

**PROPOSED AMENDMENTS TO THE CONSTITUTION
OF LEICESTERSHIRE COUNTY COUNCIL
SEPTEMBER 2014**

<u>ITEM</u>	<u>PROPOSED AMENDMENT</u>	<u>EXPLANATION</u>
<u>PART 1 - SUMMARY AND EXPLANATION</u>	<p>Amend paragraph 9 to read as follows:-</p> <p>“9. Those county councillors who are not members of the Executive make a contribution to the operation of the County Council through membership of the County Council’s committees (some of which are called “boards”) – in the “Regulatory” and “Overview and Scrutiny” areas. The board and committees in the Regulatory area will take decisions on “non-executive” functions (such as licensing, planning, elections and members’ code of conduct and allowances) which are outside the scope of the Executive. Many of the day-to-day decisions within the Regulatory area will, in practice, be taken by professional officers acting in accordance with published schemes of delegation but ultimately still accountable to the relevant board or committee or the full County Council depending on the decision involved.”</p> <p>Change the telephone number given in paragraph 28 to 0116 305 6037.</p>	<p>For clarification.</p> <p>To reflect staff changes.</p>

<p><u>PART 2 - ARTICLES</u></p> <p>Article 7 – The Executive</p> <p>7.04 Designation of Deputy Leader and Lead Member</p>	<p>Amend the second paragraph to read as follows:-</p> <p>“The Leader will also designate two members of the Executive respectively to act as Lead Member for Children and Family Services and Lead Member for Adult Social Care”.</p>	<p>To reflect the Cabinet Lead Member titles</p>
<p>Article 7A – The Health and Wellbeing Board.</p> <p>7A.01 Health and Wellbeing Board</p> <p>7A.03 Role and Function</p>	<p>Amend the note to read as follows:-</p> <p><i>[Note: The County Council’s executive function of approving the Better Care Fund and Plans arising from its use has been delegated to the Health and Wellbeing Board.]</i></p> <p>Amend to read as follows:-</p> <p>“To lead and direct work to improve the health and wellbeing of the population of Leicestershire through the development of improved and integrated health and social care services by:-</p> <ul style="list-style-type: none"> (a) Identifying needs and priorities across Leicestershire, and publishing and refreshing the Leicestershire Joint Strategic Needs Assessment (JSNA) so that future commissioning/policy decisions and priorities are based on evidence. (b) Preparing and publishing a Joint Health and Wellbeing Strategy and Plan on behalf of the County Council and its partner clinical commissioning groups so that work is done to meet the needs identified in the JSNA in a co-ordinated, planned and measurable way. (c) Communicating and engaging with local people in how they can achieve the best possible quality of life and be 	<p>To reflect the role of the Health and Wellbeing Board in relation to the Better Care Fund</p>

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	<p>supported to exercise choice and control over their personal health and wellbeing.</p> <p>(d) Approving the Better Care Fund Plan including a pooled budget used to transform local services so people are provided with better integrated care and support together with proposals for its implementation.</p> <p>(e) Having oversight of the use of relevant public sector resources to identify opportunities for the further integration of health and social care services.”</p> <p><i>[Note: More detailed working arrangements relating to the operation of the Health and Wellbeing Board are set out on the County Council website at www.leics.gov.uk/healthwellbeingboard.]</i></p>	
<p>Article 15 – Review and Revision of the Constitution</p> <p>15.02 Changes to the Constitution</p>	<p>Amend to read as follows:-</p> <p>“Approval. Changes to the Constitution will only be approved by the full County Council after consideration of the proposal by the Chief Executive and the Constitution Committee and/or Corporate Governance Committee and/or Employment Committee as appropriate; provided that the Chief Executive is authorised to update any part of this Constitution in respect of changes in the Management Structure and Part 9 of this Constitution for the purpose of formally recording any changes in, or additions to, the specific delegations to officers made by the County Council, the Executive or a Regulatory Board or committee. Proposals for changes to the Meeting Procedure Rules in Part 4(A) of this Constitution must comply with the process prescribed in those Rules.”</p>	<p>To recognise the role of the Employment Committee in making recommendations to the Council on the Employee Code of Conduct.</p>

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<p><i>Schedule 2 – Plans and Strategies forming the Policy Framework</i></p> <p>Schedule 3 – Table A</p>	<p>See Appendix B</p> <p>Amend paragraph 3 of the scope of the Children and Families Overview and Scrutiny Committee as follows:-</p> <p>“3. To monitor the performance and activities of any partnerships that are associated with the executive functions outlined in 1. and 2. Above.”</p> <p>Amend paragraph 3 of the scope of the Environment and Transport Overview and Scrutiny Committee as follows:-</p> <p>“3. To monitor the performance and activities of any partnerships that are associated with the executive functions outlined in 1. and 2. above.”</p>	<p>To reflect the status of the plans and strategies.</p> <p>To reflect changes to the partnership structure.</p>
<p><u>PART 3 - RESPONSIBILITY FOR FUNCTIONS</u></p> <p>Section C: Responsibility for Executive and Health and Wellbeing Functions</p> <p>Joint Arrangements</p>	<p>For the Eastern Shires Purchasing Organisation (ESPO) arrangements, remove reference to Leicester City Council and amend the powers that have been delegated to the joint committee to read as follows:-</p> <p>“(i) Provide a comprehensive cost effective professional purchasing service based on the overall requirements of the Member Authorities (and Customers where applicable);</p> <p>(ii) To maintain effective efficient and economical</p>	<p>To reflect changes in the membership of the consortium.</p> <p>To reflect the updated partnership agreement.</p>

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	<p>arrangements for the supply of goods and/or services;</p> <p>(iii) To achieve overall cost savings and efficiencies for the Member Authorities by providing a simple effective system for the supply of goods and/or services;</p> <p>(iv) To provide timely and relevant information to the Member Authorities based on their requirements; and</p> <p>(v) To provide the ESPO Services [defined in Schedule 2 to the Partnership Agreement] to the Member Authorities (and Customers where applicable) based on their requirements.”</p>	
<p>Section D: General Scheme of Delegation to Heads of Departments</p>	<p>Amend paragraph (c) of the note to read as follows:-</p> <p>“(c) That in respect of the proper officer functions and other delegated powers and functions allocated to the Chief Executive and County Solicitor, the following officers be authorised to act in their absence:-</p> <p>County Solicitor (in own right and on behalf of Chief Executive) Assistant Chief Executive Head of Democratic Services Head of Legal Services (Children, Adult Services and Litigation) Head of Legal Services (Property, Environment and Commercial).”</p> <p>Amend paragraph 20 to read as follows:-</p> <p>“20. Personnel procedures: power for heads of departments to take decisions relating to employment matters delegated to them from time to time in accordance with the local conditions of service and</p>	<p>To reflect staffing changes.</p> <p>For clarification</p>

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	<p>other personnel policies and procedures. The Chief Executive may determine from time to time those matters which may be exercised by the head of department.”</p>	
<p>Section E: Panels</p>	<p>Delete paragraph (c) and replace with the following:-</p> <p>(c) Children’s Social Care Panel: To provide strategic oversight at elected member level of children’s social care issues, having particular regard to the following areas:-</p> <ul style="list-style-type: none"> (i) Children in Care; (ii) Child Protection; (iii) Partnership Working. <p>(d) Children in Care Panel: To provide assurance at elected member level that the County Council is discharging its duties in relation to children in care, having particular regard to the following:-</p> <ul style="list-style-type: none"> (i) Corporate Parenting; (ii) Education of Children in Care; (iii) Consideration of children and young people causing the most concern, such as those in Secure Accommodation; (iv) Standards in Fostering, Adoption and Community Homes provided by or commissioned by the County Council. <p>(e) Child Protection Panel: To provide assurance at elected member level that the County Council is discharging its duties in relation to child protection, having particular regard to the following:-</p> <ul style="list-style-type: none"> (i) That the response is proportionate; (ii) That the emergency response is appropriate and 	<p>To reflect changes to the Panels with oversight of children’s social care issues in the light of the new Ofsted Inspection Framework.</p>

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	<p>effective;</p> <p>(iii) The long term maintenance of child safety;</p> <p>(iv) That lessons are learnt from local and national sources.”</p> <p>Re-number remaining paragraphs accordingly.</p> <p>Amend existing paragraph (e) to read as follows:-</p> <p>“(e) Secure Accommodation Review Panel: to consider the appropriateness of the use of secure accommodation in respect of individual children.</p>	
<p><u>PART 4A – MEETING PROCEDURE RULES (STANDING ORDERS)</u></p> <p>Standing Order 28: Voting</p>	<p>Insert the following paragraph after paragraph 3:-</p> <p>“(4) A vote on any proposition at a budget meeting which relates to the calculation of or the issuing of the precept shall be recorded in the minutes of the meeting so as to show whether each member present gave his or her vote for or against the proposition or abstained from voting.”</p> <p>Re-number remaining paragraphs accordingly</p>	<p>To comply with Government Regulations which require local authorities to amend their Standing Orders so as to include provisions requiring recorded votes at budget meetings.</p> <p>This amendment will stand adjourned until the December meeting of the County Council.</p>
<p>Standing Order 30: Interests in contracts and other matters.</p>	<p>Amend as follows:-</p> <p>“If any member of the Council has any interest under 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</p>	<p>Reference to pecuniary interest no longer applicable.</p> <p>This amendment will stand adjourned until the December meeting of the County Council.</p>

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	the Council unless the disability to discuss that matter imposed upon him or her by the Code has been removed by the Corporate Governance Committee.”	
Note after Meeting Procedure Rules	<p>Add the following to the list of meetings determined for the purposes of Standing Order 34(2):</p> <p>“Children’s Social Care Panel Children in Care Panel Child Protection Panel</p> <p>Delete reference to Children’s Community Homes and Service Teams Monitoring Panel.</p>	Redistribution of functions.
<p><u>PART 4B: ACCESS TO INFORMATION PROCEDURE RULES</u></p> <p>Rule 3: Rights to attend meetings</p>	<p>Amend to read as follows:-</p> <p>“(1) Members of the public may attend all meetings subject only to the exceptions in these Rules.</p> <p>(2) Members of the public attending meetings not covered by the exceptions in these rules shall be permitted to report on the proceedings of such meetings. Such reporting shall include filming or providing a commentary on proceedings using social media tools, providing that any such reporting does not cause obstruction so as to render the due and orderly despatch of business impossible.”</p>	To reflect changes in legislation

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<p><u>PART 6 – MEMBERS’ ALLOWANCES SCHEME</u></p> <p>Schedule 2</p>	<p>Delete (i) from the list of General County Council duties and renumber the remaining paragraphs accordingly.</p>	<p>Redistribution of functions.</p>

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