

## Report of Head of Governance Services

### Report to Full Council

**Date: 19<sup>th</sup> May 2016**

### Subject: Amendments to the Constitution

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:	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No

### Summary of main issues

1. At its meeting of 9<sup>th</sup> May 2016 General Purposes Committee considered a report from the Head of Planning Services in relation to proposed amendments to the Plans Panel terms of reference intended to achieve an appropriate balance of workloads between committees and to enable decisions to be taken at the appropriate panel when a matter has significant local impact..
2. The meeting also considered a report from the Head of Governance Services in relation to proposed amendments to the Council Procedure Rules, in the light of feedback received following introduction of the changes on a trial basis. The report also recommended a minor amendment to the delegation made to the City Solicitor in the Officer Delegation Scheme (Council (non-executive) Functions).

### Recommendations

3. General Purposes Committee recommends that Full Council approve the amendments to the following documents which form part of the constitution for the reasons set out in this report:
  - City Plans Panel Terms of Reference (Appendix 1)
  - Council Procedure Rules (Appendix 2)
  - Officer Delegation Scheme (Council (non-executive) Functions) – City Solicitor (Appendix 3)

## **1 Purpose of this report**

- 1.1 This report presents recommendations from General Purposes Committee to Full Council regarding proposed amendments to the constitution in relation to;
- Plans Panel terms of reference
  - Council Procedure Rules; and
  - Officer Delegation Scheme (Council (non-executive) Functions) City Solicitor

## **2 Background information**

- 2.1 Plans Panels
- 2.2 Full Council agreed the formation of three new Plans Panels; North and East, South and West and City Panel, in August 2012. Their terms of reference set out the matters to be considered by each Panel, with certain matters being reserved to City Panel.
- 2.3 A review has been conducted by the Joint Member Officer Working Group, to consider the terms of reference with a view to ensuring an appropriate balance of workloads across the panels and to ensure that the appropriate panel is able to take decision on matters which have local impact.
- 2.4 Council Procedure Rules
- 2.5 In June General Purposes Committee approved the introduction of a number of changes to Council meetings for a trial period, which was extended in October 2015 for the remainder of the municipal year. All political groups have given feedback in relation to the trial.
- 2.6 City Solicitor
- 2.7 The City Solicitor receives delegations from Council giving her authority to perform her role in relation to Council Functions. The delegations include all those functions specifically mentioned in the Local Authorities (Functions and Responsibilities) (England) Regulations 2000 but not the implied authority to take the relevant necessary legal action to give effect to decisions taken in relation to Council functions. The City Solicitor's correlative executive delegations do include express authority in relation to executive functions.

## **3 Main issues**

- 3.1 Plans Panels
- 3.2 General Purposes Committee recommend amendments to the City Panel's terms of reference, as shown at Appendix 1 attached. By raising the thresholds at which matters are reserved to City Panel these amendments will enable the City Panel to concentrate activity on those matters which have a greater than local significance and require consideration within a wider strategic context.

- 3.3 In turn the Area Panels will be able to consider applications which are greater in size or scale and are of significance in the locality although they do not raise issues of city wide strategic importance.

Council Procedure Rules

- 3.4 Following consideration of feedback received from political groups General Purposes Committee recommends the following changes to the Council Procedure Rules as set out in Appendix 2 attached:-
- 3.4.1 Meetings to start at the earlier time of 1p.m. to allow more time in meetings;
  - 3.4.2 Removal of Backbench Community Concerns as Community Committees have an enhanced remit to lead on local issues;
  - 3.4.3 Introduction of a regular report in relation to matters devolved to and of significance for the West Yorkshire Combined Authority;
  - 3.4.4 Introduction of a defined period for consideration of minutes from the Health and Wellbeing Board, prior to consideration of Executive Board Minutes, with time being released by the rotated consideration of other committee minutes being removed;
  - 3.4.5 Implementation of a cycle of annual reports from Scrutiny Boards, Community Committees, Plans Panels, Licensing Committee and Standards Committee providing an opportunity for input from all political groups;
  - 3.4.6 Increased time for the consideration of White Paper Motions;
  - 3.4.7 Removal of restrictions on seconders from the same group being permitted to speak; and
  - 3.4.8 Introduction of an earlier deadline for submitting White Paper amendments;
- 3.5 In addition General Purposes Committee considered amendments proposed by the Head of Governance Services as a result of his annual review of the Constitution. It is recommended that amendments are made to substitution arrangements to enable group leaders and deputy group leaders to substitute for absent members at General Purposes Committee and to enable any non-executive member to substitute for a Scrutiny Board member.
- 3.6 Members may wish to note that the Head of Governance Services intends to use his sub-delegated authority to make consequential amendments to the Scrutiny board Procedure Rules in the event that Council approves the amendment to substitution arrangements for Scrutiny Boards.

Officer Delegation Scheme (Council (non-executive) Functions) City Solicitor.

- 3.7 It is recommended that an amendment is made to the Council delegation to the City Solicitor in order to give express authority to take any action intended to give effect to a decision of the Council, a council committee or an officer acting in accordance with the officer delegation scheme as shown at Appendix 3 attached to this report.

#### **4 Corporate considerations**

##### **4.1 Consultation and engagement**

- 4.1.1 The Joint Member Officer Working Group has been consulted and approved the proposed changes to the City Plans Panel's terms of reference on 30<sup>th</sup> March 2016.
- 4.1.2 Consultation has taken place with the Leader of Council, each opposition Group Leader and with group whips, meaning that all political groups have had opportunity to give feedback in relation to the trialled amendments to the Council Procedure Rules. The details of this feedback are set out in the Head of Governance Services report to General Purposes Committee.
- 4.1.3 The City Solicitor has been consulted in relation to the amendment to her delegations and supports the proposal.

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

- 4.2.1 There are no specific implications for this report.

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

- 4.3.1 All amendments are in line with the Council's Code of Corporate Governance, particularly with regard to the principles of focussing on the Council's purpose and community needs; having clear responsibilities and arrangements for accountability; and taking informed and transparent decisions which are subject to effective scrutiny and risk management.
- 4.3.2 In addition all proposals are in line with the Council's value of being open, honest and trusted. Proposals which give clarity over the Council's decision making processes support quality decision making which in turn promotes trust.

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

- 4.4.1 The proposal to remove the consideration of the other minutes block from the Council agenda will result in approximately £5k savings in printing costs. All Members may however request to continue to receive these minutes for information via email.

##### **4.5 Legal Implications, access to information and call In**

- 4.5.1 The amendments proposed are in line with legislation and common law.

## **4.6 Risk management**

4.6.1 There are no specific implications for this report.

## **5 Conclusions**

5.1 General Purposes Committee has considered the proposals and is satisfied that the recommendations being made should be approved.

## **6 Recommendations**

6.1 General Purposes Committee recommends that Full Council approves amendments to the following documents within the Constitution, as shown on the appendices attached:-

- City Plans Panel Terms of Reference (Appendix 1)
- Council Procedure Rules (Appendix 2)
- Officer Delegation Scheme (Council (non-executive) Functions – City Solicitor (Appendix 3).

## **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 to download from the Council's website, unless they contain confidential or exempt information. The list of background documents does not include published works.