

Report of the City Solicitor

Report to full Council

Date: 11th July 2012

Subject: Recommendations from General Purposes Committee

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

Summary of main issues

- 1 At its meeting on 25th June 2012, General Purposes Committee considered items relating to:
 - amendments to the Officer Delegation Scheme (Council (non executive) Functions);
 - the appointment of the Independent Person; and
 - the establishment of the West Yorkshire Police and Crime Panel.
- 2 This report provides information about those items, together with the recommendations made by the Committee.
- 3 General Purposes Committee recommend to full Council:-
 - that the amendments to the Officer Delegation Scheme (Council (non executive) Functions) as set out in Appendix 1A and 1B are approved,
 - that Mr Gordon Tollefson is appointed for a period of up to one year under the transitional arrangements contained in Article 7 of the Commencement Order,

- in relation to the West Yorkshire Police and Crime Panel
 - to approve the establishment of a joint committee with four other West Yorkshire councils, as detailed in the report;
 - to delegate authority to the City Solicitor to enter into an agreement to formalise the panel arrangements set out in this report; and
 - to appoint Councillors Lowe, Iqbal, and J. L. Carter as the Council's representatives on the Panel.

4 Members are also requested to note the amendments made by the Leader to the Officer Delegation Scheme (Executive Functions).

1 Purpose of this report

- 1.1 This report presents recommendations to full Council from General Purposes Committee.
- 1.2 This report also advises full Council of amendments to the Officer Delegation Scheme (executive functions) made by the Leader in accordance with the Executive and Decision Making Procedure Rules.

2 Background information

2.1 General Purposes Committee is authorised:

- to consider proposals to amend the constitution and make recommendations to full Council; and
- to make recommendations to full Council in connection with the discharge of any of its functions.

2.2 At its meeting on 25th June 2012, General Purposes Committee considered items relating to:

- amendments to the Officer Delegation Scheme (Council (non executive) Functions);
- the appointment of the Independent Person; and
- the establishment of the West Yorkshire Police and Crime Panel.

2.3 This report sets out the recommendations from General Purposes Committee, relating to those items.

3 Main issues

3.1 Officer Delegation Scheme

3.1.1 At its Annual Meeting on 21 May Council received notice of amended portfolios of Executive Members. Changes included:-

- Portfolio responsibility for Parks and Countryside transferred to the Executive Member of Environment Services. As has responsibility for Climate Change and Environmental Policy.
- Conversely responsibility for Jobs and Skills moved to the Executive Member for Leisure and Skills. Area based Regeneration also moved to the Development Portfolio.

3.1.2 To better align services to the revised portfolios it was also announced that a planned move of services between Directors would follow. This would create better and more coherent accountability regarding the Executive Member Portfolios. Operationally, it would also allow for greater service consolidation and

joint working on Council priorities. In terms of services affected the following was announced:

- Employment and Skills – to move to City Development
- Regeneration Projects – to move to City Development
- Parks and Countryside – to move to Environment and Neighbourhoods.

3.1.3 These moves came into effect by re-arrangement Chief Officer reporting lines. Otherwise there is no immediate need for changes to services.

3.1.4 It is also proposed that there will be a consolidation of climate change and fuel saver activity within the Environment and Neighbourhoods Directorate, however, the detail of this arrangement will be considered further, before any organisation changes are implemented.

3.1.5 Consultations on the proposed changes are detailed at paragraph 4.1 of this report.

3.1.6 To enable Directors to assume proper responsibility for these functions, various changes to the Constitution are needed.

3.1.7 Council functions which are delegated to Officers, require approval of Full Council. Amendments were considered by the General Purposes Committee on 25th June, who resolved to recommend these changes to Full Council for approval.

3.1.8 These changes predominantly apply to a range of legal powers under a variety acts and mainly concern Public Rights of Way in relation to Parks and Countryside services. The details of the Officer Delegation Scheme (Council (non executive) Functions) are set out at Appendix 1A (Director of Environment and Neighbourhoods) and Appendix 1B (Director of City Development).

3.1.9 In addition to these changes the Leader has made amendments to the Officer Delegation Scheme (Executive Functions) to come into effect at the same time as the above. The details of the Officer Delegation Scheme (Executive Functions) are set out at Appendix 2A (Director of Environment and Neighbourhoods) and Appendix 2B (Director of City Development).

3.1.10 Members are requested to approve the amendments to the Officer Delegation Scheme (Council (non executive) Functions) set out at Appendices 1A and 1B, and to note the amendments to the Officer Delegation Scheme (Executive Functions) set out at Appendices 2A and 2B.

3.2 Appointment of the Independent Person

3.2.1 The authority must appoint an Independent Person under Section 28 of the Localism Act 2011. The role of the Independent Person is set to give a view on complaints being considered by the Standards and Conduct Committee, and to advise Members who are the subject of a complaint.

- 3.2.2 On the basis of his written application the panel agreed to recommend the appointment of Mr Gordon Tollefson as the Independent Person for a period of one year beginning on 11th July 2012. The panel comprised the Chair of the Standards and Conduct Committee and the whips of the two largest opposition groups.
- 3.2.3 Mr Tollefson retired from the NHS in January 2006 where he worked as a Senior Ambulance Service Manager. Mr Tollefson has served as a Magistrate in Leeds since 1994 and chairs Courts on a regular basis. Mr Tollefson is now a Executive Board Member of Leodis Healthcare Practice based Commissioning LLP, and became the Deputy Lord Lieutenant in 2008.
- 3.2.4 Mr Tollefson was also a member of the Leeds City Council Independent Remuneration Panel before joining the Standards Committee in May 2009 as a reserve Independent Member. Mr Tollefson went on to become the Chair of the Standards Committee from June 2010 to date.
- 3.2.5 According to the Localism Act 2011 a person is not eligible to be appointed as the Independent Person if at any time during the previous 5 years that person was a member, co-opted member or officer of the relevant authority or of a Parish Council in the authority's area. This would exclude former Independent Members of the Standards Committee from applying, as Independent Members are co-opted members of Leeds City Council.
- 3.2.6 However, Article 7 of the relevant commencement order states that a person may be appointed by a relevant authority as the independent person if they are not a member or co-opted member of the standards committee of the relevant authority on 1st July 2012, but have held such a post at any time during the 5 years ending on 30th June 2012. This transitional provision only applies in relation to appointments made before 1st July 2013.
- 3.2.7 Therefore as Mr Tollefson's appointment as Chair of the Standards Committee ended on 30th June 2012 when the Standards Committee was abolished, he is eligible to be appointed as the Independent Person on 11th July 2012.

3.3 Establishment of West Yorkshire Police and Crime Panel

- 3.3.1 The Police and Social Responsibility Act 2011 (the Act) introduces the election of police and crime commissioners. The Police Authority will be abolished, but Leeds City Council together with the four other local authorities in West Yorkshire (Bradford, Calderdale, Wakefield and Kirklees) is required to establish a West Yorkshire Police and Crime Panel (the Panel) and jointly agree the arrangements for its operation. The Panel will have responsibility under the Act for scrutinising the Commissioner, promoting openness in the transaction of police business in the West Yorkshire Police area and undertaking specified functions.
- 3.3.2 The **Panel arrangements** to be agreed by the authorities must cover:
- **Membership** - specifically which authorities should appoint the extra members of the Panel, where there are nine or fewer authorities, and provision about co-optees (including their terms of office);

- payment of **allowances**;
- the promotion of the role of the Panel, **administrative arrangements**, and **support and guidance** to members and officers; and
- how the authorities will meet the **costs** of the panel, and how funds paid to meet the costs of the panel are to be paid to, or distributed between the relevant authorities.

3.3.3 City of Wakefield Council have been acting as lead authority on this issue, including preparing draft documentation relating to the Panel.

3.3.4 In terms of **membership**, each authority is required to appoint one or more of its councillors to be a member of the Panel, to make a total of ten councillor members. The Panel is also required to co-opt two Panel members who are not councillors. With the approval of the Secretary of State, it may co-opt additional members who may be (but need not be) councillors.

3.3.5 Authorities have a duty to establish a Panel that meets the “balanced appointment objective.”¹ This requires members of the Panel (when taken together and so far as is reasonably practicable) to:

- represent all parts of the Police Area;
- represent the political make-up of all authorities; and
- have the skills, knowledge and experience to discharge the Panel’s functions.

3.3.6 To meet the balanced appointment objective, it is proposed that the ten members appointed by the constituent authorities are in the following proportions: Leeds 3, Bradford 2 ,Kirklees2, Wakefield 2, Calderdale 1. However, it is also proposed that (subject to the agreement of the Secretary of State in relation to the number of co-optees), Bradford and Calderdale each nominate a further Member for the Panel to co-opt (in addition to the two other non councillor co-optees).

3.3.7 In terms of political make-up, based on current political representation across West Yorkshire, the following is proposed:

Authority	Local Authority Appointment			Places for LA to nominate PCP to appoint			Overall		
	Lab	Cons	Lib Dem	Lab	Cons	Lib Dem	Lab	Cons	Lib Dem
Leeds	2	1					2	1	
Bradford	1	1		1			2	1	
Kirklees	1	1					1	1	
Wakefield	2						2		
Calderdale	1					1	1		1
Totals	7	3	0	1	0	1	8	3	1

¹ In schedule 6 of the Act

- 3.3.8 It is proposed that each Member of the Panel appointed or nominated by each constituent Council shall continue to hold office unless the Council appointing or nominating him/her withdraws the appointment or nomination, or he/she resigns his/her membership of the Panel or his/her term of office expires.
- 3.3.9 It is also proposed that each Council may send a substitute Member to meetings, as notified to the Chief Officer by the Council, and this substitute Member will be permitted to act as a substitute Member with full voting rights at meetings of the Panel and any Sub-Committees appointed by the Panel. It is proposed that a substitute Member may only attend two meetings of the Panel consecutively, and if this is the case then the Member who has not attended for the two meetings shall no longer be a Member of the Panel and his/her Council will be required to appoint a new Member to the vacant seat on the Panel.
- 3.3.10 In relation to Co-opted (non-councillor) Members who are not nominated by the authority, it is proposed that they are appointed for a term of office of two years, but for 2012 that term of office will be for 18 months. These Co-opted members will be recruited by the Panel. At its first meeting, the Panel will decide which Members will deal with this process, and will decide on criteria and a process to be followed. If a casual vacancy arises for such a Co-opted member, the Panel will decide on the process to be followed to fill that vacancy. Co-opted members who wish to resign will give notice to the Chief Officer.
- 3.3.11 In relation to **allowances**, the work the Panel is likely to be extremely high profile and attract a significant degree of public interest. Meetings are in public, and media coverage of Panel meetings is extremely likely.
- 3.3.12 To date, there are 7 meetings of the Panel scheduled between June 2012 and April 2013 (4 shadow and 3 formal) as well as three training sessions. Meetings are three hours long, and additional meetings may need to be scheduled, i.e. to finalise the precept. It is anticipated there will be one sub-committee in the first instance which focuses on complaints against the Commissioner but more may need to be set up when the workload of the Panel is more clear. The workload of Panel Members is therefore likely to be equivalent to that of a scrutiny chair. The average payment for this role across the five authorities is £11,716.00.
- 3.3.13 The lead authority have advised that the preferred approach in the interests of fairness is for all Panel Members to be paid the same allowances. Allowances for Panel Members will not commence until November 2012 as the Panel does not have any legal responsibilities until the Commissioner has been elected on November 22nd.
- 3.3.14 The Independent Remuneration Panel have therefore been asked to advise on the proposal that these positions attract a Special Responsibility Allowance of £11,716 pa; the Panel is supportive of this proposal and their recommendations are contained in a separate report to Council today.

- 3.3.15 In terms of **administrative support**, it is proposed that the Council of the City of Wakefield be designated as the Support Services Authority for the Panel, with the Association of West Yorkshire Authorities officers acting as the secretariat to the Panel. It is also proposed that each Council identify a lead officer to provide support and guidance to its Members on the West Yorkshire Police and Crime Panel, Executive Members of the five Councils, encourage Chief Executives, and officers of the five Councils, in relation to the functions of the West Yorkshire Police and Crime Panel.
- 3.3.16 In relation to **costs**, the Home Office have confirmed that it will provide £53,300 per annum (from 1 October 2012) of funding to the support services authority (Wakefield) for secretariat and other administrative support to the Panel.

4 Corporate Considerations

4.1 Consultation and Engagement

- 4.1.1 In relation to the changes to the officer delegation scheme, Group Leaders have been notified of the organisational changes in terms of transferring services between the two Directorates. Members would also have been able to access communications on the intranet. Cascaded briefings have been provided for all staff affected, and this includes support service staff too. The trade unions have also been consulted. Feedback suggests widespread support for changes.
- 4.1.2 The Leaders, Chief Executives and Chief Legal Officers of the five West Yorkshire local authorities have all been consulted on the establishment of the West Yorkshire Police and Crime Panel.

4.2 Equality and Diversity / Cohesion and Integration

- 4.2.1 A screening exercise has been carried out in relation to the transfer of services between directorates. The transfer of functions will mean that there will be extremely limited changes to how services operate and consequent equality implications. The screening is available as a background document.
- 4.2.2 Equalities duty will be included as a key factor in the work of the West Yorkshire Police and Crime Panel, in making arrangements for the future scrutiny of the Police and Crime Commissioner, and the appointment of co-opted Members, as required by the 2011 Act.

4.3 Council policies and City Priorities

- 4.3.1 Changes to the scheme of delegation will enable closer working and a better focus on City Priorities.
- 4.3.2 Implementing the reforms required by the 2011 Act effectively will be key in helping the council to deliver its City Priority to make Leeds the best city for communities, in particular the priorities relating to reducing crime levels and tackling and reducing anti-social behaviour.

4.4 Resources and value for money

- 4.4.1 There are no immediate plans to make changes to how services operate. However, it is likely that various options will be considered in the future regarding better service delivery and potential efficiencies.
- 4.4.2 As the role of the Independent Person is new, the Head of Governance Services will be seeking a view as to the level of payment the role will attract from the Independent Remuneration Panel. This might be anywhere up to an annual retainer payment of £2,500. The Panel are due to consider this matter as part of their annual review work in June 2012.
- 4.4.3 As set out above, the Home Office have confirmed £53,300 per annum (from 1 October 2012) of funding to the support services authority. No additional funding is provided towards set up costs.

4.5 Legal Implications, Access to Information and Call In

- 4.5.1 In order to operate effectively, the transfer of services between directorates will require amendments to the scheme of delegation and in turn the relevant Directors to amend their sub-delegations to enable transparent decision making.
- 4.5.2 The establishment of a West Yorkshire Police and Crime Panel enables the Council to meet its statutory responsibility under the 2011 Act. Some of the decisions that will be taken by the joint committee will be by simple majority, but there are certain matters which require 2/3 majority to veto (e.g. regarding the precept or appointment of a Chief Constable).

4.6 Risk Management

- 4.6.1 A project group appointed by the Executive Board is to consider risk management issues arising in preparation for the appointment of the Police Commissioner.

5 Conclusions

- 5.1 Changes to Executive Board portfolios have led to plans to manage some services more effectively in different Directorates. Consequently, changes to the scheme of delegation are also needed. These have been addressed by the Leader in relation to Executive functions. However only Full Council can approve changes to the non-executive functions.
- 5.2 In relation to the Police and Crime Panel, the Service Director Legal and Governance for the lead authority has advised that the recommendations represent the most practical solution to meeting the Council's statutory responsibilities and to ensure that the arrangements are agreed collectively by the 5 authorities within the timeframe expected by the Home Secretary.

6 Recommendations

6.1 General Purposes Committee recommend to full Council:-

- That the amendments to the Officer Delegation Scheme (Council (non executive) Functions) as set out in Appendix 1A and 1B are approved, and
- That Mr Gordon Tollefson is appointed for a period of up to one year under the transitional arrangements contained in Article 7 of the Commencement Order.
- in relation to the West Yorkshire Police and Crime Panel,
 - to approve the establishment of a joint committee with four other West Yorkshire councils, as detailed in the report;
 - to delegate authority to the City Solicitor to enter into an agreement to formalise the panel arrangements set out in this report; and
 - to appoint Councillors Lowe, Iqbal, and J. L. Carter as the Council's representatives on the Panel.

6.2 Members are requested to note the amendments made by the Leader to the Officer Delegation Scheme (Executive Functions).

7 Background documents²

7.1 Equality Impact Screening

² The background documents listed in this section are available for inspection on request for a period of four years following the date of the relevant meeting. Accordingly this list does not include documents containing exempt or confidential information, or any published works. Requests to inspect any background documents should be submitted to the report author.