

REPORT OF THE CONSTITUTION COMMITTEE

A. REVIEW AND REVISION OF THE CONSTITUTION

Introduction

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. The proposed changes to the Standing Orders set out in this report cannot therefore take effect until after the County Council meeting in February 2025.

Key Changes

5. The changes made, set out in the Appendix to this report, 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 6 December.

Resource Implications

10. None.

Equality Implications

11. There are no equalities implications arising from this report.

Human Rights Implications

12. There are no human rights implications arising from this report.

Consideration by the Constitution Committee

13. The Constitution Committee at its meeting on 22 November considered the proposed changes to the Constitution recommended as part of this year's annual review. The Committee also supported a proposal to undertake a full review of the Constitution, recognising that this was timely and welcoming the proposal to involve members in the review process. The decision of the Constitution Committee is reflected in the motion below.

(Motion to be moved: -

Motion 1

- (a) That the proposed changes to the Constitution, as set out in the Appendix 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 36

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

(NOTE: Standing Order 36 requires that this procedural motion, having been moved and seconded, stands adjourned until the next ordinary meeting of the Council.)

22 November 2024

Mrs D. Taylor CC
Deputy Chairman of the
Constitution Committee

Background Papers

Report to the Constitution Committee on 22 November 2024, Review and Revision of the Constitution -

<https://democracy.leics.gov.uk/ieListDocuments.aspx?CId=150&MId=8029&Ver=4>

The Constitution of Leicestershire County Council -

<https://democracy.leics.gov.uk/ieListDocuments.aspx?CId=1187&MId=7790&Ver=4&Info=1>

Appendix

Appendix – Proposed Changes to the Constitution 2024.

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