



GENERAL PURPOSES COMMITTEE

Meeting to be held in Civic Hall, Leeds, LS1 1UR on
Tuesday, 16th June, 2015 at 2.00 pm

MEMBERSHIP

Councillors

D Blackburn	Farnley and Wortley;
J Blake (Chair)	Middleton Park;
R Charlwood	Moortown;
S Golton	Rothwell;
G Latty	Guiseley and Rawdon;
J Lewis	Kippax and Methley;
A Lowe	Armley;
J Procter	Wetherby;
J Pryor	Headingley;
M Rafique	Chapel Allerton;
S Varley	Morley South;
L Yeadon	Kirkstall;

Agenda compiled by:
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LEEDS LS1 1UR
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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>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 - 12TH MAY 2015</p> <p>To receive the minutes of the meeting held on 12th May 2015.</p>	1 - 2
7			<p>AMENDMENTS TO COUNCIL PROCEDURE RULES</p> <p>To receive a report of the City Solicitor which proposes amendments to the Constitution following the Head of Governance Services' annual review.</p>	3 - 36

Item No	Ward/Equal Opportunities	Item Not Open		Page No
8			<p data-bbox="675 181 1361 360">AMENDMENTS TO THE CONSTITUTION FOLLOWING THE INTRODUCTION OF THE LOCAL AUTHORITIES (STANDING ORDERS) (ENGLAND) (AMENDMENT) REGULATIONS 2015</p> <p data-bbox="675 405 1406 875">To receive a report of the Chief Officer HR which proposes amendments to the Constitution following the introduction of the Local Authorities (Standing Orders) (England) (Amendment) Regulations 2015. The Regulations require changes to the Employment Committee terms of reference; the Officer Employment Procedure Rules; and the terms of reference for the General Purposes Committee. At the same time, amendments are necessary to the Employment Committee Terms of Reference and Officer Employment Procedure Rules to provide clarity on the recruitment and dismissal process for senior officers.</p> <p data-bbox="675 943 959 965">THIRD PARTY RECORDING</p> <p data-bbox="675 987 1401 1088">Recording of this meeting is allowed to enable those not present to see or hear the proceedings either as they take place (or later) and to enable the reporting of those proceedings. A copy of the recording protocol is available from the contacts named on the front of this agenda.</p> <p data-bbox="675 1111 1177 1133">Use of Recordings by Third Parties– code of practice</p> <p data-bbox="675 1155 1406 1402"> a) Any published recording should be accompanied by a statement of when and where the recording was made, the context of the discussion that took place, and a clear identification of the main speakers and their role or title. b) Those making recordings must not edit the recording in a way that could lead to misinterpretation or misrepresentation of the proceedings or comments made by attendees. In particular there should be no internal editing of published extracts; recordings may start at any point and end at any point but the material between those points must be complete. </p>	37 - 56

GENERAL PURPOSES COMMITTEE

TUESDAY, 12TH MAY, 2015

PRESENT: Councillor K Wakefield in the Chair

Councillors D Blackburn, J Blake, S Golton,
J Lewis, A Lowe, E Nash, J Procter and
M Rafique

Apologies Councillor G Latty

41 Appeals against refusal of inspection of documents

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

42 Exempt Information - possible exclusion of the press and public

There were no resolutions to exclude the public.

43 Late items

There were no late items submitted to the agenda for consideration.

44 Declaration of Disclosable Pecuniary and Other Interests

No declarations were made.

45 Apologies for absence

Apologies for absence were received from Councillor G Latty.

46 Minutes 12th February 2015

RESOLVED - The minutes of the meeting held on 12th February were approved as a correct record.

47 Annual Review of Constitution

The Principal Corporate Governance Officer presented a report submitted by the City Solicitor which proposed amendments to the Constitution following the Head of Governance Services' annual review.

RESOLVED – The Committee resolved to recommend to full Council that:

- (a) Article 1 be amended as set out within Appendix A of the submitted report;

- (b) Article 4 be amended as set out within Appendix B of the submitted report;
- (c) Article 6 be amended as set out within Appendix J of the submitted report;
- (d) The Scrutiny Board Terms of Reference be amended as set out within Appendices C-H of the submitted report;
- (e) The Corporate Governance and Audit Committee Terms of Reference be amended as set out at Appendix K of the submitted report; and
- (f) The Scrutiny Board Procedure Rules be amended as set out at Appendix I of the submitted report.

48 Webcasting of Council and Committee Meetings

The City Solicitor submitted a report which sought approval to continue with webcasting for Council a further 12 months by way of an extension to the existing contract with Public-i. and, if so, asked Members to determine the period of time by which the existing contract should be extended.

The report also sought approval for the trailing of webcasting technologies (for Executive Board and Plans Panels) within the new committee facilities on the west wing of the Civic Hall – with a view for a proposal being brought back to this Committee in due course.

RESOLVED – the Committee resolved to:

- (a) Continue to webcast Council meetings and agree an extension for a further 12 month period to 1st September 2016;
- (b) Agree to extend webcast coverage to meetings of the Executive Board and City Plans Panel;
- (c) Agree that a trial of webcast solutions for the new committee facility be undertaken; and
- (d) Request a further report, following the completion of the trials, setting out costs for the expansion of webcasting to the new committee facility.



Report author: A Hodson

Tel: 2243208

Report of the City Solicitor

Report to General Purposes Committee

Date: 16th June 2015

Subject: Amendments to Council Procedure Rules

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

Group Leaders and Whips have discussed the scope for modernising the operation of Ordinary meetings of Council. This report contains proposals arising from those discussions in particular that;

- There be a new start time - 1pm rather than 1.30pm;
- Community Committee Report contributions be restricted and time limited;
- To remove the Backbench Community Concern Item from the Council proceedings, and in it's place;
 - introduce consideration of Health and Wellbeing Minutes for up to 20 minutes
 - introduce a new Devolved Matters Report item for up to 30 minutes
- That the deadline for amendments be altered to be 10am on the day before Council
- Consideration of White Paper motions be extended to 45 minutes with increased speaking time;

General Purposes Committee is asked to;

- Agree that the proposed amendments to Council Procedure Rules, set out in Appendix A, be adopted, on a trial basis, for the July and September Council meetings;
- Note the indicative timings for Council set out in Appendix B;
- Receive a further report in October on the outcome of the trial period.

1 Purpose of this report

- 1.1 This report proposes changes to the operation of Ordinary Council meetings, and that the changes be adopted for a trial period at the July and September meetings.

2 Main issues Full Council Procedures

- 2.1 Following cross party discussions a number of amendments to existing arrangements are proposed by way of this report. The amendments are contained in Appendix A and are summarised in the proposals set out below and in the outline timings for the Council meeting set out at Appendix B.

Start time for Ordinary Full Council Meetings

- 2.2 To accommodate the proposals set out below in respect of White Paper motions, there is a requirement to add further time into the Council meeting. On balance Leaders and Whips were supportive of an earlier start time for Council meetings of 1pm. This report sets out a trial amendment to Council Procedure Rule (CPR) 2.1 to this
- 2.3 Whips were of the view that, in circumstances where full Council are appointing Honorary Aldermen, that these meetings commence at 1pm and that the business of the Ordinary Meeting be adjusted by way of a Whips' agreement to facilitate, as far as is possible, a 7.30pm conclusion of the Ordinary Council business.

Backbench Community Concerns

- 2.4 For the past two Municipal Years a period of 6 ten minute blocks have been reserved in Council business to consider Backbench Community Concerns.
- 2.5 This defined area of business has proved useful in enabling backbench members a platform to introduce concerns into the Council meeting. However, given the enhanced remit for Community Committees to lead on local issues, there is now cross party support for the removal of this formal item of business from the full Council proceedings. These changes require the deletion of Council Procedure Rule 2.2 (j) and 12.2 along with other consequential amendments.

Devolution Matters/Health and Wellbeing Board Minutes

- 2.6 Groups Leaders are collectively supportive of introducing two new elements to Council business, both of which are enabled by the time freed up from the removal of Backbench Community Concerns.
- 2.7 The first relates to the introduction of a reporting process to Council on matters devolved to, or of significance in respect of the work/operation of the West Yorkshire Combined Authority. Given the significance of these matters to the City it is proposed that a regular report be tabled for consideration and debate at full council meetings. The proposals being that this report be considered after the Tea Break, be for a time limited period of 30 minutes and enables all groups the opportunity to contribute to the debate. The proposed amendments are by way the addition of a footnote at CPR 2.2 (g).

- 2.8 In addition Group Leaders are collectively supportive of a defined period of time (twenty minutes) under the minutes item for the consideration of the minutes of the Health and Wellbeing Board. These proposed amendments are set at CPR 3.3, and allow for any unused to be allocated for the consideration of Executive Board minutes.

Receipt of Community Committee Reports

- 2.9 Ordinary Council meetings now routinely receive reports from Community Committees. Group Whips have discussed the mechanism by which these reports are considered and a number of different views are held. Opposition Groups are generally supportive of Community Committees reporting to Council jointly by way of a single Annual Report upon which all Community Committee Chairs and the responsible Executive Member may speak. Alternately, should the current arrangements continue, the Conservative and Green Groups feel that the reports should be simply moved and commented upon by the Chair (without further debate), whereas the Liberal Democrat group would not be supportive of limiting speaking in this way.
- 2.10 In an attempt to reconcile these views, it is proposed that the receipt of reports from Community Committees be time limited, with each committee report being considered for up to ten minutes. The proposed amendments are contained in a footnote to CPR 2.2 (f) and to CPR14.1.

White Paper Motions

- 2.11 Members may recall that two years ago time limits were altered for the consideration of White Paper motions. This approach has secured debate of all such motions and routinely allows all groups an opportunity to contribute to this segment of the Council meeting. An unintended consequence has been that the reduced time allocated for speakers to comment, and for the mover of motions to sum up, has been felt to be too restrictive.
- 2.12 This report proposes two changes to the current time limits for White Papers. Firstly Group Leaders are supportive of extending the period of time for debating White Paper Motions from 30 minutes to 45 minutes. Amendments to (newly numbered) CPR 3.4 reflect this proposal.
- 2.13 Secondly in acknowledgment of comments received from Members concerning the too limited speaking times for Members contributing to debates and summing up, Group Leaders propose that the speaking time for those moving a White Paper motion be increased to 5 minutes and that all other contributions be increased to 4 minutes. These proposed amendments are set out in amendments set out in CPR 14.1.
- 2.14 Leader of the Green Group has commented that the speaking times on White Papers should not be altered from the current arrangements and that, in his group's view, the number of White Paper Motions should be increased by one to four.

Other Speaking Rights and Amendments

Speaking rights

- 2.15 However it is proposed that the existing restrictions on Seconders from the same group be removed, thereby allowing those Members to be permitted to speak, in the case of White Paper motions, for up to four minutes, and for all other business up to 3 minutes. These proposed amendments are set out in amendments set out in CPR 14.1.
- 2.16 Other than the proposals around the receipt of Community Committee reports, there are no other proposals to change the speaking times for other items of business (the mover of a motion or amendment having four minutes, and Members otherwise contributing or summing up having three minutes each).

Deadline for the Submission of Amendments

- 2.17 Members will recall that Whips agreed that an earlier submission deadline for White Paper amendments be trialled at the April Council meeting, the revised deadline being 10am on the day prior to Council rather than 24 hours in advance of the council meeting. This trial worked well and enabled Group Whips sight of amendments a number of hours in advance of the pre Council whips meeting.
- 2.18 Amendments to (newly numbered) CPR 13.1 a) are proposed to regularise the earlier submission deadline detailed above.

3 Corporate Considerations

3.1 Consultation and Engagement

- 3.1.1 Consultation and engagement has taken place with the Leader of Council and each Opposition Group Leader. All Group Leaders are in favour of the proposals amendments being trialled in advance of formal approval any changes at Full Council.

3.2 Equality and Diversity / Cohesion and Integration

- 3.2.1 There are no implications for this report.

3.3 Council policies and Best Council Plan

- 3.3.1 All amendments are in line with the Council's Code of Corporate Governance, particularly with regard to the principles of focussing on the Council's purpose and community needs; having clear responsibilities and arrangements for accountability; and taking informed and transparent decisions which are subject to effective scrutiny and risk management.
- 3.3.2 The introduction of items around Health and Wellbeing Board and devolution enable full Council to deliberate these aspects of the City's wider priorities.

3.4 Resources and value for money

- 3.4.1 There is no resource or value for money issues arising from this report.

3.5 Legal Implications, Access to Information and Call In

3.5.1 The amendments proposed are in line with legislation.

3.6 Risk Management

3.6.1 There are no implications for risk management arising from this report this report.

4 Conclusions

4.1 A number of amendments are necessary to ensure that the Council's constitution is up to date and fit for purpose.

5 Recommendations

5.1 General Purposes Committee is asked to;

- Agree that the proposed amendments to Council Procedure Rules, set out in Appendix A, be adopted, on a trial basis, for the July and September Council meetings;
- Note the indicative timings for Council set out in Appendix B;
- Receive a further report in October on the outcome of the trial period.

6 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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COUNCIL PROCEDURE RULES

1.0 ANNUAL MEETING OF COUNCIL**1.1 Timing and Business**

In a year when there is an ordinary election of Councillors, the annual meeting will take place within 21 days of the retirement of the outgoing Councillors. In any other year, the annual meeting will take place in March, April or May.

The annual meeting will:

- (a) elect a person to preside if the Lord Mayor and Deputy Lord Mayor are not present;
- (b) elect the Lord Mayor;
- (c) pass a vote of thanks to the retiring Lord Mayor;
- (d) elect a Deputy Lord Mayor (or Vice Chair of Council);
- (e) approve the minutes of the last meeting;
- (f) receive any declarations of interest from Members;
- (g) receive any announcements from the Lord Mayor and/or Head of Paid Service;
- (h) elect the Leader¹;
- (i) consider any recommendations made by General Purposes Committee;
- (j) establish such committees² as are required by statute and such other committees as it considers appropriate to deal with matters which are neither reserved to the Council nor are executive functions (as set out in Part 3, Section 2A of this Constitution);³
- (k) No appointments under Rule 1 shall be for a period beyond the next Annual Meeting of the Council but they may be altered at any meeting of the Council;
- (l) agree the scheme of delegation or such part of it as the Constitution determines it is for the Council to agree (as set out in Part 3, Section 2C of this Constitution);

¹ Only as required by Article 7. If the Council fails to elect the Leader at the relevant annual meeting, or a vacancy in the office arises, the Leader is to be elected at a subsequent meeting.

² Such committees may be known as boards or panels.

³ References in these Rules to any committee established under Rule 1.1(j) shall be construed as including any other committee established by Full Council during municipal year.

Council Procedure Rules

- (m) receive the documents presented by the Leader in accordance with Executive and Decision Making Procedure Rules;
- (n) approve a programme of ordinary meetings of the Council for the year; and
- (o) consider any business set out in the notice convening the meeting.

1.2 Selection of Councillors on Committees and Outside Bodies

At the annual meeting, the Council will:

- (a) decide which committees to establish for the municipal year;
- (b) decide the size and terms of reference for those committees;
- (c) decide the allocation of seats to political groups in accordance with the political balance rules;
- (d) appoint to those committees and outside bodies except where appointments to those bodies has been delegated by the Council; and
- (e) appoint the Chair of those committees.

2.0 ORDINARY MEETINGS

2.1 Council Meetings

The Council may amend the programme of ordinary meetings agreed at the annual meeting.

All ordinary meetings shall be held at the **Civic Hall, Leeds**, at **1.30pm1.00pm**, unless full Council decides otherwise.

2.2 Order of Business

Except as otherwise provided by Rule 2.3 or by statute, the order of business at every meeting of the Council, (other than the Annual meeting, any Extraordinary Meeting or the Budget Meeting⁴, or a State of the City meeting⁵ where the business to be transacted at the meeting will be specified in the Summons), shall be to:

- (a) choose a person to preside if the Lord Mayor and Vice Chair of Council are absent;

⁴ Business over and above the budget is usually admitted by agreement but there is a presumption that such agreement will not include the attendance of deputations or question time.

⁵ Or such other similarly styled meeting

Council Procedure Rules

- (b) approve as a correct record and sign the minutes of the last meeting of the Council except where the meeting is a meeting called under paragraph 3 (extraordinary meetings) of Schedule 12 to the Local Government Act 1972, in which case the next following meeting of the Council (being a meeting called other than under that paragraph) shall be treated as a suitable meeting for the purposes of paragraph 41(1) and (2) (signing of minutes) of that Schedule;
- (c) receive any declarations of interest from Members;
- (d) receive such communications as the Lord Mayor, the Leader, Deputy Leader, or Members of the Executive Board, or the Chief Executive consider to be appropriate;
- (e) receive deputations (if any) in accordance with Rule 10;
- (f) consider any recommendation of the Executive Board, and committees, established under Rule 1.1(j), and any sub-committees thereof⁶;
- (g) receive such reports as the Chief Executive, Monitoring Officer or Section 151 Officer consider appropriate⁷;
- (h) deal with Executive questions (if any) in accordance with Rule 11;
- (i) receive the minutes of the Executive Board, of any committee established under Rule 1.1(j) and any sub-committee thereof, of any Joint Committee, and of any other body to which appointments are reserved to full Council ;
- ~~(j) receive Community Concerns submitted in accordance with Rule 12;~~
- ~~(k)(j)~~ consider White Paper Motions (if any) submitted in accordance with Rule 12.

2.3 Variation of Order of Business

Business falling under items Rule 2.2 (a) or (b) shall not be displaced, but subject thereto the foregoing order of business may be varied by a resolution passed on a motion (which need not be in writing) duly moved and seconded, which shall be moved and put without discussion.

3.0 TIME LIMITS FOR BUSINESS

- 3.1 Each deputation shall be for no more than 5 minutes
- 3.2 A period of 30 minutes will be allowed for Executive Questions.

⁶ In respect of a report from a Community Committee, consideration of the report will be time limited to ten minutes, with speaking rights as set out at rule 14.

⁷ In the case of a report relating to devolved matters, consideration of this report will take place after the tea break time; be time limited to 30 minutes; and will enable all groups to contribute to the debate.

Council Procedure Rules

- 3.3 Consideration of all business to dispose of the motion to receive the minutes shall not continue beyond ~~4.40-20~~ pm. ~~This will include a period of ten minutes for the Leader of Council to sum up (from 4.30pm).~~

The motion to receive the minutes shall be conducted as follows;

- Consideration of Executive Board Minutes will not continue beyond ~~4.40~~3.30pm p.m.⁸.
- ~~Consideration of other minutes of the Health and Wellbeing Board will commence no later than 4.40.30 p.m. and will not continue beyond 3.50pm.~~
- Consideration of other minutes will commence at 3.50pm and will be for a period of no more than 20 minutes.
- Should the consideration of Health and Wellbeing Board and other minutes conclude in advance of ~~4.30~~ 4.10 p.m. then any outstanding comments on Executive Board minutes will be heard until ~~4.30~~ 4.10 p.m.
- The Leader of Council will sum up for a period of up to ten minutes from 4.10pm.

- 3.4 ~~Each Community Concern shall be time limited to ten minutes.~~

- 3.54 Each White Paper Motion shall be limited to thirty forty five minutes, at the conclusion of which voting shall commence.

4.0 WINDING UP OF BUSINESS

- 4.1 At the conclusion of the speech being delivered at the expiry of a specified time period, the Lord Mayor shall put to the vote, without further discussion, all that is necessary to dispose of the matter under debate⁹ provided that:

- Executive Questions

Where a question has been commenced orally (but has not been completed within the time allotted for question time) that question is completed including any supplementary to that question and the response thereto.

- Consideration of Minutes

The Leader of Council has had the opportunity to sum up (for a period of not more than 10 minutes).

⁸ Except in circumstances where there are no Health and Wellbeing Board minutes to be received, in which case consideration of Executive Board Minutes will be extended until 3.50pm

⁹ For clarification, "all that is necessary properly to dispose of the matter under debate" means, as relevant, for the original motion properly to be moved and seconded; for any and all amendment(s) properly to be moved and seconded; and for the mover of the original motion to have an opportunity to exercise their right of reply/right to sum up.

Council Procedure Rules

- White Paper Motions/ Amendments

The Mover of the motion has had the opportunity to sum up (for a period of not more than ~~3~~4 minutes).

- Reference Back

The relevant Executive Board Member or Chair has had the opportunity to sum up (for a period of not more than 3 minutes) on the reference back.

5.0 EXTRAORDINARY MEETINGS

Those listed below may request the Proper Officer to call Council Meetings in addition to ordinary meetings:

- (a) the Council by resolution;
- (b) the Lord Mayor;
- (c) the Chief Executive, the Monitoring Officer and Section 151 Officer; and
- (d) any five Members of the Council if they have signed a requisition presented to the Lord Mayor and s/he has refused to call a meeting or has failed to call a meeting within seven clear days¹⁰ of the presentation of the requisition.

6.0 NOTICE OF AND SUMMONS TO MEETINGS

- 6.1 The Chief Executive will give notice to the public of the time and place of any meeting in accordance with the Access to Information Procedure Rules. At least five clear days before a meeting, the Chief Executive will send a summons signed by him/her to every Member of the Council or leave it at their usual place of residence. The summons will give the date, time and place of each meeting and specify the business to be transacted, and will be accompanied by such reports as are available.
- 6.2 The notices for all meetings of committees established under Rule 1.1(j) shall be issued from the office of the Chief Executive and no matter shall be considered at such meeting without the prior agreement of the Chief Executive who shall first have been furnished with any written report or with details of any intended verbal report.

7.0 POWERS AND DUTIES OF THE LORD MAYOR

- 7.1 Any power or duty of the Lord Mayor in relation to the conduct of a meeting may be exercised by the Deputy Lord Mayor (or Vice Chair), or in the absence of the Deputy Lord Mayor (or Vice Chair), the person elected to preside at the meeting.

¹⁰ Not including the date the requisition was received and not including weekends or bank holidays

Council Procedure Rules

7.2 Any duty of the Chief Executive in relation to the conduct of a meeting may be exercised in the Chief Executive's absence by the City Solicitor.

8.0 QUORUM

8.1 The quorum of a meeting will be one quarter of the whole number of Members¹¹.

8.2 If during any meeting of the Council, any Member draws to the attention of the Lord Mayor that there does not appear to be a quorum present, the Lord Mayor shall direct the Chief Executive to call over the names of the Members of the Council. If there is less than a quarter present, the Lord Mayor shall declare the meeting adjourned. The names of the Members present and those absent shall be recorded in the minutes of the Council.

8.3 The consideration of any business not transacted shall be adjourned to a time fixed by the Lord Mayor at the time the meeting is adjourned or, if the Lord Mayor does not fix a time, to the next ordinary meeting of the Council.

9.0 COMMUNICATIONS

9.1 There shall be no discussion on any matter referred to in communications from the Lord Mayor, the Chief Executive or Executive Members as are thought necessary to be read, but any Member shall be at liberty to move a motion, without notice, to refer any of such communications to the appropriate committee and such motion, on being seconded, shall be at once put to the vote.

10.0 DEPUTATIONS

10.1 The Council will not receive more than four deputations at any ordinary meeting.¹²

10.2 A request for permission to bring a Deputation must be submitted, to the Head of Governance Services, at least fourteen clear days in advance of the Council meeting for which permission is sought.

10.3 A copy of the proposed deputation speech must accompany the permission request.

10.4 Deputations shall be relevant to some matter in relation to which the Council has powers or duties or which affects the City of Leeds.

10.5 Deputation requests which relate solely to the interests of an individual or company, or which present, or may appear to present unsubstantiated allegations or claims in respect of an individual, group of individuals, a company or any other body, or are in

¹¹ Where more than one third of the Members are disqualified at the same time, and until the number of Members in office is increased to not less than two thirds of the whole, the quorum shall be determined by reference to the number of Members remaining qualified

¹² Except the Annual Meeting, an Extraordinary Meeting, the Budget Meeting and a State of the City (or other similarly styled) meeting where deputations shall not be heard.

Council Procedure Rules

any way vexatious or otherwise significantly prejudicial to the interests of the Council or the City of Leeds, will not be permitted.

- 10.6 Requests concerning matters being considered by a Plans Panel, the Licensing Committee (or a sub-committee) will not be received.
- 10.7 The suitability of a Deputation shall be determined by the Chief Executive. Permission to attend Council and present a Deputation shall be issued by the Chief Executive.
- 10.8 Eligible deputations shall be heard in the order in which permission is granted.
- 10.9 A deputation shall consist of at least two and no more than five people. One person from a deputation may address the Council, for no longer than five minutes¹³.
- 10.10 Where two or more deputations present opposing views on the same matter, the Council will not receive more than one of these related deputations at the same meeting.
- 10.11 The Council shall not normally receive a deputation on a matter that has been the subject of a deputation in the previous six months, except as a result of a refusal at 10.10.
- 10.12 The Council shall not debate any matter raised by a deputation when it is presented.
- 10.13 Any Member of the Council may move a motion without notice, that the deputation be or not be received, or that the subject matter be referred to the appropriate committee¹⁴. The Lord Mayor will put such a motion on being seconded, to the vote without debate.

11.0 EXECUTIVE QUESTIONS

11.1 Questions on Notice

- (a) Executive Questions may be put at each ordinary meeting of the Council (except, the Budget Meeting or a State of the City meeting¹⁵).
- (b) During question time, a Member may ask the Leader of the Council, the Deputy Leader, any Executive Member¹⁶ or the Chair of any executive committee¹⁷ through the Lord Mayor, any question on any matter in relation

¹³ Including the reading of any written material

¹⁴ Or to the officer with appropriate delegated authority who shall consider the matter in consultation with the relevant Executive Member.

¹⁵ or other such styled meeting. Questions cannot be put at the Annual Meeting or any Extraordinary Meeting.

¹⁶ In relation to any matter within their portfolio.

¹⁷ In relation to any matter within the committee's terms of reference.

Council Procedure Rules

to which the Council has powers or duties, or which affects the City of Leeds¹⁸.

- (c) A question shall not be asked in the absence of the Member in whose name it stands unless they have given authority for it to be asked by some other Member of the Council.

11.2 Notice of Questions

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

11.3 Response

- (a) Every question shall be put and answered without discussion but the person to whom a question has been put may decline to answer.
- (b) A Member to whom a question is addressed¹⁹ shall have discretion to nominate a Member to answer such question where the Member considers that the answer would most appropriately be given by such nominee.

11.4 Form of Response

An answer may take the form of:

- (a) a direct oral answer, or where the desired information is contained in a publication of the Council or of the relevant Joint Authority or Joint Committee, a reference to that publication; or
- (b) where the reply to the question cannot conveniently be given orally, a written answer circulated to Members of the Council. Written answers wherever possible should be sent out by the Chief Executive within 10 working days.

11.5 Supplementary Question

The Member who asked a question during question time may ask one supplementary question, arising directly out of the original question.

11.6 Unanswered Questions

Where the answer has not been commenced during question time, it shall be answered by written answer circulated to Members of the Council. If the answer to a question has been commenced orally but has not been completed within question

¹⁸ A Member may also ask a Member of the Council appointed by full Council to another body, any question about functions discharged by that other body. Any question about any function discharged by the West Yorkshire Fire and Rescue Authority must be directed to a Member nominated by that Authority..

¹⁹ Except in relation to functions discharged by the West Yorkshire Fire and Rescue Authority – see footnote 15 above.

Council Procedure Rules

time it may be completed orally including any supplementary to that question and the response thereto.

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12.0 MOTIONS ON NOTICE

12.1 Notice

Except for motions which can be moved without notice under Rule 13, written notice of every motion signed²⁰ by the Member or Members of Council giving notice must be delivered at the office of the Chief Executive prior to 10.00am of the day preceding the day for issue of the Summons. The proposer of a Motion shall have the right to correct or withdraw a Motion up to 10.00 am on the day the Summons is to be issued.

~~12.2 Community Concerns~~

~~Members who are not Executive Board Members or Scrutiny Board Chairs may submit Community Concerns.~~

~~The number of Community Concerns admissible for consideration at any given meeting shall be limited as follows; two reserved to the largest group and one to each of the other political groups.~~

~~In the absence of the Member submitting a Community Concern the relevant Group Whip may nominate a Member to move the concern.~~

12.32 White Paper Motions

The number of White Paper motions admissible for full debate at any given meeting shall be limited to three²¹ ²².

12.43 Scope

- (a) Every motion shall be relevant to some matter in relation to which the Council has powers or duties or which affects the City of Leeds.
- (b) All the notices of motion received by the Chief Executive shall be submitted to the Lord Mayor. If the Lord Mayor considers that any such motion relates to matters other than of a local nature or is similar to a matter which in the past six months has been rejected at a meeting of the Council, the Member concerned shall ask leave of the Council to introduce such a motion before proceeding to address Council on it. Once the motion is dealt with, no-one can propose a similar motion for six months.
- (c) There shall be no speech or discussion upon asking for such leave to so introduce a motion. The fact that any such motion requires the leave of the Council shall be indicated in the Council Summons.

²⁰ ~~Community Concerns need not be signed~~

²¹ One to the Labour Group, one to the Conservative Group, one to be shared on a rota agreed by the other political groups.

²² Where submitted, the first White Paper considered will be that submitted by the Conservative Group

Council Procedure Rules

- (d) If it appears to the Lord Mayor that any motion requiring notice relates only in part to the matters stated in (b) above, the Lord Mayor may invite the Member of the Council concerned to amend the motion in agreement with the Lord Mayor either by omitting the part relating to such matters or by dividing the motion so that the part relating to such matters is stated in terms of a separate motion, but without addition to the terms of the original motion. In such event the original motion shall appear on the Council Summons with the indication that it requires the leave of the Council, but it shall be competent for the Member concerned to move without leave the part agreed by that Member with the Lord Mayor as not relating to the matters above stated, and after that motion has been disposed of, if the Member so wishes, to move with leave of Council the remaining part of the motion.

12.54 Motion Set Out in Agenda

- (a) The Chief Executive shall set out in the Summons for every meeting of the Council all motions of which notice has been duly given, and notice of all business which in the judgement of the Chief Executive requires to be brought before the Council.
- (b) The business under any notice upon the Council Summons shall not be proceeded with in the absence of the Member or Members of the Council in whose name or names it stands, unless they have given authority in writing for it to be taken up by some other Member or Members of the Council, or it is business which, by law, the Council must transact or business emanating from a committee the notice whereof stands in the name of the Chair of that committee in which latter case the resolution may be moved, without authority in writing, by some other Member of the committee.

13.0 MOTIONS/AMENDMENTS

13.1 Motions and amendments requiring notice

~~a) There shall be no provision for a Community Concern to be amended.~~

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

- no later than ~~24-10.00am hours on the working day~~ before the commencement of the meeting; or
- no later than 10.00 am on the third working day after the issue of the Summons if the amendment is to the Budget Motion.

Council Procedure Rules

13.2 Motions without notice

The following motions and amendments may be moved without notice:

- (a) appointment of a Chair of the meeting at which the motion is made;
- (b) in relation to the accuracy of a report, minutes or recommendation before Council;
- (c) to change the order of business in the agenda;
- (d) that leave be given to withdraw an item of business including a motion or amendment;
- (e) that the Council proceed to the next business;
- (f) that the question be now put;
- (g) that the debate be adjourned;
- (h) that the meeting be adjourned
- (i) authorising the sealing of documents;
- (j) suspending Council Procedure Rules, in accordance with Rule 22.1;
- (k) motion to exclude the press and public in accordance with the Access to Information Rules;
- (l) that a Member named under Rule 20, be not further heard or leave the meeting;
- (m) giving consent of the Council where its consent is required by this Constitution; and
- (n) that a communication be referred to the appropriate Committee

14.0 RULES OF DEBATE

14.1 Period Permitted for Speeches

- ~~(a)~~ Except by the leave of Council (and as follows);
 - a. A Member may address Council under the Communications item for up to 3 minutes.
 - b. A Member moving a White Paper motion may speak for up to 5 minutes.

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Council Procedure Rules

- c. A Member seconding a White Paper motion may speak for up to 4 minutes²³.
 - d. A Member may speak for up to 4 minutes when contributing to, or summing up on, White Paper debates.
 - e. A Member may speak for 2 minutes when moving, seconding, amending, speaking or summing up on a Community Committee report.
 - f. A Member moving any **other** motion may speak for up to 4 minutes.
 - g. A Member moving any amendment may speak for up to 4 minutes.
 - h. An Executive Board Member, Committee Chair or other such Member as may be determined appropriate, may speak for up to 6 minutes²⁴ when summing up on comments made on Minutes.
 - i. An Executive Board Member or Committee Chair responsible for the section of the minutes to which an amendment(reference back) relates shall have 3 minutes to comment as the last speaker in the debate on the amendment(reference back).
 - j. The Leader of Council may speak for up to ten minutes when summing up on the Minutes
 - k. A Member contributing to, or summing up on, any business other than set out above, may speak for up to 3 minutes.
- h.l. On resuming an adjourned debate, the Member who moved its adjournment is entitled to speak first for up to 3 minutes.

14.2 No Speeches Until Motion Seconded

~~Save for a Motion to put a Community Concern, a~~All other motions or amendments shall not be discussed unless it has been proposed and seconded.

14.3 Right to require motion in writing

Unless notice has already been given in accordance with Rules 12.1 or 13 it shall be put into writing and handed to the Lord Mayor before it is further discussed or put to the meeting.

14.4 Content of Speeches

Members shall direct their speech to the question under discussion, a personal explanation or a point of order.

²³ A Member when seconding a White Paper motion, or an amendment to a White Paper Motion, may reserve that speech until a later period of the debate.

²⁴ Where the Executive Board Member is the Leader of Council the time available for summing up on his/her portfolio shall be 5 minutes.

Council Procedure Rules

14.5 When a Member May Speak Again

A Member who has spoken on any motion shall not speak again whilst it is the subject of debate except:

- (i) if the motion has been amended since the Member last spoke, to move a further amendment
- (ii) in exercise of a right of reply
- (iii) to raise a point of order in accordance with Rule 14.15
- (iv) to make a personal explanation in accordance with Rule 14.16

For the purpose of this Rule only, comments on the minutes in each portfolio section of the Executive Board and each committee moved under Rule 2.2(i) shall be regarded as being comments upon separate motions and such comments shall be relevant to such section of the minutes as are under debate.

14.6 Amendments to Motions

(a) An amendment must be relevant to the motion and will be to:-

- (i) refer a subject of debate to an appropriate body or individual for consideration or reconsideration;
- (ii) leave out words;
- (iii) leave out words and insert or add others; or
- (iv) insert or add words,

provided that such omission, insertion or addition of words shall not have the effect solely of negating the motion.

- (b) Subject to Rule 14.6(c), only one amendment may be moved and discussed at any time. No further amendment shall be moved until the amendment under discussion has been disposed of.
- (c) Amendments to White Paper motions shall be moved and discussed in the order in which notice thereof has been given and the voting thereon shall be taken after the winding-up speech of the mover of the original motion.

14.7 Amendments (Reference Back) to a Motion to receive the Minutes

Council Procedure Rules

- (a) Only one amendment may be moved to any given minute under a motion to receive the minutes. This shall be one to request the decision-maker to reconsider the decision.
- (b) The Executive Member or Chair responsible for the section of the minutes to which the amendment relates shall have 3 minutes to comment as the last speaker in the debate on the amendment in addition to his/her rights under Rule 14.1(g). In the event that the amendment is the sole matter discussed under the given section of the minutes then the six minutes allowed under Rule 14.1(g) shall be applied.
- (c) The vote will be taken on the amendment before proceeding to comments on that section of the minutes.

14.8 Further Amendments

- (a) If any amendment is lost, other amendments may be moved on the original motion provided that, where necessary, due notice has been given in accordance with Rule 13.1.
- (b) If an amendment is carried, the motion as amended takes the place of the original motion upon which any further such amendments may be moved but this does not prevent any further amendments being moved by references to the wording of the original motion.
- (c) If a Member wishes to move a second or further amendment and has not given due notice thereof where required in accordance with Rule 13.1 the Member shall give notice of the proposed amendment during the discussion on the first or other earlier amendment and, subject to the consent of the Lord Mayor (which question shall not be open to discussion), may move this amendment at such time as the Lord Mayor shall decide. Subject to this, all amendments shall be considered in the order in which notice has been given.

14.9 Alteration of Motion

A Member may with the consent of the Council signified without discussion:

- (a) alter a motion of which that Member has given notice; or
- (b) with the further consent of the seconder, alter a motion which that Member has moved

if (in either case) the alteration is one which could be made as an amendment thereto.

14.10 Withdrawal of Motion or Minutes

A motion or amendment shall not be withdrawn except with the consent of the seconder and of the Council. There shall be no discussion upon an application to

Council Procedure Rules

withdraw a motion or amendment but any Member shall be at liberty to move that the leave applied for be given and the Council without discussion shall vote thereon.

14.11 Right of Reply

- (a) The mover of a motion has a right to reply at the close of debate of the motion immediately before it is put to the vote.
- (b) If an amendment is moved, the mover of the original motion shall also have a right of reply at the close of the debate on the amendment but may not otherwise speak on the amendment.
- (c) The mover of the amendment has no right of reply to the debate on such amendment.

14.12 Motions that May Be Moved During Debate

When a motion is under debate no motion shall be moved except the following:-

- (a) to amend the motion;
- (b) to adjourn the meeting;
- (c) to adjourn the debate;
- (d) to proceed to the next business;
- (e) that the question be now put;
- (f) that a Member be not further heard;
- (g) by the Lord Mayor under Rule 20 that a Member leave a meeting;
- (h) to exclude the press and public in accordance with the Access to Information Procedure Rules; or
- (i) to give consent to the withdrawal of a motion or amendment.

14.13 Closure Motions

- (a) A Member may move, without comment, at the conclusion of a speech of another Member,
 - (i) to proceed to the next business;
 - (ii) that the question be now put;
 - (iii) to adjourn a debate; or
 - (iv) to adjourn a meeting

on the seconding of which the Lord Mayor shall proceed as set out in paragraphs (b), (c) and (d) below.

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- (b) If a motion to proceed to the next business is seconded, the Lord Mayor will first give the mover of the original motion a right of reply not exceeding 3 minutes in accordance with Procedure Rule 14.1 (f) and then put to the vote the motion to proceed to next business.
- (c) If a motion that the question be now put is seconded, the Lord Mayor will first put to the vote the motion that the question be now put, and if it is passed then give the mover of the original motion a right of reply under Rule 14.11 not exceeding 3 minutes before putting a motion to the vote.
- (d) If a motion to adjourn the debate or the meeting is seconded, the Lord Mayor shall put the adjournment motion to the vote without giving the mover of the original motion a right of reply on that occasion and no amendment to the motion shall be permitted unless it relates to the time of adjournment.

14.14 Resumption of Adjourned Debate

On resuming an adjourned debate, the Member who moved its adjournment is entitled to speak first.

14.15 Points of Order

A Member may raise a point of order at any time and will, with the consent of the Lord Mayor, be entitled to be heard immediately. A point of order may relate only to an alleged breach of these Council Procedure Rules or statutory provision. The Member must specify the Rule or statutory provision and the way in which s/he considers it has been broken. The Lord Mayor's ruling is final.

14.16 Personal explanation

A Member may make a personal explanation at any time. A personal explanation may only relate to some material part of an earlier speech by the Member which may appear to have been misunderstood in the present debate. The ruling of the Lord Mayor on the admissibility of a personal explanation will be final.

14.17 Lord Mayor's Ruling Final

The ruling of the Lord Mayor on a point of order or on the admissibility of a personal explanation shall not be open to discussion.

Council Procedure Rules

14.18 Interpretation of Council Procedure Rules

The ruling of the Lord Mayor as to the construction or application of any of these Rules, or as to any proceedings of the Council, shall not be challenged at any meeting of the Council and is final.

15.0 RESCINDING RESOLUTIONS OF COUNCIL

15.1 No resolution of the Council shall be rescinded or varied, except upon motion made on a notice which shall refer to the resolution sought to be rescinded or varied. Provided that this Rule shall not apply to motions moved in pursuance of a recommendation by the Executive Board or a committee established under Rule 1.1(j) or a sub-committee thereof.

16.0 VOTING

16.1 Majority

Unless this Constitution or the law provides otherwise, any matter will be decided by a simple majority of those Members voting and present in the room at the time the question was put.

16.2 Casting Vote

At any meeting of the Council or a committee established under Rule 1.1(j), or a sub-committee thereof, the Chair shall, in case of an equal division of votes have a second or casting vote.

16.3 Show of Hands

- (a) Unless a recorded vote is demanded under Rules 16.4 and 16.5, the Lord Mayor will take the vote by show of hands or if there is no dissent, by the affirmation of the meeting.
- (b) The result of a vote by show of hands will be announced provisionally by the Lord Mayor who will then allow a further reasonable period for any two Members to requisition a recorded vote. If any such requisition is made, the show of hands shall be disregarded and the voting will be recorded to show how each Member present voted.
- (c) If no such requisition is made before the Lord Mayor announces the next item of business or the closure of the meeting, as appropriate, the result of the show of hands as announced by the Lord Mayor will there upon become final.

16.4 Recorded Vote

Where a recorded vote is required in accordance with paragraphs (a) or (b) below then the minute of the proceedings shall include a record of the names of persons

Council Procedure Rules

who cast a vote for the decision or against the decision or who abstained from voting.

A recorded vote is required in the following circumstances:-

- (a) Any vote required to be recorded by law²⁵, or
- (b) Any vote where, before the vote is taken on any matter before Council, any two Members of the Council demand that the votes are recorded.

16.5 Right to Require Individual Vote to be Recorded

Where immediately after a vote is taken at a meeting if any Member so requires, there shall be recorded in the minutes of the proceedings of that meeting whether that person cast his/her vote for the question, against the question or whether s/he abstained from voting.

16.6 Division Bells

- (a) Where a closing speech has started there will be a single ring of the bell.
- (b) In any situation where it has been agreed that a recorded vote shall be taken, there will be two rings of the bell and at least half a minute will elapse between the end of the final ring and the taking of the vote.

16.7 Voting on Appointments

If there are more than two people nominated for any position to be filled by the Council, and there is not a clear majority in favour of one person, then the name of the person with the least number of votes shall be taken off the list and a new vote shall be taken. The process will continue until there is a majority of votes for one person.

17.0 MINUTES

17.1 Signing the Minutes

- (a) The Lord Mayor will put the question that the minutes of the previous meeting or meetings of the Council be approved as a correct record.
- (b) No discussion will take place upon the minutes, except upon their accuracy, and any question of their accuracy shall be raised by motion. If no such question is raised, or it is raised then as soon as it has been disposed of, the Lord Mayor will sign the minutes.

²⁵ Including but not limited to the requirement to record a vote in relation to a budget decision in accordance with paragraph 11 of Schedule 2, Part 2 of the Local Authorities (Standing Orders) (England) Regulations 2001.

Council Procedure Rules

17.2 No requirement to sign minutes of previous meeting at Extraordinary Meeting

Where in relation to any meeting, the next meeting for the purpose of signing the minutes is a meeting called under paragraph 3 of Schedule 12 to the Local Government Act 1972 (an Extraordinary Meeting) then the next following meeting (being a meeting called otherwise than under that paragraph) will be treated as a suitable meeting for the purposes of paragraph 41(1) and (2) of Schedule 12 relating to signing of minutes.

17.3 Form of Minutes

Minutes will contain all motions and amendments in the exact form and order the Lord Mayor put them.

18.0 RECORD OF ATTENDANCE

18.1 The clerk for the meeting will record the attendance of all Members present during the whole or part of a meeting.

19.0 EXCLUSION OF PUBLIC

19.1 Subject to any statutory prohibitions and to paragraph 19.2 below, meetings of the Council and committees established under Rule 1.1(j) and any sub-committees thereof, shall be open to the public²⁶. This shall be without prejudice to any power of exclusion to suppress or prevent disorderly conduct or other misbehaviour at a meeting.

19.2 The Council and committees established under Rule 1.1(j) and any sub-committees thereof may by resolution exclude the press and public from a meeting (whether during the whole part or part only of the proceedings) in accordance with the Access to Information Procedure Rules in Part 4 of this Constitution.

20.0 MEMBERS' CONDUCT

20.1 Standing to Speak

A Member when speaking at full Council must stand and address the Lord Mayor. If two or more Members rise, the Lord Mayor will call on one to speak and the other or others must sit. While the Member is speaking, the other Members must remain seated unless rising on a point of order or personal explanation. Members shall speak of each other by their titles of "Lord Mayor" or "Councillor" as the case may be.

²⁶ The Recording Protocol: Third Party Recording of Committees, Boards and Panels, set out at Appendix 1 to the Access to Information Procedure Rules applies.

Council Procedure Rules

20.2 Lord Mayor Standing

When the Lord Mayor rises during a debate, any Member speaking at the time must stop and sit down. The meeting must be silent.

20.3 Member not to be Heard Further

If at a meeting any Member indulges in misconduct by behaving irregularly, improperly, offensively, or by wilfully obstructing the business of the Council, any other Member (including the Lord Mayor) may move "that the Member named be not further heard" and the motion, if seconded will, with the leave of the Lord Mayor, be put and voted on without further discussion.

20.4 Member to Leave the Meeting

If the Member named continues the misconduct after a motion under the foregoing paragraph has been carried, the Lord Mayor shall either move "That the Member named do leave the meeting" (in which case the motion shall be put and determined without seconding or discussion) or adjourn the meeting of the Council for such period as the Lord Mayor shall consider expedient.

20.5 General Disturbance

In the event of general disturbance which in the opinion of the Lord Mayor renders the orderly dispatch of business impossible, the Lord Mayor may, without question, adjourn the meeting of the Council for such period as s/he considers expedient.

21.0 DISTURBANCE BY THE PUBLIC

21.1 If a Member of the public interrupts the proceedings at any meeting the Lord Mayor will warn the person concerned. If that person continues the interruption, the Lord Mayor will order their removal from the meeting room.

21.2 In the case of general disturbance in any part of the meeting room open to the public the Lord Mayor may call for that part to be cleared.

22.0 SUSPENSION AND AMENDMENT OF COUNCIL PROCEDURE RULES

22.1 Suspension

Any Council Procedure Rule except Rule 16.5 and 17.2 may be suspended by a motion made and seconded and carried by a majority of the Members present at the meeting. A motion to suspend in relation to the proposed introduction of an emergency motion should include the wording of the motion proposed to be considered. The motion to suspend should not include the reasons why the suspension is being proposed. Suspension is only for the duration of the meeting.

Council Procedure Rules

22.2 Amendment

Any motion to add to, vary or revoke these Council Procedure Rules will, when proposed and seconded, stand adjourned without discussion to the next ordinary meeting of the Council.

23.0 INTEREST OF MEMBERS AND OFFICERS

23.1 Members must comply with the Members' Code of Conduct.

23.2 Directors shall record in a book kept for the purpose particulars of any notice given by an officer of the Council of a personal interest in a contract and each such book shall be open during office hours to the inspection of any Members of the Council.

24.0 MOTIONS AFFECTING COUNCIL EMPLOYEES

24.1 If any question arises at a meeting of the Council or a committee established under Rule 1.1(j) and any sub-committee thereof, open to the public as to the appointment, promotion, dismissal, salary, superannuation or conditions of service, or as to the conduct of any person employed by the Council, such question shall not be the subject of discussion until the Council, committee, or sub-committee, has decided whether or not the power of exclusion of the public under section 100A of the Local Government Act 1972 shall be exercised.

25.0 APPLICATION TO COMMITTEES AND SUB COMMITTEES

25.1 All of the Council Procedure Rules apply to meetings of full Council. None of the Rules apply to meetings of the Executive (see Executive and Decision Making Procedure Rules). Only the following Rules apply to meetings of committees and sub-committees:
6.2, 7, 16.1, 16.2, 16.5, 17, 18, 19, 21, 23 - 28.

25.2 References to "Lord Mayor" shall read "the Chair".

26.0 SUBSTITUTE MEMBERS

26.1 Allocation

- (a) In relation to each Plans Panel, the Council shall appoint substitute members, comprising all other members of the other Plans Panels, the Development Plan Panel and the Licensing Committee. A nominated member shall be entitled to attend meetings in place of a regular member, subject to the substitute member having received appropriate training.
- (b) In relation to the Member Management Committee, an Executive Member, Deputy Executive Member, Whip or Assistant Whip shall be entitled to attend meetings in place of a regular member of the Committee.
- (c) In relation to the Development Plan Panel, the Council shall appoint substitute Members, comprising all Members of the Plans Panels and the

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Licensing Committee. A nominated Member shall be entitled to attend meetings in place of a regular Member, subject to the substitute Member having received appropriate training.

- (d) In relation to the Corporate Governance and Audit Committee, the Council shall appoint substitute members via nominations from group Whips. Each Whip shall nominate one substitute for each member that sits on the Committee. Whips may not nominate any members that would be excluded from full membership under the provisions of Article 9 of the Constitution.
- (e) In relation to the General Purposes Committee, an Executive Member, Deputy Executive Member, Whip or Assistant Whip shall be entitled to attend meetings in place of a regular member of the Committee.
- (f) In relation to Scrutiny Boards, substitute members shall be appointed in accordance with the Scrutiny Board Procedure Rules.
- (g) In relation to the Licensing Committee there shall be no substitution of Members. In relation to Licensing Sub-Committees substitute members shall be appointed in accordance with the Licensing Procedure Rules.
- (h) In relation to Standards and Conduct Committee, the Council shall appoint substitute members via nominations from group Whips. Each Whip shall nominate one substitute for each member that sits on the Committee. A nominated member shall be entitled to attend meetings in place of a regular member, subject to the substitute member having received appropriate training.
- (i) In relation to the Health and Wellbeing Board
 - the Council shall appoint substitute Members via nominations from group Whips. Each Whip shall nominate one substitute for each Member that sits on the Board; and
 - any non-voting representative of each Clinical Commissioning Group and of Healthwatch Leeds appointed by the Health and Wellbeing Board, may substitute for a relevant voting representative.
 - the named substitute from the Third Sector can attend and participate in meetings and vote in the absence of the Third Sector member appointed to the Board.
- j) In relation to Community Committees
 - Elected members cannot be substituted
 - Where a representative from a designated organisation has been co-opted on to the Community Committee, that member can be substituted by another representative from that organisation, subject to the Chair being informed before the meeting of the proposed substitution.

Council Procedure Rules

26.2 Substitution

A substitute member shall be entitled to attend in place of a regular member provided that the Committee Clerk has been notified of this before the meeting begins. Once the meeting has begun, the regular member in respect of whom notification has been received, shall no longer be entitled to attend that meeting as a member of the committee concerned.

26.3 Powers and Duties

A substitute member shall be for all purposes a duly appointed member of the committee to which s/he is appointed as a substitute member for the meeting in question. Substitute members will have all the powers and duties of any regular member of the committee, but will not be able to exercise any special powers or duties exercisable by the person for whom they are substituting.

27.0 SPECIAL MEETINGS OF COMMITTEES

27.1 The Chair of a committee established under Rule 1.1(j), may call a meeting at any time. A special meeting shall also be called on the requisition of any three Members of such committees delivered in writing to the Chief Executive. The Agenda for such a special meeting shall set out the business to be considered thereat and no business other than that set out in the Agenda shall be considered at that meeting.

28.0 QUORUM OF COMMITTEES AND SUB-COMMITTEES

28.1 Four Members (including the Chair) shall form a quorum in committees established under Rule 1.1(j), except as follows:

28.2 The quorum for the Employment Committee shall be two, including one Member of the Executive Board.

28.3 The quorum for a meeting of a Community Committee shall be satisfied if at least one third of the Elected Ward Members are present, and at least one Elected Ward Member from each ward within the area is present. In the case of those Committees comprised of only two wards, the quorum shall be satisfied if three Members are present and at least one Elected Ward Member from each ward within the area is present.

28.4 The quorum for the Licensing Committee shall be as set out in the Licensing Procedure Rules.

28.5 The quorum of any sub-committee shall be determined by the appointing committee.

28.6 The quorum of the Health and Wellbeing Board shall be four, including one councillor and a CCG representative.

28.7 The quorum of the Housing Advisory Board shall be four, including two Councillors and one tenant/leaseholder voting co-opted member.

Council Procedure Rules

- 28.8 Except where authorised by statute, business shall not be transacted at a meeting unless a quorum is present

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Indicative timing for Full Council Summary

1. New Start time 1pm rather than 1.30pm (see point 1)
2. Removal of Backbench Community Concerns item.
3. New slot for Health and Wellbeing Minutes for 20 minutes (see point 6b)
4. New Devolved Matters Report considered immediately after tea for 30 minutes (see point 8)
5. Tea at 4.20pm (see point 7)
6. White papers for 45 mins rather than 30 mins (see point 9)
7. Mover of White paper motion may speak for 5 minutes (see point 9)
8. All speakers on White papers are able to do so for four minutes, including summing up. (see point 9)
9. Seconders of all Motions to be able to speak.
10. No changes to other speaking times

	BUSINESS TO BE CONSIDERED	APPROXIMATE TIMINGS	COMMENT
1.	Commencement of Council meeting	1.00pm	Council commences ½ an hour earlier.
2.	Announcements/Minutes of the previous meeting/Declarations of Interests/communications	1.00pm to 1.05pm	
3.	Deputations	1.05pm to 1.30pm	Upto 20 minutes if all 4 ‘slots’ are allocated
4.	Question Time	1.30pm to 2.00pm	
5.	Reports and Recommendations of Committees (Executive Board etc) (NB see report prior to tea)	2.00pm – 2.30pm	This varies for each meeting, averages at about 30 minutes for this block of business
a)	Community Committee Reports x 2	2.00pm to 2.20pm	For each report received: <ul style="list-style-type: none"> • Chair to Move - 2 minutes • Member to 2nd - 2 minutes • Up to 2 Members to contribute – (2x2 minutes) • Chair to sum up - 2 minutes

	BUSINESS TO BE CONSIDERED	APPROXIMATE TIMINGS	COMMENT
b)	Procedural Reports & recommendations from committees	2.20 – 2.30pm	This varies for each meeting, averages at about 10 minutes
6.	Minutes	(2.30pm – 4.20pm – detail see below)	
a)	Executive Board	2.30 to 3.30pm	1hr (as now) on Exec minutes
b)	Health and Wellbeing Board	3.30pm to 3.50pm	New 20 minutes slot
c)	Minutes of Committees, Boards and Panels – OTHER MINUTES	3.50pm to 4.10pm	20 minutes on other minutes
d)	LEADER'S SUMMING UP	4.10pm to 4.20pm	Leader's summing up ten minutes
7.	TEA BREAK	4.20pm to 4:50pm	3hrs 20mins before tea: 2hrs 30mins after tea
8.	Report on Devolved Matters	4.50pm – 5.20pm	
9.	WHITE PAPERS X 3	5.20pm to 7.35pm	45 minutes per White paper each speaker speaking for up to 4 minutes with the exception of the original mover of the motion who may speak for up to 5 minutes. The seconder of a motion or amendment may also speak. NB This will allow ten speakers including the original mover as opposed to the current 8-9 members that currently speak.
10.	COUNCIL FINISHES	7.40pm	Plus a small amount of time for voting.



Report author: David Almond/Mary O'Shea

Report of: Head of Service HR and Section Head Legal Services

Report to: General Purposes Committee

Date: 16 June 2015

Subject: Amendments to the Constitution following the introduction of the Local Authorities (Standing Orders) (England) (Amendment) Regulations 2015

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

The Local Authorities (Standing Orders) (England) (Amendment) Regulations 2015 (“the Regulations”) were made on 25 March 2015 and came into force on 11 May 2015. The Regulations amend the Local Authorities (Standing Orders) (England) Regulations 2001 in relation to the disciplinary process for relevant senior officers namely the Chief Executive (as the authority’s head of paid service), the Deputy Chief Executive (as the council’s chief finance officer) and the City Solicitor (monitoring officer).

The Regulations provide for new arrangements in the disciplinary process, in particular, reference to a panel comprising independent persons before a decision is made. Provision is made for councils to make modifications to their procedures no later than the first ordinary council meeting held after the 11 May 2015.

The Regulations require consequential amendments to the Employment Committee Terms of Reference; the Officer Employment Procedure Rules; and establishment of a panel to advise the authority on matters relating to the dismissal of relevant officers. At the same time, amendments are necessary to the Employment Committee Terms of Reference and Officer Employment Procedure Rules to give clarity on the recruitment and dismissal processes for senior officers.

Recommendations

Members are asked to recommend to full Council for approval:

- 1 Amendments to the Employment Committee Terms of Reference as set out at Appendix A to this report.
- 2 Amendments to the Officer Employment Procedure Rules as set out at Appendix B to this report.
- 3 That a panel be established to comprise of a minimum of two Independent Persons with the Terms of Reference as set out in Appendix C to this report.

1 Purpose of this report

- 1.1 The Local Authorities (Standing Orders) (England) (Amendment) Regulations 2015 (“the Regulations”) were made on 25 March 2015 and came into force on 11 May 2015. The Regulations amend the Local Authorities (Standing Orders) (England) Regulations 2001 in relation to the disciplinary process for relevant officers, the most senior council officers, namely the Chief Executive (as the authority’s head of paid service), the Deputy Chief Executive (as the authority’s chief finance officer), and the City Solicitor (as monitoring officer).
- 1.2 The Regulations provide for new arrangements in the disciplinary process, in particular, reference to a panel comprising independent persons before a decision is made. Provision is made for councils to make modifications to their procedures no later than the first ordinary council meeting held after the 11 May 2015.
- 1.3 The Regulations require changes to the Employment Committee Terms of Reference and the Officer Employment Procedure Rules; and the establishment of a panel of independent persons.
- 1.4 At the same time, amendments are necessary to the Employment Committee Terms of Reference and Officer Employment Procedure Rules to provide clarity on the recruitment and dismissal process for senior officers.

2 Background information

Disciplining Senior Officers

- 2.1 It is a statutory duty of relevant authorities, including this council, to designate officers to hold the statutory posts of head of paid service, chief finance officer and monitoring officer. In this council the Chief Executive is designated as head of paid service, the Deputy Chief Executive as chief finance officer and the City Solicitor as monitoring officer. The head of paid service, chief finance officer and monitoring officer statutory post holders discharge their statutory responsibilities in a political environment.

- 2.2 Statutory protection requiring an appointment of a designated independent person (DIP) to investigate any allegation of misconduct against these statutory post holders was introduced in the 2001 Regulations. Those Regulations provided that no disciplinary action in respect of these statutory post holders could be taken other than in accordance with the recommendation in a report made by a DIP.
- 2.3 The 2015 Regulations now simplify this process by removing the mandatory requirement that a DIP should be appointed. In place of the DIP process the decision will be taken by full council, which must consider any advice, views or recommendations from a panel comprising independent persons, the conclusions of any investigation into the proposed dismissal, and any representations from the officer concerned.

Recruitment of Senior Officers

- 2.4 The Employment Committee of the council has the responsibility for the appointment of senior officers. It is necessary to give more clarity to the process and minor amendments are required to the Employment Committee Terms of Reference to reflect this.

3 Main Issues

Disciplinary action

- 3.1 The disciplinary action covered by the new procedure (and under the previous DIP procedure) is defined in the 2001 and 2015 regulations as “any action occasioned by alleged misconduct which, if proved, would, according to the usual practice of the authority be recorded on the member of staff’s personal file, and includes any proposal for dismissal of a member of staff for any reason other than redundancy, permanent ill-health or infirmity of mind or body, but does not include failure to renew a contract of employment for a fixed term unless the authority has undertaken to renew a contract of employment”.

Establishment of a panel

- 3.2 In the case of potential disciplinary action (as referred to in 3.1 above) against those council officers designated as the statutory post holders as head of paid service, chief finance officer and monitoring officer, under the new Regulations the council is now required to form a panel comprising independent persons.
- 3.3 Schedule 3(e) of the new Regulations say “the Panel” means a committee appointed by the authority under s102(4) of the Local Government Act 1972 for the purposes of advising the authority on matters relating to the dismissal of relevant officers of the authority. However interim guidance from the Local Government Association (LGA), issued following the new Regulations coming into force, queries how this fits with the independent nature of the panel and the LGA is raising this question with the Department for Communities and Local Government (DCLG). This guidance, and any further clarification from

DCLG, will be kept under review by the Chief Officer (HR).

- 3.4 The new Regulations though are clear in saying that the local authority should invite independent persons who have been appointed for the purposes of the members' conduct regime under section 28(7) of the Localism Act 2011 to form a panel. These requirements are intended to allow local people to be involved in the disciplinary process in relation to senior officers and to make councils more accountable to their community. The membership of the panel being formed if two or more independent persons accept invitations to serve on the panel.
- 3.5 Although the establishment of a panel is only necessary in the event that disciplinary action is envisaged, if this does arise, a panel has to be formed 20 days in advance of a relevant disciplinary meeting. For this reason, and to also demonstrate that the arrangements have been put in place in accordance with the timescales set out in the Regulations, it is considered advisable for full Council to establish an independent panel now. The suggested terms of reference for this panel are set out in Appendix C.
- 3.6 The Regulations stipulate how, and in what order of priority, independent persons are approached to form the membership of the panel.

The provisions being as follows:

- a. a relevant independent person who has been appointed by the authority and who is a local government elector;
 - b. any other relevant independent person who has been appointed by the authority;
 - c. a relevant independent person who has been appointed by another authority or authorities.
- 3.7 So, in summary it is recommended that full Council establishes an independent panel, with the terms of reference set out in appendix C, and, for the time being, that Council notes that the membership of the Panel, as prescribed in the Regulations, be confirmed should the need for the Panel to advise full council arise.

Changes to the disciplinary process

- 3.8 The new Regulations do not prescribe how a council's procedure should work in practice including how an investigation should be handled. The LGA guidance suggests the setting up of an investigatory and disciplinary type committee as one option, or alternatively involving the Panel earlier on (although this seems a more problematic option given the role of the Panel as independent and given the small remuneration envisaged for independent persons.)
- 3.9 Leeds City Council already has an Employment Committee (similar to an investigatory and disciplinary committee as referred to in the LGA guidance). The Employment Committee has within its current term of reference to consider and deal with certain disciplinary issues and in the case of the head

of paid service to make referral to full council for a decision if dismissal is recommended. It is proposed that the role of the Employment Committee be maintained in its current form and that its terms of reference be widened in line with the Regulations to include consideration of appropriate issues relating to the other two senior posts referred to, the chief finance officer and monitoring officer. This means that there would be referrals by the Employment Committee to the Panel and full council for a decision where appropriate. In practice the referral to the Panel would take place when the matter is referred to full council so that the views of those independent persons on the Panel can be taken into account by full council before reaching a decision.

- 3.10 A straight forward reading of the Regulations suggests an appeal against dismissal would also go to full council as there is no higher decision making body.
- 3.11 As a consequence of the new Regulations it is necessary to alter the Employment Committee Terms of Reference to reflect the changes as set out in Appendix A and to alter the Officer Employment Procedure Rules as set out in Appendix B.

Impact on the senior officers concerned

- 3.12 The LGA interim guidance says that as some employment contracts of senior officers may still contain reference to the DIP procedure the impact of this has to be considered in individual cases. The LGA has asked authorities to note that they are seeking to amend through collective agreement the model procedures in the Joint Negotiating Committee's Conditions of Service for Chief Executives, thereby potentially removing any need to make changes at a local level.

Recruitment of Senior Officers

- 3.13 The Council's Employment Committee deals with recruitment of senior officers. The current Officer Employment Procedure Rules do not give sufficient clarity on the process to be followed when an appointment is under consideration. In particular the information to be provided by the Employment Committee (via the Proper Officer process) to members of the Executive to enable them to consider if they object to the appointment, and what full council or the Employment Committee, as the case may be, can then take into account to decide if the objections are well founded and/or material. The proposed amendments to the Officer Employment Procedure Rules at Appendix B now give examples of information to be passed on to members of the Executive and explain that the words "well founded" and "material" bear their normal dictionary meanings.
- 3.14 The Chief Officer HR has been asked to consider whether the current well founded and/or material objections process should be amended to allow any objections from an Executive Member to be considered at an Executive Board meeting. However, after careful consideration, this request has not been included due to the potential recruitment issues and/or delays that could arise. The proposal is that the members of the Executive are individually

contacted in line with current arrangements and that the Employment Committee will decide if any objection received from a member of the Executive is material and/or well- founded.

4 Corporate Considerations

4.1 Consultation and Engagement

The Government had consulted on the new Regulations before they were made. Leaders of the political groups have been consulted in relation to the suggested changes to the Employment Committee Terms of Reference and the Officer Employment Procedure Rules. The impact of the proposals and how they fit with the terms and conditions of employment of the senior officers concerned is not currently known as further guidance is awaited on this. There would be consultation with the senior officers if changes to terms and conditions of employment are proposed. It is also proposed to inform the council's recognised trade unions of these changes.

4.2 Equality and Diversity / Cohesion and Integration

There are no implications for this report.

4.3 Council policies and the Best Council Plan

The council includes within its values "being open, honest and trusted". The Regulations provide a simpler process for dismissal of the most senior officers and includes arrangements for considering representations from independent persons.

4.4 Resources and value for money

The Regulations make provisions limiting the remuneration that should be paid to independent persons on the Panel to the level of the remuneration which they would normally receive as an independent person in the conduct regime. This remuneration is a modest annual allowance or small meeting fee and this approach is intended to ensure that the new process does not involve a high cost.

4.5 Legal Implications, Access to Information and Call In

The Regulations require that the council changes its procedures.

4.6 Risk Management

In amending the constitution to accommodate the Regulations, the risk of any failure to comply with the Regulations is minimised.

5 Conclusions

The Regulations impose requirements in relation to the disciplinary procedure for the senior designated statutory post holders. Amendments to reflect this and to provide greater clarity in relation to the procedure for the recruitment of senior officers,

ensures compliance with legislation and transparency and consistency in how the legislation is applied.

6 Recommendations

Members are asked to recommend to full Council for approval:

- 6.1 Amendments to the Employment Committee Terms of Reference as set out at Appendix A to this report.
- 6.2 Amendments to the Officer Employment Procedure Rules as set out at Appendix B to this report.
- 6.3 That a panel be established to comprise of a minimum of two Independent Persons with the Terms of Reference as set out in Appendix C to this report.

7 Background documents

None

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Employment Committee

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

1. to make recommendations to Council to appoint ~~or dismiss~~ the ~~Chief Executive~~ **Head of Paid Service**.
2. ~~to make recommendations to Council as to the dismissal of the Head of Paid Service, the Monitoring Officer or the Chief Finance Officer.~~
3. to take disciplinary action³ short of dismissal against the ~~Head of Paid Service~~ **Chief Executive**, the Monitoring Officer or the Chief Finance Officer.
4. to hear any grievance submitted by the ~~Head of Paid Service~~ **Chief Executive** and referred to it by the Chief Officer Human Resources.
5. to hear any appeal referred to it by the Chief Officer Human Resources against the outcome of the first formal stage of a grievance against the ~~Head of Paid Service~~ **Chief Executive**.
6. ~~to appoint the Monitoring Officer and the Chief Finance Officer.~~
7. to suspend, ~~and keep under review the suspension of, the Head of Paid Service~~ **Chief Executive**, the Monitoring Officer or the Chief Finance Officer ~~Deputy Chief Executive pending completion of the disciplinary process. Any such suspension must not last longer than two months (unless extended by the Designated Independent Person⁴).~~
8. to appoint or dismiss or take disciplinary action ~~short of dismissal~~⁵ against Directors⁶.

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

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

³ 'Disciplinary action' has the meaning set out in the Local Authorities (Standing Orders) (England) Regulations 2001 (as amended)

⁴ ~~Regulation 6 and Schedule 3 of the Local Authorities (Standing Orders) (England) Regulations 2001~~

⁵ Provided that Directors shall retain their delegated authority in accordance with proper processes and procedures to take disciplinary action short of dismissal and to deal with appeals as appropriate

⁶ 'Directors' in this context is to be construed as any officer referred to in sub-paragraph (b), (c), or (d) of paragraph 3 of Part II of Schedule 1 of the Local Authorities (Standing Orders) (England) Regulations 2001, namely:

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

9. to deal with appeals⁷ relating to grading, grievance and disciplinary action short of dismissal in respect of the ~~Head of Paid Service~~ **Chief Executive, the Monitoring Officer and the Chief Finance Officer.**
10. to deal with appeals⁵ relating to grading, grievance, **dismissal** and disciplinary action **short of dismissal** ~~(including dismissal)~~ in respect of Directors⁶.

⁷ Any such appeals shall be heard by a differently constituted Employment Committee from that which heard the original grievance or dealt with the original disciplinary proceedings, as the case may be

OFFICER EMPLOYMENT PROCEDURE RULES**1.0 RECRUITMENT AND APPOINTMENT****1.1 Declarations**

- (a) The Council will draw up a statement requiring any candidate for appointment as an officer to state in writing whether they are the parent, grandparent, partner, child, stepchild, adopted child, grandchild, brother, sister, uncle, aunt, nephew or niece of an existing Councillor or officer of the Council, or of the partner of such persons. A candidate who fails to declare such relationship will be **automatically** disqualified from such appointment **without notice with immediate effect**.
- (b) No candidate so related to a Councillor or an officer will be appointed without the authority of the relevant Director or an officer nominated by him/her **for that purpose**.
- (c) Every Member and senior officer of the Council shall disclose to the relevant Director any relationship known to that person to exist with a candidate for any appointment. It shall be the duty of the relevant Director to report to the Council or to the appropriate Committee or Sub-Committee including any Member or officer to whom power has been delegated to make an appointment, any such disclosure made by a candidate, Member, or senior officer.
- (d) Directors shall record in a book to be kept for the purpose particulars of such disclosure made under this Rule.
- (e) Where relationship to a Member of the Council is disclosed, that Member shall withdraw from the meeting while the appointment is under consideration.

1.2 Seeking support for appointment

- (a) The Council will disqualify any applicant who directly or indirectly seeks the support of any Councillor for any appointment with the Council. The content of this paragraph will be included in any recruitment information.
- (b) No Councillor will seek support for any person for any appointment with the Council.

1.3 Non-discriminatory practices Equal Opportunities

The Council will ~~conduct~~ **not unlawfully discriminate** in the recruitment and appointment of officers ~~in accordance with non-discriminatory practices and all appointments shall be made on merit.~~

2.0 RECRUITMENT OF HEAD OF PAID SERVICE AND DIRECTORS

2.1 Where the Council proposes to appoint a **Head of Paid Service or a Director** ~~and it is not proposed that the appointment be made exclusively from among their existing officers;~~¹ the Council will:

- (a) draw up a statement specifying:
 - (i) the duties of the officer concerned; and
 - (ii) any qualifications or qualities to be sought in the person to be appointed;
- (b) make arrangements for the post to be advertised in such a way as is likely to bring it to the attention of persons who are qualified for it; and
- (c) make arrangements for a copy of the statement mentioned in paragraph ~~(4a)~~ to be sent to any person on request.

2.2 Where a post has been advertised as provided in Rule 2.1, the authority shall:-

- (a) interview all qualified applicants for the post, or
- (b) select a ~~short list~~shortlist of such qualified applicants and interview those included on the ~~short list~~shortlist.

2.3 Where no qualified person has applied, the authority shall make further arrangements for advertisement in accordance with Rule 2.1(b).

3.0 APPOINTMENT OF HEAD OF PAID SERVICE

3.1 ~~The full Council will approve the appointment of the~~ Following a recommendation of the Employment Committee that a particular candidate should be appointed to the post of Head of Paid Service ~~following, the recommendation of such an~~

¹ "Directors" for the purpose of paragraph 4.1 and "Director" for the purposes of paragraphs 2.1, 4.2 to 4.2.5 and 7.3 and 7.4 shall mean any officer(s) referred to in sub-paragraph (b), (c), or (d) of paragraph 3 of Part II of Schedule 1 of the Local Authorities (Standing Orders)(England) Regulations 2001, namely:

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

~~appointment by a committee or sub-committee of the Council. That committee or sub-committee must include at least one Member~~ Proper Officer shall notify every member of the Executive of the following:

- 3.1.1 The name of the person to whom the Employment Committee recommends that the post be offered;
 - 3.1.2 Any other particulars relevant to the appointment which the Employment Committee has notified to the Proper Officer²;
 - 3.1.3 The period within which any objection to the making of the offer is to be notified to the Proper Officer. The standard period will be 3 working days, but may be shortened by the Chair of the Employment Committee where necessary for the proper discharge of the Authority's functions, subject to a minimum period of 24 hours.
- 3.2 The full Council may only make ~~or approve the~~ an offer of appointment ~~to the post of Head of Paid Service where no well-founded objection has been made to the person recommended by any~~ the Employment Committee provided that:
- 3.2.1 The Proper Officer has, within the period specified in the notice under paragraph 3.1.3, notified the full Council that each member of the Executive ~~has stated that they do not have any objection to the making of the offer; or~~
 - 3.2.2 The Proper Officer has notified the full Council that no objection was received by him from any member of the Executive within the specified period; or
 - 3.2.3 The full Council is satisfied that any objection which has been received from any member of the Executive within the specified period is not material and/or is not well-founded or does not outweigh the other factors taken into consideration by the Employment Committee³.

4.0 APPOINTMENT OF DIRECTORS

² It will be a matter for the Employment Committee to determine in each case what particulars are relevant for these purposes, for example: the identity of the proposed appointee's latest two employers/host organisations, the posts or offices held and the duration of employment/office holding in each case.

³ It will be a matter for the full Council to determine in each case whether any particular objection is material and/or well-founded, having regard to the relevance of any such objection to the suitability of the particular candidate for that particular role, not being matters which relate to a protected characteristic under s.4 of the Equality Act 2010. The terms "material" and "well-founded" shall bear their normal dictionary meanings.

Officer Employment Procedure Rules

- 4.1 ~~A committee or sub-committee of the Council~~The Employment Committee will appoint Directors⁴. ~~That committee or sub-committee must include at least one member of the Executive.~~
- 4.2 ~~An~~Before the Employment Committee makes an offer of employment ~~as a~~ appointment to the post of Director, the Proper Officer shall ~~only be made where no well-founded~~ notify every member of the Executive of the following:
- 4.2.1 The name of the person to whom the Employment Committee intends to offer the post;
- 4.2.2 Any other particulars relevant to the appointment which the Employment Committee has notified to the Proper Officer⁵;
- 4.2.3 The period within which any objection to the making of the offer is to be notified to the Proper Officer. The standard period will be 3 working days, but may be shortened by the Chair of the Employment Committee where necessary for the proper discharge of the Authority's functions, subject to a minimum period of 24 hours.
- 4.2.4 The Employment Committee may only make the offer of appointment provided that:
- 4.2.5 The Proper Officer has, within the period specified in the notice under paragraph 4.2.3, notified the Employment Committee that each member of the Executive has stated that they do not have any objection to the making of the offer; or
- 4.2.6 The Proper Officer has notified the Employment Committee that no objection was received by him from any member of the Executive within the specified period; or
- 4.2.7 The Employment Committee is satisfied that any objection which has been received~~-~~ from any member of the Executive within the specified period is not material and/or is not well-founded or does not outweigh the other factors taken into consideration by the Employment Committee⁶.

~~⁴ Director is defined as those officers named in Part 3 Section 2C and Part 3 Section 3E of the Constitution or those officers otherwise identified at the discretion of the Head of Paid Service'.~~

~~⁵ It will be a matter for the Employment Committee to determine in each case what particulars are relevant for these purposes, for example: the proposed appointee's latest two employers/host organisations, the posts or offices held and the duration of employment/office holding in each case.~~

~~⁶ It will be a matter for the Employment Committee to determine in each case whether any particular objection is material and/or well-founded, having regard to the relevance of any such objection to the suitability of the particular candidate for that particular role, not being matters which relate to a protected characteristic under s.4 of the Equality Act 2010. The terms "material" and "well-founded" shall bear their normal dictionary meanings.~~

5.0 OTHER APPOINTMENTS

- 5.1 **Officers below Director.** Appointment of officers below Directors (other than assistants to political groups) is the responsibility of the Head of Paid Service or his/her nominee, and may not be made by Councillors.
- 5.2 **Assistants to political groups.** Appointment of an assistant to a political group shall be made in accordance with the wishes of that political group.

6.0 DISCIPLINARY ACTION

- 6.1 **Suspension.** The Head of Paid Service, Monitoring Officer and Chief Finance Officer may be suspended whilst an investigation takes place into alleged misconduct. ~~That suspension will be on full pay and last no longer than two months.~~

~~6.2 **Independent person.** No other disciplinary action may be taken in respect of any of those officers except in accordance with a recommendation in a report made by a designated independent person.⁷~~

~~6.36.2 Councillors will not be involved in the disciplinary ~~action against~~process in respect of any officer below Director level except where such involvement is necessary for any investigation or inquiry into alleged misconduct, ~~though the Council's disciplinary, capability and related procedures, as adopted from time to time may allow a right of appeal to members in respect of disciplinary action.~~~~

7.0 DISMISSAL AND OTHER DISCIPLINARY ACTION

- 7.1 Councillors will not be involved in the dismissal of any officer below Director except where such involvement is necessary for any investigation or inquiry into alleged misconduct, ~~though the Council's disciplinary, capability and related procedures, as adopted from time to time may allow a right of appeal to Members in respect of dismissals.~~

7.2 ~~Head of paid service.~~ ~~Where a committee or sub-committee is discharging the function of dismissal of the~~ **The Head of Paid Service, the authority must approve Chief Finance Officer and Monitoring Officer**

- 7.2.1 Subject to the provisions of paragraph 7.4, the Employment Committee may take disciplinary action short of dismissal or recommend to full Council that the Head of

⁷ ~~Local Authorities (Standing Orders) (England) Regulations 2001.~~

Officer Employment Procedure Rules

Paid Service, Chief Finance Officer or Monitoring Officer be dismissed. Only full council can approve the dismissal ~~before notice of dismissal is given.~~

~~7.3 of the Head of Paid Service and Directors Where a committee or sub-committee is discharging the function,~~ the Chief Finance Officer or the Monitoring Officer (referred to below in each case as “the relevant officer”).

7.2.2 Before taking a vote at the relevant meeting on whether or not to approve such a dismissal, the authority must take into account, in particular-

- (a) any advice, views or recommendations of an independent panel⁸.
- (b) the conclusions of any investigation into the proposed ~~dismissal of any of these officers;~~ and
- (c) any representations from the relevant officer.

7.2.3 The independent panel referred to must be appointed by the authority at least ~~one~~20 days before the relevant meeting and should comprise a minimum of two independent panel members

7.3 Directors

7.3.1 Subject to paragraph 7.4 and (in the case of the Chief Finance Officer and the Monitoring Officer) paragraphs 7.2.1 to 7.2.3, the Employment Committee may dismiss or take disciplinary action short of dismissal in respect of Directors.

7.4 Notice of dismissal of a Director (falling within the definition under footnote 1 above) must not be given until the Proper Officer has notified every member of the Executive ~~must be aof~~ the following:

7.4.1 the name of the person who the Employment Committee proposes to dismiss;

7.4.2 any other particulars relevant to the dismissal⁹; and

7.4.3 the period within which any objection to the dismissal is to be made by any member ~~of~~ of the Executive to the Proper Officer; and either:

7.4.4 the Proper Officer has within the specified period notified the Employment Committee ~~that committee or sub-committee~~ each member of the Executive has stated that they do not have any objection to the dismissal; or

⁸ Appointed under s.102(4) of the Local Government Act 1972 for the purposes of advising the authority on matters relating to the dismissal of relevant officers of the authority in accordance with the Local Authorities (Standing Orders) (England) Regulations 2001 (as amended)

⁹ It will be a matter for the Employment Committee to determine in each case what particulars are relevant for these purposes.

- 7.4.5 the Proper Officer has notified the Employment Committee that no objection was received by him within the specified period from any member of the Executive; or
- 7.4.6 the Employment Committee is satisfied that any objection received is not material and/or is not well-founded¹⁰.

8.0 POLITICAL ASSISTANTS

- 8.1 Not more than one political assistant's post shall be allocated by the Council, from time to time, to each of the qualifying political groups into which the Council is divided
- 8.2 No appointment to a political assistant's post shall be made until the Council has allocated such a post to each qualifying political group.
- 8.3 For the purpose of this Rule, a "qualifying political group" means a political group which qualifies for the allocation to it of a political assistant's post in accordance with sub-sections 6 and 7 of Section -9 of the Local Government and Housing Act 1989.

9.0 POLITICAL RESTRICTIONS ON COUNCIL EMPLOYEES

- 9.1 All persons exercising powers of appointment, shall do so only in accordance with the legislative provisions restricting political activity as detailed in the Local Government Act 1972 and the Local Government and Housing Act 1989.
- 9.2 The Head of Paid Service will, in accordance with the Local Government and Housing Act 1989 and if requested to do so, determine whether to grant or revoke exemptions to posts from inclusion on the list of politically restricted posts maintained by the Council. In carrying out these functions, the Head of Paid Service will consult the Monitoring Officer.
- 9.3 Directors have a duty to apply to the Head of Paid Service to revoke any exemption to inclusion on the list of politically restricted posts, for a post within their service area, where the duties of that post have substantially changed and/or where the Director believes that the exemption is no longer appropriate.
- 9.4 The Chief Officer (Human Resources) will maintain a list of all politically restricted posts within the Council. Directors have a duty to inform the Chief Officer (Human Resources) of any **post** within their structures which ~~service areas which~~ should be

¹⁰ It will be a matter for the Employment Committee to determine in each case whether any particular objection is material and/or well-founded, not being matters which relate to a protected characteristic under s.4 of the Equality Act 2010. The terms "material" and "well-founded" shall bear their normal dictionary meanings.

Officer Employment Procedure Rules

included on the list of politically restricted posts under the Local Government and Housing Act 1989.

Independent Panel

The Independent Panel is authorised to discharge the following functions¹:

1. to advise the authority on matters relating to the dismissal of relevant officers of the authority².

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

² In accordance with the Local Authorities (Standing Orders) (England) (Amendment) Regulations 2015

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