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**Report of Principal Corporate Governance Officer**

**Report to City Solicitor**

**Date: 16<sup>th</sup> March 2017**

**Subject: Constitutional Amendments**

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 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

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**Summary of main issues**

1. The Constitution sets out the way in which the Council discharges its functions, including arrangements for the delegation of functions to both committees and officers.
2. By delegated decision dated 24<sup>th</sup> January 2017 the Head of Paid Service has agreed a new organisational structure which is to take effect on 1<sup>st</sup> April 2017. As a result amendments to the constitution are necessary to reflect the new arrangements in respect of Corporate Leadership Team.
3. Full Council and the Leader of Council have given effect to the organisational changes through the re-designation of statutory officers and amendment of the Officer Delegation Scheme.
4. Further consequential amendments are necessary to amend administrative errors and to reflect the reorganisation of roles and responsibilities through the rules of procedure and protocols set out in parts 4 and 5 of the Constitution.
5. Separately in December 2016 Executive Board approved the establishment of a West Yorkshire Adoption Joint Committee to give effect to collaborative working between five partner authorities, together with voluntary adoption agencies, through One Adoption Agency West Yorkshire. Amendments are necessary to the constitution to reflect this new Joint Arrangement.

## **Recommendations**

1. In her role as Monitoring Officer the City Solicitor is requested to amend the following documents with effect from 1<sup>st</sup> April 2017:-
  - 1.1 Article 12 (Appendix A)
  - 1.2 Officer Delegation Scheme (Executive Functions):-
    - Director of Communities and Environment (Appendix B1)
    - Director of Children and Families (Appendix B2)
    - Director of Public Health (Appendix B3).
  - 1.3 Community Committee Procedure Rules (Appendix C)
  - 1.4 Contracts Procedure Rules (Appendix D)
  - 1.5 Officer Employment Procedure Rules (Appendix E)
  - 1.6 Protocol for the Co-ordination of external inspection reports (Appendix F)
  - 1.7 Members' Code of Conduct (Appendix G)
  - 1.8 Joint Arrangements (Appendix H)
  - 1.9 Note the removal of Part 7 Management Structure.

## **1. Purpose of this report**

- 1.1 This report recommends amendments to the Constitution which are necessary to reflect the new organisational structure developed by the Head of Paid Service.

## **2. Background information**

### Organisational Structure

- 2.1 The Head of Paid Service, working with Members and officers, has developed a new organisational staffing structure to support the Council's ambition of being a compassionate city with a strong economy, and to ensure the Council's continued improvement while making significant savings.
- 2.2 As the Council is placing a greater emphasis on work in localities, services from citizens and communities will merge with some of those from environment and housing. This will enable a greater impact on reducing inequalities across the city and particularly in some of the most deprived neighbourhoods. The merger will create a new communities directorate.
- 2.3 Following the retirement of the current post holder at the end of March 2017, the role of deputy chief executive will be deleted. The work of the strategy and resources directorate will however continue. The existing Director of Environment and Housing will be re-designated as Director of Strategy and Resources and will, in addition to corporate responsibilities, also retain responsibility for work areas including housing and sustainability.
- 2.4 Following approval by Full Council the Chief Financial Services Officer is designated as S151 officer with effect from 1<sup>st</sup> April. The post holder will report to the Director of Strategy and Resources, attend Executive Board, and have the degree of independence necessary to fulfil the role.
- 2.5 To improve the Council's partnership work with health colleagues, bring together related commissioning functions, and ensure delivery of the sustainability and transformation plan, the Director of Public Health will become part of the Director of Adult Social Services' leadership team.

### Executive Arrangements

- 2.6 By a delegated decision dated 24<sup>th</sup> January 2017 the Leader has amended the following documents forming part of her executive arrangements with effect from 1<sup>st</sup> April 2017:-
- Executive Members' Oversight of Officer Executive Delegations
  - Officer Delegation Scheme (Executive Functions)
    - General Delegations
    - Chief Executive
    - Director of Resources and Housing
    - Chief Officer (Financial Services)
    - City Solicitor
    - Director of Communities and Environment
    - Director of City Development
    - Chief Planning Officer
    - Director of Children and Families
    - Director of Adults and Health
    - Director of Public Health

## Council Functions

2.7 At its meeting on 22<sup>nd</sup> February 2017 Council approved amendments to the following documents with effect from 1<sup>st</sup> April 217:

- Part 2
  - Article 12
  - Article 15
- Part 3
  - Section 1 – Local Choice Functions
  - Section 2A – Functions of the Full Council
  - Section 2B – Scrutiny Board Terms of Reference
  - Section 2C – Officer Delegation Scheme (Council (non-executive) Functions):
    - General Delegations
    - Chief Executive
    - Director of Resources and Housing
    - Chief Officer (Financial Services)
    - City Solicitor
    - Director of Communities and Environment
    - Director of City Development
    - Chief Planning Officer
    - Director of Children and Families

### **3. Main issues**

3.1 Article 15.2.3 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<sup>1</sup> or Executive<sup>2</sup> to enable him/her to maintain it up to date;*
- *or for the purposes of clarification only.*

#### Article 12

3.2 Article 12 of the Constitution provides details of the Directors and Statutory Officers in the authority. Previously a diagrammatic representation of the Council's management structure was included as Part 7 of the Constitution. However it is recommended that in order to compliment the information contained within Article 12, and to prevent unnecessary duplication within the constitution that diagram is included as part of Article 12. The proposed amendment is shown at Appendix A attached.

3.3 Following the amendments to the organisational structure a number of the Directors have amended their arrangements with regard to deputies. The amendments shown at Appendix A ensure that the constitution accurately reflects those arrangements.

3.4 The Monitoring Officer is requested to note that if Appendix A is approved the existing document included at Part 7 of the Constitution will be removed.

#### Officer Delegation Scheme (Executive Functions)

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<sup>1</sup> Including Council Committees and Officers acting under delegated authority.

<sup>2</sup> Including Committees of the Executive and Officers acting under delegated authority.

- 3.5 The Community Committee Executive Delegation Scheme provides for the concurrent delegation of each of the functions to an officer. Through administrative oversight the relevant concurrent delegation in relation to promotion and improvement of economic, social and environmental well-being was not included in the Director of Communities and Environment's executive delegations. The necessary amendment is shown at Appendix B1 to this report.
- 3.6 Due to a drafting error reference to the July 2005 decision of Executive Board to delegate functions in relation to the Building Hope charity was removed from the delegation of the Director of Children's Services in December 2015. As there remain funds in the charitable account it is necessary to reinstate the reference to the charity as shown in Appendix B2 attached.
- 3.7 'Fostering joint commissioning' was included twice within the Director of Public Health's executive delegations as the result of an administrative error. In addition the Director of Public Health has recommended two minor amendments to clarify the extent of two of the listed functions. The necessary amendments are shown at Appendix B3 to this report.

#### Consequential amendments to titles

- 3.8 Further amendments are necessary to the constitution, as shown in Appendices C to F attached, as a consequence of decisions by the Leader and full Council to reflect changes to the Council's organisational structure including changes to the officer delegation scheme and to the designation of statutory officers.

#### Members' Code of Conduct

- 3.9 The Members' Code of Conduct adopted by Leeds City Council requires that Members register the receipt of gifts or hospitality valued above £50 as 'other interests'. Guidance to the Code further provides that such interests need only remain on the register for two years following receipt of the gift or hospitality. Footnote 9 requires amendment to reflect this intention accurately as it currently provides that interests will be removed 2 years after registration (which could be considerably longer than two years from receipt if the Member inadvertently fails to register immediately). The proposed amendment is shown at Appendix G attached.

#### Joint Arrangements

- 3.10 The Constitution includes a document detailing the Council's joint arrangements with other authorities. It is necessary to amend this document as shown at Appendix H to reflect the creation of the West Yorkshire Adoption Joint Committee.

## **4. Corporate considerations**

### **4.1 Consultation and engagement**

- 4.1.1 All Members have been advised of the intention to deal with consequential amendments to the constitution by way of delegated decision and are content with the proposals.
- 4.1.2 Individual directors have been consulted in relation to those amendments which have direct implications for them. In particular the incoming Director of Resources and Housing and the Chief Officer (Financial Services) have been helpful in determining how references to the Deputy Chief Executive should be redirected.

4.1.3 The Chair of Standards and Conduct Committee has been consulted in relation to the proposed amendment to the Members' Code of Conduct and is clear that the proposed amendment reflects the intention of Members in adopting the Code.

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

4.2.1 There are no implications for this report.

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

4.3.1 The changes outlined within this report support the Council's ambition of being a compassionate city with a strong economy.

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

4.4.1 The organisational structure which underlies the changes proposed in this report intends to enable the best use of the Council's human resources to deliver council services.

## **4.5 Legal implications, access to information, and call-in**

4.5.1 As a council decision this report will not be open to Call In.

4.5.2 In accordance with Article 15.2.4 this decision will be recorded as a significant operational decision.

## **4.6 Risk management**

4.6.1 The proposed amendments will ensure that the Council's constitution remains up to date and fit for purpose and that decision making arrangements are robust.

## **5. Conclusions**

5.1 Changes to the organisational structure require amendments to the Constitution as detailed in this report.

## **6. Recommendations**

6.1 In her role as Monitoring Officer the City Solicitor is requested to amend the following documents with effect from 1<sup>st</sup> April 2017:-

6.1.1 Article 12 (Appendix A)

6.1.2 Officer Delegation Scheme (Executive Functions):-

- Director of Communities and Environment (Appendix B1)
- Director of Children and Families (Appendix B2)
- Director of Public Health (Appendix B3).

6.1.3 Community Committee Procedure Rules (Appendix C)

6.1.4 Contracts Procedure Rules (Appendix D)

6.1.5 Officer Employment Procedure Rules (Appendix E)

- 6.1.6 Protocol for the Co-ordination of external inspection reports (Appendix F)
- 6.1.7 Members' Code of Conduct (Appendix G)
- 6.1.8 Joint Arrangements (Appendix H)
- 6.1.9 Note the removal of Part 7 Management Structure.

## **7. Background documents<sup>3</sup>**

- 7.1 None

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<sup>3</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.