

Leicester City Council

Digest of the Constitution

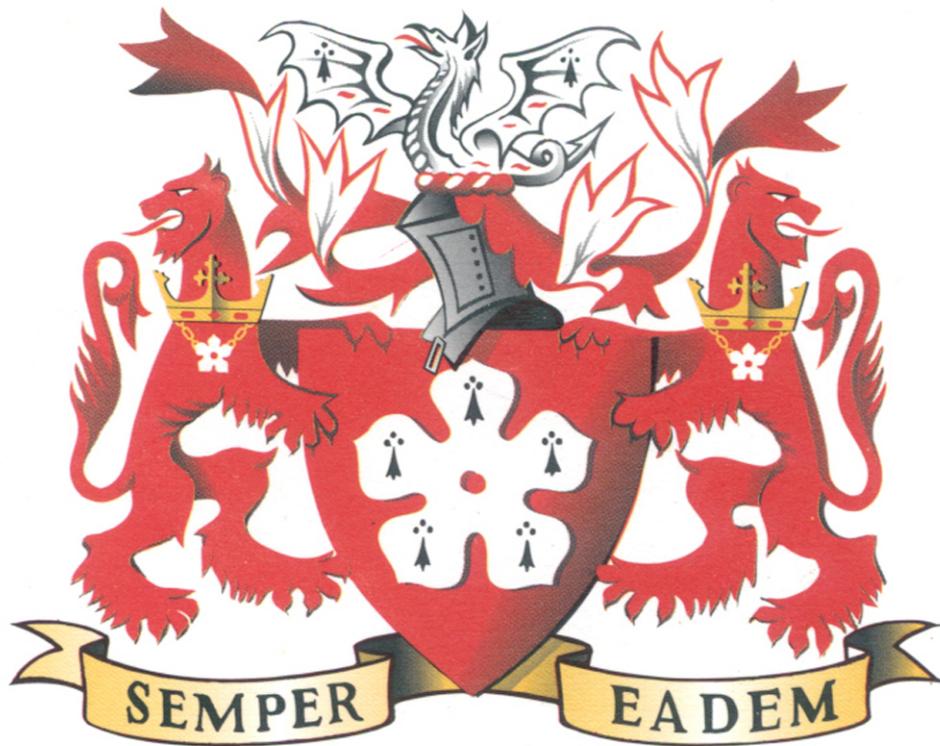


Table of contents

Introduction	3
Elections	3
Code of Conduct and Behaviour.....	3
Decision-making	3
Full Council	4
The City Mayor and the Executive	7
Plan of Key Decisions	7
Council Committees	9
Officers.....	12
Access to Information	13
Procedural Rules for Managing Resources	15
Members Allowance Scheme	15

Introduction

This document provides an overview of the council's constitution and decision-making process. It does not provide definitive guidance on constitutional matters.

Elections

Leicester City Council has 54 councillors and a City Mayor. They are referred to as members. Each councillor is elected by voters in their ward. The City Mayor is elected by voters across all 21 wards in Leicester. Elections are held every four years.

Code of Conduct and Behaviour

The City Mayor and councillors follow the code of conduct which sets out standards of behaviour. This is enforced by the standards committee. The code is supported by more detailed political conventions.

The code of conduct and the political conventions are set out in Part 5 of the constitution. They cover standards of behaviour, declaration of interests, gifts and hospitality, members' involvement in planning decisions, code of practice on publicity and other matters. Complaints about the conduct of Members must be made to the Monitoring Officer. Further information on this process can be found on the Council's website at <http://www.leicester.gov.uk/your-council/how-we-work/our-constitution>

Decision-making

Decisions will be taken by

- Full council
- The City Mayor and the Executive
- Council committees
- Officers

Full Council

The full council is a formal meeting of all councillors and the City Mayor. It is required by law to take certain decisions, such as setting the council's budget and council tax, and approving a number of key plans and strategies (which together form the policy framework). Full council also reviews and approves the constitution.

The functions of council are set out in part 2, Article 4 and Part 3 of the constitution.

There are three types of full council meetings

- i) Annual council (meets in May)
- ii) Ordinary meetings (dates agreed at annual council)
- iii) Extraordinary meetings (called as and when required)

The rules and procedures for meetings are set out in Part 4 of the constitution.

The annual meeting of council appoints the committees to carry out non-executive functions and scrutiny committees.

The annual meeting of council also appoints the civic dignitaries (Lord Mayor and Deputy Lord Mayor) for a term of one year. The Lord Mayor chairs council meetings and attends civic and ceremonial functions supported by the Deputy Lord Mayor.

Council Procedure Rules

Special meetings can be called by the Lord Mayor or by five councillors requesting a special meeting in writing. Notice of council meetings is given five clear days in advance. The constitution sets out the order for agenda items for meetings. The order can be varied by the City Mayor or at the meeting by the Lord Mayor or a resolution of council.

No business can be transacted at a council meeting unless 14 members are present.

In receiving the minutes at the meetings the only issue that can be raised is the accuracy of the minutes. There is no discussion on matters arising.

Petitions

The council has a petition scheme which sets out how to submit a valid petition and how it will be treated. Petitions will be presented to a relevant meeting. If the petition contains a minimum of 1,500 signatures the lead petitioner can ask for a special debate at a council meeting. There is a process to be followed where council has a 'petition debate', including the maximum length of time the debate can take. If a petition has between 750 and 1499 signatures officers can be required to give a response to a public meeting or Overview and Select Committee.

Questions at Council

Residents of Leicester may submit written questions to council. Questions must be received five clear days before the meeting. The council rules set out restrictions on what questions can be asked (Part 4 Rule 14 (B)). The member of the public must ask the question in person or get a friend to ask on their behalf (provided advance notice is given). Twenty minutes in total is allowed for questions from members of the public.

Councillors may ask questions of the City Mayor or executive member at an ordinary council meeting. Notice of the question in writing must be received by 10am two days before the meeting. At the meeting after a question has been responded to the councillor may ask one supplementary question which seeks to clarify the reply given.

Every question shall be asked and answered without discussion. No discussion shall be allowed or any resolution moved.

Reports to Council

The City Mayor, the executive, scrutiny or other committees may report to council on any issue and must report on any issue that is reserved to council. The Monitoring Officer and Head of Paid Service may also report direct to council.

Reports to council are sent to councillors five clear days in advance of the meeting.

The member of council who submitted the report can

- propose a motion for council to approve the recommendations in the report,
- make a proposal relevant to the content of the report,
- propose the withdrawal of the report or referral back to the City Mayor, executive or committee for further consideration.

Arrangements can be made for other members of the council to propose the relevant motion provided there is advance notice.

Motions at Council

Members can submit motions to council. Notice needs to be given for it to be included in the agenda. A motion regarding the procedure at a council meeting can be moved at the meeting without notice (e.g. a motion to vary the order of business). All motions must be proposed and seconded before discussion is allowed. The proposer has a right to reply at the end of the debate.

Any motion to increase spending or reduce the income of the council needs to be submitted referring the proposal to the executive and, if appropriate, a scrutiny committee for consideration.

A motion can be amended. The amendment shall be directly relevant to the motion and shall either leave out words or insert or add others or a combination of both. It

must not be a direct negative of the motion. If an amendment is carried the motion as amended will take the place of the original motion and shall become the substantive motion upon which any further amendment may be moved.

Councillors can speak once on any motion for up to five minutes. The time can be extended by a vote of council. The constitution allows the City Mayor to speak for longer, with the agreement of the Lord Mayor, to explain the budget or executive policy. Members can also make a point of order (requesting that the chair rules on an alleged breach of procedure) or a personal explanation (to correct a statement made about them during the meeting).

Councillors can seek to close a debate by proposing a procedural motion. This could be 'that council proceed to next business' which would have the effect of dropping the original motion. It could be a motion to adjourn the debate to a specified hour or occasion or that 'the question be put' which means that no further debate be had and the original motion put to the vote.

Only those members present in the council chamber can vote on a motion. If the votes are even, the chair of the meeting shall have a casting vote to break the deadlock.

Members can request that the minutes show how they voted or three members acting together can request that a recorded vote be taken.

There are detailed rules about debates at council meetings (Rules 16-29).

The City Mayor and the Executive

The City Mayor is responsible for all the Council's executive functions which are not the responsibility of full council or its committees.

The City Mayor makes recommendations to full council on the council's budget and policy framework. Rules regarding the budget and policy framework are contained in Part 4c the council's constitution.

The City Mayor must appoint up to 9 serving councillors to serve on the executive. One of these must be appointed by the City Mayor as the Deputy City Mayor, the others are known as Assistant City Mayors. The City Mayor will decide which executive member will be responsible for which function and this will be set out in the scheme of delegation on the City Mayor's webpages.

All executive decisions, which are not reserved to the City Mayor, are delegated to the executive team and to council officers (paid members of staff). However the City Mayor can decide to take back that delegation so that a decision can be taken by a nominated executive member. Executive members can take individual decisions on any matter delegated by the City Mayor. Alternatively they can make decisions collectively at meetings of the executive.

Plan of Key Decisions

The plan of key decisions sets out the key decisions the executive will be considering in the future. It gives at least 28 days' notice of a decision and is published on the council's website.

The proposed decision and the associated report will be published five clear days before the decision is made.

The council's definition of key decision is an executive decision which is likely:

- to result in the council incurring expenditure which is, or the making of savings which are, significant having regard to the council's budget for the service or function to which the decision relates; or
- to be significant in terms of its effects on communities living or working in two or more wards in the City.

Expenditure or savings will be regarded as significant if:

- (a) In the case of additional recurrent revenue expenditure, it is not included in the approved revenue budget, and would cost in excess of £0.5m per annum;
- (b) In the case of reductions in recurrent revenue expenditure, the provision is not included in the approved revenue budget, and savings of over £0.5m p.a. would be achieved;
- (c) In the case of one off or capital expenditure, spending of over £1m is to be committed on a scheme that has not been specifically authorised by council.

In deciding whether a decision is significant the City Mayor will take into account

- Whether the decision may incur a significant social, economic or environmental risk.
- The likely extent of the impact of the decision both within and outside of the City.
- The extent to which the decision is likely to result in substantial public interest.
- The existence of significant communities of interest that cannot be defined spatially in determining whether a decision is key.

A key decision can only be taken if it has been published on the plan of key decisions and five days after the report is published (unless there are grounds for urgency which must be justified).

Urgent Decisions

If a decision must be taken as a matter of urgency and it is not practical to publish notice on the plan of key decisions, the Monitoring Officer must inform the chair of the relevant scrutiny committee. Urgent decisions must be recorded and published.

Record of Executive Decisions

As soon as reasonably practicable a written statement is produced to give a record of the decision and reasons for the decision. It will record any alternative options considered and rejected and any conflict of interest.

Objections to Executive Decisions ('call-in')

A scrutiny committee or any five councillors may object to a decision taken by the Executive by giving written notice within five working days of the decision.

Decisions that have been designated as "urgent" cannot be called in. Where a decision has been called-in no further legally binding action can be taken and the decision is referred to full council.

The rules concerning Executive 'call-in' are set out in Part 4D Rule 12

There is also a right of 'call-in' set out in legislation where it is believed that an executive decision has been taken which was either not treated as a key decision when it should have been, or the procedures in relation to its inclusion on the Plan of Key Decisions have not been properly followed. The rules concerning this type of 'call-in' are set out in Part 4B Rule 17.

Council Committees

Council appoints committees to undertake specific tasks. Full council will agree the terms of reference, number of members and appoint the chair and vice-chair. The terms of reference are included in Part 3 of the constitution.

Dates can be varied and special meetings can be called. Notice of committee meetings shall be published five clear days before the meetings.

Most committees are required to be representative of the political balance of the council.

Health and Wellbeing Board

The Health and Wellbeing Board helps the council to work in partnership with the Leicester City Clinical Commissioning Group and the NHS Commissioning Board to develop joint health and wellbeing strategies. These strategies set the local framework for commissioning health care, social care and public health.

Ward Community Meetings

The council may hold ward community meetings to work with local residents to find solutions to local problems. These meetings do not have decision-making powers but can make recommendations on how ward community grants are spent. Community meetings are usually held in the wards and open to anyone who lives or works in the ward.

Regulatory Committees

Some council committees perform regulatory functions according to relevant legislation. For example Planning and Development Control Committee determines planning applications and other similar matters. Licensing and Public Safety Committee monitors, recommends to Council and seeks to ensure the Council complies with legislation and regulations on a diverse range of licensing matters (for example determining whether licenses should be granted for public houses, minicab operators, house to house collections, etc.).

Standards Committee

Standards committee is responsible for promoting and maintaining high standards of conduct by elected members and co-opted members and investigates complaints about them. It has independent members who are not councillors.

Scrutiny Committees

The council has an overview select committee and scrutiny commissions which hold the executive and partner organisations to account by scrutinising policy and practices, and suggest developments to service and best practice.

The scrutiny commissions may

- review decisions made by the executive or council officers about a specific issue;
- review the council's policy objectives, performance targets or particular services;
- develop new policy for consideration; and
- review the performance of other public bodies where this affects Leicester.

Employees Committee

Employees committee is concerned with staffing matters and decides the terms and conditions of all staff and oversees the recruitment and dismissal of senior officers.

Audit and Risk Committee

This committee approves the financial accounts and reviews policies and procedures that ensure good governance of the council. It agrees an annual programme of internal and external audit, the council's risk management strategy and the annual governance framework

Joint Committees

The council may establish joint arrangements with one or more local authorities to oversee shared functions.

Committee procedures

Council procedures cover committees (except for Scrutiny and Standards which have their own rules). The chair's ruling is final.

Attendance at Committee Meetings

A councillor who is not a member of a committee may attend meetings and be invited to speak but not vote. The right to attend does not include items listed as 'exempt' or 'confidential'. If they have an interest in any item of business then they cannot speak on that item. If they have an 'interest' in the item of business they may, depending upon the nature of it, be barred from speaking or remaining in the meeting during that item.

Misconduct by Councillors

If a member behaves improperly (for example, by being offensive and or wilfully obstructing the business of the council) then a procedural motion could be put that the councillor not be heard further. If the motion is agreed and the member does not comply a further motion can be put requiring the member to leave the meeting.

Disturbance by Members of the Public

If a member of the public disturbs a meeting the chair can warn them that if they continue they will be removed from the meeting.

Urgent Business

The chair can accept an urgent item on the agenda where there are special circumstances to justify it being accepted as urgent.

Absence of the Chair

If the chair is absent the vice-chair shall preside at a meeting. Where the chair and vice-chair are both absent the meeting shall elect one of the members present to preside at the meeting.

Officers

Officers of the council are paid members of staff. By law the council must have as the most senior officer a Head of Paid Service. In Leicester City Council this is the Chief Operating Officer. The council must have a Monitoring Officer to ensure lawfulness and fairness of decision-making. S/he also works with the standards committee and individuals appointed as Independent Persons to determine actions relating to any potential misconduct by elected members, including commissioning of investigations if necessary. In Leicester City Council this role is performed by the City Barrister and Head of Standards. The council must have a Chief Finance Officer in Leicester City Council this role is performed by the Director of Finance.

Access to Information

The access to information regulations set out what the council must do to ensure the public have access to meetings, agendas and minutes of council, executive and committees established by council. These are set out in Part 4B of the constitution.

Access to Meetings

Members of the public may attend all 'meetings' subject to certain exceptions.

If the executive determine that a Key Decision will be made at a meeting, that meeting must convene in public. However most Key Decisions are not made at meetings, but are made individually by elected members or by officers. The City Mayor will decide whether meetings relating to matters, which are not key decisions, will be held in public or private, or indeed whether the decision concerned will in fact be taken outside of a meeting (i.e. individually).

Access to Documents

The council will give at least five clear days' notice of any council, public executive or committee meetings. Copies of the agenda and reports are made available to the public via the council's website and they can be viewed at the council's offices at least five clear days before the meeting (unless they are exempt or confidential).

The officer writing the report will set out in every report a list of those documents (called background papers) relating to the subject matter of the report which have been used to write the report. These will be available for inspection for four years after the date of the meeting.

Exclusion of the Public

The public must be excluded from meetings whenever it is likely in view of the nature of the business to be transacted or the nature of the proceedings, that confidential or exempt information would be disclosed. Reports containing such information will be marked 'not for publication'. What constitutes confidential and exempt information is set out in the constitution at Part 4b appendix 1.

Record of Decisions

As soon as is reasonably practicable after a decision has been made by the Executive or executive members a record of the decision shall be available for public inspection usually via the council website. It will include the reasons for the decision; details of any alternative options considered and rejected; any conflict of interest declared and a note of any relevant dispensation granted. It will not disclose confidential/exempt information.

Additional Rights of Access for Councillors

Material relating to previous business

All councillors are entitled to inspect any document which is in the possession, or under the control of the executive and contains material relevant to any business previously transacted at a private meeting or any decision made by an officer or member discharging an executive decision-making function, unless

- a) it contains exempt information (specific exemptions apply and are set out in Part 4b Appendix 1) or
- b) it contains the advice of a political adviser.

Material relating to future decisions

All councillors will be entitled to inspect any document (except those available only in draft form) in the possession or under the control of the executive which relates to business to be transacted at a public meeting, unless

- a) it contains exempt information (specific exemptions apply and are set out in Part 4b Appendix 1) or
- b) it contains the advice of a political adviser.

Scrutiny Committees Access to Documents

A scrutiny committee will be entitled to copies of any documents which are in the possession or control of the City Mayor, the Deputy City Mayor and assistant city mayors or its committees and which contains material relating to:

- a) any previous business transacted at a meeting of the City Mayor and executive or its committees; or
- b) any decision taken by the City Mayor, Deputy City Mayor or an assistant city mayor
- c) any [key decision](#) that has been made by an officer of the council under executive arrangements.

A scrutiny committee will not be entitled to: any document that is in draft form; any part of a document that contains exempt or confidential information unless that information is relevant to an action or decision they are reviewing or scrutinising or intend to scrutinise; or it contains the advice of a political adviser.

Procedural Rules for Managing Resources

Financial procedural rules are set out in Part 4f of the constitution. These describe how the finances of the council will be administered.

Contract procedure rules are set out in Part 4g, and cover the procedures that govern the purchase of goods, supplies or services.

Land and property transaction rules are set out in Part 4h, and cover the council's process around the purchase and disposal of land and property by the council.

Officer employment procedure rules are set out in part 4i and cover the recruitment procedure for senior council officers.

Members Allowance Scheme

Council approves a members' allowances scheme taking into account the recommendations of an Independent Panel on Members' Allowances. The current scheme allows for a basic allowance to be paid to each member of the council. A special responsibility allowance is also paid to the members holding particular office, e.g. City Mayor or chair of a committee. The scheme also allows for the claiming of expenses for certain items and the loan of equipment.