

Report of City Solicitor

Report to full Council

Date: 20th May 2013

Subject: Recommendations of General Purposes Committee

Are specific electoral Wards affected? If relevant, 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. At its meeting on 7th May 2013, General Purposes Committee considered items relating to:-
 - Establishing a Health and Wellbeing Board
 - Executive and Decision Making Procedure Rules
 - Amendments to the Officer Delegation Scheme (Council Functions)
2. This report sets out the recommendations of General Purposes Committee relating to those items.

Recommendations

3. General Purposes Committee recommend to full Council:-
 - 3.1. To approve the Membership proposals for the Health and Wellbeing Board set out at Appendix C to this report and to consult the Health and Wellbeing Board about the proposed direction in relation to voting rights as detailed in paragraph 3.1.4 of this report;
 - 3.2. To make amendments to documents contained within the Council's Constitution, as follows:-

- To approve a new Article 17 relating to health as set out at AppendixD;
- To approve amendments to the Terms of Reference of the Scrutiny Board (Safer and Stronger Communities) as detailed in paragraph 3.3.2 of this report;
- To approve amendments to the Terms of Reference of the Scrutiny Board (Resources and Council Services) as detailed in paragraph 3.3.2 of this report;
- To approve amendments to Terms of Reference for Area Committees as detailed in paragraph 3.1.9 of this report;
- To approve new Terms of Reference for Health and Wellbeing Board as set out at Appendix A to this report;
- To approve amendments to the Officer Delegation Scheme (Council Functions) General Delegation Scheme as detailed in Paragraph 3.3.2 of this report;
- To approve amendments to the Officer Delegation Scheme (Council Functions) Assistant Chief Executive (Customers and Communities) as set out at Appendix E to this report;
- To approve amendments to the Officer Delegation Scheme (Council Functions) Director of Resources as set out at Appendix F to this report;
- To approve amendments to the Officer Delegation Scheme (Council Functions) City Solicitor as set out at Appendix G to this report;
- To approve amendments to the Council Procedure Rules as detailed in paragraph 3.1.6 of this report; and
- To approve amendments to the Executive and Decision Making Procedure Rules set out at Appendix B to this report with the exception of Rules 1.1 to 1.4, 2.1 and 3.1 which have been approved by Executive Board; and

3.3. To authorise the City Solicitor to:-

- Consider the response of the Health and Wellbeing Board about the direction in relation to voting rights, and subject to consultation with the Leader, to make a direction; and to
- Make further amendments to the Constitution as necessary to give effect to the amendments and decisions detailed in paragraph 3.1 and 3.2 above.

1 Purpose of this report

1.1 This report presents recommendations to full Council from General Purposes Committee.

2 Background information

2.1 General Purposes Committee is authorised:

- to consider proposals to amend the constitution and make recommendations to full Council; and
- to make recommendations to full Council in connection with the discharge of any of its functions.

2.2 At its meeting on 9 May 2012, General Purposes Committee considered items relating to:

- Establishing a Health and Wellbeing Board
- Executive and Decision Making Procedure Rules
- Amendments to the Officer Delegation Scheme (Council Functions)

2.3 This report sets out the recommendations from General Purposes Committee, relating to those items.

2.4 Background to Health and Wellbeing Board

2.4.1 The Health and Social Care Act 2012 transferred functions relating to public health from the health service to the local authority. The Act requires the authority to establish a Health and Wellbeing Board as a committee of the Council.

2.4.2 On 24th April 2013, following consideration of a report setting out the legislative background, the Executive Board made a number of recommendations to General Purposes Committee in relation to the governance arrangements for the proposed health and Wellbeing Board. These recommendations are reflected in the proposals recommended by General Purposes Committee to Full Council in this report.

2.5 Background to Executive and Decision Making Procedure Rules

2.5.1 On 10th August 2012 the Secretary of State for Communities and Local Government made the Local Authorities (Executive Arrangements)(Meetings and Access to Information)(England) Regulations 2012 which govern the making of Executive decisions.

2.5.2 On 30th August 2012 the General Purposes Committee considered the implications of the regulations following which the Head of Governance Services has taken steps to ensure that the Council's practice reflects the requirements set out in the regulations.

2.6 Background to Officer Delegation Scheme

2.6.1 The Enabling Corporate Centre Project provided a review of corporate and central functions and proposed a realignment of services, setting up a corporate headquarters and a new Customers and Communities Directorate.

2.6.2 On the basis of proposals the Leader of Council has indicated his intention to amend the officer Delegation Scheme (Executive Functions) with effect from the new municipal year. These amendments are set out in the Leader's Executive Arrangements as set out at Schedule 10 to the Summons for the Annual Meeting.

3 **Main issues**

3.1 Health and Wellbeing Board

3.1.1 Council are requested to appoint the Health and Wellbeing Board with the Terms of Reference set out in Appendix A attached to this report. These reflect the statutory core functions which the Board must carry out and provide that the Board may also carry out additional functions delegated by the Council or the Leader. Amendments are proposed to the Executive and Decision Making Procedure Rules, attached at Appendix B to clarify that the Leader may delegate such executive functions to the board as he wishes at any time, to specify that decisions in relation to these executive functions would be open to Call In and to provide for the process to be followed if a decision is referred back to the Health and Wellbeing Board as decision maker.

3.1.2 The proposed membership and voting arrangements for the Board are set out at Appendix C to this report. Council is requested to approve these proposals.

3.1.3 In accordance with the proposals full Council is requested to appoint those members to be appointed by the Council: the Executive Members for Health and Wellbeing, Adult Social Care and Children's Services; two other Councillors (one from each of the main opposition groups); the Directors of Public Health, Adult Social Services and Children's Services; a third sector representative and a representative of NHS England. The latter two are non-statutory appointments but are recommended by Executive Board as appropriate additional appointments. The three Clinical Commissioning Groups (CCGs) will each appoint a representative, as will Healthwatch Leeds. The Health and Wellbeing Board itself may also appoint additional members at it thinks appropriate.

3.1.4 Regulations provide that all members of the Board will be voting members unless the authority, having first consulted with the Board, directs otherwise. It is suggested that the voting arrangements recommended by Executive Board, as set out in Appendix C, could be given effect by a direction in the following terms:-

"The Council directs that all members of the Health and Wellbeing Board shall be non-voting except for:

- all councillors appointed to the Board by full Council;
- the representative directly appointed by each CCG;

- the representative directly appointed by Healthwatch Leeds; and
- the Third Sector representative.

Any substitute member appointed under Council Procedure Rules who is attending a meeting in place of one of the above members, may also vote at that meeting.”

General Purposes Committee recommends that full Council consults the Health and Wellbeing Board in this respect.

- 3.1.5 General Purposes Committee further recommend that full Council authorises the City Solicitor to consider the response of the Health and Wellbeing Board and, in consultation with the Leader, to make a direction in relation to voting.
- 3.1.6 It is proposed that the Council Procedure Rules should be amended to provide for:-
- Receipt by Council of the minutes of the Health and Wellbeing Board;
 - the quorum for the Health and Wellbeing Board to be four members, to include one councillor and a CCG representative; and
 - substitute arrangements for councillors who are members of the Board to be appointed via nomination from the relevant group whip.
- 3.1.7 It is further proposed that the City Solicitor should be authorised to make further amendments as necessary to the Council Procedure Rules to provide for a non-voting representative to substitute for a relevant voting representative, should the Board appoint any additional non-councillor members.
- 3.1.8 General Purposes Committee recommend that a new Article 17 be approved, setting out the authority’s arrangements in relation to health. The proposed Article 17 is set out at Appendix D to this report.
- 3.1.9 General Purposes Committee recommend that amendments are approved to the Terms of Reference for Area Committees so that those committees may advise or make representations to the Health and Wellbeing Board, and may consider any proposals referred to them by the Health and Wellbeing Board.
- 3.2 Executive and Decision Making Procedure Rules
- 3.2.1 As part of the Annual Review of the Constitution it is proposed that the Executive and Decision Making Procedure Rules should be amended to read as set out in Appendix B to give a clear account of the decision making practice and procedure adopted by Leeds City Council.
- 3.2.2 In particular they provide for:-
- Notification of meetings at which exempt or confidential information is to be considered at both 28 and 5 days prior to the meeting.

- Inclusion of proposed Key Decisions in the List of Forthcoming Key Decisions for 28 days prior to being taken. (This replaces the previous Forward Plan arrangement.)
- Publication of the intention to take a Key decision 5 clear working days in advance of the decision, which although no longer required by the 2012 Regulations was requested by General Purposes Committee.

3.2.3 As the Executive and Decision Making Procedure Rules bring together the previous Executive Procedure Rules, which were within the remit of the Executive Board and provisions from other procedure rules within the remit of Full Council, the approval of these rules is divided between Executive Board and Full Council.

3.2.4 At its meeting of 9th May 2013 Executive Board approved those items contained within rules 1.1 to 1.4, 2.1 and 3.1. These provisions concern:-

- The responsibility for and delegation of executive functions;
- The responsibility for determining the frequency, location and time of Executive Board meetings; and
- Practical arrangements in relation to attendance at and the organisation of business of the Executive Board.

3.2.5 Full Council are recommended to approve the remaining rules which make provision for:-

- Notice to be given in respect of meetings of the Executive Board and executive decisions to be taken by Members or officers;
- Compliance with the Budget and Policy Framework;
- Recording of decisions taken by Members or officers;
- Implementation of executive decisions, including the operation of Call In; and
- The Scrutiny of Key decisions which have been wrongly treated.

3.2.6 Further to the amendments to the Executive and Decision Making Procedure Rules it will be necessary to make a number of consequential amendments to the Council's Constitution and others for the purposes of clarification only. Full Council are requested to authorise the City Solicitor to make relevant consequential amendments.

3.3 Officer Delegation Scheme

3.3.1 In order to ensure consistency with the amended Officer Delegation Scheme (Executive Functions) it is recommended that the Officer Delegation Scheme (Council Functions) should also be amended as follows:-

- Delegations in relation to democratic services functions (appointing review boards, arrangements for school appeals and appointment of members to

vacancies between elections and the annual meeting) to be transferred from the Director of Resources to the City Solicitor who will have executive delegations relating to democratic services in the new municipal year.

- Delegations relating to miscellaneous regulatory functions (licensing scrap yards, approving premises for solemnisation of marriages, and registering motor salvage operators) to be transferred from the Director of Resources to the Assistant Chief Executive (Customers and Communities)¹, who will have executive delegations in relation to licensing in the new municipal year.

The proposed Officer Delegation Scheme (Council Functions) for the Assistant Chief Executive (Customers and Communities), Director of Resources and City Solicitor are set out at Appendix E, F and G respectively.

- 3.3.2 It will be noted that there is a proposed change in post title from Assistant Chief Executive (Customer Access and Performance) to Assistant Chief Executive (Customers and Communities). In order to reflect this change, and the amendments to the officer delegation scheme (Council Functions) it is also proposed that minor amendments should be made to the Officer Delegation Scheme - general delegation scheme and in the footnotes to the Terms of Reference for the Scrutiny boards (Safer and Stronger Communities) and (Resources and Council Services). The amendments necessary are reflected in the documents contained in Schedule 8A to the Summons for the Annual Meeting.

4 Corporate Considerations

4.1 Consultation and Engagement

- 4.1.1 Relevant Directors have been consulted about the proposed amendments to the Officer Delegation Scheme.

4.2 Equality and Diversity / Cohesion and Integration

- 4.2.1 No significant implications arise from the proposed amendments.

4.3 Council policies and City Priorities

- 4.3.1 The Council's Business Plan 2011-15 sets out the Council's priorities. Those relating to the Corporate directorate require "good rules and procedures to govern the Council's business". The recommendations set out in this report seek to ensure that the practices and procedures adopted by the Council comply with legislation and ensure best practice.

4.4 Resources and value for money

- 4.4.1 The organisational realignment proposed in this report will contribute to the savings required by the Council's financial strategy, approved by Executive Board in December 2012.

¹ Following General Purposes Committee a minor amendment has been made to the post title – changing from Assistant Chief Executive (Customer Services and Community) to Assistant Chief Executive (Customers and Communities)

4.5 Legal Implications, Access to Information and Call In

4.5.1 No part of this report is confidential or exempt, and the report relates to Council functions, and so is not open to call-in.

4.6 Risk Management

4.6.1 Amendments to the constitution reflect legislative changes, increase clarity and ensure that accountability is clear for all services therefore reducing risk of challenge.

5 Conclusions

5.1 Following consideration of reports in relation to

- Establishing a Health and Wellbeing Board
- Executive and Decision Making Procedure Rules
- Amendments to the Officer Delegation Scheme (Council Functions)

General Purposes Committee make a number of recommendations to Full Council.

5.2 Some recommendations are made in order to give effect to new legislation in relation to public health and executive decision making. Other recommendations reflect proposals to ensure best fit of the Council's arrangements to the resources at its disposal.

5.3 In particular General Purposes Committee recommends to Full Council that they approve amendments to the Constitution as detailed in paragraph 3 to this report to ensure that it is up to date and fit for purpose.

5.4 In addition General Purposes Committee recommends that the City Solicitor should be given authority to make further amendments to the Constitution consequential upon these changes.

6 Recommendations

6.1 General Purposes Committee recommend full Council:-

6.1.1 To approve the Membership proposals for the Health and Wellbeing Board set out at Appendix C to this report and to consult the Health and Wellbeing Board about the proposed direction in relation to voting rights as detailed in paragraph 3.1.4 of this report;

6.1.2 To make amendments to documents contained within the Council's Constitution, as follows:-

- To approve a new Article 17 relating to health as set out at AppendixD;

- To approve amendments to the Terms of Reference of the Scrutiny Board (Safer and Stronger Communities) as detailed in paragraph 3.3.2 of this report;
- To approve amendments to the Terms of Reference of the Scrutiny Board (Resources and Council Services) as detailed in paragraph 3.3.2 of this report;
- To approve amendments to Terms of Reference for Area Committees as detailed in paragraph 3.1.9 of this report;
- To approve new Terms of Reference for Health and Wellbeing Board as set out at Appendix A to this report;
- To approve amendments to the Officer Delegation Scheme (Council Functions) General Delegation Scheme as detailed in Paragraph 3.3.2 of this report;
- To approve amendments to the Officer Delegation Scheme (Council Functions) Assistant Chief Executive (Customers and Communities) as set out at Appendix E to this report;
- To approve amendments to the Officer Delegation Scheme (Council Functions) Director of Resources as set out at Appendix F to this report;
- To approve amendments to the Officer Delegation Scheme (Council Functions) City Solicitor as set out at Appendix G to this report;
- To approve amendments to the Council Procedure Rules as detailed in paragraph 3.1.6 of this report; and
- To approve amendments to the Executive and Decision Making Procedure Rules set out at Appendix B to this report with the exception of Rules 1.1 to 1.4, 2.1 and 3.1 which have been approved by Executive Board; and

6.1.3 To authorise the City Solicitor to:-

- Consider the response of the Health and Wellbeing Board about the direction in relation to voting rights, and subject to consultation with the Leader, to make a direction; and to
- Make further amendments to the Constitution as necessary to give effect to the amendments and decisions detailed in paragraph 6.1.1 and 6.1.2 above.

7 Background documents²

7.1 None

² 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.