

**Report of Principal Corporate Governance Officer**

**Report to City Solicitor**

**Date: 12<sup>th</sup> March 2018**

**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 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. This report details amendments to the constitution which are proposed to clarify the Council's Constitutional arrangements.

**Recommendations**

2. The City Solicitor is requested to approve amendments to the following documents with immediate effect from the dates specified for the reasons set out in this report:-
  - o Article 4 (Appendix A)
  - o Community Committee Procedure Rules (Appendix B)
  - o Procedure for Considering Complaints (Appendix C)
  - o Members' Code of Conduct (Appendix D)

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

- 1.1 This report sets out details of amendments to the Constitution which fall within the City Solicitor's authority as Monitoring Officer and are required to keep the Constitution up to date and fit for purpose.

## **2. Background information**

- 2.1 In addition the Head of Governance and Scrutiny Support has undertaken a review of the Constitution in respect of the Council's arrangements.
- 2.2 Article 15.2.3 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 her to maintain it up to date;
  - Or for the purposes of clarification only.

## **3. Main issues**

- 3.1 Amendments to the Constitution are proposed in order to clarify the provisions of the Constitution.

### Budget and Policy Framework

- 3.1.1 Footnote 6 of Article 4 links the Youth Justice Plan with the Children and Young People's Plan. However the plans are considered and adopted separately on different cycles and through different processes. The Director of Children and Families has therefore requested that the footnote be amended to remove reference to the link between the documents.
- 3.1.2 The proposed amendment is set out at Appendix A and can be made with immediate effect.

### Selection of Community Committee Chairs

- 3.1.3 Paragraph 2 of the Community Committee Procedure Rules sets out the procedure for appointment of Chairs to each Community Committee. Rule 2.3 requires that nominations are notified to the Head of Governance and Scrutiny Support by no later than 5 p.m. the working day before the annual council meeting. In order to ensure that when they meet to consider any issues in relation to the annual council meeting they have before them the final nominations in respect of the Community Committee Chair appointments the group whips for all political groups have agreed that nomination deadline will be brought forward. Nominations will be submitted by 12 noon on the working day before the annual council meeting.
- 3.1.4 The proposed amendment, set out at Appendix B to this report, reflects the agreement of all group whips and can be made with immediate effect.

### Members Complaints Process

- 3.1.5 Section 28 Localism Act 2011 requires that the Council makes arrangements under which allegations that a Member has breached the Members Code of Conduct may

be investigated and on which decisions may be made. As the principal authority these arrangements must also provide for complaints in relation to Parish Councillors within the area.

- 3.1.6 In preparing the draft Annual Report of the Standards and Conduct Committee, the Head of Governance and Scrutiny Support has undertaken a review of the Procedure for Considering Complaints Alleging a Failure to Comply with the Members' Code of Conduct Within the Area of Leeds Metropolitan District Council. At their meeting on 9<sup>th</sup> March 2018 the Committee considered amendments to the Procedure recommended in order to ensure that it was an accurate reflection of Council policy and practice and compliant with the law. The Committee are content that the proposed amendments should be made for the reasons set out below.
- 3.1.7 The first group of amendments provide clarity as to the way in which information provided by complainants will be processed in accordance with the procedure.
- 3.1.8 The second group of amendments relate to the Stage three part of the complaints process and specifically paragraphs 19, 20, 23 and 24 and are proposed in order to clarify that the Monitoring Officer's role at any Hearing is to advise the committee.
- 3.1.9 The final group of amendments from paragraph 29 to 33 give effect to a decision of the courts<sup>1</sup> clarifying that it is the relevant authority which is authorised to act if a breach of the code is found to have taken place.
- 3.1.10 The proposed amendments are set out at Appendix C to this report and can be made with immediate effect.

#### Members Code of Conduct

- 3.1.11 At their meeting on 9<sup>th</sup> March 2018 Members of the Standards and Conduct Committee also considered the Members' Code of Conduct.
- 3.1.12 The Committee supported an amendment proposed to paragraph 11 of the Code. The paragraph relates to the registration of gifts and hospitality received by Members in their role as councillors. The proposed amendment to footnote 8 to the paragraph provides clarification that Members are not required to register the receipt of gifts or hospitality in relation to events or hospitality provided by the Council.
- 3.1.13 The proposed amendment is set out at Appendix D to this report and can be made with immediate effect.

## **4. Corporate considerations**

### **4.1 Consultation and engagement**

- 4.1.1 Consultation has taken place in relation to each proposed amendment as set out in the relevant section of this report.

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

- 4.2.1 There are no implications for this report.

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<sup>1</sup> Taylor v Honiton Town Council [2016] EWHC 3307 (Admin)

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

- 4.3.1 Continuous monitoring and updating of the Constitution is in line with 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 All of the proposed amendments fall within the City Solicitor's delegated authority as Monitoring Officer.
- 4.5.2 This decision is a significant operational decision and will be published accordingly. The decision is not eligible for call in.

### **4.6 Risk management**

- 4.6.1 There are no implications for this report.

## **5. Conclusions**

- 5.1 The amendments to the Constitution proposed in this report are necessary to provide clarification only.

## **6. Recommendations**

- 6.1 The City Solicitor is requested to approve amendments to the following documents with immediate effect from the dates specified for the reasons set out in this report:-

- Article 4 (Appendix A)
- Community Committee Procedure Rules (Appendix B)
- Procedure for Considering Complaints (Appendix C)
- Members' Code of Conduct (Appendix D)

## **7. Background documents<sup>2</sup>**

- 7.1 None

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<sup>2</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.