



The Annual Meeting of the Council will be held in the Civic Hall, Leeds on Monday, 21st May, 2012 at 6.00 pm

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

1. Election of Lord Mayor

That Councillor Ann Castle be elected Lord Mayor of the City of Leeds to hold office until the date of the Annual Meeting of the Council in 2013.

2. Election of Vice Chair of Council

That Councillor J L Carter be elected as the Vice Chairman of the Council to hold office until immediately after the election of the Lord Mayor at the Annual Meeting of the Council in 2013.

3. Vote of Thanks to the Retiring Lord Mayor

To pass a vote of thanks to the retiring Lord Mayor.

4. Minutes

To confirm the minutes of the Council Meetings held on 28th March 2012.

J LEWIS

5. Declarations of Interest

To receive any declarations of interest from Members

6. Announcements

To receive any announcements from the Lord Mayor or the Chief Executive.

7. Recommendations of the General Purposes Committee - Amendments to the Constitution

That the recommendations of the General Purposes Committee as detailed in the report of the City Solicitor be approved.

K WAKEFIELD

8. Establishment of Committees and Appointments

- (a) That Committees having Terms of Reference as detailed in Schedule 8 (a) be established.
- (b) That appointments be made to the Committees as detailed in Schedules 8 (b) (i), (ii) and (iii).
- (c) That Chairs be appointed as detailed in Schedule 8(c).
- (d) That the Chair appointments made by Area Committees as detailed in Schedule 8(d) be noted.
- (e) That appointments be made to outside organisations as detailed in Schedule 8(e).

J LEWIS

9. Scheme of Delegation(Council (Non-Executive) functions)

That the Officer Delegation Scheme (Council (Non-Executive) Functions) as detailed in Schedule 9 be approved.

J LEWIS

10. Executive Arrangements

That the list presented by Councillor Wakefield setting out the arrangements for the discharge of executive functions as detailed in Schedule 10 be received.

J LEWIS

11. Council Meeting Dates 2012/13

That the dates of the meetings of the Council for the Municipal Year 2012/13 as detailed in Schedule 11 be approved.

J LEWIS

Chief Executive



Proceedings of the Extraordinary Meeting of the Leeds City Council held
Civic Hall, Leeds on Wednesday, 28th March, 2012

PRESENT: The Lord Mayor Councillor Reverend Alan Leonard Taylor in the
Chair

WARD

ADEL & WHARFEDALE

John Leslie Carter
Clive Fox
Barry John Anderson

ALWOODLEY

Dan Cohen
Peter Mervyn Harrand
Ronald David Feldman

ARDSLEY & ROBIN HOOD

Jack Dunn
Lisa Mulherin

ARMLEY

James McKenna
Janet Harper
Alison Natalie Kay Lowe

BEESTON & HOLBECK

Adam Ogilvie
David Congreve
Angela Gabriel

BRAMLEY & STANNINGLEY

Ted Hanley
Neil Taggart

BURMANTOFTS & RICHMOND HILL

Asghar Khan
Ron Grahame
Ralph Pryke

WARD

CALVERLEY & FARSLEY

Joseph William Marjoram
Rod Wood
Andrew Carter

CHAPEL ALLERTON

Mohammed Rafique
Jane Dowson
Eileen Taylor

CITY & HUNSLET

Patrick Davey
Mohammed Iqbal
Elizabeth Nash

CROSS GATES & WHINMOOR

Pauleen Grahame
Peter John Gruen
Suzi Armitage

FARNLEY & WORTLEY

Ann Blackburn
John Hamilton Hardy
David Blackburn

GARFORTH & SWILLINGTON

Mark Dobson
Thomas Murray
Andrea McKenna

GIPTON & HAREHILLS

Arif Hussain
Kamila Maqsood

GUISELEY & RAWDON

Paul Wadsworth

Graham Latty

HAREWOOD

Rachael Procter
Matthew James Robinson
Ann Castle

HEADINGLEY

Neil Walshaw

Jamie Matthews

HORSFORTH

Dawn Collins
Brian Cleasby

HYDE PARK & WOODHOUSE

Gerry Harper
Javaid Akhtar
Penny Ewens

KILLINGBECK & SEACROFT

Veronica Morgan
Brian Michael Selby
Graham Hyde

KIPPAX & METHLEY

James Lewis
Keith Ivor Wakefield
John Keith Parker

KIRKSTALL

Bernard Peter Atha
Lucinda Joy Yeadon

MIDDLETON PARK

Judith Blake
Kim Groves
Geoffrey Driver

MOORTOWN

Rebecca Charlwood
Sharon Hamilton

MORLEY NORTH

Robert William Gettings
Thomas Leadley
Robert Finnigan

MORLEY SOUTH

Neil Dawson
Shirley Varley
Judith Elliott

OTLEY & YEADON

Colin Campbell

Graham Peter Kirkland

PUDSEY

Richard Alwyn Lewis
Mick Coulson
Josephine Patricia Jarosz

ROTHWELL

Karen Bruce
Barry Stewart Golton
Donald Michael Wilson

ROUNDHAY

Christine McNiven
Ghulam Hussain
Matthew Loble

TEMPLE NEWSAM

Michael Lyons
William Schofield Hyde

WEETWOOD

Susan Bentley
Judith Mara Chapman
Ben Chastney

WETHERBY

Alan James Lamb
John Michael Procter
Gerald Wilkinson

99 Appointment of Honorary Aldermen

It was moved by Councillor A Carter, seconded by Councillor Atha and supported by Councillors Chapman, Elliott and D Blackburn and

RESOLVED UNANIMOUSLY – That under Section 249(1) of the Local Government Act 1972, the Council admit the following former Councillor of the Leeds City Council to be an Honorary Alderman of the City in recognition of the long and distinguished public service rendered by her:-

Ruth Feldman

Council rose at 1.45 pm.

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Proceedings of the Meeting of the Leeds City Council held
Civic Hall, Leeds on Wednesday, 28th March, 2012

PRESENT: The Lord Mayor Councillor Reverend Alan Leonard Taylor in the
Chair

WARD

ADEL & WHARFEDALE

John Leslie Carter
Clive Fox
Barry John Anderson

ALWOODLEY

Dan Cohen
Peter Mervyn Harrand
Ronald David Feldman

ARDSLEY & ROBIN HOOD

Jack Dunn
Lisa Mulherin
Karen Renshaw

ARMLEY

James McKenna
Janet Harper
Alison Natalie Kay Lowe

BEESTON & HOLBECK

Adam Ogilvie
David Congreve
Angela Gabriel

BRAMLEY & STANNINGLEY

Ted Hanley
Neil Taggart

BURMANTOFTS & RICHMOND HILL

Asghar Khan
Ron Grahame
Ralph Pryke

WARD

CALVERLEY & FARSLEY

Joseph William Marjoram
Rod Wood
Andrew Carter

CHAPEL ALLERTON

Mohammed Rafique
Jane Dowson
Eileen Taylor

CITY & HUNSLET

Patrick Davey
Mohammed Iqbal
Elizabeth Nash

CROSS GATES & WHINMOOR

Pauleen Grahame
Peter John Gruen
Suzi Armitage

FARNLEY & WORTLEY

Ann Blackburn
John Hamilton Hardy
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GARFORTH & SWILLINGTON

Mark Dobson
Thomas Murray
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GIPTON & HAREHILLS

Arif Hussain
Kamila Maqsood

GUISELEY & RAWDON

Paul Wadsworth
Pat Latty
Graham Latty

HAREWOOD

Rachael Procter
Matthew James Robinson
Ann Castle

HEADINGLEY

Neil Walshaw
Martin Hamilton
Jamie Matthews

HORSFORTH

Dawn Collins
Brian Cleasby
Christopher Townsley

HYDE PARK & WOODHOUSE

Gerry Harper
Javaid Akhtar
Penny Ewens

KILLINGBECK & SEACROFT

Veronica Morgan
Brian Michael Selby
Graham Hyde

KIPPAX & METHLEY

James Lewis
Keith Ivor Wakefield
John Keith Parker

KIRKSTALL

John Anthony Illingworth
Bernard Peter Atha
Lucinda Joy Yeadon

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Judith Blake
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Karen Bruce
Barry Stewart Golton
Donald Michael Wilson

ROUNDHAY

Christine McNiven
Ghulam Hussain
Matthew Lobleby

TEMPLE NEWSAM

Michael Lyons
William Schofield Hyde

WEETWOOD

Susan Bentley
Judith Mara Chapman
Ben Chastney

WETHERBY

Alan James Lamb
John Michael Procter
Gerald Wilkinson

99 Announcements

- a) The Lord Mayor informed Council that the following Councillors would not be seeking re-election to Council, said a few words in respect of each Councillor and thanked them for their work over the years on behalf of the Council:-

Councillor Denise Atkinson, MBE
Councillor Ben Chastney
Councillor Geoff Driver
Councillor Penny Ewens
Councillor Ronnie Feldman
Councillor Graham Kirkland
Councillor Matthew Lobley
Councillor Keith Parker

At the conclusion of this announcement, Councillor Stuart Golton informed Council that the Lord Mayor, Councillor Reverend Alan Taylor, would also not be seeking re-election to Council and he said a few words in respect of the Lord Mayor and thanked him for his work over the years on behalf of the Council.

Councillor Feldman thanked Council on behalf of the retiring Councillors for the kind words that had been said at this meeting.

- b) The Lord Mayor informed Council that, following the recent death of 6 soldiers in Afghanistan, he had written to the Commanding Officer of the Yorkshire Regiment expressing sympathy from Council and the citizens of Leeds, and Council stood in silent tribute.

100 Suspension of Council Procedure Rules

It was moved by Councillor J Lewis, seconded by Councillor Lobley under Council Procedure Rule 22.1, that Procedure Rule 3.1 (time limits for business) be suspended to allow the business of the ordinary meeting to be extended by the duration of the Extraordinary meeting and

RESOLVED – That Council Procedure Rule 3.1 be suspended to allow the business of the ordinary meeting to be extended by 15 minutes.

101 Minutes

It was moved by Councillor J Lewis, seconded by Councillor Lobley and

RESOLVED – That the minutes of the meeting held on 22nd February 2012 be approved.

102 Declarations of Interest

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

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

- a) Councillor Cleasby declared a personal interest in deputation 4 as he, and a family member, were allotment holders (minute 104 refers).
- b) Councillor R Grahame declared a personal interest in minute 106 of this meeting as a Member of GMBATO.

- c) Members declared personal interests in minute 109 of this meeting as follows:-
- | | |
|-----------------|--|
| Cllr B Anderson | Member, Leeds Initiative – Stronger Communities Partnership |
| Cllr A Carter | Member, LGA Urban Commission |
| Cllr L Carter | Vice Chair, West Yorkshire Police Authority
Member, Leeds Initiative Safer and Stronger Communities Board |
| Cllr P Harrand | Member, Safer and Stronger Communities Scrutiny Board |
| Cllr A Lamb | Member, Childrens and Families Scrutiny Board |
| Cllr P Latty | Member, Childrens and Families Scrutiny Board |
| Cllr J Marjoram | Member, Safer and Stronger Communities Scrutiny Board |
| Cllr B Cleasby | Member of The Caravan Club and a member of The Camping and Caravanning Club of Great Britain - when not in use caravan is in paid storage. |
| Cllr Leadley | Chairman of Lee Fair Committee since 1995. |
- d) Councillor Varley declared a personal interest in minute 107 of this meeting as a Member of the Adult Health and Social Care Scrutiny Board and Morley Elderly Action.
- e) Members declared personal interests in minute 110 of this meeting as follows:-
- | | |
|------------------|--|
| Cllr T Murray | Chief Executive of Learning Partnerships
Director of IGEN |
| Cllr P Gruen | Member of Leeds City Region Employment and Skills Board |
| Cllr K Wakefield | Chair of Leeds Skills Board |
| Cllr J Dowson | Chair of 11-19 Learning Support Partnership |
| Cllr A Lowe | Member of Yorkshire and Humber Employers Committee |
| Cllr C Macniven | Employed on a freelance basis by Learning Partnerships |
| Cllr K Maqsood | Director of Leeds Education Achievement Project |
| Cllr Hanley | North and Yorkshire Business Forum |

Cllr R Grahame	Member of East Leeds Regeneration Board Member of East Leeds Plans Panel Member of ALMO ENEH
Cllr B Anderson	Member, Leeds Initiative Board Member, Leeds Initiative Housing and Regeneration Board Member, Leeds Initiative, City Centre Partnership
Cllr A Carter	Member, Assoc. of West Yorks. Authorities Member, Leeds Initiative, Economy Partnership Member, Leeds Initiative, Integrated Transport Partnership Member, WYITA Member, Leeds Initiative Assembly Member, Leeds Initiative Executive
Cllr D Collins	Member, Scrutiny Board Regeneration
Cllr C Fox	Member, Scrutiny Board, Sustainable Economy and Culture
Cllr W Hyde	Member, Aire Valley Regeneration Board Member, WYITA
Cllr J Procter	Member, Aire Valley Regeneration Board Member, East Leeds Regeneration Board Member, Leeds Initiative Sustainable Economy and Culture Board
Cllr P Wadsworth	Member, Scrutiny Board Sustainable Economy and Culture
Cllr G Wilkinson	Member, Scrutiny Board Regeneration

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

Cllr B Anderson	Member, Leeds Initiative Housing and Regeneration Board Member, Leeds Initiative Stronger Communities Partnership
Cllr L Carter	Member, Leeds Initiative Safer and Stronger Communities Board
Cllr P Harrand	Member, Scrutiny Board Safer and Stronger Communities

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

Cllr M Coulson	Member of West Yorkshire Integrated Transport Authority Chair of West Yorkshire Scrutiny Committee
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Integrated Transport

Cllr P Gruen	Substitute Member Leeds City Region Transport Panel
Cllr J Harper	Member of West Yorkshire Integrated Transport Authority
Cllr A Khan	Member of West Yorkshire Integrated Transport Authority Passenger Transport Consultative Committee
Cllr J Lewis	Member of West Yorkshire Integrated Transport Authority
Cllr R Lewis	Member of West Yorkshire integrated Transport Authority District Liaison Committee West Yorkshire Passenger Transport Authority Local Transport Plan Steering Group
Cllr M Lyons	Member of West Yorkshire Integrated Transport Authority
Cllr J McKenna	Member of West Yorkshire Integrated Transport Authority Passenger Consultative Committee
Cllr V Morgan	Member of West Yorkshire Integrated Transport Authority
Cllr N Walshaw	Member of West Yorkshire Integrated Transport Authority Passenger Consultative Committee
Cllr Illingworth	Dig2ride Director and Company Secretary
Cllr B Cleasby	Member of the Cyclists Touring Club
Cllr J Marjoram	Member of the British Cycling Association

h) Members declared personal interests in minute 113 of this meeting as follows:-

Cllr B Anderson	Member, Leeds Initiative City Centre Partnership
Cllr A Carter	Member, Leeds Initiative economy Partnership Member, Leeds Initiative Going Up A League Board
Cllr L Carter	Member, Leeds Initiative Safer and Stronger Communities

103 Communications

There were no communications.

104 Deputations

Five deputations were admitted to the meeting and addressed Council, as follows:-

- 1) Leeds Act Group in conjunction with 'Stop The Traffik' Organisation Regarding the role of communities and Local Authorities in stopping human trafficking.
- 2) Leeds University Union Regarding the Council's report on the impact of tuition fees in Leeds.
- 3) Leeds Link Regarding the Health and Wellbeing Bill and its impact in Leeds.
- 4) Leeds and District Gardeners' Federation Regarding allotment provision in Leeds.
- 5) Young People Regarding seeking a 20 mile per hour speed limit on Haven Chase, Cookridge.

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

105 Questions

Q1 Councillor A Carter to the Executive Member (Children's Services):-

Will the Executive Board Member for Children's Services tell me what steps are taken by the Local Education Authority to ensure that schools that receive poor Ofsted inspection results are able to achieve a rigorous recovery in teaching and learning standards and what measures are taken to strengthen school leadership teams?

The Executive Member (Children's Services) replied.

Q2 Councillor Pryke to the Leader of Council:-

Would the Leader of Council explain what he meant when he told Council last month "whatever the national negotiations are, we should be determined to make sure that our low paid staff actually get the reward they deserve and not back away from it?"

The Leader of Council replied.

Q3 Councillor Lowe to the Leader of Council:-

Would the Leader of Council like to comment on the wording of the question that will appear on the mayoral referendum paper in May?

The Leader of Council replied.

Q4 Councillor D Blackburn to the Executive Member (Environmental Services):-

Will the Executive Member for Environmental Services update Council on Leeds City Council's Free Insulation Scheme, Wrap Up Leeds?

The Executive Member (Environmental Services) replied.

Q5 Councillor Lyons to the Executive Member (Leisure):-

Please could the Executive Member for Leisure update Council on the fantastic events taking place in Leeds as part of the 2012 Olympic Games?

Q6 Councillor W Hyde to the Executive Member (Neighbourhoods, Housing and Regeneration):-

Will the Executive Board Member for Neighbourhoods and Housing please indicate which Traveller sites he is proposing to consult about in the Temple Newsam ward?

The Executive Member (Neighbourhoods, Housing and Regeneration) replied.

Q7 Councillor Matthews to the Executive Member (Neighbourhoods, Housing and Regeneration):-

Can the Executive Member for Neighbourhoods and Housing confirm how many calls were made to the out of hours noise nuisance service between October 2011 and February 2012?

The Executive Member (Neighbourhoods, Housing and Regeneration) replied.

Q8 Councillor Armitage to the Executive Member (Children's Services):-

Please could the Executive Member for Children's Services update Council on the progress of the foster carer recruitment plan?

The Executive Member (Children's Services) replied.

Q9 Councillor A Blackburn to the Executive Member (Environmental Services):-

Bearing in mind comments made at the time of the announcement of the reduction of Feed In Tariffs, can the Executive Member for Environmental Services tell me what progress has been made in finding an alternative way of funding solar panels for domestic properties?

The Executive Member (Environmental Services) replied.

Q10 Councillor Renshaw to the Executive Member (Adult Health and Social Care):-

Will the Executive Member for Adult Health and Social Care please update Council on developments with the Council's Reablement Service?

The Executive Member (Adult Health and Social Care) replied.

Q11 Councillor J Procter to the Executive Member (Development and the Economy):-

Will the Executive Board Member for City Development and the Economy inform the Council when he intends to make a decision on lowering the rents for traders at Kirkgate Market?

The Executive Member (Development and the Economy) replied.

At the conclusion of question time, the following questions remained unanswered and it was noted that, under the provisions of Council Procedure Rule 11.6, written answers would be sent to each Member of Council:-

- Q12 Councillor Bentley to the Executive Member (Children's Services).
- Q13 Councillor E Taylor to the Executive Member (Environmental Services).
- Q14 Councillor K Bruce to the Executive Member (Adult Health and Social Care).
- Q15 Councillor G Latty to the Executive Member (Development and the Economy).
- Q16 Councillor Pryke to the Executive Member (Environmental Services).
- Q17 Councillor G Hyde to the Executive Member (Development and the Economy).
- Q18 Councillor Driver to the Executive Member (Neighbourhoods, Housing and Regeneration).
- Q19 Councillor Lamb to the Leader of Council.
- Q20 Councillor Chastney to the Executive Member (Development and the Economy).
- Q21 Councillor Fox to the Leader of Council.
- Q22 Councillor Cleasby to the Executive Member (Development and the Economy).
- Q23 Councillor Marjoram to the Leader of Council.
- Q24 Councillor Harrand to the Leader of Council.

106 Recommendations of the General Purposes Committee

It was moved by Councillor Wakefield, seconded by Councillor J Lewis and

RESOLVED – That the recommendations of the General Purposes Committee, as presented by the amended report of the Director of Resources, with regard to the implementation of the 2012/13 Pay Policy Statement, be approved.

107 Minutes

It was moved by Councillor Wakefield, seconded by Councillor J Lewis that the minutes be received in accordance with Council Procedure Rule 2.2(i).

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

The meeting was suspended at 5.10 pm and resumed at 5.40 pm.

108 Chinese Olympic Committee Delegation

During the debate on the minutes above, the Leader of Council and the Lord Mayor welcomed Mr Yang Shu'an, Chairman of the Chinese Olympic Committee, and his delegation, and Consul General Pan from the Consulate General of China and his associate to Leeds on behalf of Council and the citizens of Leeds.

109 White Paper Motion (in the name of Councillor J L Carter) - Gypsy and Traveller Sites in Leeds

It was moved by Councillor J L Carter, seconded by Councillor J Procter that this Council notes with concern that the ruling administration's policy of providing more authorised Gypsy and Traveller sites in Leeds is taking place behind closed doors, without affording a chance for public scrutiny or debate in respect of its search for sites.

Council is also concerned that the ruling administration is using all its power and influence over Council officers to stop members of the opposition being able to debate site selection openly and in public.

- 1 Council calls on the administration to publicly release the site names being considered for a Gypsy and Traveller site, which currently amounts to nearly 90 in total.
- 2 Ensure full and meaningful consultation takes place on any plans to build more Travellers' sites in Leeds, at each stage of the process; and
- 3 commits to holding local plebiscites in order to effectively gauge whether local communities near proposed sites are in favour of the proposals.

This Council further notes that there is a one party Labour working group who are considering site selection and calls on the ruling administration to stop this undemocratic working practice, on this key issue for residents in Leeds, by ensuring such working groups represent all Members of Council.

This Council urges the Government to follow the lead of the Government in the Republic of Ireland in making unauthorised encampments a criminal rather than a civil offence.

After the motion was moved and seconded, Councillor J Lewis, seconded by Councillor Nash, moved under provisions of Council Procedure Rule 22.1, that Council Procedure Rule 13.1 be suspended to allow the introduction of the amendment below in the name of Councillor Gruen.

Having received leave of Council, Councillor Gruen, seconded by Councillor Atha, moved the following motion:-

To delete all after 'This Council' and replace with:-

'recognises that the £2m spent on legal and clean up costs related to unauthorised traveller encampments by the previous administration made no progress towards a lasting solution for the people of Leeds and was not a good use of taxpayers money.

It is acknowledged that a new approach is needed to alleviate the disruption that unauthorised encampments can cause for communities. Council places on record its thanks to the Scrutiny Board (Environment & Neighbourhoods) for their thorough investigation into this issue, and acknowledges their recommendation that additional permanent pitches be provided for 'Leeds-based' travellers.

Council encourages officers to complete their search of potential traveller sites, in line with criteria agreed by Executive Board, as swiftly and as thoroughly as possible. Council endorses the commitment to publicise the findings of this review once it is complete, along with the commitment to undertake comprehensive consultation before any planning application for a new site is submitted.

It is believed that the provision of additional sites, coupled with the strongest possible enforcement action against unauthorised encampments, will result in a reduction in the disruption that unauthorised sites cause Leeds residents. Council therefore offers its support to this approach.'

The amendment in the name of Councillor Gruen was carried and, upon being put as the substantive motion, it was

RESOLVED – That this Council recognises that the £2m spent on legal and clean up costs related to unauthorised traveller encampments by the previous administration made no progress towards a lasting solution for the people of Leeds and was not a good use of taxpayers money.

It is acknowledged that a new approach is needed to alleviate the disruption that unauthorised encampments can cause for communities. Council places on record its thanks to the Scrutiny Board (Environment & Neighbourhoods) for their thorough investigation into this issue, and acknowledges their recommendation that additional permanent pitches be provided for 'Leeds-based' travellers.

Council encourages officers to complete their search of potential traveller sites, in line with criteria agreed by Executive Board, as swiftly and as thoroughly as possible. Council endorses the commitment to publicise the findings of this review once it is complete, along with the commitment to undertake comprehensive consultation before any planning application for a new site is submitted.

It is believed that the provision of additional sites, coupled with the strongest possible enforcement action against unauthorised encampments, will result in a reduction in the disruption that unauthorised sites cause Leeds residents. Council therefore offers its support to this approach.

On the requisition of Councillors Lobley and Wadsworth, the voting on the amendment was recorded as follows:-

YES

Akhtar, Armitage, Atha, A Blackburn, D Blackburn, Blake, Bruce, Charlwood, Congreve, Coulson, Davey, Dawson, Dobson, Dowson, Driver, Dunn, Gabriel, P Grahame, R Grahame, Groves, Gruen, S Hamilton, Hanley, Hardy, G Harper, J Harper, A Hussain, G Hussain, G Hyde, Illingworth, Iqbal, Jarosz, Khan, Leadley, J Lewis, R Lewis, Lowe, Lyons, Macniven, Maqsood, A McKenna, J McKenna, Morgan, Mulherin, Murray, Nash, Ogilvie, Parker, Rafique, Renshaw, Selby, Taggart, E Taylor, Wakefield, Walshaw, Yeadon.

56

NO

Anderson, A Carter, J L Carter, Castle, Cohen, Collins, Elliott, Feldman, Finnigan, Gettings, Harrand, W Hyde, Lamb, G Latty, P Latty, Lobley, Marjoram, J Procter, Robinson, Varley, Wadsworth, Wilkinson, Wood

23

ABSTAIN

Downes, Ewens

2

On the requisition of Councillors Lobley and Wadsworth, the voting on the substantive motion was recorded as follows:-

YES

Akhtar, Armitage, Atha, A Blackburn, D Blackburn, Blake, Bruce, Charlwood, Congreve, Coulson, Davey, Dawson, Dobson, Dowson, Driver, Dunn, Gabriel, P Grahame, R Grahame, Groves, Gruen, S Hamilton, Hanley, Hardy, G Harper, J Harper, A Hussain, G Hussain, G Hyde, Illingworth, Iqbal, Jarosz, Khan, Leadley, J Lewis, R Lewis, Lowe, Lyons, Macniven, Maqsood, A McKenna, J McKenna, Morgan, Mulherin, Murray, Nash, Ogilvie, Parker, Rafique, Renshaw, Selby, Taggart, E Taylor, Wakefield, Walshaw, Yeadon.

56

NO

Anderson, A Carter, J L Carter, Castle, Cohen, Collins, Elliott, Feldman, Finnigan, Gettings, Harrand, W Hyde, Lamb, G Latty, P Latty, Lobley, Marjoram, J Procter, Robinson, Varley, Wadsworth, Wilkinson, Wood.

23

ABSTAIN

A Taylor.

1

(The provisions of Council Procedure Rule 3.1(d) were applied at the conclusion of the vote on the motion.)

110 White Paper Motion (in the name of Councillor G Hyde) - Economic Growth in Leeds

Under the provisions of Council Procedure Rule 14.11, with the consent of the seconder, leave of Council was given to withdraw the motion in the name of Councillor G Hyde.

111 White Paper Motion (in the name of Councillor Matthews) - Late Night Noise Nuisance

It was moved by Councillor Matthews, seconded by Councillor Bentley, that this Council believes that late night noise nuisance is a severe blight on the wellbeing of residents in many Leeds communities.

This Council believes that the decision of the Executive Member for Environment to stop recording the volume of calls that this service receives demonstrates that the current administration does not view late night noise nuisance as a priority.

Given the extreme concern expressed by residents about noise nuisance, this Council requests that the Chief Executive carry out an urgent review of the late night noise nuisance service with recommendations to be put to the Executive Board at a meeting in the near future.

After the motion was moved and seconded, Councillor J Lewis, seconded by Councillor Nash, moved under the provisions of Council Procedure Rule 22.1 that Council Procedure Rule 13.1 be suspended to allow the introduction of the amendment below in the name of Councillor Dobson.

Having received leave of Council, Councillor Dobson, seconded by Councillor Gruen, moved the following amendment:-

That this Council believes that late night noise nuisance is a severe blight on the wellbeing of residents in many Leeds communities.

Council acknowledges that the tackling of noise nuisance at night remains a key priority of this administration, a fact recognised by the decision of the Council to continue to fund the service in the face of the worst cuts imposed on the authority in living memory by Cllr Matthew's LibDem/Tory coalition Government.

Council further recognises that the noise nuisance service inherited from the previous administration was not as effective as it could have been. Therefore as part of the continued commitment of this administration to improve how noise nuisance is tackled in the future, a range of changes and improvements to the service have now been implemented following a thorough review. Some of these changes include:-

- Amalgamating noise nuisance within the anti-social behaviour team in order to provide a greater 'one council' response to cases.
- Better access to tools from a civil and legal perspective to deal quicker and more effectively with cases.
- Introduction of new telephony to improve response to customer and to provide greater intelligence on types and times of noise complaints.
- Greater partnership working with key groups such as victim support, the police and fire services in order to provide greater support to the customer.

Finally, this Council offers its gratitude to members of the noise nuisance team for their tremendous hard work and dedication in often very challenging and difficult circumstances.

The amendment in the name of Councillor Dobson was carried and, upon being put as the substantive motion, it was

RESOLVED – That this Council believes that late night noise nuisance is a severe blight on the wellbeing of residents in many Leeds communities.

Council acknowledges that the tackling of noise nuisance at night remains a key priority of this administration, a fact recognised by the decision of the Council to continue to fund the service in the face of the worst cuts imposed on the authority in living memory by Cllr Matthew's LibDem/Tory coalition Government.

Council further recognises that the noise nuisance service inherited from the previous administration was not as effective as it could have been. Therefore as part of the continued commitment of this administration to improve how noise nuisance is tackled in the future, a range of changes and improvements to the service have now been implemented following a thorough review. Some of these changes include:-

- Amalgamating noise nuisance within the anti-social behaviour team in order to provide a greater 'one council' response to cases.
- Better access to tools from a civil and legal perspective to deal quicker and more effectively with cases.

- Introduction of new telephony to improve response to customer and to provide greater intelligence on types and times of noise complaints.
- Greater partnership working with key groups such as victim support, the police and fire services in order to provide greater support to the customer.

Finally, this Council offers its gratitude to members of the noise nuisance team for their tremendous hard work and dedication in often very challenging and difficult circumstances.

112 White Paper Motion (in the name of Councillor Downes) - Council Procedure Rule 3.1(d) - Cities Fit for Cycling

It was moved by Councillor Downes, seconded by Councillor Illingworth, and

RESOLVED – That this Council believes that cycling is an extremely efficient form of transport which is good for health and the environment.

This Council notes with concern that the number of cyclists killed on Britain's roads rose by 7 per cent between 2009 and 2010 and that a disproportionate number of cycling accidents involve vans and lorries.

This Council supports successive Governments' commitment to encourage the use of bikes and reduce the number of cyclist-related accidents

This Council supports The Times' 'Cities fit for Cycling' campaign; and calls on the Chief Executive to write to the Government calling for further action to improve cycling infrastructure and reduce the number of casualties on our roads.

113 White Paper Motion (in the name of Councillor Golton) - Council Procedure Rule 3.1(d) - Gay Quarter

It was moved by Councillor Golton, seconded by Councillor Matthews, that this Council recognises the successful regeneration of Leeds city centre over the past 20 years creating a more attractive and safer environment, leading to substantial job creation.

This Council particularly notes the emergence of businesses catering for Leeds lesbian, gay, bisexual and transgender communities in the Lower Briggate area.

Council believes that recognising this area as the city's gay quarter will encourage further investment and the creation of jobs as well as creating a tolerant and safe environment for all.

This Council therefore supports the campaign to officially recognise this area as the Leeds Gay Quarter and requests that officers bring a report to the Executive Board detailing how this will be achieved.

An amendment was moved by Councillor Wakefield, seconded by Councillor J Lewis, that this Council recognises the successful regeneration of Leeds city centre over the past 20 years creating a more attractive and safer environment, leading to substantial job creation.

This Council particularly notes the emergence of businesses catering for Leeds lesbian, gay, bisexual and transgender communities in the Lower Briggate area'

Delete all after 'Lower Briggate area' and replace with:-

'and further notes that for the first time Stonewall has placed the Council in the Top 50 employers in their Workplace Equality Index.

Council believes that recognising the contribution of the LGBT community to the success of Leeds and aiming to be an LGBT friendly city will encourage further investment and the creation of jobs as well as creating a tolerant and safe environment for all in the City Centre and across the whole district.

This Council requests that officers bring a report to the Executive Board detailing how this will be achieved.

The amended motion would read:-

'This Council recognises the successful regeneration of Leeds city centre over the past 20 years creating a more attractive and safer environment, leading to substantial job creation.

This Council particularly notes the emergence of businesses catering for Leeds lesbian, gay, bisexual and transgender communities in the Lower Briggate area and further notes that for the first time Stonewall has placed the Council in the Top 50 employers in their Workplace Equality Index.

Council believes that recognising the contribution of the LGBT community to the success of Leeds and aiming to be an LGBT friendly city will encourage further investment and the creation of jobs as well as creating a tolerant and safe environment for all in the City Centre and across the whole district.

This Council requests that officers bring a report to the Executive Board detailing how this will be achieved.'

A second amendment was moved by Councillor Lamb, seconded by Councillor Lobley, to delete all after 'substantial job creation' and replace with:-

'This Council celebrates the fact that Leeds is a tolerant, diverse and inclusive city, but believes that it is against the spirit of this to segregate certain communities to specific parts of the city.'

Amended motion would read:-

'This Council recognises the successful regeneration of Leeds City Centre over the past 20 years creating a more attractive and safer environment, leading to substantial job creation.

This Council celebrates the fact that Leeds is a tolerant, diverse and inclusive city, but believes that it is against the spirit of this to segregate certain communities to specific parts of the city.'

The first amendment in the name of Councillor Wakefield was carried, and upon being put as the substantive motion, it was

RESOLVED – That this Council recognises the successful regeneration of Leeds city centre over the past 20 years creating a more attractive and safer environment, leading to substantial job creation.

This Council particularly notes the emergence of businesses catering for Leeds lesbian, gay, bisexual and transgender communities in the Lower Briggate area and

further notes that for the first time Stonewall has placed the Council in the Top 50 employers in their Workplace Equality Index.

Council believes that recognising the contribution of the LGBT community to the success of Leeds and aiming to be an LGBT friendly city will encourage further investment and the creation of jobs as well as creating a tolerant and safe environment for all in the City Centre and across the whole district.

This Council requests that officers bring a report to the Executive Board detailing how this will be achieved.

Council rose at 7.30 pm.

Report of City Solicitor

Report to full Council

Date: 21 May 2012

Subject: Recommendations of General Purposes Committee

Are specific electoral Wards affected? If relevant, name(s) of Ward(s):	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
Are there implications for equality and diversity and cohesion and integration?	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
Is the decision eligible for Call-In?	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
Does the report contain confidential or exempt information? If relevant, Access to Information Procedure Rule number: Appendix number:	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No

Summary of main issues

- 1 At its meeting on 9 May 2012, General Purposes Committee considered items relating to:
 - the election and term of office of the Leader;
 - new standards arrangements under the Localism Act 2011;
 - a review of the decision making framework;
 - scrutiny arrangements;
 - miscellaneous constitutional amendments; and
 - a review of Council meetings.

- 2 This report sets out the recommendations from General Purposes Committee, relating to those items.

Recommendations

- 3 General Purposes Committee recommend full Council:
 - 3.1 In relation to **executive arrangements relating to the term of office for the Leader** and the power to remove the Leader during their term, to

- Confirm existing executive arrangements.
- Approve amendments to Council Procedure Rule 1 to reflect updated legislation and provide for the election of a Leader in the event of a vacancy.
- Note that the City Solicitor proposes to exercise her delegated authority to update Article 7 and Section 2A of Part 3 of the constitution, to reflect legislative changes.

3.2 In relation to **new standards arrangements**, with effect from 1 July 2012 (or such other date to be determined by the Secretary of State), to:

- Adopt the code of conduct set out in appendix 1 to this report.
- Delegate authority to the City Solicitor in consultation with Group Whips, to finalise the code of conduct in light of Regulations which will define disclosable Pecuniary Interests.
- Approve
 - the terms of reference for a Standards and Conduct Committee set out in appendix 2 to this report, to be appointed to replace the existing Standards Committee.
 - amendments to Council Procedure Rule 26 to provide for substitute members for new Standards and Conduct Committee.
 - Procedure Rules for the handling of complaints that a Member may have failed to comply with the code of conduct, as set out in appendix 3 to this report.

3.3 Further to the review of the executive decision making, to:

- Approve revised Article 13 as set out in Appendix 4 to this report.
- Approve Executive and Decision Making Procedure Rules, as set out in appendix 5 to this report.
- Withdraw concurrent delegations to Chief Officers under the Council's officer delegation scheme (Council functions).

3.4 Further to the review of scrutiny arrangements, to:

- Approve revised terms of reference for Scrutiny Boards, as set out in appendices 6 – 11 of this report.
- Approve revised Article 6 as set out in Appendix 12 to this report.
- Approve revised Scrutiny Board Procedure Rules as set out in appendix 13 to this report.

- Endorse the proposal of the Scrutiny Officer to remove guidance notes from the constitution, which relate to inquiry selection criteria, minority reports and equality and diversity/cohesion and integration issues.

3.5 Further to the annual review of the constitution, to:

- Approve amendments to Area Committee Procedure Rule 5, as set out in appendix 14 to this report.
- Remove the summary of delegated council functions, and appendix from Section 2A of Part 3 of the constitution.

3.6 Further to the review of Council meetings, to:

- Delegate to the City Solicitor authority to amend the Council Procedure Rules in consultation with the Group Whips, to
 - Introduce a new item to Council meetings, “Members’ community issues”.
 - Vary the order of Council business to allow for the receipt of recommendations from the Executive board and committees immediately after the item receiving reports from Statutory Officers.
 - Provide for full Council to receive minutes from joint authorities/committees, and the Leeds Initiative Strategic Partnerships, as well as committees.
 - Reduce the number of deputations to four.
 - Time limit White Paper Motions, and reserve submission of the first to the opposition.
- Agree that two State of the City meetings be held each municipal year.

1 Purpose of this report

1.1 This report presents recommendations to full Council from General Purposes Committee.

2 Background information

2.1 General Purposes Committee is authorised:

- to consider proposals to amend the constitution and make recommendations to full Council; and
- to make recommendations to full Council in connection with the discharge of any of its functions.

2.2 At its meeting on 9 May 2012, General Purposes Committee considered items relating to:

- the election and term of office of the Leader;
- new standards arrangements under the Localism Act 2011;
- a review of the decision making framework;
- scrutiny arrangements;
- miscellaneous constitutional amendments; and
- a review of Council meetings.

2.3 This report sets out the recommendations from General Purposes Committee, relating to those items.

2.4 The Localism Act 2011 amended provisions within the Local Government Act 2000 relating to **governance**.

2.4.1 New section 9I of the 2000 Act provides that executive arrangements must provide for the election of a Leader including where a vacancy arises. The section also confers discretion on the authority to decide the Leader's term of office. Previously, the term of office had to end on the day when the Council holds its first annual meeting after the Leader's normal day of retirement – usually a four year term.

2.4.2 New Section 9IA of the 2000 Act provides that executive arrangements must include provision to remove the Leader. Previously, this was not mandatory. The authority's executive arrangements currently provide for the Leader to be removed by resolution of full Council.

2.5 The 2011 Act also abolishes the Standards Board regime under the Local Government Act 2000, (including statutory standards committees and the statutory code of conduct), from a date to be appointed by the Secretary of State.

The Department for Communities and Local Government (DCLG) has advised that this date will be 1 July 2012.

- 2.5.1 Under the Localism Act, the authority has a duty to promote and maintain high standards of conduct by members and co-opted members of the authority, and in discharging this duty, adopt a code of conduct.
- 2.5.2 The authority must secure that its code is consistent with the following principles: selflessness, integrity, objectivity, accountability, openness, honesty and leadership. The code must also set out the authority's requirements for the registration and disclosure of pecuniary and non-pecuniary interests. The Secretary of State will issue regulations defining "disclosable pecuniary interests" – those which must be registered, and will restrict involvement in meetings.
- 2.5.3 The police will be responsible for dealing with specified complaints relating to pecuniary interests. However, the authority must put in place arrangements to deal with other written complaints that the code has been breached (including complaints about parish councillors).
- 2.5.4 The authority is required to appoint at least one Independent Person, from whom the authority must seek a view, before deciding a complaint. It is anticipated that Full Council will consider the appointment of an Independent Person (following an open recruitment process) in July 2012.
- 2.5.5 Any committee appointed to deal with standards and conduct issues will be an ordinary committee subject to the requirements relating to political balance. Co-opted members to such a committee would not be able to vote.
- 2.6 This report also sets out other amendments to the constitution recommended following a **review of the executive decision making framework** by the Director of Resources and the City Solicitor.
 - 2.6.1 Although elements of the decision-making framework are required by law, (notice and recording of key decisions, forward plan, call-in), the Council may exercise discretion in defining its key decisions, and identifying which decisions are open to call-in.
 - 2.6.2 The Council currently categorise executive decisions as key, major, significant operational, or administrative. Key decisions are those likely to result in the authority incurring expenditure or making savings over £250,000, or to have a significant effect on communities living or working in an area comprising two or more wards. Major decisions are those over £100,000, or with a significant effect on one or more ward. Significant operational decisions are those which are neither key nor major, but fall within a list of specified types of decisions. Other executive decisions are administrative.
 - 2.6.3 Of these, key and major decisions are currently open to call-in, together with decisions of the Executive Board, and area committees.
 - 2.6.4 The review identified amendments to the definition of decisions and call-in provisions to enhance Ward Member engagement in decision-making, speed the

implementation of area committees' decisions, and make decision making arrangements more transparent, with a focus on clear accountability. It also identified that introducing new Executive and Decision Making Procedure Rules would provide clarity and transparency, as would withdrawing existing concurrent delegation arrangements.

- 2.7 The Scrutiny Officer has conducted the annual **review of scrutiny arrangements**. This focussed on facilitating the scrutiny of key partnership arrangements, by requiring each Scrutiny Board to act as a “critical friend” to a specified key partnership, as well as continuing to challenge service directorates.
- 2.8 The City Solicitor has also conducted the **annual review of the constitution**, and identified some minor amendments.
- 2.9 A **review of ordinary Council meetings** has also been carried out, focussing on allowing greater opportunities for Council to engage in activities linked to Community Leadership, and to hold the Executive to account.

3 Main issues

3.1 Executive arrangements

- 3.1.1 To comply with transitional arrangements, the authority's executive arrangements relating to the terms of office and the power to remove the Leader need to be reviewed. Specifically, Council Procedure Rule 1 needs to be amended to reflect updated legislation and provide for the election of a Leader in the event of a vacancy.
- 3.1.2 Existing executive arrangements relating to the current term of office for the Leader may be retained, if they are considered to promote continuity and stability. As stated above, the authority already has an existing power to remove the Leader, which promotes accountability.
- 3.1.3 The City Solicitor proposes to exercise her delegated authority to update Article 7 and Section 2A to reflect minor legislative changes.

3.2 Standards arrangements

- 3.2.1 The preparation of a code of conduct for Members has been undertaken by a cross party working group of members with support provided by officers. Full Council is asked to agree the Members' **Code of Conduct** attached at Appendix 1. As the Secretary of State has yet to issue regulations defining disclosable pecuniary interests, the code will need to be finalised by the insertion of the definitions of disclosable pecuniary interest, in due course.
- 3.2.2 To support the new conduct arrangements;
- **Terms of reference for a Standards and Conduct Committee** are set out in appendix 2 to this report. It is envisaged that the Standards and Conduct Committee will appoint a sub-committee to deal with any complaints which require formal resolution.

- **Procedure Rules** for the handling of complaints that a Member may have failed to comply with the code of conduct are set out in appendix 3 to this report. The procedure provides for the Monitoring Officer or their nominee to receive complaints, and decide whether the complaint is valid. It provides for Members to be made fully aware of the complaint from the date of its receipt, and to present their case before the Standards and Conduct Committee.

3.2.3 Following the implementation of the new standards arrangements, the **codes and protocols** relating to Member/Officer relations, determining planning applications, and determining licensing applications will need to be withdrawn and reviewed by the Standards and Conduct Committee.

3.3 Executive Decision Making

3.3.1 A revised **Article 13** is set out as Appendix 4 to this report. This retains the £250,000 threshold for key decisions. However, the definition of expenditure or savings is widened to include the “receipt or loss of income”, and to include a decision likely to have a significant effect on communities in **one or more ward**. The category of major decisions is deleted, as most major decisions would then fall within the extended definition of key decisions. A simplified definition of significant operational decisions is also inserted into the Article, together with the definition of administrative decisions.

3.3.2 Currently, the Council’s **officer delegation scheme (Council functions)** contains concurrent delegations to some Chief Officers and Directors. Withdrawing the concurrent delegations to Chief Officers will simplify delegation arrangements and provide clarity responsibility and accountability. It is also consistent with the Leader’s decision to withdraw all concurrent delegations to Chief Officers in the officer delegation scheme (executive functions).

3.3.3 New **Executive and Decision Making Procedure Rules** are set out in appendix 5 to this report. The new rules consolidate existing decision-making procedures, and so provide clarity and transparency. Rules 1 and 2 fall to the Executive to approve, the remainder to Council. Rule 4.9 reduces the range of decisions which are subject to call-in, by excluding decisions made by Area Committees. This will increase the speed of implementation of Area Committee decisions and will have a negligible impact on Members’ involvement in decision making, as these decisions are being made by ward Members in relation to their own areas.

3.4 Scrutiny Arrangements

3.4.1 Revised **terms of reference for Scrutiny Boards**, are set out in appendices 6 – 11 of this report. To facilitate the scrutiny of key partnerships, it is proposed that instead of including topics for review, the terms of reference identify the key partnership and the specific “best City for ...” priority within the City Priority Plan, for each Scrutiny Board to review. The revised terms of reference for the Scrutiny Boards for Sustainable Economy and Culture, Safer and Stronger Communities, and Resources and Council Services, as determined by the functions of the relevant directors, align more closely with the priorities which each will review, as does the new Scrutiny Board (Housing and Regeneration), which replaces the Scrutiny Board (Regeneration).

- 3.4.2 A revised **Article 6** is set out as Appendix 12 to this report. The amendments include updates following legislative changes, and reflect the appointment of a new Scrutiny Board (Housing and Regeneration).
- 3.4.3 Revised **Scrutiny Board Procedure Rules** are set out in appendix 13 to this report. New Rule 10.3 relates to the role of a Scrutiny Board to act as “critical friend” to a key partnership. Other amendments reflect legislative changes, including those which broaden Members’ powers to make councillor calls to action, and extend the authority’s powers to require a partnership authority to have regard to a Scrutiny Board’s reports or recommendations. The Rules also reflect regulations relating to the scrutiny of flood risk management. Some of the amendments shown are contingent upon full Council’s approval of the new Executive and Decision Making Rules.
- 3.4.4 The Scrutiny Officer also proposes to **remove guidance notes** from the constitution, which relate to inquiry selection criteria, minority reports and equality and diversity/cohesion and integration issues. The revised Scrutiny Board Procedure Rules retain key provisions from these guidance notes.

3.5 Annual review of the constitution

- 3.5.1 Amendments to **Area Committee Procedure Rule 5**, are set out in appendix 14 to this report. The amendments clarify and facilitate existing procedures for nominating and electing Area Committee chairs.
- 3.5.2 The summary of delegated functions and an appendix to the summary of functions to be discharged by full council act simply as “signposts” to other provisions. Removing the **summary of delegated functions and appendix** would reduce the administrative burden of making sure they are up to date.

3.6 Review of Council meetings

- 3.6.1 A new item, “Members’ community issues,” will facilitate backbench engagement at full Council meetings, and promote the accountability of the Executive. It is proposed that the new item be allocated up to an hour, with up to two topics being reserved to the largest political group, and a further 4 being distributed to opposition groups.
- 3.6.2 To promote accountability, the period of question time, and the receipt of minutes are also proposed to be retained. However, to promote engagement with partners, it is proposed that minutes be also received from joint authorities/joint committees, and from Leeds Initiative Partnerships.
- 3.6.3 It is proposed that the order of Council business be varied to allow for the receipt of recommendations from the Executive Board and committees immediately after the item receiving reports from statutory officers.
- 3.6.4 Deputations are considered a valuable link to the community, and therefore should be retained. However, in view of the introduction of Members’ community concerns, it is proposed that deputations be limited to four.

- 3.6.5 It is also proposed, that the number of White Papers to be considered at Council could be restricted to two, with a time limit of half an hour introduced for each individual White Paper. To promote engagement by backbenchers, the submission of the first White Paper could be reserved to opposition groups.
- 3.6.6 As the first state of the city meeting was considered a success, it is proposed that two such meetings be scheduled for each municipal year.

4 Corporate Considerations

4.1 Consultation and Engagement

- 4.1.7 Group Whips established a cross-party working group to consider the new standards arrangements for Members.
- 4.1.8 Members from across all political groups were consulted on the proposals relating executive decision making. These included senior group members, Scrutiny Chairs, and the Chair of the Corporate Governance and Audit Committee.
- 4.1.9 The proposal to amend scrutiny arrangements to focus on partnerships is endorsed by the Head of Leeds Initiative.
- 4.1.10 There have been cross-party discussions with Group Whips, Leaders and other senior Councillors about reviewing Council meetings.

4.2 Equality and Diversity / Cohesion and Integration

- 4.2.1 There are no implications for equality and diversity/cohesion and integration arising from these recommendations. In relation to the code of conduct, equality and diversity issues are addressed by the principles of selflessness, objectivity and leadership.

4.3 Council policies and City Priorities

- 4.3.1 The Council's Business Plan 2011-15 sets out the Council's priorities. Those relating to the Corporate directorate require "good rules and procedures to govern the Council's business".
- 4.3.2 The proposed new standards arrangements are consistent with the principles in the Code of Corporate Governance, particularly that relating to good conduct and behaviour.

4.4 Resources and value for money

- 4.4.1 The new standards arrangements should realise savings, as Special Responsibility Allowances will no longer be paid to current Independent and Parish Members, and investigations will no longer be referred to external solicitor. Savings will be partially off-set by fees payable to the Independent Person, and expenses to any co-opted parish members.

4.5 Legal Implications, Access to Information and Call In

4.5.1 The recommended new standards arrangements comply with the requirements of the Localism Act 2011. Other amendments to the constitution are also required to comply with legislative changes.

4.5.2 No part of this report is confidential or exempt, and the report relates to Council functions, and so is not open to call-in.

4.6 Risk Management

4.6.1 The constitution should be updated to reflect legislative changes, and increase clarity, therefore reducing risk of challenge.

5 Conclusions

5.1 The constitution should be amended to ensure it is fit for purpose, in terms of complying with the law, and promoting clarity, transparency and accountability.

6 Recommendations

6.2 General Purposes Committee recommend full Council:

6.2.1 In relation to **executive arrangements relating to the term of office for the Leader** and the power to remove the Leader during their term, to

- Confirm existing arrangements.
- Approve amendments to Council Procedure Rule 1 to reflect updated legislation and provide for the election of a Leader in the event of a vacancy.
- Note that the City Solicitor proposes to exercise her delegated authority to update Article 7 and Section 2A of Part 3 of the constitution, to reflect legislative changes.

6.2.2 In relation to **new standards arrangements**, with effect from 1 July 2012 (or such other date to be determined by the Secretary of State), to:

- Adopt the code of conduct set out in appendix 1 to this report.
- Delegate authority to the City Solicitor in consultation with Group Whips, to finalise the code of conduct in light of Regulations which will define disclosable Pecuniary Interests.
- Approve
 - the terms of reference for a Standards and Conduct Committee set out in appendix 2 to this report, to be appointed to replace the existing Standards Committee.
 - amendments to Council Procedure Rule 26 to provide for substitute members for new Standards and Conduct Committee.

- Procedure Rules for the handling of complaints that a Member may have failed to comply with the code of conduct, as set out in appendix 3 to this report.

6.2.3 Further to the **review of the executive decision making**, to:

- Approve revised Article 13 as set out in Appendix 4 to this report.
- Approve Executive and Decision Making Procedure Rules, as set out in appendix 5 to this report.
- Withdraw concurrent delegations to Chief Officers under the Council’s officer delegation scheme (Council functions).

6.2.4 Further to the **review of scrutiny arrangements**, to:

- Approve revised terms of reference for Scrutiny Boards, as set out in appendices 6 – 11 of this report.
- Approve revised Article 6 as set out in Appendix 12 to this report.
- Approve revised Scrutiny Board Procedure Rules as set out in appendix 13 to this report.
- Endorse the proposal of the Scrutiny Officer to remove guidance notes from the constitution, which relate to inquiry selection criteria, minority reports and equality and diversity/cohesion and integration issues.

6.2.5 Further to the **annual review of the constitution**, to:

- Approve amendments to Area Committee Procedure Rule 5, as set out in appendix 14 to this report.
- Remove the summary of delegated council functions, and appendix from Section 2A of Part 3 of the constitution.

6.2.6 Further to the **review of Council meetings**, to:

- Delegate to the City Solicitor authority to amend the Council Procedure Rules in consultation with the Group Whips, to
 - Introduce a new item to Council meetings, “Members’ community issues”.
 - Vary the order of Council business to allow for the receipt of recommendations from the Executive board and committees immediately after the item receiving reports from Statutory Officers.
 - Provide for full Council to receive minutes from joint authorities/committees, and the Leeds Initiative Strategic Partnerships, as well as committees.

- Reduce the number of deputations to four.
- Time limit White Paper Motions, and reserve submission of the first to the opposition.
- Agree that two State of the City meetings be held each municipal year.

7 Background documents¹

7.1 None

¹ The background documents listed in this section are available for inspection on request for a period of four years following the date of the relevant meeting. Accordingly this list does not include documents containing exempt or confidential information, or any published works. Requests to inspect any background documents should be submitted to the report author.

Leeds City Council Members' Code of Conduct

This Code applies to elected Members and voting co-opted Members of Leeds City Council in all aspects of their public life. This means that the Council expects Members to follow this Code when they are conducting the work of the Council, representing the Council on any external organisation, and otherwise acting in their official capacity. The Code of Conduct does not apply to what Members do in their purely private and personal lives¹.

Part One - Standards of Conduct

You must have regard to, and act in accordance with, the following standards of conduct²:

1. **Selflessness**
You should serve only in the public interest, and should never improperly confer an advantage or disadvantage on any person, organisation or group, or any other third party.³

2. **Honesty and Integrity**
You should not place yourself in situations where your honesty and integrity may be questioned, you should not behave improperly and should avoid the appearance of such behaviour.

3. **Objectivity**
You must make decisions based on the information before you, having had regard to any professional advice provided to you and in accordance with your view of the public interest.

You should make decisions on merit, this includes when making appointments, awarding contracts, or recommending individuals for awards or other recognition.

4. **Accountability**
You are accountable to the public for your decisions and actions and the manner in which you carry out your duties. You must co-operate fully and honestly with any scrutiny appropriate to your office.

You should not undertake any action which would bring the Council, your position, or the position of Members generally, into disrepute.

5. **Openness**
You must be as open as possible about your actions and those of the authority, and should be prepared to give reasons for those actions.

¹ When engaging in political activities such as canvassing for re-election Members are not acting in their official capacity, and for the purposes of this Code of Conduct, such political activities are considered part of a Member's private and personal life.

² And in accordance with any supplementary guidance or protocols agreed by the authority from time to time.

³ This does not mean that Members are under any obligation to support or become involved in all requests for assistance from their constituents.

6. Leadership

You must promote and maintain high standards of conduct by supporting these principles by leadership and by example, and should act in a way that secures or preserves the confidence of others.

You must have due regard to the impartiality and integrity of the authority's statutory officers and its other employees⁴.

Part Two – Registration and disclosure of interests

Registration of Interests

7. Within 28 days of your election or co-option, you must notify the Monitoring Officer of any 'disclosable pecuniary interests' which you have at that time⁵.
8. Where you are re-elected or re-appointed, notification is only required of any new disclosable pecuniary interests within 28 days of your election or co-option.
9. You must keep your Register of Interests entry up to date by notifying the Monitoring Officer of any changes to your disclosable pecuniary interests within 28 days of the change occurring, or of you becoming aware of the change.
10. A 'disclosable pecuniary interest' is *[definition to be inserted from regulations made by the Secretary of State]*.
11. A pecuniary interest is a 'disclosable pecuniary interest' in relation to you if it is of a type described above, and either:
 - (a) it is an interest of yourself, or
 - (b) it is an interest of -
 - (i) your spouse or civil partner,
 - (ii) a person with whom you are living as husband and wife, or
 - (iii) a person with whom you are living as if they were civil partners, and the you are aware that that other person has the interest.
12. You are also required to notify the Monitoring Officer of any gifts or hospitality with an estimated value of at least £50⁶ which you receive in your role as a Leeds City Councillor⁷. You must inform the Monitoring Officer of any such gifts or hospitality within 28 days of receiving them so that the details can be entered into the Register of Interests.⁸

⁴ Members may express themselves robustly in representing their, or their constituents' views, although where a Member engages in a sustained or systematic challenge of an employee which is unfounded or in any other way unreasonable, such conduct would fall within the scope of this code. However an unintentional remark, made in isolation, is unlikely to amount to a failure to comply with the code of conduct.

⁵ The Monitoring Officer must enter these interests into the Register of Interests, which will be made available for public inspection and published on the Council's website

⁶ This financial limit will be maintained in line with the definition of a donation to be declared by election candidates during local authority elections in England and Wales (as set out in Schedule 2A of the Representation of the People Act 1983).

⁷ This does not include civic gifts or hospitality received by the Lord Mayor of Leeds whilst acting in this capacity. Civic gifts are to be recorded in a separate register maintained by the Lord Mayor's office.

⁸ These details will be removed from the register two calendar years after they were added by the Monitoring Officer.

Sensitive interests

13. If the nature of an interest is such that you and the Monitoring Officer consider that disclosure of the details of the interest could lead to you, or a person connected with you, being subject to violence or intimidation, the interest must not be included in any published version of the Register of Interests, or be entered into any copy of the register that is made available for public inspection

⁹ ¹⁰

Disclosure of disclosable pecuniary interests at meetings

14. The following provisions apply if you are present at a meeting of the authority or of any committee¹¹, sub-committee, joint committee or joint sub-committee of the authority, and you are aware that you have a disclosable pecuniary interest in a matter to be considered, or being considered, at the meeting.
15. If the interest is not entered in the authority's Register of Interests, you must disclose the interest to the meeting (unless the interest is a sensitive interest).
16. If the interest is not entered in the authority's Register of Interests and is not the subject of a pending notification, you must notify the Monitoring Officer of the interest before the end of 28 days beginning with the date of the disclosure.
17. Where the interest does appear in the Register of Interests, you must bring the interest to the attention of the meeting (unless the interest is a sensitive interest).
18. You may not:
 - (a) participate, or participate further, in any discussion of the matter at the meeting,
 - (b) participate in any vote, or further vote, taken on the matter at the meeting (unless the Member has requested and been granted a relevant dispensation by the Standards and Conduct Committee), or
 - (c) remain in the room during the discussion or vote on the matter.
19. Where you have a disclosable pecuniary interest in a matter to be considered at a meeting, you may attend the meeting but only for the purposes of making representations, answering questions or giving evidence relating to the matter, provided that the public are also allowed to attend the meeting for the same purpose, whether under a statutory right or otherwise. Once you have finished, or the meeting decides you have finished, you must leave the room and may not remain in the room during the discussion or vote on the matter.

⁹ Instead the Register of Interests may state that the Member has an interest the detail of which are withheld under section 32(2) of the Localism Act 2011

¹⁰ If the Member is required to disclose such an interest in a meeting, the Member need not disclose the interest, but merely the fact that the Member has a disclosable pecuniary interest in the matter concerned.

¹¹ This includes the Executive Board and any committee of the executive.

Disclosure of other interests at meetings

20. Where you are present at a meeting of the authority, or any committee, sub-committee, joint committee or joint sub-committee of the authority, and identify any other significant interests which you feel should be declared in the public interest, such interests may be declared to the meeting.
21. In such circumstances you must consider whether your continued participation in the matter relating to your interest would be reasonable in the circumstances, particularly if the interest may give rise to a perception of a conflict of interests in the matter under discussion.

Allegations of a Failure to Comply with Code of Conduct

22. All complaints alleging a failure to comply with this Code will be considered in accordance with a procedure agreed by full Council.

Standards and Conduct Committee

The Standards and Conduct Committee is authorised to discharge the following functions:

1. To promote and maintain high standards of conduct by members and co-opted members of the authority¹.
2. To advise the authority in relation to the adoption, revision or replacement of the code dealing with the conduct that is expected of members and co-opted members of the authority when they are acting in that capacity.
3. To consider and determine written allegations that a member or co-opted member of the authority has failed to comply with the authority's code of conduct, or that a member or co-opted member of a parish council in the Leeds area has failed to comply with the parish council's code of conduct².
4. Following a determination of whether or not a member or co-opted member of the authority has failed to comply with the code of conduct, to consider whether or not action might be necessary, and to make recommendations³ on the form of action⁴.
5. To consider and determine written requests for dispensations⁵.
6. To advise the authority in relation to the adoption, revision or replacement of the code dealing with the conduct that is expected of employees of the authority⁶.

¹ In accordance with Section 27 of the Localism Act 2011.

² In accordance with Section 28(6), (7) and (9) of the Localism Act 2011.

³ Including to full Council, the Leader, the Chief Executive, or the relevant Group Whip.

⁴ In accordance with Section 28(11) of the Localism Act 2011.

⁵ In accordance with Section 33 of the Localism Act 2011.

⁶ It is not the function of the Committee to determine or become involved in individual employee conduct or disciplinary cases.

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Procedure for considering complaints alleging a failure to comply with a Members' Code of Conduct within the area of Leeds Metropolitan District Council.

Introduction

1. This procedure should be used to deal with complaints submitted under the Members' Code of Conduct adopted by Leeds City Council and the Parish and Town Councils in the Leeds area.
2. The Members' Code of Conduct applies to elected Members and voting co-opted members when they are acting in that capacity. Complaints which relate to a failure to comply with the rules about 'Disclosable Pecuniary Interests' should be directed to the West Yorkshire Police for their consideration. Complaints about a potential breach of the general obligations should be submitted to the Monitoring Officer for consideration.
3. The Monitoring Officer may nominate another officer of suitable experience and seniority to carry out any of the functions listed in this procedure.

Stage 1 - Initial assessment by the Monitoring Officer

4. Complaints must be submitted in writing, must provide substantiated information, and should outline what form of resolution the complainant is seeking. Otherwise the Monitoring Officer should ask the complainant to resubmit their complaint. Ideally the complainant will use the correct complaints form to submit their complaint, but other written complaints will be accepted so long as they contain the relevant information.
5. The Monitoring Officer will consider the complaint and make a decision as to whether it will be treated as a valid complaint or not.
6. The following types of complaint will not be considered as 'valid complaints' under this procedure:
 - a. Complaints which are submitted anonymously^{1 2};
 - b. Complaints which do not identify a subject Member;
 - c. Complaints which relate to a Member's personal or private life;
 - d. Complaints concerning a failure to respond to a request from a constituent or other individual;
 - e. Complaints which relate to the alleged actions of employees of the Council or non-voting co-optees;

¹ Complaints which contain a request for the complainant's identity to be withheld may be considered to be 'valid complaints', although the complainant's identity will only be withheld in exceptional circumstances. If the Monitoring Officer does not consider it appropriate to withhold the complainant's identity, the complainant will be given the opportunity to withdraw their complaint before it proceeds to the next stage.

² Anonymous complaints which reveal potential fraud or corruption will be referred to Internal Audit for consideration under the Council's adopted Whistle blowing Policy

- f. Complaints which relate to a decision of an employee or a Committee;
 - g. Complaints which relate to a person who is no longer a Member of the Council or which refer to alleged incidents before the person became a Member of the Council;
 - h. Complaints which refer to alleged incidents which happened so long ago that there would be little benefit in taking action now;
 - i. Complaints containing trivial allegations, or which appear to be simply malicious, politically motivated or tit-for-tat;
 - j. Complaints regarding alleged behaviour which has already been the subject of an investigation or some form of action;
 - k. Complaints which relate to an alleged failure to comply with the rules regarding 'Disclosable Pecuniary Interests'³.
7. In all cases where the complaint names a Member of a relevant authority, the Member will be notified of the complaint. If the Monitoring Officer decides that the complaint is 'invalid', this notification is made for information only.
 8. If the complaint relates to an employee or is a service related issue, the Monitoring Officer will refer the complaint to the relevant service in order for them to respond to the complainant directly.
 9. In any case where the Monitoring Officer decides that the complaint is 'invalid', they will write to the complainant explaining why their complaint cannot be dealt with under this procedure. There is no appeal process for decisions taken by the Monitoring Officer at this stage.

Stage 2 - Informal resolution

10. If, following initial assessment, the Monitoring Officer decides that the complaint should be treated as a 'valid complaint' they will write to the complainant and explain that the matter is to be referred to the subject Member for them to seek to resolve the issue in accordance with this procedure. The complainant will also be provided with an outline of the procedure for dealing with complaints against Councillors.
11. At the same time the Monitoring Officer will refer the matter to the subject Member and the relevant Group Whip⁴ for their consideration. In this correspondence the Monitoring Officer will provide the subject Member with a reasonable timescale within which to attempt to resolve the complaint (usually this will be 28 days), and will provide the subject Member with the contact details for the Independent Person⁵.

³ Such complaints will be redirected to the West Yorkshire Police, subject to the complainant's agreement.

⁴ If the subject Member is the Group Whip, the complaint will be copied to his or her Group Leader. In the case of a Parish or Town Council without structured political groups, the Monitoring Officer could consider involving the Chairperson of the Council.

⁵ See Annex 1 for a summary of the role of the Independent Person.

12. Types of informal resolution might include:

- a. An explanation by the subject Member of the circumstances surrounding the complaint;
- b. An apology from the subject Member;
- c. An agreement from the subject Member to attend relevant training or to take part in a mentoring process;
- d. Offering to engage in a process of mediation or conciliation between the subject Member and the complainant; or
- e. Any other action capable of resolving the complaint.

13. Before deciding upon a course of action the subject Member may seek guidance from a Group Whip, the Independent Person, and/or the Monitoring Officer. It may also be advisable to seek advice from the complainant to ascertain what form of informal resolution they would find acceptable, particularly if the form of resolution they have specified in their complaint is not possible.

14. The Independent Person is available to the subject Member to give them advice on the severity of the complaint and what form of resolution they would consider appropriate. Providing such guidance will not prevent the Independent Person from giving a view to the Standards and Conduct Committee about the complaint at a later stage.

15. At the end of the 28 day period the Monitoring Officer will, in consultation with the Chair of the Standards and Conduct Committee, seek to establish whether the subject Member (or Group Whip) has appropriately addressed matters which have been raised by the complainant.

16. Where the subject Member has appropriately addressed the matters raised there will be no further action taken in respect of the complaint and the Monitoring Officer will notify both the complainant and the subject Member of this decision.

17. Where it has not been possible to appropriately address matters, the complaint will be referred to the Standards and Conduct Committee for consideration. The Monitoring Officer will notify both the complainant and the subject Member of this decision, and will provide the subject Member with information regarding the Council's insurance arrangements (and how legal representation may be accessed).

18. There will be no appeal process for decisions taken by the Monitoring Officer and the Chair of the Standards and Conduct Committee at this stage.

Stage 3 – Standards and Conduct Committee

19. The Monitoring Officer will prepare a report for consideration by the Standards and Conduct Committee. This report will include readily obtainable information (such as minutes of meetings or Clerk's notes), a summary of the complaint and the efforts made to resolve the matter informally.
20. The Monitoring Officer must arrange for a meeting of the Standards and Conduct Committee (or the relevant Sub-Committee) to be convened to consider the Monitoring Officer's report of the complaint. Wherever possible the meeting will take place within 28 days of the Monitoring Officer's report being finalised.
21. The Sub-Committee will be made up of three Members of the Standards and Conduct Committee, one of whom must be from the same political group as the subject Member (wherever possible), but not all of the Members will be from the same political group. The Chair will be elected from among the membership at the beginning of the meeting, but cannot be from the same political group as the subject Member.
22. If the complaint relates to a Parish or Town Councillor, one of the co-opted Parish Members will be invited to attend the Sub-Committee meeting. The Parish Member will not be entitled to vote at the meeting, but will be entitled to speak at the discretion of the Chair.
23. The following people will also be invited to attend the Sub-Committee meeting:
 - a. The complainant;
 - b. The subject Member;
 - c. The Group Whip (if relevant); and
 - d. The Independent Person.
24. The Monitoring Officer will also attend the meeting in order to present their report.
25. After initial consideration of the Monitoring Officer's report, the Sub-Committee will take statements from the following parties (either in person or in written form if the person is unable to attend the meeting):
 - a. The complainant; and
 - b. The subject Member.
26. The Sub-Committee may also ask questions of anyone present at the meeting in order to reach a conclusion on the complaint.
27. Before reaching a final decision on the complaint, the Standards and Conduct Committee must seek, and take account of, the view of the Independent Person in relation to the complaint.

28. If the Sub-Committee is unable to reach a conclusion on the complaint on the basis of the information before it, it may adjourn the meeting and request that the Monitoring Officer seeks the further information required. However, when doing so the Sub-Committee should consider whether the information will be readily available to the Monitoring Officer.
29. Once the Sub-Committee is satisfied with the information before it, it must decide the following issues:
 - a. Whether the subject Member has failed to comply with the Members' Code of Conduct;
 - b. Whether further action is warranted; and
 - c. What form of action might be appropriate.
30. If the complaint relates to a Parish or Town Councillor the Sub-Committee will only make a decision regarding whether the subject Member has failed to comply with the relevant Members' Code of Conduct. This decision, and the reasons for it, will be communicated to the relevant Parish or Town Council in order for it to make a decision as to whether further action is warranted and what form of action would be appropriate.
31. In all other cases, if the Sub-Committee concludes that, on the balance of probabilities, the subject Member did not fail to comply with the Members' Code of Conduct, this will conclude the complaints process. In such cases no further action will be taken in respect of the complaint, although the Sub-Committee may still wish to consider making a recommendation to the authority with a view to promoting and maintaining high standards of conduct in general. Such recommendations may include proposed changes to internal procedures and practices or training for Members in general.
32. If the Sub-Committee concludes that, on the balance of probabilities, the subject Member has failed to comply with the Members' Code of Conduct, the Sub-Committee must go on to consider whether action should be recommended in respect of the subject Member, and what form of action might be appropriate.
33. The recommendations available to the Sub-Committee are limited to:
 - a. A formal letter to the subject Member from the Chair of the Standards and Conduct Committee;
 - b. Formal censure by a motion of full Council; or
 - c. Removal by the authority of the Member from a relevant Committee(s) subject to statutory and constitutional requirements.
34. The Sub-Committee may make a recommendation in relation to one or more of the above sanctions to full Council, the Group Whip or the Chair of the Standards and Conduct Committee. The Chair will confirm any such recommendations in writing within five working days of the Sub-Committee meeting.

35. The Sub-Committee may also make general recommendations to the authority with a view to promoting and maintaining high standards of conduct within the authority. As stated above, such recommendations may include proposed changes to internal procedures and practices or training for Members in general. The Monitoring Officer will be responsible for communicating such recommendations to the relevant Committee or officer for consideration.
36. Within five working days of the meeting the Chair of the Sub-Committee will write to the complainant and the subject Member explaining the final decision of the Sub-Committee and detailing any recommendations made.
37. There will be no right of appeal against a decision of the Sub-Committee.

ANNEX 1 - Role of the 'Independent Person'

Role of the Independent Person

The role of the independent person is set out in Section 28 of the Localism Act 2011.

As part of its arrangements under which decisions on allegations can be made, each principal authority must appoint at least one independent person.

The independent person's views **must** be sought, and taken into account, by the authority before it makes its decision on an allegation that it has decided to investigate.

The authority may also seek the independent person's views on an allegation that it has not decided to investigate. However, there is no requirement for the authority to do so, or to take those views into account.

Finally, a member or co-opted member of the authority (or of a parish council in the area) may seek the independent person's views on an allegation made against them.

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ARTICLE 13 - DECISION MAKING

13.0 CATEGORIES OF DECISION MAKING

13.1 Council Decisions

Council Decisions are made in relation to Council functions, as defined by the Local Authorities (Functions and Responsibilities) (England) Regulations 2000 as amended. Council Decisions are not further categorised.

13.1.1 Decision Making By The Full Council

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

Subject to Article 13.5, the Council meeting will follow the Council Procedures Rules set out in Part 4 of this Constitution when considering any matter.

13.1.2 Decision Making By Other Committees And Sub-Committees established by the Council

Subject to Article 13.5, other Council committees and sub-committees will follow those parts of the Council Procedures Rules set out in Part 4 of this Constitution as apply to them.

13.1.3 Decision Making By Officers

Officers will act in accordance with the Officer Delegation Scheme set out in Part 3 of this Constitution when considering any matter

13.2 Executive Decisions

Executive Decisions are made in relation to Executive functions, as defined by the Local Authorities (Functions and Responsibilities) (England) Regulations 2000 as amended.

Article 13 - Decision Making

13.2.1 Decisions made in relation to Executive Functions are categorised as follows:-

Key Decision:- a decision relating to an executive function which is likely

- to result in the authority incurring expenditure or making savings (including the receipt or loss of income) over £250,000 pa¹, or
- to have a significant effect on communities living or working in an area (including one ward).

and

- which is not a decision which is a direct consequence of implementing a previous Key Decision², or in relation to which a further report will be submitted for approval of the proposal before the Council is committed to proceed³, or
- which is not the result of varying a previous Key decision in line with recommendations made by a Scrutiny Board following a Call In of that decision.

Significant Operational Decisions:- those decisions which are not Key decisions and which;

a.) Do not fall within the definition of Administrative decisions; or

b.) Would have been a Key decision but for a specific provision in the definition of a Key Decision to remove them from this category; or

c.) result in the authority incurring expenditure or making savings (including the receipt or loss of income) over £100,000 each year; or

d.) are, in the opinion of the Director, Chief Officer or Head of Service, of such significance that a published record of the decision would ensure transparency and accountability in relation to decision making within the authority, for example:-

- a decision to approve or change an officer sub delegation scheme, or
- a decision which requires the virement of funding within approved virement powers of officers.

¹ Except where this expenditure, saving or income will result from:-

- a) a Treasury Management decision in relation to the making, payment or borrowing of a loan; or
- b) a decision to purchase energy under the terms of an energy supply contract which has been awarded following the appropriate procurement process; or
- c) a decision to approve a care plan which the Council has a duty or power to provide as defined by s46 of National Health Service and Community Care Act 1990 and s2 of the Chronically Sick and Disabled Persons Act 1970. Ss17 and 20 Children Act 1989 or s2 Local Government Act 2000
- d) the settlement of proceedings to which Leeds City Council is a party.

² Where a scheme or proposal changes following the original decision to the extent that the additional spend or save, or the additional impact of the decision, reaches the threshold for a Key decision it shall be treated as a new Key decision.

³ Under the capital programme, a decision to **authorise expenditure** over £250,000 will be a **key** decision, but a decision to **inject a scheme** into the capital programme, or to **award a contract** over the value of £250,000 will not.

Administrative Decisions

A decision is an Administrative Decision if it is not a Key, or Significant Operational decision and:

- (a) it is within an approved budget; and
- (b) it is not in conflict with the Budget and Policy Framework or other approved policies approved by the Council; and
- (c) it does not raise new issues of policy.

13.2.2 A decision taker will have regard to the definitions of Key, Significant Operational and Administrative decisions set out above and the requirements of the Executive and Decision Making Procedure Rules set out in Part 4 of this Constitution.

13.2.3 Decision Making By The Executive⁴

Subject to Article 13.5 the executive will follow the Executive and Decision Making Procedure Rules set out in Part 4 of this Constitution when considering any matter.

13.2.3 Decision Making By Area Committees

The Executive Board shall determine from time to time the executive functions⁵ 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.

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

13.2.4 Decision Making By Officers

Officers will following the Executive and Decision Making Procedure Rules and act in accordance with the Officer Delegation Scheme set out in Part 3 of this Constitution when considering any matter

13.3 **RESPONSIBILITY FOR DECISION MAKING**

13.3.1 A record of what part of the Council or individual has responsibility for particular types of decisions or decisions relating to particular areas or functions will be maintained by the Director of Resources. This record is set out in Part 3 of this Constitution.

⁴ The executive may be the Executive Board itself or any other committee or officer acting under authority delegated by the Leader or the Executive Board as set out in Part 3 of this Constitution

⁵ Part 3 Sections 3C and 3D of the Constitution provide details of the extent of the delegation determined by the executive.

13.4 PRINCIPLES OF DECISION MAKING

All decisions of the authority, whether made by Council, Executive Board Councillors collectively⁶ or officers, will be made in accordance with the following principles:-

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

13.5 RECORDING DECISIONS

Council Decisions

- 13.5.1 All decisions taken by committees of the Council will be recorded in minutes. Officers with delegated authority to take Council decisions will record decisions they take; such records will be available for inspection by the public in accordance with the provisions of the Constitution.
- 13.5.2 In appropriate circumstances, the officer should provide the Head of Governance Services with a completed Delegated Decision Notification, for inclusion in the Council's record of decisions made.

Executive Decisions

- 13.5.3 All decisions taken by Executive Board, and all decisions categorised as Key or Significant Operational and taken by an officer will be recorded and be available for inspection by the public in accordance with the provisions of the Constitution. The record will include;
- a. a statement of the reasons for each decision,
 - b. details of any alternative options considered and rejected and
 - c. a record of any conflict of interest declared by any Member or Officer together with a note of any dispensation granted in respect of that interest by the Standards Committee.

⁶ For example in Committees or Sub-Committees
Part 2 Article 13
Page 4 of 5

13.5 DECISION MAKING BY COUNCIL BODIES ACTING AS TRIBUNALS

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

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EXECUTIVE AND DECISION MAKING PROCEDURE RULES
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1. HOW DOES THE EXECUTIVE OPERATE?

1.1 Who may make executive decisions

The Leader may discharge any functions which are the responsibility of the Executive¹; or

He/she may provide for executive functions to be discharged by:

- the Executive Board as a whole;
- an individual Executive Member;
- a committee of the Executive;
- an officer;
- an Area Committee;
- joint arrangements; or
- another local authority.

1.2 Appointments and delegation by the Leader

At the annual meeting of the Council, the Leader will present to the Council the names, addresses and wards of the Deputy Leader and the Members appointed to the Executive Board² by the Leader, and the names of any Members appointed as Deputy Executive Members and Support Executive Members³.

The Leader may remove the Deputy Leader, an Executive Member or a Deputy Executive Member or Support Executive Member from office. To do so, the Leader must give written notice to the Chief Executive in accordance with Article 7. The Chief Executive will report this to the next ordinary meeting of the Council.

Subject to Article 7.2, the Leader may appoint Executive Members, Deputy Executive Members or Support Executive Members at any time. The Leader must report any such appointment to the Chief Executive as and when it is made. The Chief Executive will report any such appointment to the next ordinary meeting of the Council.

Where a vacancy occurs in the office of Deputy Leader, and the Leader appoints a Deputy Leader in accordance with Article 7.5, the Leader must report any such appointment to the Chief Executive as and when it is made. The Chief Executive will report any such appointment to the next ordinary meeting of the Council.

¹ Subject to any provisions made under Local Government Act 2000 in relation to the discharge of functions by area committees, another local authority or jointly).

² 'Executive Members'

³ As detailed in Part 3 Section 3A of the Constitution.

Executive and Decision Making Procedure Rules

At the annual meeting, the Leader will also present to the Council a written record of delegations made by him/her for inclusion in the Council's scheme of delegation at Part 3 to this Constitution. The document presented by the Leader will contain the following information about executive functions in relation to the coming year:

- the extent of authority of the Executive Board;
- the extent of any authority delegated to individual Executive Members, including details of any limitation on their authority;
- the terms of reference and constitution of such executive committees as the Leader appoints and the names of Executive Members appointed to them;
- the nature and extent of any delegation of executive functions to Area Committees, any other authority or any joint arrangements and the names of those Executive Members appointed to any joint committee for the coming year; and
- the nature and extent of any delegation to officers with details of any limitation on that delegation, and the title of the officer to whom the delegation is made.

1.3 Sub-delegation of executive functions

Subject to any statutory provisions about the discharge of functions to area committees, by another local authority, or the joint exercise of functions:

- if the Leader delegates functions to the Executive Board, then unless he/she directs otherwise, the Executive Board may delegate further to a committee of the executive or to an officer;
- if the Leader delegates functions to an Executive Member, then unless the Leader otherwise directs, that Executive Member may delegate further to an officer.
- if the Leader delegates functions to a committee of the executive, then unless he/she directs otherwise, the committee may delegate further to an officer.

Where executive functions have been delegated, that fact does not prevent the discharge of delegated functions by the person or body who delegated them.

1.4 The Council's scheme of delegation and executive functions

- (a) Subject to (b) below the Council's scheme of delegation will be subject to adoption by the Council and may only be amended by the Council. It will contain the details required in Article 7 (the Executive) and set out in Part 3 of this Constitution.
- (b) The Leader may amend the scheme of delegation relating to executive functions at any time during the year. To do so, the Leader must give written notice to the Monitoring Officer and to the person, body or committee concerned. The notice must set out the extent of the amendment to the scheme of delegation, and whether

Executive and Decision Making Procedure Rules

it entails the withdrawal of delegation from any person, body, committee or the Executive Board. The Monitoring Officer will present a report to the next ordinary meeting of the Council setting out the changes made by the Leader.

- (c) Where the Leader seeks to withdraw delegation from a committee, notice will be deemed to be served on that committee when he/she has served it on its chair.

1.5 Executive Meetings – when and where

The Executive Board will meet at least 10 times per year at times to be agreed by the Leader. The Executive Board and its committees shall meet at the Council's main offices or another location to be agreed by the Leader.

1.6 Public or private meetings of the executive

The Access to Information Rules in Part 4 of this Constitution set out the requirements covering public and private meetings. Other than the legal requirements, relating to confidential and exempt information, all meetings of the Executive will be in public.

1.7 Quorum

The quorum for a meeting of the Executive Board shall be four. The quorum for a meeting of a committee of the Executive shall be three.

1.9 How decisions are to be taken by the Executive

Executive decisions which are the responsibility of the Executive Board will be taken at a meeting convened in accordance with the Access to Information Procedure Rules in Part 4 of this Constitution.⁴

Where executive decisions are delegated to a committee of the Executive, the rules applying to executive decisions taken by them shall be the same as those applying to those taken by the Executive Board.

2. **HOW ARE EXECUTIVE MEETINGS CONDUCTED**

2.1 Who presides

The Leader and in his/her absence, the Deputy Leader will preside at any meeting of the Executive Board or its committees at which he/she is present. In the absence of both, the Leader may appoint another person to do so. If no such appointment is made, those present at the meeting shall decide by majority who should preside.

2.2 Who may attend

⁴ Particular care must be taken to ensure that Key decisions are taken in accordance with the relevant provisions of those rules, particularly where they are not contained within the Forward Plan.

Executive and Decision Making Procedure Rules

As stated above, with the exception of parts of the agenda where the public may be removed due to the likely disclosure of confidential or exempt information, meetings of the Executive will be in public.

2.3 Substitutes

A non-executive Member⁵ cannot substitute for an Executive Member at a meeting of the Executive Board or any of its committees. The Executive Board may invite any Member it considers appropriate to attend its meetings and to speak on behalf of an absent member of the Executive Board. However that Member will not be able to take decisions and will not be a co-opted member of the Executive Board.

2.4 What business

At each meeting of the Executive Board the following business will be conducted:

- consideration of the minutes of the last meeting;
- declarations of interest, if any;
- matters referred to the Executive Board (whether by a Scrutiny Board or by the Council) for reconsideration by the Executive Board in accordance with the provisions contained in these or other relevant Procedure Rules set out in Part 4 of this Constitution;
- consideration of reports from Scrutiny Boards; and
- matters set out in the agenda for the meeting, and which shall indicate which are Key Decisions and which are not.

2.5 Consultation

All reports to the Executive Board from any Member of the Executive, or an officer, on proposals relating to the Budget and Policy Framework must contain details of the nature and extent of consultation with stakeholders and relevant Scrutiny Boards and the outcome of that consultation. Reports about other matters will set out the details and outcome of consultation as appropriate. The level of consultation required will be appropriate to the nature of the matter under consideration.

2.6 Who can put items on the Executive agenda

- (a) The Leader will decide upon the schedule for the meetings of the Executive. He/she may put on the agenda of any Executive meeting any matter which he/ she wishes, whether or not authority has been delegated to the Executive Board, a committee of it or any officer in respect of that matter. The Chief Executive will comply with the Leader's requests in this respect.
- (b) The Chief Executive will make sure that an item is placed on the agenda of the next available meeting of the Executive Board where a relevant Scrutiny

⁵ For the avoidance of doubt the term 'non executive Member' includes Deputy Executive Members and Support Executive Members, who shall not be eligible to substitute for an Executive Member at a meeting of the Executive Board or any of its Committees.

Executive and Decision Making Procedure Rules

Board or the full Council have resolved that an item be considered by the Executive.

- (c) The Monitoring Officer and/or the Chief Finance Officer may include an item for consideration on the agenda of an Executive Board meeting and may require the Chief Executive to call such a meeting in pursuance of their statutory duties. In other circumstances where any two of the head of paid service, Chief Finance Officer and Monitoring Officer are of the opinion that a meeting of the Executive Board needs to be called to consider a matter that requires a decision, they may jointly include an item on the agenda of an Executive Board meeting. If there is no meeting of the Executive Board soon enough to deal with the issue in question, then the person(s) entitled to include an item on the agenda may also require that a meeting be convened at which the matter will be considered.

3. **HOW ARE EXECUTIVE DECISIONS TAKEN?**

3.1 Controls Which Apply To Each Category Of Decision

Article 13 of the Constitution sets out the definitions of Key, Significant Operational and Administrative decisions. The following controls (set out in Rules 4.2 to 4.9) apply to Key decisions. In addition Significant Operational Decisions are subject to the requirement to record, as set out in Rule 4.8 below.

4.2 Procedure Before Taking Key Decisions

Subject to Rule 4.5 (general exception) and Rule 4.6 (special urgency), a Key Decision may not be taken unless the matter is included in the Forward Plan published for the period in which it is intended to take the decision; and

- In accordance with Rule 4.4 below, a notice has been published in connection with the matter in question and at least 5 clear days have elapsed since the publication of the notice; or
- where the decision is to be taken at a meeting of the Executive or its committees, notice of the meeting has been given to the public in accordance with Rule 3 Access to Information Procedure Rules (notice of meetings)

All Key Decisions which are to be taken by the Executive Board or by a Committee acting on its behalf must be taken in public.

4.3 The Forward Plan

4.3.1 Publication Of Details In Relation To Forward Plan

Executive and Decision Making Procedure Rules

The Head of Governance Services⁶ will publish once a year a notice in at least one newspaper circulating in the area, stating:

- that Key Decisions are to be taken on behalf of the Council;
- that a forward plan containing particulars of the matters on which decisions are to be taken will be prepared on a monthly basis;
- that the plan will contain details of the Key Decisions likely to be made for the four month period following its publication;
- that each plan will be available for inspection at reasonable hours free of charge at the Council's offices;
- that each plan will contain a list of the documents submitted to the decision takers for consideration in relation to the Key Decisions on the plan;
- the address from which, subject to any prohibition or restriction on their disclosure, copies of, or extracts from, any document listed in the forward plan are available;
- that other documents relevant to those matters may be submitted to decision takers;
- the procedure for requesting details of documents (if any) as they become available; and
- the dates on each month in the following year on which each forward plan will be published and available to the public at the Council's offices.

4.3.2 Period Of Forward Plan

Forward Plans will be prepared by the Head of Governance Services on behalf of the Leader to cover a period of four months, beginning with the first working day of any month. They will be prepared on a monthly basis and subsequent plans will cover a period beginning with the first working day of the second month covered in the preceding plan.

Each Forward Plan will contain outstanding matters from the previous Forward Plan, and each shall be taken to supersede each earlier plan.

The Forward Plan must be published at least 14 days before the start of the period covered and made available to the relevant Scrutiny Boards.

4.3.3 Contents of Forward Plan

If it is intended to take a Key Decision in the course of the discharge of an Executive function, the decision taker⁷ will give details of the matter, as set out below, to the Head of Governance Services by the deadline for inclusion in the Forward Plan for the period during which it is intended that the Key Decision will be taken.

The Forward Plan will give the following information in so far as it is available or might reasonably be obtained:

⁶ The Head of Governance Services is the Proper Officer for Access to Information under a sub delegation from the Monitoring Officer.

⁷ If the decision is to be taken by a Committee then the officer whose report will be placed before the committee for consideration in relation to the matter is responsible for ensuring that appropriate details are included within the Forward Plan.

Executive and Decision Making Procedure Rules

- the matter in respect of which a decision is to be made;
- where the decision taker is an individual, his/her name and title, if any and where the decision taker is a body, its name and a list of its Members;
- the date on which, or the period within which, the decision will be taken;
- the identity of the principal groups or organisations whom the decision taker proposes to consult before taking the decision;
- the means by which any such consultation is proposed to be undertaken⁸;
- the steps any person might take who wishes to make representations to the Executive or decision taker about the matter in respect of which the decision is to be made, and the date by which those steps must be taken; and
- a list of the documents submitted to the decision taker for consideration in relation to the matter.

Particulars of Key Decisions included in the Forward Plan need not include exempt information and may not include confidential information.

4.4 Notification Of Delegated Decisions By Directors

4.4.1 Public access to reports intended to be taken into account

Where a Director receives a report which he/she intends to take into account in making any Key Decision, then he/she will not make the decision until the report has been available for public inspection for at least 5 clear days.

The Director will advise the Head of Governance Services of his/her intention to make the decision and provide a copy of the relevant report.

The Head of Governance Services will arrange for the publication of the notice and accompanying report on the Council's internet site.

The Head of Governance Services will also arrange for a copy of the report to be forwarded to the chair of every relevant Scrutiny Board⁹ as soon as reasonably practicable.

4.5 General Exception

If a matter which is likely to be a Key Decision has not been included in the Forward Plan and the decision must be taken by such a date that it is impracticable to defer the decision until the start of the first month to which the next Forward Plan, in which the details of the decision could be published, relates, the decision may still be taken if:

⁸ Officers are responsible for determining when further consultation and public participation would be appropriate.

⁹ Together with a copy to all Members

Executive and Decision Making Procedure Rules

- The Head of Governance Services has informed the chair of the relevant Scrutiny Board, by notice in writing, of the matter about which the decision is to be made;
- the Head of Governance Services has made copies of that notice available to the public; and
- at least 5 clear working days have elapsed since the Head of Governance Services complied with these requirements.

4.6 Special Urgency

If by virtue of the date by which a decision must be taken Rule 4.5 (General Exception) cannot be followed, then the decision can only be taken if the relevant Director, obtains the agreement of the chair of a relevant Scrutiny Board¹⁰ that the decision is urgent and that taking the decision cannot be reasonably deferred.

Any decision taken in accordance with this paragraph (Special Urgency) is to be taken by the Executive Board.

4.7 Scrutiny Of The Making Of Key Decisions

4.7.1 Decisions Which Appear to Have Been Wrongly Treated

Where an executive decision has been made and

- was not treated as a Key Decision, and
- a relevant Scrutiny Board thinks that it should have been treated as a Key Decision

that Scrutiny Board may require the Executive to submit a report to the Council within such reasonable time as the Scrutiny Board specifies.

The requirement may be raised by

- resolution passed at a meeting of the relevant Scrutiny Board, or
- the City Solicitor, to whom the power to require a report is delegated.

The Executive will prepare a report for submission to the next available meeting of the Council following the end of the period specified by the Scrutiny Board. However, if the next meeting of the Council is within 9 days of receipt of the resolution of the Scrutiny Board, then the report may be submitted to the meeting after that.

The report to Council will set out particulars of;

- The decision,
- The reasons for the decision,
- The individual or body making the decision, and

¹⁰ If there is no chair of a relevant Scrutiny Board, or if the chair of the relevant Scrutiny Board is unable to act, then the agreement of the Lord Mayor of the Council will suffice.

Executive and Decision Making Procedure Rules

- if the Leader is of the opinion that it was not a key decision, the reasons for that opinion.

4.7.2 Quarterly Reports On Special Urgency Decisions

In any event, the Leader will submit quarterly reports to the Council on the executive decisions taken in the circumstances set out in Rule 4.6 (special urgency) in the preceding three months.

Executive and Decision Making Procedure Rules

The report will include details of

- the number of decisions so taken,
- each decision made, and
- a summary of the matters in respect of which each decision was made.

4.8 Recording Of Decisions

After any meeting of the Executive or any of its committees, the Head of Governance Services or, where no officer was present, the person presiding at the meeting, will produce a record of every decision taken at that meeting as soon as reasonably practicable and make it available for inspection by the public. The record will include;

- a statement of the reasons for each decision,
- details of any alternative options considered and rejected at that meeting and
- a record of any conflict of interest declared by any Member together with a note of any dispensation granted in respect of that interest by the Standards Committee.

As soon as reasonably practicable after a Key or Significant Operational Decision has been taken by an officer, he/she will prepare a record of the decision. The record will include;

- a statement of the reasons for it,
- details of any alternative options considered and rejected by the officer at the time of making the decision, and
- a record of any conflict of interest declared by any Executive Member consulted by the officer who made the decision together with a note of any dispensation granted in respect of that interest by the Standards Committee.

The provisions of Access to Information Procedure Rules 6 and 7 (inspection of documents after meetings) will apply to the making of Executive Decisions by the Executive Board or any of its committees and to the making of Key Decisions by any officer. This does not require the disclosure of exempt or confidential information, any draft report or document, or advice from a political or mayor's assistant.

4.9 Call-In¹¹

4.9.1 Decisions Subject to Call In

Subject to the exceptions set out below, the following may be called in to be reviewed and scrutinised by the relevant Scrutiny Board¹²:

- all decisions of the Executive Board; and
- Key Decisions taken by Officers.

¹¹ The Local Government Act 2000 requires that Overview and Scrutiny Committees *be given the power to recommend that a decision made but not implemented, be reconsidered*. The Act gives local authorities considerable discretion over the detailed operation of such a "Call In" mechanism.

¹² 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.

Executive and Decision Making Procedure Rules

The power to call in decisions does not extend to¹³;

- decisions made by Area Committees;
- decisions made under regulatory arrangements;
- decisions made by Joint Committees; or
- decisions not taken by the authority.

4.9.2 Exemption from Call In

The decision taker may declare a decision as being exempt from Call In if;

- The decision taker considers that the decision is urgent (i.e. 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.¹⁴

Records of decisions taken will indicate where a decision has been declared exempt from Calling In.

Where a decision has been declared exempt on the grounds that any delay would seriously prejudice the Council's or the public's interests, records of the decision will indicate:

- what the implications would be if the decision were to be delayed by the operation of the Calling In mechanism; and
- why the decision could not have been taken earlier so as to have been eligible for Calling In.

Where a decision has been declared exempt on the grounds that it has previously been the subject of a Call In records of the decision will indicate:

- the date on which the original decision was taken; and
- the outcome of the Calling In.

There will be no appeal mechanism against a decision to exempt a decision from Calling In. However, where it considers appropriate, a Scrutiny Board may submit reports and recommendations arising from the exemption from Calling In of individual decisions.

In addition, Scrutiny Board (Resources and Council Services) may request periodic audits of the exemption arrangements.

4.9.3 Operation of Call In

When a decision is made which is subject to Call-In, the Head of Governance Services will arrange to:

¹³ A decision which is a direct consequence of implementing a previous key decision cannot be called in – see definition of key decisions, Article 13.

¹⁴ 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

Executive and Decision Making Procedure Rules

- publish notice of the decision;
- make the notice available on the Council database; and
- send each elected Member of the relevant Scrutiny Board¹⁵ an electronic copy of the record of the decision

within two days of the decision being made.

The notice will

- state the date on which it is published;
- specify that the decision will come into force, and may then be implemented, on the expiry of five working days after the publication of the decision, unless the decision is called in¹⁶

4.9.3.1 Initiation of Call In

To initiate a Call In, a request must be submitted to the Scrutiny Officer¹⁷ by 5 p.m. of the fifth working day after a decision has been published.

The request must be made on the approved pro forma and contain the original signatures of those calling in the decision¹⁸.

The decision may be called in by either;

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

one of whom shall be the nominated signatory.

Prior to submitting a Call In, the nominated signatory 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 must be detailed on the Call In request proforma.

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 - Decision Making, Paragraph 13.4 - Principles of Decision Making, or where relevant issues do not appear to have been taken into consideration.

¹⁵ Together with a copy to all Members

¹⁶ Steps should not be taken to implement any decision subject to Call In until after 12 noon on the sixth working day after publication, to ensure that the Scrutiny Officer has had opportunity to advise them of any request for call in received before the expiry of the call in period (See Rule 4.9.3.2 below).

¹⁷ This Officer is the Head of Scrutiny and Member Development.

¹⁸ An Elected Member who is not a member of a political group may be a signatory but co-opted members may not sign a Call In request.

*Executive and Decision Making Procedure Rules***4.9.3.2 Convening a Meeting**

Upon receipt of a request for a Call In, the Scrutiny Officer will ensure that procedures in accordance with Rule 4.9.3.1 above have been followed. If the criteria are met the Scrutiny Officer will immediately notify the decision taker and, for officer decisions, arrange for the Corporate Information System to indicate that the decision is the subject of a Call In.

The Scrutiny Officer will, by noon on the sixth day following publication of the decision, deliver to the decision taker, written confirmation which will be receipted by an authorised contact within the Department. Any decisions which have not been the subject of a Call In may then be implemented.

Also upon receipt of the request, the Scrutiny Officer will, in consultation with the Chair of the relevant Scrutiny Board, convene a special meeting of the relevant Scrutiny Board, to take place within seven clear working days of the Call In request being received.

If a Member withdraws their signature from the Call In request prior to the expiry of the Call In period, the decision may still be called in provided sufficient Members add their signatures to the call in request.

4.9.3.3 Adjourning a Call In Meeting

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.

4.9.3.4 Outcome of a Call In Meeting

At the meeting the Scrutiny Board will consider the notification and review the background papers. The Scrutiny Board will invite signatories to the notification¹⁹ to explain the reasons for the Call-In²⁰. 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.

The Scrutiny Board shall then either;

- release the decision for implementation; or
- recommend to the decision-maker that the decision should be reconsidered.

¹⁹ or their nominees

²⁰ The signatories should specify which of the principles of decision making (set out in Article 13.4 of the constitution) has not been followed. The signatories may also provide further written evidence provided this supports the stated reasons for calling in the decision.

Executive and Decision Making Procedure Rules

If the Scrutiny Board resolves that a decision is to be referred back for consideration, the Scrutiny Officer will prepare a report²¹ within three working days of the Scrutiny Board meeting. Where the decision was taken by the Executive Board or an Area Committee the report will be submitted to the next meeting of the Executive Board. Where the decision was taken by an officer the report will be submitted to the relevant Director.

4.9.4 Reconsideration of Decisions

4.9.4.1 Confirmation of Decisions

If the Decision Taker wishes to confirm the original decision, that decision shall be submitted to the next Executive Board meeting.

If the original decision was taken by an officer, and the relevant Director is of the view that the original decision should be confirmed, but that urgency prevents them from submitting the decision to Executive Board;

- The Director shall obtain the approval of the relevant Executive Board Member before implementation;
- Details of the Executive Member approval, together with reasons of urgency will be included in the new delegated decision form; and
- The Director and relevant Executive Board Member will also be required to attend and give their reasoning to the relevant Scrutiny Board

4.9.4.2 Variation of Decisions

If it is intended to vary the decision in line with the recommendations of the Scrutiny Board then the decision is no longer defined as a Key decision, regardless of the financial or impact thresholds. It will not therefore be necessary to include the proposed variation of decision in the Forward Plan or to give notice of the proposed decision.

If the original decision was taken by the Executive Board the Executive Board may vary the decision²².

Where the Director agrees with the views of Scrutiny a new delegated decision form will be submitted for recording in accordance with Rule 4.8 above.

4.9.4.3 Record of Revised decision

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.

²¹ the provisions relating to a minority report do not apply to any decision of the Committee in relation to a matter which has been called in.

²² The decision will be marked exempt from Call In in accordance with rule 4.9.2 above

Executive and Decision Making Procedure Rules

4.9.5 Annual Reports To Council

Scrutiny Boards are required to submit an Annual Report to Council. These reports will include details of the operation of the Call In arrangements.

5. THE BUDGET AND POLICY FRAMEWORK

The Budget and Policy Framework Procedure Rules contained within part 4 of this constitution set out the procedure to be followed to adopt or amend the Budget and Policy Framework.

Subject to paragraphs 5.1 to 5.2 below, all decisions in relation to Executive Functions must be taken in line with the Budget and Policy Framework²³.

5.1 Decisions Which May Be Outside The Budget Or Policy Framework**5.1.1 Taking Advice**

If it is intended to make an Executive Decision, which might be considered to fall outside the Budget or Policy Framework the decision taker shall take advice from the Monitoring Officer and/or the Chief Finance Officer as to whether the decision they want to make would be contrary to the budget and policy framework.

Where a Scrutiny Board is of the opinion that an Executive Decision is, or if made would be, contrary to the budget and policy framework, then it shall seek advice from the Monitoring Officer and/or Chief Finance Officer.

In the event that the Monitoring Officer or the Chief Finance Officer concludes that the decision would not be a departure from the budget and policy framework they shall prepare a report to the relevant Scrutiny Board, with a copy to the Executive Board.

5.1.2 Referral to Council

If a decision has yet to be made, or has been made but not yet implemented, and the Monitoring Officer and/or the Chief Finance Officer are of the view that the proposed decision would be contrary to the budget and policy framework, and the decision taker still intends to make or to implement the decision;

- the Monitoring Officer and/or the Chief Finance Officer shall report to the Executive Board, with a copy to the relevant Scrutiny Board and to every Member of the Council;
- the Executive Board shall meet to consider the report of the Monitoring Officer and/or the Chief Finance Officer and shall prepare a report to Council; and

²³ Local Authorities (Functions and Responsibilities) (England) Regulations 2000, Schedule 4

Executive and Decision Making Procedure Rules

- the decision taker shall refer the decision to the Council for decision or ratification as appropriate,

In such cases, no further action will be taken in respect of the decision or its implementation until the Council has met and considered the matter.

The Council shall meet within 28 days of the referral by the decision taker. At the meeting it will receive the Executive Board's report of the decision or proposals and the advice of the Monitoring Officer and/or the Chief Finance Officer.

If Council decides that the decision is not contrary to the budget and policy framework it shall endorse the decision as falling within the existing Budget and Policy Framework.

If Council decides that the decision is contrary to the budget and policy framework it may either:

- approve or ratify the decision outside the budget and policy framework;
- amend the Council's budget and policy framework as necessary to encompass the decision and approve or ratify the decision with immediate effect; or
- require the Executive to reconsider the matter in accordance with the advice of either the Monitoring Officer/Chief Finance Officer.

5.2 Urgent Decisions Outside The Budget Or Policy Framework²⁴

Any decision which is contrary to the policy framework²⁵, or not wholly in accordance with the budget²⁶ approved by full Council, may only be taken by the Council, unless:

- the decision is urgent and it is not practical to convene a quorate meeting of the full Council;
- the decision taker has briefed the chair of a relevant Scrutiny Board²⁷ about why it is not practical to convene a quorate meeting of full Council, and
- the chair agrees that the decision is urgent.

The reasons why it is not practical to convene a quorate meeting of full Council and the consent of the chair of the relevant Scrutiny Board²⁸ to the decision being taken as a matter of urgency must be noted on the record of the decision, together with the reasons for the Chair's consent.

The decision taker will provide a full report to the next available Council meeting after the decision is taken explaining:

²⁴ Local Authorities (Functions and Responsibilities) (England) Regulations 2000, Regulation 5(2)

²⁵ Or amendments which may be made to the policy framework in accordance with the provisions for in year changes to policy framework set out in the Budget and Policy procedure Rules.

²⁶ Or virements made in accordance with the Budget and Policy Procedure Rules.

²⁷ or in the absence of the chair of the relevant Scrutiny Board the consent of the Lord Mayor, and in the absence of both, the Deputy Lord Mayor

²⁸ Or Lord Mayor or Deputy Lord Mayor as appropriate

Executive and Decision Making Procedure Rules

- the decision,
- the reasons for it; and
- why the decision was treated as a matter of urgency.

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Scrutiny Board (Children and Families)

The Scrutiny Board (Children and Families) is authorised to discharge the following overview and scrutiny functions¹:

1. to review or scrutinise decisions made or other action taken in connection with any council or executive function or any matter which affects the authority's area or the inhabitants of that area;²
2. to review or scrutinise the performance of the Children's Trust Board;³
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 act as the appropriate Scrutiny Board in relation to the Executive's initial proposals for a relevant plan or strategy⁴ within the Budget and Policy Framework;⁵
5. to review or scrutinise executive decisions that have been Called In;
6. to review outcomes, targets and priorities within the Council Business Plan and the Best city... for children and young people priorities within the City Priority Plan;
7. ~~to receive requests for scrutiny and councillor calls for action, and undertake any subsequent work; and~~
8. to make such reports and recommendations as it considers appropriate and to receive and monitor formal responses to any reports or recommendations made.

Deleted: the exercise of any council or executive function or any other related matter including :-¶
 ¶
 a) . reducing the numbers of looked after children¶
 b) . improving attendance¶
 c) . increasing the number of young people in employment, education and training¶
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¹ In relation to functions delegated to the Director of Children's Services under the Officer Delegation Scheme whether or not those functions are concurrently delegated to any other committee or officer.

² Including matters pertaining to outside bodies and partnerships to which the authority has made appointments.

³ The Scrutiny Board has a duty to do this each municipal year - Scrutiny Board Procedure Rule 10.3

⁴ Namely the Youth Justice Plan and the Children and Young Peoples Plan

⁵ In accordance with Budget and Policy Framework Procedure Rules.

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

The Scrutiny Board (Health and Well-being and Adult Social Care) is authorised to discharge the following overview and scrutiny functions¹:

1. to review or scrutinise decisions made or other action taken in connection with any council or executive function or any matter which affects the authority's area or the inhabitants of that area.²
2. to review or scrutinise the performance of the Health and Wellbeing Board;³
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 act as the appropriate Scrutiny Board in relation to the Executive's initial proposals for a relevant plan or strategy⁴ within the Budget and Policy Framework;⁵
5. to review or scrutinise executive decisions made that have been Called In;¹
6. 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;
7. 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 body⁷, 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.
8. to review outcomes, targets and priorities within the Council Business Plan and the Best city for...health and wellbeing priorities in the City Priority Plan;
9. to receive requests for scrutiny and councillor calls for action and undertake any subsequent work; and

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- 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

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¹ In relation to functions delegated to the Director of Adult Social Services under the Officer Delegation Scheme whether or not those functions are concurrently delegated to any other committee or officer.

² Including matters pertaining to outside bodies or partnerships to which the authority has made appointments

³ The Scrutiny Board has a duty to do this each municipal year – Scrutiny Board Procedure Rule 10.3

⁴ Namely the Health and Wellbeing City Priority Plan

⁵ In accordance with Budget and Policy Framework Procedure Rules.

⁷ 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.

10. to make such reports and recommendations as it considers appropriate and to receive and monitor formal responses to any reports or recommendations made by the Board.

Scrutiny Board (Housing and Regeneration)

The Scrutiny Board (Housing and Regeneration) is authorised to discharge the following overview and scrutiny functions¹.

1. to review or scrutinise decisions made or other action taken in connection with any council or executive function or any matter which affects the authority's area or the inhabitants of that area;²
2. to review or scrutinise the performance of the Housing and Regeneration Partnership Board;³
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 act as the appropriate Scrutiny Board in relation to the Executive's initial proposals for a relevant plan or strategy⁴ within the Budget and Policy Framework;⁵
5. to review or scrutinise executive decisions that have been Called In;
6. to review outcomes, targets and priorities within the Council Business Plan and the Best city ..to live priorities within the City Priority Plan;
7. to receive requests for scrutiny and councillor calls for action, and undertake any subsequent work; and
8. to make such reports and recommendations as it considers appropriate and to receive and monitor formal responses to any reports or recommendations made.

¹ In relation to functions delegated to the Director of Environment and Neighbourhoods under the Officer Delegation Scheme (Executive Functions) paragraphs 2(a), (b), (c) and (d), whether or not those functions are concurrently delegated to any other committee or officer.

² Including matters pertaining to outside bodies and partnerships to which the authority has made appointments.

³ relating to housing led regeneration. The Scrutiny Board has a duty to do this each municipal year – Scrutiny Board Procedure Rule 10.3

⁴ Namely the Regeneration City Priority Plan.

⁵ In accordance with Budget and Policy Framework Procedure Rules.

Part 3 Section 2B(3)

Page 1 of 1

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 a) Green space – promotion, protection, management¶
 b) . Housing growth challenge both in terms of brownfield and Greenfield development, private and affordable¶
 c) Condition of private sector housing¶
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 <#>the Director of City Development under ¶
 <#>the Officer Delegation Scheme (Council Functions) at paragraphs (b) to (i), (k) to (p), (w), (ff) to (gg), (kk) to (ll), (rr) and (tt), and¶
 <#>the Officer Delegation Scheme (Executive Functions) at paragraphs 1(a) to (c) and 2(a) to (g) and (i) to (l); and ¶
 <#>the Chief Planning Officer under ¶
 <#>the Officer Delegation Scheme (Council Functions) at Section 2, and¶
 <#>the Officer Delegation Scheme (Executive Functions) at paragraph (a) ¶

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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 functions¹:

1. to review or scrutinise decisions made or other action taken in connection with any council or executive function or any matter which affects the authority's area or the inhabitants of that area;²
2. to review or scrutinise the performance of the Leeds Initiative Board;³
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 act as the appropriate Scrutiny Board~~⁴ in relation to the Executive's initial proposals for a plan or strategy⁵ within the Budget and Policy Framework;⁶
5. to review or scrutinise executive decisions⁷ made that have been Called In;
6. to review outcomes, targets and priorities within the Council Business Plan;
7. ~~to receive requests for scrutiny and councillor calls for action and undertake any subsequent work; and~~
8. to make such reports and recommendations as it considers appropriate and to receive and monitor formal responses to any reports or recommendations made by the Board.

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¶
<#> to review or scrutinise executive decisions⁸ made that have been Called In; and¶
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¹ In relation to functions delegated under the Officer Delegation Schemes for the Chief Executive, the Deputy Chief Executive, the Assistant Chief Executive (Customer Access and Performance (except in relation to function (k)), The Director of Resources and the City Solicitor; and any other function not within the terms of reference of any other Scrutiny Board.

² Including matters pertaining to outside bodies and partnerships to which the authority has made appointments

³ The Scrutiny Board has a duty to do this each municipal year – Scrutiny Board Procedure Rule 10.3

⁴ Under the Budget and Policy Framework Procedure Rules

⁵ 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.

⁶ Including in relation to the Budget

⁷ Other than those within the Terms of Reference of any other Scrutiny Board

Part 3 Section 2B(6)

Page 1 of 1

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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 functions¹.

1. to review or scrutinise decisions made or other action taken in connection with any council or executive function of any matter which affects the authority's area or the inhabitants of that area;²
2. to review or scrutinise the performance of the Safer and Stronger Communities Board³;
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 act as the appropriate Scrutiny Board in relation to the Executive's initial proposals for a relevant plan or strategy⁴ within the Budget and Policy Framework;⁵
5. to review or scrutinise executive decisions that have been Called In;
6. to exercise the functions of a crime and disorder committee⁷, including the following:
 - a. to review or scrutinise the exercise of crime and disorder functions⁸ by responsible authorities;⁹
 - b. to review or scrutinise any local crime or disorder matter raised by a Member;¹⁰

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Deleted: the exercise of any council or executive function or any other related matter including:-¶

- ¶
- 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

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

² Including matters pertaining to outside bodies and partnerships to which the authority has made appointments

³ The Scrutiny Board has a duty to do this each municipal year – Scrutiny Board Procedure Rule 10.3

⁴ Namely the Safer and Stronger Communities Plan

⁵ In accordance with Budget and Policy Framework Procedure Rules.

⁷ In accordance with Section 19 Police and Justice Act 2006

⁸ As defined by Section 6 Crime and Disorder Act 1998 (formulating and implementing crime and disorder strategies).

⁹ These are the authorities responsible for crime and disorder strategies set out in Section 5 of the Crime and Disorder Act 1998

¹⁰ 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.

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7. to review outcomes, targets and priorities within the Council Business Plan and **Best city... for communities priorities within the** City Priority Plan.
8. to receive requests for scrutiny and councillor calls for action, and undertake any subsequent work, **and**
9. to make such reports and recommendations as it considers appropriate and to **receive and monitor formal responses to any reports or recommendations made by the Board.**

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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.

Scrutiny Board (Sustainable Economy and Culture)

The Scrutiny Board (Sustainable Economy and Culture) is authorised to discharge the following overview and scrutiny functions¹:

1. to review or scrutinise decisions made or other action taken in connection with any council or executive function, or any matter which affects the authority's area or the inhabitants of that area;²
2. to review or scrutinise the performance of the Sustainable Economy and Culture Partnership Board;³
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 act as the appropriate Scrutiny Board in relation to the Executive's initial proposals for a relevant plan or strategy⁴ within the Budget and Policy Framework;⁵
5. to review or scrutinise executive decisions made that have been Called In;
6. to review and scrutinise the exercise by risk management authorities⁶ of flood risk management functions⁷ which may affect the Leeds City Council area;⁸
7. to review outcomes, targets and priorities within the Council Business Plan and the Best City..for business priorities within the City Priority Plan;
8. to receive requests for scrutiny and councillor calls for action, and undertake any subsequent work; and
9. to make such reports and recommendations as it considers appropriate and to receive and monitor formal responses to any reports or recommendations made by the Board.

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 ¶
 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

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 the Officer Delegation Scheme (Council Functions) at paragraphs (a), (j), (q) to (v), (x) to (ee), (hh) to (jj), (mm) to (qq), (ss), and (uu) to (xx); and ¶
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¹ In relation to functions delegated under the Officer Delegation Schemes for the Director of City Development, the Director of Environment and Neighbourhoods under the Officer Delegation Scheme (Executive functions) paragraph 2(g), and the Chief Planning Officer under the Officer Delegation Scheme (Council functions) at Section 2, and the Officer Delegation Scheme (Executive Functions) at paragraph (a), whether or not those functions are concurrently delegated to any other committee or officer.

² Including matters pertaining to outside bodies and partnerships to which the authority has made appointments.

³ relating to economic led regeneration. The Scrutiny Board has a duty to do this each municipal year – Scrutiny Board Procedure Rule 10.3

⁴ Namely the Development Plan Documents, Plans and alterations which together comprise the Development Plan, the Sustainable Economy and Culture City Priority Plan and the Local Flood Risk Management Strategy.

⁵ In accordance with Budget and Policy Framework Procedure Rules.

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

⁷ As defined by Section 4 Flood and Water Management Act 2010

⁸ In accordance with Section 9FH Local Government Act 2000

Part 3 Section 2B(5)

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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 9F of the Local Government Act 2000 and in accordance with the National Health Service Act 2006, in accordance with their terms of reference¹.

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- 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)³
- Scrutiny Board (Safer and Stronger Communities) – which shall be the authority's crime and disorder committee
- Scrutiny Board (Housing and Regeneration)

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 State⁴.

Within their terms of reference, all Scrutiny Boards will

- review or scrutinise the exercise of any function of the Council or Executive;
- make reports or recommendations to Council or the Executive in connection with the exercise of any functions of the Council or the Executive; and
- 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.

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

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

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

⁴ Section 9FA Local Government Act 2000

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

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Article 6 - Scrutiny Boards

- be consulted by local NHS body⁶.

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

- review or scrutinise the exercise of crime and disorder functions⁷ by responsible authorities⁸;
- review or scrutinise any Member referred local crime and disorder matter⁹; and
- make reports or recommendations to the Council or the Executive about the exercise of crime and disorder functions¹⁰ or any local crime and disorder matter in relation to a Member¹¹.

6.3 SPECIFIC ROLES

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:

- 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

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

⁷ As defined by Section 6 Crime and Disorder Act 1998 (formulating and implementing crime and disorder strategies).

⁸ These are the authorities responsible for crime and disorder strategies (Section 5 of the Crime and Disorder Act 1998)

⁹ This is any matter concerning-

- (a) crime and disorder (including in particular forms of crime and disorder that involve anti-social behaviour or other behaviour adversely affecting the local environment) or
- (b) the misuse of drugs alcohol and other substances in that area which affects all or part of the electoral area for which the Member is elected or any person who lives or works in that area.

¹⁰ See footnote 8

¹¹ See footnote 10

- liaise with other external organisations operating in the area, whether national, regional or local, to ensure that the interests of local people are enhanced by collaborative working.

Scrutiny

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) 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 has designated the post of Head of Scrutiny and Member Development, as Scrutiny Officer¹².

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The functions of the Scrutiny Officer are:

- (a) to promote the role of the Scrutiny Boards;
- (b) to provide support to the Scrutiny Boards and their members¹³;
- (c) to provide support and guidance to Members (including Executive Members), and officers¹⁴, in relation to the Scrutiny Boards' functions;
- (d) to report to Council¹⁵ 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.¹⁶

6.7 CO-OPTED MEMBERS

Education Representatives

The following shall be appointed as voting representatives on each relevant Scrutiny Board dealing with educational matters¹⁷:

- (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

¹² Under Section 9FB Local Government Act 2000.

¹³ The Scrutiny Officer shall exercise overall responsibility for the finances made available to Scrutiny Boards.

¹⁴ The Scrutiny Officer shall exercise overall responsibility for the work programme of the officers employed to support the work of the Scrutiny Boards.

¹⁵ After consultation with the relevant Scrutiny Chairs

¹⁶ This does not apply to those groups who have less than 10% of the membership of the Council

¹⁷ A Scrutiny Board is a relevant Scrutiny Board where the Board's functions relate wholly or in part to any education functions which are the responsibility of the authority's executive

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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 Board¹⁸.

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 Board¹⁹:

- (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

¹⁸ The Crime and Disorder (Overview and Scrutiny) Regulations 2009

¹⁹ 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 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 work.

1.4 Co-opted Members

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

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

1.5 Education Representatives

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

Any education representative appointed in accordance with Article 6 of the Constitution, shall serve as an education representative on all relevant Scrutiny Boards.¹

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

The Scrutiny Officer², 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.

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

¹ 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.

² Designated in accordance with Section 9FB Local Government Act 2000 (the 2000 Act). See further Article 6

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Scrutiny Board Procedure Rules

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 body³, as a member or an employee. Where such a Member has a personal or prejudicial⁴ 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.

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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 functions⁵ by responsible authorities⁶, but no less than once in every twelve month period⁷.

4.0 QUORUM / SUBSTITUTE MEMBERS

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

4.2 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

³ In Leeds this means NHS Leeds, the Leeds Community Healthcare NHS Trust the Leeds Teaching Hospitals NHS Trust, Leeds Partnerships NHS Foundation Trust, the NHS Yorkshire and Humber, and the Yorkshire and Humber Specialised Commissioning Group

⁴ See the Members Code of Conduct paragraphs 8 to 12 on Interests

⁵ 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)

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

⁷ Regulation 4 Crime and Disorder (Overview and Scrutiny) Regulations 2009

Part 4 (c)

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

6.0 ADMISSION TO MEETINGS

6.1 Subject to any statutory prohibitions and to Rule 6.2 below, all meetings of a Scrutiny Board shall be open to the public in accordance with the Access to Information Procedure Rules⁸. 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.

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 Board⁹ shall have a right of access to any documents which are relevant to the subject matter of the review.

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;

⁸ These are in Part 4 of the Constitution

⁹ 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.

Scrutiny Board Procedure Rules

- 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, the Licensing Committee or a Licensing sub-committee;¹¹
- 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, the Licensing Committee or a Licensing Sub-Committee;¹²
- any decision taken prior to 24 May 1999¹³, except where such a decision has influenced to a significant degree any action or decision taken subsequently to 24 May 1999 which is the subject of a review; or
- except in exceptional circumstances, any decision in respect of which there are:
 - ongoing judicial proceedings, Ombudsman or audit inquiry or complaint under the Council's formal complaints procedure; or
 - individual personnel issues.

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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.

10.3 At a time in the municipal year¹⁴, all Scrutiny Boards will act as "critical friend" to the relevant partnership and consider and report on the following areas:

¹¹ In respect of a licence or permission granted to an individual or in respect of an individual premises

¹² In respect of a licence or permission granted to an individual or in respect of an individual premises

¹³ This was the date of the commencement of scrutiny arrangements in Leeds.

¹⁴ The appropriate time for this review will be established by the Scrutiny officer in conjunction with Scrutiny Chairs and the Head of the Leeds Initiative.

1. What contribution the Partnership Board is making to tackle poverty and inequality, and the progress being made against this?
2. How successfully the Board's partnership arrangements are working?
3. To what extent are significant benefits being seen from partnership working? How has partnership working ensured increased pace of change to address the issue in hand?

11.0 REQUESTS FOR SCRUTINY

Reviews requested by the Executive Board or Council

- 11.1 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.

Reviews requested by a member of a Scrutiny Board

- 11.2 Any member of a Scrutiny Board may propose that a review be undertaken by that Scrutiny Board into a particular matter. The Scrutiny Board will then consider whether to undertake the review. In doing so, it shall take into account the wishes of all members of that Board including those who are not Members of the political group(s) forming the administration.

Councillor calls for action

- 11.3 Any Member may refer any matter, which is relevant to the functions of a Scrutiny Board¹⁶, but is not an excluded matter¹⁷, to that Scrutiny Board – a “councillor call for action”. In considering whether to refer a matter, the Member must have regard to any guidance issued by the Secretary of State.¹⁸

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- 11.4 All such referrals must be submitted in writing to the Scrutiny Officer. The Scrutiny Officer shall add this to the agenda for the next Ordinary Meeting of the relevant Scrutiny Board.

- 11.5 The Scrutiny Officer shall acknowledge all such referrals.

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

- 11.7 The Member making the referral will be invited to attend the Scrutiny Board's meeting to make representations as to why it would be appropriate for the Board to

¹⁶ In accordance with Section 9FC Local Government Act 2000

¹⁷ An excluded matter means any matter which is a local crime and disorder matter under Section 19 Police and Justice Act 2006 (see below), or a matter of any description specified in an order made by the Secretary of State (SI 2012/1022).

¹⁸ See further SBPR Guidance Notes

Scrutiny Board Procedure Rules

exercise its functions in relation to the matter. The Scrutiny Board Chair will decide how much time will be given to the Member for addressing the Scrutiny Board.

11.8 In deciding whether to carry out a review, the Scrutiny Board may have regard to:

- any powers which the Member may exercise in relation to the matter¹⁹; and
- any representations made by the Member.

11.9 If the Scrutiny Board decides not to carry out a review into the matter, the Scrutiny Officer will inform the referring Member about the decision of the Scrutiny Board, and the reasons for it.

Local crime and disorder matters

11.10 Any Member may refer any local crime and disorder matter²⁰ to the Scrutiny Board (Safer and Stronger Communities) as the Council's designated Crime and Disorder Committee..

11.11 All such referrals must be submitted in writing to the Scrutiny Officer. The Scrutiny Officer shall add this to the agenda for the next Ordinary Meeting of the Scrutiny Board.

11.12 The Scrutiny Officer shall acknowledge all such referrals.

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

11.14 The Member making the referral will be invited to attend the Scrutiny Board's meeting to make representations as to why it would be appropriate for the Board to exercise its functions in relation to the matter. The Scrutiny Board Chair will decide how much time will be given to the Member for addressing the Scrutiny Board.

Health and social care matters

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

- the planning, provision and operation of health services; or
 - social care services²¹
- to the relevant Scrutiny Board.

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

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

¹⁹ Under Section 236 of the 2007 Act

²⁰ This means a matter concerning:

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

- the misuse of drugs alcohol and other substances

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

²¹ These are services provided as part of the Council's social services functions (Section 226 Local Government and Involvement in Health Act 2007 – the 2007 Act)

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- 11.18 At the next Ordinary Meeting, the Scrutiny Board shall consider any such referral which the Scrutiny Officer has added to the agenda.
- 11.19 In deciding whether to exercise any functions in relation to any health or social care matter, the relevant Scrutiny Board must take into account any relevant information provided by the Local Involvement Network.
- 11.20 The Scrutiny Officer will inform the Local Involvement Network about any action taken in relation to the matter.

Requests for reviews from other sources

11.21 The appropriate Scrutiny Board shall consider a request from any other source²² to conduct a review²³, including any petition requesting Scrutiny²⁴.

12.0 UNDERTAKING SCRUTINY INQUIRIES -

12.1 Where a Scrutiny Board undertakes an Inquiry the Scrutiny Board shall consult with any relevant Director²⁵ and Executive Member on the terms of reference.

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

- consult with any relevant Director and Executive Member.
- agree the Terms of Reference of the Inquiry;
- agree the period within which the Inquiry's Report is to be completed;
- compile a preliminary list of witnesses from whom the Scrutiny Board require evidence²⁶; and
- compile a preliminary list of documents which the Scrutiny Board require to be produced.

12.3 Where appropriate, all terms of reference for work undertaken by Scrutiny Boards will include:

“To review how and to what effect consideration has been given to the impact of a service or policy on all equality areas, as set out in the Council's equality and Diversity scheme”.

13.0 REPORTS AND RECOMMENDATIONS

²² including Scrutiny Chairs.

²³ See further Scrutiny Board Procedure Rules Guidance Notes

²⁴ Where a Scrutiny Board Chair receives a petition in their capacity as a Scrutiny Chair, 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 that the appropriate Executive Board Member receives a copy of the petition.

²⁵ Any reference to a Director within these Rules should be deemed to include reference to all officers listed in Article 12 of the constitution. In relation to health matters it also includes the Director of Public Health

²⁶ As an Inquiry proceeds it may become apparent that further witnesses are required

Deleted: 12.2. Before deciding to undertake a scrutiny Inquiry, a Scrutiny Board must¶¶
<#>consider how the proposed Inquiry meets criteria approved from time to time; and¶¶
<#>consider the current workload of the Scrutiny Board and the available resources required to carry out the work.¶¶
<#>¶¶

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Scrutiny Board Procedure Rules

- 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)²⁷ ;
 - 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.
- 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 intention to submit a minority report should be declared within the Board meeting at the time the majority report is agreed and be both formally minuted and referred to in the final report as part of the Board's resolutions. The Chair can give this notice on behalf of a Member who cannot be present when the majority report is agreed. Where a Scrutiny Board has agreed its final report and there has been no declared intention to produce a minority report, a minority report cannot then be subsequently submitted. Where the intention to produce a minority report has been minuted, the Scrutiny Support Unit will contact the appropriate Member or Members to confirm submission dates. The minority report should be delivered to the Scrutiny Support Unit within 5 working days after the Scrutiny Board meeting. The Minority Report will be an appendix to the Scrutiny Board's Report.²⁸

Councillor calls for action

- 13.6 Where a Scrutiny Board is considering making a report or recommendations in relation to a matter referred as a councillor call for action, it may have regard to:
- any powers which the Member may exercise in relation to the matter²⁹; and
 - any representations made by the Member.

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²⁷ 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.

²⁸ The Scrutiny Board Procedure Rules Guidance Note provides guidance on Minority Reports.

²⁹ Under Section 236 of the 2007 Act

- 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 include:
- 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

- 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 authorities³⁰, the Scrutiny Officer will provide a copy to
- each of the responsible authorities; and
 - each of the co-operating persons and bodies.
- 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 take³¹.

Local crime and disorder matters

³⁰ See footnote 7

³¹ In accordance with Section 19 (8B) 2006 Act.

Deleted: See further the Protocol between Scrutiny and the Community Safety Partnership, detailing these arrangements.

Scrutiny Board Procedure Rules

- 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 matter³², 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.

14.0 RESPONSES TO REPORTS AND RECOMMENDATIONS

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 received³³. 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.³⁴

14.2 The Scrutiny Officer will place a copy of the response on the Council's web-site³⁵.

Partner authorities³⁶

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 functions of a relevant partner authority so far as exercisable in relation to the authority's area, or the inhabitants of that area, the Scrutiny Board may by notice³⁷ in writing require the relevant partner authority to have regard to the report or recommendation in

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³² See footnote 19

³³ Or (if later) the notice – Section 9FE of the 2000 Act

³⁴ Section 9FE of the 2000 Act

³⁵ Confidential information must be excluded, and relevant exempt information may be excluded, in accordance with SI 2012/1021

³⁶ 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 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 13.9.

³⁷ Subject to provisions relating to confidential and exempt information in Section 9FG of the 2000 Act Part 4 (c)

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question in exercising their functions. The notice must be accompanied by a copy of the report or recommendations³⁸.

Councillor calls for action

- 14.5 Where a Scrutiny Board has made a Report in relation to a councillor call for action, any response must also be sent to the Member who referred the matter.

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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 recommendations³⁹, 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 recommendations⁴⁰, indicating what (if any) action it proposes to take; and
 - have regard to the report or recommendations in exercising its functions.

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 days⁴¹.
- 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

Flood risk management

³⁸ Subject to provisions relating to confidential and exempt information in Section 9FG of the 2000 Act
³⁹ or if this is not reasonably possible, as soon as reasonably possible thereafter
⁴⁰ or if this is not reasonably possible, as soon as reasonably possible thereafter
⁴¹ Regulation 3(3) Local Authority (Overview and Scrutiny Committees Health Scrutiny Functions) Regulations 2002

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14.10 A risk management authority must have regard to reports and recommendations of the relevant Scrutiny Board exercising statutory functions in relation to the scrutiny of flood risk management.

14.11 Where that Scrutiny Board requests a response to a report from a risk management authority, the risk management authority must:

- respond to the Board within 28 days or a longer period as agreed between the risk management authority and the Scrutiny Board, and
- indicate what (if any) action the risk management authority proposes to take, if a response to a report is requested.

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 courtesy⁴².

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 functions⁴³, 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 questions⁴⁴.

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.

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.

⁴² see Member/Officer Protocol in Part 5 of the Constitution.

⁴³ under Section 236 of the 2007 Act

⁴⁴ 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 9FA of the 2000 Act.

- 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.⁴⁵
- 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.⁴⁶

Crime and Disorder Committee

- 16.13 Subject to giving reasonable notice of the intended date of attendance, the Scrutiny Board (Safer and Stronger Communities)⁴⁷ may require an officer or employee of a responsible authority⁴⁸ or of a co-operating person or body⁴⁹ in order to answer questions.

⁴⁵ 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.

⁴⁶ Regulation 5 Local Authorities (Overview and Scrutiny Committees Health Scrutiny Functions) Regulations 2002 as amended.

⁴⁷ In its capacity as crime and disorder committee

⁴⁸ See footnote 7

⁴⁹ See footnote 7

Scrutiny Board Procedure Rules

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.

Partner authorities

16.15 Scrutiny Board may in writing request a partner authority to provide such information, as the Scrutiny Board may reasonably require in order to discharge its functions, being information which relates to the functions of the relevant partner authority so far as exercisable in relation to the authority's area, or the inhabitants of that area.

16.16 A partner authority must comply with any such request.⁵¹

Flood risk management

16.17 The Scrutiny Board exercising the authority's statutory functions in relation to the scrutiny of flood risk management may request information from any risk management authority. This may be a request to attend to give information orally to the Board.

16.18 The risk management authority must comply with any such request made in writing within 28 days, or longer period as agreed between the risk management authority and the Board.

16.17 Where confidential information must be disclosed by a risk management authority, the Scrutiny Board must hold that meeting in private, and not disclose the information except as provided for in regulations.⁵²

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 Reference⁵³.

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

⁵¹ Subject to Regulations [5](#) and [6](#) Local Authorities (Overview and Scrutiny Committees) (England) Regulations [2012 \(SI 2012/1021\)](#).

⁵² See further [Flood Risk Management Overview and Scrutiny Committee \(England\) Regulations 2011/697](#)

⁵³ It may for example wish to hear from residents, stakeholders, Members or officers in other parts of the public sector.

⁶⁰ Under the Local Authority (Overview and Scrutiny Committees Health Scrutiny Functions) Regulations 2002 as amended.

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Deleted: 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. ¶

¶
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 ... [1]

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Scrutiny Board Procedure Rules

- 18.1 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 service⁶⁰. Deleted: 21
- 18.2 The Scrutiny Board may make comments on the proposal consulted on by such date as may be specified by the NHS body. Deleted: 21
- 18.3 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.
- Deleted: 21
- 18.4 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. Deleted: 21
- 18.5 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. Deleted: 21
- 18.6 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. Deleted: 21

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.
- 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 provisions¹.

20.0 CALL-IN

- 20.1 Subject to the exceptions set out below, the following may be called in to be reviewed and scrutinised by the relevant Scrutiny Board²:
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 to³:
decisions made under regulatory arrangements;
decisions made by Joint Committees; or
decisions not taken by the authority.
Budget and Policy framework documents reserved for full council

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.

¹ See Access to Information Procedure Rules

² 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.

³ 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.

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 days⁴ 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 so⁵. 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 pro-forma.

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 (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 notification⁶ 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

⁴ Which shall be taken to expire at 5.00 p.m. on the fifth working day.

⁵ Those Scrutiny Board Members not in a political group (excluding co-optees) would be eligible to sign a Call In request. A Member cannot be a signatory to call-in a decision of the Area Committee of which they are a member.

⁶ or their nominees

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

Area Committee Decisions

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

Extract from Area Committee Procedure Rules

5.3 All nominations must be notified to the Head of Governance Services by no later than 5pm, the day before the meeting convened to consider the appointment of the Chair. The Head of Governance Services will give appropriate notice to whips and Independent Members of this deadline.

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5.4 Area Committees will meet to agree the election of Chair for the forthcoming Municipal Year during the period that is the first working day after the nomination process closes, and the last working day before the day of the Annual Council Meeting.

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AGENDA ITEM 8A – COMMITTEE TERMS OF REFERENCE

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Scrutiny Board (Children and Families)

The Scrutiny Board (Children and Families) is authorised to discharge the following overview and scrutiny functions¹:

1. to review or scrutinise decisions made or other action taken in connection with any council or executive function or any matter which affects the authority's area or the inhabitants of that area;²
2. to review or scrutinise the performance of the Children's Trust Board;³
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 act as the appropriate Scrutiny Board in relation to the Executive's initial proposals for a relevant plan or strategy⁴ within the Budget and Policy Framework;⁵
5. to review or scrutinise executive decisions that have been Called In;
6. to review outcomes, targets and priorities within the Council Business Plan and the Best city... for children and young people priorities within the City Priority Plan;
7. to receive requests for scrutiny and councillor calls for action and undertake any subsequent work; and
8. to make such reports and recommendations as it considers appropriate and to receive and monitor formal responses to any reports or recommendations made.

¹ In relation to functions delegated to the Director of Children's Services under the Officer Delegation Scheme whether or not those functions are concurrently delegated to any other committee or officer.

² Including matters pertaining to outside bodies and partnerships to which the authority has made appointments.

³ The Scrutiny Board has a duty to do this each municipal year - Scrutiny Board Procedure Rule 10.3

⁴ Namely the Youth Justice Plan and the Children and Young Peoples Plan

⁵ In accordance with Budget and Policy Framework Procedure Rules.

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

The Scrutiny Board (Health and Well-being and Adult Social Care) is authorised to discharge the following overview and scrutiny functions¹:

1. to review or scrutinise decisions made or other action taken in connection with any council or executive function or any matter which affects the authority's area or the inhabitants of that area;²
2. to review or scrutinise the performance of the Health and Wellbeing Board;³
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 act as the appropriate Scrutiny Board in relation to the Executive's initial proposals for a relevant plan or strategy⁴ within the Budget and Policy Framework;⁵
5. to review or scrutinise executive decisions made that have been Called In;⁶
6. 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;
7. 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 body⁶, 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.
8. to review outcomes, targets and priorities within the Council Business Plan and the Best city for...health and wellbeing priorities in the City Priority Plan;
9. to receive requests for scrutiny and councillor calls for action and undertake any subsequent work; and

¹ In relation to functions delegated to the Director of Adult Social Services under the Officer Delegation Scheme whether or not those functions are concurrently delegated to any other committee or officer.

² Including matters pertaining to outside bodies or partnerships to which the authority has made appointments

³ The Scrutiny Board has a duty to do this each municipal year – Scrutiny Board Procedure Rule 10.3

⁴ Namely the Health and Wellbeing City Priority Plan

⁵ In accordance with Budget and Policy Framework Procedure Rules.

⁶ 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.

10. to make such reports and recommendations as it considers appropriate and to receive and monitor formal responses to any reports or recommendations made by the Board.

Scrutiny Board (Housing and Regeneration)

The Scrutiny Board (Housing and Regeneration) is authorised to discharge the following overview and scrutiny functions¹.

1. to review or scrutinise decisions made or other action taken in connection with any council or executive function or any matter which affects the authority's area or the inhabitants of that area;²
2. to review or scrutinise the performance of the Housing and Regeneration Partnership Board;³
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 act as the appropriate Scrutiny Board in relation to the Executive's initial proposals for a relevant plan or strategy⁴ within the Budget and Policy Framework;⁵
5. to review or scrutinise executive decisions that have been Called In;
6. to review outcomes, targets and priorities within the Council Business Plan and the Best city ..to live priorities within the City Priority Plan;
7. to receive requests for scrutiny and councillor calls for action and undertake any subsequent work; and
8. to make such reports and recommendations as it considers appropriate and to receive and monitor formal responses to any reports or recommendations made.

¹ In relation to functions delegated to the Director of Environment and Neighbourhoods under the Officer Delegation Scheme (Executive Functions) paragraphs 2(a), (b) (c) and (d) whether or not those functions are concurrently delegated to any other committee or officer.

² Including matters pertaining to outside bodies and partnerships to which the authority has made appointments.

³ relating to housing led regeneration. The Scrutiny Board has a duty to do this each municipal year – Scrutiny Board Procedure Rule 10.3

⁴ Namely the Regeneration City Priority Plan.

⁵ In accordance with Budget and Policy Framework Procedure Rules.

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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 functions¹:

1. to review or scrutinise decisions made or other action taken in connection with any council or executive function or any matter which affects the authority's area or the inhabitants of that area;²
2. to review or scrutinise the performance of the Leeds Initiative Board;³
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 act as the appropriate Scrutiny Board⁴ in relation to the Executive's initial proposals for a plan or strategy⁵ within the Budget and Policy Framework;⁶
5. to review or scrutinise executive decisions⁷ made that have been Called In;
6. to review outcomes, targets and priorities within the Council Business Plan;
7. to receive requests for scrutiny and councillor calls for action and undertake any subsequent work; and
8. to make such reports and recommendations as it considers appropriate and to receive and monitor formal responses to any reports or recommendations made by the Board.

¹ In relation to functions delegated under the Officer Delegation Schemes for the Chief Executive, the Deputy Chief Executive, the Assistant Chief Executive (Customer Access and Performance (except in relation to function (k)), The Director of Resources and the City Solicitor; and any other function not within the terms of reference of any other Scrutiny Board.

² Including matters pertaining to outside bodies and partnerships to which the authority has made appointments

³ The Scrutiny Board has a duty to do this each municipal year – Scrutiny Board Procedure Rule 10.3

⁴ Under the Budget and Policy Framework Procedure Rules

⁵ 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.

⁶ Including in relation to the Budget

⁷ Other than those within the Terms of Reference of any other Scrutiny Board

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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 functions¹.

1. to review or scrutinise decisions made or other action taken in connection with any council or executive function of any matter which affects the authority's area or the inhabitants of that area;²
2. to review or scrutinise the performance of the Safer and Stronger Communities Board³;
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 act as the appropriate Scrutiny Board in relation to the Executive's initial proposals for a relevant plan or strategy⁴ within the Budget and Policy Framework;⁵
5. to review or scrutinise executive decisions that have been Called In;
6. to exercise the functions of a crime and disorder committee⁶, including the following:
 - a. to review or scrutinise the exercise of crime and disorder functions⁷ by responsible authorities;⁸
 - b. to review or scrutinise any local crime or disorder matter raised by a Member;⁹

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

² Including matters pertaining to outside bodies and partnerships to which the authority has made appointments

³ The Scrutiny Board has a duty to do this each municipal year – Scrutiny Board Procedure Rule 10.3

⁴ Namely the Safer and Stronger Communities Plan

⁵ In accordance with Budget and Policy Framework Procedure Rules.

⁶ In accordance with Section 19 Police and Justice Act 2006

⁷ As defined by Section 6 Crime and Disorder Act 1998 (formulating and implementing crime and disorder strategies).

⁸ These are the authorities responsible for crime and disorder strategies set out in Section 5 of the Crime and Disorder Act 1998

⁹ This is any matter concerning –

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

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

7. to review outcomes, targets and priorities within the Council Business Plan and Best city... for communities priorities within the City Priority Plan;
8. to receive requests for scrutiny and councillor calls for action and undertake any subsequent work; and
9. to make such reports and recommendations as it considers appropriate and 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 functions¹:

1. to review or scrutinise decisions made or other action taken in connection with any council or executive function, or any matter which affects the authority's area or the inhabitants of that area;²
2. to review or scrutinise the performance of the Sustainable Economy and Culture Partnership Board;³
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 act as the appropriate Scrutiny Board in relation to the Executive's initial proposals for a relevant plan or strategy⁴ within the Budget and Policy Framework;⁵
5. to review or scrutinise executive decisions made that have been Called In;
6. to review and scrutinise the exercise by risk management authorities⁶ of flood risk management functions⁷ which may affect the Leeds City Council area;⁸
7. to review outcomes, targets and priorities within the Council Business Plan and the Best City..for business priorities within the City Priority Plan;
8. to receive requests for scrutiny and councillor calls for action and undertake any subsequent work; and
9. to make such reports and recommendations as it considers appropriate and to receive and monitor formal responses to any reports or recommendations made by the Board.

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

² Including matters pertaining to outside bodies and partnerships to which the authority has made appointments.

³ relating to economic led regeneration. The Scrutiny Board has a duty to do this each municipal year – Scrutiny Board Procedure Rule 10.3

⁴ Namely the Development Plan Documents, Plans and alterations which together comprise the Development Plan, the Sustainable Economy and Culture City Priority Plan and the Local Flood Risk Management Strategy.

⁵ In accordance with Budget and Policy Framework Procedure Rules.

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

⁷ As defined by Section 4 Flood and Water Management Act 2010

⁸ In accordance with Section 9FH Local Government Act 2000

Part 3 Section 2B(5)

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The Standards Committee

The Standards Committee is authorised to discharge the following functions¹:

1. to advise the authority on the adoption or revision of a Code of Conduct for Members² and to promote, monitor and review the operation of the Members' Code of Conduct.
2. to consider and determine one or more local codes of conduct for Members or protocols for Member/officer relations³ and to promote, monitor, review and amend such codes of conduct or protocols;
3. to appoint sub-committees⁴ to consider and initially assess⁵ or review decisions not to act⁶ in respect of any written allegations⁷ made against Members;
4. to arrange for the consideration and determination of any complaints⁸ made against Members and the determination of any sanction to be imposed on a finding of misconduct;
5. to consider and determine applications for dispensations⁹;
6. to make recommendations to the Corporate Governance and Audit Committee where representations (on behalf of the Council) are required to be made to external agencies,¹⁰ about any matter relating to general principles of conduct, model codes of conduct and the codes of conduct or protocols approved from time to time by or on behalf of the Council and to make representations on its own behalf;

¹ 'Functions' for these purposes shall be construed in a broad and inclusive fashion and shall include the doing of anything which is calculated to facilitate or is conducive or incidental to the discharge of any of the specified functions. The functions derive from Part 3 of the Local Government Act 2000 and are discharged both in relation to Leeds City Council and its Members, and parish councils wholly or mainly in its area and the Members of those parish councils.

² Section 54(2)(a) Local Government Act 2000

³ To be known as 'Local Codes'

⁴ Regulation 6, Standards Committee (England) Regulations 2008 No. 1085/2008

⁵ Section 57A Local Government Act 2000

⁶ Section 57B Local Government Act 2000

⁷ written allegations made by any person under section 57A Local Government Act 2000

⁸ 'complaints' for these purposes to mean allegations of breach of

- the Members Code of Conduct adopted by Leeds City Council; or
- the National Code of Local Government Conduct where the alleged breach is committed before 5 April 2002; or
- any of the Authority's Local Protocols/Codes which refer to the conduct of Members, other than the Code of Conduct;

which have been the subject of an investigation resulting in a finding of failure to comply (or in relation to which the Standards Committee have resolved not to accept a finding of no failure to comply) and are therefore referred to the Committee by the Monitoring Officer

⁹ In accordance with the Standards Committee (Further Provisions) (England) Regulations 2009

¹⁰ Such external agencies may include, but are not restricted to, the District or Approved Auditor, Communities and Local Government, Standards for England, an Ethical Standards Officer, the First-Tier Tribunal (Local Government Standards in England) or a case tribunal.

7. to provide advice and guidance to Members and officers and to make arrangements for training in matters relating to codes of conduct and protocols;
8. to consider and advise the Council with respect to the adoption or amendment of a Code of Conduct for employees and to promote, monitor and review the Code of Conduct;¹¹
9. to consider any application for exemption from political restriction which is made to the Committee;¹²
10. on the application of any person or otherwise, to give directions to the relevant authority requiring it to include a post in the list of politically restricted posts.¹³

¹¹ It is not the function of the Committee to determine or become involved in individual officer conduct or disciplinary cases but rather to provide an overview of the application of the provisions of the Code across the Council.

¹² Section 3A(1)(a) of the Local Government and Housing Act 1989 (as amended by Section 202 of the Local Government and Public Involvement in Health Act 2007)

¹³ Section 3A(1)(b) of the Local Government and Housing Act 1989 (as amended by Section 202 of the Local Government and Public Involvement in Health Act 2007)

Corporate Governance and Audit Committee

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

1. to consider the Council's arrangements relating to accounts² including:
 - (a) the approval of the statement of accounts and any material amendment of the accounts recommended by the auditors;
 - (b) the approval of the Annual Governance Statement³; and
 - (c) with the exception of any matter, which may result in the accounts being qualified, responding to the Council's auditors in respect of any matter where it is not considered appropriate to make the amendments recommended by the auditors.
2. to consider the Council's arrangements relating to external audit requirements including:
 - (a) agreement and review of the nature and scope of the annual audit plan,
 - (b) the receipt of external audit reports so as to:
 - (i) inform the operation of Council's current or future audit arrangements; and
 - (ii) provide a basis for gaining the necessary assurance regarding governance prior to the approval of the Council's accounts.
3. to review the adequacy of policies and practices to ensure compliance with statutory and other guidance
4. to review the adequacy of the Council's Corporate Governance arrangements (including matters such as internal control and risk management)
5. to consider the Council's arrangements relating to internal audit requirements including:
 - (a) considering the Annual Internal Audit Report
 - (b) monitoring the performance of internal audit
6. to make, on behalf of the Council, and having had regard to any recommendations of Standards Committee, representations to external agencies⁴ about any matter relating to general principles of conduct, model

¹ Functions" for these purposes shall be construed in a broad and inclusive fashion and shall include the doing of anything which is calculated to facilitate or is conducive or incidental to the discharge of any of the specified functions.

² Item 45 Paragraph 1 Schedule 1 of Local Authorities (Functions and Responsibilities) (England) Regulations as amended.

³ The Annual Governance Statement is Leeds City Council's Statement on Internal Control which is approved under Regulation 4(3) of the Accounts and Audit (England) Regulations 2011.

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

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

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

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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Area Committees

Within each Committee's area:

(Council functions)

1. to make Elected Member¹ appointments² to Outside Bodies as determined by the Member Management Committee;
2. to advise or make representations to the Council, the Executive Board, Scrutiny Boards, Plans Panels or Licensing Committee on all matters affecting community interests;³
3. to consider and respond to consultations on planning briefs and frameworks and on major development proposals affecting the Committee's area;⁴
4. to consider proposals referred to the Committee by the Council, Executive Board, Scrutiny Boards, Plans Panels or Licensing Committee and to report back the Committee's views to the referring body;⁵
5. to receive and hear deputations;
6. to consider the performance, targeting, frequency and co-ordination of services and make recommendations to the Executive Board as appropriate;⁶

(Executive functions)⁷

7. *to promote and improve the economic, social and environmental well-being of the Committee's area*⁸;
8. *to exercise Area Functions*;⁹

¹ Including the appointment of a suitable nominee as set out in the Appointments to Outside Bodies Procedure Rules

² In accordance with the Appointments to Outside Bodies Procedure Rules at Part 4 of the Constitution.

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

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

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

⁶ This is an advisory function under Section 102(4) Local Government Act 1972

⁷ All executive functions will be exercisable concurrently with the Executive Board.

⁸ In furtherance of, and subject to the limitations set out in the Well-being Schedule detailed in Part 3 Section 3D of the Constitution, as determined from time to time by the Executive Board

⁹ As determined from time to time by the Executive Board and in furtherance of, and subject to the limitations set out in the Area Function Schedule(s) detailed in Part 3 Section 3D of the Constitution and the Area Committee Procedure Rules in Part 4 of the Constitution.

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Employment Committee

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

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

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

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

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

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

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

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

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Member Management Committee

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

1. to determine which outside bodies² require Elected Member³ representation or appointment and to act as Appointing Body for the purposes of making appointments to outside bodies categorised as Strategic and Key Partnership Outside Bodies⁴;
2. to determine requests to establish informal Working Groups of Members, except where such a request falls to be determined by another Committee⁵;
3. to act as an Advisory Body for the purposes of implementing practices and procedures affecting Elected Members⁶; and
4. to consider matters in relation to the Training and Development of Elected Members;
5. to represent the views of Elected Members to the executive, in relation to the provision to Elected Members of information, communication and associated technologies; and
6. to represent the views of Elected Members to the executive, in relation to the provision of accommodation for Elected Members.

¹ 'Functions' for these purposes shall be construed in a broad and inclusive fashion and shall include the doing of anything which is calculated to facilitate or is conducive or incidental to the discharge of any of the specified functions.

² Excluding those appointments to joint committees which are reserved to full Council

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

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

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

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

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The Licensing Committee

With the exception¹ of

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

the Licensing Committee is authorised to discharge⁴ the following functions⁵:

1. to discharge the licensing functions of the licensing authority;⁶
- 2.1 to discharge any other function of the authority referred to it by full Council;⁷
- 2.2 pursuant to the provision in section 2.1 above full Council has delegated to the Licensing Committee the following functions:
 - 2.2.1 the power to make a designated public places order in respect of alcohol consumption under the Criminal Justice and Police Act 2001⁸
 - 2.2.2 the power to designate an area as an Alcohol Disorder Zone⁹
 - 2.2.3 hackney carriages and private hire vehicles¹⁰
 - 2.2.4 sexual entertainment venues, sex shops and sex cinemas¹¹
 - 2.2.5 performances of hypnotism¹²
 - 2.2.6 charitable collections¹³

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

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

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

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

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

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

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

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

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

¹⁰ Item 3 – 5 of Para. B of Schedule 1 to the 2000 Regulations

¹¹ Item 15 of Para. B of Schedule 1 to the 2000 Regulations and Section 27 Policing and Crime Act 2009 and Schedule 3 Local Government (Miscellaneous Provisions) Act 1982

¹² Item 16 of Para. B of Schedule 1 to the 2000 Regulations

- 3 in respect of any approval, consent, licence, permission, or registration which they may grant,
 - (a) To impose conditions limitations or restrictions;
 - (b) To determine any terms;
 - (c) To determine whether and how to enforce any failure to comply;
 - (d) To amend, modify, vary or revoke;
 - (e) To determine whether a charge should be made or the amount of such a charge.
4. to make recommendations to full Council in connection with the discharge of its functions as licensing authority;¹⁴ and
5. to receive reports from, and to make recommendations and representations to other committees or bodies as appropriate.¹⁵

¹³ Item 39 of Para. B of Schedule 1 to the 2000 Regulations

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

¹⁵ Where the licensing authority exercises its power under Section 7(5)(a) of the 2003 Act the other Committee must consider a report of the Licensing Committee. Where the Council does not make arrangements under Section 7(3), it must (unless the matter is urgent) consider a report of the Licensing Committee with respect to the matter before discharging the function (Section 7(4)).

Plans Panels

The Plans Panels are authorised¹ to discharge² the following functions³

1. all Council (non-executive)⁴ functions relating to:
 - (a) town and country planning and development control⁵;
 - (b) safety certificates for sports grounds⁶;
 - (c) common land or town and village greens⁷;
 - (d) street works and highways⁸;
 - (e) public rights of way⁹;
 - (f) the protection of hedgerows and the preservation of trees¹⁰; and
 - (g) high hedges.¹¹

2. in respect of any approval, consent, licence, permission, or registration which they may grant:
 - (a) to impose conditions limitations or restrictions;
 - (b) to determine any terms;
 - (c) to determine whether and how to enforce any failure to comply;
 - (d) to amend, modify, vary or revoke; and/or
 - (e) to determine whether a charge should be made or the amount of such charge.

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

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

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

³ 'Functions' for these purposes shall be construed in a broad and inclusive fashion and shall include the doing of anything which is calculated to facilitate or is conducive or incidental to the discharge of any of the specified functions

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

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

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

⁷ Items 37, 38 and 72 of Para B and Items 51-53 of Para I of Schedule 1 of the 2000 Regulations

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

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

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

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

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

- a licensing function of the licensing authority and
- a function which is not a licensing function

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

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ADVISORY COMMITTEE

Development Plan Panel

An advisory Committee¹ authorised to make recommendations regarding:

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

In particular

To advise the Council in relation to functions which are²

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

To advise the Executive in relation to functions which are²

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

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

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

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AGENDA ITEM 8(b)(i)- MEMBERSHIP OF COMMITTEES/BOARDS AND PANELS

Schedule 8(b)(i) to follow pending the outcome of group discussions.

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AGENDA ITEM 8(b)(ii)- MEMBERSHIP OF COMMITTEES/BOARDS AND PANELS

Schedule 8(b)(ii) to follow pending the outcome of group discussions.

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LEEDS CITY COUNCIL

ANNUAL MEETING

21st MAY 2012

MEMBERSHIP OF AREA COMMITTEES 2012/2013¹

North West (Inner) Area Committee

Councillor J Walker (Headingley)
Councillor N Walshaw (Headingley)
Councillor M Hamilton (Headingley)
Councillor C Towler (Hyde Park & Woodhouse)
Councillor G Harper (Hyde Park & Woodhouse)
Councillor J Akhtar (Hyde Park and Woodhouse)
Councillor L Yeadon (Kirkstall)
Councillor J Illingworth (Kirkstall)
Councillor B Atha (Kirkstall)
Councillor J Bentley (Weetwood)
Councillor S Bentley (Weetwood)
Councillor J M Chapman (Weetwood)

North West (Outer) Area Committee

Councillor B Anderson (Adel & Wharfedale)
Councillor J L Carter (Adel & Wharfedale)
Councillor C Fox (Adel & Wharfedale)
Councillor G Latty (Guiseley & Rawdon)
Councillor P Wadsworth (Guiseley & Rawdon)
Councillor P Latty (Guiseley & Rawdon)
Councillor C Townsley (Horsforth)
Councillor D Collins (Horsforth)
Councillor B Cleasby (Horsforth)
Councillor S Lay (Otley & Yeadon)
Councillor C Campbell (Otley & Yeadon)
Councillor R Downes (Otley & Yeadon)

¹ Exempt from proportionality under Statutory Instrument 1990/1553 Reg 16A Issued 11 May 2012

North East (Inner) Area Committee

Councillor E Taylor (Chapel Allerton)
Councillor M Rafique (Chapel Allerton)
Councillor J Dowson (Chapel Allerton)
Councillor A Sobel (Moortown)
Councillor R Charlwood (Moortown)
Councillor S Hamilton (Moortown)
Councillor B Urry (Roundhay)
Councillor C MacNiven (Roundhay)
Councillor G Hussain (Roundhay)

North East (Outer) Area Committee

Councillor N Buckley (Alwoodley)
Councillor D Cohen (Alwoodley)
Councillor P Harrand (Alwoodley)
Councillor A Castle (Harewood)
Councillor R Procter (Harewood)
Councillor M Robinson (Harewood)
Councillor G Wilkinson (Wetherby)
Councillor A Lamb (Wetherby)
Councillor J Procter (Wetherby)

East (Inner) Area Committee

Councillor M Ingham (Burmantofts & Richmond Hill)
Councillor A Khan (Burmantofts & Richmond Hill)
Councillor R Grahame (Burmantofts & Richmond Hill)
Councillor R Harington (Gipton & Harehills)
Councillor A Hussain (Gipton & Harehills)
Councillor K Maqsood (Gipton & Harehills)
Councillor G Hyde (Killingbeck & Seacroft)
Councillor V Morgan (Killingbeck & Seacroft)
Councillor B Selby (Killingbeck & Seacroft)

East (Outer) Area Committee

Councillor S Armitage (Crossgates & Whinmoor)
Councillor P Grahame (Crossgates & Whinmoor)
Councillor P Gruen (Crossgates & Whinmoor)
Councillor A McKenna (Garforth & Swillington)
Councillor M Dobson (Garforth & Swillington)
Councillor T Murray (Garforth & Swillington)
Councillor M Harland (Kippax & Methley)
Councillor J Lewis (Kippax & Methley)
Councillor K Wakefield (Kippax & Methley)
Councillor J Cummins (Temple Newsam)
Councillor K Mitchell (Temple Newsam)
Councillor M Lyons (Temple Newsam)

South (Inner) Area Committee

Councillor A Gabriel (Beeston & Holbeck)
Councillor A Ogilvie (Beeston & Holbeck)
Councillor D Congreve (Beeston & Holbeck)
Councillor E Nash (City & Hunslet)
Councillor P Davey (City & Hunslet)
Councillor M Iqbal (City & Hunslet)
Councillor P Truswell (Middleton Park)
Councillor J Blake (Middleton Park)
Councillor K Groves (Middleton Park)

South (Outer) Area Committee

Councillor K Renshaw (Ardsley & Robin Hood)
Councillor J Dunn (Ardsley & Robin Hood)
Councillor L Mulherin (Ardsley & Robin Hood)
Councillor R Finnigan (Morley North)
Councillor R Gettings (Morley North)
Councillor T Leadley (Morley North)
Councillor J Elliott (Morley South)
Councillor N Dawson (Morley South)
Councillor S Varley (Morley South)
Councillor D Nagle (Rothwell)
Councillor K Bruce (Rothwell)
Councillor B S Golton (Rothwell)

West (Inner) Area Committee

Councillor A Lowe (Armley)
Councillor J McKenna (Armley)
Councillor J Harper (Armley)
Councillor C Gruen (Bramley & Stanningley)
Councillor T Hanley (Bramley & Stanningley)
Councillor N Taggart (Bramley & Stanningley)

West (Outer) Area Committee

Councillor A Carter (Calverley & Farsley)
Councillor J W Marjoram (Calverley & Farsley)
Councillor R Wood (Calverley & Farsley)
Councillor D Blackburn (Farnley & Wortley)
Councillor A Blackburn (Farnley & Wortley)
Councillor J Hardy (Farnley & Wortley)
Councillor J Jarosz (Pudsey)
Councillor R Lewis (Pudsey)
Councillor M Coulson (Pudsey)

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AGENDA ITEM 8(c)- CHAIRS OF COMMITTEES/BOARDS AND PANELS

Schedule 8(c) to follow pending the outcome of group discussions.

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AGENDA ITEM 8(d)- CHAIRS OF AREAS COMMITTEES

Schedule 8(d) to follow pending the outcome of Area Committee meetings.

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AGENDA ITEM 8(e) – APPOINTMENTS TO JOINT AUTHORITIES AND JOINT COMMITTEES

Schedule 8(e) to follow pending the outcome of group discussions.

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GENERAL DELEGATIONS TO OFFICERS

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

2. Subject to the exception listed below, in respect of approvals, licences, permission or registrations which come within the terms of their delegated authority, the Chief Executive, Deputy Chief Executive, Assistant Chief Executive (Customer Access and Performance), all Directors, City Solicitor and other named officers¹ are authorised²:
 - (a) to impose conditions, limitations or restrictions;
 - (b) to determine any terms to which they are subject;
 - (c) to determine whether and how to enforce any failure to comply³;
 - (d) to amend, modify, vary or revoke; and
 - (e) to determine whether a charge should be made or the amount of such a charge.

- 3 The Chief Executive, the Deputy Chief Executive, the Assistant Chief Executive (Customer Access and Performance), all Directors and City Solicitor are authorised to carry out the following in respect of those functions for which they have delegated authority⁴:

¹ These are all other officers listed in Article 12.

² An officer may consider in respect of any matter that the authority delegated under this scheme may not be exercised and if so, may refer the matter to the relevant committee for determination.

³ including

- any failure to comply with such an approval, consent, licence, permission or registration,
- any failure to comply with a condition, limitation or term; to which any such approval, consent, licence, permission or registration is subject; or
- any other contravention in relation to a matter with regard to which the function of determining an application for approval, consent, licence, permission or registration would not be the responsibility of the executive.

⁴ An officer may consider in respect of any matter that the authority delegated under this scheme may not be exercised and if so, may refer the matter to the relevant committee for determination.

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

- (a) to make payments or provide other benefits in cases of maladministration⁵;
- (b) functions relating to health and safety under any relevant statutory provision within the meaning of Part 1 of the Health and Safety at Work Act 1974, to the extent that these functions are discharged otherwise than in the Council's capacity as employer;
- (c)⁶
 - (i) to appoint staff within the approved establishment in accordance with the Council's Recruitment and Selection Procedure;
 - (ii) to appoint staff on a temporary basis to provide cover for absences or cater for peaks in workload subject to there being budgetary provision. Such staff should be employed on terms set out in the guidance issued by the Director of Resources; and
 - (iii) to determine issues relating to officers' terms and conditions of employment and to take such action and enter into such agreement as may be required to give effect to such determinations.
- (d) The enforcement of byelaws.

Exceptions:

The Chief Planning Officer's authority is subject to those exceptions set out in the Chief Planning Officer's delegation within the Officer Delegation Scheme (Council (non-executive) functions).

The named officers'⁷ authority is subject to an exception in respect of those matters where the relevant Director has directed that the delegated authority should not be exercised and that the matter be referred to him/her or the relevant committee for consideration.

⁵ Item 48 of Para I of Schedule 1 to the Local Authorities (Functions and Responsibilities)(England) Regulations 2000 as amended

⁶ All officers are nominated for this purpose by the Head of Paid Service

⁷ See footnote 2 above

Chief Executive

1. The Chief Executive is the Head of Paid Service for the Council.
2. The Chief Executive is the Electoral Registration Officer for the Council, and the Returning Officer for local elections.

The Chief Executive¹ is authorised to discharge the following Council (non-executive) functions:

Functions relating to Elections

(a)	To assign officers in relation to requisitions of the registration officer	Section 52(4) of the Representation of the People Act 1983
(b)	To provide assistance at European Parliamentary elections	Section 6(7) and (8) of the European Parliamentary Elections Act 2002
(c)	To divide constituency into polling districts	Section 18A to 18E of and Schedule A1 to the Representation of the People Act 1983
(d)	To divide electoral divisions into polling districts at local government elections	Section 31 of the Representation of the People Act 1983
(e)	Powers in respect of holding of elections	Section 39(4) of the Representation of the People Act 1983
(f)	To pay expenses properly incurred by electoral registration officer	Section 54 of the Representation of the People Act 1983
(g)	To fill vacancies in the event of insufficient nominations	Section 21 of the Representation of the People Act 1985
(h)	To declare vacancy in office in certain cases	Section 86 of the Local Government Act 1972
(i)	To give public notice of a casual vacancy	Section 87 of the Local Government Act 1972
(j)	To submit proposals to the Secretary of State for an order under section 10 (pilot schemes for local elections in England and Wales) of the Representation of the People Act 2000	Section 10 of the Representation of the People Act 2000
(k)	Functions relating to community governance ²	
	i. Duties relating to community governance reviews	Section 79 of the Local Government and Public Involvement in Health Act 2007

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

² Functions relating to making of recommendations under section 87 – 92 of the Local Government and Public Involvement in Health Act 2007 (Item 5 Paragraph EB of Schedule 1 of the Local Authorities (Functions and Responsibilities) (England) Regulations 2000/2853) are reserved to the relevant committee that is responsible for making recommendations to full Council.

	ii. Functions relating to community governance petitions.	Sections 80, 83 to 85 of the Local Government and Public Involvement in Health Act 2007
	iii. Functions relating to terms of reference of review	Sections 81(4) to (6) of the Local Government and Public Involvement in Health Act 2007
	iv. Power to undertake a community governance review.	Section 82 of the Local Government and Public Involvement in Health Act 2007
	v. Duties when undertaking review.	Section 93 to 95 of the Local Government and Public Involvement in Health Act 2007
	vi. Duty to publicise outcome of review.	Section 96 of the Local Government and Public Involvement in Health Act 2007
	vii. Duty to send two copies of order to Secretary of State and Electoral Commission.	Section 98(1) of the Local Government and Public Involvement in Health Act 2007
(l)	Functions relating to consultation and notification processes in relation to changing the name of an electoral area ³	S59 of the Local Government and Public Involvement in Health Act 2007
(m)	To dissolve small parish councils	Section 10 of the Local Government Act 1972
(n)	To make orders for grouping parishes, dissolving groups and separating parishes from groups	Section 11 of the Local Government Act 1972
(o)	To make temporary appointments to parish councils	Section 91 of the Local Government Act 1972

Functions relating to changing governance arrangements

(a)	To secure that copies of a document setting out new governance arrangements are available for public inspection, and to publish a notice about the change	Section 9KC Local Government Act 2000
(b)	To take any step, subject to timely consultation with General Purposes Committee in advance of any action being taken, under or for the purposes of complying with any order from the Secretary of State under Section 9N of the Local Government Act 2000, or related regulations	Section 9N Local Government Act 2000

³ The function of passing a resolution to change the name of an electoral area under s59(1) of the Local Government and Public Involvement in Health Act 2007 is reserved to full Council
Part 3 Section 2C
Page 2 of 2

The Director of Children's Services¹

The Director of Children's Services² is authorised to discharge the following Council (non-executive) functions:

To license the employment of children	Part II of the Children and Young Persons Act 1933 bylaws made under that Part, and Part II of the Children and Young Persons Act 1963
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¹ Appointed under Section 18 Children Act 2004

² The fact that a function has been delegated to the Director does not require the Director to give the matter his/her personal attention and the Director may arrange for such delegation to be exercised by an officer of suitable experience and seniority. However the Director remains responsible for any decision taken pursuant to such arrangements.

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Director of City Development

The Director of City Development¹ is authorised to discharge the following Council (non-executive) functions:

(a)	To license pleasure boats and pleasure vessels	Section 94 of the Public Health Acts Amendment Act 1907
(b)	To license market and street trading	Part III of , and Schedule 4 to, the Local Government (Miscellaneous Provisions) Act 1982
(c)	To issue, amend or replace safety certificates (whether general or special) for sports grounds	The Safety of Sports Grounds Act 1975
(d)	To issue, cancel, amend or replace safety certificates for regulated stands at sports grounds	Part II of the Fire Safety and Safety of Places of Sport Act 1987
(e)	To grant a street works licence	Section 50 of the New Roads and Street Works Act 1991
(f)	To grant permission for provision etc of services, amenities, recreation and refreshment facilities on highway and related powers	Sections 115E, 115F and 115K of the Highways Act 1980
(g)	To publish notice in respect of proposal to grant permission under section 115E of the Highways Act 1980	Section 115G of the Highways Act 1980
(h)	To permit deposit of builder's skip on highway	Section 139 of the Highways Act 1980
(i)	To license planting, retention and maintenance of trees etc in part of highway	Section 142 of the Highways Act 1980
(j)	To authorise erection of stiles etc on footpaths or bridleways	Section 147 of the Highways Act 1980
(k)	To license works in relation to buildings etc which obstruct the highway	Section 169 of the Highways Act 1980
(l)	To consent to temporary deposits or excavations in streets	Section 171 of the Highways Act 1980
(m)	To dispense with obligation to erect hoarding or fence	Section 172 of the Highways Act 1980
(n)	To restrict the placing of rails, beams etc over highways	Section 178 of the Highways Act 1980
(o)	To consent to construction of cellars etc under street	Section 179 of the Highways Act 1980

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

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

(p)	To consent to the making of openings into cellars etc under streets and pavement lights and ventilators	Section 180 of the Highways Act 1980
(q)	To create footpath bridleway or restricted byway by agreement	Section 25 of the Highways Act 1980
(r)	To create footpaths bridleways and restricted byways	Section 26 of the Highways Act 1980
(s)	Duty to keep register of information with respect to maps, statements and declarations	Section 31A of the Highways Act 1980
(t)	To stop up footpaths bridleways and restricted byways	Section 118 of the Highways Act 1980
(u)	To determine application for public path extinguishment order	Sections 118ZA and 118C(2) of the Highways Act 1980
(v)	To make a rail crossing extinguishment order	Section 118A of the Highways Act 1980
(w)	To make a special extinguishment order	Section 118B of the Highways Act 1980
(x)	To divert footpaths bridleways and restricted byways	Section 119 of the Highways Act 1980
(y)	To make a public path diversion order	Sections 119ZA and 119C(4) of the Highways Act 1980
(z)	To make a rail crossing diversion order	Section 119A of the Highways Act 1980
(aa)	To make a special diversion order	Section 119B of the Highways Act 1980
(bb)	To require applicant for order to enter into agreement	Section 119C(3) of the Highways Act 1980
(cc)	To make an SSSI diversion order	Section 12B of the Highways Act 1980
(dd)	To keep register with respect to applications under sections 118ZA, 118C, 119ZA and 119C of the Highways Act 1980	Section 121B of the Highways Act 1980
(ee)	To decline to determine certain applications	Section 121C of the Highways Act 1980
(ff)	To assert and protect the rights of the public to use and enjoyment of highways	Section 130 of the Highways Act 1980
(gg)	To serve notice of proposed action in relation to obstruction	Section 130A of the Highways Act 1980
(hh)	To apply for variation of order under section 130B of the Highway Act 1980	Section 130B(7) of the Highways Act 1980
(ii)	To authorise temporary disturbance of surface of footpath bridleway or restricted byway	Section 135 Highways Act 1980
(jj)	To divert footpath bridleway or restricted byway temporarily	Section 135A of the Highways Act 1980
(kk)	To make good damage and remove obstructions	Section 135B of the Highways Act 1980
(ll)	To remove nuisances deposited on the highway	Section 149 of the Highways Act 1980
(mm)	To extinguish certain public rights of way	Section 32 of the Acquisition of Land Act 1981
(nn)	To keep definitive map and statement under review	Section 53 of the Wildlife and Countryside Act 1981

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

(oo)	To include modifications in other orders	Section 53A of the Wildlife and Countryside Act 1981
(pp)	To keep register of prescribed information with respect to applications under section 53(5) of the Wildlife and Countryside Act 1981	Section 53B of the Wildlife and Countryside Act 1981
(qq)	To prepare map and statement by way of consolidation of definitive map and statement	Section 57A of the Wildlife and Countryside Act 1981
(rr)	To designate footpath as cycle track	Section 3 of the Cycle Tracks Act 1984
(ss)	To extinguish public right of way over land acquired for clearance	Section 294 of the Housing Act 1981
(tt)	To authorise stopping up or diversion of highway	Section 247 of the Town and Country Planning Act 1990
(uu)	To authorise stopping up or diversion of footpath bridleway or restricted byway	Section 257 of the Town and Country Planning Act 1990
(vv)	To extinguish public rights of way over land held for planning purposes	Section 258 of the Town and Country Planning Act 1990
(ww)	To enter into agreements with respect to means of access	Section 35 of the Countryside and Rights of Way Act 2000
(xx)	To provide access in absence of agreement	Section 37 of the Countryside and Rights of Way Act 2000

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Chief Planning Officer

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

Town and Country Planning and Development Control

(a)	To determine application for planning permission	Sections 70(1)(a) and (b) and 72 of the Town and Country Planning Act 1990
(b)	To determine applications to develop land without compliance with conditions previously attached	Section 73 of the Town and Country Planning Act 1990
(c)	To grant planning permission for development already carried out	Section 73A of the Town and Country Planning Act 1990
(d)	To decline to determine application for planning permission	Section 70A of the Town and Country Planning Act 1990
(e)	Duties relating to the making of determinations of planning applications	Sections 69, 76 and 92 of the Town and Country Planning Act 1990 and Articles 8, 10 to 13, 15 to 22 and 25 and 26 of the Town and Country Planning (General Development Procedure) Order 1995 (SI 1995/419) and directions made thereunder
(f)	To determine application for planning permission made by a local authority, alone or jointly with another person	Section 316 of the Town and Country Planning Act 1990 and the Town and Country Planning General Regulations 1992 (SI 1992/1492)
(g)	To make determinations, give approvals and agree certain other matters relating to the exercise of permitted development rights	Parts 6, 7, 11, 17, 19, 20, 21 to 24, 26, 30 and 31 of Schedule 2 to the Town and Country Planning (General Permitted Development) Order 1995 (SI 1995/418)
(h)	To enter into agreement regulating development or use of land	Section 106 of the Town and Country Planning Act 1990
(i)	To issue a certificate of existing or proposed lawful use or development	Sections 191(4) and 192(2) of the Town and Country Planning Act 1990
(j)	To serve a completion notice	Section 94(2) of the Town and Country Planning Act 1990
(k)	To grant consent for the display of advertisements	Section 220 of the Town and Country Planning Act 1990 and the Town and Country Planning (Control of Advertisements) Regulations 1992
(l)	To authorise entry onto land	Section 196A of the Town and Country Planning Act 1990
(m)	To require the discontinuance of a use of land	Section 102 of the Town and Country Planning Act 1990
(n)	To issue a temporary stop notice	Section 171E of the Town and Country Planning Act 1990
(o)	To serve a planning contravention notice, breach of condition notice or stop notice	Sections 171C, 187A and 183(1) of the Town and Country Planning Act 1990

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

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

Commons Registration

(a)	To register common land or town or village greens, except where the power is exercisable solely for the purpose of giving effect to	Regulation 6 of the Commons Registration (New Land) Regulations 1969 (SI 1969/1843)
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Officer Delegation Scheme (Council (non-executive) functions)

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

Hedgerows and Trees

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

High Hedges

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

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

Town and Country Planning and Development Control

(a)	the determination of applications following a written request ⁴ to the Chief Planning Officer by a Ward Member <ul style="list-style-type: none"> • concerning an application within the Ward he/she represents, or • concerning an application within a neighbouring Ward where that Ward Member considers that the development would have a significant effect on the ward he/she represents that an application be referred to the relevant Plans Panel;
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² Under this delegation scheme (council functions). A Plans Panel may however arrange for the discharge of **any** of its functions by the Chief Planning Officer - (Section 101(2) Local Government Act 1972).

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

(b)	the determination of applications for development that would constitute a significant departure from the Development Plan, including a significant departure from any Local Development Framework currently in force;
(c)	the determination of applications for development that would be materially different from any supplementary planning guidance or planning brief approved by or on behalf of the Council;
(d)	the determination of applications for major development ⁵ which the Chair ⁶ considers are sensitive, controversial or would have significant impacts on local communities;
(e)	the approval of applications, where approval would reverse a previous decision taken by Plans Panel;
(f)	the approval of applications, where approval would conflict with an objection raised by a statutory technical consultee;
(g)	where the Chair ⁷ considers that the application should be referred to the relevant Plans Panel for determination because of the significance, impact or sensitivity of the proposal;
(h)	the determination of applications submitted in a personal capacity by or on behalf of Members, Directors or any other officer who carries out development management functions.

Commons Registration

(a)	Where objections have been received.
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⁵ "Major Development" for these purposes means:

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

⁶ In conjunction with the Chief Planning Officer

⁷ In conjunction with the Chief Planning Officer

⁴ This request must be made to the Chief Planning Officer and should normally be made within 21 days of the date of validation. The application can be legally determined after the 21 day statutory advertisement deadline if no such request has been received by that deadline. The request must set out the reason(s) for the referral based on material planning consideration(s) and must give rise to concerns affecting more than neighbouring properties (these being those which are notified by means of a letter as part of the Council's policy regarding publicity on householder planning applications).

Director of Environment and Neighbourhoods

The Director of Environment and Neighbourhoods¹ is authorised to discharge the following Council (non-executive) functions:

(a)	To issue licences authorising the use of land as a caravan site (“site licences”)	Section 3(3) of the Caravan Sites and Control of Development Act 1960
(b)	To license the use of moveable dwellings and camping sites	Section 269(1) of the Public Health Act 1936
(c)	To license premises for acupuncture, tattooing, ear-piercing and electrolysis	Sections 13 to 17 of the Local Government (Miscellaneous Provisions) Act 1982
(d)	To license premises for the breeding of dogs	Section 1 of the Breeding of Dogs Act 1973 and Section 1 of the Breeding and Sale of Dogs (Welfare) Act 1999
(e)	To license pet shops and other establishment where animals are bred or kept for the purposes of carrying on a business	Section 1 of the Pet Animals Act 1951, section 1 of the Animal Boarding Establishments Act 1963, the Riding Establishments Act 1964 and 1970, section 1 of the Breeding of Dogs Act 1973 and sections 1 and 8 of the Breeding and Sale of Dogs (Welfare) Act 1999
(f)	To register animal trainers and exhibitors	Section 1 of the Performing Animals (Regulation) Act 1925
(g)	To license zoos	Section 1 of the Zoo Licensing Act 1981
(h)	To license dangerous wild animals	Section 1 of the Dangerous Wild Animals Act 1976

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

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

(i)	To grant consent for the operation of a loudspeaker	Schedule 2 to the Noise and Statutory Nuisance Act 1993
(j)	To issue licences for the movement of pigs	Article 12 of the Pigs (Records, Identification and Movement) Order 1995 (SI 1996/11)
(k)	To license the sale of pigs	Article 13 of the Pigs (Records, Identification and Movement) Order 1995
(l)	To license collecting centres for the movement of pigs	Article 14 of the Pigs (Records, Identification and Movement) Order 1995
(m)	To issue a licence to move cattle from a market	Article 5(2) of the Cattle Identification Regulations 1998 (SI 1998/871)
(n)	To sanction use of parts of buildings for storage of celluloid	Section 1 of the Celluloid and Cinematograph Film Act 1922
(o)	Duty to enforce Chapter 1 and regulations made under it	Section 10(3) of the Health Act 2006
(p)	Power to authorise officers	Section 10(5) of, and paragraph 1 of Schedule 2 to, the Health Act 2006
(q)	Functions related to fixed penalty notices	Paragraphs 13,15 and 16 of Schedule 1 to the Health Act 2006. Smoke-free (Vehicle Operators and Penalty Notices) Regulations 2007 (SI 2006/760)
(r)	Power to transfer enforcement functions to another enforcement authority	Smoke-free(Premises and Enforcement) Regulations 2006 (SI 2006/3368)

Director of Resources

1. The Director of Resources¹ is authorised to discharge the following Local Choice Functions which have been assigned to full Council (see Part 3 Section 1 of the Constitution):

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

2. Subject to the Exceptions listed below, the Director of Resources is authorised to discharge the following Council (non-executive) functions:

Functions relating to Human Resources

(a)	Functions relating to local government pensions, etc	Regulations under section 7, 12 or 24 of the Superannuation Act 1972
(b)	To make arrangements to consider and determine employee appeals in relation to grievances, grading and dismissal ⁶	Section 112 Local Government Act 1972
(c)	To determine employee terms and conditions	Section 112 Local Government Act 1972

Functions relating to standing orders

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

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

² s34 (4) Social Security Act 1998

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

⁴ s95 (2) School Standards and Framework Act 1998

⁵ s20 Police Act 1996

⁶ Except in relation to those which are to be determined by the Employment Committee.

Regulatory Functions

(a)	*To license scrap yards	Section 1 of the Scrap Metal Dealers Act 1964
(b)	*To approve premises for the solemnisation of marriages	Section 46A of the Marriage Act 1949 and the Marriages (Approved Premises) Regulations 1995(SI 1995/510)
(c)	To register motor salvage operators	Part I of the Vehicles (Crime) Act 2001

Exceptions⁷

The Director of Resources is not authorised to discharge those functions marked * above where objections have been received.

Appointments to Committees Boards and Panels

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

⁷ Under this delegation scheme (council functions). The General Purposes Committee may however arrange for the discharge of any of its functions by the Director of Resources - (Section 101(2) Local Government Act 1972.
Part 3 Section 2C
Page 2 of 2

Licensing Functions delegated by Licensing Committee

<p><i>Subject to the exceptions listed below, the Director of Resources is authorised to discharge the licensing functions¹ of the licensing authority.</i></p> <p><u>Exceptions:</u></p> <ul style="list-style-type: none"> • <i>any licensing function² reserved to full Council³; and</i> • <i>any licensing function where full Council has referred a matter to a committee other than the Licensing Committee⁴; and</i> • <i>any licensing function within the terms of reference of the Licensing Sub-committees⁵; and</i> • <i>to object when the Authority is consultee and not the relevant authority considering an application under the 2003 Act</i> 	<p><i>Licensing Act 2003 and the Gambling Act 2005.</i></p>
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Functions related to the Licensing Functions delegated by Licensing Committee

Subject to the exceptions listed below, the Director of Resources is authorised to discharge the functions set out in the following table that are delegated to the Director of Resources by Licensing Committee

(a)	<i>To license hackney carriages and private hire vehicles</i>	<i>(a) As to hackney carriages, the Town Police Clauses Act 1847 as extended by section 171 of the Public Health Act 1875 and section 15 of the Transport Act 1985 and sections 47, 57, 58, 60 and 79 of the Local Government (Miscellaneous Provisions) Act 1976 (b) As to private hire vehicles, sections 48, 57, 58, 60 and 79 of the Local Government (Miscellaneous Provisions) Act 1976</i>
(b)	<i>To license drivers of hackney carriages and private hire vehicles</i>	<i>Section 51, 53, 54, 59, 61 and 79 of the Local Government (Miscellaneous Provisions) Act 1976</i>
(c)	<i>To license operators of hackney carriages and private hire vehicles</i>	<i>Sections 55 to 58, 62 and 79 of the Local Government (Miscellaneous Provisions) Act 1976</i>
(d)	<i>* To licence sex shops and sex cinemas and sexual entertainment</i>	<i>The Local Government (Miscellaneous Provisions) Act 1982, Section 2,</i>

¹ “Licensing functions” means functions under the 2003 Act and the 2005 Act.

²“Licensing functions” means functions under the 2003 Act and the 2005 Act.

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

⁴ Under the provisions of Section 7(5)(a) of the 2003 Act

⁵ Except where a Licensing sub-committee has arranged for the discharge of any of their functions by an Officer

Officer Delegation Scheme (Council (non-executive) functions

	<i>venues.</i>	<i>Schedule 3, the Policing and Crime Act 2009, Section 27.</i>
<i>(e)</i>	<i>To license performances of hypnotism.</i>	<i>The Hypnotism Act 1952</i>
<i>(f)</i>	<i>* To license persons to collect for charitable and other causes</i>	<i>Section 5 of the Police, Factories etc (Miscellaneous Provisions) Act 1916 and section 2 of the House to House Collections Act 1939</i>

Exceptions

*The Director of Resources is not authorised to discharge those functions marked * above where objections have been received.*

Appointments to Sub-Committees

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

City Solicitor

1. The City Solicitor is the Monitoring Officer for the Council.
2. The City Solicitor is deputy Electoral Registration Officer¹.
3. The City Solicitor² is authorised to discharge the following Council (non-executive) functions:

To make standing orders in relation to Access to Information	Section 106 of, and paragraph 42 of Schedule 12 to the Local Government Act 1972
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¹ The Head of Licensing and Registration is also appointed as deputy Electoral Registration Officer.

² The fact that a function has been delegated to the City Solicitor does not require the City Solicitor to give the matter his/her personal attention and the City Solicitor may arrange for such delegation to be exercised by an officer of suitable experience and seniority. However the City Solicitor remains responsible for any decision taken pursuant to such arrangements.

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AGENDA ITEM 10 – EXECUTIVE ARRANGEMENTS

Schedule 10 to follow, following the confirmation of arrangements by the Leader of Council.

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LEEDS CITY COUNCIL

COUNCIL MEETING

21st MAY 2012

Calendar of Council Meetings for the Municipal Year 2012/2013

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

- 11th July 2012 at 1.30 pm
- 12th September 2012 at 1.30 pm
- 14th November 2012 at 1.30 pm
- 28th November 2012 at 1.30pm (State of the City Debate)¹
- 16th January 2013 at 1.30 pm
- 27th February 2013 at 1.30 pm (Budget meeting)
- 17th April 2013 at 1.30 pm
- 20th May 2013 at 6.00 pm (Annual Meeting)

¹ Further discussions are required to establish arrangements for a Second State of the City meeting during the Municipal Year.

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