

## Subject: To inform General Purposes Committee of the use by the Monitoring Officer and her Deputies of her power under Article 15 15.2.3

Date: 10 October 2022

Report of: City Solicitor

Report to: General Purposes Committee

Will the decision be open for call in?  Yes  No

Does the report contain confidential or exempt information?  Yes  No

### Brief summary

Following the adoption of an amended Article 15 by Full Council on 26<sup>th</sup> May 2022 this report updates General Purposes Committee of the use of the powers under Article 15.2.3 of the Constitution by the Monitoring Officer on 2 occasions since the Committee last sat:

1. On 15 July 2022 to re-align 2 scrutiny functions to correct a historic inconsistency on alignments; and
2. On 26 September 2022 to further update Article 15 following a decision of Executive Board on 27 July 2022 to delegate future changes to the Protocol for the Roles of Members and Officers in Decision Making to the Monitoring Officer.

### Recommendations

- a) General Purposes Committee notes the use of the powers of the Monitoring Officer.

### What is this report about?

1. Article 15 contains a power for the Monitoring Officer to update the Constitution under 15.2.3:
  - as a result of legislative change or decisions of the Council or Executive to enable him/her to maintain it up to date;
  - for the purposes of clarification only; or
  - where the Monitoring Officer is of the opinion such changes are de minimus and required for administrative or updating purposes only and for which there is unanimous agreement between the Leader of each political group.
  - or to Part 5(d) Protocol for the Roles of Members and Officers in Decision Making in consultation with the Leader of the Council, Opposition Members of Executive Board and the Chief Officer Financial Services.

2. This report updates General Purposes Committee as to the use of the above power by the Monitoring Officer.
3. The Constitution has been amended twice using Article 15.2.3 on 15 July 2022 and 27 September 2022.
4. First, on 15 July 2022 it was used to re-align 2 scrutiny functions to correct a historic inconsistency on alignments with the decision published on the same date under reference D55501.
5. Second, on 26 September 2022, to further update Article 15 following a decision of Executive Board on 27 July 2022 to delegate future changes to the Protocol for the Roles of Members and Officers in Decision Making to the Monitoring Officer published on 27 September 2022 under reference D55637.

**What impact will this proposal have?**

1. The updating of the Constitution ensures that it is lawful, fit for purpose and reflective of current practices.

**How does this proposal impact the three pillars of the Best City Ambition?**

- Health and Wellbeing
  Inclusive Growth
  Zero Carbon

**What consultation and engagement has taken place?**

Wards affected: n/a

Have ward members been consulted?     Yes                       No

1. Prior to each amendment the required consultation was undertaken.

**What are the resource implications?**

2. None

**What are the key risks and how are they being managed?**

3. The key risk is that the Constitution is not kept up to date and this could result in a successful legal challenge. This risk is managed by ensuring that the Constitution is regularly reviewed and updated as necessary.

**What are the legal implications?**

4. Amendments to the Constitution are required from time to time to ensure that it is fit for purpose and up to date. The legal implications are that there is a risk of a successful legal challenge if the Constitution is not kept up to date.

**Options, timescales and measuring success**

**What other options were considered?**

5. None

**How will success be measured?**

6. N/A this report is for information.

## **What is the timetable and who will be responsible for implementation?**

7. N/A as the report is for information.

## **Appendices**

8. None

## **Background papers**

D 55501 [Council and democracy \(leeds.gov.uk\)](https://leeds.gov.uk)

D55637 [Council and democracy \(leeds.gov.uk\)](https://leeds.gov.uk)