

GOVERNANCE COMMITTEE

19 SEPTEMBER 2017

REPORT OF THE MONITORING OFFICER

CONSTITUTION UPDATE 2017 18

1.0 PURPOSE OF REPORT

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

2.0 RECOMMENDATIONS

2.1 To approve the consequential changes to the Constitution listed at Appendix A which are as a result of the recent Senior Management Restructure.

2.2 Recommendations from the Rural, Economic and Environmental Affairs Committee held on 7 June 2017 :-

(1) the Constitution set the name of this Committee as Melton Economic and Environmental Affairs Committee;

(2) To consider amending that the Terms of Reference of the policy committees as follows:-

1. Policy, Finance and Administration Committee have included new delegations as follows:-

To deal with all responsibilities within the remit of this Committee in accordance with the best interests of all local communities, including rural.

2. Community and Social Affairs Committee and those of this Committee as retitled be amended as follows: -

To deal with all responsibilities within the remit of this Committee in accordance with the best interests of all local communities, including rural.

2.3 Subject to approval at the Community and Social Affairs Committee to be held on 13 September 2017 the following new Officer delegation be approved to the Head of Communities and Neighbourhoods :-

In consultation with the Corporate Director to re-set the Housing Revenue Account existing fees and charges.

2.4 To refer the approved items to Full Council for adoption in the Council's Constitution.

2.5 To note that the Monitoring Officer has delegated authority to make

amendments following legislative or other statutory changes and minor procedural and operational changes. Such changes will be reported to the Governance Committee and subsequently the Council, as soon as practicable thereafter.

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 Strategic 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 Senior Management Restructure

Following the recent Senior Management Restructure, there have been changes to job titles and roles specifically affecting the following :-

- Deputy Chief Executive (previously Strategic Director)
- Corporate Director (new post)
- Strategic Director (not included in new structure)
- Head of Strategic Planning and Regulatory Services (previously Head of Regulatory Services)
- Head of Regulatory Services (not included in new structure)
- Head of Communications (not included in new structure)
- Communications Manager (HR and Communications delegations from Head of Communications)
- Strategic Asset Manager (new post)
- Corporate Property Officer (not included in new structure)

Appendix A sets out these changes where they affect the Constitution and the relevant parts have been reviewed and updated to reflect the current arrangements. With regard to Part 3 (Delegations to Officers) and Part 4 (Rules of Procedure), the changes are more significant therefore these documents are attached as Appendices A1 and A2 with tracked markings showing where changes are needed.

To save on printing and postage resources, the other sections affected are available in hard copy in the Members' Room should any Member wish to review these before the Committee meeting.

3.4 Rural, Economic and Environmental Affairs Committee

At the meeting of the Rural, Economic and Environmental Affairs Committee held on 7 June 2017, it was resolved that

(1) The Governance Committee be recommended that the Constitution set the name of this Committee as Melton Economic and Environmental Affairs Committee

(2) *The Governance Committee be recommended to consider amending that the Terms of Reference of the policy committees as follows:-*

1. *Policy, Finance and Administration Committee have included new delegations as follows:-*

To deal with all responsibilities within the remit of this Committee in accordance with the best interests of all local communities, including rural.

2. *Community and Social Affairs Committee and those of this Committee as retitled be amended as follows: - To deal with all responsibilities within the remit of this Committee in accordance with the best interests of all local communities, including rural.*

The reason for the changes proposed was minuted that to better reflect the rurality of the Council and that rural services are delivered as business as usual the addition of "Rural" to the title of that Committee was no longer relevant to the way the Council was operating and would continue to operate in the future. Other policy Committees dealt with rural service issues therefore the amendment to the title of that Committee as well as giving clarity to the delegated authority and Terms of Reference of the Policy Committees would also help develop further inclusivity. The above recommendations are set out for approval at paragraphs 2.2(1) and 2.2(2).

3.5 New Officer Delegation

At the Community and Social Affairs Committee to be held on 13 September 2017 the following new Officer delegation to the Head of Communities and Neighbourhoods is to be considered and subject to that Committee's approval, this Committee is requested to approve the delegation and refer the same to Full Council for adoption in the Constitution.

In consultation with the Corporate Director to re-set the Housing Revenue Account existing fees and charges.

It is noted that any new or significantly re-structured services and charges will continue to be considered by the Community and Social Affairs Committee in the first instance.

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 an 'Agile 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 following legislative or other statutory changes and minor procedural and operational changes. Such changes will be reported to the Governance Committee and subsequently the Council, as soon as practicable thereafter.

7.0 COMMUNITY SAFETY

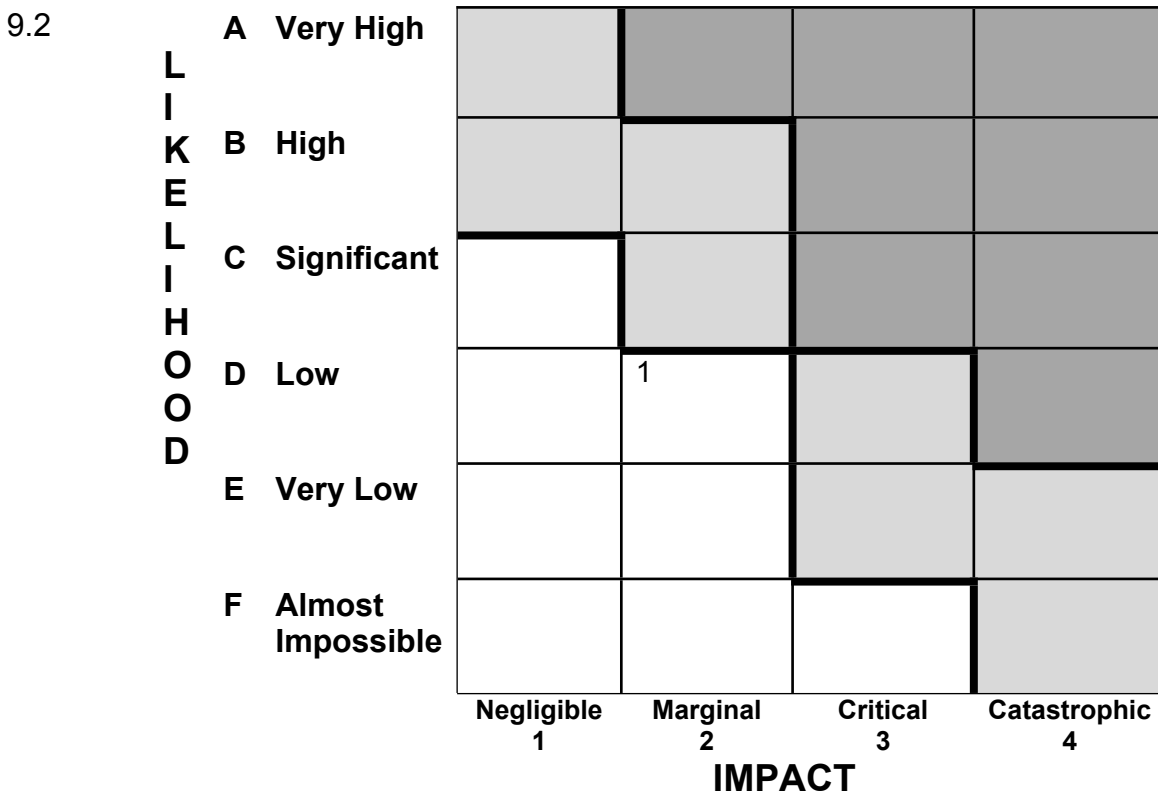
7.1 There are no community safety implications relating to this report.

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.



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 is electronically available to Members and Officers to meet the Council’s corporate commitment to green targets.

