

Report of: Principal Corporate Governance Officer

Report to: Head of Governance Services

Date: 1st July 2015

Subject: Amendments to Constitution

Are specific electoral wards affected? If 'yes', name(s) of ward(s):	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No
Are there implications for equality and diversity or 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 'yes', access to information procedure rule number: Appendix number:	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No

Summary of main issues

1. The Monitoring Officer is required to keep the Constitution under review to ensure that it is up to date and fit for purpose.
2. Amendments are necessary to the Articles to and to the Executive Arrangements for the purpose of clarification.

Recommendations

3. The Head of Governance Services is requested to make amendments to the following provisions of the Constitution for the reasons set out in this report:-
 - Part 2 - Article 12 (Appendix A)
 - Part 2 - Article 14 (Appendix C)
 - Part 3, Section 3B(c): Support to Executive Members (Appendix D)
 - Part 3, Section 3D(b):- Community Committee Champions (Appendix G)
 - Part 3, Section 3E(a): Officer Delegation Scheme (Executive Functions) General Delegations
 - Part 3, Section 3E(e): Officer Delegation Scheme (Executive Functions) Director of Adult Social Services (Appendix B)
 - Part 3, Section 3F: Executive Delegations to Other Authorities (Appendix E)
 - Part 6 – Members Allowances Scheme (Appendix F)

1 Purpose of this report

- 1.1 This report sets out amendments to the constitution required for reasons of clarification and to maintain it up to date.

2 Background information

- 2.1 Article 15.2 of the Constitution provides that “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 or Executive to enable him/her to maintain it up to date;
 - Or for the purposes of clarification only.”
- 2.2 The Monitoring Officer has sub-delegated this authority to the Head of Corporate Governance in his role as deputy Monitoring Officer.

3 Main issues

Chairs of Leeds Safeguarding Children Board and Leeds Safeguarding Adults Board

- 3.1 The Local Safeguarding Children Boards Regulations 2006, in conjunction with the “Working Together to Safeguard Children” statutory guidance in relation to the Leeds Safeguarding Children Board , requires that the Head of Paid Service should appoint or remove, and be responsible for the accountability arrangements in relation to the chair of those Leeds Safeguarding Children Board.
- 3.2 The Care Act 2014 in conjunction with the Care and Support Statutory Guidance requires that the Head of Paid Service be responsible for the accountability arrangements in relation to the chair of the Leeds Safeguarding Adults Board.
- 3.3 In the absence of statutory provision or guidance to the contrary the responsibility for the appointment and dismissal of the chair of the Leeds Safeguarding Adults Board remains a function of the executive and, under existing executive arrangements, would fall within the remit of the Director of Adult Social Services within her delegated responsibility for “arrangements to protect and promote the welfare of vulnerable adults.” However, in order to reflect the importance of the Leeds Safeguarding Adults Board, it is considered that the authority’s arrangements should mirror those for the Leeds Safeguarding Children Board, with the Chief Executive having responsibility for the appointment and dismissal of the chair of the board.
- 3.4 Article 12 sets out arrangements in relation to Officers. In particular the Article lists the roles of the Head of Paid Service, Monitoring Officer and Chief Finance Officer. An amendment is proposed to Article 12 to include details of the Head of Paid Service’s role in relation to the appointment, dismissal and accountability arrangements for both the Chairs of the Leeds Safeguarding Children Board and the Leeds Safeguarding Adults Board, as set out in Appendix A attached. A further amendment is then proposed to the Officer Delegation Scheme (Executive Functions) Director of Adult Social Services to make clear that the Chief Executive will carry out this role and it is not included in the relevant delegation in relation to

the protection of vulnerable adults. The amended document is set out at Appendix B attached.

Article 14

- 3.5 The Local Authorities (Standing Orders) Regulations 1993, as amended, set out requirements in relation to the signature of contracts by the local authority. These are reflected in Article 14.5.
- 3.6 Amendments are proposed, as shown at Appendix C attached, for clarification to show that persons authorised by either the Chief Executive or the City Solicitor may sign as Agents for the Council.

Support to Executive Members

- 3.7 Following approval of her Executive Arrangements on 20th May 2015, the Leader of Council has extended the list of Members who are to provide support to Executive Members using a flexible team approach.
- 3.8 Amendments are proposed to Part 3, Section 3B(c) Support to Executive Members, as shown at Appendix D attached, to show the extended list of Members in the pool of those who will provide support to Executive Members. It will be noted that the amended document shows a greatly reduced role specification, reflecting the flexible approach preferred by the Leader.
- 3.9 An amendment is proposed to the Officer Delegation Scheme (Executive Functions) General Delegations to correct an error in the numbering system, so the paragraphs will number 1 to 16.

Delegations to Other Authorities

- 3.10 At its meeting on 16th July 2014 Executive Board extended the delegation to Birmingham City Council in to undertake investigations and undertake proceedings against illegal money lenders to 31st March 2019.
- 3.11 An amendment to Part 3, section 3F: Executive Delegations to Other Authorities, set out at Appendix E attached, is proposed to reflect this extension in time.

Members Allowances Scheme

- 3.12 Amendments are proposed to paragraph 7 of the Members Allowances Scheme to reflect the variety of ICT equipment now available to Members, together with the fact that a deduction from Members' basic allowance for personal use of the equipment is no longer made.
- 3.13 In addition the Local Government Pension Scheme (Transitional Provisions, Savings and Amendment) Regulations 2014 removed Councillors' access to the LGPS from 1st April 2014, with the change to take effect from the end of their current term of office. Following Local Government Elections in 2014 and 2015, there remain 16 Councillors who were in office on 31st March and are continuing to contribute to the LGPS. Their entitlement will cease at the end of their current term of office in May 2016. An amendment is proposed to paragraph 13 of the Members Allowances Scheme to reflect this change.

- 3.14 The amended Members Allowances Scheme is set out at Appendix F attached.

Community Committee Champions

- 3.15 Part 3, Section 3D(b) of the Constitution sets out requirements in relation to the appointment of Community Lead Members. Through time and practice in Community Committees these Members have become known as Community Committee Champions. Members, including the Executive Member for Communities, have asked that the wording as set out in the Constitution is amended to reflect custom and practice within Community Committees. Appendix G sets out the proposed amendments.

4 Corporate considerations

4.1 Consultation and engagement

- 4.1.1 The Leader of Council has been briefed on all the amendments set out in this report and is content with them.
- 4.1.2 Where appropriate additional consultation is detailed at paragraph 3 above alongside the relevant amendment.

4.2 Equality and diversity, cohesion and integration

- 4.2.1 There are no implications for equality and diversity, cohesion and integration in this report.

4.3 Council policies and the best council plan

- 4.3.1 Articles 1 and 15 together with the Council's Code of Corporate Governance provides that the Council will publish, monitor, review and maintain the Constitution to ensure that it is up to date and fit for purpose. Amendments proposed are in line with these requirements and the Council's value of being open, honest and trusted.

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 This decision is a Significant Operational Decision and so will be published on the Council's website. The decision is not eligible for Call In.
- 4.5.2 Relevant statutory provisions are detailed at paragraph 3 above alongside the information relating to specific amendments.

4.6 Risk management

- 4.6.1 The Constitution should be kept up to date to minimise risk of challenge.

5 Conclusions

- 5.1 A number of amendments to the Constitution are necessary to ensure that it is up to date and fit for purpose.

6 Recommendations

6.1 The Head of Governance Services is requested to make amendments to the following provisions of the Constitution for the reasons set out in this report:-

- Part 2 - Article 12 (Appendix A)
- Part 2 - Article 14 (Appendix C)
- Part 3, Section 3B(c): Support to Executive Members (Appendix D)
- Part 3, Section 3D(b):- Community Committee Champions (Appendix G)
- Part 3, Section 3E(a): Officer Delegation Scheme (Executive Functions) General Delegations
- Part 3, Section 3E(e): Officer Delegation Scheme (Executive Functions) Director of Adult Social Services (Appendix B)
- Part 3, Section 3F: Executive Delegations to Other Authorities (Appendix E)
- Part 6 – Members Allowances Scheme (Appendix F)

7 Background documents¹

7.1 None

¹ The background documents listed in this section are available to download from the council's website, unless they contain confidential or exempt information. The list of background documents does not include published works.