

ARTICLE 15 - REVIEW AND REVISION OF THE CONSTITUTION

15.1 DUTY TO MONITOR AND REVIEW THE CONSTITUTION

15.1.1 The Monitoring Officer will monitor and review the operation of the Constitution to ensure that the aims and principles of the Constitution are given full effect.

- **Protocol for monitoring and review of constitution**

15.1.2 A key role for the Monitoring Officer is to be aware of the strengths and weaknesses of the Constitution adopted by the Council, and to make recommendations for ways in which it could be amended in order better to achieve the purposes set out in Article 1. In undertaking this task the Monitoring Officer may:

- (a) observe meetings of different parts of the Member and officer structure;
- (b) undertake an audit trail of a sample of decisions;
- (c) record and analyse issues raised with him/her by Members, officers, the public and other relevant stakeholders; and/or
- (d) compare practices in this authority with those in other comparable authorities, or national examples of best practice.

15.2 CHANGES TO THE CONSTITUTION

- **Approval**

15.2.1 Changes to Parts 1 and 2 of the Constitution will only be approved by the full Council after consideration of the proposal by the General Purposes Committee and following advice from the Monitoring Officer, save that authority to make certain changes is delegated to the Monitoring Officer as detailed at 15.2.3 below. Changes to the Constitution may be made by simple majority.

15.2.2 Changes to Parts 3 to 7 of the Constitution will be approved by the body or person to whom such authority has been delegated as indicated in the table set out at Annex 1 attached. Where the approval of full Council is required for such changes in Parts 3 to 5 of the Constitution, then they will only be approved by full Council after consideration of the proposal by the General Purposes Committee and following advice from the Monitoring Officer.

15.2.3 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 Council¹ or Executive² to enable him/her to maintain it up to date;
- or for the purposes of clarification only.

15.2.4 All changes made by officers under delegated authority will be recorded as delegated decisions.

¹ Including Council Committees and Officers acting under delegated authority.

² Including Committees of the Executive and Officers acting under delegated authority.

| Part of Constitution | Title of Document | Body/Person with authority to change the document |
|----------------------|---|---|
| Part 3 Section 1 | Responsibility for Local Choice Functions | Full Council |
| Part 3 Section 2A | Functions of the Full Council | Full Council |
| Part 3 Section 2B | Council Committees' Terms of Reference | Full Council |
| Part 3 Section 2C | Officer Delegation Scheme (Council (Non-Executive) Functions) | Full Council |
| Part 3 Section 2D | Council (Non-Executive) Delegations to and from other authorities | Full Council |
| Part 3 Section 3A | Responsibility for Executive Functions | Leader of Council |
| Part 3 Section 3B(a) | Executive Member Portfolios | Leader of Council |
| Part 3 Section 3B(b) | Executive Members: Oversight of Officer Executive Delegations | Leader of Council |
| Part 3 Section 3B(c) | Support to Executive Members | Leader of Council |
| Part 3 Section 3C | Executive Committee and Advisory Committee Terms of Reference | Leader of Council |
| Part 3 Section 3D | Community Committee Executive Delegation Scheme | Executive Board |
| Part 3 Section 3E | Officer Delegation Scheme (Executive Functions) | Leader of Council |
| Part 3 Section 3F | Executive Delegations to Other Authorities | Leader of Council |
| Part 3 Section 4 | Joint Arrangements | Full Council (in relation to Council Functions) Leader of Council (in relation to Executive Functions) |
| | | |
| Part 4 a | Council Procedure Rules | Full Council |
| Part 4 b | Executive and Decision Making Procedure Rules | Executive Board (in relation to Executive Functions set out at Rules 1.1 to 1.4, 2.1 and 3.1) Full Council (all other) |
| Part 4 c | Scrutiny Board Procedure Rules | Full Council |
| Part 4 d | Scrutiny Board Procedure Rules Guidance Notes | Head of Governance and Scrutiny Support |

Article 15 – Review and Revision of the Constitution

| | | |
|-----------------|--|---|
| Part 4 e | Community Committee Procedure Rules | Leader of Council (in relation to executive functions set out in section 3.1-3.5 and section 8) Full Council (all other) |
| Part 4 f | Budget and Policy Framework Procedure Rules | Full Council |
| Part 4 g | Access to Information Procedure Rules | City Solicitor |
| Part 4 h | Appointments to Outside Bodies Procedure Rules | Full Council |
| Part 4 i | Contracts Procedure Rules | Director of Resources and Housing |
| Part 4 j | Financial Regulations | Chief Finance Officer |
| Part 4 k | Officer Employment Procedure Rules | Director of Resources and Housing |
| Part 4 l | Procedure for Considering Complaints Alleging a Failure to Comply with a Members' Code of Conduct within the Area of Leeds Metropolitan District Council | Full Council |
| Part 4 m | Licensing Procedure Rules | Licensing Committee |
| | | |
| Part 5 a | Members Code of Conduct | Full Council |
| Part 5 b | Employee Code of Conduct | Director of Resources and Housing |
| Part 5 c | Protocol on Member/Officer Relations | Standards and Conduct Authority |
| Part 5 d | Protocol – Roles of Members and Officers in Decision Making | Executive Board |
| Part 5 e | Monitoring Officer Protocol | Standards and Conduct Committee |
| Part 5 f | Protocol for the Co-ordination of External Inspection Reports | Director of Resources and Housing |
| Part 5 g | Planning Code of Good Practice | A joint meeting of the Plans Panels |
| Part 5 h | Protocol for Public Speaking at Plans Panels | A joint meeting of the Plans Panels |
| Part 5 i | Code of Practice for Determining Licensing Matters | Licensing Committee |
| Part 5 j | Code of Corporate Governance <u>Code and Framework</u> | Corporate Governance and Audit Committee |
| <u>Part 5 k</u> | <u>Chief Finance Officer Protocol</u> | <u>Corporate Governance and Audit Committee</u> |
| | | |
| Part 6 | Members' Allowances Scheme | Full Council |
| | | |

Article 15 – Review and Revision of the Constitution

Part 7

Management Structure

Director of Resources and Housing