

# North Yorkshire County Council

## EXECUTIVE

19 April 2022

### Changes to the Constitution for Recommendation to full Council

#### Report of the Assistant Chief Executive (Legal and Democratic Services)

#### 1.0 **PURPOSE OF REPORT**

- 1.1 To present to Members, for their recommendation to full Council, changes made to the Constitution under the delegated powers of the Assistant Chief Executive (Legal and Democratic Services), for reporting back to full Council.

#### 2.0 **BACKGROUND**

- 2.1 The Constitution is maintained by the Assistant Chief Executive (Legal and Democratic Services) and kept under review on an ongoing basis.
- 2.2 Under Article 15.02(c) of the Constitution, the Assistant Chief Executive (Legal and Democratic Services) has delegated power to amend the Constitution:

- (i) to correct administrative issues such as cross-references, title changes, typographical errors and formatting;
- (ii) to ensure that the Constitution and the Council's procedures meet all legal requirements;
- (iii) to reflect changes to arrangements for the distribution of responsibilities and the delegation of powers in accordance with decisions taken by the person(s) or body with authority to take such action; and
- (iv) consequentially, to give effect to changes explicitly approved by the full Council;

and any such amendments as set out in sub-paragraph (c)(ii) above shall be reported to the next meeting of the full Council.

- 2.3 The Assistant Chief Executive (Legal and Democratic Services) has recently used his delegated powers to amend the Constitution to ensure that the Constitution and the Council's procedures meet all legal requirements and this report reports back to Members on those changes.

#### 3.0 **AMENDMENTS TO THE CONSTITUTION**

- 3.1 The Assistant Chief Executive (Legal and Democratic Services) has made the following amendments to the Constitution under his delegated powers in Article 15 of the Constitution:

- a) **Procurement law changes:** the Assistant Chief Executive (Legal and Democratic Services) has made the changes to the Procurement and Contract Procedure Rules shown by way of tracked changes in **Appendix 1**, under his delegated powers in Article 15.02(c)(ii) of the Constitution to reflect changes in legal requirements relating to procurement thresholds.

3.2 Full Council agreed on 16 February 2022 that the Assistant Chief Executive (Legal and Democratic Services) should use his delegated powers to update the Constitution at the relevant times to reflect the transitional arrangements which apply in each of the local government reorganisation transitional periods. Following the coming into force of the North Yorkshire (Structural Changes Order) 2022, the Assistant Chief Executive (Legal and Democratic Services) has made the amendments to the Constitution as set out in **Appendix 2** under his delegated powers, to reflect the transitional arrangements which currently apply.

#### 4.0 **FINANCIAL IMPLICATIONS**

4.1 There are no significant financial implications arising from this report.

#### 5.0 **LEGAL IMPLICATIONS**

5.1 The legal implications are set out in the body of this report.

#### 6.0 **ENVIRONMENTAL/CLIMATE CHANGE IMPLICATIONS**

6.1 There are no significant environmental or climate change implications arising from this report.

#### 7.0 **CONSULTATION**

7.1 Relevant Officers and Members have been consulted on the proposed changes set out in this report and its Appendices.

#### 8.0 **REASONS FOR RECOMMENDATIONS**

8.1 For the reasons set out in the body of this report it is recommended that the changes to the Constitution set out in the **Appendices** be reported back to full Council.

#### 9.0 **RECOMMENDATIONS**

9.1 That the amendments to the Constitution set out in the **Appendices** to this report, made by the Assistant Chief Executive (Legal and Democratic Services) under his delegated powers, be reported back to full Council.

BARRY KHAN  
Assistant Chief Executive (Legal and Democratic Services)

County Hall  
NORTHALLERTON

6 April 2022

Background Documents: The Council's Constitution

Appendices:  
Appendix 1 – Procurement and Contract Procedure Rules with tracked changes  
Appendix 2 – Amendments to Constitution