



GENERAL PURPOSES COMMITTEE

Meeting to be held in Civic Hall, Leeds, LS1 1UR on
Tuesday, 12th February, 2013 at 1.30 pm

MEMBERSHIP

Councillors

A Blackburn	-	Farnley and Wortley;
J Blake	-	Middleton Park;
R Finnigan	-	Morley North;
S Golton	-	Rothwell;
P Gruen	-	Cross Gates and Whinmoor;
G Latty	-	Guiseley and Rawdon;
J Lewis	-	Kippax and Methley;
A Lowe	-	Armley;
E Nash	-	City and Hunslet;
J Procter	-	Wetherby;
M Rafique	-	Chapel Allerton;
K Wakefield (Chair)	-	Kippax and Methley;

Agenda compiled by:
Governance Services
Civic Hall
LEEDS LS1 1UR
Telephone No:

Debbie Oldham

0113 39 51712

A G E N D A

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

Item No	Ward/Equal Opportunities	Item Not Open		Page No
3			<p>LATE ITEMS</p> <p>To identify items which have been admitted to the agenda by the Chair for consideration</p> <p>(The special circumstances shall be specified in the minutes)</p>	
4			<p>DECLARATION OF DISCLOSABLE PECUNIARY AND OTHER INTERESTS</p> <p>To disclose or draw attention to any disclosable pecuniary interests for the purposes of Section 31 of the Localism Act 2000 and paragraphs 13-18 of the Members' Code of Conduct. Also to declare any other significant interests which the Member wishes to declare in the public interest, in accordance with paragraphs 19-20 of the Members' Code of Conduct.</p>	
5			<p>APOLOGIES FOR ABSENCE</p> <p>To receive any apologies for absence from the meeting.</p>	
6			<p>MINUTES OF THE PREVIOUS MEETING</p> <p>To receive as a correct record the minutes of the meeting held on 25th October 2012.</p>	1 - 2
7			<p>JOINT REVIEW OF ALL POLLING DISTRICTS, PLACES AND STATIONS AND COMMUNITY GOVERNANCE REVIEW OF ALL PARISH AND TOWN COUNCIL ARRANGEMENTS</p> <p>To receive the report of the Head of Licensing and Regulation to consider the process and timetable for the joint Review of Polling Districts, Stations and Community Governance Review of all Parish and Town Council arrangements.</p>	3 - 24

Item No	Ward/Equal Opportunities	Item Not Open		Page No
8			<p>IMPLEMENTATION OF THE 2013/14 PAY POLICY STATEMENT</p> <p>To consider the report of the Chief Officer of Human Resources, to seek Member's views on the revised Pay Policy Statement and for the Committee to make recommendations to Full Council to approve the changes before the start of the 2013/14 Financial Year.</p>	25 - 38
9			<p>APPOINTMENT OF INDEPENDENT PERSON</p> <p>To consider the report of the City Solicitor to consider the recommendation made by the Standards and Conduct Committee in relation to the role of the Independent Person after July 2013.</p>	39 - 42
10			<p>PROPOSED CHANGES TO STANDARDS AND CONDUCT ARRANGEMENTS</p> <p>To consider the report of the City Solicitor to consider some of the proposed changes to the Members' Code of Conduct and the procedure for considering complaints which have been endorsed by the Standards and Conduct Committee.</p>	43 - 62

Agenda Item 6

GENERAL PURPOSES COMMITTEE

THURSDAY, 25TH OCTOBER, 2012

PRESENT: Councillor K Wakefield in the Chair

Councillors A Blackburn, R Charlwood,
S Golton, P Gruen, G Latty, J Lewis,
E Nash, M Rafique and N Walshaw

Apologies Councillors J Blake, R Finnigan, A Lowe

26 Appeals against refusal of inspection of documents

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

27 Exempt Information - possible exclusion of the press and public

There were no resolutions to exclude the public.

28 Late items

There were no late items submitted to the agenda.

29 Declaration of Disclosable Pecuniary and Other Interests

There were no declarations made at this point or at any other point during the meeting.

30 Apologies for absence

Apologies for absence were received from Councillor Finnigan, Councillor Lowe and Councillor Blake.

31 Minutes of the Previous Meeting

RESOLVED – That the minutes of the General Purposes Committee meeting held on 30th August 2012 be approved as a correct record.

32 Review of Council Meetings

Councillor J Lewis presented a report of the Chief Executive, outlining the need for amendments to Council Procedure Rules in order to document the new arrangements for the operation of Council meetings.

Further to deliberations at the meeting of the Standards and Conduct Committee on the 19th October 2012, the Head of Governance Services presented a proposal of the Committee to have the quorum for the Standards

and Conduct Committee reduced from 4 to 3. The proposal was not supported.

RESOLVED – Members of the General Purposes Committee resolved to;

- a) recommend to full Council the approval of Council Procedure Rules set out in Appendix 1 to the submitted report.
- b) further review the success of the revised arrangements prior to the new Municipal Year.

Report of the Head of Licensing and Registration

Report to General Purposes Committee

Date: 12 February 2013

Subject: Joint Review of all Polling Districts, Places and Stations and Community Governance Review of all Parish and Town Council Arrangements

Are specific electoral Wards affected? If relevant, name(s) of Ward(s): All	<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> No
Are there implications for equality and diversity and cohesion and integration?	<input checked="" type="checkbox"/> Yes	<input 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. According to legislation, the council must conduct its next full Review of Polling Districts, Places and Stations by the end of 2013.
2. Officers recommend that this review is conducted jointly with a full Community Governance Review of all Parish and Town Council arrangements.
3. Such a Joint Review will allow for efficiencies and consistency when sharing the costs for both reviews and considering any boundary issues for polling districts and parish/town councils.
4. The guidance for both types of review allows for a process and timetable that permits both reviews to be conducted jointly.

Recommendations

5. Members are asked to: –
 - i. Agree the process for the Joint Review of Polling Districts, Places and Stations and Community Governance Review of all Parish and Town Council arrangements as set out in this report;

- ii. Agree the timetable for the Joint Review as set out at Appendix A to this report;
- iii. Agree the Terms of Reference for the Community Governance Review of all Parish and Town Councils as set out in Appendix B to this report; and
- iv. Agree that Elections Working Group will be used as a working group to discuss the results of any representations received in response to both consultation exercises, and provide recommendations for General Purposes Committee's consideration as set out in this report.

1 Purpose of this report

- 1.1 To agree the process and timetable for the joint Review of Polling Districts, Places and Stations and Community Governance Review of all Parish and Town Council arrangements.

2 Background information

- 2.1 The Council, for a number of years, by virtue of s18 Representation of the People Act 1983, has had a duty to divide the parliamentary constituencies within its area into polling districts¹ and to designate a polling place² for each district. The Returning Officer then nominates a polling station³ within each polling place.
- 2.2 Section 16 of the Electoral Administration Act 2006 introduced a number of changes to the 1983 Act and particularly with regard to the way reviews of polling districts, places and stations must be undertaken. The most important change is that the Council was obliged, by that Act, to conduct a full review in its area within 12 months of the coming into force of the Act, and then complete a further review of each polling district and polling place every four years thereafter.
- 2.3 The 2006 Act came into force on 1 January 2007 and the first review was completed by the Council in November 2007. A further full review was completed in October 2009. The council's next full review must be completed by the end of 2013.
- 2.4 The Local Government and Public Involvement in Health Act 2007 introduced powers for councils to conduct Community Governance Reviews in all or part of its area to review existing, amend or create new town or parish councils in response to the needs of the community. The legislation allows a council to conduct a review at any time.
- 2.5 Officers recommend that together with the full review of all existing polling districts, places and stations, the council should also carry out a full Community Governance Review of all Parish and Town Councils in its area. It has been

¹ The area created by the division of a constituency, ward or division into smaller parts, within which a polling place can be determined which is convenient to electors

² The building or area in which polling stations will be selected by the Returning Officer

³ The room or building chosen by the Returning Officer where the poll takes place for each election.

some time since any of the existing parish and town council arrangements were reviewed and it makes good sense to consider any parish or town council boundary changes alongside the review of polling districts, places and stations so boundaries can remain consistent where possible.

3 Main issues

3.1 Guidance for the conduct of a full polling district review has been published by the Electoral Commission⁴. The Electoral Commission has also published guidance for the conduct of a Community Governance Review⁵, which follows a similar process. Consolidating the two processes, officers recommend the following stages: -

3.1.1 A Preliminary Stage - When notice is given of the Joint Review and advises that representations would be welcome, particularly (with regard to polling stations) from those with expertise in access for persons with any type of disability. It also sets out the reference documents which should be made available. This would be the first public consultation period and will last 8 weeks. The council would consider representations received and form Initial Proposals for further consultation.

3.1.2 A Proposals Stage - When the council considers representations received and forms its Initial Proposals. The Returning Officer must comment, at this stage, on all existing polling stations used and any new polling stations which would probably be chosen if the new proposals were accepted by the authority. The Guidance suggests that the polling district review by the authority (of districts and places) should be conducted jointly with the Returning Officer's review (of polling stations). The Initial Proposals would also include proposals for parish and town council matters for the Community Governance Review.

3.1.3 The Consultation Stage - To receive representations and comments on the authority's Initial Proposals for both the Polling District Review and Community Governance Review. This would be the second consultation period and will last 12 weeks. For the Polling District Review this needs to be in two parts: -

- i. a compulsory submission from the Returning Officer of the parliamentary constituency with regard to the suitability of the designated polling stations; and
- ii. submissions from other persons and bodies which can be referenced to the Returning Officer's proposed polling stations as well as the authority's Initial Proposals.

⁴ Electoral Commission's Guidance EC19/2010 - Review of polling districts, places and stations

⁵ The Electoral Commission's Guidance on Community Governance Reviews (April 2008)

- 3.1.4 Conclusion of the Joint Review - When the authority must produce Final Proposals, taking into consideration any further representations made.
- 3.1.5 The Decision of the Council on the proposals. General Purposes Committee will decide the Final Proposals of the Review of Polling Districts, Places and Stations; and will make recommendations to Full Council on the Final Proposals to be adopted for the Community Governance Review.
- 3.1.6 The Publishing Stage - When the decision and background material is published.
- 3.1.7 Right of Appeal - Although the final decision is that of the Authority, there is a right of appeal to the Electoral Commission in respect of the outcome of the polling district review. There is, however, no automatic right of appeal to the outcome of the community governance review (see section 6.6 of this report).

3.2 Involvement of Elections Working Group (EWG) – During past polling district reviews and two recent Community Governance Reviews, General Purposes Committee asked EWG to act as a dedicated Working Group for each review, recommending proposals to General Purposes Committee for their consideration. It should be noted that the EWG has an extensive knowledge of electoral procedures and is the main consultation forum for officers and Members to discuss electoral issues. It was proposed that EWG co-ordinate representations from the political Groups, consider representations made by the public or other stakeholders, and be used as a vessel to discuss representations submitted. The views of EWG were presented to General Purposes Committee for their consideration before any decision was made regarding the Council’s Initial or Final Proposals. It is proposed that EWG is used in this manner again for this Joint Review.

3.3 Proposed Timetable for the Joint Review – A proposed timetable is attached at Appendix A.

4 The Review of Polling Districts and Places

4.1 A reasonable methodology must be demonstrated if a successful appeal (with its consequential reputational damage) is to be avoided. The Guidance stresses the need for all decisions made to have been consulted upon and to be measured and practical: **‘The whole process should be as transparent and open as possible to avoid possible conflict.’** The Initial Proposals document set out the considerations taken into account in drawing up the proposals and such an approach reduces the suggestion that decisions may have been politically motivated.

- 4.2 The primary considerations for every review are a requirement of Electoral law, and are: -
- i. The Council must seek to ensure that all electors have such reasonable facilities for voting as are practicable in the circumstances; and
 - ii. The Council must seek to ensure that so far as is reasonable and practicable every polling place is accessible to electors who are disabled.
- 4.3 There is no scientific formula or set of rules for the division of a constituency into polling districts, nor for the selection of polling places. The choice will often be a balance between a number of competing considerations, for example between the quality (access, facilities, etc) of a building and the distances between the residents and that building, compared to other options for polling places. Judgment needs to be exercised, e.g. when comparing the potential disturbance to voters as against other factors. However, in carrying out the balancing exercise, the approach should be **voter-centred**.
- 4.4 Officers propose that the same criteria used for the last polling district review is used again for this review: -
- i. Disparities between polling districts to make them more comparable in terms of number of polling places and number of electors per polling place;
 - ii. Current levels of satisfaction / dissatisfaction as expressed by or on behalf of electors;
 - iii. The cost / elector ratio of providing a polling place, so there is broad comparability between districts;
 - iv. The availability of postal votes on demand;
 - v. Disturbance to electors which would be caused by alteration of polling places which have been used for a long period of time;
 - vi. A polling place should be in its own polling district, unless it is not possible to find a suitable place in the district;
 - vii. There should not be major barriers between the voters and their polling place. Major roads, rivers and the like can therefore be considered as starting points for polling district boundaries unless there is good quality, accessible crossing points;
 - viii. The polling place should not be difficult to locate and should be close to where most of the electors in the polling district live;
 - ix. The topography of the area should be taken into account including availability of public transport for electors having to travel distances to the polling place;
 - x. Facilities for polling staff, who will be on duty for at least 16 hours and cannot leave the polling place;

- xi. That each parish should be a separate polling district save in exceptional circumstances;
- xii. If there appears to be a need in all or particular elections (considering, for example, UK Parliamentary elections may have a higher turnout than local government elections) for multiple polling stations in a polling place, it will need to be considered if the polling place can accommodate them; and
- xiii. Capability of the polling place to cope with peaks of electors allocated to it.

4.5 It should be noted that the considerations are not weighted, as proposals need to be voter-centred and the exercise of judgment and the balancing exercise needs to have this at the forefront of consideration. Each proposal/representation will have circumstances peculiar to it and the differing considerations relating to those circumstances must be balanced to allow the outcome to be voter centred.

4.6 General Purposes Committee agreed the above review criteria at their meeting on 20 November 2008. It is proposed to use the same criteria for the purposes of this review.

5 The Community Governance Review of all Parish and Town Councils

5.1 Officers recommend that the Review of Polling Districts, Places and Stations outlined in section 4.0 of this report be jointly conducted with a full Community Governance Review of all Parish and Town Council Arrangements.

5.2 The Council has the power to undertake a community governance review of the whole or part of its area at any time. The Council could then make recommendations as to new parishes, the aggregation of parishes, or the alteration or abolition of parishes in its area as a consequence of such a review.

5.3 The first stage of a Community Governance Review as prescribed by the Local Government and Public Involvement in Health Act 2007 is to establish the terms of reference which will set out the matters on which the review is to focus. Draft terms of reference are attached as Appendix B to this report. This document includes a timetable for the review. It is proposed that the results of the consultation and recommendations in terms of draft proposals be reported to General Purposes Committee who will make final proposals to be agreed by Full Council.

5.4 When undertaking a Community Governance Review a principal council must have regard to guidance issued by the Secretary of State and the Electoral Commission. The stages outlined in Appendix A take account of the requirements of the legislation and the available guidance. However, subject to this, it is for the Council to decide how to undertake the review. In deciding what recommendations to make, the Council must take into account any other arrangements (apart from those relating to parishes) that have already been made, or that could be made for the purposes of community representation or community engagement in respect of the area under review. The Council also has the duty to consult and to take into account any representations received,

and the duty to have regard to the need to secure that community governance reflects the identities and interests of the community.

- 5.5 A community governance review includes the review of existing parishes and it must recommend whether parishes should remain the same, or whether they should be abolished or their areas altered, and whether parish councils should continue or not, and must also make recommendations about electoral arrangements. Recommendations about new parishes could also include aggregating or separating parishes or unparished areas. If the review recommends that a new parish should be constituted, the review must also make recommendations as to the name of the new parish, whether or not the new parish should have a parish council, and whether or not the new parish should have one of the alternative styles. However, where a new parish has 1,000 or more local government electors, the review must recommend that the parish should have a council.

6 Corporate Considerations

6.1 Consultation and Engagement

- 6.1.1 The proposed consultation arrangements are outlined as follows. These arrangements are the same as used for previous reviews and will follow the timetable set out at Appendix A.
- 6.1.2 The Notice of Review will be published in local press. Full details of how to make a representation will be given in the Notice of Review and on the Council's website. In addition to the website notice we will be writing to all MPs and councillors as well as making the information available to relevant Parish Clerks and at local public buildings in all areas.

6.2 Equality and Diversity / Cohesion and Integration

- 6.2.1 As explained previously, the notice of the review will invite representations from stakeholders and in particular from those with expertise in access for persons with any type of disability. According to law, the authority must seek to ensure that so far as is reasonable and practicable every polling place is accessible to electors who are disabled. The process outlined in this report meets that requirement.
- 6.2.2 Equality and cohesion screening documents have been completed for this review and has concluded that the consultation arrangements will help ensure all people affected by the review are given an opportunity to comment which will address any equality, diversity, cohesion or integration issues raised. The screening documents are available as a background document to this report.

6.3 Council Policies and City Priorities

- 6.3.1 The process for conducting a review of polling districts, places and stations and a community governance review is set out in legislation. It is a requirement that the authority completes its next full polling district review by the end of 2013. The authority can conduct a full community governance review at any time it chooses,

however officers have recommended that both reviews be carried out at the same time in the interests of efficiency and consistency.

- 6.3.2 The joint review does not affect the council's budget and policy framework, although ensuring electors have accessible polling places or parish and town councils does support the council's aims to be the best city for communities, and in particular the four year priority to increase a sense of belonging that builds cohesive and harmonious communities.

6.4 Resources and Value for Money

- 6.4.1 There is no separate budget provision for the costs of carrying out any Review of Polling Districts or Community Governance Review. The costs of carrying out the consultation process will be met from within the existing budget for Electoral Services. The joint review is taking place during a fallow year where there are no local or national elections planned.

- 6.4.2 Staff resources will be available to conduct this joint review in accordance with the timetable outlined at Appendix A.

6.5 Legal Implications, Access to Information and Call In

- 6.5.1 Under the Constitution, the Council has delegated authority to the Chief Executive to discharge the following Council (non executive) functions namely: -

“ ...

- (c) to divide a constituency into polling districts⁶
- (d) to divide electoral divisions into polling districts at local government elections”

and

“ ...

- (k) Functions relating to community governance⁷
 - (i) Duties relating to community governance reviews
 - (ii) Functions relating to community governance petitions
 - (iii) Functions relating to terms of reference of review
 - (iv) Power to undertake a community governance review
 - (v) Duties when undertaking review
 - (vi) Duty to publicise outcome of review
 - (vii) Duty to send two copies of order to Secretary of State and Electoral Commission.”

⁶ The area created by the division of a constituency, ward or division into smaller parts, within which a polling place can be determined which is convenient to electors

⁷ 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.

- 6.5.2 If the Chief Executive chooses not to exercise that delegated authority, he may refer the matter to General Purposes Committee, who have authority: -
- “to consider and determine Council (non executive) functions delegated to a Director where the Director has decided not to exercise the delegated authority and has referred the matter to the committee.”
- 6.5.3 There is no provision similar to that regarding executive functions that allows the relevant Executive Member to require the “Director” to not exercise the delegated authority but to take a matter to Executive Board.
- 6.5.4 However, the Chief Executive has the opportunity to consult with the relevant Member(s), before deciding whether to exercise his delegated authority or alternatively himself choose to refer the matter to General Purposes Committee.
- 6.5.5 Therefore any community governance review under the existing constitutional provisions can be determined by the Chief Executive, or he has the alternative to refer the matter to General Purposes Committee, who themselves make final recommendations to Full Council.
- 6.5.6 The Chief Executive has chosen to refer the need to undertake a Polling District Review and the decision to undertake a full Community Governance Review to General Purposes Committee.
- 6.5.7 However, General Purposes Committee alone has the delegated authority to make recommendations for the final proposals for any Community Governance Review to Full Council. This is not delegated to the Chief Executive

6.6 Risk Management

- 6.6.1 There are different appeal mechanisms for polling district reviews and community governance reviews.
- 6.6.2 On conclusion of any polling district review, the Electoral Commission can consider representations that the review process has not been conducted correctly. There are only two grounds on which a representation may state that a local authority has failed to conduct a proper review, namely: -
- the local authority has failed to meet the reasonable requirements of the electors in the constituency; or
 - the local authority has failed to take sufficient account of accessibility to disabled persons of the polling place.
- 6.6.3 If the appeal is upheld, the Commission can, ultimately, make alterations to the polling places.
- 6.6.4 There is no right to appeal as such to the outcome of a community governance review, although if local electors disagreed with the final recommendations they could lobby the full Council not to give effect to them, or a decision by full Council could be challenged by way of judicial review on the usual principles.

7 Conclusions

- 7.1 That the arrangements outlined in this paper meet the statutory requirements for a joint Review of Polling Districts, Places and Stations and Community Governance Review of all Parish and Town Council Arrangements.

8 Recommendations

- 8.1 Members are asked to: –

- 8.1.1 Agree the process for the joint Review of Polling Districts, Places and Stations and Community Governance Review of all Parish and Town Council Arrangements as set out in this report;
- 8.1.2 Agree the timetable for the joint Review as set out at Appendix A to this report;
- 8.1.3 Agree the Terms of Reference for the Community Governance Review of all Parish and Town Councils as set out in Appendix B to this report; and
- 8.1.4 Agree that Elections Working Group will be used as a working group to discuss the results of any representations received in response to both consultation exercises, and provide recommendations for General Purposes Committee's consideration as set out in this report.

9 Background documents

- 9.1 The Electoral Commission's Guidance on the conduct of a review of polling districts, places and stations (EC19/2010)
- 9.2 The Electoral Commission's Guidance on Community Governance Reviews (April 2008)
- 9.3 Counsel Opinion on criteria to be considered as part of any polling district review
- 9.4 Equality Screening Assessments

Appendices

- A. Timetable for Joint Review
- B. Terms of Reference for Community Governance Review of all Parish and Town Councils

Joint Review of Polling Districts, Places and Stations and Community Governance Review of all Parish and Town Council Arrangements



Timetable

Stage 1: Preliminary Stage

When notice is given of the Joint Review and advises that representations would be welcome, particularly (with regard to polling stations) from those with expertise in access for persons with any type of disability. It also sets out the reference documents which should be made available. This would be the first public consultation period and would last 8 weeks. The council would consider representations received and form Initial Proposals for further consultation.

Task	Date	Notes
Report to General Purposes Committee (GPC) outlining how Joint Review is to be conducted	12 February 2013	Purpose of this report. GPC to agree methodology and role of Elections Working Group
Publication of Notice of Joint Review	18 February 2013	Published in local press including whereabouts of documentation for public inspection and details of representation period. Also includes publication of Terms of Reference for Community Governance Review.
Representation Period	18 February 2013 to 15 April 2013	Eight weeks consultation period. All representations received are logged and cross-referenced to applicable Ward or Parish/Town Council on receipt
Inspection of changes proposed in representations	18 February 2013 to 19 April 2013	Inspections on suitability and availability of any changes proposed in representations received, including disabled access requirements

Stage 2: Proposals Stage

When the council considers representations received and forms its Initial Proposals. The Returning Officer must comment, at this stage, on all existing polling stations used and any new polling stations which would probably be chosen if the new proposals were accepted by the authority. The Guidance suggests that the polling district review by the authority (of districts and places) should be conducted jointly with the Returning Officer's review (of polling

stations). The Initial Proposals would also include proposals for parish and town council matters for the Community Governance Review.

Task	Date	Notes
EWG to consider representations received in Stage 1 and details of any inspections	22 April 2013 to 31 May 2013	EWG make recommendations for Initial Proposals. Officers to draft Initial Proposals.
Initial Proposals go to GPC for approval	June 2013	Date of GPC meeting to be confirmed
Initial Proposals published after approval by GPC	24 June 2013	Further Notice published in local press also detailing Stage 3 consultation period

Stage 3: Consultation Stage

To receive representations and comments on the authority's Initial Proposals for both the Polling District Review and Community Governance Review. This would be the second consultation period and will last 12 weeks. For the Polling District Review this needs to be in two parts: -

- i. a compulsory submission from the Returning Officer of the parliamentary constituency with regard to the suitability of the designated polling stations; and
- ii. submissions from other persons and bodies which can be referenced to the Returning Officer's proposed polling stations as well as the authority's Initial Proposals.

Task	Date	Notes
Consultation commences	24 June 2013	Twelve weeks consultation period
Returning Officer's comments/recommendations published	By 22 July 2013	RO's comments must be published within 30 days of receipt of proposals ¹ , unless already published as part of Initial Proposals
Consultation ends	16 September 2013	All representations received are logged and cross-referenced to applicable Ward or Parish/Town Council on receipt

¹ In accordance with the Review of Polling Districts and Polling Places (Parliamentary Elections) Regulations 2006 Regulation 3.

Inspection of any further changes proposed in representations received.	24 June 2013 to 20 September 2013	Inspections on suitability and availability of any changes proposed in representations received, including disabled access requirements
---	-----------------------------------	---

Stage 4: Conclusion of the Joint Review

When the authority must produce Final Proposals, taking into consideration any further representations made.

Task	Date	Notes
EWG consider further representations received during Stage 3	23 September 2013 to 14 October 2013	EWG make recommendations for Final Proposals. Officers to draft Final Proposals.

Stage 5: The Decision of the Council

General Purposes Committee will decide the Final Proposals of the Review of Polling Districts, Places and Stations; and will make recommendations to Full Council on the Final Proposals to be adopted for the Community Governance Review. Once the final decisions are made, the Review documentation must be published before 31st December 2013.

Task	Date	Notes
Final Proposals go to GPC to agree	October 2013	Date of GPC meeting to be confirmed. GPC agrees Final Proposals for Review of Polling Districts, Places and Stations; and recommend Final Proposals for the Community Governance Review to Full Council
Final Proposals for Community Governance Review go to Full Council for decision	November 2013	Date of Full Council meeting to be confirmed. Full Council agrees Final Proposals for Community Governance Review
Final Notice of Joint Review is published	25 November 2013	Details of whereabouts of Joint Review Documentation for public inspection is given

This page is intentionally left blank

Review of Parish and Town Councils and Related Matters Local Government and Public Involvement in Health Act 2007

Terms of Reference

Introduction

The Council has decided to undertake a Community Governance Review of all areas within its electoral boundaries.

In undertaking the review, the Council will be guided by Part 4 of the Local Government and Public Involvement in Health Act 2007, the relevant parts of the Local Government Act 1972 and Guidance on Community Governance Reviews issued by the Department of Communities and Local Government and the Electoral Commission.

These terms of reference will set out the matters on which the review is to focus.

Why is the Council Undertaking the Review?

It has been some time since the Council reviewed the current arrangements for all parish and town councils in its area. The Council recognises that since the creation of parish and town councils, there may be changes in population; shifts in “natural settlements” caused by new developments; or other local new issues that need to be raised and considered.

This Community Governance Review will be conducted jointly with the Review of Polling Districts, Polling Places and Polling Stations that the council will be conducting in 2013.

A copy of the map defining the area of the review is attached as an appendix to these terms of reference.

What will the Review consider?

The review will consider the whole of the Leeds electoral area and consider one or more of the following: -

- Creating, merging, altering or abolishing parishes and town councils (including altering boundaries where appropriate);
- The naming and the style of parishes and town councils;
- The electoral arrangements for parishes and town councils (the ordinary year of election; council size; the number of councillors to be elected to the council, and parish/town council warding), and
- Grouping parishes and town councils under a common parish/town council or de-grouping them.

The review must make recommendations as to what new parish/town council(s) (if any) should be constituted in the area under review. If the review recommends that a new parish/town should be constituted, the review must also make recommendations as to the name of the new parish/town, whether or not the new parish/town should have a parish/town council, and whether or not the new parish/town council should have one of the alternative styles. However, where a new parish/town has 1,000 or more local government electors, the review must recommend that the parish/town should have a council.

In relation to existing parish/town councils under review, the review must also make recommendations as to whether the parish/town council should be abolished or not, or its area altered or not, whether or not the name of the parish/town council should be changed, and whether or not the parish/town council should continue to have a council. If the review recommends a parish/town council should continue to have a council, the review must also make recommendations as to what changes (if any) should be made to the council's electoral arrangements (which includes the number of councillors to be elected to the council).

In relation to the parish/town council's electoral arrangements, the review must consider whether to recommend that the parish/town council should, or should not, be or continue to be divided into wards for the purpose of electing councillors. For these purposes, the Council must consider whether the number, or distribution, of the local government electors for the parish/town council would make a single election of councillors impracticable or inconvenient, and whether it is desirable that any area or areas of the parish/town council should be separately represented on the council. In deciding to recommend that a parish/town council should be divided into wards, the Council must have regard to certain factors when considering the size and boundaries of the wards, and the number of councillors to be elected for each ward. These factors are the number of local government electors for the parish/town council, any change in the number, or distribution, of the local government electors which is likely to occur in the period of five years from the start of the review, the desirability of fixing boundaries which are, and will remain, easily identifiable, and any local ties which will be broken by the fixing of any particular boundaries. In deciding to recommend that a parish/town council should not be divided into wards, the Council must have regard to certain factors when considering the number of councillors to be elected for the parish/town council. These factors are the number of local government electors for the parish/town council, and any change in that number which is likely to occur in the period of five years from the start of the review.

In deciding what recommendations to make, the Council must take into account any other arrangements (apart from those relating to parish/town councils) that have already been made, or that could be made for the purposes of community representation or community engagement in respect of the area under review.

All local government electors for the area under review and any other person or body who appears to have an interest in the review will be consulted on the proposal and their representations will be taken into account as part of the review. The Council must have regard to the need to secure that the community governance arrangements for the area reflects the identities and interests of the community in the area and are effective and convenient.

Parish/town council Governance within the District

The Council wants to ensure that there is clarity and transparency to the areas that parish/town councils represent and that the electoral arrangements are appropriate, equitable and readily understood by the electorate.

In their White Paper, Strong and Prosperous Communities, the Government emphasised that “Ultimately, the recommendations made in a community governance review ought to bring about improved community engagement, more cohesive communities, better local democracy and result in more effective and convenient delivery of local services.”

Who undertakes the Review?

Community Governance Reviews are the responsibility of the Head of Licensing & Registration and the Electoral Services Manager who will report representations received during the review period to the council’s General Purposes Committee along with recommendations for initial and final proposals. The Council’s General Purposes Committee will determine the initial proposals for further consultation and will recommend the final proposals to be made to full Council in relation to the review.

How the Council proposes to conduct consultations during the Review?

In arriving at its recommendations in a review, the Council will need to take account of the views of local people. The Local Government and Public Involvement in Health Act 2007 requires the Council to consult the local government electors for the area under review and any other person or body who appears to have an interest in the review (for instance the local Member of Parliament and ward councillors) and to take the representations that are received into account by judging them against the criteria in the Local Government and Public Involvement in Health Act 2007.

The Council will consult in an appropriate manner within the review area ensuring that those most affected are given the opportunity to respond. In accordance with the Local Government and Public Involvement in Health Act 2007, representations received in connection with the Review will be taken into account, and consultees will be informed of the outcome of the Review.

Any decisions made and the reasons for those decisions will be published following the review. The mechanism for this will be through the Council’s website, issuing press releases, personal communications where appropriate and through notices in libraries in the area affected by the review.

How to contact us

Contact details at the Council for the duration of the review are as follows. Any representations should also be sent to this address. Representations should include the full name and contact details for the person or organisation making the representation: -

Susanna Benton
Electoral Services Manager
susanna.benton@leeds.gov.uk
0113 2476727

Electoral Services
Level 2, Town Hall
The Headrow
Leeds LS1 3AD

A timetable for the Review

12 February 2013	Report to General Purposes Committee for Terms of Reference and Timetable for Review to be approved
18 February 2013	Council to publish Terms of Reference
18 February 2013	Consultation begins with representations invited
15 April 2013	Closing date for representations
22 April 2013 to 31 May 2013	Elections Working Group consider representations and recommend initial proposals to General Purposes Committee
June 2013*	Report to General Purposes Committee to approve and publish initial proposals
24 June 2013	Second consultation begins on council's initial proposals with representations invited
16 September 2013	Closing date for representations
23 September 2013 to 14 October 2013	Elections Working Group consider representations on initial proposals and recommend final proposals to General Purposes Committee
October 2013*	Report to General Purposes Committee to recommend final proposals to Full Council
November 2013*	Full Council to agree and publish final proposals
25 November 2013	Any amendments to existing parish/town councils and any new parish/town council established if necessary and interim governance arrangements put in place
May 2014	Elections to new Parish/town council if required (to coincide with local government elections)

*Dates for General Purposes Committee and Full Council to be confirmed

Please note the timetable is subject to minor alteration although the Review must be completed within 12 months of the publication of the terms of reference

Electorate Forecasts

The Register of Electors published on 2 January 2013 shows the following numbers of electors within the area subject to the Review: 563,140.

When the Council comes to consider the electoral arrangements of the parish/town councils in its area, it is required to consider any change in the number or distribution of the electors which is likely to occur in the period of five years beginning with the day when the review starts.

Viability of any new Parish/town council

The Council recognises that parish/town councils should be viable and should possess a precept that enables them to actively and effectively promote the well-being of their residents and to contribute to the real provision of services in their areas in an economic and efficient manner. The Council is committed to ensuring that the Review leads to parish/town councils that are based on areas which reflect community identity and interest and which are viable as an administrative unit.

Names and styles of any new parish/town councils

The Council will endeavour to reflect existing local or historic place-names, and will give a strong presumption in favour of names proposed and by local interested parties

Electoral arrangements

An important part of our Review will comprise giving consideration to 'Electoral Arrangements'. The term covers the way in which a council is constituted for the parish/town council. It covers:

- The ordinary year in which elections are held;
- The number of councillors to be elected to the council;
- The division (or not) of the parish/town council into wards for the purpose of electing councillors;
- The number and boundaries of any such wards;
- The number of councillors to be elected for any such ward; and
- The name of any such ward.

The Local Government Act 1972 states that ordinary election of parish/town council councillors shall take place in 1976, 1979 and every fourth year thereafter (i.e. 2007, 2011, 2015, etc.). However, the government has indicated that it would want the parish/town council electoral cycle to coincide with the cycle for the district council, so that the costs of elections can be shared. If the Review finds that it will be appropriate to hold an election for parish/town council councillors, for a newly formed parish/town council, at an earlier date than the next scheduled ordinary elections, the terms of office of any newly elected parish/town council councillors will be so reduced as to enable the electoral cycle to revert to the normal cycle in the district at the next ordinary elections.

The Council notes that the number of parish/town council councillors for each parish/town council shall not be less than five. There is no maximum number and there are no rules relating to the allocation of councillors.

Government guidance is that each area should be considered on its own merits, having regard to its population, geography and the pattern of communities.

The Council must have regard to the following factors when considering the number of councillors to be elected for a parish/town council:

- The number of local government electors for the parish/town council;
- Any change in that number which is likely to occur in the period of five years beginning with the day when the review starts.

The Council wishes to ensure that the allocation of councillors to parish/town councils is broadly equitable across the District, while acknowledging that local circumstances may occasionally merit variation.

The Council appreciates that there are different demands and consequently different levels of representation between the urban and rural parish/town councils in the district.

Reorganisation of community governance orders and commencement

When the Review has been completed the Council may make a Reorganisation of Community Governance Order. Copies of this Order, the map(s) that show the effects of the order in detail, and the document(s) which set out the reasons for the decisions that the Council has taken will be deposited at the Council's offices, on the website and in local libraries within the area affected by this review.

Consequential Matters

The Council notes that a Reorganisation Order may cover any consequential matters that appear to the Council to be necessary or proper to give effect to the Order. These may include:

- The transfer and management or custody of property;
- The setting of precepts for new parish/town councils;
- Provision with respect to the transfer of any functions, property, rights and liabilities;
- Provision for the transfer of staff, compensation for loss of office, pensions and other staffing matters.

In these matters, the Council will be guided by Regulations that have been issued following the 2007 Act.

In particular, the Council notes that the Regulations regarding the transfer of property, rights and liabilities require that any apportionments shall use the population of the area as estimated by the proper officer of the Council as an appropriate proportion.

Furthermore, the Council notes the Regulations regarding the establishment of a precept for a new parish/town council and their requirements. Parish/town council Councils have the power to raise revenue to help meet their spending requirements by issuing a 'Precept'. This is the total amount to be raised through the Council Tax from all the dwellings within the defined Parish/town council area.

Each Parish/town council +set their own level of precept and let the principal council know each year. Typically this is to cover costs associated with the running and administration of the parish/town council, such as the Clerks wages etc, as well as any local projects.

Date of publication of terms of reference

John Mulcahy
Head of Licensing and Registration
18 February 2013

This page is intentionally left blank

Report of the Chief Officer HR

Report to General Purposes Committee

Date: 12th February 2013

Subject: Approval of the 2013/14 Pay Policy Statement

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 checked="" type="checkbox"/> Yes	<input 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. This paper sets out an updated Pay Policy Statement. This is required under the Localism Act and must be annually approved by the Full Council before April.

Recommendations

2. The General Purposes Committee are asked to consider an updated policy and make recommendations to Full Council to approve this.

1. Purpose of this report

- 1.1. The purpose of this report is to seek Members' views on a revised Pay Policy Statement and for the Committee to make recommendations to Full Council to approve the changes before the start of the 2013/14 Financial Year.

2. Background information

- 2.1. Local Authorities are required under section 38 of the Localism Act 2011 to prepare an annual Pay Policy Statement. The statement must articulate the Council's policy towards the pay of its most senior staff and relationships with the pay of the rest of the work-force. The provisions of the Act do not apply to the employees of local authority schools.
- 2.2. Each local authority is an individual employer in its own right and has the autonomy to make decisions on pay that are appropriate to local circumstances and which deliver value for money for local taxpayers. The provisions of the Localism Act do not seek to change this or to determine what decisions on pay should be taken. However they require individual employing authorities to be clearer about their own policies in relation to pay.
- 2.3. Section 40 of the Localism Act requires authorities, in developing their Pay Policy Statement, to have regard to any guidance published by the Secretary of State. This includes Communities and Local Government guidance on Openness and Accountability in Local Pay and the Code of Recommended Practice for Local Authorities on Data Transparency ("Open Data").
- 2.4. In October 2012 the Government issued a new consultation on the Code which closed in December 2012. This does not directly affect the policy but has implications about how information about less senior staff is published. This includes giving details on Job Descriptions, budgets and staff that they manage. At present the outcome of the consultation is pending; further information is expected beginning March 2013. To date this information has not been publicly held.
- 2.5. Under the Localism Act and related guidance a Pay Policy Statement must as a minimum cover:
 - 2.5.1. policy on the level of remuneration for each Chief Officer including base salary (or payments when on a contract for services), expenses, bonuses, PRP, earn back, honoraria and ex-gratia payments;
 - 2.5.2. election fees, joint authority duty payments and severance arrangements;
 - 2.5.3. policy on remunerating the lowest paid in the workforce including the authority definition of the lowest paid employee and the reasons for the definition e.g. the authority's lowest pay point and how it was decided;
 - 2.5.4. policy on relationship between the remuneration of Chief Officers and other staff – policy towards maintaining or reaching a specific pay multiple;

2.5.5. policy on other aspects of Chief Officer remuneration – recruitment, pay increases and additions, PRP and bonuses, termination payments, transparency, re-employment when the Chief Officer is in receipt of LGPS pension and/or a redundancy/severance payment, and;

2.5.6. the Full Council being given the opportunity to consider salary packages in excess of £100k for new appointments before they are offered.¹

2.6. The Guidance also asks that Councils can consider other matters including:

2.6.1. links with existing discretionary payments policies for severance and pensions;

2.6.2. use of supporting evidence in terms of market comparison;

2.6.3. extending the policy to cover other higher paid staff who are not Chief Officers but who are covered by the new consultation referenced in 2.4 above.

2.6.4. how the policy is reviewed and developed.

3. Main issues

3.1. Policy Compliance 2012-13

3.1.1. Members are asked to note that in terms of compliance with the policy:

3.1.1.1. There were no departures from the Pay Policy due to exceptional circumstances;

3.1.1.2. A review of market supplements is to be further considered in line with proposed changes to structures and this would be benchmarked against external fees the Council might otherwise incur if not directly employing staff.

3.1.1.3. The fees paid to the Chief Executive in his capacity of Returning Officer for national elections and referendums during the period and any apportionment thereof were published as part of the Council's Obligations under the Code of Recommended Practice for Local Authorities on Data Transparency and the data which is published under The Accounts and Audit (England) Regulations (2011).

3.1.1.4. Some members of the Corporate Leadership Team have agreed to a voluntary two year temporary pay cut until March 2013 and although any decision made by staff to have or change any voluntary pay reduction is not covered by the Policy, actual pay levels will be used to calculate pay multipliers.

¹ Currently this would be achieved by the Employment Committee, the committee appointed by Full Council for this purpose

3.1.1.5. During the period covered by the previous Pay Policy Statement there was no national pay award and nevertheless pension costs have been increased as this reflects the cost of inflation

3.1.1.6. Other figures quoted re: median salary have also changed reflecting issues like incremental progression and changes in the work-force make-up.²

3.2. Policy Updates

3.2.1. In 2012 Local Authorities, including Leeds City Council (LCC), were adopting Pay Policy statements for the first time. This year a number of changes are proposed for reasons described below.

3.2.2. The main changes to the Policy are listed below and they can be clearly seen at Appendix 1 by looking at last year's Policy Statement (2012/13) with alterations highlighted in track changes:

3.2.3. Public Health

Responsibility for Public Health functions will transfer to the Council, together with staff who undertake this in Leeds in April 2013. The Pay Policy Statement makes a reference to this in relation to senior staff who transfer under TUPE principles. However until the Secretary of State draws up a final transfer scheme the exact pay and pension entitlements that would relate to staff are not known. For this reason it is proposed the Policy would have an addendum attached detailing this from April.

3.2.4. Private Service Companies

3.2.4.1. In November 2012 Full Council considered through a White Paper Motion the position the Council should adopt in engaging individuals who operate as Private Service Companies and resolved that any such individuals would not be engaged to cover Senior posts. The Pay Policy Statement now reflects this.

3.2.5. Open Data Requirements

3.2.5.1. Compliance with Code of Recommended Practice for Local Authorities on Data Transparency ("Open Data") will be ensured in line with pending statutory requirements.

3.3. There are a number of factors which may influence Members' views on updating the policy in more detail in the next 12 months:

3.3.1. The Local Government Association guide for Councillors on reviewing policies

3.3.2. Internal requirements regarding on-going changes to senior posts in LCC as part of the 4 year overall budget strategy

² Median salary rising from £19,126 to £19,620 and pay multiples changing from 9.22:1 to 8.98:1

3.3.3. Consequently it is proposed that the Director of Resources gives assurance that the senior management pay structure is appropriate and amends where necessary for the future year in line with reporting policy compliance.

4. Corporate Considerations

4.1. Consultation and Engagement

4.1.1. Trade unions were consulted on the policy and changes that have been made.

4.1.2. In terms of wider communications issues, Councils in the region and nationally will be publicising policies from January 2013 onwards. A responsive media engagement strategy will be prepared. This will include comparison to other relevant Pay Policy statements.

4.2. Equality and Diversity / Cohesion and Integration

4.2.1. A screening exercise has been completed. It is noted that BME and women are under-represented in Senior Management positions.

4.3. Council policies and City Priorities

4.3.1. The Pay Policy Statement can be cross referenced to relevant policies to reflect the strategic contribution made by senior staff e.g. Council Business Plan, City Priority Plan

4.4. Resources and value for money

4.4.1. The Pay Policy Statement will be a future point of reference for the Council in assessing its senior management costs and its budget strategy.

4.5. Legal Implications, Access to Information and Call In

4.5.1. The draft policy has been assessed as complying with the requirements of the Localism Act.

4.5.2. In terms of its formal adoption it is proposed to report the Policy to the Council meeting on 27th February 2013, and is therefore compliant with the statutory requirements.

4.6. Risk Management

4.6.1. The Council will need to consider any reputational implications of the published policy in terms of how stakeholders and the media respond.

4.6.2. Also it is noted that in Reviewing the Policy all requirements regarding pay issues have been complied with in 2012/13. Members are asked to note this compliance.

5. Conclusions

5.1.1. All Councils are legally obliged to provide, on an annual basis, a Pay Policy Statement. The proposed revised policy is intended to meet this requirement.

6. Recommendations

6.1.1. The General Purposes Committee is recommended to:

6.1.2. consider the review of the Pay Policy Statement and make recommendations to full Council in respect of the adoption of the review for the 2013/14 financial year.

6.1.3. receive assurances from the Director of Resources that the senior management pay structure is appropriate and complied with.

6.1.4. seek authority for the Chief HR Officer or Chief Executive to update the Pay Policy with the Public Health information when this is known and for the amended document to be subsequently circulated to all Members.

7. Background documents³

None

³ The background documents listed in this section are available to download from the Council's website, unless they contain confidential or exempt information. The list of background documents does not include published works.



Annual Pay Policy Statement
Financial Year 2013/14

(To be) Approved by Full Council – 27th February 2013

Contents

Section 1 – Purpose and Application

Section 2 - Policy Statement

- § **Definition of senior officers covered by the Policy Statement**
- § **Policy on remunerating senior officers**
 - Salaries and Appointment
 - Terms and Conditions
 - Bonuses and performance related pay
 - Earn Back
 - Termination Payments
- § **Policy on remunerating the lowest paid in the workforce**
- § **Policy on the relationship between the senior officer remuneration and that of other staff**
- § **Re Employment of staff in receipt of a LGPS Pension or a Redundancy/Severance Payment**
- § **Obligations under the Code of Recommended Practice for Local Authorities on Data Transparency and the data which is published under The Accounts and Audit (England) Regulations 2011**

List of Appendices

Appendix 1 – Pay scales under the JNC Conditions of Service

Appendix 2 – Pay scales under the NJC Conditions of Service

Section 1 - Purpose and Application

This Pay Policy Statement has been written to cover requirements under Sections 38 – 43 of the Localism Act 2011. This requires that the authority produce a policy statement covering a number of matters concerning the pay of the authority's staff.

This policy must be complied with for all decisions relating to the remuneration of, or other terms and conditions applying to, those senior officers listed in Section 2.

This policy will be reviewed annually and presented to Full Council for approval before the 31st March immediately preceding the financial year to which it relates.

Section 2 - Policy Statement

Definition of senior officers covered by the Pay Policy Statement

This Pay Policy Statement covers the following senior officer posts;

1. Head of the Paid Service, which in this authority is the post of Chief Executive
2. Director of Resources who is the Section 151 Officer (and also currently acting Deputy Chief Executive), City Solicitor who is the Monitoring Officer and the Directors of Adult Social Care and Children Services. These postholders are members of the authority's Corporate Leadership Team (CLT)
3. Those who report directly to the Head of the Paid Service, which, in this authority are the Directors of City Development, Environment and Neighbourhoods and the Assistant Chief Executive (Customer Access and Performance). These postholders are also members of Corporate Leadership Team.
4. Those required to report directly to, or are directly accountable to, one or more of those described in 1-3 above..

Policy on remunerating senior officers

It is the policy of this authority to establish a remuneration package for each senior officer post that is sufficient to attract and retain those with the appropriate skills, knowledge, experience, abilities and qualities that is consistent with the authority's requirements of the post in question.

Salaries and Appointment

The authority may seek independent advice as a means informing decisions on determining the pay scale for senior officer posts.

The salary for senior officer posts will be determined by reference to the pay scales at Appendix 1.

All new senior officer appointments will be made by the Employment Committee, who will determine salary packages¹.

¹ Senior Officers in this respect refers to the posts in Section 2 points 2 to 4 i.e. Directors, Chief Officers and other senior officers who report directly to a Director

Appointments will be made to the appropriate approved minimum point of the grade for the post in question unless there is evidence that a preferred candidate cannot be appointed without varying the remuneration package. In such circumstances incremental advancement within the grade range is permissible.

In exceptional circumstances this policy provides for a departure from the Pay Policy. All departures from this policy will be expressly justified and will be authorised by the Chief Executive in consultation with members of the Employment Committee, or, where no Employment Committee is necessary for the purposes of appointment, with the appropriate Executive Member. Information regarding any such decisions will be reported to the next meeting of Full Council.

Honoraria² may be payable in circumstances where additional duties and responsibilities are undertaken which are over and above those which could be reasonably accommodated within existing terms and conditions of employment.

Market supplements may be paid only where it has been established that there is a significant risk of not being able to retain/replace staff with specific knowledge and skills essential to the delivery of a particular service, project or corporate priority. All such payments will be reviewed annually by the Head of Paid Service.

Terms and Conditions

The Chief Executive is employed on terms and conditions set out under the Joint National Council for Chief Executives. All other senior officers are employed on terms and conditions set out under the Joint National Council for Chief Officers. Under these arrangements national pay awards are negotiated annually.

Some aspects of remuneration are applicable to all staff (including senior officers covered by this policy). For completeness these are outlined below:

- § Membership of the Local Government Pension Scheme; with employee contributions ranging from 5.5% (on salaries up to £13,500) to 7.5% (on salaries over £85,301).
- § Expenses for travel and subsistence based on National Joint Council for Local Government Employee rates
- § On appointment, incremental progression following 6 months employment and then annual incremental progression on each 1st April thereafter.

Bonuses and Performance Related Pay

For posts under this policy, the Authority does not currently operate a bonus or performance related pay scheme. Performance is considered however as part of a package to offer market supplements and retention pay when needed.

Earn-Back

The Authority does not operate a scheme of remuneration linked to Earn-Back

Termination Payments

All decisions of relating to termination payments will be made by;

² Including payments made for joint authority duties

- Full Council – in respect of the Head of Paid Service
- The Head of Paid Service – in respect of the Director of Resources and Deputy Chief Executive
- Director of Resources – in respect of other Directors and the City Solicitor
- Directors – in respect of those who report to them.

Termination payments may be made to senior officers covered by this policy. The maximum discretion for the Council is to award 104 weeks pay under the national statutory framework. There is also discretion to augment pensions.

Payments made must demonstrate value for money and be conducive to the effective and efficient operation of the authority.

Policy on remunerating the lowest paid in the workforce

The pay scales for staff employed on National Joint Council for Local Government terms and conditions are detailed at Appendix 2, alongside other JNC grades.

These, and other terms and conditions of employment are negotiated through appropriate collective bargaining mechanisms and then incorporated into contracts of employment.

The lowest pay point in this authority (excluding schools) equates to an annual full time salary of £12,489 and can be expressed as an hourly rate of pay of £6.47. This on the A1 grade which rises incrementally to £13,189.

The pay rate is increased in accordance with any pay settlements which are reached through the National Joint Council for Local Government Services.

The pay multiplier between this and the current salary of the Chief Executive is 13:1.

Policy on the relationship between Senior Officer remuneration and that of other staff

The highest paid salary is paid to the Chief Executive. At March 2012 the average median salary in Leeds City Council (not including Schools) is £19,620.96.

The ratio between the median and Chief Executive's actual salary, the 'pay multiple' is 8.98:1. This authority does not have a policy on maintaining or reaching a specific 'pay multiple'. However the authority is conscious of the need to ensure that the salary of the highest paid employee is not excessive and is consistent with the needs of the authority as expressed in this policy statement.

The authority's approach to the payment of staff is to pay that which the authority needs to pay to recruit and retain staff with the skills, knowledge, experience, abilities and qualities needed for the post in question at the relevant time, and to ensure that the authority meets any contractual requirements for staff including the application of any local or national collective agreements, or authority decisions regarding pay.

Re Employment of staff in receipt of a LGPS Pension or a Redundancy/Severance Payment

The authority is under a statutory duty to appoint on merit and has to ensure that it complies with all appropriate employment and equalities legislation.

Obligations under the Code of Recommended Practice for Local Authorities on Data Transparency and the data which is published under The Accounts and Audit (England) Regulations (2011).

The Authority will publish information on pay and rewards for staff falling under the criteria specified in the Code of Recommended Practice for Local Authorities on Data Transparency and which requires the authority to provide information relating to those employees with salary packages above £58,200 and which fall below those of Chief Officers as specified above.

Election Fees

Additional fees for national elections and referendums are paid to the Chief Executive in their capacity as Returning Officer. In turn these are apportioned to staff supporting the Returning Officer in accordance with criteria determined by the Chief Executive.

These fees and any apportionment will be published as part of the Council's Obligations under the Code of Recommended Practice for Local Authorities on Data Transparency and the data which is published under The Accounts and Audit (England) Regulations (2011).

Public Health

Responsibility for Public Health will transfer to the Council, together with staff who undertake this in Leeds in April 2013. Where staff report directly to the Director of Public Health they will be covered under this Policy

Staff transferred under TUPE regulations will continue to be paid on NHS pay scales and terms and conditions.

Private Service Company Consultants

Individuals who operate as private service companies will not be directly engaged to cover senior officer posts covered by this policy.

Pay scales under the JNC Conditions of Service

Grade	SCP	Salary £	Grade	SCP	Salary £
Chief Executive	1	182,147	Director 85%	1	89,208
	2	185,650		2	91,437
	3	189,153		3	93,666
	4	192,655		4	95,898
	5	196,158		5	98,127
Deputy Chief Executive	1	147,118	Director 80%	1	83,958
	2	150,620		2	86,058
	3	154,123		3	88,158
	4	157,626		4	90,255
	5	161,128		5	92,355
Director Grade	1	134,347	Director 75%	1	78,711
	2	137,320		2	80,679
	3	140,293		3	82,647
	4	143,265		4	84,615
	5	146,238		5	86,583
Asst Chief Executives	1	114,215	Director 70%	1	73,464
	2	116,699		2	75,300
	3	119,183		3	77,136
	4	121,667		4	78,975
	5	124,151		5	80,811
Director 95%	1	£99,702	Director 60%	1	62,970
	2	102,192		2	64,545
	3	104,688		3	66,117
	4	107,178		4	67,692
	5	109,671		5	69,267
Director 90%	1	94,452	Director 52.5%	1	55,098
	2	96,816		2	56,475
	3	99,177		3	57,852
	4	101,538		4	59,232
	5	103,899		5	60,609

APPENDIX 2

Pay scales under the NJC Conditions of Service

Grade	SCP	Salary £	Grade	SCP	Salary £
PO6	46	38,961	C3	26	22,221
	47	39,855		27	22,958
	48	40,741		28	23,708
PO5	49	41,616	C2	24	20,858
	44	37,206		25	21,519
	45	38,042		26	22,221
PO4	46	38,961	C1	22	19,621
	47	39,855		23	20,198
	41	34,549		24	20,858
PO3	42	35,430	B3	25	21,519
	43	36,313		18	17,161
	44	37,206		19	17,802
PO2	38	31,754	B2	20	18,453
	39	32,800		21	19,126
	40	33,661		16	16,440
PO1	41	34,549	B1	17	16,830
	35	29,236		18	17,161
	36	30,011		13	15,444
SO2	37	30,851	A3	14	15,725
	38	31,754		15	16,054
	33	27,849		16	16,440
SO1	34	28,636	A2	17	16,830
	35	29,236		11	14,733
	36	30,011		12	15,039
SO1	32	27,052	A1	13	15,444
	33	27,849		9	13,589
	34	28,636		10	13,874
	29	24,646		11	14,733
	30	25,472		6	12,489
	31	26,276		7	12,787
				8	13,189

Report of the City Solicitor

Report to General Purposes Committee

Date: 12th February 2013

Subject: Appointment of the Independent Person

Are specific electoral Wards affected? If relevant, name(s) of Ward(s): n/a	<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: n/a Appendix number: n/a	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No

Summary of main issues

1. This report outlines the recommendation made by the Standards and Conduct Committee in relation to the role of the Independent Person after July 2013.
2. The Localism Act 2011 prevented former Independent Members of the Standards Committee from becoming the Independent Person for a period of 5 years after their membership of the Committee ended. However, the Localism Act 2011 (Commencement No.6 and Transitional Savings and Transitory Provisions) Order 2012 dis-applied these rules in relation to appointments made before 1st July 2013. Therefore full Council appointed Mr Gordon Tollefson (former Independent Member and Chair of the Standards Committee) as the Independent Person for a period of one year on 11th July 2012.
3. Having operated under the new arrangements for a number of months, and given the role and associated appointment restrictions (and transitional arrangements) set out by the Localism Act 2011 it is timely to reconsider the options available to the Council after July 2013.

Recommendations

4. General Purposes Committee is asked to recommend to full Council that they vary their original decision taken on 11th July 2012 and extend the current appointee's appointment for a further four years.

1 Purpose of this report

- 1.1 This report outlines the recommendation made by the Standards and Conduct Committee in relation to the role of the Independent Person after July 2013.

2 Background information

- 2.1 The Localism Act 2011 prevented former Independent Members of the Standards Committee from becoming the Independent Person for a period of 5 years after their membership of the Committee ended. However, the Localism Act 2011 (Commencement No.6 and Transitional Savings and Transitory Provisions) Order 2012 dis-applied these rules in relation to appointments made before 1st July 2013.

- 2.2 The Council used these transitional arrangements to appoint Mr Gordon Tollefson (former Independent Member and Chair of the Standards Committee) as the Independent Person for a period of one year on 11th July 2012.

3 Main issues

- 3.1 During the last appointment process a Member panel made up of Group Whips (or their representatives) from the three largest political groups conducted the short listing and interview process and made a recommendation to the General Purposes Committee. Because the role of the Independent Person was new, and it was unclear how the new complaints process would operate in practice, a view was reached that, because of these uncertainties that the appointment be for only one year.

- 3.2 Having operated under the new arrangements for a number of months, and given the role and associated appointment restrictions (and transitional arrangements) set out by the Localism Act 2011 it is timely to reconsider the options available to the Council after July 2013. Members of the Standards and Conduct Committee were asked to consider these options at their meeting on 11th January 2013.

- 3.3 Appendix 1 describes the role, appointment criteria and transitional arrangements which apply to the Independent Person.

3.4 Options for the role of the Independent Person after July 2013

- 3.5 Two options have been considered by the Standards and Conduct Committee.

- 3.6 Option 1 is for a fresh recruitment and appointment process to be conducted over the coming months. This would culminate in the appointment of a new Independent Person by Full Council in July 2013. The recruitment process would be overseen via Member panel (drawn from the Standards and Conduct Committee), with the panel making recommendations to General Purposes Committee for an appointment to be made by full Council.

- 3.7 The role would need to be advertised in such manner as the authority considers is likely to bring it to the attention of the public; candidates must submit an application to the authority, and the appointment must be approved by the

majority of Members of the authority. The existing Independent Person would be ineligible to apply for the role because of the amendment to the transitional arrangements which state that he cannot be appointed for a term of office ending on or after 1st July 2013.

- 3.8 Given that the nature of the role is yet to fully evolve, and that the existing appointee is well versed in the recently adopted arrangements, officers' view is that repeating the formal appointment process (so soon after the last recruitment exercise) may be unduly costly in terms of Member and officer time and associated recruitment costs; added to which there would be no guarantee that a suitable candidate would be found.
- 3.9 Option 2 would be to ask full Council to vary their original decision taken on 11th July 2012 and extend the current appointee's appointment to a further four years. This decision would have to be made before 1st July 2013.
- 3.10 Members should note that it is not explicit in the Order whether an extension to the Independent Person's current term of office would be permissible or not, and therefore pursuing this option does represent a slight risk to the Council. However, it is considered that the benefits of extending the term of office outweigh any potential dis-benefits and would be the most pragmatic solution as well as presenting value for money for the Council, particularly because the appointee is already familiar with the local standards regime.
- 3.11 The Standards and Conduct Committee decided that Option 2 was the most suitable option, and resolved to recommend to General Purposes Committee that full Council vary its original decision taken on 11th July 2012 and extend the current appointee's appointment for a further four years.

4 Corporate Considerations

4.1 Consultation and Engagement

- 4.1.1 The Leaders and Whips have been informally consulted on the possibility of extending the current appointee's term of office and no objections have been made to the proposal.
- 4.1.2 The Standards and Conduct Committee were consulted at the meeting on 11th January 2013, and have resolved to recommend Option 2 as set out above.

4.2 Equality and Diversity / Cohesion and Integration

- 4.2.1 There are no equality and diversity or cohesion and integration issues in relation to this report.

4.3 Council policies and City Priorities

- 4.3.1 The procedure for dealing with complaints under the Members' Code of Conduct (in Part 4 of the Council's Constitution) sets out the role of the Independent Person and their involvement in the complaints process.

4.4 Resources and value for money

- 4.4.1 Members of the Standards and Conduct Committee reviewed the current payment made to the Independent Person and considered that no alterations to the £2,500 payment was required.

4.5 Legal Implications, Access to Information and Call In

- 4.5.1 The role of the Independent Person and the eligibility for the role is set out in Chapter 7 (Section 28) of the Localism Act 2011. The Localism Act 2011 (Commencement No. 6 and Transitional, Savings and Transitory Provisions) Order 2012 introduced transitional arrangements to allow former Independent Members of Standards Committees to be appointed as the Independent Person if the appointment was made before 1st July 2013.
- 4.5.2 These arrangements were further amended on 3rd July 2012 by the Localism Act 2011 (Commencement No. 6 and Transitional, Savings and Transitory Provisions) (Amendment) Order 2012, to state that former Independent Members of Standards Committees may not be appointed for a period ending on or after 1st July 2013, unless the appointment was made before 24th July 2012 and the appointment was due to end on or after 1st July 2013.
- 4.5.3 However, there is nothing in the Act or Order which explicitly state that it would not be permissible to extend the length of the existing Independent Person's term of appointment. To do so, full Council would need to vary the original appointment decision made on 11th July 2012 prior to 1st July 2013.

4.6 Risk Management

- 4.6.1 As stated above, the Act and the Order do not explicitly state whether it would be permissible or not to extend the current term of office. Therefore if Members were minded to pursue this option, there is a small risk to the authority that the decision to extend the term of office might not be in fully in accordance with the intention of the transitional arrangements.

5 Conclusions

- 5.1 The current Independent Person's term of office will expire on 11th July 2013. The options open to the Council are to conduct another appointment process (under which the current appointee would not be eligible to apply), or to extend the existing term of office by varying the original decision of the full Council.
- 5.2 Having considered these options at its meeting on 11th January 2013, the Standards and Conduct Committee has resolved to recommend to General Purposes Committee that full Council vary its original decision taken on 11th July 2012 and extend the current appointee's appointment for a further four years.

6 Recommendations

- 6.1 General Purposes Committee is asked to recommend to full Council that they vary their original decision taken on 11th July 2012 and extend the current appointee's appointment for a further four years.

7 Background documents¹

- 7.1 None.

¹ The background documents listed in this section are available to download from the Council's website, unless they contain confidential or exempt information. The list of background documents does not include published works.

Report of the City Solicitor

Report to General Purposes Committee

Date: 12th February 2013

Subject: Proposed changes to the standards and conduct arrangements

Are specific electoral Wards affected? If relevant, name(s) of Ward(s): n/a	<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: n/a Appendix number: n/a	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No

Summary of main issues

1. This report sets out some proposed changes to the Members' Code of Conduct and the procedure for considering complaints which have been endorsed by the Standards and Conduct Committee. General Purposes Committee is asked to consider these proposals and make recommendations to full Council as set out in the report.
2. On 11th January 2013, the Standards and Conduct Committee reviewed the local standards arrangements to ensure that they are operating effectively and are fit for purpose.
3. As a result of feedback received from Leeds City Councillors during training sessions and officers involved in the complaints process, the Standards and Conduct Committee resolved to recommend some amendments to both the Code of Conduct and the complaints procedure.

Recommendations

4. General Purposes Committee is asked to recommend that full Council adopts the revised versions of the Members' Code of Conduct (attached as Appendix 1) and the procedure for considering complaints (attached as Appendix 2).

1 Purpose of this report

- 1.1 This report sets out some proposed changes to the Members' Code of Conduct and the procedure for considering complaints which have been endorsed by the Standards and Conduct Committee.

2 Background information

- 2.1 When the new local standards arrangements were being developed in Leeds Members commented that it would be sensible to review the arrangements after a period of operation to ensure that they are operating effectively and are fit for purpose.
- 2.2 On 11th January, the Standards and Conduct Committee considered a report outlining the number of complaints received and how these have been concluded, the extent and take up of training on the new standards arrangements, and a comparison of the Leeds City Council Code of Conduct against the Core Cities.
- 2.3 The Committee concluded that the current arrangements in Leeds are operating effectively and are fit for purpose. That said the Committee, as a result of feedback received from Leeds City Councillors during training sessions and from officers involved in the complaints process, has proposed some amendments to both the Members' Code of Conduct and the complaints procedure.

3 Main issues

- 3.1 The proposed changes to the Members' Code of Conduct are as follows, and are presented as tracked changes in Appendix 1.
- 3.2 The Localism Act 2011 states that any Member who is present at a meeting of the Council and who has a disclosable pecuniary interest relating to any business to be considered at the meeting, must not:
- Participate in any discussion of the business at the meeting, or
 - Participate in any vote taken on the matter at the meeting.
- 3.3 These restrictions apply to all Members who are present, regardless of whether they are a member of the decision making body, or attending simply to observe the meeting. The guidance from the Department for Communities and Local Government also sets out that these prohibitions apply to any form of participation, including speaking as a member of the public.
- 3.4 However, the Localism Act does not require a Member to leave the room if they have a disclosable pecuniary interest in an item being considered. This is a local addition to the Leeds City Council Code of Conduct.
- 3.5 Some Members have commented that although it is reasonable for a member of the decision making body to leave the room when they have a disclosable pecuniary interest in the item being considered, it appears onerous and disproportionate to apply the same rules to a Member who is attending the

meeting in another capacity. An example might be a Member who has submitted a planning application currently cannot remain in the meeting room to observe the discussion and vote on their application, and therefore has less rights than a member of the public.

- 3.6 The Standards and Conduct Committee took account of the potential for a perception of a Member unduly influencing the decision making body by remaining in the room, but on balance concluded that Members attending the meeting to observe should have the right to do so, and it should be a personal choice whether they leave the room or not.
- 3.7 The proposed amendments are in shown at paragraph 17 and new paragraph 18 of Appendix 1.
- 3.8 Secondly, the Committee considered feedback from Leeds City Councillors that the rules regarding interests in Part 2 of the Code of Conduct should be restricted to the requirements set out in the Localism Act 2011 in order to avoid any confusion for Members and for the public. This was of particular concern given that a failure to comply with the legislative requirements relating to disclosable pecuniary interests would be a potential criminal offence, whereas the locally adopted category of 'other significant interest' is by its very nature less precise and therefore exceptionally difficult to regulate via a complaints process.
- 3.9 The Committee noted that it is difficult for the public to understand the category of 'other significant interest', particularly in circumstances where Members with the same or similar interests reach, for legitimate reasons, different conclusions regarding the need to declare the interest.
- 3.10 The Committee concluded that the category of 'other significant interest' should be removed from Part 2 of the Members' Code of Conduct and instead to create a footnote to the principle of 'honesty and integrity' in Part 1 of the Code of Conduct to explain that Members may make a declaration of a significant and relevant interest if they wish.
- 3.11 Finally a new paragraph 19 is proposed to the Code, setting out, for clarification for Members, the mechanism by which dispensations can be sought.
- 3.12 The proposed changes to the procedure for considering complaints are detailed at Appendix 2.
- 3.13 The Standards and Conduct Committee considered feedback from officers about the list of criteria against which each complaint is assessed during Stage 1 of the procedure. In particular, officers advised that the list of criteria needed to be specifically expanded to cover complaints which otherwise do not fall under the Members' Code of Conduct in order to assist officers in preparing the response to the complainant, and will also assist the complainant in understanding why their complaint has not been progressed.
- 3.14 The Committee was supportive of a minor amendment to the list of criteria in paragraph 6 of the complaints handling procedure through the addition of clause: "complaints that do not relate to the Members' Code of Conduct".

4 Corporate Considerations

4.1 Consultation and Engagement

- 4.1.1 The Standards and Conduct Committee were consulted on the proposed changes to the current standards arrangements at the meeting on 11th January 2013. The Standards and Conduct Committee is responsible for advising the authority in relation to the adoption, revision or replacement of the Members' Code of Conduct. The Committee is also responsible for considering and determining written allegations that a Member has failed to comply with the Code of Conduct.
- 4.1.2 Some Members have provided feedback on the Code of Conduct and the complaints process through training sessions. All Leeds City Councillors have now been trained on the standards arrangements.

4.2 Equality and Diversity / Cohesion and Integration

- 4.2.1 There are no implications for equality and diversity or cohesion and integration.

4.3 Council policies and City Priorities

- 4.3.1 Principle 3 of the Council's Code of Corporate Governance states that the Council will establish and keep under review a Member Code of Conduct.

4.4 Resources and value for money

- 4.4.1 There are no implications for resources or value for money arising from this report.

4.5 Legal Implications, Access to Information and Call In

- 4.5.1 The proposed changes to the Members' Code of Conduct and the complaints process are compatible with the Localism Act 2011 and the relevant regulations.
- 4.5.2 There are no implications for access to information or call in.

4.6 Risk Management

- 4.6.1 The Code of Conduct has been amended during the year to reflect the guidance issued by the Department for Communities and Local Government, so is already up to date.

5 Conclusions

- 5.1 On 11th January 2013, the Standards and Conduct Committee reviewed the local standards arrangements to ensure that they are operating effectively and are fit for purpose.
- 5.2 As a result of feedback received from Leeds City Councillors during training sessions and officers involved in the complaints process, the Standards and Conduct Committee resolved to recommend some amendments to both the Code of Conduct and the complaints procedure.

6 Recommendations

- 6.1 General Purposes Committee is asked to recommend that full Council adopts the revised versions of the Members' Code of Conduct (attached as Appendix 1) and the procedure for considering complaints (attached as Appendix 2).

7 Background documents¹

- 7.1 None.

¹ The background documents listed in this section are available to download from the Council's website, unless they contain confidential or exempt information. The list of background documents does not include published works.

This page is intentionally left blank

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.⁴

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.

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.

⁴ Where you are present at a formal meeting of the authority and identify any relevant and significant interest which is not a disclosable pecuniary interest and which relates to the business being conducted, you may declare the interest to the meeting, if you consider it is in the public interest to do so. You may also choose not to participate in the business as a result, although you are not obliged to do so.

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.

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 employees⁵.

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 time⁶.
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 pecuniary interest is a 'disclosable pecuniary interest' in relation to you if it is of a type described in Appendix 1, 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 you are civil partners, and you are aware that that other person has the interest.
11. You are also required to notify the Monitoring Officer of any gifts or hospitality with an estimated value of at least £50⁷ which you receive in your role as a

⁵ 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.

⁶ 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.

⁷ 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).

Members' Code of Conduct

Leeds City Councillor⁸. 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.⁹

Sensitive interests

12. 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^{10 11}.

Disclosure of disclosable pecuniary interests at meetings

13. The following provisions apply if you are present at a meeting of the authority or of any committee¹², 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.
14. 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).
15. 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.
16. 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).
17. 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, or
 - (c) remain in the room during the discussion or vote on the matter (subject to paragraph 18 below).
18. If you are not a member of the relevant committee, sub-committee, joint committee or joint sub-committee, and are present at the meeting in another

⁸ 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.

⁹ These details will be removed from the register two calendar years after they were added by the Monitoring Officer.

¹⁰ 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

¹¹ 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.

¹² This includes the Executive Board and any committee of the executive.

Members' Code of Conduct

capacity, you may remain in the room to observe the proceedings but must not participate in the discussion on the matter, even as a member of the public.

19. In certain circumstances you may be granted a dispensation to permit you to take part in the business of the authority, even if you have a disclosable pecuniary interest relating to that business. Such dispensations are granted by the Head of Paid Service following a written request to the Monitoring Officer.

Allegations of a Failure to Comply with Code of Conduct

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

APPENDIX 1 - DEFINITION OF A 'DISCLOSABLE PECUNIARY INTEREST'¹³

Employment, office, trade, profession or vocation - Any employment, office, trade, profession or vocation carried on for profit or gain.

Sponsorship - Any payment or provision of any other financial benefit (other than from the relevant authority) made or provided within the relevant period¹⁴ in respect of any expenses incurred by you in carrying out your duties as a Member, or towards your election expenses. This includes any payment or financial benefit from a trade union within the meaning of the Trade Union and Labour Relations (Consolidation) Act 1992.

Contracts - Any contract which is made between the relevant person¹⁵ (or a body in which the relevant person has a beneficial interest¹⁶) and the relevant authority –

- (a) under which goods or services are to be provided or works are to be executed; and
- (b) which has not been fully discharged.

Land - Any beneficial interest in land¹⁷ which is within the area of the relevant authority.

Licences - Any licence (alone or jointly with others) to occupy land in the area of the relevant authority for a month or longer.

Corporate tenancies - Any tenancy where (to your knowledge) –

- (a) the landlord is the relevant authority; and
- (b) the tenant is a body in which the relevant person has a beneficial interest.

Securities - Any beneficial interest in securities¹⁸ of a body where –

- (a) that body (to your knowledge) has a place of business or land in the area of the relevant authority; and
- (b) either –

¹³ As defined in The Relevant Authorities (Disclosable Pecuniary Interests) Regulations 2012/1464.

¹⁴ "Relevant period" means the period of 12 months ending with the day on which the Member completes their notification.

¹⁵ "Relevant person" refers to the Member and their spouse or civil partner, or a person with whom the Member is living as husband or wife, or a person with whom the Member is living as if they were civil partners, so long as the Member is aware that that other person has the interest.

¹⁶ This means a firm in which the relevant person is a partner or a body corporate of which the relevant person is a director, or in the securities of which the relevant person has a beneficial interest. The definition of "director" includes a member of a committee of management of an industrial and provident society.

¹⁷ "Land" excludes an easement, servitude, interest or right in or over land which does not carry with it a right for the relevant person (alone or jointly with another) to occupy the land or to receive income.

¹⁸ "Securities" means shares, debentures, debenture stock, loan stock, bonds, units of a collective investment scheme within the meaning of the Financial Services and Markets Act 2000 and other securities of any description, other than money deposited with a building society.

Members' Code of Conduct

- (i) the total nominal value of the securities exceeds £25,000 or one hundredth of the total issued share capital of that body; or
- (ii) if the share capital of that body is of more than one class, the total nominal value of the shares of any one class in which the relevant person has a beneficial interest exceeds one hundredth of the total issued share capital of that class.

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;

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

Procedure for considering complaints alleging a failure to comply with a Members' Code of Conduct

- e. Complaints which relate to the alleged actions of employees of the Council or non-voting co-optees;
 - 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;
 - l. Complaints which do not relate to the Members' Code of Conduct.
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

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

Procedure for considering complaints alleging a failure to comply with a Members' Code of Conduct

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.

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).

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.

Procedure for considering complaints alleging a failure to comply with a Members' Code of Conduct

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.

Procedure for considering complaints alleging a failure to comply with a Members' Code of Conduct

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.

Procedure for considering complaints alleging a failure to comply with a Members' Code of Conduct

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.

This page is intentionally left blank