

## **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 2026.
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. Changes have been made to three areas of the Constitution, namely the Articles (Part 2), the Meeting Procedure Rules (Part 4A) and the Overview and Scrutiny Procedure Rules (Part 4E).

#### **Articles**

6. Two changes have been made to the Articles in Part 2 of the Constitution. These are set out in Appendix A and relate to Article 6 (Overview and Scrutiny Committees) and Article 14 (Finance, Contracts and Legal Matters).
7. A new Article 6.06 has been added to capture current practice regarding the appointment of the four Scrutiny Commissioners. Article 14 has been amended in light of recent case law. This is to make clear the current practice which allows the Director of Law and Governance to subdelegate their powers

in respect of instigating and defending cases in court. This is in line with the Council's general conditions of delegations contained in Section D, Part 3 of the Constitution.

#### Meeting Procedure Rules ("the Rules")

8. Amendments have been made to provide greater clarity regarding the Council's current, accepted processes and to ensure the Rules can be more easily navigated by officers and members.
9. The key amendments are summarised below, and the changes can be found in Appendix B highlighted in bold text.
  - (i) Most of the Rules apply to County Council meetings with some also applying to Executive and other Council committees and boards. To make it clearer which rules apply to which bodies, the procedures have been separated into two main parts, with the third section dealing with administrative matters relating to the interpretation, amendment and suspension of the Rules. The three new sections are as follows:
    - Section 1 - County Council Procedure Rules
    - Section 2 - Executive, Commission, board and committee Procedure Rules
    - Section 3 - Interpretation, amendment and suspension of Standing Orders
  - (ii) Subheadings have been introduced to make the document easier to navigate. The inclusion of subheadings and the separation of the Rules into three separate sections as outlined above, has resulted in some of the Rules being moved and renumbered. Such changes have not been highlighted in Appendix B if the Rule itself remains unchanged.
  - (iii) Standing Order 1 (Meetings of the County Council) – This has been amended to allow more time to hold the annual meeting in an election year (now anytime within 21 days of the election in line with the Local Government Act 1972). The rule also now includes the legal basis for calling extraordinary meetings and explicitly allows for the electronic delivery of the meeting summons which has been the Council's accepted practice for some years.
  - (iv) Standing Order 2 (Chairman and Vice Chairman) – This has been expanded to make clear how the Chairman and Vice Chairman are appointed, who can be appointed and sets out more clearly their authority to manage the meeting process. The Rule also now describes the broader civic role of the Chairman of the Council in line with the Council's Protocol for the Chairman. This makes clear the expectation that they will distance themselves from political activity during their term as Chairman.

- (v) Standing Order 3 (Quorum) – The rules have been made clearer to cover circumstances when a quorum might not be present at the start of a meeting. In line with accepted practice, a time limit of 15 minutes is now included to allow for a quorum to be established.
- (vi) Standing Order 6 (Minutes) – Replacing current paragraph (4) and the note at the bottom of this Standing Order, a new paragraph (1) has been added to make clear that the minutes of a previous meeting need only be confirmed at the next ordinary meeting (not at an extraordinary meeting).
- (vii) Standing Order 7 (Questions from Elected Members) – Current paragraph 7(2) has now been moved to Section 2 (Executive, Commission, board and committee Procedure Rules) of these rules, which relate to meetings of the Commission, boards and other committees. Minor changes have been made to confirm the process for providing replies to questions received late and supplementary questions which cannot be answered in a meeting. The scope of questions has also been expanded to make clear that questions which are defamatory, frivolous, offensive, vexatious, derogatory and unlawful will not be allowed. This is in line with other authorities' constitutions.
- (viii) Standing Order 8 (Position Statements) – A minor change has been made to delete paragraph (5), the ability for the Chairman of the Scrutiny Commission to make a Position Statement now being included in paragraph (1).
- (ix) Standing Order 9 (Procedure relating to reports to Council) – The process for submitting reports to Council has been simplified to make clear who is responsible for moving the recommendation set out in the report.
- (x) Standing Order 10 (Notices of Motion) – New paragraphs (2) and (3) have been added to acknowledge current practice allowing for motions to be received by email and that these can be submitted to the annual meeting. A new section relating to the 'scope' of motions has been added, making clear the types of motions that would not be considered acceptable and the process that will be followed if a notice of motion received were to be rejected by the Chairman. These provisions align with the constitutions of many other authorities.
- (xi) Standing Order 17 (Right to require motion in writing) – The title of this Standing Order has been changed from 'Motions and amendments generally' to make its purposes clearer. Paragraph (2) has been moved to form part of new Standing Order 19.
- (xii) Standing Order 19 (Proposing and seconding motions and amendments) – This is a new Standing Order which sets out more clearly the process for moving and seconding motions. The process in practice remains unchanged and paragraphs (1) and (2) have simply

been moved from other parts of the current constitution. Paragraph (3) has been updated to align with current procedures, specifying that any member proposing an amendment to a motion is limited to speaking once, and their remarks on the original motion should include the proposed amendment.

- (xiii) Standing Order 20 (Speeches) – This now incorporates all of current Standing Orders 19 (Length of speeches and conduct of members), 20 (Seconder's speech) and 21 (When a member may speak again) and has been retitled.
- (xiv) Standing Orders 24 (Closure Motions) – This is a new Standing Order which incorporates current Standing Order 24 (Next business etc), 25 (Adjournment of debate) and 26 (Closure). This has been simplified, however, in practical terms the process for dealing with these procedural matters remains unchanged.
- (xv) Standing Order 25 (Voting) – New paragraph (1) has been added to make clear the current practice that, unless otherwise stated, matters will be determined by a majority vote. New paragraph (5) sets out the accepted practice regarding the use of the Chairman's casting vote which will be unrestricted in line with the Local Government Act 1972. The process for carrying out a ballot has been included in new paragraph (6) which reflects the process already adopted and within the model constitution. The voting process when dealing with appointments by the Council has been incorporated into this Standing Order (previously Standing Order 27). The current Standing Order 28 (Appointments at the Annual meeting of the Council) remains unchanged but has been renumbered as Standing Order 26.
- (xvi) Current Standing Order 31 (Interests in Contracts and other matters) has been deleted as this duplicates the Members' Code of Conduct.
- (xvii) New Standing Order 28 (Application of Council Procedure Rules) lists those rules in Section 1 (County Council Procedure Rules) that will also apply, subject to any necessary modification, to meetings of the Commission, boards and committees. This should help navigate the rules when attending different meetings.
- (xviii) Standing Order 29 (Chairman and Vice Chairman) - A new paragraph (3) has been added to reflect the current process as set out in the Overview and Scrutiny Procedure Rules regarding the appointment of scrutiny committee chairmen, i.e. that they are appointed by full Council at each annual meeting.
- (xix) Standing Order 30 (Meetings) – New paragraphs (1) to (3) have been inserted to make clear the current process for setting and calling meetings.

- (xx) Standing Order 31 (Proceedings at Meetings) – New paragraphs (2) – (5) have been included to set out the process for appointing and notifying the Chief Executive of substitutes for meetings. As agreed by Group Leaders', this now includes a deadline for notice having to be provided by 5pm the day before a meeting. Paragraph (6) has been added to set out more clearly the current accepted practice for dealing with Urgent Items. Current Standing Order 33(3) regarding political groups requesting items be added to scrutiny agendas has been incorporated into this rule and a new rule added, which states such an item cannot be requested again for period of six months. New paragraph (9) which relates to requests by the Executive for Chief Officers to attend meetings, has been included to mirror the rule in paragraph 10 which applies to meetings of the Commission, boards and committees.
- (xxi) Standing Order 32 (Questions) – This now incorporate the rules relating to questions from elected members so far as these relate to non-Council meetings. A new paragraph (7) has been included to explain how questions which are rejected by the Chairman will be dealt with.

#### Overview and Scrutiny Procedure Rules

- 10. Some minor, correctional changes have been made to the Overview and Scrutiny Procedure Rules to reflect the changes set out above. The changes also correct some practical points regarding how the commissioners are appointed, agreement of job descriptions which is a matter for the Scrutiny Commissioners, and agreement of work programmes, which is a matter for individual scrutiny committees.

#### **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 24 November considered the proposed changes to the Constitution recommended as part of this year's annual review. The Committee supported the proposed changes subject the new Article 6.06 (Scrutiny Commissioners) being amended to read as follows:

*“The Council will appoint four Scrutiny Commissioners, two from the leading political group and one from each of the two main opposition groups, **with** the Chairman determined in accordance with paragraph 6.05 above.”*

14. With the above amendment made, 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 Appendix A 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 Appendix B to this report, 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.)**

**24 November 2025**

**Mr D Harrison CC  
Chairman of the  
Constitution Committee**

**Background Papers**

Report to the Constitution Committee on 24 November 2025, Review and Revision of the Constitution -

<https://democracy.leics.gov.uk/ieListDocuments.aspx?CId=150&MId=8344&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 A – Proposed Changes to the Constitution 2025

Appendix B – Amended Meeting Procedure Rules