

REPORT OF THE CONSTITUTION COMMITTEE

A: REVIEW AND REVISION OF THE CONSTITUTION

Introduction

1. This report concerns 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, departmental staffing structures or have been proposed to reflect current practices. The Council's attention is specifically drawn to the following:-

Petitions

6. The Petitions Scheme (Part 10) and the rules regarding the presentation of petitions at the Commission, committees or boards have been amended to reflect the decision of the Cabinet in June 2017 to disband Highway Forums. The Petitions Scheme sets out the new arrangements for the consideration of petitions by the Council and the key amendments are as follows:
 - (a) A minimum of 100 signatures will be required for a petition to be considered under the new Scheme. Representations received which have less than 100 signatures will not be dealt with as a formal petition.

However, the Council will ensure that the relevant service director responds to the concerns raised;

- (b) Petitions with over 100 signatures but less than 500, will be responded to by the relevant service director within 28 working days of acknowledgement;
- (c) For petitions with more than 500 signatures, the lead petitioner will be contacted and they will be offered the option of either a response from the relevant service director, or to have the issue considered by the Commission or other relevant overview and scrutiny committee or the Development Control and Regulatory Board, as appropriate. If the lead petitioner asks for the matter to be referred to the Commission or other relevant committee or board, the service director will prepare a report to be considered at the next suitable meeting of the Commission, committee or board. If the next meeting of the Commission, committee or board is to be held within 28 days of receipt of the petition, the Service Director will present a report to the following meeting.

Budget Process

- 7. The process by which the Budget is approved has been amended so that the timings reflect current practices which are governed by the timing of the Government's budget and financial announcements.

Decision of the Constitution Committee

- 8. The Constitution Committee at its meeting on 15th September supported the changes proposed its recommendation is set out in the motion below:-

(Motion to be moved:-

Motion 1

- (a) That the proposed changes to the Constitution, as set out in Appendix 1 to this report, other than those which relate to Standing Orders (the Meeting Procedure Rules), be approved;**

Motion 2 – Procedural Motion in accordance with Standing Order 37

- (b) That the changes to Standing Orders (The Meeting Procedure Rules), as set out in Appendix 1 to the report of the Constitution Committee, be approved."**

(NOTE:- Standing Order 37 requires that this procedural motion, having been moved and seconded, stands adjourned until the next ordinary meeting of the Council.)

Background Papers

The Constitution of Leicestershire County Council.

Appendices

Appendix 1 – Proposed Changes to the Constitution

Appendix 2 – Petitions Scheme

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