

**PROPOSED AMENDMENTS TO THE CONSTITUTION
OF LEICESTERSHIRE COUNTY COUNCIL
SEPTEMBER 2009**

<u>ITEM</u>	<u>PROPOSED AMENDMENT</u>	<u>EXPLANATION</u>
<p><u>PART 1 - SUMMARY AND EXPLANATION</u></p>	<p>Amend paragraph 21 to read as follows:-</p> <p>“21. At any one time, there are a number of <i>ad hoc</i> (i.e. temporary) review panels which carry out specifically targeted reviews on issues identified as requiring special attention. These review panels are wound up once they have completed their work; other new review panels, with new remits, take their place. The purpose of these panels is not to exercise any formal powers associated with overview and scrutiny (which are the preserve of the overview and scrutiny committees) but to contribute to and inform the overview and scrutiny process. The panels, therefore, do not constitute formal committees; however, their final reports are submitted to the relevant overview and scrutiny committee for approval prior to their submission to the Executive and/or relevant partnership body.”</p>	<p>To reflect proposed new scrutiny arrangements.</p>

<u>ITEM</u>	<u>PROPOSED AMENDMENT</u>	<u>EXPLANATION</u>
<p><u>PART 2 - ARTICLES</u></p> <p>Article 3 – Citizens and the County Council</p>	<p>Amend paragraphs 3.01(b) 1 and 2 to read as follows:-</p> <p>“1. 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;</p> <p>2. 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;”</p> <p>Amend paragraph 3.01(d)3 to read as follows:-</p> <p>“3. The County Council’s Standards Committee about a breach of the County Councillors’ Code of Conduct.”</p>	<p>In the interest of clarity – reflects existing practice.</p> <p>To reflect changes in the law relating to powers of Standards Committees.</p>
<p>Article 12 – Officers</p> <p>12.03 Functions of the Monitoring Officer</p>	<p>Amend paragraph 12.03(e) to read as follows:-</p> <p>“(e) Local Assessment of Complaints. The Monitoring Officer will support the Standards Committee in operating a locally based system for the assessment, referral, investigation and hearing of complaints of member misconduct.”</p>	<p>To reflect changes in the law relating to the powers of Standards Committees.</p>

<u>ITEM</u>	<u>PROPOSED AMENDMENT</u>	<u>EXPLANATION</u>
<p>Article 13 – Decision Making</p> <p>13.03 Types of decision</p>	<p>Delete the words "wards or" in paragraph 13.03(b)2.</p>	<p>In the interests of clarity.</p>
<p>Article 16 – Suspension, interpretation and publication of the Constitution</p> <p>16.03 Publication</p>	<p>Amend to read as follows:-</p> <p>"16.03 Publication</p> <p>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."</p>	<p>Members have indicated that they do not require printed copies of the Constitution since it is readily available on the Council's website.</p>
<p>Schedule 2 – Plans and Strategies forming the policy framework</p>	<p>Delete item 5 and insert the following in its place:-</p> <p>"5. Plans and Strategies which form part of the Development Framework:</p> <p>(a) Minerals Development Framework</p> <p>(b) Waste Development Framework."</p>	<p>To reflect changes in the law.</p>

<u>ITEM</u>	<u>PROPOSED AMENDMENT</u>	<u>EXPLANATION</u>
<p><u>PART 3 - RESPONSIBILITY FOR FUNCTIONS</u></p> <p>Corporate Governance Committee</p>	<p>Add following at the end of paragraph 3(a):-</p> <p>“(iv) that the Council’s Treasury Management arrangements are appropriate and regularly monitored.”</p> <p>In paragraph (c) substitute the words “Annual Governance Statement” for the words “Statement of Internal Control”.</p>	<p>In line with CIPFA guidance.</p>
<p>General scheme of delegation to heads of departments</p>	<ol style="list-style-type: none"> 1. Amend paragraph 13(iii) (Grants and External Funding) to read as follows:- <ul style="list-style-type: none"> “(iii) approval being obtained from the Director of Corporate Resources to any contingent liabilities for repayment should any conditions not be met” 2. Delete the word “handbook” from paragraph 20 (Personnel procedures). 	<p>This gives the Director of Corporate Resources the power to approve contingent liabilities which will avoid any undue delay in dealing with these matters. Recently the Chief Executive has exercised his powers relating to decision making between meetings to deal with such cases and something more routine is now required.</p> <p>A handbook is no longer produced. Local Conditions of Service and other personnel policies and procedures are readily available on the Council’s intranet.</p>

<u>ITEM</u>	<u>PROPOSED AMENDMENT</u>	<u>EXPLANATION</u>
<p><u>PART 4A – MEETING PROCEDURE RULES (STANDING ORDERS)</u></p> <p>Standing Order 1 – Meetings of the County Council</p>	<p>Add asterisk alongside paragraph (2) and following explanatory note at the end of Standing Order 1:-</p> <p><i>“(* Under paragraph 3 of Schedule 12 of the Local Government Act 1972 an extraordinary meeting of the Council may be called at any time by the Chairman of the Council. There is also provision for such a meeting to be requisitioned by any five members of the Council.)”</i></p>	
<p>Standing Order 12 – Motions which may be moved during debate</p>	<p>Delete paragraph (11) and renumber remaining paragraphs accordingly.</p>	<p>Update to reflect the Code of Conduct.</p>

<u>ITEM</u>	<u>PROPOSED AMENDMENT</u>	<u>EXPLANATION</u>
<p>Standing Order 30 – Interests in contracts and other matters</p>	<p>Amend to read as follows:-</p> <p style="text-align: center;">“STANDING ORDER 30 Interests in contracts and other matters</p> <p>If any member of the Council has any personal and prejudicial interest as defined within the County Council’s Code of Conduct in any contract, proposed contract, or other matter, that member shall declare that interest and withdraw from the meeting while the contract, proposed contract, or other matter, is under consideration by the Council unless the disability to discuss that matter imposed upon him or her by the Code has been removed by the Standards Committee.</p> <p><i>[Note: The County Council is required to maintain a register of certain types of interests. All elected members must give notice to the Chief Executive of interests covered within 28 days of being elected. Members are also required to ensure that the information is kept up to date. By law the register is open to public inspection. Completing the register does not remove the requirement to declare the interest at meetings in accordance with the provisions of the County Council’s Code of Conduct and Standing Order 30 above.]”</i></p>	<p>Update to reflect the Code of Conduct.</p>