North Yorkshire Council

EXECUTIVE

12 May 2026

Proposed Changes to the Constitution

Report of the Assistant Chief Executive Legal and Democratic Services

1.0 PURPOSE OF REPORT

1.1 To present to the Executive, for recommendation to full Council for approval, proposed amendments to the Constitution.

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. Proposed changes to the Constitution are considered by the Members' Working Group on the Constitution and the Executive and ultimately approved by full Council. Reports to Executive are also previously circulated to Management Board.

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. In practice, all amendments to the Constitution made by the Assistant Chief Executive Legal and Democratic Services under their delegated powers is reported back to full Council.

3.0 AMENDMENTS TO THE CONSTITUTION

3.1 The substantive items for consideration/discussion are the subject of separate sections of this report as follows:

- Sections 4.0 to 7.0 detail proposed amendments or updates to the Constitution that have arisen since the last meeting of the working group on 15 September 2025
- Appendix 1 details proposed changes to the Terms of Reference for the Audit Committee and Pension Board
- Appendices 2 to 7 detail proposed changes to the Procurement and Contract Procedure Rules.

Subject to any comments, the Executive is asked to propose the changes detailed below to the full Council for approval.

4.0 MANAGEMENT OF AMENDMENTS AT COUNCIL MEETINGS

4.1 A proposal has been received that the Constitution be amended to introduce a deadline for the submission of significant/detailed amendments 24 hours ahead of the meeting of Full Council, whilst still allowing the Chair discretion to accept amendments at the meeting itself. This would then ensure that all due diligence was undertaken with regard to the implications of an amendment and it would also help ensure that the business of Council meetings progressed efficiently and without delay or adjournment to consider revised wording.

4.2 The Working Group has considered this proposal and suggests the proposed amendments to the Council Procedure Rules 12 (Motions without Notice) and 13 (Rules of Debate) as set out by way of tracked changes in **Appendix A** to this report.

4.3 Subject to any comments Members may have, it is recommended that the proposed amendments to the Council Procedure Rules, as set out by way of tracked changes in **Appendix A**, be recommended to full Council for approval.

5.0 CLARIFICATION OF PROCESS FOR CANCELLING, ADJOURNING AND POSTPONING COMMITTEE MEETINGS

5.1 A proposal has been received that the Constitution be amended to clarify the process for the cancelling or postponing of a committee meeting at a time after the summons for the meeting has been issued. There have been a number of occasions in the past 12 months when, the papers for a committee meeting having been published and the summons issued, a meeting has not been able to proceed due to material changes. Typically, this has been a planning committee.

5.2 In this situation, the committee can meet as scheduled with a quorum and adjourn to another date or the Chair of the committee can seek the agreement of the other members of the committee and the Assistant Chief Executive Legal and Democratic Services to postpone the meeting. At present, the ability to postpone a meeting in such cases after the summons has been issued is not clearly stated in the Constitution.

5.3 The Local Government Act 1972 makes provision for how local authorities may hold meetings and make standing orders for the regulation of their proceedings however the legislation is silent as to the postponement or cancellation of meetings after a summons has been issued. In such circumstances, councils would rely on their constitutional provisions in standing orders.

5.4 The Working Group considered that it would be appropriate to include provision in the Constitution for the postponement or cancellation of meetings after a summons has been issued and agreed that the Assistant Chief Executive Legal and Democratic Services should present proposed amendments to the Constitution to effect this. Draft amendments are therefore proposed to the Council Procedure Rule 5 (Time and Place of Meetings) as set out by way of tracked changes in **Appendix A.**

5.5 Subject to any comments Members may have, it is recommended that the proposed amendments to the Council Procedure Rules, as set out by way of tracked changes in **Appendix A**, be recommended to full Council for approval.

6.0 CLARIFICATION OF PROCESS - APPOINTMENT OF CORPORATE DIRECTORS

6.1 A proposal has been received that the Constitution be amended to clarify the process for the approval of appointment to senior officer roles. Currently the Terms of Reference for the Chief Officer Appointments and Disciplinary sub-committee, at page 111 of the Council Constitution, reflect the legal position that full Council is not required to approve the appointment of the Monitoring Officer and section 151 officer (only their dismissal). Legally full Council is only required to approve the appointment of the Head of Paid Service (the Chief Executive Officer). The appointments of other Chief Officer roles are an executive or committee-level function, not a full Council function.

6.2 Given the status of the statutory Monitoring Officer and Section 151 Officer roles, Members may prefer to reserve the appointment of those officers (in addition to dismissal) to full council to demonstrate transparency and the support of the Council for statutory office appointments. The Working Group has considered this proposal, in case Members may be so minded, and, if so, suggests the proposed amendment to the Terms of Reference for the Chief Officers Appointments and Disciplinary Committee, the Chief Officers Appointments and Disciplinary Sub-Committee and the Staff Employment Procedure Rules as set out by way of tracked changes in **Appendix B** to this report.

6.3 Subject to any comments Members may have, it is recommended that the proposed amendments to the Terms of Reference for the Chief Officers Appointments and Disciplinary Committee and Sub-Committee, and the Staff Employment Procedure Rules, as set out by way of tracked changes in **Appendix B**, be recommended to full Council for approval.

7.0 UPDATE TO THE POLICY FRAMEWORK

7.1 A proposal has been received that the Constitution be amended to remove the reference to the Local Transport Plan in the Policy Framework in Article 4 of the Constitution. This is because the responsibilities regarding the Local Transport Plan have moved to the York and North Yorkshire Combined Authority.

7.2 The Working Group has considered this proposal and suggests the proposed amendment to the Policy Framework set out by way of tracked changes below:

Article 4 – The Full Council

4.01 Meanings

(a) **Policy Framework:** The policy framework means the following plans and strategies:-

- The Council Plan
- ~~Local Transport Plan~~

7.3 Subject to any comments Members may have, it is recommended that the proposed amendments to the Policy Framework, as set out by way of tracked changes above, be recommended to full Council for approval.

8.0 AMENDMENTS TO THE TERMS OF REFERENCE FOR THE AUDIT COMMITTEE AND THE PENSION BOARD

8.1 A proposal has been received that the Constitution be amended to update the Terms of Reference for the Audit Committee and Pension Board. These updates address points of clarity and are not substantive.

8.2 The Working Group has considered this proposal and suggests the proposed amendment to the Council Procedure Rules set out by way of tracked in **Appendix 1**.

8.3 Subject to any comments Members may have, it is recommended that the proposed amendments to the Terms of Reference for the Audit Committee and Pension Board, as set out by way of tracked changes in **Appendix 1**, be recommended to full Council for approval.

9.0 PROCUREMENT AND CONTRACT PROCEDURE RULES

9.1 Officers have undertaken a review of the Procurement and Contract Procedure Rules (PCPR) and are proposing amendments to: 1) Procurement Financial Thresholds; 2) the Key Decision Limit; and 3) the Grant Application and Acceptance Process. The rationale for these changes is outlined as below and the actual changes to the Constitution that are proposed are set out by way of tracked changes in **Appendices 2 to 7**.

9.2 Since the formation of the council on 1 April 2023 interim reviews have taken place where feedback has indicated that there is opportunity to review and improve our ways or working. This is always within the context of ensuring the council complies with the relevant legal requirements i.e. The Public Contract Regulations 2015, the Procurement Act (PA) 2023 / The Procurement Regulations 2024, the Local Government Transparency Code 2015 and access to information decision making legislation.

9.3 Procurement and Contract Procedure Rules

The recommendation is amending the financial limits at which an Officer may complete the Best Value process or Quotes process as detailed below:

Spend Area	**Upper Threshold Limit (Including VAT) – Proposed**	**Upper Threshold Limit (Including VAT) – Existing**
Goods/ Services contracts (excluding Technology Contracts)	£5,001 up to and including £200,000	£5,001 up to and including £100,000
Technology contracts	£5,001 up to and including £200,000	£5,001 up to and including £150,000
Works contracts	£5,001 up to and including £1m[1]	£5,001 up to and including £250,000
Light Touch Contracts (typically social care)	£5,001 up to and including £663,540	£5,001 up to and including £170,000

9.4 The reasons for the proposed changes include:

- Greater flexibility and agility to deliver procurements below the relevant threshold.
- Simplifying the process for below threshold contracts, making them more accessible to SME's and VCSE's.

9.5 Additional controls will be put in place to monitor use of the process, including:

[1] Some exclusions apply

- Introduction of quarterly audits via PCMS, in addition to the existing yearly audit undertaken by Veritau.
- Use of the process will require approval from the Assistant Director of Finance, adding a layer of scrutiny.

9.6 It is also proposed to amend Rule 4.4 to allow certain contracts under £5,000 to proceed without requiring a formal signature and instead be covered by the Council's standard purchase order terms. This change is intended to reduce the administrative burden on service areas for low value, low risk procurements.

9.7 A clean version of the existing section in the Constitution and a track changes version are included at **Appendices 2 and 3** respectively.

Article 13 decision making

9.8 The report also recommends amending the financial limb of the Key Decision rule.

Decision Area	**Proposed Limit**	**Existing Limit**
Key Decision	£1m	£500,000

The community impact limb remains unchanged as does the criteria of 20% of the gross expenditure of the relevant budget service area.

9.9 The intention is to reuse procurement and contracting information that is already published publicly. As a council we are required to publish the following information related to our procurement and contract award activity:

- Contracts over £5,000 must be published on the council's contracts register.
- Any quote over £30,000 must be published on the Central Digital Platform where this is an open process.
- Any contract awarded over £30,000 must have a Contract Details Notice published on the Central Digital Platform.

9.10 A clean version of the existing section in the Constitution and a track changes version are included at **Appendices 4 and 5** respectively.

Finance and Procedure Rules

9.11 The final recommendation is to amend the authorisations which are required in relation to grant application and acceptance.

APPLICATIONS - EXISTING		
Total up to £500k	Obtain approval of	Corporate Director in consultation with the Chief Finance Officer
Total £500k +	Obtain approval of	Chief Finance Officer in consultation with the Executive Member for Finance and other relevant Executive Member(s) For **recurring** grants*, consultation with the relevant Executive Member(s) is at the discretion of the Chief Finance Officer
APPLICATIONS - PROPOSED		
Any Value	Obtain approval of	Corporate Director in consultation with the Chief Finance Officer

ACCEPTANCE - EXISTING		
Total up to £500k	Obtain approval of	- Chief Finance Officer for **new** discretionary grants - Corporate Director to inform Chief Finance Officer for **recurring** grants*
Total £500k - £1m	Obtain approval of	- Relevant Executive Member(s) in consultation with the Chief Finance Officer and the Executive Member for Finance for **new** discretionary grants - For **recurring** grants* £500,000 and over, the approval of the Chief Finance Officer in consultation with the Executive Member for Finance and other relevant Executive Member(s)
Total over £1m	Obtain approval of	- The Executive for **new** discretionary grants - For **recurring** grants* £500,000 and over, the approval of the Chief Finance Officer in consultation with the Executive Member for Finance and other relevant Executive Member(s)
ACCEPTANCE - PROPOSED		
Total up to £1m	Obtain approval of	- Chief Finance Officer for **new** discretionary grants - Corporate Director to inform Chief Finance Officer for **recurring** grants*
Total over £1m	Obtain approval of	- The Executive for **new** discretionary grants - For **recurring** grants* £500,000 and over, the approval of the Chief Finance Officer in consultation with the Executive Member for Finance and other relevant Executive Member(s)
York and North Yorkshire Combined Authority Grant – Any value	Obtain approval of	Chief Finance Officer *(in practice in consultation with the relevant Corporate Director*).

9.12 A clean version of the existing section in the Constitution and a track changes version are included at **Appendices 6 and 7** respectively.

9.13 Subject to any comments Members may have, it is recommended that the proposed changes to the Procurement Financial Thresholds, Key Decision Limit, and Grant Application and Acceptance Process be proposed to the Executive for recommendation to full Council for information and/or approval as indicated.

10.0 FINANCIAL IMPLICATIONS

10.1 The financial implications are set out in the body of this report.

11.0 LEGAL IMPLICATIONS

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

12.0 ENVIRONMENTAL/CLIMATE CHANGE IMPLICATIONS

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

12.2 A Climate Change Impact Assessment Screening Form is attached at **Appendix 8**.

13.0 EQUALITIES IMPLICATIONS

13.1 There are no significant equalities implications arising from this report.

13.2 An Equality Impact Assessment Screening Form is attached at **Appendix 9**.

14.0 CONSULTATION

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

14.2 This report also incorporates the views of the Members' Working Group on the Constitution as expressed at the Group's meeting on 20 March 2026.

15.0 REASONS FOR RECOMMENDATIONS

15.1 For the reasons set out in the body of this report and in the Appendices, it is recommended that, subject to any comments Members may have, the matters raised in this report be considered and the recommendations and proposed changes to the Constitution set out below be agreed and/or recommended to full Council for information and/or approval as indicated.

16.0 RECOMMENDATIONS

16.1 That, subject to any comments Members may have, the following proposed amendments to the Constitution are recommended by the Executive to full Council for approval:

(a) The management of amendments at meetings of full Council, as referenced in section 4.0 of, and **Appendix A** to, this report;
(b) The process for the cancelling or postponing of a committee meeting at a time after the summons for the meeting has been issued, as referenced in section 5.0 of, and **Appendix A** to, this report;
(c) The Terms of Reference for the Chief Officers Appointments and Disciplinary Committee and Sub-Committee and the Staff Employment Procedure Rules and clarification of the process for approving Chief Officer appointments, as referenced in section 6.0 of, and **Appendix B** to, this report;
(d) The removal of the reference to the Local Transport Plan in the Policy Framework in Article 4 of the Constitution, as detailed at section 7.0 of the report;
(e) The Terms of Reference for the Audit Committee and Pension Board, as detailed at section 8.0 of the report and at **Appendix 1**;
(f) The Procurement and Contract Procedure Rules (PCPR) and the: 1) Procurement Financial Thresholds; 2) the Key Decision Limit; and 3) the Grant Application and Acceptance Process., as detailed at section 9.0 of the report and at **Appendices 2 to 7.**

BARRY KHAN
Assistant Chief Executive Legal and Democratic Services

County Hall
NORTHALLERTON

30 April 2026

Background Documents:

The Council's Constitution
The Local Government Act 2000 as amended

Appendices

Appendix A – Proposed amendments to the Council Procedure Rules
Appendix B – Proposed amendments to the Chief Officers Appointments and Disciplinary Committee and Sub-Committee Terms of Reference and the Staff Employment Procedure Rules
Appendix 1 – Terms of Reference for the Audit Committee and Pension Board TRACK CHANGES
Appendix 2 – Procurement and Contract Procedure Rules (PCPR) CLEAN
Appendix 3 – Procurement and Contract Procedure Rules TRACKED CHANGES
Appendix 4 – Financial Procedure Rules CLEAN
Appendix 5 – Financial Procedure Rules TRACKED CHANGES
Appendix 6 – Article 13 – Decision Making CLEAN
Appendix 7 – Article 13 – Decision Making TRACKED CHANGES
Appendix 8 – Climate Change Impact Assessment Screening Form
Appendix 9 – Equality Impact Assessment Screening Form