

**CONSTITUTION COMMITTEE – 8 SEPTEMBER 2008****REPORT OF THE CHIEF EXECUTIVE****REVIEW AND REVISION OF THE CONSTITUTION****Purpose**

1. The purpose of this report is to recommend changes to the Constitution as part of this year's annual review.

**Background**

2. Article 15 of the County Council's Constitution gives the Chief Executive a duty to monitor and review the operation of the Constitution to ensure that the aims and principles of the Constitution are given full effect. It requires that changes to the document should only be approved by the full County Council after consideration of the proposal by the Chief Executive and the Constitution Committee or, in the case of the Financial Procedure Rules and Contract Procedure Rules, the recommendations of the Corporate Governance Committee.
3. In the case of everything except the Meeting Procedure Rules the final decision on changes can be made at a single meeting of the County Council. However, in the case of the Meeting Procedure Rules any motion to add, to vary or revoke Standing Orders must, having been proposed and seconded, stand adjourned without discussion to the next ordinary meeting of the Council.
4. The Constitution has been reviewed on an annual basis every year since it came into effect in June 2001. This report sets out the results of the latest review. Proposed changes to the Standard Financial Instructions arising from the review will be considered and determined by the Corporate Governance Committee.
5. The proposed changes to the Constitution are set out in Appendix 1 to this report as follows:-

**Summary of Main Changes**

6. The most significant changes are as follows:-

- (a) Appointment of the Leader and Executive

Various changes to reflect the provisions of the Local Government and Public Involvement in Health Act 2007 relating

to the term of office of the Leader and the appointment of members of the Executive, which becomes a matter solely to be determined by the Leader.

(b) Standards Committee

Various changes to reflect those provisions of the same Act providing for a revised ethical conduct regime for local government providing for the initial assessment as well as investigation and determination of all but the most serious misconduct allegations to be handled locally. In particular this involves changes to the terms of reference of the Standards Committee and a power to make temporary appointments of Independent Members from another Standards Committee where this may be necessary.

(c) Petitions

The proposed amendment of Standing Order 36 to reflect the Government's response to its consultation paper on Local Petitions and Calls for Action.

The main features of the response include the following:-

- a statutory duty will be placed on all local authorities to respond to all petitions, including electronic petitions;
- local authorities will act as community advocates for petitions relating to the PCT;
- all members of the community should be able to organise and sign petitions, including children and young people;
- as a minimum local authorities should respond to all petitions signed by people who live, study or work within the local authority boundary. Local authorities will also be encouraged to respond to Petitions from people outside their area who make use of the local authority's services;
- petitions must contain a call for action;
- if a petition attracts "significant support" it should be able to trigger a full debate at the full Council;
- an appeal mechanism will be established for petitioners who are not satisfied with the response.

(d) Delegations to Officers

Changes to the general scheme of delegation arising from a Review of Specific Delegated Powers which is presently being undertaken.

(e) Joint Committees

Changes to give effect to decisions of the Cabinet to establish joint committees with other authorities.

**Equal Opportunities Implications**

7. None.

**Recommendation**

8. That the County Council be recommended:-

- (a) to approve the proposed changes to the Constitution as set out in the Appendix to this report;
- (b) that the Chief Executive be authorised to make such temporary appointment to the Council's Standards Committee from amongst people serving as independent members of the Standards Committee of a different relevant authority as he/she considers necessary to consider a particular assessment, review or hearing or for a particular period of time, in accordance with any statutory provisions in force for the time being;
- (c) that the following meetings be added to the list of those determined for the purposes of Standing Order 34(2):

"Standards Committee and Subcommittees of the Standards Committee when dealing with issues relating to individuals."

**Background Papers**

The Constitution of Leicestershire County Council.

**Circulation under Sensitive Issues Procedure**

None.

**Officer to Contact**

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