

Appendix A – Table of Proposed Constitution Amendments

Issue	Current Provision in Constitution	Proposed Change	Rationale for Change
Budget and Policy Framework	See Appendix C for extract of Budget and Policy Framework Rules.	See Appendix C.	The proposed changes would clarify the Budget and Policy Framework Rules and development of the Framework. The s151 Officer would prepare draft budget proposals, which would be presented to Cabinet, prior to then being published for consultation. The draft proposals would also be presented to Scrutiny, prior to final budget proposals being approved by Council.
Reports being taken to Full Council on Treasury Management and Investment Strategies	No express provision for this.	Adding a new clause to the responsibilities of Full Council, to acknowledge that they receive reports on the operation of the Treasury Management Strategy and Investment Strategy.	This will ensure clarity as to the functions of Full Council.
Amending the definition of 'Independent Persons' to refer instead to 'Independent Members' in the context of the A&G Committee.	There are some instances where reference is made to 'Independent Persons', meaning those people co-opted to the A&G Committee to provide technical expertise. This definition is also used to refer to the Independent Person appointed out of the pool of IPs to assist with Code of Conduct matters.	Where necessary, amending the definition of Independent Persons to instead refer to Independent Members.	This ensures clarity as the Independent Members and the Independent Person are different people with different roles; the Constitution sometimes refers to them interchangeably, so the amendment would be required to ensure they are being referred to correctly.
Employee related policies being approved by the Head of Paid Service.	The Cabinet is responsible for: "the development of policy/strategy for the Council, the monitoring	Adding wording to clause 10.3.3 that Cabinet will be responsible for the approval of policies, except where the	There could be some ambiguity as the Head of Paid Service being delegated authority to deal with all Human Resources functions contradicts Cabinets responsibility for the development and review of

	<p>of the effectiveness of policy/strategy and the review of policy/strategy (leading to revision and further development)"</p> <p>The Constitution delegates authority to the Head of Paid Service:</p> <p>"to carry out all activities in connection with the Council's Human Resources function"</p>	<p>Constitution delegates such approval to an Officer.</p> <p>Specifically adding this function as a delegation to the Head of Paid Service.</p>	<p>policies. The revised wording therefore makes it clear that Cabinet would not be responsible for policies where this has been delegated to a relevant officer.</p>
Employee Code of Conduct	The Employee Code of Conduct currently sits within the Constitution	To remove the Code from the Constitution, and delegate authority for the Head of Paid Service to approve the Code.	The Employee Code of Conduct requires an in-depth review and refreshing to ensure it is still fit for purpose and up to date. Removing the Code from the Constitution would allow the Head of HR to carry out this review, and to keep the Code up to date without having to amend the Constitution, which would make the Code more adaptable i.e. if any changes are required more quickly, or if changes are required in respect of legal or guidance requirements. As per point 2 above, the Head of Paid Service would be delegated authority to approve the Code, as it would form part of the Council's Human Resources function.
Local Plan and Special Expenses - Council functions	Approval of the Local Plan (a Development Plan Document), and approval of the Special Expenses are functions of Full Council, but the Constitution does not currently refer to Full Council being responsible for their approval.	Adding wording to make it clear that Full Council will approve the Local Plan (DPDs) and Special Expenses	By law, these are Council functions, Council does currently make these decisions. This will ensure clarity as to the functions of Full Council.
Street Trading Consent Policy	Designating streets for street trading is a function of Full Council, but the Constitution does not currently refer	Adding wording to make it clear that Full Council will approve the Street Trading Consent Policy.	This will ensure clarity as to the functions of Full Council.

	to Full Council being responsible for the approval of the Street Trading Consent Policy.		
Corporate Scrutiny – Additional function	No current reference to the 'Zero Carbon Roadmap' within the areas of responsibility for Corporate Scrutiny, however this is a non-exhaustive list.	Adding Zero Carbon Roadmap to the list of areas of responsibility for the Corporate Scrutiny Committee.	It has been requested by the Corporate Scrutiny committee for this to be considered as part of the review of the Constitution. Although the list of areas of responsibility is non-exhaustive, the committee reviews the Zero Carbon Roadmap annual update and felt it would be of benefit to specifically refer to this in the list.
Awarding Grants	Although Cabinet has given officers delegated authority to award grants, the Constitution currently does not provide for the award of grants by officers.	Amending the general delegations to designated officers to include being able to give grants.	Providing designated officers with the authority to give grants, as long as these do not amount to a key decision, and still being subject to the Financial Procedure Rules.
Committee Procedure Rule 15 no longer being applicable to Committees and Sub-Committees	Currently, Rule 15 controls how a debate is to be dealt with, and applies to all types of Committee.	Adding a provision to confirm that Rule 15 (save for 15.23 and 15.24) does not apply to Committees or Sub-Committees.	The only meetings where recommendations are moved and seconded before the debate starts are Council and Cabinet, all the other committees debate and then move recommendations. It is not practical to have a time limit on questions or other limitations to how the debate can proceed.
Quorum of Committees	At Full Council, Councillor Bigby raised a concern regarding the quorum of committees; notably that certain committees only had a quorum of 3, which was quite small. Currently: Licensing – 5 A&G – 3 Planning – 3 Cabinet – 3 Scrutiny - 3	The proposal would be to take a consistent approach across all committees, with the suggestion of a quorum of 60% of the amount of councillors on the committee. Proposed: Licensing – 9 A&G – 6 Planning – 7 Cabinet – 4 Scrutiny - 6	The quorum of committees has not been reviewed for some time, and it is felt that it would be prudent to update these. Research into the quorum figures for other councils was not especially helpful as they have different numbers of councillors and different ways to calculate the quorum, but it did show that NWL's quorum figures were low in comparison. Councillor Bigby had mentioned the Sub-Committees only having a quorum of 3, but these have not been included here, as the way those committees are set up is

			different – the number on committee and number for quorum is the same, as members put themselves forward from the Licensing or A&G Committees.
Consultations	There is currently not an express provision in the Constitution to acknowledge that Cabinet may approve the content of Consultations.	Addition of a new paragraph within 'Matters Reserved for the Executive' that Cabinet will approve the scope and content of Consultations if deemed necessary by the Head of Paid Service.	This is what happens in practice currently, as if a matter is consulted on that Cabinet will ultimately approve, Cabinet would want to make sure they are consulted on the draft. The proposed amendment is therefore to formalise the position.
Approval of the Sexual Entertainment Venue Policy being a function of Full Council	There is currently not an express provision for Council approving the Policy within the list of Council functions.	Addition of a new function for Full Council to approve the Policy.	Schedule 1 of the Local Authorities (Functions and Responsibilities) England Regulations 2000 states that any function of a licensing authority shall not be a function of an Authority's Executive. This will therefore require approval by Full Council, and the amendment makes it clear that this is a function of Full Council.
Contract Procedure Rules: Formal Responses to Invitations to Quote Requirements for contracts	Currently, an invitation to quote should be advertised on the Source Leicestershire Contracts Finder website where the contract is worth £30,000 or more. The Contract Procedure Rules contain specific requirements which are to be included in Above Threshold contracts.	The proposed amendment lowers the threshold, for contracts worth £25,000 or more to be advertised on the Source Leicestershire website. Removal of the prescriptive list and replacing this with a general requirement for a contract above £5 million to contain at least three Key Performance Indicators.	This ensures all relevant contracts are being captured by this requirement. Contracts at this level are required to have input from the legal team, therefore the drafting should be left to legal's input, rather than a prescriptive list. Below and above – Legislation sets out reasons to exempt Above Threshold contracts, therefore the amendment allows this to be acknowledged without all the reasons being listed.

			<p>Below Threshold exemptions therefore are those listed in the Constitution, Above Threshold exemptions are in legislation.</p> <p>A contract valued at more than £5m must include at least 3 KPIs. The amendment ensures officers are made aware of this requirement. It will also assist if it is acknowledged when the legal team review the contract, whether it is an industry standard or framework.</p>
Petitions Scheme	The Petition Scheme is referred to but not set out in the Constitution.	The revised Petition Scheme is set out in Appendix D, with a comparison version to show the changes.	<p>The current Petition Scheme was introduced to comply with the Local Democracy, Economic Development and Construction Act 2009. The parts of the Act relating to petitions have now been repealed by the Localism Act 2011.</p> <p>A few petitions have been dealt with recently, and it was not clear in the Scheme how these were to be handled, and which were to go to Full Council.</p> <p>The proposed revisions to the Scheme will make the process easier to follow.</p>
Updates to the Financial Procedure Rules		Please see Appendix E	<p>The rules reinforce the importance of sound financial management, value for money, and legal compliance for all officers and councillors.</p> <p>There is an emphasis on the need for secure and reliable records and systems. The consequences of failing to observe these rules include potential disciplinary action.</p> <p>The virement scheme is more clearly described, including the requirement for S151 Officer approval and the reporting of virements over £50,000.</p>

Supplementary estimates are now subject to stricter controls, with a new approval table specifying thresholds for Head of Service, Cabinet, and Full Council sign-off. There is also a new stipulation that all other options, such as virements or savings, must be considered before requesting supplementary estimates.

The amendments introduce more regular and structured monitoring of both revenue and capital expenditure, with quarterly reporting to Cabinet.

The amendments include updated tables for authorisation levels for both revenue and capital expenditure, specifying which officers can approve spending at various thresholds.

There are clearer requirements for contract management, including the handling of variations, final payments, and reporting of cost overruns.

The rules for entering into partnerships, joint ventures, and external funding arrangements are more robust, with explicit requirements for consultation with the S151 Officer and Monitoring Officer.

Tracked comments highlight areas where paragraph numbering was incorrect, where changes are intended to prevent unnecessary supplementary estimate requests, and where clarification was sought regarding current constitutional arrangements.

The revisions aim to modernise the Council's financial governance,

			improve clarity, and ensure compliance with current legislation and best practice.
New Staffing Committee and Updated Officer Employment Procedure Rules		Please see Appendices F and G.	<p>There is a Model Disciplinary Procedure and Guidance from the Joint Negotiating Committee for local authority Chief Executives, and there were previously some anomalies with how "chief officers" were captured. The Model Disciplinary Policy only applies to the Head of Paid Service and Statutory Officers.</p> <p>The Procedure Rules have been updated to refer to statutory officers and also includes strategic directors.</p> <p>The Appointments Committee will be called the Staffing Committee, which will look at the appointments of statutory officers and strategic directors but also making sure disciplinary action is properly covered in the constitution.</p>
Planning Amendments	Section D4 - Planning Committee	<p>Various amendments to this section to reflect necessary additions and alterations for the smooth operation of the planning committee</p>	<p>PLEASE NOTE - comments were made by the working party on this section, and officers are seeking a response on these from the service. Any updated wording will be circulated separately.</p> <p>Para 1.3 - Additional matters delegated responsibility. These are matters with short timescales which if not decided are automatically allowed. The delegation seeks to ensure they can be dealt with more quickly.</p> <p>Para 2.2 - Amendment reflects the wording in para 2.5</p> <p>Para 2.3 - Reference to 'minor non-contentious' applications is ambiguous. Removal of this ensures clarity. If there were any applications that needed to go to</p>

			<p>committee that were subject to a legal agreement and that was the only reason they needed to go to committee, then they could be taken under para 2.6.</p> <p>Para 2.5 - clarifying that it must be a 'material planning' objection otherwise this would be construed too widely.</p> <p>Para 2.7 - it is proposed to remove the wording as the planning team did not know what this related to.</p> <p>Para 3 – updates to the Call-in procedure</p>
Addition of Procurement Strategy to Corporate Governance Policies	This is not currently included as part of the suite of Corporate Governance Policies.	Amendment to the definition of Corporate Governance Policies, to include the Procurement Strategy.	The policies making up the suite of Corporate Governance Policies are set out in the Glossary of the Constitution. It is intended that the newly approved Procurement Strategy would be reviewed on an annual basis along with the other Corporate Governance Policies, so the definition would need updating to include this.
Amendment to the Audit and Governance Committee section	<p>The Audit and Governance's scope refers at paragraph 1.1 to providing "independent assurance to those charged with governance" of the adequacy of the risk management framework and the internal control environment;"</p> <p>And at paragraph 6.1 states the committee is "To report to those charged with governance on the Committee's findings, conclusions and recommendations..."</p>	<p>Removal of reference to "those charged with governance" at paragraph 1.1 and 6.1.</p> <p>In the case of paragraph 6.1, this will instead be amended to refer to the S151 Officer and Monitoring Officer.</p>	<p>There is not a definition in the Constitution of 'those charged with governance', and there is no clear answer as to what this means.</p> <p>To avoid any ambiguity in the constitution, it is proposed to remove references to this phrase in the terms of reference (apart from where it refers to the audit report as auditors do use that phrase in their reports). In the second reference to it in terms of reporting on recommendations, this has been replaced with reporting to the MO and S151 - this is because the constitution already states under the functions for those officers that they receive reports from A&G so this ties it up for consistency.</p>

