

Full Council

14 July 2022

Report of the Monitoring Officer

Amendments to the Council's Constitution

Summary

Full Council is invited to approve amendments to the Constitution in respect of Article 12 – Shareholders Committee, Article 20 – Corporate Parenting and Article 15 – Corporate Appeals and Article 18 - Health and Wellbeing Board.

Full Council is asked to note that a copy of this report will be reported to the next meeting of the Audit & Governance Committee.

Background

In May 2022, Full Council approved the adoption of a revised Constitution. It is good practice to ensure the Constitution remains fit for purpose and in response to feedback, a small number of amendments have been requested. The Chair of the Audit & Governance Committee has been consulted in respect of these proposed amendments.

As part of its work programme, Audit & Governance Committee will undertake an annual review of the constitution to ensure it remains fit for purpose to support the Council's decision making framework.

Article 12 – Shareholders Committee

Following the most recent meeting of the Shareholder Committee, the Committee has sought additional clarification to be inserted into the Article to aid their decision-making. As a result additions and amendments have been made to paragraphs 1.4 and 5.2 of Article 12

A copy of the revised Article appears as Appendix 1 to this report.

Article 20 – Corporate Parenting

In response to the recent ILACS inspection of Children's Services, the council's approach to Corporate Parenting has been revised for the purposes of the Constitution. This is to ensure that the voices of children and young people are clearly heard. As such the Article has been revised and the amended Article appears as Appendix 2 to this report.

This revised Article, also offers clarity as to the Elected Members appointed to Corporate Parenting Board and, subject to Full Council, approval, the Main Opposition Group Shadow Lead Members for both Children and Adults will also be invited to attend meetings of the Corporate Parenting Board.

Article 15 – Corporate Appeals

A technical amendment has been requested to reflect the change to the order of proceedings (paragraph 4) in the event a Corporate Appeals Committee is convened so that the applicant will present their case prior to the Council's representative presenting the council's case. The amended Article appears as Appendix 3 to this report.

Article 18 – York Health and Wellbeing Board

Following the CCG ceasing to exist from 1st July 2022, there is a need to amend the membership of the Health and Wellbeing Board. It is therefore proposed to make the following amendments:

The following will be deleted:

- The Chair of NHS Vale of York Clinical Commissioning Group (Vice-Chair)
- Executive Director of Primary Care and Population Health, NHS Vale of York Clinical Commissioning Group

And replaced with:

- York Place representative from the Humber and North Yorkshire Health and Care Partnership

At paragraph 5.1 the following will be deleted:

- ‘a representative of the NHS Vale of York Clinical Commissioning Group’

And replaced with:

- “a representative of the Humber and North Yorkshire Health and Care Partnership’

Recommendations

Full Council is invited to approve the amendments to the Council’s constitution as follows:

- 1) To approve the amendments made to Article 12 – Shareholders Committee;
- 2) To approve the amendments made to Article 20 – Corporate Parenting;
- 3) To approve the amendments made to Article 15 – Corporate Appeals;
- 4) To approve the amendments made to Article 18 - Health and Wellbeing Board;
- 5) To approve the appointment of the Main Opposition Group Shadow Lead Members for both Children and Adults to the Corporate Parenting Board;
- 6) To instruct the Monitoring Officer to ensure the Council’s Constitution is updated in accordance with the recommendations of Full Council.

Full Council is asked to note:

1. The Chair of the Audit & Governance Committee has been consulted in respect of the updating amendments to the Constitution and that this report will be retrospectively report to the next meeting of the Audit & Governance Committee.

Reasons for the Recommendation

These amendments will ensure that the Constitution remains up to date and fit for purpose to support the council's decision making framework.

Options

The Council has the option to reject the proposed amendments however such a course of action is not advised as in doing to the council's governance framework will be negatively impacted.

Implications

Financial

There are none directly arising from this report.

Human Resources (HR)

There are none directly arising from this report.

Equalities

There are none directly arising from this report.

Legal

The council is required to have a constitution setting out its governance framework for decision-making. The constitution is a public document. Amendments to the constitution are reserved to Full Council for approval.

Crime and Disorder, Information Technology and Property

There are none directly arising from this report

**Author & Chief Officer
responsible for the report:**

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Director of Governance &
Monitoring Officer

**Report
Approved**

Date 01/07/2022

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:

- The Council's Constitution

Appendices:

- Appendix 1 – Shareholder Committee revised Article
- Appendix 2 – Corporate Parenting revised Article
- Appendix 3 – Corporate Appeals revised Article