



Meeting: **Constitution Committee**

Date/Time: **Tuesday, 15 June 2021 at 11.30 am**

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

Contact: **Mr E. Walters (Tel: 0116 305 2583)**

Email: **euan.walters@leics.gov.uk**

Membership

Mr. P. Bedford CC Mr. N. J. Rushton CC
Mr. L. Breckon JP CC Mr. R. J. Shepherd CC
Mr. M. T. Mullaney CC Mrs D. Taylor CC
Mr J. Poland CC

AGENDA

<u>Item</u>	<u>Report by</u>
1. Appointment of Chairman.	
2. Election of Deputy Chairman.	
3. Minutes of the meeting held on 17 March 2021.	(Pages 3 - 4)
4. Question Time.	
5. Questions asked under Standing Order 7(3) and 7(5).	
6. To advise of any other items which the Chairman has decided to take as urgent.	
7. Declarations of interest.	
8. Proposed changes to the structure of Overview and Scrutiny bodies.	Chief Executive (Pages 5 - 12)
9. 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 via Microsoft Teams video conferencing on Wednesday, 17 March 2021.

PRESENT

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

Dr. T. Eynon CC

Mr. B. L. Pain CC

Mr. S. J. Galton CC

Mr. R. J. Shepherd CC

Please note: This meeting was not open to the public in line with Government advice on public gatherings. The meeting was filmed for live and subsequent broadcast via YouTube:

<https://www.youtube.com/channel/UCWFpwBLs6MnUzG0WjejrQtQ>

17. Minutes of the previous meeting.

The minutes of the meeting held on 27 November 2020 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.

It was noted that all members of the Committee would have personal interests in agenda item 6: County Council Elections 2021 – Scale of Election Expenses.

No other declarations were made.

22. County Council Elections 2021 - Scale of Election Expenses.

The Committee considered a report of the Chief Executive which sought approval with regard to a scale of fees to be used at the County Council elections in May 2021. A copy of the report, marked 'Agenda Item 6', is filed with these minutes.

The Chief Executive clarified that compiling the proposed scale of fees had been a collaboration between the District Councils that were carrying out some of the election work on behalf of the County Council and the County Council itself. It was proposed that the scale of fees also be used for any subsequent by-election taking place before 31 March 2022.

RESOLVED:

- (a) That the scale of expenses as appended to the report be used at the County Council elections to be held on 6th May 2021 and for any subsequent byelections held before 31st March 2022.
- (b) That the Chief Executive be authorised to fix a scale for the purpose of by-elections occurring between 1st April 2022 and the next County Council elections.

2.00 - 2.07 pm
17 March 2021

CHAIRMAN

CONSTITUTION COMMITTEE – 15 JUNE 2021

REPORT OF THE CHIEF EXECUTIVE

PROPOSED CHANGES TO THE STRUCTURE OF OVERVIEW AND SCRUTINY BODIES

Purpose

1. The purpose of this report is to seek approval of the Committee to submit proposed changes in the structure of Overview and Scrutiny Bodies to the County Council for approval.

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 Financial Procedure Rules, Contract Procedure Rules and Members' Code of Conduct, the recommendations of the Corporate Governance Committee.

Review of Scrutiny Arrangements

3. Following the election, the Leader indicated that he was minded to review the structure of the Overview and Scrutiny function with particular focus on the role and remit of the current Environment and Transport Overview and Scrutiny Committee. Given the commitments made in the Conservative Group Manifesto, and to enable alignment with the Cabinet Lead Member portfolios, the Leader was of the opinion that the existing Committee should be split into two bodies with the following remits:
 - (a) **Highways and Transport Overview and Scrutiny Committee**
 - Oversight and scrutiny of the executive functions of the County Council in respect of Highway and Transport Services within the Environment and Transport Department;
 - To monitor the performance and activities of the Flood Risk Management Board in accordance with Section 9FH of Schedule 2 of the Localism Act 2011;
 - To monitor the performance and activities of any partnerships associated with the executive functions outlined above.
 - (b) **Environment and Climate Change Overview and Scrutiny Committee**
 - Oversight and scrutiny of the executive functions of the County Council in respect of:

- (i) Environment and Waste Management Services within the Council's Environment and Transport Department;
 - (ii) Climate Change and delivery of the Council's Green Agenda including green spaces;
 - To monitor the performance and activities of any partnerships associated with the executive functions outlined above.
4. In undertaking the review of the functions of the above-mentioned bodies, the opportunity was taken to revisit the terms of reference for all the Council's Overview and Scrutiny Committees. The Scrutiny Commission terms of reference have been revised to provide greater clarity over its remit, particularly in respect of issues which will now be considered by the Environment and Climate Change Overview and Scrutiny Committee. The Adults and Communities Overview and Scrutiny Committee terms of reference have also been revised to reflect the range of relevant partnership bodies. The revised terms of reference are attached as Appendix A to this report, with changes and additions highlighted in red.
5. The increase in the number of Overview and Scrutiny Committees will also affect the membership of the Scrutiny Commission, set out in Article 6.06 of the Constitution, which will now be made up as follows:
- Scrutiny Commission (11 members)
- Chairman – Leader of the Main Opposition Party;
 - 3 Commissioners – Leader of the minority Opposition and 2 Administration Members;
 - 5 Chairmen of Scrutiny Committees;
 - 2 additional members (to achieve political balance).
6. There will be consequential amendments to the Constitution arising from the changes now proposed.

Recommendation

That the County Council be recommended to approve the proposed changes to the Overview and Scrutiny Committee structure and terms of reference, as set out in Appendix A to this report and to consequential amendments being made to the Constitution.

Background Papers

The Constitution of Leicestershire County Council.

Circulation under Local Issues Alert Procedure

None.

Officer to Contact

Joanne Twomey
Democratic Services Manager
Tel: 0116 305 6462

Equality and Human Rights Implications

None.

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TABLE A
Overview and scrutiny committees (Article 6.01)

[Note:

- *Articles 2.03(b) of this Constitution states that all County Councillors will act in the capacity to which they are elected to the County Council and not speak on behalf of any other local authority whilst acting as a County Councillor. This applies when overview and scrutiny committees consider matters which also affect district councils, for example growth and associated infrastructure items.*
- *Neither the Scrutiny Commission nor any of the other overview and scrutiny committees or subcommittees are empowered to take decisions or exercise any responsibilities of the Executive or County Council or Health Service bodies. The general role and specific functions are described in Article 6 and for the purposes of that Article the Scrutiny Commission is regarded as an overview and scrutiny committee for those matters which come within its scope.]*

Committee	Scope
Scrutiny Commission	<p>1. The executive functions of the County Council in respect of (but not limited to):</p> <ul style="list-style-type: none"> (i) The Budget (the revenue budget and capital programme) (ii) Strategic and Operational Property including Corporate Asset Investment Fund investments (iii) Information and Communications Technology (ICT) (iv) Commercial and Customer Services (v) Growth and associated infrastructure (vi) Corporate Transformation and Ways of Working (vii) Communities (viii) Corporate Performance, complaints and compliments. <p>2. Any functions which are not specifically within the scope of any other overview and scrutiny committee.</p> <p>3. To act as the Crime and Disorder Committee in accordance with Section 19 of Part 3 of the Police and Justice Act 2006 and work with the Police and Crime Panel to scrutinise the delivery of effectiveness of measures aimed at reducing crime and disorder.</p> <p>4. To monitor the performance and activities of:</p> <ul style="list-style-type: none"> (a) The Leicester and Leicestershire Enterprise Partnership Board; (b) The Leicester and Leicestershire Transport Board; (c) Any other partnerships that are associated with the executive functions outlined above and not within the scope of any other overview and scrutiny committee. <p>5. Oversight and co-ordination of the work of scrutiny review panels.</p>

Committee	Scope
	<p>6. Resolving any disagreements between overview and scrutiny committees.</p> <p><i>[Note: The scope of the Scrutiny Commission will not extend to exercising functions relating to the scrutiny of:</i></p> <ul style="list-style-type: none"> • <i>Any matters linked to the Council's Green Agenda such as energy from the Council's property portfolio which will be a matter for the Environment and Climate Change Overview and Scrutiny Committee;</i> • <i>Operational transformation within service departments which will be a matter for each of the service related overview and scrutiny committees;</i> • <i>the National Health Service in the County, which will be a matter for the designated Health Scrutiny Committee.]</i>
Children and Families	<ol style="list-style-type: none"> 1. The executive functions of the County Council in respect of Children and Family Services. 2. To monitor the performance and activities of any partnerships that are associated with the executive functions outlined in 1. above.
Adults and Communities	<ol style="list-style-type: none"> 1. The executive functions of the County Council in respect of the Adults and Communities Department. 2. <i>To monitor the performance and activities of any partnerships that are associated with the executive functions outlined in 1. above.</i>
Highway and Transport	<ol style="list-style-type: none"> 1. The executive functions of the County Council in respect of <i>Highway and Transport Services within the Environment and Transport Department.</i> 2. To monitor the performance and activities of the Flood Risk Management Board in accordance with Section 9FH of Schedule 2 of the Localism Act 2011. 3. To monitor the performance and activities of any partnerships that are associated with the executive functions outlined in 1 and 2 above.
Environment and Climate Change	<ol style="list-style-type: none"> 1. <i>The executive functions of the County Council in respect of:</i> <ol style="list-style-type: none"> (a) <i>Environment and Waste Management Services within the Council's Environment and Transport Department;</i> (b) <i>Climate Change and delivery of the Council's Green</i>

Committee	Scope
	<p style="text-align: center; color: red;">Agenda including green spaces;</p> <p style="color: red;">2. To monitor the performance and activities of any partnerships that are associated with the executive functions outlined in 1 above.</p>
<p style="text-align: center;">Health</p>	<p>1. The executive functions of the County Council in relation to Public Health.</p> <p>2. To monitor the performance of the Health and Wellbeing Board in respect of the executive functions outlined in 1. above and any other partnerships as appropriate that are associated with those functions.</p> <p>3. Health Service Functions:</p> <p style="margin-left: 20px;">(a) The exercise by health bodies of functions which affect the area of the County Council;</p> <p style="margin-left: 20px;">(b) Arrangements for responding to consultation by local health bodies for substantial development of the health service or substantial variation in the provision of such services save where these are dealt with through a joint committee with other Social Services authorities.</p>

[Note: Article 6.09 makes provision for the County Council to establish a joint committee with other Social Services authorities, to scrutinise any health issue or consultation which has an area larger than the County Council where it considers it necessary or is required to do so.]

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