



Report of the Assistant Chief Executive (Corporate Governance)

Council

Date: 25 February 2009

Subject: Amendments to the constitution / Standards Committee Terms of Reference, Officer Delegation Scheme (Council (non-executive) Functions,

Electoral Wards Affected:



Ward Members consulted
(referred to in report)

Specific Implications For:

Equality and Diversity

☐

Community Cohesion

☐

Narrowing the Gap

☐

Executive Summary

1. This report sets out recommendations to Council from the General Purposes Committee.
2. **Standards Committee and Corporate Governance and Audit Committee Terms of Reference**

The General Purposes Committee considered a report of the Assistant Chief Executive (Corporate Governance), which had been produced at the request of the Member Management Committee and Group Whips, asking Members to consider alterations to the role and function of the Standards Committee.

Recommendation: General Purposes Committee resolved to recommend that full Council amend the Terms of Reference of the Standards Committee and Corporate Governance and Audit Committee as set out in Appendix 1 to this report.

3. **Delegations to Assistant Chief Executive (Corporate Governance) – Community Governance Reviews**

The General Purposes Committee also considered a report on changes to the procedure for carrying out community governance reviews (formally known as Parish Reviews). The Assistant Chief Executive (Corporate Governance) presented a report providing Members with information about carrying out a community governance review, and setting out proposals to delegate specific functions relating to the process for community governance reviews to the Assistant Chief Executive (Corporate Governance).

Appendix 2 sets out which functions may be delegated, and which must be reserved to full Council.

General Purposes Committee recommended that, to expedite the process, functions should, where possible be delegated to the Assistant Chief Executive (Corporate Governance) with the exception that recommendations arising from a community governance review would be referred to the General Purposes Committee. The function of making any re-organisation order must be reserved to Full Council.

Recommendation: General Purposes Committee resolved to recommend that full Council delegate the functions listed at Appendix 2 to this report as proposed in the table at Appendix 2 to this report.

The consequential amendments required to the Officer Delegation Scheme (Council (non-executive) Functions) are shown in Appendix 3 of this report.

4. **Delegation to the Assistant Chief Executive (Corporate Governance) – Appointment to vacancies on committees**

The Assistant Chief Executive (Corporate Governance) submitted a report asking the General Purposes Committee to make recommendations to full Council with regard to establishing arrangements whereby the Assistant Chief Executive (Corporate Governance), in consultation with political group whips, may appoint to vacancies on committees in the period between the local elections and the annual Council meeting.

Recommendation: General Purposes Committee resolved to recommend that full Council approve the amendments of the Officer Delegation Scheme (Council (non-executive) Functions) as detailed in Appendix 3 of this report.

1.0 Purpose Of This Report

1.1 This report sets out recommendations to Council from the General Purposes Committee in relation to:

- The Standards Committee and Corporate Governance and Audit Committee Terms of Reference; and
- amendments to the Officer Delegation Scheme (Council (non-executive) Functions) for the Assistant Chief Executive (Corporate Governance).

2.0 Background Information

2.1 The General Purposes Committee is authorised to consider proposals to amend the constitution and make recommendations about this to Council.

2.2 At its meeting on 20th January 2009, the Committee met to consider

- The Standards Committee and Corporate Governance and Audit Committee Terms of Reference; and
- amendments to the Officer Delegation Scheme (Council (non-executive) Functions) for the Assistant Chief Executive (Corporate Governance) in relation to;
 - Community governance reviews; and
 - Appointments to vacancies on committees in the period between the local elections and the annual Council meeting.

3.0 Main Issues

3.1 The Standards Committee and Corporate Governance and Audit Committee Terms of Reference

3.1.1 A report was submitted by the Assistant Chief Executive (Corporate Governance), which had been produced at the request of the Member Management Committee and Group Whips, asking Members to consider alterations to the role and function of the Standards Committee. The committee discussed the remit of various committees in responding, on behalf of Leeds City Council, to external consultation, particularly where this relates to conduct matters. In particular the following points were discussed;

- Which committee should be making representations to and liaising with external agencies about any matter relating to general principles of conduct, model codes of conduct and the codes of conduct or protocols approved from time to time by or on behalf of the Council; and
- Which committee should be considering and advising the Council with respect to the adoption or amendment of a Code of Conduct for officers and to promote, monitor and review the Code of Conduct.

- 3.1.2 The Monitoring Officer considers that as Member and officer conduct is an element of corporate governance, then the Corporate Governance and Audit Committee is the appropriate Committee to make representations on behalf of the Council.
- 3.1.3 At their meeting on 20 January 2009, the General Purposes Committee resolved to recommend that Council amend the Terms of Reference of the Standards Committee and Corporate Governance and Audit Committee as set out in Appendix 1 to this report.

3.2 Delegations to Assistant Chief Executive (Corporate Governance) – Community Governance Reviews

- 3.2.1 A report was submitted by the Assistant Chief Executive (Corporate Governance) setting out how the Local Government and Public Involvement in Health Act (the 2007 Act) makes provision for carrying out reviews of Parish Council arrangements, known as community governance reviews.
- 3.2.2 From February 2008, district councils, unitary county councils and London borough councils ('principal councils') have had responsibility for undertaking community governance reviews, in order to ensure that the community governance arrangements in an area adequately reflect the interests and identities of the local community. Prior to February 2008 giving effect to any recommendations arising from a review had to be agreed by Central Government. The entire process has now, however, been devolved to local government.
- 3.2.3 The Assistant Chief Executive (Corporate Governance) had delegated responsibility for the process under the old system.
- 3.2.4 Functions relating to carrying out community governance reviews have now been identified as council functions¹. The function of making a re-organisation order must be reserved to full Council, but others may be delegated.
- 3.2.5 The Council has already amended its constitution to reflect those functions which must be reserved to full Council. The report set out recommendations in relation to delegating the other functions as set out in Appendix 2 to this report.
- 3.2.6 General Purposes Committee resolved to recommend that Council should delegated functions relating to community governance reviews as set out in the table in Appendix 2 to this report. Delegations for function are to the Assistant Chief Executive (Corporate Governance) with the exception that recommendations arising from a community governance review would be referred to the General Purposes Committee prior to any recommendation to full Council. The function of making any re-organisation order must be reserved to full Council.
- 3.2.7 The consequential amendments required to the Officer Delegation Scheme are shown in Appendix 3 to this report.

3.3 Delegation to the Assistant Chief Executive (Corporate Governance) – Appointment to vacancies on committees

- 3.3.1 The Assistant Chief Executive (Corporate Governance) submitted a report asking the General Purposes Committee to make recommendations to full Council with

¹ Local Authorities (Functions and Responsibilities)(Regulations) 2000/2853

regard to establishing arrangements whereby the Assistant Chief Executive (Corporate Governance), in consultation with political group whips, may appoint to vacancies on committees in the period between the local elections and the annual Council meeting.

- 3.3.2 This report highlighted the fact that in the absence of any practical means of securing Council approval to any necessary appointments between the local elections and the Annual Council meeting the delegation of this function to the Assistant Chief Executive (Corporate Governance), in consultation with whips, is the most responsive and effective way of making such appointments.
- 3.3.3 General Purposes Committee resolved to recommend that full Council approve the amendments of the Officer Delegation Scheme (Council (non-executive) Functions) as detailed in Appendix 3 of this report.

4.0 Implications For Council Policy And Governance

- 4.1 Reviewing the Council's committee arrangements and delegating specific responsibilities to officers will help the Council ensure that there are clear responsibilities and arrangements for accountability.
- 4.2 The Standards Committee and Corporate Governance and Audit Committee arrangements have a key role in the Council's governance arrangements. The amendment of their Terms of Reference will enable enhanced Member engagement in the responses to consultation documents.

5.0 Legal And Resource Implications

- 5.1 Under Article 15 of the Constitution, these amendments to the Constitution must be approved by full Council, after consideration from General Purposes Committee.
- 5.2 The Monitoring Officer can make any additional consequential amendments under her delegated authority set out in Article 15.

6.0 Conclusions

- 6.1 Amending the Terms of Reference of the Standards Committee and Corporate Governance and Audit Committee will ensure clarity as to their roles and will enhance member involvement in the response to consultations.
- 6.2 The delegations proposed to the Assistant Chief Executive (Corporate Governance) will;
- enable the process of carrying out community governance reviews to be carried out efficiently, and
 - enable the Assistant Chief Executive (Corporate Governance) to appoint to vacancies on committees in the period between the local elections and the annual Council meeting, in consultation with political group whips.

7.0 Recommendations

Council are recommended to resolve to:

- a) Agree the amended terms of reference for Standards Committee and Corporate Governance and Audit Committee as set out in Appendix 1 to this report;
- b) Delegate the functions relating to community governance reviews as set out in Appendix 2 to this report;
- c) Delegate the function of appointing to vacancies on committees in the period between the local elections and the annual Council meeting to the Assistant Chief Executive (Corporate Governance), in consultation with political group whips.
- d) Agree the proposed amendments to the Officer Delegation Scheme Council (non-executive) Functions as shown in Appendix 3.

Background documents

Reports to General Purposes Committee 20th January 2009:

- Standards Committee Terms of Reference
- Community Governance Reviews - Delegation of functions
- Delegation to the Assistant Chief Executive (Corporate Governance)