

Proposed Amendments to Constitution

Report Author:	Natasha Taylor , Deputy Monitoring Officer
Report Author Contact Details:	01664 502441 ntaylor@melton.gov.uk
Chief Officer Responsible:	Alison McKane , Monitoring Officer
Chief Officer Contact Details:	01664 502543 amckane@melton.gov.uk
Lead Member/Portfolio Holder Responsible	N/A
Corporate Priority:	Ensuring the right conditions to support delivery (inward)
Relevant Ward Member(s):	All
Date of consultation with Ward Member(s):	N/A
Exempt Information:	No

1 Summary

- 1.1 To seek approval for proposed amendments to the Constitution.

2 Recommendation(s)

That Council:

- 2.1 **Approve the proposed amendments to the Constitution as detailed in Appendix A.**

3 Reason for Recommendations

- 3.1 The Constitution should be regularly reviewed and updated to ensure that it remains relevant and fit for purpose to ensure the Council is able to continue to work efficiently and quickly to meet its ambitions.
- 3.2 Several proposed amendments were taken to the Constitution Review Working Group in August 2023 as detailed at Appendix A.

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 It is important to ensure that Constitution remains under review to ensure it is up-to-date and that it enables efficient decision making to support the Council's priority for being an agile Council.

5 Main Considerations

- 5.1 The proposed amendments have arisen as a result of:
- 5.1.1 changes to the staffing structure;
 - 5.1.2 anomalies and provisions which either do not currently exist or have proved to be difficult to apply in practice and require amendment to ensure that the constitutional provisions can be applied to achieve the outcomes originally intended; and
 - 5.1.3 to create clarity and efficiency in decision making.

6 Options Considered

- 6.1 Not to amend the Constitution – not recommended as this would result in an out of date document which would impact the Council's ability to make decisions.

7 Consultation

- 7.1 The proposed amendments were taken to the Constitution Review Working Group on 1 August 2023. Feedback received is recorded at Appendix A.

8 Next Steps – Implementation and Communication

- 8.1 If approved, amendments will be completed by the Democratic Services team and the Constitution will be republished.

9 Financial Implications

- 9.1 There are no direct financial implications from the changes proposed. However some of the proposed changes provide for greater clarity leading to improved financial control. Others enable improved flexibility operationally with respect to financial transactions which enables actions to be completed in a more timely manner and therefore lead to more accurate financial reporting.

Financial Implications reviewed by: Director for Corporate services

10 Legal and Governance Implications

- 10.1 It is a legal requirement to have a constitution. The Council would be unable to make decisions without proper governance arrangements in place.
- 10.2 The adoption and approval of amendments to the Constitution is a matter reserved to Council.

- 10.3 The Monitoring Officer has delegated authority to make “such changes as she deems to be necessary and which are in the Council’s interests and not major in nature, including but not limited to: changes amounting to routine revisions; to provide appropriate clarity; to correct typographical and other drafting errors; to reflect new legislation; to correct inconsistencies in drafting Officer Delegations; to reflect new officer structures and job titles, properly approved through Council processes”. The Monitoring Officer keeps a record of all changes made in accordance with her delegated authority.

Legal Implications reviewed by: Assistant Director for Governance & Democracy (Monitoring Officer)

11 Equality and Safeguarding Implications

- 11.1 There are no equality and safeguarding implications arising from this report.

12 Data Protection Implications

A Data Protection Impact Assessments (DPIA) has not been completed because there are no data protection issues arising from this report.

13 Community Safety Implications

- 13.1 There are no community safety implications arising from this report.

14 Environmental and Climate Change Implications

- 14.1 There are no environment and climate change implications arising from this report.

15 Risk & Mitigation

Risk No	Risk Description	Likelihood	Impact	Risk
1	Failure to have an up-to-date Constitution	Very Low	Marginal	Low
2	Lack of clarity over delegations due to poorly worded provisions in the constitution	Low	Marginal	Low

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

Risk No	Mitigation
1 and 2	Regular reviews of the Constitution to ensure it is up-to-date and fit for purpose.

16 Background Papers

16.1 None

17 Appendices

17.1 Appendix A – Proposed Changes to Constitution