

Council

Date: **4 November 2019**

Report
of:

**Director of Law and Governance
(Monitoring Officer)**

REVIEW OF CONSTITUTION – GENERAL UPDATE

1.0 Summary

- 1.1 To provide Council with proposed amendments to the Constitution and seek approval of such amendments.

2.0 Recommendations

- 2.1 **That Council approve the proposed amendments to the Melton Borough Council Constitution at Appendix A**

3.0 Report Detail

- 3.1 Following approval of the Council's new governance arrangements, Council approved the new Melton Borough Council Constitution on 17 April 2019. That report stated that regular reviews and updates to the Constitution would be required to ensure it is up to date and that the decision-making processes supports the Council's priority for being an 'Agile Council'.
- 3.2 The table at Appendix A provides a list of proposed revisions to the Constitution and corresponding justification for the addition/amendment. Members will note that where tracked changes are shown, the provision already exists but it is proposed to be revised. Where no tracked changes are shown, these are new provisions that are proposed.
- 3.3 Amendments are proposed where it has been identified that application of the provision is frustrated by the use of complicated or anomalous wording, or where adding/amending provisions would provide improvements in delivery of council services and enable the organisation to function efficiently.
- 3.4 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 commercial ambitions.
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4.0 Consultation and Feedback

- 4.1 The proposed amendments have arisen as a result of Officer and Member feedback on current anomalies and provisions which either do not currently exist or have been 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.
- 4.2 The Audit and Standards Committee forms part of the consultation process, so alterations to the proposed amendments proposed by Committee Members at a meeting on 24th September 2019 have been included in the attached Appendix.
- 4.3 The Portfolio Holder for Corporate Governance, Access and Engagement has been consulted.

5.0 Next Steps

- 5.1 Amendments will be completed by Democratic Services and the Constitution shall be republished online.

6.0 Financial Implications

- 6.1 There are no financial implications.

7.0 Legal and Governance Implications

- 7.1 It is a legal requirement to have a Constitution. The Council cannot make decisions without proper governance arrangements in place.
- 7.2 Under Chapter 2, Part 6 of the Constitution one of the functions of the Audit and Standards Committee is to provide comments to Council on significant amendments to the Constitution.
- 7.3 The adoption and approval of amendments to the Constitution is a matter reserved to Council.
- 7.4 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.

8.0 Equality and Safeguarding Implications

- 8.1 There are no equality and safeguarding implications.

9.0 Community Safety Implications

- 9.1 There are no safeguarding implications.
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10.0 Other Implications

10.1 There are none.

11.0 Risk & Mitigation

11.1 There are no risks associated with the Committee providing comments.

Background Papers

[The Melton Borough Council Constitution](#)

Appendices

Appendix A – Proposed Changes to the MBC Constitution

Report Timeline	Dated
Equalities Check & Challenge	N/A
SLT Sign off	N/A
Previously Considered by Audit and Standards Committee	24/09/2019
Director Approval	10/10/2019
Chief Finance Officer Sign Off	10/10/2019
Monitoring Officer Sign Off	10/10/2019

Report Author & Job Title

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