

**Report of City Solicitor****Report to Full Council****Date: 24<sup>th</sup> May 2018****Subject: Annual Review of 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 sets out recommendations from General Purposes Committee for amendments to the Constitution following the City Solicitor's annual review to ensure that the Constitution remains up to date and fit for purpose.

**Recommendations**

2. Members are requested to approve the amendments below for the reasons set out in this report:
  - 2.1 Article 5 (Appendix A)
  - 2.2 Article 6 (Appendix F)
  - 2.3 Article 15 (Appendix E)
  - 2.4 Council Procedure Rules (Appendix B)
  - 2.5 Planning Code of Good Practice (Appendix C)
  - 2.6 Protocol for Public Speaking at Plans Panels (Appendix D)

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

- 1.1 This report sets out proposals which General Purposes Committee recommend following the City Solicitor's annual review of the Constitution.

## **2. Background information**

- 2.1 The terms of reference for General Purposes Committee provide at paragraph 2 that the committee will "consider proposals to amend the constitution and make recommendations to full Council."
- 2.2 General Purposes Committee met on 18<sup>th</sup> May 2018 and resolved to recommend the proposals set out in this report.

## **3. Main issues**

### Vice Chair of Council

- 3.1 In accordance with the Royal Charter Vice-Chair of Leeds City Council is entitled to style themselves as the Deputy Lord Mayor. However in 2011 the custom and practice of the authority changed and since this time the vice-chair has not used the title.
- 3.2 Amendments are proposed to Article 5 reflecting this change in custom and practice in order to ensure that the Council's arrangements are clear and transparent whilst continuing to reflect the status conferred by the Royal Charter. The proposed amendments are set out at Appendix A attached.
- 3.3 An additional amendment is proposed to Rule 1.1 of the Council Procedure Rules to reflect the adopted custom and practice in respect of titling the Vice-Chair of Council as detailed at 3.1 above.
- 3.4 The proposed amendments to the Council Procedure Rules are set out at Appendix B Attached.

### Joint Plans Panel

- 3.5 Joint Plans Panel is an informal meeting bringing together the Council's Area Plans Panels, City Plans Panel and Development Plan Panel for consultation and training.
- 3.6 The Joint Plans Panel is consulted annually on the content of the Planning Code of Good Practice (in accordance with paragraph 9.1 of the Code) and the Protocol for Public Speaking at the Plans Panels (in accordance with paragraph 5.1 of the Protocol.) However as the Joint Plans Panel is an informal meeting it is not authorised to formally approve any amendments to the Constitution. Amendments to both documents are therefore proposed to reflect that the formal decision to amend either document is to be taken by the Chief Planning Officer in consultation with the Joint Plans Panel.
- 3.7 Given the changes proposed to the Code and Protocol a further amendment is recommended to Article 15 of the Constitution to correctly record the authority to amend those documents.
- 3.8 Amendments to the three documents are set out at Appendices C to E attached.

### Quorum Arrangements

- 3.9 The City Solicitor has undertaken a review of the quorum arrangements for Council and its committees.
- 3.10 The Local Government Act 1972 requires at Schedule 12 paragraph 6 that “no business shall be transacted at a meeting of a principal council unless at least one quarter of the whole number of members of the council are present”
- 3.11 An amendment is proposed at the footnote to Rule 8.1 of the Council Procedure Rules to provide clarity around quorum of Council by specifying that 25 Members will be required to convene a quorate meeting of Council.
- 3.12 In addition an amendment is proposed to rule 28.3 amending the quorum required for a meeting of a Community Committee to half (five Members in a committee of nine, and six Members in a committee of twelve). This represents the first review of the arrangements which has taken place since the restructuring of Community Committees in 2014 which achieved greater balance in the number of wards comprised in each of the ten committees. The increase in quorum is intended to support engagement in Community Committees, reflecting the increasing importance of decision making within Community Committees which fully understand the implications of those decisions for the communities they represent.
- 3.13 The proposed amendments are set out at Appendix B attached.

### Scrutiny Board Alignment

- 3.14 General Purposes Committee recommend the realignment of Scrutiny Boards. The proposal requires an amendment to Article 6 of the Constitution, as set out at Appendix F attached, and aligns the authority’s functions across a total of five Scrutiny Boards. This realignment will promote better co-ordination of the scrutiny function and enable enhanced scrutiny oversight of Executive arrangements.

## **4. Corporate considerations**

### **4.1 Consultation and engagement**

- 4.1.1 The report to General Purposes Committee set out details of consultation which took place with Members and officers in relation to each proposed amendment.

### **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 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 The amendments to the Constitution are recommended by General Purposes Committee in accordance with the Committee's terms of reference.

#### **4.6 Risk management**

- 4.6.1 There are no implications for this report.

### **5. Conclusions**

- 5.1 The constitutional amendments set out in this report will ensure that the Council's constitution is up to date and fit for purpose.

### **6. Recommendations**

- 6.1 Members are requested to approve the amendments below for the reasons set out in this report:

- 6.1.1 Article 5 (Appendix A)
- 6.1.2 Article 6 (Appendix F)
- 6.1.3 Article 15 (Appendix E)
- 6.1.4 Council Procedure Rules (Appendix B)
- 6.1.5 Planning Code of Good Practice (Appendix C)
- 6.1.6 Protocol for Public Speaking at Plans Panels (Appendix D)

### **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.