

<b>Subject</b>	<b>Review of the Authority's Constitution</b>	<b>Status</b>	For Publication
<b>Report to</b>	Authority	<b>Date</b>	08 June 2023
<b>Report of</b>	Director Clerk Monitoring Officer		
<b>Equality Impact Assessment</b>	Not Required	Attached	No
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## **1 Purpose of the Report**

To secure approval for the Authority's updated Constitution.

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## **2 Recommendations**

2.1 Members are recommended to:

- a. Approve the updated Constitution at Appendix A.**
  - b. Approve the recommended future arrangements and delegations in relation to further amendments to the Constitution set out in paragraph 5.5.**
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## **3 Link to Corporate Objectives**

3.1 This report links to the delivery of the following corporate objectives:  
**Effective and Transparent Governance**

To uphold effective governance showing prudence and propriety at all times.

*Maintaining an up-to-date Constitution which reflects the actual operation of the Authority's governance and control framework is an important contributor to this objective.*

## **4 Implications for the Corporate Risk Register**

The actions outlined in this report address a number of governance-related risks set out in the Corporate Risk Register.

## **5 Background and Options**

5.1 It is good practice to carry out an annual review of the Authority's Constitution to ensure that it is up-to-date and fit for purpose. Members will recall that at the last review in

June 2022, the intention to commission a comprehensive review of the Constitution was noted. The previous comprehensive review took place over three years ago, changes to holders of statutory officer roles have taken place in January and April 2023, and it is therefore timely to have completed a full review in 2023.

- 5.2 In order to support this work and ensure appropriate expertise, Squire Patton Boggs LLP were appointed to undertake the review and re-writing of the Constitution.
- 5.3 As a result of a delay in progressing the Procurement Bill through Parliament which means that new legislation is not expected to be in force until 2024, the Contract Standing Orders section of the Constitution has been subject to a light-touch review only and will be fully reviewed at a future date when the relevant procurement legislation has been laid.
- 5.4 The fully revised Constitution is attached at Appendix A.
- 5.5 Future arrangements for amending the Constitution, with detail of the types of routine changes that may be made by officers, and the changes that require Authority approval are recommended as follows.
  - a) Articles to the Constitution
    - Amendable by the Monitoring Officer for routine, factual changes only – such as updating of job titles, effects of organisational structure changes.
    - Authority approval required for any other amendments.
    - The separation of the Staffing, Appeals and Appointments Committee to two separate committees and functions. Staffing Committee and Appeals and Appointments Committee.
    - More detailed arrangements of the joint arrangements for the Border to Coast Pensions Partnership
  - b) Scheme of Delegation to Officers:
    - Authority approval required in relation to Delegations to Chief Officers.
    - Amendable by the Director in relation to further delegations and by the Monitoring Officer in relation to changes in job titles or the effects of organisational structure changes.
  - c) Standing Orders - Financial Thresholds:
    - Amendable by the Chief Finance Officer in respect of inflationary increases in thresholds to be applied annually.
    - Otherwise, Authority approval required for changes.
  - d) Codes and Protocols
    - Routine amendments such as changes in terminology and updating of job titles delegated to the Monitoring Officer.
    - Amendments to the Officer Code of Conduct delegated to the Director.
    - Authority approval required for any other changes.
  - e) Members Allowances Scheme
    - Updating for pay awards delegated to the Chief Finance Officer.
- 5.6 Where amendments are made by an officer there will be a requirement for the relevant decisions to be published.

## 6 Implications

6.1 The proposals outlined in this report have the following implications:

Financial	No direct financial implications arising from the review.
Human Resources	No specific HR implications; the main provisions of the Officer Code of Conduct remain unchanged.
ICT	None
Legal	The full review has been conducted by a firm of solicitors to ensure the Authority's Constitution has a sound legal basis and minimises the risk of any legal breaches.
Procurement	None directly; the Contract Standing Orders within the Constitution will be fully reviewed at a future date when new procurement legislation has been enacted.

**George Graham**  
Director

**Sarah Norman**  
Clerk

**Jo Stone, Head of Governance**  
Monitoring Officer

<b>Background Papers</b>	
<b>Document</b>	<b>Place of Inspection</b>
None	