
Meeting	Joint Committee, Corporate Services, Climate Change and Scrutiny Management Committee and Audit and Governance Committee
Date	26 February 2024
Present	Councillors Ayre, Baxter, J Burton, Clarke, Fenton, Fisher, Healey, Hook (Substitute for Cllr Widdowson), Kelly, Mason, Melly, D Myers, Nelson (Substitute for Cllr Taylor), Rose, Rowley, Steels-Walshaw, Waller and Whitcroft
Apologies	Councillors Hollyer, Merrett, Taylor and Widdowson Mr M Binney, Mr J Leigh, Independent Persons
External Attendee	Rachel Antonelli, Head of Legal and Interim Monitoring Officer of York and North Yorkshire Combined Authority
Officers Present	Bryn Roberts, Director of Governance & Monitoring Officer Dawn Steel, Head of Democratic and Scrutiny Services

5. Election of Chair (5.33 pm)

Resolved: That Councillor Fenton be elected as Chair of the meeting.

6. Declarations of Interest (5.33 pm)

Members were asked to declare any disclosable pecuniary interest, or other registerable interest, they might have in respect of business on the agenda, if they had not already done so in advance on the Register of Interests.

None were declared.

7. Minutes (5.34 pm)

Resolved: That the minutes of the last meeting, held on 15 January 2024 be approved as a correct record, subject to the insertion of the word 'proposed' at minute 4, line 10, to read 'Members proceeded to review the draft constitution raising concerns and **proposed** amendments'.

8. Public Participation (5.35 pm)

It was reported that there had been no registrations to speak at the meeting under the Council's Public Participation Scheme.

9. Combined Authority Governance: Development of the Constitution for the Combined Authority (5.35 pm)

The Chair outlined what had happened at the meeting of the York and North Yorkshire Mayoral Combined Authority held on 22 January 2024 noting that the recommendations, made at the joint committee meeting, 15 January 2024 had been presented in full.

Members proceeded to review those parts of the draft constitution that had not been covered in the previous meeting (Parts 6 and 7), raising concerns and proposed amendments as they went through the document by section.

The following was agreed by Members:

Part 6 – Financial procedures

Section A

- Para 1.3 – amend to read “The Section 73 Officer, as the officer responsible for the proper administration of the Y&NYCA's financial affairs, shall report to the Y&NYCA **and the Audit & Governance Committee** any significant failure to comply with these Regulations which comes to his/her attention.”
- Para 3.5 – reference here and elsewhere to the 'Audit Committee' should be revised to read 'Audit & Governance Committee'
- Para 5.2 – members commented that business plans should be available to Audit & Governance and the public for oversight.
- Para 6.2.4 and 6.2.5 – members requested clarification on the circumstances in which the Mayor's proposed budget could be

vetoed, and whether any subsequent revision made by the Mayor would need to meet some form of materiality threshold before the Y&NYCA is obliged to approve it.

- Para 7.3.2 – amend to read “For revenue expenditure any likely overspending shall be reported by Officers **to the Y&NYCA and the Audit & Governance Committee** as soon as practicable to the Section 73 Officer. Where it is not possible to finance an overspending by a transfer between expenditure heads (see virements below) the matter shall be referred to the Mayor for consideration.”
- Para 7.4 – remove reference to ‘Y&NY Districts’
- Para 8.3 – there is reference to seeking the prior approval of the Y&NYCA or the Mayor, but there needs to be clarity about the circumstances in which prior approval will be sought from the Y&NYCA and the circumstances in which prior approval will be sought from the Mayor.
- Para 11 – members asked that the text here be amended to incorporate CYC’s ethical investment policies, or at the very least a commitment to ‘have regard to’ these policies.
- Para 11.1.2 – clarity needed as to who will receive reports on treasury and investment management policies.
- Para 13.7 – amend to read “In respect of any item acquired by lease the inventory must be marked with the **value of the lease, the name of the leasing company and the date of expiry of the lease agreement.**”
- Para 13.17 – amend to read “The Section 73 Officer shall be authorised to write off or make adjustments in respect of deficiencies or surpluses of stock. Requests to write off items more than £50,000 must be reported to the Y&NYCA **and the Audit & Governance Committee** for information.”
- Para 14.6 - members queried the basis on which £100k has been set as the threshold value above which all requests to write off any individual debt must be referred to the Y&NYCA for information. This seems high.
- Para 14.6 – amend to read “The Section 73 Officer shall be authorised to write off bad debts. Requests to write off any individual

debt more than £100,000 must be referred to the Y&NYCA **and the Audit & Governance Committee** for information.”

- Para 16.2 – amend to read “Officers shall be responsible for the identification, classification and control of all risks falling within their areas of responsibility. The risks identified shall be included in the Corporate Risk Register which will be subject to periodic review **by the Audit & Governance Committee**. Officers should notify the Section 73 Officer, in writing of any loss, liability or damage or any event likely to lead to a claim.”
- Para 17.1 – amend wording to make it clear that the provision of an internal audit service is a necessity.
- Para 19 (payment of accounts) – members asked for more detail to be included here.
- Para 20.1 (petty cash) – members asked that the wording used here be simplified.
- Para 22.1 – amend to read “The Section 73 Officer is responsible for ensuring that the financial management of the Y&NYCA is adequate and effective and that there is a sound system of internal control and sound procedures for the management of risk. The responsibility for maintaining and reviewing the system of internal control rests with the Y&NYCA, **with the involvement of the Audit & Governance Committee**.”

Section B

- Para 3 – members asked that a cross reference to the Scheme of Delegations is added.
- Para 3 – members asked that it be made clearer what information will be shared with the Audit & Governance Committee in relation to the use of waivers.
- Para 5.1 (final bullet) – members queried why it appears that arrangements need to be put in writing only if the total value of a purchase exceeds £50,000.
- Para 7.1.1 – members queried the inclusion of a reference to OJEU.

- Para 8.1.4 – amend to read “Where the Total Value exceeds £50,000 the Procurement Team ~~should~~ **must** be consulted prior to the commencement of the procedure.”
- Para 8.4 – in relation to consultancy contracts, members queried whether the rules cater for the possibility of an individual or organisation securing multiple separate commissions which individually are below the statutory threshold, but together would exceed it.
- Paras 8.1 and 8.4 – members asked that the presentation of the information in the tables be made more consistent.

[6.31-6.34 pm Cllr Rowley left the meeting. 6.34-6.38 pm, Cllr Nelson left the meeting.]

- Para 18.2.2 – it states here that all contracts must be concluded formally in writing, which is not consistent with the wording used in para 8.1.4. This suggests that para 8.1.4 needs amending to ensure consistency.

[7.05-7.09pm, Cllr Kelly left the meeting.]

- Para 18.3.3 – is the threshold for Sealing £75k or £250k?
- Para 23.1 – members asked that the Audit & Governance Committee have sight of the Grant Award Procedure.

[7.19 – 7.30pm, the meeting was adjourned.]

Part 7 – Code and Guidance

General comments

- Members asked that reference be made in the contents page to behaviour requirements of officers and member / officer interactions.
- The issue was raised as to the need for clarity for members when undertaking Y&NYCA duties, eg are they representing CYC, or the CA, or both, etc?
- Members agreed that the £100 threshold for reporting any gift or hospitality is too high.

Section D

- Para 7.1 – amend to read “Correspondence between an individual Member and an Officer should not normally be copied (by the Officer) to any other Member. Where it is necessary to copy the correspondence to another Member, this should be made clear to the original Member. In other words, a system of ‘silent copies’ should not be employed.”

Section E

- Para 3.13 – amend to read “The Y&NYCA’s decision making process will adhere to the principles of good administrative law, **the advancement of respect for human rights and equalities** and demonstrate rationality, legality and natural justice.”
- Para 4.2 – amend to read “Decisions taken by the Y&NYCA subject to limited exemptions, are made in public, minuted (alongside the reasons and the evidence considered) and information relating to those decisions is made available to the public. This includes access through live webcasts of the public part only of the Authority, Police Fire and Crime Panel, **Audit & Governance, Transport** and Overview and Scrutiny meetings which remain online for six months.”
- Para 5.12 – there is reference to the adoption of a ‘Social Value Framework’ and members asked that there is a cross-reference to the Contracts section of the Constitution so it is clear how this is reflected in the CA’s procurement policies.
- Para 5.12 – members commented that the wording used seems very generic and needs a sense check.

Part 8 – Members allowances

- General point - allowances to be considered, as appropriate, by an independent review panel, given the additional workloads to be placed on those appointed to the CA and its committees.

The Interim Deputy Monitoring Officer for the Combined Authority confirmed that she would take the suggested amendments forward for consideration during the re-draft process.

Resolved: That a summary of the proposed amendments, as outlined above, be submitted to the Combined Authority Monitoring Officer.

Reason: To ensure that the proposed amendments are considered for future updates of the Combined Authority Constitution.

Cllr S Fenton, Chair

[The meeting started at 5.32 pm and finished at 8.02 pm].