

For publication

Delegation Scheme and Constitution

Meeting:	Council
Date:	14 TH October 2020
Cabinet portfolio:	Governance
Directorate:	Resources

1.0 Purpose of report

- 1.1 To seek confirmation of the current scheme of delegation and Constitution.

2.0 Recommendation

- 2.1 That members confirm the Constitution, including the scheme of delegation in Part 3 and the Covid-19 supplement to the Constitution.

3.0 Reasons for Recommendation

- 3.1 To ensure effective and efficient operation of the Council.

4.0 Report Details

- 4.1 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 in Part 3 to whom decision making over the Council's various functions is delegated.
- 4.2 The current form of Constitution has been in place since the early 2000s, using a government model. 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 at <https://www.chesterfield.gov.uk/your-council/the-council/the-constitution.aspx>

- 4.3 The Constitution needs to be changed and updated from time to time to ensure it reflects current legislation, practices, functions, structures and efficient working of the authority.
- 4.4 Full Council considers the main changes and other changes are delegated to Standards and Audit Committee. Any consequential amendments and general updates are the responsibility of the Monitoring Officer.
- 4.5 Council approved and confirmed the current version of the Constitution at its October 2018 meeting and the delegation scheme at the May 2019 Annual Business Meeting. Since that time there have been some routine updates and corrections referred to in Appendix 1.
- 4.6 Due to Covid-19 there has been need to amend the Constitution in various ways. This has been the focus of work on the Constitution since the spring. Legislation also gave Councils the ability to move meetings including the Annual Council Meeting.
- 4.7 The changes were:
 - Emergency delegations were put in place to secure continued lawful decision making.
 - Changes to standing orders were made to enable virtual meetings.
 - Alternative measures adopted for executing deeds on behalf of the Council.
 - Other delegations were put in place in response to new measures enacted by the government as a result of the pandemic.

These were approved by Standards and Audit Committee at various meetings and reported to Council on 15th July, together with a report on the exercise of emergency delegations. Other changes by Standards and Audit Committee at its meetings on 2nd July and 23rd September are referred to in minutes reported elsewhere on this Agenda.

The changes are summarised in Appendix 1.

- 4.7 On 22nd July Standards and Audit Committee reviewed the governance measures which had been put in place in response to the pandemic.

5.0 Delegation Scheme

- 5.1 Standing Order 1 paragraph 7 says that the Annual Business Meeting should agree the delegation scheme or such part of it as the Constitution determines it is for the Council to agree. The scheme is set out in the Constitution, with details in Part 3 (Responsibility for Functions).
- 5.2 Many changes to the constitution, including the delegation scheme are now agreed by Standards and Audit Committee. As mentioned above Council approved the current version of the Constitution in October 2018 and the delegation scheme in May 2019, with Covid-19 related changes approved by Standards and Audit Committee accepted at the 15th July meeting. These and subsequent Covid-19 related changes approved by Standards and Audit Committee are summarised in Appendix 1 and set out in a special supplement to the Constitution in Appendix 2 and at:
<https://www.chesterfield.gov.uk/media/1385264/constitution-of-chesterfield-borough-council-covid-19-supplement.pdf>
- 5.3 The approved version of the delegation scheme at Part 3 of the Constitution is at:
<https://www.chesterfield.gov.uk/media/1121670/cbc-constitution-part-three-v39-september-2019.pdf>

5.0 Alternative options and reasons for rejection

5.1 *Do not confirm the scheme:* The Constitution was approved by Council in October 2018 and May 2019. Covid-19 changes were approved by Standards and Audit Committee and emergency delegation decisions reported to Council on 15th July 2020. The scheme sets decision making at the appropriate level and is essential for effective working of the Council, with additional measures as the result of the pandemic. The Constitution is required by law and is generally reviewed on a rolling basis. Confirmation by Full Council ensures certainty that the published Constitution is approved.

6.0 Implications for consideration – Council Plan, Financial and Value for Money

6.1 The Constitution is a living document and is changed as necessary to respond to current circumstances, enable more efficient working of the authority, reflecting the current structure and best practice. It contributes to effective achievement of the council plan and providing value for money services.

7.0 Implications for consideration - Legal

7.1 This report is seeking confirmation of the current delegation scheme, previously approved by Council and Standards and Audit Committee.

7.2 The Council must have a constitution and this must be updated periodically: it is a living document. While changes are authorised by full Council, many other changes are delegated to Standards and Audit Committee. There have been changes in response to Covid-19 pandemic and relevant legislation. Approval of the Constitution periodically by the Council avoids uncertainty.

8.0 Implications for consideration - Human resources

8.1 The Constitution is a living document and is changed 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.

9.0 Implications for consideration - Risk management

9.1 This report concerns confirmation of part of the existing Constitution.

Description of risk	Impact	Likelihood	Mitigating Action	Resulting Impact	Resulting Likelihood
Constitution not reflect current requirement of the Council	H	M	Regular review of all parts of the Constitution and appropriate proactive and reactive amendment.	L	L
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
Inability of Council to effectively operate during	H	H	Ensure changes are made quickly to governance arrangements so the Council can continue	L	L

Covid-19 pandemic			to operate effectively and lawfully		
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10.0 Implications for consideration – Community wellbeing, Economy and skills, Climate change, Equality and diversity

10.1 Many of the measures responding to Covid-19 help effective work of the Council in these areas.

Decision information

Key decision number	-
Wards affected	All
Links to Council Plan priorities	to provide value for money services

Document information

Report author	Contact number/email
Gerard Rogers Monitoring Officer	01246 936471 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	
Appendices to the report	
Appendix 1	Summary of changes
Appendix 2	Covid-19 Supplement to Constitution