
Meeting	Audit & Governance Committee
Date	11 March 2020
Present	Councillors Pavlovic (Chair), Cullwick (substitute for Cllr Fisher), Lomas, Fenton (substitute for Cllr Mason), D Taylor, Wann and Webb Mr Mendus (Independent Member)
Apologies	Councillors Fisher and Mason

Part A - Matters Dealt With Under Delegated Powers

Chair's Remarks - Independent Member

The Chair announced that one of the Independent Members, Mr Mann, had decided to resign from the committee. A new appointment would be made in due course.

54. Declarations of Interest

Members were asked to declare any personal interests not included on the Register of Interests, any prejudicial interests or any disclosable pecuniary interests which they may have in respect of business on the agenda.

Cllr Cullwick declared a personal interest in in Agenda Item 4 (Review of the Council's Constitution), insofar as the proposals related to the Lord Mayoralty, as he was the Lord Mayor Elect.

55. Minutes

Resolved: That the minutes of the meeting held on 5 February 2020 be approved and then signed by the Chair as a correct record.

56. Public Participation

It was reported that two members of the public had registered to speak at the meeting under the Council's Public Participation Scheme. Neither was present at the meeting, but both had submitted written representations.

Having taken advice from the Monitoring Officer, the Chair indicated that the comments of the first speaker, Michael Hammill, would be held over to the next meeting since they did not relate to the review of the Constitution. He then read out the comments of the second speaker, Gwen Swinburn, which detailed concerns about a number of the proposed amendments to the Constitution and the lack of reasons provided for each of the proposals.

Part B - Matters Referred to Council

57. Review of the Council's Constitution

Members considered a report which set out the amendments proposed to the City of York Council's Constitution and asked Members to recommend these to Full Council for approval.

Proposals to review the Constitution had been agreed by both Audit and Governance Committee and Executive at their meetings in September 2019. A staged approach had been agreed, with the first stage being a review of the current Constitution document for accuracy and consistency. Appendix 1 to the report set out the amendments proposed as a result of that review, including proposed changes to the Audit & Governance Committee's terms of reference at Appendix 1A. Also attached, at Appendix 2, were draft terms of reference for a Governance Review Working Group that would be convened for the second stage of the review.

Officers explained that the document at Appendix 1 was essentially a work in progress and would be edited to correct any typographical errors and inconsistencies before being presented to Council. Consideration would also be given to how best to make the Constitution available online. Members then gave full consideration to Appendix 1 and agreed a number of further amendments. With regard to Appendix 1A, it was agreed that officers make further changes on the basis of Members' comments and circulate the revised document by email for their approval.

Guidance was also sought on the draft terms of reference for the Governance Review Working Group at Appendix 2. Members advised that the proposed membership of the Group be increased and amended in order to properly reflect the

membership of the council and ensure there was no political bias.

Recommended: (i) That the amendments set out in the tracked changed version of the Constitution at Appendix A to the report, as further amended by the changes set out below, be approved:

Section 2

Article 5, page 25 (Role and Function of the Lord Mayor)

Delete '4 year' from the second sentence.

Article 16, page 64 (Review/Revision of the Constitution)

In 2.6, include a requirement for minor changes to the Constitution to be reported to the Chair of Audit & Governance Committee.

Section 3

3C, pages 103-104 (Responsibility for Functions)

In the final sentence under paragraph (c), after 'the head of HR', insert '*in consultation with the Head of Paid Service, the Monitoring Officer or the S151 Officer*'.

3D, page 122 (Powers of Officers)

To the end of (i), add: 'in consultation with the appropriate Chair'.

Section 6

Members' Scheme of Allowances, page 353

Remove the reference to Itrent.

(ii) That the proposed amendments to the Terms of Reference for Audit & Governance Committee at Appendix 1A to the report be approved, as further amended by the additional changes to be agreed by Audit & Governance Committee via email.

- (iii) That the proposed changes to the Constitution be considered at the Annual Council meeting on 21 May 2020 and approval given to implement the amended Constitution immediately after that meeting.
- (iv) That approval be given for the Director of Governance to liaise with the Corporate Management Team to ensure that each service area has in place a system to deliver the consistent compliance with the requirements in the Constitution that relate to delegated decisions taken and recorded by officers.
- (v) That approval be given for the Director of Governance to undertake a review of the Protocols and Procedures that support the provisions of the Constitution and the council's overall guidance framework to ensure they are comprehensive, accurate and up to date.
- (vi) That approval be given for the Director of Governance to collate a central record of the Protocols and Procedures that support the provisions of the Constitution, which will be available electronically to all Members, officers and the public.
- (vii) That approval be given for the Director of Governance, in consultation with Group Leaders and Corporate Management Team to provide training to Members and officers to improve the understanding across the council of the requirements set out in the Constitution.

Reason: To ensure that the Council's Constitution is accurate and consistent and that there is compliance with the provisions set out therein.

Cllr M Pavlovic, Chair

[The meeting started at 5.40 pm and finished at 8.40 pm].