

**PROPOSED AMENDMENTS TO THE CONSTITUTION  
OF LEICESTERSHIRE COUNTY COUNCIL – JUNE 2003**

ITEM	PROPOSED AMENDMENT	EXPLANATION
<p>Part 1 – Summary and Explanation (Page 1/3).</p>	<p>Add the following at the end of paragraph 12:-  “The Council may also decide to appoint members to provide support and assistance to particular Cabinet Members. These will be known as Cabinet Support Members and will not themselves be members of the Executive.”</p>	<p>To enable the formal appointment by the Council of Cabinet Support Members on the basis outlined by the Leader of the Council at the meeting of the County Council on 21<sup>st</sup> May, 2003.</p>
<p><u>Articles</u>  Article 7 (Page 2/9 )</p>	<p>Add following paragraph:-  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.</p>	<p>As Above.  Government Guidance on New Constitutions recognises that such appointments might be desirable and help provide an effective link between the Executive and other Councillors and could be an effective development role for some members. It is not possible to have a formal substitution arrangement for Executive Members and it would be inappropriate for such members also to be members of Overview and Scrutiny Committees.</p>

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	<p>(b) Cabinet Support Members shall hold office until</p> <p>(a) they resign from office; or</p> <p>(b) they are suspended from being county councillors under Part III of the Local Government Act 2000 (although they may resume office at the end of the period of suspension); or</p> <p>(c) they are no longer county councillors; or</p> <p>(d) they are removed from office, either individually or collectively, by resolution of the County Council; or</p> <p>(e) the Annual Meeting of the County Council next following their appointment.</p>	
<p>Schedule 2. of Articles (Page 2/21)</p>	<p>Delete item 4 – Community Care Plans.</p> <p>Amend items 5 and 6 to read as follows:-</p> <p>”5. The Leicestershire Community Strategy”.</p> <p>“6. Such County-wide Crime and Disorder Reduction Strategy as may be produced, (not a statutory requirement).”</p>	<p>The Secretary of State for Health has recently issued a direction removing the requirement to prepare this plan.</p> <p>There is no requirement for the County Council itself to approve all community strategies and crime and disorder reduction strategies which it is associated with, only those on which it is legally responsible for taking the lead.</p> <p>The Council will nevertheless be working to ensure as far as possible that District based strategies are consistent with the relevant County strategy.</p>

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	Delete item 32 Corporate Asset Management Plan and 33 Capital Strategy from Policy Framework – include as Plan to be determined by the Executive following consultation with Scrutiny.	<p>Crime and Disorder reduction strategies are prepared for district areas and the County Council is one of several partners in the process.</p> <p>These plans are not of strategic significance. At one time they were a means for bidding for resources but the arrangements have now changed.</p>
<p>Part 3 Responsibility for Functions</p> <p>Section B – Development Control and Regulatory Board. (Page 3/4).</p>	<p>Amend paragraph 3(g) to read as follows:-</p> <p>(g) Byelaws. Making recommendations to the County Council relating to the making, amendment, revocation or re-enactment of byelaws which are specified in Schedule 1 to the Functions Regulations and which are relevant to the County Council.”</p>	<p>The making of byelaws, referred to in Article 4.02, is a matter for the full Council. This amendment is required to ensure consistency within the Constitution.</p>
<p>Constitution Committee (Page 3/7)</p>	<p>Amend paragraph 3(b) to read as follows.</p> <p>(“b) Statement of Accounts. Approval of the County Council’s Statement of Accounts and those relating to the Leicestershire Pension Fund.”</p>	<p>To clarify the position regarding the approval of Pension Fund Accounts.</p>
<p>Section D – General Delegation to Heads of Departments (Page 3/12)</p>	<p>Delete paragraph 16 relating to Grading of Employees.</p>	<p>The introduction of job evaluation means that these provisions are no longer necessary.</p>

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ITEM	PROPOSED AMENDMENT	EXPLANATION
<p>Section E – Panels (Page 3/14)</p>	<p>Amend paragraph 5(c) (Community Homes Monitoring Panel) to read as follows:-</p> <p>“(c) Childrens’ Community Homes and Service Teams Monitoring Panel:</p> <p>(i) to visit operational childrens’ service Teams and advise the Director of Social Services, and if necessary the Chief Executive and relevant Executive Members, of issues affecting those Teams, as appropriate.</p> <p>(ii) to act as a point of reference for the Director of Social Services in considering Community Homes Monitoring reports and reports of the Inspection Unit on Community Homes and to oversee the Community Homes Monitoring process”.</p>	<p>To comply with recommendations of the Laming Report and advice from the Department of Health relating thereto. This matter was the subject of a report to the Cabinet on 10<sup>th</sup> June, 2003.</p>
<p>Part 4A Meeting Procedure Rules</p> <p>Standing Order 4 (Page 4A/2)</p>	<p>Amend paragraph 11 to read as follows:-</p> <p>“(11) To appoint the Leader and Deputy Leader, members of the Executive and such Cabinet Support Members as the Council considers appropriate.”</p>	<p>To make provision for the Council to appoint Cabinet Support Members where it considers it appropriate to do so.</p>

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<p>Standing Order 10 (Page 4A/7)</p>	<p>Add following paragraph:-</p> <p>“(7) Any notice of motion which would have similar effect to a notice of motion which has already been lodged shall not be deemed to have been duly given for the purpose of this Standing Order, on the basis that any differences can be addressed at the meeting through an amendment to the accepted motion.”</p>	<p>In the interests of clarity. There have been occasions recently when members have sought to lodge notices of motion on the same subject at the same meeting. This would enshrine the principles followed on these occasions within Standing Orders.</p>
<p>Standing Order 30 Interests in Contracts and other Matters (Page 4A17/18)</p>	<p>Amend Standing Order 30 and its supporting note to read as follows:-</p> <p>“(1) 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:-</p> <p>(a) the disability to discuss that matter imposed upon him or her by the Code has been removed by the Standards Committee in accordance with the Relevant Authorities (Standards Committee) (Dispensations) Regulations 2002; or</p>	<p>To reflect the adoption of a new Code of Conduct in compliance with Government Regulations.</p>

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	<p>(b) the contract, proposed contract, or other matter, is under consideration by the Council as part of the report of the committee and not itself the subject of debate; or</p> <p>(c) there is no discussion on the contract or matter.</p> <p>(2) The Chief Executive shall record particulars of any notices given by an officer of the Council under Section 117 of the Local Government Act 1972, of a pecuniary interest in a contract or proposed contract and the book shall be open during office hours to the inspection of any member of the Council.</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. Details of the interests which must be declared are set out in the Members Handbook. 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>	

ITEM	PROPOSED AMENDMENT	EXPLANATION
Meeting Procedure Rules	Amend list at end of rules to read:-  “Adoption Panel Approval of Premises Panel (Civil Marriages) Childrens’ Community Homes and Service Teams Monitoring Panel Complaints Panel (School Curriculum and Religious Education) Complaints Procedure Review Panel (Social Services) Secure Accommodation Review Panel County Council Employment Panel Appointment Committee (Chief Officer)”	To reflect changes in the committee structure.
Part 4B Access to Information Procedure Rules  Rule 21 (Page 4B/9).	Substitute “five clear days” for “three clear days” in Rules 4,5, 13(b), 15(d) and 22.  Substitute “Director of Resources” for “County Treasurer”	To reflect a change in the law.  To reflect change in designation.
Section 4E Overview and Scrutiny Procedure Rules Rule 5 (Page 4E/3)	Substitute “Education” for “Education and Heritage” in note at end of Rule 5.	The name of the Committee was changed in 2002.
Rule 12 (Page 4E/6)	Substitute “seven” for “fifteen” in paragraph (b).	Experience suggests that 15 days notice is seldom practical.



ITEM	PROPOSED AMENDMENT	EXPLANATION
<p>Rule 14 (Page 4E/8)</p>	<p>Amend paragraphs (g) and (i) to read as follows:-</p> <p>“(g) The Chief Executive shall call a meeting of the relevant overview and scrutiny committee on such date as he/she may determine, where possible after consultation with the chairman of the committee, and in any case the meeting shall be held within 10 working days of the decision to call-in.”</p> <p>“(i) If following a call-in, the overview and scrutiny committee does not meet in the period set out above, or does meet but does not refer the matter either back to the decision making person or body, or to the County Council, the decision shall take effect on the date of the overview and scrutiny meeting, or the expiry of the 10 day period referred to in (g) above, whichever is the earlier.”</p>	<p>The existing paragraphs are ambiguous. The proposed amendments will ensure that the procedure is clear in future and is practical having regard to the need to apply the revised rules on access to information.</p>
<p>Schedule - Process for Nominations for Chairmanship (Pages 4E/12).</p>	<p>Amend introduction to paragraph 4 to read as follows:-</p> <p>”4 . Subject to paragraph (g) below, the remaining Chairmanships will be claimed as follows:-</p> <p>Add paragraph (g) below:-</p>	<p>Prepared in response to concerns expressed by members that Chairmanship of the most popular committees should not be held continuously by any particular Group.</p>

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	<p>“(g) Unless all groups on the Council agree to waive this requirement, a Group exercising the first opposition claim shall only be entitled to claim Chairmanship of the same Scrutiny Committee for two consecutive years and it shall be a further two years before the Group concerned can again claim Chairmanship of that Committee. This provision shall come into force from the Annual Meeting of the County Council in 2004.</p> <p>Delete paragraph 5 and renumber remaining paragraphs accordingly.</p>	<p>It has not been practical to apply this provision in this way.</p>
<p>Part 4F Financial Procedure Rules and Standard Financial Instructions.</p>	<p>Substitute “Director of Resources” for “County Treasurer” and “Director of Property” as appropriate.</p>	<p>To reflect organisational changes.</p>
<p>Standard Financial Instructions</p>	<p>Delete paragraph (e) of Instruction 4.</p> <p>Amend note at end of Instruction 4 to read as follows:-</p> <p><i>Note:</i></p> <p><i>For the purposes of the virement provisions of Instruction 4(b) of these Standard Financial Instructions and the definition of a Key Decision described in Rule 8(a)(vi) of the</i></p>	<p>This refers to an element of the General Scheme of Delegation which is being deleted.</p> <p>To reflect changes in the organisational structure and to avoid the need to amend to reflect future changes in the structure.</p>

ITEM	PROPOSED AMENDMENT	EXPLANATION
	<p><i>Executive Procedure Rules in Part 4D, the terms “Section of an approved departmental budget” and “the prescribed section of the budget” mean the primary departmental budget subheadings as set out in the County Council budget booklet.</i></p> <p>Delete schedule at end of Standard Financial Instructions.</p> <p>The deletion of the following words from Instruction 6 – Revenue – revised budgets:</p> <p>”The full County Council will approve the revised budget.”</p>	<p>Although information regarding revised estimates is still presented to the County Council at its budget meeting, the Director of Resources has advised that it is a forecast of likely outturn and not an amendment to the approved budget. Therefore, the approval of the Council is not required.</p>
<p>Part 5C Protocol on Member/Officer Relations (Page 5C/3)</p>	<p>Amend the final sentence of paragraph 9 to read:-</p> <p>”When a Committee requests it, the Executive will provide an appropriate Lead Member to attend an Overview and Scrutiny Meeting to explain an Executive’s decision and the reasons for it.”</p> <p>Substitute “Chief Financial Officer” for “County Treasurer” in paragraph 16(a).</p>	<p>To correct a minor error in the original Constitution.</p> <p>To reflect organisational changes.</p>