

28 JUNE 2016

REPORT OF MONITORING OFFICER

CONSTITUTION UPDATE 2016 17

1.0 PURPOSE OF REPORT

- 1.1 The Committee is requested to consider constitutional items and those approved will be referred to the Council for adoption and incorporation into the Council's Constitution.

2.0 RECOMMENDATIONS

- 2.1 To consider and approve the following and if approved by this Committee, refer to the Full Council for adoption :-

(a) Part 6 – Members' Allowances Scheme

To note the revised Members' Allowances Scheme following the recent NJC Pay Award of 1.0 % as set out at Appendix A;

(b) Town Area Committee – new delegation

To approve a new delegation to the Town Area Committee to enable the Committee to be consulted on relevant policy matters that affect the town as follows :-

6. To carry out a consultative role with respect to any policy matters which relate to or could impact upon the town of Melton Mowbray (this is in addition to those matters set out at 3 and 4 above);

(c) Political Balance of Working Groups

(i) The principle of working groups being politically balanced across working groups as well as within each working group be approved in the same way as for Committees and Sub Committees. The following table shows the allocation of seats across the current number of working groups :-

Group	No. of Councillors	Percentage	Allocation of Seats over 6 Working Groups
Conservative	25	89.29%	40.18 = 40
Independent	2	7.14%	3.21 = 3
Single Cllr	1	3.57%	1.61 = 2
Totals	28	100%	45 seats

(ii) The following table shows the allocation of seats for approval across the current working groups :-

Working Groups 2016-17	Budget & Strategic Planning (6)	Cattle Market (8)	Joint Staff (7)	Melton Local Plan (9)	Sports, Leisure & Culture (9)	Tenant Consultative (6)	Total
Conservative	5 (5.36%)	7 (7.14%)	6 (6.25%)	8 (8.04%)	8 (8.04%)	5 (5.36%)	39
Independent	0 (0.43%)	1 (0.57%)	1 (0.50%)	1 (0.64%)	1 (0.64%)	0 (0.43%)	4
Single Cllr (Labour)	1 (0.21%)	0 (0.29%)	0 (0.25%)	0 (0.32%)	0 (0.32%)	1 (0.21%)	2
Totals	6	8	7	9	9	6	45

(d) New Working Group - Economy Board

To approve the establishment of a new working group called the Economy Board, terms of reference to be as set out at Appendix B.

Should 2.1(c) above and this new board be approved the political balance within the new group and taking account of the extra seats across 7 working groups be as follows :-

Working Groups 2016-17	Economy Board (7)
Conservative	6 (6.25%)
Independent	1 (0.50%)
Single Cllr (Labour)	0 (0.25%)
Totals	7

(e) New Task and Finish Group – Transformation and Efficiency Board

To approve the establishment of a new task and finish group called the Transformation and Efficiency Board comprising 5 Members that reports to the Policy, Finance and Administration Committee with the terms of reference to be as set out at Appendix C.

3.0 KEY ISSUES

3.1 As the Constitution is a living document, any additions or changes are brought to the Committee's attention as soon as these come to light to enable the Council's work to move forward and the Constitution to be as up to date as possible. The Council's Management Team and T3 (Third Tier Officer Group) are involved in updating their respective areas of the Constitution.

3.2 The Committee is to refer its recommendations for amending the Constitution to the Full Council for approval and inclusion in the Constitution.

3.3 Part 6 – Members' Allowances Scheme

In October 2012, the Council approved a Members' Allowances Scheme which included index linking to the NJC Pay Award. Therefore further to the 1.0% Pay Award that was backdated to 1 April 2016, the Members' Allowances Scheme as

set out in Part 6 of the Constitution has been updated to reflect the new allowances. The revised scheme is attached at Appendix A.

3.4 Town Area Committee – New delegation

To add further to the role of the Town Area Committee and in response to Member requests, supported by the Leader, a new delegation to the Town Area Committee is proposed to enable the Committee to be consulted on policy matters that affect the town. The proposed wording of the delegation is as follows :-

6. To carry out a consultative role with respect to any policy matters which relate to or could impact upon the town of Melton Mowbray (this is in addition to those matters set out at 3 and 4 above).

It is intended that this new delegation will ensure that the Town Area Committee is consulted on all relevant policy matters that affect the town and these views will be reported to the appropriate policy Committee before a final decision is made.

3.5 Political Balance of Working Groups

Officers are now aware that some Councils balance relevant working groups not only within each working group but also across all the working groups in the same way as Committee seats are allocated. Officers bring this matter to Members in the form of a proposal for consideration as it increases inclusivity of Members in Council guidance and advice. The proposal will enable the Independent Group and the Single Member to have proportional representation over the working groups in the same way as on Committees. The following is the political balance of the Council and allocation of seats to the current 6 working groups :-

Group	No. of Councillors	Percentage	Allocation of Seats over 6 Working Groups
Conservative	25	89.29%	40.18 = 40
Independent	2	7.14%	3.21 = 3
Single Cllr	1	3.57%	1.61 = 2
Totals	28	100%	45 seats

3.6 Should the principle of working groups being politically balanced across working groups as well as within each one be accepted, the following table at paragraph 3.7 shows the allocation of seats on the current working groups. However although the Conservatives are entitled to 40 seats, the rule of not having single party groups applies in the same way as for Committees and Sub Committees, therefore the Conservative Group must release a seat on each group, and as the Independent Group has an allocation of 50% or more on 4 groups, they are allocated an additional seat and the Single Councillor is allocated the remaining 2 seats.

3.7	Working Groups 2016-17	Budget & Strategic Planning (6)	Cattle Market (8)	Joint Staff (7)	Melton Local Plan (9)	Sports, Leisure & Culture (9)	Tenant Consultative (6)	Total
	Conservative	5 (5.36%)	7 (7.14%)	6 (6.25%)	8 (8.04%)	8 (8.04%)	5 (5.36%)	39
	Independent	0 (0.43%)	1 (0.57%)	1 (0.50%)	1 (0.64%)	1 (0.64%)	0 (0.43%)	4
	Single Cllr (Labour)	1 (0.21%)	0 (0.29%)	0 (0.25%)	0 (0.32%)	0 (0.32%)	1 (0.21%)	2
	Totals	6	8	7	9	9	6	45

3.8 If recommendation 2.1(c) is approved and referred to the Full Council for adoption, where political balance applies the Council may vary the requirements by resolution provided that no Member of the Council votes against.

3.9 New Working Group - Economy Board

The Leader of the Council has requested that a new board named the Economy Board is established which will have the same status as the current working groups and consist of 7 Members. This board will report to Full Council. Proposed terms of reference for this new board are set out at Appendix B;

Should recommendation 2.1(c) and this new board be approved the political balance within this working group and taking account of the extra seats across 7 working groups would be as follows :-

Working Groups 2016-17	Economy Board (7)
Conservative	6 (6.25%)
Independent	1 (0.50%)
Single Cllr (Labour)	0 (0.25%)
Totals	7

3.10 New Task and Finish Group – Transformation and Efficiency Board

The Leader of the Council has requested that a new task and finish group comprising 5 Members is established which will have the same status as the current task groups and be named the Transformation and Efficiency Board. This board will report to the Policy, Finance and Administration Committee and its Members will be appointed by that Committee. Proposed terms of reference for this new board are set out at Appendix C.

3.11 The above items are presented for approval by this Committee before referral to the Full Council for adoption.

4.0 **POLICY AND CORPORATE IMPLICATIONS**

4.1 Due to the Constitution being a living document there are times when amendments are needed to enable the organisation to function efficiently. Therefore items will be referred to the Committee as required.

4.2 The regular reviews and updates to the Constitution and ensuring it is up to date

on its decision-making processes supports the Council's priority for being a 'Well run Council'.

5.0 FINANCIAL AND OTHER RESOURCE IMPLICATIONS

5.1 Any financial and resource implications will be met from existing resources.

6.0 LEGAL IMPLICATIONS/POWERS

6.1 Any change in legislation overrides the current wording of the Constitution and the Monitoring Officer has delegated authority to make amendments as required by the law. Therefore such legal consequential changes will be put in place immediately and reported to the Committee as soon as possible thereafter.

7.0 COMMUNITY SAFETY

7.1 There are no community safety implications relating to this report.

8.0 EQUALITIES

8.1 Equalities Screening Assessments have been drafted on the items within the report and most items presented relate to the legality of decision-making.

9.0 RISKS

9.1 The risks associated with report are considered to relate to following legal and constitutional procedures in decision-making.

9.2

L I K E L I H O O D	A Very High				
	B High				
	C Significant				
	D Low		1		
	E Very Low				
	F Almost Impossible				
		Negligible	Marginal	Critical	Catastrophic
		1	2	3	4
		IMPACT			

Risk No	Risk Description
1	Decisions challenged due to appropriate processes not followed.

10.0 **CLIMATE CHANGE**

10.1 The Constitution is available on the Council's website and electronically to Members and Officers to meet the Council's corporate commitment to meet green targets.

11.0 **CONSULTATION**

11.1 There is regular internal consultation with Management Team and T3 to ensure the Constitution reflects the Council's current responsibilities and arrangements.

12.0 **WARDS AFFECTED**

12.1 All wards are indirectly affected by this report.

Contact Officer Angela Tebbutt/Sarah Evans
Date: June 2016

Appendices : Appendix A – Members' Allowances Scheme
 Appendix B – Economic Board – Proposed Terms of Reference
 Appendix C – Transformation and Efficiency Board – Proposed Terms of Reference

Background Papers: Constitution 2016 17

Reference : X : Committees\Governance\2016 17\280616\Constitution Update 2016 17