

APPENDIX A

PROPOSED AMENDMENTS TO THE CONSTITUTION OF LEICESTERSHIRE COUNTY COUNCIL SEPTEMBER 2008

<u>ITEM</u>	<u>PROPOSED AMENDMENT</u>	<u>EXPLANATION</u>
<u>PART 1</u> Summary and Explanation	See Annex 1 attached.	Several changes are required to pick up developments since the section was originally drafted.
<u>ARTICLES</u> <u>Article 4 – the Full Council</u> 4.02 Functions of the full County Council	Amend paragraph (d) to read as follows:- "appointing the Leader and Cabinet Support Members."	Removal of reference to members of the Cabinet including the Deputy Leader to reflect that under the Local Government and Public Involvement in Health Act 2007 (LGPH) these appointments are now a matter for the Leader.
<u>Article 7 – The Executive</u> 7.02 Form and Composition	Add the words "Leader of the" before the words "County Council."	The appointments are now a matter for the Leader – see above.
7.03 Leader	Amend paragraph (e) to read as follows:- "(e) the Annual Meeting of the County Council next following the County Council elections."	Under the LGPH Act the term of office of the Leader starts on the day of his election as Leader and ends on the day of the post election annual meeting which follows his election as Leader ie normally a four year term.

<u>ITEM</u>	<u>PROPOSED AMENDMENT</u>	<u>EXPLANATION</u>
<p>7.04 Deputy Leader 7.04A Lead Members</p> <p>7.05 Other Executive Members</p>	<p>Amend to read as follows:-</p> <p>"7.04 Designation of Deputy Leader and Lead Members</p> <p>The Leader of the Council may, if he/she considers it appropriate to do so, appoint one of the Executive Members to the position of Deputy Leader.</p> <p>The Leader will also designate two members of the Executive respectively to act as Lead Member for the Children and Young People's Service and Lead Member for Adult Social Care and Health.</p> <p>The designation of members of the Executive to act as Lead Members for other purposes will be at the Leader's discretion."</p> <p>Amend to refer simply to "Executive Members".</p> <p>Amend (d) to read as follows:-</p> <p>"(d) they are removed from office, either individually or collectively by the Leader of the County Council."</p> <p>Delete (e).</p>	<p>The appointment of members of the Executive is now a matter for the Leader.</p>

<u>ITEM</u>	<u>PROPOSED AMENDMENT</u>	<u>EXPLANATION</u>
<u>Article 9 – The Standards Committee</u>		
9.02 Composition	<p>Amend 9.02 to read as follows:-</p> <p>"The Standards Committee will be composed of at least two County Councillors (who may not include the Leader) and at least two people who are not County Councillors or officers of the County Council or any other body having a Standards Committee (the Independent Members). Temporary appointments of Independent Members from another Standards Committee may be made as permitted under the relevant Regulations. The Independent Members will be entitled to vote at meetings. A member of the Executive may not chair the committee. The statutory prohibition against the Leader being a member of the Standards Committee is extended, as a matter of local choice, to encompass the Deputy Leader, where one has been appointed."</p>	<p>To reflect changes to the law. The Standards Committee (England) Regulations 2008 in effect require the Council to have at least two Independent Members. It also enables temporary appointments to be made of members from another Standards Committee.</p>
9.03 Role and Function	<p>Amend paragraph (f) to read as follows:-</p> <p>"(f) assessing and reviewing complaints about members and conducting determinations hearings."</p>	<p>To reflect changes in the law extending powers of Standards Committees.</p>

<u>ITEM</u>	<u>PROPOSED AMENDMENT</u>	<u>EXPLANATION</u>
<p><u>Schedule 2 – Plans and Strategies Forming the Policy Framework</u></p>	<p>Amend paragraph (h) to read as follows:-</p> <p>"(h) designating posts within the County Council as politically sensitive and determining applications for exemptions."</p> <p>See Annex 2 attached.</p>	
<p><u>PART 3 – FUNCTIONS</u></p> <p>Standards Committee</p>	<p>Amend paragraph 3 to read as follows:-</p> <p>Add the following and re-letter remaining paragraphs accordingly:-</p> <p>"Complaints</p> <p>(c) Assessing and reviewing complaints about members;</p> <p>(d) Conducting determinations hearings;"</p> <p>Amend (existing) paragraph (g) to read as follows:-</p> <p>"(g) Any necessary action required of the County Council in connection with the designation of posts within the County Council as politically sensitive and determining applications for exemption."</p>	<p>To reflect the changes in the law extending the powers of Standards Committees.</p>

<u>ITEM</u>	<u>PROPOSED AMENDMENT</u>	<u>EXPLANATION</u>
Joint Arrangements	<p>Add heading to existing provisions as follows:-</p> <p>"Eastern Shires Purchasing Organisation (ESPO)"</p> <p>Add the following:-</p> <p>Parking and Traffic Regulations Outside London Adjudications Joint Committee (PATROL)</p> <p>The Executive has entered into this national Joint Committee arrangement (for which Manchester City Council act as lead authority) for the provision of an adjudications service to ensure that parking restrictions can be enforced in Leicestershire, under Section 101 of the Local Government Act 1972."</p> <p>Add the following:-</p> <p>"East Midlands Shared Services (EMSS)</p> <p>The Executive has established joint arrangements for the sharing of financial services. A Joint Committee has been established with Nottinghamshire County Council in accordance with Section 102 of the Local Government Act 1972. The Executive has delegated to the Joint Committee the powers to:-</p>	<p>Consequential amendment to reflect decision taken in April 2008.</p> <p>To reflect decisions taken by the Cabinet at its meeting on 29 July 2008.</p>

<u>ITEM</u>	<u>PROPOSED AMENDMENT</u>	<u>EXPLANATION</u>
<p>Section D – General Scheme of Delegation to Heads of Departments</p>	<p>(i) Provide an effective and efficient internal audit service to Leicestershire and Nottinghamshire County Councils and external clients; and</p> <p>(ii) Provide other support services to Leicestershire and Nottinghamshire County Councils and external clients. The services governed by the Joint Committee will be determined by decisions taken by the Executive of both Councils."</p> <p>Delete the following post holders from note (c):-</p> <p>Head of Human Resources Head of Partnerships and Diversity.</p> <p>Amend paragraph 5(c) to read as follows:-</p> <p>"(c) shall not involve a key decision, a new policy or amend an existing policy of the County Council as determined at elected member level."</p> <p>Add following new power and renumber remaining paragraphs accordingly including appropriate cross reference in Financial Procedure Rules:-</p>	<p>Consequential change coming from departmental restructuring.</p> <p>Reference to key decision added for the avoidance of doubt.</p>

<u>ITEM</u>	<u>PROPOSED AMENDMENT</u>	<u>EXPLANATION</u>
	<p>"13. Grants and External Funding:</p> <p>Power in consultation with the relevant Lead Member to apply for and accept grants and external funding subject to:-</p> <ul style="list-style-type: none"> (i) there being no additional costs to the Authority for which there is no budget or capital programme provision; (ii) there being no ongoing costs to the Authority for which there is no budget provision; (iii) approval being obtained to any contingent liabilities for repayment should any conditions not be met; (iv) any associated agreement being made with the approval of the County Solicitor; (v) such conditions as the Director of Corporate Resources may lay down from time to time." <p>14. Provision of Grants and Financial Assistance</p> <p>Power to make grants and provide financial assistance in accordance with such schemes as may be adopted by the Council subject to provision having been made within the budget and any conditions laid down by the Director of Corporate Resources.</p> 	<p>Confirms and establishes existing advice for the avoidance of doubt.</p>

<u>ITEM</u>	<u>PROPOSED AMENDMENT</u>	<u>EXPLANATION</u>
	<p>Add new paragraph and renumber remainder accordingly, including appropriate cross reference to Financial Procedure Rules:-</p> <p>"16. Powers to deal with items under Section 41 of the Local Government Miscellaneous Provisions Act 1982 in relation to lost and uncollected property on County Council premises."</p>	<p>Transferred from specific list of delegations.</p>
<p><u>PART 4A – MEETING PROCEDURE RULES (STANDING ORDERS)</u></p> <p>Standing Order 4 – Order of Business</p> <p>Standing Order 10 – Notice of Motion</p>	<p>Amend (11) to read as follows:-</p> <p>"(11) To appoint the Leader and such Cabinet Support Members as the Council considers appropriate".</p> <p>Amend 5 to read as follows:-</p> <p>"(5) Any notice of motion which would have the effect of removing the Leader (whether following a successful vote of no confidence or otherwise) shall not be deemed to have been duly given for the purposes of this Standing Order unless it:</p> <p>(a) contains the name of the successor Leader; and</p>	<p>Explained under Article 4 above.</p> <p>Explained under Article 4 above.</p>

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Standing Order 18 – Length of Speeches	<p>(b) makes any consequential changes to the Constitution reasonably required for the continued effective administration of the County Council.</p> <p>Any motion proposed under this paragraph shall not be amended but may be withdrawn."</p> <p>Substitute the following for all words after the words "body concerned" paragraph (2):-</p> <p>"and is speaking on such a motion or any amendment to it or the member who moves a motion under Standing Order 10."</p>	For clarity and consistency with recent practice.
Standing Order 28 - Voting	<p>Add following at the end of paragraph (3):-</p> <p>"The votes of members who are not seated in their allocated positions will not be counted."</p>	Difficulty can be encountered in counting votes if members are not in their allocated positions – particularly if members are seated in the public seats to the rear of the Chamber.
Standing Order 36 – Petitions	<p>Amend to read as follows:-</p> <p>(1) Petitions may be presented at meetings of the Commission, a board, committee or relevant Highways Forum. The Commission, board, committee or forum shall receive only such petitions as have been lodged</p>	Revised to conform with Government response to the Local Petitions and Calls for Action Consultation.

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	<p>with the Chief Executive eight clear days before the meeting and are presented by a person who resides, studies or works in the County and/or is a recipient of County Council services and/or is associated with the petition. This Standing Order shall not apply to meetings of the Council or the Executive, subject to paragraphs (6) and (7) below.</p> <p>(2) Every petition shall be couched in proper language and be relevant to some question over which the Council or the Commission or board or committee or forum concerned have authority, relates to the Primary Care Trust or which otherwise affects the County and shall involve a call for action. Signatories should record their name, address (and email address for electronic petitions) and date they signed the petition, and any residential, work or study addresses. The Chief Executive shall have the right to refuse to accept any petition which is considered to be frivolous, vexatious or discriminatory.</p> <p>(3) A petition may be presented by one of the petitioners concerned or may be considered in their absence. It may also be presented by an elected member. If the petitioner is present and wishes to do so, he or she may</p>	

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	<p> speak but only to the extent of formally repeating the wording of the petition and stating the number of signatories to it. A member of the Commission, board, committee or forum to which the petition has been presented may then formally propose either that it be considered at that meeting or that it be referred for consideration to a future meeting or be the subject of a written response by the relevant chief officer to the person who presented the petition. </p> <p> (4) If the Commission, board, committee or forum determine that the petition be considered at the meeting at which it is presented, the question raised by the petition shall be debated at that meeting. </p> <p> (5) If the Commission, board, committee or forum determine that the petition be considered at a future meeting, a report on the question raised by the petition shall be considered as soon as practicable and in any case not later than six months following the date of the meeting at which the petition is presented. </p>	

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	<p>(6) Nothing in this Standing Order will prevent a petition being presented elsewhere provided that it relates to a matter which is already before the body concerned.</p> <p>(7) Where a petition attracts significant support from the local community, defined as containing at least 10,000 signatures, and where it is otherwise thought that a wider debate can be justified, the body concerned shall report to the full Council to enable that necessary wider public debate to take place.</p> <p>(8) Where a petition has not been the subject of debate at a meeting of the Council and where the petitioners are not satisfied that their petition has received the attention it deserves an appeal may be made in accordance with such arrangements as may be agreed by the Constitution Committee, in the light of Government guidance.”</p>	

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Page 4A/23	<p>Add following note relating to Standing Order 34(2).</p> <p>"Standards Committee and Subcommittee when dealing with issues relating to individuals."</p>	<p>The Council will be asked to agree that the provision relating to attendance of members as observers should not apply to these meetings. This would be consistent with the regulations and Standards Board guidance.</p>
<p><u>PART 4B – ACCESS TO INFORMATION PROCEDURE RULES</u></p> <p>RULE 1 – Scope</p> <p>NEW RULE 25</p>	<p>After "Standards Committee" add (Subject to Rule 25 below)"</p> <p>Add following new section and amend contents accordingly:-</p> <p style="text-align: center;">RULE 25 <i>Application of Rules to the Standards Committee and its Subcommittees.</i></p> <p>These rules shall not apply to any subcommittee of the Standards Committee responsible for assessing and reviewing complaints against members.</p>	<p>Application of The Standards Committee (England) Regulations 2008 which disapply the Access to Information provisions to Standards Committees.</p>