



## **CONSTITUTION COMMITTEE – 9 SEPTEMBER 2014**

### **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 Contract Procedure Rules, Financial Procedure Rules and the Members' Planning Code of Good Practice arising from the review will be considered by the Corporate Governance Committee and reported to the County Council at its meeting in December. The Development Control and Regulatory Board will also consider the Members' Planning Code of Good Practice.
5. The proposed changes to the Constitution are set out in the following documents:-

Proposed Amendments to the Constitution of Leicestershire County Council – Appendix 1  
 Proposed Amendments to the Plans and Strategies forming the Policy Framework – Appendix 2

5. The majority of the changes are not particularly significant. Most of them reflect changes in the law or the Council's structure and practices. The Committee's attention is drawn to the following:-

#### Health and Wellbeing Board

6. The terms of reference for the Health and Wellbeing Board have been amended to reflect the decision taken by the Cabinet in February to delegate the function of approving the Better Care Fund and Plans arising from its use.

#### Panels

7. The list of Panels included in Section E of Part 3 of the Constitution, Responsibility for Functions, has been amended to reflect the creation of three new Panels for Children's Social Care. These Panels have been created to ensure accountability and member oversight of the whole range of children's social care services and have replaced the Children's Community Homes Monitoring Panel.

#### Voting

8. The Meeting Procedure Rules have been amended to reflect the new legislative requirement that a recorded vote must be taken at the budget meeting of the County Council on any motion or amendment which affects the precept set by the County Council.

#### Rights to Attend Meetings

9. The Access to Information Procedure Rules have been amended to permit members of the public to report on procedures at public meetings, including by recording the meeting or commentating on social media. This reflects new legislation.

#### Plans and Strategies forming the Policy Framework

10. The list of plans and strategies forming the Policy Framework has been reviewed to ensure that it reflects both current legislation and current practice within the County Council. Those Plans or Strategies which are no longer required have been removed from the list and it is suggested that those Plans or Strategies which are reviewed on an infrequent basis are determined by the Executive rather than reported to full Council.

Overview and Scrutiny Committees would still be expected to be involved in the review of these Plans.

### **Recommendation**

11. That the County Council be recommended to approve the proposed changes to the Constitution as set out in Appendices 1 and 2 to this report.

### **Background Papers**

The Constitution of Leicestershire County Council.  
Report to the Cabinet on 4<sup>th</sup> February 2014 on the Better Care Fund

### **Circulation under Local Issues Alert Procedure**

None.

### **Officers to Contact**

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### **Equal Opportunities and Human Rights Implications**

None.

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