



---

## GENERAL PURPOSES COMMITTEE

---

Meeting to be held in Civic Hall, Leeds, LS1 1UR on  
Wednesday, 10th May, 2017 at 10.00 am

---

### MEMBERSHIP

#### Councillors

D Blackburn	Farnley and Wortley;
J Blake (Chair)	Middleton Park;
Mrs A Carter	Calverley and Farsley;
R Charlwood	Moortown;
S Golton	Rothwell;
G Latty	Guiseley and Rawdon;
J Lewis	Kippax and Methley;
A Lowe	Armley;
A Ogilvie	Beeston and Holbeck;
J Pryor	Headingley;
S Varley	Morley South;
L Yeadon	Kirkstall;

---

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

**Kevin Tomkinson**  
  
**0113 37 88659**

# A G E N D A

Item No	Ward/Equal Opportunities	Item Not Open		Page No
1			<p><b>APPEALS AGAINST REFUSAL OF INSPECTION OF DOCUMENTS</b></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><b>EXEMPT INFORMATION - POSSIBLE EXCLUSION OF THE PRESS AND PUBLIC</b></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><b>RESOLVED</b> – 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><b>LATE ITEMS</b></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><b>DECLARATION OF DISCLOSABLE PECUNIARY AND OTHER INTERESTS</b></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><b>APOLOGIES FOR ABSENCE</b></p> <p>To receive any apologies for absence from the meeting.</p>	
6			<p><b>MINUTES OF THE LAST MEETING</b></p> <p>To receive and approve the minutes of the meeting held on 8<sup>th</sup> March 2017.</p>	1 - 2
7			<p><b>JOINT REVIEW OF ALL POLLING DISTRICTS, PLACES AND STATIONS AND COMMUNITY GOVERNANCE REVIEW OF PARISH AND TOWN COUNCIL ARRANGEMENTS</b></p> <p>To consider a report of the Head of Elections, Licensing and Registration seeking agreement to the process and timetable for the joint Review of Polling Districts, Places and Stations and Community Governance Review of all Parish and Town Council arrangements.</p>	3 - 38

Item No	Ward/Equal Opportunities	Item Not Open		Page No
8			<p><b>ANNUAL REVIEW OF THE CONSTITUTION</b></p> <p>To consider the report of the City Solicitor setting out proposed amendments to the Council’s constitution to ensure that it remains up to date and fit for purpose and recommending the relevant changes to Council.</p> <p><b>THIRD PARTY RECORDING</b></p> <p>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>Use of Recordings by Third Parties– code of practice</p> <p>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.</p> <p>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>	39 - 112

<b>Item No</b>	<b>Ward/Equal Opportunities</b>	<b>Item Not Open</b>		<b>Page No</b>
----------------	---------------------------------	----------------------	--	----------------

This page is intentionally left blank

## GENERAL PURPOSES COMMITTEE

WEDNESDAY, 8TH MARCH, 2017

**PRESENT:** Councillor J Blake in the Chair

Councillors D Blackburn,  
N Buckley(substitute), Mrs A Carter,  
R Charwood, S Golton, J Lewis, A Lowe,  
A Ogilvie, J Pryor and L Yeadon

Apologies Councillors G Latty and S Varley

### **15 Appeals against refusal of inspection of documents**

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

### **16 Exempt Information - possible exclusion of the press and public**

There were no resolutions to exclude the public.

### **17 Late items**

There were no late items.

### **18 Declaration of Disclosable Pecuniary and Other Interests**

There were no declarations of interest.

### **19 Apologies for absence**

Apologies were received from Councillor G Latty (Councillor Buckley attended as substitute) and Councillor Varley.

### **20 Minutes - 1st February 2017**

**RESOLVED** – That the minutes of the meeting held on 1<sup>st</sup> February 2017 be approved as a correct record.

### **21 Approval of the 2017/18 Pay Policy Statement**

The Chief Officer HR submitted a report seeking Members' views on the Pay Policy Statement- 2017/18 and for the Committee to make recommendations to Full Council to approve the changes before the start of the 2017/18 financial Year.

**RESOLVED –**

- 1a) That the Pay Policy Statement at Appendix A to the submitted report be recommended to full Council for approval.
  - b) That any in year requirement to amend the Annual Pay Policy Statement as a consequence of changes to council policies is undertaken by the Director of Resources and Housing and/or the Chief Officer (HR) or on advice from the Section 151 Officer and that this be reported to the General Purposes Committee to then make recommendations to Full Council for approval.
- 2 To receive assurances from the Deputy Chief Executive and the Chief Officer-HR, that the senior management pay structure is appropriate and complied with.

**22 Appointments to the Independent Remuneration Panel and of Independent Person for Standards Matters**

The City Solicitor submitted a report asking General Purposes Committee to make recommendations to full Council concerning the two appointments in respect of the Chair of the Independent Remuneration Panel and the Independent Person for Standards Matters and seeking agreement to the establishment of a member panel to make recommendations on appointments to the Independent Remuneration Panel necessary in 2018.

**RESOLVED –**

- 1 To recommend to Council that;
  - a) Sir Rodney Brooke be re-appointed as Chair of the Independent Remuneration Panel until the end of June 2018.
  - b) Mr Gordon Tollefson be re-appointed as the Council's Independent Person for a 5 year period until July 2022
- 2 That a Member Panel be established to consider and make recommendations on appointments to the Independent Remuneration Panel necessary in 2018.



Report author: Susanna Benton  
Tel: 0113 3784771

---

**Report of: Head of Elections, Licensing and Registration**

**Report to: General Purposes Committee**

**Date: 10 May 2017**

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

Are specific electoral wards affected? If yes, name(s) of ward(s): All	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
Are there implications for equality and diversity and cohesion and integration?	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
Is the decision eligible for call-in?	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
Does the report contain confidential or exempt information? If relevant, access to information procedure rule number: N/A Appendix number: N/A	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No

---

**Summary of main issues**

1. An Electoral Review of the Council's ward boundaries, conducted by the Local Government Boundary Commission for England (LGBCE), concluded in March 2017 with the publication of their Final Proposals.
2. The Final Proposals set out the Council's new ward boundaries which will come into effect at the local elections on 3 May 2018.
3. In preparation for the implementation of these new boundaries, the Council must now undertake a full review of polling districts, places and stations to realign polling districts to fit within the new ward boundaries, and to ensure polling places and stations are designated in suitable locations and buildings within those polling districts.
4. The review process identified some anomalies relating to Parish and Town Council boundaries, which were outside of the remit of the review and could not be addressed in the LGBCE's Final Recommendations. The LGBCE did,

however, state that any changes to the new ward boundaries as a result of a subsequent Community Governance Review would be recognised by them retrospectively.

5. Officers therefore intend to undertake a full Community Governance Review, to be carried out alongside the review of polling districts, places and stations.
6. The guidance for both types of review allows for a process and timetable that permits both reviews to be conducted jointly.

## **Recommendations**

1. Members are asked to:
  - 1.1 Agree the process for the Joint Review of Polling Districts, Places and Stations and Community Governance Review of all Parish and Town Council arrangements as set out in this report;
  - 1.2 Agree the timetable for the Joint Review as set out at Appendix A to this report.
  - 1.3 Agree the Terms of Reference for the Community Governance Review of all Parish and Town Councils as set out in Appendix B to this report; and
  - 1.4 Agree that Elections Working Group will be used as a working group to discuss the results of any representations received in response to both consultation exercises, and provide recommendations for General Purposes Committee's consideration as set out in this report.

## **1 Purpose of this report**

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

## **2 Background information**

- 2.1 In 2015, Leeds City Council was selected by the LGBCE to be subject to an Electoral Review.
- 2.2 An Electoral Review is the review of the electoral arrangements of a local authority: the number of Councillors, the names, number and boundaries of wards and electoral divisions and the number of Councillors to be elected to each.
- 2.3 Electoral reviews are initiated primarily to improve electoral equality. This means ensuring, so far as is reasonable, that for any principal Council, the ratio of electors to Councillors in each electoral ward or division, is the same, and this was the reason for the Council's selection.
- 2.4 The Electoral Review of Leeds concluded in March 2017 and the LGBCE are now responsible for putting any changes to electoral arrangements into effect. They will do this by making a Statutory Instrument or order. The Council must then conduct local elections on the basis of the new arrangements set out in the order. These elections will take place on 3 May 2018.
- 2.5 In preparation for these elections, the polling districts must be realigned to reflect the new ward boundaries. Matters relating to the current ward boundaries cannot be considered as part of this review.
- 2.6 The Electoral Review also identified some anomalies relating to Parish and Town Council boundaries, which were outside of the remit of the review and could therefore not be addressed by the LGBCE in their Final Recommendations.
- 2.7 These anomalies, as well as any other representations relating to Parish and Town Council arrangements must be considered by way of a Community Governance Review. The LGBCE will address any amendments to their Final Recommendations as a result of the Community Review retrospectively. A list of the anomalies is attached at Appendix C.
- 2.8 Officers are also aware of a number of matters relating to Parish and Town Council arrangements which will be included as submissions during the first consultation period. These are summarised at Appendix C.
- 2.9 Officers therefore intend to carry out a full review of polling districts, places and stations and a full Community Governance Review of all Parish and Town Councils in its area commencing 11 May 2017.
- 2.10 Any changes to polling districts, places or stations as an outcome of this joint review will come into effect at the local government elections in May 2018.

- 2.11 Any changes to Parish and Town Council arrangements as a result of this joint review will come into effect at the Parish and Town Council elections in May 2019.

### 3 Main issues

- 3.1 Guidance for the conduct of a review of polling districts, polling places and polling stations has been published by the Electoral Commission<sup>1</sup>. The Local Government Boundary Commission for England has published guidance for the conduct of a Community Governance Review<sup>2</sup>, which follows a similar process. Consolidating the two processes, officers recommend the following stages: -

- 3.1.1 A Preliminary Stage - When notice is given of the Joint Review and advises that representations would be welcome, particularly (with regard to polling stations) from those with expertise in access for persons with any type of disability. It also sets out the reference documents which should be made available. This would be the first public consultation period and will last 6 weeks. The Council would consider representations received and form Initial Proposals for further consultation.
- 3.1.2 A Proposals Stage - When the Council considers representations received and forms its Initial Proposals. The Returning Officer must comment, at this stage, on all existing polling stations used and any new polling stations which would probably be chosen if the new proposals were accepted by the authority. The Guidance suggests that the polling district review by the authority (of districts and places) should be conducted jointly with the Returning Officer's review (of polling stations). The Initial Proposals would also include proposals for parish and town Council matters for the Community Governance Review.
- 3.1.3 The Consultation Stage - To receive representations and comments on the authority's Initial Proposals for both the Polling District Review and Community Governance Review. This would be the second consultation period and will last 8 weeks. For the Polling District Review this needs to be in two parts: -
- i. a compulsory submission from the Returning Officer of the parliamentary constituency with regard to the suitability of the designated polling stations; and
  - ii. submissions from other persons and bodies which can be referenced to the Returning Officer's proposed polling stations as well as the authority's Initial Proposals.
- 3.1.4 Conclusion of the Joint Review - When the authority must produce Final Proposals, taking into consideration any further representations made.
- 3.1.5 The Decision of the Council on the proposals. General Purposes Committee will decide the Final Proposals of the Review of Polling

---

<sup>1</sup> Electoral Commission's Guidance - Reviews of polling districts, polling places and polling stations

<sup>2</sup> The Electoral Commission's Guidance on Community Governance Reviews (May 2010)

Districts, Places and Stations; and will make recommendations to Full Council on the Final Proposals to be adopted for the Community Governance Review.

- 3.1.6 The Publishing Stage - When the decision and background material is published.
- 3.1.7 Right of Appeal - Although the final decision is that of the Authority, there is a right of appeal to the Electoral Commission in respect of the outcome of the polling district review. There is, however, no automatic right of appeal to the outcome of the community governance review (see section 6.6 of this report).

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

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

#### **4 The Review of Polling Districts and Places**

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

4.2 The primary considerations for every review are a requirement of Electoral law, and are: -

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

4.3 There is no scientific formula or set of rules for the division of a constituency into polling districts, nor for the selection of polling places. The choice will often be a balance between a number of competing considerations, for example between the quality (access, facilities, etc) of a building and the distances between the

residents and that building, compared to other options for polling places. Judgment needs to be exercised, e.g. when comparing the potential disturbance to voters as against other factors. However, in carrying out the balancing exercise, the approach should be **voter-centred**.

- 4.4 Officers propose that the same criteria used for the last polling district review is used again for this review: -
- i. Disparities between polling districts to make them more comparable in terms of number of polling places and number of electors per polling place;
  - ii. Current levels of satisfaction / dissatisfaction as expressed by or on behalf of electors;
  - iii. The cost / elector ratio of providing a polling place, so there is broad comparability between districts;
  - iv. The availability of postal votes on demand;
  - v. Disturbance to electors which would be caused by alteration of polling places which have been used for a long period of time;
  - vi. A polling place should be in its own polling district, unless it is not possible to find a suitable place in the district;
  - vii. There should not be major barriers between the voters and their polling place. Major roads, rivers and the like can therefore be considered as starting points for polling district boundaries unless there is good quality, accessible crossing points;
  - viii. The polling place should not be difficult to locate and should be close to where most of the electors in the polling district live;
  - ix. The topography of the area should be taken into account including availability of public transport for electors having to travel distances to the polling place;
  - x. Facilities for polling staff, who will be on duty for at least 16 hours and cannot leave the polling place;
  - xi. That each parish should be a separate polling district save in exceptional circumstances;
  - xii. If there appears to be a need in all or particular elections (considering, for example, UK Parliamentary elections may have a higher turnout than local government elections) for multiple polling stations in a polling place, it will need to be considered if the polling place can accommodate them; and
  - xiii. Capability of the polling place to cope with peaks of electors allocated to it.
- 4.5 It should be noted that the considerations are not weighted, as proposals need to be voter-centred and the exercise of judgment and the balancing exercise needs to have this at the forefront of consideration. Each proposal/representation will

have circumstances peculiar to it and the differing considerations relating to those circumstances must be balanced to allow the outcome to be voter centred.

4.6 General Purposes Committee agreed the above review criteria at their meeting on 12 February 2013. It is proposed to use the same criteria for the purposes of this review.

## **5 The Community Governance Review of all Parish and Town Councils**

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

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

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

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

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

## **6 Corporate Considerations**

### **6.1 Consultation and Engagement**

6.1.1 The proposed consultation arrangements are outlined as follows. These arrangements are the same as used for previous reviews and will follow the timetable set out at Appendix A.

6.1.2 The Notice of Review will be published in local press. Full details of how to make a representation will be given in the Notice of Review and on the Council's website. In addition to the website notice we will be writing to all MPs and Councillors as well as making the information available to relevant Parish Clerks and at local public buildings in all areas.

### **6.2 Equality and Diversity / Cohesion and Integration**

6.2.1 As explained previously, the notice of the review will invite representations from stakeholders and in particular from those with expertise in access for persons with any type of disability. According to law, the authority must seek to ensure that so far as is reasonable and practicable every polling place is accessible to electors who are disabled. The process outlined in this report meets that requirement.

6.2.2 Equality and cohesion screening documents have been completed for this review and has concluded that the consultation arrangements will help ensure all people affected by the review are given an opportunity to comment which will address any equality, diversity, cohesion or integration issues raised. The screening documents are available as a background document to this report.

### **6.3 Council Policies and City Priorities**

6.3.1 The process for conducting a review of polling districts, places and stations and a community governance review is set out in legislation. It is a requirement that the authority completes its next full polling district review by the end of 2019 however in order to realign polling districts with the new ward boundaries, and ensure those polling districts have suitable polling places and polling districts allocated, it is necessary to carry out a review during 2017. The authority can conduct a full community governance review at any time it chooses, however in order to address anomalies unearthed during the Electoral Review, and to take into account other Parish and Town Council issues before the 2019 all out Parish and Town Council elections, Officers have recommended that both reviews be carried out at the same time in the interests of efficiency and consistency.

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

### **6.4 Resources and Value for Money**

6.4.1 There is no separate budget provision for the costs of carrying out any Review of Polling Districts or Community Governance Review. The costs of carrying out the consultation process will be met from within the existing budget for Electoral Services.

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

## **6.5 Legal Implications, Access to Information and Call In**

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

“ ...

- (c) to divide a constituency into polling districts<sup>3</sup>
- (d) to divide electoral divisions into polling districts at local government elections”

and

“ ...

- (k) Functions relating to community governance<sup>4</sup>
  - (i) Duties relating to community governance reviews
  - (ii) Functions relating to community governance petitions
  - (iii) Functions relating to terms of reference of review
  - (iv) Power to undertake a community governance review
  - (v) Duties when undertaking review
  - (vi) Duty to publicise outcome of review
  - (vii) Duty to send two copies of order to Secretary of State and Electoral Commission.”

6.5.2 If the Chief Executive chooses not to exercise that delegated authority, he may refer the matter to General Purposes Committee, who have authority: -

“to consider and determine Council (non-executive) functions delegated to a Director where the Director has decided not to exercise the delegated authority and has referred the matter to the committee.”

6.5.3 There is no provision similar to that regarding executive functions that allows the relevant Executive Member to require the “Director” to not exercise the delegated authority but to take a matter to Executive Board.

6.5.4 However, the Chief Executive has the opportunity to consult with the relevant Member(s), before deciding whether to exercise his delegated authority or alternatively himself choose to refer the matter to General Purposes Committee.

---

<sup>3</sup> The area created by the division of a constituency, ward or division into smaller parts, within which a polling place can be determined which is convenient to electors

<sup>4</sup> Functions relating to making of recommendations under section 87 – 92 of the Local Government and Public Involvement in Health Act 2007 (Item 5 Paragraph EB of Schedule 1 of the Local Authorities (Functions and Responsibilities) (England) Regulations 2000/2853) are reserved to the relevant committee that is responsible for making recommendations to full Council.

- 6.5.5 Therefore any community governance review under the existing constitutional provisions can be determined by the Chief Executive, or he has the alternative to refer the matter to General Purposes Committee, who themselves make final recommendations to Full Council.
- 6.5.6 The Chief Executive has chosen to refer the need to undertake a Polling District Review and the decision to undertake a full Community Governance Review to General Purposes Committee.
- 6.5.7 However, General Purposes Committee alone has the delegated authority to make recommendations for the final proposals for any Community Governance Review to Full Council. This is not delegated to the Chief Executive

## **6.6 Risk Management**

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

## **7 Conclusions**

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

## **8 Recommendations**

8.1 Members are asked to: –

- a) Agree the process for the Joint Review of Polling Districts, Places and Stations and Community Governance Review of all Parish and Town Council arrangements as set out in this report;
- b) Agree the timetable for the Joint Review as set out at Appendix A to this report;

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

## **9 Background documents**

None

## **Appendices**

- A. Timetable for Joint Review
- B. Terms of Reference for Community Governance Review of all Parish and Town Councils
- C. List of Parish and Town Council anomalies from the ward boundary review and known Parish and Town Council matters to be submitted during the first consultation period

This page is intentionally left blank

## Timetable

**Stage 1 – Preliminary stage** When notice is given of the Joint Review and advises that representations would be welcome, particularly (with regard to polling stations) from those with expertise in access for persons with any type of disability.

It also sets out the reference documents which should be made available. This would be the first public consultation period and would last 6 weeks. The Council would consider representations received and form Initial Proposals for further consultation.

Task	Date	Notes
Report to General Purposes Committee (GPC) outlining how the joint review is to be conducted	10 May 2017	Purpose of this report. GPC to agree methodology and role of Electoral Working Group.
Publication of notice of joint review	11 May 2017	Published in local press including whereabouts of documentation for public inspection and details of representation period. Also includes publication of terms of reference for community governance review.
Representation period	11 May 2017 to 22 June 2017	6 weeks consultation period. All representations received are logged and cross-referenced to applicable Ward or Parish/Town Council on receipt.
Inspection of changes proposed in representations	11 May 2017 to 26 June 2017	Inspections on suitability and availability of any changes proposed in representations received, including disabled access requirements.

**Stage 2 – Proposals stage** When the Council considers representations received and forms its Initial Proposals.

The Returning Officer must comment, at this stage, on all existing polling stations used and any new polling stations which would probably be chosen if the new proposals were accepted by the authority. The Guidance suggests that the polling district review by the authority (of districts and places) should be conducted jointly with the Returning Officer's review (of polling stations). The Initial Proposals would also include proposals for Parish and Town Council matters for the Community Governance Review.

Task	Date	Notes
EWG to consider representations received in Stage 1 and details of any inspections	27 June 2017 to 11 July 2017	EWG make recommendations for Initial Proposals. Officers to draft Initial Proposals.
Initial proposals go to GPC for approval	25 July 2017	
Initial proposals published after approval by GPC	26 July 2017	Further Notice published in local press also detailing Stage 3 consultation period.

**Stage 3 – Consultation stage** To receive representations and comments on the Council’s Initial Proposals for both the Polling District Review and Community Governance Review. This would be the second consultation period and will last 8 weeks. For the Polling District Review this needs to be in two parts:-

A compulsory submission from the Returning Officer of the parliamentary constituency with regard to the suitability of the designated polling stations; and

Submissions from other persons and bodies which can be referenced to the Returning Officer’s proposed polling stations as well as the authority’s Initial Proposals.

Task	Date	Notes
Consultation commences	26 July 2017	8 week consultation period.
Returning Officers comments/recommendations published	By 23 August 2017	RO’s comments must be published within 30 days of receipt of proposals, unless already published as part of Initial proposals.
Consultation ends	2 October 2017	All representations received are logged and cross-referenced to applicable Ward or Parish/Town Council on receipt.
Inspection of any further changes proposed in representations received	26 July to 6 October 2017	Inspections on suitability and availability of any changes proposed in representations received, including disabled access requirements.

### Stage 4 – Conclusion of the Joint Review

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

Task	Date	Notes
Electoral Working Group consider further representations received during Stage 3	9 October to 23 October 2017	EWG make recommendations for Final Proposals. Officers to draft Final Proposals.

### Stage 5 – The Decision of the Council

General Purposes Committee will decide the Final Proposals of the Review of Polling Districts, Places and Stations; and will make recommendations to Full Council on the Final Proposals to be adopted for the Community Governance Review.

Task	Date	Notes
Final Proposals go to GPC to agree	11 December 2017	Date of GPC meeting tbc. GPC agrees Final Proposals for Review of Polling Districts, Places and Stations; and recommend Final Proposals for the Community Governance Review to Full Council.

Final Proposals for Community Governance Review go to Full Council for decision	January 2018	Date of Full Council meeting to be confirmed. Full Council agrees Final Proposals for Community Governance Review.
Final Notice of Joint Review is published	January 2018	Details of whereabouts of Joint Review Documentation for public inspection is given.

This page is intentionally left blank

# Review of Parish and Town Councils (Local Government and Public Involvement in Health Act 2007)

## Terms of Reference

### Introduction

Following the conclusion of the recent Electoral Review, carried out by the Local Government Boundary Commission for England (LGBCE), the Council will now undertake a Community Governance Review of all Parish and Town Council areas within its electoral boundaries.

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

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

### Why is the Council Undertaking the Review?

The Electoral Review identified some boundary anomalies affecting Parish and Town Council arrangements which could not be considered as part of that Review. These anomalies will be addressed by the LGBCE retrospectively following the conclusion of this Community Governance Review.

The Council also recognises that since the last full Community Governance Review in 2013, there may have been changes in population; shifts in “natural settlements” caused by new developments; or other local issues that need to be raised and considered. The Council is mindful of the all-out Parish and Town Council elections in May 2019 and believes it is a good opportunity to ensure the appropriate arrangements are in place for Parish and Town Councils prior to these elections.

This Community Governance Review will be conducted jointly with the Review of Polling Districts, Polling Places and Polling Stations that the Council is conducting in 2017.

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

### What will the Review consider?

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

- Creating, merging, altering or abolishing parishes and town councils (including altering boundaries where appropriate);
- The naming and the style of parishes and town councils;

- The electoral arrangements for parishes and town councils (the ordinary year of election; council size; the number of councillors to be elected to the council, and parish/town council warding), and
- Grouping parishes and town councils under a common parish/town council or de-grouping them.

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

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

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

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

All local government electors for the area under review and any other person or body who appears to have an interest in the review will be consulted on the proposal and their representations will be taken into account as part of the review. The Council must have regard to

the need to secure that the community governance arrangements for the area reflects the identities and interests of the community in the area and are effective and convenient.

### **Parish/town council Governance within the District**

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

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

### **Who undertakes the Review?**

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

### **How the Council proposes to conduct consultations during the Review?**

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

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

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

### **How to contact us**

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

Susanna Benton  
 Electoral Services Manager  
[susanna.benton@leeds.gov.uk](mailto:susanna.benton@leeds.gov.uk)  
 0113 3784771

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

**A timetable for the Review**

10 May 2017	Report to General Purposes Committee for Terms of Reference and Timetable for Review to be approved
11 May 2017	Council to publish Terms of Reference
11 May 2017	Consultation begins with representations invited
22 June 2017	Closing date for representations
27 June – 11 July 2017	Elections Working Group consider representations and recommend initial proposals to General Purposes Committee
25 July 2017	Report to General Purposes Committee to approve and publish initial proposals
26 July 2017	Second consultation begins on council’s initial proposals with representations invited
2 October 2017	Closing date for representations
9 – 23 October 2017	Elections Working Group consider representations on initial proposals and recommend final proposals to General Purposes Committee
11 December 2017	Report to General Purposes Committee to recommend final proposals to Full Council
January 2018	Full Council to agree and publish final proposals
March 2018	Any amendments to existing parish/town councils and any new parish/town council established if necessary and interim governance arrangements put in place
May 2019	Elections reflecting all Parish/Town Council arrangements agreed as part of this review

\*Date for Full Council to be confirmed

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

**Electorate Forecasts**

The Register of Electors published on 2 May 2017 shows the following numbers of electors within the area subject to the Review: TBC.

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

### Viability of any new Parish/town council

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

### Names and styles of any new parish/town councils

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

### Electoral arrangements

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

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

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

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

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

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

- The number of local government electors for the parish/town council;

- Any change in that number which is likely to occur in the period of five years beginning with the day when the review starts.

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

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

### **Reorganisation of community governance orders and commencement**

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

### **Consequential Matters**

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

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

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

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

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

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

Dated this 11<sup>th</sup> day of May, 2017

**Tom Riordan**  
Chief Executive  
Leeds City Council

This page is intentionally left blank

### **Parish and Town Council anomalies from the ward boundary review**

Alwoodley Parish Council – (transfer of Adel Mill Complex to the Adel & Wharfedale Ward)

Horsforth Town Council (Brownberrie Ward) – (transfer of properties in Owlet Farm to the Otley & Yeadon Ward)

Swillington Parish Council – (move the boundary east along the A1(M) carriageway so all properties are in the Temple Newsam Ward and move the boundary south of the canal to run along the back of all properties in The Locks into the Rothwell Ward)

Great & Little Preston Parish Council - (move the boundary to the west of the houses on Preston Lane and move the boundary to the west of the houses on Hollinhurst and Queen Street and amend the boundary to the east so it accurately follows Queen Street and then runs along the back of the houses on Burn Close until it re-joins the existing boundary all properties transferred to the Garforth & Swillington Ward and the North Ward of Allerton Bywater Parish Council)

### **Known Parish and Town Council matters to be submitted during the first consultation period**

Garforth – submitted a petition for the establishment of a Town Council, petition awaiting verification

Otley – Reduce the number of Councillors from 20 to 15.

Bramhope – extend Council boundaries

This page is intentionally left blank

# Equality, Diversity, Cohesion and Integration Screening



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

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

Completed at the earliest opportunity it will help to determine:

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

<b>Directorate: Communities and Environment</b>	<b>Service area: Electoral Services</b>
<b>Lead person: Susanna Benton</b>	<b>Contact number: 3784771</b>

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

<b>2. Please provide a brief description of what you are screening</b>
<p>The Returning Officer must review its Parish and Town Councils from time to time and has taken the decision to review arrangements in 2017, alongside the Polling District Review which must be undertaken as a consequence of the recent Electoral Review the Council was subject to. (please see the equality screening document of the same name).</p> <p>There are currently 32 Parish and Town Councils in the Leeds City Council area. Many of these Councils are split into electoral wards.</p> <p>The Community Governance Review of arrangements will allow representations to be made by any interested party about matters which include:</p> <ul style="list-style-type: none"> <li>▪ Increasing/decreasing the number of Parish Councillors</li> <li>▪ Creating/abolishing a new Parish/Town Council</li> <li>▪ Amending existing Parish/Town Council boundaries</li> </ul>

### 3. Relevance to equality, diversity, cohesion and integration

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

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

When considering these questions think about age, carers, disability, gender reassignment, race, religion or belief, sex, sexual orientation. Also those areas that impact on or relate to equality: tackling poverty and improving health and well-being.

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

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

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

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

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

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

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

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

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

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

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

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

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

- **Actions**

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

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

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

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

**6. Governance, ownership and approval**

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

<b>Name</b>	<b>Job title</b>	<b>Date</b>
John Mulcahy	Head of Elections Licensing and Registration	30 March 2017
<b>Date screening completed</b>		30 March 2017

**7. Publishing**

Though **all** key decisions are required to give due regard to equality the council **only** publishes those related to **Executive Board, Full Council, Key Delegated Decisions** or a **Significant Operational Decision**.

A copy of this equality screening should be attached as an appendix to the decision making report:

- Governance Services will publish those relating to Executive Board and Full Council.
- The appropriate directorate will publish those relating to Delegated Decisions and Significant Operational Decisions.
- A copy of all other equality screenings that are not to be published should be sent to [equalityteam@leeds.gov.uk](mailto:equalityteam@leeds.gov.uk) for record.

Complete the appropriate section below with the date the report and attached screening was sent:

For Executive Board or Full Council – sent to <b>Governance Services</b>	Date sent:
For Delegated Decisions or Significant Operational Decisions – sent to appropriate <b>Directorate</b>	Date sent:
All other decisions – sent to <a href="mailto:equalityteam@leeds.gov.uk">equalityteam@leeds.gov.uk</a>	Date sent: 10 May 2017

# Equality, Diversity, Cohesion and Integration Screening



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

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

Completed at the earliest opportunity it will help to determine:

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

<b>Directorate: Communities and Environment</b>	<b>Service area: Electoral Services</b>
<b>Lead person: Susanna Benton</b>	<b>Contact number: 3784771</b>

## 1. Title: Polling District Review

Is this a:

**Strategy / Policy**

**Service / Function**

**Other**

**If other, please specify**

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

Following the completion of the recent Electoral Review of Leeds City Council wards, the Council must now carry out a review of polling districts, places and stations in order to realign the polling districts with the new wards and allocate suitable polling places and stations within those districts.

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

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

The review will be held alongside a “Community Governance Review of Parish and Town Council arrangements”. Please see the Equality, Diversity, Cohesion and Integration Screening document of the same name.

### 3. Relevance to equality, diversity, cohesion and integration

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

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

When considering these questions think about age, carers, disability, gender reassignment, race, religion or belief, sex, sexual orientation. Also those areas that impact on or relate to equality: tackling poverty and improving health and well-being.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

We will also be considering complaints/comments received from electors in relation to their polling station which have been made as a result of elections and the referendum in 2016.

There are currently 47 polling stations in Leeds which are housed in portable buildings. We will endeavour to relocate these to permanent buildings where possible, with better facilities and access for all electors, but particularly for disabled people and older people..

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

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

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

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

We will be taking into account the following key points:

- The comments/feedback from polling station inspectors
- Comments/complaints from electors following the 2016 elections and referendum
- The representations submitted at both stages of the consultation process

- **Actions**

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

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

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

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

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

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

**6. Governance, ownership and approval**

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

Name	Job title	Date
John Mulcahy	Head of Elections, Licensing and Registration	30 March 2017
<b>Date screening completed</b>		30 March 2017

## 7. Publishing

Though **all** key decisions are required to give due regard to equality the council **only** publishes those related to **Executive Board, Full Council, Key Delegated Decisions** or a **Significant Operational Decision**.

A copy of this equality screening should be attached as an appendix to the decision making report:

- Governance Services will publish those relating to Executive Board and Full Council.
- The appropriate directorate will publish those relating to Delegated Decisions and Significant Operational Decisions.
- A copy of all other equality screenings that are not to be published should be sent to [equalityteam@leeds.gov.uk](mailto:equalityteam@leeds.gov.uk) for record.

Complete the appropriate section below with the date the report and attached screening was sent:

For Executive Board or Full Council – sent to <b>Governance Services</b>	Date sent: N/A
For Delegated Decisions or Significant Operational Decisions – sent to appropriate <b>Directorate</b>	Date sent: N/a
All other decisions – sent to <a href="mailto:equalityteam@leeds.gov.uk">equalityteam@leeds.gov.uk</a>	Date sent: 10 May 2017

This page is intentionally left blank



Report author: Kate Sadler

Tel: 0113 37 88663

**Report of City Solicitor**

**Report to General Purposes Committee**

**Date: 10<sup>th</sup> May 2017**

**Subject: Annual Review of the Constitution**

Are specific electoral wards affected? If yes, name(s) of ward(s):	<input type="checkbox"/> Yes <input type="checkbox"/> No
Are there implications for equality and diversity and cohesion and integration?	<input type="checkbox"/> Yes <input type="checkbox"/> No
Is the decision eligible for call-in?	<input type="checkbox"/> Yes <input 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 type="checkbox"/> No

**Summary of main issues**

1. In accordance with Article 15 of the Council's constitution, and in her role as Monitoring Officer, the City Solicitor has undertaken a review of the constitution.
2. For the reasons set out in this report the Monitoring Officer recommends amendments to the constitution in order to ensure that it is up to date and fit for purpose.

**Recommendations**

1. General Purposes Committee are requested to make a recommendation to Full Council that the amendments to the following documents (as set out in this report and shown on the appendices attached) should be approved:-
  - Article 6 (Appendix D)
  - Article 13 (Appendix A)
  - Article 15 (Appendix H)
  - Officer Delegation Scheme (Council (non-executive) Functions):-
    - Director of Resources and Housing (Appendix B1)
    - Director of Communities and Environment (Appendix B2)
  - Scrutiny Board Terms of Reference (Appendix C)
  - Council Procedure Rules (Appendix E)
  - Community Committee Procedure Rules (Appendix F)
  - Chief Finance Officer Protocol (Appendix G)

## **1. Purpose of this report**

- 1.1 This report sets out proposed amendments to the Council's constitution to ensure that it remains up to date and fit for purpose.
- 1.2 General Purposes Committee are requested to consider the report and recommend the relevant changes to Council.

## **2. Background information**

- 2.1 Article 15 of the constitution makes provision for the review and revision of the constitution. In particular the Article sets out which person or body may make amendments to each of the documents in the constitution. Some documents are reserved to Full Council.
- 2.2 The Terms of Reference for General Purposes Committee require the committee to consider proposals to amend the constitution and make recommendations to full Council.
- 2.3 In addition the City Solicitor is authorised under Article 15 to make amendments to the constitution which are consequential upon the decisions taken by Council and the executive in relation to the annual review of the constitution.

## **3. Main issues**

### Article 13

- 3.1 The City Solicitor has considered performance indicators relating to the publication of Key decisions on the List of Forthcoming Key Decisions, and the exemption of Key decisions from Call In, together with comments provided to the Principal Corporate Governance Officer by officers involved in the decision making process.
- 3.2 An emerging trend has been that difficulties are encountered in trying to comply with statutory requirements in relation to Key decisions where those decisions arise from the receipt of external funding from government departments and from other partners in the public and private sectors. Often decisions are made by potential funders very late in the process and embargos are placed on publicity in relation to potential funding packages. This causes difficulties in being able to publish information on the List of Forthcoming Key Decisions as pertinent information is confidential. Five out of the six decisions taken under the general exception and special urgency provisions between April '16 and March '17 came into these procedures because requirements of external funders led to delays in publishing.
- 3.3 For this reason the City Solicitor recommends that decisions in relation to the receipt of external funding are added to the list of decisions which are exempt from the category of Key decisions. Members should note that although exempt from the prior publicity required in relation to Key decisions, high value decisions which are exempt from Key will be categorised as Significant Operational Decisions and will therefore be subject to the requirement to publish as soon as practicable after the decision is taken.
- 3.4 In addition, following consultation with Directors, the City Solicitor recommends some amendments to the drafting of the definition of a Key decision, to make it clearer that high value / high impact decisions which are not categorised as Key (as a result of the various exemptions set out in the definition) must be treated as Significant Operational Decisions.

3.5 The proposed amendments to Article 13 are shown at Appendix A attached.

#### Officer Delegations

3.6 Amendments are proposed to the officer delegation scheme shown at Appendices B1 and B2 attached. These transfer responsibility for the regulatory functions in respect of caravan sites to the Director of Resources and Housing from the Director of Communities and Environment. Both Directors have been consulted and are content with the proposals.

#### Scrutiny Board Terms of Reference

3.7 Following consultation, the Leader recommends that the overview and scrutiny functions continue to be shared between six Scrutiny Boards but that these are realigned to reflect the council's current priorities as follows:-

- **Strategy and Resources**

Bringing together the council's central strategic and regulatory functions.

This continues the arrangements for 2016/17 into the new municipal year with the addition of elections, registrars, licensing, local land charges and council tax processing previously considered by the citizens and communities board.

- **Infrastructure and Investment**

Bringing together the council's development and infrastructure functions to monitor the council's progress in relation to transport and planning, regeneration and housing growth.

These functions were previously part of City Development. The separation of functions between this and Inclusive Growth, Culture and Sport enable sufficient focus on these key areas.

- **Inclusive Growth, Culture and Sport**

Bringing together the council's economic growth functions to monitor the council's progress as a strong and compassionate city promoting opportunities for access to learning, skills and employment for all. The committee will oversee the cultural and sport related functions of the council and activity in the city.

These functions were previously part of City Development. The separation of functions between this and Infrastructure and Investment enable sufficient focus on these key areas.

- **Environment, Housing and Communities**

Bringing together services affecting the lives of citizens living and working in the council's neighbourhoods to monitor the council's progress as a citizen focussed city prioritising environmental sustainability.

This continues the arrangements for 2016/17 for environment and housing whilst adding functions relating to communities which were previously considered by the citizens and communities board.

- **Children and Families**

Focussing on services affecting the lives of children and families in the city to monitor the council's progress as a child friendly city putting children first.

This continues the arrangements for 2016/17 into the new municipal year

- **Adults and Health**

Bringing together social services for adults and universal public health services to monitor the council's progress in improving health, lifestyles and quality of care across the city driving integration and partnership with health bodies.

This continues the arrangements for 2016/17 into the new municipal year

- 3.8 To ensure transparency in relation to the council's scrutiny arrangements the Head of Governance and Scrutiny Support recommends that one document defines the Terms Of Reference of all Scrutiny Boards (Appendix C attached), and that the variations in their remit, together with their special responsibilities, are captured within Article 6 of the constitution (Appendix D attached).

#### Council Procedure Rules

- 3.9 Following Whips agreement and to provide certainty an amendment is proposed to the Council Procedure Rules (as shown at Appendix E attached) to show that the relevant portfolio holder shall be allowed a period of five minutes to sum up in relation to the consideration of executive board minutes in the portfolio under discussion when the relevant time period expires.
- 3.10 An additional amendment is proposed to enable the Chair of the Health and Wellbeing Board to use up to four minutes of the twenty minutes allocated for consideration of the Health and Wellbeing Board Minutes to sum up on the issues raised. This reflects the practice in Council during the 16/17 Municipal Year.

#### Community Committee Procedure Rules

- 3.11 Amendments are proposed to the Community Committee Procedure Rules to reflect agreement reached by the Whips in relation to the procedure for the appointment of chairs. The amended procedure, Appendix F attached, provides for all ten community committee chairs to be elected at the annual meeting of council. This procedure, which provides for election of each chair by the members of the relevant committee unless a majority vote cannot be established, will enable a simpler and consistent election process for all community committees making more efficient use of council resources.

#### Chief Finance Officer Protocol

- 3.12 The Chief Finance Officer is a statutory officer appointed in accordance with Section 151 Local Government Act 1972. The attached Chief Finance Officer Protocol has been drafted to mirror the Monitoring Officer Protocol which is considered to be a sister document. It is recommended that the Protocol, attached as Appendix G, be included within the constitution to provide certainty in relation to the rights and responsibilities of the Chief Finance Officer.
- 3.13 The Chief Finance Officer has drafted the proposed protocol and consulted both the outgoing Deputy Chief Executive (the council's previous Chief Finance Officer) and the Director of Resources and Housing, both of whom were content with the proposed draft.
- 3.14 Further to this it is recommended that Article 15 should be amended, as shown at Appendix H attached, to show that the Corporate Governance and Audit Committee is authorised to make amendments to the Chief Finance Officer Protocol. The Chair of Corporate Governance and Audit Committee has been consulted and is content with these arrangements. The amended document has also been updated to show the change in title to Corporate Governance Code and Framework following the Corporate Governance and Audit Committee review of the Code of Corporate Governance.

## **4. Corporate considerations**

### **4.1 Consultation and engagement**

4.1.1 Consultation has taken place in relation to each proposal as detailed above.

### **4.2 Equality and diversity / cohesion and integration**

4.2.1 There are no implications for this report.

### **4.3 Council policies and best council plan**

4.3.1 All amendments are in line with the Council's Corporate Governance Code and Framework, particularly with regard to ensuring we have clear responsibilities and arrangements for transparent and effective accountability; taking informed and transparent decisions and ensuring that we have robust and effective audit, scrutiny, information governance, risk and financial management controls.

### **4.4 Resources and value for money**

4.4.1 There are no implications for this report.

### **4.5 Legal implications, access to information, and call-in**

4.5.1 The amendments proposed are in line with legislation and bring the constitution up to date.

4.5.2 This report is not available for call-in.

### **4.6 Risk management**

4.6.1 There are no implications for this report.

## **5. Conclusions**

5.1 The proposed amendments to the constitution will ensure that it is up to date and fit for purpose.

## **6. Recommendations**

6.1 General Purposes Committee are requested to make a recommendation to Full Council that the amendments to the following documents (as set out in this report and shown on the appendices attached) should be approved

- Article 6 (Appendix D)
- Article 13 (Appendix A)
- Article 15 (Appendix H)
- Officer Delegation Scheme (Council (non-executive) Functions):-
  - Director of Resources and Housing (Appendix B1)
  - Director of Communities and Environment (Appendix B2)
- Scrutiny Board Terms of Reference (Appendix C)
- Council Procedure Rules (Appendix E)

- Community Committee Procedure Rules (Appendix F)
- Chief Finance Officer Protocol (Appendix G)

## **7. Background documents<sup>1</sup>**

7.1 None

---

<sup>1</sup> 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.

## ARTICLE 13 - DECISION MAKING

### COUNCIL DECISIONS

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

### EXECUTIVE DECISIONS

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

### RESPONSIBILITY FOR DECISION MAKING

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

### CATEGORIES OF DECISION

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

- a. to result in the authority incurring expenditure or making savings (including the receipt or loss of income) over £250,000 per annum; or  
to have a significant effect on communities living or working in an area (including one ward), and
- b. which is not a decision which is a direct consequence of implementing a previous Key Decision, or in relation to which a further report will be submitted for approval of the proposal before the Council is committed to proceed<sup>12</sup>; or

<sup>1</sup> In particular

- Where a scheme or proposal changes following the original decision to the extent that the additional spend or save, or the additional impact of the decision, reaches the threshold for a Key decision it shall be treated as a new Key decision;
- Under the capital programme, a decision to **authorise expenditure** over £250,000 will be a **key** decision, but a decision to **inject a scheme** into the capital programme, or to **award a contract** over the value of £250,000 will not;
- The decision to extend a contract under an option to extend will not be treated as a direct consequence of entering into the contract and will be treated as Key if it reaches either of the thresholds set out;
- Both the decision to enter into a framework agreement and later decisions to draw down under that framework will be treated as Key if they reach either of the thresholds set out.-

<sup>2</sup> All decisions subject to this exception will be treated as Significant Operational Decisions.

## Article 13 - Decision Making

which is not the result of varying a previous Key decision in line with recommendations made by a Scrutiny Board following a Call In of that decision; and

- c. where this expenditure, saving or income does not result from :-
  - i. a Treasury Management decision in relation to the making, payment or borrowing of a loan; or
  - ii. a decision to purchase energy under the terms of an energy supply contract which has been awarded following the appropriate procurement process; or
  - iii. a decision to approve a care plan which the Council has a duty or power to provide as defined by s46 of National Health Service and Community Care Act 1990 and s2 of the Chronically Sick and Disabled Persons Act 1970. Ss17 and 20 Children Act 1989; or
  - iv. the settlement of proceedings to which Leeds City Council is a party; or
  - v. a decision in relation to the receipt of external funding.

13.5. **Significant Operational Decision:-** A decision in relation to a Council<sup>3</sup> or Executive Function which is not a Key decision and which;

- a. Does not fall within the definition of an Administrative decision; or
- b. Would have been a Key decision but for ~~footnote 1 to~~ Article 13.4b or Article 13.4c above; or
- c. Results in the authority incurring expenditure or making savings (including the receipt or loss of income) over £100,000 each year; or
- d. Is, in the opinion of the Director, Chief Officer or Head of Service<sup>4</sup>, of such significance that a published record of the decision would ensure transparency and accountability in relation to decision making within the authority.

13.6. **Administrative Decision:-** A decision in relation to a Council or Executive function which is not a Key, or Significant Operational decision and which;

- a. is within an approved budget; and
- b. is not in conflict with the Budget and Policy Framework or other approved policies approved by the Council; and

---

<sup>3</sup> In accordance with the Openness of Local Government Bodies Regulations 2014, these shall include where appropriate Council decisions taken:-

- a) under a specific express authorisation from Council or one of its committees; or
- b) In accordance with the Officer Delegation Scheme (Council (non-executive) Functions)<sup>3</sup>, where the effect of the decision is to-
  - a. Grant a permission or licence;
  - b. Affect the rights of an individual;
  - c. Or award a contract or incur expenditure which, in either case, materially affects the financial position of the Council

<sup>4</sup> Having taken into account the provisions of the Constitution together with other policy, procedure and guidance available

## Article 13 - Decision Making

- c. does not raise new issues of policy.

### DECISION TAKING

13.7. A decision taker will have regard to the definitions of Key, Significant Operational and Administrative decisions set out above, the provisions of Part 3 of this Constitution in relation to responsibility for functions, and the requirements of the Procedure Rules set out in Part 4 of this Constitution. In particular:-

#### 13.7.1. Making Council Decisions

- Decisions relating to the functions listed in Article 4.2 or detailed in Part 3 of this Constitution as matters reserved to full Council will be made by the full Council and not delegated.
- the Council meeting will follow the Council Procedures Rules set out in Part 4 of this Constitution when considering any matter.
- other Council committees and sub-committees will follow those parts of the Council Procedures Rules set out in Part 4 of this Constitution as apply to them.
- Officers will follow the Access to Information Procedure Rules when considering any matter

#### 13.7.2. Making Executive Decisions

- the executive<sup>5</sup> will follow the Executive and Decision Making Procedure Rules set out in Part 4 of this Constitution when considering any matter.
- Officers will follow the Executive and Decision Making Procedure Rules together with the Access to Information Procedure Rules when considering any matter

#### 13.7.3. Decision Making By Community Committees

- The Executive Board shall determine from time to time the executive functions<sup>6</sup> that may be exercised by Community Committees. These functions will be exercisable concurrently by the Executive Board and, in accordance with the Officer Delegation Scheme (Executive Functions), by Directors.
- Community Committees will follow the Community Committee Procedure Rules together with the Access to Information Procedure Rules when considering any matter.

### PRINCIPLES OF DECISION MAKING

13.8. All decisions of the authority, whether made by Council, Executive Board Councillors collectively<sup>7</sup> or officers, will be made in accordance with the following principles:-

---

<sup>5</sup> The executive may be the Executive Board itself or any other committee or officer acting under authority delegated by the Leader or the Executive Board as set out in Part 3 of this Constitution

<sup>6</sup> Part 3 Sections 3C and 3D of the Constitution provide details of the extent of the delegation determined by the executive.

<sup>7</sup> For example in Committees or Sub-Committees

## *Article 13 - Decision Making*

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

### **RECORDING DECISIONS**

13.9. All Council decisions will be recorded in accordance with the provisions of the Access to Information Procedure Rules set out in this Constitution.

13.10. All Executive decisions will be recorded in accordance with the provisions of the Executive and Decision Making Procedure Rules set out in this Constitution.

### **DECISION MAKING BY COUNCIL BODIES ACTING AS TRIBUNALS**

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

## Director of Resources and Housing

1. Subject to the Exception listed below, the Director of Resources and Housing<sup>1</sup> is authorised to discharge the following Council (non-executive) functions:

### Functions relating to Human Resources

(a)	Functions relating to local government pensions, etc	Regulations under section 7, 12 or 24 of the Superannuation Act 1972
(b)	To make arrangements to consider and determine employee appeals in relation to grievances, grading and dismissal <sup>2</sup>	Section 112 Local Government Act 1972
(c)	To determine employee terms and conditions	Section 112 Local Government Act 1972

### Functions relating to standing orders

(a)	To make standing orders in relation to Officer Employment	Section 106 of, and paragraph 42 of Schedule 12 to the Local Government Act 1972
(b)	To make standing orders as to contracts	Section 135 of the Local Government Act 1972

### Regulatory functions

(a)	<u>To issue licences authorising the use of land as a caravan site ("site licences")</u>	<u>Section 3(3) of the Caravan Sites and Control of Development Act 1960</u>
(b)	<u>To license the use of moveable dwellings and camping sites</u>	<u>Section 269(1) of the Public Health Act 1936</u>

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

<sup>2</sup> Except in relation to those which are to be determined by the Employment Committee.

This page is intentionally left blank

## Director of Communities and Environment

Subject to the exceptions listed below, the Director of Communities and Environment<sup>1</sup> is authorised to discharge the following Council (non-executive) functions:

### 1. Regulatory Functions

(a)	To approve premises for the solemnisation of marriages	Section 46A of the Marriage Act 1949 and the Marriages (Approved Premises) Regulations 1995(SI 1995/510)
	<del>To issue licences authorising the use of land as a caravan site (“site licences”)</del>	<del>Section 3(3) of the Caravan Sites and Control of Development Act 1960</del>
	<del>To license the use of moveable dwellings and camping sites</del>	<del>Section 269(1) of the Public Health Act 1936</del>
(b)	To license premises for acupuncture, tattooing, ear-piercing and electrolysis	Sections 13 to 17 of the Local Government (Miscellaneous Provisions) Act 1982
(c)	To license premises for the breeding of dogs	Section 1 of the Breeding of Dogs Act 1973 and Section 1 of the Breeding and Sale of Dogs (Welfare) Act 1999
(d)	To license pet shops and other establishment where animals are bred or kept for the purposes of carrying on a business	Section 1 of the Pet Animals Act 1951, section 1 of the Animal Boarding Establishments Act 1963, the Riding Establishments Act 1964 and 1970, section 1 of the Breeding of Dogs Act 1973 and sections 1 and 8 of the Breeding and Sale of Dogs (Welfare) Act 1999
(e)	To register animal trainers and	Section 1 of the Performing Animals

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

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

	exhibitors	(Regulation) Act 1925
(f)	To license zoos	Section 1 of the Zoo Licensing Act 1981
(g)	To license dangerous wild animals	Section 1 of the Dangerous Wild Animals Act 1976
(h)	To grant consent for the operation of a loudspeaker	Schedule 2 to the Noise and Statutory Nuisance Act 1993
(i)	To issue licences for the movement of pigs	Article 12 of the Pigs (Records, Identification and Movement) Order 1995 (SI 1996/11)
(j)	To license the sale of pigs	Article 13 of the Pigs (Records, Identification and Movement) Order 1995
(k)	To license collecting centres for the movement of pigs	Article 14 of the Pigs (Records, Identification and Movement) Order 1995
(l)	To issue a licence to move cattle from a market	Article 5(2) of the Cattle Identification Regulations 1998 (SI 1998/871)
(m)	To sanction use of parts of buildings for storage of celluloid	Section 1 of the Celluloid and Cinematograph Film Act 1922
(n)	Duty to enforce Chapter 1 and regulations made under it	Section 10(3) of the Health Act 2006
(o)	Power to authorise officers	Section 10(5) of, and paragraph 1 of

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

		Schedule 2 to, the Health Act 2006
(p)	Functions related to fixed penalty notices	Paragraphs 13,15 and 16 of Schedule 1 to the Health Act 2006. Smoke-free (Vehicle Operators and Penalty Notices) Regulations 2007 (SI 2006/760)
(q)	Power to transfer enforcement functions to another enforcement authority	Smoke-free(Premises and Enforcement) Regulations 2006 (SI 2006/3368)
(r)	To license pleasure boats and pleasure vessels	Section 94 of the Public Health Acts Amendment Act 1907
(s)	To authorise erection of stiles etc on footpaths or bridleways <sup>2</sup>	Section 147 of the Highways Act 1980
(t)	To create footpath bridleway or restricted byway by agreement	Section 25 of the Highways Act 1980
(u)	To create footpaths bridleways and restricted byways	Section 26 of the Highways Act 1980
(v)	Duty to keep register of information with respect to maps, statements and declarations	Section 31A of the Highways Act 1980
(w)	To stop up footpaths bridleways and restricted byways	Section 118 of the Highways Act 1980
(x)	To determine application for public path extinguishment order	Sections 118ZA and 118C(2) of the Highways Act 1980
(y)	To make a rail crossing extinguishment order	Section 118A of the Highways Act 1980
(z)	To divert footpaths bridleways and restricted byways	Section 119 of the Highways Act 1980
(aa)	To make a public path diversion order	Sections 119ZA and 119C(4) of the Highways Act 1980
(bb)	To make a rail crossing diversion order	Section 119A of the Highways Act 1980
(cc)	To make a special diversion order	Section 119B of the Highways Act 1980
(dd)	To require applicant for order to enter into agreement	Section 119C(3) of the Highways Act

<sup>2</sup> Functions (v) – (xx) are limited to areas contained within the Definitive Map of Public Rights of Way. Functions (u), (jj), (kk) and (ss) are also delegated to the Director of City Development whose powers are not limited to areas contained within the Definitive Map of Public Rights of Way.

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

		1980
(ee)	To make an SSSI diversion order	Section 12B of the Highways Act 1980
(ff)	To keep register with respect to applications under sections 118ZA, 118C, 119ZA and 119C of the Highways Act 1980	Section 121B of the Highways Act 1980
(gg)	To decline to determine certain applications	Section 121C of the Highways Act 1980
(hh)	To assert and protect the rights of the public to use and enjoyment of highways	Section 130 of the Highways Act 1980
(ii)	To apply for variation of order under section 130B of the Highway Act 1980	Section 130B(7) of the Highways Act 1980
(jj)	To authorise temporary disturbance of surface of footpath bridleway or restricted byway	Section 135 Highways Act 1980
(kk)	To divert footpath bridleway or restricted byway temporarily	Section 135A of the Highways Act 1980
(ll)	To extinguish certain public rights of way	Section 32 of the Acquisition of Land Act 1981
(mm)	To keep definitive map and statement under review	Section 53 of the Wildlife and Countryside Act 1981
(nn)	To include modifications in other orders	Section 53A of the Wildlife and Countryside Act 1981
(oo)	To keep register of prescribed information with respect to applications under section 53(5) of the Wildlife and Countryside Act 1981	Section 53B of the Wildlife and Countryside Act 1981
(pp)	To prepare map and statement by way of consolidation of definitive map and statement	Section 57A of the Wildlife and Countryside Act 1981
(qq)	To designate footpath as cycle track	Section 3 of the Cycle Tracks Act 1984
(rr)	To extinguish public right of way over land acquired for clearance	Section 294 of the Housing Act 1981
(ss)	To authorise stopping up or diversion of footpath bridleway or restricted byway	Section 257 of the Town and Country Planning Act 1990
(tt)	To extinguish public rights of way over land held for planning purposes	Section 258 of the Town and Country

		Planning Act 1990
(uu)	To enter into agreements with respect to means of access	Section 35 of the Countryside and Rights of Way Act 2000
(vv)	To provide access in absence of agreement	Section 37 of the Countryside and Rights of Way Act 2000

### Exceptions<sup>3</sup>

The Director of Communities and Environment is not authorised to discharge the function above where objections have been received.

## 2. Functions of the Licensing Authority delegated by Full Council

Subject to the exception set out below, the Director of Communities and Environment is authorised to discharge the functions of the licensing authority as set out below:-

(a)	Any function of a Licensing Authority <sup>4</sup>	Licensing Act 2003 and any regulations or orders made under that Act <sup>5</sup> .
(b)	Powers and functions relating to late night levy requirements	Chapter 2 of Part 2 of the Police Reform and Social Responsibility Act 2011 and any regulations made under that Chapter.

### Exceptions:

- any function of the Licensing Authority reserved to full Council<sup>6</sup>;

## 3. Functions of the Licensing Authority delegated by Licensing Committee

Subject to the exceptions listed below, the Director of Communities and Environment is authorised to discharge the licensing functions<sup>7</sup> of the licensing authority as set out below:-

<sup>3</sup> Under this delegation scheme (Council functions). The General Purposes Committee may however arrange for the discharge of any of its functions by the Director of Communities and Environment - (Section 101(2) Local Government Act 1972.

<sup>4</sup> These functions will be carried out to support those matters which cannot be delegated by the Licensing Authority.

<sup>5</sup> Including functions which, by virtue of the Gambling Act 2005 Act are delegated to the Licensing Committee.

<sup>6</sup> Part 3, Section 2A of the Constitution sets out licensing functions reserved to full Council, as licensing authority under the 2011 Act.

<sup>7</sup> "Licensing functions" means functions under the Licensing Act 2003 Act, the Gambling Act 2005 2005 and the Police Reform and Social Responsibility Act 2011.

(a)	Any function of a Licensing Authority	Licensing Act 2003 and any regulations or orders made under that Act <sup>8</sup> .
(b)	Powers and functions relating to late night levy requirements	Chapter 2 of Part 2 of the Police Reform and Social Responsibility Act 2011 and any regulations made under that chapter
(c)	Duty to comply with requirement to provide information to Gambling Commission.	Section 29 of the Gambling Act 2005
(d)	Functions relating to the exchange of information	Section 30 of the Gambling Act 2005
(e)	Functions relating to occasional use notices	Section 39 of the Gambling Act 2005
(f)	Power to designate officer of a licensing authority as an authorised person for a purpose relating to premises	Section 304 of the Gambling Act 2005
(g)	Power to institute criminal proceedings	Section 346 of the Gambling Act 2005
(h)	Power to exchange information	Section 350 of the Gambling Act 2005
(i)	Functions relating to the registration and regulation of small society lotteries	Part 5 of Schedule 11 to the Gambling Act 2005

**Exceptions:**

- any function of the Licensing Authority<sup>9</sup> reserved to full Council<sup>10</sup>;
- any function of the Licensing Authority where full Council has referred a matter to a committee other than the Licensing Committee<sup>11</sup>;
- any function of the Licensing Authority reserved to the Licensing Committee;
- any function of the Licensing Authority within the terms of reference of the Licensing Sub-committees<sup>12</sup>;and
- to object when the Authority is consultee and not the relevant authority considering an application under the 2003 Act

**4. Functions related to the Licensing Functions delegated by Licensing Committee<sup>13</sup>**

<sup>8</sup> Including functions which, by virtue of the 2005 Act are delegated to the Licensing Committee.

<sup>9</sup>“Licensing functions” - see footnote 6 above

<sup>10</sup> Part 3, Section 2A of the Constitution sets out licensing functions reserved to full Council, as licensing authority under the 2003 Act.

<sup>11</sup> Under the provisions of Section 7(5)(a) of the 2003 Act.

<sup>12</sup> Except where a Licensing sub-committee has arranged for the discharge of any of their functions by an Officer.

<sup>13</sup> These functions were delegated to the Licensing Committee by full Council on 14 July 2010.

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

Subject to the exceptions listed below, the Director of Communities and Environment is authorised to discharge the functions set out in the following table which are delegated to the Director by Licensing Committee<sup>14</sup>

(a)	To license hackney carriages and private hire vehicles	(a) As to hackney carriages, the Town Police Clauses Act 1847 as extended by section 171 of the Public Health Act 1875 and section 15 of the Transport Act 1985 and sections 47, 57, 58, 60 and 79 of the Local Government (Miscellaneous Provisions) Act 1976 (b) As to private hire vehicles, sections 48, 57, 58, 60 and 79 of the Local Government (Miscellaneous Provisions) Act 1976
(b)	To license drivers of hackney carriages and private hire vehicles	Section 51, 53, 54, 59, 61 and 79 of the Local Government (Miscellaneous Provisions) Act 1976
(c)	To license operators of hackney carriages and private hire vehicles	Sections 55 to 58, 62 and 79 of the Local Government (Miscellaneous Provisions) Act 1976
(d)	** To license sex shops and sex cinemas and sexual entertainment venues.	The Local Government (Miscellaneous Provisions) Act 1982, Section 2, Schedule 3, the Policing and Crime Act 2009, Section 27.
(e)	To license performances of hypnotism.	The Hypnotism Act 1952
(f)	*** To license persons to collect for charitable and other causes	Section 5 of the Police, Factories etc (Miscellaneous Provisions) Act 1916 and section 2 of the House to House Collections Act 1939

<sup>14</sup> These delegations include functions where these have been delegated to Leeds City Council by any other Council.

**Exceptions**

The Director of Communities and Environment is not authorised to discharge those functions marked \*\* above where the application is for the grant, renewal or transfer of a sexual entertainment venue licence irrespective of whether objections have been received, or the grant of a sex shop or sex cinema licence irrespective of whether objections have been made, or renewal or transfer of a sex shop or cinema licence where objections have been received

The Director of Communities and Environment is not authorised to discharge those functions marked \*\*\* above where objections have been received.

## Scrutiny Board

The Scrutiny Board is authorised to discharge the following overview and scrutiny functions<sup>1</sup>:

1. to review or scrutinise decisions made or other action taken in connection with any council or executive function or any matter which affects the authority's area or the inhabitants of that area;<sup>2</sup>
2. to receive and consider requests for Scrutiny from any source;
3. to review or scrutinise the performance of such Trust / Partnership Boards as fall within its remit;
4. to act as the appropriate Scrutiny Board in relation to the Executive's initial proposals for a relevant plan or strategy within the Budget and Policy Framework which falls within its remit;<sup>3</sup>
5. to review or scrutinise executive decisions that have been Called In;
6. to exercise such special functions as are allocated in Annex 3 to Article 6 – Scrutiny Boards; and
7. to make such reports and recommendations as it considers appropriate and to receive and monitor formal responses to any reports or recommendations made.

---

<sup>1</sup> In relation to functions set out in Annex 2 to Article 6 – Scrutiny Boards, whether or not those functions are concurrently delegated to any other committee or officer.

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

<sup>3</sup> In accordance with Budget and Policy Framework Procedure Rules.

This page is intentionally left blank

**ARTICLE 6 – SCRUTINY BOARDS**

**6.1 ROLE**

The Council will appoint Scrutiny Boards as set out in Annex 2 to this Article to exercise functions conferred by section 9F of the Local Government Act 2000 and in accordance with the National Health Service Act 2006, in accordance with their terms of reference<sup>1</sup>.

**6.2 VISION FOR SCRUTINY**

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

**6.3 ROLE OF SCRUTINY**

**Policy development and review**

Within their Terms of Reference all Scrutiny Boards may:

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

**Scrutiny**

Within their terms of reference all Scrutiny Boards may:

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

<sup>1</sup> As set out at Part 3 Section 2A of the Constitution

## Article 6 - Scrutiny Boards

### 6.4 SCRUTINY OFFICER

The Council has designated the post of Head of Governance and Scrutiny Support, as Scrutiny Officer<sup>2</sup>.

The functions of the Scrutiny Officer are:

- (a) to promote the role of the Scrutiny Boards;
- (b) to provide support to the Scrutiny Boards and their members<sup>3</sup>;
- (c) to provide support and guidance to Members (including Executive Members), and officers<sup>4</sup>, in relation to the Scrutiny Boards' functions;
- (d) to report to Council<sup>5</sup> annually about how the authority has carried out its overview and scrutiny functions.

### 6.5 PROCEEDINGS

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

### 6.6 SCRUTINY BOARD CHAIRS

The Chair of each of the Scrutiny Boards shall be appointed in accordance with the Council Procedure Rules.

Group spokespersons shall not be appointed to Chair a Scrutiny Board which corresponds to the same portfolio.<sup>6</sup>

---

<sup>2</sup> Under Section 9FB Local Government Act 2000.

<sup>3</sup> The Scrutiny Officer shall exercise overall responsibility for the finances made available to Scrutiny Boards.

<sup>4</sup> The Scrutiny Officer shall exercise overall responsibility for the work programme of the officers employed to support the work of the Scrutiny Boards.

<sup>5</sup> After consultation with the relevant Scrutiny Chairs

<sup>6</sup> This does not apply to those groups who have less than 10% of the membership of the Council

## Article 6 - Scrutiny Boards

### 6.7 CO-OPTED MEMBERS

#### Education Representatives

The following shall be appointed as voting representatives on each relevant Scrutiny Board dealing with educational matters<sup>7</sup>:

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

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

#### Crime and Disorder Committee

Subject to the following provisions, the Scrutiny Board allocated special responsibility for crime and disorder may co-opt additional members to serve on the Board<sup>8</sup>.

- The Scrutiny Board cannot in this capacity co-opt an Executive Member.
- Unless the Scrutiny Board decides otherwise, any such co-opted member shall not be entitled to vote.
- The Scrutiny Board may limit a co-opted person's membership to the exercise of the Board's powers in relation to a particular matter or type of matter.
- The Scrutiny Board may withdraw the co-opted person's membership at any time.

#### Additional co-opted members

The following may be appointed to each Scrutiny Board<sup>9</sup>:

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

---

<sup>7</sup> A Scrutiny Board is a relevant Scrutiny Board where the Board's functions relate wholly or in part to any education functions which are the responsibility of the authority's executive

<sup>8</sup> The Crime and Disorder (Overview and Scrutiny) Regulations 2009

<sup>9</sup> Co-option would normally only be appropriate where the co-opted member has some specialist skill or knowledge, which would be of assistance to the Scrutiny Board.

### Vision for Scrutiny at Leeds

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

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

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

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

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

***Council agrees that it is incumbent upon Scrutiny Boards to recognise that resources to support the Scrutiny function are, (like all other Council functions), under considerable pressure and that requests from Scrutiny Boards cannot always be met. Therefore Council agrees that constructive consultation should take place between the Executive and Scrutiny about the availability of resources prior to any work being undertaken.***

***Consequently, when establishing their work programmes Scrutiny Boards should***

- ***Seek the advice of the Scrutiny officer, the relevant Director and Executive Member about available resources***
- ***Avoid duplication by having a full appreciation of any existing forums already having oversight of, or monitoring a particular issue (e.g. Plans Panel, Housing Advisory Board, established member working groups, other Scrutiny Boards)***
- ***Ensure any Scrutiny undertaken has clarity and focus of purpose and will add value and can be delivered within our agreed time frame.***

Scrutiny Board	Executive Portfolio oversight	External oversight	Officer oversight (by reference to the Officer Delegation Scheme)	
			Council Functions	Executive Functions
<b>Strategy and Resources</b>	<ul style="list-style-type: none"> <li>Economy and Culture (Cllr Blake)</li> <li>Resources and Strategy (Cllr J Lewis)</li> <li>Employment, Skills and Opportunities (Cllr Rafique)</li> </ul>		<ul style="list-style-type: none"> <li>Chief Executive</li> <li>Director of Resources and Housing</li> <li>Chief Officer (Financial Services)</li> <li>City Solicitor</li> <li>Director of Communities and Environment</li> </ul>	<ul style="list-style-type: none"> <li>Chief Executive (1-2)</li> <li>Director of Resources and Housing (1-9)</li> <li>City Solicitor (1-3)</li> <li>Chief Officer (Financial Services)(1)</li> <li>Director of Communities and Environment (2, 15 – 17, 19)</li> </ul>
<b>Infrastructure and Investment</b>	<ul style="list-style-type: none"> <li>Regeneration, Transport and Planning (Cllr R Lewis)</li> </ul>	Risk management authorities (defined by S6 Flood and Water Management Act 2010)	<ul style="list-style-type: none"> <li>Director of City Development (a, d-w)</li> <li>Chief Planning Officer</li> </ul>	<ul style="list-style-type: none"> <li>Chief Executive (4)</li> <li>Director of Communities and Environment (9)</li> <li>Director of City Development (1, 3, 7-8, 11)</li> <li>Chief Planning Officer (1-4)</li> </ul>
<b>Inclusive Growth, Culture and Sport</b>	<ul style="list-style-type: none"> <li>Economy and Culture (Cllr Blake)</li> <li>Regeneration, Transport and Planning (Cllr R Lewis)</li> <li>Resources and Strategy (Cllr J Lewis)</li> <li>Employment, Skills and Opportunity (Cllr Rafique)</li> </ul>		<ul style="list-style-type: none"> <li>Director of City Development (b,c)</li> </ul>	<ul style="list-style-type: none"> <li>Chief Executive (3)</li> <li>Director of City Development (4-6, 9-10)</li> <li>Director of Children and Families (2)</li> </ul>

<sup>10</sup> 14-16 skills development only

Article 6 - Scrutiny Boards

Scrutiny Board	Executive Portfolio oversight	External oversight	Officer oversight (by reference to the Officer Delegation Scheme)	
			Council Functions	Executive Functions
<b>Environment, Housing and Communities</b>	<ul style="list-style-type: none"> <li>Communities (Cllr Coupar)</li> <li>Environment and Sustainability (Cllr Yeadon)</li> </ul>	Responsible authorities (defined by S5 Crime and Disorder Act 1998)		<ul style="list-style-type: none"> <li>Director of Communities and Environment (1, 3-8, 10-14, 18)</li> <li>Director of Resources and Housing (10-12)</li> <li>Director of City Development (1<sup>11</sup>, 8)</li> </ul>
<b>Children and Families</b>	<ul style="list-style-type: none"> <li>Children and Families (Cllr Mulherin)</li> </ul>		<ul style="list-style-type: none"> <li>Director of Children and Families</li> </ul>	<ul style="list-style-type: none"> <li>Director of Children and Families (1, 2<sup>12</sup>, 3)</li> </ul>
<b>Adults and Health</b>	<ul style="list-style-type: none"> <li>Health, Wellbeing and Adults (Cllr Charlwood)</li> </ul>	Relevant NHS bodies or health service providers including:- CCGs NHS Trusts Healthwatch Leeds	<ul style="list-style-type: none"> <li>None</li> </ul>	<ul style="list-style-type: none"> <li>Director of Adults and Health (1 - 8)</li> <li>Director of Public Health (1-6)</li> </ul>

<sup>11</sup> Relating to provision of frontline services only

<sup>12</sup> Excluding 14-16 skills development

## SPECIAL RESPONSIBILITIES OF SCRUTINY BOARDS

### 1 – Flood risk Management

**The Scrutiny Board (Infrastructure and Investment) is allocated special responsibility for flood risk management namely:-**

- To review and scrutinise the exercise by risk management authorities<sup>13</sup> of flood risk management functions<sup>14</sup> which may affect the Leeds City Council area<sup>15</sup>.

### 2 – Crime and Disorder

**The Scrutiny Board (Environment, Housing and Communities) is allocated special responsibility for crime and disorder namely:-**

- To exercise the functions of a crime and disorder committee<sup>16</sup>, including the following:
  - a) To review or scrutinise the exercise of crime and disorder functions<sup>17</sup> by responsible authorities<sup>18</sup>; and
  - b) To review or scrutinise any local crime or disorder matter<sup>19</sup> raised by a Member.

### 3 – Health

**The Scrutiny Board (Adults and Health) is allocated special responsibility for health namely:-**

- to review and scrutinise any matter relating to the planning, provision and operation of the health service in its area and to make reports and recommendations on any such matter it has reviewed or scrutinised;
- to comment on, make recommendations about, or report to the Secretary of State in writing about such proposals as are referred to the authority by a relevant NHS body or a relevant health service provider;
- to respond to consultation by any relevant NHS body or health service provider; and

---

<sup>13</sup> As defined by Section 6 Flood and Water Management Act 2010

<sup>14</sup> As defined by Section 4 Flood and Water Management Act 2010

<sup>15</sup> In accordance with Section 9FH Local Government Act 2000

<sup>16</sup> In accordance with Section 19 Police and Justice Act 2006

<sup>17</sup> As defined by Section 6 Crime and Disorder Act 1998 (formulating and implementing crime and disorder strategies)

<sup>18</sup> These are the authorities responsible for crime and disorder strategies set out in Section 5 Crime and Disorder Act 1998.

<sup>19</sup> Any matter concerning –

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

## Article 6 - Scrutiny Boards

- to nominate Members to any joint overview and scrutiny committee appointed by the authority.<sup>20</sup>

Matters which fall within the terms of reference of the Scrutiny Board (Adult Social Services and Public Health) include:

- arrangements made by local NHS bodies to secure hospital and community health services to the inhabitants of the authority's area and the quality and safety of such services;
- the provision of family health services, personal medical services, personal dental services, pharmacy and NHS ophthalmic services;
- arrangements made by the authority for public health, health promotion, health improvement and for addressing health inequalities;
- the planning of health services by NHS bodies, including plans made in co-operation with local authority's Health and Wellbeing Board for improving both the health of the local population and the provision of health care to that population;
- any matter referred by Healthwatch Leeds; and
- the arrangements made by relevant NHS bodies and health service providers for consulting and involving patients and the public.

The Scrutiny Board may make recommendations to the authority, relevant NHS bodies, or relevant health service providers arising from the scrutiny process.

### 4– Residual Responsibility

**The Scrutiny Board (Strategy and Resources) is allocated residual responsibility for any function not otherwise allocated to a Scrutiny Board.**

---

<sup>20</sup> such nominations to reflect the political balance of the Board.

## 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) elect a Deputy Lord Mayor (or Vice Chair of Council);
- (d) pass a vote of thanks to the retiring Lord Mayor;
- (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 Leader<sup>1</sup>;
- (i) consider any recommendations made by General Purposes Committee;
- (j) establish such committees<sup>2</sup> 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);<sup>3</sup>
- (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);

<sup>1</sup> 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.

<sup>2</sup> Such committees may be known as boards or panels.

<sup>3</sup> 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 **1.00pm**, 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 Meeting<sup>4</sup>, or a State of the City meeting<sup>5</sup> 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;
- (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,

---

<sup>4</sup> 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.

<sup>5</sup> Or such other similarly styled meeting

## Council Procedure Rules

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)<sup>6</sup>, and any sub-committees thereof;
- (g) receive such reports as the Chief Executive, Monitoring Officer or Section 151 Officer consider appropriate<sup>7</sup>;
- (h) deal with Executive questions (if any) in accordance with Rule 11;
- (i) receive the minutes of the Health and Wellbeing Board and Executive Board;
- (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.

3.3 **Subject to Rule 4.1 c** consideration of all business to dispose of the motion to receive Health and Wellbeing Board and Executive Board minutes shall not continue beyond 4.20 pm.

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

---

<sup>6</sup> Annual reports will be received from the following committees: Scrutiny (jointly); Community Committees (jointly); Plans Panels (jointly); Licensing Committee; Standards Committee.

<sup>7</sup> 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 the to contribute to the debate.

## Council Procedure Rules

- Consideration of Health and Wellbeing Board will be for a period of twenty minutes including up to 4 minutes for the Chair of that Board to sum up at the conclusion of which -comments on Executive Board minutes will be heard.
- The Leader of Council will sum up for a period of up to ten minutes .

3.4 Each White Paper Motion shall be limited to 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 debate<sup>8</sup> 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

If the relevant portfolio holder has not commenced summing up in accordance with rule 14.1 g) they shall have the opportunity to sum up (for a period of not more than 5 minutes)<sup>9</sup>

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

- White Paper Motions/ Amendments

The Mover of the motion has had the opportunity to sum up (for a period of not more than 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:

---

<sup>8</sup> 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.

<sup>9</sup> The Leader's summing up may continue after 4:20 pm if necessary to accommodate the executive Member's summing up in relation to their portfolio.

## *Council Procedure Rules*

- (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 days<sup>10</sup> 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 Vice Chair, or in the absence of the Vice Chair, the person elected to preside at the meeting.
- 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 Members<sup>11</sup>.
- 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.

---

<sup>10</sup> Not including the date the requisition was received and not including weekends or bank holidays

<sup>11</sup> 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

## *Council Procedure Rules*

- 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.<sup>12</sup>
- 10.2 A request for permission to bring a Deputation must be submitted, to the Head of Governance and Scrutiny Support, 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 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 minutes<sup>13</sup>.

---

<sup>12</sup> 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.

<sup>13</sup> Including the reading of any written material

## *Council Procedure Rules*

- 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 committee<sup>14</sup>. 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 meeting<sup>15</sup>).
- (b) During question time, a Member may ask the Leader of the Council, the Deputy Leader, any Executive Member<sup>16</sup> or the Chair of any executive committee<sup>17</sup> through the Lord Mayor, any question on any matter in relation to which the Council has powers or duties, or which affects the City of Leeds<sup>18</sup>.
- (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

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

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

<sup>16</sup> In relation to any matter within their portfolio.

<sup>17</sup> In relation to any matter within the committee's terms of reference.

<sup>18</sup> 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..

## Council Procedure Rules

- (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 addressed<sup>19</sup> 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 time it may be completed orally including any supplementary to that question and the response thereto.

## 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 signed 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 White Paper Motions

---

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

The number of White Paper motions admissible for full debate at any given meeting shall be limited to three<sup>20 21</sup>.

### 12.3 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.
- (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.

### 12.4 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

---

<sup>20</sup>One to the Labour Group, one to the Conservative Group, one to be shared on a rota agreed by the other political groups.

<sup>21</sup> Where submitted, the first White Paper considered will be that submitted by the Conservative Group

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) 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 10.00am 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.

#### **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

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.
- c. A Member seconding a White Paper motion may speak for up to 4 minutes<sup>22</sup>,
- d. A Member may speak for up to 4 minutes when contributing to, or summing up on, White Paper debates.
- e. A Member moving any other motion may speak for up to 4 minutes.
- f. A Member moving any amendment may speak for up to 4 minutes.
- g. An Executive Board Member or other such Member as may be determined appropriate, may speak for up to 6 minutes<sup>23</sup> when summing up on comments made on Minutes.
- h. An Executive Board Member 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).
- i. The Leader of Council may speak for up to ten minutes when summing up on the Minutes.
- j. A Member contributing to, or summing up on, any business other than set out above, may speak for up to 3 minutes.
- k. On resuming an adjourned debate, the Member who moved its adjournment is entitled to speak first for up to 3 minutes.

---

<sup>22</sup> 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.

<sup>23</sup> 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*

### 14.2 No Speeches Until Motion Seconded

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.

### 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.

## Council Procedure Rules

- (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

- (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

## Council Procedure Rules

- (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 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

## Council Procedure Rules

- (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.

- (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 in accordance with time limits for speaking set out in Procedure Rule 14.1. The Lord Mayor will then put to the vote the motion to proceed to the 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 in accordance with time limits for speaking set out in Procedure Rule 14.1 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.

## *Council Procedure Rules*

### 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.

### 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 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 law<sup>24</sup>, 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.

---

<sup>24</sup> 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

- (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.

### 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 public<sup>25</sup>. 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

---

<sup>25</sup> 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*

Speak of each other by their titles of "Lord Mayor" or "Councillor" as the case may be.

### 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<sup>26</sup> should include the wording of the motion proposed to be

## *Council Procedure Rules*

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.

### 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, 8, 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 a list of substitute members comprising all other members of the other Plans Panels, the Development Plan Panel and the Licensing Committee. In addition the list may include any Members, nominated by their group Whip, who are not members of these committees, but have received appropriate training. A

---

<sup>26</sup> And all subsequent amendments.

## *Council Procedure Rules*

- 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 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 Housing Advisory 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 Committee.
- (e) 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.
- (f) In relation to the General Purposes Committee, an Executive Member, Deputy Executive Member, group leader or deputy group leader, group whip or assistant whip, shall be entitled to attend meetings in place of a regular member of the Committee.
- (g) In relation to Scrutiny Boards, any non-executive member is eligible to attend in the place of an absent scrutiny board member.
- (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.

## Council Procedure Rules

### 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.
- 

### 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.

### *Council Procedure Rules*

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

This page is intentionally left blank

**COMMUNITY COMMITTEE PROCEDURE RULES<sup>1</sup>**

**1.0 STATUS, ROLE, FUNCTIONS AND ACCOUNTABILITIES**

- 1.1 Community Committees are appointed by Full Council.
- 1.2 The role of Community Committees is set out in Article 10.
- 1.3 Community Committees may exercise both Executive and Council functions as set out in the Terms of Reference for Committee Committees and the Community Committee Executive Delegation Scheme.
- 1.4 The Local Government Act 2000 provides for the Executive to make arrangements for functions which are the responsibility of the Executive to be discharged by Community Committees. In exercising these functions each Community Committee is accountable to the Executive.
- 1.5 Each Community Committee is accountable to Full Council for the exercise of Council functions within their terms of reference.

**2.0 APPOINTMENT OF CHAIR**

- 2.1 Subject to Rule 2.6 below, the Chair of each Community Committee will be elected, from amongst the City Councillors eligible to serve on that Committee.
- 2.2 Each political Group<sup>2</sup> with Members elected within a Community Committee area may put forward a nomination from amongst Members on the Community Committee to Chair the Community Committee. An Independent Member may also put forward a nomination.
- 2.3 All nominations must be notified to the Head of Governance and Scrutiny Support by no later than 5pm the working day before the annual council meeting. The Head of Governance and Scrutiny Support will give appropriate notice to whips and Independent Members of this deadline.

Unopposed nominations

- 2.4 Where the nomination for the chair of a Community Committee is unopposed , the Member presiding at the meeting will invite those Members of the Community Committee eligible to do so and present at the Council meeting to elect that nominee .

<sup>1</sup> These Procedure Rules should be read in conjunction with Article 10 and the Terms of Reference for Community Committees

<sup>2</sup> A nomination from a political group must be forwarded by a Whip

## Community Committee Procedure Rules

### Contested Nominations

- 2.5 Where the Annual Council Meeting is required to consider more than one nomination for the position of Chair, the Member presiding at the meeting will invite those Members of the Community Committee eligible to do so and present at the Council meeting to vote. If no overall majority is achieved<sup>3</sup>, then the nominee with the smallest number of votes will be eliminated from consideration and the vote repeated.
- 2.6 Where an overall majority of votes cannot be obtained by votes cast by those Members of the Community Committee eligible to do so and present at the Council meeting, the vote will be widened to include all Members of Council present. The nominee with the overall majority of votes cast by members of Council will be appointed as the Chair of the Community Committee for the duration of the forthcoming municipal year.

### **3.0 COMMUNITY COMMITTEE MEETINGS**

#### Frequency

- 3.1 There shall be at least four ordinary meetings of each Community Committee in each municipal year. A schedule of meetings will be approved by each Community Committee.
- 3.2 Special meetings of a Community Committee may be called in accordance with the Council Procedure Rules.

#### Business to be Transacted

- 3.3 All decisions or recommendations to be made by a Community Committee must be determined at a formal meeting of the Committee.
- 3.4 Community Committees will comply with the Executive and Decision Making Procedure Rules and the Access to Information Procedure Rules in Part 4 of the Constitution.
- 3.5 The Community Committee will not deal with an individual's issues or complaints.

#### Agenda Items

- 3.6 Community Committees shall consider the following business:
  - exclusion of public;
  - appeals against refusal of inspection of documents;
  - late items;
  - declarations of interest if any;

---

<sup>3</sup> The Member presiding at the meeting shall have no casting vote whether in relation to the community committee of which they are a Member or otherwise.

## Community Committee Procedure Rules

- apologies for absence;
- additional matters set out on the agenda for the meeting.

### 4.0 PARTICIPATION

- 4.1 Save for those parts of a meeting where the arrangements for exclusion of the press and public set out in the Executive and Decision Making Procedure Rules and the Access to Information Procedure Rules apply, all meetings will be held in public<sup>4</sup>.

#### Co-optees

- 4.2 Co-opted members may participate<sup>5</sup> in the debate in the same way as Elected Members.
- 4.3 No co-opted member shall be appointed for a period beyond the next Annual Meeting of the Council.

#### Quorum and Substitution

- 4.4 The quorum for a meeting of an Community Committee shall be as set out in the Council Procedure Rules.

#### Voting

- 4.5 Elected Ward Members are entitled to vote in relation to all business transacted at Community Committee meetings<sup>6</sup>.
- 4.6 Co-optees are non-voting members of the committee.
- 4.7 In the event of an equality of votes, the Chair will have a second, or casting, vote.

#### Rights to attend and speak

- 4.8 A Community Committee may invite representatives from other organisations to attend Community Committee meetings. These people may speak with the permission of the Chair.
- 4.9 Members of the public present at Community Committee meetings are observers and may speak with the permission of the Chair.

#### Deputations

---

<sup>4</sup> The Recording Protocol: Third Party Recording of Committees, Boards and Panels, set out in the Access to Information Procedure Rules applies.

<sup>5</sup> Section 102 (3) of the Local Government Act 1972 provides that a committee, other than a committee for regulating and controlling the finance of the local authority or of their area, may include persons who are not members of the appointing authority. Co-optees will not therefore participate in business of the committee which regulates or controls the finance of the area,

<sup>6</sup> Save where the Code of Conduct prevents this

## *Community Committee Procedure Rules*

- 4.10 A Community Committee may receive up to three<sup>7</sup> Deputations, relevant to some matter in relation to which the committee has powers or duties or which affects the committee's area<sup>8</sup>, at any meeting of the Committee.
- 4.11 A request to bring a deputation must be submitted, to the Council's Head of Governance and Scrutiny Support, at least fourteen clear working days in advance of the Community Committee meeting for which permission is sought. The request must include a copy of the proposed deputation speech.
- 4.12 The suitability of the deputation shall be determined by the Director of Communities and Environment. Permission to present the deputation shall be issued by the Head of Governance and Scrutiny Support<sup>9</sup>.
- 4.13 A deputation shall consist of at least two and no more than five people, only one of whom shall speak except by permission of the Chair. The deputation may address the Committee for not more than five minutes in duration.
- 4.14 Deputations shall be heard in the same order in which notices were received.
- 4.15 Any Member of the Community Committee may propose that the deputation be or not be received, or that the subject matter be referred to the appropriate Director or Committee. If the proposal is seconded the Chair shall put the proposal to the vote.

---

<sup>7</sup> This number may be extended at the discretion of the Chair but shall be fixed in advance of any meeting.

<sup>8</sup> 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 any way vexatious or otherwise significantly prejudicial to the interests of the Council or the City of Leeds, will not be permitted.

<sup>9</sup> A deputation shall not be admitted about any matter which has been the subject of deputation in the preceding six months.

## Community Committee Procedure Rules

### Open Forums

- 4.16 At the discretion of the Chair a period of up to 10 minutes<sup>10</sup> may be allocated at each ordinary meeting of a Community Committee for members of the public to make representations or ask questions on matters within the terms of reference of the Community Committee. The period of time may be extended at the discretion of the Chair.
- 4.17 No member of the public shall speak for more than three minutes in the open forum, except by permission of the Chair.

### Advisory Or Consultative Forums

- 4.18 A Community Committee may establish<sup>11</sup> and set terms of reference for one or more<sup>12</sup> area or issue based Community Forums<sup>13</sup>, to act in an advisory or consultative capacity.
- 4.19 Where a Community Committee establishes a Community Forum, the Chair of that Forum must be appointed by the Community Committee<sup>14</sup>.
- 4.20 Where disputes arise with regard to the appointment of Chairs of Community Forums these will be referred to the Member Management Committee for resolution.

## 5.0 DECISION MAKING

- 5.1 Community Committees must make decisions:
- in accordance with all relevant procedure rules<sup>15</sup> within the Constitution;
  - in accordance with the Council's Budget and Policy Framework<sup>16</sup>;
  - in accordance with the Community Plan for the area and any other relevant strategy or plan approved by the Executive Board; and
  - following consideration of a report from relevant Director or his/her nominee.
- 5.2 A Community Committee, or two or more Community Committees jointly, may refer any matter in relation to its executive functions to the Executive Board for decision.

---

<sup>10</sup> Which may be extended at the discretion of the Chair

<sup>11</sup> The Community Committee shall determine how the membership of the Forum shall be decided.

<sup>12</sup> The total number of forums established and the frequency of meetings will need to be sustainable for the Members, officers of the Council and other service providing agencies, and community representatives.

<sup>13</sup> A forum may cover the whole of the Committee's area or smaller areas within it, for example, one ward

<sup>14</sup> The committee must ensure that the Chair is appointed with regard to the political balance of the ward to which a forum relates and having regard to the number of ward based Community Forums. Where a political group has the majority of members within a ward, the chair will be appointed from amongst or be a nominee of those Members. Where no political group has a majority, the chair will be appointed by the Community Committee from Members of the ward to which the forum relates or a nominee of those Members.

<sup>15</sup> Council Procedure Rules, Executive and Decision Making Procedure Rules, Community Committee Procedure Rules, Financial Procedure Rules, Contract Procedure Rules, Appointments to Outside Bodies Procedure Rules and Access to information Procedure Rules

<sup>16</sup> Subject to the provisions of the Budget and Policy Framework Procedure Rules

This page is intentionally left blank

# CHIEF FINANCE OFFICER PROTOCOL

## CHIEF FINANCIAL OFFICER PROTOCOL

### **1.0 INTRODUCTION TO STATUTORY RESPONSIBILITIES**

- 1.1 The Chief Finance Officer is a statutory appointment pursuant to section 151 of the Local Government Act 1972. This Protocol provides some general information on how those statutory requirements will be discharged.
- 1.2 The role of the Chief Finance Officer rests with the Chief Officer Financial Services.
- 1.3 A summary list of the Chief Finance Officer's statutory responsibilities appears in the Annex A attached. The Chartered Institute of Public Finance and Accountancy (CIPFA) has also issued a Statement on the role of the Chief Finance Officer and the key responsibilities are outlined at Annex B. The Chief Finance Officer's ability to discharge these duties and responsibilities will depend, to a large extent, on members and officers:-
- (a) complying with the law;
  - (b) complying with any relevant Codes of Conduct or codes or protocols issued from time to time;
  - (c) making lawful and proportionate decisions; and
  - (d) generally, not taking action that would bring the Council, their offices or professions into disrepute.
- 1.4 The Chief Finance Officer is not merely a servant of the authority, but also holds a fiduciary responsibility to the local taxpayers.

### **2.0 WORKING ARRANGEMENTS**

- 2.1 CIPFA have set out five principles that define core activities and behaviours that belong to the role of the Chief Finance Officer
- i) The Chief Finance Officer should be a key member of the Leadership Team, helping the organisation to develop and implement strategy and to resource and deliver the organisation's strategic objectives sustainably and in the public interest.
  - ii) The Chief Finance Officer must be actively involved in, and able to bring influence to bear on, all material business decisions to ensure immediate and longer term implications, opportunities and risks are fully considered, and aligned with the organisation's financial strategy

- iii) The Chief Finance Officer must lead the promotion and delivery by the whole organisation of good financial management so that public money is safeguarded at all times and used appropriately, economically, efficiently and effectively.
- iv) To deliver these responsibilities the Chief Finance Officer must lead and direct a finance function that is resourced to be fit for purpose; and
- v) The Chief Finance Officer must be professionally qualified and suitably experienced.

2.2 Having excellent working relations with members and officers will assist in the discharge of the statutory responsibilities by the Chief Finance Officer. Equally, a speedy flow of relevant information and access to debate (particularly at the **early stages** of any decision-making by the council) will assist in fulfilling those responsibilities. Members and officers must, therefore, work with the Chief Finance Officer (and his/her staff) to discharge the council's statutory and discretionary responsibilities.

2.3 The Chief Finance Officer must be a qualified member of a specified accountancy body and is vested with the statutory responsibilities for maintaining finance administration and stewardship including the responsible finance officer duties and with strategic and corporate roles. CIPFA asserts that the Chief Finance Officer in a public service organisation should be a key member of the leadership team, helping it to develop and implement strategy and to resource and deliver the authority's strategic objectives sustainably and in the public interest. Whilst the Chief Officer Financial Services is not a member of the corporate leadership team in Leeds the following arrangements and understandings between the Chief Finance Officer, members and directors are designed to ensure the effective discharge of the council's business and functions. The Chief Finance Officer will:-

#### 2.3.1 Resources

- (a) report to the Council, as necessary on the staff, accommodation and resources s/he requires to discharge his/her statutory functions;
- (b) have sufficient resources to enable him/her to address any matters concerning his/her Chief Finance Officer functions;
- (c) appoint a deputy and keep him/her briefed on any relevant issues that s/he may be required to deal with in the absence of the Chief Finance Officer. Appoint an appropriate external adviser in cases where the Chief Finance Officer is precluded from offering advice and the deputy is unable to advise.

#### 2.3.2 Access to information/meetings

- (a) be alerted by members and officers to any issue(s) that may become of concern to the council, including in particular, issues around financial management, accounts and audit regulations, proposed expenditure or proposed actions which might lead to a loss or deficit;

- (b) have advance notice (including receiving agendas, minutes, reports and related papers) of all relevant meetings and delegated decision making of the council at which a decision may be made (including a failure to take a decision where one should have been taken);
- (c) have the right to attend any meeting of the council (including the right to be heard and report to the Executive Board) before any decision is taken (including a failure to take a decision where one should have been taken);
- (d) in carrying out any investigation(s) and exercising any fiduciary duties have unqualified access to any information held by the council and to any officer who can assist in the discharge of his functions;
- (d) have advance notice of meetings of the Corporate Leadership Team, including agendas and reports and have the right to attend and speak on all matters which have financial implications;

### 2.3.3 Relationships

- (a) A reciprocal responsibility to ensure the other statutory officers (Head of Paid Service and the Monitoring Officer) are kept up-to-date with relevant information regarding any financial management, accounts and audit regulations, proposed expenditure or proposed actions which might lead to a loss or deficit;
- (b) meet regularly with the Head of Paid Service and the Monitoring Officer to consider and recommend action in connection with corporate governance issues and other matters of concern regarding any financial management, accounts and audit regulations, proposed expenditure or proposed actions which might lead to a loss or deficit;
- (c) develop effective working liaison and relationship with the external auditor (including having the authority, on behalf of the council, to complain to the same, refer any breaches to the same or give and receive any relevant information, whether confidential or otherwise, through appropriate protocols, if necessary);
- (d) in consultation, as necessary, with the Leader, the Executive Board and the external auditor, defer the making of a formal report under sections 114, 115 and 116 of the Local Government and Finance Act 1988 where another investigative body is involved;

## 3.0 **MEMBER AND OFFICER RESPONSIBILITIES**

To ensure the effective and efficient discharge of the arrangements set out in paragraph 2 above, members and officers will report any breaches of statutory duty or council policies or procedures and ultra vires or constitutional concerns to the Chief Finance Officer, as soon as practicable.

#### **4.0 ADVICE**

The Chief Finance Officer is also available for members and officers to consult on any issues of the council's financial powers, possible unlawful payments, or general advice on the financial arrangements.

The Chief Finance Officer or deputy will record details of any advice given.

#### **5.0 MONITORING THE PROTOCOL**

Annually, the Chief Finance Officer will report to the Corporate Governance and Audit Committee regarding whether the arrangements set out in this protocol have been complied with and will include any proposals for amendments in the light of any issues that have arisen during the year.

#### **6.0 SANCTIONS FOR BREACH OF PROTOCOL**

Complaints of a breach of this protocol by an officer will be referred to the relevant Director and/or the Chief Executive for appropriate action to be considered, including disciplinary investigation.

## SUMMARY OF CHIEF FINANCE OFFICER STATUTORY FUNCTIONS

	Description	Source
1	That the Treasurer is not merely a servant of the Council but holds a fiduciary relationship to the local taxpayers.	Case law - Attorney General -v- De Winton (1906).
2	To make arrangements for the proper administration of their Finance affairs. Legal opinion taken states that the term "administration" means responsibility for managing the totality of the Finance affairs of a local Council in all of its dealings.	Section 151 of the Local Government Act 1972
3	The Officer appointed as the responsible Chief Finance Officer must, be a Member of a specified accountancy body.  The statutory role must be performed by an "Officer" of the Council.	Section 113 of the Local Government Finance Act 1988
4	In consultation with the Monitoring Officer and Head of Paid Service, reporting to all members and the external auditor if there is, or is likely to be, unlawful expenditure or an unbalanced budget.	Section 114 Local Government Finance Act 1988
5	Advising whether particular decisions are likely to be contrary to the policy framework or budget of the council.	Local Government Act 2000
6	Maintain an adequate and effective system of internal audit for accounting records and control systems.	Accounts and Audit Regulations 2015
7	Reporting to Council on both the robustness of the budget estimates and the adequacy of financial reserves, and ensuring compliance with the prudential capital regime.	Local Government Act 2003

In its Statement CIPFA sets out the five principles that define the core activities and behaviours that belong to the role of the Chief Finance Officer in public service organisations. The core responsibilities against each of these principles are set out below.

### (a) Principle 1 - contributing to Corporate Management and Leadership

- Contributing to the effective leadership of the authority, maintaining focus on its purpose and vision through rigorous analysis and challenge.
- Contributing to the effective corporate management of the authority, including strategy implementation, cross organisational issues, integrated business and resource planning, risk management and performance management.
- Supporting the effective governance of the authority through development of
  - corporate governance arrangements, risk management and reporting framework
  - corporate decision making arrangements.
- Contributing to the development of public service partnership to deliver objectives.
- Leading or promoting change programmes within the authority.
- Leading development of a medium-term financial strategy and the annual budgeting process to ensure financial balance and a monitoring process to ensure its delivery.

### (b) Principle 2 – responsibility for financial strategy and influencing decision making

#### Responsibility for financial strategy:

- Agreeing the financial framework and planning delivery against the defined strategic and operational criteria.
- Maintaining a long-term financial strategy to underpin the authority's financial viability within the agreed performance framework.
- Implementing financial management policies to underpin sustainable long-term financial health and reviewing performance against them.
- Evaluating the financial implications of alternative delivery models.
- Appraising and advising on commercial opportunities and financial targets.
- Developing and maintaining an effective resource allocation model to deliver business priorities.
- Developing an approach for the delivery of collaborative services within a structured framework.
- Leading on asset and balance sheet management to allow the authority to maximise its effective use of resources.
- Co-ordinating the planning and budgeting processes.
- Involvement in strategic assets management.

#### Influencing decision making:

- Ensuring that opportunities and risks are fully considered and decisions are aligned with the overall financial strategy.

- Providing professional advice and objective financial analysis enabling decision makers to take timely and informed business decisions.
- Ensuring that efficient arrangements are in place and sufficient resources available to provide accurate, complete and timely advice to support councillors' strategy development.
- Ensuring that clear, timely, accurate advice is provided to the executive in setting the funding plan/budget.
- Ensuring that advice is provided to the scrutiny function in considering the funding plan/budget.
- Ensuring that the authority's capital projects are chosen after appropriate value for money analysis and evaluation using relevant professional guidance.
- Checking, at an early stage, that innovative financial approaches comply with regulatory requirements.
- Financial information for decision makers
- Monitoring and reporting on financial performance that is linked to related performance information and strategic objectives that identifies any necessary corrective decisions.
- Preparing timely management accounts.
- Ensuring the reporting envelope reflects partnerships and other arrangements to give an overall picture.
- Monitoring the service impact of 3rd party contacts on the delivery of organisational objectives.
- Monitoring the longer-term financial impact of 3rd party contracts.

**(c) Principle 3 – Financial Management, value for money, safeguarding public money and assurance & scrutiny.**

Promotion of financial management;

- Assessing the authority's financial management style and the improvements needed to ensure it aligns with the authority's strategic direction.
- Actively promoting financial literacy throughout the authority.
- Actively promote good financial management throughout all partnerships and alternative delivery models.
- Assisting the development of a protocol which clearly sets out the roles and responsibilities of both democratically elected councillors, whether acting in executive or scrutiny roles, and of officers for financial management, including delegated authority/powers.
- Ensure effective monitoring of partnerships through monitoring and access to information.

Value for money;

- Challenging and supporting decision makers, especially on affordability and value for money, by ensuring policy and operational proposals with financial implications are signed off by the finance function or being clear on the reasons for alternative selection.
- Advising on the financial thresholds for 'key' decisions where there is a requirement to do so.

- Developing and maintaining appropriate asset management and procurement strategies.
- Managing long-term commercial contract value.

#### Safeguarding public money;

- Applying strong internal controls in all areas of financial management, risk management and asset control.
- Establishing budgets, financial targets and performance indicators to help assess delivery.
- Implementing effective systems of internal control that include standing financial instructions, operating manuals, and compliance with codes of practice to secure probity.
- Ensuring that the authority has put in place effective arrangements for internal audit of the control environment and systems of internal control as required by professional standards and in line with CIPFA's Code of Practice on Local Authority Accounting in the United Kingdom.14
- Ensuring that delegated financial authorities are respected.
- Promoting arrangements to identify and manage key business risks, including safeguarding assets, risk mitigation and insurance.
- Overseeing of capital projects and post completion reviews.
- Applying discipline in financial management, including managing cash and banking, treasury management, debt and cash flow, with appropriate segregation of duties.
- Ensuring the effective management of cash flows, borrowings and investments of the authority's own funds or the pension and trust funds it manages on behalf of others; ensuring the effective management of associated risks; pursuing optimum performance or return consistent with those risks.
- Implementing appropriate measures to prevent and detect fraud and corruption.
- Establishing proportionate business continuity arrangements for financial processes and information.
- Ensuring that any partnership arrangements are underpinned by clear and well documented internal controls.
- Be alert to potential conflicts of interest and ensure the authority has access to appropriate independent advice.

#### Assurance and scrutiny;

- Reporting performance of both the authority and its partnerships to the board and other parties as required.
- Ensuring that financial and performance information presented to members of the public, the community and the media covering resources, financial strategy, service plans, targets and performance is accurate, clear, relevant, robust and objective.
- Supporting and advising the audit committee and relevant scrutiny groups.
- Ensuring that clear, timely, accurate advice is provided to the executive and the scrutiny functions on what considerations can legitimately influence decisions on the allocation of resources, and what cannot.
- Preparing published budgets, annual accounts and consolidation data for government-level consolidated accounts.

- Ensuring that the financial statements are prepared on a timely basis, meet the requirements of the law, financial reporting standards and professional standards as reflected in CIPFA's Code of Practice.
- Certifying the annual statement of accounts.
- Ensuring that arrangements are in place so that other accounts and grant claims (including those where the authority is the accountable body for community led projects) meet the requirements of the law and of other partner organisations and meet the relevant terms and conditions of schemes
- Liaising with the external auditor.

**(d) Principle 4 - Lead and direct a finance function that is resourced to be fit for purpose.**

- Leading and directing the finance function so that it makes a full contribution to and meets the needs of the business.
- Determining the resources, expertise and systems for the finance function that are sufficient to meet business needs and negotiating these within the overall financial framework.
- Managing partnership delivery.
- Implementing robust processes for recruitment of finance staff and/or outsourcing of functions.
- Reviewing the performance of the finance function and ensuring that the services provided are in line with the expectations and needs of its stakeholders.
- Seeking continuous improvement in the finance function.
- Ensuring that finance staff, managers and the leadership team are equipped with the financial competencies and expertise needed to manage the business both currently and in the future whether directly or indirectly employed.
- Ensuring that the head of profession role for all finance staff in the authority is properly discharged.
- Acting as the final arbiter on application of professional standards.

## ARTICLE 15 - REVIEW AND REVISION OF THE CONSTITUTION

### 15.1 DUTY TO MONITOR AND REVIEW THE CONSTITUTION

15.1.1 The Monitoring Officer will monitor and review the operation of the Constitution to ensure that the aims and principles of the Constitution are given full effect.

- **Protocol for monitoring and review of constitution**

15.1.2 A key role for the Monitoring Officer is to be aware of the strengths and weaknesses of the Constitution adopted by the Council, and to make recommendations for ways in which it could be amended in order better to achieve the purposes set out in Article 1. In undertaking this task the Monitoring Officer may:

- (a) observe meetings of different parts of the Member and officer structure;
- (b) undertake an audit trail of a sample of decisions;
- (c) record and analyse issues raised with him/her by Members, officers, the public and other relevant stakeholders; and/or
- (d) compare practices in this authority with those in other comparable authorities, or national examples of best practice.

### 15.2 CHANGES TO THE CONSTITUTION

- **Approval**

15.2.1 Changes to Parts 1 and 2 of the Constitution will only be approved by the full Council after consideration of the proposal by the General Purposes Committee and following advice from the Monitoring Officer, save that authority to make certain changes is delegated to the Monitoring Officer as detailed at 15.2.3 below. Changes to the Constitution may be made by simple majority.

15.2.2 Changes to Parts 3 to 7 of the Constitution will be approved by the body or person to whom such authority has been delegated as indicated in the table set out at Annex 1 attached. Where the approval of full Council is required for such changes in Parts 3 to 5 of the Constitution, then they will only be approved by full Council after consideration of the proposal by the General Purposes Committee and following advice from the Monitoring Officer.

15.2.3 The Monitoring Officer is authorised to make any changes to any Part of the Constitution which are required:

- as a result of legislative change or decisions of the Council<sup>1</sup> or Executive<sup>2</sup> to enable him/her to maintain it up to date;
- or for the purposes of clarification only.

15.2.4 All changes made by officers under delegated authority will be recorded as delegated decisions.

<sup>1</sup> Including Council Committees and Officers acting under delegated authority.

<sup>2</sup> Including Committees of the Executive and Officers acting under delegated authority.

Part of Constitution	Title of Document	Body/Person with authority to change the document
Part 3 Section 1	Responsibility for Local Choice Functions	Full Council
Part 3 Section 2A	Functions of the Full Council	Full Council
Part 3 Section 2B	Council Committees' Terms of Reference	Full Council
Part 3 Section 2C	Officer Delegation Scheme (Council (Non-Executive) Functions)	Full Council
Part 3 Section 2D	Council (Non-Executive) Delegations to and from other authorities	Full Council
Part 3 Section 3A	Responsibility for Executive Functions	Leader of Council
Part 3 Section 3B(a)	Executive Member Portfolios	Leader of Council
Part 3 Section 3B(b)	Executive Members: Oversight of Officer Executive Delegations	Leader of Council
Part 3 Section 3B(c)	Support to Executive Members	Leader of Council
Part 3 Section 3C	Executive Committee and Advisory Committee Terms of Reference	Leader of Council
Part 3 Section 3D	Community Committee Executive Delegation Scheme	Executive Board
Part 3 Section 3E	Officer Delegation Scheme (Executive Functions)	Leader of Council
Part 3 Section 3F	Executive Delegations to Other Authorities	Leader of Council
Part 3 Section 4	Joint Arrangements	Full Council (in relation to Council Functions) Leader of Council (in relation to Executive Functions)
Part 4 a	Council Procedure Rules	Full Council
Part 4 b	Executive and Decision Making Procedure Rules	Executive Board (in relation to Executive Functions set out at Rules 1.1 to 1.4, 2.1 and 3.1) Full Council (all other)
Part 4 c	Scrutiny Board Procedure Rules	Full Council
Part 4 d	Scrutiny Board Procedure Rules Guidance Notes	Head of Governance and Scrutiny Support

Article 15 – Review and Revision of the Constitution

Part 4 e	Community Committee Procedure Rules	Leader of Council (in relation to executive functions set out in section 3.1-3.5 and section 8) Full Council (all other)
Part 4 f	Budget and Policy Framework Procedure Rules	Full Council
Part 4 g	Access to Information Procedure Rules	City Solicitor
Part 4 h	Appointments to Outside Bodies Procedure Rules	Full Council
Part 4 i	Contracts Procedure Rules	Director of Resources and Housing
Part 4 j	Financial Regulations	Chief Finance Officer
Part 4 k	Officer Employment Procedure Rules	Director of Resources and Housing
Part 4 l	Procedure for Considering Complaints Alleging a Failure to Comply with a Members' Code of Conduct within the Area of Leeds Metropolitan District Council	Full Council
Part 4 m	Licensing Procedure Rules	Licensing Committee
Part 5 a	Members Code of Conduct	Full Council
Part 5 b	Employee Code of Conduct	Director of Resources and Housing
Part 5 c	Protocol on Member/Officer Relations	Standards and Conduct Authority
Part 5 d	Protocol – Roles of Members and Officers in Decision Making	Executive Board
Part 5 e	Monitoring Officer Protocol	Standards and Conduct Committee
Part 5 f	Protocol for the Co-ordination of External Inspection Reports	Director of Resources and Housing
Part 5 g	Planning Code of Good Practice	A joint meeting of the Plans Panels
Part 5 h	Protocol for Public Speaking at Plans Panels	A joint meeting of the Plans Panels
Part 5 i	Code of Practice for Determining Licensing Matters	Licensing Committee
Part 5 j	<del>Code of</del> Corporate Governance <u>Code and Framework</u>	Corporate Governance and Audit Committee
<u>Part 5 k</u>	<u>Chief Finance Officer Protocol</u>	<u>Corporate Governance and Audit Committee</u>
Part 6	Members' Allowances Scheme	Full Council

Article 15 – Review and Revision of the Constitution

Part 7

Management Structure

Director of Resources and Housing