

**PROPOSED AMENDMENTS TO THE CONSTITUTION
OF LEICESTERSHIRE COUNTY COUNCIL
NOVEMBER 2024**

<u>ITEM</u>	<u>PROPOSED AMENDMENT</u>	<u>EXPLANATION</u>
<u>PART 1 – Summary and Explanation</u>		
Paragraph 20	Delete the following sentence: The Health Overview and Scrutiny Committee is able to make recommendations on a health service matter to the County Council who in turn may refer the matter to the Secretary of State.	To reflect changes in the law.
<u>PART 2 - ARTICLES</u>		
Article 3 – Citizens and the County Council	Amend paragraph (c) 2 as follows: 2. Where fixed signatory thresholds are achieved in accordance with the Petitions Scheme (Part 10 of this Constitution), submit petitions to standing overview and scrutiny, the boards and committees in the Regulatory area and require senior officers to give evidence at a standing overview and scrutiny committee or prompt a debate at a meeting of the full Couty Council.	To clarify current practice.

Article 4 – The full County Council	Delete paragraph 4.02 (l) and renumber remaining paragraphs accordingly	To reflect changes in the law removing the power to refer certain health service issues to the Secretary of State.
Article 6 – Overview and scrutiny committees	<p>Amend paragraph 6.03 (c) as follows:</p> <p>(c) in the case of scrutiny committee(s) with the function of scrutinising the health service, such committee(s) may make reports and recommendations to relevant NHS bodies and relevant health service providers, the County Council, district councils and other partners within Leicester, Leicestershire and Rutland as might be appropriate and in appropriate circumstances to write to request (via a call-in request form) that the Secretary of State consider calling in a proposal.</p> <p>Amend paragraph 6.08 (b) (x) as follows:</p> <p>(b) (x) may make reports and recommendations to relevant NHS bodies and relevant health service providers, the County Council, district councils and other partners within Leicester, Leicestershire and Rutland as might be appropriate and in appropriate circumstances write to request (via a call-in request form) that the Secretary of State consider calling in a proposal.</p> <p>Add new paragraph 6.08 (b) (xi) as follows:</p>	To reflect changes in the law removing the power to refer certain health service issues to the Secretary of State.

	<p>(b) (xi) may refer matters which have an impact on an administrative area larger than the County Council to the Joint Committee where it considers it appropriate to do so.</p> <p>Delete existing paragraph 6.09 (b) and replace with the following:</p> <p>(b) The Joint Committee may refer matters which only impact on the administrative area of the County Council to the health overview and scrutiny committee where it considers it appropriate to do so.</p> <p>Renumber remaining paragraphs accordingly.</p>	
Article 9 – Corporate Governance Committee	Delete Article 9.03 and renumber the remaining paragraphs.	To avoid duplication of the Terms of Reference set out in Part 3 of the Constitution.
Article 12 - Officers	<p>Add new Article 12.08 as follows:</p> <p>12.08 Record of Decisions</p> <p>Officers shall record, in accordance with the relevant statutory provisions and regulations and locally agreed procedure, any executive and non-executive decisions that they may make.</p>	To reflect statutory provisions and best practice.
Schedule 2: Plans and Strategies forming the Policy Framework	<p>Amend item 6 as follows:</p> <p>6. Strategic Plan and strategies relating to its</p>	To reflect the correct titles of the Strategies.

	<p>outcomes and principles including, for example, but not limited to:</p> <ul style="list-style-type: none"> • Economic Growth Strategy • Environment Strategy • Net Zero Strategy • Our Communities Approach (Communities Strategy) • Equality, Diversity and Inclusion Strategy 	
<u>PART 3 - RESPONSIBILITY FOR FUNCTIONS</u>		
<p>Section B: Responsibility for “County Council” functions</p>	<p>Amend the Terms of Reference for the Corporate Governance Committee to read as follows:</p> <p>“1. The Corporate Governance Committee shall have power to appoint subcommittees to deal with any appointments for which it has responsibilities.</p> <p>2. The extent to which the non-executive powers within the Committee’s remit have been delegated to chief officers, either by the full County Council or by the Committee (or by any of the bodies previously charged with the functions now within its remit), will be found:</p> <ul style="list-style-type: none"> (a) in the general scheme of delegation to heads of departments which appears in Section D of this Part; and (b) in the record of specific delegations maintained by the Chief Executive for public inspection at County Hall and which 	<p>To allow for the detailed Terms of Reference to be amended and approved by the Corporate Governance Committee.</p>

	<p style="text-align: center;">constitutes Part 9 of this Constitution.</p> <p>3. Subject to the delegations described in paragraph 2, the functions delegated to the Committee shall be all those non executive functions relating to the promotion and maintenance of high standards and integrity within the Authority in relation to governance, risk, financial management, standards of conduct by members and co-opted members and the adequacy and effectiveness of the internal and external audit of the Council's services.</p> <p><i>[Note: More details relating to the functions of the Corporate Governance Committee are set out in the Committee's full Terms of Reference which are published on the County Council's website at [link to be inserted]."</i></p> <p>Replace paragraph (b) in the Terms of Reference of the Constitution Committee with the following:</p> <p>(b) Annual Governance Statement. Approve the County Council's Annual Governance Statement.</p>	<p>Responsibility for approving the County Council and Pension Fund Accounts have transferred to the Corporate Governance Committee in accordance with good practice. However, the Annual Governance Statement will continue to be presented to the Constitution Committee for approval prior to sign off by the Leader and the Chief Executive.</p>
Section C: Delegation to and from other local authorities	Deprivation of Liberty Assessments – change reference to the East Leicestershire and Rutland Clinical Commission Group to Leicester,	To reflect that replacement of all CCGs with ICBs.

	<p>Leicestershire and Rutland NHS Integrated Care Board.</p> <p>Delete the delegation from Leicester City Council to carry out Leicester City Council's internal audit function.</p>	<p>Leicester City Council has provided formal notice of the withdrawal of the delegation, effective from 1 August 2024.</p>
<p>Section D: General scheme of delegation to Chief Officers</p>	<p>Add new paragraph 7, as follows:</p> <p>A proper officer may at any time delegate or authorise other officers to perform their designated duties on his/her behalf either generally or specifically for the purpose.</p> <p>Re-number remaining paragraphs accordingly.</p> <p>Amend existing paragraph 17, to read as follows:</p> <p>Amendment to the Constitution: To amend this Constitution to reflect reorganisations, changes in job titles and vacancies (where such changes result in redistributing existing delegations).</p> <p>Amend existing paragraph 18, to add the words "Subject to Article 13.03," to the beginning of this sentence.</p> <p>Add new paragraph 22, as follows:</p> <p>22. The Chief Executive has authorised the Director of Corporate Resources and the Director of Law and Governance to act in his</p>	<p>To reflect the general principle allowing proper officers to subdelegate to other officers.</p> <p>To allow for only minor, consequential amendments to be made to the Constitution.</p> <p>To reflect the provisions in Article 13 which reserve full Council decisions to County Council only.</p> <p>To record the authorisation made by the Chief Executive.</p>

	absence.	
Section E: Panels	<p>Delete the following Panels:</p> <ul style="list-style-type: none"> (a) Adoption Panel (c) Children's Social Care Panel (h) Fostering Panel <p>Add the following Panel:</p> <p>(x) Highways & Transport Communication Panel: to improve effectiveness of communication between Elected Members, Parish and Town Councils, communities and residents on matters related to highways and transport.</p> <p>Renumber remaining paragraphs accordingly.</p>	To reflect changes in the County Council's governance arrangements.
<u>PART 4A – MEETING PROCEDURE RULES</u>		
Standing Order 4 – Order of Business	<p>Add new paragraph (12) to read as follows:</p> <p>(12) to determine the allocation of committee places to political groups to ensure so far as is practicable that the rules relating to political balance are met.</p> <p>Renumber remaining paragraphs accordingly</p>	To reflect best practice.
New Standing Order 12 – Notice of Amendments	<p>Insert new Standing Order as follows:</p> <p>(1) Notice of the intention to move an amendment to a motion included on the agenda for a</p>	To allow sufficient time for officers to give advice on amendments to motions.

	<p>meeting in accordance with Standing Order 10 shall be submitted in writing to the Chief Executive at least two days before the meeting.</p> <p>(2) Details of the notice referred to in (1) above shall be disclosed to all members of the Council at 9.00am on the day before the meeting.</p> <p>(3) Notice of the intention to move an amendment to a motion to secure the approval by Council of the recommendations in a report of the Executive, the Commission, a board or committee shall be submitted in writing to the Chief Executive at least two days before the meeting.</p> <p>(4) Details of the notice referred to in (3) above shall immediately upon receipt be shared with the Leader of the Council and the Opposition Group Leaders.</p> <p>(5) Details of the notice referred to in (3) above shall be disclosed to all members of the Council at 9.00am on the day before the meeting.</p> <p>(6) The Chairman of the Council, or the Vice Chairman in their absence, may use their discretion to waive the requirement to comply with the provisions of this Standing Order.</p>	
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	<p>Unless there are exceptional circumstances, such requests should be made before the meeting.</p> <p>(7) Where a member who has proposed an amendment is unable to attend the meeting, they may nominate another member to move the amendment.</p> <p>Renumber remaining Standing Orders accordingly.</p>	
Standing Order 16 – Motions and amendments generally	<p>Amend paragraph (1) to read as follows:</p> <p>(1) A motion or amendment shall not be discussed unless it has been proposed and seconded, and unless notice has already been given in accordance with Standing Orders 10 and 12 it shall, if required by the Chairman, be put into writing and handed to the Chairman before it is further discussed or put to the meeting.</p>	To include reference to the new Standing Order 12
Standing Order 27 – Appointments at the Annual Meeting of the Council	<p>Amend the first paragraph to read as follows:</p> <p>At the Annual Meeting of the Council the procedure for the appointment of the Leader, Cabinet Support Members and those members of the Commission and of the boards and committees who are to be appointed by the Council shall be as set out below, and Standing Orders 10, 11, 12 and 26 shall not apply for the purpose of such appointments:</p>	To include reference to the new Standing Order 12
Standing Order 33 – Proceedings of	Add reference to Standing Order 5 to Standing Order	To clarify that the Executive, Commission,

the Executive, Commission, boards or committees	33(6)	boards and committees are able to vary the order of business from that set out on the agenda.
<u>PART 4C – BUDGET AND POLICY FRAMEWORK</u>		
Rule 5 – Decision outside the Budget and Policy Framework	Amend paragraph (a) to begin as follows: “Subject to the provision of Rule 7 below (Virement) and Financial Procedure Rule 8 (Implementation and amendment of approved capital programme)....”	To cross reference to the Financial Procedure Rules and when changes to the capital programme are permitted.
<u>PART 5A – MEMBERS’ CODE OF CONDUCT</u>		
Appendix A – The Seven Principles of Public Life	Amend the principal ‘Leadership’ to read as follows: Holders of public office should exhibit these principles in their own behaviour and treat others with respect. They should actively promote and robustly support the principles and be willing to challenge poor behaviour wherever it occurs.	To align with the recommendations of the Committee on Standards in Public Life.
<u>PART 10 – PETITIONS SCHEME</u>		
	Amend paragraph 4 to read as follows: “If you chose to use an alternative petition system other than the Council’s own system (e.g. Change.org), you will either need to print a copy of the petition statement and corresponding signatures and send it to us by post to the above address, or email an electronic copy to democracy@leics.gov.uk .”	To reference the correct email address for Democratic Services.

	<p>Add new paragraph 5 as follows:</p> <p>“Once a petition has been received and verified, no further signatures will be accepted.”</p> <p>Renumber remaining Scheme accordingly.</p> <p>Amend paragraph 8 as follows:</p> <p>“Petitions submitted (whether by post or online) to the Council must:</p> <ul style="list-style-type: none"> • have a clear and concise statement setting out the subject of the petition and the action the County Council is being asked to take in response (i.e. either do something or stop doing something). Each page of the petition should include the statement as evidence each signatory has read and understood it; • contain the name, signature and qualifying address (residential, work, or study (as applicable) in Leicestershire) of any person supporting the petition. E-petitions should also include signatories’ email addresses; • have full contact details of the petition organiser (lead petitioner). This is the person we will contact to explain how we will respond to the petition. This should be where they live, study or a business address within 	<p>To clarify when no further signatures can be made to a petition.</p> <p>To clarify the format and information needed for all petitions.</p>
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	<p>Leicestershire. If the petition does not identify a petition organiser, we will contact the first signatory on the petition to agree who should act as the petition organiser. These details will not be placed on the website;</p> <ul style="list-style-type: none"> • have a minimum of 100 signatures; • be received by the Chief Executive’s Department eight clear days before the relevant meeting at which it is to be presented, if it is to be considered at a meeting.” <p>Add new paragraph 12 and renumber thereafter:</p> <p>“Before organising a petition, it would be advisable to first check with your local County Councillor or with the County Council to see if action is already being taken in relation to your concerns and to determine if the Council is the most appropriate organisation to receive your petition.</p> <p>Amend current paragraph 14 to add the following bullet point:</p> <ul style="list-style-type: none"> • “If the petition is received in response to, or during a relevant and ongoing Council consultation it will be considered as part of the consultation process and referenced in the relevant Cabinet report. The lead petitioner will be informed of this by the Service Director.” 	<p>To clarify that petitions will be treated as part of an ongoing consultation if they relate to the same issue and are received during the consultation process.</p>
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Guidance for E-Petitions – How do I sign an active e-petition?	Add the following to the end of this section: Please note , once a petition has been received and verified, no further signatures will be accepted.	To clarify for the public when no further signatures can be made to a petition.

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