



## Establishment of Constitution Review Working Group

<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 establish an informal working group to assist with the ongoing review of the Constitution and to define the purpose and remit of the Constitution Review Working Group (CRWG), incorporating the Member Development Group functions.

### 2 Recommendation(s)

**That Council:**

1. Approves the establishment of the Constitution Review Working Group;
2. Approves the purpose, remit and composition of the group as set out in the Terms of Reference (Appendix A);
3. Approves the membership of the working group for the remainder of the Municipal Year 2020/21 (Appendix B);
4. To amend Chapter 2, Part 6 of the MBC Constitution to reflect amendments to the delegations as described in Section 5.

### 3 Reason for Recommendations

- 3.1 To constitute a working group which has the responsibility for reviewing and making recommendations to Council in relation to the Constitution, including amendment or addition to procedures in relation to constitutional provisions and standing orders.

## **4 Background**

- 4.1 The Constitution exists to help residents, businesses, partners, stakeholders, Members and Officers understand how the Council works. Melton Borough Council will exercise all powers in accordance with the law and its own procedures, the Constitution contains details of how the Council works, how decisions are made and where to find information about the Authority.
- 4.2 A review of the Constitution took place in 2018/19 in order to reflect the changes to the Council's governance structure in 2019.
- 4.3 The establishment of a Member Development Group and the Terms of Reference for the Group were approved by the Audit and Standards Committee in November 2019.
- 4.4 At the Annual Council Meeting held on 14 May 2020 the Leader of the Council announced that a Constitution Review Working Group would be established at the next Council meeting.

## **5 Main Considerations**

- 5.1 The Constitution is the document by which, in accordance with the law, the Council exercises all its powers and duties; it is continuously kept under review.
- 5.2 The purpose of the working group is to ensure that the Constitution remains relevant, fit for purpose and enables the decision making processes of the council to progress in an expedient manner. The group will identify areas which may be ambiguous or inconsistent and will also react to changes in legislation, policy or accepted practice and make recommendations for alterations and improvements.
- 5.3 In order to create efficiencies in relation to both Member and officer time, it is proposed that the Member Development Group functions be incorporated into the CRWG. The scope and function of the Member Development Group (as approved in November 2019) have been incorporated into the Terms of Reference for the CRWG. The CRWG is constituted in the same way as the Member Development Group with cross party representation, quarterly meetings and chaired by the relevant Portfolio Holder.
- 5.4 An informal working group is considered the best way to achieve collaborative working between the Monitoring Officer and Members in order to ensure different options can be explored.
- 5.5 Delegated authority for consequential and minor amendments to the Constitution is currently in place for the Monitoring Officer under the Scheme of Delegation and Section 1.16 of Chapter 2, Part 6 of the Constitution (Functions of the Audit and Standards Committee). Significant amendments are currently considered by Audit and Standards Committee and then reported to Council. It is proposed that this delegation is altered so that significant amendments are considered by the CRWG and reported to Council for approval.
- 5.6 Member training is currently set out as a function of the Audit and Standards Committee and the Monitoring Officer. It is proposed that that the delegation at Section 1.22 of Chapter 2, Part 6 of the Constitution is altered so that responsibility for Member training and development is the responsibility of the CRWG and the Monitoring Officer with any significant changes to the Member Development Programme being reported to the Audit and Standards Committee.

5.7 An annual report will be provided to the Audit and Standards Committee on the work of the CRWG and the Committee.

5.8 The Audit and Standards Committee, Council or the Monitoring Officer may ask the CRWG to consider a particular item of work.

## **6 Options Considered**

6.1 To continue to review and amend the Constitution on an ad-hoc basis. This is not considered appropriate as it could result in delay in updating the Constitution and failure to comply with legislative changes.

6.2 To keep the CRWG and the Member Development Group as two separate groups. It is considered a more efficient approach to incorporate the functions of the two groups into one body.

## **7 Consultation**

7.1 Group leaders have been consulted on the proposals within the report.

## **8 Next Steps – Implementation and Communication**

8.1 Dates will be agreed for the meetings for the remainder of the Municipal Year.

## **9 Financial Implications**

9.1 There are no financial implications.

9.2 The Budget for Member Development is approved by Council as part of the Annual Budget setting process.

**Financial Implications reviewed by: Director for Corporate Services**

## **10 Legal and Governance Implications**

10.1 There are no legal implications. The working group will have no decision making powers and will report to Council.

10.2 The Group will have no decision making powers other those in relation to day to day implementation of the Member Development Programme which must be within the constraints of their terms of reference, the Member Development Framework and agreed budgets.

10.3 Adoption and modification of the Constitution is a function of Council. The working group will therefore report to Council on any proposed changes to the Constitution (apart from those changes that come within the delegation to the Monitoring Officer to make consequential and minor amendments).

**Legal Implications reviewed by: Monitoring Officer**

## **11 Equality and Safeguarding Implications**

11.1 Group Leaders have been consulted on the proposals in this report.

## **12 Community Safety Implications**

12.1 There are no community safety implications.

## **13 Environmental and Climate Change Implications**

13.1 There are no environmental and climate change implications.

## 14 Risk & Mitigation

<b>Risk No</b>	<b>Risk Description</b>	<b>Likelihood</b>	<b>Impact</b>	<b>Risk</b>
1	The constitution becomes out of date and does not reflect current legislative requirements leading to unlawful decision making.	Low	Critical	Medium Risk
2	The constitution is ambiguous and inconsistent impacting on public confidence of the decision making processes of the council.	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	
	2 Very Low				
	1 Almost impossible				

Risk No	Mitigation
1	The CRWG will meet regularly and review any changes to legislation, policy, working practices
2	Any areas of the constitution which require clarification can be reported to the CRWG for review at their meeting

## 15 Background Papers

15.1 There are no background papers.

## 16 Appendices

16.1 Appendix A - MBC Constitution Review Working Group Terms of Reference

16.2 Appendix B – Proposed Membership of the CRWG for the Municipal Year 2020/21

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