



CONSTITUTION COMMITTEE – 22ND NOVEMBER 2024

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.

Key Changes

5. The changes made are to bring the Constitution in line with changes in legislation and current good practice. The main changes are summarised in the paragraphs below.
6. The role and function of the Health Overview and Scrutiny Committee has been amended to reflect a change in the law removing the power to refer certain health service issues to the Secretary of State. In appropriate

circumstances, the Committee can now write to request (via a call-in request form) that the Secretary of State consider calling in a proposal.

7. A new Standing Order is proposed addressing amendments to motions at full Council meetings. It will allow sufficient time for officers to give advice on amendments to motions, which is particularly important for proposed amendments to the MTFS. The new Standing Order has also resulted in consequential changes to existing Standing Orders 16 and 27.
8. Changes to the Petitions Scheme are also proposed to clarify the process for petitioners.
9. Amendments have been made to the terms of reference for the Constitution Committee and the Corporate Governance Committee. In future, as is the case for most other authorities, it is proposed that the Statement of Accounts for the Council and the Pension Fund be presented to the Corporate Governance Committee (not the Constitution Committee) for approval. The Terms of Reference for the Corporate Governance Committee have also been simplified for the purposes of the Constitution and detailed terms of reference will in future be agreed by the Committee, similar to the process followed for the Local Pension Committee. The detailed terms of reference will be presented to the Corporate Governance Committee for approval on Friday 6th December.

Full Review of the Constitution

9. The Constitution has not been reviewed substantially since its introduction other than piecemeal changes being made annually to reflect changes in legislation and Council practices.
10. The recent independent governance review of Birmingham City Council undertaken by the Centre for Governance and Scrutiny criticised the Council for its Constitution and recommended that it was reviewed and revised. Like Leicestershire County Council, Birmingham City Council is still following the standard “model” constitution. The review stated that “as is common with traditional Constitutions, readability and navigability of the document is difficult, and there are parts that have the potential to cause confusion. Drafted well, a constitution can provide a framework for consistent, well-understood relationships between key actors in the governance framework. Drafted badly, it will frustrate attempts to provide clarity and introduce uncertainty and duplication.”
11. It is therefore proposed that a politically balanced task and finish group, comprising 5 members, is established with the following aims:
 - To review the Constitution, taking into account best practice from elsewhere and recommendations from the Centre for Governance and Scrutiny, and consider whether it could be streamlined and made more accessible;

- To ensure there are no areas of duplication that can cause confusion;
- To consider the use of language and ensure that the Constitution is fit for a modern, digital Council.

Recommendations

- (a) That the County Council be recommended to approve the proposed changes to the Constitution as set out in the Appendix attached to this report.
- (b) That a politically balanced task and finish group be established to undertake a full review of the Constitution.

Equal Opportunities and Human Rights Implications

There are no equalities and human rights implications arising from this report.

Background Papers

The Constitution of Leicestershire County Council.

Circulation under Local Issues Alert Procedure

None.

Officers to Contact

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Appendices

Appendix – Proposed Changes to the Constitution 2024

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