



## Scheme of Delegation and Amendments to the Constitution

<b>Corporate Priority:</b>	All
<b>Relevant Ward Member(s):</b>	N/A
<b>Date of consultation with Ward Member(s):</b>	N/A
<b>Exempt Information:</b>	No

### 1 Summary

- 1.1 To approve the Officer Scheme of Delegation as set out in Chapter 2, Part 4 of the Constitution.
- 1.2 To confirm the Constitution and approve proposed amendments as detailed in Paragraph 5 of the report.

### 2 Recommendation(s)

**That Council:**

- 2.1 **Confirm the Constitution and agree the Officer Scheme of Delegation.**
- 2.2 **Approve the proposed amendments to the Constitution as detailed in Paragraph 5 of the Report.**
- 2.3 **Approve the appointment of the Director for Corporate Services as the Senior Information Risk Owner.**
- 2.4 **Appoint the Assistant Director for Governance and Democracy as Data Protection Officer.**
- 2.5 **Authorise the Monitoring Officer to incorporate the revisions and changes above into the Council's Constitution and make any minor/legislative changes as required.**

### **3 Reason for Recommendations**

- 3.1 The Constitution (Chapter 2, Part 1, Section 4.2) provides that the Council agree the Scheme of Delegation at Annual Council.
- 3.2 The Constitution (Chapter 2, Part 1, Section 4.2) provides that the Council confirm the Constitution at Annual Council.

### **4 Background**

- 4.1 The current version of the Constitution, including the Officer Scheme of Delegation can be found at the link below:

<https://democracy.melton.gov.uk/ieListDocuments.aspx?CId=201&MId=1006&Ver=4&Info=1>

- 4.2 Changes to the Officer Scheme of Delegation (Chapter 2 Part 4) were recently made in accordance with the report presented to Council on 25 November 2020 in order to effect the changes resulting from the Corporate Restructure. These changes are reflected in the published version of the Constitution found at the link above. There are no further changes to the Officer Scheme of Delegation.

- 4.3 Changes to Chapter 2 Part 9 Section 1.2 of the Planning Committee Functions and Procedure Rules were recently made under the Monitoring Officer Delegation to make minor amendments, following a request from the Chairman of Planning Committee to review. The wording for the exception to the delegation to the Director for Growth and Regeneration was revised in order to include within the provision for member call-in of planning applications to include the period of any subsequent consultations as follows:

*Any application where a Member has notified the Director for Growth and Regeneration (in writing or by e-mail)*

*- within 21 days of the publication of the weekly list or*

*- within any subsequent consultation period*

*that the application should be determined by the Planning Committee and the notification is supported by one or more reasoned material planning considerations. In such cases, the Chair of the Planning Committee shall determine whether the application requires a debate by the Committee and whether as a result it should be presented to Committee based upon advice from the Lead Planning Officer.*

- 4.4 The Constitution Review Working Group (CRWG) have considered a number of proposed changes throughout the year. Significant changes to the constitution are a Council Function and therefore the proposed amendments are presented for Council approval as detailed below.

### **5 Main Considerations (Proposed Amendments for Approval)**

#### **Planning Committee Functions and Procedure Rules Chapter 2 Part 9**

- 5.1 In September and November 2020 the CRWG discussed Section 2.18 – 2.21 - Public Speaking Rules for Ward Members following a request to review from Members of the Council.
- 5.2 The CRWG considered the request that the rules be amended to allow for Ward Members sitting on the Planning Committee to nominate a Ward Member from a neighbouring ward to speak on behalf of their constituents where the incumbent Ward Member was unable to

do so and also to allow for Ward Members from neighbouring wards affected by an application to speak at Committee. The CRWG agreed that the rules should be amended to provide for greater flexibility for Members wishing to make representations as Ward Members.

- 5.3 It is proposed that 2.18 – 2.21 be amended to give effect to the changes detailed at paragraph 5.2 above.

### **Council Functions and Procedure Rules Chapter 2 Part 1 (Public Questions – Notice Requirement)**

- 5.4 The current requirement for six days' notice of public questions means that we must receive notice before the agenda for the Council meeting is published.
- 5.5 CRWG considered this at their meeting in March 2021 and agreed that this requirement may not be perceived as being overly encouraging of those wishing to engage in local democracy as it is often publication of the agenda itself, or items that appear on the agenda that may prompt a question.
- 5.6 It is proposed that the notice requirement at Section 5.3 of Chapter 2 Part 1 is reduced to four days' in order to encourage and facilitate public participation in Council meetings.

### **Council Functions and Procedure Rules Chapter 3 Part 1**

- 5.7 The CRWG considered the number of questions that may be asked by members at Council meetings at their meeting in September 2020 following a request to review this provision by a Member.
- 5.7.1 The current limit set out at Section 13.6 is one question per member plus a supplementary.
- 5.7.2 Members agreed that allowing two questions for members would support good democracy and openness and transparency and that there should be a corresponding change to the overall time limit for member questions (currently 15 minutes). The Group also proposed changes to clarify the provision regarding who the question should be directed to in Section 13.1 and 13.2.
- 5.8 It is proposed that Section 13.6 and 13.7 be amended to increase the number of questions that may be asked by Members at Council meetings to two and that the overall time limit for Members questions be increased to 20 minutes.
- 5.9 It is proposed that Section 13.1 and 13.2 be amended to clarify that the question may be directed to the Leader, the relevant Portfolio Holder, or a Committee Chairman.
- 5.10 It is also proposed that the current requirement for six days' notice of member questions at Section 13.3 of Chapter 3 Part 1 is reduced to four days' so that it is harmonious with the rules for members of the public as set out above.

### **Member Roles – Chapter 1 Part 3 (Arrangements in Absence of the Leader and Role Profiles)**

#### **Arrangements in Absence of the Leader**

- 5.11 Following a request from a Member of the Council, in November 2020 the Constitution Review Working Group (CRWG) discussed the options for a separate provision which related to the removal of the Leader in the circumstances that the incumbent Leader was unable to act, for example through ill health, for a significant period of the time. At their

meeting in March 2020 the CRWG agreed that an additional provision should be added which removed the requirement for a “vote of no confidence” which the group felt would be insensitive in some circumstances.

5.11.1 The current provision, found at Chapter 1 Part 3 Section 5.1, is provided below:

The Leader will hold office for a period of four years from the date he/she is elected to that office by the Council or until:

- he/she resigns from the office of Leader
- he/she becomes ineligible to be a Member of the Council, either for a specific period, or indefinitely
- he/she ceases to be a Member
- he/she is removed from office by a no confidence resolution of the Council requiring a simple majority, in respect of the motion that has been fully set out in the agenda for the meeting

5.12 It is proposed that the wording below be added as an additional provision at Chapter 1 Part 3 Section 5.1 :

- he/she is removed from office by resolution of the Council following removal from the position of Leader of their Group requiring a simple majority, in respect of the motion that has been fully set out in the agenda for the meeting.

### **Role Profiles**

5.13 The Constitution Review Working Group have spent some time reviewing the Member Role Profiles attached at Appendix A.

5.13.1 The Local Government Association, in the recent review, made a recommendation in relation to introducing Member Role Profiles.

5.13.2 The role profiles have been drafted and will assist with allocation of roles, development opportunities and also provide information for prospective councillors.

5.14 It is proposed that the Role Profiles attached at Appendix A be added as an addendum to the Chapter 1 Part 3 of the Constitution.

### **Proper Officer Delegations**

Senior Information Risk Owner (SIRO)

5.15 There is a requirement to appoint a Senior Information Risk Owner (SIRO) who should be a member of the council’s Leadership Team. The appointment of the SIRO should be added to the list of Proper Officers at Chapter 4, Part 2 of the Constitution (Proper Officer Designations).

5.16 The Senior Information Risk Owner (SIRO) is the officer responsible across the whole Council for:

- a) Accountability for information risk management, its confidentiality, integrity and availability and to ensure it is being effectively managed and correctly classified
- b) Leading and encouraging a culture that protects information within the Council.
- c) Responsibility for the corporate information security and information governance policy

d) Providing an annual statement of the security of information assets for the inclusion in the Annual Governance Assurance Statement

5.17 The functions of the role align well with the Director for Corporate Services who works closely with the Council's Monitoring Officer to monitor corporate governance and has the necessary skills, knowledge and experience to be appointed to the role

#### Data Protection Officer

5.18 In light of the above appointment and to ensure a separation of duties it is proposed to transfer the appointment of Data Protection Officer from the Director of Corporate Services to the Assistant Director for Governance and Democracy.

5.19 The Data Protection officer is accountable to the council for:

- a) informing and advising the organisation and its employees about their obligations to comply with the GDPR and other data protection laws
- b) monitoring compliance with the GDPR and other data protection laws, including managing internal data protection activities, advise on data protection impact assessments, train staff and conduct internal audits
- c) being the first point of contact for supervisory authorities and for individuals whose data is processed

5.20 The functions of the role align well with the Assistant Director for Governance and Democracy because they have the necessary skills, knowledge and experience to be appointed to the role.

#### Financial Procedure Rules

5.21 As part of the implementation of the new finance system the Director for Corporate Services has taken the opportunity to review the authorisation limits for Ordering and Paying for Work, Goods and Services as laid out in section 17 of the financial procedure rules.

5.22 The current limits haven't been changed for a number of years which have led to some inflexibility in terms of budget holders not being able to approve budgets they are responsible due to the current lower values.

5.23 Officers have undertaken informal benchmarking with other authorities to ensure the proposed values aren't significantly out of line with other Councils.

5.24 The two amendments are:

- Budget holder approval level to be increased from £10,000 to £25,000
- The addition of a level for service managers with approval level up to £50,000

5.25 It is proposed that para 17.4 of the financial procedures rules is amended to reflect the limits set out in the table below;

<b>Authorised Officer</b>	<b>Amount</b>
Budget Holders	up to £25,000
Service Managers	Up to £50,000

Directors	up to £500,000
Corporate Services Manager	up to £1,000,000
Director for Corporate Services	up to £1,000,000
Chief Executive	up to £3,000,000

## 6 Options Considered

6.1 The amendments proposed have been subject to significant member discussion through the Constitution Review Working Group and a variety of options for wording have been considered. The proposals represent the outcome of those discussions with regard to the most effective way to achieve the revised provisions.

6.2 The Council may choose to reject the proposed amendments.

## 7 Consultation

7.1 The Constitution Review Working group were consulted on all proposed changes.

7.2 The Chair of Planning Committee was consulted with regard to changes to the Planning Procedure Rules.

## 8 Next Steps – Implementation and Communication

8.1 The Monitoring Officer will incorporate the approved revisions and changes into the Council's Constitution.

## 9 Financial Implications

9.1 There are no direct financial implications arising from this report in terms of budgetary impact, but there are changes to the approval levels as outlined in para 5.21 to 5.25.

9.2 These changes to the authorisation limits for Ordering and Paying for Work, Goods and Services will enable the authority to be more efficient in its processing of financial transactions and improve alignment with financial responsibilities for officers within the council.

**Financial Implications reviewed by: Corporate Services Manager, Deputy s151 officer**

## 10 Legal and Governance Implications

10.1 The Constitution (Chapter 2, Part 1, Section 4.2) provides that the Council agrees the Scheme of Delegation and confirms the Constitution at Annual Council.

10.2 Amendments to the Constitution are a Council function.

**Legal Implications reviewed by: Monitoring Officer**

## 11 Equality and Safeguarding Implications

11.1 There are no equality and safeguarding implications.

## 12 Community Safety Implications

12.1 There are no community safety implications.

## 13 Environmental and Climate Change Implications

13.1 There are no environmental change implications.

## 14 Risk & Mitigation

Risk No	Risk Description	Likelihood	Impact	Risk
1	Failure to update and review the Constitution to ensure the provisions remain relevant and fit for purpose	Low	Critical	Medium Risk

		Impact / Consequences			
		Negligible	Marginal	Critical	Catastrophic
Likelihood	Score/ definition	1	2	3	4
	6 Very High				
	5 High				
	4 Significant				
	3 Low			1	
	2 Very Low				
	1 Almost impossible				

Risk No	Mitigation
1	The Constitution is kept under regular review by the Constitution Review Group and the Monitoring Officer. Members and officers may refer items to the Group or the Monitoring Officer for consideration.

## 15 Background Papers

15.1 There are no background papers.

## 16 Appendices

16.1 Appendix A – Role Profiles

<b>Report Author:</b>	<b>Natasha Taylor</b> , Democratic Services Manager
<b>Report Author Contact Details:</b>	01664 502441 ntaylor@melton.gov.uk
<b>Chief Officer Responsible:</b>	<b>Kieran Stockley</b> , Assistant Director for Governance and Democracy (Monitoring Officer)
<b>Chief Officer Contact Details:</b>	01664 504336 kstockley@melton.gov.uk