

Reference Number: 2020/CEO Emergency Powers/07

**NORTH YORKSHIRE COUNTY COUNCIL**

**DECISION RECORD**

**Re: Changes required to the Constitution**

This record is produced in accordance with the Local Authorities (Executive Arrangements)(Meetings and Access to Information)(England) Regulations 2012

**This form should be used to record:**

- **EXECUTIVE decisions (key or otherwise) taken by an individual Executive MEMBER; and**
- **EXECUTIVE decisions (key or otherwise) taken by an OFFICER (either alone or in consultation with an Executive Member)**
- **A non-Executive decision taken by an OFFICER which falls into one of the following descriptions:-**
  - (i) under a specific express authorisation; or**
  - (ii) under a general authorisation to officers to take such decisions and, the effect of the decision is to**
    - **grant a permission or licence;**
    - **affect the rights of an individual; or**
    - **award a contract or incur expenditure which, in either case, materially affects that relevant local government body's financial position.**

*(One form per decision)*

**The following decision has been taken: -**

After consideration of a report of the Assistant Chief Executive (Legal and Democratic Services) regarding changes to the Constitution in response to enforcement powers under the Health Protection (Coronavirus Restrictions) (England) Regulations 2020, and after consultation with Executive Members, the Chief Executive Officer agreed that the specific delegations to the Corporate Director Business and Environmental Services in paragraph 4.4(n) of the Officers' Delegation Scheme in the Constitution be amended as set out below:

- (n) To exercise all other functions for trading standards and consumer protection not included in (m) above including, but not limited to, the Council's functions under the Health Protection (Coronavirus Restrictions) (England) Regulations 2020 and associated Secretary of State Designation Letter dated 22 March 2020 (including the power to bring proceedings and take enforcement action).

**By whom:** Richard Flinton, Chief Executive Officer, under his emergency delegated powers and in consultation with Executive Members.

**On:** 31 March 2020

*Was this an executive decision?*

YES/NO

*If an executive decision, was it also a key decision?*

YES/NO

**Reasons for decision: -**

To make explicit reference in the Constitution to the enforcement duty placed upon the County Council by the Health Protection (Coronavirus Restrictions) (England) Regulations 2020 and associated Secretary of State Designation Letter dated 22 March 2020.

**Details of any alternative options considered and rejected: -**

--

**Conflicts of Interest**

Please record below details of any conflict of interest declared by a Member or Officer regarding the decision and any dispensation granted by the Standards Committee or Monitoring Officer in respect of that conflict.

Conflict	Dispensation?

**Background Papers**

Please attach to this decision notice, for publication, the background papers that disclose any facts or matters on which this decision, or an important part of the decision, was based and which were relied on to a material extent in making the decision, but this does not include published works or those which disclose exempt or confidential information (as defined in Rule 10).

Signed  
RICHARD FLINTON, Chief Executive Officer

Publication Date: 2 April 2020

Directorate – Central Services

***Note 1 regarding Executive decisions only: This decision will come into force, and may then be implemented, on the expiry of 5 clear working days after publication, unless any 6 members of the Council object to it and call it in by notice in writing (including e-mail) to The Assistant Chief Executive (Legal and Democratic Services).***

***Note 2: non-executive and non-key executive decisions by Officers are not subject to call in.***

Contact for further information: [moira.beighton@northyorks.gov.uk](mailto:moira.beighton@northyorks.gov.uk)

**Contact for copy of report considered: [daniel.harry@northyorks.gov.uk](mailto:daniel.harry@northyorks.gov.uk)**

To: The PA to the Assistant Chief Executive (Legal and Democratic Services) - for onward circulation to:

All Members of the Council; All Management Board; All Management Board Secretaries; All Senior Managers; All Democratic Services Officers; All Corporate Development Officers; Senior Press Officer; Communications Officer