



GENERAL PURPOSES COMMITTEE

Meeting to be held in Civic Hall, Leeds, LS1 1UR on
Monday, 28th October, 2013 at 2.00 pm

MEMBERSHIP

Councillors

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

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A G E N D A

Item No	Ward/Equal Opportunities	Item Not Open		Page No
1			<p>APPEALS AGAINST REFUSAL OF INSPECTION OF DOCUMENTS</p> <p>To consider any appeals in accordance with Procedure Rule 15.2 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 15.2, 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 style="padding-left: 40px;">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 18TH JUNE 2013</p> <p>To confirm as a correct record the minutes held on 18th June 2013.</p>	1 - 2
7			<p>FURTHER REVIEW OF THE PLANS PANEL ARRANGEMENTS</p> <p>To receive a report of the Chief Planning Officer providing a further update to General Purposes Committee on the operation of the Plans Panels from April to September 2013.</p>	3 - 12

Item No	Ward/Equal Opportunities	Item Not Open		Page No
8			<p>JOINT REVIEW OF POLLING DISTRICTS AND COMMUNITY GOVERNANCE REVIEW OF PARISH AND TOWN COUNCILS - FINAL PROPOSALS REPORT</p> <p>To receive a report of the Head of Licensing and Registration which considers final proposals for the joint polling district review and community governance review of all parish and town councils. The report asks the Committee to agree the final proposals for the polling district review to be published on 25 November 2013 and to agree the recommended final proposals for the community governance review to go to Full Council in November 2013, and to be published on 25 November 2013.</p>	13 - 48
9			<p>PROPOSED COMMUNITY GOVERNANCE REVIEW TO DEGROUPE BARWICK IN ELMET AND SCHOLES PARISH COUNCILS</p> <p>To receive a report of The Head of Licensing and Registration considering whether a Community Governance Review for the degrouping of Barwick in Elmet & Scholes Parish Council be undertaken.</p>	49 - 62
10			<p>FUNCTIONS IN RELATION TO THE LATE NIGHT LEVY</p> <p>To receive a report of the City Solicitor which sets out proposals to amend the constitution to reflect the designation of functions in relation to the late night levy as Council functions. The Committee are invited to recommend the proposed amendments to Council.</p>	63 - 82
11			<p>FACILITIES TO BE MADE AVAILABLE FOR REPORTING ON COUNCIL COMMITTEE MEETINGS</p> <p>To receive a report of the City Solicitor which outlines the framework within which requests to record can be made and then determined; and sets out the range of facilities made available by the Council to those wishing to report on the council's committees, boards and panels.</p>	83 - 90

Agenda Item 6

GENERAL PURPOSES COMMITTEE

TUESDAY, 18TH JUNE, 2013

PRESENT: Councillor K Wakefield in the Chair

Councillors D Blackburn, J Blake, P Gruen,
G Harper, E Nash, J Procter, M Rafique
and S Varley

Apologies Councillors S Golton, G Latty and A Lowe

1 Appeals against refusal of inspection of documents

No appeals against refusal of inspection of documents.

2 Exempt Information - possible exclusion of the press and public

There were no resolutions to exclude the public.

3 Late items

There were no late items.

4 Declaration of Disclosable Pecuniary and Other Interests

No declarations of disclosable pecuniary and other interests were made.

5 Apologies for absence

Apologies were received from Councillors Golton, Latty, Lowe.

6 Minutes - 7th May 2013

RESOLVED – That the minutes of the General Purposes Committee meeting held on 7th May 2013 be approved as a correct record.

7 Joint Review of Polling Districts and Community Governance Review of Parish and Town Councils - Initial Proposals Report

Members considered a report of the Head of Licensing and Registration setting out the results of the preliminary stage of a joint review of Polling Districts and the Community Governance Review of Parish and Town Councils.

The report provided the results of the public consultation and representations received to date and set out the conclusions reached by the Electoral Working Group.

RESOLVED – that;

- a) the summary of representations set out in Appendices A, B and C of the report as initial proposals be approved.
- b) the initial proposals be published for further consultation from 24 June to 16 September 2013 and that the outcome of that consultation be considered by General Purposes Committee in November.

8 Webcasting of Council Meetings

Members considered a report of the Chief Officer (Democratic and Central Services) outlining the results of two trial webcasts of meetings of full Council. The report also sought Members' views on whether webcasts of full Council be continued in the 2013-14 Municipal Year.

Members considered the projected costs of introducing such arrangements and sought assurances that the protocol for webcasting (agreed by member Management Committee in October 2012) would be complied with.

RESOLVED – that;

- a) the outcome of the trials be noted
- b) approval be given to further Webcasts of full Council meetings in the 2013-14 Municipal.

Report of Chief Planning Officer

Report to General Purposes Committee

Date: 28 October 2013

Subject: Further review of the Plans Panel arrangements

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

Summary of main issues

1. General Purposes Committee (GPC) at its meeting on 7 May 2013 received a report describing the new Plans Panel arrangements which assessed the effectiveness of the arrangements after six months operation. GPC noted the progress made to date and requested a report after a further six months operation.

2. The main areas highlighted by GPC were differing workloads of the panels, the pre-application process, length of meetings and time demands placed on members.

3. Evidence shows that the speed, consistency and effectiveness of planning decisions are important factors in attracting new investment and the Plans Panels play an important role in this. Performance on determination of major applications in 13 weeks, (the statutory timeframe for major applications) has improved considerably from 61.3% in 2012-13 to 73.2% in 2013-14 (to September 2013). There are fewer deferred applications and more first time decision making on strategic applications.

4. Initially meetings were longer in duration and there was a workload imbalance between North and East Panel and South and West. In recent months meetings have become shorter and more focussed and the workload has evened out between all three panels, although special meetings of the City Plans Panel have taken place to deal with major projects (eg. NGT and Thorpe Park).

5. Opportunities for ward members and/ or nominated community representative to speak at the pre-application presentations to Plans Panel are now established with this

opportunity taken up a number of times, adding value to the overall process. This has now been embedded in the updated Parish and Town Council Charter.

6. The development industry and Panel Members have been consulted and are generally supportive of the new arrangements.

Recommendations

7. Members are asked to

- 7.1. Note the report and the further work to embed the plans panel arrangements

- 7.2. Embed the Plans Panel arrangements permanently as part of the Council's decision making framework.

1 Purpose of this report

- 1.1 At the meeting of the General Purposes Committee on 7 May 2013, the Chief Planning Officer presented a review report, evaluating the progress of the new plans panel arrangements after six months of operation.
- 1.2 Members of the Committee noted the progress made in embedding the new arrangements, however asked for a further report after six more months, specifically looking at workloads, the pre-application process, length of meetings and time demands placed on members.
- 1.3 This report provides a further update to General Purposes Committee, focussing on the main areas highlighted by Committee and covers operation of the Plans Panels from April to September 2013.

2 Background information

- 2.4 The review of the plans panels was undertaken in summer 2012 by an all-party small working group, chaired by the Executive Board Member for Neighbourhoods, Planning and Support Services. The objectives of the review were:
 - The need for timely, effective and efficient decision making which reflects the Council's ambitions to promote regeneration and economic recovery
 - The need to ensure that there is effective local involvement in the decision making process
 - The need for consistent decision making, so that similar applications are dealt with in the same way throughout the City
 - To deliver high levels of satisfaction with decision making (for residents, applicants and Members)
- 2.5 Recommendations of the working group for the formation of three new panels North and East (NE), South and West (SW) and City Panel were agreed by full Council in August 2012 and the new arrangements commenced in September 2012. The NE Panel and SW Panels deal with significant applications within their geographical remit, whilst the City Panel deals with the largest and strategically important applications for the whole of the City as well as city centre applications.
- 2.6 During the initial review, there were requests from Members to further strengthen ward member involvement and improve officer- member communication in the planning process, particularly at the pre-application stage. Consequently, an opportunity to increase local involvement in the plans panel process through the introduction of public speaking at the pre-application stage by a ward member or their nominated representative was introduced.
- 2.7 The arrangements have now been in place for 12 months and whilst initially there were some teething problems with workloads, duration of meetings and changes to the membership of the panels, matters have bedded down and results have started to be seen: more applications are being determined first time, there are

fewer deferrals, fewer member overturns and performance on the determination of major planning applications within 13 weeks is at the highest level it has been for a number of years. All these add to a positive reputation for the City in supporting good growth.

3 Main issues

- 3.1 General Purposes Committee whilst recognising the work carried out in embedding the new plans panel arrangements, asked for a report after a further six months operation addressing the differing workloads of the panels, the pre-application process, length of meetings and time demands placed on members.
- 3.2 The following section deals with these issues and will also look at the contribution the new panel arrangements are making in supporting the delivery of major developments in the City expeditiously, whilst involving local communities and elected members.

3.3 Delivery of major developments

- 3.3.1 The plans panel decision making process has an important role to play in the reputation of the City, generating confidence within the development industry and helping to show that Leeds is an attractive location for investment. Development arising from applications can have a significant impact on the City's economy, on the prosperity and growth of local areas and the creation of new jobs. It is important therefore that the City has a plans panel decision making framework which is reliable and transparent and is capable of making high quality, consistent, timely decisions.
- 3.3.2 The government sets a target of 60% of major planning applications determined within 13 weeks. In Leeds, major performance has improved significantly since the plans panel changes were made. At the end of September 2013, major applications determined in 13 weeks stood at 73.2%, the highest level for some time and compares with 56.3% in 2011-12 and 61.3% in 2012-13 (new panel arrangements commenced in September 2012). This compares very well with other district level planning authorities, where determination rates for major applications in 13 weeks is just 59%¹.
- 3.3.3 Performance is particularly important with the advent of the Planning Guarantee, which requires local planning authorities to refund the planning fee if applications are not determined within 26 weeks, which came into force on 1 October 2013. Additionally the Government intends to place authorities in "special measures" where there is a poor track record of the speed of decision making. The consequence of this is that applicants can make applications for major schemes directly to the Planning Inspectorate, bypassing the local planning authority.
- 3.3.4 Within this review period, April to September 2013, there have only been three panel decisions that were not in accordance with the officer recommendation and only five deferrals. Of these five deferrals, three were determined at the next meeting. This is important in generating confidence in the planning decision

¹ Department of Communities and Local Government Statistical Release 27 September 2013

making process, supporting good growth in the city and in meeting member and developer expectations for good quality schemes, with appropriate community involvement, within agreed timescales.

- 3.3.5 The new panel arrangements continue to use the three phase process (pre-application, position statement and determination) on the largest and most sensitive applications and there is an increasing trend for more panel involvement throughout the life of an application, which is leading to swifter determination of large-scale schemes, for example Thorpe Park, Leeds University Library Bruntcliffe Road, Morley residential scheme, Victoria Gate, Sovereign Street offices and open space and the energy from waste proposals. Significant schemes are being delivered expeditiously, with greater ward member and community involvement, allowing the Council to deliver strategically, whilst still working locally.
- 3.3.6 The Leeds City Region Planning Charter for Major Investment proposals was developed in 2012 and is a pledge which sets out what developers and local planning authority can expect from each other in order to ensure that proposed major new investments will be dealt with as quickly as possible. The revised plans panel and measures put in place arising from the review are meeting the expectations of the Charter and are delivering major schemes in an efficient and effective way.

3.4 Panel Workloads

- 3.4.1 The three panels dealt with 87 applications in the period April to September: 11 position statements and 18 pre-application presentations. This broken down below:

	Applications	Pre-application presentations	Position statements	Major applications
City Panel	23	16	6	43
North and East	33	1	1	12
South and West	31	1	4	17

- 3.4.2 It can be seen from the table above that the workload balance between the NE panel and SW panel has now evened out, with a range of significant local applications going to each area panel. In this reporting period, City Panel has had one additional special meeting to deal with Thorpe Park.
- 3.4.3 City panel has had fewer applications to determine than the area panels, but has had significantly larger applications to deal with, the scale and size of which the City has not seen for some time. Such schemes have impacts that go beyond Panel boundaries and are crucial to the future of the City and the delivery of housing, such as Victoria Gate, flood alleviation schemes, NGT, significant office schemes and energy from waste proposals. Additionally, Thorp Arch and East Leeds Extension, two very large, strategically important residential schemes are yet to be determined.

- 3.4.4 Early indications from the development industry are that activity is slowly picking up in Leeds. In 2013-14 the service has received 7.5% more applications, with a 26% increase in numbers of major applications, compared with the same period last year. This compares to the national picture, where application numbers have seen a 4% decrease². The service will continue to monitor application workload to ensure that the Plans Panels continue to operate effectively. The Executive Board Member for Neighbourhoods, Planning and Support Services, Chief Planning Officer and Plans Panel Chairs meet frequently and discuss the Forward Plan of potential strategic applications, so there is a complete picture of what schemes are coming forward. This allows for more effective agenda planning.
- 3.4.5 Additional ad hoc City Panel meetings have been organised to deal with particularly large scale applications so that the appropriate time and focus can be spent dealing with them, such as Thorpe Park and East Leeds Extension, NGT and energy from waste proposals. The use of pre-application presentations and position statements has helped to provide clarity and certainty to applicants and issues raised by members can be addressed at an early stage by the applicant. This on-going dialogue with the plans panel about the proposals and the ability for the panel to shape and influence the proposal has ultimately led to swifter and more expeditious decision making and result in schemes more tailored to the needs of the City.
- 3.4.6 Applications considered by the area panels are of local significance to communities and the appropriate time and focus is given to individual proposals at the meeting. Often these are ward member referrals where there is local concern about an application and therefore can be dealt with expeditiously and transparently at the Plans Panel meeting. As neighbourhood planning further develops, with communities setting their own agendas, it will be increasingly important to ensure that local people are involved so they can influence on the form of development that takes place in their locality. The new plans panel arrangements facilitate this, balancing the need for effective community and ward members engagement with the need to deliver proposals in a timely manner.

3.5 **Member time commitment**

- 3.5.1 Initially, City Panel meetings were long with heavy agendas, however this has now bedded down, with shorter, focused and well managed meetings, with tighter time management and effective agenda setting in evidence. However, the continued use of additional special meetings may be needed, particularly for large scale applications.
- 3.5.2 In order to deliver key schemes, driving investment in the City and ensuring that communities influence proposals to the maximum effect, it is essential to foster confidence in the planning decision making process and the role of City Panel, particularly, is crucial in this. Therefore, the appropriate time and focus needs to be afforded to large or strategically important applications to generate this confidence.

3.6 **Pre-application process and local involvement**

² Department of Communities and Local Government Statistical Release 27 September 2013

- 3.6.1 The practice of pre-application presentations to the plans panels is well established. The presentations allow for information to be shared at an early stage, for issues to be raised and for developers/applicants to take on board and address member comments before a formal submission is made.
- 3.6.2 An objective of the original review was to strengthen local involvement in the pre-application stage of the planning process. It was recognised that there is a sensitive and important balance between public involvement and influence on the form of development, but also the need to deliver major investment proposals which are vital to the prosperity of the City and welfare of those who live, work and study there.
- 3.6.3 There had been some member concern that in the past, emphasis had been placed on the applicant presentation with no opportunity for the local community or ward members' view to be considered. New public speaking provisions at the pre-application stage were introduced which provided an opportunity for ward members, or their nominated representative to speak on a proposal for up to 15 minutes. The *Protocol for pre-application presentations at Plans Panel meetings*³ sets out the formal process of the pre-application presentations. This process is now established and has been taken on a number of occasions: White Rose extension, Barkly Road religious community centre and Thorp Arch residential scheme. Each time it added value to the process, allowing members to form a more rounded view of the proposal and helped developers shape their proposal reflecting community and member views. The 2013 revised draft Parish and Town Council Charter has been updated to reflect these new public speaking provisions.
- 3.6.4 Pre-application engagement by applicant/ developers is not mandatory and can only be strongly encouraged by the local planning authority; however, the service has produced a best practice guide for developers⁴ which sets out the Council's expectation of developer pre-application engagement with ward members and local communities. Whilst there are good examples of effective community and ward member engagement, a culture change is needed by the development industry to ensure it is fully embedded as part of the development process. The Government signalled its intention to make pre-application engagement a mandatory requirement on the largest of schemes in the Localism Act (2011); however we still await more detail on this.
- 3.6.5 Additional public speaking time has been allowed on a number of sensitive applications, for example Thorpe Park, energy from waste proposals and residential developments on Fleet Lane, Oulton and Royds Lane, Rothwell (the first Protected Area of Search sites to be discussed and determined) , where four and six minutes respectively was allowed for each side to make their representations.
- 3.6.6 The establishment of a number of community consultative forums for the largest and most strategically significant applications such as East Leeds Extension and Thorp Arch have been successful models. Such forums bring together members,

³ Leeds City Council Protocol for pre-application presentations at the plans panels, 2013

⁴ Leeds City Council Pre-application engagement- a guide to best practice , 2013

Parish Councils, local communities, officers and developers to help move forward complex applications by involving all those who will be affected, from the earliest stages and throughout the life of a scheme.

- 3.6.7 Organisational changes brought about from the completion of the planning services restructure now means there is a named officer for each area committee area who has responsibility for working closely with ward members in that area. This has resulted in better officer-member communication: early alerts of pre-applications coming forward, regular briefings and meetings taking place and provide the opportunity to fully update and appraise ward members of development activity in their wards. This will be encapsulated in an officer-member communication protocol, which is in the process of being produced and will set out the scope and stages at which ward members have the opportunity to be involved in the planning process. It will cover involvement from the pre-application stage through to determination and post application and involvement in S106 draft heads of terms.
- 3.6.8 The audio of recording of the Plans Panel meetings is about to commence, on a trial basis, pending the production of a Council protocol on recording of meetings.

3.7 Feedback from members, local communities and the development industry

- 3.7.1 The Executive Board Members for Neighbourhoods, Planning and Support services, Joint Member Officer Working Group and small working group have been consulted on the review of the new arrangements. Members are generally supportive of the arrangements, with majority of members reporting that they feel that the changes have bedded down and the workload between the area panels has largely balanced out. Members are mindful of the consequence of an upturn in the market with an increase in the number of major applications, which potentially would need to go to City Panel. However, members feel making any further changes at this point would be too early, but that monitoring of workloads should continue and evaluate the situation, should number of applications continue to rise.
- 3.7.2 The additional “special” City Panel meetings have meant that there have been more meetings taking place. However, this has allowed the appropriate time and focus to be spent on significant and strategically important applications which are vital to the future development of the City and in meeting its ambitious housing target. A potential effect of additional meetings is substitute members on Panel. However, the service recognises the need to ensure that any substitute member is fully appraised of proposals, so they are in a position to be able to make high quality, robust decisions.
- 3.7.3 Member briefings are now established in the majority of wards (ie. when desired by ward members), with officers and members often meeting regularly to discuss new and on-going proposals. The restructure of planning services with a key contact for each area committee area will ensure there is continuity and will enable officers to obtain a deeper understanding of the priorities and issues affecting local communities.

- 3.7.4 The new public speaking opportunities at the pre-application stage have been taken up a number of times on some very strategically important applications. Additional time has also been allowed on other strategic and sensitive schemes. This has been welcomed and allows greater public participation in the decision making process.
- 3.7.5 The development industry have generally welcomed the changes and feel the new arrangements are now bedded down and working well, demonstrated by the quality of consistent decision making in a timely fashion, particularly on the largest and strategically most important applications.

4 Corporate Considerations

4.1 Consultation and Engagement

- 4.1.1 Consultation has taken place with the Executive Board Member for Neighbourhoods, Planning and Support Services, the Plans Panel Chairs, Plans Panel review small working group and the Joint Member Officer Working Group, whose views have been incorporated in this report.

4.2 Equality and Diversity / Cohesion and Integration

- 4.2.1 There are no specific equality and diversity/ cohesion and integration issues arising from this report.

4.3 Council policies and City Priorities

- 4.3.1 An efficient and speedy planning system, with a consistent, expeditious decision making framework can generate business confidence and can add significant weight to the reputation of the City as location for investment, supporting the City's Vision.

4.4 Resources and value for money

- 4.4.1 There are no additional resource implications arising from this report. The new arrangements represent value for money with the area panels and City Panel making decisions on those applications where member input adds value to the overall process.

4.5 Legal Implications, Access to Information and Call In

- 4.5.1 There are no legal implications arising from this report.

4.6 Risk Management

- 4.6.1 There are a number of risks associated with the decision making process which are both financial and reputational. However, the new plans panel arrangements provide an objective approach to decision making and there are sufficient assurances for the quality, probity and transparency of the panel process, reducing the risk of procedural judicial review.

5 Conclusions

- 5.1 There is evidence to show that perceptions about the speed, consistency and effectiveness of planning decision making are important in attracting and retaining new investment. The new arrangements have been in place for a year and real results are being seen- there are fewer deferrals meaning there is more first time decision making, officers and members are working more closely together, evidenced by the reduction in member decisions not in accordance with the officer recommendation and most significantly, performance for major applications determined in 13 weeks standing at 73.2%, the highest for a number of years and considerably higher than the average performance of district level planning authorities. This is important in ensuring there are more predictable outcomes and generating business confidence in the City.
- 5.2 Whilst performance is one measure of success, the enhanced opportunity for ward member and local community involvement is important too. There are more opportunities for members and communities to influence the content of schemes through public speaking at the pre-application stage and enhanced speaking opportunities at the determination stage. The use of community consultative forums for the most complex schemes has helped ensure local communities and ward members are involved from the earliest stage through to determination and beyond.
- 5.3 There is more evidence since the planning services restructure that officers and members are working more closely, discussing proposals at the pre-application and formal application stage. This will be formalised in a protocol which is being prepared and will go before the Joint Plans Panel on 14 November 2013. This is important in making decision making more inclusive, ensuring that ward members and local communities have a real say in the future of the area where they live, work and study.
- 5.4 Whilst it is acknowledged that initially there were some teething problems, these are largely resolved. The meetings are generally shorter and more focussed, through effective agenda and meeting management. Careful agenda setting and monitoring of workloads will continue to ensure that workloads do not become too onerous.

6 Recommendations

- 6.1 Members are asked to
- 6.1.1 Note the report and the further work to embed the plans panel arrangements
- 6.1.2 Embed the Plans Panel arrangements permanently as part of the Council's decision making framework.

Report of the Head of Licensing and Registration

Report to General Purposes Committee

Date: 28 October 2013

Subject: Joint Review of Polling Districts and Community Governance Review of Parish and Town Councils – Final Proposals report

Are specific electoral Wards affected?	<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> No
If relevant, name(s) of Ward(s):		
Adel & Wharfedale (Bramhope & Carlton & Pool Parishes only)		
Burmantofts & Richmond Hill		
City & Hunslet		
Gipton & Harehills		
Guiseley & Rawdon		
Harewood (Scarcroft Parish Council only)		
Kirkstall		
Morley North (Morley Town Council only)		
Morley South (Morley Town Council only)		
Otley & Yeadon		
Rothwell		
Roundhay		
Wetherby (Boston Spa, Bramham cum Oglethorpe, Thorp Arch & Walton Parishes only)		
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?	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No
If relevant, Access to Information Procedure Rule number:		
Appendix number:		

Summary of main issues

- 1 A joint review of polling districts and a community governance review of parish and town councils commenced in Leeds on 18 February 2013. A full review timetable can be found at Appendix E.
- 2 The first consultation period ended on 15 April 2013 and the Council's initial proposals were published on 24 June 2013 marking the start of the second period of consultation.

- 3 The second consultation period ended on 16 September 2013.
- 4 A meeting of the Electoral Working Group was held to discuss the comments received during the second consultation stage. This report details the outcome of that meeting and EWG's recommendations for the Council's Final Proposals.

Recommendations

- 4 Members are asked to:
 - a) note that the summary of final proposals set out in Appendix A have cross-party support, be aware of the comments from Electoral Working Group re proposal CGR4 and the additional evidence supplied in respect of that proposal, and resolve whether in each case to confirm or revise as a final proposal;
 - b) consider the summary of final proposals set out in Appendix B which do not have full party support, and resolve whether in each case to confirm or revise as a final proposal;
 - c) note the summary of initial proposals set out in Appendix C to which no further comments were received during the second consultation phase, and resolve whether in each case to confirm or revise as a final proposal;
 - d) note that the final proposals agreed today for the polling district review will be published as part of the Council's Final Notice of Joint Review on 25 November 2013; and
 - e) be aware that the recommended final proposals agreed today for the community governance review will go to Full Council for final approval in 13 November 2013 before being published as part of the notice mentioned in (c) above.

1. Purpose of this report

- 1.1 To consider final proposals for the joint polling district review and community governance review of all parish and town councils.
- 1.2 To agree the final proposals for the polling district review to be published on 25 November 2013.
- 1.3 To agree the recommended final proposals for the community governance review to go to Full Council in November 2013, and to be published on 25 November 2013.

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 recommended 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 had been 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.

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.

2.6 It should be noted that Section 17 of the Electoral Administration Act 2013, which came into force on 31 January 2013 requires the Council to carry out a further review of polling districts and polling places as follows:

- (a) during the period of 16 months beginning with 1 October 2013, and
- (b) during the period of 16 months beginning with 1 October of every fifth year after that.

2.7 It is Officers' intention to commence a light-touch review during this period, bearing in mind a full review will have just taken place. This review will not include Parish and Town Council arrangements.

2.8 A report to the above effect will be submitted to GPC in due course.

3. The review process

3.1 Guidance for the conduct of a review has been published by the Electoral Commission. The guidance sets out the review process. The Local Government Boundary Commission has also published guidance on conducting Community Governance Reviews. The processes are very similar and take place in a number of stages which are summarised as follows: -

- a) **A Preliminary Stage** - When notice is given of the review and advises that representations would be welcome, particularly 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 stage is now completed.
- b) **A Proposal Stage** - When the authority's initial proposals are consulted upon. 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 review by the authority (of districts and places) should be conducted jointly with the Returning Officer's review (of polling stations). This stage is now completed.
- c) **The Consultation Stage** - To receive representations and comments on the authority's initial proposals for polling districts and places. This is in two parts i.e. (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 proposals. This stage is now completed.
- d) **Conclusion of Review** - When the authority must produce final proposals, taking into consideration the representations made. This is the next stage of the process.
- e) **The Decision of the Council** on the proposals. General Purposes Committee will approve the final proposals for the polling district review. Full

Council will approve the final proposals for the community governance review.

- f) **The Publishing Stage** - When the decision and background material is published.
- g) **Right of Appeal** - Although the final decision is that of the Authority, there is a right of appeal to the Electoral Commission for polling district reviews (see section 11 of the report below).

3.2 General Purposes Committee approved the timetable for the review at their meeting on 12 February 2013. The final review notice is due to be published on 25 November. The corresponding revised register will be published on 17 February 2014 and will be used for the Local Government Elections and European Parliamentary Elections to be held in May 2014. .

3.3 The Consultation Stage is now completed, and this report sets out the results so that the General Purposes Committee can agree the authority's Final Proposals for publication (polling district review) and for approval at Full Council before publication (community governance review).

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: -

- a) The Council must seek to ensure that all electors have such reasonable facilities for voting as are practicable in the circumstances; and
- b) The Council must seek to ensure that so far as is reasonable and practicable every polling place is accessible to electors who are disabled.

4.2 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**.

- 4.3 Officers proposed that the same criteria used for the last polling district review was used again for this review:-
- a) Disparities between polling districts to make them more comparable in terms of number of polling places and number of electors per polling place;
 - b) Current levels of satisfaction / dissatisfaction as expressed by or on behalf of electors;
 - c) The cost / elector ratio of providing a polling place, so there is broad comparability between districts;
 - d) The availability of postal votes on demand;
 - e) Disturbance to electors which would be caused by alteration of polling places which have been used for a long period of time;
 - f) A polling place should be in its own polling district, unless it is not possible to find a suitable place in the district;
 - g) 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;
 - h) The polling place should not be difficult to locate and should be close to where most of the electors in the polling district live;
 - i) 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;
 - j) Facilities for polling staff, who will be on duty for at least 16 hours and cannot leave the polling place;
 - k) That each parish should be a separate polling district save in exceptional circumstances;
 - l) 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
 - m) Capability of the polling place to cope with peaks of electors allocated to it.
- 4.4 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.

5. The Community Governance Review of all Parish and Town Councils

- 5.1 The Council has the power to undertake a community governance review of the whole or part of its area at any time.
- 5.2 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. Terms of Reference were agreed by General Purposes Committee on 12 February 2013 and published as part of the council's Notice of Review.
- 5.3 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 3 above 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.
- 5.4 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. Results of the second consultation stage

- 6.1 Comments were received on six of the Council's initial proposals. In addition to this comments were also received for reconsideration of two proposals which did not form part of the Council's initial proposals.
- 6.2 These comments were in response to the authority's Notice of Review (Initial Proposals) published on 24 June 2013. The closing date for receipt of representations was 16 September 2013.
- 6.3 EWG considered the criteria at sections 4.0 and 5.0 when reviewing all further comments received during the first and second consultation stage.
- 6.4 The representations can be grouped into:

- a) Initial proposals where all parties agreed (Appendix A);
- b) Initial proposals where all parties did not agree (Appendix B)
- c) Initial proposals where no comments were received during the second consultation stage (Appendix C)

7. Equality and Diversity / Cohesion and Integration

- 7.1 The notice of the review invited comments 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. We have been careful to ensure the review process meets that requirement.
- 7.2 An equality and cohesion screening document has 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 document can be found at Appendix D.

8 Council policies and City Priorities

- 8.1 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. In the interests of efficiency and consistency the community governance review of Parish and Town Councils is being carried out at the same time.
- 8.2 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.

9. Resources and value for money

- 9.1 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.
- 9.2 Staff resources are available to conduct this interim review in accordance with the timetable which is available at Appendix E.

10. Legal Implications, Access to Information and Call In

10.1 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 districts⁴
- (d) to divide electoral divisions into polling districts at local government elections”

and

“ ...

- (k) Functions relating to community governance⁵
 - (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.”

10.2 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.”

10.3 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.

10.4 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.

10.5 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.

10.6 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.

⁴ 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

⁵ 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.

10.7 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.

11. Risk Management

11.1 There are different appeal mechanisms for polling district reviews and community governance reviews.

11.2 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: -

- a) the local authority has failed to meet the reasonable requirements of the electors in the constituency; or
- b) the local authority has failed to take sufficient account of accessibility to disabled persons of the polling place.

11.3 If the appeal is upheld, the Commission can, ultimately, make alterations to the polling places.

11.4 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.

12. Conclusions

12.1 That the processes being followed by officers 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.

13. Recommendations

13.1 Members are asked to:

- a) note that the summary of final proposals set out in Appendix A have cross-party support, be aware of the comments from Electoral Working Group re proposal CGR4 and the additional evidence supplied in respect of that proposal, and resolve whether in each case to confirm or revise as a final proposal;
- b) consider the summary of final proposals set out in Appendix B which do not have full party support, and resolve whether in each case to confirm or revise as a final proposal;

- c) note the summary of initial proposals set out in Appendix C to which no further comments were received during the second consultation phase, and resolve whether in each case to confirm or revise as a final proposal;
- d) note that the final proposals agreed today for the polling district review will be published as part of the Council's Final Notice of Joint Review on 25 November 2013; and
- e) be aware that the recommended final proposals agreed today for the community governance review will go to Full Council for final approval in 13 November 2013 before being published as part of the notice mentioned in (c) above.

14. Appendices

- a) Appendix A – Final proposals where all parties agreed
- b) Appendix B – Final proposals where all parties did not agree
- c) Appendix C – Final proposals that were agreed as initial proposals and for which no further comments were received during the second consultation phase
- d) Appendix D - Equality Screening Assessment
- e) Appendix E - Joint review timetable

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Appendix A – Summary of final proposals where all parties agreed



Representation Number	Submitted by	Summary of Detail	EWG Comments (where applicable)
BR3	Burmantofts & Richmond Hill Ward Councillors	To relocate the polling station for BRA from Ebor Gardens Community Centre to Scargill Grange Community Room	
BR4	Burmantofts & Richmond Hill Ward Councillors	To split polling district BRA and create a new polling district BRM with the polling station being at Torre Road Social Club (The New Torre)	
CGR 4	The former Clerk to Scarcroft Parish Council	To amend the northern boundary of Scarcroft Parish Council to take in some land and properties from Bardsey cum Rigton Parish Council	GPC to note the number of objections received relating to this proposal, and to consider how many of these objections are from electors who are directly affected by the change (see attached list)
CGR 12 (a)	The Clerk to Morley Town Council	Move Winterbourne Avenue into polling district MNC (ensure Sandmead Croft & Sandmead Close are also in MNC)	
CGR 12 (b)	The Clerk to Morley Town Council	Identify new polling station for polling district MSE – agreed Lewisham Youth Centre	

List of proposed properties to be transferred to Scarcroft Parish Council

<u>Key</u>
No comments received
Support received
Objection received

<u>Address 1</u>	<u>Address 2</u>	<u>Address 3</u>	<u>Address 4</u>	<u>Postcode</u>	<u>Type of contact</u>
North Winds	Wetherby Road	Scarcroft	Leeds	LS14 3BB	
Sunnyside	Wetherby Road	Scarcroft	Leeds	LS14 3BB	
Woodlands Farm	Syke Lane	Scarcroft	Leeds	LS14 3BH	Postcard
15 Syke Lane	Scarcroft	Leeds		LS14 3BH	
Sandyfield	Syke Lane	Scarcroft	Leeds	LS14 3BH	Postcard
The Paddock	Woodlands Farm	Syke Lane	Scarcroft	LS14 3BH	Letter
27 Syke Lane	Scarcroft	Leeds		LS14 3BH	
Syke House	Syke Lane	Scarcroft	Leeds	LS14 3BH	
16 Moss Syke	Scarcroft	Leeds		LS14 3BL	Postcard
18 Moss Syke	Scarcroft	Leeds		LS14 3BL	
3 Moss Syke	Scarcroft	Leeds		LS14 3BL	
5 Moss Syke	Scarcroft	Leeds		LS14 3BL	
4 Moss Syke	Scarcroft	Leeds		LS14 3BL	
1 Moss Syke	Scarcroft	Leeds		LS14 3BL	
17 Moss Syke	Scarcroft	Leeds		LS14 3BL	
9 Moss Syke	Scarcroft	Leeds		LS14 3BL	
8 Moss Syke	Scarcroft	Leeds		LS14 3BL	
14 Moss Syke	Scarcroft	Leeds		LS14 3BL	
13 Moss Syke	Scarcroft	Leeds		LS14 3BL	Letter
12 Moss Syke	Scarcroft	Leeds		LS14 3BL	Postcard
7 Moss Syke	Scarcroft	Leeds		LS14 3BL	Postcard
2 Moss Syke	Scarcroft	Leeds		LS14 3BL	
6 Moss Syke	Scarcroft	Leeds		LS14 3BL	Postcard
15 Moss Syke	Scarcroft	Leeds		LS14 3BL	Postcard
10 Moss Syke	Scarcroft	Leeds		LS14 3BL	Postcard
11 Moss Syke	Scarcroft	Leeds		LS14 3BL	Letter
22 Syke Lane	Scarcroft	Leeds		LS14 3BQ	
26 Syke Lane	Scarcroft	Leeds		LS14 3BQ	
28 Syke Lane	Scarcroft	Leeds		LS14 3BQ	Postcard
30 Syke Lane	Scarcroft	Leeds		LS14 3BQ	
16 Syke Lane	Scarcroft	Leeds		LS14 3BQ	Letter
20 Syke Lane	Scarcroft	Leeds		LS14 3BQ	
Bracken Edge	24 Syke Lane	Scarcroft	Leeds	LS14 3BQ	
Flat, Scarcroft Golf Club	Syke Lane	Scarcroft	Leeds	LS14 3BQ	
5 Syke Green	Scarcroft	Leeds		LS14 3BS	
7 Syke Green	Scarcroft	Leeds		LS14 3BS	
11 Syke Green	Scarcroft	Leeds		LS14 3BS	
1 Syke Green	Scarcroft	Leeds		LS14 3BS	
3 Syke Green	Scarcroft	Leeds		LS14 3BS	
2 Syke Green	Scarcroft	Leeds		LS14 3BS	
4 Syke Green	Scarcroft	Leeds		LS14 3BS	
9 Syke Green	Scarcroft	Leeds		LS14 3BS	

List of proposed properties to be transferred to Scarcroft Parish Council

<u>Key</u>
No comments received
Support received
Objection received

<u>Address 1</u>	<u>Address 2</u>	<u>Address 3</u>	<u>Address 4</u>	<u>Postcode</u>	<u>Type of contact</u>
1 Malthouse Close	Scarcroft	Leeds		LS14 3DS	
2 Malthouse Close	Scarcroft	Leeds		LS14 3DS	Postcard
3 Malthouse Close	Scarcroft	Leeds		LS14 3DS	
The Maltings	4 Malthouse Close	Scarcroft	Leeds	LS14 3DS	Letter
5 Malthouse Close	Scarcroft	Leeds		LS14 3DS	
1 Aspen Drive	Scarcroft	Leeds		LS14 3DT	
2 Aspen Drive	Scarcroft	Leeds		LS14 3DT	
3 Aspen Drive	Scarcroft	Leeds		LS14 3DT	
4 Aspen Drive	Scarcroft	Leeds		LS14 3DT	
5 Aspen Drive	Scarcroft	Leeds		LS14 3DT	
6 Aspen Drive	Scarcroft	Leeds		LS14 3DT	
8 Aspen Drive	Scarcroft	Leeds		LS14 3DT	
9 Aspen Drive	Scarcroft	Leeds		LS14 3DT	
Grasmere House	7 Aspen Drive	Scarcroft	Leeds	LS14 3DT	
11 Bracken Park	Scarcroft	Leeds		LS14 3HZ	
9 Bracken Park	Scarcroft	Leeds		LS14 3HZ	
21 Bracken Park	Scarcroft	Leeds		LS14 3HZ	
23 Bracken Park	Scarcroft	Leeds		LS14 3HZ	
25 Bracken Park	Scarcroft	Leeds		LS14 3HZ	
15 Bracken Park	Scarcroft	Leeds		LS14 3HZ	
7 Bracken Park	Scarcroft	Leeds		LS14 3HZ	
1 Bracken Park	Scarcroft	Leeds		LS14 3HZ	
1A Bracken Park	Scarcroft	Leeds		LS14 3HZ	
5 Bracken Park	Scarcroft	Leeds		LS14 3HZ	
Fox Lair	Bracken Park	Scarcroft	Leeds	LS14 3HZ	
19 Bracken Park	Scarcroft	Leeds		LS14 3HZ	
17 Bracken Park	Scarcroft	Leeds		LS14 3HZ	
Bracken Park Lodge	Syke Lane	Scarcroft	Leeds	LS14 3JA	
Field View House	5 Woodlands Park	Scarcroft	Leeds	LS14 3JU	
1 Woodlands Park	Scarcroft	Leeds		LS14 3JU	
2 Woodlands Park	Scarcroft	Leeds		LS14 3JU	
11 Woodlands Park	Scarcroft	Leeds		LS14 3JU	
3 Woodlands Park	Scarcroft	Leeds		LS14 3JU	Letter
Fairway House	4 Woodlands Park	Scarcroft	Leeds	LS14 3JU	
12 Woodlands Park	Scarcroft	Leeds		LS14 3JU	
10 Woodlands Park	Scarcroft	Leeds		LS14 3JU	
9 Woodlands Park	Scarcroft	Leeds		LS14 3JU	
14 Woodlands Park	Scarcroft	Leeds		LS14 3JU	Letter
8 Woodlands Park	Scarcroft	Leeds		LS14 3JU	

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Appendix B – Summary of final proposals where all parties did not agree



Representation Number	Submitted by	Summary of Detail	EWG Comments (where applicable)
CGR 12 (c)	The Clerk to Morley Town Council	Include polling district MSH into the Morley Town Council area (EWG will be looking for support/objections during 2 nd consultation period in order to make an informed decision on this matter)	The Labour Party abstained from commenting on this proposal. All other parties agreed.

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Appendix C – Final proposals that were agreed as initial proposals and for which no further comments were received during the second consultation phase



Parish/Town Council

Representation Number	Summary of Detail
CGR 1.3	To move the far western boundary of Bramhope & Carlton Parish Council so as to transfer parts of Chevin Park Farm land, including the farm land buildings from Pool Parish
CGR 1.4	Move the north western boundary with Pool Parish south-east from it's current position to run adjacent to Pool Bank, thereby resulting in land transferring from Bramhope & Carlton Parish to Pool Parish
CGR 1.5	Move the boundary between Bramhope Ward and Carlton Ward in a south-west direction to run adjacent to Otley Road
CGR 5	Align the boundary along Street 5 between Wighill Lane and Avenue E. No residential properties are affected.
CGR 6	Representation in support of CGR 1.3 and CGR 1.4
CGR 8	Amendment to the boundary of Horsforth Town Council to take in polling district HOH
CGR 9	Representation in support of CGR 10.3
CGR 10.1	Transfer small area of non-residential land from Boston Spa Parish Council to Wetherby Town Council
CGR 10.3	Adjustment to the boundary with Bramham cum Oglethorpe Parish Council where the existing boundary follows Bramham Beck. Revised boundary to follow Bar Lane.
CGR 11 (c)	Relocate the polling station for polling district MSE to Lewisham Youth Centre

Representation Number	Summary of Detail
CGR 14	Representation in support of CGR 5
CGR 15 (c)	Relocate the polling station for polling district MSE to Lewisham Youth Centre

Wards

Representation Number	Ward	Summary of Detail
BR1	Burmantofts & Richmond Hill	To move the streets Middleton Avenue and Lydgate from polling district BRB into polling district BRL
CH1	City & Hunslet	Relocation of the polling station for polling district CHA from the Museum Discovery Centre to St Peters Parish Church, Kirkgate
CH2	City & Hunslet	Amendment of the boundary for polling districts CHA and CHD
GH1	Gipton & Harehills	Relocation of the polling station for polling district GHB from the Children's Centre to the Dame Fanny Waterman Community Centre directly next door
GR1	Guiseley & Rawdon	Relocate polling station for polling district GRI as it is currently situated in the Otley & Yeadon Ward. All parties agreed to movement with exact location to be agreed between Officers and Guiseley & Rawdon Ward Cllrs.
KI1	Kirkstall	To remove the polling station serving the Kirkstall Brewery Residences polling district (KII) and merge that polling district with KID with all

		electors voting at St Stephens Parish Hall
RL1	Rothwell	To amend the boundary between polling districts RLA and RLB to run along Leeds Road

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Equality, Diversity, Cohesion and Integration Screening



As a public authority we need to ensure that all our strategies, policies, service and functions, both current and proposed have given proper consideration to equality, diversity, cohesion and integration.

A **screening** process can help judge relevance and provides a record of both the **process** and **decision**. Screening should be a short, sharp exercise that determines relevance for all new and revised strategies, policies, services and functions.

Completed at the earliest opportunity it will help to determine:

- the relevance of proposals and decisions to equality, diversity, cohesion and integration.
- whether or not equality, diversity, cohesion and integration is being/has already been considered, and
- whether or not it is necessary to carry out an impact assessment.

Directorate: Resources	Service area: Electoral Services
Lead person: Susanna Benton	Contact number: 24 76727

1. Title: Polling District Review

Is this a:

Strategy / Policy

Service / Function

Other

If other, please specify

2. Please provide a brief description of what you are screening

In accordance with legislation, the Returning Officer must carry out a review of polling districts, polling places and polling stations by the end of 2013.

A polling district is a small electoral area with a clearly defined boundary. A polling place is a building, plot of land or area within a polling district which is designated as the location for polling to take place. A polling station is a room within the designated building, or, for example, a portable building on a designated plot of land.

This review involves public consultation where interested parties can make representations about an electoral area, or polling station. Examples of this could be a proposal to include a newly built housing estate in an existing polling district, which would allow electors easier access to polling.

The review will be held alongside a “Community Governance Review of Parish and Town Council arrangements”. (Please see the equality screening document of the same name.)

3. Relevance to equality, diversity, cohesion and integration

All the council's strategies/policies, services/functions affect service users, employees or the wider community – city wide or more local. These will also have a greater/lesser relevance to equality, diversity, cohesion and integration.

The following questions will help you to identify how relevant your proposals are.

When considering these questions think about age, carers, disability, gender reassignment, race, religion or belief, sex, sexual orientation and any other relevant characteristics (for example socio-economic status, social class, income, unemployment, residential location or family background and education or skills levels).

Questions	Yes	No
Is there an existing or likely differential impact for the different equality characteristics?	✓	
Have there been or likely to be any public concerns about the policy or proposal?	✓	
Could the proposal affect how our services, commissioning or procurement activities are organised, provided, located and by whom?	✓	
Could the proposal affect our workforce or employment practices?		✓
Does the proposal involve or will it have an impact on <ul style="list-style-type: none"> • Eliminating unlawful discrimination, victimisation and harassment • Advancing equality of opportunity • Fostering good relations 	✓	

If you have answered **no** to the questions above please complete **sections 6 and 7**

If you have answered **yes** to any of the above and;

- Believe you have already considered the impact on equality, diversity, cohesion and integration within your proposal please go to **section 4**.
- Are not already considering the impact on equality, diversity, cohesion and integration within your proposal please go to **section 5**.

4. Considering the impact on equality, diversity, cohesion and integration

If you can demonstrate you have considered how your proposals impact on equality, diversity, cohesion and integration you have carried out an impact assessment. Please provide specific details for all three areas below (use the prompts for guidance).

- **How have you considered equality, diversity, cohesion and integration?** (think about the scope of the proposal, who is likely to be affected, equality related information, gaps in information and plans to address, consultation and engagement activities (taken place or planned) with those likely to be affected)

The review will affect all eligible electors in Leeds (all those people registered to vote who are aged 18 or over).

Specifically, the element of the review which relates to equality is the location of polling stations and the accessibility of the premises designated for polling.

The primary considerations for a review of this type are a requirement of electoral law, and are:

- The Council must seek to ensure that all electors have such reasonable facilities for voting as are practicable in the circumstances; and
- The Council must seek to ensure that so far as is reasonable and practicable every polling place is accessible to electors who are disabled

It is also important that we ensure access to the consultation process is available to everyone, and that assistance is provided to those who require it.

The current polling station arrangements have been designated over a number of years, as the result of previous reviews, and local decisions made by consulting the Returning Officer and Ward Councillors.

At each major election, the Returning Officer employs Polling Station Inspectors (PSI's) to visit each polling station. Part of the PSI's duties is to inspect each polling station and provide feedback to the Returning Officer in relation to access for disabled people.

We will also be considering complaints/comments received from electors in relation to their polling station which have been made as a result of elections in 2012.

There are currently 52 polling stations in Leeds which are housed in portable buildings. We will endeavour to relocate these to permanent buildings where possible, with better facilities and access for disabled electors.

We will be publishing a notice of the review which will inform all interested parties of how and when to make representations, and what will happen at each step of the process.

The notice will be published in Council Buildings, on the LCC website, on Talking Point, and will also be supplied to all Councillors, Leeds MPs Parish and Town Council Clerks.

Representations will be accepted via Talking Point, by email, by post or by hand delivery to the Electoral Services Office.

- **Key findings** (think about any potential positive and negative impact on different equality characteristics, potential to promote strong and positive relationships between groups, potential to bring groups/communities into increased contact with each other, perception that the proposal could benefit one group at the expense of another)

We will be taking into account the following key points:

- The comments/feedback from polling station inspectors
- Comments/complaints from electors following the 2012 elections
- The representations submitted at both stages of the consultation process

- **Actions**

(think about how you will promote positive impact and remove/ reduce negative impact)

The information above will inform the review, and assist us in identifying areas of particular concern.

Relocating as many polling stations as possible from portable buildings to suitable permanent premises will also have a positive impact on polling facilities.

The Returning Officer will continue to monitor all polling stations annually through the inspections carried out by PSI's.

5. If you are not already considering the impact on equality, diversity, cohesion and integration you will need to carry out an impact assessment.

Date to scope and plan your impact assessment:	
Date to complete your impact assessment	
Lead person for your impact assessment (Include name and job title)	

6. Governance, ownership and approval

Please state here who has approved the actions and outcomes of the screening

Name	Job title	Date
John Mulcahy	Head of Licensing and Registration	5 February 2013

7. Publishing

This screening document will act as evidence that due regard to equality and diversity has been given. If you are not carrying out an independent impact assessment the screening document will need to be published.

If this screening relates to a **Key Delegated Decision, Executive Board, full Council** or a **Significant Operational Decision** a copy should be emailed to Corporate Governance and will be published along with the relevant report.

A copy of **all other** screening's should be sent to equalityteam@leeds.gov.uk. For record keeping purposes it will be kept on file (but not published).

Date screening completed	29 January 2013
If relates to a Key Decision - date sent to Corporate Governance	
Any other decision – date sent to Equality Team (equalityteam@leeds.gov.uk)	

Equality, Diversity, Cohesion and Integration Screening



As a public authority we need to ensure that all our strategies, policies, service and functions, both current and proposed have given proper consideration to equality, diversity, cohesion and integration.

A **screening** process can help judge relevance and provides a record of both the **process** and **decision**. Screening should be a short, sharp exercise that determines relevance for all new and revised strategies, policies, services and functions.

Completed at the earliest opportunity it will help to determine:

- the relevance of proposals and decisions to equality, diversity, cohesion and integration.
- whether or not equality, diversity, cohesion and integration is being/has already been considered, and
- whether or not it is necessary to carry out an impact assessment.

Directorate: Resources	Service area: Electoral Services
Lead person: Susanna Benton	Contact number: 24 76727

1. Title: Community Governance Review of Parish and Town Council Arrangements		
Is this a:		
<input type="checkbox"/> Strategy / Policy	<input checked="" type="checkbox"/> Service / Function	<input type="checkbox"/> Other
If other, please specify		

2. Please provide a brief description of what you are screening
<p>The Returning Officer must review it's Parish and Town Councils from time to time and has taken the decision to review arrangements in 2013, alongside the statutory Polling District Review (please see the equality screening document of the same name).</p> <p>There are currently 32 Parish and Town Councils in the Leeds City Council area. Many of these Councils are split into electoral wards.</p> <p>The Community Governance Review of arrangements will allow representations to be made by any interested party about matters which include:</p> <ul style="list-style-type: none"> ▪ Increasing/decreasing the number of Parish Councillors ▪ Creating/abolishing a new Parish/Town Council ▪ Amending existing Parish/Town Council boundaries

3. Relevance to equality, diversity, cohesion and integration

All the council's strategies/policies, services/functions affect service users, employees or the wider community – city wide or more local. These will also have a greater/lesser relevance to equality, diversity, cohesion and integration.

The following questions will help you to identify how relevant your proposals are.

When considering these questions think about age, carers, disability, gender reassignment, race, religion or belief, sex, sexual orientation and any other relevant characteristics (for example socio-economic status, social class, income, unemployment, residential location or family background and education or skills levels).

Questions	Yes	No
Is there an existing or likely differential impact for the different equality characteristics?	✓	
Have there been or likely to be any public concerns about the policy or proposal?		✓
Could the proposal affect how our services, commissioning or procurement activities are organised, provided, located and by whom?		✓
Could the proposal affect our workforce or employment practices?		✓
Does the proposal involve or will it have an impact on <ul style="list-style-type: none"> • Eliminating unlawful discrimination, victimisation and harassment • Advancing equality of opportunity • Fostering good relations 		✓

If you have answered **no** to the questions above please complete **sections 6 and 7**

If you have answered **yes** to any of the above and;

- Believe you have already considered the impact on equality, diversity, cohesion and integration within your proposal please go to **section 4**.
- Are not already considering the impact on equality, diversity, cohesion and integration within your proposal please go to **section 5**.

4. Considering the impact on equality, diversity, cohesion and integration

If you can demonstrate you have considered how your proposals impact on equality, diversity, cohesion and integration you have carried out an impact assessment. Please provide specific details for all three areas below (use the prompts for guidance).

- **How have you considered equality, diversity, cohesion and integration?** (think about the scope of the proposal, who is likely to be affected, equality related information, gaps in information and plans to address, consultation and engagement activities (taken place or planned) with those likely to be affected)

Specifically, the area of the Community Governance Review which is equality related is access to the consultation process. It is important that we ensure access is available to everyone, and that assistance is provided to those who require it.

We will be publishing a notice of the Community Governance Review which will inform all interested parties of how and when to make representations, and what will happen at each step of the process.

The notice will be published in Council Buildings, on the LCC website, on Talking Point, and will also be supplied to all Councillors, Leeds MPs Parish and Town Council Clerks.

Representations will be accepted via Talking Point, by email, by post or by hand delivery to the Electoral Services Office.

- **Key findings** (think about any potential positive and negative impact on different equality characteristics, potential to promote strong and positive relationships between groups, potential to bring groups/communities into increased contact with each other, perception that the proposal could benefit one group at the expense of another)

We have considered the best possible ways to allow for consultation and representations to be made to allow all interested parties to have their say. By providing a number of ways of communication and offering assistance where required, we are eliminating the possibility that one group could be at any disadvantage.

- **Actions**
(think about how you will promote positive impact and remove/ reduce negative impact)

Any comments received regarding the consultation process will be considered as part of the review debrief.

5. If you are not already considering the impact on equality, diversity, cohesion and integration you will need to carry out an impact assessment.

Date to scope and plan your impact assessment:	
Date to complete your impact assessment	
Lead person for your impact assessment (Include name and job title)	

6. Governance, ownership and approval

Please state here who has approved the actions and outcomes of the screening

Name	Job title	Date
John Mulcahy	Head of Licensing and Registration	5 February 2013

7. Publishing

This screening document will act as evidence that due regard to equality and diversity has been given. If you are not carrying out an independent impact assessment the screening document will need to be published.

If this screening relates to a **Key Delegated Decision, Executive Board, full Council** or a **Significant Operational Decision** a copy should be emailed to Corporate Governance and will be published along with the relevant report.

A copy of **all other** screening's should be sent to equalityteam@leeds.gov.uk. For record keeping purposes it will be kept on file (but not published).

Date screening completed	29 January 2013
If relates to a Key Decision - date sent to Corporate Governance	
Any other decision – date sent to Equality Team (equalityteam@leeds.gov.uk)	

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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
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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

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Report of Head of Licensing and Registration

Report to General Purposes Committee

Date: 28 October 2013

Subject: Proposed Community Governance Review to degroup Barwick in Elmet and Scholes Parish Councils

Are specific electoral Wards affected?	<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> No
If relevant, name(s) of Ward(s): Harewood Ward (Barwick in Elmet and Scholes Parish Council)		
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?	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No
If relevant, Access to Information Procedure Rule number: Appendix number:		

Summary of main issues

1. The Council received a petition from electors in polling district HAJ, the Scholes Ward of Barwick in Elmet and Scholes Parish Council asking for the degrouping of that Parish Council.
2. The petition has been validated by Electoral Services staff and meets the requirements of the Local Government and Public Involvement in Health Act 2007.
3. Following the receipt of a valid petition the Council is required to consider undertaking a Community Governance Review.
4. This report outlines the options for considering whether to approve a Community Governance Review, and the process involved and timetable for such a Community Governance Review.

Recommendations

5. That the options be considered, and a decision taken as to whether a Community Governance Review should take place.
6. That if the decision is taking to carry out a Community Governance Review, the process and timetable for the review as detailed in the report and attached Terms of Reference be approved.

1 Purpose of this report

- 1.1 To consider whether a Community Governance Review for the degrouping of Barwick in Elmet & Scholes Parish Council be undertaken.
- 1.2 If a decision is taken to undertake a review, to consider the terms of reference, timetable and process for a Community Governance Review following the receipt of a petition from electors in polling district HAJ, the Scholes Ward of Barwick in Elmet & Scholes Parish Council.

2 Background information

- 2.1 The Council received a valid petition from electors in polling district HAJ, the Scholes Ward of Barwick in Elmet & Scholes Parish Council on 20 August 2013. Following the receipt of a petition the Council is required to consider whether or not to undertake a Community Governance Review.
- 2.2 The petition was submitted in accordance with the Local Government and Public Involvement in Health Act 2007.
- 2.3 The area covered by the review has 2,016 local Government electors and as such would need any petition to be signed by at least 250 of those electors in accordance with the Local Government and Public Involvement in Health Act 2007¹. The petition has been signed by 544 local government electors in the area affected by the review.
- 2.4 The petition defines in words the desire to degroup the Parish of Barwick in Elmet and Scholes.
- 2.5 The recommendation within the petition is to create a separate parish defined by the current Scholes Ward of Barwick in Elmet and Scholes Parish Council namely Scholes Parish Council.
- 2.6 This would result in the remaining part of the Barwick in Elmet and Scholes Parish Council being a separate Barwick in Elmet Parish Council, defined by the current Barwick Ward, which has 2,109 electors.
- 2.7 A principal council is under a duty to carry out a community governance review if it receives a valid community governance petition for the whole or part of the council's area. However, the duty to conduct a review does not apply if:
 - (a) the principal council has concluded a community governance review within the last two years which in its opinion covered the whole or a significant part of the area of the petition or
 - b) the council is currently conducting a review of the whole, or a significant part of the area to which the petition relates

¹ Section 80 (3) (c) - If the petition area has between 500 and 2,500 local government electors, the petition must be signed by at least 250 of the electors

2.8 Where a review has been conducted within the last two years the principal council still has the power to undertake another review if it so wishes. Where a review is ongoing, the council can choose to modify the terms of reference of the ongoing review to include the matters within the petition, or to conduct a second review.

2.9 Otherwise, the 2007 Act provides for a Principal Council to conduct a community governance review at any time.

3 Main issues

3.1 The Council opted to carry out a full Community Governance Review of Parish and Town Councils commencing on 18 February 2013.

3.2 This review included the area of Barwick in Elmet and Scholes Parish Council.

3.3 No representations were received during the consultation stages relating to the degrouping of the Parish.

3.4 It is therefore the decision of General Purposes Committee as to whether to carry out the review requested in the petition from the electors in Scholes Ward of Barwick in Elmet and Scholes Parish Council, bearing in mind the options outlined in 2.7 to 2.9 above.

3.5 Should the decision be taken to carry out the review, the review must be carried out in accordance with the Local Government and Public Involvement in Health Act 2007, which states the Council is required to undertake a review within 12 months. In these circumstances, the stages of the review are as follows:-

- Petition validated (the petition has already been validated by Electoral Services)
- Terms of Reference for the Review Agreed (part of the purpose of this report)
- Council consults widely with local people on proposal
- Council takes into account any representations received
- Council makes recommendations whether the degrouping of Barwick in Elmet and Scholes Parish should be implemented
- Council publishes its decision
- Interim governance arrangements agreed and precept set
- Election held

3.6 The first stage of the 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 A to the 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.

- 3.7 When undertaking a Community Governance Review a principal council must have regard to guidance issued by the Secretary of State and the Local Government Boundary Commission for England. The stages outlined above 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.
- 3.8 Involvement of Elections Working Group (EWG) – During previous polling district reviews and community governance reviews, General Purposes Committee has asked EWG to act as a dedicated Working Group for those reviews, 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 is proposed that EWG co-ordinate representations for this Community Governance Review in a similar manner, considering representations made by the public or other stakeholders, and be used as a vessel to discuss any contentious representations submitted. The views of EWG will be presented to General Purposes Committee for their consideration, together with details of representations made as described in 4.1 below and the Committee will then determine the recommendations to be made in respect of the Community Governance Review.

4 Corporate Considerations

4.1 Consultation and Engagement

- 4.1.1 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 reflect the identities and interests of the community in the area and are effective and convenient.

4.2 Equality and Diversity / Cohesion and Integration

- 4.2.1 An equality screening document has 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.

4.3 Council policies and City Priorities

4.3.1 This review does not affect the council’s budget and policy framework, although reviewing local electors’ needs 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.

4.4 Resources and value for money

4.4.1 No additional human resources are required to carry out the review.

4.4.2 There is no budget to carry out Community Governance Reviews so the cost of this review will have to be met from within existing budget. The cost of carrying out this review is estimated at £1,000. This is mainly costs from printing and publishing Notices in local press.

4.5 Legal Implications, Access to Information and Call In

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

“ ...

- (k) Functions relating to community governance²
 - (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.”

4.5.2 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.”

4.5.3 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.

4.5.4 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.

4.5.5 Therefore any community governance review under the existing constitutional provisions can be determined by the Chief Executive, or he has the alternative to

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

refer the matter to General Purposes Committee, who themselves make final recommendations to Full Council.

4.5.6 The Chief Executive has chosen to refer this matter to General Purposes Committee.

4.5.7 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.

4.6 Risk Management

4.6.1 There is always a risk of challenge to the decision. There is no right to appeal as such, 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.

5 Conclusions

5.1 That a validated petition from electors in the area has been received and that the council is bound to consider whether to carry out a Community Governance Review to determine whether the degrouping of Barwick in Elmet and Scholes Parish Council should occur.

6 Recommendations

6.1 That a decision is taken as to whether a Community Governance Review should take place.

6.2 That if the decision is taken to carry out a review, the draft terms of reference and timetable for the Community Governance Review as set out in Appendix A to the report be approved.

7 Background documents³

None Used

³ The background documents listed in this section are available for inspection on request for a period of four years following the date of the relevant meeting. Accordingly this list does not include documents containing exempt or confidential information, or any published works. Requests to inspect any background documents should be submitted to the report author.

**Review of Parishes and Related Matters
Local Government and Public Involvement in Health Act 2007**

Terms of Reference

Introduction

Following the receipt of a petition the Council will undertake a Community Governance Review of Barwick in Elmet and Scholes Parish Council.

The Petition for the Community Governance Review was submitted in accordance with the Local Government and Public Involvement in Health Act 2007 and proposes the degrouping of Barwick in Elmet and Scholes Parish Council.

In undertaking the review, the Council will be guided by Part 4 of the Local Government 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?

The Review is to be undertaken due to the receipt of a valid petition from electors in the area subject to the review. The petition meets the following conditions of Section 80 of the Local Government and Public Involvement in Health Act 2007:

- (3) The petition must be signed as follows:
 - (a) If the petition area has fewer than 500 local government electors, the petition must be signed by at least 50% of the electors.
 - (b) If the petition area has between 500 and 2500 local government electors, the petition must be signed by at least 250 of the electors;
 - (c) If the petition area has more than 2500 local government electors, the petition must be signed by at least 10% of the electors.

- (4) The petition must:
 - (a) define the area to which the review is to relate (whether on a map or otherwise); and
 - (b) specify one or more recommendations which the petitioners wish a community governance review to consider making.

- (5) If the specified recommendations include the constitution of a new parish, the petition must define the area of the new parish (whether on a map or otherwise).
- (6) If the specified recommendations include the alteration of the area of an existing parish, the petition must define the area of the parish as it would be after alterations (whether on a map or otherwise).

The area subject to the review has 2,016 local government electors and as such would need to be signed by at least 250 of those electors. The petition has been signed by 544 local government electors within the petition area.

The petition defines in words the area to which the review is to relate. The degrouping of Barwick in Elmet and Scholes Parish Council would result in the current Scholes Ward (HAJ) becoming a Parish Council in its own right "Scholes Parish Council" and the remaining Barwick Ward (HAF) becoming "Barwick Parish Council".

As the petition was found to be valid the Council will undertake a Review in accordance with Section 83(2) of the Local Government and Public Involvement in Health Act 2007.

A copy of the submissions put forward by local government electors are available for inspection at the address below.

What will the Review consider?

The Review is to consider the degrouping of an existing Parish.

The review must make recommendations as to whether the parish should be degrouped or not. As this proposed parishes as a result of degrouping will each have 1,000 or more local government electors, the review must recommend that the parishes should 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 include the number of councillors to be elected to the parish councils).

In relation to the council's electoral arrangements, the review must consider whether to recommend that the parishes 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 would make a single election of councillors impracticable or inconvenient, and whether it is desirable that any area or areas of the parish should be separately represented on the council. In deciding to recommend that a parish 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, 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 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 parishes. These factors are the number of local

government electors for the parishes, 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 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.

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 Governance within the District

The Council wants to ensure that there is clarity and transparency to the areas that parish 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 and Registration who will report representations received during the review period along with draft and final recommendations. The Council’s General Purposes Committee will determine the recommendations to be made 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 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 or make a representation

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: -

Sue Wolfe
 Deputy Electoral Services Manager
sue.wolfe@leeds.gov.uk
 0113 2243440

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

A timetable for the Review

20 August 2013	Petition Received by Chief Executive
28 October 2013	Report receipt of petition to General Purposes Committee Terms of Reference and Timetable for Review to be approved
29 October 2013	Council to publish Terms of Reference
29 October 2013	Consultation begins with representations invited
3 December 2013	Closing date for representations (five week consultation period)
December 2013	EWG consider representations on proposals and recommend final proposals to General Purposes Committee
January 2014	General Purposes Committee consider recommendations from EWG and agree final recommendations for Full Council
February 2014	Full Council to approve final proposals and Reorganisation of Community Governance Order. Council publishes decision, reasons for decision, and informs persons interested.
February 2014	New parish established if necessary and interim governance arrangements put in place
22 May 2014	Elections to new Parishes

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 latest Register of Electors published on 1 October 2013 shows the following numbers of electors within the area subject to the Review: 2,016 (Scholes Ward) and 2,109 (Barwick Ward) total 4,125.

When the Council comes to consider the electoral arrangements of the parishes 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

The Council recognises that parishes 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 parishes 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 parishes

The Council will endeavour to reflect existing local or historic place-names, and will give a strong presumption in favour of names proposed in the petition 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. 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 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 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 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 councillors, for a newly formed parish, at an earlier date than the next scheduled ordinary elections, the terms of office of any newly elected parish 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 councillors for each parish 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:

- The number of local government electors for the parish;
- 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 parishes 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 parishes 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 parishes;
- 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 and their requirements. Parish 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 area.

Each Parish 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, such as the Clerks wages etc, as well as any local projects.

Date of publication of terms of reference

29 October 2013

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Report of City Solicitor

Report to General Purposes Committee

Date: 28th October 2013

Subject: Functions in relation to the Late Night Levy

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

Summary of main issues

1. The Police Reform and Social Responsibility Act 2011 introduced power for the licensing authority to apply the late night levy requirement to its area.
2. On 1st October 2013 an amendment to the Local Authorities (Functions and Responsibilities) (England) Regulations 2000 specified that powers and functions in relation to the late night levy requirements are Council functions. It is therefore necessary to make provision within the Council's constitution for the way in which these functions will be exercised.
3. This report sets out proposals in relation to the way in which the various decisions surrounding the potential application and consideration of the late night levy should be taken, and the relevant amendments to the Constitution consequential on these recommendations.

Recommendations

4. General Purposes Committee are asked to recommend the proposals set out in this report to Full Council.

1 Purpose of this report

- 1.1 This report sets out proposals to amend the constitution to reflect the designation of functions in relation to the late night levy as Council functions.
- 1.2 General Purposes Committee are invited to recommend the proposed amendments to Council.

2 Background information

- 2.1 The Local Authorities (Functions and Responsibilities) (England) Regulations 2000 as amended set out details of how functions of local authorities should be treated under Executive Arrangements.
- 2.2 Schedule 1 of the Regulations provides details of those functions which may not be carried out by the authority's executive. These are known as council functions.
- 2.3 An amendment to the regulations which came into effect on 1st October 2013 included powers and functions in relation to the late night levy within the functions listed in Schedule 1, making these functions of the licensing authority council functions. This report then is entirely focussed on the decision making and accountability framework relating to the Late Night Levy and does not consider at all any policy decisions relating to it.
- 2.4 Members though will recall that Executive Board considered a report on the Late Night Levy in September 2013. The outcome being that the Scrutiny Board (Resources and Council Services) was asked to consider the matter further and make recommendations. That scrutiny process is still on-going.

3 Main issues

- 3.1 The Police Reform and Social Responsibility Act 2011 sets out in sections 125 to 139, provisions in relation to the application of the late night levy requirement. The provisions enable each Licensing Authority to consider the costs of policing and other arrangements for the reduction or prevention of crime and disorder, in connection with the supply of alcohol between midnight and 6 am, and, having regard to those costs, to apply a late night levy to raise revenue.
- 3.2 The legislation provides for a number of decisions to be made by the Licensing Authority. The amendment to the Functions and Responsibilities Regulations outlined above, provides that these are Council functions. There is no requirement that the functions are dealt with by full Council alone and they can therefore be delegated to a Council Committee or to an officer to exercise on behalf of full Council.
- 3.3 In consultation with the City Solicitor, the Chief Officer (Elections, Licensing and Registration) has considered the various decisions to be made in accordance with the legislation and would recommend that the Council's constitution is amended as follows:-

Decision to be Reserved to Full Council

- 3.4 It is proposed that full Council should reserve responsibility for any decision to:-

- apply or disapply the late night levy in the Leeds area;
- to set the date on which the levy should start if it is decided to apply it;
- to determine what proportion of the net amount of levy payment (subject to the statutory minimum of 70%) should be paid to the relevant policing authority.

3.5 It is recommended that the Functions of Full Council – Part 3 Section 2A of the Constitution, should be amended as set out at Appendix A to this report in order to reserve these decisions to full Council.

Decisions to be delegated to Licensing Committee and to the Assistant Chief Executive (Citizens and Communities)

3.6 The Act provides that the Licensing Authority shall determine the ‘late night supply period’ which will apply to the late night levy in its area.

3.7 Similarly the Act provides that the Licensing Authority may apply exemptions and reductions in the late night levy to such permitted categories of business as it shall determine in accordance with the regulations.

3.8 Both Licensing Committee and the Assistant Chief Executive have expertise and experience in relation to the impact of the supply of alcohol during the hours of midnight and 6 am and in relation to the businesses which would attract the late night levy necessary to:-

- set the late night supply period;
- determine which categories of business, if any, should benefit from a permitted exemption to the levy; and
- determine which categories of business, if any, should benefit from a permitted reduction in the levy.

3.9 It is proposed that the remaining functions in relation to the late night levy should be delegated concurrently to the Licensing Committee and the Assistant Chief Executive (Citizens and Communities). This proposal is reflected in the draft Terms of Reference of Licensing Committee - Part 3 Section 2B of the Constitution, as set out at Appendix B to this report and the Officer Delegation Scheme – Council Functions Assistant Chief Executive (Citizens and Communities) – Part 3 Section 2C of the Constitution, as set out at Appendix C to this report.

4 Corporate Considerations

4.1 Consultation and Engagement

4.1.1 the Chief Officer (Elections, Licensing and Registration) has advised the Chair of Licensing of the new legal framework and how the requirements might be reflected in the Leeds City Council Constitution. The Chair is content with the recommendations set out in this report.

4.1.2 The Leader has also been advised and is content as to the recommendations set out in this report.

4.2 Equality and Diversity / Cohesion and Integration

4.2.1 There are no implications for this report.

4.3 Council policies and City Priorities

4.3.1 The Council's Constitution reflects the practice and procedure adopted by the Council in relation to the delegation of functions and the way in which decisions are made. The proposed amendments to the Constitution reflect the Council's value of being open, honest and trusted.

4.4 Resources and value for money

4.4.1 The proposed delegations from Council to Licensing Committee and to the Assistant Chief Executive (Citizens and Communities) ensure that appropriate decisions are taken in the appropriate manner, making best use of the Council's resources in this regard.

4.5 Legal Implications, Access to Information and Call In

4.5.1 The amendment to the Functions and Responsibilities Regulations requires an amendment to the Council's constitution to reflect that functions in relation to the late night levy have now been included in the list of Council functions.

4.6 Risk Management

4.6.1 There are no implications for this report.

5 Conclusions

5.1 The amendment to the Functions and Responsibilities Regulations requires an amendment to the Council's constitution to reflect that functions in relation to the late night levy have now been included in the list of Council functions.

6 Recommendations

6.1 General Purposes Committee are requested to recommend the proposed amendments to the Constitution, as set out at Appendices A, B and C to this report to Council.

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.

FUNCTIONS OF THE FULL COUNCIL

<u>Council (non-executive) functions¹</u>	<u>Related appointments of Officers by full Council</u>
<p>Members' allowances²</p> <p>To make, amend, revoke or replace a Members' allowances scheme.</p> <p>To determine the amount of allowance payable for:</p> <ul style="list-style-type: none"> • Chairman's expenses • Vice-Chairman's expenses • financial loss allowance • allowances for attending conferences and meetings <p>To determine the rates at which payments are to be made for travelling and subsistence allowances.</p> <p>To determine the amount of any allowance payable under the Members' allowances scheme or the rates at which payments are to be made.</p>	
<p>Electoral Arrangements</p> <p>To make a request for review of single-member electoral areas, under Section 57 Local Democracy, Economic Development and Construction Act 2009</p> <p>To change a scheme for elections under section 32(1) or 39(1)³ of the Local Government and Public Involvement in Health Act 2007.⁴</p> <p>To pass a resolution to change the name of an electoral area⁵ under Section 59(1) of the 2007 Act</p>	

¹ In accordance with the Local Authorities (Functions and Responsibilities) (England) Regulations 2000, as amended (the 2000 Regulations).

² Regulation 2(5) & (6) of the 2000 Regulations

³ Where a council has whole council elections

⁴ Regulation 2(6B) of the 2000 Regulations

⁵ Schedule 1, Para D item 22 of the 2000 Regulations. Functions relating to consultation and notification processes under Section 59 have been delegated to the Chief Executive.

Responsibilities for Council (non-executive) Functions

<u>Council (non-executive) functions¹</u>	<u>Related appointments of Officers by full Council</u>
<p>Governance arrangements⁶</p> <p>To resolve to:</p> <ul style="list-style-type: none"> • operate a different form of governance⁷; or • vary executive arrangements so that they provide for a different form of executive⁸; or • otherwise vary executive arrangements⁹. <p>To elect a Leader.¹⁰</p> <p>To pass a resolution to remove the executive leader¹¹.</p>	
<p>Community governance reviews</p> <p>To make an order giving effect to recommendations made in a community governance review under Section 86 of the 2007 Act¹².</p>	
<p>Arrangements for the discharge of functions/appointments of committees¹³</p> <p>Subject to any provisions of regulations under section 9EB Local Government Act 2000,</p> <ul style="list-style-type: none"> (a) to make arrangements for the discharge of functions by a committee or officer under section 101(5) of the 1972 Act; and (b) to make appointments under section 102 (appointment of committees) of the 1972 Act. 	
<p>Functions to be discharged by the authority, by virtue of other enactments¹⁴</p> <p>To discharge any function which by virtue of any enactment passed or made before the making of the Local Authorities (Functions and Responsibilities)</p>	

⁶ Section 9R(6) of the Local Government Act 2000 (the 2000 Act) provides that Section 101 of the Local Government Act 1972 does not apply to the passing of any resolution under Part 1A of the 2000 Act. Further Section 9R(7) provides that functions under Part 1A are required to be Council Functions

⁷ Under Section 9K Local Government Act 2000

⁸ Under Section 9KA of the 2000 Act

⁹ Under Section 9KB of the 2000 Act,.

¹⁰ Under section 9C(3)(a). This cannot be delegated by virtue of Section 9C(6) of the 2000 Act

¹¹ In accordance with Section 9IC of the 2000 Act

¹² Regulation 2(6E) of the 2000 Regulations

¹³ Regulation 2(8) of the 2000 Regulations

¹⁴ Regulation 2(11) of the 2000 Regulations

Responsibilities for Council (non-executive) Functions

<u>Council (non-executive) functions¹</u>	<u>Related appointments of Officers by full Council</u>
(England) Regulations 2000, may be discharged only by an authority.	
<p>Formulating plans and strategies¹⁵</p> <p>In connection with the discharge of the function:</p> <p>(a) of formulating or preparing a plan or strategy of a specified description¹⁶;</p> <p>(b) of formulating a plan or strategy for the control of the authority's borrowing, investments or capital expenditure or for determining the authority's minimum revenue provision; or</p> <p>(c) of formulating or preparing any other plan or strategy whose adoption or approval is a matter for determination by the authority¹⁷</p> <p>to the extent of the following actions:</p> <p>(a) to give instructions requiring the Executive to reconsider any draft plan or strategy submitted by the Executive for the authority's consideration;</p> <p>(b) to amend any draft plan or strategy submitted by the Executive for the authority's consideration;</p> <p>(c) to approve, for the purposes of public consultation in accordance with Regulation 10 or 22 of the Town & Country Planning (Development Plans) (England) Regulations 1999, draft proposals associated with the preparation of alterations to or the replacement of a development plan;</p> <p>(d) to approve for the purpose of its submission to the Secretary of State or any Minister of the Crown for is approval any plan or strategy (whether or not in the form of a draft) of which any part is required to be so submitted;</p> <p>(e) the approval, for the purpose of its submission to the Secretary of State for independent examination under</p>	

¹⁵ Regulation 4(1),(2) and (3) of the 2000 Regulations

¹⁶ Specified in column (1) of Schedule 3 to the 2000 Regulations

¹⁷ By virtue of Regulation 5(1) of the 2000 Regulations

Responsibilities for Council (non-executive) Functions

<u>Council (non-executive) functions¹</u>	<u>Related appointments of Officers by full Council</u>
<p>section 20 of the Planning and Compulsory Purchase Act 2004, of a development plan document; and</p> <p>(f) to adopt (with or without modification) the plan or strategy.</p>	
<p>Budget and Policy framework¹⁸</p> <p>To amend, modify, revise, vary, withdraw or revoke any plan or strategy detailed in the policy framework at Article 4 of this Constitution, or for the control of the authority's borrowing, investments or capital expenditure, save where such amendment, modification, revision , variation, withdrawal or revocation:</p> <p>(i) is required for giving effect to requirements of the Secretary of State or a Minister of the Crown in relation to a plan or strategy submitted for his approval, or to any part so submitted;</p> <p>(ii) is recommended by the person carrying out, under section 20 of the Planning and Compulsory Purchase Act 2004, an independent examination of a development plan document; or</p> <p>(iii) is authorised by a determination made by the authority when approving or adopting the plan or strategy as the case may be.</p>	

¹⁸ Regulation 4(4) of the 2000 Regulations

Responsibilities for Council (non-executive) Functions

<u>Council (non-executive) functions¹</u>	<u>Related appointments of Officers by full Council</u>
<p>Joint local development documents¹⁹</p> <p>To make an agreement to prepare one or more joint development plan documents, in connection with the discharge of functions under Section 28 of the Planning and Compulsory Purchase Act 2004;</p> <p>Except to the extent of the function above, any function under section 28 Planning and Compulsory Purchase Act 2004 is to be a function of the Executive²⁰</p>	
<p>Applications for disposals of land²¹</p> <ul style="list-style-type: none"> • To authorise the making of an application for consent to that disposal under Section 32 (power to dispose of land held for the purposes of Part II) or Section 43 (consent required for certain disposals not within Section 32) of the Housing Act 1985 <p>(The function of making the application is the responsibility of the Executive)</p>	
<p>Financial calculations and precepts²²</p> <p>To make calculations in accordance with Sections 31A - 36, of the Local Government Finance Act 1992, whether originally or by way of substitute, save to the extent of:</p> <ul style="list-style-type: none"> (a) the preparation for submission to the authority for their consideration of estimates of the amounts to be aggregated in making the calculation or other amounts to be used for the purposes of the calculation and estimates of the calculation; or (b) the reconsideration of those estimates and amounts in accordance with the authority's requirements; (c) the submission for the authority's consideration of revised estimates and amounts. <p>(which functions shall be the responsibility of the</p>	

¹⁹ Regulation 4(4A) and 4(4C) of the 2000 Regulations

²⁰ Regulation 4(4B) of the 2000 Regulations

²¹ Regulation 4(5), 4(6) and 4(7) of the 2000 Regulations

²² Regulation 4(9),4(10) & 4(11) of the 2000 Regulations

Responsibilities for Council (non-executive) Functions

<u>Council (non-executive) functions¹</u>	<u>Related appointments of Officers by full Council</u>
Executive)	
<p>Deregulation authorisations/revocations²³</p> <p>To authorise a person to exercise a function pursuant to an Order under Section 70 of the Deregulation and Contracting Out Act 1994, where the Section 70 function is not the responsibility of the Executive; and</p> <p>To revoke any such authorisation.</p>	
<p>Adoption of plans and strategies²⁴</p> <p>To adopt or approve a plan or strategy (whether statutory or non-statutory) other than a plan or strategy</p> <ul style="list-style-type: none"> • for the control of the authority’s borrowing, investments or capital expenditure; or • of a description referred to in Schedule 3 of the 2000 Regulations <p>where the Council determines that the decision whether the plan or strategy should be adopted or approved should be taken by them.</p>	
<p>Determinations about matters concerned with budget/borrowing/capital expenditure contrary to the Budget and Policy Framework etc.²⁵</p> <p>To determine any matter in the discharge of a function which is</p> <ul style="list-style-type: none"> • the responsibility of the Executive; and • is concerned with the authority’s budget, or their borrowing or capital expenditure, <p>where the individual or body by whom, by virtue of any of section 9E of the Local Government Act 2000 or provision made under section 9EB of that Act, the determination is to be made,</p> <p style="padding-left: 40px;">(a) is minded to determine the matter contrary to, or not entirely in accordance with</p> <p style="padding-left: 80px;">(i) the authority’s budget; or</p>	

²³ Regulation 4(12) & 4(13) of the 2000 Regulations

²⁴ Regulation 5(1) of the 2000 Regulations

²⁵ Regulation 5(1) of the 2000 Regulations

Responsibilities for Council (non-executive) Functions

<u>Council (non-executive) functions¹</u>	<u>Related appointments of Officers by full Council</u>
<p>(ii) the plan or strategy for the time being approved or adopted by the authority in relation to their borrowing or capital expenditure; and</p> <p>(b) is not authorised by the authority’s executive arrangements, financial regulations, standing orders or other rules or procedures to make a determination in those terms.</p>	
<p>The Determination of matters which are the responsibility of the Executive etc.²⁶</p> <p>The determination of any matter in the discharge of a function-</p> <p>(a) which is the responsibility of the Executive; and</p> <p>(b) in relation to which a plan or strategy (whether statutory or non-statutory) has been adopted or approved by the authority,</p> <p>where the individual or body by whom, by virtue of section 9E of the Local Government Act 2000 or provision made under section 9EB of that Act, the determination is to be made, is minded to determine the matter in terms contrary to the plan or, as the case may be, the strategy adopted or approved by the authority; <u>except</u> in relation to the discharge of a function where:</p> <p>(a) the circumstances which render necessary the making of the determination may reasonably be regarded as urgent; and</p> <p>(b) the individual or body by whom the determination is to be made has obtained from the Chair of a relevant Scrutiny Board, or if there is no such person, or if the Chair of every relevant Scrutiny Board is unable to act, from the Chair of the authority, or in their absence, from the vice-chair, a statement in writing that the determination needs to be made as a matter of urgency.</p>	

²⁶ Regulation 5(1) and (2) of the 2000 Regulations

Responsibilities for Council (non-executive) Functions

<u>Council (non-executive) functions¹</u>	<u>Related appointments of Officers by full Council</u>
<p><u>Functions relating to licensing of a licensing authority²⁷</u></p> <p>To discharge functions relating to</p> <ul style="list-style-type: none"> • the statement of licensing policy;²⁸ • the passing of a resolution not to issue a casino premises licence²⁹; • <u>the decision to apply the late night levy requirement and the date on which the requirement is first to apply³⁰;</u> • <u>the proportion of the net amount of levy payments to be paid to the relevant local policing body³¹;</u> • <u>the decision to cease to apply the late night levy requirement³²;</u> • establishing a licensing committee;³³ and • the exercise and delegation of functions;³⁴ 	
<p>To appoint an electoral registration officer³⁵</p>	<p>The Chief Executive is appointed as Electoral Registration Officer</p> <p>The Head of Licensing and Registration and City Solicitor are appointed as deputy Electoral Registration Officers.</p>
<p>To appoint returning officer for local government elections³⁶</p>	<p>The Chief Executive is appointed as the Returning Officer</p>

²⁷ Item 14A of Para. B of Schedule 1 of the 2000 Regulations

²⁸ Section 5 of the Licensing Act 2003 and Section 349 of the Gambling Act 2005

²⁹ Item 14B of Para B of Schedule 1 of the 2000 Regulations

³⁰ [Sections 125 and 132\(1\)\(a\) Police Reform and Social Responsibility Act 2011](#)

³¹ [Section 132\(1\)\(b\)\(iv\) or Section 133\(1\)\(d\) Police Reform and Social Responsibility Act 2011](#)

³² [Section 133\(1\)\(a\) Police Reform and Social Responsibility Act 2011](#)

³³ Section 6 of the Licensing Act 2003

³⁴ Section 7(3),(4),(5),(7) and (9) of the Licensing Act 2003

³⁵ Item 1 of Para. D of Schedule 1 of the 2000 Regulations

³⁶ Item 6 of Para. D of Schedule 1 of the 2000 Regulations

Responsibilities for Council (non-executive) Functions

<u>Council (non-executive) functions¹</u>	<u>Related appointments of Officers by full Council</u>
Schemes of elections To consult on change of scheme for elections ³⁷ Duties relating to publicity ³⁸ Duties relating to notice to Electoral Commission ³⁹ To alter years of ordinary elections of parish councillors ⁴⁰	
To change the name of the district or parish⁴¹	
To confer title of honorary alderman / honorary alderwoman or to admit to be an honorary freeman / honorary freewoman of the district⁴²	
To make, amend, revoke or re- enact byelaws⁴³	
To promote or oppose local Bills in Parliament⁴⁴	
To make arrangements for proper administration of financial affairs etc⁴⁵	Director of Resources is appointed as Section 151 Officer
To appoint officers for particular purposes (appointment of proper officers)⁴⁶	Each Director is appointed as the Proper Officer for matters within his/her remit. The Chief Executive is appointed as the Proper Officer for the purpose of any other matter.
To designate an officer as the head of the authority's paid service, and to provide staff etc⁴⁷	The Chief Executive is appointed as Head of Paid Service
To designate an officer as the Monitoring Officer, and to provide staff etc⁴⁸	The City Solicitor is appointed as the Monitoring Officer

³⁷ Sections 33(2), 38 (2) and 40(2) of the Local Government and Public Involvement in Health Act 2007

³⁸ Sections 35, 41 and 52 of the Local Government and Public Involvement in Health Act 2007

³⁹ Sections 36 and 42 of the Local Government and Public Involvement in Health Act 2007

⁴⁰ Section 53 of the Local Government and Public Involvement in Health Act 2007

⁴¹ Items 1 and 2 of Para E of Schedule 1 of the 2000 Regulations

⁴² Item 3 of Para E of Schedule 1 of the 2000 Regulations

⁴³ Para F of Schedule 1 of the 2000 Regulations

⁴⁴ Para G of Schedule 1 of the 2000 Regulations

⁴⁵ Item 39 of Para. I of Schedule 1 of the 2000 Regulations

⁴⁶ Item 40 of Para. I of Schedule 1 of the 2000 Regulations

⁴⁷ Item 43 of Para I of Schedule 1 of the 2000 Regulations

⁴⁸ Item 44 of Para I of Schedule 1 of the 2000 Regulations

Responsibilities for Council (non-executive) Functions

<u>Council (non-executive) functions¹</u>	<u>Related appointments of Officers by full Council</u>
Duty to provide staff, etc to person nominated by Monitoring Officer⁴⁹	
Powers relating to overview and scrutiny committees (voting rights of co-opted members)⁵⁰	
To act as Appointing Body⁵¹ for the purposes of making appointments to: <ul style="list-style-type: none"> • West Yorkshire Joint Services Committee • West Yorkshire Police and Crime Panel • West Yorkshire Fire and Rescue Authority • West Yorkshire Integrated Transport Authority • West Yorkshire Debt Management Joint Advisory Group • West Yorkshire Pension Fund Investment Panel 	
To approve a pay policy statement⁵²	
To adopt, revise or replace a Members' Code of Conduct⁵³	

⁴⁹ Item 44A of Para I of Schedule 1 of the 2000 Regulations

⁵⁰ Item 44B of Para I of Schedule 1 of the 2000 Regulations

⁵¹ Other appointments have been delegated to Member Management Committee and Area Committees

⁵² Sections 38 and 39 Localism Act 2011

⁵³ Section 28 Localism Act 2011

The Licensing Committee

With the exception¹ of

- any [licensing function of the licensing authority](#) under the Licensing Act 2003 (the 2003 Act), ~~or the Gambling Act 2005 (the 2005 Act), or the Police Reform and Social Responsibility Act 2011 (the 2011 Act)~~ reserved to full Council;² or
- any licensing function where full Council has referred a matter to another committee,³

the Licensing Committee is authorised to discharge⁴ the following functions⁵:

1. to discharge the licensing functions of the licensing authority;⁶
- 2.1 to discharge any other function of the authority referred to it by full Council;⁷
- 2.2 pursuant to the provision in section 2.1 above full Council has delegated to the Licensing Committee the following functions:
 - 2.2.1 the power to make a designated public places order in respect of alcohol consumption under the Criminal Justice and Police Act 2001⁸
 - 2.2.2 hackney carriages and private hire vehicles⁹
 - 2.2.3 sexual entertainment venues, sex shops and sex cinemas¹⁰
 - 2.2.4 performances of hypnotism¹¹
 - 2.2.5 charitable collections¹²
 - [2.2.6 the late night levy](#)¹³

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

² Part 3, Section 2A of the Constitution sets out ~~licensing functions of the licensing authority~~ reserved to full Council, as licensing authority under the 2003 Act, ~~and under the 2005 Act or 2011 Act~~.

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

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

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

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

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

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

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

¹⁰ Item 15 of Para. B of Schedule 1 to the 2000 Regulations and Section 27 Policing and Crime Act 2009 and Schedule 3 Local Government (Miscellaneous Provisions) Act 1982

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

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

¹³ [In accordance with Chapter 2 of Part 2 of the 2011 Act including decisions in relation to the late night supply period, permitted exemption categories and permitted reduction categories in accordance with Sections 132 and 133 of that Act.](#)

Council Committees' Terms of Reference

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

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

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

Assistant Chief Executive (Citizens and Communities)

Subject to the exceptions listed below, the Assistant Chief Executive (Citizens and Communities)¹ is authorised to discharge the following Council (non-executive) functions:

Regulatory Functions

(a)	*To license scrap yards	Section 1 of the Scrap Metal Dealers Act 1964
(b)	*To approve premises for the solemnisation of marriages	Section 46A of the Marriage Act 1949 and the Marriages (Approved Premises) Regulations 1995(SI 1995/510)
(c)	To register motor salvage operators	Part I of the Vehicles (Crime) Act 2001

Exceptions²

The Assistant Chief Executive is not authorised to discharge those functions marked * above where objections have been received.

Functions of the Licensing Authority delegated by Full Council

Subject to the exceptions listed below, the Assistant Chief Executive (Citizens and Communities) is authorised to discharge the functions of the licensing authority as set out below:-

<u>Functions of the Licensing Authority.</u>	<u>Chapter 2 of Part 2 of the Police Reform and Social Responsibility Act 2011.</u>
--	---

Exceptions:

- any function of the Licensing Authority reserved to full Council³; and

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

² Under this delegation scheme (Council functions). The General Purposes Committee may however arrange for the discharge of any of its functions by the Assistant Chief Executive - (Section 101(2) Local Government Act 1972.

³ Part 3, Section 2A of the Constitution sets out licensing functions reserved to full Council, as licensing authority under the 2011 Act.

Licensing Functions of the Licensing Authority delegated by Licensing Committee

Subject to the exceptions listed below, the Assistant Chief Executive (Citizens and Communities) is authorised to discharge the licensing functions⁴ of the licensing authority as set out below:-

Functions of the Licensing Authority.	Licensing Act 2003 and the Gambling Act 2005.
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Exceptions:

- any licensing function of the Licensing Authority⁵ reserved to full Council⁶; and
- any licensing function of the Licensing Authority where full Council has referred a matter to a committee other than the Licensing Committee⁷; and
- any licensing function of the Licensing Authority within the terms of reference of the Licensing Sub-committees⁸; and
- to object when the Authority is consultee and not the relevant authority considering an application under the 2003 Act

Functions related to the Licensing Functions delegated by Licensing Committee⁹

Subject to the exceptions listed below, the Assistant Chief Executive (Citizens and Communities) is authorised to discharge the functions set out in the following table that are delegated to the Assistant Chief Executive (Citizens and Communities) by Licensing Committee

(a)	To license hackney carriages and private hire vehicles	(a) As to hackney carriages, the Town Police Clauses Act 1847 as extended by section 171 of the Public Health Act 1875 and section 15 of the Transport Act 1985 and sections 47, 57, 58, 60 and 79 of the Local Government (Miscellaneous Provisions) Act 1976 (b) As to private hire vehicles, sections 48, 57, 58, 60 and 79 of the Local Government (Miscellaneous Provisions) Act 1976
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⁴ "Licensing functions" means functions under the 2003 Act and the 2005 Act.

⁵ "Licensing functions" means functions under the 2003 Act and the 2005 Act.

⁶ Part 3, Section 2A of the Constitution sets out licensing functions reserved to full Council, as licensing authority under the 2003 Act.

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

⁸ Except where a Licensing sub-committee has arranged for the discharge of any of their functions by an Officer.

⁹ These functions were delegated to the Licensing Committee by full Council on 14 July 2010.

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

(b)	To license drivers of hackney carriages and private hire vehicles	Section 51, 53, 54, 59, 61 and 79 of the Local Government (Miscellaneous Provisions) Act 1976
(c)	To license operators of hackney carriages and private hire vehicles	Sections 55 to 58, 62 and 79 of the Local Government (Miscellaneous Provisions) Act 1976
(d)	** To licence sex shops and sex cinemas and sexual entertainment venues.	The Local Government (Miscellaneous Provisions) Act 1982, Section 2, Schedule 3, the Policing and Crime Act 2009, Section 27.
(e)	To license performances of hypnotism.	The Hypnotism Act 1952
(f)	*** To license persons to collect for charitable and other causes	Section 5 of the Police, Factories etc (Miscellaneous Provisions) Act 1916 and section 2 of the House to House Collections Act 1939

Exceptions

The Assistant Chief Executive (Citizens and Communities) is not authorised to discharge those functions marked ** above where the application is for the grant, renewal or transfer of a licence irrespective of whether objections have been received

The Assistant Chief Executive (Citizens and Communities) is not authorised to discharge those functions marked *** above where objections have been received.

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Report author: Andy Hodson

Tel: 0113 2243208

Report of City Solicitor

Report to General Purposes Committee

Date: 28th October 2013

Subject: Facilities to be made available for reporting on council committee meetings

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

Summary of main issues

In June 2013 DCLG published 'Your council's cabinet – going to its meetings, seeing how it works – A guide for local people'. DCLG see the guide as a tool to help the public know when they can attend meetings of a council's executive and what documents and information are available to them and in this respect is a practical guide to the revised Executive Arrangements Regulations made in August 2012.

The new guide for local people has raised expectations concerning the recording of council meetings – the presumption from Government being that requests to record will be looked at positively by Councils. As a result of the new guide a number of requests have been made to record committee meetings – each of which have been put to the meeting concerned for determination. Some of those requests have been granted whilst others have not been supported. Members have asked that a protocol be prepared to:

- Outline the framework within which requests to record can be made and then determined;
- Set out the range of facilities made available by the Council to those wishing to report on the council's committees, boards and panels.

Recommendations

General Purposes Committee is asked to consider and approve the draft protocol attached at Appendix A and ask for a further report, on the experiences of the practical application of the arrangements, in May 2014.

1 Purpose of this report

1.1 The purpose of this report is to;

- Outline the framework within which requests to record can be made and then determined;
- Set out the range of facilities made available by the Council to those wishing to report on the council's committees, boards and panels.

2 Background information

2.1 In June 2013 DCLG published 'Your council's cabinet – going to its meetings, seeing how it works – A guide for local people'. DCLG see the guide, as a tool to help the public know when they can attend meetings of a council's executive and what documents and information are available to them and in this respect is a practical guide to the revised Executive Arrangements Regulations made in August 2012.

2.2 In all respects Leeds complies with the 2012 Regulations. However, in two respects, the guide for local people has extended the public's reasonable expectations relating to meetings; particularly concerning the recording of council meetings.

2.3 Firstly the presumption from Government being that requests to record will be looked at positively by Councils. Whilst the guide is specifically in relation to meetings of a council's cabinet – aspects of the guide refer more generically to 'council meetings' or 'meetings that are open to the public'.

2.4 The second aspect is what appears to be DCLGs extended interpretation of Regulation 4 (6) of the 2012 Regulations. This Regulations states that while the meeting is open to the public, any person attending the meeting for the purposes of reporting, is so far as is practicable, to be afforded reasonable facilities for taking their report. DCLG has identified one aspect, relating to filming meetings, which is significant, and warrants further consideration. In DCLGs view :

"Council meetings are public meetings and as such Elected representatives and council officers acting in the public sphere should expect to be held to account for their comments and votes in such meetings. The rules require councils to provide reasonable facilities for any member of the public to report on meetings. Councils should thus allow filming of councillors and officers at meetings that are open to the public"

2.5 DCLG are NOT suggesting that Councils satisfy this requirement by themselves providing webcasts of all meetings, rather the suggestion is that, facilities are made available for citizens to film for themselves. DCLG acknowledge that:

"Councils may reasonably ask for the filming to be undertaken in such a way that it is not disruptive or distracting to the good order and conduct of the meeting"

"As a courtesy, attendees should be informed at the start of the meeting that it is being filmed"

2.6 And DCLG recommend that:

“those wanting to film liaise with council staff before the start of the meeting”

“Council should consider adopting a policy for members of the public speaking at a meeting, such as allowing those who actively object to be being filmed to be not filmed, without undermining the broader transparency of the meeting”

3 Main issues

3.1 Since the DCLG guide has been published a number of requests to audio record have been made to council committees, and one to video record. Each of these requests has been put to the committee meeting in question for consideration and determination.

3.2 Not all requests to record have been granted. A significant concern expressed by members has been that little assurance has been provided that recordings would not be used out of context or edited in such a way as to not represent an accurate record of proceedings – particularly in circumstances where decisions might be more prone to appeal, judicial review or public inquiry. Members have commented that the guidance issued by DCLG has not sufficiently explored these issues (indeed the guidance has only been issued in relation to meetings of the Executive) and, until further detailed consideration has been given to them by DCLG, there should be no permissions granted to record regulatory committee meetings.

3.3 Other observations made have been as follows;

- Allowing recording of executive meetings is compatible with the council’s value of being open, honest and trusted and should be seen positively and as a logical extension to existing webcasting facilities; helping to demystify council processes.
- Video recording of officers who undertake enforcement activities (e.g. those who might appear at licensing or planning meetings) might undermine those activities.
- Audio recordings of meetings may present less of a problem/concern.
- Where a permission to record is granted those attending the meeting after the permission is granted should be made aware that proceedings are being recorded.
- The council has a duty of care to employees, where an officer objects to being video recorded then that officer should not be recorded.
- Where committees have facilities for members of the public to speak (particularly meetings of Planning and Licensing), members of the public might not reasonably expect, or feel comfortable with their comments being recorded by a third party.
- Where committee proceedings go into exempt session, all personal items of those excluded from a meeting need to be removed to reduce the risk of clandestine recording.

- Concerns surrounding the intellectual property of video recordings and the persons featured in that recording and the ability of the council to regularise use when taken by a third party.
- Recording (particularly video recordings) may be distracting or otherwise disruptive to the proceedings of the committee.
- Members/others speaking at committees may feel inhibited from speaking at meetings if those meetings are being recorded.
- Further training opportunities need to be considered for members.
- Arrangements should be trialled for a period of 6 months, with a further report, on the practical application of the protocol, presented to Members for further consideration.

3.4 Given the views expressed, the attached protocol (at appendix A) does not provide for a blanket permission to record all council meetings. It does though set out the facilities available for those wishing to report on the proceedings of the Council's Committees Boards and panels.

3.5 In respect to third party recording of meetings, the protocol sets out that requests made to Executive Board to audio record meetings will be routinely granted, but that requests to film meetings be not granted as there is the inherent likelihood, due to the restrictions of room layout and public accessibility to the meeting, of filming being disruptive or distracting to the meeting.

3.6 In addition, it is proposed to utilise existing audio recording facilities in committee room 6/7 to record meetings of the Executive Board. This will enable the authority to retain a record of proceedings for future purposes (as might be necessary).

3.7 At this time the protocol does not extend in principle permission to permit the recording of regulatory committees such as Planning and Licensing for the reasons set out in paragraph 3.2. It is proposed that these concerns be brought to the attention of DCLG and, until such time as a response is received, future requests to record be not granted.

4 Corporate Considerations

4.1 Consultation and Engagement

- Consultation on the draft protocol has taken place with the Leader of Council, the Executive Member with responsibility for Democratic Services, Leaders and whips of political groups and the chairs of committees.
- As officers are affected, particularly those who present or advise committees, the Trade Unions have also been consulted on the proposals.
- The Chief Executive, City Solicitor and Chief HR Officer have also been consulted and are content with the proposals set out.
- The views collated during the consultation are summarised in section three of this report. At the time of writing this report the views were still being collated; where further comments are received these will be presented verbally at General Purposes Committee.

4.2 Equality and Diversity / Cohesion and Integration

- There are no specific equality and diversity or cohesion and integration issues arising from this report.

4.3 Council policies and City Priorities

- There are no specific implications for council policies or city priorities.

4.4 Resources and value for money

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

4.5 Legal Implications, Access to Information and Call In

- DCLG's publication 'Your council's cabinet – going to its meetings, seeing how it works – A guide for local people' is a guide to citizens; it is not statutory guidance that Local Authorities are required to comply with, although, rightly, the authority should consider the implications of it.
- The Executive Board must operate in accordance with different regulations, these being the Local Authority (Executive Arrangements) (Meetings and Access to Information) (England). These regulations have slightly different requirements for the facilities that local authorities must make available and it is in relation to these Regulations that DCLG issued their guide to local people. Of particular relevance is Regulation 4(6) which states that;

'while the meeting is open to the public, any person attending the meeting for the purpose of reporting the proceedings is, so far as is practicable, to be afforded reasonable facilities for taking their report'.

4.6 Risk Management

- The DCLG publication is not statutory guidance to the local authority although it is reasonable that the council have regard to it. The publication is specifically related to meetings of councils' executives and the attached protocol deals specifically with these meetings at Leeds City Council and the Regulations governing those meetings.

5 Recommendations

5.1 General Purposes Committee is asked to consider and approve the draft protocol attached at Appendix A and ask for a further report, on the experiences of the practical application of the arrangements, in May 2014.

6.0 Background documents¹

6.1 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.

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Leeds City Council

Facilities to be made available for reporting on council committee meetings

Leeds City Council fully supports the principle of transparency. All meetings of the council's committees, boards and panels are held in public and facilities are available for the reporting of the proceedings of those meetings.

The facilities include;

- Publication of agendas, reports and minutes on the council's web site.
- Provision of a 'public gallery' from which the proceedings of meetings can be observed – including a designated area for journalists.
- Live Webcasting of our full Council meeting and the subsequent publication of an archived video and verbatim record.
- Access to audio recordings made by the Council.

Procedure for considering requests to record

Requests to audio record meetings will be taken in accordance with this protocol¹. Permission to audio record regulatory meetings² will not be granted, nor will requests to video record proceedings of any meeting be granted.

1. Requests to record must be put on a meeting by meeting basis.
2. Requests must be made prior to the commencement of a meeting and be made to either the clerk or the chair.
3. Where requests have been received they must be put to the meeting by the chair for resolution.
4. Where permission is granted;
 - a. Conditions may be applied relevant to the circumstances.
 - b. Those making recordings must act in accordance with those conditions and may not edit the recording in a way that could lead to misinterpretation or misrepresentation of the proceedings or comments made by members, officers or others presenting.
 - c. Those presenting to the meeting must be made aware that the proceedings are being recorded – where those who are to speak object to being recorded then those individuals should not be recorded.
 - d. The recording must not be disruptive or distracting to the good order and conduct of proceedings.
5. Where a meeting goes into exempt session all recording equipment must be switched off and removed from the meeting room
6. Where it is found that a recording is being made by an individual(s) without permission having been granted then the meeting may resolve to exclude that individual(s) from the meeting³.
7. The Chair of the meeting has absolute discretion to withdraw or suspend the permission to record if, in their opinion, a recording would prejudice proceedings at the meeting or, if the person recording is in breach of these rules.

¹ Requests to audio record Executive Board meetings will routinely be granted.

² Plans Panels and Licensing Committee and Sub Committees

³ Exclusion is only likely to be justified where actions of individuals are disruptive or distracting to the good order and conduct of a meeting.

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