

Report of Principal Corporate Governance Officer

Report to City Solicitor

Date:

Subject: Annual Review of 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. The Head of Governance Services has undertaken an annual review of the Constitution with particular regard to the Council's decision making arrangements.
2. Proposals set out in this report recommend amendments to the Constitution to reflect changes to the Council's working practice.
3. All recommendations are in line with existing legislation.

Recommendations

4. With effect from the 19th May 2016 (the date of the Annual Council Meeting) The City Solicitor is requested to make amendments to the following documents within the constitution, as shown in the relevant appendices attached, for the reasons set out in this report.
 - 4.1. Article 2
 - 4.2. Article 15
 - 4.3. Responsibilities for Council (non-executive) Functions
 - 4.4. Officer Delegation Scheme (Council (non-executive) Functions) Director of City Development
 - 4.5. Officer Delegation Scheme (Council (non-executive) Functions) Chief Planning Officer
 - 4.6. Joint Arrangements
 - 4.7. Executive and Decision Making Procedure Rules
 - 4.8. Access to Information Procedure Rules

- 4.9. Planning Code of Good Practice
- 4.10. Protocol for Public Speaking at Plans Panels.

1 Purpose of this report

- 1.1 This report sets out proposed amendments to the Constitution in order to ensure that it remains clear, up to date and fit for purpose.

2 Background information

- 2.1 Article 15.2 makes provision for amendments to be made to the constitution. In addition to the specific power to amend those documents in respect of which she has specific delegated authority (as shown in the front sheet to each document) 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 in order to maintain it up to date;
- Or for the purposes of clarification only.

3 Main issues

- 3.1 Article 15.1 requires the Monitoring Officer to monitor and review the operation of the Constitution, and to make recommendations for ways in which the Constitution can be amended in order to better achieve its purposes. The Head of Governance Services, as Deputy Monitoring Officer has undertaken a review of the constitution and recommends changes to the documents detailed below to ensure that the Constitution is up to date and fit for purpose; meeting the requirements of legislation and accurately reflecting practice and procedure within Leeds City Council.

3.2 Article 2

- 3.3 The Head of Scrutiny and Member Development recommends an amendment, as shown at Appendix A attached, to Article 2 to reflect the training offer available to Members to enable them to fulfil their roles as Councillors.

Article 15

- 3.4 Article 15.2 sets out responsibilities for amending the constitution. Changes to parts 1 and 2 (save for those made to reflect legislative change, the decisions of Council and the Executive, or for clarification) may only be made by Full Council. Parts 3 to 7 of the Constitution may be amended by the body or person to whom such authority has been delegated. Previously this delegation has been indicated on the front sheet to each individual document set out in the Constitution. However, with the move to online publication of the constitution the use of front sheets has become obsolete for all but this purpose. Amendments, shown in Appendix B attached, are therefore recommended to Article 15 to include within the Article itself a table showing responsibility for amendments to each individual document in parts 3 to 7.
- 3.5 The Monitoring Officer may wish to note that, save for minor amendments to reflect altered job titles, there is no proposed amendment to the responsibilities themselves, just in the manner in which those responsibilities are recorded.

Responsibilities for Council (non-executive) Functions

- 3.6 The Head of Elections, Licensing and Registration recommends amendments to the Responsibilities for Council (non-executive) Functions, shown at Appendix C attached, to reflect the reporting and accountability arrangements for the registration function in addition to reflecting the change in his own job title.

Officer Delegation Scheme (Council (non-executive) Functions) Director of City Development

- 3.7 The Director of City Development has requested an amendment, shown at Appendix D attached, to his Council delegations to reflect the fact that the submission and promotion of the Transport and Works Act Order for New Generation Transport has now taken place and this delegation is no longer necessary.

Officer Delegation Scheme (Council (non-executive) Functions) Chief Planning Officer

- 3.8 The Chief Planning Officer has requested amendments, shown at Appendix E attached, to his Council delegations:-
- to remove references to legislation which is not relevant in the Leeds City Council area;
 - to remove reference to legislation which has been repealed; and
 - to amend out dated reference to subordinate legislation where that legislation has a direct replacement and relates to a council function listed under its primary legislation.

Joint Arrangements

- 3.9 At its meeting on 11th November 2015 Full Council resolved to appoint a West Yorkshire Joint Health Overview and Scrutiny Committee, together with Bradford, Calderdale, Kirklees and Wakefield Councils.
- 3.10 The Head of Scrutiny and Member Development recommends that changes are made to Joint Arrangements, as shown at Appendix F attached, to give effect to this decision of Council to appoint this joint committee.

Executive and Decision Making Procedure Rules

- 3.11 The Head of Governance Services recommends a number of amendments, shown at Appendix G attached, to the Executive and Decision Making Procedure Rules designed to:-
- ensure that the rules reflect practice and procedure as it has evolved to enable directorate ownership of decision making;
 - provide clarity in the definition of public to be excluded from meetings of the Executive where confidential or exempt information is to be considered;

- remove the requirement to record a Key or Significant Operational Decision within 2 days of the decision being taken by an officer, reflecting the batch publication of high volume decisions (the Monitoring Officer may wish to note that Key decisions, which have been published prior to being taken in accordance with the requirements for prior publicity, will be shown as having been taken on the expiry of five working days from publication of notice of the decision in any event); and
- provide clarity as to the application of the Access to Information Procedure Rules to executive decision making.

Access to Information Procedure Rules

3.12 The Head of Governance Services has liaised with the Head of Property, Finance and Technology (Legal Services) to undertake a review of the Access to Information Procedure Rules. Amendments, shown at Appendix H attached, are proposed to:-

- Ensure that references are accurate;
- Cross reference between Access to Information and Executive and Decision Making Procedure Rules;
- Provide clarity in the definition of public to be excluded from meetings of the Council where confidential or exempt information is to be considered;
- Remove provisions in relation to the disclosure of confidential information by Members (these provisions were introduced to reflect the provisions set out in the Members' Code of Conduct adopted under the previous statutory regime and are no longer required).

Planning Code of Good Practice

3.13 The Head of Governance Services recommends minor amendments, shown at Appendix I attached, to the Code to better describe the joint meeting of the Plans Panels.

Protocol for Public Speaking at Plans Panels

3.14 The Head of Governance Services recommends the inclusion of a footnote, shown at Appendix J attached, to clarify that Members may address a Plans Panel in relation to a matter in which they have a DPI provided there is an appropriate dispensation in place.

4 Corporate considerations

4.15 Consultation and engagement

4.15.1 All Directors, and their governance leads, have been invited to comment in relation to the working of the Council's decision making arrangements and their feedback has informed the proposals set out in this report.

4.15.2 The Head of Governance Services has further consulted with professional colleagues as appropriate in developing specific recommendations.

4.16 Equality and diversity / cohesion and integration

4.16.1 There are no implications for this report.

4.17 Council policies and best council plan

4.17.1 The amendments proposed comply with the requirements of the constitution, and reflect the Council's value of being open, honest and trusted.

4.18 Resources and value for money

4.18.1 There are no implications for this report.

4.19 Legal Implications, access to information and call In

4.19.1 The amendments proposed are in line with relevant legislation.

4.20 Risk management

4.20.1 There are no implications for this report.

5 Conclusions

5.1 The proposals set out in this report reflect current practice and procedure within Leeds City Council and provide clarity in relation to the amended documents.

6 Recommendations

6.2 With effect from the 19th May 2016 (the date of the Annual Council Meeting) The City Solicitor is requested to make amendments to the following documents within the constitution, as shown in the relevant appendices attached, for the reasons set out in this report.

- Article 2
- Article 15
- Responsibilities for Council (non-executive) Functions
- Officer Delegation Scheme (Council (non-executive) Functions) Director of City Development
- Officer Delegation Scheme (Council (non-executive) Functions) Chief Planning Officer
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- Executive and Decision Making Procedure Rules
- Access to Information Procedure Rules
- Planning Code of Good Practice
- Protocol for Public Speaking at Plans Panels.

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.