

APPENDIX 1

PROPOSED AMENDMENTS TO THE CONSTITUTION
OF LEICESTERSHIRE COUNTY COUNCIL
SEPTEMBER 2006

<u>ITEM</u>	<u>PROPOSED AMENDMENT</u>	<u>EXPLANATION</u>
<p>PART 2 - ARTICLES</p> <p>Contents</p>	<p>Add reference to 9A. The Corporate Governance Committee.</p>	<p>Overlooked in September 2005.</p>
<p>ARTICLE 7 – THE EXECUTIVE</p> <p>15.02</p>	<p>Add new paragraphs as follows.</p> <p>7.04A Lead Members</p> <p>The County Council will designate two members of the Executive to act respectively as Lead Member for the Children and Young People’s Service and Lead Member for Adult Social Care.</p> <p>The designation of members of the Executive to act as Lead Member for other purposes will be a matter to be determined by the Leader.</p> <p>Amend to read as follows:</p> <p>15.02 Changes to the Constitution</p> <p>Approval. Changes to the Constitution will only be approved by the full County Council after consideration of the proposal by the Chief Executive and the Constitution Committee and/or Corporate Governance Committee as appropriate; provided that the Chief Executive is authorised to update.</p>	<p>To respond to changes and proposed changes in the law which require particular members to be so designated.</p> <p>(i) to include reference to the Corporate Governance Committee’s ability to make recommendations to the Council on changes to the Financial Procedure Rules and Contract Procedure Rules.</p> <p>(ii) to enable the Chief Executive to make any necessary changes to reflect any changes in the Management Structure.</p>

<u>ITEM</u>	<u>PROPOSED AMENDMENT</u>	<u>EXPLANATION</u>
<p>16.01</p> <p>Schedule 2 – Plans and Strategies forming the Policy Framework.</p> <p>Schedule 3</p> <p>Table A. Overview and Scrutiny Committees.</p> <p>Table C – Chief Officers</p>	<p>Table C in Schedule 3 of these Articles, Part 7 of this Constitution in respect of changes in the Management Structure and Part 9 of this Constitution for the purpose of formally recording any changes in, or additions to, the specific delegations to officers made by the County Council, the Executive or a Regulatory Board or committee. Proposals for changes to the Meeting Procedure Rules in Part 4(A) of this Constitution must comply with the process prescribed in those Rules.</p> <p>Correct Lettering.</p> <p>That the revised schedule set out in Appendix A be approved.</p> <p>Delete that part of table which relates to Health Service Scrutiny Subcommittees.</p> <p>That the revised Table set out in Appendix B be approved.</p>	<p>The re-organisation of the health service in Leicestershire effective from 1st October, 2006 means that these PCT areas will cease to exist and there will a single PCT covering the whole of Leicestershire and Rutland.</p> <p>To reflect changes in the Council's Management Structure.</p>

<u>ITEM</u>	<u>PROPOSED AMENDMENT</u>	<u>EXPLANATION</u>
<p>PART 3 – FUNCTIONS</p> <p>Section D – General Scheme of delegation to heads of departments.</p> <p>Paragraph 5 – General Conditions of Delegation.</p> <p>Paragraph 14.</p>	<p>(i) Update note as necessary.</p> <p>(ii) Amend (c) to read as follows:-</p> <p>(c) shall not involve a new policy or amend an existing policy of the County Council as determined at elected member level.</p> <p>Amend paragraph 14 to read as follows:-</p> <p>14 Appointment of Consultants</p> <p>the powers in this scheme (and their limitations) will extend to the appointment of:-</p> <ul style="list-style-type: none"> - specialist technical consultants - management consultants - interim managers <p>provided that people so appointed receive appropriate training about the Council's governance arrangements, rules and operating procedures and are made clearly aware of the extent of any limitations on any delegated authority they may receive from the Chief Officer concerned.</p>	<p>To reflect changes in Council's Management Structure.</p> <p>In the interests of clarity to differentiate it from lesser policies which can properly be determined at officer level for example by CMT.</p> <p>To reflect discussion within the Corporate Governance Committee and Corporate Management Team in response to a particular case raised within the Scrutiny Commission.</p>

<u>ITEM</u>	<u>PROPOSED AMENDMENT</u>	<u>EXPLANATION</u>
<p>PART 3 – FUNCTIONS</p> <p>Section E – Panels</p>	<p>In paragraph (c) (i) and (ii) substitute the words “Children and Young People’s Service” for “Social Services”.</p> <p>Delete paragraph(e) and re letter remaining paragraphs accordingly.</p> <p>In paragraph (i) substitute the words “Children and Young People’s Service” for “Social Services Department”.</p>	<p>To reflect organisational changes.</p> <p>To reflect changes in Government regulations amending complaints procedures relating to Children and Adult Services.</p> <p>To reflect organisational changes.</p>

<u>ITEM</u>	<u>PROPOSED AMENDMENT</u>	<u>EXPLANATION</u>
<p>PART 4A MEETING PROCEDURE RULES (STANDING ORDERS)</p> <p>SO1 – Meetings of the County Council.</p> <p>SO4. Order of Business</p> <p>SO18 Length of Speeches and Conduct of Members.</p>	<p>Add the following words at the end of paragraph (5):-</p> <p>“provided that the time may be varied by the Chairman following consultation with Group Leaders.”</p> <p>Amend paragraph 10 to read:-</p> <p>“to consider reports of the Executive, the Scrutiny Commission (the “Commission”), the Scrutiny Committees, the Standards Committee, the Development Control and Regulatory Board, the Constitution Committee, the Corporate Governance Committee and the Pension Fund Management Board.”</p> <p>Add following to note after paragraph 9.</p> <p><u>‘reporting body</u> <u>“appropriate spokesman”</u></p> <p>Corporate spokesmen of the two Governance Groups to which the Committee Chairman of the Committee does not belong.’</p>	<p>To provide a mechanism to enable the starting time of meetings to be varied in exceptional circumstances.</p> <p>It is necessary to add the Corporate Governance Committee to the list (previously overlooked).</p> <p>As above.</p>

<u>ITEM</u>	<u>PROPOSED AMENDMENT</u>	<u>EXPLANATION</u>
SO30 Interests in Contracts	Delete paragraph (2)	No longer required. The Standards Committee has recently agreed that a single mechanism be established whereby staff register their interests with the relevant Chief Officer.
SO36 Petitions at the Commission, boards or committees	<p>(i) <u>Paragraph 1</u> Add the following at the end of the first sentence “or relevant Highways Forum” .</p> <p>(ii) Add following at the end of the S. O :- (6) Nothing in this Standing Order will prevent a petition being presented elsewhere provided that it relates to a matter which is already before the body concerned.</p>	To reflect decision recently agreed by the Environment Scrutiny Committee. Reflects long standing practice which needs clearer explanation for the benefit of readers.

<u>ITEM</u>	<u>PROPOSED AMENDMENT</u>	<u>EXPLANATION</u>
<p>PART 4D EXECUTIVE PROCEDURE RULES</p> <p>Rule 8 Working Definition of Key Decisions</p>	<p>Add following to list</p> <p>“ix a report which in the opinion of the Chief Executive or Monitoring Officer involves a material departure from a policy or plan previously agreed at elected member level.”</p> <p>Delete Rule 8(b) and add following note:-</p> <p><i>[Note: For the purpose of the definition of a Key Decision described in Rule 8(a) (vi) above and the virement provisions of instruction 4(b) of the Standard Financial Instructions, the terms “Section of an approved departmental budget” and “the prescribed section of the budget” mean the primary departmental budget subheadings as set out in the County Council budget booklet].</i></p>	<p>To reflect latest thinking on what should be the scope of key decisions, having regard to recent experience.</p>

<u>ITEM</u>	<u>PROPOSED AMENDMENT</u>	<u>EXPLANATION</u>
<p>PART4E OVERVIEW AND SCRUTINY PROCEDURE RULES</p> <p>Rule 14</p> <p>Schedule – Process for nominations for chairmanships</p>	<p>Amend paragraph (c) to read as follows:-</p> <p>“(c) That notification of the decisions will bear the date on which it is published and will specify that a Key Decision will come into force, and may then be implemented, on the expiry of 5 working days after the publication of the decision, unless it has been called in under this Rule. Those decisions which are Key Decisions but which will require further consideration by the Executive at a later stage prior to implementation, may be proceeded with immediately (as in the case for example of a decision to proceed with consultation on a proposal). Those decisions which are not Key Decisions are not subject to call in under this Rule and may be implemented immediately.”</p> <p>Delete section relating to Health Scrutiny Subcommittees and the note thereto.</p>	<p>To remove any confusion which may exist where a matter is a Key Decision but where a final decision is not being taken at that Stage.</p> <p>Subcommittee will have ceased to exist.</p>

<u>ITEM</u>	<u>PROPOSED AMENDMENT</u>	<u>EXPLANATION</u>
<p>PART 4F – FINANCIAL PROCEDURE RULES</p> <p>Standard Financial Instructions</p> <p>Instruction 6</p>	<p>Delete the wording in Instruction 6 – Revenue – revised budgets and add the following explanatory note in its place:-</p> <p><i>[Note: Instruction 6 became redundant upon the adoption by the County Council of the practice of preparing budgets on the basis of outturn prices.]</i></p>	<p>A revised estimate is no longer compiled. Previously it was used to allocate the inflation contingency which is no longer required as budgets are now done at outturn prices. Budget monitoring reports are based on the original approved budget as adjusted by in year decisions on changes. The time which was put into the revised estimate is used on regular budget monitoring and ensuring the following year's budget is as accurate as possible. Working solely to one approved budget simplifies the process and is easier to understand.</p>
<p>Instruction 7</p>	<p>Add following note under Instruction 7 – Revenue – carry forward of over or underspendings:-</p> <p><i>(Note on Guidelines: The Cabinet at its meeting on 27 June 2006 agreed that the Director of Resources should be allowed to approve carry forwards where the money is to be spent for the purpose for which it was originally allocated in the budget.</i></p>	

<u>ITEM</u>	<u>PROPOSED AMENDMENT</u>	<u>EXPLANATION</u>
<p>Schedule. Revenue Budget Sections (Instruction 4 – Revenue – Virement)</p>	<p><i>Where the carry forward is to be used for a different purpose (i.e. effectively comprising virement) the Director of Resources should be allowed to approve items up to £100,000 with the following exceptions, where Cabinet approval is required:-</i></p> <ul style="list-style-type: none"> • <i>Where a carry forward would result in an overspending position on the department's budget</i> • <i>where a carry forward would represent a change in existing policy</i> • <i>where ongoing costs might result.)</i> <p>Delete</p>	<p>No need to specify - covered by general statement referring to the primary departmental budget subheadings set out in the County Council budget booklet.</p>

<u>ITEM</u>	<u>PROPOSED AMENDMENT</u>	<u>EXPLANATION</u>
<p>PART 4H – OFFICER EMPLOYMENT PROCEDURE RULES</p>	<p>Add the following note at the end of Rules.</p> <p><i>[Note. The following Procedure, which is set out here for the sake of completeness does not form part of the Officer Employment Procedure Rules.]</i></p> <p>PROCEDURE FOR THE APPOINTMENT OF THE HEAD OF PAID SERVICE, CHIEF OFFICERS AND DEPUTY CHIEF OFFICERS</p> <p><i>This procedure sets out the arrangements for the appointment of the Head of Paid Service, Chief Officers and Deputy Chief Officers, in order to comply with Part 4H of the Constitution of the County Council – Officer Employment Procedure Rules – and the Local Authorities (Standing Orders) (England) Regulations 2001.</i></p>	

<u>ITEM</u>	<u>PROPOSED AMENDMENT</u>	<u>EXPLANATION</u>
	<p>Note – “Deputy Chief Officers” is defined as officers who in respect of all or most of their duties are required to report directly or are directly accountable to one or more of the statutory or non-statutory Chief Officers (excluding secretarial/ administrative/other support staff). For the purpose of this procedure, unless there is a formally designated Deputy Chief Officer, this is taken to mean all members of a Departmental Management Team.</p> <p>Head of Paid Service</p> <ol style="list-style-type: none"> 1 The appointment has to be made by the full County Council following a recommendation from an Appointment Committee. 2 The selection process up to and including the making of a recommendation is carried out by an Appointment Committee established for that purpose by the Council. The Chief Executive has delegated power to appoint such a committee where it is not practical to wait until the next meeting of the Council. At least one member of the Cabinet must be a member of the Appointment Committee. 	

<u>ITEM</u>	<u>PROPOSED AMENDMENT</u>	<u>EXPLANATION</u>
	<p>3 <i>When the Appointment Committee has made its recommendation, it must immediately notify the Head of Human Resources of the name of the recommended appointee and any other particulars which they consider are relevant to the appointment.</i></p> <p>4 <i>The Head of Human Resources will notify every member of the Cabinet who was not a member of the Appointment Committee of the name of the recommended appointee and any other particulars which the Committee considers are relevant. Notification may be by telephone, fax or email. The Head of Human Resources will give them 24 hours within which to indicate whether they have any objection to the recommended appointee.</i></p> <p>5 <i>If an objection is made, the Head of Human Resources will advise the Leader immediately. The Leader will need to speak to the objector to clarify the nature of the objection. If the Leader does not consider the objection to be well-founded he/she may seek to persuade him/her to withdraw his/her objection, but cannot insist on that. The Leader will then advise the Head of Human Resources of the outcome of these discussions.</i></p>	

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	<p>6 The recommendation can be taken forward when the time period has passed and either no objections have been lodged, any objections have been withdrawn or the Appointment Committee is satisfied that any remaining objection is not material or well-founded.</p> <p>7 If the Appointment Committee is satisfied that an objection received within the 24-hour period is material and well-founded the recommendation cannot be made and the Appointment Committee would have to decide what action to take. This could include considering another recommendation or restarting the process. Note – the recommended appointee would be entitled to see the grounds of objection if he or she asked.</p> <p>8 A report containing a recommendation of the Appointment Committee will be prepared and presented to the Council by the Chairman of the Committee for a decision.</p>	

<u>ITEM</u>	<u>PROPOSED AMENDMENT</u>	<u>EXPLANATION</u>
	<p>Chief Officers</p> <p>9 <i>The appointment is made by an Appointment Committee established in accordance with paragraph 2 above. The procedure set out in paragraphs 3-7 above applies. The offer of appointment can be made when the position described in paragraph 6 above has been reached.</i></p> <p>Deputy Chief Officers</p> <p>10 <i>The appointment is an officer appointment and is made by the Chief Executive or his nominee (the appointer). When the appointer has formed a view who he or she wishes to appoint, the procedure set out in paragraphs 3-7 above will apply, but references to the Appointment Committee should be read as references to the officer responsible for the appointment. The offer of appointment can be made when the position described in paragraph 6 above has been reached.</i></p>	

<u>ITEM</u>	<u>PROPOSED AMENDMENT</u>	<u>EXPLANATION</u>
PART 7 MANAGEMENT STRUCTURE	Add new list as set out in Appendix C	To reflect organisational changes
PART 8 REGISTER OF MEMBERS OF THE EXECUTIVE	Add new list as set out in Appendix D	To reflect changes in Deputy Leader and need to specify Lead Members for the Children and Young People's Service and Adult Social Care.