

## **Part 2**

# **Articles of the Constitution**

## ***Part 2 - Articles of the Constitution***

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## ***Part 2 - Articles of the Constitution***

### **ARTICLE 1** ***The Constitution***

#### **1.01 Powers of the County Council**

The County Council, as a corporate body, will exercise all its powers and duties in accordance with the law and this Constitution.

#### **1.02 The Constitution**

This Constitution, and its various Parts, (but excluding any explanatory Notes which appear in italics) is the Constitution of Leicestershire County Council.

#### **1.03 Purpose of the Constitution**

The purpose of the Constitution is to:

- (a) enable the County Council to provide clear leadership to the community in partnership with citizens, businesses and other organisations;
- (b) support the active involvement of citizens in the process of local authority decision-making;
- (c) help county councillors represent their constituents more effectively;
- (d) enable decisions to be taken efficiently and effectively;
- (e) create a powerful and effective means of holding decision-makers to public account;
- (f) ensure that no one will review or scrutinise a decision in which they were directly involved;
- (g) ensure that those responsible for decision-making are clearly identifiable to local people and that they explain the reasons for decisions; and
- (h) provide a means of improving the delivery of services to the community.

#### **1.04 Interpretation and Review of the Constitution**

Where the Constitution permits the County Council to choose between different courses of action, the County Council will always choose that option which it thinks is closest to the purposes stated above. The County Council will monitor and evaluate the operation of the Constitution as set out in Article 15.

## ARTICLE 2

### Members of the County Council

#### 2.01 Composition and eligibility

- (a) **Composition.** The County Council will comprise 55 members, otherwise called County Councillors. County Councillors will be elected by the voters of each electoral division in accordance with a scheme drawn up by the Electoral Commission.
- (b) **Eligibility.** Only registered voters of the County area or those living or working there will be eligible to hold the office of county councillor.

#### 2.02 Election and terms of county councillors

The regular election of county councillors will normally be held on the first Thursday in May every four years beginning in 2001. The terms of office of county councillors will start on the fourth day after being elected and will finish on the fourth day after the date of the next regular election.

#### 2.03 Roles and functions of all county councillors

- (a) The overriding duty of county councillors in their representational role is to the whole community, but they have a special duty to their constituents, including those who did not vote for them.
- (b) **Key roles.** All county councillors will:
- (i) act in the capacity to which they were elected to the County Council and not speak on behalf of any other local authority whilst acting as a County Councillor;
  - (ii) collectively be the ultimate policy-makers and carry out a number of strategic and corporate management functions;
  - (iii) contribute to the good governance of the County and actively encourage community participation and citizen involvement in decision-making;
  - (iv) represent their communities and bring the views of those communities into the County Council's decision-making process, i.e. become the advocate of and for their communities;
  - (v) deal with individual casework and act as an advocate for constituents in resolving particular concerns or grievances;
  - (vi) balance different interests identified within the electoral division and represent the electoral division as a whole;
  - (vii) respond to constituents' enquiries and representations, fairly and impartially;
  - (viii) be available to represent the County Council on other bodies; and
  - (ix) maintain the highest standards of conduct and ethics;
  - (x) fulfil their responsibilities as a corporate parent for children and young people in the care of the local authority.

**(c) Rights and duties:**

- (i) County councillors will have such rights of access to such documents, information, land and buildings of the County Council as are necessary for the proper discharge of their functions and in accordance with the law.
- (ii) County councillors will not make public information which is confidential or exempt without the consent of the County Council or divulge information given in confidence to anyone other than a county councillor or officer entitled to know it.
- (iii) For these purposes, “confidential” and “exempt” information are defined in the Access to Information Rules in Part 4B of this Constitution.

**2.04 Conduct**

County councillors will at all times observe the Members’ Code of Conduct and the Protocol on Member/Officer Relations set out in Part 5 of this Constitution.

**2.05 Allowances**

County councillors will be entitled to receive allowances in accordance with the Members’ Allowances Scheme set out in Part 6 of this Constitution.

**ARTICLE 3*****Citizens and the County Council*****3.01 Citizens’ rights**

Citizens have the following rights. Their rights to information and to participate are explained in more detail in the Access to Information Rules in Part 4B of this Constitution:

- (a) **Voting and referendum petitions.** Citizens on the electoral roll for the County have the right to vote and sign a petition to request a referendum for an elected mayor form of Constitution.
- (b) **Information.** Citizens have the right to:
  - (i) attend meetings of the County Council and its committees except where confidential or exempt information is likely to be disclosed and a decision is made that in the public interest the matter is to be dealt with in private;
  - (ii) attend meetings of the Cabinet except where confidential or exempt information is likely to be disclosed and a decision is made that in the public interest the matter is to be dealt with in private;
  - (iii) challenge the decision for the Executive to consider a matter in private where this has been listed on the Forward Plan.

- (c) **Participation.** Providing that they follow the correct procedure, citizens have the right to:-
- (i) participate in question time at meetings of the standing overview and scrutiny committees and the boards and committees in the Regulatory area;
  - (ii) 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 County Council.
- (d) **Complaints.** Citizens have the right to complain to:
- (i) the County Council itself under its Corporate Complaints Procedure;
  - (ii) the Ombudsman after using the County Council's own complaints scheme;
  - (iii) the Council's Chief Legal Officer and Monitoring Officer about a breach of the County Council's Members' Code of Conduct.

### 3.02 Citizens' responsibilities

Citizens must not be violent, abusive or threatening to county councillors or officers and must not wilfully harm things owned by the County Council, county councillors or officers.

## ARTICLE 4 The full County Council

### 4.01 Meanings

- (a) **Policy Framework.** The Policy Framework means the Plans and Strategies listed in Schedule 2 to these Articles. *[Note: the Plans listed in the note following Schedule 2 will not require the approval of the full County Council and will not, therefore, form part of the Policy Framework].*
- (b) **Budget.** The Budget includes the allocation of financial resources to different services and projects, proposed contingency funds, the County Council tax base, setting the County Council tax and decisions relating to the control of the County Council's borrowing requirement, the control of its capital expenditure and the setting of virement limits.

### 4.02 Functions of the full County Council

Only the full County Council will exercise the following functions:

- (a) adopting and changing the Constitution except in respect of changes made by the Chief Executive in accordance with Article 15;
- (b) approving or adopting the Policy Framework and the Budget;

- (c) subject to the urgency procedure contained in the Access to Information Procedure Rules in Part 4B of this Constitution, making decisions about any matter discharging an Executive function which is covered by the Policy Framework or the Budget where the decision-maker is minded to make it in a manner which would be contrary to the Policy Framework or contrary to, or not wholly in accordance with, the Budget;
- (d) appointing the Leader and Cabinet Support Members;
- (e) agreeing and/or amending the terms of reference for committees, deciding on their composition and making appointments to them including the appointment of the Scrutiny Commissioners and Chairs of the overview and scrutiny committees in accordance with Article 6;
- (f) appointing representatives to outside bodies unless the appointment is an Executive function or has been delegated by the County Council;
- (g) adopting an allowances scheme under Article 2.05;
- (h) changing the name of the area;
- (i) confirming the appointment of the Head of Paid Service;
- (j) making, amending, revoking, re-enacting or adopting bylaws and promoting or opposing the making of local legislation or personal Bills;
- (k) all local choice functions set out in Part 3 of this Constitution which the County Council decides should be undertaken by itself rather than the Executive; and
- (l) all other matters which, by law, must be reserved to County Council.

#### **4.03 County Council meetings**

There are three types of County Council meeting:

- (a) the Annual Meeting;
- (b) ordinary meetings (including the Budget Meeting); and
- (c) extraordinary meetings,

and they will be conducted in accordance with the Meeting Procedure Rules (Standing Orders) in Part 4A of this Constitution.

#### **4.04 Responsibility for functions**

The County Council will maintain the information in Part 3 of this Constitution setting out the responsibilities for the County Council's functions which are not the responsibility of the Executive. Part 9 of this Constitution sets out the responsibilities for such functions delegated to officers either under the general scheme of delegation to officers or as the result of specific decisions.

### **ARTICLE 5**

#### ***Chairing the County Council***

##### **5.01 Role and function of the Chairman**

The Chairman and Vice-chairman will be elected by the County Council annually. The Chairman and, in his or her absence, the Vice-chairman, will have the following responsibilities:

- (a) to uphold and promote the purposes of the Constitution, and to interpret the Constitution when necessary;
- (b) distance themselves from the political arena and to preside over meetings of the County Council in a fair manner, ensuring its business can be carried out efficiently and with regard to the rights of all county councillors and the interests of the community;
- (c) to ensure that the County Council meeting is a forum for the debate of matters of concern to the local community and the place at which members who are not on the Executive are able to hold the Executive to account;
- (d) to promote public involvement in the County Council's activities;
- (e) to be the conscience of the County Council;
- (f) to undertake such civic and ceremonial functions as he or she determines appropriate, subject to any decisions and directions determined by the County Council;
- (g) to give consent to an urgent decision of the Executive outside the Budget and Policy Framework under Rule 6 of the Budget and Policy Framework Procedure Rules in Part 4C of this Constitution; and
- (h) to give consent to an urgent decision otherwise subject to call-in under Rule 15 of the Overview and Scrutiny Procedure Rules in Part 4E of this Constitution.

## **ARTICLE 6**

### ***Overview and scrutiny committees***

#### **6.01 Terms of Reference**

The County Council will appoint the overview and scrutiny committees and subcommittees set out in Table A in Schedule 3 to discharge the functions conferred on the County Council in accordance with the legislation in force for the time being.

#### **6.02 Proceedings of overview and scrutiny committees**

Overview and scrutiny committees will conduct their proceedings in accordance with the Overview and Scrutiny Procedure Rules set out in Part 4E of this Constitution.

#### **6.03 General role**

Within their terms of reference, overview and scrutiny committees will:

- (a) review and/or scrutinise decisions made or actions taken in connection with the discharge of any of the County Council's functions or relating to the health service in the County, as appropriate;
- (b) make reports and/or recommendations to the full County Council and/or the Executive and/or any joint or area committee in connection with the discharge of any County Council functions;
- (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;

- (d) consider any matter affecting the County or its inhabitants; and
- (e) exercise the right to call-in, for reconsideration, key decisions made but not yet implemented by the Executive and/or any policy or area committees.

#### **6.04 Specific functions**

(a) **Policy development and review.** Overview and scrutiny committees may:

- (i) assist the County Council and the Executive in the development of its Budget and Policy Framework by in-depth analysis of policy issues;
- (ii) conduct research, community and other consultation in the analysis of policy issues and possible options;
- (iii) consider and implement mechanisms to encourage and enhance community participation in the development of policy options;
- (iv) question members of the Executive and/or boards, committees and chief officers about their views on issues and proposals affecting the County; and
- (v) liaise with other external organisations operating in the County, whether national, regional or local, to ensure that the interests of local people are enhanced by collaborative working.

(b) **Scrutiny.** Overview and scrutiny committees may:

- (i) review and scrutinise the decisions made by and performance of the Executive and/or boards, committees and chief officers both in relation to individual decisions and over time;
- (ii) review and scrutinise the performance of the County Council in relation to its policy objectives, performance targets and/or particular service areas;
- (iii) question members of the Executive and/or boards, committees and senior officers about their decisions and performance, whether generally in comparison with service plans and targets over a period of time, or in relation to particular decisions, initiatives or projects;
- (iv) make recommendations to the Executive and/or appropriate committee and/or County Council arising from the outcome of the scrutiny process;
- (v) review and scrutinise matters relating to the planning, provision and operation of health services in the area of the County, as set out in Article 6.08 below;
- (vi) review and scrutinise the performance of other public bodies in the area and invite reports from them by requesting them to address the

overview and scrutiny committee and local people about their activities and performance; and

(vii) question and gather evidence from any person (with their consent).

- (c) **Finance.** Overview and scrutiny committees may exercise overall responsibility for the finances made available to them.
- (d) **Annual report.** Overview and scrutiny committees (or the Scrutiny Commission in a single report on their behalf) will report annually to full County Council on their workings and make recommendations for future work programmes and amended working methods if appropriate.
- (e) **Officers.** Overview and scrutiny committees may exercise overall responsibility for the work programme of the officers employed to support their work.

### **6.05 Chairman of Scrutiny Commission**

Chairmanship of the Scrutiny Commission shall rotate between 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.

### **6.06 Appointment of Scrutiny Commissioners**

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.

### **6.07 Membership of the Scrutiny Commission**

The membership of the Scrutiny Commission, which will reflect the political balance of the Council, will include the following positions:-

- Four Scrutiny Commissioners determined in accordance with paragraph 6.06 above.
- The Chairman of the Adults and Cultural Services Overview and Scrutiny Committee.
- The Chairman of the Children and Families Overview and Scrutiny Committee.
- The Chairman of the Growth, Highways and Transport Overview and Scrutiny Committee.
- The Chairman of the Environment, Flooding, Climate Change and Waste Overview and Scrutiny Committee.

- The Chairman of the Health and Communities Overview and Scrutiny Committee.
- Such other members as may be necessary to achieve political balance.

### **6.08 Call-in Procedure**

The Call-in procedure described in the Overview and Scrutiny Procedure Rules in Part 4E of the Constitution requires that at least two people who are members of the Scrutiny Commission should concur with it being invoked.

### **6.09 Health Service functions**

#### **(a) General Role**

Health overview and scrutiny committees will act as a lever to improve the health of local people, ensuring that the needs of local people are considered as an integral part of the delivery and development of health services. A committee may review and scrutinise any matter relating to the planning, provision and operation of health services in the area of the County Council, including: -

- (i) arrangements made by relevant NHS bodies or relevant health service providers to secure hospital and community health services for the inhabitants of the area and the services that are provided;
- (ii) arrangements made for public health, health promotion and health improvement (including addressing health inequalities) in the area;
- (iii) the planning of health services by relevant NHS bodies or relevant health service providers including plans made in co-operation with local authorities setting out a strategy for improving both the health of the local population and the provision of health care to that population;
- (iv) arrangements made by relevant NHS bodies or relevant health service providers for consulting and involving patients and the public under the duties placed upon them;
- (v) any matter referred to the committee by the local Healthwatch;
- (vi) responding to consultation from a relevant NHS body or relevant health service provider on a particular issue including proposals for a substantial development of the health service or a substantial variation in the provision of such service (in the latter circumstance it may be necessary for the response to be made through a joint overview and scrutiny committee).

**(b) Process**

In carrying out the review and scrutiny of a particular matter, a health overview and scrutiny committee:-

- (i) shall have regard to any guidance issued by the Secretary of State with regard to these functions;
- (ii) shall invite interested parties to comment on the matter;
- (iii) shall take account of relevant information available to it and in particular relevant information provided by any interested parties and the local Healthwatch organisation;
- (iv) may seek further information from a local NHS body;
- (v) may require the attendance of a member or officer of a relevant NHS body or relevant health service provider to answer such questions as appear to the committee to be necessary for discharging its functions, subject to providing reasonable notice to that person;
- (vi) may require the attendance of an executive member or officer of the County Council;
- (vii) may question and gather evidence from any other person with their consent;
- (viii) may conduct research and undertake its own consultations;
- (ix) would normally be expected to produce an annual overview and scrutiny plan;
- (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; and
- (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.

**6.10 Joint Committee**

- (a) The County Council will establish a joint committee with other Social Services Authorities to scrutinise any health issue or consultation which has an impact on an administrative area larger than the County Council where it considers it necessary or it is required to do so. Where it is not considered appropriate or possible to establish a joint committee the

Overview and Scrutiny Committee responsible for the scrutiny of health services in the area of the County will carry out this role.

- (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.

## **ARTICLE 7**

### ***The Executive***

#### **7.01 Role**

The Executive will carry out all of the County Council's functions which are not the responsibility of any other part of the County Council, whether by law or under this Constitution.

#### **7.02 Form and composition**

The Executive will consist of the Leader together with at least two, but not more than nine, county councillors appointed to the Executive by the Leader of the County Council. When the Executive meets formally it will be referred to as the Cabinet.

The Chairman and Vice Chairman of the Council cannot be appointed to the Cabinet or as Cabinet Support Members.

#### **7.03 Leader**

The Leader will be a county councillor appointed to the position of Leader by the County Council. In addition to his or her significant role as Leader of the Council, the Leader will also act as Chairman of the Executive. The Leader will hold office until:

- (a) he or she resigns from the office; or
- (b) he or she is no longer a county councillor; or
- (c) he or she is removed from office by resolution of the County Council; or
- (d) the Annual Meeting of the County Council next following his or her appointment.

#### **7.04 Designation of Deputy Leader and Lead Members**

The Leader of the Council will appoint one of the Executive Members to the position of Deputy Leader, who, in addition to their role as Deputy Leader will also act as Vice Chairman of the Cabinet.

The Leader will also designate two members of the Executive respectively to act as Lead Member for Children and Family Services and Lead Member for Adult Social Care.

The designation of members of the Executive to act as Lead Members for other purposes will be at the Leader's discretion.

### **7.05 Executive members**

Executive members shall hold office until:

- (a) they resign from office; or
- (b) they are no longer county councillors; or
- (c) they are removed from office, either individually or collectively, by the Leader of the County Council.

### **7.06 Proceedings of the Executive**

- (a) **Decision making meetings.** Any meeting of the Executive at which an executive decision is to be made, irrespective of whether or not that executive decision is a Key Decision, shall be held in public; provided that the Executive shall exclude the media and public if confidential information is likely to be disclosed or may exclude the media and public if exempt information is likely to be disclosed.
- (b) **Meetings generally.** Subject to paragraph (a), proceedings of the Executive shall take place in accordance with the Executive Procedure Rules set out in Part 4D of this Constitution.

### **7.07 Responsibility for functions**

The Leader will maintain a list in Part 3 of this Constitution setting out which individual members of the Executive, committees of the Executive, officers or joint arrangements are responsible for the exercise of particular Executive functions.

### **7.08 No delegation to individual members of the Executive**

Individual members of the Executive (including the Leader and Deputy Leader) shall not be responsible for the exercise of any Executive functions. Executive functions may be exercised only by the Executive or by a committee of the Executive or by officers or by any area committee or under joint arrangements.

*[Note: In adopting this Constitution, the County Council decided, with the concurrence of the then Executive, that no individual member of the Executive will be authorised to take an executive decision; such decisions will be taken either by the Executive collectively at a properly convened meeting of the Cabinet or by professional officers under the published schemes of delegation. Articles 7.06(a) and 7.08 reflect these decisions]*

### **7.09 Cabinet Support Members**

- (a) The County Council may, if it considers it appropriate to do so, appoint such elected members as it considers appropriate to provide support and assistance to particular Cabinet Members. These members will be known as "Cabinet Support Members". Persons occupying such positions will not themselves be members of the Executive; neither will they be entitled to act

as a member of any Overview and Scrutiny Committee dealing with County Council functions.

- (b) Cabinet Support Members shall hold office until
- (i) they resign from office; or
  - (ii) they are no longer County Councillors; or
  - (iii) they are removed from office, either individually or collectively, by resolution of the County Council; or
  - (iv) the Annual Meeting of the County Council next following their appointment.

## **ARTICLE 7A**

### **The Health and Wellbeing Board**

#### **7A.01 Health and Wellbeing Board**

The County Council will appoint a Health and Wellbeing Board as a Subcommittee of the Executive to:-

- (a) Discharge directly the functions conferred on the County Council by Section 194 of the Health and Social Care Act 2012 or such other legislation as may be in force for the time being;
- (b) Carry out such other functions as the Executive may permit

*[Note: The County Council's executive function of approving the Better Care Fund and Plans arising from its use has been delegated to the Health and Wellbeing Board.]*

#### **7A.02 Composition**

- (a) The Health and Wellbeing Board shall have the following statutory members:-
  - (i) At least one County Councillor;
  - (ii) The Director of Adults and Communities;
  - (iii) The Director of Children and Family Services;
  - (iv) The Director of Public Health;
  - (v) A representative of the Local Healthwatch organisation;
  - (vi) A representative of the Integrated Care System.
- (b) The Health and Wellbeing Board shall appoint such additional persons to be members of the Board as it thinks appropriate.

#### **7A.03 Role and Function**

The Health and Wellbeing Board shall have the following general role and function:-

To lead and direct work to improve the health and wellbeing of the population of Leicestershire through the development of improved and integrated health and social care services. The Board is responsible for:-

- (a) Preparing and publishing the Leicestershire Joint Strategic Needs Assessment (JSNA) in order to identify the needs and priorities across Leicestershire so that future commissioning/policy decisions are based on evidence.
- (b) Preparing and publishing a Joint Local Health and Wellbeing Strategy and associated Plan on behalf of the County Council and its partners.
- (c) Approving the Better Care Fund Plan.
- (d) Publishing and refreshing the Pharmaceutical Needs Assessment to assess the need for pharmaceutical services across Leicestershire and providing an evidence base for future policy and commissioning decisions.
- (e) In conjunction with all partners, communicating and engaging with local people on how they can achieve the best possible quality of life and be supported to exercise choice and control over their personal health and wellbeing.
- (f) Having oversight of the use of relevant public sector resources to identify opportunities for the further integration of health and social care services.

*[Note: More details relating to the operation of the Health and Wellbeing Board are set out on the Board's full Terms of Reference which are published on the County Council website at <https://www.leicestershire.gov.uk/health-and-wellbeing/leicestershire-health-and-wellbeing-board/about-the-health-and-wellbeing-board>]*

## **ARTICLE 8**

### ***Regulatory boards and other committees***

#### **8.01 Regulatory boards and other committees**

The full County Council will appoint the committees set out in Part 3 of this Constitution, to discharge the functions described in that Part.

## **ARTICLE 9**

### **The Corporate Governance Committee**

#### **9.01. Corporate Governance Committee**

The full County Council will establish a Corporate Governance Committee.

**9.02. Composition**

- (b) The Corporate Governance Committee will reflect the political balance on the Council as a whole and may not include a member of the Executive or a Cabinet Support Member.
- (c) Up to two members of the Corporate Governance Committee will be non-voting independent members, appointed in accordance with the functions of the Constitution Committee as set out in Part 3 of this Constitution, subject to the Chairman of the Corporate Governance Committee also forming part of the appointment process.
- (c) The Lead Member of the Executive responsible for resources, performance management and risk management will be entitled to attend meetings in an observer/advisory capacity.

**9.03 Terms of Reference**

The terms of reference of the Corporate Governance Committee can be found in the Section on Responsibility for Functions contained in Part 3 of this Constitution.

**ARTICLE 10*****Area committees and forums***

*[Note: the County Council has yet to decide to appoint any area committees. The provisions in this Article will only have practical effect if and when area committees are appointed]*

**10.01 Area committees**

- (a) The County Council may appoint area committees as it sees fit, if it is satisfied that to do so will ensure improved service delivery in the context of Best Value and more efficient, transparent and accountable decision-making.
- (b) The County Council will consult with relevant borough, district, parish and town councils and the chairmen of relevant parish meetings when considering whether and how to establish area committees.

**10.02 Form, composition and function**

- (a) **Table of area committees.** The County Council will appoint the area committees as set out in the first column of Table B in Schedule 3, composed as set out in the second column of that Table and with the terms of reference set out in the third column.
- (b) **Delegations.** The County Council and the Executive will include details of any delegations to area committees in Part 3 of this Constitution, including the functions delegated showing which are the responsibility of the Executive and which are not, the composition and membership of the committees, budgets and any limitations on delegation.

**10.03 Conflicts of interest – membership of area committees and overview and scrutiny committees**

- (a) **Conflict of interest.** If an overview and scrutiny committee is scrutinising specific decisions or proposals in relation to the business of the area committee of which the county councillor concerned is a member, then the county councillor may not speak or vote at the overview and scrutiny committee meeting unless a dispensation to do so is given by the Corporate Governance Committee.
- (b) **General policy reviews.** Where the overview and scrutiny committee is reviewing policy generally the member must declare his or her interest before the relevant agenda item is reached, but need not withdraw.

**10.04 Area committees – access to information**

- (a) Area committees will comply with the Access to Information Procedure Rules in Part 4B of this Constitution.
- (b) Agendas and notices for area committee meetings which deal with both functions of the Executive and functions which are not the responsibility of the Executive will state clearly which items are which.

**10.05 Executive members on area committees**

A member of the Executive may serve on an area committee if otherwise eligible to do so as a county councillor.

**ARTICLE 11**  
***Joint arrangements***

**11.01 Arrangements to promote well being**

The County Council or the Executive in order to promote the economic, social or environmental well-being of its area may:

- (a) enter into arrangements or agreements with any person or body;
- (b) co-operate with, or facilitate or co-ordinate the activities of, any person or body; and
- (c) exercise on behalf of that person or body any functions of that person or body.

**11.02 Joint Arrangements**

- (a) The County Council may establish Joint Arrangements with one or more local authorities and/or their Executives to exercise functions which are not Executive functions in any of the participating authorities, or advise the County Council. Such Arrangements may involve the appointment of a joint committee with these other local authorities
- (b) The Executive may establish Joint Arrangements with one or more local authorities to exercise functions which are Executive functions. Such

Arrangements may involve the appointment of joint committees with these other local authorities.

- (c) Except as set out below, the Executive may only appoint Executive members to a joint committee and those members need not reflect the political composition of the County Council as a whole.
- (d) The Executive may appoint members to a joint committee from outside the Executive and, where it does so; the circumstances will be specified in Part 3 of this Constitution in respect of that joint committee.
- (e) Details of any Joint Arrangements including any delegations to joint committees are described in the County Council's Scheme of Delegations in Part 3 of this Constitution.

### **11.03 Access to information**

- (a) The Access to Information Procedure Rules in Part 4B of this Constitution apply.
- (b) If all the members of a joint committee are members of the Executive in each of the participating authorities then its access to information regime is the same as that applied to any Executive.
- (c) If the joint committee contains members who are not on the Executive of any participating authority then the access to information rules in Part VA of the Local Government Act 1972 will apply.

### **11.04 Delegation to and from other local authorities**

- (a) The full County Council may delegate non-Executive functions to another local authority or, in certain circumstances, the Executive of another local authority.
- (b) The Executive may delegate Executive functions to another local authority or the Executive of another local authority in certain circumstances.
- (c) The decision whether or not to accept such a delegation from another local authority shall be reserved to the full County Council.
- (d) Details of any delegations from another authority are described in the County Council's Scheme of Delegations in Part 3 of this Constitution.

### **11.05 Contracting out**

The Executive may contract out to another body or organisation functions which may be exercised by an officer and which are subject to an order under section 70 of the Deregulation and Contracting Out Act 1994, or under contracting arrangements where the contractor acts as the County Council's agent under usual contracting principles, provided there is no delegation of the County Council's discretionary decision-making.

## ARTICLE 12 *Officers*

### 12.01 Management structure

- (a) **General.** The County Council may engage such staff (referred to as officers) as it considers necessary to carry out its functions.
- (b) **Chief Officers.** The County Council will appoint persons for the posts set out in Table C of Schedule 3, who will be designated chief officers.
- (c) **Head of Paid Service, Monitoring Officer, Chief Financial Officer and designated Scrutiny Officer.** The County Council will designate the posts shown in Table D of Schedule 3 as the Head of Paid Service, Monitoring Officer, Chief Financial Officer and designated Scrutiny Officer respectively. Such posts will have the functions described in Article 12.02–12.04A below.
- (d) **Structure.** The Head of Paid Service will determine and publicise a description of the overall departmental structure of the County Council showing the management structure and deployment of officers. This is set out at Part 7 of this Constitution.

### 12.02 Functions of the Head of Paid Service

- (a) **Discharge of functions by the County Council.** The Head of Paid Service will determine and report as necessary to full County Council on the manner in which the discharge of the County Council's functions is coordinated, the number and grade of officers required for the discharge of functions and the organisation of officers and will ensure that an annual pay policy statement is approved by the full County Council.
- (b) **Grant and supervision of exemptions from political restrictions.** The Head of Paid Service will carry out the duties relating to the granting and supervision of exemptions from political restrictions in respect of posts within the authority in accordance with the legislation in force for the time being.
- (c) **Restrictions on functions.** The Head of Paid Service may not be the Monitoring Officer but may hold the post of Chief Financial Officer if a qualified accountant.

*[Note: In accordance with Section D, Part 3 of this Constitution, the Head of Paid Service in his or her capacity as the Chief Executive will –*

- (a) *Make consequential amendments to the specific delegations to chief officers as are contained in Part 9 of this Constitution to reflect changes in legislation and ensure that the delegation remains fit for purpose;*

*[Note – Article 15.02 authorises the Chief Executive to update this part of the Constitution without the need to refer such matters to full Council for approval.]*

- (b) *Take action between meetings on matters which he or she considers is urgent.]*

### **12.03 Functions of the Monitoring Officer**

- (a) **Maintaining the Constitution.** The Monitoring Officer will monitor and maintain an up-to-date version of the Constitution and will ensure that it is widely available for consultation by members, staff and the public.
- (b) **Ensuring lawfulness and fairness of decision-making.** After consulting with the Head of Paid Service and Chief Financial Officer, the Monitoring Officer will report to the full County Council or to the Executive in relation to an Executive function if he or she considers that any proposal, decision or omission would give rise to unlawfulness or if any decision or omission has given rise to maladministration. Such a report will have the effect of stopping the proposal or decision being implemented until the report has been considered.
- (c) **Supporting the Corporate Governance Committee.** The Monitoring Officer will contribute to the promotion and maintenance of high standards of conduct through provision of support to the Corporate Governance Committee.
- (d) **Local Assessment of Complaints.** The Monitoring Officer will support the Member Conduct Panel in operating a locally based system for the assessment, referral, investigation and hearing and resolution of complaints of member misconduct.
- (e) **Proper Officer for access to information.** The Monitoring Officer may require the Proper Officer (for this purpose the Chief Executive) to satisfy him or her that effective arrangements are in place to ensure that Executive decisions, together with the reasons for those decisions and relevant officer reports and background papers are made publicly available as soon as possible.
- (f) **Advising whether Executive decisions are within the Budget and Policy Framework.** The Monitoring Officer will advise whether decisions of the Executive are in accordance with the Budget and Policy Framework.
- (g) **Politically restricted posts.** The Monitoring Officer will take any necessary action required of the County Council in connection with the designation of posts within the County Council as politically sensitive in accordance with the legislation in force for the time being. (The granting of exemptions is a matter for the Head of Paid Service – see Article 12.02 (b) above.)
- (h) **Providing advice.** The Monitoring Officer will provide advice on the scope of powers and authority to take decisions, maladministration, financial impropriety, probity and Budget and Policy Framework issues to all county councillors.

- (i) **Restrictions on posts.** The Monitoring Officer cannot be the Chief Financial Officer or the Head of Paid Service.
- (j) **Coronial appointments.** The Monitoring Officer will confirm coronial appointments as required in accordance with legislation in force for the time being.

#### **12.04 Functions of the Chief Financial Officer**

- (a) **Ensuring lawfulness and financial prudence of decision-making.** After consulting with the Head of Paid Service and the Monitoring Officer, the Chief Financial Officer will report to the full County Council or to the Executive in relation to an Executive function and the County Council's external auditor if he or she considers that any proposal, decision or course of action will involve incurring unlawful expenditure, or is unlawful and is likely to cause a loss or deficiency or if the County Council is about to enter an item of account unlawfully.
- (b) **Administration of financial affairs.** The Chief Financial Officer will have responsibility for the administration of the financial affairs of the County Council.
- (c) **Contributing to corporate management.** The Chief Financial Officer will contribute to the corporate management of the County Council, in particular through the provision of professional financial advice.
- (d) **Providing advice.** The Chief Financial Officer will provide advice on the scope of powers and authority to take decisions, maladministration, financial impropriety, probity and budget and Policy Framework issues to all county councillors and will support and advise county councillors and officers in their respective roles.
- (e) **Giving financial information.** The Chief Financial Officer will provide financial information to the media, members of the public and the community.
- (f) **Acceptance of Grant Conditions.** The Chief Financial Officer pursuant to Section 151 of the Local Government Act 1972, will have the power to enter into binding financial agreements including, but not limited to, applying for grants or making grant claims and accepting conditional or non-conditional grants.

#### **12.04A Functions of the designated Scrutiny Officer.**

The designated Scrutiny Officer will undertake the functions laid down in Section 21ZA of the Local Government Act 2000 as follows:-

- (a) to promote the role of the Authority's overview and scrutiny committee or committees;
- (b) to provide support to the Authority's overview and scrutiny committee or committees and members of that committee or those committees;

- (c) to provide support and guidance to:-
- (i) members of the Authority
  - (ii) members of the executive of the Authority, and
  - (iii) officers of the Authority;

in relation to the functions of the Authority's overview and scrutiny committee or committees.

#### **12.05 Duty to provide sufficient resources to the Monitoring Officer and Chief Financial Officer**

The County Council will provide the Monitoring Officer and Chief Financial Officer with such officers, accommodation and other resources as are in their opinion sufficient to allow their duties to be performed.

#### **12.06 Conduct**

Officers will comply with the Officers' Code of Conduct and the Protocol on Member/Officer Relations set out in Part 5 of this Constitution.

#### **12.07 Employment**

The recruitment, selection and dismissal of officers will comply with the Officer Employment Procedure Rules set out in Part 4H of this Constitution.

#### **12.08 Record of Decisions**

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.

### **ARTICLE 13** ***Decision-making***

#### **13.01 Responsibility for decision-making**

The County Council will issue and keep up to date a record of what part of the County Council or individual has responsibilities for particular types of decisions or decisions relating to particular areas or functions. This record is set out in Parts 3 and 9 of this Constitution.

#### **13.02 Principles of decision-making**

All decisions of the County Council will be made in accordance with the following principles:

- (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.

### **13.03 Types of decision**

- (a) **Decisions reserved to full County Council.** Decisions relating to the functions listed in Article 4.02 will be made by the full County Council and not delegated.
- (b) **Key Decisions.** A Key Decision is an executive decision which is likely:
- (i) to result in the County Council incurring expenditure which is, or the making of savings which are, significant having regard to the County Council's Budget for the service or function to which the decision relates; or
  - (ii) to be significant in terms of its effects on communities living or working in an area comprising two or more electoral divisions in the County.

A decision maker may only make a Key Decision in accordance with the requirements of the Executive Procedure Rules set out in Part 4D of this Constitution.

*[Note: Key Decisions should normally feature in the Forward Plan which is described in Rule 14 of the Access to Information Procedure Rules in Part 4B. The current local working definition of a Key Decision adopted by the County Council is described in Rule 8 of the Executive Procedure Rules set out in Part 4D of this Constitution]*

### **13.04 Decision-making by the full County Council**

Subject to Article 13.08, the County Council meeting will follow the Meeting Procedure Rules (Standing Orders) set out in Part 4A of this Constitution when considering any matter.

### **13.05 Decision-making by the Executive**

Subject to Articles 7.08 and 13.08, the Executive will follow the Executive Procedure Rules set out in Part 4D of this Constitution when considering any matter.

### **13.06 Decision-making by overview and scrutiny committees**

Overview and scrutiny committees will follow the Overview and Scrutiny Procedure Rules set out in Part 4E of this Constitution when considering any matter.

### **13.07 Decision-making by boards and other committees and sub-committees established by the County Council**

Subject to Article 13.08, other County Council boards, committees and sub-committees will follow those parts of the Meeting Procedure Rules (Standing Orders) set out in Part 4A of this Constitution as apply to them.

### **13.08 Decision-making by County Council bodies acting as tribunals**

The County Council, a county councillor or an officer acting as a tribunal or in a quasi-judicial manner or determining/considering (other than for the purposes

of giving advice) the civil rights and obligations or the criminal responsibility of any person will follow a proper procedure which accords with the requirements of natural justice and the right to a fair trial contained in Article 6 of the European Convention on Human Rights.

### **13.09 Decision-making between meetings**

The Chief Executive will take action between meetings which he or she considers is urgent in accordance with the provisions set out in Section D, Part 3 of this Constitution.

## **ARTICLE 14**

### ***Finance, contracts and legal matters***

#### **14.01 Financial management**

The management of the County Council's financial affairs will be conducted in accordance with the Financial Procedure Rules set out in Part 4F of this Constitution.

#### **14.02 Contracts**

Every contract made by the County Council will comply with the Contract Procedure Rules set out in Part 4G of this Constitution.

#### **14.03 Legal proceedings**

The Chief Legal Officer and Monitoring Officer is authorised, and may authorise others, to do the following:

- (a) To institute, participate in, defend, settle, compromise, withdraw or discontinue any proceedings on behalf of the Council;
- (b) To advance, defend, compromise, abandon or otherwise dispose of claims (for monies or other remedies) in connection with any pending or actual legal proceedings in any cases where such action is necessary to give effect to decisions of any part of the council or in any cases where the Chief Legal Officer and Monitoring Officer considers that such action is necessary to protect the Council's interest.
- (c) To act as 'litigation friend' in connection with any legal proceedings brought by persons to who the Council owes a legal duty of care (e.g. children in care);
- (d) To instruct counsel, solicitors and other experts in relation to legal proceedings, public enquiries, and other matters involving the Council.

With regard to the settlement of any legal proceedings where the settlement terms include the payment of a 'special severance payment', such payment shall be approved as follows:

- (i) The full Council must approve any special severance payments of £100,000 and above;

- (ii) The approval of the Head of Paid Service and the Leader of the Council must be obtained and recorded for any payments above £20,000 but below £100,000.
- (iii) The approval of the Chief Legal Officer and Monitoring Officer in consultation with the Director of Corporate Resources must be obtained for any payments below £20,000.

*[Note: The expression “proceedings” shall include, without limitation, criminal proceedings, civil claims, court cases, tribunals, enquiries, arbitrations and other alternative dispute resolution processes.]*

#### **14.04 Authentication of documents**

- (a) The Chief Legal Officer and Monitoring Officer and such officers as are authorised by him/her, are authorised generally to seal, sign, authenticate, attest and issue any notice, order or other document (including documents required for legal proceedings) on the Council’s behalf including by electronic means, unless an Act of Parliament requires some other person to do so, or the Council gives authority to some other person.
- (b) Any contract with a value exceeding the limit provided for in Part 4G of this Constitution (the Contract Procedure Rules) entered into on behalf of the County Council shall be made in writing. Such contracts must either be signed (by electronic means or otherwise) or, in cases determined by the Chief Legal Officer and Monitoring Officer or where it is otherwise required in law, made under the Common Seal of the County Council in a form to be determined or approved by him/her.

#### **14.05 Common Seal of the County Council**

The Common Seal of the County Council will be kept in a safe place in the custody of the Chief Executive. A decision of the County Council, or of any part of it, will be sufficient authority for sealing any document necessary to give effect to the decision. The Common Seal will be affixed to those documents which in the opinion of the Chief Executive should be sealed. The affixing of the Common Seal will be attested by the Chief Executive or some other person authorised by him or her.

### **ARTICLE 15**

#### ***Review and revision of the Constitution***

##### **15.01 Duty to Monitor and Review the Constitution**

- (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:

- (i) observe meetings of different parts of the member and officer structure;
- (ii) undertake an audit trail of a sample of decisions;
- (iii) record and analyse issues raised with him or her by members, officers, the public and other relevant stakeholders; and
- (iv) compare practices in the County Council with those in other comparable authorities, or national examples of best practice.

## **15.02 Changes to the Constitution**

- (a) The Chief Legal Officer and Monitoring Officer is authorised to make consequential changes to the Constitution including (but not limited to):
- 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 an Act of Parliament is replaced by another Act in substantially similar terms, or to reflect changes which are required by new legislation which the Council is required to implement.
- (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 Committee and/or Corporate Governance Committee and/or Employment Committee as appropriate.

## **ARTICLE 16**

### ***Suspension, interpretation and publication of the Constitution***

#### **16.01 Suspension of the Constitution**

- (a) **No suspension of Articles.** The Articles of this Constitution may not be suspended.
- (b) **Suspension of Rules.** The Rules specified in paragraph (d) below may be suspended either to the extent permitted within them or by the full County Council. Any suspension shall be within the law. The extent and duration of suspension will be proportionate to the result to be achieved, taking account of the purposes of the Constitution set out in Article 1.
- (c) **Procedure to suspend.** A suspension permitted within the Rules themselves shall follow any procedure, and shall be subject to any

restrictions, specified in those Rules. A suspension by the full County Council will not be moved without notice unless at least one half of the whole number of county councillors is present.

- (d) **Rules capable of suspension.** The following Rules may be suspended in accordance with Article 16.01 and in compliance with any restrictions contained within them:

Meeting Procedure Rules (Standing Orders) - Part 4A  
Financial Procedure Rules - Part 4F  
Contract Procedure Rules - Part 4G

### **16.02 Interpretation**

The ruling of the Chairman of the County Council as to the construction or application of this Constitution or as to any proceedings of the County Council shall not be challenged at any meeting of the County Council. Such interpretation will have regard to the purposes of this Constitution contained in Article 1.

### **16.03 Publication**

The Chief Executive will ensure that a copy of the Constitution is available for inspection at County Hall and is published on the County Council's website. The Chief Executive will also ensure that paper copies can be purchased on payment of a reasonable fee.

**SCHEDULE 1**  
***Description of Executive Arrangements***

The following parts of this Constitution constitute the Executive Arrangements for the purposes of the Local Government Act 2000:

1. Article 6 (Overview and scrutiny committees) and the Overview and Scrutiny Procedure Rules (Part 4E);
2. Article 7 (The Executive) and the Executive Procedure Rules (Part 4D);
3. Article 10 (Area committees and forums);
4. Article 11 (Joint arrangements);
5. Article 13 (Decision making) and the Access to Information Procedure Rules (Part 4B);
6. Part 3 (Responsibility for Functions); and
7. Part 9 (Delegation to officers).

**SCHEDULE 2**  
***Plans and Strategies forming the Policy Framework (Article 4.01)***

**In accordance with the Local Authorities (Functions and Responsibilities) (England) Regulations 2000:**

1. Community Safety Strategy
2. Local Transport Plan
3. Minerals and Waste Local Plan
4. Youth Justice Plan

**By local choice**

5. MTFs comprising:
  - Corporate Asset Investment Fund Strategy
  - Treasury Management Strategy
  - Earmarked Funds Policy
  - Risk Management Policy Statement and Strategy
  - Capital Strategy
6. Strategic Plan and strategies relating to its outcomes and principles including, for example, but not limited to:
  - Economic Growth Strategy
  - Environment Strategy
  - Net Zero Strategy
  - Our Communities Approach (Communities Strategy)
  - Equality, Diversity and Inclusion Strategy
7. Annual Performance Report
8. Annual Report of the Director of Public Health
9. Code of Corporate Governance

- 10. Corporate Parenting Policy
- 11. Strategic Growth Plan and strategies to enable its delivery, including, for example, but not limited to:
  - Long Term Infrastructure Plan
  - Planning Obligations Policy

*[Note: the following Plans, which are listed here solely for the sake of completeness, do not form part of the Policy Framework]*

### **Plans determined by the Executive**

- A. *Strategies to enable delivery of the Local Transport Plan, including, for example, but not limited to:*
  - *Highways Asset Management Strategy and Policy*
  - *Passenger Transport Strategy and Policy*
- B. *Home to School Transport Policies:*
  - *Mainstream*
  - *Special Educational Needs and Disabilities*
- C. *Adult Social Care Transport Policy*
- D. *Joint Municipal Waste Management Strategy*
- E. *Strategies to enable delivery of the Environment Strategy, including, for example, but not limited to:*
  - *Tree Management Strategy*
  - *Ash Dieback Strategy*
- F. *Local Flood Risk Management Strategy*
- G. *Local Development Scheme*
- H. *Statement of Community Involvement*
- I. *Leicestershire Rural Framework*
- J. *Statutory Regulatory Reports including, for example, but not limited to*
  - *Enforcement Programme for Underage Sales of Tobacco Products and Aerosol Paints*
  - *Use of the Covert Surveillance and the Acquisition of Communications Data Policy Statement*
- K. *Corporate Asset Management Plan*
- L. *Public Health Strategy and Strategies to enable its delivery, including, for example, but not limited to:*
  - *Sexual Health Strategy*
  - *Substance Misuse Strategy*
  - *Obesity Strategy*
- M. *Children and Families Departmental Plan and strategies to enable its delivery*
- N. *Special Educational Needs and Disabilities Strategy*
- O. *Strategies relating to Schools:*
  - *School Placements*
  - *Fair Access Protocol*
  - *Admissions Policy*
  - *Schools Funding Formula*
- P. *Adults and Communities Departmental Strategy and strategies to enable its delivery, including, for example, but not limited to:*

- *Workforce Strategy*
  - *Community Equipment Strategy*
  - *Accommodation and Investment Prospectus*
  - *Safeguarding Adults Board Annual Report*
- Q. *Adult Social Care Market Position Statement*
- R. *Whole Life Disability Strategy*
- S. *Partnership strategies:*
- *LLR Carers Strategy*
  - *LLR Autism Strategy*
  - *LLR Dementia Strategy*
  - *Children and Families Partnership Plan*

### **Plans Determined by the Health and Wellbeing Board**

- *Better Care Fund Plan*
- *Joint Local Health and Wellbeing Strategy*
- *Joint Strategic Needs Assessment*
- *Pharmaceutical Needs Assessment*

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## **SCHEDULE 3 TABLES**

### **TABLE A Overview and scrutiny committees (Article 6.01)**

[Note:

- *Articles 2.03(b) of this Constitution states that all County Councillors will act in the capacity to which they are elected to the County Council and not speak on behalf of any other local authority whilst they are acting as a County Councillor. This applies when overview and scrutiny committees consider matters which also affect district councils, for example growth and associated infrastructure items.*
- *Neither the Scrutiny Commission nor any of the other overview and scrutiny committees or subcommittees are empowered to take decisions or exercise any responsibilities of the Executive or County Council or Health Service bodies. The general role and specific functions are described in Article 6 and for the purposes of that Article the Scrutiny Commission is regarded as an overview and scrutiny committee for those matters which come within its scope.]*

<b>Committee</b>	<b>Scope</b>
<b>Scrutiny Commission</b>	1. The executive functions of the County Council in respect of the Corporate Resources Department (but not limited to) :-  (i) The Budget (the revenue budget and capital programme)

Committee	Scope
	<p>(ii) Strategic and Operational Property including property energy efficiency and the Investing in Leicestershire Programme</p> <p>(iii) Information and Communications Technology (ICT)</p> <p>(iv) Leicestershire Traded Services and Customer Services</p> <p>(v) Corporate Transformation and Ways of Working</p> <p>(vi) Corporate Performance, complaints and compliments.</p> <p>2. Any functions which are not specifically within the scope of any other overview and scrutiny committee.</p> <p>3. To act as the Crime and Disorder Committee in accordance with Section 19 of Part 3 of the Police and Justice Act 2006 and work with the Police and Crime Panel to scrutinise the delivery of effectiveness of measures aimed at reducing crime and disorder.</p> <p>4. To monitor the performance and activities of: -</p> <p>(a) The Leicester and Leicestershire Business and Skills Partnership;</p> <p>(b) Any other partnerships that are associated with the executive functions outlined above and not within the scope of any other overview and scrutiny committee.</p> <p><i>[Note: The scope of the Scrutiny Commission will not extend to exercising functions relating to the scrutiny of:</i></p> <ul style="list-style-type: none"> <li>• <i>Operational Transformation within service departments which will be a matter for each of the service related overview and scrutiny committee;</i></li> <li>• <i>the National Health Service in the County, which will be a matter for the designated scrutiny committee.)</i></li> </ul> <p><i>See Rule 2A of the Overview and Scrutiny Procedure Rules (Part 4E) for the functions of the Scrutiny Commissioners.]</i></p>
<p><b>Children and Families</b></p>	<p>1. The executive functions of the County Council in respect of Children and Family Services including Unaccompanied Asylum Seeking Children.</p> <p>2. To monitor the performance and activities of any partnerships that are associated with the executive functions outlined in 1. above.</p>
<p><b>Adults and Cultural Services</b></p>	<p>1. The executive functions of the County Council in respect of the Adults and Cultural Services Department.</p> <p>2. To monitor the performance and activities of any partnerships that are associated with the executive functions outlined in 1. above.</p>

<b>Committee</b>	<b>Scope</b>
<b>Growth, Highways and Transport</b>	<ol style="list-style-type: none"> <li>1. The executive functions of the County Council in respect of Strategic Planning, Growth and associated infrastructure, Highways and Transport within the Growth, Environment and Transport Department.</li> <li>2. To monitor the performance and activities of any partnerships that are associated with the executive functions outlined in 1. above.</li> </ol>
<b>Environment, Flooding, Climate Change and Waste</b>	<ol style="list-style-type: none"> <li>1. The executive functions of the County Council in respect of Flooding, the Council's Environment Agenda including Forestry and Climate Change, and Waste Management Services within the Growth, Environment and Transport Department.</li> <li>2. To monitor the performance and activities of the Flood Risk Management Board in accordance with Section 9FH of Schedule 2 of the Localism Act 2011.</li> <li>3. To monitor the performance and activities of any partnerships that are associated with the executive functions outlined in 1. and 2. above.</li> </ol>
<b>Health and Communities</b>	<ol style="list-style-type: none"> <li>1. The executive functions of the County Council in relation to the Public Health, Communities, Law and Governance Department including homelessness and asylum (not including unaccompanied asylum seeking children).</li> <li>2. To monitor the performance of the Health and Wellbeing Board in respect of the executive functions outlined in 1. above and any other partnerships as appropriate that are associated with those functions.</li> <li>3. Health Service Functions as follows:- <ol style="list-style-type: none"> <li>(a) The exercise by health bodies of functions which affect the area of the County Council;</li> <li>(b) Arrangements for responding to consultation by local health bodies for substantial development of the health service or substantial variation in the provision of such services save where these are dealt with through a joint committee with other Social Services authorities.</li> </ol> </li> </ol>

*[Note: Article 6.09 makes provision for the County Council to establish a joint committee with other Social Services authorities, to scrutinise any health issue or consultation which has an area larger than the County Council where it considers it necessary or is required to do so.]*

**TABLE B**  
**Area committees and forums (Article 10.02)**

<b>name of committee</b>	<b>composition</b>	<b>terms of reference</b>
<i>[to be completed if and when area committees are appointed]</i>		

**TABLE C**  
**Chief officers (Article 12.01)**

<b>Post</b>	<b>Functions and areas of responsibility</b>
Chief Executive	<ol style="list-style-type: none"> <li>1. Head of the Paid Service.</li> <li>2. Leading the Corporate Management Team (CMT).</li> <li>3. Overall corporate management and operational responsibility (including overall management responsibility for all officers).</li> <li>4. Provision of professional advice to all parties in the decision-making process.</li> <li>5. Responsibility for a system of record keeping for all of the County Council's decisions.</li> <li>6. Representing the County Council on partnership and external bodies (as required by statute or the County Council).</li> </ol>
Director of Corporate Resources (Deputy Chief Executive)	<ol style="list-style-type: none"> <li>1. Act in the Chief Executive's absence.</li> <li>2. Oversight of the operation of the finance function and work of the Chief Financial Officer.</li> <li>3. Contribution to corporate management through participation in CMT.</li> <li>4. Provision of professional advice in connection with and managing the effective provision of services for:-               <ol style="list-style-type: none"> <li>(a) Corporate Strategy for Transformation.</li> <li>(b) Human Resources.</li> <li>(c) Business Intelligence</li> <li>(d) Strategic and Operational Property</li> <li>(e) Information Communications and Technology (ICT).</li> </ol> </li> </ol>

Post	Functions and areas of responsibility
	(f) Public Relations and Communications.
Chief Legal Officer and Monitoring Officer	<ol style="list-style-type: none"> <li>1. Provision of professional legal and governance advice.</li> <li>2. Provision of democratic governance and advice and support to Members.</li> <li>3. Provision of advice on ethical standards and the Code of Conduct for Members.</li> <li>4. Monitoring and Reviewing the Constitution.</li> <li>5. Contribution to corporate management through participation in CMT.</li> </ol>
Director of Children and Family Services	<ol style="list-style-type: none"> <li>1. Provision of professional advice in connection with and managing the effective provision of children and family services (including unaccompanied asylum seeking children), youth justice and domestic abuse.</li> <li>2. Contribution to corporate management through participation in CMT.</li> </ol>
Director of Adults and Cultural Services	<ol style="list-style-type: none"> <li>1. Provision of professional advice in connection with and managing the effective provision of:- <ul style="list-style-type: none"> <li>(a) Adult Social Care Services.</li> <li>(b) Libraries Service.</li> <li>(c) Heritage and Arts (including Beaumanor Hall and Park and the Century Theatre's heritage and visitor experience).</li> <li>(d) Country Parks</li> </ul> </li> <li>2. Contribution to corporate management through participation in CMT.</li> <li>3. Liaison with the NHS.</li> </ol>
Director of Growth, Environment and Transport	<ol style="list-style-type: none"> <li>1. Provision of professional advice in connection with and managing the effective provision of services for:- <ul style="list-style-type: none"> <li>(a) Highways.</li> <li>(b) Transportation.</li> <li>(c) Waste Management.</li> <li>(d) Environmental Management.</li> <li>(e) Planning, Heritage and Natural Environment.</li> <li>(f) Strategic Planning and Growth.</li> </ul> </li> </ol>

<b>Post</b>	<b>Functions and areas of responsibility</b>
	(g) Forestry. (h) Foundation Strategic Authority and Spatial Development Strategy Lead  2. Contribution to corporate management through participation in CMT.
Director of Public Health, Communities, Law and Governance	1. Provision of professional advice in connection with and managing the effective provision of services for:-  (a) Health and public health. (b) Liaison with the NHS. (c) Strategy. (d) Regulatory Services and Trading Standards. (e) Multi-agency Traveller Unit. (f) Homelessness (g) Asylum (not including unaccompanied asylum seeking children) (h) Community Safety, Serious Organised Crime, Prevent. (i) Communities and Economic Strategies, and related partnerships. (j) Emergency Management.  2. Managing the effective provision of services for:-  (a) Legal Services (b) Governance and Members Services  3. Contribution to corporate management through participation in CMT.

**TABLE D**

***Head of Paid Service, Monitoring Officer, Chief Financial Officer and designated Scrutiny Officer (Article 12.01)***

<b>Post</b>	<b>Designation</b>
Chief Executive	Head of Paid Service
Chief Legal Officer and Monitoring Officer	Monitoring Officer
Director of Corporate Resources	Chief Financial Officer
Head of Law	Scrutiny Officer

**[end of Articles]**