



GENERAL PURPOSES COMMITTEE

Meeting to be held in Civic Hall, Leeds on
Tuesday, 17th May, 2011 at 3.00 pm

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;
A Lowe	-	Armley;
J Procter	-	Wetherby;
N Taggart	-	Bramley and Stanningley;
K Wakefield (Chair)	-	Kippax and Methley;

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 held on 30th March 2011.</p>	1 - 2
7			<p>ANNUAL REVIEW OF THE CONSTITUTION</p> <p>To receive a report of the City Solicitor recommending amendments to the constitution to full Council, following the annual review of the constitution.</p>	3 - 18
8			<p>OVERVIEW AND SCRUTINY - PROPOSED CHANGES AND AMENDMENTS TO THE CONSTITUTION</p> <p>To receive a report of the Head of Scrutiny and Member Development setting out recommendations in respect of amendments to the Overview and Scrutiny function.</p>	19 - 64

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Agenda Item 6

GENERAL PURPOSES COMMITTEE

WEDNESDAY, 30TH MARCH, 2011

PRESENT: Councillor K Wakefield in the Chair
Councillors S Bentley, J Blake,
Mrs R Feldman (as substitute for J L
Carter), P Gruen and A Lowe

Apologies Councillor A Carter and J L Carter

55 Short Notice

Meeting called at short notice under the provisions of paragraph 4.1 of the Access to Information Procedure Rules.

56 Appeals against refusal of inspection of documents

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

57 Exempt Information - possible exclusion of the press and public

There were no resolutions to exclude the public.

58 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 late supplementary information in relation to Amendments to the Constitution (See Agenda item 7, minute No. 62).

The late item was admitted to the agenda in light of staff changes at the Council which required urgent changes to the Constitution (including to the officer scheme of delegation (council functions)).

59 Declaration of Interests

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

60 Apologies for absence

Apologies for absence were received from Councillor A Carter and Councillor J L Carter.

61 Minutes of the Previous Meeting

RESOLVED – That the minutes of the General Purposes Committee meeting held on 23rd March 2011 be approved as a correct record.

62 Amendment to the Constitution

The Head of Governance Services presented a report of the Chief Executive. The report asked the Committee to consider and recommend the proposed amendments to full Council (including to the officer scheme of delegation (council functions)) which are urgently required as a result of staff changes within the Council.

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

- (a) the delegations to the Assistant Chief Executive (Corporate Governance) under the officer delegation scheme (Council functions) be withdrawn;
- (b) the delegation to the Chief Executive be amended, as set out in Appendix 1 of the report;
- (c) the delegation to the Director of Resources be amended, as set out in Appendix 2 of the report;
- (d) the City Solicitor be designated as Monitoring Officer;
- (e) the City Solicitor and the Head of Licensing and Registration be appointed as Deputy Electoral Registration Officers;
- (f) the proposed appointment by the Chief Executive of the City Solicitor and Head of Licensing and Registration as Deputy Returning Officers be noted; and
- (g) the Constitution be amended further as set out in Appendix 3 of the report.

63 Work Programme

Head of Governance Services submitted a report notifying Members of the draft work programme for the 2010/11 municipal year.

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



Report of the City Solicitor

General Purposes Committee

Date: 17 May 2011

Subject: Annual review of the constitution

Electoral Wards Affected:

Ward Members consulted
(referred to in report)

Specific Implications For:

Equality and Diversity

Community Cohesion

Narrowing the Gap

Executive Summary

1. This report sets out amendments to the constitution, identified by the annual review of the constitution by the Monitoring Officer.
2. Amendments proposed include adding the local flood risk management strategy to the budget and policy framework set out in Article 4.
3. A minor extension is also proposed to the terms of reference of the General Purposes Committee so that it may exercise any council function delegated to an officer, which does not fall within the terms of reference of any other council committee.
4. Amendments are proposed to the officer delegation scheme (council (non-executive) functions) to remove all delegations to the Chief Recreation Officer. It is also proposed that, instead, one additional function (the making of a special extinguishment order under Section 118B of the Highways Act 1980) is concurrently delegated to the Chief Officer Highways and Transportation. A minor amendment is proposed to widen the exception to the delegation to the Chief Planning Officer, to ensure that applications received in a personal capacity from the City Solicitor must be referred to Plans Panel for determination.
5. An amendment is proposed to CPR 11.2, to provide for questions to be taken in the order in which they are received. This proposal would not affect any Whips' agreement about the order in which questions from each group are heard. An amendment to CPR 13.1 is also proposed by the Administration, to require amendments to the Budget Motion to be received by the Chief Executive no later than 10.00am on the third working day after the issue of the Summons. This would give more time to consider them before the meeting.

6. An amendment is proposed to Article 10.6 to provide that the Chairs of Area Committees are appointed at the Annual Council Meeting, an amendment Area Committee Procedures contained at Section 5 to reflect this, and an amendment Area Committee Procedure Rule 6.7, to require the business of Area Committees to include consideration of Area Chairs' meetings minutes.
7. General Purposes Committee are asked to recommend full Council to:
 - (a) approve the revised Article 4 as set out in appendix 1 to this report;
 - (b) amend the terms of reference of the General Purposes Committee as set out in appendix 2 to this report;
 - (c) withdraw delegations to the Chief Recreation Officer;
 - (d) concurrently delegate the additional function of making a special extinguishment order under Section 118B of the Highways Act 1980 to the Chief Highways and Transportation Officer and the Director of City Development;
 - (e) amend the exception (h) to the delegation to the Chief Planning Officer, to read "the determination of applications submitted in a personal capacity by or on behalf of Members, Directors or any other officer who carries out development management functions";
 - (f) consider the amendments to the revised Council Procedure Rules 11.2 and 13.1 set out in appendix 3 to this report; and
 - (g) approve the amendment to Article 10.6 set out in appendix 4 to this report.
 - (h) approve the consequential amendments to Area Committee Procedure Rules at Section 5 and the amendment to Rule 6.7, both set out in appendix 5 to this report.

1.0 Purpose Of This Report

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

2.0 Background Information

- 2.1 General Purposes Committee is authorised to consider proposals to amend the constitution and make recommendations to full Council.
- 2.2 The constitution is updated throughout the year. However, the Head of Governance Services also reviews the constitution before the annual meeting, on behalf of the Monitoring Officer. The review includes consultation with officers through the Corporate Leadership Team. This report proposes a number of amendments to the constitution, following the annual review.

Flood and Water Management Act 2010

- 2.3 Amendments proposed include amendments following the Flood and Water Management Act 2010. The Council is both a lead local flood authority, and a risk management authority under the 2010 Act. As lead local flood authority, the Council has a duty to develop, maintain apply and monitor a strategy for local flood risk management in its area¹.
- 2.4 The strategy must set out the Council's objectives for managing flood risk, as well as proposed measures to deliver the objectives, and timescales for their implementation. It must also set out how those measures are to be paid for, as well as their costs and benefits, how and when the strategy will be reviewed, and how the strategy contributes to the achievement of wider environmental objectives.
- 2.5 The 2010 Act also amends the Local Government Act 2000 to require the Council to make arrangements to review and scrutinise the functions exercised by flood risk management authorities. Item 8 on this agenda deals with amendments to the Council's scrutiny arrangements, to implement this requirement.

3.0 Main Issues

Article 4

- 3.1 Article 4 sets out the Council's budget and policy framework. Documents listed in the framework are required to be approved by full Council (as opposed to the Executive), in accordance with the Budget and Policy Procedure Rules. Full Council at its meeting on 6 April approved amendments to the budget and policy framework, to be of effect from the new municipal year.
- 3.2 It is now proposed that the local flood risk management strategy is added to the framework, due to its significance in terms of both budget and policy issues. Appendix 1 to this report sets out the proposed revised Article 4, incorporating the amendments already considered by full Council on 6 April.

Terms of Reference -General Purposes Committee

- 3.3 Existing terms of reference for the General Purposes Committee authorise it to "consider and determine Council (non-executive) functions delegated to a Director where the Director has decided not to exercise the delegated authority and has referred to the matter to the Committee". The authority relates to Council functions which do not come within the terms of reference of any other Council committee, such as a Plans Panel.
- 3.4 This authority extends only to discharging delegated Council functions which have been referred to it. The Committee does not therefore have authority to take such decisions in the event of an unforeseen absence by a Director. If a Director has not sub-delegated their authority to another officer, in that Director's absence, currently any urgent decisions would have to be considered at an extraordinary Council meeting. This might present operational difficulties, not least in terms of achieving a quorum.

¹ Section 9 Flood and Water Management Act 2010

- 3.5 To minimise the risk of this, it is therefore proposed to extend the terms of reference of the General Purposes Committee, to authorise it to exercise any Council function delegated to a Director which is not within the terms of reference of any other council committee. The proposed amendment is set out in appendix 2 to this report.

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

- 3.6 The Chief Recreation Officer is expected to leave the employment of the Council on 27th May 2011. There are no plans to fill the post of the Chief Recreation Officer for the foreseeable future, and therefore it is proposed that the concurrent delegations to this post are withdrawn. The functions will remain delegated to the Director of City Development, however.
- 3.7 The Chief Recreation Officer currently has authority to make a special extinguishment order under Section 118B of the Highways Act 1980. However, this is a function which could appropriately be carried out by the Chief Officer Highways and Transportation. It is therefore proposed that this function is delegated to the Chief Officer Highways and Transportation. This will be concurrent to the delegation to the Director of City Development.
- 3.8 A minor amendment is also proposed to exception (h) to the Chief Planning Officer's delegation. This currently provides as an exception "the determination of applications submitted in a personal capacity by or on behalf of Members, the Chief Executive, an Assistant Chief Executive, Director, Chief Officer or any other officer who carries out development management functions". However, this exception does not extend to applications from the City Solicitor, who is neither a Director, nor a Chief Officer. Article 12 provides that any reference to "Director" in the constitution is deemed to include reference to all officers listed in the Article, except where the context requires otherwise. It is therefore proposed to amend the exception to refer to "Directors", since the City Solicitor post is listed in Article 12, together with the other officers currently identified in the exception.

Council Procedure Rules

- 3.9 A minor amendment is proposed to CPR 11.2, to provide that questions will be taken in the order in which notice of the question is received by the Chief Executive. This proposal does not affect any Whips' agreements about the order in which questions from each group are heard.
- 3.10 The Administration has also proposed an amendment to CPR 13.1, which currently provides that amendments to a motion must be received not less than 24 hours before a meeting. The proposal is to require amendments to the Budget Motion to be received by the Chief Executive no later than 10.00am on the third working day after the issue of the Summons. This amendment would allow the Leader of Council and Portfolio holders more time before full Council in which to discuss such amendments with relevant Directors, and to more fully consider the implications for service provision and the overall budget.
- 3.11 The proposed amendments are shown in appendix 3 to this report. A further review of the Rules may be needed in the event that a "State of the City" Council-wide debate is organised to take place as a meeting of Council.

Area Committees

- 3.12 Area Chairs have in the past been appointed by the Area Committees at the first meeting of the committees in the new Municipal Year. This has often led to some uncertainty as the chair of the Area Committee as some of the committees do not meet until mid July.
- 3.13 With an increase in delegations to the Area Committees (Executive Board has delegated additional Streetscene functions to Area Committees for the forthcoming Municipal Year) and an emphasis on locality working being led by the new Area Leaders, securing early clarity as to the Chairs of Area Committees for the forthcoming Municipal Year is seen by the Administration as essential.
- 3.14 The quickest way to achieve this clarity is for the Chairs of Area Committees to be appointed (as with other committee chairs) at the Annual Council meeting. It is therefore proposed that amendments be made to Article 10.6 to provide that Chairs of Area Committees are appointed by full Council. Appendix 4 to this report sets out this proposed revision.
- 3.15 Consequential amendments are required to Section 5 of the Area Committee Procedure Rules. These are set out in Appendix 5. Also set out in Appendix 5 are amendments to the Area Committee Procedure Rules to formalise relations between Area Committees and the Executive Member with responsibility for Area Management. It is proposed to amend Rule 6.7 of the Area Committee Procedure Rules (which sets out business to be considered by Area Committees), to require minutes from the Area Chairs' meetings to be formally considered.

4.0 Implications For Council Policy And Governance

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

5.0 Legal And Resource Implications

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

6.0 Conclusions

- 6.1 The constitution should be amended to keep it up to date with legislation, to clarify responsibilities, and ensure that it reflects current practices.

7.0 Recommendations

- 7.1 General Purposes Committee are asked to recommend full Council to:
- (a) approve the revised Article 4 as set out in appendix 1 to this report;
 - (b) amend the terms of reference of the General Purposes Committee as set out in appendix 2 to this report;
 - (c) withdraw delegations to the Chief Recreation Officer;

- (d) concurrently delegate the additional function of making a special extinguishment order under Section 118B of the Highways Act 1980 to the Chief Highways and Transportation Officer and the Director of City Development;
- (e) amend the exception (h) to the delegation to the Chief Planning Officer, to read “the determination of applications submitted in a personal capacity by or on behalf of Members, Directors or any other officer who carries out development management functions”;
- (f) consider the amendments to the Council Procedure Rules 11.2 and 13.1 set out in appendix 3; and
- (g) approve the amendment to Article 10.6 set out in appendix 4 to this report.
- (h) approve the consequential amendments to Area Committee Procedure Rules at Section 5 and the amendment to Rule 6.7, both set out in appendix 5 to this report.

Background Papers

Leeds City Council constitution

ARTICLE 4 – THE FULL COUNCIL

4.1 MEANINGS

• Policy Framework

The Policy Framework means the following plans and strategies:

- (i) those required by the Local Authorities (Functions and Responsibilities) (England) 2000 to be adopted by the Council¹:
- Safer and Stronger Communities Plan²
 - Development plan documents³
 - Licensing Authority Policy Statement⁴
 - Local Transport Plan
 - Plans and alterations which together comprise the Development Plan
 - Vision for Leeds⁵
 - Youth Justice Plan⁶
- (ii) other plans and strategies adopted by the Council⁷:
- Council Business Plan
 - Children and Young Peoples Plan⁸
 - Health and Wellbeing City Priority Plan
 - Sustainable Economy and Culture City Priority Plan
 - Regeneration City Priority Plan
 - [Local Flood Risk Management Strategy⁹](#)

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

• Budget

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

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

² This fulfils the requirement to produce a Crime and Disorder Reduction Strategy and also includes within it the Safer and Stronger Communities City Priority Plan

³ Section 15 Planning and Compulsory Purchase Act 2004

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

⁵ This is the authority's Sustainable Community Strategy. When preparing or modifying this strategy, the authority must (Section 4 Local Government Act 2000):

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

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

⁷ In accordance with Schedule 4 of the Regulations

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

⁹ [Section 9 Flood and Water Management Act 2010](#)

Tax and decisions relating to the control of the Council's borrowing requirement, the control of its capital expenditure and setting of virement limits.

- **Housing Land Transfer**

Housing Land Transfer means the approval or adoption of applications (whether in draft form or not) to the Secretary of State for approval of a programme of disposal of 500 or more properties to a person under the Leasehold Reform, Housing and Urban Development Act 1993 or to dispose of land used for residential purposes where approval is required under sections 32 or 43 of the Housing Act 1985.

4.2 **FUNCTIONS OF THE FULL COUNCIL**

Only the Council will exercise the following functions:

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

4.3 **COUNCIL MEETINGS**

There are three types of Council meeting:

- The annual meeting
- Ordinary meetings
- Extraordinary meetings

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

4.4 **RESPONSIBILITY FOR FUNCTIONS**

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

General Purposes Committee

With the exception of any matter which falls within the terms of any other council committee, the General Purposes Committee is authorised:

1. to consider and determine any Council (non-executive) function¹ delegated² to a Director³ which does not fall within the terms of reference of any other committee;
2. to consider proposals to amend the constitution and make recommendations to full Council; and
3. to make recommendations to full Council in connection with the discharge of any of its functions.⁴

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¹ These functions include local choice functions, which have been determined as non executive functions.

² Whether or not the post is vacant

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

⁴ "Function" in this context does not include shared functions with the executive

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Extracts from Council Procedure Rules:

11.2 Notice of Questions

Notice in writing of the question must be given to the Chief Executive before 10.00am on the Monday preceding the Council meeting. Questions from an individual or group will be taken in the order in which notice of the question is received from that individual or group.

13.1 Motions and amendments requiring notice

Except as set out in Rule 13.2 below, and as provided in Rule 14.8, no amendment to a motion (including an amendment to refer back any business for further consideration) shall be moved at any meeting of the Council unless notice thereof in writing setting out the amendment and signed by the Member or Members giving it, has been received by the Chief Executive:

- not less than 24 hours before the commencement of the meeting; or
- no later than 10.00 am on the third working day after the issue of the Summons if the amendment is to the Budget Motion.

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ARTICLE 10 – AREA COMMITTEES

AREA COMMITTEES

10.1 The Council will appoint ten Area Committees to serve the inner and outer areas in the North West, North East, East, South and West of the City.

10.2 These provisions do not apply to the City Centre¹.

COMPOSITION

10.3 The membership of each Area Committee will comprise all Members who have been elected for Wards wholly within the area determined for the Committee as follows:

Name of Area Committee	Composition
	<i>All Members from the following wards</i>
North West Inner	Weetwood, Kirkstall, Headingley, Hyde Park and Woodhouse
North West Outer	Guiseley and Rawdon, Otley and Yeadon, Adel and Wharfedale, Horsforth
North East Inner	Moortown, Roundhay, Chapel Allerton
North East Outer	Wetherby, Harewood, Alwoodley,
East Inner	Gipton and Harehills, Killingbeck and Seacroft, , Burmantofts and Richmond Hill
East Outer	Garforth and Swillington, Kippax and Methley, Temple Newsam, Cross Gates and Whinmoor
South Inner	Beeston and Holbeck, Middleton Park, City and Hunslet
South Outer	Rothwell, Ardsley and Robin Hood, Morley South, Morley North
West Inner	Armley, Bramley and Stanningley
West Outer	Calverley and Farsley, Farnley and Wortley, Pudsey

10.4 Up to 5 co-opted Members may be appointed to each Area Committee.

10.5 A Member of the Executive may serve on an Area Committee if otherwise eligible to do so as a Councillor.

CHAIR

10.6 ~~Full Council~~ will appoint ~~Area Committee~~ Chairs.

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¹ A Map detailing the boundary of the City Centre is appended to this Article

ROLE

10.7 Area Committees will:

- improve, co-ordinate and influence services at a local level;
- act as a focal point for community involvement;
- take locally based decisions that deal with local issues;
- provide for accountability at a local level;
- help Elected Members to listen to and represent their communities;
- help Elected Members to understand the specific needs of the community in their area;
- promote community engagement in the democratic process;
- promote working relationships with Parish and Town Councils; and
- promote the well being of their area.

FUNCTIONS

10.8 The terms of reference for Area Committees are set out in Part 3 of the Constitution.

10.9 The Executive shall determine from time to time the executive functions² that may be exercised by Area Committees. These functions will be exercisable concurrently by the Executive Board, and in accordance with the Officer Delegation Scheme (executive functions) by Directors

10.10 Area Committees will comply with:

- the Area Committee Procedure Rules³ and
- all other relevant procedure rules⁴.

ACCESS TO INFORMATION

10.11 Area Committees will comply with the Access to Information Procedure Rules⁵.

10.12 Agendas and notices for Area Committee meetings which deal with both Council and executive functions will state clearly which items are which.

CONFLICTS OF INTEREST

10.13 A Member of a Scrutiny Board involved in the consideration of a matter at a Scrutiny Board meeting or sub-committee, which relates to a decision made or action taken by an Area Committee of which s/he is also a Member, must regard him or herself as having a personal and prejudicial interest in the matter in accordance with Paragraph 11 of the Members' Code of Conduct.

² Part 3 Sections 3C and 3D of the Constitution provide details of the extent of the delegation determined by the executive.

³ These are in Part 4 of the Constitution.

⁴ These are the Council Procedure Rules, Executive Procedure Rules, Financial Procedure Rules, Contract Procedure Rules and Appointments to Outside Bodies Procedure Rules, in Part 4 of the Constitution.

⁵ These are in Part 4 of the Constitution.

Extract from the Area Committee Procedure Rules

5.0 ELECTION OF CHAIR

5.1 Full Council will appoint the chair of each Area Committee.

Agenda Items

6.7 Area Committees shall consider the following business:

- appeals against refusal of inspection of documents;
- exclusion of public;
- late items;
- declarations of interest if any;
- apologies for absence;
- open forum;
- consideration of the minutes of the last meeting;
- consideration of the minutes of the Area Chairs' Forum;
- issues arising from the Committee's Area Delivery Plan;
- appointments to outside bodies;
- reports from Outside Bodies; and
- additional matters set out on the agenda for the meeting.

Deleted: Each Area Committee will elect its own Chair, from amongst the City Councillors eligible to serve on that Committee.

Deleted: <#>Each Party Group with Members elected within an Area Committee area may put forward a nomination from amongst its Members on the Area Committee to Chair the Area Committee. An Independent Member may also put forward a nomination. ¶¶

¶¶ 5.3 A nomination must be forwarded to the Head of Governance Services no later than 1 clear working day before the first meeting of the Area Committee (after the Annual Council meeting) each year. ¶¶

¶¶ <#>The Head of Governance Services will ensure that nominations and the election to the position of Chair are dealt with at the Committee's first meeting of the municipal year. ¶¶

¶¶ <#>The Chair will be elected by overall majority of votes cast by those Members eligible to do so and present at the meeting. If no overall majority is achieved, then the nominee with the smallest number of votes will be eliminated from consideration, and the vote repeated. ¶¶

¶¶ 5.6 Where an overall majority of votes cannot be obtained the Council will appoint a Chair. ¶¶

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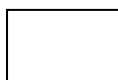
Report of the Head of Scrutiny and Member Development

General Purposes Committee

Date: 17th May 2011

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

Electoral Wards Affected:



Ward Members consulted
(referred to in report)

Specific Implications For:

Equality and Diversity

Community Cohesion

Narrowing the Gap

Executive Summary

1. The Administration proposes amendments to the current Overview and Scrutiny function in order to enable Scrutiny to be more strategic and outward looking in its operation and focus on the Council's City Priorities.
2. In addition the annual review of Scrutiny has identified a number of areas for amendment within Article 6 of the Constitution and the Scrutiny Board Procedure Rules. These are either to ensure consistency in wording or to provide procedural clarity.
3. Appendices 1 to 3 of this report detail the proposed amendments.
4. The General Purposes Committee is requested to consider the proposed changes and recommend to Council that the Constitutional amendments be approved.

1.0 Purpose Of This Report

- 1.1 The purpose of this report is to set out recommendations in respect of amendments to the Overview and Scrutiny function. In addition there are a number of minor changes to the Scrutiny Board Procedure Rules and Article 6 to ensure consistency in wording or to provide procedural clarity.

2.0 Background Information

- 2.1 The Administration proposes amendments to the current Overview and Scrutiny function in order to enable Scrutiny to be more strategic and outward looking in its operation and focus on the Council's City Priorities. This is reflected in changes to Scrutiny Board terms of reference.

3.0 Main Issues

Scrutiny Board Terms of Reference

- 3.1 To reflect their strategic nature it is proposed to have five themed Scrutiny Boards which mirror the Partnership Boards;
- Scrutiny Board (Children and Families)
Scrutiny Board (Safer and Stronger Communities)
Scrutiny Board (Sustainable Economy and Culture)
Scrutiny Board (Regeneration)
Scrutiny Board (Health and Well-being and Adult Social Care)
- 3.2 A sixth Scrutiny Board will be established and called Scrutiny Board (Resources and Council Services)
- 3.3 The Terms of Reference for the five themed Scrutiny Boards will determine the areas of review to be undertaken by those Scrutiny Boards in the municipal year. Council will be determining the work programme of the five themed Scrutiny Boards, which is appropriate given that Scrutiny Boards are Committees of Council. The review or scrutiny of decisions made, or other action taken, in connection with the discharge of any functions which are the responsibility of the executive, which do not fall within the terms of reference of the five themed Scrutiny Boards will be considered by Scrutiny Board (Resources and Council Services). As such Scrutiny Board (Resources and Council Services) will consider all requests for Scrutiny and undertake any subsequent work.
- 3.4 The consequential changes to Scrutiny Board terms of reference are shown in Appendix 1

Call In

- 3.5 It is proposed that Call –Ins be considered by the themed Scrutiny Boards as appropriate to their subject.
- 3.6 It is also proposed that as part of the initial process for calling In a decision, those requesting the Call In, will be required to consider the financial consequences of calling In the decision. The financial implications will be detailed to those Calling In

the decision as part of the required pre Call In discussion with the Director or Executive Board Member.

- 3.7 Current procedures state that a Member cannot be a signatory to a Call In if they sit on the Scrutiny Board that will hear the Call In. It is proposed to remove that restriction and to allow a decision to be Called In by two non executive elected Member (who are not from the same political group) or any five non executive elected Members.¹

Appointment of Scrutiny Chairs

- 3.8 By law, Members of the Executive are not able to be members of Scrutiny Boards. This is because of the role of Scrutiny Boards in holding decision makers (including the Executive) to account. The ODPM guidance on constitution, (issued when the Local Government Act 2000 came into force), states that to effectively hold decisions makers to account “will require a change in the way members have traditionally questioned decisions. Although this is a matter for political parties to consider, both locally and nationally, the Secretary of State believes whipping is incompatible with overview and scrutiny and recommends that whipping should not take place”.
- 3.9 To demonstrate and re-enforce the importance of a non-political group approach to scrutiny, the Administration propose an amendment to Scrutiny Board Procedure Rules. The proposed amendment provides that Group spokespersons should not be appointed to Chair a Scrutiny Board which corresponds to the same portfolio.

Petitions

- 3.10 The Administration proposes an amendment to Scrutiny Board Procedure Rule 11.22, in relation to petitions. The amendment clarifies the process to be followed when a petition has been received by a Scrutiny Board Chair in their capacity as a Scrutiny Chair. The proposed amendment requires the Chair to forward the petition to the Scrutiny Officer after acknowledging its receipt to the petition organiser only. Thereafter the Scrutiny Officer will be responsible for notifying the petition organiser of the date on which the petition will be considered should the petition be requesting Scrutiny, and of the outcome of that meeting. If the petition is requesting Scrutiny, the matter will be considered by Scrutiny Board (Resources and Council Services).
- 3.11 In addition provisions under procedure rule 11.23 in relation petitions have been removed to reflect the fact that the Coalition government has not enacted those regulations previously laid out in the Local Government, Economic Development and Construction Act 2009.

Other Amendments

- 3.11 The annual review of Scrutiny has identified a number of areas for amendment within the Scrutiny Board Procedure Rules. These are either to ensure consistency in wording or to provide procedural clarity.
- 3.12 The current review has identified the following:

Scrutiny Board Procedure Rules

¹ Those Scrutiny Board Members not in a political group would be eligible but not co-opted Board members

- The Scrutiny Procedure Rules set out at Rule 20 details those decisions which are exempt from Call In. The list of exemptions is proposed to include decisions made during the development and approval of documents forming part of the Budget and Policy Framework. This amendment is in accordance with existing practice and procedure as the decision rests with full Council and not the Executive.
- Procedures in relation to Call In, which previously resided in The Scrutiny Board Guidance Notes, have been moved to within the Scrutiny Board Procedure Rules to provide clarity.
- A minor amendment is proposed to rule 1.6 of the Scrutiny Board Procedure Rules in relation to education co-optees. Current practice is that the number and term of office of education representatives is fixed by full Council and set out in Article 6. The Scrutiny Board, currently Children’s Services, then receives nominees whom they confirm as representatives. Representatives of the Church of England and Roman Catholic dioceses are nominated by their diocese and the scrutiny board confirm their appointment. Parent governor representatives are elected, notified to scrutiny board and their appointment confirmed. The Scrutiny Board Procedure Rules do not reflect the current position in that they describe the scrutiny board as ‘selecting’ education representatives. A minor amendment is proposed to reflect the process of nomination and confirmation.

3.13 As a result of these proposed changes subsequent changes will be required to the Scrutiny Board Procedure Rules Guidance Notes. These will be undertaken by the Head of Scrutiny and Member Development under delegated authority after consultation with Scrutiny Chairs.

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 the Constitution 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 financial implications to the proposed amendments

6.0 Conclusions

6.1 The Administration proposes changes to Scrutiny Board terms of reference (Appendix 1). In addition a number of areas for amendment within Article 6 (Appendix 2) of the Constitution and the Scrutiny Board Procedure Rules. (Appendix 3) are proposed to ensure consistency in wording or to provide procedural clarity.

7.0 Recommendations

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

- The Constitutional amendments as detailed in appendix 1 -3 be approved.

Background Documents Used

Council's Constitution

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Scrutiny Board (Children and Families)

The Scrutiny Board (Children and Families) is authorised to discharge the following overview and scrutiny functions.

1. on behalf of the Council, to examine and report on the following matters to the Executive Board, and if necessary, to the Council:-
 - a) the Council's external Placement Strategy
 - b) Reducing teenage Conception
 - c) Increasing the levels of Young people in employment, education or training
2. to carry out such other reviews or policy development tasks as it may be requested to do by either the Executive Board or the Council.
3. to act as the appropriate Scrutiny Board in relation to the Executive's initial proposals for a relevant plan or strategy¹ within the Budget and Policy Framework²
4. to review or scrutinise executive decisions³ that have been Called In⁴
5. to receive and monitor formal responses to any reports or recommendations made by the Board

¹ Namely the Youth Justice Plan and the Children and Young Peoples Plan

² In accordance with Budget and Policy Framework Procedure Rules.

³ In relation to functions delegated to the Director of Children's Services under the Officer Delegation Scheme (Executive Functions) whether or not those functions are concurrently delegated to any other committee or officer.

⁴ In accordance with the Scrutiny Board Procedure Rules.

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Scrutiny Board (Health and Well-being and Adult Social Care)

The Scrutiny Board (Health and Well-being including Adult Social Care) is authorised to discharge the following overview and scrutiny functions.

1. on behalf of the Council, to examine and report on the following matters to the Executive Board, and if necessary, to the Council:-
 - a) Reducing smoking in the over 18s
 - b) Service Change and Commissioning in Adult Social Care
 - c) Reducing avoidable admissions to hospital and care homes
 - d) The transformation of health and Social Care Services
2. to carry out such other reviews or policy development tasks as it may be requested to do by either the Executive Board or the Council.
3. to act as the appropriate Scrutiny Board in relation to the Executive's initial proposals for a relevant plan or strategy¹ within the Budget and Policy Framework²
4. to review or scrutinise executive decisions³ made that have been Called In⁴
5. To consider such proposals as are referred to it by local NHS bodies and the authority and to report back the result of its considerations to the referring body and others as appropriate.
6. In relation to matters in respect of which a local NHS body consults more than one scrutiny committee within its area, or in relation to matters which a number of Yorkshire and Humber Councils elect to jointly scrutinise a function or service provided by the NHS body⁵, to:
 - a) nominate Members to a joint committee, such nominations to reflect the political balance of the Board;
 - b) delegate its scrutiny functions to another local authority.
7. to receive and monitor formal responses to any reports or recommendations made by the Board

¹ Namely the Health and Wellbeing City Priority Plan

² In accordance with Budget and Policy Framework Procedure Rules.

³ In relation to functions delegated to the Director of Adult Social Services under the Officer Delegation Scheme (Executive Functions) whether or not those functions are concurrently delegated to any other committee or officer.

⁴ In accordance with the Scrutiny Board Procedure Rules.

⁵ Or in relation to matters which a number of councils are required to carry out joint scrutiny by virtue of a direction of the Secretary of State.

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Scrutiny Board (Regeneration)

The Scrutiny Board (Regeneration) is authorised to discharge the following overview and scrutiny functions.

1. on behalf of the Council, to examine and report on the following matters to the Executive Board, and if necessary, to the Council:-
 - a) Reducing the risk of Flooding
 - b) Green space – promotion, protection, management
 - c) housing growth challenge both in terms of brownfield and Greenfield development, private and affordable
2. to carry out such other reviews or policy development tasks as it may be requested to do by either the Executive Board or the Council.
3. to act as the appropriate Scrutiny Board in relation to the Executive's initial proposals for a relevant plan or strategy¹ within the Budget and Policy Framework²
4. to review or scrutinise executive decisions³ that have been Called In⁴
5. to review and scrutinise the exercise by risk management authorities⁵ of flood risk management functions⁶ which may effect the Leeds City Council area⁷.
6. to receive and monitor formal responses to any reports or recommendations made by the Board

¹ Namely the Development Plan Documents, the Plans and Alterations which Together Comprise the Development Plan and the Regeneration City Priority Plan.

² In accordance with Budget and Policy Framework Procedure Rules.

³ In relation to functions delegated to the Director of Environment and Neighbourhoods under the Officer Delegation Scheme (Executive Functions) paragraphs 2(d), (e) and (g), functions delegated to the Director of City Development under the Officer Delegation Scheme (Executive Functions) at paragraphs 1(a) to (c) and 2 (a) to (l) and functions delegated to the Chief Planning Officer under the Officer Delegation Scheme (Executive Functions) at paragraph (a) whether or not those functions are concurrently delegated to any other committee or officer.

⁴ In accordance with the Scrutiny Board Procedure Rules.

⁵ As defined by Section 6 Flood and Water Management Act 2010

⁶ As defined by Section 4 Flood and Water Management Act 2010

⁷ In accordance with Section 21F Local Government Act 2000

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Scrutiny Board (Resources and Council Services)

The Scrutiny Board (Resources and Council Services) is authorised to discharge the following overview and scrutiny functions.

1. to review or scrutinise the exercise of any council or executive function or any other related matter¹;
2. to make reports or recommendations to Council or the Executive in connection with the exercise of any functions of the Council or the Executive, including proposals for changes to policies and practices;
3. to carry out such other reviews or policy development tasks as it may be requested to do by either the Executive Board or the Council.
4. to receive and review external audit and inspection reports;
5. to act as the appropriate Scrutiny Board² in relation to the Executive's initial proposals for a plan or strategy³ within the Budget and Policy Framework⁴;
6. to undertake value for money reviews;
7. to review outcomes, targets and priorities within the Council Business Plan and City Priority Plans and to make such reports and recommendations as it considers appropriate;
8. to review or scrutinise executive decisions⁵ made that have been Called In⁶ and
9. to receive requests for scrutiny and councillor calls for action⁷ and undertake any subsequent work
10. to receive and monitor formal responses to any reports or recommendations made by the Board.

¹ Including matters pertaining to outside bodies and partnerships to which appointments have been made by the authority

² Under the Budget and Policy Framework Procedure Rules

³ Namely the Licensing Authority Policy Statement, the Vision for Leeds, the Council Business Plan and the Budget, and any other plan or policy which shall be added to the Policy Framework and is not included within the Terms of Reference of any other Scrutiny Board.

⁴ Including in relation to the Budget

⁵ Other than those within the Terms of Reference of any other Scrutiny Board

⁶ In accordance with of the Scrutiny Board Procedure Rules.

⁷ Including requests made in relation to health and social care matters in accordance with the Local Authority (Overview and Scrutiny Committees Health Scrutiny Functions) Regulations 2002 but not including requests in relation to crime and disorder matters.

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Scrutiny Board (Safer and Stronger Communities)

The Scrutiny Board (Safer and Stronger Communities) is authorised to discharge the following overview and scrutiny functions.

1. On behalf of the Council, to examine and report on the following matters to the Executive Board, and if necessary, to the Council:-
 - a) Reducing burglary
 - b) The management and reduction of anti-social behaviour
 - c) The effectiveness of streetscene services
 - d) The relationship and respective roles of the city council and third sector organisations in mitigating the negative effects of the recession on the communities they serve
2. To carry out such other reviews or policy development tasks as it may be requested to do by either the Executive Board or the Council.
3. to act as the appropriate Scrutiny Board in relation to the Executive's initial proposals for a relevant plan or strategy¹ within the Budget and Policy Framework²
4. to review or scrutinise executive decisions³ that have been Called In⁴
5. to exercise the functions of a crime and disorder committee⁵, including the following:
 - a) to review or scrutinise the exercise of crime and disorder functions⁶ by responsible authorities⁷;
 - b) to review or scrutinise any local crime or disorder matter in relation to a Member⁸

¹ Namely the Safer and Stronger Communities Plan

² In accordance with Budget and Policy Framework Procedure Rules.

³ In relation to the functions delegated to the Director of Environment and Neighbourhoods under the Officer Delegation Scheme (Executive Functions) at paragraphs 1(a) to (e), and 2 (a) to (c), (f) and (h) to (k) and the Assistant Chief Executive (Planning, Policy and Improvement) under the Officer Delegation Scheme (Executive Functions) at paragraph (k) whether or not those functions are concurrently delegated to any other committee or officer.

⁴ In accordance with the Scrutiny Board Procedure Rules.

⁵ In accordance with Section 19 Police and Justice Act 2006

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

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

⁸ This is any matter concerning –

- a) crime and disorder (including in particular forms of crime and disorder that involve anti-social behaviour or other behaviour adversely affecting the local environment) or
- b) the misuse of drugs, alcohol and other substances in that area

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

Council Committees' Terms of Reference

6. to receive requests for scrutiny and councillor calls for action in relation to crime and disorder matters.
7. to receive and monitor formal responses to any reports or recommendations made by the Board

Scrutiny Board (Sustainable Economy and Culture)

The Scrutiny Board (Sustainable Economy and Culture) is authorised to discharge the following overview and scrutiny functions.

1. On behalf of the Council, to examine and report on the following matters to the Executive Board, and if necessary, to the Council:-
 - a) City Centre Development/Promoting economic growth in the City
 - b) Reducing CO2 emissions in the Local Authority Estate
 - c) the impact of existing major sources of travel movements within the City, and the plans being made to address the impact of known future developments on the City's transport infrastructure.
 - d) The City's cultural development

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

3. to act as the appropriate Scrutiny Board in relation to the Executive's initial proposals for a relevant plan or strategy¹ within the Budget and Policy Framework²

4. to review or scrutinise executive decisions³ made that have been Called In⁴

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

¹ Namely the Local Transport Plan and the Sustainable Economy and Culture City Priority Plan

² In accordance with Budget and Policy Framework Procedure Rules.

³ In relation to functions delegated to the Director of City Development under the Officer Delegation Scheme (Executive Functions) at paragraphs 2(m) to (q) whether or not those functions are concurrently delegated to any other committee or officer.

⁴ In accordance with the Scrutiny Board Procedure Rules.

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ARTICLE 6 – SCRUTINY BOARDS

6.1 ROLE

The Council will appoint the following Scrutiny Boards to exercise functions conferred by section 21 of the Local Government Act 2000 and in accordance with the National Health Service Act 2006, in accordance with their terms of reference¹.

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

Deleted: set out in the left hand column of the table below

Deleted:) in relation to the matters set out in the right hand column of the table

6.2 GENERAL FUNCTIONS

In exercising, or deciding to exercise any of their functions, Scrutiny Boards must have regard to any guidance issued by the Secretary of State⁶.

Within their terms of reference, all Scrutiny Boards will

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

Deleted: ¶ Scrutiny Board ... [1]

Deleted: <#>review or scrutinise the exercise of any function of the Council or Executive;¶

The Scrutiny Board (Health and Well-being and Adult Social Care) will also:

- make reports and recommendations to local NHS bodies⁷ and to the Council or the Executive on any matter reviewed or scrutinised by it; and
- be consulted by local NHS body⁸.

Deleted: ¶ <#>review or scrutinise any matter relating to the planning, provision and operation of health services in the authority's area;¶

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

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

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

⁶ Section 21 Local Government Act 2000

⁷ NHS bodies in Leeds means NHS Leeds, the Leeds Teaching Hospitals, Leeds Partnerships NHS Foundation Trust, NHS Yorkshire and the Humber, and the Yorkshire and Humber Specialised Commissioning Group

⁸ in accordance with the Local Authority (Overview and Scrutiny Committees Health Scrutiny Functions) Regulations 2002 as amended

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

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- review or scrutinise the exercise of crime and disorder functions⁹ by responsible authorities¹⁰;
- review or scrutinise any local crime and disorder matter in relation to a Member¹¹; and
- make reports or recommendations to the Council or the Executive about the exercise of crime and disorder functions¹² or any local crime and disorder matter in relation to a Member¹³.

6.3 SPECIFIC ROLES

Vision for Scrutiny

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

Policy development and review

~~Within their Terms of Reference all~~ Scrutiny Boards may:

Deleted: All

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

⁹ As defined by Section 6 Crime and Disorder Act 1998 (formulating and implementing crime and disorder strategies).

¹⁰ These are the authorities responsible for crime and disorder strategies (Section 5 of the Crime and Disorder Act 1998)

¹¹ This is any matter concerning-

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

(b) the misuse of drugs alcohol and other substances in that area which affects all or part of the electoral area for which the Member is elected or any person who lives or works in that area.

¹² See footnote 8

¹³ See footnote 10

Scrutiny

Within their Terms of Reference all Scrutiny Boards may:

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

Within its Terms of Reference the Scrutiny Board (Health and Well-being, and Adult Social Care) and Scrutiny Board (Resources and Council Services) may also review or scrutinise:

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

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

6.4 SCRUTINY OFFICER

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

The functions of the Scrutiny Officer are:

- (a) to promote the role of the Scrutiny Boards;

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<#>review and scrutinise the decisions made by and performance of the Executive and/or committees and Directors both in relation to individual decisions and over time;¶

¶ <#>review and scrutinise the performance of the Council and the Executive in relation to policy objectives, performance targets and/or particular service areas;¶

¶ <#>question Members of the Executive, other Members¹⁴ and/or committees and Directors about their decisions and performance, whether generally in comparison with service plans and targets over a period of time, or in relation to particular decisions, initiatives or projects;¶

¹⁵ Under Section 21Z Local Government Act 2000.

Article 6 - Scrutiny Boards

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

6.5 PROCEEDINGS

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

6.6 SCRUTINY BOARD CHAIRS

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

6.7 CO-OPTED MEMBERS

Education Representatives

The following shall be appointed as voting representatives on each relevant Scrutiny Board dealing with educational matters¹⁹:

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

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

Crime and Disorder Committee

Subject to the following provisions, in its capacity as crime and disorder committee, the Scrutiny Board (~~Safer~~ and ~~Stronger Communities~~) may co-opt additional members to serve on the Board²⁰.

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

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

¹⁸ After consultation with the relevant Scrutiny Chairs

¹⁹ A Scrutiny Board is a relevant Scrutiny Board where the Board's functions relate wholly or in part to any education functions which are the responsibility of the authority's executive

²⁰ The Crime and Disorder (Overview and Scrutiny) Regulations 2009

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

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

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

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

Additional co-opted members

The following may be appointed to each Scrutiny Board²¹:

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

²¹ Co-option would normally only be appropriate where the co-opted member has some specialist skill or knowledge, which would be of assistance to the Scrutiny Board.

Vision for Scrutiny at Leeds

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

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

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

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

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

Scrutiny Board	Scope¹
Scrutiny Board (Adult Social Care)	Matters relating to adult services.
Scrutiny Board (Central and Corporate Functions)	Matters relating to central and corporate functions;
Scrutiny Board (Children's Services)	Matters relating to children's services.
Scrutiny Board (City Development)	Matters relating to city development
Scrutiny Board (Environment and Neighbourhoods)	Matters relating to environment and neighbourhoods The authority's crime and disorder committee ²
Scrutiny Board (Health)	Matters relating to the planning, provision and operation of health services

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

² Section 19 Police and Justice Act 2006

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SCRUTINY BOARD PROCEDURE RULES

1.0 GENERAL ARRANGEMENTS

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

1.2 No Scrutiny Board may include an Executive Board Member.

1.3 Working Groups

A Scrutiny Board may appoint a Working Group as it feels appropriate and necessary to assist in ensuring the effectiveness and efficiency of its work¹.

1.4 Co-opted Members

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

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

Any co-optee appointed in accordance with Article 6 of the Constitution, shall also serve as representative on Scrutiny Board (Resources and Council) when that Board discusses issues relating to their principal Board.

1.5 Education Representatives

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

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

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

The Scrutiny Officer³, after consultation with Scrutiny Chairs, shall arrange for any matter to be dealt with, where it falls within the terms of reference of more than one Scrutiny Board.

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

² A Scrutiny Board is a relevant Scrutiny Board where the Board's functions relate wholly or in part to any education functions which are the responsibility of the authority's executive.

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

2.0 DECLARATIONS OF INTEREST

- 2.1 Elected Members and voting co-opted members of Scrutiny Boards must observe the authority's Code of Conduct.
- 2.2 Where any non-voting co-opted member of a Scrutiny Board has an interest in an item, he/she must declare the interest and may be required by the Chair of the Scrutiny Board to withdraw from the meeting at which that issue is under discussion.
- 2.3 The Scrutiny Board (Health and Well-being and Adult Social Care) may include Members who are involved in the executive of a local NHS body⁴, as a member or an employee. Where such a Member has a personal or prejudicial⁵ interest in a matter, they must declare the interest. If the interest is prejudicial they must not participate in any Inquiry or consultation process which concerns that NHS body. In addition Scrutiny Board (Health and Well-being and Adult Social Care) Members may not be involved in any scrutiny exercise that may advantage the NHS body where they have a prejudicial interest.

3.0 FREQUENCY AND PLACE OF MEETINGS OF THE SCRUTINY BOARDS

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

Crime and disorder functions

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

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Deleted: Neighbourhoods

4.0 QUORUM / SUBSTITUTE MEMBERS

- 4.1 The quorum for a Scrutiny Board shall be as set out for committees in the Council Procedures Rules in Part 4 of this Constitution.

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

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

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

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

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

Part 4 (c)

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- 4.2 The Council shall appoint substitute members, comprising all other members of the other Scrutiny Boards.
- 4.3 A substitute Member shall be entitled to attend a meeting of a Scrutiny Board in place of a regular Member.

5.0 NOTICES OF MEETINGS

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

6.0 ADMISSION TO MEETINGS

- 6.1 Subject to any statutory prohibitions and to Rule 6.2 below, all meetings of a Scrutiny Board shall be open to the public in accordance with the Access to Information Procedure Rules⁹. This shall be without prejudice to any power of exclusion to suppress or prevent disorderly conduct or other misbehaviour at a meeting.
- 6.2 A Scrutiny Board may resolve to exclude the press and public from a meeting (whether the whole or part only of the proceedings) by passing a resolution under the Access to Information Procedure Rules.

7.0 MINUTES

- 7.1 All meetings of each Scrutiny Board shall be minuted. All oral evidence given to a Scrutiny Board ~~may~~ be recorded in full, as shall appear to the Scrutiny Board to be appropriate, ~~and shall be retained~~ for an appropriate period of time to be determined in each case.¹⁰

8.0 RIGHTS OF SCRUTINY BOARD MEMBERS TO DOCUMENTS

- 8.1 In addition to their rights as Councillors, Members on a Scrutiny Board have additional rights to documents as set out in the Access to Information Procedure Rules.
- 8.2 When a Scrutiny Board conducts a review, every member of the Scrutiny Board¹¹ shall have a right of access to any documents which are relevant to the subject matter of the review.

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¶ The tapes of oral evidence must

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¶ <#>The Chair of a Scrutiny Board will be appointed in accordance with the Council's Procedure Rules.¶
¶ 9.0 .

⁹ These are in Part 4 of the Constitution
¹⁰ The Scrutiny Board Procedure Rules Guidance Note provides guidance on the use of taped evidence to Scrutiny Boards.
¹¹ Information received as a member of a Scrutiny Board should be used only in this capacity. Such information should not for example be used by an elected Member to further their ward work.

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

9.0 AGENDA ITEMS

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

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

10.0 WORK PROGRAMMING

10.1 No Scrutiny Board may undertake a review into:

- any decision of a Plans Panel or the Licensing Committee or a Licensing sub-committee;¹³
- any decisions which may be appealed against under the terms of reference of the Licensing Sub-Committees;
- any decision taken by an officer under delegated authority which falls within the terms of reference of a Plans Panel or the Licensing Committee or a Licensing Sub-Committee;¹⁴
- any decision taken prior to 24 May 1999¹⁵, except where such a decision has influenced to a significant degree any action or decision taken subsequently to 24 May 1999 which is the subject of a review; or

¹³ In respect of a licence or permission granted to an individual or in respect of an individual premises

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

¹⁵ This was the date of the commencement of scrutiny arrangements in Leeds.

- except in exceptional circumstances, any decision in respect of which there are:
 - ongoing judicial proceedings, Ombudsman or audit inquiry or complaint under the Council's formal complaints procedure; or
 - individual personnel issues.

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

11.0 REQUESTS FOR SCRUTINY

11.1 The Scrutiny Board (Resources and Council Services) shall consider a request from any source to conduct a review and undertake any subsequent work. In considering the request it shall take into account the wishes of all members of that Board including those who are not Members of the political group(s) forming the administration. The Scrutiny Officer shall acknowledge all such referrals.

11.2 The person making the referral will be invited to attend the meeting of the Scrutiny Board (Resources and Council Services) to make representations as to why it would be appropriate for the Board to exercise its functions in relation to the matter. The Scrutiny Board Chair will decide how much time will be given to the Member for addressing the Board.

11.3 If the Scrutiny Board (Resources and Council Services) decides not to carry out a review into the matter, the Scrutiny Officer will inform the referring person about the decision of the Board, and the reasons for its decision.

Reviews requested by the Executive Board or Council

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

Councillor calls for action

11.5 Any Member may refer any local government matter¹⁶ to the Scrutiny Board (Resources and Council Services). In considering whether to refer a matter, the Member must have regard to any guidance issued by the Secretary of State.

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11.6 All such referrals must be submitted in writing to the Scrutiny Officer. The Scrutiny Officer shall add this to the agenda for the next Ordinary Meeting of the Scrutiny Board (Resources and Council Services).

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¹⁶ This means a matter which relates to the discharge of any function of the authority, affects all or part of the electoral area for which the Member is elected or any person who lives or works in that area, and which is not an excluded matter as defined by Section 21(11) of the 2000 Act.

Scrutiny Board Procedure Rules

11.7 The Scrutiny Officer shall acknowledge all such referrals.

11.8 At the next Ordinary Meeting, the Scrutiny Board (Resources and Council Services) shall consider any referral which the Scrutiny Officer has added to the agenda.

11.9 The Member making the referral will be invited to attend the meeting of the Scrutiny Board (Resources and Council Services) to make representations as to why it would be appropriate for the Board to exercise its functions in relation to the matter. The Scrutiny Board Chair will decide how much time will be given to the Member for addressing the Board.

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11.10 In deciding whether to carry out a review, the Scrutiny Board (Resources and Council Services) may have regard to:

- any powers which the Member may exercise in relation to the matter¹⁷; and
- any representations made by the Member.

11.11 If the Scrutiny Board (Resources and Council Services) decides not to carry out a review into the matter, the Scrutiny Officer will inform the referring Member about the decision of the Board, and the reasons for its decision.

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Local crime and disorder matters

11.12 Any Member may refer any local crime and disorder matter¹⁸ to the Scrutiny Board (Safer and Stronger Communities).

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11.13 All such referrals must be submitted in writing to the Scrutiny Officer. The Scrutiny Officer shall add this to the agenda for the next Ordinary Meeting of the Scrutiny Board (Safer and Stronger Communities).

11.14 The Scrutiny Officer shall acknowledge all such referrals.

11.15 At the next Ordinary Meeting, the Scrutiny Board (Safer and Stronger Communities) shall consider any such referrals which the Scrutiny Officer has added to the agenda.

11.16 The Member making the referral will be invited to attend the meeting of the Scrutiny Board (Safer and Stronger Communities) to make representations as to why it would be appropriate for the Board to exercise its functions in relation to the matter. The Scrutiny Board Chair will decide how much time will be given to the Member for addressing the Board.

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Health and social care matters

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

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

¹⁷ Under Section 236 of the 2007 Act

¹⁸ This means a matter concerning:

- crime and disorder (including in particular forms of crime and disorder that involve antisocial behaviour or other behaviour adversely affecting the local environment); or
- the misuse of drugs alcohol and other substances

which affects all or part of the electoral area for which the Member is elected or any person who lives or works in that area -Section 19(11) 2006 Act

Part 4 (c)

Page 6 of 19

- social care services¹⁹ to the Scrutiny Board (~~Health and Well-being and Adult Social Care~~).

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

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

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

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

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

Petitions

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¶ 11.21 The appropriate Scrutiny Board shall consider a request from any other source to conduct a review¶

~~11.23 Where a Scrutiny Board Chair receives in their capacity as a Scrutiny Chair a petition, the Chair will respond to the petition organiser only. Thereafter the Scrutiny Officer will be responsible for notifying the petition organiser of the date on which the petition will be considered, and of the outcome of that meeting. The Scrutiny Officer will ensure the appropriate Executive Board Member receives a copy of the petition. If the petition is requesting Scrutiny, the matter will be considered by Scrutiny Board (Resources and Council Services).~~

~~12.0 UNDERTAKING SCRUTINY INQUIRIES -~~

12.1 Where a ~~Scrutiny Board undertakes an Inquiry the~~ Scrutiny Board shall

Deleted: 12.22 People who live, work or study in the Council's area may submit a petition calling an officer²⁰ to account by a Scrutiny Board²¹. The relevant Scrutiny Board must hold a review of the concerns raised in the petition²². The Scrutiny Board must require the relevant officer, or another more appropriate officer, to attend before it to answer questions at the review. ¶

¶ 12.23 A petition organiser may also require a Scrutiny Board to hold a review into the Council's response to a petition, where this is considered inadequate by the petition organiser²³. ¶

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

²⁴ ~~Any reference to a Director within these Rules should be deemed to include reference to all officers listed in Article 12 of the constitution. These include chief officers with concurrent delegations to directors. In relation to Scrutiny Board (Health), it also includes the Director of Public Health~~

Scrutiny Board Procedure Rules

- consult with any relevant Director²⁴ and Executive Member on the terms of reference.
- agree the Terms of Reference of the Inquiry;
- agree the period within which the Inquiry's Report is to be completed;
- compile a preliminary list of witnesses from whom the Scrutiny Board require evidence²⁷; and
- compile a preliminary list of documents which the Scrutiny Board require to be produced.

12.2 Before deciding to undertake a scrutiny Inquiry, Scrutiny Board (Resources and Council Services) must

- consider how the proposed Inquiry meets criteria approved from time to time²⁸, and
- consider the current workload of the Scrutiny Board and the available resources required to carry out the work.

13.0 REPORTS AND RECOMMENDATIONS

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

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

13.3 The review report shall include:

- an explanation of the matter reviewed or scrutinised;
- a list of the participants involved in the Inquiry (save where the Board considers that a name of a witness should be withheld for reasons of confidentiality)²⁹ ;
- a list of all documentation that has been considered by the Board; and
- any conclusions and recommendations on the matter reviewed or scrutinised.

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

²⁷ As an Inquiry proceeds it may become apparent that further witnesses are required

²⁸ set out in the Scrutiny Board Procedure Rules Guidance Notes

²⁹ Where it is necessary to preserve the confidentiality of a witness, their name need not be disclosed nor where the evidence which they gave amounted to exempt information, need this be disclosed if it would breach the witness's confidentiality.

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¶
13.2 Before deciding to undertake a scrutiny Inquiry, a Scrutiny Board must¶
<#>consider how the proposed Inquiry meets criteria approved from time to time²⁸; and¶
<#>consider the current workload of the Scrutiny Board and the available resources required to carry out the work,¶

¶

¶

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

¶

consult with any relevant Director²⁶ and Executive Member.

- 13.5 Where any voting member of the Scrutiny Board does not agree with the content of the Board's Report, they may produce a Minority Report setting out their findings and recommendations. The Minority Report will be an appendix to the Scrutiny Board's Report.³⁰

Councillor calls for action

- 13.6 Where a Scrutiny Board is considering making a report or recommendations in relation to a local government matter, it may have regard to:
- any powers which the Member may exercise in relation to the matter³¹; and
 - any representations made by the Member.
- 13.7 If the Scrutiny Board decides not to make a report or recommendations into the matter, the Scrutiny Officer will inform the referring Member about the decision of the Scrutiny Board, and the reasons for its decision.
- 13.8 Where a Scrutiny Board has made a report or recommendations in relation to a local government matter, the Scrutiny Board must also send a copy of the report and recommendations to the Member who referred the matter.

Health scrutiny functions

- 13.9 The Scrutiny Board (Health and Well-being and Adult Social Care) may make reports and recommendations to local NHS bodies, or the Executive or Council. Such reports and recommendations shall include³²:
- an explanation of the matter reviewed or scrutinised;
 - a summary of the evidence considered;
 - a list of the participants involved; and
 - any recommendations on the matter reviewed or scrutinised.
- 13.10 Where the Scrutiny Board (Health and Well-being and Adult Social Care) has completed its review and made reports and recommendations to local NHS bodies scrutinised, the Scrutiny Officer will copy the report to:
- Local MPs and MEPs;
 - NHS Yorkshire and Humber;
 - PCT and other NHS Trusts;
 - Leeds Voice;
 - Local Involvement Network; and
 - Other bodies or organisations that have expressed an interest in the Inquiry.
- 13.11 The Scrutiny Officer will place a copy of the report on the Council's web-site.

Crime and disorder functions

³⁰ The Scrutiny Board Procedure Rules Guidance Note provides guidance on Minority Reports.

³¹ Under Section 236 of the 2007 Act

³² See further the Protocol between Scrutiny Board (Health) and NHS bodies which details these arrangements.

Scrutiny Board Procedure Rules

- 13.12 Where the Scrutiny Board (Safer and Stronger Communities) makes a report or recommendations to the Council or Executive about the exercise of crime and disorder functions by responsible authorities³³, the Scrutiny Officer will provide a copy to
 - each of the responsible authorities; and
 - each of the co-operating persons and bodies.

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13.13 Whenever the Scrutiny Board provides a copy of a report or recommendation the Scrutiny Officer will also notify any authority, person or body to whom it provides the copy, of the steps they must take³⁴.

Local crime and disorder matters

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

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

- 13.16 Where the Scrutiny Board makes a report or recommendations to the Council or the Executive about any matter which is a local crime and disorder matter³⁵, the Scrutiny Officer will copy the report to:
 - the Member who referred the matter to the Scrutiny Board; and
 - to such of
 - (i) the responsible authorities; and
 - (ii) the co-operating persons and bodies
 as it thinks appropriate.

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

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¶
<#>Any Scrutiny Board may publish their report or recommendations³⁶. Subject to any provisions above, the Scrutiny Board shall submit its report to the Scrutiny Officer for consideration by the Executive (if the proposals are consistent with the existing Budget and Policy Framework), or to the Council as appropriate.³⁷ The Scrutiny Board must by notice in writing require the Executive or the Council to:¶
<#>consider the report or recommendations;¶
<#>indicate what (if any) steps the Executive or the Council propose to take;¶
<#>publish their response³⁸; and ¶
<#>provide a copy of their response to the referring Member.³⁹ ¶
¶
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14.0 RESPONSES TO REPORTS AND RECOMMENDATIONS

³³ See footnote 7

³⁴ In accordance with Section 19 (8B) 2006 Act. See further the Protocol between Scrutiny and the Crime and Disorder Reduction Partnership, detailing these arrangements.

³⁵ See footnote 20

⁴⁰ Or (if later) the notice – Section 21B 2000 Act

14.1 Except as provided below, the Council, the Executive Board, Area Committees or officers shall consider any report and recommendations of a Scrutiny Board within two months of it being received⁴⁰. The Council or Executive is under a duty to respond to the Scrutiny Board, indicating what action (if any) it proposes to take and to publish its response.⁴¹

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

Partner authorities⁴²

14.3 Where a Scrutiny Board makes a report or recommendations to the Council or the Executive, and the report or any of the recommendations relates to a local improvement target which:

- relates to a partner authority,
- the Scrutiny Board may by notice⁴³ in writing require the relevant partner authority to have regard to the report or recommendation in question in exercising their functions. The notice must be accompanied by a copy of the report or recommendations⁴⁴.

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Councillor calls for action

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

Crime and disorder functions

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

- consider the report or recommendations;
- respond in writing to the Scrutiny Board within 28 days of the date of the report or recommendations⁴⁵, indicating what (if any) action it proposes to take; and
- have regard to the report or recommendations in exercising its functions.

Local crime and disorder matters

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

- consider the report or recommendations;
- respond in writing to the Scrutiny Board within 28 days of the date of the report or recommendations⁴⁶, indicating what (if any) action it proposes to take; and
- have regard to the report or recommendations in exercising its functions.

⁴¹ Section 21B 2000 Act

⁴² This means any person who is a partner authority for the purposes of Chapter 1 of Part 5 of the 2007 Act, other than a police authority or a chief officer of police. This provision will not apply if the partner authority is a health service body and the report was provided to the body under Rule 14.9.

⁴³ Subject to provisions relating to confidential and exempt information in Section 21D 2000 Act

⁴⁴ Subject to provisions relating to confidential and exempt information in Section 21D 2000 Act

⁴⁵ or if this is not reasonably possible, as soon as reasonably possible thereafter

⁴⁶ or if this is not reasonably possible, as soon as reasonably possible thereafter

Scrutiny Board Procedure Rules
Health scrutiny functions

14.7 Where the Scrutiny Board requests a response from a local NHS body to whom it has made a report or recommendation, that body shall respond in writing to the Scrutiny Board within 28 days⁴⁷.

14.8 The response should also be copied to:

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

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

15.0 WITNESSES – GENERAL PRINCIPLES

15.1 Where a Scrutiny Board wishes to take evidence from a witness, the Scrutiny Officer shall notify the witness of:-

- the date upon which their evidence is to be taken;
- the matters upon which evidence is sought;
- any documents that the Scrutiny Board wishes to have produced; and
- the date upon which the Board requires any written evidence from the witness.

15.2 Those assisting the Scrutiny Board by giving evidence shall be treated with respect and courtesy⁴⁸.

16.0 MEMBERS AND OFFICERS GIVING ACCOUNT/ INFORMATION

16.1 A Scrutiny Board may require any Executive Member, or Member in relation to a matter where the Member has exercised functions⁵⁰, the Chief Executive and/or any senior officer to attend before it to answer questions and provide information about any matter within its terms of reference;

16.2 It is the duty of those officers and Members to attend and to answer questions⁵¹.

16.3 The Chair of a Scrutiny Board will inform the Scrutiny Officer if the Scrutiny Board requires any Member (including an Executive Member) or officer to attend a Scrutiny Board under this provision. The Scrutiny Officer shall inform the Member or officer of this, giving at least 7 working days notice of the meeting at which he/she is required to attend.

Deleted: 3 . When a Member with a prejudicial interest in a matter is giving evidence to the Scrutiny Board⁴⁹, they should ensure they act as a witness by moving to the area in which other witnesses are giving evidence. The Member should only be present in the room when giving the evidence and must leave the room once they have given their evidence and answered any questions.¶
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<#>the extent to which actions taken implement Council policy; and/or ¶
<#>their performance.¶
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⁴⁷ Regulation 3(3) Local Authority (Overview and Scrutiny Committees Health Scrutiny Functions) Regulations 2002

⁴⁸ see Member/Officer Protocol in Part 5 of the Constitution.

⁵⁰ under Section 236 of the 2007 Act

⁵¹ A Member or officer is not obliged to answer any question which he would be entitled to answer in or for the purposes of proceedings in a Court (Section 21 (15) 2000 Act).

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

Health scrutiny functions

- 16.10 Subject to giving reasonable notice of the intended date of attendance, the Scrutiny Board (Health and Well-being and Adult Social Care) may require an officer of a local NHS body to attend and answer such questions as appear to the Scrutiny Board to be necessary for discharging its functions.⁵²
- 16.11 Scrutiny Board (Health and Well-being and Adult Social Care) in carrying out the review and scrutiny of a particular matter shall:
- invite interested parties to comment on the matter; and
 - take account of relevant information available to it and, in particular relevant information provided to it by the Local Involvement Network.
- 16.12 An NHS body must provide the Scrutiny Board with such information about the planning, provision and operation of health services in the area as the Board shall reasonably require in order to discharge its functions.⁵³

Crime and Disorder Committee

- 16.13 Subject to giving reasonable notice of the intended date of attendance, the Scrutiny Board (Safer and Stronger Communities)⁵⁴ may require an officer or employee of a

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⁵² The duty of the officer to comply with any requirement to attend and answer questions is subject to Regulations 6 and 10 Local Authorities (Overview and Scrutiny Committees Health Scrutiny Functions) Regulations 2002 as amended. Officer includes a Chief Executive.

⁵³ Regulation 5 Local Authorities (Overview and Scrutiny Committees Health Scrutiny Functions) Regulations 2002 as amended.

⁵⁴ In its capacity as crime and disorder committee

Scrutiny Board Procedure Rules

responsible authority⁵⁵ or of a co-operating person or body⁵⁶ in order to answer questions.

16.14 The Scrutiny Board (**Safer** and **Stronger Communities**) may in writing request responsible authorities and co-operating persons and bodies to provide it with information.

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Partner authorities

16.15 Scrutiny Board may in writing request a partner authority to provide such information⁵⁷, as the Scrutiny Board may reasonably require in order to discharge its functions⁵⁸.

16.16 A partner authority must comply with any such request.⁵⁹

17.0 ATTENDANCE BY OTHERS

17.1 A Scrutiny Board may invite members of the public or other persons to attend meetings, address it, discuss issues of local concern and/or answer questions on matters within its Terms of Reference⁶⁰.

18.0 EXECUTIVE DECISIONS OUTSIDE THE BUDGET OR POLICY FRAMEWORK

18.1 The relevant Director shall seek the agreement of the Chair of the relevant Scrutiny Board that a decision can be taken as a matter of urgency where:

- a proposed decision is contrary to the Council's policy framework, or is not wholly in accordance with the budget approved by full Council; and
- the decision is a matter of urgency; and
- it is not practical to convene a quorate meeting of the full Council.

18.2 The Director shall give detailed reasons to the Chair about why it is not practical to convene a quorate meeting of full Council when seeking his/her agreement.

18.3 In the absence of the Chair of the relevant Scrutiny Board, the Director may obtain agreement from the Lord Mayor or in the absence of both, the Deputy Lord Mayor.

18.4 The Director must note on the record of the decision:

- the consent of the Chair of the relevant Scrutiny Board to the decision being taken as a matter of urgency; and
- the Chair's reasons for giving consent.

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18.3 A Member with a prejudicial interest in a matter may make representations and/or answer questions at a Scrutiny Board⁶¹. In such circumstances the Member should move to the area of the room in which such other members of the public or persons are seated, and should only be present in the room while making representations and/or answering questions. The Member must leave the room once they have made their representations and/or answered any questions until the end of that item.¶

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⁵⁵ See footnote 7

⁵⁶ See footnote 39

⁵⁷ The information must relate to a local improvement target which relates to the partner authority and is specified in the local area agreement

⁵⁸ See further Scrutiny Board Procedure Rule Guidance Note 8

⁵⁹ Subject to Regulations 11 and 12 Local Authorities (Overview and Scrutiny Committees) (England) Regulations 2009

⁶⁰ It may for example wish to hear from residents, stakeholders, Members or officers in other parts of the public sector.

⁶² See Access to Information Procedure Rules

- 18.5 Following the decision, the decision taker will provide a full report to the next available Council meeting explaining:
- the decision;
 - the reasons for it; and
 - the reason why taking the decision was treated as a matter of urgency.

19.0 KEY DECISIONS NOT CONTAINED WITHIN THE FORWARD PLAN

General exception

- 19.1 Where it is proposed to take a Key Decision which has not been included in the Forward Plan, the relevant Director will give the Chair of the relevant Scrutiny Board not less than 5 clear days written notice of the matter on which the decision is to be made.

Special urgency

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

Report to Council

- 19.4 A Scrutiny Board can require the Executive to submit a report to Council where it considers that a Key Decision has been taken which was not in the Forward Plan or which has not been the subject of the general exception or special urgency provisions⁶².

20.0 CALL-IN⁶³

- 20.1 Subject to the exceptions set out below, the following may be called in to be reviewed and scrutinised by the relevant Scrutiny Board⁶⁴:
- all decisions of the Executive Board;
 - executive decisions taken by Area Committees; and
 - Key and Major Decisions taken by Officers.
- 20.2 The power to call in decisions does not extend to⁶⁵:
- decisions made under regulatory arrangements;

⁶³ There is a separate Guidance Note which sets out in full the operation of the Call-In

⁶⁴ Where a decision falls within the terms of reference of more than one Scrutiny Board, the Scrutiny Officer will determine the relevant Scrutiny Board, after consultation with Scrutiny Chairs.

⁶⁵ A decision which is a direct consequence of implementing a previous key or major decision, cannot be called in – see definition of key and major decisions, guidance notes on delegated decision-making.

Scrutiny Board Procedure Rules

- decisions made by Joint Committees; or
- decisions not taken by the authority.
- Budget and Policy framework documents reserved for full council

20.3 The decision taker may declare a decision as being exempt from Calling In if they consider that any delay would seriously prejudice the Council's or the public's interests; or where the decision has been the subject of a previous Call In. This includes a decision which has been modified by the decision making body following a recommendation by a Scrutiny Board after call in of the earlier decision. There is no appeal mechanism against a decision to exempt a decision from Calling In

20.4 When a decision is made which is subject to Call-In, the Head of Governance Services shall publish the decision, and make it available on the Council database within two days of the decision being made.

20.5 He/she will also send each elected Member of the relevant Scrutiny Board an electronic copy of the record of the decision within two days of it being made.

20.6 The notice will bear the date on which it is published. It will specify that the decision will come into force, and may then be implemented, on the expiry of five working days⁶⁶ after the publication of the decision, unless the decision is called in.

20.7 During that period, the Scrutiny Officer shall Call-In a decision for scrutiny by the relevant Scrutiny Board if:

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

request him/her to do so⁶⁷. The Scrutiny Officer will call a meeting of the relevant Scrutiny Board to review or scrutinise the decision, unless a Member withdraws their signature, and no further signatures are obtained within the call-in period or a Member withdraws their signature after the Call In period resulting in insufficient signatures to meet the requirements for Call In

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

20.9 Prior to submitting a Call In, a nominated signatory first must contact the relevant officer or Executive Member to discuss their concerns and their reasons for wanting to call in the decision. The nominated signatory must also ascertain the financial consequences to the authority of having the decision Called In. The outcome of this contact including any financial implications must be detailed on the Call In request proforma.

20.10 All requests must detail on the pro forma why in the opinion of the signatories the decision was not taken in accordance with the principles set out in Article 13

⁶⁶ Which shall be taken to expire at 5.00 p.m. on the fifth working day.

⁶⁷ A Member cannot be a signatory to call-in a decision of the Area Committee of which they are a member.

⁷⁰ or their nominees

Deleted: 21.8 At the meeting the Scrutiny Board will invite signatories to the notification⁶⁸ to explain the reasons for the Call-In⁶⁹. The relevant member of the Executive Board, Area Committee Chair or officer (as appropriate) shall be required to attend the Meeting and shall be given the opportunity to respond to the reasons given for the Call-In. The Scrutiny Board shall make such further enquiries as it considers necessary and appropriate. The Scrutiny Board may also extend the invitation to other relevant witnesses, as considered appropriate, in order to specifically assist the Board in its deliberations over the called in decision. ¶
¶
21

Deleted: This also excludes members of the Scrutiny Board to which the Call In will be referred.

(Decision Making) (Principles of Decision Making or where relevant issues do not appear to have been taken into consideration.

20.11 At the meeting the Scrutiny Board will invite signatories to the notification⁷⁰ to explain the reasons for the Call-In. The relevant member of the Executive Board, Area Committee Chair or officer (as appropriate) shall be required to attend the Meeting and shall be given the opportunity to respond to the reasons given for the Call-In. The Scrutiny Board shall make such further enquiries as it considers necessary and appropriate. The Scrutiny Board may also extend the invitation to other relevant witnesses, as considered appropriate, in order to specifically assist the Board in its deliberations over the called in decision.

20.12 The Scrutiny Board shall then either;

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

20.13 If any decisions are to be referred back for consideration, then a report will be prepared to the relevant decision making body, within three days of the Scrutiny Board meeting.

Executive Board Decisions

20.14 The Scrutiny Board report will be submitted to the next appropriate Executive Board meeting.

20.15 Executive Board will either confirm the original decision or vary the original decision. The decision will be implemented without further recourse to Call In.

Delegated Decisions

20.16 The Scrutiny Board report will be submitted to the relevant Director³.

20.17 Where the Director believes that the original decision should be confirmed, they will refer the matter to the next Executive Board for a decision.

20.18 Where the Director agrees with the views of Scrutiny a new delegated decision form will be submitted indicating ineligible for Call In.

20.19 In cases where the Director believes that the original decision should be confirmed, and in their view urgency prevents them from submitting the decision to Executive Board, the approval from the relevant Executive Board Member will be required before implementation. This Executive Member approval together for reasons of

³ This also refers to the Chief Executive, Deputy Chief Executive and Assistant Chief Executive where they have delegated authority to take decisions

Deleted: the Scrutiny Board resolves that a decision is

Deleted: the Scrutiny Officer

Deleted: prepare a report⁷¹

Deleted: -maker

Deleted: working

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

Scrutiny Board Procedure Rules

urgency will be included in the new delegated decision form. The Director and relevant Executive Board Member may also be required to attend and give their reasoning to the relevant Scrutiny Board

Area Committee Decisions

20.20 The Scrutiny Board report will be submitted to the next appropriate Executive Board meeting.

20.21 Executive Board will either confirm the original decision or vary the original decision. The decision will be implemented without further recourse to Call In.

20.22 In all instances a revised record of the decision, indicating the outcome of decision taker's further deliberations, will be published on the Corporate Information System.

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

21.0 NHS BODIES - CONSULTATION WITH THE SCRUTINY BOARD (HEALTH AND WELL-BEING AND ADULT SOCIAL CARE)

21.1 A local NHS body must consult the Scrutiny Board (Health and well-being and Adult Social Care) where it has under consideration any substantial development of the health service in the authority's area, or for a substantial variation in the provision of a service⁷⁴.

21.2 The Scrutiny Board may make comments on the proposal consulted on by such date as may be specified by the NHS body.

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

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

21.4 Where the Scrutiny Board (Health and well-being and Adult Social Care) is not satisfied that:

- consultation on any proposal has been adequate in relation to content or time allowed; or
- , the reasons given by the NHS body are adequate;

it may report this to the Secretary of State in writing. The Secretary of State may require the local NHS body concerned to carry out such consultation, or such further consultation, with the Scrutiny Board as he/she considers appropriate.

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22.0 CALL-IN EXCEPTIONS¶
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22.1 The Call-In procedure set out above shall not apply:¶
<#>where the decision being taken is stated by the decision maker to be urgent⁷²; nor¶
<#>where the decision is in relation to a matter which has been the subject of a previous Call-In.⁷³¶
¶

⁷⁴ Under the Local Authority (Overview and Scrutiny Committees Health Scrutiny Functions) Regulations 2002 as amended.

- 21.5 Where further consultation has been required, the local NHS body shall, having regard to the outcome of such further consultation, reconsider any decision it has taken in relation to the proposal in question.
- 21.6 In any case where the Scrutiny Board (Health and well-being and Adult Social Care) | considers that the proposal would not be in the interests of the health service in the authority's area, it may report this to the Secretary of State in writing. The Secretary of State may make a final decision on the proposal and require the local NHS body to take such action, or desist from taking such action, as he/she may direct.

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