

Notice of meeting of

Audit & Governance Committee

To:	Councillors Jeffries (Chair), Barnes, Brooks (Vice-Chair), Burton, Cuthbertson, Watson and Steward
Date:	Monday, 19 March 2012
Time:	5.30 pm
Venue:	The Guildhall, York

AGENDA

1. Declarations of Interest

At this point Members are asked to declare any personal or prejudicial interests they may have in the business on this agenda.

2. Public Participation

At this point in the meeting members of the public who have registered their wish to speak regarding an item on the agenda or an issue within the Committee's remit can do so. The deadline for registering is **5:00 pm on Friday 16th March 2012.**

3. Constitutional Changes (Pages 3 - 10)

This report follows a report brought to the previous meeting of this Committee and seeks to address concerns raised in respect of some matters discussed. It also refers to proposals for amending the terms of reference for Ward Committees which the Cabinet is recommending to Council.

4. Urgent Business

Any other business which the Chair considers urgent under the Local Government Act 1972.

Democracy Officer:

Name: Laura Bootland

Contact details:

- Telephone – (01904) 552062
- E-mail – laura.bootland@york.gov.uk

For more information about any of the following please contact the Democracy Officer responsible for servicing this meeting:

- Registering to speak
- Business of the meeting
- Any special arrangements
- Copies of reports

Contact details are set out above.

About City of York Council Meetings

Would you like to speak at this meeting?

If you would, you will need to:

- register by contacting the Democracy Officer (whose name and contact details can be found on the agenda for the meeting) **no later than 5.00 pm** on the last working day before the meeting;
- ensure that what you want to say speak relates to an item of business on the agenda or an issue which the committee has power to consider (speak to the Democracy Officer for advice on this);
- find out about the rules for public speaking from the Democracy Officer.

A leaflet on public participation is available on the Council's website or from Democratic Services by telephoning York (01904) 551088

Further information about what's being discussed at this meeting

All the reports which Members will be considering are available for viewing online on the Council's website. Alternatively, copies of individual reports or the full agenda are available from Democratic Services. Contact the Democracy Officer whose name and contact details are given on the agenda for the meeting. **Please note a small charge may be made for full copies of the agenda requested to cover administration costs.**

Access Arrangements

We will make every effort to make the meeting accessible to you. The meeting will usually be held in a wheelchair accessible venue with an induction hearing loop. We can provide the agenda or reports in large print, electronically (computer disk or by email), in Braille or on audio tape. Some formats will take longer than others so please give as much notice as possible (at least 48 hours for Braille or audio tape).

If you have any further access requirements such as parking close-by or a sign language interpreter then please let us know. Contact the Democracy Officer whose name and contact details are given on the order of business for the meeting.

Every effort will also be made to make information available in another language, either by providing translated information or an

interpreter providing sufficient advance notice is given. Telephone York (01904) 551550 for this service.

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Yeteri kadar önceden haber verilmesi koşuluyla, bilgilerin terümesini hazırlatmak ya da bir tercüman bulmak için mümkün olan herşey yapılacaktır. Tel: (01904) 551 550

我們竭力使提供的資訊備有不同語言版本，在有充足時間提前通知的情況下會安排筆譯或口譯服務。電話 (01904) 551 550。

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Informacja może być dostępna w tłumaczeniu, jeśli dostaniemy zapotrzebowanie z wystarczającym wyprzedzeniem. Tel: (01904) 551 550

Holding the Cabinet to Account

The majority of councillors are not appointed to the Cabinet (39 out of 47). Any 3 non-Cabinet councillors can 'call-in' an item of business from a published Cabinet (or Cabinet Member Decision Session) agenda. The Cabinet will still discuss the 'called in' business on the published date and will set out its views for consideration by a specially convened Scrutiny Management Committee (SMC). That SMC meeting will then make its recommendations to the next scheduled Cabinet meeting in the following week, where a final decision on the 'called-in' business will be made.

Scrutiny Committees

The purpose of all scrutiny and ad-hoc scrutiny committees appointed by the Council is to:

- Monitor the performance and effectiveness of services;
- Review existing policies and assist in the development of new ones, as necessary; and
- Monitor best value continuous service improvement plans

Who Gets Agenda and Reports for our Meetings?

- Councillors get copies of all agenda and reports for the committees to which they are appointed by the Council;
- Relevant Council Officers get copies of relevant agenda and reports for the committees which they report to;
- Public libraries get copies of **all** public agenda/reports.



Audit and Governance Committee

19 March 2012

Report of the Assistant Director, Governance and ICT

Constitutional Changes**Summary**

- 1 This report follows a report brought to the previous meeting of this Committee and seeks to address concerns raised in respect of some matters discussed. It also refers to proposals for amending the terms of reference for Ward Committee which the Cabinet is recommending to Council.

Cabinet Member Decision Sessions

2. Audit and Governance Committee has indicated its support for the general principle of ceasing the current practice of routinely holding formal meetings at which individual Cabinet members make decisions. Members have accepted that for many of these meetings there is minimal, if any, public interest in being present at the decision session and the present system adds cost and is not a good use of Cabinet Members' or Officers' time.
3. It was though recognised in the previous report that there are some decisions, particularly in the City Strategy area, which do attract interest. It was pointed out in the previous report that York already exceeds legal requirements by including decisions proposed to be taken at these meetings in the forward plan. The forward plan contains details of how members of the public can make representations about the proposed decision. Additionally, and as required by law, all individual Member decisions are published and available to be called in.
4. It was also pointed out that Cabinet members or the Leader might well decide that issues which have attracted substantial interest should be determined by the full Cabinet rather than

through an individual decision session. Alternatively, it was proposed that Cabinet members would retain discretion to ask for a public decision making meeting to be organised.

5. Nevertheless Members asked for consideration of some arrangements which might allow members of the public to require a public meeting to be held. Following further consideration and discussions with the Council Leader the recommendation remains that decisions about holding public decisions sessions should rest with the Leader and Cabinet Member. The reasons for this are:
 - There are ample safeguards to ensure that this power is exercised reasonably – call in and the right of members of the public to speak at Cabinet, Council and relevant scrutiny committees being key. Reporting back to this Committee could also be considered.
 - Unless some discretion is applied the decision as to whether a meeting is held in public will involve no evaluation of whether the issue warrants the time and expense involved in organising a public meeting.
 - Alternative options available would do little to reduce the workload involved in organising meetings (in some cases they would add to it). They would act against effective time management with meeting time having to be held in diaries until late in the day.
 - In allowing the possibility of a public decision session for more significant issues and ensuring that all Cabinet Member decisions appear on the forward plan, York will still be going further than most other Councils.

Abolition of Cabinet Working Groups

6. At the last meeting the Committee voted against the cessation of the Mansion House Advisory Group. As was reported previously the use of working groups to advise the Cabinet is a matter for them and does not require a decision from the Committee. The Leader has confirmed that he is very happy to seek and receive advice, informally, from former Lord Mayors and, indeed, has done so in recent months. The Leader has considered the views of the Committee but shares the view of Officers that the formal advisory group is not required.

7. Ward Committee

- 7.1 Cabinet, at its meeting on 6th March 2012, resolved to recommend to Council changes to the Ward Committee arrangements as set out in Annex A to this report. Members are invited to comment on the proposals.

Consultation

8. The proposals have not been the subject of public consultation. The Leader has been consulted as has this Committee previously.

Options

9. The Committee may express support for the current proposals or suggest amendments or additions to the draft arrangements.

Council Plan 2011-15

10. Having an effective Constitution supports the Council in making effective decisions to deliver its priorities.

Implications

11. There are no other specific implications which need to be identified.

Risk Management Assessment

12. There are no specific risks which need to be identified.

Recommendations

Members are asked to:

- (a) Recommend that Council agree to remove references to Cabinet Member decision sessions from the Constitution
- (b) Note the proposed changes to the Mansion House Advisory Group
- (c) Identify any comments in respect of the proposed Constitutional provisions for Ward Committees which should be passed to Council.

Reason

To ensure that the Council has effective and efficient Constitutional; arrangements in place

Contact Details

Author and Chief Officer Responsible for the report:

Andy Docherty
Assistant Director, Governance and ICT
Telephone: 01904 551004

**Report
Approved**



Date 9/3/12

Specialist Implications Officers

Not applicable

Wards Affected: Not applicable

All



For further information please contact the author of the report

Background Papers

None

Annexes

Annexe A - Ward Committee Arrangements

Summary and Explanation

Ward Committees

7.1 There are 22 Wards in the City of York which in some cases are merged to create 18 Ward Committees. These Ward Committees provide local citizens an opportunity to influence local service delivery and to have a say more widely in Council affairs. They are responsible for considering local matters and have a devolved budget to spend on supporting local community groups and initiatives. The Ward Committees are comprised of Councillors for each Ward(s) who must exercise their delegated authority in consultation with local residents at annual meetings that are held in public.

In addition to the annual meeting there are up to two themed ward committee meetings each year that provide an opportunity for residents to be involved in exploring specific issues and identifying solutions.

Every household is notified of details of the Ward Committee meetings and all local residents are encouraged to attend and have their say.

Responsibility for Functions

9.1 The function of a Ward Committee is to:

(a) Consider the needs of local communities and, taking account of the views of local residents, prepare a Community Contract for each Ward that is consistent with the Council Plan policies and priorities in so far as they relate to the Ward.

(b) Formulate, develop and approve an Action Plan for the Ward based on the priorities in the Community Contract and scrutinise the delivery of local services based on the Plan.

(c) Continuously monitor services and facilities within the ward to identify specific improvements which the Council or partners could introduce within available resources and make recommendations.

(d) Provide wide-ranging opportunities for residents to monitor service delivery, inform service redesign and for communities to deliver services where practicable and appropriate.

(e) Bring to the attention of the Council the views of local people on any matter of local concern and identify practical arrangements which might improve communications between the Council and the people it serves.

(f) Consider and provide advice to the appropriate Cabinet Member or Director on the provision of services within the ward by the Council and other bodies including any set up by the community.

(g) Promote the principles and standards of the Council's Open Government policy.

(h) Decide on the allocation of resources contained within the Ward Committee budget in accordance with the Council's Procedure Rules as set out in Part 4 in this Constitution except:

- i) Resources will only be used to award grants to community groups in the ward to support their contribution to the priorities set out in the Community Contract;
- ii) Services that require an "authorised officer" of the Council to exercise statutory functions.

(i) Comment on proposals of the Cabinet, Committees and Sub – Committees of Council which have an impact on their Ward.

PART 4C - ADDITIONAL STANDING ORDERS RELATING TO ANNUAL WARD COMMITTEES

1 Meetings of the Annual Ward Committee

- 1.1 The Annual Ward Committee meeting will be called by the Chair and meet once per year.
- 1.2 Any member of the Committee may place an item of business on the agenda.

2 Minutes

- 2.1 Copies of the draft minutes of the previous meeting will be circulated to Members on the day the agenda is circulated, no less than 10 clear days before the meeting is to be held.
- 2.2 The minutes will be agreed at the next meeting of the Ward Committee and signed by the Chair.

- 2.3 The minutes of the Ward Committee will be entered in a Minute Book and be available for public inspection no more than five working days after they have been approved.

3 Voting

- 3.1 Voting at a meeting will be by a show of hands. Any Member may require their vote to be recorded in the minutes.
- 3.2 In the event of any vote being equally divided the Chair will have a second or casting vote.
- 3.3 Where only two Members are present any delegated powers can only be exercised if both Members are in agreement.

4 Access

- 4.1 Ward Committees will be subject to current access to information provisions. In addition the following will apply:-
- (a) The Chair of the Ward Committee will introduce all agenda items then allow public debate.
 - (b) The Chair of the Ward Committee will sum up at the end of the debate and together with other Members take a decision.
 - (c) Meetings of the Ward Committee will be open to all residents of the ward to attend.
 - (d) The agenda will be publicised no less than five clear working days before a meeting is held.
 - (e) Agenda will include a residents' question time (Have Your Say).
 - (f) A public notice board will be established for the ward on which all public information will be displayed. (The Press and social media will be recognised as a public notice board.)
 - (g) Council officers will be able to attend and speak at meetings where the subject area is relevant to the ward or where a citywide issue might impact on residents in a ward.
 - (h) Members may invite representatives of other agencies to attend and advise at meetings where relevant items are to be discussed.
 - (i) The Council will communicate the findings on any issue raised with them by a resident to that person within ten clear days - unless the inquiry raises issues of law or practice, requiring a provisional response to be sent or where an issue requires further action and /or investigation the Council will communicate that this is the case providing a deadline for completion.

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