



GENERAL PURPOSES COMMITTEE

Meeting to be held in Civic Hall, Leeds on
Monday, 28th June, 2010 at 10.00 am

MEMBERSHIP

Councillors

S Bentley	-	Weetwood;
A Blackburn	-	Farnley and Wortley;
J Blake	-	Middleton Park;
A Carter	-	Calverley and Farsley;
J L Carter	-	Adel and Wharfedale;
R Finnigan	-	Morley North;
S Golton	-	Rothwell;
P Gruen	-	Cross Gates and Whinmoor;
J Procter	-	Wetherby;
N Taggart	-	Bramley and Stanningley;
K Wakefield (Chair)	-	Kippax and Methley;
Vacancy	-	Whips nominee

Agenda compiled by:
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A G E N D A

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

Item No	Ward/Equal Opportunities	Item Not Open		Page No
3			<p>LATE ITEMS</p> <p>To identify items which have been admitted to the agenda by the Chair for consideration.</p> <p>(The special circumstances shall be specified in the minutes)</p>	
4			<p>DECLARATION OF INTERESTS</p> <p>To declare any personal/prejudicial interests for the purpose of Section 81(3) of the Local Government Act 2000 and paragraphs 8 to 12 of the Members' Code of Conduct.</p>	
5			<p>APOLOGIES FOR ABSENCE</p> <p>To receive any apologies for absence from the meeting.</p>	
6			<p>MINUTES OF THE PREVIOUS MEETING</p> <p>To confirm as a correct record the minutes of the meeting held on 18th May 2010.</p>	1 - 6
7			<p>PROPOSAL TO MERGE LICENSING GOVERNANCE ARRANGEMENTS</p> <p>To receive a report of the Assistant Chief Executive (Corporate Governance) informing Members of the proposal to merge the related licensing functions of the Licensing Committee and the Licensing and Regulatory Panel to create one committee with responsibility for related licensing functions on behalf of the Council.</p>	7 - 20

Item No	Ward/Equal Opportunities	Item Not Open		Page No
8			<p>COMPULSORY TRAINING FOR MEMBERS OF STANDARDS COMMITTEE</p> <p>To receive a report of the Assistant Chief Executive (Corporate Governance) proposing amendments to Article 9 of the Constitution to reflect the recommendation that Members of the Standards Committee receive compulsory training in relation to chairing meetings, local assessment of complaints and hearings, prior to undertaking certain functions of the Standards Committee or its Sub-Committees.</p>	21 - 30
9			<p>WORK PROGRAMME</p> <p>To receive a report of the Assistant Chief Executive (Corporate Governance) notifying and inviting comment from the Committee upon the work programme for 2010/11.</p>	31 - 34

Agenda Item 6

GENERAL PURPOSES COMMITTEE

TUESDAY, 18TH MAY, 2010

PRESENT: Councillor A Carter in the Chair

Councillors S Bentley, A Blackburn,
J Blake, R Brett, P Gruen, E Nash,
J Procter and K Wakefield

Apologies Councillor N Taggart

45 Appeals against refusal of inspection of documents

There were no appeals against refusal of inspection of documents.

46 Exempt Information - possible exclusion of the press and public

There were no resolutions to exclude the public.

47 Late items

In accordance with his powers under Section 100 B (4) (b) of the Local Government Act 1972, the Chair admitted to the agenda three late reports which were as follows;

- (1) Responding to recommendations of the Independent Remuneration Panel;
- (2) Changes to Licensing Arrangements; and
- (3) Overview and Scrutiny - Proposed Changes to Overview and Scrutiny.

The late items were admitted because the Labour Group wanted to put forward a number of proposals regarding amendments to the Constitution which required consideration in advance of the Annual Council Meeting.

48 Declaration of Interests

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

49 Apologies for absence

Apologies were received from Councillor N Taggart.

50 Minutes of the Previous Meeting - 8th February 2010

RESOLVED - That the minutes of the General Purposes Committee meeting held on 8th February 2010 be approved as a correct record.

51 Employment Committee Terms of Reference

The Principal Legal Officer (Corporate Governance) presented a report of the Assistant Chief Executive (Corporate Governance). The report asked the Committee to make recommendations to full Council about amendments to the Employment Committee's terms of reference to provide additional functions:

- to consider grievances against the Chief Executive and related appeals;
- to take disciplinary action short of dismissal against the Chief Executive; and
- to give the Committee the power to suspend the Chief Executive, Monitoring Officer and Director of Resources.

This would ensure that the Council has clear processes and procedures for regulating the conduct of all its officers, and for dealing with any grievances they may have.

Members discussed the report, specifically who would be able to take disciplinary action and what the role of the Employment Committee would be.

RESOLVED - The General Purposes Committee resolved to recommend to full Council that the Employment Committee's terms of reference should be amended as set out in Appendix B of the report.

52 Licensing Arrangements

The Section Head Regulatory and Enforcement (Corporate Governance) presented a report of the Assistant Chief Executive (Corporate Governance). The report informed Members of proposed amendments to the constitution relating to the Council's licensing arrangements and asked the Committee to consider and recommend the proposed amendments to full Council.

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

- (a) the function of making an Alcohol Disorder Zone is a function which relates to the licensing functions of the Licensing Committee and should be delegated by full Council to the Licensing Committee;
- (b) the Licensing Committee's terms of reference be amended as set out in Appendix 1 of the report;
- (c) the Licensing and Regulatory Panel's terms of reference amended as set out in Appendix 2 of the report;
- (d) Article 8A be amended to clarify that the Licensing Committee can carry out functions that are not licensing functions but which are referred to it by virtue of the powers in Section 7 of the Licensing Act 2003 and also to require members to undergo compulsory training as requested by Member Management Committee as set out in Appendix 3 of the report; and

- (e) amendments be made to the Assistant Chief Executive (Corporate Governance) (Council (non – executive) functions) to delegate the power to licence sexual entertainment venues.

53 Overview and Scrutiny - Proposed Changes and Amendments to the Constitution

The Head of Scrutiny and Member Development presented a report of the Chief Democratic Services Officer. The report asked the Committee to make recommendations to full Council in respect of the Overview and Scrutiny function following the officer annual review of the Constitution.

Members discussed the report, particularly the number of Scrutiny Boards which should be retained. The focus of the discussion was the financial implications of reducing the number of Boards, and the implications arising in relation to the work-load of the Scrutiny Board (City and Regional Partnerships), being shared amongst the other Scrutiny Boards.

An amendment to the item was proposed in relation to substitute arrangements. Members considered whether substitutes should be permitted during scrutiny meetings and the conflicting needs to secure continuity of membership, and sufficient attendance at meetings.

RESOLVED - The General Purposes Committee resolved to recommend to full Council to;

- (a) to amend Article 6 as set out in Appendix 1 to the report;
- (b) to amend the Scrutiny Boards Terms of Reference as set out in Appendix 2 to the report;
- (c) to amend the Scrutiny Board Procedure Rules as set out in Appendix 3 to the report, with an additional amendment to Rule 4, to widen substitute arrangements at Scrutiny Boards so that substitutes can attend Scrutiny Board meetings;
- (d) designate the post of Head of Scrutiny and Member Development, as its Scrutiny Officer in accordance with Section 21ZA of the Local Government Act 2000; and
- (e) retain the seven Scrutiny Boards

54 Review of Call in Procedure Rules

The Head of Scrutiny and Member Development presented a report of the Chief Democratic Services Officer. The report reviewed the requirement to have original signatures on Call-in request forms in the light of 12 months operational experience and the comments of Members identified. The report also provided an analysis of Members involved in Call-in.

Members discussed the merits of having original signatures on Call-in request forms and that original signatures should continue to be requested.

RESOLVED – The General Purpose Committee resolved to recommend to full Council to retain the current requirement in the Scrutiny Board Procedure Rules for an original signature to requests for Call-in, subject to a further review of the requirement in a year’s time.

55 Annual Review of the Constitution

The Principal Corporate Governance Officer presented a report of the Assistant Chief Executive (Corporate Governance) asking the Committee to recommend to full Council, amendments to the Constitution, following the annual review of the Constitution.

Members particularly discussed:

- amendments proposed to Article 16 which related to the distribution of hard copies of the constitution. Members felt that the constitution should still be circulated in hard copy to ensure as many people as possible could have access to it and agreed that this amendment should not be made;
- the Officer Delegation Scheme – Council (non executive functions) footnotes which refer to the further delegation of functions by the Directors and Chief Officers to whom they are delegated being amended to read “may arrange for such delegation to be exercised by an officer of suitable experience or seniority” rather than “experience and seniority”. Members considered when appointments are made to officers with delegated authorities they should be competent to exercise the functions of the post. Members further indicated that Directors and Chief Officers could ask full Council to extend their power to sub-delegate on a case-by-case basis and therefore agreed that this amendment should not be made; and
- amending Article 13 to amend the Guidance notes on Delegated Decision Making to exclude from the definition of a Key Decision, decisions made in relation to making, payment or borrowing of loans under treasury management or to the purchasing of energy under existing energy contracts. Members discussed how accountability could be retained for such decisions. The Assistant Chief Executive (Corporate Governance) clarified that the power to purchase energy contracts could be subject to consultation with the appropriate Executive Member.

RESOLVED - General Purposes Committee resolved to recommend to full Council amendments to the Constitution to:

- (a) the summary and explanation, as set out in Appendix 1 to the report;
- (b) Article 1, as set out in Appendix 2 to the report;
- (c) Article 3, as set out in Appendix 3 to the report;
- (d) Article 4, as set out in Appendix 4 to the report ;
- (e) Article 9, as set out in Appendix 5 to the report;

- (f) Article 12, as set out in Appendix 6 to the report;
- (g) Article 13, as set out in Appendix 7 to the report;
- (h) the Standards Committee's terms of reference, as set out in paragraph 3.14 of the report;
- (i) the Corporate Governance and Audit Committee's terms of reference set out in Appendix 9 to the report;
- (j) the Member Management Committee terms of reference, as set out in Appendix 10 to the report;
- (k) the delegation of the Assistant Chief Executive (Corporate Governance), as set out in Appendix 11 to the report;
- (l) the delegation to the Director of City Development, as set out in paragraph 3.23 of the report;
- (m) the delegation of the Chief Planning Officer, as set out in Appendix 12 to the report;
- (n) the delegation of the Chief Recreation Officer, as set out in Appendix 13 to the report;
- (o) the delegation of the Director of Environment and Neighbourhoods, as set out in paragraph 3.26 of the report, and to the post-titles of Chief Officers within that directorate, set out in paragraph 3.27 of the report;
- (p) the Council Procedure Rules as set out in Appendix 14 to the report;
- (q) the Outside Bodies Procedure Rules, as set out in Appendix 15 to the report; and
- (r) note the consequential amendments which the Assistant Chief Executive (Corporate Governance) proposes to make under her delegated authority to the Guidance Notes on Delegated Decision Making, should full Council approve the amendments to the Officer Delegation Scheme and to Article 13.

56 Work programme

The Assistant Chief Executive (Corporate Governance) submitted a report notifying Members of the draft work programme for 2010/11.

RESOLVED - Members resolved to agree that the draft work programme for the 2010/11 year be noted.

57 LATE ITEM - Responding to recommendations of the Independent Remuneration Panel

The Assistant Chief Executive (Corporate Governance) presented a report of the Chief Democratic Services Officer which asked the General Purposes Committee to consider recommending to Council that the Constitution be amended with respect to how recommendations of the Council's Independent Remuneration Panel are taken into account when varying the Members' Allowances Scheme.

Members discussed the current financial climate, the recent national expenses scandal and the subsequent need to ensure that Members lead by example in terms of ensuring allowances are reasonable, fair and not increased if Officers pay remains frozen.

RESOLVED - The General Purposes Committee resolved to recommend to full Council to amend the Members Allowances Scheme, so that no annual updating should take place for two years.

58 LATE ITEM - Changes to Licensing Arrangements

The Committee discussed the proposals in the report and requested further information from officers on changes to licensing arrangements.

RESOLVED - The General Purposes Committee resolved to;

- (a) defer consideration of this matter; and
- (b) request a further report considering the merger of the Licensing Committee and the Licensing and Regulatory Panel which should be added to the work programme and considered at the earliest opportunity in the new municipal year.

59 LATE ITEM - Overview and Scrutiny - Proposed Changes to Overview and Scrutiny

RESOLVED - The Committee resolved to withdraw the item.



Originator: Gill Marshall

Tel: 2478822

Report of the: Assistant Chief Executive (Corporate Governance)

General Purposes Committee

Date: 28 June 2010

Subject: Proposal To Change Licensing Arrangements

Electoral Wards Affected:

Ward Members consulted
(referred to in report)

Specific Implications For:

Equality and Diversity

Community Cohesion

Narrowing the Gap

Executive Summary

1. This report details proposals to change the way licensing functions within Leeds City Council are exercised, whereby functions under the Licensing Act 2003 and the Gambling Act 2005 are exercised by the Licensing Committee (who may delegate the functions to sub committees or officers) whilst functions relating to the licensing of sex establishments and taxi and private hire licensing are delegated to the Licensing and Regulatory Panel and to Officers by Council. It is suggested that merging these functions will bring benefits to the city by allowing a more efficient way to transact licensing business as well as a more strategic approach to licensing the night time economy. It will assist in implementing new powers relating to the licensing of lap dancing venues including the setting of a policy on the numbers and locations of such venues as well as the licensing of the new large casino.
2. The report highlights the legal issues involved and suggests that the council could identify functions from the remit of the Licensing and Regulatory panel which can be said to be 'related to' the functions of the existing Licensing Committee and arrange for the discharge of those functions by the Licensing Committee. The remaining functions of the Licensing and Regulatory Panel will continue to be exercised by officers under delegated powers with provision under the existing terms of reference of General Purposes Committee for Members to take any decisions which are particularly significant or contentious.
3. The report sets out a number of amendments to the constitution including articles 8 and 8A, the Terms of Reference of the Licensing Committee and Council Procedure Rules to enable this approach to be adopted.

1.0 Purpose of this report

- 1.1 This report informs Members of the proposal to merge the related licensing functions of the Licensing Committee and the Licensing and Regulatory Panel to create one committee with responsibility for related licensing functions on behalf of the Council. It is anticipated that by merging the functions into one committee, the business of the council can be transacted more efficiently and Members will be able to gather more information and take a more strategic approach to licensing the evening economy. For example, this will enable them to be appraised of and involved in issues relating to the granting of licences, the review of licences in premises giving rise for concern and the dispersal of customers at the end of the evening. It will also assist in the adoption of the new powers relating to lap dancing establishments, including the setting of a policy which might cover the numbers or locations of such establishments within the city and the licensing of the new large casino.

2.0 Background information

- 2.1 The Licensing Committee was created under the Licensing Act 2003 ('the 2003 Act'). Its initial terms of reference were to deal with all the different types of licence granted under that Act. Functions under the Gambling Act 2005 ('the 2005 Act') were added to the terms of reference in January 2007. The current Terms of Reference are attached as **Appendix 1**. The statute provides that the Licensing Committee must consist of between ten and fifteen members. The Leeds Licensing Committee currently consists of fifteen members. Under current arrangements the Licensing Committee meets bi-monthly as a full committee and weekly as a sub committee of three Members to deal with individual applications. Licensing Sub Committees deal with all hearings required under the legislation with the exception of the grant of licences for large outdoor events. Decision making in full Licensing Committee is largely restricted to Designated Public Places Orders (DPPOs) with the remaining business being update or position statement reports on licensing matters and forthcoming changes in legislation. On occasion special additional meetings have to be called to deal with DPPOs as the gap to the next scheduled meeting is considered to be too long to ensure the order is in place when required. It is unlikely that the volume of business transacted by the Panel will increase in 2010/11 although the Committee will be responsible for the project to licence the new large casino.
- 2.2 The Licensing and Regulatory Panel deals with other licensing matters such as sex establishments and taxi and private hire licensing. It also has a wide range of terms of reference covering miscellaneous licensing functions and permissions which are invariably dealt with by officers under delegated powers. These include licensing acupuncture, ear piercing, pleasure boats, pet shops and the movement of pigs and cattle amongst other matters. A copy of the current Terms of Reference are attached as **Appendix 2**. The current panel consists of ten Members all of whom are also on the Licensing Committee. It meets bi-monthly on alternate months to the Licensing Committee. The Licensing and Regulatory Panel has no sub-committees and always meets as a full panel. It is extremely rare for anything other than taxi and private hire licensing matters to come on to the agenda of the Licensing and Regulatory Panel and it is common for agendas to consist of a single item. It is unlikely that the volume of business transacted by the Panel will increase in 2010/11 subject to paragraph 2.4 below.
- 2.3 In 2009/10, there were 6 scheduled meetings of the Licensing and Regulatory Panel. Of those meetings, only 2 dealt with a substantive issue, namely the age

criteria for vehicles and the unmet demand survey. One meeting received information reports only and one meeting dealt solely with a hypnotism licence. Two meetings were cancelled. There were 5 additional meetings called on an ad hoc basis due to the fact that an urgent item had come up which could not wait for the next scheduled meeting (up to 8 weeks away). Three of those meetings dealt just with hypnotism. Prior to this municipal year, hypnotism licences were dealt with under delegated powers by officers. However due to an error in drafting, that power was not delegated this year. This will be picked up with the next set of constitution amendments when it will be proposed that these licences will again be granted by officers under delegated powers. Realistically therefore the Panel will not be dealing with hypnotism licences in 2010/11.

- 2.4 During 2010 the council will have new powers to regulate lap dancing and similar venues to be known as sexual entertainment venues. These powers come from amendments in the Policing and Crime Act 2009 to the Local Government (Miscellaneous Provisions) Act 1982 which already deals with sex shops and sex cinemas. Leeds has previously adopted the existing powers and they are currently delegated to the Licensing and Regulatory Panel. At the AGM of Council on 27 May 2010, these additional powers (if adopted) were also delegated to the Panel. However these venues will require separate licences for the alcohol and entertainment from the element of lap dancing. This means that a venue will require two separate licences from two separate committees.
- 2.5 The Licensing Committee was created by the Licensing Act and as such operates outside the normal council committee structure. With a few exceptions set out in the 2003 or 2005 Act (most notably the approval of a licensing policy for Leeds), all the functions are automatically delegated to the Committee by the legislation rather than being delegated by Council. The Committee has the power to regulate its own procedure subject to regulations issued under the 2003 or 2005 Acts as appropriate. It has the power to create its own sub committees and to delegate to those sub committees and to officers. It does not have to be politically balanced, does not need to have agendas with five clear days notice of meetings and operates to slightly different rules on matters such as access to information. However as far as possible officers have sought to operate the Licensing Committee as a normal council committee and therefore the full Committee is politically balanced, the Committee and Sub Committees do have agendas and the minutes are published in the normal way. Members of the Licensing Committee can substitute for other members of the Committee on any sub-committee but no other members of Council are allowed to be substitutes for either the full Licensing Committee or a Licensing Sub-Committee.

3.0 Main issues

- 3.1 It is proposed to change the arrangements set out in the Council's constitution for dealing with licensing matters and to bring (so far as is legally possible) all the related licensing functions together under one Committee. This will allow the work to be scheduled into a monthly meeting schedule and will reduce the need for cancelled meetings and ad hoc meetings and the production of additional agendas and minutes. Members will be able to gather more information and take a more strategic approach to licensing and the evening economy by being appraised of and involved in issues relating to the granting of licences, the review of licences in premises giving rise for concern and the dispersal of customers at the end of the evening. It will also assist in the adoption of the new powers relating to lap dancing establishments and the large casino with less risk of project timescales slipping by missing meetings which are only bi-monthly.

- 3.2 When the existing arrangements were set up to implement the 2003 Act, advice was obtained about whether it would be possible to transfer the existing licensing functions into the new arrangements. That advice indicated that there was no bar to delegating none licensing powers as s101 of the Local Government Act 1972 allows a council to delegate its functions to committees, sub committees and officers. However given the volume of business in transition to the new licensing regime and the untested nature of the legislation, the advice indicated that it would be safer to operate two separate committees. Now that matters have settled, the volumes of business are much clearer and the benefits of a merged approach can be identified. Members should note that because the 2003 Act created the Licensing Committee and automatically delegated powers to it, it is not possible to transfer the licensing functions to a standard council committee (e.g. the Licensing and Regulatory Panel). Instead it will be necessary to transfer Panel functions into the Licensing Committee terms of reference.
- 3.3 A potential difficulty which occurs in merging the licensing functions arises from the different rules which apply to the delegation of the functions and to the procedures which are followed. Although it is technically possible to delegate none 2003 or 2005 Act functions to the Licensing Committee using s101 of the Local Government Act 1972, that would mean the Licensing Committee would need to operate to different processes dependant upon the function being exercised.
- 3.4 It is proposed that this problem be avoided by transferring to the Licensing Committee only those functions which 'relate to' the licensing functions that are automatically delegated under the 2003 or 2005 Act. This is permissible under s7(3) of the 2003 Act. This power has already been used once to delegate the functions of making a designated public places order to the Committee. The functions of Licensing and Regulatory Panel which may be said to relate to the existing Licensing Committee functions are: sex establishment licensing (lap dancing, sex cinemas and sex shops), hackney carriage and private hire licensing, the licensing of hypnotism and charitable collections.
- 3.5 By designating those functions as being related to the existing licensing functions of the Licensing Committee, Council can arrange for their discharge by the Licensing Committee under s7(3) of the 2003 Act. When exercising those functions the licensing committee will still operate as a committee created by the 2003 Act and to the procedures by which it generally operates. This avoids the need for the Committee to operate to different rules and procedures dependant upon the functions it is exercising.
- 3.8 Revised Terms of Reference for the Licensing Committee incorporating these additional related functions are attached as **Appendix 3**.
- 3.9 However there are a number of functions such as the licensing acupuncture, ear piercing, pleasure boats, pet shops and the movement of pigs and cattle (amongst other matters) that cannot be said to be 'related to' 2003 or 2005 Act licensing functions. These functions would need to be delegated elsewhere and the references to the licensing and regulatory panel could then be deleted from the constitution. In reality these functions are always exercised by officers and have not come to Members for a decision for at least 6 years. However should there be a need for Members to exercise these powers then this could be done through General Purposes Committee which already has delegated power to deal with any council function where a director has decided not to exercise his/her delegated power. As stated it is considered highly unlikely that these kinds of issues will be complex enough to require GPC to take the decisions.

- 3.10 If these changes are agreed then it will also be necessary to amend article 8 and 8A of the constitutions. Article 8 currently deals with regulatory panels. If Licensing and Regulatory Panel is no longer part of the committee structure then Article 8 will need to be amended to delete reference to regulatory panels and instead will only refer to plans panels. Article 8A currently deals with Licensing Arrangements. It is considered that it is still important to keep a separate article relating to licensing arrangements. It provides a useful reference to the statutory origin of the Committee and its general licensing duties as well as its powers to create sub committees and to delegate it's powers.
- 3.11 The revised arrangements will also require an amendment to Council Procedure Rule 26 in that 26.1 (a) relating to the substitution of members between plans panels and the regulatory panels will need to be deleted as there can be no substitution between plans panels and the licensing committee.

4.0 Implications for council policy and governance

- 4.1 In the long term merging the two committees will reduce the administration currently involving in administering two separate committees. It will ensure that key licensing projects for the city can be delivered more effectively using fewer staff resources. There is less risk of key projects being delayed by having to wait 2 months for a scheduled meeting or having to schedule ad-hoc meetings.
- 4.2 It will also allow the Members of the combined committee to take a more strategic approach in relation to the night time economy by having the ability to consider the links between venue licensing and taxi and private hire vehicles and dispersal issues from licensed premises.

5.0 Legal and resource implications

- 5.1 Section 7(3) of the 2003 Act allows the Council to delegate functions to the Licensing Committee which are not themselves licensing functions (under the Act) but which are related to those functions. The functions identified in paragraph 3.4 above are considered by officers to be functions relating to the Council's licensing functions. If Members agree with this approach then these functions could be delegated to the Licensing Committee under Section 7(3) of the Act. Delegating the functions in this way means that the Licensing Committee will always operate as a committee outside the normal Local Government structure and will always operate to the Licensing Procedure Rules rather than to any other rules. This approach reduces the possibility of confusion about which powers are being exercised under which set of rules and therefore minimises the risk of error in decision making.
- 5.2 It is proposed that these functions be transferred to the Licensing Committee with effect from 20 July 2010. This date is the next scheduled meeting of Licensing Committee after full council consider the recommendations of this Committee. Functions. Under the new arrangements the Licensing Committee would need to delegate the additional functions that have been transferred to it to sub committees and to officers. If the amendment takes effect from the date of the meeting then it will be possible for the Committee to immediately delegate powers ensuring no loss of service to the public in the issuing of routine licences by officers.
- 5.3 The merger would allow the smoother transaction of business as items could be scheduled into the monthly timetable without the need for additional meetings of one committee taking place immediately before or instead of the scheduled meetings. Meetings will still be required and since scheduled meetings will take the place of ad hoc meetings, it is not possible to forecast a cashable efficiency saving such as a

reduction in staffing or use of meeting rooms. However the new arrangements will reduce the call on officer time and meeting rooms as there will need to be fewer briefing meetings and fewer agenda documents published. It will also assist agencies and the licensed trade and taxi trade to have a clear view of when items may be considered by the merged committee.

- 5.4 Subject to the recommendations of the Independent Remuneration Panel, the proposals may produce a saving in special responsibility allowances as currently the chair of Licensing Committee and Licensing and Regulatory Panel each receive an allowance. Under the revised proposals there will be one chair who will receive one special responsibility allowance.

6.0 Conclusions

- 6.1 That Council may use the powers set out in s7 (3) of the 2003 Act to arrange for Licensing and Regulatory Panel functions which are related to the licensing functions of the existing Licensing Committee to be discharged by the Licensing Committee under its normal arrangements and procedures.
- 6.2 The remaining functions of the Licensing and Regulatory Panel may continue to be exercised by officers, with provision for the matters to be referred to Members should that be required using the existing Terms of Reference of General Purposes Committee.
- 6.3 That would enable the existing Licensing and Regulatory Panel to be deleted and may allow Members to take a more strategic approach to licensing the evening economy. It will also result in a saving in special responsibility allowances.

7.0 Recommendations

- 7.1 That Members consider this report and determine whether to recommend :
- 7.1.1 That the functions listed in paragraph 3.4 of this report namely sex establishment licensing (lap dancing, sex cinemas and sex shops), hackney carriage and private hire licensing, the licensing of hypnotism and charitable collections should be agreed as functions which relate to the licensing functions of the Licensing Committee.
- 7.1.2 That Council should arrange for those matters to be referred to the Licensing Committee and for the licensing committee to discharge those functions on behalf of the authority with effect from 20 July 2010.
- 7.1.3 That Council approve the revised Terms of Reference at **Appendix 3** for the Licensing Committee to implement the decisions in 7.1.1 and 7.1.2 above
- 7.1.4 That references to the Licensing and Regulatory Panel be removed from the constitution.
- 7.1.5 That a revised article 8 and 8A should be drafted to reflect the new arrangements.
- 7.1.6 That amendments be made to Council Procedure Rules to reflect the fact that there will be no substitution permitted between the plans panels and the licensing committee.

7.2 That Members note that the Licensing Committee may then delegate these powers to sub committees or to officers as permitted by the 2003 Act and may regulate its own procedure through the Licensing Procedure Rules.

Background Documents

Licensing Committee Terms of Reference

s101 of the Local Government Act 1972

Licensing Act 2003

Gambling Act 2005

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The Licensing Committee

With the exception¹ of

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

the Licensing Committee is authorised to discharge⁴ the following functions⁵:

1. to discharge the licensing functions of the licensing authority;⁶
- 2.1 to discharge any other function of the authority referred to it by full Council;⁷
- 2.2 pursuant to the provision in section 2.1 above full Council has delegated to the Licensing Committee the following functions:
 - 2.2.1 the power to make a designated public places order in respect of alcohol consumption under the Criminal Justice and Police Act 2001⁸
 - 2.2.2 the power to designate an area as an Alcohol Disorder Zone⁹
- 3 in respect of any approval, consent, licence, permission, or registration which they may grant,
 - (a) To impose conditions limitations or restrictions;
 - (b) To determine any terms;
 - (c) To determine whether and how to enforce any failure to comply;
 - (d) To amend, modify, vary or revoke;

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

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

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

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

⁵ "Functions" for these purposes shall be construed in a broad and inclusive fashion and shall include the doing of anything which is calculated to facilitate or is conducive or incidental to the discharge of any of the specified functions.

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

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

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

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

- (e) To determine whether a charge should be made or the amount of such a charge.
4. to make recommendations to full Council in connection with the discharge of its functions as licensing authority;¹⁰ and
 5. to receive reports from, and to make recommendations and representations to other committees or bodies as appropriate.¹¹

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

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

REGULATORY PANELS

Licensing and Regulatory Panel

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

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

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

² "Functions" for these purposes shall be construed in a broad and inclusive fashion and shall include the doing of anything which is calculated to facilitate or is conducive or incidental to the discharge of any of the specified functions.

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

⁴ Para. B of Schedule 1 to the 2000 Regulations

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

²³ Para. C of Schedule 1 to the 2000 Regulations

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

²⁵ Under the Licensing Act 2003

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

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

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

The Licensing Committee

With the exception¹ of

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

the Licensing Committee is authorised to discharge⁴ the following functions⁵:

1. to discharge the licensing functions of the licensing authority;⁶
- 2.1 to discharge any other function of the authority referred to it by full Council;⁷
- 2.2 pursuant to the provision in section 2.1 above full Council has delegated to the Licensing Committee the following functions in respect of:
 - 2.2.1 the power to make a designated public places order in respect of alcohol consumption under the Criminal Justice and Police Act 2001⁸
 - 2.2.2 hackney carriages and private hire vehicles⁹
 - 2.2.3 sexual entertainment venues, sex shops and sex cinemas¹⁰
 - 2.2.4 performances of hypnotism¹¹
 - 2.2.5 charitable collections¹²
 - 2.2.6 alcohol disorder zones¹³

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

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

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

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

⁵ "Functions" for these purposes shall be construed in a broad and inclusive fashion and shall include the doing of anything which is calculated to facilitate or is conducive or incidental to the discharge of any of the specified functions.

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

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

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

⁹ Item 3 – 5 of Para. B of Schedule 1 to the 2000 Regulations

¹⁰ Item 15 of Para. B of Schedule 1 to the 2000 Regulations ***[(check reference when sex ent. Venues is in regs as well)] and Section 27 Policing and Crime Act 2009 and Schedule 3 Local Government (Miscellaneous Provisions) Act 1982

¹¹ Item 16 of Para. B of Schedule 1 to the 2000 Regulations

¹² Item 39 of Para. B of Schedule 1 to the 2000 Regulations

¹³ Item 50 Para I of Schedule 1 to the 2000 Regulations

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

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

(a) To impose conditions limitations or restrictions;

(b) To determine any terms;

(c) To determine whether and how to enforce any failure to comply;

(d) To amend, modify, vary or revoke;

(e) To determine whether a charge should be made or the amount of such a charge.

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3. to make recommendations to full Council in connection with the discharge of its functions as licensing authority;¹⁴ and

4. to receive reports from, and to make recommendations and representations to other committees or bodies as appropriate.¹⁵

¹⁴ Including recommendations arising from the monitoring of the operation and impact of the licensing or Gambling policy by the Licensing Committee.

¹⁵ 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)).



Originator: Kate Sadler / Amy Kelly
Tel: 0113 39 51711

Report of the Assistant Chief Executive (Corporate Governance)

General Purposes Committee

Date: 28th June 2010

Subject: Compulsory Training for Members of Standards 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. The Council is required to appoint a Standards Committee which has responsibility for the assessment and review, consideration, hearing and determination of complaints against Members of Leeds City Council and Members of the Town and Parish Councils in the Leeds Area. The Standards Committee membership comprises 7 Leeds City Councillors, 3 Town or Parish Councillors and 4 Independent Members in addition to 1 reserve Independent Member.
2. Following a recommendation of Corporate Governance and Audit Committee, the endorsement of Member Management Committee, and the support of the Standards Committee, General Purposes Committee are invited to recommend to full Council that the amendments shown to Article 9 of the Constitution (attached as Appendix 1 to this report), be approved.
3. This will ensure that Members of the Standards Committee receive compulsory training in relation to chairing meetings, local assessment of complaints and hearings, prior to undertaking certain functions of the Standards Committee or its Sub-Committees.

1.0 Purpose Of This Report

- 1.1 This report proposes amendments to Article 9 of the Constitution to reflect the recommendation that Members of the Standards Committee receive compulsory training in relation to chairing meetings, local assessment of complaints and hearings, prior to undertaking certain functions of the Standards Committee or its Sub-Committees.

2.0 Background Information

- 2.1 The Local Government Act 2000 requires that the Council appoints a Standards Committee, sets out the general and specific functions to be carried out by the Standards Committee and empowers the authority to arrange for the Standards Committee to exercise such other functions the authority considers appropriate.
- 2.2 In May 2008, responsibility for the initial assessment of complaints against Members under the Members' Code of Conduct was transferred from the Standards Board for England (now known as Standards for England) to local authorities. Regulation 6 of the Standards Committee (England) Regulations 2008 require the Standards Committee to appoint two separate Sub-Committees; one to deal with the assessment of complaints and the other to deal with the review of complaints.
- 2.3 Regulation 18 of the Standards Committee (England) Regulations requires that hearings are conducted having regard to any relevant guidance issued by Standards for England. Guidance from Standards for England recommends that the Standards Committee appoints a Sub-Committee to hear and determine complaints.
- 2.4 In Leeds, the Standards Committee has four Sub-Committees; the Assessment Sub-Committee, the Review Sub-Committee, the Consideration Sub-Committee and the Hearings Sub-Committee. All full Members of the Standards Committee are eligible for appointment to each of those Standards Committees in accordance with the relevant regulations and provisions of the Constitution as to the make-up of each Sub-Committee.
- 2.5 At its meeting of 30th June 2009, the Corporate Governance and Audit Committee considered the annual report of the Standards Committee. As a result of that discussion, particularly with reference to the local assessment function of the Standards Committee, the Corporate Governance and Audit Committee resolved:-
- 8 (b) That General Purposes Committee, having consulted with the Standards Committee and Member Management Committee, be recommended to make Local Assessment training compulsory for members of the Standards Committee.
- 2.6 At its meetings on 13th October and 16th December 2009 Member Management Committee received reports recommending compulsory training for Members of the Council's Standards Committee prior to their participation in the Committee's functions in relation to the assessment, review, consideration and hearing of complaints made against Members under the Members' Code of Conduct. Member Management Committee resolved the following:
- 33 (a) That the proposal that specified elements of the Standards Committee Training Plan be compulsory be endorsed subject to the concerns raised by this Committee being incorporated as revisions to the proposed training plan.

(b) That the proposed amendment to Article 9 of the Constitution be recommended to the General Purposes Committee for consideration and recommendation to Full Council.

2.7 The amended training plan was considered by the Standards Committee on 17th February 2010 and again on 22nd April 2010. The Committee resolved to recommend to General Purposes Committee that the following learning targets are made compulsory:

- To ensure all independent members of the Committee have the necessary skills to chair meetings of the Committee (in order to Chair the Standards Committee or any of its Sub-Committees).
- To ensure all members of the Committee have an understanding of the Code of Conduct (in order to sit on any Sub-Committee).
- To ensure all members of the Committee have the necessary skills to assess or review local complaints (in order to sit on the Assessment and Review Sub-Committee).
- To ensure all members have the necessary skills to conduct a local hearing (in order to sit on the Hearings Sub-Committee).

3.0 Main Issues

The Training Programme

3.1 Members of General Purposes Committee will note that four elements of the Standards Committee's revised training plan (as adopted on 22nd April 2010) are subject to a recommendation that they should be completed prior to undertaking the relevant activity. These are as follows:

- To ensure all independent members of the Committee have the necessary skills to chair meetings of the Committee (in order to Chair the Standards Committee or any of its Sub-Committees).
- To ensure all members of the Committee have an understanding of the Code of Conduct (in order to sit on any Sub-Committee).
- To ensure all members of the Committee have the necessary skills to assess or review local complaints (in order to sit on the Assessment and Review Sub-Committee).
- To ensure all members have the necessary skills to conduct a local hearing (in order to sit on the Hearings Sub-Committee).

3.2 These four learning targets are to be addressed via formal training sessions, and supplemented with briefing sessions and recommended reading where necessary.

Changes to the Constitution

3.3 It is proposed that paragraph 9.3.7 of Article 9 of the Constitution be amended to reflect the recommendation from Corporate Governance and Audit Committee, Member Management Committee, and the Standards Committee, that the training specified in paragraph 3.1 should be made compulsory.

- 3.4 An amended version of Article 9 is attached as Appendix 1 for General Purposes Committee's consideration.
- 3.5 The wording of paragraph 9.3.7, taken together with the wording contained within the training programme itself, will place a requirement on all the Members of the Committee to complete the relevant training prior to undertaking the functions of the Standards Committee (or its sub-committees).
- 3.6 As specified in the footnote to paragraph 9.3.7, the Monitoring Officer will ensure that any gaps in an Elected Member's training are brought to the attention of the Member concerned and where necessary that Member's Leader and Whip. Further, for Parish Members and Independent Members of the Standards Committee, the Monitoring Officer will bring any training gaps to the attention of the relevant Executive Member¹.

4.0 Implications For Council Policy And Governance

- 4.1 The training of Members of the Standards Committee will promote consistency of decision making through the assessment and review, consideration and hearing processes. This will in turn improve public confidence in the complaints process and reassure Members that complaints in relation to them will be dealt with fairly.

5.0 Legal And Resource Implications

- 5.1 Completion of this 'compulsory' element of training would enable and promote consistency of decision making through the assessment and review, consideration and hearing processes, and minimise the risk of successful challenge to the Standards Committee through the relevant appeals process.
- 5.2 The requirements for the provision of the recommended training can be met from within existing resources.

6.0 Conclusions

- 6.1 The Sub-Committees of the Standards Committee are responsible for a number of general functions in relation to ethical governance within the Council. It is also responsible for more specific functions relating to the assessment, review, consideration and hearing of complaints made against Members under the Members' Code of Conduct.
- 6.2 A number of learning targets have been identified for Members of the Standards Committee. It is recommended that Members of the Standards Committee should complete certain elements prior to taking up positions on the sub-committees of the Standards Committee.
- 6.3 To reflect this recommendation, it is proposed that Article 9 be amended in order to place a requirement on all the Members of the Committee to complete the relevant training prior to undertaking the functions of the relevant Sub-Committees.

7.0 Recommendations

- 7.1 General Purposes Committee are requested to:

¹ Currently the Executive Member for Central and Corporate
Page 24

7.1.1 Recommend the proposed amendment to Article 9 of the Constitution to full Council for their consideration and approval.

Background Documents

- Minutes of Corporate Governance and Audit Committee, 30th June 2009
- Report to Member Management Committee, 13th October 2009
- Minutes of Member Management Committee, 13th October 2009
- Report to Member Management Committee, 16th December 2009
- Minutes of the Standards Committee, 16th December 2009
- Report to Standards Committee, 17th February 2010
- Minutes of Standards Committee, 17th February 2010
- Report to Standards Committee, 22nd April 2010
- Minutes of Standards Committee, 22nd April 2010
- Local Government Act 2000
- Standards Committee (England) Regulations 2008
- Article 9 of the Constitution

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ARTICLE 9 – GOVERNANCE COMMITTEES

Appendix 1

9.1 GENERAL PURPOSES COMMITTEE

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

9.2 CORPORATE GOVERNANCE AND AUDIT COMMITTEE

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

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

9.3 STANDARDS COMMITTEE

9.3.1 The Council meeting will establish a Standards Committee.

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

9.3.3 Membership

The Standards Committee will be composed of:

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

9.3.4 Elected Members

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

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

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

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

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

Article 9 - Governance Committees

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

9.3.5 Independent Members

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

9.3.6 Parish Members

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

9.3.7 Sub-Committees of the Standards Committee

[Members of the Sub-Committees of the Standards Committee must complete all compulsory training in accordance with the Standards Committee Training Programme.](#)⁸

⁴ Section 49(6) Local Government Act 2000

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

⁶ Section 53(4) Local Government Act 2000

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

⁸ The Monitoring Officer will ensure that any gaps in an Elected Member's training are brought to the attention of the Member concerned and where necessary that Member's Leader and Whip. Further, for

9.3.7.1 Assessment Sub-Committee

The Standards Committee shall appoint an Assessment Sub-Committee to exercise the function of assessing allegations of misconduct made against Members and determining whether the allegations should be referred to the Monitoring Officer⁹ for investigation or other action.¹⁰

The Sub-Committee membership will be composed of one Independent Member, two Elected Members and one Parish Member¹¹.

The Chair of the Assessment Sub-Committee will be appointed from the Independent Members appointed to the Standards Committee.¹²

9.3.7.2 Review Sub-Committee

The Standards Committee shall appoint a Review Sub-Committee to exercise the function of reviewing a decision made by the Assessment Sub-Committee that no action should be taken in relation to an allegation.¹³

The Sub-Committee membership will be composed of one Independent Member, two Elected Members and one Parish Member¹⁴. Members of the Assessment Sub-Committee which made the initial assessment of an allegation will not be eligible for membership of the Review Sub-Committee in relation to the same allegation.

The Chair of the Review Sub-Committee will be appointed from the Independent Members appointed to the Standards Committee.¹⁵

9.3.7.3 Consideration Sub-Committee

The Standards Committee shall appoint a Consideration Sub-Committee to hold consideration meetings¹⁶.

The Sub-Committee membership will be composed of one Independent Member, two Elected Members and one Parish Member¹⁷. Members of the Assessment or

Parish Members and Independent Members of the Standards Committee, the Monitoring Officer will bring any training gaps to the attention of the relevant Executive Member.

⁹ Or to the Standards Board for England Section 57A(2)(b) Local Government Act 2000

¹⁰ ¹⁰ Regulation 6, Standards Committee (England) Regulations 2008 No.1085/2008

¹¹ The Parish Member only need attend if the matters being discussed by the Sub-Committee involve a Town/Parish Council Member.

¹² Regulation 6, Standards Committee (England) Regulations 2008 No.1085/2008

¹³ Regulation 6, Standards Committee (England) Regulations 2008 No.1085/2008, and Section 57B Local Government Act 2000

¹⁴ The Parish Member only need attend if the matters being discussed by the Sub-Committee involve a Town/Parish Council Member.

¹⁵ Regulation 6, Standards Committee (England) Regulations 2008 No.1085/2008

¹⁶ Regulation 17, Standards Committee (England) Regulations 2008 No. 1085/2008

¹⁷ The Parish Member only need attend if the matters being discussed by the Sub-Committee involve a Town/Parish Council Member.

Article 9 - Governance Committees

Review Sub-Committee which made the decision to refer an allegation for investigation will be eligible for membership of the Consideration Sub-Committee in relation to the same allegation.

The Chair of the Consideration Sub-Committee will be appointed from the Independent Members appointed to the Standards Committee.¹⁸

9.3.7.4 Hearings Sub-Committee

The Standards Committee shall appoint a Hearings Sub-Committee to hold determination hearings¹⁹.

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

The Chair of the Hearings Sub-Committee will be the Chair of the Standards Committee or his nominee, chosen from the Independent Members appointed to the Standards Committee.²⁰

¹⁸ Regulation 6, Standards Committee (England) Regulations 2008 No.1085/2008

¹⁹ Regulation 18, Standards Committee (England) Regulations 2008 No. 1085/2008

²⁰ Regulation 6(2), Standards Committee (England) Regulations 2008 No. 1085/2008



Originator: Phil Garnett

Tel: 51632

Report of the Assistant Chief Executive (Corporate Governance)

General Purposes Committee

Date: 28 June 2010

Subject: Work Programme 2010/11

Electoral Wards Affected:

Ward Members consulted
(referred to in report)

Specific Implications For:

Equality and Diversity

Community Cohesion

Narrowing the Gap

1.0 Purpose Of This Report

1.1 The purpose of this report is to notify members of the Committee of the draft work programme for the current municipal year. The draft work programme is attached at Appendix 1 to this report.

2.0 Background Information

2.1 The work programme provides information about future items for the General Purposes Committee agenda, when items will be presented and the which officer will be responsible for the item.

3.0 Main Issues

3.1 The draft work programme for 2010/11 is attached at Appendix 1.

3.3 Members are requested to consider whether they wish to add any items to the work programme.

4.0 Implications for Council Policy And Governance

4.1 There are no implications for Council Policy and Governance.

5.0 Legal And Resource Implications

5.1 There are no legal or resource implications.

6.0 Recommendations

- 6.1 Members are asked to note the draft work programme and advise officers of any additional items they wish to add.

**GENERAL PURPOSES COMMITTEE
WORK PROGRAMME 2010/11**

ITEM	DESCRIPTION	RESPONSIBLE OFFICER
1st September 2010 10am – No items scheduled as yet		
5th November 2010 10am – No items scheduled as yet		
17th January 2011 2pm– No items scheduled as yet		
4th February 2011 10am – No items scheduled as yet		
23rd March 2011 10am – No items scheduled as yet		
9th May 2011 10am – No items scheduled as yet		
Review of Call in	To receive a report considering the Call in procedure.	(Head of Scrutiny and Member Development) Peter Marrington
Unscheduled		
Senior Officer Remuneration Policy	To receive a report proposing the creation of a senior officer remuneration committee	Chief Officer HR Lorraine Hallam
Members Role Description	To consider a report on adding Member role description to the Members Allowances Scheme.	(Head of Scrutiny and Member Development) Peter Marrington
Community Governance Review	To receive a report do considering Aligning ward and parish boundaries – after PDR	Head of Licensing and Registration John Mulcahy

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