

Minutes of a meeting of the Constitution Committee held at County Hall, Glenfield on Monday, 4 March 2013.

PRESENT

Mr. N. J. Rushton CC (in the Chair)

Dr. R. K. A. Feltham CC
Mr. S. J. Galton CC

Mr. Max Hunt CC
Mr. J. B. Rhodes CC

17. Minutes.

The minutes of the meeting held on 27 September were taken as read, confirmed and signed.

18. Question Time.

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

19. 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).

20. Urgent items.

There were no urgent items for consideration.

21. 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 such declarations were made.

22. Review and Revision of the Constitution.

The Committee considered a report of the Chief Executive which recommended changes to the Constitution. A copy of the report marked 'B' is filed with these minutes.

The Chief Executive indicated that since the report had been prepared he had identified that further amendments were necessary to the Constitution as follows:-

- (i) The amendment of paragraph 18 of the Summary and Explanation to read as follows:-

“The County Council will establish a joint committee with other Social Services Authorities to scrutinise any health issue or consultation which has an impact on an administrative area larger than the County Council where it considers it necessary or it is required to do so.”

(ii) Article 6.03 (c) - the deletion of all the words after “Secretary of State.”

(iii) The amendment of Article 6.09 (a) to read as follows:-

“The County Council will establish a joint committee with other Social Services Authorities to scrutinise any health issue or consultation which has an impact on an administrative area larger than the County Council where it considers it necessary or it is required to do so. Where it is not considered appropriate or possible to establish a joint committee the Overview and Scrutiny Committee responsible for the scrutiny of health services in the area of the County will carry out this role.”

Arising from discussion the following points were raised:-

(i) The Local Authority Regulations 2012 required that public notice of at least 28 clear days be given for potential exempt Cabinet items. This allowed the public the opportunity to make representations as to why an item should be taken in public session;

(ii) Where agreement of the Chairman of the relevant Overview and Scrutiny Committee was being sought for an urgent exempt item not included on the Forward Plan, officers needed to provide the Chairman with all the relevant information to ensure that he/she could be satisfied that the matter was urgent and could not reasonably be deferred;

(iii) The Shadow Health and Wellbeing Board (HWB) was to be established as a Subcommittee of the Cabinet. Guidance suggested that the Lead Members for Health, Adults and Communities, and Children and Young People’s Services should serve on the Board. Regulations issued from the Department of Health disappplied political balance rules in relation to membership on HWB’s;

(Note: Mr Hunt asked that it be recorded that it was his view that membership of the Board should include representation from amongst the opposition parties).

(iv) The amendment to Article 6.03 (c) of Part 2 of the Constitution had been suggested as recent changes in the role of Monitor meant that it could no longer receive referrals.

(v) It was noted that the power of referral to the Secretary of State for Health rested with the full County Council rather than the Health Scrutiny Committee. With regards to Joint Health Scrutiny, the power of referral would be retained by the County Council. This would allow any decision on a referral to be inclusive of all members. It would also ensure that where there was a difference in opinion between Health

Scrutiny and the HWB these could be reconciled;

RESOLVED:

That the County Council be recommended to approve the proposed changes to the Constitution as set out in Appendices 1 and 2 to the report, as now amended.

23. County Council Elections 2013: Scale of Election Expenses.

The Committee considered a report of the Chief Executive which sought the Committee's approval with regard to a Scale of Fees to be used at the County Council elections in May 2013. A copy of the report marked 'C' is filed with these minutes.

It was reported that Leicestershire County Council Officers would be working with Officers of the District Councils to help ensure that the process of collecting and collating the results from the County Council elections be as efficient as possible.

RESOLVED:

- (a) That the scale of expenses, as set out in Appendix A to the report, be used at the County Council elections to be held on 2 May 2013 and for any subsequent by-elections held before 31 March 2014;
- (b) That the Chief Executive be authorised to fix a scale for the purpose of by-elections occurring between 1 April, 2014 and the next County Council elections in 2017.

11.00 am - 11.25 am
04 March 2013

CHAIRMAN