

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, adding cross references to improve navigation around the document, or have been proposed to reflect current practice. 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, following consultation with the Lead Member and Local Member, 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.

Decision of the Constitution Committee

8. The Constitution Committee at its meeting on 13th 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 the Appendices 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 – Policy Framework

Appendix 3 – Petitions Scheme

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