

Table of Proposed Changes to the Constitution

For ease, please find [link](#) to the current Constitution

	Item for Review	Current Wording	Proposed Wording	Change
1	Planning Call-in	See para 2.4, page 37 of the Constitution	See Appendix B	<p>The new wording does not change the circumstances for when call in is used nor does it change the procedure. It simply clarifies the old wording.</p> <p>The new wording does introduce the Portfolio holder as decision maker where the Chair and Deputy Chair are conflicted out of a making a decision.</p> <p>Following the Planning Cross Party Working Group changes were agreed to the Call in process and the wording for the constitution. See appendix B.</p> <p>The changes to the Call in process do not need to be implemented into the constitution as the process is the action taken in order to achieve the constitutional requirements.</p> <p>The suggested amended wording in relation to conflicts of</p>

				interests can be seen in red at Appendix A.
2	Political Balance	The Glossary includes a definition of political balance at page 351 which refers to the relevant legislation that applies.	Definition of Political Balance in the glossary to include additional sentence at the end "Further information is contained in the annual appointments report." See Appendix B	New wording minor amendment to cross reference to the annual appointments report.
3	Right to Buy Delegation	"...the power to dispose of any land or property with a capital value up to or equal to £30,000 is reserved to the Chief Executive and the Strategic Directors in consultation with the relevant Portfolio Holder."	"...the power to dispose of any land or property with a capital value up to or equal to £30,000 is reserved to the Chief Executive and the Strategic Directors in consultation with the relevant Portfolio Holder. For clarity, this clause 8.4 does not apply to disposals under Part V Of the Housing Act." See Appendix B	Additional wording to preclude property being sold under the right to buy scheme. Applications made by council tenants under the right to buy legislation are assessed against a set criterion. If the applicant is deemed eligible than the Council is obliged to sell the property, they have no discretion. It is correct, therefore, that this be dealt with at officer level and not seek approval of Cabinet every time a disposal is made. Clause 8.4 of the Scheme of Delegation is potentially ambiguous, so the new wording removes this ambiguity.
4	Civic Council and awards element	There is currently nothing in the Constitution that recognises Civic Awards	New para 38. at Part 2 Responsibilities for Functions Section C Full Council (page 27): "to make discretionary Civic Awards."	This will enable to Council to see its discretion to make civic awards. They may choose the amount of awards, what for,

			See Appendix B	when to give them out or choose not to make any awards at all.
5	Definition of Quorum	Definition in the Glossary Quorum -The minimum number of people who have to be present before a meeting can take place.	Quorum -The minimum number of people who have to be present and entitled to vote before a meeting can take place. See Appendix B	This clarifies the position that members have to be physically present in a meeting and entitled to vote when calculating quorum.
6	Ability for Strategic Directors to act on each others' behalf	Currently the Strategic Directors can step in and make decisions on each other's areas but only in limited emergency circumstances.	New clause 14 at section G1 Introduction to the officer scheme of delegation "The functions delegated to the Strategic Directors under this scheme of delegation are those functions, which fall within their areas of responsibility. However, save where powers are conferred in accordance with the Strategic Directors position as section 151 officer, Strategic Directors can exercise the powers of other Strategic Directors." See Appendix B	The constitution prior to 2022 contained wording which enabled SD's to step in and exercise the delegated powers of one another. These provisions have been carried forward in the new constitution but limited only to emergency or urgent situations. It has been requested that the previous provisions be reinstated for operational consistency
7	Community bodies	Section E – Roles and Responsibilities for Councillors Part C (page 282) "To actively channel grievances, needs and aspirations of your constituents and community bodies into the scrutiny process" Section G – Planning Code of Conduct para 3.7.3 (page 297) "from membership of other public or community bodies;"	"To actively channel grievances, needs and aspirations of your constituents and outside bodies into the scrutiny process" "from membership of other public or outside bodies;" See Appendix B	In practice, references to Community Bodies also include national and regional bodies including the airport, LGA and East Midlands Councils. It is more appropriate to call them Outside Bodies.

8	<p>Disposal Delegation and Annual Rental Delegation</p>	<p>“Subject to the agreement of the S151 Officer, the power to dispose of any land or property with a capital value up to or equal to £30,000 is reserved to the Chief Executive and the Strategic Directors in consultation with the relevant Portfolio Holder. Disposal of any land or property with a capital value over £30,000 is reserved to Cabinet.”</p> <p>“...the power to dispose of any land or property with a capital value up to or equal to £30,000 is reserved to the Chief Executive and the Strategic Directors in consultation with the relevant Portfolio Holder.”</p>	<p>Both amendments occur to clause 8.4 in G2.</p> <p>In relation to the Disposal Delegation change reducing £30,000 to £10,000.</p> <p>In relation to the Annual Rental Delegation, an explanation that leasehold disposals are not covered under the delegation 8.4 and instead shall be dealt with using the new clause 8.6: <i>“Subject to the agreement of the Section 151 Officer, the power to grant a lease or licence at Market Rent of any land or property that is part of the Council’s Commercial Portfolio for any period up to a maximum of 15 years where the rent is up to £40,000 per annum is reserved to the Chief Executive and the Strategic Directors in consultation with the relevant Portfolio Holder.”</i></p> <p><i>New definitions added to Glossary: “Council’s Commercial Portfolio means Industrial units we hold purely for letting out on a commercial basis. Market Rent a value confirmed by the Council’s valuer as market rent.”</i></p> <p>See Appendix B</p>	<p>In relation to the Disposal Delegation, reducing the limit on delegated disposals of land/property from £30,000 to £10,000 to enable cabinet to manage the Council’s property estate and in the context of the current financial situation allowing transparency and Cabinet understanding the implications of disposing of assets corporately.</p> <p>In relation to the Annual Rental Delegation, the previous scheme of delegation had a specific delegation permitting the grant of a lease where the annual rental does not exceed £40,000. The Council has a large portfolio of commercial properties for let and for the majority of these, the total rent for the term of the lease will exceed £30,000. It leaves officers in a situation where Cabinet approval is required for each individual lease which impacts the ability to efficiently operate the commercial lettings.</p>
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9	Planning Code of Conduct	See Part 4 Codes and Protocols Section G Planning Code of Conduct	Turning bold all references to defined terms. Disclosable Pecuniary Interests and Other Registerable interest . Changing all references to Disclosable Interest to Registerable interest and Disclosable Non Pecuniary Interest to say Other Registerable Interest. See Appendix B	These changes provide consistency to the newly adopted Councillor Code of Conduct.
10	Dispensations	See Appendix B – Interests at Councillors Code of Conduct “3.1.Disclosable Pecuniary Interests 3.1.1. Where a matter arises at a meeting which directly relates to one of your Disclosable Pecuniary Interests: a. you must disclose the interest; b. not participate in any discussion or vote on the matter; and c. must not remain in the room unless you have been granted a Dispensation.” Definition of Dispensation “Where Councillors have an interest in a matter, the Audit and Governance Committee may, in some circumstances, grant a Councillor a dispensation to speak, and	“c. must not remain in the room unless you have been granted a Dispensation” In relation to the Definition of Dispensation “Where Councillors have an interest in a matter, the Monitoring Officer or the Audit and Governance Committee may, in some circumstances, grant a Councillor a dispensation to speak, and sometimes to vote, depending upon the nature of the interest.”	There are three identical changes at this section, 3.1, 3.2 and 3.3. It currently reads as though the granting of a dispensation only allows a member to stay in the room but this is not the intention. The granting of a dispensation allows a member to also participate and vote on the matter. By dropping the wording “unless you have been granted a dispensation down a line, the addresses grammatically the intention of the wording. In relation to the definition of dispensations, including Monitoring Officer as someone who is able to grant them. This is currently omitted but by adding provides consistency and accuracy to the provisions of the constitution.

		<p>sometimes to vote, depending upon the nature of the interest.</p> <p>At clause 18.6 of Section c – access to information procedure rules “(f) a note of any relevant dispensation granted by the Chief Executive.”</p>	<p>In relation to section 18.6 Section c – access to information procedure rules “(f) a note of any relevant dispensation granted by the Monitoring Officer or the Audit and Governance Committee.”</p> <p>See Appendix B</p>	<p>In relation to section 18.6 Section c – access to information procedure rules, amending reference from Chief Executive to Monitoring Officer or the Audit and Governance Committee as it is in fact these who have the power to grant dispensations and not the Chief Executive.</p>
11	Independent Persons	<p>See para 1.7 Section D7 – Audit and Governance Committee. “1.7 Two Independent Persons may be co-opted as required to the Audit and Governance Committee to advise on finance matters or to a Sub-Committee of the Audit and Governance Committee in relation to standards matters but will not be entitled to vote at meetings.”</p>	<p>Change to 1.7 and new 1.8 “1.7 Two Independent Persons may be co-opted as required to the Audit and Governance Committee to advise on finance matters provide appropriate technical expertise or to a Sub-Committee of the Audit and Governance Committee in relation to standards matters but will not be entitled to vote at meetings. It shall be a function of the Audit and Governance Committee to appoint any Independent Person for this purpose.”</p> <p>“1.8 An Independent Person may be co-opted as required to a Sub-Committee of the Audit and Governance Committee in relation to Councillors Code of Conduct matters. Full Council appoint a pool of Independent Persons which can be drawn on for this purpose.”</p> <p>See Appendix B</p>	<p>Within the first change, 1.7, the addition of a wording within the A&G committee form and structure section to make it clear that Independent Persons for A&G Committee will be appointed by the Committee.</p> <p>This follows recent CIPFA guidance that “...recommends that each authority audit committee should include at least two co-opted independent members to provide appropriate technical expertise.”</p> <p>Within the second change, 1.8, identifying that the appointment of IP’s to the pool, for the purpose of Councillor Code of Conduct matters, will be a function of Full Council.</p>

12	Ordinary Meetings of the Council	Section A2 – Procedure rules	See Appendix B	Inclusion of the words ‘any’ at clauses 2.4.9, 2.4.10 and 2.4.11 to ensure consistency with the other clauses within 2.4.																															
13	Supplementary Estimates	<p>Section F Financial Procedure Rules A.27</p> <table border="1" data-bbox="477 480 969 695"> <thead> <tr> <th rowspan="2">Value</th> <th colspan="2">Approval Level Required</th> </tr> <tr> <th>Fully Externally Funded</th> <th>Requires Council Funding</th> </tr> </thead> <tbody> <tr> <td>Between £0 and £99,999</td> <td>Head of Service (then reported to Cabinet at next meeting)</td> <td>Cabinet</td> </tr> <tr> <td>Between £100,000 and £249,999</td> <td>Cabinet</td> <td>Cabinet</td> </tr> <tr> <td>£250,000</td> <td>Full Council</td> <td>Full Council</td> </tr> </tbody> </table> <p>Notes:</p> <ol style="list-style-type: none"> In all circumstances Supplementary Estimates require approval by the S151 Officer. Council funding includes (but is not limited to) revenue budget, reserves, Section 106, capital receipts and borrowing. S151 Officer decision will <u>undertaken</u> an assessment. Supplementary Estimates should not be artificially disaggregated. Supplementary Estimates rules apply to capital and revenue 	Value	Approval Level Required		Fully Externally Funded	Requires Council Funding	Between £0 and £99,999	Head of Service (then reported to Cabinet at next meeting)	Cabinet	Between £100,000 and £249,999	Cabinet	Cabinet	£250,000	Full Council	Full Council	<p>See Appendix B</p> <table border="1" data-bbox="1010 443 1597 703"> <thead> <tr> <th rowspan="2">Value</th> <th colspan="2">Approval Level Required</th> </tr> <tr> <th>Fully Externally Funded</th> <th>Requires Council Funding</th> </tr> </thead> <tbody> <tr> <td>Between £0 and £9,999</td> <td>S151 Officer-Head of Service (then reported to Cabinet at next meeting)</td> <td>S151 Officer-Cabinet</td> </tr> <tr> <td>Between £10,000 and £99,999</td> <td>Head of Service (then reported to Cabinet at next meeting)</td> <td>Cabinet</td> </tr> <tr> <td>Between £100,000 and £249,999</td> <td>Cabinet</td> <td>Cabinet</td> </tr> <tr> <td>£250,000 and over</td> <td>Full Council</td> <td>Full Council</td> </tr> </tbody> </table> <p>Notes:</p> <ol style="list-style-type: none"> In all circumstances Supplementary Estimates require approval by the S151 Officer. Council funding includes (but is not limited to) revenue budget, reserves, Section 106, capital receipts and borrowing. S151 Officer decision will <u>undertaken</u> an assessment. Supplementary Estimates should not be artificially disaggregated. Supplementary Estimates rules apply to capital and revenue. 	Value	Approval Level Required		Fully Externally Funded	Requires Council Funding	Between £0 and £9,999	S151 Officer-Head of Service (then reported to Cabinet at next meeting)	S151 Officer-Cabinet	Between £10,000 and £99,999	Head of Service (then reported to Cabinet at next meeting)	Cabinet	Between £100,000 and £249,999	Cabinet	Cabinet	£250,000 and over	Full Council	Full Council	<p>A supplementary estimate is an addition to the Council's agreed budget. Supplementary estimates can be one-offs, or recurring. Inclusion of a new bracket £0-£9,999 so that the s151 officer can approve low value supplementary estimates to avoid these needing to go to Cabinet.</p> <p>Cabinet approved this delegation on 21 November and the intention here is to formalise this within the constitution.</p>
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14	Access to Information Rules	See Part 3 Section C Access to Information	See Appendix B	<p>The current wording of this section has been identified to have an inconsistency of language.</p> <p>All references to the council offices/offices/designated office updated to ‘Council Offices’ to maintain consistency.</p> <p>No definition of the Council Offices stipulated to enable discretion between Whitwick</p>																															

				<p>business Centre, Stenson house and the customer Contact Centre as appropriate.</p> <p>Para 5.3, 12.1.2, 12.2.2(c) and 15.3 updated to include publication at the Council's offices and on the Councils website to provide consistency with other paragraphs and reflect the legislation. Previously they had only stated that certain notices needed to be published on the Council's website when in fact they also need to be published at the Councils Offices.</p>
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