



## **CONSTITUTION COMMITTEE – 28<sup>th</sup> APRIL 2026**

### **REPORT OF THE MONITORING OFFICER**

#### **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 a mid year review. This supplementary report summarises the proposed amendments which are detailed in the Appendix attached to this report.

##### **Background**

3. This has previously been set out in the main report.

##### **Proposed Amendments**

5. It is proposed that changes are made to the following areas of the Constitution:
  - Articles (Part 2),
  - Responsibility for Functions (Part 3)
  - Meeting Procedure Rules (Part 4A)
  - Overview and Scrutiny Procedure Rules (Part 4E)
  - Protocol on Member / Officer Relations (Part 5C)
  - Members' Allowance Scheme (Part 6)

Full details and the reasons for the changes are set out in the Appendix attached. A summary of the key amendments is set out below.

##### **Articles**

6. Potential to rotate Chairmanship of the Scrutiny Commission (Article 6.05) – This is to allow for the annual rotation of the chairmanship between the Leaders of the two main opposition groups, effective from the annual meeting of the County Council. Unless it is otherwise agreed, the Leader of the largest opposition group will chair in the first year following an election. This proposed change has been similarly reflected in the Meeting Procedure Rules (Standing Order 29) which also states that the Deputy Chairman will automatically be the Leader of the main opposition group

who is not currently serving as Chairman. The Overview and Scrutiny Procedure Rules (Rule 6) have also been updated to reflect this proposed change.

7. Renaming of overview and scrutiny committees (Article 6.07; Schedule 3 Table A) – The titles of committees have been updated to reflect recent departmental changes. The terms of reference for the Committees set out in Table A of Schedule 3 have also been amended to align each committee with the responsibilities that now fall within its relevant departments remit. The related changes in the titles of Departments and Chief Officer titles are captured in the revised Table C (Annex 2).
8. Review and Revision of the Constitution (Article 15) – This sets out an updated framework for monitoring and reviewing the Constitution, including a clearer duty on the Chief Legal Officer and Monitoring Officer to keep the Constitution up to date. This includes authority to make certain consequential/minor amendments such as typographical corrections, updating obsolete references/terms of reference, updating delegations following restructures, and updating references to replaced legislation.

#### Responsibility for Functions

9. Corporate Governance Committee – The terms of reference for this committee have been amended to remove reference to ‘standards of conduct by members and co-opted members. This is to enable the transfer of these functions to the new Constitution and Ethics Committee. The Corporate Governance Committee will also now take on responsibility for approving the Council’s Annual Governance Statement (currently within the remit of the Constitution Committee).
10. Replacement of the Constitution Committee – References to the Constitution Committee are to be removed and replaced to establish a new Constitution and Ethics Committee with revised terms of reference, combining the existing constitution-related remit of the Constitution Committee with responsibility for promoting and maintaining high standards of conduct for members and co-opted members (previously the responsibility of the Corporate Governance Committee). This will include oversight of the Code of Conduct/protocol updates, complaint-handling procedures, training and monitoring, and the selection of Independent Persons that support the complaints process.

#### Meeting Procedure Rules

11. Standing Order 1 (Meetings of the County Council) - Provisions have been added regarding members standing on the Chairman’s entry/exit, commencement with prayers, allocated seating when meetings are

webcast, and public/press filming and live reporting rules.

12. Standing Order 4 (Order of business) – This now includes provision for the receipt of statutory officer reports as appropriate.
13. Standing Order 7 and 32 (Questions from elected members and the public) – Questions which the Chairman (after consultation with the Monitoring Officer) may disallow have been expanded, to provide a clearer scope and improve consistency with other provisions (namely Position Statements and Notices of Motion). Questions which relate, for example to staffing, complaints and investigations on conduct matters and exempt/confidential information content could be disallowed.
14. Standing Order 8 (Position Statements) – This Standing Order has been replaced with updated rules, including limits on the number of position statements that will be permitted at each meeting, reiterating current practice regarding publication requirements and time limits, and sets out discussion arrangements and a defined scope and grounds for disallowing a statement (aligned with questions and motions as detailed above and below).
15. Standing Order 10 (Notices of Motion) – Greater clarity on the scope of restrictions on Notices of Motion has been included to align with the question/position statement scope limitations. This will help support consistency in the application of these rules in respect of all such matters.
16. Standing Order 14 (Rescissions) – This Standing Order has been amended to restrict the re-running of substantially similar motions within six months, subject to specified exceptions, including the moving of a motion seeking a vote of no confidence in the Leader which can be made at any time.
17. Standing Order 35 (Variation and revocation) – It is proposed that this Standing Order is deleted so that changes proposed to the Meeting Procedure Rules can be implemented with immediate effect. This is on the basis that all changes to the Constitution first need to be considered either by the new Constitution and Ethics Committee, Employment Committee or Corporate Governance Committee and will only be brought to full Council for approval if recommended by those committees.

#### Overview and Scrutiny Procedure Rules

18. The Overview and Scrutiny Procedure Rules have been tidied up and corrections made to delete duplication. Rule 2 has been strengthened to reiterate the explicit function for the Scrutiny Commissioners to oversee the work of other scrutiny committees and review panels.

19. Rule 14 (Call-in procedure) has been revised to make clear those matters which can be referred on to full Council following a call-in (i.e. Cabinet decisions considered to fall outside the Budget or Policy Framework). This is in line with guidance from the Centre for Governance and Scrutiny and the arrangements adopted by other authorities. It also now aligns better with the Council's existing Budget and Policy Framework Procedure Rules.

#### Protocol on Member/Officer Relations

20. The updated Protocol places greater emphasis on senior Members and Officers modelling the behaviours and standards set out in the Protocol and clarifies the requirement for training.
21. The section regarding 'Relationships between Members and Officers' has been strengthened around professional conduct in communications. It tightens expectations for both Members and Officers.
22. The Protocol now includes a clearer route for raising and resolving Member-officer conduct concerns, encouraging early, informal resolution while setting out formal escalation steps for both officers and Members (including safeguards against retaliation and interference with standards or HR processes).
23. Attached to the Protocol is a Statutory Officers Protocol that sets shared expectations, early involvement and access arrangements, escalation and dispute resolution pathways, and role-specific appendices for the Head of Paid Service, Monitoring Officer and Chief Financial Officer. Ongoing review and maintenance arrangements are also stated to keep the protocol current and consistent with legislation and good practice.

#### Members' Allowances Scheme

23. A new paragraph has been added to reflect new Regulations which again permit members to join the Local Government Pension Scheme if they so wish.

#### **Recommendation**

24. That the County Council be recommended to approve the proposed changes to the Constitution as set out in the Appendix attached to this report.

#### **Equality Implications**

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

**Human Rights Implications**

26. There are no 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**

Fiona McMillan  
Chief Legal Officer and Monitoring Officer  
Tel: 0116 305 6240      Email: [fiona.mcmillan@leics.gov.uk](mailto:fiona.mcmillan@leics.gov.uk)

Rosemary Whitelaw  
Head of Democratic Services  
Tel: 116 305 6098      Email: [Rosemary.whitelaw@leics.gov.uk](mailto:Rosemary.whitelaw@leics.gov.uk)

**Appendices**

Appendix – Proposed Changes to the Constitution 2025

This page is intentionally left blank