

Minutes of a meeting of the Constitution Committee held at County Hall, Glenfield on Friday, 22 June 2012.

PRESENT

Mr. D. C. Bill MBE CC
Mr. Max Hunt CC
Mr. B. L. Pain CC

Mr. N. J. Rushton CC
Mr. D. A. Sprason CC

1. Election of Chairman.

That Mr D R Parsons CBE CC be elected Chairman for the period ending with the date of the Annual Meeting of the County Council in 2013.

2. Appointment of Deputy Chairman.

That Mr N J Rushton CC be appointed Deputy Chairman for the period ending with the Annual Meeting of the County Council in 2013.

Mr N J Rushton CC – in the Chair

3. Minutes.

The minutes of the meeting held on 28 September 2011 were taken as read, confirmed and signed.

4. Question Time.

The Chief Executive reported that no questions had been received under Standing Order 35.

5. Questions asked under Standing Order 7(3) and 7(5).

The Chief Executive reported that no questions had been received under Standing Order 7(3) and 7(5).

6. Urgent Items.

There were no urgent items for consideration.

7. Declarations of interest.

The Chairman invited members who wished to do so to declare any interest in respect of items on the agenda for the meeting.

No declarations were made.

8. Review and Revision of the Constitution.

The Committee considered a report and supplementary report of the Chief Executive which presented detailed changes to the Constitution. A copy of the reports, marked 'B' and 'B1', is filed with these minutes.

Arising from discussion the following points were raised:-

- (i) It was not a statutory requirement to establish a Member Conduct Panel; the County Council was free to adopt any process it wished to investigate an allegation of a breach of the Code of Conduct. The proposed Member Conduct Panel would be politically balanced to reflect the general law relating to local authority committees.
- (ii) The revised Code of Conduct still required members of the County Council who were also district councillors to declare a personal interest if business relating to one of the authorities was being discussed by the other. However, unless the item being discussed would have a significant financial impact on the other authority, it would not be necessary to declare a pecuniary interest.
- (iii) It was desirable for a single Code of Conduct to be produced for Leicestershire. The Monitoring Officer would be working with his colleagues at the district councils during the summer with the aim of achieving this. It would not be possible for the Code to also apply to Parish Councils in Leicestershire. If a Leicestershire Code was produced, each Authority would still investigate allegations of breaches of the Code of Conduct made about its own members. The different cultures of each authority also made it possible that different interpretations of the Code would be made.
- (iv) Under the revised Code, members of the Executive would not need to declare an interest when attending Scrutiny meetings. However, the Scrutiny Committee would continue to invite Executive members formally if they wished them to speak on a particular item as this was considered to be good practice.
- (v) It was felt that the County Council should appoint a panel of three independent persons. The appointments would need to be made by all members of the Council. It was proposed that the independent persons would be interviewed by a panel of members and that, given the need for prompt action, the proposed appointments would then be made by sending a letter to all members of the Council requesting their agreement to the appointments.
- (vi) Given the lack of sanctions in the new arrangements for investigating a breach of the Code of Conduct, it was proposed that the member being investigated would be able to seek advice from a lawyer but that the lawyer would not be able to represent them at a hearing.
- (vii) It was suggested that the Planning Code of Good Practice should be revised in consultation with the district councils with the view to producing a single Planning Code for Leicestershire.

- (viii) Members of the County Council would need to be accountable for their own behaviour under the revised Code of Conduct. However, officers would still provide support and guidance to members, in particular with regard to the declaring of interests.

RESOLVED:

- (A) That the County Council be recommended to agree that in future the Leader of the Council should hold office until the Annual Meeting of the County Council next following his or her appointment;
- (B) That the County Council be recommended to agree as follows:-
- (a) That the proposed changes to the Constitution as set out Appendix A to this supplementary report be approved, including the adoption of the revised Code of Conduct set out in Appendix C to this report;
- (b) That it be noted that members will be required to register their interests under the new Code of Conduct within 28 days of its adoption and to advise the Monitoring Officer of changes as they occur;
- (c) That the Monitoring Officer be authorised to undertake the necessary steps to arrange for the appointment of three independent persons to form a Panel from which an independent person can be selected, whose views must be sought and taken into account in relation to allegations of a breach of the Members' Code of Conduct in accordance with the provisions of the Localism Act 2011; those appointments to be made by the Council on the advice of a panel of members;
- (d) That the Monitoring Officer be authorised to undertake further discussions with the District Councils with the view to arriving at a single Code of Conduct for Leicestershire;
- (e) That the Monitoring Officer be authorised to make such temporary appointments from amongst people serving as independent persons of a different relevant authority as he/she considers necessary, whose views may be sought and taken into account in relation to allegations of a breach of the Members' Code of Conduct for a particular case or period of time, in accordance with any statutory provisions in force for the time being;
- (f) That the list of meetings determined for the purposes of Standing Order 34(2) be amended to read as follows:-

“Adoption Panel;
Approval of Premises Panel (Civil Marriages);
Childrens' Community Homes and Service Teams Monitoring
Panel;
Complaints Panel (School Curriculum and Religious Education);
Secure Accommodation Review Panel;

*County Council Employment Panel;
Appointment Committee (Chief Officer);
Fostering Panel;
Disputes Panel;
Representations Panel (Independent providers of adult social
care);
Member Conduct Panel;
Guardianship Panel;
Member Reference Panel on Quality and Safeguarding in
Registered Care.”*

9.30 am - 10.25 am
22 June 2012

CHAIRMAN