



Leicester  
City Council

**WARDS AFFECTED**  
All

## **FORWARD TIMETABLE OF CONSULTATION AND MEETINGS:**

Council

18<sup>th</sup> September 2014

---

### **REVISION TO THE CONSTITUTION FOR LEICESTER CITY COUNCIL**

---

#### **Joint report of the Monitoring Officer and Director of Delivery, Communications and Political Governance**

#### **1. PURPOSE OF REPORT**

- 1.1 To agree revisions to the Council's Constitution.

#### **2. SUMMARY**

Article 16 of the Constitution imposes a duty to monitor and review of the operation of the Constitution. This report proposes suggested amendments reflecting the on-going work to meet this duty and further suggests amendments arising from changes to Government Regulations.

#### **3. RECOMMENDATIONS (OR OPTIONS)**

- 3.1 To agree the changes to the Constitution in line with the attached Schedule.
- 3.2 To agree the Members' Allowances Scheme for 2014/15.

#### **4. REPORT**

- 4.1 The attached Schedule lists the changes to the Constitution. Read with the electronic version of the Constitution (which retains track-changes and is available on the Council's website at <http://www.cabinet.leicester.gov.uk:8071/ieListDocuments.aspx?CId=81&MId=6577&Ver=4>) Members will have a comprehensive account of the changes proposed. The Schedule achieves two main tasks:
- i) New changes arising from legislation (e.g. in relation to Members' access to the LGPS).
  - ii) New changes arising from 'user experience' (from Members and officers) of the Constitution.

#### 4.2 Members' Allowances Scheme

It is a legal requirement for Council to approve the Members' Allowances Scheme each municipal year. The changes are shown in the attached Schedule. Aside from minor or consequential changes to names of Committees; correction of typographical errors and reflection in the wording of the document to the fact that the Council has more than one political group, the significant change to note is the deletion of any reference to voluntary participation by Elected Members in the Local Government pension scheme. By change of law under Regulation 26 of The Local Government Pension Scheme (Transitional Provisions, Savings and Amendment) Regulations 2014 new councilors no longer have access to the Local Government Pension Scheme. Existing members already in the scheme as at 31 March 2014 may continue to accrue rights until the end of the term of office, or age 75, whichever is the earlier. As a result the Members' Allowances Scheme must reflect this.

#### 4.3 Council Minutes

A proposal to amend Council Procedure Rule 14(a)(x) to eliminate the need for Council minutes to record the response to an initial printed question, the supplementary question and the answer thereto. In light of the fact that the entire meeting is webcast and easily available online, it is proposed that it would be more efficient and effective to refer Members to the relevant webpage if they wished to review Council questions. This will also save the significant officer resource involved in transcribing verbatim that section of Council meetings.

#### 4.4 Recording of meetings

A proposed amendment to Council Procedure Rule 46 to reflect the changed emphasis on the right of the public to record and report Council meetings. This follows the enactment of the Openness of Local Government Bodies Regulations 2014. Guidance on the effect of these new provisions about recording and reporting meetings of Council is to be found in the new Appendix 8 in Part 5 of the Constitution. .

#### 4.5 Urgent Key Decisions

Proposed changes to Rules 13 and 17 of Part 4B of the Constitution (Key Decisions). The insertion of a new Rule 13(2) would permit the taking of a Key Decision which is properly referenced in the plan of Key Decisions but which, for reasons of exceptional urgency, needs to be taken in the absence of the publication of a notice and a report 5 clear days before the proposed decision date.

The amendment to Rule 17 then provides a corollary right to challenge the use of the procedure under Rule 13(2). .

#### 4.6 Call-in

An amendment to Rule 12 of Part 4D of the Constitution (call-in of Executive decisions) to add a new Rule 12(i). This amendment is designed to clarify the status of an Executive decision which is called-in and subsequently debated at full Council. Specifically, it confirms that once a call-in is debated at full Council that call-in ends, and the Executive decision is revived in its entirety without further action by the Executive decision maker. Any agreement by the

Executive decision maker to change the decision must go through normal decision making procedures (pending which the Executive may choose to regard the first decision as held in abeyance accordingly).

## **5. FINANCIAL, LEGAL AND OTHER IMPLICATIONS**

### **5.1. Financial Implications**

There are no direct financial implications arising from this report.

### **5.2 Legal Implications**

The revision to the Constitution is necessary to ensure lawfulness and probity. The Monitoring Officer has contributed and overseen the revision to the Constitution.

## **6. OTHER IMPLICATIONS**

OTHER IMPLICATIONS	YES/NO	Paragraph References Within the Report
Equal Opportunities	No	
Policy	No	
Sustainable and Environmental	No	
Crime and Disorder	No	
Human Rights Act	No	
Elderly/People on Low Income	No	
Corporate Parenting	No	

## **7. BACKGROUND PAPERS – LOCAL GOVERNMENT ACT 1972**

None.

## **8. CONSULTATIONS**

8.1 There has been no external consultation.

## **9. REPORT AUTHORS**

Kamal Adatia, Monitoring Officer.

Miranda Cannon, Director of Delivery, Communications and Political Governance.