

**Report of City Solicitor**

**Report to General Purposes Committee**

**Date: 9 May 2012**

**Subject: Constitutional amendments - miscellaneous**

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. This report contains recommendations about miscellaneous amendments to the constitution, following the annual review.
2. Firstly, amendments are proposed to Area Committee Rule 5 to clarify the process for the nomination of Area Committee Chairs.
3. Secondly, it is proposed to remove the summary of delegated functions and appendix to Section 2A of Part 3 of the constitution.

**Recommendations**

4. General Purposes Committee are asked to recommend full Council to:
  - approve the amendments to Area Committee Procedure Rule 5 as set out in the attached appendix to this report; and
  - remove the summary of delegated council functions and appendix from Section 2A of Part 3 from the constitution.

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

- 1.1 To ask the General Purposes Committee to recommend amendments to the constitution to full Council, following the annual review of the constitution.

## **2 Background information**

- 2.2 General Purposes Committee is authorised to consider proposals to amend the constitution and make recommendations to full Council.
- 2.3 The constitution is updated throughout the year. However, the Head of Governance Services, also reviews the constitution before the annual meeting, on behalf of the Monitoring Officer. This report proposes a number of amendments to the constitution following the annual review, in addition to those proposed in other reports on this agenda.

## **3 Main issues**

### **3.1 Area Committee Procedure Rules**

- 3.1.1 The proposed amendments to the Area Committee Procedure Rules are minor adjustments that relate to the deadline for the submission of nominations and the scheduling of the meeting to agree the election of the Chair for the forthcoming Municipal Year.

- 3.1.2 It is proposed that Area Committee Procedure Rule 5.3 should be amended to further clarify the time for the submission of nominations for the position of Area Committee Chair.

- 3.1.3 It is further proposed that Area Committee Procedure Rule 5.4 should be amended in order that meetings of the Area Committees (for the purpose of electing the Chair) should not take place on the day of the Annual Meeting.

- 3.1.4 The proposed amendments are set out in the appendix to this report.

### **3.2 Section 2A or Part 3 Council functions - summary**

- 3.2.1 This section sets out those functions which must be carried out by full Council. It also contains a summary of functions delegated by full Council to committees and officers - information set out in detail elsewhere in Part 3 of the constitution. The appendix sets out (for completeness) those functions identified by regulations as not being the responsibility of the executive, but which are not discharged by Leeds City Council. Many of these provisions have been repealed.

- 3.2.2 The City Solicitor considers that the benefits of including the summary and appendix in the constitution as a "signpost", are outweighed by the administrative burden in ensuring they are up to date.

- 3.2.3 For this reason, the City Solicitor proposes that the summary and appendix are now removed from Section 2A.

## **4 Corporate Considerations**

### **4.1 Consultation and Engagement**

4.1.4 No additional consultation was considered necessary on this report, since the matter is being considered by this committee, before being considered by full Council.

### **4.2 Equality and Diversity / Cohesion and Integration**

4.2.1 There are no equality issues arising from this report.

### **4.3 Council policies and City Priorities**

4.3.2 The Council's Code of Corporate Governance commits the authority to having clear responsibilities and arrangements for accountability. The proposed amendments clarify arrangements.

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

4.4.1 This report has no specific resource or value for money implications other than minor savings arising in administrative costs.

### **4.5 Legal Implications, Access to Information and Call In**

4.5.1 The summary in Section 2A derives from guidance issued by the Secretary of State dating back to 2000, when the constitution was introduced. However, the guidance clarifies that it "simply provides an example of a framework that might be used". There is no legal requirement to provide the summary.

4.5.2 No part of this report is confidential or exempt. As the report relates to Council functions, the decision is not open to call-in.

### **4.6 Risk Management**

4.6.1 This report has no risk management implications.

## **5 Conclusions**

5.1 The proposed amendments to the Area Committee Procedure Rules clarify and facilitate the existing process for the appointment of chairs to Area Committees.

5.2 The proposed minor amendments to Section 2A Part 3 of the constitution will assist the efficient administration of the constitution.

## **6 Recommendations**

6.1 General Purposes Committee are asked to recommend full Council to:

- approve the amendments to Area Committee Procedure Rule 5 as set out in the attached appendix to this report; and

- remove the summary of delegated council functions and appendix from Section 2A of Part 3 from the constitution.

## **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 for inspection on request for a period of four years following the date of the relevant meeting. Accordingly this list does not include documents containing exempt or confidential information, or any published works. Requests to inspect any background documents should be submitted to the report author.