

Audit & Governance Committee

28th July 2021

Report of the Monitoring Officer

Amendments to the Constitution by the Monitoring Officer

Summary

In response to the COVID-19 pandemic, the Government has issued Regulations which have implications on the functions of the Council. As such the Monitoring Officer has had cause to effect necessary amendments to the Council's Constitution which are outlined in this report.

In addition, additional powers were delegated to Officers in order to deal with matters arising from restrictions imposed by these Regulations.

Background

In response to the national COVID-19 pandemic, the Government has issued legislation and Regulations and associated guidance which have resulted in additional responsibilities and service delivery functions being placed on the Council. As a result this has required amendments to the Council's Constitution by including the legislation detailed below within Section 3 of Council's Constitution. Where necessary, relevant Officer Schemes of Delegation have been amended.

In addition, many of the Regulations were revoked on 18th July 2021 with the introduction of the Health Protection (Coronavirus, Restrictions) (Steps etc.) (England) (Revocation Amendment) Regulations 2021.

Additions to the Constitution Section 3:

- Section 61 Public Health (Control of Disease) Act 1984 delegation granted on 24th May 2021.
- The Health Protection (Coronavirus, Restrictions) (Steps) (England) Regulations 2020 enacted 12th April 2021. Repealed 18th July 2021.

Amendments to the Constitution Section 3:

- Health Protection (Coronavirus, Collection of Contact Details etc and Related Requirements) Regulations 2020 – repealed on 18th July 2021.
- Health Protection (Coronavirus, Restrictions) (Obligation of Undertakings) (England) Regulations 2020 – repealed on 18th July 2021.
- Health Protection (Coronavirus, Restrictions) (Local Authority Enforcement Powers and Amendment) (England) Regulations 2020 - repealed on 18th July 2021.
- Health Protection (Coronavirus, Restrictions) (Steps) (England) Regulations 2021 - repealed on 18th July 2021.

Implications

Financial

Not applicable to this report.

Human Resources (HR)

The Council is required to respond to national public health guidance and associated legislative measures at this time.

Equalities

Not applicable to this report but decisions made under the legislative changes to the Constitution as detailed within this report may be the subject of consideration of equalities implications on a case by case basis.

Legal

As detailed within the report.

Crime and Disorder, Information Technology and Property

The Council will utilise recognised ICT platforms for the delivery of remote meetings and live stream meetings via the existing YouTube channel.

Recommendations

To note the Monitoring Officer's amendments to the Council's Constitution.

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Report
Approved

Date 20/07/2021

Specialist Implications Officer(s):

Wards Affected: *List wards or tick box to indicate all*

All

For further information please contact the author of the report

Background Papers:

- City Of York Constitution