

## RECORD OF DECISION MADE UNDER DELEGATED AUTHORITY

### **\*PART 1 – PUBLIC DOCUMENT**

Any interest to declare/ or conflict and any dispensation granted N/A

### **SERVICE DIRECTORATE: LEGAL & COMMUNITY**

#### **1. DECISION TAKEN**

To make amendments to the NHDC Constitution as per paragraph 8 below

#### **2. DECISION TAKER**

Jeanette Thompson, Monitoring Officer (Service Director: Legal & Community).

#### **3. DATE DECISION TAKEN:**

1 June 2021 with immediate effect.

#### **3. REASONS FOR RECOMMENDATIONS**

- 3.1. Minor amendments and/ or amendment made for practical purposes to allow for greater flexibility for Delegated Decisions on Grants to the community.

#### **4. ALTERNATIVE OPTIONS CONSIDERED**

- 4.1 Do nothing – and for those Area Committees that have not formally met or are unable to meet, the decisions on matters such as Area Grants are delayed.
- 4.2 This is not seen to be the best option given many community organisations rely on such Grants.

#### **5. CONSULTATION WITH RELEVANT MEMBERS AND EXTERNAL ORGANISATIONS**

- 5.1. The proposed changes to the Constitution were sent to Leader, Deputy Leader, Executive and Deputy Member for Community Engagement and Executive Member for Finance and IT on 28 May 2021.

#### **6. FORWARD PLAN**

- 6.1 This decision does not contain a recommendation on a key Executive decision and has therefore not been referred to in the Forward Plan.

#### **7. BACKGROUND**

- 7.1. Following the coronavirus pandemic, The Local Authorities and Police and Crime Panels (Coronavirus) (Flexibility of Local Authority and Police and Crime Panel Meetings) (England and Wales) Regulations 2020 'Flexibility of Meetings Regulations 2020'<sup>1</sup> came into force on 4 April 2020 and applied to meetings from that date until those held before 7 May 2021. These Regulations no longer apply in so far as meetings are concerned. Committees are required to physically meet, should they wish to legally participate in meeting and make decisions.
- 7.2. Area Committees have, amongst other things, remit for considering Area Committee Grants. These meetings ordinarily take place in their area and are attended by those wishing to apply for grants from the Committee.

<sup>1</sup> <http://www.legislation.gov.uk/uk/si/2020/392/made>

- 7.3. If an Area Committee is unable to come to a decision on a Grant, or an application comes up between meetings, then the Executive Member for Community Engagement can make that decision in consultation with others, namely under Section 9.8.2 of the Constitution:

Delegated powers	Delegated Members and Officers
The provision of revenue <sup>2</sup> grant aid/financial support where the grant aid/financial support is to facilitate an event which will take place prior to the next meeting of the Area Committee.	The Executive Member for Community Engagement, having consulted the Chair or Vice Chair of the relevant Area Committee and Service Director: Legal and Community; or on recommendation of grants panel.

- 7.4. This is replicated under Section 14.6.8 (b)(iii).
- 7.5. Under normal circumstances the Area Committee membership, Chair and Vice Chair would be dealt with on the same evening as the Annual Council, by adjourning that meeting and holding those as short meetings to appoint the Chair and Vice Chair. This year, due to the pandemic and issues regarding numbers, that were able to attend the Council chamber, the appointments could not take place.
- 7.6. At the point of making this decision, therefore, the Area Committees have not taken place. No Chair or Vice Chair has been appointed, therefore there is no one to consult.
- 7.7. The Leader and Deputy Leader of Council requested that consideration be given as to how Members of an Area Committee could meet virtually and inform any Grant decision by recommendation (by way of informal meeting).

## 8. RELEVANT CONSIDERATIONS

- 8.1. Whilst the Executive Member for Community Engagement can make delegated grant decisions, that should be in consultation with the Chair or Vice Chair of the relevant Area Committee (and Service Director for Legal and Community).
- 8.2. Until the Committees have met, there are no Chairs or Vice Chairs to consult and therefore a block to making such decisions. A minor amendment is required, and/or requested for practical purposes to ensure proper administration of the Council (as per Section 2.6.2 (a) & (b) of the Constitution). The amendment to both 9.8.2 and Executive Member delegation under 14.6.8 (b)(iii) is shown below in red:

Delegated powers	Delegated Members and Officers

<sup>2</sup> This does not include Capital Grants recommended through the Capital Grant Panel

<p>The provision of revenue<sup>3</sup> grant aid/financial support where the grant aid/financial support is to facilitate an event which will take place prior to the next meeting of the Area Committee.</p>	<p>The Executive Member for Community Engagement, having consulted the Chair or Vice Chair of the relevant Area Committee, <b>or where no Chair or Vice Chair – the Members of the Area Committee by majority or those responding, or confirming via virtual means</b>, and Service Director: Legal and Community; or on recommendation of grants panel.</p>
--	--

8.3. In respect of 14.6.8 (b)(iii) A:

5	<p>To approve grants under the Grants Policy following capital and / or revenue grant panel deliberations, or between Area Committee meeting requirements, having consulted the Chair or Vice Chair of the relevant Area Committee, <b>or where no Chair or Vice Chair – the Members of the Area Committee by majority or those responding, or confirming via virtual means</b> (where applicable), and Service Director: Legal and Community.</p>
---	--

8.4. This Delegated Decision will be reported to Council.

8.5. A further Constitutional review and amendment report will be undertaken and presented to Council during 2021.

**9. LEGAL IMPLICATIONS**

9.1. Full Council’s terms of reference include “approving or adopting the Policy Framework”. The Policy Framework includes the Constitution.

9.2. Section 37 Local Government Act 2000 requires the Council to have in place a Constitution and to keep that under review. The Local Government Act 2000 section 9P sets out the requirements of a local authority’s Constitution, including the requirements to prepare it and keep it up to date and the requirement to make it available for public inspection.

9.3. Section 2.6.2 provides:

*2.6.2 Minor Changes*

*If, in the reasonable opinion of the Monitoring Officer or the Chief Finance Officer, a change is:*

*(a) a minor variation; or*

*(d) requested only for practical purposes, in order to ensure the proper administration of the Council,*

*the Monitoring Officer or the Chief Finance Officer may make such a change.*

---

<sup>3</sup> This does not include Capital Grants recommended through the Capital Grant Panel

Changes under 2.6.2 must be notified to all Members and if made under 2.6.2(d) come into force immediately, but shall be reported to Full Council as soon as is reasonably possible and shall continue to have effect only if the Full Council agree.

**10. FINANCIAL IMPLICATIONS**

10.1 There are no significant financial implications arising from this decision.

**11. RISK IMPLICATIONS**

11.1. Ensuring the Council has appropriate governance arrangements in place is an important risk mitigation measure. The Council's Constitution is a fundamental part of those governance arrangements.

**12. EQUALITIES IMPLICATIONS**

12.1 In line with the Public Sector Equality Duty, public bodies must, in the exercise of their functions, give due regard to the need to eliminate discrimination, harassment, victimisation, to advance equality of opportunity and foster good relations between those who share a protected characteristic and those who do not.

12.2 The amendments will allow decision making to continue which is likely to be of benefit to vulnerable people/ groups representing them in the community.

**13. SOCIAL VALUE IMPLICATIONS**

13.1. The Social Value Act and "go local" requirements do not apply to this decision.

**14. HUMAN RESOURCE IMPLICATIONS**

14.1 There are no direct implications from this report.

**15. ENVIRONMENTAL IMPLICATIONS**

15.1 None specific to the amendments above.

**16. APPENDICES**

16.1 None.

**17. CONTACT OFFICERS**

Jeanette Thompson, Service Director Legal and Community, Monitoring Officer  
[jeanette.thompson@north-herts.gov.uk](mailto:jeanette.thompson@north-herts.gov.uk); ext 4370

**18. BACKGROUND PAPERS**

None.

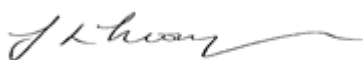
**NOTIFICATION DATE**

4 June 2021

**Signature of Executive Member Consulted (Cllr Elizabeth Dennis-Harburg)**



**Signature of Decision Taker**



Date 1.6.21

**Please Note:** that *unless urgency provisions apply* EXECUTIVE decisions cannot be implemented until 5 clear working days have elapsed after the decision has been taken to allow for scrutiny call-in.

**Call-in does not apply to NON-EXECUTIVE DECISIONS – THIS IS A NON-EXECUTIVE DECISION**