

Report of Principal Corporate Governance Officer

Report to City Solicitor

Date: 21st December 2017

Subject: Amendments to 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 details amendments to the constitution which are proposed to give effect to the Leeds (Electoral Changes) Order.

Recommendations

2. The City Solicitor is requested to approve amendments to the following documents with effect from the dates specified for the reasons set out in this report:-
 - With immediate effect:-
 - Article 2 (Appendix A)
 - Members Allowances Scheme (Appendix C)
 - With effect from 3rd May 2018:-
 - Article 10 (Appendix B)

1. Purpose of this report

- 1.1 This report sets out details of amendments to the Constitution which fall within the City Solicitor's authority as Monitoring Officer and are required to keep the Constitution up to date and fit for purpose.

2. Background information

- 2.1 The Leeds (Electoral Changes) Order 2017 (the Order) makes provision for new city wards for Leeds City Council at the city elections in May 2018 and thereafter. The Order provides for simultaneous election of all 99 Members of Leeds City Council in 2018, and for a return to election by thirds in 2019, 2020, 2022, with 2021 being a fallow year; and on a four year cycle thereafter.
- 2.2 Article 15.2.3 provides that 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 Council or Executive to enable her to maintain it up to date;
 - Or for the purposes of clarification only.

3. Main issues

- 3.1 Some amendments are required to the Council's Constitution to give effect to the amended wards and election cycle set out in the Order.

Article 2

- 3.1.1 Article 4 of the Order makes provision for simultaneous elections in 2018 followed by elections by thirds in 2019, 2020 and 2022 at which a four year election cycle will be established. No elections to Leeds City Council will take place in 2021 or every fourth year thereafter.
- 3.1.2 Amendments are necessary to Article 2.2, as shown at Appendix A attached, to give effect to the new election cycle established by the Order.
- 3.1.3 The amendments can take immediate effect in accordance with article 1 of the Order which provides for article 4 to come into force on the day after the day on which it is made for the purpose of proceedings preliminary, or relating to, the election of councillors.

Article 10

- 3.1.4 Article 3 of the Order abolishes the existing 33 wards of Leeds City Council and replaces them with 33 new wards. In order to reflect the establishment of these new wards it is necessary to make amendments to Article 10 – Community Committees.
- 3.1.5 The Director of Communities and Environment has consulted with the Executive Member for Communities and with the Community Committee Chairs who are content that the new wards should be grouped into Community Committees on a like for like basis. The proposed amendments therefore simply show the amended titles of those wards which are changing and include a footnote to show that each ward is as defined by the Order.

3.1.6 The proposed amendments to Article 10 are shown at Appendix B attached and will take effect on 3rd May 2018 (the ordinary day of election of Councillors in England and Wales.)

3.2 Further amendments to the Constitution are proposed following this review in order to clarify the provisions of the Constitution.

Members Allowances Scheme

3.2.1 The Members Allowances Scheme sets out Members' entitlement to the payment of basic and special responsibility allowances. Paragraphs 11.1 and 11.3 of the scheme provide for changes in eligibility as a result of a Member commencing or retiring from office as a Councillor, or taking up or relinquishing any special responsibility. Additional footnotes are proposed to these paragraphs to provide certainty as to the time at which the changes will take effect for the purpose of payment of allowances under the scheme.

3.2.2 The amendments, which are proposed for clarification only, are set out at Appendix C attached and can be made with immediate effect.

4. Corporate considerations

4.1 Consultation and engagement

4.1.1 In addition to the specific consultation undertaken in respect of Community Committees, the Head of Governance and Scrutiny Support has consulted with the Executive Member for Resources and Strategy and with the Leaders of each political group.

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 set out at paragraph 3.1 of this report give effect to the Leeds (Electoral Changes) Order 2017 which was made on 8th November 2017.

4.5.2 In addition the Head of Governance and Scrutiny Support recommends the amendments set out at paragraph 3.2 of this report for the purpose of clarification only.

- 4.5.3 All of the proposed amendments fall within the City Solicitor's delegated authority as Monitoring Officer.
- 4.5.4 This decision is a significant operational decision and will be published accordingly. The decision is not eligible for call in.

4.6 Risk management

- 4.6.1 The amendments set out in this report are designed to minimise any potential risk of uncertainty in respect of the continuity of governance arrangements arising as a result of the outcome of all out elections in May 2018.

5. Conclusions

- 5.1 The amendments to the Constitution proposed in this report are necessary to give effect to the Leeds (Electoral Changes) Order 2017 or to provide clarification only.

6. Recommendations

3. The City Solicitor is requested to approve amendments to the following documents with effect from the dates specified for the reasons set out in this report:-
- With immediate effect:-
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 - Members Allowances Scheme (Appendix C)
 - With effect from 3rd May 2018:-
 - Article 10 (Appendix B)

7. Background documents¹

- 7.1 None

¹ 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.