

**PROPOSED AMENDMENTS TO THE CONSTITUTION
OF LEICESTERSHIRE COUNTY COUNCIL
SEPTEMBER 2017**

<u>ITEM</u>	<u>PROPOSED AMENDMENT</u>	<u>EXPLANATION</u>
<p><u>PART 2 - ARTICLES</u></p> <p>Schedule 2 – Plans and Strategies forming the Policy Framework (<i>Article 4.01</i>)</p>	<p>Delete reference to “The Leicestershire Sustainable Community Strategy” at point 2, and renumber the listed Plans and Strategies accordingly.</p>	<p>To reflect changes in legislation.</p>
<p><u>PART 3 - RESPONSIBILITY FOR FUNCTIONS</u></p> <p>Section C: Responsibility for Executive and Health and Wellbeing Functions</p>	<p>Amend the <i>Notes</i> below paragraph 2 by deleting the following “(a) The Executive has not yet delegated any of its executive functions to a subcommittee” and renumber the remaining paragraphs accordingly.</p> <p>Amend Table C1 (Delegation to a subcommittee) to include the following:</p> <p>Responsible body: The Health and Wellbeing Board. Functions: To approve the Better Care Fund Plan. Onward Limits on delegation: No onward delegation permitted.</p>	<p>To reflect the decision of the Cabinet to delegate authority to the Health and Wellbeing Board to approve the Better Care Fund Plan on its behalf.</p>

<p>Section D: General scheme of delegation to heads of departments</p>	<p>Amend the <i>Notes</i>, paragraph (c) to include in the list of proper officers authorised to act in the absence of the Chief Executive and the Director of Law and Governance, the following:</p> <p>‘Head of Member Services’</p>	<p>To reflect changes in staffing structures.</p>
<p><u>PART 4A – MEETING PROCEDURE RULES (STANDING ORDERS)</u></p> <p>Standing Order 32: Chairmanship of the Executive, the Commission, Boards and Committees</p> <p>Standing Order 36: Petitions at the Commission, boards, committees or forums</p>	<p>Amend paragraph (4)(b) to read as follows:</p> <p>“he or she is suspended by the Group (although he or she may resume office at the end of the period of suspension);</p> <p>Amend to read as follows:</p> <p>Standing Order 36 Petitions at the Commission, boards or committees</p> <p><i>[Note: This Standing Order should be considered alongside the Petitions Scheme which the County Council has adopted to meet its duty under the Local Democracy, Economic Development and Construction Act 2009. The Petitions Scheme is set out in Part 10 of the Council’s Constitution.]</i></p> <p>(1) Petitions may be presented at meetings of the Commission, a board or committee. The Commission, board or committee shall receive only such petitions as have been lodged with the Chief Executive eight clear days before the meeting and</p>	<p>To reflect changes in legislation.</p> <p>To remove reference to highway forums following the decision of the Cabinet in June 2017 to disband these.</p>

are presented by a person who resides, studies or works in the County and/or is a recipient of County Council services and is associated with the petition. This Standing Order shall not apply to meetings of the Council or the Executive, subject to paragraphs (5), (6) and (7) below.

- (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 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, discriminatory or otherwise inappropriate.
- (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 speak but only to the extent of formally repeating the wording of the petition and stating the number of signatories to it. The Commission, board or committee shall then debate the question raised by the petition at that meeting,
- (4) 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>(5) Where a petition attracts significant support from the local community, defined as being signed by at least 10,000 persons living, working or studying in the Authority's area, it will be considered at a meeting of the full County Council.</p> <p>(6) Where a body considering a petition believes that a wider debate can be justified, it may report to a meeting of the full County Council, regardless of the number of signatories to that petition.</p> <p>(7) Where a petition attracts enough support from the local community, defined as being signed by at least 2,000 persons living, working or studying in the Authority's area, and where the petition requests that a Chief Officer of the Authority (whether identified by name or description) be called to account at a public meeting of the Authority, that Chief Officer will be required to do so at the relevant standing overview and scrutiny committee.</p> <p>(8) Where petitioners exercise their right to request for a review of the adequacy of the steps taken or which are proposed to be taken in the Authority's response to a petition, this will be undertaken by the Scrutiny Commission which may use any of its powers to deal with the matter, including instigating an investigation, and making recommendations to the Cabinet or full Council, as appropriate.</p>	
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**PART 4C – BUDGET AND POLICY
FRAMEWORK**

Rule 3: Process for approving the Budget

Amend to read as follows:-

The County Council adopts a Medium Term Financial Strategy which sets out the financial proposals for the County Council for a four year period. This will be reviewed and updated annually. The process by which the Budget is approved will be:

- (a) In the autumn the Executive will consider and determine its budget strategy. This will enable detailed budget proposals to be determined taking into account any development and particularly any announcement from the Secretary of State concerning local government finance.
- (b) By mid-January the Executive will publish its detailed budget proposals and will refer them to the relevant overview and scrutiny committee(s) for consideration. The overview and scrutiny committee(s) will have at least three weeks to respond to the detailed budget proposals of the executive unless the Executive considers that there are special factors that make this timescale inappropriate. If it does, it will inform the overview and scrutiny committee(s) of the reasons why and of the time for response when the detailed budget proposals are referred to it.
- (c) The Executive may, if it considers it appropriate, amend its detailed budget proposals in time for submission to the Budget Meeting of the County

To reflect current practice, taking account of the timing of Government budget and financial announcements.

	<p>Council, alerting the Chairman of the Scrutiny Commission to any major changes so that if appropriate and practical these can be the subject of further consideration by the Scrutiny Commission.</p> <p>(d) Changes in the Budget and Policy Framework are reserved to the County Council.”</p>	
<u>PART 6 – MEMBERS’ ALLOWANCES SCHEME</u>	Replace the entire Scheme with the new Members’ Allowances Scheme attached and to be considered elsewhere on this agenda.	Subject to the prior approval of the County Council, to adopt the revised Scheme following the recommendations made by the Independent Remuneration Panel.
<u>PART 7 – MANAGEMENT STRUCTURE</u>	Replace the entire table with the new version appended.	To reflect current departmental structures.
<u>PART 10 – PETITIONS SCHEME FOR LEICESTERSHIRE COUNTY COUNCIL</u>	Replace the entire Scheme with the new Scheme appended.	Following the decision of the Cabinet to disband Highway Forums.