

**Report of City Solicitor**

**Report to full Council**

**Date: 12 September 2012**

**Subject: Recommendations of General Purposes Committee - miscellaneous**

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

**Summary of main issues**

- 1 This report presents recommendations to full Council from General Purposes Committee, following its consideration at its meeting on 30 August 2012, of items relating to:
- Proposed amendments to the **Members' Code of Conduct** arising from DCLG guidance;
  - New **regulations regarding meetings of the Executive and Access to Information**; and
  - A review of **Council meetings**.

**Recommendations**

2. General Purposes Committee recommend
- 2.1 that full Council:
- approve amendments to the Members' Code of Conduct as set out in Appendix 1 to this report;
  - approve the proposed amendments to Article 12 in relation to the functions of the Head of Paid Service, as set out at Appendix 2 to this report;

- approve the amended terms of reference for the Standards and Conduct Committee as set out in Appendix 3 to this report;
- adopt new arrangements for Council meetings, as set out in Appendix 4 to this report, (the new arrangements to be reviewed following the Council meeting on September 2012); and

2.2 that the second state of the City Meeting take place on 27 February 2013, at the conclusion of the business necessary to agree the Council's budget for 2013/4.

## 1 Purpose of this report

1.1 This report presents recommendations to full Council from General Purposes Committee.

## 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 30 August 2012, items considered by General Purposes Committee included those relating to:

- Proposed amendments to the **Members' Code of Conduct** arising from DCLG guidance;
- **New regulations regarding meetings of the Executive and Access to Information**; and
- A review of **Council meetings**.

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

## 3 Main issues

### 3.1 Members' Code of Conduct

3.1.1 General Purposes Committee considered a report of the City Solicitor, following guidance recently issued by the Department of Communities and Local Government (DCLG) about Members' Interests, including in relation to participation by Members with disclosable pecuniary interests, at meetings.

3.1.2 If a Member is present at a formal meeting, and has a disclosable pecuniary interest relating to any business that is or will be considered at the meeting, the Localism Act stipulates that they must not:

- participate in any discussion of the business at the meeting, or if they become aware of their disclosable pecuniary interest during the meeting, participate further in any discussion of that business, or
- participate in any vote or further vote taken on the matter at the meeting.

3.1.3 The guidance states that "these prohibitions apply to any form of participation, including speaking as a member of the public", which suggests that speaking as a member of the public in these circumstances would be a criminal offence.

- 3.1.4 In Leeds, the Members' Code of Conduct at paragraph 17 currently allows Members to participate in a meeting, where they have a disclosable pecuniary interest, provided that the public are also allowed to attend the meeting for the same purpose.
- 3.1.5 This provision in the Leeds Code is not therefore in line with the new guidance given by the DCLG, and the City Solicitor recommended its deletion, as shown in appendix 1 of this report.
- 3.2 New regulations - Executive decision making and Access to Information
- 3.2.1 General Purposes Committee also considered a report from the City Solicitor, about new regulations (The Local Authorities (Executive Arrangements) (Meetings and Access to Information) (England) Regulations 2012), made on 10 August 2012, and to come into force on 10 September 2012.
- 3.2.2 The report outlined the principle implications of the regulations. These include a new presumption that meetings of the executive and its committees are to be held in public, although the exceptions relating to confidential and exempt information will still apply.
- 3.2.3 In relation to key decisions, the statutory definition remains unaltered, but the Council is no longer required to produce and publish a forward plan detailing key decisions to be taken during a four month period. Instead, a key decision cannot be taken unless a document containing specified information about the key decision has been published at least 28 days beforehand. This provision is subject to general exception and special urgency provisions, which are broadly the same as current provisions. The report proposed that the Council continues to publish pending key decisions on a monthly basis, a month in advance with the period covered being four months. This would enable Scrutiny Board to have reasonable notice of pending executive decisions.
- 3.2.4 The report outlined further implications arising in respect of recording executive decisions, background papers, Members' rights to access to information, and inspection of documents by members of the public.
- 3.2.5 General Purposes Committee noted the implications of the Regulations, and officers' suggestions that clarification is required from the DCLG about the scope of the new duty to record executive decisions.
- 3.2.6 The report also proposed minor amendments to Article 12 of the Constitution and to the terms of reference of the Standards and Conduct Committee, further to the regulations. These are set out in appendix 2 and 3 to this report. These are required because the new regulations refer to dispensations in relation to interests being granted by the Head of Paid Service - the Council's current arrangements are for the Standards and Conduct Committee to discharge this function. The Chief Executive, as Head of Paid Service, suggested that this function be delegated to the Head of Paid Service, in consultation with the Chair of the Standards and Conduct Committee.

3.2.7 The report also set out the City Solicitor's intention to exercise her delegated authority, in consultation with Members, to update the constitution to give effect to the new regulations and the required amendments to current practice.

### 3.3 Review of Council Meetings

3.3.1 General Purposes Committee considered a report of the Chief Executive, following a review of the new arrangements for Council meetings, adopted at the Annual Meeting. The report set out views of the Whips that the new arrangements had worked well, but they considered that the introduction of a third White Paper would give an increased opportunity for all groups on the Council to have White Papers debated during the course of the year. Indicative timings would therefore have to be amended as set out in Appendix 4 of this report, to allow for the additional White Paper and for Members to have an opportunity to comment on minutes in addition to the Executive Board minutes. It was confirmed that further consideration would be given to the success of the arrangements following the September 2012 full Council meeting.

3.3.2 The Head of Leeds Initiative and International Partnerships also presented proposed arrangements to the Committee for Leeds City Council State of the City Meetings 2012/13.

## 4 **Corporate Considerations**

### 4.1 **Consultation and Engagement**

4.1.1 The DCLG chose not to consult on the new regulations on executive decision making, although it did conduct a short focussed informal sounding exercise with key partners.

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

4.2.1 There are no implications for equality and diversity/cohesion and integration arising from these recommendations.

### 4.3 **Council policies and City Priorities**

4.3.1 Principle 3 of the Code of Corporate Governance states that the Council will keep the Members' Code of Conduct under review, as well as any supplementary codes and protocols. The Codes of Practice in relation to Licensing and Planning will need to be further reviewed, further to the DCLG guidance on interests.

4.3.2 The new regulations on executive decision making impact on the Council's constitution and decision making procedures.

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

4.4.1 Resource implications arising from the new regulations will need to be analysed once clarification has been received from the DCLG about the scope of the new requirements.

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

4.5.1 No part of this report is confidential or exempt, and the report relates to Council functions, and so is not open to call-in.

## **4.6 Risk Management**

4.6.1 The Members' Code of Conduct should be updated to reflect recent DCLG advice, and increase clarity, therefore reducing risk of challenge.

4.6.2 The constitution needs to be updated to ensure it is fit for purpose and reduced the risk of challenge.

## **5 Conclusions**

5.1 The constitution should be amended to ensure it is fit for purpose, in terms of complying with the law, and promoting clarity, transparency and accountability.

## **6 Recommendations**

6.1 General Purposes Committee recommend

6.1.1 that full Council:

- approve amendments to the Members' Code of Conduct as set out in Appendix 1 to this report;
- approve the proposed amendments to Article 12 in relation to the functions of the Head of Paid Service, as set out at Appendix 2 to this report;
- approve the amended terms of reference for the Standards and Conduct Committee as set out in Appendix 3 to this report; and
- adopt new arrangements for Council meetings as set out in Appendix 4 to this report, (the new arrangements to be reviewed following the Council meeting on 12 September 2012).

6.1.2 that the second state of the City Meeting take place on 27 February 2013, at the conclusion of the business necessary to agree the Council's budget for 2013/4.

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

7.1 None

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<sup>1</sup> 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.