

## Review of the Constitution

Date: 18 October 2023

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

The purpose of this report is to inform General Purposes Committee about a review of the Constitution and seek views in respect of the proposed scope of that review.

### Recommendations

Members of General Purposes Committee are asked to:

- (i) Comment on the potential scope of the review;
- (ii) Note the Committee will receive a further report in December 2023 setting out the proposed scope.

#### What is this report about?

1. The purpose of this report is to present the General Purposes Committee with information in respect of a review of the Constitution and seeks its views in relation to what the scope of that review should be. The report also outlines the steps taken to date as well as next steps for Members information.

#### Background

- 2.1 A good constitution is one that is used and understood by both Members and Officers and not just governance professionals. Everyone has an individual and collective responsibility to understand the principles behind the rules in the Constitution, as well as applying them on a day to day basis, and therefore it is important that both Members and Officers have a role in reviewing it to ensure successful implementation.
- 2.2 It is important that the Constitution supports and complements the Council's governance framework and the 2023 review of internal control responses highlight that there are opportunities to strengthen

the way in which our governance framework is articulated, communicated and embedded. Likewise, the Constitution should reflect the culture, values and ambitions of the organisation.

### **3 What are the drivers to review the Constitution?**

#### **3.1 Drivers for the review include**

- The need for it to remain fit for purpose so that it reflects our values and how we work with partners as well as supporting and complementing the Council's governance framework;
- The recent LGA Peer Review which identified that further improvements could be achieved by tackling concerns of middle managers about the speed of decision making and perceived bureaucracy;
- The need to reduce duplication, maximise efficiencies and minimise bureaucracy with a view to increasing workforce capacity in response to financial challenge, staff survey results around work pressures and the Organisational Plan objectives;

### **4 Scope of Review**

4.1 The scope of the review needs to respond to the drivers identified above whilst remaining proportionate and so a fundamental review of the whole document is not being proposed. Whilst there may be obvious areas in need of review, it remains important to also seek the views of Members as well as senior and other relevant officers.

4.2 There is a need to identify perceived strengths and weakness of the Constitution, from a user perspective, and consultation with the Leader and key officers, including governance officers and middle managers identified by the Peer Review has already commenced. Feedback to date primarily relates to decision-making and the contract procedure rules as well as the accessibility of the Constitution as a document. Comments relating to procedures associated with the Constitution (e.g. decision-making) have also been received and it is proposed to address such matters in tandem with the review.

4.3 It is proposed to agree the scope of the review once Members of General Purposes Committee have provided their views.

### **5 Next Steps**

5.1 The proposed scope of the review will, in consultation with Members of General Purposes Committee, be agreed and feedback on the that scope will be communicated to stakeholders.

5.2 The review is being led by Catherine Witham as the Monitoring Officer, however it will be necessary to take a Team Leeds approach to delivering detailed technical amendments, which will require drafting by relevant expert officers across the Council.

5.3 In addition, a review of the whole document will also be undertaken to update language and references and the Monitoring Officer will retain oversight of all amendments to ensure consistency throughout the document and removal of duplication.

5.4 This step will commence once the scope of the review is agreed and be completed by no later than end February 2024. This allows time to liaise with officers, redraft as required and ensure the necessary Member engagement occurs before Full Council is recommended to adopt the amended Constitution at its Annual General Meeting in May 2024, in readiness for the new municipal year.

5.5 Leading to and following adoption, colleagues will be familiarised with the changes with a view to embedding any new/changed procedures including the need to amend any sub delegation schemes.

5.6 Relevant training will be provided to officers and Members as appropriate.

5.7 Monitoring and Review will be required to determine whether the new/amended procedures are being implemented and whether they are having the intended consequences, particularly in relation to improving efficiencies.

### **What impact will this proposal have?**

- 6 It is important that the views from Members of the Committee are considered when determining the scope of the review.

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

Health and Wellbeing                       Inclusive Growth                       Zero Carbon

- 7 The review of the Constitution ensures that the governance of the Council remains robust and up to date.

### **What are the resource implications?**

- 8 There are no resource implications arising from this proposal.

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

- 9 The key risks relate to the timescales associated with the adoption of the amended Constitution; however key milestones have been identified to mitigate this risk.

### **What are the legal implications?**

- 10 There are no legal implications arising from this report.

### **Options, timescales and measuring success**

#### **What other options were considered?**

- 11 An option not to review the Constitution was discounted, given the key drivers outlined at paragraph 3.1 above.

#### **How will success be measured?**

- 12 Success will be measured by the adoption of an up to date, accessible Constitution in May 2024, which removes existing duplication and complexity.

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

- 13.1 General Purposes committee will be requested to endorse the scope of the review at its meeting in December 2023;

13.2 Full Council will be recommended to agree the amended Constitution in May 2024.

13.3 The Monitoring Officer will be responsible for implementation.

### **Appendices**

None

### **Background papers**

None