

For publication

Delegation Scheme and Constitution

Meeting:	Standards and Audit Committee
Date:	20 TH April 2022
Cabinet portfolio:	Governance
Directorate:	Corporate

1.0 Purpose of report

- 1.1 To seek approval of updates to the Constitution.

2.0 Recommendations

- 2.1 That members confirm the changes to Constitution, and agree the delegations, proposed at Appendix 1.

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 Constitution at its 28th April 2021 Annual Business Meeting (and will consider it again at its meeting on 27th April 2022).
- 4.6 Since that time this committee approved some further amendments in July 2021 and general reviews and routine updates to the Constitution have continued, with attention also being given to formatting.
- 4.7 Further changes requiring approval by this Committee are set out in Appendix 1.

Decision information

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

Document information

Report author	Contact number/email
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Background documents	

The Council's Constitution – on Council website
<https://www.chesterfield.gov.uk/your-council/the-council/the-constitution.aspx>

This must be made available to the public for up to 4 years.

Appendices to the report

Appendix 1

Proposed changes to:
Part 3 – Disposal terms, missing legislation

Appendix 1

Constitution changes requiring approval by Standards and Audit Committee

Council Constitution:

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

Part 3 – Delegation Scheme

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Disposal Terms

While there are various delegations to officers relating to disposal of land, occasionally amendments are needed to terms, easements, boundaries and plans previously approved e.g. by members. This can cause delay to the transaction while further authorisation is sought.

It is proposed that there be a new delegation to enable officers to make appropriate amendments provided they are in accordance with the authority already given:

G375D Notwithstanding any prior decision, and in order to accord with disposal terms and to achieve the approved objective of the disposal: to agree appropriate amendment to boundaries of land to be disposed, and/or the nature and extent of supporting easements to be granted as part of the approved disposal, and/or to correct any error in the plan used for the transfer or other deed.

Recommendation:

That the proposed new officer delegation to allow amendments to approved terms be approved.

Animals

Some animal licensing related legislation is omitted in the animal licensing functions.

The Animal Welfare Act 2006 is legislation which creates a duty of care to the welfare of animals and makes it an offence to cause unnecessary suffering to animals.

It is proposed that the Animal Welfare Act 2006 is added to the functions:

A270 To carry out the licensing functions under the Animal Boarding Establishments Act 1963, the Riding Establishments Act 1964, the Pet Animals Act 1951, **the Animal Welfare Act 2006**, and the Animal Welfare (Licensing of Activities Involving Animals) (England) Regulations 2018.

Note: all such licensing functions are then delegated to the Service Director - Leisure, Culture and Community Wellbeing).

While general updating of legislation is implicit in the role of the Monitoring Officer in maintaining the Constitution, some further clarity is desirable over the delegation to the Monitoring Officer over addition of new legislation relating to existing functions and delegations.

Recommendation:

(1) That the Animal Welfare Act 2006 be added to the above delegation

(2) For avoidance of doubt:

- (a) in future updates and additions to legislation referred to in delegations, where it is clear which function and delegation the legislation relates to, be delegated to the Monitoring Officer.
- (b) the role of the Monitoring Officer in carrying out these and other routine Constitution updates be noted in Article 15 of Part 2 of the Constitution.

