



Report of Principal Corporate Governance Officer

Report to City Solicitor

Date: 16th April 2019

Subject: Annual Review of Constitution

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| 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. In her role as Monitoring Officer the City Solicitor has requested that an annual review of the Constitution be undertaken.
2. This report sets out amendments which are 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

Recommendations

3. The City Solicitor is requested to approve with immediate effect amendments to the following documents within the Constitution in the form and for the reasons set out in the main body of this report.
 - Article 9 – Governance Committees (Appendix A)
 - Part 3, Section 2B – Employment Committee Terms of Reference (Appendix B)
 - Part 3, Section 4 – Joint Arrangements (Appendix C)
 - Part 4(e) – Budget and Policy Framework Procedure Rules (Appendix D)
 - Part 4(f) – Access to Information Procedure Rules (Appendix E)

1. Purpose of this report

- 1.1 This report sets out amendments to the constitution necessary to give effect to decisions of Council or the executive, to give effect to legislative change, or for the purpose of clarification.

2. Background information

- 2.1 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.
- 2.2 The Monitoring Officer has sub-delegated this function to the Head of Governance and Scrutiny Support.

3. Main issues

- 3.1 The following amendments are proposed.

Article 9

- 3.2 Amendments are proposed to Article 9 to fully reflect the structure of Governance Committees appointed by the Council.
- 3.3 Proposed amendments are shown at Appendix A attached.

Employment Committee Terms of Reference

- 3.4 Amendments to footnotes 5 and 8 of the Employment Committee Terms of Reference to provide clarification as the senior management structure of Leeds City Council does not include a Deputy Chief Executive.
- 3.5 Proposed amendments are shown set out in Appendix B attached.

Joint Arrangements

- 3.6 At its meeting on 13th February the Executive Board received a report relating to the establishment of the North and West Yorkshire Business Rates Pool.
- 3.7 The recommendations agreed included the disbandment of the Leeds City Region Business Rates Pool Committee and the establishment of a new North and West Yorkshire Business Rates Pool Committee in its place.
- 3.8 Appendix A to this report proposes amendments necessary to reflect the changes in Joint Arrangements as set out in the Constitution.

Budget and Policy Framework Procedure Rules

- 3.9 Amendments are proposed to make it clear that the virements limits are set by Council as part of the budget setting process, and that they may therefore only be amended by Council.
- 3.10 Proposed amendments are shown set out in Appendix D attached.

Access to Information Procedure Rules

- 3.11 An Amendment to add a footnote to rule 10, mirroring that in place for rule 9. This will provide clarification that Members of the Council and officers attending a meeting in the course of their employment should not be considered to be members of the public for the purpose of exclusion from meetings considering either confidential or exempt information.
- 3.12 Proposed amendments are shown set out in Appendix E attached.

4. Corporate considerations

4.1 Consultation and engagement

- 4.1.1 There are no implications for 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 This decision is a significant operational decision and will be published on the Council's website.
- 4.5.2 The amendment of the Constitution is a Council function and not open to Call In.

4.6 Risk management

- 4.6.1 The amendments proposed ensure that the Constitution remains up to date and fit for purpose and therefore minimises the risk to challenge to the Council.

5. Conclusions

- 5.1 The proposed amendments all fall within the Monitoring Officer's authority to amend the constitution to give effect to legislation or decisions of Council or the Executive; or for clarification only. Approval of the amendments will ensure that the Constitution remains up to date and fit for purpose.

6. Recommendations

6.1 The City Solicitor is requested to approve with immediate effect amendments to the following documents within the Constitution in the form and for the reasons set out in the main body of this report.

- Article 9 – Governance Committees (Appendix A)
- Part 3, Section 2B – Employment Committee Terms of Reference (Appendix B)
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- Part 4(e) – Budget and Policy Framework Procedure Rules (Appendix D)
- Part 4(f) – Access to Information Procedure Rules (Appendix E)

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.