



Constitution and Officer Scheme of Delegation

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Lead Member/Relevant Portfolio Holder	Monitoring Officer

Corporate Priority:	Theme 5: Right conditions to support delivery
Relevant Ward Member(s):	All
Date of consultation with Ward Member(s):	N/A
Exempt Information:	No

1 Summary

- 1.1 In order to comply with Constitutional requirements, the following must be considered at the Annual Council meeting:
- a) To agree the Officer Scheme of Delegation as set out in Chapter 2, Part 4 of the Constitution.
 - b) To confirm the Constitution and seek approval for proposed amendments to the Constitution.

2 Recommendations

That Council:
2.1 Agree the Officer Scheme of Delegation; and
2.2 Confirm the Constitution.

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 the Annual Council meeting.

- 3.2 The Constitution (Chapter 2, Part 1, Section 4.2) provides that the Council confirm the Constitution at the Annual Council meeting.

4 Background

- 4.1 The current version of the Constitution, including the Officer Scheme of Delegation (Chapter 2, Part 4) can be found at the link below:

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

- 4.2 There are no changes proposed at this stage, however the Monitoring Officer is currently reviewing a number of proposed updates, including those emanating from the Governance Review, which, in consultation with the Constitutional Review Working Group, will be brought forward for consideration by Council at the meeting in July.

5 Main Considerations

- 5.1 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.
- 5.2 The Constitution Review Working Group consider updates and amendments throughout the year and changes are brought back to Council for consideration and approval.
- 5.3 The Monitoring Officer also has delegated power to amend the Constitution as he/she deems to be necessary and which are in the Council's interests and not major in nature, including, but not limited to routine revisions to provide appropriate clarity, correct typographical and other drafting errors, reflect new legislation or ensure compliance with existing legislation, to correct inconsistencies in drafting Officer Delegations and to reflect new officer structures and job titles which have been properly approved through Council processes.

6 Options Considered

- 6.1 Consideration of the Officer Scheme of Delegation and the Constitution at the Annual Meeting are Constitutional requirements.

7 Consultation

- 7.1 Significant changes to the Constitution would require consultation with Members through the Constitution Review Working Group.

8 Next Steps – Implementation and Communication

- 8.1 The Constitution is under continuous review to ensure it is relevant, clear and adheres to changes in the law and best practice. Since the Council is currently considering whether changes should be made to its Governance structure, it is considered appropriate to await the outcome of that process before undertaking any other significant review of the Constitution.

9 Financial Implications

- 9.1 There are no direct financial implications arising from the report.

Financial Implications reviewed by: Director for Corporate Services, 7 May 2024

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 the Annual Council meeting. It is however legally permissible to make changes to the Constitution at any other time.
- 10.2 Legislation requires the Council to have a Constitution which contains certain information. The Council would be unable to make decisions without proper governance arrangements in place.
- 10.3 The adoption and approval of amendments to the Constitution is a matter reserved to Council.
- 10.4 The Monitoring Officer has delegated authority to make “such changes as they deem 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: Monitoring Officer, 7 May 2024

11 Equality and Safeguarding Implications

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

12 Data Protection Implications (Mandatory)

- 12.1 A Data Protection Impact Assessments (DPIA) has not been completed because there are no risks/issues to the rights and freedoms of natural persons as a result of 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 Other Implications (where significant)

- 15.1 There are no other implications arising from this report.

16 Risk & Mitigation

Risk No	Risk Description	Likelihood	Impact	Risk
1	Failure to have an up-to-date Constitution	Very 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 Very Low		1		
1 Almost impossible				

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

17 Background Papers.

17.1 There are no background papers.

18 Appendices

18.1 None