

**PROPOSED AMENDMENTS TO THE CONSTITUTION
OF LEICESTERSHIRE COUNTY COUNCIL – MARCH 2002**

ITEM	PROPOSED AMENDMENT	EXPLANATION
Part 1 – Summary and Explanation (Page1/3).	Paragraph 12. Amend second sentence to read as follows: “The Executive must consist of not fewer than three and not more than ten members – the Leader, Deputy Leader (if one is appointed) and the Cabinet – all of whom are appointed by the full County Council.”	To reflect that the size of the Cabinet can change.
Part 2 Article 2 .01 Composition and Eligibility (Page 2/2).	Amend (a) to read as follows:- “(a) Composition. The County Council will comprise 54 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”.	The Local Government Commission will be replaced in April 2002 by an Electoral Commission who will approve the Council’s Scheme. The approval of the Secretary of State will no longer be required.
Schedule 2 to the Articles. Plans and Strategies forming the Policy Framework (Page 2/21). Plans determined by Chief Officers (Page 2/24).	Amend Item 5 to read “Community Strategies”. Delete C. Civil Defence Plan.	To reflect that the County Council will be a partner in a number of strategies rather than a single one. There is no longer a requirement to maintain a Civil Defence Plan. The County Council does not have such a plan and the County Emergency Management Officer does not envisage having to prepare one.

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<p>Part 3 Responsibility for Functions</p> <p>Development Control and Regulatory Board (Page 3/3)</p>	<p>Amend paragraph 3(a) to read as follows:-</p> <p>“(a) Planning and conservation.</p> <p>(i) The exercise of those functions relating to town and country planning and development control which are specified in Schedule 1 to the Local Authorities (Functions and Responsibilities)(England) Regulations 2000 (the “Functions Regulations”) and which are relevant to a county council;</p> <p>(ii) Offering advice to the Cabinet in response to consultation exercises relating to planning applications referred by District Councils or other agencies.”</p>	<p>As reported to the Cabinet on 3 July 2001, Regulations under the Local Government Act 2000 require responses to planning applications referred to the County Council for comment by District Councils within the County and other agencies to be dealt with by the Executive. The proposed amendment to the terms of reference of the Development Control and Regulatory Board allows the Board to offer advice to the Cabinet on the exercise of this function.</p>
<p>Responsibility for Functions.</p> <p>Standards Committee (Page 3/6).</p>	<p>Amend(j) to read as follows:-</p> <p>“(j) Subject to the powers of the Employment Committee in relation to Local Conditions of Service, advising as necessary on matters relating to the conduct of employees and procedures relating to the handling of complaints, including “whistle blowing”.</p>	<p>To reflect that conditions of service matters are non-executive functions which it is being proposed will be dealt with by a new Employment Committee.</p> <p>At the time the Constitution was prepared it was thought that a local code of conduct for employees would be needed. It is now understood that a national code is likely to be produced.</p>

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Constitution Committee (Page 3/7).	Delete paragraph 3(g) and reletter the remaining items accordingly.	<p>Incorporated in powers of the proposed Employment Committee.</p> <p>The Officer Employment Procedure Rules (Part 4H) regulate appointments etc. These are part of the Constitution and are therefore covered by paragraph (j). The removal of this reference will avoid any confusion between the role of the Constitution Committee and that of the proposed new Employment Committee.</p>
Employment Committee (Page 3/7).	<p>Add terms of reference of Employment Committee as follows:-</p> <ol style="list-style-type: none"> 1. The Employment Committee shall not have power to appoint subcommittees. 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 	<p>Amended Government Regulations make employment functions non executive i.e. not the responsibility of the Cabinet. This was not the position at the time the Constitution was prepared.</p>

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	<p>(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.</p> <p>3. Subject to the delegations described in paragraph 2, and to the provisions of the Officer Employment Procedure Rules (Part 4H of the Constitution) the functions delegated to the Committee shall be:</p> <p>(a) power to appoint staff and to determine the terms and conditions on which they hold office, including procedures for their dismissal.</p> <p>(b) making effective arrangements to ensure compliance with employment legislation and, where necessary, employment codes of practice.</p>	
<p>General delegation to Heads of Departments (Page 3/12)</p>	<p>Delete the following words at the end of paragraph 17. Data Protection Act 1998 – Charging for subject access:-</p> <p>“held on computer”.</p>	<p>To reflect that the Data Protection Act applies wider than data held on computer i.e. it includes written records.</p>

ITEM	PROPOSED AMENDMENT	EXPLANATION
<p>Section E Panels Page 3/14 and 3/15)</p>	<p>Delete following bodies:-</p> <ul style="list-style-type: none"> (f) Inspection Unit Advisory Panels (Adult Services) (Children’s Services) (g) Registered Homes Representation Panel (Adult Services). (h) Registrations Representations Panel (Children’s Services). <p>Add following body:</p> <p>Appointment Committee (Chief Officer)</p> <p>As provided for in the Officer Employment Procedure Rules, a Committee to appoint or recommend for appointment a person to act as Chief Officer or Head of Paid Service (Provided that it is not practical to appoint such a Committee at a meeting of the Council).</p>	<p>Responsibility for registration of childminders and day nurseries transferred from SSD or OfSTED from 1st September, 2001.</p> <p>Responsibility for registration of residential homes and other provision will transfer from SSD to National Care Standards Commission on 1st April, 2002</p> <p>To avoid any undue delay in establishing an Appointment Committee.</p>
<p>Part 4E Overview and Scrutiny Procedure Rules Rule 2 (Page 4E/1)</p>	<p>Amend 2.4 and 2.5 to read as follows:-</p> <p>“4 To put in place and maintain a system to ensure that referrals from Overview and Scrutiny to the Executive, either by way of report or for reconsideration, are managed efficiently”.</p>	<p>The reference to limits is a mistake. There are no limits set out in the Constitution – this related to an earlier draft.</p>

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	<p>5. At the request of the Executive, to make decisions about the priority of referrals made if the volume of such referrals creates difficulty for management of Executive business or jeopardises the efficient running of County Council business, and</p> <p>Renumber 2.6. as 2.5.</p>	
<p><u>Rule 16</u> (Page 4E/10)</p>	<p>Amend paragraph(a) by the substitution at the end of the paragraph of the words “any particular manner” for “that particular manner”.</p>	<p>Improved wording to remove present ambiguity.</p>
<p>Part 4H – Officer Employment Procedure Rules (Page 4H 2/3)</p>	<p>Remove all references to Deputy Chief Officers in rules 4, 5, 6 and 7.</p> <p>Amend Rule 4 to read as follows:-</p> <p>“Appointment of Chief Officers</p> <p>(1) A committee or subcommittee of the County Council will appoint chief officers. That Committee or Subcommittee must include at least one member of the Executive;</p> <p>(2) An offer of employment to a chief officer shall only be made where no well founded objection from any member of the Executive has been received.”</p>	<p>There are currently no deputy chief officers within the Authority. However, for some purposes a deputy chief officer is defined as any officer who reports directly to a Chief Officer on a major part of his/her duties. (This does not include support staff). The amendment will meet the original intention that the general provisions will apply to all but Chief Officers.</p>

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	<p>Amend Rule 5 (1) to read as follows:-</p> <p>“(1) The appointment of officers below chief officer (other than assistants to political groups) is the responsibility of the Head of Paid Service or his/her nominee and may not be made by county councillors.”</p> <p>Amend Rule 6(3) to read as follows:-</p> <p>“(3) County Councillors will not be involved in disciplinary action against any officer below chief officer except where such involvement is necessary (as a witness) for any investigation or inquiry into alleged misconduct, although the County Council’s disciplinary, capability and related procedures, as adopted from time to time, may allow a right of appeal to members in respect of disciplinary action.”</p> <p>Amend Rule 7 to read as follows:-</p> <p>“County Councillors will not be involved in the dismissal of any officer below chief officer except where such involvement is necessary (as a witness) for any investigation or inquiry into alleged misconduct, although the County Council’s disciplinary capability and related procedures, as adopted from time to time, may allow a right of appeal to members in respect of dismissals.”</p>	