

**PROPOSED AMENDMENTS TO THE CONSTITUTION
OF LEICESTERSHIRE COUNTY COUNCIL
MAY 2026**

<u>ITEM</u>	<u>PROPOSED AMENDMENT</u>	<u>EXPLANATION</u>
<u>PART 2 - ARTICLES</u>		
<p>Article 6 – Overview and scrutiny committees</p>	<p>Amend Article 6.05 to read as follows:</p> <p>“Chairmanship of the Scrutiny Commission shall rotate between the Leaders of the two main opposition groups on an annual basis, effective from the annual meeting of the Council. Unless agreement is reached otherwise, the Leader of the largest opposition group will take the chair for the first year following the election with rotation applying in subsequent years.”</p>	<p>To allow for the rotation of the Chairmanship of the Scrutiny Commission between the two main opposition political groups.</p>

	<p>Amend Article 6.07 to rename the Overview and Scrutiny Committee's as follows:</p> <p>The Chairman of the Adults and Cultural Services Overview and Scrutiny Committee</p> <p>The Chairman of the Children and Families Overview and Scrutiny Committee</p> <p>The Chairman of the Growth, Highways, Transport and Waste Overview and Scrutiny Committee</p> <p>The Chairman of the Environment, Flooding and Climate Change Overview and Scrutiny Committee</p> <p>The Chairman of the Health and Communities Overview and Scrutiny Committee</p>	<p>To reflect recent departmental changes made by the Chief Executive and revised Overview and Scrutiny terms of reference to align these.</p>
<p>Article 12.03 – Functions of the Monitoring Officer</p>	<p>Amend paragraph (a) to read “The Monitoring Officer will monitor and maintain an up-to-date version of the Constitution....”</p>	<p>To reflect the changes being made to Article 15 below.</p>

<p>Article 13 – Decision-making</p>	<p>Amend Article 13.02 to read as follows:</p> <p>All decisions of the County Council will be made in accordance with the following principles:</p> <ul style="list-style-type: none"> (a) proportionality (i.e. the action should be proportionate to the desired outcome); (b) due consultation and engagement; (c) the taking of professional advice; (d) respect for human rights; (e) a presumption in favour of openness and transparency; (f) clarity of aims and desired outcomes; and (g) an explanation of the options considered and the reasons for decisions 	<p>To reflect recent guidance from the Local Government Association.</p>
<p>Article 15 – Review and Revision of the Constitution</p>	<p>Replace Article 15 with the following:</p> <p>15.01 Duty to Monitor and Review the Constitution</p> <ul style="list-style-type: none"> (a) The Chief Legal Officer and Monitoring Officer will monitor the operation of the Constitution on a regular basis to ensure that the aims and principles are given full effect. (b) The Chief Legal Officer and Monitoring Officer will make recommendations as to changes required to the Constitution to ensure it is up to date and remains fit for purpose. In undertaking this task the Chief Legal Officer and Monitoring Officer may: <ul style="list-style-type: none"> (i) observe meetings of different parts of the 	<p>To enable the Chief Legal Officer and Monitoring Officer to make minor amendments to the Constitution as detailed.</p>

	<p>member and officer structure;</p> <p>(ii) undertake an audit trail of a sample of decisions;</p> <p>(iii) record and analyse issues raised with him or her by members, officers, the public and other relevant stakeholders; and</p> <p>(iv) compare practices in the County Council with those in other comparable authorities, or national examples of best practice.</p> <p>15.01 Changes to the Constitution</p> <p>(a) The Chief Legal Officer and Monitoring Officer is authorised to make consequential changes to the Constitution including (but not limited to):</p> <ul style="list-style-type: none"> - Typographical or grammatical errors to delete or update any obsolete terms of reference; - To correct obvious errors or better give effect to the clear intention of the constitution; - Update the Council’s Scheme of Delegation where responsibility for a function is moved from one officer to another e.g. following a restructure; - To reflect changes in responsibilities of members of the Executive as determined by the Leader of the Council; and - To update references to legislation where 	
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	<p>an Act of Parliament is replaced by another Act in substantially similar terms, or to reflect changes which are require by new legislation which the Council is required to implement.</p> <p>(b) Subject to paragraph (a) above, changes to the Constitution will only be approved by the full Council following a recommendation made by the Chief Executive and/or Chief Legal Officer and Monitoring Officer and which has first been approved by the Constitution and Ethics Committee and/or Corporate Governance Committee and/or Employment Committee as appropriate.</p>	
Schedule 3, Table A – Overview and Scrutiny Committees	Replace Table A with that set out in Annex 1 attached.	To align Overview and Scrutiny terms of reference with recent departmental changes made by the Chief Executive.
Schedule 3, Table C – Chief Officers	Replace Table C with that set out in Annex 2 attached.	To reflect recent departmental changes made by the Chief Executive.
<u>PART 3 – RESPONSIBILITY FOR FUNCTIONS</u>		
Section B – Responsibility for “County Council” Functions	<p>Delete from paragraph 3 of the Corporate Governance Committee Terms of Reference the following wording”</p> <p>‘standards of conduct by members and co-opted members’</p>	Standards matters to be transferred to the proposed new Constitution and Ethics Committee.

	<p>Delete all reference to the Constitution Committee and replace with the Constitution and Ethics Committee with the following terms of reference:</p> <ol style="list-style-type: none"> 1. The Constitution Committee shall not have power to appoint subcommittees, save in relation to members' allowances. 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: <ol 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 constitutes Part 9 of this Constitution. 3. Subject to the delegations described in paragraph 2, the functions delegated to the Committee shall be: <ol style="list-style-type: none"> (a) Elections. Those functions relating to elections which are specified in Schedule 1 to the Functions Regulations and which are relevant to a county council. (b) Names and status. Those functions relating to the name and status of areas and individuals which are specified in Schedule 1 to the Functions Regulations and which are relevant to a county council. 	<p>To replace the Constitution Committee with a new Constitution and Ethics Committee that will now have responsibility for all matters relating to the standards of conduct of members and co-opted members along with those responsibilities previously delegated to the Constitution Committee.</p>
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	<p>(c) Bills. Advising the Council on the promotion or opposition of local or personal Bills which are specified in Schedule 1 to the Functions Regulations and which are relevant to a county council.</p> <p>(d) Appointments. Making and revoking appointments, except where the full County Council, the Cabinet, the Corporate Governance Committee or other board or committee has such responsibility.</p> <p>(e) Members' Allowances Scheme. Advising the County Council on the Members' Allowances Scheme <i>[Note: approval of the scheme cannot be delegated by the County Council to a committee]</i>.</p> <p>(f) Members' Services. Approving the arrangements for providing appropriate support services to meet the needs of elected members.</p> <p>(g) Constitution. Oversee the operation of the Council's Constitution and to make recommendations to the County Council on changes and improvements to the Constitution except for those which fall within the remit of the Corporate Governance Committee and the Employment Committee.</p> <p>(h) Member and Co-opted Member Conduct. Overseeing and approving the Council's functions relating to the promotion and maintenance of high standards of conduct for members and co-opted members of the County Council including:</p>	
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	<ul style="list-style-type: none"> (i) Making recommendations to the County Council regarding amendments to the Members' Code of Conduct and the Member/Officer Protocol; (ii) Approving the Council's procedure for handling Member Conduct Complaints. <i>(See also delegation to the Chief Legal Officer and Monitoring Officer.)</i> (iii) Approving training to be provided to Members on the Code of Conduct; (iv) Monitoring the operation of the Code of Conduct (v) Select and recommend to the County Council persons for appointment as an Independent Person. <ul style="list-style-type: none"> (i) Dispensations and Exemptions. Approving the granting of a dispensation to any member in respect of any statutory and non-statutory disclosable interests and agreeing to exempt members from vacation of office for failure to attend meetings. (j) Charitable Trustee. Those functions relating to the Council's role as a Charitable Trustee where the Council has been identified as a trustee of a charity or trust or the recipient of a bequest and holds property or assets on trust, including consideration of matters where there is a conflict or potential conflict between the Council's interests and those of the Charitable Trust or bequest. 	
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	Remove approval of the Annual Governance Statement from the current Constitution Committee and allocate this function to the Corporate Governance Committee to be captured within its specific terms of reference.	To reflect the transfer of responsibility for the approval of the Annual Governance Statement to the Corporate Governance Committee.
Schedule D – General scheme of delegation to Chief Officers	Amend paragraph 8 to read: “Any proper officer function or delegation to the Chief Executive may in his/her absence be exercised by the Director of Corporate Resources (Deputy Chief Executive). Amend paragraph 22 to read: “The Chief Executive has authorised the Director of Corporate Resources (Deputy Chief Executive) to act in his/her absence.”	To reflect the Chief Executive’s change in officer structure and related sub-delegations.
<u>PART 4A – MEETING PROCEDURE RULES</u>		
Standing Order 1 – Meetings of the County Council	Add new paragraphs (6) to (8) as below – <u>Procedure for meetings</u> “(6) Before the start and end of each meeting, members and officers will stand whilst the Chairman enters and leaves the chamber. The meeting will also commence with prayers. (7) Meetings of the Council may be broadcast live	To provide for the standing of all members at the start and end of each meeting on the entrance of the Chairman, the seating of members in their allocated place, and to set out the rules regarding the filming/recording of meetings live.

	<p>and made available to the public for viewing on the Council's website. When a meeting is webcast, members will sit in their allocated seat.</p> <p>(8) Members of the public and press shall be entitled to film, record and report proceedings of any meetings (which they are permitted to attend) as they happen using any electronic method available (including X, Blogs and Facebook). This right does not extend to live oral reporting or commentary of meetings.”</p>	
Standing Order 4 – Order of business	To include new paragraph (8) to read “to consider reports of statutory officers as appropriate” and renumber later paragraphs.	To provide for the receipt of statutory reports in line with good practice.
Standing Order 7 – Questions from Elected Members	<p>Amend paragraph (9) to read as follows:</p> <p>(9) The Chairman of the meeting, following consultation with the Monitoring Officer, shall not allow the question to be put if he or she is of the view that it:</p> <p>(a) Contains personal remarks about an identifiable member or officer or language that is defamatory, frivolous, offensive, vexatious, derogatory, or unlawful;</p> <p>(b) Relates to applications for or objections to any non-determined planning application or any licence, notice or order issued, served or made by the Council;</p>	To provide a clear scope for questions that can be asked by elected Members which also aligns with the scope for notices of motion and position statements, ensuring greater consistency.

	<ul style="list-style-type: none"> (c) Relates to individual staffing matters or the personal information of Members or Officers; (d) Relates to complaints, investigations or conduct matters concerning identifiable members or officers; (e) Raises any matter involving exempt or confidential information or compromises legal or commercial confidentiality; (f) Is out of order or otherwise inappropriate for the particular meeting or to undermine the purposes of the Constitution.” 	
<p>Standing Order 8 – Position Statements</p>	<p>Amend Standing Order 8 to read as follows:</p> <ul style="list-style-type: none"> (1) No more than two Position Statements may be presented to the Council by the Leader and any member of the Executive. The Chairman of the Scrutiny Commission may also present a Position Statement. There will be no more than three Position Statements in total at any one meeting.. (2) Position Statements must be made in writing and published on the County Council’s website at least two hours before the start of the Council meeting. 	<p>To reflect the changes agreed to the making of position statements by Group Leaders and to provide a clear scope regarding position statements which aligns with the scope of Questions from members and notices of motion, ensuring greater consistency</p>

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| | <p>(3) The presentation of a Position Statement shall be limited to five minutes.</p> <p>(4) A Position Statement may give rise to an informal discussion by the Council provided that, subject to paragraph (6), no motion or amendment shall be moved during that discussion. Members are permitted to speak once for a maximum of two minutes, with the Leaders of the Opposition Groups being invited to speak last. Debate is to be limited to the content of the Position Statement. The presenter of the Position Statement will have a right of reply.</p> <p>(5) Discussion of any Position Statement shall not exceed thirty minutes but the Chairman, at his or her discretion, may permit an extension of such length as he or she considers appropriate.</p> <p>(6) At the conclusion of any discussion of a Position Statement, a formal motion may be moved to the effect that a particular issue relevant to the Position Statement be referred to the Executive, the Commission, a board or a committee as the case may be, for consideration. Such a motion shall be moved and seconded formally and shall be put without discussion.</p> | |
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Scope of Position Statements

- (7) A Position Statement should inform the Council of current events, issues and policy developments which are relevant to the role of the member presenting the Position Statement.
- (8) The Chairman of the meeting, following consultation with the Monitoring Officer, shall not allow a Position Statement to be presented or shall direct the member to cease speaking if he or she is of the view that the Position Statement:
 - (a) contains personal remarks about an identifiable member or officer or language that is defamatory, frivolous, offensive, vexatious, derogatory, or unlawful;
 - (b) relates to applications for or objections to any non-determined planning application or any licence, notice or order issued, served or made by the Council;
 - (c) relates to individual staffing matters or the personal information of Members or Officers;
 - (d) relates to complaints, investigations or conduct matters concerning identifiable members or officers;

	<ul style="list-style-type: none"> (e) raises any matter involving exempt or confidential information or compromises legal or commercial confidentiality; (f) is out of order or otherwise inappropriate for the particular meeting or to undermine the purposes of the Constitution.” 	
<p>Standing Order 10 – Notices of Motion</p>	<p>Amend paragraph (6) to read as follows:</p> <ul style="list-style-type: none"> (6) Motions must be clear and concise and be about matters for which the Council has responsibility, or which affect the County or its residents and must not: <ul style="list-style-type: none"> (a) contain personal remarks about an identifiable member or officer or language that is defamatory, frivolous, offensive, vexatious, derogatory, or unlawful; (b) relate to applications for or objections to any non-determined planning application or any licence, notice or order issued, served or made by the Council; (c) relate to individual staffing matters or the personal information of Members or Officers; 	<p>To provide a clear scope of Notices of Motion which also align with the scope for questions and position statements, to ensure greater consistency.</p>

	<ul style="list-style-type: none"> (d) relate to complaints, investigations or conduct matters concerning identifiable members or officers; (e) raise any matter involving exempt or confidential or compromise legal or commercial confidentiality; (f) be considered by the Chairman to be out of order or otherwise inappropriate for the particular meeting or to undermine the purposes of the Constitution; (i) fall within Standing Order 13 (Motions which may be moved during debate) or Standing Order 14 (Recissions). 	
Standing Order 14 - Recissions	<p>Amend Standing Order to read as follows:</p> <ul style="list-style-type: none"> (1) Subject to paragraph (2) below, no motion substantially similar to a motion passed or rejected within the preceding six months shall be proposed unless a member seeks consent to propose such a motion and obtains a majority of those members present at the meeting, in which case notice of the motion shall be inserted in the summons for the next ordinary meeting of the Council. (2) This Standing Order shall not apply to a motion moved whilst there is before the Council a 	To avoid unnecessary duplication on matters which have already been considered by the full County Council within the preceding six months.

	<p>recommendation of the Executive, the Commission, a board or committee relating to the matter. A motion seeking a vote of no confidence in the Leader can be made at any time and is not subject to this Standing Order.</p>	
<p>Standing Order 29 – Chairman and Deputy Chairman</p>	<p>Amend paragraph (2) to read as follows:</p> <p>“Chairmanship of the Scrutiny Commission shall, unless agreement is reached otherwise, rotate between the Leaders of the two main opposition groups on an annual basis, in accordance with Article 6 of this Constitution. The deputy chairman of the Commission will be the Leader of the main opposition group who is not currently serving as Chairman.”</p>	<p>To reflect the proposed change outlined above to Article 6.</p>
<p>Standing Order 30 – Meetings</p>	<p>Amend paragraph (4) to remove the words ‘Leader of the Opposition as’</p>	<p>As above.</p>
<p>Standing Order 32 – Questions</p>	<p>Amend paragraph (6) to read as follows:</p> <p>(6) The Chief Executive may decline to accept a proposed question if in his or her opinion it is:</p> <p>(a) not relevant to the functions of the body concerned;</p> <p>(b) contains personal remarks about an identifiable member or officer or language that is defamatory, frivolous, offensive , vexatious, derogatory or unlawful;</p>	<p>To mirror the scope limitations on questions from elected members, notices of position and position statements for consistency.</p>

	<ul style="list-style-type: none"> (c) is substantially similar to a question which has been put at a meeting in the past six months; (d) relates to individual staffing matters or the personal information of Members or Officers; (e) relates to complaints, investigations or conduct matters concerning identifiable members or officers; (f) requires the disclosure of confidential or exempt information or compromises legal or commercial confidentiality; (g) contains campaigning or electoral content unrelated to the scope of the question; (h) considered by the chairman to be inappropriate for the particular meeting. 	
Standing Order 33 – Petitions	Amend paragraph (3) to read “Every petition shall be couched in proper language, must not be substantially similar to a petition which has been presented in the past six months, but must be relevant.....”	To reflect the limitation already set out within the Pensions Scheme.
Standing Order 35 – Variation and revocation	Delete Standing Order	

PART 4E – OVERVIEW AND SCRUTINY PROCEDURE RULES

Rule 2 – The Scrutiny Commission	Delete.	Duplicates the terms of reference set out in the Articles (Part 2) and Rule 2A.
Rule 2A – The Scrutiny Commissioners	<p>Re-number to Rule 2 and add new paragraph 2(c) as follows and re-number:</p> <p>“to oversee the work of all other overview and scrutiny committees and scrutiny review panels;”</p>	Correction to reflect current practice.
Rule 6 – Chairmanship and meetings of the overview and scrutiny committees	<p>Amend paragraph (a) to read as follows:</p> <p>“The appointment of the Chairman of the Scrutiny Commission and the Chairmen of the other standing overview and scrutiny committees will be made by the Council in accordance with Article 6 of this Constitution.”</p> <p>Delete paragraph (b)</p>	<p>To reflect changes to Article 6 (Part 2) detailed above.</p> <p>Correction to reflect current practice - the appointment of Chairmen of review panels is a matter for each review panel.</p>
Rule 8 – Policy Review and Development	Amend paragraph (d) to refer to the ‘Scrutiny Commissioners’ in place of the ‘Scrutiny Commission’.	Correction as this is the responsibility of the Commissioners.
Rule 12 – Members and Officers giving account	Amend paragraph (a) to refer to the Head of Paid Service and/or “any Director or Assistant Director” and ‘senior’ employees of NHS bodies and relevant health service providers.	To reflect good practice and the expectation that only high-level officers will attend scrutiny meetings to answer questions or give an account.

<p>Rule 14 – Call-in</p>	<p>Amend to read as follows –</p> <p>(a) Call-in should only be used in exceptional circumstances. To ensure that call-in is not abused, nor causes unreasonable delay, it will only apply to Key Decisions and will also be subject to the conditions described in this Rule.</p> <p>(b) When a decision is made by the Executive, an individual member of the Executive or a committee of the Executive, or a Key Decision is made by an officer with delegated authority from the Executive or an area committee or under joint arrangements, the decision shall be published, including where possible by electronic means, and shall be available at County Hall normally within 2 days of being made. Chairmen of all overview and scrutiny committees will be sent copies of the records of all such decisions within the same timescale, by the person responsible for publishing the decision.</p> <p>(c) Notification of decisions will bear the date on which it is published and will specify that a Key Decision will come into force, and may then be implemented, on the expiry of 5 working days after the publication of the decision, unless it has been called in under this Rule. Those decisions which are Key Decisions but which will require further consideration by the Executive at a later stage prior to implementation, may be proceeded with immediately (as in the case for example of a</p>	<p>To reflect guidance from the Centre for Governance and Scrutiny and to provide clarity around those matters that can be referred to the full County Council in line with the Budget and Policy Framework Procedure Rules.</p>
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	<p>decision to proceed with consultation on a proposal). Those decisions which are not Key Decisions are not subject to call in under this Rule and may be implemented immediately.</p> <p>(d) During that period, the Chief Executive shall call-in a relevant Key Decision for scrutiny by a relevant overview and scrutiny committee only if so requested in writing by any four members of the Council, at least two of which must be members of the Scrutiny Commission. The written request shall include a cogent explanation of the reasons for the call-in.</p> <p>(e) The call-in notice can be withdrawn at any time in writing by the four members who originally invoked the call-in procedure.</p> <p>(f) The Chief Executive shall notify the decision-taker (where the decision was taken by the Executive, the Leader) of the call-in.</p> <p>(g) Where there is a meeting of the relevant overview and scrutiny committee within 10 working days of the call-in, the matter will be included on the agenda for that meeting. Where no such meeting is scheduled, the Chief Executive shall call a meeting of the relevant overview and scrutiny committee within that time frame, where possible after consultation with the chairman of the committee.</p>	
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	<p>(h) Having considered the call-in, the overview and scrutiny committee may either:</p> <ul style="list-style-type: none">(i) refer it back to the decision-making person or body for reconsideration, setting out in writing the nature of its concerns and any alternative recommendations. This will normally be considered at the decision-making body's next scheduled meeting;(ii) if it considers that the decision is outside the Council's Budget or Policy Framework, refer the matter to the full County Council after seeking the advice of the Monitoring Officer and/or Chief Financial Officer; or(iii) decide to take no further action, in which case the original decision will be effective immediately. <p>(i) If referred back to the decision-making person or body, he/she/it will then reconsider the decision within a further 10 working days, amending the decision or not, before adopting a final decision. Once a decision has been reconsidered by the decision-making person or body it may not be the subject of further call-in.</p> <p>(j) If referred to the full County Council, the Budget and Policy Framework Procedure Rules (Part 4C of this Constitution) will apply.</p>	
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	<p>(k) If following a call-in, the overview and scrutiny committee does not meet in the period set out above, the decision shall take effect on the date of the overview and scrutiny meeting, or the expiry of the 10 day period referred to in (h) above, whichever is the earlier.</p> <p>(l) Where an Executive decision has been taken by an area committee then the right of call-in shall extend to any other area committee which resolves to refer a decision which has been made but not implemented to a relevant overview and scrutiny committee for consideration in accordance with these provisions. An area committee may only request the Chief Executive to call-in the decision if it is of the opinion that the decision will have an adverse effect on the area to which it relates. All other provisions relating to call in shall apply as if the call in had been exercised by members of a relevant overview and scrutiny committee.</p>	
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PART 5C – PROTOCOL ON MEMBER / OFFICER RELATIONS

	<p>Replace Part 5C in its entirety with the new Protocol attached as Annex 3 (changes shown in bold).</p>	<p>To append the statutory officer protocol and set out a new process for raising and resolving Member/Officer conduct concerns.</p>
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PART 6 – MEMBERS ALLOWANCES SCHEME

	<p><u>Pensions</u></p> <p>17. All Members of the County Council who satisfy the requirements laid down in the Local Government Pension Scheme (Amendment) (Elected Member Pensions) Regulations 2026 shall be entitled to join the Local Government Pension Scheme. The Allowances treated as amounts in respect of which pensions shall be payable shall be in accordance these Regulations.</p> <p>18. This provision shall be effective from 1 May 2026.</p>	<p>To reflect the introduction of new Regulations from 1 May 2026 to allow elected members to join the LGPS.</p>
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