

For publication

The Constitution

MEETING: Council

DATE: 10TH October 2018

REPORT BY: Monitoring Officer

For publication

1.0 Purpose of report

1.1 To seek confirmation and approval of the current Constitution.

2.0 Recommendations

2.1 That members note updates to the Constitution approved in the past year.

2.2 That the current published version of the Constitution be confirmed and approved.

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 legislation, 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 and delegations are also carried out on an ongoing basis by the Monitoring Officer.
- 3.5 While Full Council will consider the main changes, the less significant changes requiring approval are delegated to Standards and Audit Committee. Various consequential amendments may need to be made to other parts of the Constitution, numbering, etc to ensure consistency and to reflect these changes and these are the responsibility of the Monitoring Officer.
- 3.6 This report is for the members 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 Officer has been carrying out a formal rolling review of each part of the constitution. This is to help updates to be proactive rather than reactive. Some Parts have been reviewed and others are underway.

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 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>

This is the current version of the Constitution and is the one that should always be referred to.

6.0 Human Resources/people management implications

6.1 The Constitution is a living document and is amended as necessary to enable more efficient working of the authority, reflecting the current structure and best practice. It enables officers and members to operate within a clear framework.

7.0 Legal and data protection implications

7.1 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.

7.2 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. Approval of the full Constitution periodically by the Council avoids uncertainty.

8.0 Risk management

8.1 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	H	M	Regular review of all parts of the Constitution and appropriate proactive and reactive	L	L

Council			amendment.		
Complaint / challenge as relevant approval of changes not obtained	H	L	Ensure those changes requiring approval are approved by Standards and Audit committee / Full Council as appropriate. Periodic approval of whole Constitution by Full Council	L	L

9.0 **Alternative options and reasons for rejection**

9.1 **Do not confirm the Constitution:** The Constitution is 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. Confirmation by Full Council ensures certainty that that the published Constitution is approved.

10.0 **Recommendations**

10.1 That members note updates to the Constitution approved in the past year.

10.2 That the current published version of Constitution be confirmed and approved.

11.0 **Reason for recommendations**

11.1 To ensure effective and efficient operation of the Council.

Decision information

Key decision number	<i>All key decisions must be in the Forward Plan at least 28 days in advance. There are constitutional consequences if an</i>
----------------------------	---

	<i>item is not in the Forward Plan when it should have been. Contact Democratic Services if in doubt.</i>
Wards affected	All
Links to Council Plan priorities	to provide value for money services

Document information

Report author	Contact number/email
Gerard Rogers	01246 345310 gerard.rogers@chesterfield.gov.uk
Background documents	
The Council's Constitution – on Council website https://www.chesterfield.gov.uk/your-council/the-council/the-constitution.aspx	
<i>This must be made available to the public for up to 4 years.</i>	
Appendices to the report	
Appendix A	Schedule of Changes