

## For publication

### Delegation Scheme and Constitution

Meeting:	Council
Date:	27 <sup>TH</sup> April 2022
Cabinet portfolio:	Governance
Directorate:	Corporate

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

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

#### **2.0 Recommendations**

- 2.1 That members confirm the Constitution, including the scheme of delegation in Part 3.

#### **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 April 2021 Annual Business Meeting. Since that time there have been some changes reflecting the Directorate leadership restructure, minor changes to some delegations, updates to Contract Procedure Rules (including revised EU thresholds), routine updates, a formatting review and corrections. These are referred to in Appendix 1.
- 4.6 Due to Covid-19 there was need to amend the Constitution in various ways, not least to facilitate remote meetings and a special supplement to the Constitution was approved.
- 4.7 With the government not extending the ability to hold virtual meetings beyond 6<sup>th</sup> May 2021, on 21<sup>st</sup> April 2021 Standards and Audit Committee approved a report on how physical meetings could be reintroduced safely and effectively once remote meetings ceased<sup>1</sup>. Since then physical meetings have successfully been reintroduced, adapted as necessary to take account of changing health and safety restrictions and guidance under the pandemic. The country is now “Living with Covid” and all government restrictions ended from 1<sup>st</sup> April. However, with Covid-19 still present it is considered that the Covid-19 Constitution amendments should be left in place for the time being, though in abeyance.

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<sup>1</sup><https://chesterfield.moderngov.co.uk/documents/b18624/Report%20and%20appendices%20for%20Item%2011%20Covid-19%20-%20End%20of%20Remote%20Meetings%2021st-Apr-2021%2014.00%20Standards.pdf?T=9>

## 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 changes to the delegation scheme, are now agreed by Standards and Audit Committee.
- 5.3 As mentioned above Council confirmed the current version of the Constitution, the delegation scheme and Covid-19 related changes in April 2021. These and subsequent changes considered by Standards and Audit Committee are summarised in Appendix 1 and mentioned above at:

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

- 5.4 The approved version of the delegation scheme at Part 3 of the Constitution is also at:

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

## 5.0 Alternative options and reasons for rejection

- 5.1 *Do not confirm the scheme:* The Constitution was approved by Council in April 2021. Further updates have been made, with those requiring approval considered by Standards and Audit Committee on 20<sup>th</sup> April 2022. 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 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 has continued to respond effectively to ensure lawful decision making at member level meetings during the Covid-19 pandemic. The emergency measures adopted at the outset of the pandemic are still available though not in effect.

7.3 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. 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.

<b>Description of risk</b>	<b>Impact</b>	<b>Likelihood</b>	<b>Mitigating Action</b>	<b>Resulting Impact</b>	<b>Resulting Likelihood</b>
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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 Covid-19 pandemic and beyond	H	H	Ensure appropriate changes are made quickly to governance arrangements so the Council can continue to operate effectively and lawfully	L	L

## **10.0 Implications for consideration – Community wellbeing, Economy and skills, Climate change, Equality and diversity**

- 10.1 The Constitution, delegation scheme and many of the measures responding to Covid-19 help facilitate effective work of the Council in these areas.
- 10.2 A government requirement to return to physical meetings resulted in more travel by councillors and officers, as those making the decision must be physically present. The public must also have the ability to attend such meetings. Officers not central to matters being considered

had continued to attend remotely in many cases due to social distancing measures, now lifted.

- 10.3 Meeting procedures, location, layout etc have been regularly reviewed to take full account of health and safety matters arising from Covid-19. Care has been taken to ensure there is no disproportionate effect on those with protected characteristics.

### Decision information

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

### Document information

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<b>Background documents</b>	
The Council's Constitution – on Council website <a href="https://www.chesterfield.gov.uk/your-council/the-council/the-constitution.aspx">https://www.chesterfield.gov.uk/your-council/the-council/the-constitution.aspx</a>	
<i>This must be made available to the public for up to 4 years.</i>	
<b>Appendices to the report</b>	
Appendix 1	Summary of changes