

NORTH YORKSHIRE COUNTY COUNCIL

DECISION RECORD

Re: Changes to Constitution under delegated powers

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: -

That paragraph 4.4 (n) of the Officers' Delegation Scheme (Specific Delegations to the Corporate Director Business and Environmental Services) in the Constitution should be amended to update the Coronavirus legislative references as follows:

(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) (No.3) Regulations 2020 and associated Secretary of State Designation Letter dated 16 June 2020 (including the power to bring proceedings and take enforcement action).

By whom: Barry Khan, Assistant Chief Executive (Legal and Democratic Services) under his delegated powers to amend the Council's Constitution set out in Article 15.02(c) of the Constitution.

On: 15 September 2020

Was this an executive decision?

YES/NO

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

~~YES~~/NO

Please note that call-in does not apply to this decision.

Reasons for decision: -

Under Articles 15.02(c)(i) and (ii) the Assistant Chief Executive (Legal and Democratic Services) may amend the Council's Constitution to correct administrative issues and to ensure that the Constitution and the Council's procedures meet all legal requirements.

The Coronavirus legislation and supporting Designation Letter has been updated and the Assistant Chief Executive (Legal and Democratic Services) has therefore, under his delegated powers, updated the references in the specific delegation to the Corporate Director Business and Environmental Services in paragraph 4.4(n) of the Officers' Delegation Scheme in order to keep the Constitution up to date.

Details of any alternative options considered and rejected: -

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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: BARRY KHAN

Publication Date: 28 September 2020

Assistant Chief Executive (Legal and Democratic Services)

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

Contact for copy of report considered: moira.beighton@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