

Amendments to Article 15 of the Constitution – Monitoring Officer authorisation

Date: 26 May 2022

Report of: City Solicitor

Report to: Annual Council Meeting

Will the decision be open for call in? Yes No

Does the report contain confidential or exempt information? Yes No

What is this report about?

Including how it contributes to the city's and council's ambitions

- This report recommends an amendment to Article 15.2.3 of the Constitution following a review of the operation of the Constitution to ensure that the aims and principles of it are given full effect.
- The recommendations propose to grant the Monitoring Officer further authority to make changes to any Part of the Constitution to those already set out in Article 15.2.3 and were consider by General Purposes Committee on 16 May where it resolved to recommend that they are adopted by Council.
- The recommendations are proposed having regard to the Leeds Best Council ambition to being an efficient, enterprising and healthy organisation and will reduce the resources and costs required to hold meetings to consider amendments to the Constitution 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.

Recommendations

Council is recommended to:

- a) Note the resolution of General Purposes Committee dated 16 May
- b) Note the reasons for proposed amendments to Article 15.2.3 of the Constitution as set out in Appendix A of this report; and
- c) Approve the amendments as set out and that the General Purposes Committee will receive update reports if decisions of this nature are taken.

Why is the proposal being put forward?

- 1 The proposal is being put forward to maximise efficiency and reduce resources and costs associated with amending the Council's Constitution.
- 2 The Monitoring Officer is required to monitor and review the operation of the Constitution to ensure the aims and principles of it are given full effect.
- 3 Article 15.2.3 of the Constitution authorises the Monitoring Officer to make changes to any Part of the Constitution which are required (i) as a result of legislative change or decisions of the Council or Executive to enable them to maintain it up to date; or (ii) for the purposes of clarification only.
- 4 In all other circumstances, in respect of Part 1 or 2 of the Constitution, Article 15.2 requires that changes 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.
- 5 In light of the above, General Purposes Committee and Full Council are required to consider changes to the Constitution which are considered to be de minimus and are administrative in nature. The current governance for such decision making in these circumstances is not considered to be efficient and can be resource intensive for both officers and Members and well as costly.
- 6 The recommendations therefore propose an amendment to the Monitoring Officer's authorisation to make changes to the Constitution by including authorisation for changes to be made 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.
- 7 The proposed amendments are set out in Appendix A to this report and shown by tracked changes.

What impact will this proposal have?

Wards affected:

Have ward members been consulted? Yes No

- 8 The proposal will increase the circumstances in which the Monitoring Officer is authorised to make changes to the Constitution.
- 9 The proposal will increase efficiency in making to changes to the Constitution and will reduce the resources and cost associated with making such changes.

What consultation and engagement has taken place?

- 10 Consultation has taken place with the Leader of the Council and Leaders of each political group and all agree with the proposals.

What are the resource implications?

- 11 The recommendations will have a positive impact on resources.

What are the legal implications?

12 Full Council has authority to make changes to the Constitution which includes amending Article 15.2.3 to grant authorisation to the Monitoring Officer to make changes to the Constitution in certain circumstances.

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

13 Any risk associated with expanding the authorisation granted to the Monitoring Officer is being managed by the requirement that circumstances in which changes can be made are subject to unanimous agreement of the Leaders of each political group.

Does this proposal support the council's three Key Pillars?

Inclusive Growth Health and Wellbeing Climate Emergency

14 Good governance in decision making supports all three pillars.

Options, timescales and measuring success

What other options were considered?

15 The option of retaining Article 15 of the Constitution was considered, however this would not reflect the findings of the review and would not contribute towards reducing impact on resources and increasing efficiency when amending the Constitution in future.

How will success be measured?

16 Approval of the recommendations will enable, in specific circumstances outlined, the Constitution to be amended in a swift and efficient manner without the need for consideration by General Purposes Committee or Full Council.

What is the timetable for implementation?

17 The amendments will take immediate effect following approval by Council.

Appendices

18 Appendix 1 – Proposed amendments to Article 15 of the Constitution – as shown by tracked changes.

Background papers

19 None