



Meeting: **Constitution Committee**

Date/Time: **Friday, 13 September 2019 at 12.30 pm**

Location: **Executive Committee Room, County Hall, Glenfield**

Contact: **Mrs J. Twomey (Tel: 0116 305 2583)**

Email: **joanne.twomey@leics.gov.uk**

Membership

Mr. N. J. Rushton CC (Chairman)

Dr. T. Eynon CC Mr. J. B. Rhodes CC
Mr. S. J. Galton CC Mr. R. J. Shepherd CC

AGENDA

<u>Item</u>	<u>Report by</u>	
1. Minutes of the meeting held on 29th July 2019.		(Pages 3 - 6)
2. Question Time.		
3. Questions asked under Standing Order 7(3) and 7(5).		
4. To advise of any other items which the Chairman has decided to take as urgent.		
5. Declarations of interest.		
6. Review and Revision of the Constitution.	Chief Executive	(Pages 7 - 32)
7. Any other items which the Chairman has decided to take as urgent.		



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Minutes of a meeting of the Constitution Committee held at County Hall, Glenfield on Monday, 29 July 2019.

PRESENT

Dr. T. Eynon CC
Mr. I. D. Ould OBE CC

Mr. J. B. Rhodes CC
Mrs H. L. Richardson CC

Apologies

Mr. S. J. Galton CC

105. Election of Deputy Chairman

That Mr. J. B. Rhodes CC be elected Deputy Chairman for the period ending with the date of the Annual Meeting of the County Council in 2020.

Mr. J. B. Rhodes CC – in the Chair

106. Minutes of the previous meeting.

The minutes of the meeting held on 13 November 2018 were taken as read, confirmed and signed.

107. Question Time.

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

108. 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).

109. Urgent Items.

There were no urgent items for consideration.

110. 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.

111. Statement of Accounts and Pension Fund Accounts 2018/19.

The Committee considered a report of the Director of Corporate Resources which presented the 2018/19 Statement of Accounts and Pension Fund Accounts for approval, provided information relating to the main areas of those accounts, and reported the key findings from the external audit of the accounts. A copy of the report marked 'Agenda Item 7', is filed with these minutes.

Arising from discussion, Members noted the following:

- This had been the first audit undertaken by the Council's new external auditors, Grant Thornton UK LLP. They had conducted a thorough and detailed audit providing significant challenge to the Council's processes. No issues or significant risks had been highlighted and a positive outcome of the audit was very likely.
- The outcome of the external audit was welcome and reflected a decade of work and prudent financial planning by the County Council to ensure it remained resilient to financial pressures.
- One adjustment had been made to the Pension Fund accounts increasing the Council's liability by £13m. This had been necessary because of the outcome of a recent court case (Lord Chancellor v McCloud and others). The judgement affected pension funds nationally and all local authorities had had to make similar late adjustments to their accounts.
- The additional liability was an estimate only as the remedy for the case had not yet been determined and might not be for some time. The auditors had confirmed the estimate to be fair and reasonable. This would not affect the Council for some time as the costs would be added to and spread out over the existing pension deficit reduction period.
- The Council's overall performance position when compared to other two-tier authorities was seventh. Members agreed this was very good considering Leicestershire was the lowest funded authority in the country.

Members thanked officers for their hard work in preparing a good and accurate set of accounts and welcomed the outcome of the external audit and the expected unqualified opinion.

RESOLVED:

- (a) That the Statement of Accounts for 2018/19 be approved;
- (b) That the Director of Corporate Resources be requested to pass on the Committee's sincere thanks to those officers involved in preparing the accounts.

112. Charitable Trusts - Future Arrangements

The Committee considered a report of the Director of Law and Governance regarding proposed future arrangements for Educational Trusts of which the County Council was the sole corporate trustee. A copy of the report marked 'Agenda Item 8', is filed with minutes.

Members supported the proposed course of action for the Kibworth Beauchamp HS Foundation and other Leicestershire Funds. Members considered that the creation of a County wide fund would be most beneficial, but that some engagement with schools

would be beneficial to help identify how this might best be used to support children's needs, the focus being on issues such as deprivation and not educational achievement.

RESOLVED:

- (a) That the closure of the Trusts referred to in Appendix A and the transfer of assets into two Trusts to be administered and managed by the Leicestershire and Rutland Community Foundation as set out in paragraphs 6 - 9 of the report be approved;
- (b) That officers of the Council and the Leicestershire and Rutland Community Foundation be requested to develop qualifying criteria for the Trusts, excluding the Kibworth Beauchamp HS Trust, on the basis outlined in paragraph 6 of the report, and submit them to a future meeting of the Constitution Committee for approval;
- (c) That officers of the Council and the Leicestershire and Rutland Community Foundation be requested, together with representatives of the Kibworth Beauchamp HS Trust, to progress the proposal outlined in paragraph 9 of the report;
- (d) That the Leicestershire and Rutland Community Foundation be requested to submit an annual report to the Constitution Committee on the operation of the two Trusts.

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CONSTITUTION COMMITTEE – 13 SEPTEMBER 2019

REPORT OF THE CHIEF EXECUTIVE

REVIEW AND REVISION OF THE CONSTITUTION

Purpose of the Report

1. The purpose of this report is to recommend changes to the Constitution as part of this year's annual review.

Background

2. Article 15 of the County Council's Constitution gives the Chief Executive a duty to monitor and review the operation of the Constitution to ensure that the aims and principles of the Constitution are given full effect. It requires that changes to the document should only be approved by the full County Council after consideration of the proposal by the Chief Executive and the Constitution Committee or, in the case of the Financial Procedure Rules and Contract Procedure Rules, the recommendations of the Corporate Governance Committee.
3. In the case of everything except the Meeting Procedure Rules the final decision on changes can be made at a single meeting of the County Council. However, in the case of the Meeting Procedure Rules any motion to add, to vary or revoke Standing Orders must, having been proposed and seconded, stand adjourned without discussion to the next ordinary meeting of the Council.
4. The Constitution has been reviewed on an annual basis every year since it came into effect in June 2001. This report sets out the results of the latest review. Proposed changes to the Contract Procedure Rules and Financial Procedure Rules arising from the review will be considered by the Corporate Governance Committee and reported to the County Council at its meeting in December.
5. The majority of the changes are corrections following changes in legislation, adding cross references to improve navigation around the document, or have been proposed to reflect current practices. The Committee's attention is specifically drawn to the following:-

Policy Framework

6. A review of the Policy Framework has been carried out to ensure that it is up-to-date and reflects the strategic priorities of the County Council. The review has aimed to include strategic plans and those plans and strategies which have an impact on service users, whilst at the same time reducing the number of low-level delivery plans which previously featured.

Questions Procedure

7. The procedures by which both elected members and members of the public can ask questions at committee meetings have been revised to remove the requirement to be present for the question to be put. The requirement to attend a meeting to ask questions could be seen as discriminatory against persons who work or have caring responsibilities and are unable to attend day time meetings. Elected members and members of the public would still need to be present in order to ask a supplementary question.

Petitions

8. The Petitions Scheme has been revised to reflect concerns from members regarding the number of petitions considered by the Environment and Transport Overview and Scrutiny Committee. The new Scheme allows petitions relating to a single electoral division to be responded to by the Director and sets a threshold of 1,000 signatures for petitions relating to two or more electoral divisions to be considered by the relevant scrutiny committee. It also limits the number of petitions that can be considered at a scrutiny meeting to two.

Recommendation

9. That the County Council be recommended to approve the proposed changes to the Constitution as set out in the Appendix attached to this report.

Background Papers

The Constitution of Leicestershire County Council.

Circulation under Local Issues Alert Procedure

None.

Officers to Contact

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Head of Democratic Services
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Equal Opportunities and Human Rights Implications

The change to the questions procedure, to allow questions to be asked without the questioner having to be present at the meeting, is intended to end discrimination against persons who work or have caring responsibilities and are unable to attend day time meetings.

Appendices

Appendix – Proposed Changes to the Constitution

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APPENDIX

**PROPOSED AMENDMENTS TO THE CONSTITUTION
OF LEICESTERSHIRE COUNTY COUNCIL
SEPTEMBER 2019**

<u>ITEM</u>	<u>PROPOSED AMENDMENT</u>	<u>EXPLANATION</u>
<u>PART 2 - ARTICLES</u>		
Article 2 – Members of the County Council (<i>Article 2.03 – Roles and functions of all county councillors</i>)	Add the following new function to paragraph (b): 10. fulfil their responsibilities as a corporate parent for children and young people in the care of the local authority.	To meet the recommendation of the Scrutiny Review Panel on Corporate Parenting.
Article 4 – The full County Council (<i>Article 4.02 – Functions of the full County Council</i>)	Amend paragraph 4.02(a) to read “adopting and changing the Constitution except in respect of changes made by the Chief Executive in accordance with Article 15.”	To cross refer to the provision in Article 15.02 permitting the Chief Executive to amend the Management Structure and Part 9 (specific delegations to officers) of the Constitution.
Article 12 – Officers (<i>Article 12.02 – Functions of the Head of Paid Service</i>)	Add the following Note following paragraph (c): <i>[Note: In accordance with Section D, Part 3 of this Constitution, the Head of Paid Service in his or her capacity as the Chief Executive will -</i> <i>(a) make consequential amendments to the specific delegations to chief officers as are contained in Part 9 of this Constitution to reflect changes in legislation and ensure that the delegation remains fit for purpose.</i>	To cross refer to general delegations to the Chief Executive set out in Part 3 of the Constitution.

	<p><i>[Note: Article 15.02 authorises the Chief Executive to update this part of the Constitution without the need to refer such matters to full Council for approval.]</i></p> <p>(b) <i>take action between meetings on matters which he or she considers is urgent.]</i></p>	
(Article 12.03 – Functions of the Monitoring Officer)	<p>Add the following Function:</p> <p>(j) Appointment of Assistant Coroners. The Monitoring Officer will confirm the appointment of Assistant Coroners in accordance with legislation in force for the time being.</p>	To record an existing function of the Monitoring Officer.
Article 13 – Decision Making	<p>Add the following:</p> <p>13.09 Decision-making between meetings: The Chief Executive will take action between meetings which he or she considers is urgent in accordance with the provisions set out in Section D, Part 3 of this Constitution.</p>	To cross reference to the existing delegated power to the Chief Executive contained in Part 3 of the Constitution.
Article 14 – Finance, contracts and legal matters (Article 14.04 – Authentication of documents)	<p>Amend article 14.04 to read as follows –</p> <p>(a) The Director of Law and Governance and such officers as are authorised by him/her are authorised generally to seal, sign, authenticate, attest and issue any notice, order or other document (including documents required for legal proceedings) on the Council's behalf including by electronic means, unless an Act of Parliament requires some other person to do so, or the Council gives authority to some other person.</p> <p>(b) Any contract with a value exceeding the limit provided for in Part 4G of this Constitution (the Contract</p>	To enable the use of electronic signatures on contracts.

	<p>Procedure Rules) entered into on behalf of the County Council shall be made in writing. Such contracts must either be signed (by electronic means or otherwise) or, in cases determined by the Director of Law and Governance or where it is otherwise required in law, made under the Common Seal of the County Council in a form to be determined or approved by him/her.</p>	
Schedule 2: Plans and Strategies forming the Policy Framework	Delete existing schedule and replace with Appendix 1.	The Policy Framework has been reviewed to ensure alignment with the Strategic Plan and Council priorities.
<u>PART 3 - RESPONSIBILITY FOR FUNCTIONS</u>		
<p>Section B: Responsibility for “County Council” Functions</p> <p><i>Leicestershire Local Pension Board</i></p>	Delete the entire section relating to the ‘Leicestershire Local Pension Board’.	The Board is a body of the administering authority of the Leicestershire County Council Pension Fund, not the County Council, and so has been removed from the County Council’s Constitution. The Boards Terms of Reference have been amended to reflect this in line with Regulations.
<i>Delegation to and from other local authorities</i>	<p>Delete the following delegations:</p> <p>Criminal Justice Substance Misuse Treatment Provision</p> <p>The Cabinet has delegated to Leicester City Council on 7 September 2010 so much of the County Council’s health-related functions as may be necessary to enable the City Council to lead on the procurement exercise to commission the criminal justice drug treatment services</p>	The delegations are no longer required.

and to take a lead role in managing the service level agreements within the Joint Commissioning Arrangements and to manage a pooled budget in respect of the services.

Community Care Assessments for Substance Misuse Residential Rehabilitation Placements

The Cabinet has delegated to Leicester City Council on 6 March 2013 the relevant social care functions to allow the City Council to continue to undertake community care assessments and provide care management services to persons with substance misuse problems who are located in the Leicestershire area and are seeking placement in residential rehabilitation facilities.

Amend the following delegation to read as follow:

Trading Standards Functions and Responsibilities

The Cabinet has delegated to Birmingham City Council on 5 April 2011 the functions of investigating, administering and enforcing the legislation and offences at common law in so far as those relate to or arise from investigations into illegal money lending activities within Leicestershire, including the power to institute legal proceedings in those cases, as appropriate, pursuant to section 101 of the Local Government Act 1972 in accordance with the provisions of Regulation 7 of the Local Authorities (arrangements for the Discharge of Functions) (England) Regulations 2012 and Sections 13 and 19 of the Local Government Act 2000.

To refer to the up to date 2012 Regulations.

<p>Section D: General Scheme of delegation to heads of departments</p>	<p>Change heading of Section D to 'General Scheme of Delegation to Chief Officers'.</p> <p>Amend paragraph 5(d) to read as follows:</p> <p>(d) shall not make a new policy or amend an existing policy of the County Council as determined at elected member level except in so far as is permitted under paragraph 23 below.</p> <p>Add a new paragraph 10 as follows:</p> <p>10. Delegations to officers under a specific legislative provision will incorporate any amendment to or re-enactment of that provision.</p> <p>Following the section titled 'General conditions of delegation' add a new section as follows:</p> <p>General delegations to the Chief Executive</p> <p>Subject to the provisions of the preceding paragraphs: -</p> <p>11. Delegation to officers. Power to make such consequential amendments to any specific delegation to officers made by the County Council, the Executive or a Regulatory Board or Committee and as set out in Part 9 of this Constitution as is necessary to reflect changes in legislation and ensure that the delegation remains fit for purpose.</p> <p><i>[Note: Article 15.02 authorises the Chief Executive to update this part of the Constitution without the need to refer such matters to full Council.]</i></p>	<p>To reflect that this section includes delegations to the Chief Executive and heads of departments and other officers.</p> <p>To cross refer to the proposed new general power to allow minor amendments to be made to plans, policies and strategies as set out below.</p> <p>To ensure the operation of delegations to officers are unaffected by updates in legislation.</p> <p>To bring together those delegations noted in other parts of the Constitution which have been specifically given to the Chief Executive.</p>
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	<p>12. Urgent Decisions between meetings. Power to take action between meetings which he or she considers is urgent after consultation: -</p> <p>(a) on matters within the responsibility of the Executive, with the Leader or such other member of the Executive as may be nominated by the Leader; or</p> <p>(b) on matters within the responsibility of a relevant body or with the Chairman and relevant Group Spokesmen of the body concerned.</p> <p>Renumber paragraphs in this section accordingly.</p> <p>Amend paragraph 16 to read as follows:</p> <p>Data Protection Act 2018 and the General Data Protection Regulations 2018 – charging for subject access: power, in consultation with the Director of Corporate Resources, to exercise discretion as to what fee (if any), not exceeding any prescribed maximum, is to be required in respect of the right of access under Article 15 of the General Data Protection regulations 2016 to personal data.</p> <p>Add new paragraphs 23 and 24 as follows:</p> <p>23. County Council plans, policies and strategies: power to make such consequential amendments to any County Council plan, policy or strategy agreed at elected member level as is considered necessary to reflect changes in legislation and good practice to ensure the plan, policy or strategy remains fit for purpose.</p>	<p>To reflect a change in legislation.</p> <p>To enable heads of departments to make consequential amendments to plans, policies and strategies which have been agreed by elected members to accommodate changes in legislation and good practice.</p>
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	<p>24. Annual Review of Charges: in accordance with Standard Financial Instruction 15 (Part 4F of the Constitution) to review all charges for County Council services at least annually at the time of the preparation of the budget, to determine detailed pricing for outside work.</p>	<p>To cross refer to requirements of the Standard Financial Instructions regarding annual reviews of fees.</p>
Section E: Panels	<p>Delete paragraph 5(g) relating to the Secure Accommodation Review Panel.</p> <p>Delete paragraph 5(p) relating to the Member Reference Panel on Quality and Safeguarding in Registered Care Homes.</p>	<p>To bring the County Council in line with best practice regarding the conduct and membership of Secure Accommodation Review Panels.</p> <p>Panel no longer required.</p>
<u>PART 4A – MEETING PROCEDURE RULES (STANDING ORDERS)</u>		
Standing Order 7: Questions from Elected Members	<p>Amend paragraphs (2) and (5) to read as follows:</p> <p>(2) “At ordinary meetings of the Commission or any board or committee any member of the Council may ask the chairman of the body concerned any question on any matter in relation to which the body concerned has delegated or advisory functions....”.</p> <p>(5) “After a question has been replied to, the member who asked it may, if they are present at the meeting, ask one supplementary question.....”.</p>	<p>The current practice is for the answers to questions to be cleared with the Chairman and this is normally done at the pre-meeting held on the day of the meeting. The answer is then made available to the member prior to the start of the meeting. The amendment will allow a question to be put and answered at the meeting and recorded in the minutes even if the member is not present. Supplementary questions can only be put if the member is present at the meeting. If a member is unable to attend and wishes to clarify the answer given this can be done by requesting information via the Democratic Services Team or Chief Officer.</p>

<p>Standing Order 31: Record of attendances</p>	<p>Delete and renumber remaining Standing Orders accordingly.</p>	<p>The law provides that the names of council and co-opted members present at a local authority meeting must be recorded but does not specify that this must be done via the member signing an attendance book or sheet. A record of member attendance is included in the minutes and recorded on the Committee Management System.</p>
<p>Standing Order 35: Questions from electors at the Commission, boards or committees</p>	<p>Delete paragraph (7) and amend paragraph (6) to read as follows:</p> <p>“After a question has been replied to, the elector who asked it may, if they are present at the meeting, ask one supplementary question for the purpose of clarifying the reply which has been given. An elector asking such a supplementary question shall confine himself or herself to the substance of the original question and shall not introduce any new matter which did not fall within the scope of his or her original question. If the chairman of the meeting is of the opinion that the supplementary question is out of order, or of a personal character, or in the interests of the Council it is undesirable, he or she shall so inform the elector and shall not allow the question to be put. In paragraph (7) of this Standing Order, the word “question” shall include such a supplementary question.”</p>	<p>With the use of modern technology for recording and live-streaming committee and board meetings, the requirement that an elector must physically attend a meeting to put a question is no longer considered appropriate. The changes reflect that technology means a person no longer needs to attend the meeting to submit the question and to see the response. However, the ability to ask a supplementary question will still require the elector to be present at the meeting, though they may still seek to clarify the answer given, but this will be dealt with outside the meeting. The requirement to attend a meeting to ask questions could be seen as discriminatory against persons who work or have caring responsibilities and are unable to attend day time meetings.</p>
<p>Standing Order 36: Petitions at the Commission, boards, committees or forums</p>	<p>Amend note to read: <i>This Standing Order should be considered alongside the Petitions Scheme set out in Part 10 of the Council’s Constitution.</i></p> <p>Amend paragraph (1) to read as follows:</p> <p>Petitions may be presented at meetings of the</p>	<p>To reflect the provision in the Localism Act 2011 which leaves it to individual councils to decide whether to have a petitions procedure and the arrangements within it.</p> <p>To provide greater clarity regarding when a petition can be presented and who can present it.</p>

	<p>Commission, a board or commission in accordance with the conditions set out in the Petitions Scheme at Part 10 of the Council's Constitution. The Commission, board or committee shall receive only such petitions as have been lodged with the Chief Executive eight clear days before the meeting and are presented by a person who resides, studies or works in the County and/or is a recipient of County Council services and is associated with the petition. Petitions can also be presented by an elected member on behalf of such a person or can be considered in their absence. This Standing Order shall not apply to meetings of the Council or the Executive, subject to paragraphs (5) and (6) below.</p> <p>Delete reference to the 'Primary Care Trust' in paragraph (2).</p> <p>Amend paragraph (3) to delete the sentences "A petition may be presented by one of the petitioners concerned or may be considered in their absence. It may also be presented by an elected member."</p> <p>Delete paragraph (7) and renumber remaining paragraphs accordingly.</p>	<p>The Primary Care Trust no longer exists and petitions relating to health services will still be covered under issues 'which otherwise affect the County'</p> <p>Now incorporated into paragraph (1).</p> <p>To reflect changes in legislation.</p>
<p>Note at end of Meeting Procedure Rules</p>	<p>Delete Secure Accommodation Review Panel and Member Reference Panel on Quality and Safeguarding in Registered Care.</p>	<p>To reflect the changes made to Part 3 Section E of the Constitution noted above.</p>

PART 4D – EXECUTIVE PROCEDURE RULES

<p>Rule 2: The delegation of Executive functions</p>	<p>Amend Rule 2(a) to read as follows:</p> <p>“Subject to Article 7.08, at the annual meeting of the County Council, the Leader will.....”</p> <p>Delete subparagraph (iv).</p>	<p>To cross refer to the County Council decision as reflected in Article 7.08 (No delegation to individual members of the Executive) which means the requirements of Rule 2 have no practical effect.</p> <p>Delegations to officers detailed in Part 3 of the Constitution are dealt with through the Constitution Committee and changes are captured as part of the annual review of the Constitution.</p>
<p>Rule 8: Working definition of “Key Decision”</p>	<p>Amend paragraph (vi) to remove the wording ‘additional’.</p>	<p>To bring in line with Regulations and consistency with the Articles.</p>

PART 4E – OVERVIEW AND SCRUTINY PROCEDURE RULES

<p>Rule 2: The Scrutiny Commission</p>	<p>Amend Rule 2 and create a new Rule 2A to read as follows:</p> <p>RULE 2 <i>The Scrutiny Commission</i></p> <p>The Scrutiny Commission will exercise the following responsibilities in relation to the overview and scrutiny of the discharge of County Council functions:</p> <ol style="list-style-type: none"> 1. to have the powers of an overview and scrutiny committee in relation to Executive decisions made but not implemented as set out in section 21(3) of the Local Government Act 2000, similar to other overview and scrutiny committees; 	<p>To reflect existing practice.</p>
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2. to act as the statutory appeal body where a petitioner has requested a review of the adequacy of the steps taken or which are proposed to be taken in the Authority's response to a petition;
3. to agree job descriptions for the Scrutiny Commissioners and for the Chairmen, Deputy Chairmen and Spokesmen of the overview and scrutiny committees.

RULE 2A
The Scrutiny Commissioners

The Scrutiny Commissioners will exercise the following responsibilities in relation to the overview and scrutiny of the discharge of County Council functions:

1. to approve an annual overview and scrutiny work programme, to ensure that there is efficient use of the committees' time, and that the potential for duplication of effort is minimised;
2. where matters fall within the remit of more than one overview and scrutiny committee, to determine which of them will assume responsibility for any particular issue, and to resolve any issues of dispute between overview and scrutiny committees;
3. to receive requests from the Executive and/or the full County Council for reports from overview and scrutiny committees and to allocate them if appropriate to one or more overview and scrutiny committees;

	<p>4. to put in place and maintain a system to ensure that referrals from Overview and Scrutiny to the Executive, either by way of report or for reconsideration, are managed efficiently;</p> <p>5. at the request of the Executive, to make decisions about the priority of referrals made if the volume of such referrals creates difficulty for management of Executive business or jeopardises the efficient running of County Council business.</p>	
<p><u>PART 10 – PETITIONS SCHEME FOR LEICESTERSHIRE COUNTY COUNCIL</u></p>	<p>Replace Part 10 with Appendix 2.</p>	<p>The Petitions Scheme is no longer a statutory requirement and has therefore been revised in the light of local requirements.</p>

Appendix 1

Schedule 2: Plans and Strategies Forming the Policy Framework (Article 4.01)

In accordance with the Local Authorities (Functions and Responsibilities) (England) Regulations 2000:

1. Community Safety Strategy
2. Local Transport Plan
3. Minerals and Waste Local Plan
4. Youth Justice Plan

By local choice

5. MTFFS comprising:
 - Corporate Asset Investment Fund Strategy
 - Treasury Management Strategy
 - Earmarked Funds Policy
 - Risk Management Policy Statement and Strategy
 - Capital Strategy
6. Strategic Plan and strategies relating to its outcomes and principles, including, for example, but not limited to:
 - Strong Economy Strategy
 - Affordable and Quality Homes Strategy
 - Environment Strategy
 - Communities Strategy
 - Equality, Diversity and Human Rights Strategy
7. Annual Performance Report
8. Annual Report of the Director of Public Health
9. Code of Corporate Governance
10. Corporate Parenting Policy
11. Strategic Growth Plan and strategies to enable its delivery, including, for example, but not limited to:
 - Long Term Infrastructure Plan
 - Planning Obligations Policy

[Note: the following Plans, which are listed here solely for the sake of completeness, do not form part of the Policy Framework]

Plans determined by the Executive

- A. *Strategies to enable delivery of the Local Transport Plan, including, for example, but not limited to:*
 - *Highways Asset Management Strategy and Policy*
 - *Passenger Transport Strategy and Policy*
- B. *Home to School Transport Policies:*
 - *Mainstream*
 - *Special Educational Needs and Disabilities*
- C. *Adult Social Care Transport Policy*
- D. *Joint Municipal Waste Management Strategy*

- E. *Strategies to enable delivery of the Environment Strategy, including, for example, but not limited to:*
 - *Tree Management Strategy*
 - *Ash Dieback Strategy*
- F. *Local Flood Risk Management Strategy*
- G. *Local Development Scheme*
- H. *Statement of Community Involvement*
- I. *Leicestershire Rural Framework*
- J. *Statutory Regulatory Reports including, for example, but not limited to*
 - *Enforcement Programme for Underage Sales of Tobacco Products and Aerosol Paints*
 - *Use of the Regulation of Investigatory Powers Act 2000*
- K. *Corporate Asset Management Plan*
- L. *Public Health Strategy and Strategies to enable its delivery, including, for example, but not limited to:*
 - *Sexual Health Strategy*
 - *Substance Misuse Strategy*
 - *Obesity Strategy*
- M. *Children and Families Departmental Plan and strategies to enable its delivery*
- N. *Special Educational Needs and Disabilities Strategy*
- O. *Strategies relating to Schools:*
 - *School Placements*
 - *Fair Access Protocol*
 - *Admissions Policy*
 - *Schools Funding Formula*
- P. *Adults and Communities Departmental Strategy and strategies to enable its delivery, including, for example, but not limited to:*
 - *Workforce Strategy*
 - *Community Equipment Strategy*
 - *Accommodation and Investment Prospectus*
 - *Safeguarding Adults Board Annual Report*
- Q. *Adult Social Care Market Position Statement*
- R. *Whole Life Disability Strategy*
- S. *Partnership strategies:*
 - *LLR Carers Strategy*
 - *LLR Autism Strategy*
 - *LLR Dementia Strategy*
 - *Children and Families Partnership Plan*

Plans Determined by the Health and Wellbeing Board

- *Better Care Fund Plan*
- *Joint Health and Wellbeing Strategy*
- *Joint Strategic Needs Assessment*
- *Pharmaceutical Needs Assessment*

Petitions Scheme for Leicestershire County Council

1. Leicestershire County Council welcomes petitions and recognises that petitions are one way in which people can let us know their concerns. Anyone who lives, works or studies in the local authority area and/or is a recipient of County Council services and is associated with the petition, including under 18's, can sign or organise a petition.
2. All petitions sent or presented to the Council will be acknowledged. We will treat something as a petition if it is identified as being a petition, or if it seems to us that it is intended to be a petition.
3. Paper petitions can be sent to:

**Head of Democratic Services
Room 200B, Chief Executive's Department
County Hall, Glenfield
Leicestershire, LE3 8RA**

Or, a petition can be created, signed and submitted online as an 'e-petition' by following this weblink:

<http://politics.leics.gov.uk/mgePetitionListDisplay.aspx?bcr=1>.

(Detailed guidance on the process for submitting, signing and processing an e-petition (which does not form part of the Petitions Scheme) is attached as an appendix to this Scheme.

4. If you chose to use an alternative petition system other than the Council's own system e.g. Change.org, you will either need to print a copy of the petition statement and corresponding signatures and send it to us by post to the above address, or email a pdf copy to democracy@leics.gov.uk.
5. Further information on the information contained within the Petitions Schemes is available from Democratic Services, (telephone 0116 305 2583) or by emailing democracy@leics.gov.uk.

Other ways of making your views known

6. Petitions are not the only, or necessarily the quickest way to resolve an issue or make your views known. You could also:
 - a) Contact the Council's Customer Service Centre raising a concern about a service provided by the Council (see <https://www.leicestershire.gov.uk/about-the-council/contact-us/opening-times-and-contact-information> for more information); or
 - b) Raise the matter with your local County Councillor and ask him/her to take up the matter on your behalf (more details are at

<https://www.leicestershire.gov.uk/about-the-council/how-the-council-works/councillors-and-conduct/find-your-county-councillor>).

What are the guidelines for submitting a petition?

7. Petitions submitted (whether by post or online) to the Council must:
- have a clear and concise statement setting out the subject of the petition and the action the County Council is being asked to take in response (i.e. either do something, or stop doing something);
 - contain the name and address (residential, work, or study (as applicable)) of any person supporting the petition. E-petitions should also include signatories' email addresses;
 - include the address and contact details for a 'lead petitioner', with whom the County Council can communicate on behalf of all the signatories. These details will not be placed on the website;
 - have a minimum of 100 signatures;
 - be received by the Chief Executive's Department eight clear days before the relevant meeting at which it is to be presented, if it is to be considered at a meeting.

Exceptions to the Petitions Scheme

8. The following will not be accepted as petitions within the scope of the scheme:
- Submissions which are vexatious, abusive or otherwise inappropriate;
 - Submissions relating to matters which would usually be dealt with through the corporate complaints process;
 - Submissions that are substantially similar to a petition considered by the County Council within the last six months;
 - Issues raised by staff related to their employment;
 - Petitions that are handled through alternative means or where other procedures apply, such as those referring to:
 - i. Planning Applications;
 - ii. Parking Policies;
 - iii. Decisions for where there is an existing right of appeal;
 - iv. Statutory petitions (for example requesting a referendum on having an elected mayor).
9. In the period immediately before an election or referendum we may need to deal with your petition differently – if this is the case we will explain the reasons and

discuss the revised timescale which will apply. If a petition does not follow the guidelines set out above, the Council may decide not to do anything further with it. In that case, we will write to you to explain the reasons.

What will the Council do when it receives my petition?

10. An acknowledgement will be sent to the lead petitioner within 10 working days of receiving the petition. It will confirm whether the petition has been accepted or the reasons for not accepting it, let them know what we plan to do with the petition and when they can expect to hear from us again.
11. If your petition is about something over which the Council has no direct control (for example the local railway or hospital) we will consider making representations on behalf of the community to the relevant body. The Council works with many local partners and where possible will work with these partners to respond to your petition. If we are not able to do this for any reason (for example, if what the petition calls for conflicts with Council policy), then we will set out the reasons for this to you. You can find more information on the services for which the Council is responsible here <https://www.leicestershire.gov.uk/>
12. If your petition is about something that a different council is responsible for we will consider the best method for responding to it. This might be to simply forward the petition to the other council but could involve other steps. We will always notify you of the action we have taken.

How will the Council respond to petitions?

13. If we can do what your petition asks for, the acknowledgement may confirm that we have taken the action requested and the petition will be closed. If this is not possible our response to a petition will depend on what it asks for and how many people have signed it, but may include one or more of the following:

Response from the Service Director

14. The Service Director, following consultation with the relevant Cabinet Lead Member, will respond to the Lead Petitioner in the circumstances outlined below:

- If the petition has less than 100 signatures, a written response will be provided within 56 days (2 months) following acknowledgement of the petition. As petitions of this size do not qualify under this Scheme, the matter will then be deemed to be dealt with.

If the petition has more than 100 signatures and relates to an issue in a single electoral division, where possible a written response will be provided within 28 working days following acknowledgement of the petition. If it is not possible to respond in that timeframe, the lead petitioner will be notified of the reasons for this. The response will be copied to the local County Councillor and the Chairman and Spokesmen

of the relevant Scrutiny Committee. If the lead petitioner and/or one or more of the relevant elected members feel that the petition has not been dealt with properly they can ask for the matter to be referred to the relevant overview and scrutiny committee for consideration.

Referral to an Overview and Scrutiny Committee

15. Petitions with more than 1000 signatures and affecting two or more electoral divisions can be considered by the relevant overview and scrutiny committee. The Lead Petitioner can, however, choose to have the petition dealt with by the Service Director, following consultation with the Cabinet Lead Member, should they prefer.
16. Petitions relating to an issue that affects a single electoral division will not be considered at an overview and scrutiny committee meeting unless they have 10,000 or more signatures, in which case the overview and scrutiny committee will be asked for its views prior to the matter being considered by the full Council (see paragraph 21 below).
17. If the lead petitioner chooses for the matter to be referred to the relevant overview and scrutiny committee, it will be considered at the next available meeting (where that meeting is more than 10 working days from the date the petition is received). Alternatively, if the matter of the petition is already on the work programme of an overview and scrutiny committee, the Lead Petitioner will be invited to the meeting to submit representations about their petition under the agenda item it relates to.
18. When presenting a petition at a meeting, the Lead Petitioner, or their local County Councillor (if preferred) will be asked to read the wording of the petition and state the number of signatories. The Chairman of the meeting can invite the Lead Petitioner to explain the background to the issue where he/she believes it would be helpful to do so. Please note that you will not be able to join in the subsequent debate at the meeting.
19. The overview and scrutiny committee will discuss the matter raised in the petition. If the meeting is more than 28 days following receipt of the petition, the Service Director will present a report responding to the petition. Otherwise, the overview and scrutiny committee can request a report outlining the response to be submitted to the next meeting. Once the overview and scrutiny committee has all the necessary information, it will come to a view as to how the petition should be addressed.
20. A maximum of two petitions can be submitted to any one overview and scrutiny committee at one time.

Referral to full Council

21. If a petition has been signed by at least 10,000 persons living, working or studying in the Authority area, or if a County Council body decides it is appropriate, the petition will be debated by the full Council. This means that the

issue raised in the petition will be discussed at a meeting which all councillors can attend. The Council will consider the petition at its next meeting, although on some occasions this may not be possible and consideration will then take place at the following meeting.

22. Councillors will discuss the petition and the Council will decide how to respond to it at this meeting. They may decide to take the action the petition requests, not to take the action requested for reasons put forward in the debate, or to commission further investigation into the matter, for example, by a relevant scrutiny committee. Where the issue is one on which the Cabinet is required to make the final decision, the Council will decide whether to make recommendations to inform that decision. The Cabinet itself may propose a response to the Council when the petition is considered. The lead petitioner will receive written confirmation of the Council's decision. This confirmation will also be published on our website.

What can I do if I feel my petition has not been dealt with properly?

23. If you feel that we have not dealt with your petition properly, the lead petitioner has the right to request that the Council's Scrutiny Commission review the steps that the Council has taken in response to your petition. The lead petitioner will be required to provide a short explanation of the reasons why the Council's response is not considered to be adequate.
24. The Scrutiny Commission will endeavour to consider the request at its next meeting, although on some occasions this may not be possible and consideration will take place at the following meeting. Should the Scrutiny Commission determine we have not dealt with your petition adequately, it may use any of its powers to deal with the matter. These powers include instigating an investigation and making recommendations to the Council's Cabinet or full Council.
25. Once the appeal has been considered the lead petitioner and the local County Councillor will be informed of the results within 5 working days. The results of the review will also be published on our website.

[end of Part 10]

Guidance for E-Petitions

[Note: the following Guidance for E-Petitions was formally approved by the County Council when adopting the Petitions Scheme for Leicestershire County Council for the first time. Future amendments to these instructions will be made by the Chief Executive in accordance with the agreement made by the Constitution Committee on 10 September 2010. Although, unlike the Constitution itself, this Guidance does not require formal approval of the County Council, it is nevertheless included here for the sake of completeness and will be updated as necessary, to reflect any amendments made.]

Who can submit an e-petition?

If you live, work or study in Leicestershire and/or receive a service provided by the County Council you can organise an e-petition and the County Council will consider the matter.

What issues can my e-petition relate to?

A petition should involve a call for action and be relevant to some question over which the Council has authority, or which otherwise affects the County.

Who can sign an e-petition?

Anyone who lives, works or studies in Leicestershire and/or receives a County Council service can sign an e-petition. You will need to be a registered user of the County Council's online Political Management System and provide your name, residential/work/study address, and valid email address for verification purposes.

How do I start an e-petition?

When starting an e-petition, access the County Council's e-petitions homepage (<http://politics.leics.gov.uk/mgePetitionListDisplay.aspx?bcr=1>) and select the 'Submit a new e-petition' option.

You will then be prompted to do one of the following:

- register as a new user by submitting your contact details and creating a user name and password. In order that we can ascertain you are a 'real user' you will be required to enter a validation code of letters/numbers at the bottom of the registration form and, having submitted your details, be requested to validate your account via a link sent to your registered email address;
- if you are an existing user, simply type in your user name and password.

Then enter a title and the system will automatically check against existing e-petitions to allow you to see if a similar one has been received recently. You will then need to fill in the online form.

PLEASE NOTE: *If you chose to use an alternative petition system other than the Council's own system e.g. Change.org, you will either need to print a copy of the petition statement and corresponding signatures and send it to us by post, or email a pdf copy to democracy@leics.gov.uk.*

What information should my e-petition contain?

Your e-petition will need to include the following:

- Subject matter;
- A statement setting out what action you would like the Council to take;
- A short name, to generate a direct weblink to the e-petition – e.g. by typing 'road' this would generate politics.leics.gov.uk/road as a weblink.

Your petition will then be submitted to the Democratic Services Section of the Chief Executive's Department. A member of staff will then contact you prior to the petition being signed off and going live on the system. Your local County Councillor and the Director of the relevant Department concerned will be notified of the details of the petition.

What happens to an e-petition that has been submitted?

An officer from the Democratic Services Section will contact the lead petitioner to discuss when you wish your e-petition to go live on the website and the appropriate time for when you wish to stop collecting signatures. Following the end date for signatories the e-petition will be dealt with in accordance with the County Council's Petition Scheme.

Can I still submit a paper petition?

Yes, paper petitions can still be submitted via your local County Councillor or directly to the Chief Executive (see contact details below).

Petitioners can gather names both on paper and via the online form, although repeat names will be removed. Where a dual exercise occurs, both forms of petition should be run for the same period of time and must be submitted together. Please inform Democratic Services if you intend to do this.

How do I sign an active e-petition?

Anyone wishing to sign an e-petition has to click on a link on one of the Active Petitions via the homepage (<http://politics.leics.gov.uk/mgePetitionListDisplay.aspx?bcr=1>).

Unless you are already a user and can log on to the system with your existing user name and password you will be prompted to register as a new user with your contact details (and, so we can ascertain you are a 'real user', enter a validation code of letters/numbers at the bottom of the registration form). As a new user you will then be requested to validate your account via a link sent to your registered email address before being able to sign the petition. You will only be allowed one signatory per email address to ensure that the process is not abused. Where people share the same

email address, the second or further signatories are invited to indicate in writing (contact details below) that they support the petition.

Data Protection

The details you give us are needed to validate your support for the e-petition and is the same information you would be required to give for a paper petition, but these details will not be published on the Council's website. The Council will not contact you unless you are the lead petitioner, or it needs to clarify matters regarding the specific petition you have submitted/signed. Your details will not be passed on to any third party.

Contact Details

To discuss submitting an e-petition or for further general information and advice, you can contact the Democratic Services Section via:

- email: democracy@leics.gov.uk;
- or
- telephone: 0116 305 6036
- or
- write to:

Head of Democratic Services
Room 200B, Chief Executive's Department
County Hall, Glenfield
Leicestershire,
LE3 8RA

NOTE

1. The Council reserves the right to refuse to accept any e-petition that is frivolous, vexatious, discriminatory or otherwise inappropriate. However, the Democratic Services Section will, where possible, suggest to the lead petitioner an amended form of words that is considered acceptable.
2. The Council accepts no liability for the content of petitions on the Council's webpages. The views expressed should not be considered as those of the Council.

[end of Guidance for E-Petitions]