



Originator: Lucy Stratford  
Tel: 39 51632

---

**Report of the Chief Democratic Services Officer**

**Corporate Governance and Audit Committee**

**Date: 29<sup>th</sup> June 2006**

**Subject: Amendments to the Constitution:**  
**(a) Council Procedure Rule 10 – Deputations**  
**(b) Council Procedure Rule 26 – Substitutes**

---

**Electoral Wards Affected:**

**Specific Implications For:**

Ethnic minorities

Women

Disabled people

Narrowing the Gap

---

**Executive Summary**

1. Difficulties arose in relation to a recent deputation to Council which referred to a live planning issue.

Attendance of the deputation could have been prejudicial to the decision of the Plans Panel by allowing a representational route additional to that allowed by the Panel's protocols.

This report presents a recommendation of the Party Whips that Council Procedure Rules be amended to the effect that deputations of this type be not allowed.

2. There are potential difficulties with the quorum requirements for Standards Committee which may lead to the consideration of an issue being delayed or deferred elsewhere.

The Standards Committee currently has a reserve Parish Member and a reserve Independent Member who attend meetings and are allowed to speak at the discretion of the Committee, but not vote or act as substitutes.

This report presents a recommendation of the Standards Committee that the Council Procedure Rules be amended to allow the reserve Parish Member to act as a substitute for a full Parish Member and the reserve Independent Member to act as a substitute for a full Independent Member.

## **1.0 Purpose Of This Report**

- 1.1 To propose minor changes to Council Procedure Rule 10, as recommended by Party Whips, with regard to deputations to take account of difficulties which recently arose in relation to a proposed deputation relating to a live planning issue. The relevant section of the Council Procedure Rules is attached at appendix A.
- 1.2 To request the Corporate Governance and Audit Committee to recommend the proposed amendments to the Council Procedure Rules as previously agreed by the Standards Committee at its meeting on 8<sup>th</sup> June 2006 (minute 16). The relevant section of the Council Procedure Rules is attached at appendix B.

## **2.0 Background Information**

- 2.1 These proposals for amendments to the Council Procedure Rules are being brought to the Committee in accordance with the Committee's Terms of Reference and Article 15 of the Constitution, which states that changes to Parts 3 – 7 can only be approved by Council following consideration by Corporate Governance and Audit Committee.

## **3.0 Main Issues**

### Amendment to Council Procedure Rule 10

- 3.1 Prior to the April Council meeting a permission was issued for a deputation to attend the meeting – Garforth Residents Association regarding planning matters concerning caravans at Sturton Grange Farm, Garforth.
- 3.2 Subsequent to the permission being issued it came to light that a planning application in relation to the Caravan Park – off Sturton Grange Lane, Garforth would be before Plans Panel (East) on 6<sup>th</sup> April 2006. The Protocol for Public Speaking at Plans Panels had been interpreted to mean that public speaking is not permitted in respect of reports to the Panel which contained officers recommendations and reasons for refusal. This deputation related to such a report on the Panel agenda. Following advice from the Chief Legal Services Officer the deputation did not attend the Council meeting.
- 3.3 The Chief Legal Services Officer took the view that given that the Protocol had been interpreted in the way that it had it would be inappropriate to allow a public address to the members of the Panel at some other forum, such as Full Council, which would undermine the operation of the Protocol. Whilst it would be possible for all of the members of the Plans Panel to absent themselves from the meeting that would carry inherent risks of practical application.
- 3.4 Moreover, it was not clear exactly what the Council could have done in response to the deputations. The Rules provide for the referral to 'the appropriate committee'.

So far as planning applications are concerned the appropriate committee is the Plans Panel before which the application currently was.

- 3.5 Accordingly, on the basis of current information the legal advice to Council was that a deputation relating to a matter currently being considered by a regulatory panel, such as the proposed deputation in regards to Sturton Grange, should not be permitted.
- 3.6 Part of the Whips discussion on 4<sup>th</sup> April touched on the possibility of deputations being required to submit details of their speeches prior to attendance at Council. Because of the potential impact of such a requirement in terms of management within current timescale requirements, current ease of access enjoyed by deputations and the fact that control of what is actually said on the day could not be guaranteed the Whips, when they further considered the matter on 19<sup>th</sup> May, decided not to pursue this possibility.

#### Amendment to Council Procedure Rule 26

- 3.7 According to the Local Government Act 2000 and The Relevant Authorities (Standards Committee) Regulations 2001, it is necessary to have a minimum of three members in the Committee, one of whom must be independent in order to be quorate (unless that Independent Member would have been present for the meeting but for the fact he/she was prevented or restricted from participating by virtue of the Code of Conduct, in which case the requirement for the quorum to include at least one Independent Member shall not apply).
- 3.8 Also, as Leeds City Council has Parish and Town Councils within its area the Committee must include at least one representative from any of those Parish or Town Councils. This representative must be present when any Parish matter is considered. It is therefore necessary to have a Parish Member present on the Parish and Town Council Hearings Sub-Committee in order to fulfill the quorum requirements. If a Parish Member was unable to be present when a Parish matter was being discussed, the matter would have to be deferred or referred elsewhere.
- 3.9 There are two reserve members of the Committee, one an Independent Member and one a Parish Member. The intention in appointing reserve members was to ensure that in the event of an existing Independent or Parish Member leaving the Committee, there was a fully trained reserve who could fill the vacancy to allow Standards Committee to function without the need to wait until new members were recruited. Reserve members with the consent of the Committee, may speak at meetings but not vote.
- 3.10 The Standards Board for England have provided advice on substitutes specifically in relation to Elected Members of standards committees:

“We do not recommend the use of ‘substitutes’ for standards committees. Standards committees are not intended to operate along party political lines and this is reflected in the fact that the ‘political balance’ requirements of Section 15 of the

Local Government and Housing Act 1989 (duty to allocate seats to political groups) do not apply to standards committees”.

The Standards Committee have therefore not proposed any amendments to the Council Procedure Rules to allow Elected Members to act as substitutes on the Committee.

- 3.11 Rule 26 of the Council Procedure Rules makes provision for substitution in Council Committees. There is currently no allocation of substitute members for Standards Committee or the Parish and Town Council Hearings Sub-Committee.
- 3.12 Given the difficulties of the quorum requirements in relation to the Parish Member and Independent Members of the Standards Committee and the Parish and Town Council Hearings Sub-Committee, the Standards Committee have resolved to propose to the Corporate Governance and Audit Committee that they:
- recommend to Council an amendment to the current substitution arrangements, to enable the reserve independent member to substitute for either of the full independent members in the event of their absence from the Committee or Parish and Town Council Hearings Sub-Committee; and
  - recommend to Council an amendment to the current substitution arrangements, to enable the reserve parish member to substitute for the full parish member in the event of their absence from the Committee or Parish and Town Council Hearings Sub-Committee.

These amendments would ensure that the Committee would be able to conduct its business even if the Independent Members or the Parish Member were unable to be present.

- 3.13 It is proposed that the following sentence be inserted under paragraph 26.1:

- (e) In relation to the Standards Committee and the Parish and Town Council Hearings Sub-Committee, a reserve Parish Member shall be entitled to attend meetings in place of a full Parish Member, and a reserve Independent Member shall be entitled to attend meetings in place of a full Independent Member.

#### **4.0 Conclusions**

- 4.1 The rules pertaining to deputations were cast so as to preclude the minimum of requests from refusal. However this event has demonstrated that deputations relating to live planning issues can give rise to procedural difficulties and perceptions of inconsistent practice which could undermine confidence in the decision making process.
- 4.2 Given the difficulties of the quorum requirements in relation to the Standards Committee and the Parish and Town Council Hearings Sub-Committee, the

Standards Committee have resolved to propose to the Corporate Governance and Audit Committee that they amend the substitution arrangements in order to allow the reserve Independent Member to substitute for either of the full Independent Members and the reserve Parish Member to substitute for the full Parish Member.

## **5.0 Recommendations**

- 5.1 That the Corporate Governance and Audit Committee be requested to forward to Council a recommendation that Council Procedure Rule 10.4 be amended by the addition of the following words as paragraph 10.4.3 with consequential renumbering:

“Representations relating to matters subject to current consideration by a Plans Panel shall be restricted to those allowed under the Protocol for Public Speaking at Plans Panels and shall not be allowed as deputations to Council. In cases of doubt the Director of Legal and Democratic Services may require written details of the proposed deputation speech prior to determination of the request”.

- 5.2 That the Corporate Governance and Audit Committee be requested to forward to Council a recommendation that Council Procedure Rule 26.1 be amended by the addition of the following sentence:

- (e) In relation to the Standards Committee and the Parish and Town Council Hearings Sub-Committee, the reserve Parish Member shall be entitled to attend meetings in place of a full Parish Member, and the reserve Independent Member shall be entitled to attend meetings in place of a full Independent Member.