



North Devon Council

Report To/Date: Full Council 29th September 2021

Topic: Update to Constitution

Report by: Solicitor and Data Protection Officer

1. INTRODUCTION

- 1.1. The Council has a new Senior Management Team and therefore the Council's Constitution needs to be updated so that delegated powers within the Constitution match the Heads of Service and senior officers that hold them.
- 1.2. Other provisions within the Constitution have also been updated to reflect current law.

2. RECOMMENDATIONS

- 2.1. That Full Council approve the adoption of the amended version of the Constitution as appended to this report.

3. REASONS FOR RECOMMENDATIONS

- 3.1. The Constitution requires updating in order that it reflects the positions held by senior officers within the Council and so that it reflects up to date law.

4. REPORT

- 4.1. The Council's Constitution sets out a number of delegated powers held by senior officers within the Council. These include powers to allow for the day to day tasks and public law functions of the Council, examples include entering into contracts and leases, making planning decisions, dealing with financial procedures and generally managing the Council.
- 4.2. It is important that the delegated powers provided by the Constitution reflects the officers that carry out those powers otherwise the Council potentially exposes itself to challenge that an officer did not have authority to commit the Council to a particular course of action or decision that it has made.
- 4.3. The proposed changes to the Constitution do not present a change to the delegated powers held by officers but instead are a reshuffle of those powers to ensure that they can be exercised by the relevant Head of Service or other senior officer.
- 4.4. Additional amendments are proposed to bring the Constitution in line with up to date law. For instance there is multiple references to EU law, particularly within the Contract Procedure Rules, which has been updated to reflect the fact that the UK has left the European Union and so is only subject to UK law.
- 4.5. A further change is proposed to Article 12.3.2 to tidy up the drafting in this Article in order that it is clearer and to remove the reference to a limit of



£25,000 over which a written contract is required as this is irrelevant provided the contract is entered into in compliance with the Contract Procedure Rules.

5. RESOURCE IMPLICATIONS

5.1. There are no resource implications anticipated as a result of this report.

6. EQUALITIES ASSESSMENT

6.1. There are no equalities implications anticipated as a result of this report.

7. CONSTITUTIONAL CONTEXT

7.1. Article 4.5.1

7.2. Delegated power

8. STATEMENT OF CONFIDENTIALITY

8.1. This report contains no confidential information or exempt information under the provisions of Schedule 12A of 1972 Act.

9. BACKGROUND PAPERS

9.1. The following background papers were used in the preparation of this report:

9.2. North Devon District Council's Constitution (as amended).

9.3. (The background papers are available for inspection and kept by the author of the report).

10. STATEMENT OF INTERNAL ADVICE

10.1. The author (below) confirms that advice has been taken from all appropriate Councillors and Officers.