolve** to change the form;
 - **implement** the new governance arrangements; and
 - **publicise** the new arrangements.
- 2.4 Following recommendations from the Constitutional Proposals Committee, at its meeting on 19 November 2008 full Council delegated various functions relating to changes in executive arrangements, to the Assistant Chief Executive (Corporate Governance), including consulting prior to drawing up proposals, subject to consultation with group leaders about the consultation plan.
- 2.5 Full Council also instructed the Assistant Chief Executive (Corporate Governance) to begin the consultation process on the change in form.

¹ This Council has election by thirds, so this will not be the case if the Leader has less than 4 years left as a councillor when elected as Leader.

² if the Council makes provision to do this in its executive arrangements.

³ If proposals are for Leader and cabinet form, the proposals should include whether the Council proposes to adopt provisions to allow it to remove the executive leader during the leader's term of office.

3.0 Main Issues

3.1 The Consultation Exercise

3.1.1 After consultation with group leaders, the Assistant Chief Executive (Corporate Governance) approved a consultation plan. The principal consultation through Talking Point took place between 11 May 2009 and 3 July 2009. The consultation process involved consulting with:

- General public;
- Key Partners;
- Parish and Town Councils;
- Leeds Members of Parliament;
- Independent and co-opted Members of the Leeds City Council; and
- Leeds City Council Councillors.

3.1.2 Appendix 1 to this report sets out how this consultation was carried out.

3.1.3 Councillors had been previously briefed by the Assistant Chief Executive (Corporate Governance) through party groups about the two forms, and other information provided to them on the Members' Training and Development intranet site.

3.1.4 All other consultees were provided with information about the two options, and asked to give their views through a short survey. The survey asked consultees to select their preferred form and to select up to three reasons why this was their preferred option. They were also invited to make any additional comments.

Response rates

3.1.5 In total, there were 740 responses received (excluding responses from Leeds City Council Councillors).

3.1.6 Of this figure:

- 719 were individual members of the general public (including members of the Citizens' Panel);
- 2 were from Key Partners (out of 34 consulted);
- 3 were from independent/co-opted members (out of 9);
- 13 were from Parish and Town Councils (out of 31); and
- 3 responses from other groups (responding as members of the general public).

3.1.7 No responses were received from Members of Parliament.

3.1.8 The number of responses and expressed preferences are summarised in appendix 2 to this report, and detailed below.

Methodology

3.1.9 Appendix 2 indicates where the preference expressed for a particular form by a specific group of consultees is statistically reliable, when considered by itself. (That is, where the difference between the preferences expressed for each of the forms by the specific group is real, and not due to chance; so if the survey were carried out again, the results would almost certainly be repeated in terms of the same overall preference expressed by that group).

3.1.10 The Citizens' Panel was independently conducted. The Citizens' Panel is demographically representative in terms of age, gender, ethnicity and geographic location⁴.

General Public preferences

3.1.11 In relation to the responses from individual members of the general public:

- 587 were from the Citizens' Panel (a 33% response rate); and
- 132 were generated from other sources such as Talking Point or About Leeds.

3.1.12 The total number of these individual respondents equates to 0.13% of the registered electors within the authority.

3.1.13 Of the 587 people who responded to the Citizens' Panel, 323 expressed a preference for the Council to have an Elected Mayor and Cabinet form, and 264 a preference for the Leader and Cabinet form.

3.1.14 When the responses of the Citizens' Panel are collated with the other responses from individual members of the general public, 395 of individual respondents preferred the Elected Mayor and Cabinet option, while 324 respondents preferred the Leader and Cabinet option.

Other stakeholders' preferences

3.1.15 Of the 2 responses received from the 34 Key Partners consulted, both preferred the Elected Mayor and Cabinet form. Of the 3 responses received from the 9 independent/co-opted Members consulted, 1 preferred the Elected Mayor and Cabinet form, and 2 the Leader and Cabinet form. Of the 3 other groups who responded as members of the general public, 2 preferred the Elected Mayor and Cabinet form, and 1 the Leader and Cabinet form.

3.1.16 Out of 31 Parish and Town Councils, 13 responded. Of these, 2 expressed a preference for the Elected Mayor and Cabinet form, and 11 the Leader and Cabinet form.

Reasons for preferences

3.1.17 As well as identifying which option they preferred, all survey respondents were also asked to provide up to three reasons (from a given list) for their choice. Analysis of these reasons is set out in appendix 3⁵ to this report.

3.1.18 Respondents were also invited to make any further comments. 515 people (70% of respondents) did not make any comments. However, the comments that were made are summarised in appendix 4.

3.1.19 The variety of comments makes them difficult to categorise with a high level of specificity; however themes do emerge, as follows:

- 34 comments referred to the Elected Mayor form increasing public involvement in local democracy. This links to the 44 comments which were positive about the Elected Mayor option, citing reasons such as increased visibility of the

⁴ Although responses are not demographically representative, because not all Panel Members responded to the survey

⁵ These have been analysed without distinction between responses from individuals and other stakeholders.

leadership of the city and benefits this might have in making Leeds better known nationally and internationally.

- 29 comments expressed concern about the Elected Mayor form, for example becoming a “personality contest”.
- 21 comments suggested possible improvements to the Elected Mayor and Cabinet form, including that the Council should be able to remove an Elected Mayor mid-term – although this is not an option under the current law.
- 14 comments expressed concern about the cost implications of the Elected Mayor and Cabinet form; either the cost of holding mayoral elections or the costs arising from the position itself.

Some comments (both positive and negative) referred to Boris Johnson. However, the powers and duties of the Elected Mayor of London are not the same as, nor comparable to, those of an Elected Mayor for a metropolitan district authority.

Responses from Members

- 3.1.20 Leeds City Council Councillors were asked to provide their views through their group leaders (or as an individual if they were not part of a political group). Formal responses were received from four of the five political groups. All of these groups favoured the Leader and Cabinet form.
- 3.1.21 Two groups went on to state that the Council should be able to remove a Leader mid-term. One of these groups added that, while the Council should be able to remove a Leader, this should only be done by elected representatives, and only in exceptional circumstances. (The other two did not express any opinion on this issue either way).
- 3.1.22 One group’s response also stated that they were concerned that “a directly elected mayoralty would concentrate too much power in the hands of a single individual”.

3.2 The proposals

- 3.2.1 Following the consultation process, the Council must now draw up proposals for the change in form.
- 3.2.2 In drawing up the proposals, the Council must consider the extent to which the proposals, if implemented, would be likely to assist in securing continuous improvement in the way in which the Council’s functions are exercised, having regard to a combination of economy, efficiency and effectiveness⁶ - that is, their primary best value duty.

Timetable and transitional arrangements

- 3.2.3 The proposals must include:
- a timetable with respect to the implementation of the proposals; and
 - details of any transitional arrangements which are necessary for the implementation of the proposals.

⁶ Section 33E(7) Local Government Act 2000

- 3.2.4 In relation to the timetable, it is proposed that full Council **draw up the proposals** at its meeting on **16 September 2009**, taking into account the recommendations of this committee.
- 3.2.5 The proposals must then be publicised in accordance with statutory requirements.
- 3.2.6 The Council must resolve before 31 December 2009 to change its executive form, taking into account any representations received following the publicity about the proposals. This must be done at a specially convened meeting of full Council. Unless the Council resolves to hold a referendum⁷, (see paragraph 3.2.15 below), it is proposed that it meets to **change its executive form** on **18 November 2009**, the date of a scheduled Council meeting. This committee will also have to meet before that date, to make recommendations to full Council about the issue.
- 3.2.7 The Council must stop operating the old form and **start operating the new form** of executive **three days after the relevant elections**⁸. If a Leader and Cabinet form is adopted, these will be the first elections of councillors after December 2009. For an Elected Mayor and Cabinet form, the relevant election is the first election of the Mayor⁹.
- 3.2.8 Until the new form of executive comes into operation, the old law will apply to the Council's arrangements¹⁰.
- 3.2.9 If the Council moves to a "new-style" Leader and Cabinet form, the **Leader must be elected at the first annual meeting following the adoption of the new arrangements**¹¹, and their term of office will start that day. There may therefore be a number of days between the date of adoption of the new form and the date on which the new Leader is elected at the Council's annual meeting.
- 3.2.10 Under existing legislation, retiring councillors retire on the fourth year after election, and the newly elected councillors come into office that same day¹², which is generally before the annual meeting. There is, therefore, usually a change-over period before a Leader is formally elected at the annual meeting.
- 3.2.11 In terms of transitional provisions therefore, the proposals could provide for the Leader in office at the time of the elections to remain in place until the annual meeting in 2010 (even though the form itself would change before the annual meeting).
- 3.2.12 If the Council moves to an Elected Mayor and Cabinet form, the **Mayor is elected on the ordinary day of election**. Given the more significant change in form, further consideration would need to be given to transitional arrangements, if full Council was minded to move to this form.
- 3.2.13 Appendix 5 summarises this timetable.

⁷ Timescales for the Council's resolution would need to be revised if a referendum is held

⁸ Section 33G Local Government Act 2000 – applied by Paragraph 3 of Schedule 4 to Local Government and Public Involvement In Health Act 2007

⁹ Mayoral elections would take place on the same day as ordinary elections of councillors.

¹⁰ Schedule 4 Paragraph 2(2) Local Government and Public Involvement in Health Act 2007

¹¹ Section 44B Local Government Act 2000

¹² Section 7(3) Local Government Act 1972.

Local choice functions

- 3.2.14 The proposals must also deal with the allocation of functions between the executive and the authority.¹³ They must state the extent to which functions specified in regulations are to be the responsibility of the executive. This relates to “local choice” functions which the Council may choose to be the responsibility of the executive or Council. They are currently listed at Section 1 of Part 3 of the Constitution, which is attached for information as appendix 6 to this report. The Council should therefore review the current allocation.
- 3.2.15 The Assistant Chief Executive (Corporate Governance) is not aware of any concerns about the current allocation, under the present Leader and Cabinet form. She does not therefore recommend any amendments to the current allocation, if the Council should propose to move to a new-style Leader and Cabinet form.

Referendum

- 3.2.16 The Council may decide that its proposals *may* provide for the change in form to be subject to approval in a referendum. The results of any referendum would be binding on the Council, in that if the result of the referendum was to approve the proposals, the Council would have to make the proposed change¹⁴.
- 3.2.17 Consultation guidelines issued in 2000 suggests that a council could commit to a binding referendum on the issue, where opinion is evenly split. However, see further paragraph 6.6 below, on the status of the guidelines.
- 3.2.18 If the Council decides to make the change subject to approval in a referendum, it must resolve to approve the change in form which has been approved by a referendum, within 28 days. This would have to be taken into account in the timetable.

Arrangements to remove the Leader

- 3.2.19 If the Council is minded to draw up proposals to move to a Leader and Cabinet form, the Council **may** also make arrangements to remove the Leader at any time. If the Council did not make any arrangements for mid-term removal, the Leader would remain in office¹⁵ for their full term of office. (This would be up to the day when the Council holds its first annual meeting after the Leader’s normal day of retirement as a councillor, so may be 4 years or less, depending how long the Leader’s term of office as a councillor has to run when elected as Leader).
- 3.2.20 Article 7 of the Constitution (which relates to the Executive) already provides for removal of a Leader mid-term by resolution of the Council. This is currently by a simple majority, in accordance with Council Procedure Rules. This issue is considered further in paragraph 5 below.
- 3.2.21 As set out above, there is no provision under the legislation to allow a Council to remove an Elected Mayor.

¹³ Section 33J(3) Local Government Act 2000

¹⁴ Section 33K Local Government Act 2000

¹⁵ Subject to the provisions relating to disqualification.

Constitutional amendments

- 3.2.22 Constitutional amendments will be required, whichever form the Council decides to adopt. The main amendments would be to:
- Article 7 to make reference to the Elected Mayor (if that is the form chosen), and/or to insert provision for a deputy Mayor or deputy Leader (which the Mayor or Leader will have to appoint);
 - Council Procedure Rules, to reflect the change in term of office from one year;
 - Executive Procedure Rules, including an amendment to reflect that the Leader/Mayor may choose to delegate functions to individual Executive Members¹⁶.
- 3.2.23 There will also be a number of consequential minor amendments throughout the constitution particularly if the form adopted is an Elected Mayor and Cabinet form.
- 3.2.24 It is proposed that these amendments to the constitution are considered by full Council when full Council meets to approve the new form. The amendments would be of effect from the date the new arrangements are to be implemented, that is, three days after the elections in 2010.

4.0 Implications For Council Policy And Governance

- 4.1 The Council has complied with its community engagement policy, and the principles of good governance, in engaging in robust consultation over the form of executive.
- 4.2 The form of executive is one of the most fundamental aspects of the Council's governance arrangements. A change to either form will require amendments to the constitution.

5.0 Legal And Resource Implications

- 5.1 Following recommendation by this Committee, full Council will need to draw up proposals to move to one of the forms. The Council is then required to make the proposals available for inspection by the public, and publish a notice in one or more newspapers in the area stating they have drawn up the proposals, describing the main features, and stating where the copy may be inspected.
- 5.2 The Council must formally resolve by 31 December 2009 to adopt one of the forms. By law this will have to be done at a specially convened meeting of full Council.
- 5.3 Although an election for Mayor would be run in tandem with Council elections, additional costs would arise from the requirement to publish a booklet containing details of all mayoral candidates, and to deliver a booklet to every person on the electoral role in Leeds. Also, the voting system is also slightly different (the supplementary system) and can be more costly¹⁷. There are also potential by-election costs where a candidate elected as Mayor is also elected as a councillor.
- 5.4 Additional costs would arise from holding a referendum, if the Council chooses to do this. The Electoral Services Manager has advised that a referendum would cost a minimum of £750,000, which would have to be borne by the Council.

¹⁶ Currently, the Council precludes this, but will no longer be able to do so whichever new form is adopted.

¹⁷ By way of illustration, the costs that were directly attributable to the mayoral election in Mansfield in 2007 amounted to £40,000 (Source: Nottinghamshire County Council report of the Chief Executive to County Council, 4th December 2008)

5.5 Changing to the “new-style” Leader and Cabinet form would involve minimal additional expenditure, as changes to current arrangements would be minimal.

6.0 Conclusions

6.1 The consultation process has been comprehensive and impartial. All electors and other interested parties have been given the opportunity to express a preference for a particular form. The Council has therefore properly discharged its duty to consult.

6.2 The general public through the consultation process has expressed a preference for the Elected Mayor and Cabinet form. However, these results do not show an overwhelming preference for the Elected Mayor and Cabinet form. The response rate was relatively low, and fell far short of the 5% of the electorate which would be required to support a petition for a referendum on leadership arrangements.

6.3 Those Town and Parish Councils and Leeds City Council Councillors who expressed a view, expressed a strong preference for the Leader and Cabinet form. These stakeholders are themselves directly involved in the democratic process.

6.4 The responses received from other stakeholders (key partners, independent and co-opted Members and other groups), were too low to be statistically significant in terms of each distinct type of stakeholder, although they should be taken into account in terms of overall responses.

6.5 The Council will need to take into account responses received from all stakeholders, including the general public. In terms of the weight to give to the preferences expressed by each type of stakeholder, consultation guidelines issued to councils in 2000 advised “it would seem appropriate for public opinion to dominate at least in terms of the broad option that is chosen ... where relevant letting the opinions of partner agencies take a more dominant role in deciding the detailed aspects of any arrangement. The system of governance should have the approval of its electors as to its broad form but the specific features may matter more to other governance and partner agencies and may also be better understood by them.”

6.6 Local authorities were encouraged to consider the guidelines¹⁸. However, the guidelines are not statutory guidance to which the Council must have regard. Moreover, they should be considered in the context in which they were made – that of implementing executive arrangements as a whole, including the introduction of not only the executive, but area management and overview and scrutiny arrangements. No further guidance or guidelines have been issued in relation to consultation to be carried out by councils to implement the changes made by the 2007 Act.

6.7 As set out above, in drawing up the proposals, the Council have a specific duty to consider the extent to which the proposals, if implemented, would be likely to assist in securing continuous improvement in the way in which the Council’s functions are exercised, having regard to a combination of economy, efficiency and effectiveness.¹⁹

6.8 The Council must have regard to the results of the consultation, and take them into account. The Council is, however, entitled to take other factors into account, in drawing up the proposals, and indeed must do so, in exercising the duty set out in paragraph 6.7 above. The Council should take into account the different features of

¹⁸ Paragraph 11.25 Statutory guidance

¹⁹ Section 33E(7) Local Government Act 2000

each form, as summarised above, and set out in greater detail in the previous report to this committee.

- 6.9 Cost is an additional relevant factor. In relation to the additional costs arising from an Elected Mayor and Cabinet form, referred to above, the Council should consider the extent to which these costs may be offset by any improvements secured by a change to the Elected Mayor and Cabinet form.
- 6.10 The Council has discretion whether or not to make its proposals subject to a referendum. A referendum would require the general public to endorse the proposed form, and would promote community engagement in the issue. However, given the low level of interest shown by the public about leadership arrangements, it may be considered that there is insufficient justification to incur the substantial costs which would arise.
- 6.11 In the event that the Council may be minded to adopt the new-style Leader and Cabinet form, it should also consider whether to adopt arrangements for the Leader to be removed by resolution of the Council. In considering this, the Council should consider the views expressed by the general public²⁰ as well as other stakeholders.
- 6.12 If the Committee are minded to recommend arrangements to remove a Leader mid-term, they should consider whether the current arrangements should be amended, in view of the proposal that this power should only be exercised in exceptional circumstances, referred to in paragraph 3.1.19 above. For example, any resolution to remove the Leader could be made by, for example, a two thirds majority, as opposed to the current simple majority.

7.0 Recommendations

- 7.1 General Purposes Committee is asked to recommend to Council whether Council should draw up proposals to change to an Elected Mayor and Cabinet form, or the new-style Leader and Cabinet form.
- 7.2 Whichever form is recommended, the Committee is also asked to consider:
- whether to recommend that the proposals should provide for the change to be subject to approval in a referendum; and
 - whether to recommend to Council any amendments to the current allocation of “local choice” functions between the Council and the executive, or whether to recommend that the allocation stays the same (as set out in appendix 6 to this report).
- 7.3 In the event that the Council are minded to draw up proposals to adopt the new-style Leader and Cabinet form, the Committee are asked to recommend whether the Council should:
- not make any arrangements for the Leader to be removed; or
 - retain the current arrangements for the Leader to be removed by resolution of the Council (by simple majority); or

²⁰ The views of those who expressed a preference for an Elected Mayor, and gave as a reason for this the Mayor’s 4 year term are relevant here, as well as the views of the public citing the importance of being able to remove the leader.

- make revised arrangements for the Leader to be removed by resolution of the Council.

7.4 The Committee is also asked to:

- consider the proposed timetable set out in appendix 5 of this report;
- consider the proposed transitional arrangements set out in paragraph 3.2.11 of this report; and
- instruct the Assistant Chief Executive (Corporate Governance), in consultation with group leaders, to draft proposals reflecting their recommendations, to be considered by full Council at its meeting on 16 September 2009.

7.5 The Committee is also requested to recommend to Council to authorise the Assistant Chief Executive (Corporate Governance) to take the necessary steps requisite to carrying out the Council's legal requirements in relation to this matter.

Background documents:

- Report to Constitutional Proposals Committee 30 October 2008
- Report to full Council 19 November 2008
- Citizens' Panel report dated 12 June 2009
- Consultation survey and responses
- Consultation guidelines 2000

Details of consultation process

Stakeholder group	Key message / question	How contacted
General Public	<ul style="list-style-type: none"> • Information about new executive forms • Key question: preferred option (survey) 	Citizen's Panel - survey
	<ul style="list-style-type: none"> • Information about new executive forms • Information about Talking Point survey • Contact details for more details and/or written copy of survey 	About Leeds
	<ul style="list-style-type: none"> • Information about new executive forms • Key question: preferred option (survey) 	Talking Point (online consultation portal) - survey
	<ul style="list-style-type: none"> • Information about new executive forms • Consultation process 	Press releases to local newspapers and published on Council website (these led to articles in the Yorkshire Evening Post and the Yorkshire Post).
General public (seldom heard groups)	<ul style="list-style-type: none"> • Information about new executive forms • Key question: preferred option (survey) 	Letter sent directly to those on "equalities hub" mailing list held by Equalities Unit (translation/appropriate format provided as appropriate)
Councillors	Key question: preferred option	E-mail invited comment through group leaders where relevant.
Voting co-opted/independent members	<ul style="list-style-type: none"> • Information about new executive forms • Key question: preferred option (survey) 	E-mail sent directly to each

Details of consultation process

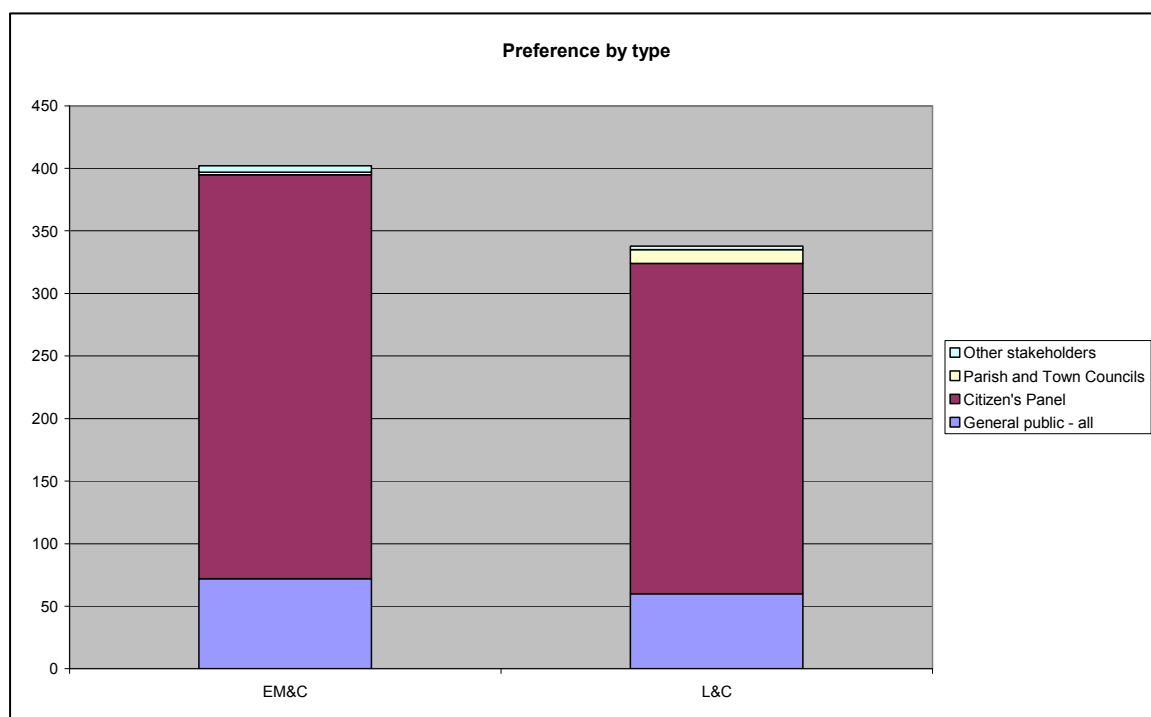
Council officers	Details of consultation exercise	Governance Matters
Key partners	<ul style="list-style-type: none"> • Information about new executive forms • Key question: preferred option (survey) 	<p>Email to the following Leeds Initiative partnerships:</p> <ul style="list-style-type: none"> • Going up a League; • Local Strategic Plan Strategy Group; • Narrowing the Gap; and • Leeds Initiative Executive.
Parish and Town Councils	<ul style="list-style-type: none"> • Information about new executive forms • Key question: preferred option (survey) 	Email to parish clerks
Members of Parliament	<ul style="list-style-type: none"> • Key question: preferred option (survey) 	Email

Question 1: Which form of leadership would you prefer Leeds City Council to have?

Stakeholder		Elected Mayor & Cabinet	Leader & Cabinet
General public - individuals	Talking Point	70	35
	Post/email	1	16
	Equality Hub List	1	9
	*Citizens' Panel	323	264
	*Total general public	395	324
*Parish and Town Councils		2	11
Other stakeholders	Key partners	2	0
	Independent/co-opted Members	1	2
	General public - groups	2	1
All stakeholders		402	338

Results marked *are statistically reliable – see paragraph 3.1.9 of the report.

The “other stakeholders” sample size is small, and the results close enough for them not to be statistically reliable as a group; however, they need to be taken into account in terms of the overall response.

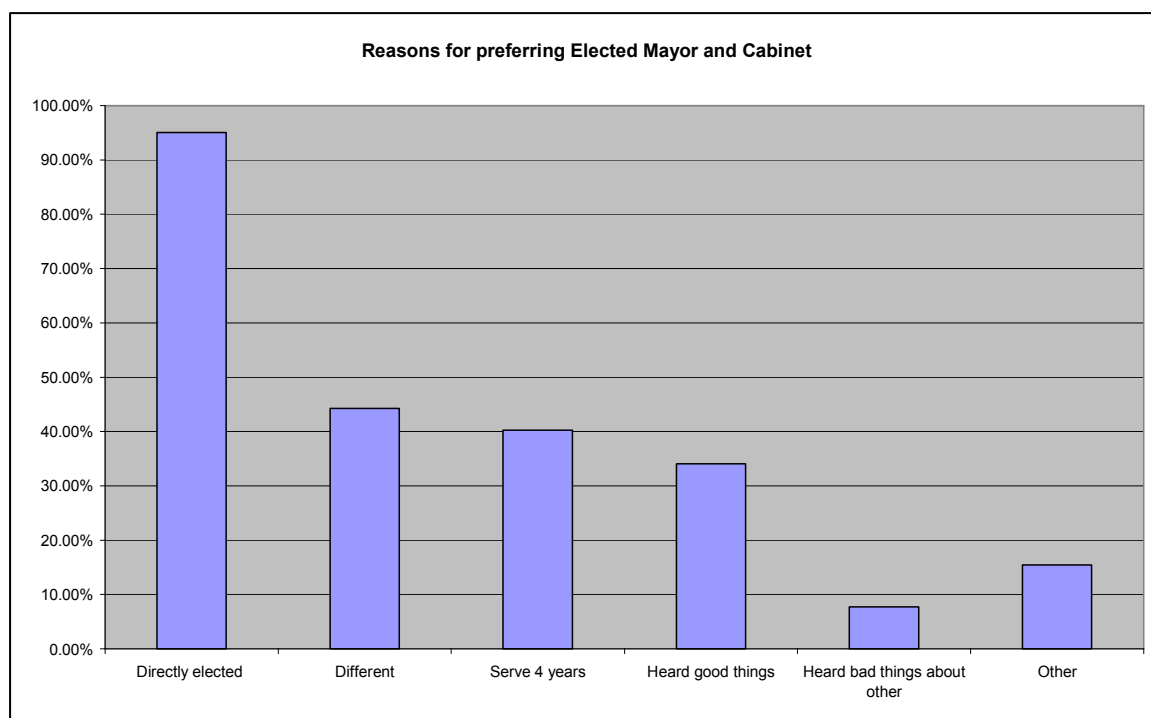


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Question 2: Please indicate the three most important factors which helped you make your decision.

A. I prefer the Elected Mayor and Cabinet form of leadership because:

	Directly elected	Serve 4 years	Different	Heard good things	Heard bad things about other	Other
General public excluding Citizens' Panel	90.28%	26.39%	33.33%	16.67%	8.33%	15.28%
Citizens' Panel	96.28%	43.65%	47.06%	37.77%	7.43%	15.79%
Parish and Town Councils	50.00%	0.00%	50.00%	50.00%	0.00%	0.00%
Other stakeholders	100.00%	40.00%	20.00%	40.00%	20.00%	0.00%
	95.02%	40.30%	44.28%	34.08%	7.71%	15.42%



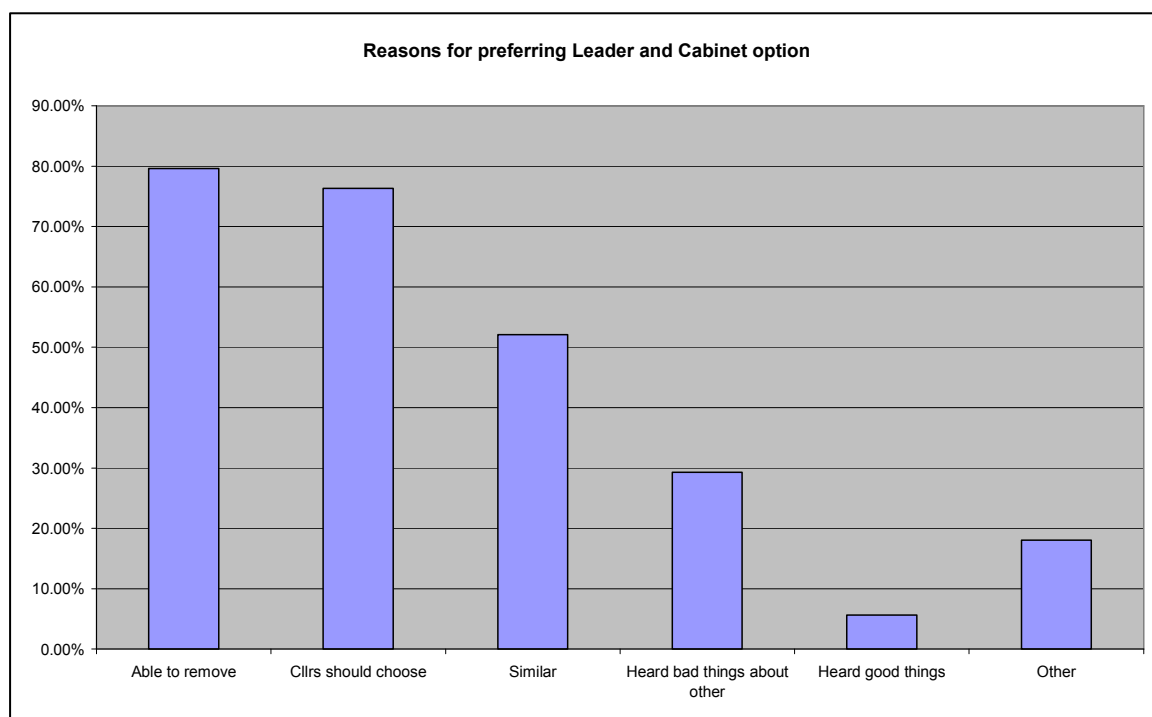
Among the respondents who preferred the Elected Mayor and Cabinet form, the most selected reason for preferring it was that they believed whoever leads the Council should be directly elected by the people.

The next two most selected reasons were:

- that it was different to the current form of leadership; and
- that whoever leads the Council should be able to serve for 4 years without being removed.

B. I prefer the Leader and Cabinet option because:

	Cllrs should choose	Able to remove	Similar	Heard good things	Heard bad things about other	Other
General public excluding Citizens' Panel	66.67%	61.67%	38.33%	8.33%	48.33%	13.33%
Citizens' Panel	78.41%	83.71%	54.92%	5.30%	25.38%	19.70%
Parish and Town Councils	72.73%	72.73%	72.73%	0.00%	9.09%	0.00%
Other stakeholders	100.00%	100.00%	0.00%	0.00%	66.67%	33.33%
	76.33%	79.59%	52.07%	5.62%	29.29%	18.05%



Of the respondents who preferred the Leader and Cabinet model, the most selected reason for preferring it was because respondents thought that the Council should be able to remove whoever was leading the Council mid-term.

The second most selected reason was that respondents considered that councillors should choose the Leader; followed by the belief that it was a good option because it is similar to the form Leeds already has in place.

While 34% of respondents to question 2A preferred the Mayor and Cabinet form because they had heard good things about it (from the media or other people), 29% of respondents to question 2B preferred the Leader and Cabinet form because they had heard bad things about the Elected Mayor option. These polarised feelings were

backed up by a number of comments, which referred to other cities where the model was perceived to have been successful (such as in London¹) or unsuccessful (such as in Doncaster and Stoke).

¹ However, the powers and duties of the Elected Mayor of London are not the same as, nor comparable to, those of an Elected Mayor for a metropolitan district authority.

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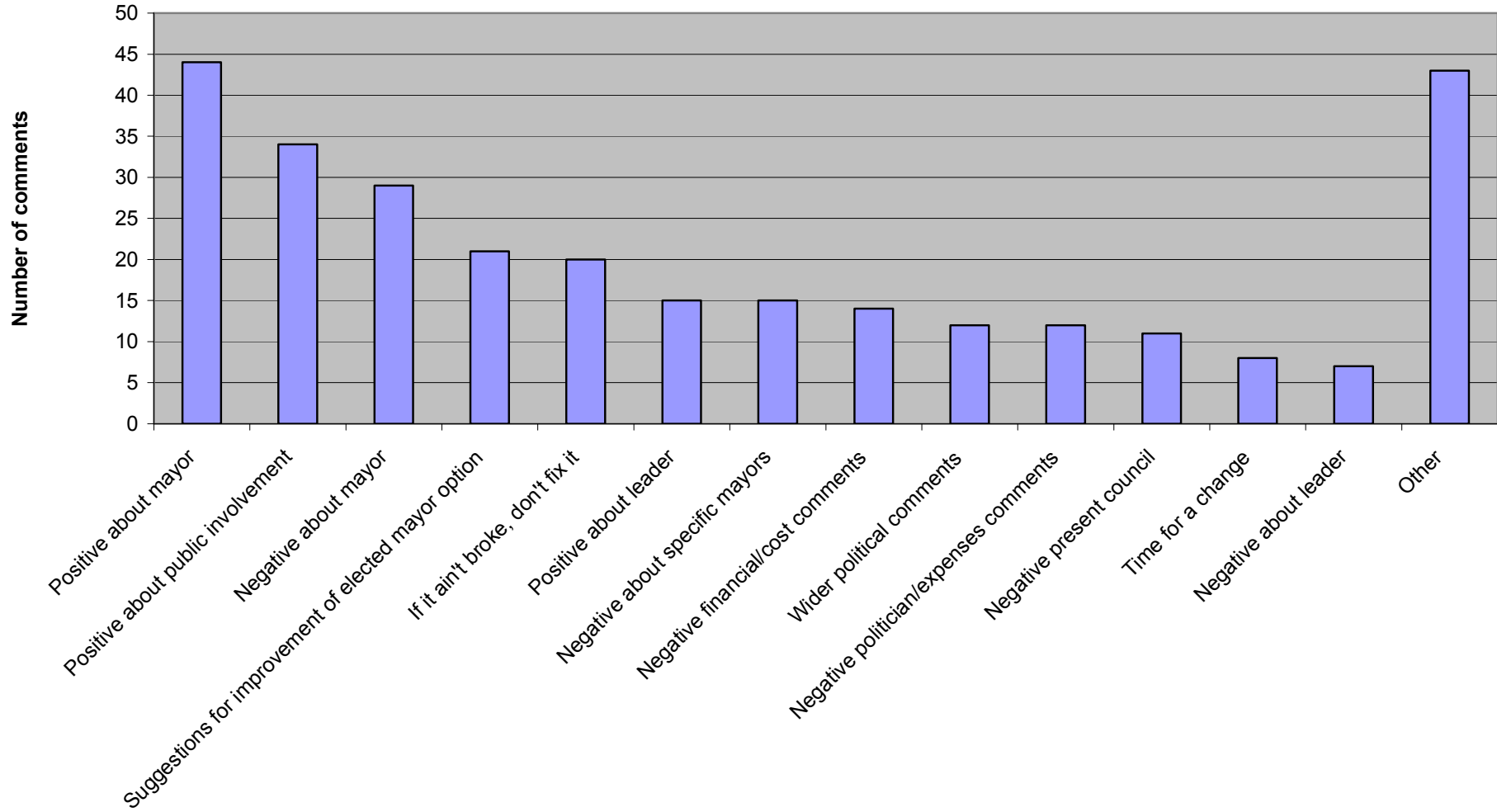
Responses to consultation survey

Question 3: Comments

	None stated	Positive about mayor	Positive about public involvement	Negative about mayor	Suggestions for improvement of elected mayor option	If it ain't broke, don't fix it	Positive about leader	Negative about specific mayors
General public - all	87	5	6	4	1	5	4	1
Citizens' Panel	419	38	27	22	20	13	10	13
Parish and Town Councils	9	0	0	0	0	2	1	0
Other stakeholders	0	1	1	3	0	0	0	1
	515	44	34	29	21	20	15	15
		15.44%	11.93%	10.18%	7.37%	7.02%	5.26%	5.26%

	Negative financial/cost comments	Wider political comments	Negative politician/expenses comments	Negative present council comments	Time for a change	Negative about leader	Other
General public - all	6	0	0	2	1	0	13
Citizens' Panel	8	12	10	9	7	7	29
Parish and Town Councils	0	0	0	0	0	0	0
Other stakeholders	0	0	2	0	0	0	1
	14	12	12	11	8	7	43
	4.91%	4.21%	4.21%	3.86%	2.81%	2.46%	15.09%

Comments - excluding no comment



Proposed timetable – new executive arrangements

Action	Responsibility	Date	Comment
Make recommendations to full Council on proposals, and whether to hold a referendum	General Purposes Committee	8 September 2009	
Draw up proposals , and decide whether to hold a referendum	Full Council	16 September 2009	
Publicise proposals	Assistant Chief Executive (Corporate Governance)	September/October 2009	Statutory requirement
<i>Hold referendum</i>	<i>Assistant Chief Executive (Corporate Governance)</i>	<i>October/November 2009</i>	<i>Only if full Council resolves at its meeting on 16 September 2009 to hold a referendum</i>
Make recommendations to full Council on form, following publicity of proposals (including recommendations on constitutional amendments)	General Purposes Committee	October/November 2009 (TBC)	<i>Date would be later if referendum is held – but before 31 December 2009.</i>
Resolve to adopt new form (and approve constitutional amendments)	Full Council	18 November 2009	Meeting must be specially convened for this purpose. <i>Date would be later if referendum is held – but before 31 December 2009</i>
Publicise new arrangements	Assistant Chief Executive (Corporate Governance)		Statutory requirement
New form comes into operation (and constitutional amendments implemented)	Assistant Chief Executive (Corporate Governance)	3 days after relevant elections	Statutory requirement
Mayor elected or Leader elected	Electorate; or Full Council	Relevant elections; or Annual meeting after elections	Statutory requirement

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SECTION 1: RESPONSIBILITY FOR LOCAL CHOICE FUNCTIONS

Local Choice Functions¹	Decision Making Body	Delegation of functions to Committees or officers (to the extent set out below or Section 2C for Council (non-executive) functions and section 3D for executive functions)
Functions under a local Act (other than one specified or referred to in Reg 2 or Schedule 1 of the Regulations 2000)	Executive Board	The relevant Director for the function concerned.
To determine appeals against any decision of the authority.	Executive Board generally ² except in respect of matters referred under the terms of reference of the Personnel Panel ³ , the Licensing & Regulatory Panels and the Employment Committee.	The Director of Resources ⁴
To appoint review boards under the Social Security Act 1998 ⁵	Full Council	Assistant Chief Executive (Corporate Governance)
To make arrangements for appeals against exclusion of pupils from maintained schools	Full Council	Assistant Chief Executive (Corporate Governance)
To make arrangements for appeals regarding school admissions ⁶	Full Council	Assistant Chief Executive (Corporate Governance)
To make arrangements for appeals by governing bodies ⁷	Full Council	Assistant Chief Executive (Corporate Governance)

¹ Local Authorities (Functions and Responsibilities) Regulations 2000, Schedule 2

² Including appeals in relation to access to information by Members under s100F Local Government Act 1972, Regulation 17 Local Authorities (Executive Arrangements) (Access to Information) (England) Regulations 2000, and the common law "need to know" rules

³ Hearings will not be commenced by this Panel after 31st August 2005 when alternative arrangements for appeals will be introduced as agreed by the Corporate Governance and Audit Committee on 10th May 2005

⁴ In relation to arrangements for employee appeals, save those dealt with by the Employment Committee

⁵ s34(4) Social Security Act 1998

⁶ s94(1), (1A) and (4) School Standards and Framework Act 1998

Responsibility for Local Choice Functions

Local Choice Functions¹	Decision Making Body	Delegation of functions to Committees or officers (to the extent set out below or Section 2C for Council (non-executive) functions and section 3D for executive functions)
To make arrangements to enable questions to be put at Council meetings on the discharge of the functions of a police authority ⁸	Full Council	Assistant Chief Executive (Corporate Governance)
To appoint Members to police authorities ⁹	Full Council	

⁷ s95(2) School Standards and Framework Act 1998

⁸ s20 Police Act 1996

⁹ Paragraphs 2 to 4 of Schedule 2 Police Act 1996

Part 3 Section 1

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Responsibility for Local Choice Functions

Local Choice Functions¹	Decision Making Body	Delegation of functions to Committees or officers (to the extent set out below or Section 2C for Council (non-executive) functions and section 3D for executive functions)
Any function relating to contaminated land ¹¹	Executive Board	Director of City Development
The control of pollution or the management of air quality ¹²	Executive Board	Director of Environment and Neighbourhoods and the Chief Officer (Environmental Services)
To serve an abatement notice in respect of a statutory nuisance ¹³	Executive Board	Director of Environment and Neighbourhoods and the Chief Officer (Environmental Services)
To pass a resolution that Schedule 2 of the Noise and Statutory Nuisance Act 1993 should apply in the authority's area ¹⁴	Executive Board	Director of Environment and Neighbourhoods and the Chief Officer (Environmental Services)
To inspect the authority's area to detect any statutory nuisance ¹⁵	Executive Board	Director of Environment and Neighbourhoods and the Chief Officer (Environmental Services)
To investigate any complaint about the existence of a statutory nuisance ¹⁶	Executive Board	Director of Environment and Neighbourhoods and the Chief Officer (Environmental Services)
To obtain information about interests in land ¹⁷	Executive Board	Director of City Development
To obtain particulars of persons interested in land ¹⁸	Executive Board	All Directors in pursuance of their delegated authority

¹¹ Part IIA Environmental Protection Act 1990 and subordinate legislation

¹² Pollution Prevention and Control Act 1999; Part IV Environment Act 1995; Part I Environmental Protection Act 1990; Clean Air Act 1993

¹³ s80(I) Environmental Protection Act 1990

¹⁴ s8 Noise and Statutory Nuisance Act 1993

¹⁵ s79 Environmental Protection Act 1990

¹⁶ s79 Environmental Protection Act 1990

¹⁷ s330 Town and Country Planning Act 1990

¹⁸ s16 Local Government (Miscellaneous Provisions) Act 1976

Responsibility for Local Choice Functions

Local Choice Functions¹	Decision Making Body	Delegation of functions to Committees or officers (to the extent set out below or Section 2C for Council (non-executive) functions and section 3D for executive functions)
To make arrangements for the execution of highways works ¹⁹	Executive Board	Director of City Development and the Chief Officer Highways and Transportation
<p>To appoint any individual</p> <p>(a) to any office other than an office in which he is employed by the authority</p> <p>(b) to any body other than –</p> <p>(i) the authority;</p> <p>(ii) a joint Committee of two or more authorities; or</p> <p>(c) to any Committee or sub Committee of such a body</p> <p>and to revoke any such appointment</p>	Full Council	<p>Act as Appointing Body for the purposes of making appointments to:</p> <ul style="list-style-type: none"> • West Yorkshire Joint Services Committee • West Yorkshire Police Authority joint committee (appointments panel) • West Yorkshire Fire and Rescue Authority • West Yorkshire Passenger Transport Authority • West Yorkshire Debt Management Joint Advisory Group • West Yorkshire Pension Fund Investment Panel
<p>To appoint any individual to any body other than –</p> <ul style="list-style-type: none"> • the authority; or • a joint Committee of two or more authorities 	Member Management Committee	In accordance with the Member Appointments to Outside Bodies Procedure Rules and delegations provided by Full Council, determination of which outside bodies should have Member representation and, by determining the category of each such outside body, determination of how such appointments should be made
<p>To appoint any individual to any body other than –</p> <ul style="list-style-type: none"> • the authority; or • a joint Committee of two or more authorities 	Member Management Committee	In accordance with the Appointments to Outside Bodies Procedure Rules and delegations provided by Full Council, act as the appointing body for the purposes of making appointments to outside bodies categorised as Strategic and Key Partnership Outside Bodies

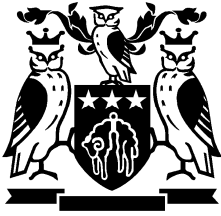
¹⁹ s278 Highways Act 1980
Part 3 Section 1
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Responsibility for Local Choice Functions

Local Choice Functions¹	Decision Making Body	Delegation of functions to Committees or officers (to the extent set out below or Section 2C for Council (non-executive) functions and section 3D for executive functions)
To appoint any individual to any body other than – <ul style="list-style-type: none"> • the authority; or • a joint Committee of two or more authorities 	Area Committees	In accordance with the Appointments to Outside Bodies Procedure Rules and delegations provided by the Member Management Committee, act as the appointing body for the purposes of making appointments to outside bodies categorised as Community and Local Engagement Bodies
To make agreements with other local authorities for the placing of staff at the disposal of those other authorities	Executive Board	
Functions relating to local area agreements ⁵	Executive Board	

⁵ Sections 106,110,111 and 113 of the Local Government and Public Involvement in Health Act 2007

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Originator: P Marrington

Tel: 39 51151

Report of the Chief Democratic Services Officer

General Purposes Committee

Date: 8th September 2009

Subject: Vision for Scrutiny

Electoral Wards Affected:

Ward Members consulted
(referred to in report)

Specific Implications For:

Equality and Diversity

Community Cohesion

Narrowing the Gap

Executive Summary

1. In June 2009 KPMG recommended that a Vision for Scrutiny be adopted by the Council.
2. The purpose of this report is to present a draft Vision for consideration.

1.0 Purpose of Report

- 1.1 The purpose of this report is to present a draft Vision for Scrutiny for approval by full Council.

2.0 Background Information

- 2.1 As part of their 2008/09 Audit and Inspection Plan, it was agreed that KPMG would carry out a review of the Council's Overview and Scrutiny function. The audit objective was to provide the Council with assurance around the progress made in the improvement areas identified by the Corporate Assessment.
- 2.2 KPMG reported in June 2009 and a key learning point from the review was the recommendation to develop and publish an overall vision for the Scrutiny function.
- 2.3 KPMG's rationale for this recommendation was based on their observation that there was no reference to what the Council sees as its Vision for Scrutiny. This followed their discussions with Scrutiny Board Chairs. KPMG concluded that each of the Chairs had their own personal vision for Scrutiny, including; "holding the executive to account"; "getting involved in pre-policy decisions"; and "improving services for members of the public". KPMG therefore concluded that by having an overall Vision it would serve to provide a clearer understanding of the purpose of Scrutiny and demonstrate the added value that that the function can bring.
- 2.4 In line with the agreed process for progressing KPMG's recommendations, a draft Vision has been drafted in consultation with the Scrutiny Chairs, Executive Board Members and Group Leaders. This is presented as Appendix 1. The Vision uses as its basis the 'four principles of good public scrutiny' as developed by the Centre for Public Scrutiny. It also draws on the values agreed by members in the 'Memorandum of Understanding between Executive Board and Scrutiny'.

3.0 Implications for Council Policy and Governance

- 3.1 The Council's Scrutiny arrangements are one of the key parts of the Council's governance arrangements. The creation of a Vision for Scrutiny, agreed by Council, will provide a clear statement of Members expectations of Scrutiny.

4.0 Legal and Resource Implications

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

5.0 Recommendation

- 5.1 The General Purposes Committee is requested to consider the draft Vision for Scrutiny and to recommend its adoption to Council.

Background Papers

'Memorandum of Understanding between Executive Board and Scrutiny'.

KPMG Review of Scrutiny – June 2009

Vision for Scrutiny at Leeds

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

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

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

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

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

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Originator: P Marrington

Tel: 39 51151

Report of the Chief Democratic Services Officer

General Purposes Committee

Date: 8th September 2009

Subject: Review of Call In Procedures

Electoral Wards Affected:

Ward Members consulted
(referred to in report)

Specific Implications For:

Equality and Diversity

Community Cohesion

Narrowing the Gap

Executive Summary

1. In January 2009 Council agreed to amend the Call In procedure rules, requiring that original signatures be used on the Call In Request Form. General Purposes Committee in recommending this change to Council asked that it be reviewed in six months.
2. The purpose of this report is to review the requirement to have original signatures on Call In request forms in the light of six months operational experience and the comments of Members identified in Paragraph 3.4.

1.0 Purpose of Report

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

2.0 Background Information

- 2.1 In January 2009 Council agreed to amend the Call In procedure rules, requiring that original signatures be used on the Call In Request Form. When agreeing to recommend this change to Council, the General Purposes Committee resolved to review it in six months.
- 2.2 By way of a reminder, when this matter was first discussed some Members were concerned that requiring original signatures would inconvenience Members who had other commitments outside of the City, as a Member may not be able to provide a signature within the required time-scale. Concerns were also raised that the quality of Members' contributions to discussions would not change even if original signatures were required. Some Members also questioned why electronic signatures should not be accepted, as they were in other circumstances (on White papers, for example). However, other Members argued that requiring original signatures would help to avoid decisions being called In by Members who were not fully aware of the issues involved. There were also concerns about the possibility of Members' signatures being added to Call In Request Forms without the knowledge of the Member concerned.
- 2.3 To help the discussion Members saw research that demonstrated that the practice of requiring original signatures varies amongst Core Cities.

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

3.0 Review of current arrangements

3.1 Since the adoption of the 'original signature rule' there have been four Call Ins. (as of July 2009). These were:

- Budget Action Plan Staffing Issues (9th April) – Single group Call In, (five signatures);
- Voice Recognition system (29th April) - Single group Call In, (five signatures);
- Supporting People (22nd May) Mixed group Call In, (two signatures from two groups required, five from three groups received); and
- ICT Refresh - Sports for the Future (5th August) - Single group Call In, (five signatures).

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

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

3.4 The Administration Leaders have responded stating that their groups are supportive of the arrangements as they stand and feel that no further revisions of the procedures are required. This is also the position of the Leader of the Green group. Councillor Anderson, Chair of Scrutiny Board (Environment and Neighbourhoods) has advised that he considers the arrangements to be working well and do not need amendment. No other responses were received.

4.0 Implications for Council Policy and Governance

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

5.0 Legal and Resource Implications

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

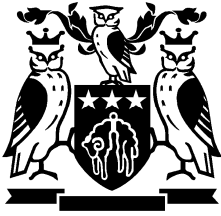
6.0 Recommendation

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

Background Papers

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

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Originator: Ian Walton

Tel: 24 74350

Report of the Assistant Chief Executive (Corporate Governance)

General Purposes Committee

Date: 8th September 2009

Subject: Management of White Paper Motions

Electoral Wards Affected:

Ward Members consulted
(referred to in report)

Specific Implications For:

Equality and Diversity

Community Cohesion

Narrowing the Gap

Executive Summary

Concern has been expressed at Whips' meetings at the absence of any control in relation to White Paper motions not for debate in Council.

Within the context of the rationale behind the current Procedure Rules, this report proposes the introduction of an additional 24 hour period to the process for management of White Papers to allow for the withdrawal of motions should the proposer wish to do so following advice from their Group Whip.

Whips have agreed that they wish to pursue this proposal, a revised version of Council Procedure Rule 12.1 is attached to this report for consideration by the General Purposes Committee for recommendation to Council.

1.0 Purpose Of This Report

- 1.1 To present the current processes for the management of White Paper motions, to identify problems associated with the processes and to present proposals for improvement.

2.0 Background Information – Current Processes

- 2.1 Council Procedure Rules currently provide that, in relation to ordinary Council meetings, White Paper motions will be submitted by no later than 10.00 am on the day of agenda despatch.

3.0 Main Issues

- 3.1 The proposers of the motions not for debate are in most circumstances the only members aware of that designation prior to the circulation of the agenda. In the vast majority of cases White Papers are submitted at the last minute. The process of identifying the four which are eligible for debate, the designation of those not for debate, signing of the Summons and agenda despatch has to be achieved within a very short space of time. Added to which there is no opportunity for political group oversight of the process.
- 3.2 It is proposed that an additional 24 hour period of time be introduced to allow for individual groups to have opportunity for review.
- 3.3 Therefore it is suggested that Council Procedure Rules be amended to provide for a last time for submission of White Papers at 10.00 am on the day before despatch of the agenda.
- 3.4 The 24 hours thus gained could be used to introduce a new provision allowing for the withdrawal of any motion within that 24 hour period. This would allow for:-
- initial ordering and categorisation of all motions received;
 - circulation to all Group Whips following that process;
 - the potential for the relevant Group Whip to secure the withdrawal of any given motion up to the cut off time of 10.00 am on the day of agenda despatch; and
 - any necessary re-ordering and/or re-categorisation of motions.
- 3.5 A proposed revision to the relevant Procedure Rule to secure this outcome is attached at Appendix 1 to this report. Whips have agreed that they wish to pursue this change and the General Purposes Committee is requested to recommend the change for approval of full Council.

4.0 Recommendation

- 4.1 General Purposes Committee is invited to consider whether the Procedure Rule revision, as attached to this report, should be recommended to Council.

Background Documents

Council Procedure Rules

Council Procedure Rules

12.0 MOTIONS ON NOTICE

12.1 Notice

Except for motions which can be moved without notice under Rule 13, written notice of every motion signed by the Member or Members of Council giving notice must be delivered at the office of the Chief Executive prior to 10.00am of the day preceding the day for issue of the Summons. The number of motions admissible for full debate at any given meeting shall be limited to four⁵. Any motions over and above that number shall be referred back to the proposer unless the proposer accepts that the procedure at 3.1 (c) shall be applied. The Proposer shall have the right to withdraw a White Paper Motion up to 10.00 am on the day for the issue of the Summons. The Chief Executive shall enter all notices of motion received in a book which shall be kept open for the inspection of every Member of the Council. All motions of which such notice is given shall be known as White Paper Motions.

Deleted: 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.

Deleted: if the meeting of the Council is to be held on any other day

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

⁵ Two of these being reserved to the largest opposition group, and one being reserved to the Administration

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Report of the Assistant Chief Executive (Corporate Governance)

General Purposes Committee

Date: 8th September 2009

Subject: Amendments to Article 15

Electoral Wards Affected:

Ward Members consulted
(referred to in report)

Specific Implications For:

Equality and Diversity

Community Cohesion

Narrowing the Gap

1.0 Purpose Of This Report

1.1 The purpose of this report is to request that General Purposes Committee recommend that full Council approve the proposed amendments to Article 15 of the Constitution, as attached at Appendix 1.

2.0 Background Information

2.1 Article 15 explains the Monitoring Officer's responsibilities in relation to the monitoring and review of the Constitution, and sets out who is authorised to make amendments to the Constitution.

3.0 Main Issues

3.1 Paragraph 15.2 of Article 15 states that, 'The Monitoring Officer is authorised to make any changes to any Part of the Constitution which are required:

- As a result of legislative change or decisions of the Council or Executive to enable him/her to maintain it up-to-date;
- Or for the purposes of clarification only.'

3.2 In order to clarify the first bullet point relating to decisions of the Council or Executive, it is proposed that the Article is amended as attached at Appendix 1. The amendments clarify that 'decisions of the Council or Executive' includes those decisions made by Council Committees, Committees of the Executive, and officers acting under delegated authority.

3.3 Although this amendment would be for clarification purposes only and strictly within the Monitoring Officers delegated authority, it is considered more transparent and therefore preferable by the Monitoring Officer that the proposal is agreed by General

Purposes Committee and full Council rather than the Monitoring Officer approving an amendment to her own authority.

4.0 Implications For Council Policy And Governance

4.1 It is in accordance with good governance principles to keep the Constitution under review.

5.0 Legal And Resource Implications

5.1 General Purposes Committee is authorised to consider proposals to amend the Constitution and make recommendations to Full Council.

6.0 Conclusions

6.1 General Purposes Committee are asked to recommend that full Council amend Article 15 as attached at Appendix 1, for the purposes of clarification.

7.0 Recommendations

7.1 Members of General Purposes Committee are asked to recommend that full Council approve the proposed amendments to Article 15 of the Constitution, as attached at Appendix 1.

Background Documents:

None.

ARTICLE 15 - REVIEW AND REVISION OF THE CONSTITUTION

15.1 DUTY TO MONITOR AND REVIEW THE CONSTITUTION

The Monitoring Officer will monitor and review the operation of the Constitution to ensure that the aims and principles of the Constitution are given full effect.

- **Protocol for monitoring and review of constitution**

A key role for the Monitoring Officer is to be aware of the strengths and weaknesses of the Constitution adopted by the Council, and to make recommendations for ways in which it could be amended in order better to achieve the purposes set out in Article 1.

In undertaking this task the Monitoring Officer may:

- (a) observe meetings of different parts of the Member and officer structure;
- (b) undertake an audit trail of a sample of decisions;
- (c) record and analyse issues raised with him/her by Members, officers, the public and other relevant stakeholders; and/or
- (d) compare practices in this authority with those in other comparable authorities, or national examples of best practice.

15.2 CHANGES TO THE CONSTITUTION

- **Approval**

Changes to Parts 1 and 2 of the Constitution will only be approved by the full Council after consideration of the proposal by the General Purposes Committee and following advice from the Monitoring Officer, save that authority to make certain changes is delegated to the Monitoring Officer as detailed below. Changes to the Constitution may be made by simple majority.

Changes to Parts 3 to 7 of the Constitution will be approved by the body or person to whom such authority has been delegated as indicated in the relevant Part of the Constitution. Where the approval of full Council is required for such changes in Parts 3 to 5 of the Constitution, then they will only be approved by full Council after consideration of the proposal by the General Purposes Committee and following advice from the Monitoring Officer.

The Monitoring Officer is authorised to make any changes to any Part of the Constitution which are required

Article 15 – Review and Revision of the Constitution

- as a result of legislative change or decisions of the Council¹ or Executive² to enable him/her to maintain it up to date;
- or for the purposes of clarification only.

All changes made by officers under delegated authority will be recorded as delegated decisions.

¹ Including Council Committees and Officers acting under delegated authority.

² Including Committees of the Executive and Officers acting under delegated authority.