

## **For publication**

### **Constitution Update**

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Meeting: Standards and Audit Committee

Date: 7 February 2018

Cabinet portfolio: Cabinet Member for Governance

Report by: Monitoring Officer

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### **For publication**

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#### **1.0 Purpose of report**

- 1.1 To inform members about, and seek confirmation of, updates to the Constitution.

#### **2.0 Recommendations**

- 2.1 That the Committee notes the updates to the Constitution.
- 2.2 That the current published version of Constitution be confirmed.

#### **3.0 Background**

- 3.1 The Constitution is a key document, required by law, which sets out the principal powers, duties and procedures of the Council. It also sets out to whom decision making over the Council's various functions is delegated.
- 3.2 The current form of Constitution has been in place since the early 2000s and follows a government model proposed at the time. Most council constitutions follow a similar format, though some are now moving away from it. The constitution is publicly available on the Council's website.

- 3.3 The Constitution needs to be changed and updated from time to time to ensure it reflects current practices, functions and structures and efficient working of the authority.
- 3.4 Changes to accord with the law are incorporated with periodic reviews of the parts of the constitution and logical changes resulting from restructures usually follow automatically. Minor corrections/changes and clarified/simplified drafting are also carried out from time to time by the Monitoring Officer.
- 3.5 While Full Council will consider the main changes, the less significant changes requiring approval are delegated to this Committee. Various consequential amendments may need to be made to other parts the Constitution, numbering etc to ensure consistency and reflect these changes and these are the responsibility of the Monitoring Officer.
- 3.6 This Committee last considered and approved changes to the Constitution in September and then in November 2017. This report is for the Committee to note various recent changes and to confirm the current version of the Constitution.

#### **4.0 Rolling Review**

- 4.1 In addition to routine updates and changes, since 2017 the Monitoring has been carrying out a formal rolling review of each part of the constitution on a bi-monthly basis. This is to help updates to be proactive rather than just reactive. Some Parts have been reviewed and others are pending.

#### **5.0 Schedule of Changes**

- 5.1 Since 2011 a schedule of changes is published with the Constitution. The most recent version is in the Appendix to this report.
- 5.2 Since this Committee last considered the Constitution, reviews and updates were as follows:

##### **Rolling Review**

Part 1: Simplified, updated and improved layout.

*Part 2: Review pending*

*Part 3: Review pending*

*Part 4: Review pending*

Part 5 – Reviewed – updated.

Part 6 – Reviewed – up to date.

Part 7 – Reviewed – up to date.

Part 8 – Reviewed – up to date. Broken hypertext link repaired.

## **Updates**

All Parts:

Changes of reference to Service Managers to Assistant Directors

Part 3:

- Addition of Corporate Enforcement (as approved by Leader) to portfolio of Cabinet Member for Governance and appropriate delegations
- Correcting delegation on appointments to outside bodies to reflect historic and current practice of delegation to Cabinet Member for Governance,
- Updating delegations on Revenues and Benefits to reflect current officer structure (Director of Finance and Resources)

5.3 The published version of the Constitution is on the Council's website at:

<https://www.chesterfield.gov.uk/your-council/the-council/the-constitution.aspx>

## **6.0 Human Resources/people management implications**

6.1 The changes enable more efficient working of the authority, reflecting the current structure and best practice. Officers and members are able to operate within a clear framework.

## **7.0 Financial implications**

7.1 The report proposes changes which will lead to greater efficiency and cost effectiveness in decision making.

## **8.0 Legal and data protection implications**

8.1 The Council must have a Constitution and this must be updated periodically to reflect current practices and decision making structures: it is a living document. Some changes flow from, eg changes in legislation or decisions made by the council or restructured posts replacing previous posts. Other changes need formal approval.

8.2 While the main Constitution changes are authorised by full Council, Council has previously delegated authority to Standards and Audit Committee to approve more routine Constitution changes.

## 9.0 Risk management

9.1 This report concerns updates to the Constitution to enable efficient and legal operation of Council decision making, to strengthen internal audit procedures and to introduce more flexible and efficient procedures for signing Council documents.

Description of risk	Impact	Likelihood	Mitigating Action	Resulting Impact	Resulting Likelihood
Constitution not reflect current requirement of the Council			Regular review of all parts of the Constitution and appropriate proactive and reactive amendment.		

## 10.0 Alternative options and reasons for rejection

10.1 **Do not change the Constitution:** The Constitution must be updated from time to time to reflect the current structure and legal functions and appropriate procedures. The Constitution is required by law and must be reviewed on a rolling basis.

## 11.0 Recommendations

11.1 That the Committee notes the updates to the Constitution.

11.2 That the current published version of Constitution be confirmed.

## **12.0 Reason for recommendations**

12.1 To ensure effective and efficient operation of the Council.

### **Decision information**

<b>Key decision number</b>	N/A
<b>Wards affected</b>	All
<b>Links to Council Plan priorities</b>	N/A

### **Document information**

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<b>Background documents</b> These are unpublished works which have been relied on to a material extent when the report was prepared.	
<b>Appendices to the report</b>	