

For publication

Delegation Scheme and Constitution

Meeting:	Council – Annual Business Meeting
Date:	15 TH May 2023
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, subject to and as amended by changes recommended in the report at item 10 on the Agenda (*Cabinet, Committees, Overview and Scrutiny and Outside Bodies arrangements for 2023/24*).

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 2022 Annual Business Meeting. Since that time there have been some updates, but no major changes.
- 4.6 Many changes to the Constitution, including changes to the delegation scheme, are now agreed by Standards and Audit Committee.
- 4.7 *Delegation Scheme* - 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, which sets out responsibilities for decision making, is set out in Part 3 of the Constitution (Responsibility for Functions).
- 4.8 The currently approved version of the delegation scheme at Part 3 of the Constitution is at:
- <https://www.chesterfield.gov.uk/media/2131826/constitution-part-three-responsibility-for-functions.pdf>
- 4.6 Subject to approval of Council, other changes (see separate report *Cabinet, Committees, Overview and Scrutiny and Outside Bodies arrangements for 2023/24* at item 9 on this agenda) will need to be incorporated in the Constitution.
- 4.7 Going forward, rolling reviews of the Constitution will continue, to help ensure the document remains up to date and effective.

5.0 Alternative options and reasons for rejection

- 5.1 *Do not confirm the scheme:* The Constitution was approved by Council in April 2022. Further updates have been made as summarised in Appendix 1. The scheme sets decision making at the appropriate level and is essential for effective working of the Council. The Constitution is required by law and is generally reviewed on a rolling basis. Confirmation by Full Council ensures certainty that that the current version of the Constitution is approved by the authority.

6.0 Implications for consideration – 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 providing value for money services.

7.0 Implications for consideration - Legal

- 7.1 This report is seeking confirmation of the current delegation scheme and Constitution, previously approved by Council and Standards and Audit Committee, incorporating further changes considered in a separate report on the agenda.
- 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.

1.0 Implications for consideration – Council plan

9.1 The Constitution is a living document and is changed as necessary to enable more efficient working of the authority, reflecting council plan priorities, current structure and best practice. It enables officers and members to operate within a clear framework to help achieve the council plan.

2.0 Implications for consideration – Climate change

2.1 Efficient operation of the Council through its Constitution will help work towards climate change priorities.

3.0 Implications for consideration – Equality and diversity

3.1 The updates to, and current version of, the Constitution take account of Equality and Diversity priorities.

9.0 Implications for consideration - Risk management

9.1 This report concerns confirmation of the existing Constitution and other changes.

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 Covid-19	H	H	Ensure appropriate changes are made quickly to governance arrangements so the Council can continue to	L	L

pandemic and beyond			operate effectively and lawfully		
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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 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

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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	
<i>This must be made available to the public for up to 4 years.</i>	
Appendices to the report	
Appendix 1	Summary of changes