

# North Yorkshire County Council

## Executive

20 September 2022

### Changes to the County Council's Constitution for recommendation to full Council

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

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

- 1.1 To report back to Members on changes made to the Constitution by the Assistant Chief Executive (Legal and Democratic Services) under his delegated powers and also to present to Members, for their consideration for recommendation to full Council for approval, proposed changes to the County Council's Constitution.

#### **2.0 BACKGROUND**

- 2.1 The Constitution is maintained by the Assistant Chief Executive (Legal and Democratic Services) and Monitoring Officer 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 also reports back to Members on those changes.
- 2.4 Specific delegations to amend the Constitution have also made to the Assistant Chief Executive (Legal and Democratic Services) in relation to particular matters and this report reports back to Members on the use of those specific delegations.

### **3.0 REPORT BACK RE CONSEQUENTIAL AMENDMENTS MADE UNDER DELEGATED POWERS RE THE NEW MEMBERS' CODE OF CONDUCT**

3.1 At its meeting on 16 February 2022, full Council agreed amendments to the Council's current Members' Code of Conduct (in light of the new national model code of conduct), to take effect from 5 May 2022. Full Council also agreed that the Monitoring Officer be authorised to make consequential amendments to the registration of Members' interests form proforma, any other relevant standards documentation and the Constitution to reflect the changes made to the Council's Code. Whilst not required, nor requested by Members, given the substantial changes made to the Code, particularly in relation to the interests regime, the Monitoring Officer wishes to formally report back to Members on the consequential amendments made to the Constitution.

3.2 The Monitoring Officer has amended the relevant standards documentation, including the registration of interests form, to reflect the new Code's requirements with effect from 5 May 2022.

3.3 The Monitoring Officer has also made the consequential amendments to the Constitution as set out below under his specific delegation, to reflect the new Code and ensure the Constitution is up to date:

- a) Substituted the new Members' Code of Conduct (with effect from 5 May 2022) for the previous version in Part 5 (Codes and Protocols) of the Constitution. A copy of the new Code is attached at **Appendix 1** for ease of reference;
- b) Updated the registration of interests proforma to reflect the expanded interests regime;
- c) Made the further consequential amendments to the Constitution as set out in **Appendix 2**.

3.4 Members are requested to note this report back, which will go on to full Council.

### **4.0 REPORT BACK RE CONSEQUENTIAL AMENDMENTS MADE UNDER DELEGATED POWERS RE LOCAL GOVERNMENT REORGANISATION TRANSITIONAL ARRANGEMENTS**

4.1 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.

4.2 Following the coming into force of the North Yorkshire (Structural Changes Order) 2022, the Assistant Chief Executive (Legal and Democratic Services) made various amendments to the Constitution to reflect the transitional arrangements applicable and these were reported to Executive and full Council in May 2022.

4.3 Following the local government elections on 5 May 2022, the first transitional period ended and the second transitional period commenced. It was therefore necessary for the Assistant Chief Executive (Legal and Democratic Services) to make further consequential amendments to the Constitution as set out in **Appendix 3** to this report.

4.4 The Structural Changes Order provides that the new authority will be a continuing authority model consisting of 90 members in 89 wards. The elections held in May were for a five year period; during the first year, the 90 elected Members will act in relation to the existing County Council as well as preparing for the new authority after Vesting Day in 2023. The Assistant Chief Executive (Legal and Democratic Services) has therefore made further consequential amendments to the Constitution under his delegated powers to reflect the administrative changes to the number of County Councillors and ward areas.

4.5 Members are requested to note this report back, which will go on to full Council.

## **5.0 PROPOSED AMENDMENTS TO THE CONSTITUTION**

5.1 Items for consideration for recommendation for approval are the subject of separate sections below.

5.2 Other miscellaneous changes proposed to the Constitution are set out in the table of proposed amendments set out at **Appendix 4**.

5.3 In Part B of the table, amendments are set out for information which have been or will be undertaken by the Assistant Chief Executive (Legal and Democratic Services) under his delegated powers in Article 15.02(c) of the Constitution to reflect administrative changes, legal requirements and changes to arrangements for the distribution of responsibilities and the delegation of powers in accordance with decisions taken by those authorised to do so.

## **6.0 PENSION FUND COMMITTEE DELEGATED POWERS**

6.1 A number of amendments are proposed to the terms of reference of the Pension Fund Committee, as set out by way of tracked changes in **Appendix 5** in order to:

- specifically reference the Funding Strategy and other governance documents of the Pension Fund and investment pooling;
- remove references to specific frequency of reporting as this is determined by contractual arrangements;
- update legislative references and terminology; and
- reflect current practice and properly reflect the role of the Committee.

6.2 Parallel consequential amendments are also therefore proposed to paragraphs 4.5(b)(iii) and 4.5(c) of the Specific Delegations to the Corporate Director Strategic Resources in the Officers' Delegation Scheme (Part 3, Schedule 4 of the Constitution), as set out by way of tracked changes in **Appendix 5**.

## **7.0 REFERENCE TO CHANNEL PANEL IN CONSTITUTION**

7.1 Suggested amendments are made to the Constitution to reference the Council's work in relation to the Channel Panel arrangements in North Yorkshire and the required annual assurance statement in relation to the Panel's work.

7.2 The Channel programme in England and Wales is a multi-agency programme which provides tailored support to people who have been identified as at risk of being drawn into terrorism. Sections 36 – 41 of the Counter Terrorism and Security Act 2015 (CTSA) (as amended by the Counter Terrorism Border Security Act 2019) sets out

requirements relating to Channel panels and improving outcomes for, and providing support to, those individuals who are identified as being vulnerable to being drawn into terrorism. Each local authority must ensure that such a panel is in place for its area.

7.3 The assurance statement forms part of a self-assessment for local authorities capturing Channel practice within each local authority area and levels of compliance against aspects of Channel delivery articulated in the Channel Statutory Duty Guidance 2020.

7.4 It is therefore proposed that the following wording, based on the Government template paragraph for inclusion in local authorities' Constitutions, should be included as a new paragraph 3.5 in Part 3 of the Constitution, section 3 ("Functions of the Executive"), page 70, to reference the statutory responsibilities in relation to the Channel Panel arrangements and Prevent reporting:

3.5 In compliance with the statutory requirements set out under sections 36 – 41 of the Counter Terrorism and Security Act 2015 as amended, North Yorkshire County Council has a Channel Panel in place for its area, and has regard to the Channel Duty Guidance 2020 in discharging its responsibilities. The designated Channel Chair functions are delegated to the Head of Safer Communities and the Deputy Chair functions are delegated to the Group Manager, Children and Families Services.

## **8.0 FINANCIAL IMPLICATIONS**

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

## **9.0 LEGAL IMPLICATIONS**

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

## **10.0 ENVIRONMENTAL/CLIMATE CHANGE IMPLICATIONS**

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

## **11.0 CONSULTATION**

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

11.2 This report incorporates the views of the Members' Working Group on the Constitution as expressed at the Group's meeting on 22 August 2022.

11.3 Any other minor amendments arising after the Executive's meeting will be incorporated into the amendment process through full Council for approval.

## **12.0 REASONS FOR RECOMMENDATIONS**

12.1 For the reasons set out in the in the body of this report and in the appendices, it is recommended that, subject to any comments Members may have, the recommendations and changes to the Constitution set out below be recommended to full Council.

### **13.0**    **RECOMMENDATIONS**

- 13.1    That the consequential amendments to the Constitution in respect of the new Members' Code of Conduct as set out in this report and **Appendix 2**, made by the Assistant Chief Executive (Legal and Democratic Services) and Monitoring Officer under his specific delegated powers, be reported to full Council for information.
- 13.2    That the consequential amendments to the Constitution in respect of the local government reorganisation transitional arrangements and Structural Changes Order as set out in this report and **Appendix 3**, made by the Assistant Chief Executive (Legal and Democratic Services) under his specific delegated powers, be reported to full Council for information.
- 13.3    That, subject to any comments Members may have, the changes to the Constitution set out in **Appendix 4**, made by the Assistant Chief Executive (Legal and Democratic Services) under his general delegated powers, be reported to full Council for information.
- 13.4    That, subject to any comments Members may have, the proposed amendments to the Pension Fund Committee Delegated Powers and to the Specific Delegations to the Corporate Director Strategic Resources as set out in **Appendix 5** be recommended to full Council for approval.
- 13.5    That, subject to any comments Members may have, the proposed amendments to the Constitution set out in paragraph 7.4 of this report to reflect the Channel Panel arrangements, be recommended to full Council for approval.

BARRY KHAN  
Assistant Chief Executive (Legal and Democratic Services)

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NORTHALLERTON

25 August 2022

#### **Background Documents:**

- The Council's Constitution
- the Counter Terrorism and Security Act 2015 (CTSA) (as amended by the Counter Terrorism Border Security Act 2019)