

Report of City Solicitor

Report to General Purposes Committee

Date: 18th May 2018

Subject: Annual Review of 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 sets out details of the City Solicitor's annual review of the Constitution and recommends amendments to ensure that the Constitution remains up to date and fit for purpose.

Recommendations

2. Members are requested to recommend the amendments below to full Council for approval for the reasons set out in this report:
 - 2.1 Article 5 (Appendix A)
 - 2.2 Article 6 (Appendix F)
 - 2.3 Article 15 (Appendix E)
 - 2.4 Council Procedure Rules (Appendix B)
 - 2.5 Planning Code of Good Practice (Appendix C)
 - 2.6 Protocol for Public Speaking at Plans Panels (Appendix D)

1. Purpose of this report

- 1.1 This report sets out proposals following the City Solicitor's annual review of the Constitution which the Committee is requested to consider and make relevant recommendations to full Council.

2. Background information

- 2.1 The terms of reference for General Purposes Committee provide at paragraph 2 that the committee will "consider proposals to amend the constitution and make recommendations to full Council."

3. Main issues

Chair and Vice Chair of Council

- 3.1 In accordance with the Royal Charter the Chair and Vice-Chair of Leeds City Council are entitled to style themselves as the Lord Mayor and Deputy Lord Mayor respectively. However in 2011 the custom and practice of the authority changed and since this time the vice-chair has not used the title.
- 3.2 Amendments are proposed to Article 5 reflecting this change in custom and practice in order to ensure that the Council's arrangements are clear and transparent whilst continuing to reflect the status conferred by the Royal Charter. The proposed amendments are set out at Appendix A attached.
- 3.3 An additional amendment is proposed to Rule 1.1 of the Council Procedure Rules to reflect the adopted custom and practice in respect of titling the Vice-Chair of Council as detailed at 3.1 above.
- 3.4 The Leaders of each political group have been consulted in relation to the proposed amendments and have raised no objections.
- 3.5 The proposed amendments to the Council Procedure Rules are set out at Appendix B Attached.

Joint Plans Panel

- 3.6 Joint Plans Panel is an informal meeting bringing together the Council's Area Plans Panels, City Plans Panel and Development Plan Panel for consultation and training.
- 3.7 The Joint Plans Panel is consulted annually on the content of the Planning Code of Good Practice (in accordance with paragraph 9.1 of the Code) and the Protocol for Public Speaking at the Plans Panels (in accordance with paragraph 5.1 of the Protocol.) However as the Joint Plans Panel is an informal meeting it is not authorised to formally approve any amendments to the Constitution. Amendments to both documents are therefore proposed to reflect that the formal decision to amend either document is to be taken by the Chief Planning Officer in consultation with the Joint Plans Panel.
- 3.8 The proposed amendments were discussed at the Joint Plans Panel Chairs meeting on 15th January 2018. The Chairs are clear that there is a continued need for the Joint Plans Panel, and are content that the public are invited to its meetings (although this is not required by legislation for this informal meeting). The Chairs are satisfied that the Chief Planning Officer is the appropriate person to take

decisions in relation to the Planning Code and Protocol provided this is done in consultation with the Joint Plans Panel.

- 3.9 Further consultation took place with each political group not represented in the Joint Plans Panels Chairs Meeting. The Conservative, Morley Borough Independent, Green, Garforth and Swillington Independent and East Leeds Independent Groups were all content with the proposals. The Liberal Democrat Group have expressed the preference that the protocols should continue to be approved by the Joint Plans Panel in consultation with the Chief Planning Officer.
- 3.10 The City Solicitor advises that as the Joint Plans Panel is not a formally constituted committee of the Council it does not have any formal decision making authority.
- 3.11 Given the changes proposed to the Code and Protocol a further amendment is recommended to Article 15 of the Constitution to correctly record the authority to amend those documents.
- 3.12 Amendments to the three documents are set out at Appendices C to E attached.

Quorum Arrangements

- 3.13 The City Solicitor has undertaken a review of the quorum arrangements for Council and its committees.
- 3.14 The Local Government Act 1972 requires at Schedule 12 paragraph 6 that “no business shall be transacted at a meeting of a principal council unless at least one quarter of the whole number of members of the council are present”
- 3.15 An amendment is proposed at the footnote to Rule 8.1 of the Council Procedure Rules to provide clarity around quorum of Council by specifying that 25 Members will be required to convene a quorate meeting of Council.
- 3.16 In addition an amendment is proposed to rule 28.3 amending the quorum required for a meeting of a Community Committee to half (five Members in a committee of nine, and six Members in a committee of twelve). This represents the first review of the arrangements which has taken place since the restructuring of Community Committees in 2014 which achieved greater balance in the number of wards comprised in each of the ten committees. The increase in quorum is intended to support engagement in Community Committees, reflecting the increasing importance of decision making within Community Committees which fully understand the implications of those decisions for the communities they represent.
- 3.17 The Executive Member for Communities has been consulted on this proposal together with the Director of Communities and Environment and Chief Officer for Communities. All are supportive of the proposed amendment.

Scrutiny Board Alignment

- 3.18 Following discussions the Administration requests that General Purposes Committee recommend the proposed realignment of Scrutiny Boards. The proposal which would require an amendment to Article 6 of the Constitution, as set out at Appendix F attached, and would align the authority’s functions across a total of five Scrutiny Boards. This realignment will promote better co-ordination of the scrutiny function and enable enhanced scrutiny oversight of Executive arrangements.
- 3.19 The Leader of the Opposition has been consulted in relation to the realignment of overview and scrutiny arrangements and is content with the proposals.

4. Corporate considerations

4.1 Consultation and engagement

4.1.1 Consultation has taken place in relation to each proposed amendment as set out in part 3 of this report.

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 Terms of Reference for General Purposes Committee provide that they shall consider proposals to amend the constitution and make recommendations to full Council.

4.5.2 Recommendations from this committee will be reported to the annual meeting of Council on 24th May 2018.

4.6 Risk management

4.6.1 There are no implications for this report.

5. Conclusions

5.1 The constitutional amendments set out in this report will ensure that the Council's constitution is up to date and fit for purpose.

6. Recommendations

6.1 Members are requested to recommend the amendments below to full Council for approval for the reasons set out in this report:

6.1.1 Article 5 (Appendix A)

6.1.2 Article 6 (Appendix F)

6.1.3 Article 15 (Appendix E)

6.1.4 Council Procedure Rules (Appendix B)

6.1.5 Planning Code of Good Practice (Appendix C)

6.1.6 Protocol for Public Speaking at Plans Panels (Appendix D)

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.