

**Notice of a public meeting of  
Audit and Governance Committee**

<b>To:</b>	Councillors Hollyer (Chair), J Burton (Vice-Chair), Fisher, Mason, Whitcroft, Merrett and Rose Mr Binney (Independent Member)
<b>Date:</b>	Wednesday, 4 September 2024
<b>Time:</b>	5.30 pm
<b>Venue:</b>	West Offices - Station Rise, York YO1 6GA

**AGENDA**

**1. Declarations of Interest (Pages 1 - 2)**

At this point in the meeting, Members and co-opted members are asked to declare any disclosable pecuniary interest, or other registerable interest, they might have in respect of business on this agenda, if they have not already done so in advance on the Register of Interests. The disclosure must include the nature of the interest.

An interest must also be disclosed in the meeting when it becomes apparent to the member during the meeting.

*[Please see attached sheet for further guidance for Members].*

**2. Minutes & Action Log (Pages 3 - 26)**

To approve and sign the minutes of the meetings held on 9 and 31 July 2024 and to consider the committee's action log.

**3. Public Participation**

At this point in the meeting members of the public who have registered to speak can do so. Members of the public may speak on agenda items or on matters within the remit of the Committee.

Please note that our registration deadlines are set as 2 working days before the meeting, in order to facilitate the management of public participation at our meetings. The deadline for registering at this meeting is **5:00pm on Monday, 2 September 2024.**

To register to speak please visit [www.york.gov.uk/AttendCouncilMeetings](http://www.york.gov.uk/AttendCouncilMeetings) to fill in an online registration form. If you have any questions about the registration form or the meeting, please contact Democratic Services. Contact details can be found at the foot of this agenda.

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During coronavirus, we made some changes to how we ran council meetings, including facilitating remote participation by public speakers. See our updates ([www.york.gov.uk/COVIDDemocracy](http://www.york.gov.uk/COVIDDemocracy)) for more information on meetings and decisions.

#### **4. Corporate Governance Team Report (Pages 27 - 68)**

This report provides Members with updates in respect of:

- New internal governance arrangements
- Corporate Governance performance report
- Information Commissioners Office cases
- Ombudsmen cases, complaint handling codes and assessment
- Local Government and Social Care Ombudsman (LGSCO) annual letter and performance
- NHS Data Security and Protection (DSP) Toolkit – self assessment for 2023-2024
- Investigatory Powers Commissioner (IPCO) inspection including Audit and Governance Committee’s “fit for purpose” review of the covert surveillance policy and procedures and data report.

**5. Monitors 1 & 2 2024/25 - Key Corporate Risks** (Pages 69 - 108)

The purpose of this paper is to present Audit & Governance Committee with an update on the key corporate risks for City of York Council, which is included at Annex A.

**6. Treasury Management 2024/25 Quarter 1 report and review of Prudential Indicators** (Pages 109 - 130)

Attached at Annex 1 is the Treasury Management Quarter 1 report and Review of Prudential Indicators 2024/25, which provides an update on treasury activity during the quarter and is due to be considered by Executive on 18 September 2024.

**7. External Auditor Verbal Update** (Pages 131 - 132)

The council's External Auditors are Forvis Mazars and the Director responsible for York will present a verbal update to the committee. This update will cover progress in delivering their responsibilities as the council's external auditors, along with any national issues.

**8. Report of the Monitoring Officer on suggested Constitutional Changes** (Pages 133 - 200)

To provide the first tranche of suggested constitutional changes to the committee for consideration and discussion.

**9. Audit and Governance Work Plan** (Pages 201 - 202)

To consider the committee's work plan.

**10. Urgent Business**

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

Democracy Officer:

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我們也用您們的語言提供這個信息 (Cantonese)

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Ta informacja może być dostarczona w twoim własnym języku. (Polish)

Bu bilgiyi kendi dilinizde almanız mümkündür. (Turkish)

یہ معلومات آپ کی اپنی زبان (ہولی) میں بھی مہیا کی جاسکتی ہیں۔ (Urdu)

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.

### Declarations of Interest – guidance for Members

- (1) Members must consider their interests, and act according to the following:

Type of Interest	You must
Disclosable Pecuniary Interests	Disclose the interest, not participate in the discussion or vote, and leave the meeting <u>unless</u> you have a dispensation.
Other Registrable Interests (Directly Related) <b>OR</b> Non-Registrable Interests (Directly Related)	Disclose the interest; speak on the item <u>only if</u> the public are also allowed to speak, but otherwise not participate in the discussion or vote, and leave the meeting <u>unless</u> you have a dispensation.
Other Registrable Interests (Affects) <b>OR</b> Non-Registrable Interests (Affects)	Disclose the interest; remain in the meeting, participate and vote <u>unless</u> the matter affects the financial interest or well-being: (a) to a greater extent than it affects the financial interest or well-being of a majority of inhabitants of the affected ward; and (b) a reasonable member of the public knowing all the facts would believe that it would affect your view of the wider public interest. In which case, speak on the item <u>only if</u> the public are also allowed to speak, but otherwise do not participate in the discussion or vote, and leave the meeting <u>unless</u> you have a dispensation.

- (2) Disclosable pecuniary interests relate to the Member concerned or their spouse/partner.
- (3) Members in arrears of Council Tax by more than two months must not vote in decisions on, or which might affect, budget calculations,

and must disclose at the meeting that this restriction applies to them. A failure to comply with these requirements is a criminal offence under section 106 of the Local Government Finance Act 1992.

City of York Council

Committee Minutes

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Meeting	Audit and Governance Committee
Date	9 July 2024
Present	Councillors Hollyer (Chair), J Burton (Vice-Chair), Fisher, Mason, Whitcroft, Merrett and Rose
Apologies	Mr Leigh and Binney (Independent Persons)
In Attendance	Bryn Roberts, Director of Governance and Monitoring Officer Debbie Mitchell, Director of Finance and Section 151 Officer Mark Outterside, Partner, Mazars (remotely)

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### 1. **Declarations of Interest (5:30 pm)**

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. None were declared.

### 2. **Minutes & Action Log (5:30 pm)**

Resolved: That the minutes of the meeting held on 22 May 2024 be approved and then signed by the Chair as a correct record.

In response to questions from Members it was confirmed that:

- A Constitution Review Update covering the Council Procedure Rules would be brought to the next meeting of the committee, with a view to having it signed off in advance of being considered by Council in September.
- The current draft version would be circulated to the committee.

Regarding the Action Log, with reference to outstanding items it was noted that:

- A breakdown of member allowances and expenses for 2023/24 would be added to Action 42, and officers would report back on progress.

- A breakdown of the figures under Action 46 (summary of Council assets) would also be provided to the committee.

### **3. Public Participation (5:34 pm)**

It was reported that there had been one registration to speak at the meeting under the Council's Public Participation Scheme.

Gwen Swinburn questioned why the committee had so much business outstanding. She raised concerns about the transparency of the statutory accounts inspection process, including around the visibility of the notice given of the inspection period, and suggested that this process be codified and included in the Constitution and Forward Plan. She also requested that the terms of reference for independent persons be made available.

### **4. Monitor 4 2023/24 - Key Corporate Risks (5:38 pm)**

Members considered a report that presented the key corporate risks (KCRs) for City of York Council (CYC), which were included at Annex A.

The Director of Finance provided an update, noting that since the last report no new or increased risks had been identified, and that the list of actions had been updated to reflect comments made by the committee.

In response to questions from the committee it was noted that:

- Under KCR2, failing to meet legal timescales for responding to Freedom of Information Act (FOIA) requests was likely to be an ongoing risk. Overall 85-90% of responses were on time but the legal timescale had recently been reduced to two weeks and the Council had to prioritise the use of limited resources.
- Cyber-attacks were a constant risk. CYC's firewall was up to date and its servers were secured, with hundreds of thousands of attempted attacks filtered out annually. With reference to a recent cyber-attack on a neighbouring authority, the ICO had closed its investigation without any action.
- Councillors could not be forced to use CYC email accounts, but these were far more secure than private



accounts with systems being backed-up regularly. The uses of private email accounts for CYC business would still form part of the Council's record and a court order could be applied for if access were required for a FOIA request.

- General governance was not currently considered under KCR2 because it did not entail significant financial risk and CYC generally adhered to its governance requirements. Failure to follow proper governance processes was currently covered across several other KCRs, but officers would look again at how general governance issues might best be incorporated into the KCRs.
- KCR3 had been updated to include reference to the new Mayoral Combined Authority. There was no reason that Mayoral priorities should not align with those of CYC, but it was important to register the possibility.
- The next iteration of the report would reflect national changes around planning under KCR8.
- The net risk under KCR9 remained high despite mitigations as there was no new money available, while increasing the number of community groups being engaged with also increased risk; officers would consider additional actions.
- Officers would consider how upskilling the workforce in the context of the growth of AI could be incorporated under KCR10.
- Risk registers were maintained for department and major projects; only significant and ongoing issues were included in KCRs.
- The Council had met the legislative requirements around the statutory accounts inspection period including online notices; there was no capacity to extend this period without jeopardising the budget process and general financial management. Objections to the accounts could only be registered in the inspection period but questions could be asked at any time. Consideration would be given to expanding publicity for next year's inspection, including highlighting that the Annual Governance Statement was published and available alongside the accounts.
- The inspection period remained open until 19 July; interested members of the public could also engage directly with the committee.

Resolved:

- (i) That the key corporate risks, included at Annex A and summarised at Annex B of the report, be noted.
- (ii) That the suggestions from Members around general governance, upskilling, community engagement, and increased publicity be considered.

Reason: To provide assurance that the authority is effectively understanding and managing its key risks.

## **5. Treasury Management Annual Report & Review of Prudential Indicators 2023/24 (6:12 pm)**

Members considered the Treasury Management Annual Report and Review of Prudential Indicators 2023/24, attached at Annex 1 of the report, which provided an update on treasury activity during the year and was due to be considered by Executive on 18 July 2024.

The Director of Finance provided an update and noted that:

- This was a statutory report required by the Prudential Code and would be considered by the next meeting of the Executive; any concerns the committee had could be raised then.
- The Council's Treasury Management strategy in recent years had been to use cash balances to delay borrowing. This had worked well and borrowing had recommenced at the end of the financial year on a 12 month basis, given relatively high interest rates.
- There was nothing of concern in the report to draw Members' attention to.

In response to questions from members it was noted that:

- With reference to the Council's debt maturity profile, interest rates were expected to be lower in 12 months' time; refinancing could take place at a similar level if they were not.
- The Council would not generally over-borrow to finance investment; the present emphasis was on liquidity and being able to forecast cash flow more accurately.
- Internal borrowing as referenced in Annex 1 referred to funding from existing cash balances.

Resolved: That the Treasury Management Annual Report and Review of Prudential Indicators 2023/24 at Annex 1 of the report be noted.

Reason: That those responsible for scrutiny and governance arrangements were updated on a regular basis to ensure that those implementing policies and executing transactions had properly fulfilled their responsibilities with regard to delegation and reporting.

**6. Audit and Governance Work Plan 2024/25 (6:19 pm)**

The committee considered their work plan for the 2024/25 municipal year and following discussion it was noted that:

- Several substantial items were scheduled for the 31 July meeting. The relevant Directors for the scheduled reports on Constitutional changes and the Salvation Army contract were unavailable on that date, but would be available on 8 August if Members wished to reschedule. Several Members indicated they would support splitting the scheduled items across two meetings on those dates. Concerns were also raised around the scheduling of additional meetings in a holiday period.
- With reference to the update on Member Training, firsthand feedback from the newly elected Councillor for Hull Road Ward, who would soon be undertaking this training, could be considered.
- The Director of Governance intended to bring a report to consider comments on the functioning of the committee made by one of the Independent Persons to the next meeting.

Resolved: That the work plan be noted, and the Chair liaise with officers to schedule an additional meeting for 8 August.

Reason: To ensure the committee maintained a programme of work for 2024/25.

Cllr A Hollyer, Chair

[The meeting started at 5.30 pm and finished at 6.30 pm].

Meeting	Audit and Governance Committee
Date	31 July 2024
Present	Councillors Hollyer (Chair), B Burton (from 5:31pm, substitute for Cllr J Burton), Fisher (until 7:39pm), Mason, Whitcroft, Merrett and Rose
Apologies	Councillor J Burton, Mr Leigh and Mr Binney (Independent Persons)

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#### **7. Declarations of Interest (5:31 pm)**

At this point in the meeting, Members and co-opted members were asked to declare any disclosable pecuniary interests, or other registerable interests, they might have in respect of business on this agenda, if they had not already done so in advance on the Register of Interests. None were declared.

#### **8. Exclusion of Press and Public (5:31 pm)**

Resolved: That the press and public be excluded from the meeting during consideration of Annexes 3 to 12 to Agenda Item 10 (Annual Report of the Head of Internal Audit and Counter Fraud Annual Report) on the grounds that they contain information relating to the financial or business affairs of any particular person (including the authority holding that information). This information was classed as exempt under paragraph 3 of Schedule 12A to Section 100A of the Local Government Act 1972 (as revised by The Local Government (Access to Information) (Variation) Order 2006).

#### **9. Minutes and Action Log (5:33 pm)**

Resolved: (i) That the minutes of the meeting held on 9 July 2024 be deferred to the next meeting.

- (ii) That actions 8, 14, 42, 46 and 49 of the action log be marked as completed and action 59 be resolved later in the year.

**10. Public Participation (5:38 pm)**

It was reported that there had been two registrations to speak at the meeting under the council's Public Participation Scheme.

Ms Williams spoke on governance issues relating to a recently published officer decision notice regarding York Station Gateway. She raised her concerns with the published decision dates and questioned why the key decision had not been considered at a public committee meeting. She also shared her frustrations with recent decision making processes, noting that a recent Economy, Place, Access and Transport Scrutiny Committee had been cancelled.

The Chair thanked Ms Williams for her contribution and noted that a response would be sourced from officers regarding the decision notice. The committee also requested that they be copied into the reply.

Ms Swinburn spoke on multiple governance matters relating to the statutory accounts objection that had been lodged with the external auditors. She felt there had been a lack of engagement by some statutory officers during the process and queried if the draft Annual Governance Statement (AGS) could be presented to committee earlier. She raised her concerns with the key governance priorities located at the end of the AGS as well as questioning the internal audit grades, in particular in respect of creditor ordering and payments, and commercial procurement. Ms Swinburn also expressed her gratitude to the Director of Finance for her support.

The Chair noted and thanked Ms Swinburn for her comments.

**11. External Audit Progress Report (5:45 pm)**

Members considered a report that presented the latest audit progress report from Forvis Mazars, the council's external auditors, which was provided for the committee's information at Annex A to the report.

Resolved: That the matters set out in the Audit Progress Report presented by the external auditor, be noted.

Reason: To ensure the proper consideration of the progress of the external auditor in respect of the annual audit of accounts and review of the council's arrangements for ensuring value for money.

**12. Draft Annual Governance Statement 2023/24 (5:46 pm)**

Members considered a report that presented for information the draft 2023/24 Annual Governance Statement (AGS).

The Director of Finance informed Members that the draft AGS had been included as a separate item on the agenda to enable the committee to undertake a full discussion following comments received and objections raised by some residents. She also noted that this was a draft copy and that a final version would be submitted when the final audited statement of accounts was presented to this committee later in the year.

Following a discussion and in answer to questions raised, the Director of Finance and the Principal Accountant confirmed:

- The Information Commissioner's Office (ICO) enforcement notice had now been included in the AGS and references to the Local Government Association (LGA) peer review would also be included.
- When formulating the AGS, a variety of officers had the opportunity to flag any governance issues and the final statement would be signed off by the Chief Operating Officer and the Leader of the Council, with this committee taking a key part in approving that sign off.
- The reference to the Guildhall in the major capital projects section could be updated as this was less relevant now.
- Absence management was no longer reported as a significant governance issue as the processes established had shown improvements.
- Section 106 balances had risen slightly so officers were working with Veritau to improve the procedures.
- Completion reports would be monitored to ensure minor outstanding issues were completed within the timelines.
- The community governance review would be managed by the Head of Democratic Services and the newly appointed Elections Manager.

The committee thanked officers for their update and

Resolved: That the draft Annual Governance Statement for the financial year ended 31 March 2024, be noted.

Reason: To ensure that Members had the opportunity to review the draft Annual Governance Statement

**13. Draft Statement of Accounts 2023/24 (6:10 pm)**

Members considered a report that presented for information the draft 2023/24 Statement of Accounts before they were audited.

The Principal Accountant thanked her team for their support in preparing the statement and she noted that the accounts had been available for public inspection for a period of 30 working days from 10 June until 19 July 2024.

It was noted that the:

- narrative report explained the main information included in the accounts, provided an overview of the council as at 31 March 2024, and provided further information about the most significant matters reported in the accounts, along with an analysis of the pressures and risks that may impact on future financial performance.
- Statement of Accounts summarised the council's transactions for the 2023/24 financial year and its position at the year-end of 31 March 2024.

During a detailed discussion Members questions were answered and officers noted that:

- In order to accommodate the audit backlog, the Ministry of Housing, Communities and Local Government (MHCLG) had set the publication date for the draft accounts to 30 June for the next five years.
- Executive regularly received finance and performance reports and would receive the next update on 12 September 2024.
- The continuation of the cost control measures and the additional growth placed in the budget as well as ongoing monitoring would support the approved budget, but this was still an enormous challenge due to incorporating £14m worth of savings in this financial year.
- Reserves were closely monitored and unexpected costs and contingencies were built into the budget each year.



- Work was ongoing with individual schools to ensure they retained balanced budgets, maintained adequate reserves and had proposals in place to reduce any deficit.
- Officers would be keen to contribute to any review implemented by the government to reform business rates. The impact this would have on York was yet to be identified.
- Assurances from the auditors of the North Yorkshire Pension Fund (Deloitte) were still outstanding and once received Forvis Mazars, who were the council's external auditors, would be able to complete the 22/23 audit.
- The major projects highlighted within the statement were monitored and officers currently had no concerns with the funding allocated so far.
- The valuation of Allerton Waste was calculated using the depreciation replacement cost method and North Yorkshire Council had led on the new valuation commission.

It was confirmed that a separate narrative would be shared with the committee regarding:

- The higher depreciation charges (£1.1m) within the Housing Revenue Account (HRA).
- The variations between the income and net expenditure total figures across 22/23 and 23/24 in the Comprehensive Income and Expenditure Statement.
- The miscellaneous amounts set aside from the General Fund balances in earmarked reserves.
- The deployment of the Dedicated Schools Grant receivable for 2023/24, particularly the carry forward of £6.639m within the individual schools budget.

Officers agreed to update the terminology used in Annex A to include the Mayor of York and North Yorkshire office and they also agreed to consider including an explanatory note in the statement that described how many of the authority's other employees received a salary more than £50,000 due to the annual pay award.

Members noted that Forvis Mazars were expected to issue a report and opinion by the end of November 2024, and should they have any concerns with the accounts, they would be identified and brought to this committee's attention. It was also acknowledged that further training on the accounts could be provided to Members earlier and continue throughout the year.

Officers were thanked for the comprehensive work undertaken to produce the Statement of Accounts.

Resolved: That the draft pre-audit statement of accounts, for the financial year ended 31 March 2024, be noted.

Reason: To ensure that, in line with best practice, Members have had the opportunity to review the draft pre-audit Statement of Accounts.

**14. Response to the LGA Assurance Report (6:54 pm)**

Members considered a report that provided an update on how the council had responded to recommendations published in the Local Government Association's Assurance report (2023).

The Assistant Director of Policy and Strategy highlighted the progress made against the recommendations, as noted within Annex A of the report. She confirmed that none of the recommendations were at risk, and the completed or underway recommendations across member information, the Corporate Improvement Action Plan and the member induction programme were discussed.

Members shared their experience of the member induction programme, noting that some training sessions offered were postponed and then never materialized, and concerns over the loss of the member enquiries service were also raised. During the discussion, it was also suggested that:

- the pastoral care physically available to Members in West Offices could be strengthened.
- feedback on the overall induction program could be received from all Members.
- the sanctions imposed on any councillor who did not obey the Code of Conduct required strengthening.
- periodical feedback could be received from councillors and officers to support good working relationships.

The Assistant Director thanked Members for their feedback, and in answer to questions raised, she confirmed that:

- the recently elected councillor had been invited to take part in the member induction programme and feedback had already been received from him. The feedback received from the Joint Standards Committee had also

been incorporated into the programme, which was currently being audited by Veritau.

- the member portal could be enhanced to include further data on council services and improved guidance on raising concerns.
- the Local Government Association engaged with various partners and residents, including the Talkabout Panel, which consisted of 1200 York citizens who regularly responded to consultations, when undertaking their peer challenge review.

Members thanked the Assistant Director for her report and update.

Resolved:

- (i) That the progress against the ten recommendations in the LGA Assurance Report, be noted.
- (ii) That Members feedback be considered by officers.

Reason: To keep the committee updated on the improvements made.

An adjournment took place between 7:10 pm and 7:16 pm.

**15. Audit and Governance Committee Review of Effectiveness (6:54 pm)**

Members considered a report that highlighted the benefits of conducting a review of the committee's effectiveness, and the options for undertaking such a review.

The Head of Internal Audit presented the report and following a detailed discussion regarding the benefits and disadvantages of either undertaking a self-assessment or external review, including the budget and time implications, and noting that this committee already had Independent Persons who provided insight, it was agreed that a self-assessment review should initially be undertaken to assist the committee in assessing if an external review was required.

The Head of Internal Audit confirmed that the self-assessment guidance could be transferred into an electronic survey for members to complete, and this approach was welcomed.

Resolved: That a self-assessment review of the committee's effectiveness be undertaken and that the process be considered by the Director of Governance and Head of Internal Audit with an update being received at a future committee meeting.

Reason: To ensure the committee continued to fulfil its responsibilities as set out in the Constitution and contributes to the effective operation of the council's corporate governance framework.

**16. Annual Report of the Head of Internal Audit and Counter Fraud Annual Report (7:28 pm)**

Members considered a report that included the Annual Report of the Head of Internal Audit, which summarised internal audit work undertaken in 2023/24 and provided an opinion on the overall adequacy and effectiveness of the council's framework of governance, risk management and control. An annual report summarising counter fraud activity and performance was also included.

The Assistant Director of Audit Assurance highlighted aspects of the annual report. He confirmed that nine internal audits had been concluded since their last update to the committee and the summary of those were contained in Appendix B to the report. A further seven audits remained in draft at this time but were making good progress, as reported in Appendix A. Veritau's opinions and priorities for actions were noted and it was acknowledged that Veritau had not identified any significant control weaknesses for inclusion into the Annual Governance Statement.

Members questions were answered and during discussion it was noted that:

- The actions linked to the foster carer payments would be monitored to ensure implementation.
- The draft audit reports should shortly be concluded and any outstanding audits would not impact on the current programme of work.
- Veritau were asked to certify the grants linked to the rough sleeping accommodation programme to give assurance to the awarding department.

The Internal Head of Audit then presented the key performance figures and counter fraud work undertaken as noted in Annex 2 to the report.

Members discussed holiday let prosecution cases and officers agreed to verify if cases linked to the misuse of residential parking permits by occupants of holiday lets was shared with the planning enforcement team.

Officers were thanked for their reports, and the committee then considered exempt annexes 3 to 12 in private session as resolved in minute 8.

Resolved:

- (i) That the results of internal audit and counter fraud work undertaken, be noted.

Reason: To enable Members to consider the implications of internal audit findings, and inform their assessment of the effectiveness of counter fraud arrangements.

- (ii) That the opinion of the Head of Internal Audit on the adequacy and effectiveness of the council's framework of governance, risk management and internal control, be noted.

Reason: To enable Members to consider the implications of internal audit findings.

- (iii) That the outcome of the Quality Assurance and Improvement Programme and the confirmation that the internal audit service conforms with Public Sector Internal Audit Standards, be noted.

Reason: To enable Members to consider the implications of internal audit findings.

- (iv) That it be noted that no significant control weaknesses had been identified by internal audit during the year which was relevant to the preparation of the Annual Governance Statement.

Reason: To enable the Annual Governance Statement to be prepared.

**17. Audit and Governance Work Plan 2024/25 (7:26 pm)**

The committee considered their work plan for the 2024/25 municipal year and following discussion it was:

Resolved: That the work plan be revised to include a process report on the Community Governance Review in November 2024.

Reason: To ensure the committee maintained a programme of work for 2024/25.

Cllr Hollyer, Chair

[The meeting started at 5:31 pm and finished at 8:16 pm].

### Action Log

Action Number	Date of Meeting	Title	Action	Action Owner	Status/ Outcome	To be completed by	Completed
16	19/07/23	Work Plan	To inform the Monitoring Officer of any areas of the Constitution Committee Members would specifically like reviewing.	Committee Members	Ongoing as part of the Constitution review	Ongoing	No
31	08/11/23	Corporate Governance Performance Report	Officers worked with the Business Intelligence Team to manage the corporate performance reports that were published on the council's open data platform. The Chair agreed to consult with the Business Intelligence Team to see if the data published could be consolidated to enable a more user friendly system	Chair/Lorraine Lunt	A York Open Data update is to be provided to A&G on 4 September	04/09/24	No
33	08/11/23	Report of the Monitoring Officer on suggested Constitutional Changes	That a cross party working group be established to consider the Constitutional changes for onward endorsement by the Audit and Governance Committee and then Full Council.	Bryn Roberts	This is ongoing and the next update will be provided to A&G on 4 September	Ongoing	No
35	08/11/23	Publication of Internal Audit Reports	That the Access to Information procedure rules be included in the Constitution review, particularly around Members rights to information.	Bryn Roberts	Ongoing as part of the Constitution review	Ongoing	No
50	28/02/24	Update on Action Plan - No Purchase Order No Pay	That communication to all suppliers be issued as soon as possible and that officers liaise with the Council Management Team and Executive Member for Finance to consider the barriers and ways to improve.	Helen Malam	Due to staff vacancies and staff absence, the work on NPONP is taking longer than hoped. However, we're working to get an update to Members in November 2024 and action the supplier comms.	27/11/24	No
51	28/02/24	Update on Action Plan - No Purchase Order No Pay	Consider when an appropriate time would be for the Committee to receive an update report.	Chair and Helen Malam	As above for action 50. Report to be received at the A&G meeting on 27 November 2024	27/11/24	No

59	22/05/24	Auditor's Annual Report 2021/22 and 2022/23	Mazars to liaise with the Director of Finance regarding the inclusion of a timeline within the 2023/24 audit and the preventions in place to deter recommendations remaining as outstanding year on year	Mazar/Debbie Mitchell	Ongoing	27/11/24	No
64	31/07/24	Draft Statement of Accounts	1. Update the terminology used in Annex A, A brief explanation on the constituent parts of the Annual Financial Report to include the Mayor of York and North Yorkshire office 2. Consider including an explanatory note that described how many of the authority's other employees received a salary more than £50,000 due to the annual pay award.	Helen Malam/Debbie Mitchell	These updates will be made for 2024/25 accounts	30/06/25	No
65	31/07/24	Response to the LGA Assurance Report	That Members feedback be consider, which included: · enhancing the member portal to include further data on council services and improved guidance on raising concerns · strengthening the pastoral care available in West Offices. · receiving feedback on the overall induction program from all Members. · Strengthening the sanctions imposed on any councillor who did not obey the Code of Conduct. · receiving periodical feedback from councillors and officers to promote good behaviour and culture across the council	Claire Foale		TBC	No
66	31/07/24	Audit and Government Committee Review of Effectiveness	That a self-assessment review of the committee's effectiveness be undertaken and that the process be considered by the Director of Governance and Head of Internal Audit with an update being received at a future committee meeting.	Bryn Roberts/Max Thomas		TBC	No



67	31/07/24	Annual Report of the Head of Internal Audit and Counter Fraud Annual Report	That officers verify to Members if prosecution cases linked to the misuse of residential parking permits by occupants of holiday lets was shared with the planning enforcement team.	Max Thomas		TBC	No
68	08/08/24	Report on the extension and subsequent termination of the Early Intervention and Prevention Contract with the Salvation Army	That the Director of Governance commission an internal audit investigation of the council's contract management provision, following discussion with the Chair and Vice-Chair on the observations identified in the meeting and ensuring the process followed to the point of cessation of the Salvation Army contract was included in the review.	Bryn Roberts/Chair/Vice-Chair		TBC	No
69	08/08/24	Report on the extension and subsequent termination of the Early Intervention and Prevention Contract with the Salvation Army	That the appropriate method of presenting key waiver details to the committee be considered by the Director of Governance	Bryn Roberts		TBC	No

70	08/08/24	Report on the extension and subsequent termination of the Early Intervention and Prevention Contract with the Salvation Army	That the Constitution Working Group be requested to promptly review the Scheme of Delegation. (Appendix 1 to the Constitution).	Bryn Roberts		TBC	No
71	08/08/24	Report of the Monitoring Officer on suggested Constitutional Changes	That paragraph 4.2, particularly the point regarding the Lord Mayor being granted a casting vote when they are no longer a Councillor, be reconsidered by the Director of Governance.	Bryn Roberts		TBC	No
72	08/08/24	Report of the Monitoring Officer on suggested Constitutional Changes	That the proposed changes to the Council Procedure Rules (Appendix 3 to the Constitution) be considered in advance of the meeting on 4 September	Committee Members		0408/24	No

### Completed Actions 2024

Action Number	Date of Meeting	Title	Action	Action Owner	Status/ Outcome	Completed by	Completed
72	08/08/24	Audit and Governance Work Plan 2024/25	That the work plan be revised to include the update on the Constitution Review on 4 September 2024.	Louise Cook	Completed	Louise Cook 16/08/24	Yes
63	31-Jul-24	Draft Statement of Accounts	Provide a narrative to Committee Members on: <ul style="list-style-type: none"> <li>•The higher depreciation charges (£1.1m) within the Housing Revenue Account (HRA).</li> <li>•The variations between the income and net expenditure total figures across 22/23 and 23/24 in the Comprehensive Income and Expenditure Statement.</li> <li>•The miscellaneous amounts set aside from the General Fund balances in earmarked reserves.</li> <li>•The deployment of the Dedicated Schools Grant receivable for 2023/24, particularly the carry forward of £6.639m within the individual schools budget.</li> </ul>	Helen Malam/ Debbie Mitchell	Email sent to members on 22nd August 2024	Helen Malam 22/08/2024	Yes
62	31/07/24	Public Participation	Officers to provide a response to the concerns raised regarding a recent published officer decision notice regarding York Station Gateway	Democracy Officer	Completed. A response had been received from the Director of Environment, Transport and Planning and sent to the public participant and Members	Louise Cook 08/08/2024	Yes
61	22/05/24	Work Plan	A report of the Director of Governance and Monitoring Officer requires scheduling into the work plan and is to include the governance concerns raised by the Independent Person.	Bryn Roberts	Those elements of concern which referred to constitutional matters will now be brought to the Constitution Working Group for consideration.	Bryn Roberts 24/07/2024	Yes

60	22/05/24	Work Plan	The Director of Governance and Monitoring Officer to consider how the general election will impact the work plan whilst ensuring the agenda for the committee meetings scheduled on 9 and 31 July remained substantial.	Bryn Roberts	Work Plan updated at the 9 July Cmt meeting	09-Jul-24	Yes
58	22/05/24	Counter Fraud Framework Report	Email Members more details on the courses/eLearning that were delivered to staff to raise the profile of fraud and the risks around it.	Max Thomas	Email sent to Committee Members on 26 June	Max Thomas 26/06/2024	Yes
56	28/02/24	Work Plan	Consider the timeframes required to produce the revised Salvation Army report and suggest a suitable meeting date.	Bryn Roberts, Chair and Vice Chair	Completed - arranged to take place on 22 May 2024	Bryn Roberts	Yes
55	28/02/24	Update on the Review of the Constitution	Ahead of the A&G meeting where the Constitution will be presented, the Constitution Working Group to consider the most appropriate way to circulate to Committee Members the changes and outstanding points.	Bryn Roberts, Constitution Working Group	The Constitution has been circulated and will be considered by A&G on 8 August	08/08/2024	Yes
54	28/02/24	Early Intervention and Prevention of Rough sleeping	That Members raise any specific matters within the report to the Director of Governance and Monitoring Officer.	Committee Members	Members had been reminded to send comments to the Director	Committee Members 10/05/2024	Yes
49	31/01/24	Work Plan	That an update report be received on the Member Induction Programme including feedback from the Joint Standards Committee.	Claire Foale/ Lindsay Tomlinson	An update report to be received at the A&G meeting on 31 July 2024	Completed on 31/07/2024	Yes
48	31/01/24	Work Plan	That the workplan be populated to include the 2024/25 finance reports.	Debbie Mitchell	Completed	Helen Malam 12/03/2024	Yes
47	31/01/24	Treasury Management Training	The treasury management training recording would be circulated around committee members.	Louise Cook	Completed	Louise Cook 2/2/24	Yes

46	31/01/24	Statement of Accounts and Work Plan	That the committee receives a summary of all the assets the council owns and officers consider the best way for this to be reviewed.	Helen Malam/Bryn Roberts	Details have been emailed to Members	Helen Malam 30/07/24	Yes
45	31/01/24	Key Corporate Risks	1) The major metric risk definition used in the gross impact score for KCR 1, Financial Pressures be reconsidered. 2) The original risk scores could be included above the matrix that categorises the KCRs according to their net risk evaluation.	Helen Malam	This will come as part of the KCR monitor 4 update	09/07/24	Yes
44	31/01/24	Key Corporate Risks	Officers to consider if there were any key corporate risks associated with accessing and utilizing additional resources through the York and North Yorkshire Combined Authority.	Helen Malam	This will come as part of the KCR monitor 4 update	09/07/24	Yes
43	31/01/24	Key Corporate Risks	The officers working on the Local Plan be asked to provide an update on the risks to committee members.	Helen Malam	This will come as part of the KCR monitor 4 update	09/07/24	Yes

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<b>Meeting:</b>	Audit and Governance Committee
<b>Meeting date:</b>	04/09/2024
<b>Report of:</b>	Director of Governance and Monitoring Officer
<b>Portfolio of:</b>	Cllr Claire Douglas Leader including Policy, Strategy and Partnerships

## **Audit and Governance Committee Report: Corporate Governance Team Report**

### **Subject of Report**

1. This report provides Members with updates in respect of:
  - New internal governance arrangements
  - Corporate Governance performance report
  - Information Commissioners Office cases
  - Ombudsmen cases, complaint handling codes and assessment
  - Local Government and Social Care Ombudsman (LGSCO) annual letter and performance
  - NHS Data Security and Protection (DSP) Toolkit – self assessment for 2023-2024
  - Investigatory Powers Commissioner (IPCO) inspection including Audit and Governance Committee’s “fit for purpose” review of the covert surveillance policy and procedures and data report

### **Policy Basis**

2. Having appropriate processes and procedures in place to ensure the council
  - investigates and responds to complaints (corporate, adults social care and children’s social care), comments, compliments and concerns, and Ombudsmen cases
  - manages and monitors valid and in time responses to all FOI and EIR requests and other requests for information or information disclosure
  - provides support, advice and guidance for data protection and privacy compliance

- provides support, advice and guidance for covert surveillance undertaken by the council
  - provides assurance to customers, employees, contractors, partners, and other stakeholders that all information, including confidential and personal information, is dealt with in accordance with legislation and regulations and its confidentiality, integrity and availability is appropriately protected.
3. Compliance is aligned to the current and draft Council Plan which is part of the council's corporate code of governance. This also then aligns with the 10-year Plan (York 2032) such as performance management and service planning.

## **Recommendation and Reasons**

4. Members are asked:

- (i) To note the new internal governance arrangements in this report and provide any comments or feedback
- (ii) To note the performance details contained in this report and provide any comments or feedback.

Reason: So that Members are provided with details and current performance from the Corporate Governance Team.

- (iii) To note the details for the IPCO inspection and provide any comments or feedback on how you may want to conduct the "fit for purpose" review of the covert surveillance policy and procedures and data report

Reason: So that Members are provided with a future report on the council's use of covert surveillance and complete their review of the policy and procedures as required by the IPCO

## **Background**

### **5. New internal governance arrangements**



6. The council has refreshed its internal governance arrangements to bring greater clarity about accountability and responsibility, together with establishing governance arrangements that will support delivery of the savings plan and transformation programme (known as Working as One City).
7. The internal governance arrangements aim to support better informed decision making in line with the council plan priorities, clearer lines of responsibility and accountability, greater capacity for strategic oversight, greater clarity about performance management leading to improved outcomes, and greater visibility for officers to know who to engage with and when. See **Annex 1**.
8. A list of the council's key internal governance arrangements is shown as a diagram with an explanation of each meeting in **Annex 2**. These are the internal governance arrangements that report into the Corporate Management Team. The project assurance group have mapped governance of all projects to the new arrangements to ensure monitoring and accountability of the council's projects is clear.
9. Five new boards are being established:
  - Adults Ambition and Assurance Board to steer the continued improvement journey in Adults Social Care, supporting actions to be safe and effective.
  - Corporate Improvement Board to steer the Working as One City Programme, Corporate Improvement Action Plan and monitor progress of savings plans.
  - Core Services Performance Board to monitor performance of transactional services to ensure customer experience continues to improve.
  - City Developments Board to oversee deliver of major capital programmes and The Local Plan (once adopted)
  - Corporate Governance Board to oversee and quality assure decision reports prior to recommending CMT oversight or Executive approval.
10. Existing internal governance arrangements have also been refreshed to ensure recommendations or strategic oversight is provided by the appropriate internal Board.

#### **11. Corporate Governance Performance report**

12. The full performance indicators are available on York Open Data at <https://data.yorkopendata.org/group/transparency>

13. Please see the performance report for Quarter 1 covering April to June 2024 at **Annex 3**.
14. As set out in report to Committee in February, the performance report has changed. This is from comments and feedback, guidance published by the ICO on collecting and reporting on key data and the ongoing configuration, build and testing of performance reports following the implementation of a change to the case management system. There are also the additional performance figures that Committee asked for at the last meeting.
15. I can confirm the performance data reported to this Committee and published for FOI/EIR does meet the legislative requirements set out in part 8.5 of the [section 45 code of practice](#) as well as the additional ICO guidance [How to report on your performance on handling requests for information under FOIA 2000 | ICO](#) such as the number of requests subject to FOIA or EIR, the time period that the data is split into and performance against statutory timescales for FOI/EIR.
16. The council received a total of 588 requests for information from 1<sup>st</sup> April 2024 to 30<sup>th</sup> June 2024. These include FOI, EIR, SARs and other requests for information such as requests from the police for information that we may hold for an investigation etc. This is an increase in requests of 83 (just over 15%) from the same reporting period in 2023/24 when we received 505. This indicates an ongoing increase in requests being received. A snapshot for % of in time performance is shown in table below.

	% in time Q1 2024/25	% in time for full year 23/24	% in time for full year 22/23
SARs	46%	72%	64%
Requests for information	88%	97%	99%
FOIs & EIRs	98%	89%	86%

17. Whilst we are achieving a high % of responses being completed within the statutory timescales for FOI, EIRs and other information requests, it is important to remain vigilant about this, given that the ICO enforcement notice for FOI/EIRs ended in March 2024.
18. To address the % of SAR responses being completed in time, we have restarted the work with service areas and managers to look

at opportunities to make improvements. This will include on a case-by-case basis, ensuring where it may be appropriate to extend the response timescale is considered in a timely way. It is important to note that the ICO provides clear guidance for when extending the timescale may be appropriate and that this cannot be solely because the individual requests a large amount of information.

19. For complaints and feedback for the same period there were a total of 287 cases received and dealt with under the procedures for adult social care (ASC) complaints, childrens social care (CSC) complaints, corporate complaints and corporate complaint not Housing. This is a decrease in total received from the same period last year which was 501. A snapshot is shown in the below table.

	Q1 - 24/25 - total received	Q1 - 24/25 - % in time	% in time for full year 23/24	% in time for full year 22/23
Corporate complaints	278	52%	86%	95%
ASC	1	0%	54%	56%
CSC	8	33%	67%	72%

20. The numbers of complaints received and the fall in performance for responding in time, despite the decrease in cases received, are influenced by factors such as increased demand on council services and the restrictions the current budget and financial circumstances are placing on these services.

#### **21. Information Commissioner's Office cases**

22. There have been no published decision notices by the ICO about the council's handling and responding to FOI/EIRs on their website since the last report to Committee.
23. There have also been no other ICO regulatory action against the council. You can find out more about what actions the ICO can take at [Action we've taken | ICO](#)

#### **24. Ombudsmen cases, complaint handling codes and assessment**

25. There have been no Housing Ombudsman Services (HOS) cases, and seven LGSCO cases with decisions, between the last report to

Committee in May 2024 and the date this report was prepared. Details of all the decisions including recommendations, remedies and actions are shown at **Annex 5**.

26. The following were the findings and decisions determined by the LGSCO:
  - Two were closed after initial enquiries with no further action
  - Two were closed as out of the jurisdiction of the LGSCO
  - One was not upheld with either no fault or no further action
  - Two were upheld with fault and injustice
27. The CGT undertakes ongoing work with CMT, Directorate Management Teams as well as with individual service areas to ensure that we share learning opportunities across the council and to identify areas for improvement from Ombudsmen cases.
28. The council has recently submitted the regular Housing Ombudsman Service (HOS) Complaint Handling Code assessment. This was based on the current published annual assessment completed in October 2023, on the council website at [Housing Ombudsman Self Assessment – City of York Council](#)
29. For the LGSCO complaint handling code, the timescale to comply with this is April 2026. We are continuing the work on the possible implications and impacts from the launching of this Code including taking part in various network group discussions with the Ombudsman, completing the consultation, to ensure the council adopts the code into our complaints handling policies and procedures as soon as possible and will provide updates on our progress to CMT, Audit and Governance Committee etc.
30. **Local Government and Social Care Ombudsman published annual performance report**
31. The LGSCO publish their annual performance data on their website [Annual reviews of complaints - Local Government and Social Care Ombudsman](#) and their annual letter to the council.
32. This year in their annual letter – see **Annex 6**, the LGSCO did not comment on or identify issues or areas of concern for the council, as they have done in previous years.

33. Using the spreadsheet sent by the LGSCO – see **Annex 7**, Members will find attached the year-on-year comparison figures for their information – see **Annex 8** – as the data calculations the LGSCO chooses to publish, do not tell the full performance narrative. Some highlights are shown below

- Year on year decrease in cases being raised to the LGSCO – see figures for both received and decided. The decrease of received cases compared to last year is 23% and, on the year, before, this is 31%
- Year on year decrease in % of cases being upheld by the LGSCO. Although LGSCO has published that 78% of cases were upheld, their calculation uses only the total number of cases where their decision was either upheld or not upheld. If calculated using the total number of cases where they made a decision, that figure falls to 17.07% upheld.
- For the *satisfactory remedy provided by the authority quoted for York of 0% with a similar organisation average of 13%*. Again, this measures only the cases with an upheld decision (so for this report, it was 7 cases) where we have not already put in place the remedies their investigation finds. Whilst they do have a recording category of “*Upheld: fault – no further action, organisation already remedied*” and “*Upheld: fault & inj– no further action, organisation already remedied,*” this was not used for any of the 7 upheld cases. However, it is important to note that of the 17 cases “*closed after initial inquiries*” with the reason of “*No worthwhile outcome achievable by investigation*”, a number of these will be because the council has already taken appropriate action through our own complaints’ investigations, findings, and remedies. This may also be part of the reasons for the year-on-year decrease in cases being received by the LGSCO.
- The opportunities to improve the % for *satisfactory remedy provided by the authority* will be investigated as part of the ongoing work we do with service areas and managers. We are also going to raise through the LGSCO liaison worker and regional complaints group to explore any areas we can learn from to improve this.

34. By date of preparing this report, I have not been able to conduct any comparison analysis with other LAs. This work will be done and provided in future reports to this Committee.

**35. NHS Data Security and Protection (DSP) Toolkit – self assessment for 2023-2024**

36. Confirmation of the required “standards” being met for the annual NHS DSP assessment is attached at **Annex 9**. It is also published at [Organisation Details \(dsptoolkit.nhs.uk\)](https://dsptoolkit.nhs.uk)

37. It is an annual requirement to submit evidence to show how we perform against the National Data Guardian’s 10 data security standards and applies to all organisations that have access to NHS patient data and systems to provide assurance that they are practising good data security, and that personal information is managed correctly.

38. This year internal audit completed a “thematic review” of our submission and evidence and provided a “memorandum” with their findings and recommendations. These have either been completed prior to publishing our annual evidence to the NHS DSP toolkit or will be taken forward in the next improvement action plan which is reported to and monitored through the Governance Risk and Assurance Group (GRAG) which includes the council’s registered Caldicott Guardian.

**39. Investigatory Powers Commissioner (IPCO) inspection including Audit and Governance Committee’s “fit for purpose” review of the covert surveillance policy and procedures and data report**

40. The council was notified in May 2024 of the three yearly inspection by the IPCO regarding our compliance with the Regulation of Investigatory Powers Act 2000 and the Investigatory Powers Act 2016.

41. Service areas and managers that use these powers, supported gathering the evidence and information to provide the written submission response to the IPCO by their deadline and the onsite inspection has now been confirmed for Monday 23<sup>rd</sup> September 2024.

42. The preparation and actions required ahead of the onsite inspection is underway and the outcomes and recommendations from the inspection will be reported to CMT, GRAG and to Audit and Governance Committee.

43. The annual report on the council's use of covert surveillance, given the timing of the IPCO inspection, will be in a future report to Committee so that it includes any of the inspection outcomes and recommendations.
44. Also, as Members may recall from the training provided to Committee in November 2023, given the timing of the IPCO inspection, the requirement for Committee to conduct a "fit for purpose" review of the covert surveillance policy and procedures will be covered in a future report to ensure that it covers any of the inspection outcomes and recommendations.

## **Consultation Analysis**

45. Internal governance arrangements were refreshed following the consultation with the workforce and Trade Unions during May that informed the Corporate Improvement Action Plan; and with Corporate Management Team.
46. No consultation was undertaken for the other items in this report. However, feedback from reports to CMT, meetings and discussions with managers informs this report and where required, internal and/or external consultation will be conducted to progress the work and actions required to comply with the improvement plan in response to the ICO enforcement notice.

## **Risks and Mitigations**

47. The council has a duty to comply with the various aspects of complaints, data protection, covert surveillance, and information governance related legislation. Failing to comply with these can result in Regulators and/or Ombudsmen taking actions against the council such as reprimands, enforcement action, monetary fines, financial remedies for individuals. Often these decisions and actions are published on the Regulator or Ombudsmen websites, as well as doing press releases and statements. This can lead to reputational damage, reduce the council's overall effectiveness as well as a loss of trust in the council.
48. In some circumstances individual members of staff may be at risk of committing criminal offences for example if they knowingly or recklessly breach data protection legislation and compliance

requirements or deliberately destroy, alter, or conceal a record after it has been requested.

49. Data protection impact assessments (DPIAs) are an essential part of our accountability obligations and is a legal requirement for any type of processing under UK GDPR. Failure to conduct a DPIA when required may leave the council open to enforcement action, including monetary penalties or fines. However, as there is no personal data, special categories of personal data or criminal offence data being processed for this performance report, there is no requirement to complete a DPIA.

## Wards Impacted (optional section)

50. Not applicable for this report.

## Contact details

51. For further information please contact the authors of this Report.

### Author

<b>Name:</b>	Lorraine Lunt
<b>Job Title:</b>	Information governance and feedback manager/DPO
<b>Service Area:</b>	Governance and Monitoring
<b>Telephone:</b>	01904 554145
<b>Report approved:</b>	Yes
<b>Date:</b>	05/08/2024

## Background papers

No background papers but listed below the links to background information shown in the report

<https://data.yorkopendata.org/group/transparency>

[section 45 code of practice](#)

[How to report on your performance on handling requests for information under FOIA 2000 | ICO](#)

[Action we've taken | ICO](#)



[Housing Ombudsman Self Assessment – City of York Council](#)

[Organisation Details \(dsptoolkit.nhs.uk\)](#)

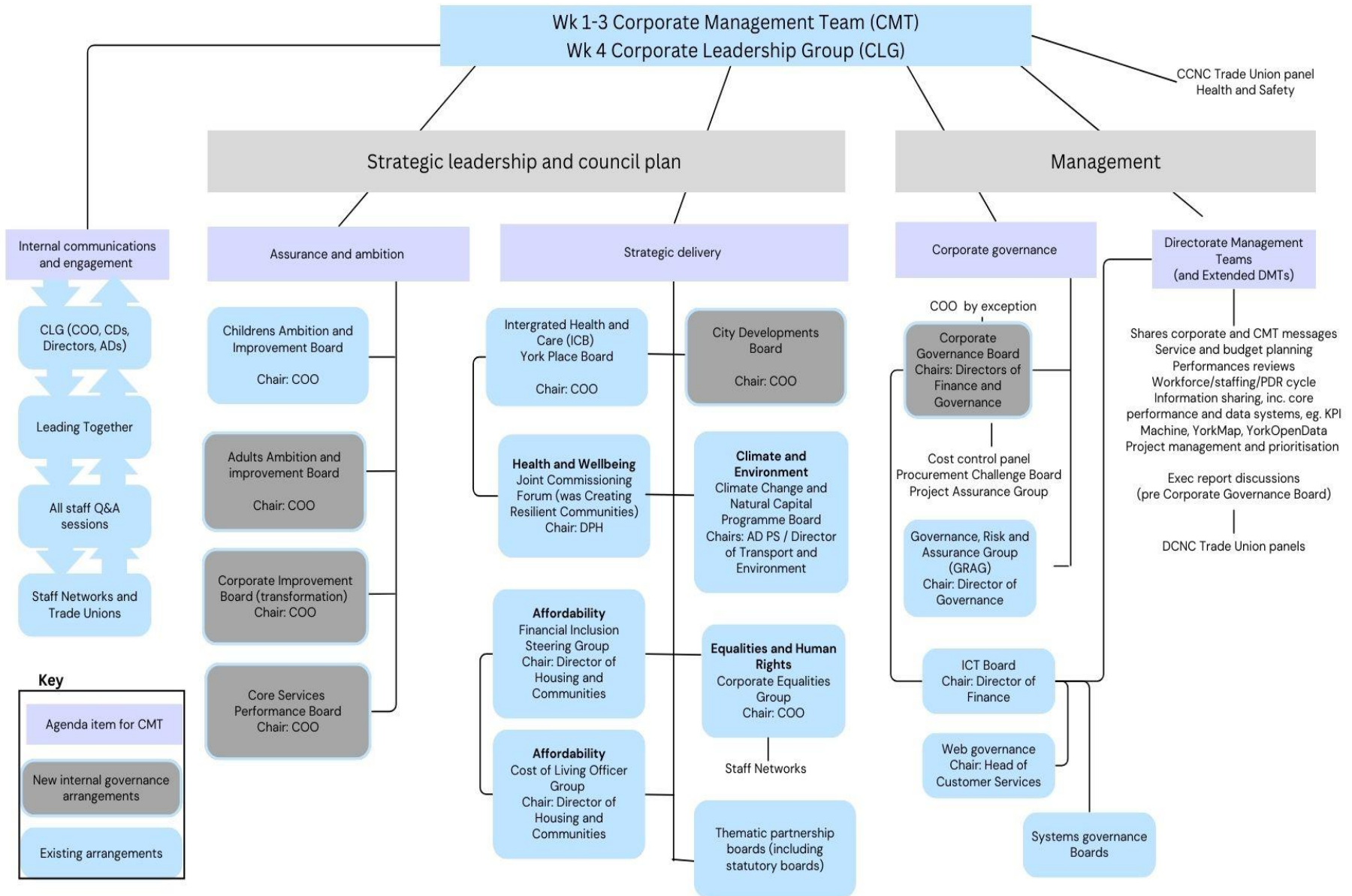
## **Annexes**

- Annex 1 – Internal governance arrangements
- Annex 2 – A-Z of meetings
- Annex 3 – Corporate Governance performance
- Annex 4 – Ombudsmen cases
- Annex 5 – LGSCO annual letter
- Annex 6 – LGSCO performance
- Annex 7 – LGSCO performance breakdown
- Annex 8 – NHS DSP certificate

## **Abbreviations used in this report**

- DPIAS - Data protection impact assessments
- GRAG – Governance Risk and Assurance Group
- CMT – Council Management Team
- CGT – Corporate Governance Team
- UK GDPR – United Kingdom General Data Protection Regulation
- DPA 18 - Data Protection Act 2018
- PECR - Privacy and Electronic Communications (EC Directive) Regulations 2003
- HOS - Housing Ombudsman Service
- LGSCO – Local Government and Social Care Ombudsman
- ICO - Information Commissioner’s Office
- IPCO – Investigatory Powers Commissioner’s Office
- FOI – Freedom of Information Act
- EIR – Environmental Information Regulation
- SAR – (Data) Subject Access Request
- DSP - NHS Data Security and Protection Toolkit
- ASC - Adult social care
- CSC - Childrens social care

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## **Audit and Governance Committee – internal governance arrangements**

### **A-Z of regular meetings, forums, boards and decision-making groups**

All the meetings listed below contribute to the council's internal governance arrangements.

#### **Adults' Ambition and Improvement Board**

A board that monitors the progress of Adults delivery plan to achieve savings and improve resident outcomes.

Chair: Chief Operating Officer

#### **All staff Q&A sessions**

These online sessions are held every six weeks, usually online, to keep staff up to date with developments at the council.

Led by Chief Operating Officer And Chief HR and Business Support Officer.

#### **CCNC Trade Union panel**

A regular meeting between corporate services and the trade unions to discuss workforce issues.

Chair: Chief HR and Business Support Officer

#### **Children's Ambition and Improvement Board**

This board is to help Children's Education and Safeguarding teams to continue their journey to outstanding.

Chair: Chief Operating Officer

#### **City Developments Board**

This board is to manage regeneration, infrastructure and economic opportunities.

Chair: Chief Operating Officer

#### **Climate Change and Natural Capital Programme Board**

This board is to deliver the Climate Change strategy actions.

Chair: Director of Transport, Environment and Development/Assistant Director Policy and Strategy

#### **Core Service Performance Board**

A board to monitor frontline services performance, with directors and relevant heads of service invited to discuss how they will improve performance or to celebrate good performance in core transactional services, such as waste, highways, housing repairs, or customer

services.

Chair: Chief Operating Officer

### **Corporate Equalities Group**

This group is designed to embed Equalities and Human Rights across the council and steer our Equalities Action Plan.

Chair: Chief Operating Officer

### **Corporate Governance Board**

This board reviews decision reports prior to Executive, to ensure proposals align with the Council Plan and implications are understood.

Chairs: Director of Finance, and Director of Governance

### **Corporate Improvement Board**

This board is to steer the council's journey of continuous improvement, including the corporate improvement action plan, transformation and budget savings.

Chair: Chief Operating Officer

### **Cost Control Panel**

A panel to approve spend on recruitment and agency costs.

Chair: Director of Finance

### **Cost of Living Officer Group**

Officers meet regularly to prepare support for residents experiencing or at risk of experiencing increasing financial pressures.

Chair: Head of Customer, Resident and Exchequer Services

### **Council Leadership Group (CLG)**

This group is made up of CMT (see below), plus directors and assistant directors who do not directly report to the COO.

Led by: Chief Operating Officer

### **Council Management Team (CMT)**

This group is made up of directors and corporate directors, the most senior managers in the council: [Council Management Team – City of York Council](#)

Led by: Chief Operating Officer

### **DCNC Trade Union Panel**

A regular meeting between directorate management teams and the trade unions to discuss workforce issues.

Led by: relevant Director

### **Directorate Management Teams (DMT)**

Each director arranges a Directorate Management Team meeting to share information and check workforce or financial issues.

Led by: relevant Director

**Financial Inclusion Steering Group**

This group is run with external partners and works closely with the Cost of Living Officer Group.

Chair: Director of Housing and Communities

**Governance, Risk and Assurance Group (GRAG)**

This group confirms and assures the council's operating processes are fit for purpose and complied with.

Chair: Director of Governance

**ICT Board**

This board assesses funding requests for new IT systems to ensure all implications are understood, implementation plans are in place and CYC's risks are minimised.

Chair: Head of ICT

**Integrated Care Board (ICB) York Place Board**

This board is an external partnership of council, health and care partners brought together to better integrate services.

Lead officer: Director of Public Health

**Joint Commissioning Forum**

This forum brings together Public Health, Adults, Children's and the Integrated Care Board (known as the Place Partnership) to look at how we can better bring together health, community and care through jointly commissioned services.

Lead officer: Director of Public Health

**Leading Together**

A regular meeting of senior managers in the council held to share information and explore strategic issues.

Chair: Chief HR and ICT Officer

**Procurement Challenge Board**

A board to approve procurement with discussion about the appropriate processes to follow.

Chair: Director of Finance

**Project Assurance Group**

A group that makes sure projects follow the 'all about project' framework and invites projects to discuss progress as part of a gateway review process.

Chair: Head of Business Intelligence

**Staff Networks**

These groups, set up by staff to support specific groups of colleagues,

offer the chance to share experiences and discuss concerns and challenges.

**Systems Governance**

This group meets regularly to progress systems change.

Chair: Head of Business Intelligence

**Thematic partnership boards**

These are different external partnerships which support the council, including Economic Partnership, Climate Commission and City Leaders.

More information: [Outside bodies \(york.gov.uk\)](http://york.gov.uk/outside-bodies)

**Trades Unions**

Regular meetings between directorates and Trades Unions to share information and resolve issues.

Chair: Chief HR and ICT Officer

**Web Governance**

A meeting to discuss proposed new websites managed by the council.

Chair: Web Manager.



## Audit and Governance Committee – Corporate Governance performance report

<b>Data</b>	<b>2022 – 2023 year total</b>	<b>2023 – 2024 year total</b>	<b>Quarter 1 – April to June 2024</b>
Total FOI/EIR requests received	1291	1640	429
Total FOI/EIR requests closed within statutory timescale	1054	1358	372
Total FOI/EIR requests closed outside statutory timescale	179	168	9
Total % FOI/EIR requests answered within statutory timescale	86%	89%	98%
Total % FOI/EIR requests answered outside statutory timescale	14%	11%	2%
Total SAR requests received	132	175	48
Total SAR requests closed within statutory timescale	85	126	22
Total SAR requests closed outside statutory timescale	39	26	2
Total % SAR requests answered within statutory timescale	64%	72%	46%
Total % SAR requests answered outside statutory timescale	30%	15%	4%

<b>Data</b>	<b>2022 – 2023 year total</b>	<b>2023 – 2024 year total</b>	<b>Quarter 1 – April to June 2024</b>
Other requests for information types received	478	378	111
Rights of Individuals requests received	48	27	6
ICO cases received	8	8	1
Number of comments received	773	692	70
Number of compliments received	279	256	98
Number of concerns received	3	1	0
Number of “corporate” complaints received	1866	1310	278
Number of childrens social care complaints received	49	37	8
Number of adults social care complaints received	37	43	1
Number of LGSCO cases received	33	15	3
Number of HOS cases received	1	7	2

The following figures are additional to last report following comments and feedback from Audit and Governance

<b>Data</b>	<b>2022 – 2023 year total</b>	<b>2023 – 2024 year total</b>	<b>Quarter 1 – April to June 2024</b>
Number of FOI reviews received	27	47	4
Number of EIR reviews received	19	21	6
Total % FOI reviews answered within statutory timescale	92%	95%	100%
Total % EIR requests answered within statutory timescale	94%	100%	80%
% of Rights of Individuals responded to 'In Time'	77%	73%	0%
% of Requests for Information responded to 'In Time'	99%	97%	88%
% of ICO cases responded to 'In Time'	75%	86%	100%
Total number of FOI Requests which are incomplete ("no response sent" or "ongoing")	-	54	29
Number of FOI Requests which are incomplete ("no response sent" or "ongoing") > 30 days	-	10	5
% of Comments responded to 'In Time'	73%	78%	100%
% of “corporate” Complaints responded to 'In Time'	95%	86%	52%
% of Compliments responded to 'In Time'	100%	100%	0%
% of Concerns responded to 'In Time'	0%	0%	0%

<b>Data</b>	<b>2022 – 2023 year total</b>	<b>2023 – 2024 year total</b>	<b>Quarter 1 – April to June 2024</b>
% of Adult Complaints responded to 'In Time'	56%	54%	0%
% of Child Complaints responded to 'In Time'	72%	67%	33%
% of LGSCO cases responded to 'In Time'	82%	67%	0%
% of Housing Ombudsman cases responded to 'In Time'	100%	50%	0%

\*For information - where the figures appear to not add up to the totals, this is due to

- responses that are still outstanding either due to the statutory timescales for responding being outside of the reporting period or an appropriate extension has been applied and that has not yet been reached
- where it is not yet possible to do the calculations as there are cases that have not yet reached either their response or extension deadlines.

Omb Ref Which Omb Directorate Service Area Date of final decision	Outcome	Summary of Final Decision	Actions (as list with dates for completion)	Date Actions Complete (as corresponding list)
24000663 LGSCO Place Housing Standards 22/05/2024	Closed after initial enquiries – no further action	We will not investigate this complaint about the Council’s alleged failure to provide Mrs X with adaptations she needed in a timely manner. This is because an investigation would be unlikely to find fault with the Council’s actions.	Not applicable	Not applicable
24000409 LGSCO Place Planning 05/06/2024	Closed after initial enquiries – out of jurisdiction	We will not investigate this complaint that the Council failed to provide important documents to the Planning Inspectorate during the complainant’s appeal against her refused planning application. The operation of the appeal process falls outside the Ombudsman’s jurisdiction.	Not applicable	Not applicable
23016269 LGSCO Place Housing 05/06/2024	Upheld: no further action	We will not investigate this complaint about the Council’s decision not to award Mr X higher banding status on its housing register. This is because it is unlikely an investigation would result in finding fault with the Council’s actions.	Not applicable	Not applicable
23019517 LGSCO Place Housing 05/06/2024	Closed after initial enquiries – no further action	I have decided not to investigate the complaint as the complainant no longer wishes to pursue it.	Not applicable	Not applicable

<p>23011019 LGSCO Adult Social Care &amp; Integration Commissioning 18/06/2024</p>	<p>Upheld: fault and injustice</p>	<p>Mr B complained about the care provided by a care agency, the Council's and the agency's communications with him and the agency's records. We have not found fault with the care provided by the agency or the Council's and the agency's communication with Mr B. However, there was some fault in the agency's record keeping. The Council has agreed to apologise and to remind the agency of the importance of good record keeping.</p>	<p>By 18/07/2024 1. Apologise to Mr B as he has suffered distress as a result of the incorrect information that he read in the care plan. 2. Remind the Agency of the importance of good record keeping.</p>	<p>1. 17/07/2024 2. 17/07/2024</p>
<p>23016432 LGSCO Corporate Services Council Tax 18/06/2024</p>	<p>Closed after initial enquiries – out of jurisdiction</p>	<p>We will not investigate this complaint about the Council's decision on a Council Tax discount because it is reasonable for Ms X to appeal to the Valuation Tribunal</p>	<p>Not applicable</p>	<p>Not applicable</p>
<p>23013454 LGSCO Adult Social Care &amp; Integration Commissioning 10/06/2024</p>	<p>Upheld: fault and injustice</p>	<p>The complainant (Mr X) said the Council failed to update his wife's (Mrs X) direct payments with the inflationary increase from April 2023. We propose to find fault with the Council's lack of action as well as with the inadequate communication with Mr X and its failure to respond to his complaint. The Council fault caused Mr X frustration. He spent much time contacting the Council and other organisations. We recommend the Council apologise and make symbolic payments to recognise Mr X's distress and his time and trouble. We also recommend some service improvements</p>	<p>Points 1, 2, 3 – by 25/07/2024 Points 4, 5 – by 27/09/2024 1. Apologise to Mr X for the injustice caused to him by the faults identified. The apology should follow our "Guidance on Remedies" 2. Pay Mr X £50 to recognise his distress caused by the Council's fault to communicate with him effectively. 3. Pay Mr X £50 to recognise his time and trouble spent on complaining. 4. Remind its Adult Social Care staff of the importance of timely communication with the service users and of taking their individual circumstances into account. 5. Review its complaint handling for the Adult Social Care complaints to ensure they are properly recorded and responded to in accordance with the Council's policy.</p>	<p>The deadline for completing the actions to satisfy remedies at points 1, 2,3 was missed due to leave in the service area.</p>

17 July 2024

*By email*

Mr Floyd  
Interim Head of Paid Service  
City of York Council

Dear Mr Floyd

### **Annual Review letter 2023-24**

I write to you with your annual summary of complaint statistics from the Local Government and Social Care Ombudsman for the year ending 31 March 2024. The information offers valuable insight about your organisation's approach to complaints, and I know you will consider it as part of your corporate governance processes. As such, I have sought to share this letter with the Leader of your Council and Chair of the appropriate Scrutiny Committee, to ensure effective ownership and oversight of complaint outcomes, which offer valuable opportunities to learn and improve. In addition, this year, we have encouraged Monitoring Officers to register to receive the letter directly, supporting their role to report the decisions we uphold to their council.

For most of the reporting year, Paul Najsarek steered the organisation during his tenure as interim Ombudsman, and I was delighted to take up the role of Ombudsman in February 2024. I look forward to working with you and colleagues across the local government sector to ensure we continue to harness the value of individual complaints and drive and promote systemic change and improvement across the local government landscape.

While I know this ambition will align with your own, I am aware of the difficult financial circumstances and service demands that make continuous improvement a challenging focus for the sector. However, we will continue to hold organisations to account through our investigations and recommend proportionate actions to remedy injustice. Despite the challenges, I have great confidence that you recognise the valuable contribution and insight complaints, and their swift resolution, offer to improve services for the public.

### **Complaint statistics**

Our statistics focus on three key areas that help to assess your organisation's commitment to putting things right when they go wrong:

**Complaints upheld** - We uphold complaints when we find fault in an organisation's actions, including where the organisation accepted fault before we investigated. We include the total number of investigations completed to provide important context for the statistic. This year, we also provide the number of upheld complaints per 100,000 population.

**Compliance with recommendations** - We recommend ways for organisations to put things right when faults have caused injustice and monitor their compliance with our recommendations. Failure to comply is rare and a compliance rate below 100% is a cause for concern.

**Satisfactory remedy provided by the authority** - In these cases, the organisation upheld the complaint and we agreed with how it offered to put things right. We encourage the early resolution of complaints and give credit to organisations that accept fault and find appropriate ways to put things right.

Finally, we compare the three key annual statistics for your organisation with similar authorities to provide an average marker of performance. We do this for County Councils, District Councils, Metropolitan Boroughs, Unitary Councils, and London Boroughs.

Your annual data, and a copy of this letter, will be uploaded to our interactive map, [Your council's performance](#), on 24 July 2024. This useful tool places all our data and information about councils in one place. You can find the detail of the decisions we have made about your Council, read the public reports we have issued, and view the service improvements your Council has agreed to make as a result of our investigations, as well as previous annual review letters.

### **Supporting complaint and service improvement**

In February, following a period of consultation, we launched the [Complaint Handling Code](#) for councils, setting out a clear process for responding to complaints effectively and fairly. It is aligned with the Code issued to housing authorities and landlords by the Housing Ombudsman Service and we encourage you to adopt the Code without undue delay. Twenty councils have volunteered to take part in an implementation pilot over the next two years that will develop further guidance and best practice.

The Code is issued to councils under our powers to provide guidance about good administrative practice. We expect councils to carefully consider the Code when developing policies and procedures and will begin considering it as part of our processes from April 2026 at the earliest.

The Code is considered good practice for all organisations we investigate (except where there are statutory complaint handling processes in place), and we may decide to issue it as guidance to other organisations in future.

Our successful complaint handling training programme continues to develop with new modules in Adult Social Care and Children's Services complaint handling available soon. All our courses include practical interactive workshops that help participants develop their complaint handling skills. We delivered 126 online workshops during the year, reaching more than 1,700 people. To find out more visit [www.lgo.org.uk/training](http://www.lgo.org.uk/training) or get in touch at [training@lgo.org.uk](mailto:training@lgo.org.uk).

Returning to the theme of continuous improvement, we recognise the importance of reflecting on our own performance. With that in mind I encourage you to share your view of our organisation via this survey: <https://www.smartsurvey.co.uk/s/ombudsman/>. Your responses will help us to assess our impact and improve our offer to you. We want to gather a range of views and welcome multiple responses from organisations, so please do share the link with relevant colleagues.

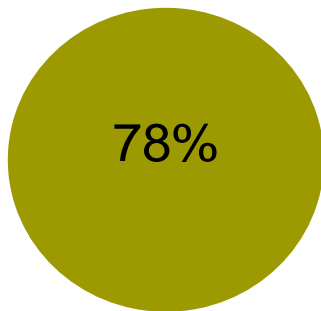
Yours sincerely,



Amerdeep Somal  
Local Government and Social Care Ombudsman  
Chair, Commission for Local Administration in England



### Complaints upheld



**78%** of complaints we investigated were upheld.

This compares to an average of **79%** in similar organisations.

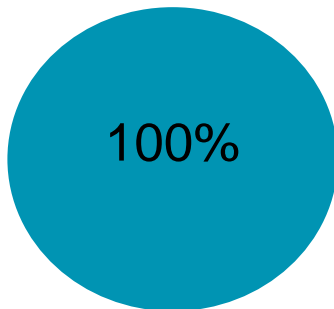
**7**  
upheld decisions

This is 3.4 upheld decisions per 100,000 residents.

The average for authorities of this type is 4.6 upheld decisions per 100,000 residents.

Statistics are based on a total of **9** investigations for the period between 1 April 2023 to 31 March 2024

### Compliance with Ombudsman recommendations



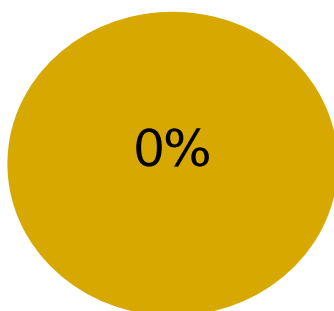
In **100%** of cases we were satisfied the organisation had successfully implemented our recommendations.

This compares to an average of **100%** in similar organisations.

Statistics are based on a total of **6** compliance outcomes for the period between 1 April 2023 to 31 March 2024

- Failure to comply with our recommendations is rare. An organisation with a compliance rate below 100% should scrutinise those complaints where it failed to comply and identify any learning.

### Satisfactory remedy provided by the organisation



In **0%** of upheld cases we found the organisation had provided a satisfactory remedy before the complaint reached the Ombudsman.

This compares to an average of **13%** in similar organisations.

**0**  
satisfactory remedy decisions

Statistics are based on a total of **7** upheld decisions for the period between 1 April 2023 to 31 March 2024

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Reference	Authority	Category	Received
22018188	City of York Council	Highways & Transport	23/06/23
23000020	City of York Council	Corporate & Other Services	06/04/23
23000216	City of York Council	Planning & Development	12/04/23
23000524	City of York Council	Housing	18/04/23
23000530	City of York Council	Planning & Development	18/04/23
23000736	City of York Council	Housing	20/04/23
23001150	City of York Council	Education & Childrens Services	14/08/23
23001684	City of York Council	Highways & Transport	12/05/23
23002454	City of York Council	Highways & Transport	25/05/23
23002531	City of York Council	Planning & Development	26/05/23
23002741	City of York Council	Planning & Development	01/06/23
23003514	City of York Council	Corporate & Other Services	14/06/23
23003984	City of York Council	Education & Childrens Services	13/07/23
23005149	City of York Council	Environmental Services & Public Protection & Regulation	13/07/23
23005159	City of York Council	Housing	13/07/23
23005471	City of York Council	Highways & Transport	19/07/23
23005908	City of York Council	Benefits & Tax	26/07/23
23006207	City of York Council	Benefits & Tax	31/07/23
23006625	City of York Council	Highways & Transport	07/08/23
23007320	City of York Council	Environmental Services & Public Protection & Regulation	16/08/23
23007897	City of York Council	Corporate & Other Services	18/10/23
23009888	City of York Council	Housing	14/11/23
23011019	City of York Council	Adult Care Services	19/10/23
23011051	City of York Council	Planning & Development	20/10/23
23011530	City of York Council	Environmental Services & Public Protection & Regulation	23/10/23
23011812	City of York Council	Adult Care Services	01/11/23
23019379	City of York Council	Planning & Development	29/02/24
23011844	City of York Council	Education & Childrens Services	01/11/23
23013197	City of York Council	Benefits & Tax	21/11/23
23013454	City of York Council	Adult Care Services	26/01/24
23013979	City of York Council	Education & Childrens Services	13/12/23
23014405	City of York Council	Education & Childrens Services	11/01/24

23014467	City of York Council	Planning & Development	12/12/23
23016269	City of York Council	Housing	29/02/24
23015981	City of York Council	Adult Care Services	17/01/24
23016035	City of York Council	Planning & Development	16/01/24
23016138	City of York Council	Corporate & Other Services	15/02/24
23016368	City of York Council	Education & Childrens Services	06/02/24
23016432	City of York Council	Benefits & Tax	19/01/24
23016698	City of York Council	Planning & Development	25/01/24
23017119	City of York Council	Environmental Services & Public Protection & Regulation	31/01/24
23017432	City of York Council	Highways & Transport	29/02/24
23017967	City of York Council	Adult Care Services	13/02/24
23018048	City of York Council	Education & Childrens Services	15/02/24
23019133	City of York Council	Benefits & Tax	27/02/24
23019220	City of York Council	Adult Care Services	05/03/24
23019266	City of York Council	Adult Care Services	29/02/24
23019517	City of York Council	Housing	04/03/24
23020075	City of York Council	Environmental Services & Public Protection & Regulation	12/03/24

Reference	Authority	Category	Decided	Decision	Decision Reason	Remedy	Service improvement recommendations
22012570	City of York Council	Planning & Development	20/04/23	Upheld	fault & inj	Apology, Financial redress: Avoidable distress/time and trouble, New appeal/review or reconsidered decision, Provide training and/or guidance, Procedure or policy change/review	The Council will remind officers dealing with complaints of the need to ensure the relevant records are checked so complaint responses do not contain inaccurate information. The Council will put a procedure in place to ensure building control officers keep clear records of visits and telephone conversations.
22015072	City of York Council	Adult Care Services	15/11/23	Upheld	fault & inj	Apology, Financial redress: Avoidable distress/time and trouble, Procedure or policy change/review	The Council will review and amend its policy of not completing Deprivation of Liberty standard authorisations when a person is in hospital.

22015115	City of York Council	Housing	18/07/23	Upheld	fault & inj	Apology, Financial redress: Avoidable distress/time and trouble, Procedure or policy change/review	Review its record keeping procedures to ensure appropriate guidance and reminders are sent to relevant staff to ensure the Council updates information about risks such as domestic abuse and restraining orders on applicants' files. This is to ensure the Council is aware of such risks when properties are offered and avoids offering properties in areas where the applicant would be placed at risk of domestic abuse or other risks.
22017655	City of York Council	Adult Care Services	28/06/23	Upheld	fault & inj	New appeal/review or reconsidered decision, Apology, Financial redress: Avoidable distress/time and trouble	
22018188	City of York Council	Highways & Transport	11/07/23	Closed after initial enquiries	No worthwhile outcome achievable by investigation		
23000020	City of York Council	Corporate & Other Services	06/04/23	Referred back for local resolution	Premature Decision - advice given		
23000216	City of York Council	Planning & Development	24/05/23	Closed after initial enquiries	No worthwhile outcome achievable by investigation		
23000524	City of York Council	Housing	18/04/23	Advice given	Signpost - go to complaint handling		

23000530	City of York Council	Planning & Development	18/04/23	Referred back for local resolution	Premature Decision - advice given		
23000736	City of York Council	Housing	20/04/23	Advice given	Signpost - go to complaint handling		
23001150	City of York Council	Education & Childrens Services	27/02/24	Upheld	fault & inj	Financial redress: Avoidable distress/time and trouble,New appeal/review or reconsidered decision,Provide training and/or guidance	The Council will remind relevant social workers to manage expectations and to be mindful of how they communicate with carers about financial offers which remain subject to management approval. This could be through a briefing paper, team meeting or part of a training session. The Council will remind those involved in statutory children's complaint investigations, and investigating officers, of the timescales in the statutory guidance. This could be through a briefing paper, team meeting or part of a training session.
23001684	City of York Council	Highways & Transport	05/06/23	Closed after initial enquiries	Not warranted by alleged fault		
23002454	City of York Council	Highways & Transport	29/06/23	Closed after initial enquiries	Not warranted by alleged fault		
23002531	City of York Council	Planning & Development	15/06/23	Closed after initial enquiries	26B(2) not made in 12 months		

23002741	City of York Council	Planning & Development	04/09/23	Not Upheld	Other agency better placed		
23003514	City of York Council	Corporate & Other Services	03/07/23	Closed after initial enquiries	Not warranted by alleged fault		
23003984	City of York Council	Education & Childrens Services	22/08/23	Closed after initial enquiries	Not warranted by alleged injustice		
23005149	City of York Council	Environmental Services & Public Protection & Regulation	13/07/23	Referred back for local resolution	Premature Decision - advice given		
23005159	City of York Council	Housing	13/07/23	Advice given	Signpost - go to complaint handling		
23005471	City of York Council	Highways & Transport	20/07/23	Closed after initial enquiries	26(6)(c) Court remedy		
23005908	City of York Council	Benefits & Tax	05/09/23	Referred back for local resolution	Premature Decision - referred to Organisation		
23006207	City of York Council	Benefits & Tax	13/10/23	Closed after initial enquiries	At request of complainant		
23006625	City of York Council	Highways & Transport	05/01/24	Not Upheld	no fault		
23007320	City of York Council	Environmental Services & Public Protection & Regulation	15/01/24	Upheld	fault & inj	Apology, Financial redress: Avoidable distress/time and trouble, Provide training and/or guidance	The Council will share the Ombudsman's guidance on effective complaint handling for local authorities with relevant officers and managers. This will help to ensure complaints are investigated and followed up, where necessary, in a robust manner.



23007897	City of York Council	Corporate & Other Services	10/11/23	Closed after initial enquiries	No worthwhile outcome achievable by investigation		
23011051	City of York Council	Planning & Development	20/10/23	Referred back for local resolution	Premature Decision - advice given		
23011530	City of York Council	Environmental Services & Public Protection & Regulation	05/03/24	Upheld	fault & inj	Apology, Financial redress: Avoidable distress/time and trouble, Provide services to person affected, Procedure or policy change/review	Review the Council's process for issuing reminders to the waste crews to identify any improvements in how it carries out its assisted collection service
23011812	City of York Council	Adult Care Services	04/12/23	Closed after initial enquiries	Not warranted by alleged injustice		
23013197	City of York Council	Benefits & Tax	21/11/23	Referred back for local resolution	Premature Decision - advice given		
23013979	City of York Council	Education & Childrens Services	16/02/24	Referred back for local resolution	Premature Decision - referred to Organisation		
23014405	City of York Council	Education & Childrens Services	23/02/24	Closed after initial enquiries	Sch 5.1 court proceedings		
23014467	City of York Council	Planning & Development	30/01/24	Closed after initial enquiries	S27 not by member of the public		
23015981	City of York Council	Adult Care Services	28/02/24	Closed after initial enquiries	No worthwhile outcome achievable by investigation		
23016035	City of York Council	Planning & Development	01/03/24	Closed after initial enquiries	Not warranted by alleged injustice		
23016368	City of York Council	Education & Childrens Services	19/02/24	Referred back for local resolution	Premature Decision - referred to Organisation		

23016432	City of York Council	Benefits & Tax	02/02/24	Referred back for local resolution	Premature Decision - referred to Organisation		
23016698	City of York Council	Planning & Development	21/02/24	Referred back for local resolution	Premature Decision - referred to Organisation		
23017119	City of York Council	Environmental Services & Public Protection & Regulation	01/03/24	Closed after initial enquiries	Not warranted by alleged fault		
23017432	City of York Council	Highways & Transport	27/03/24	Closed after initial enquiries	Not warranted by alleged fault		
23017967	City of York Council	Adult Care Services	13/02/24	Incomplete/Invalid	Insufficient information to proceed and PA advised		
23019517	City of York Council	Housing	06/03/24	Referred back for local resolution	Premature Decision - referred to Organisation		

Reference	Authority	Category	Decided	Remedy	Remedy Target Date	Remedy Achieved Date	Satisfaction with Compliance
22011700	City of York Council	Environmental Services & Public Protection & Regulation	09/03/23	Apology Financial redress: Avoidable distress/time and trouble Provide training and/or guidance New appeal/review or reconsidered decision	06/04/23	02/04/23	Remedy complete and satisfied
22012570	City of York Council	Planning & Development	19/04/23	Apology Financial redress: Avoidable distress/time and trouble New appeal/review or reconsidered decision Provide training and/or guidance Procedure or policy change/review	20/07/23	29/06/23	Remedy complete and satisfied
22015072	City of York Council	Adult Care Services	15/11/23	Apology Financial redress: Avoidable distress/time and trouble Procedure or policy change/review	15/01/24	15/01/24	Remedy complete and satisfied
22015115	City of York Council	Housing	17/07/23	Apology Financial redress: Avoidable distress/time and trouble Procedure or policy change/review	18/09/23	17/09/23	Remedy complete and satisfied
22017655	City of York Council	Adult Care Services	27/06/23	New appeal/review or reconsidered decision Apology Financial redress: Avoidable distress/time and trouble	26/07/23	09/08/23	Remedy completed late
23007320	City of York Council	Environmental Services & Public Protection & Regulation	15/01/24	Apology Financial redress: Avoidable distress/time and trouble Provide training and/or guidance	12/02/24	14/02/24	Remedy complete and satisfied

## Explanatory notes

### Cases received

Cases with a recorded received date between 1 April 2023 and 31 March 2024. Status as of 9 April 2024.

### Cases decided

Cases with a recorded decision date between 1 April 2023 and 31 March 2024. Status as of 9 April 2024. Some cases may have been reopened since that date, with either a decision outcome pending or a new decision outcome recorded.

We report our decisions by the following outcomes:

**Invalid or incomplete:** We were not given enough information to consider the issue.

**Advice given:** We provided early advice or explained where to go for the right help.

**Referred back for local resolution:** We found the complaint was brought to us too early because the organisation involved was not given the chance to consider it first.

**Closed after initial enquiries:** We assessed the complaint but decided against completing an investigation. This might be because the law says we're not allowed to investigate it, or because it would not be an effective use of public funds if we did.

**Upheld:** We completed an investigation and found evidence of fault, or we found the organisation accepted fault early on.

**Not upheld:** We completed an investigation but did not find evidence of fault.

### Compliance outcomes

Cases with a recorded remedy achieved date between 1 April 2023 and 31 March 2024. Status as of 15 May 2024. The relevant date is the date of compliance with the recommendations (for example, the date on an apology letter) rather than the date the evidence is provided to us. If we were notified after 15 May 2024 of a remedy achieved before 31 March 2024, this will not be included here.

Some cases may be marked as 'Remedy completed late' even when the remedy achieved date is before the remedy target date. This happens because the target date covers all remedies (service improvements and personal remedies). As service improvements often have a longer timescale for completion, we will mark a case as 'completed late' where this longer timescale is met, but the personal remedy was provided late.

**LGSCO performance breakdown**

LGSCO annual letter/ performance April 2023 to March 2024	Year ending March 2022	Year ending March 2023	Year ending March 2024
<b>Total cases LGSCO received</b>	71	64	49
<b>Total cases LGSCO decided</b>	71	74	41
<b>Decision - advice given</b>	4	7	3
<b>Decision - closed after initial enquiries</b>	29	38	17
<b>Decision - incomplete or invalid</b>	2	1	1
<b>Decision - not upheld</b>	3	3	2
<b>Decision - not upheld % (of total decided cases)</b>	4.22%	4.05%	4.87%
<b>Decision - not upheld % (of total received cases)</b>	---	---	4.08%
<b>Decision - referred back for local resolution</b>	14	6	11
<b>Decision - upheld</b>	19	19	7
<b>Decision - upheld % (of total decided cases)</b>	26.76%	25.67%	17.07%
<b>Decision - upheld % (of total received cases)</b>			14.28%
<b>Compliance total</b>	12	17	6
<b>Compliance - remedy completed / satisfied</b>	12	15	5
<b>Compliance - remedy completed in time</b>	10	15	5
<b>Compliance - remedy completed late</b>	2	2	1
<b>Compliance - remedy completed late %</b>	16.67%	11.76%	16.67%
<b>Compliance late - comments</b>	16 days late and 25 days late	----	2 days late
<b>Compliance rate with recommendations</b>			100%
<b>NB – LGSCO publishes % for complaints upheld using only the number of investigations/detailed cases and not the total they receive or decide on</b>	22	22	9 investigations and 7 upheld
<b>% upheld</b>	86.36%	86.36%	78%
<b>% not upheld</b>	13.64%	13.64%	22%

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# Data Security and Protection Toolkit

2023-24 (version 6)

**CITY OF YORK COUNCIL**

West Offices, Station Rise, York, England, YO1 6GA



**Standards  
met**

Date of publication: 10 June 2024 (valid to: 30 June 2025)

This organisation has completed a Data Security and Protection Toolkit self-assessment to demonstrate it is practising good data security and that personal information is handled correctly.

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<b>Meeting:</b>	Audit & Governance Committee
<b>Meeting date:</b>	04/09/2024
<b>Report of:</b>	Debbie Mitchell, Director of Finance (S151 Officer)
<b>Portfolio of:</b>	Councillors Lomas and Baxter (job-share), Executive Members for Finance, Performance, Major Projects, Human Rights, Equality and Inclusion

## **Audit and Governance Committee Report: Monitors 1&2 2024/25 – Key Corporate Risks**

### **Subject of Report**

1. The purpose of this paper is to present Audit & Governance Committee (A&G) with an update on the key corporate risks (KCRs) for City of York Council (CYC), which is included at Annex A.

### **Policy Basis**

2. The effective consideration and management of risk within all of the council's business processes helps support the administration's key commitments and priorities as outlined in the Council Plan 2023-2027.

### **Recommendation and Reasons**

3. Audit and Governance Committee are asked to:
  - a) consider and comment on the key corporate risks included at Annex A, summarised at Annex B;
  - b) consider the proposal at para 20 to conduct an in-depth review of each KCR over the forthcoming monitors;
  - c) provide feedback on any further information that they wish to see on future committee agendas.

Reason: To provide assurance that the authority is effectively understanding and managing its key risks.

## Background

4. The role of A&G in relation to risk management covers three major areas;
  - Assurance over the governance of risk, including leadership, integration of risk management into wider governance arrangements and the top level ownership and accountability for risk
  - Keeping up to date with the risk profile and effectiveness of risk management actions; and
  - Monitoring the effectiveness of risk management arrangements and supporting the development and embedding of good practice in risk management
  
5. Risks are usually identified in three ways at the Council;
  - A risk identification workshop to initiate and/or develop and refresh a risk register. The risks are continually reviewed through directorate management teams (DMT) sessions.
  - Risks are raised or escalated on an ad-hoc basis by any employee
  - Risks are identified at DMT meetings
  
6. Due to the diversity of services provided, the risks faced by the authority are many and varied. The Council is unable to manage all risks at a corporate level and so the main focus is on the significant risks to the council's objectives, known as the key corporate risks (KCRs).
  
7. The corporate risk register is held on a system called Magique. The non KCR risks are specific to the directorates and consist of both strategic and operational risk. Operational risks are those which affect day to day operations and underpin the directorate risk register. All operational risk owners are required to inform the risk officer of any updates.
  
8. In addition to the current KCRs, in line with the policy, risks identified by any of the Directorates can be escalated to Council Management Team (CMT) for consideration as to whether they should be included as a KCR. KCRs are reported and discussed quarterly with CMT and Portfolio Holders.

## Key Corporate Risk (KCR) update

9. There are currently 12 KCRs which are included at Annex A in further detail, alongside progress to addressing the risks.
10. Annex B is a one page summary of all the KCR's and their current gross and net risk ratings.
11. In summary the key risks to the Council are:
  - KCR1 – Financial Pressures: The Council's increasing collaboration with partnership organisations and ongoing government funding cuts will continue to have an impact on Council services
  - KCR2 – Governance: Failure to ensure key governance frameworks are fit for purpose.
  - KCR3 – Effective and Strong Partnership: Failure to ensure governance and monitoring frameworks of partnership arrangements are fit for purpose to effectively deliver outcomes.
  - KCR4 – Changing Demographics: Inability to meet statutory deadlines due to changes in demographics
  - KCR5 – Safeguarding: A vulnerable child or adult with care and support needs is not protected from harm
  - KCR6 – Health and Wellbeing: Failure to protect the health of the local population from preventable health threats.
  - KCR7 – Capital Programme: Failure to deliver the Capital Programme, which includes high profile projects
  - KCR8 - Local Plan: Failure to develop a Local Plan could result in York losing its power to make planning decisions and potential loss of funding
  - KCR9 – Communities: Failure to ensure we have resilient, cohesive, communities who are empowered and able to shape and deliver services.
  - KCR10 – Workforce Capacity: Reduction in workforce/ capacity may lead to a risk in service delivery.
  - KCR11 – External market conditions: Failure to deliver commissioned services due to external market conditions.
  - KCR12 – Major Incidents: Failure to respond appropriately to major incidents.
12. Risks are scored at gross and net levels. The gross score assumes controls are in place such as minimum staffing levels or

minimum statutory requirements. The net score will take into account any additional measures which are in place such as training or reporting. The risk scoring matrix is included at Annex C for reference.

13. The following matrix categorises the KCRs according to their net risk evaluation. To highlight changes in each during the last quarter, the number of risks as at the previous monitor are shown in brackets.

<b>Impact</b>					
Critical					
Major		1 (1)	5 (5)	1 (1)	
Moderate		1 (1)	3 (3)	1 (1)	
Minor					
Insignificant					
<b>Likelihood</b>	Remote	Unlikely	Possible	Probable	Highly Probable

14. By their very nature, the KCRs remain reasonably static with any movement generally being in further actions that are undertaken which strengthen the control of the risk further or any change in the risk score. In summary, key points to note are as follows;

- New Risks- No new KCRs have been added since the last monitor
- Increased Risks – No KCRs have increased their net risk score since the last monitor
- Removed Risks – No KCRs have been removed since the last monitor
- Reduced Risks – No KCRs have reduced their net risk score since the last monitor

### **Updates to KCR risks, actions and controls**

15. KCR 1- Financial Pressures: a new action has been added to reflect the work on the Corporate Improvement Framework relating to budget management, this is targeted at completion in January 2025

16. KCR 2 – Governance: the title has been restored as *Governance* following the discussion at the July A&G meeting. A revised date has been added to the ongoing action assigned to this risk.
17. KCR 8 – Local Plan: Further revisions to the target dates have been made to align with the revised timetable of the Local Plan approval. This follows on from the latest consultation due to finish at the end of August.
18. KCR 9 – Communities: A revised date has been set for the action to establish an Equalities & Inclusion team (31<sup>st</sup> December 2024). Progress has been made now that the JD for the manager role has been approved and so the recruitment exercise can begin.
19. KCR 10 – Workforce/Capacity: All ongoing actions have been reviewed and revised dates set. Similar to the action for KCR1 a new action has been added relating to the Corporate Improvement Framework.

### **Proposal for In-depth reviews**

20. In order to enhance the scrutiny of the key corporate risks by the A&G committee, it is proposed that a cycle of in-depth reviews is started at the next monitor, whereby one KCR is reviewed in detail and the risk owner attends that meeting to assist with the conversation. It is hoped that this will not only allow time for the risk to be discussed in full but also assist members' understanding of that risk at the present time. This cyclical approach was last taken in 2022 and was effective when undertaken then.
21. If Members agree then we will commence with KCR 1 at the A&G meeting in January 2025 as part of the Monitor 3 review.

### **Consultation Analysis**

22. Not applicable

### **Risks and Mitigations**

23. In compliance with the council's Risk Management Strategy, there are no risks directly associated with the recommendations of this report. The activity resulting from this report will contribute to improving the council's internal control environment.

## Contact details

For further information please contact the authors of this Report.

### Author

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<b>Report approved:</b>	Yes
<b>Date:</b>	23/08/2024

### Background papers

None

### Annexes

- Annex A: Key Corporate Risk Register
- Annex B: Summary of Key Corporate Risks
- Annex C: Risk Scoring Matrix

### Abbreviations

A&G - Audit & Governance Committee

DMT - Directorate Management Team

CYC – City of York Council

KCRs - Key Corporate Risks

**Changes to Risk Register since last update (June 2024)**

<b>Key Corporate Risk</b>	<b>Changes</b>
KCR1 Financial Pressures	New action added relating the Corporate Improvement Framework
KCR2 Governance	KCR title update. Revised date for ongoing action.
KCR3 Effective and Strong Partnerships	No updates, ongoing monitoring of current controls
KCR4 Changing Demographics	No updates, ongoing monitoring of current controls
KCR5 Safeguarding	Minor updates to control wording.
KCR6 Health and Wellbeing	No updates, ongoing monitoring of current controls
KCR7 Capital Programme	No updates at this monitor
KCR8 Local Plan	Action progress provided; revised dates set
KCR9 Communities	Revised date for action to establish the equalities team
KCR10 Workforce (incl Health & Safety)	Revised dates for ongoing actions; new action relating to the Corporate Improvement Framework
KCR11 External Market Conditions	No updates at this monitor
KCR12 Major Incidents	No updates at this monitor

**ANNEX A**  
**KEY CORPORATE RISK REGISTER AT SEPTEMBER 2024**

**KCR 1 FINANCIAL PRESSURES: The ongoing government funding cuts and the impact of the cost of living crisis will continue to have an impact on council services.** Over the course of the last 10 years there has been a substantial reduction in government grants leading to significant financial savings delivered. The council needs a structured and strategic approach to deliver the savings in order to ensure that any change to service provision is aligned to the council's key priorities. In addition, other partner organisations are facing financial pressures that impact on the council.

Risk Detail (cause)	Implications (consequence)	Gross Likelihood	Gross Impact	Controls	Net Likelihood	Net Impact	Direction of Travel	Risk Owner and Actions
<p>Reduction in government grants leading to the necessity to make savings</p> <p>Election of new government results in changes to local government settlement</p> <p>Increased service demand and costs (for example an aging population).</p> <p>Financial pressures on other partners that impact on the council</p> <p>The spending review is one year only for 2023/24 and 2024/25</p> <p>Lasting financial impact of the pandemic on the economy as a whole</p> <p>Increased severity and frequency of climate hazard events (e.g. flooding)</p>	<p>Potential major implications on service delivery</p> <p>Impacts on vulnerable people</p> <p>Spending exceeds available budget</p> <p>Lack of long term funding announcements from central government creates uncertainty which hinders long term financial planning</p> <p>Lack of long term funding announcements from central government may impact on staff retention as it creates uncertainty for temporary posts funded by external funding</p> <p>An economic downturn will affect the Council's main sources of funding; reducing business rates income if premises are vacant and reducing council tax income if more individuals require support due to unemployment.</p>	Highly Probable	Major (21)	<p>Regular budget monitoring</p> <p>Effective medium term planning and forecasting</p> <p>Chief finance officer statutory assessment of balanced budget</p> <p>Regular communications on budget strategy and options with senior management and politicians</p> <p>Skilled and resourced finance and procurement service, supported by managers with financial awareness.</p> <p>Climate change mitigation and adaptation programme</p> <p>Financial Strategy 2024/25 approved.</p> <p>Cost control measures are in place including ceasing non-essential spend</p> <p>Monthly cost control panels are held by the Council's statutory officers</p> <p>Corporate Improvement Framework has been established.</p>	Probable	Major (20)	Completed action; new action	<p><b>RISK OWNER: Debbie Mitchell</b></p> <p>Development of Financial strategy for 2025/26  (Debbie Mitchell, 31/01/2025)</p> <p><b>NEW</b> The action plan for the Corporate Improvement Framework includes an action to improve financial literacy. This will include training where appropriate.  (Debbie Mitchell 31/01/25)</p>



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Risk Detail (cause)	Implications (consequence)	Gross Likelihood	Gross Impact	Controls	Net Likelihood	Net Impact	Direction of Travel	Risk Owner and Actions
<p>Inflation falls slower than anticipated or starts to rise again</p> <p>Increased risk of UK recession</p> <p>General cost pressures due to impact of Ukraine conflict.</p> <p>UK Bank of England Interest rate expected to remain high until late 2024</p>	<p>Increased cost of responding to emergency situations, as a result of climate change, and impact on service delivery.</p> <p>Increased interest rates and the continued impact of inflation will reduce the overall funding available to the Council and may therefore lead to reductions in service levels in some areas.</p> <p>Council is unable to set a balanced budget or is required to request exceptional financial support from central government</p>							

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**KCR 2 GOVERNANCE: Failure to ensure key governance frameworks are fit for purpose.** With the current scale and pace of transformation taking place throughout the organisation it is now more important than ever that the council ensures that its key governance frameworks are strong particularly those around statutory compliance including information governance and transparency.

Risk Detail (cause)	Implications (consequence)	Gross Likelihood	Gross Impact	Controls	Net Likelihood	Net Impact	Direction of Travel	Risk Owner and Actions
<p>Increased interactions in relation to FOIA and transparency, and failures to adhere to statutory timescales for responses.</p> <p>Failure to comply with data protection and privacy legislation</p>	<p>Increases in cases held or fines levied by Information Commissioner</p> <p>Failing to meet the legal timescales for responding to FOIA may result in reduced confidence in the council's ability to deal with FOIA and in turn, its openness and transparency</p> <p>Individuals will be at risk of committing criminal offences if they knowingly or recklessly breach the requirements of the GDPR legislation.</p> <p>Potential increased costs to the council if there are successful individual claims for compensation as a result of a breach of GDPR legislation.</p> <p>Impact on the end user/customer</p> <p>Adverse media/ social media coverage</p> <p>Reputational impact</p>	Probable	Major (20)	<p>Electronic Communication Policy</p> <p>IT security systems in place</p> <p>Governance, Risk and Assurance Group (GRAG) covers a wide range of governance issues</p> <p>Regular Internal Audit reviews of information security including physical data security for the Council.</p> <p>Regular monitoring reports to Audit &amp; Governance committee and Executive Member decision sessions</p> <p>Open Data platform providing Freedom of Information (FOI) requested data</p> <p>Regular review of transparency code legislation and compliance</p> <p>Ongoing management of data architecture to provide de-personalised data to open data platform</p>	Possible	Major (19)	Revised date	<p><b>RISK OWNER:</b> <b>Bryn Roberts</b></p> <p><b>REVISED DATE</b> Ongoing review: Continued implementation and embedding of relevant elements from the action plan.</p> <p>This is further supplemented by additional work by the LGA through the Peer Review to ensure improved member-officer relations and greater emphasis on due corporate governance.</p> <p>(Bryn Roberts 30/09/2024)</p>

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**KEY CORPORATE RISK REGISTER AT SEPTEMBER 2024**

Risk Detail (cause)	Implications (consequence)	Gross Likelihood	Gross Impact	Controls	Net Likelihood	Net Impact	Direction of Travel	Risk Owner and Actions
				<p>Public Protection Annual Control Strategy</p> <p>Additional resource, training and improved processes to deal with FOIA requests</p> <p>All officer and delegated decisions are reported publicly to Executive/ A&amp;G to ensure transparency</p> <p>Ongoing regular review of internal audit reviews and recommendations</p> <p>SIRO role has changed to Director of Governance and the relationship between the Senior Information Risk Officer (SIRO) and the Caldicott Guardian is being strengthened</p> <p>Customer Complaints toolkit has been reviewed and reports to A&amp;G</p> <p>Governance training provided for Directors</p> <p>Process for consistent completion of Data Protection Impact Assessments (DPIA) has been circulated across the council</p>				

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**KEY CORPORATE RISK REGISTER AT SEPTEMBER 2024**

Risk Detail (cause)	Implications (consequence)	Gross Likelihood	Gross Impact	Controls	Net Likelihood	Net Impact	Direction of Travel	Risk Owner and Actions
				<p>Ongoing review of Council constitution.</p> <p>New induction programme for elected members including training in respect of the Code of Conduct and conflict of interests.</p> <p>Members now offered standard ICT equipment which will help to ensure appropriate information security and Information Governance.</p>				

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**KCR 3 EFFECTIVE AND STRONG PARTNERSHIPS: Failure to ensure partnership arrangements are fit for purpose to effectively deliver outcomes.** In order to continue to deliver good outcomes and services, the council will have to enter into partnerships with a multitude of different organisations whether they are public, third sector or commercial entities. The arrangements for partnership working need to be clear and understood by partners to ensure they deliver the best possible outcomes.

Risk Detail (cause)	Implications (consequence)	Gross Likelihood	Gross Impact	Controls	Net Likelihood	Net Impact	Direction of Travel	Risk Owner and Actions
<p>Failure to effectively monitor and manage partnerships</p> <p>Partner (especially NHS, Academies) financial pressures may affect outcomes for residents</p> <p>Unilateral decisions made by key partners may affect other partners' budgets or services</p> <p>Priorities of the newly elected Mayor does not align with council /or city priorities</p> <p>Financial pressure on York and Scarborough Teaching Hospitals NHS Foundation Trust (YTHFT) and the Humber and North Yorkshire Health and Care Partnership ICS Board which may have worsened further due to Covid-19 and the cost of living crisis</p>	<p>Key partnerships fail to deliver or break down</p> <p>Failure to utilise commitment to the city, reduced impact overall impact</p> <p>Misalignment of organisations' ambitions and direction of travel</p> <p>Ability to deliver transformation priorities undermined</p> <p>Adverse impact on service delivery</p> <p>Funding implications</p> <p>Reputational impact</p>	Probable	Major (20)	<p>Account management approach to monitoring key partnerships. CMT identified the 100 organisations who have the most potential to influence or affect organizational and city aims and priority outcomes for residents, and monitors on a quarterly basis. Each Corporate Director and the Chief Executive lead on specific relationships.</p> <p>The Integrated Care System now has a strategy in place that aligns with the Health &amp; Wellbeing Board . The York Place Board will oversee the delivery of this at a Place level. Financial pressure remains, with a newly established joint Commissioning Group chaired by the Director of Public Health however the Council, ICS and the Acute Trust work together to reduce delays increase flow to reduce escalation beds and increase staffing.</p> <p>Policy groups and arrangements with the newly established MCA to focus on key themes (housing, transport etc.,) with the Strategy and Partnerships team maintaining a central coordination role, with the approved "pipeline" confirming areas of focus.</p>	Possible	Moderate (14)	No change	<p><b>RISK OWNERS: Claire Foale</b></p> <p>No current actions, ongoing monitoring of current controls</p>

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Risk Detail (cause)	Implications (consequence)	Gross Likelihood	Gross Impact	Controls	Net Likelihood	Net Impact	Direction of Travel	Risk Owner and Actions
Cumulative impacts of the pandemic and cost of living crisis and a reduction in volunteering on voluntary and community sector				<p>Internal co-ordination such as Creating Resilient Communities Working Group (CRCWG) meet regularly to understand which areas of the council are working with different partners and what is happening across these agendas (including overall monitoring of arrangements with voluntary &amp; community sector as part of prevention and early help work)</p> <p>Commissioners and the NHS place directors are working closely to deliver a number of key joint services across health and social care.</p> <p>The York Health and Care Board is now in place chaired by Ian Floyd, which supports an integrated decision-making approach across organisations</p>				

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**KCR 4 CHANGING DEMOGRAPHICS: Inability to meet statutory duties due to changes in demographics.** York has a rapidly changing demographic in relation to both residents and business. This brings with it significant challenges particularly in the delivery of adult social care and children’s services. The council needs to ensure that community impacts are planned for and resourced.

Risk Detail (cause)	Implications (consequence)	Gross Likelihood	Gross Impact	Controls	Net Likelihood	Net Impact	Direction of Travel	Risk Owner and Actions
<p>Development and regeneration makes York more desirable and accessible to residents, students and business, resulting in increasing inward migration to York.</p> <p>An increase in the aging population requiring services from the council</p> <p>Increase in complexity of needs as people get older</p> <p>Increase in people living with dementia</p> <p>Increase in ethnic diversity of the population means that the council has to understand the needs of different communities in relation to how services are delivered</p> <p>Growing number of people with SEND or complex needs living into adulthood</p>	<p>Increased service demand from residents, including; statutory school placements, SEND, mental health, adult social care and environmental services (eg waste collection)</p> <p>Increased service demand in relation to business (e.g. Regulation, Planning)</p> <p>Impact of additional demands cause significant financial and delivery challenges, such as a rise in delayed discharges, deterioration of people in the community awaiting elective surgery as well as increases in the number of people requiring care as the population ages</p> <p>Reputational impact as these mainly impact high risk adult and children’s social care service areas</p> <p>Unable to recruit workers in key service areas e.g. care worker</p>	Probable	Major (20)	<p>Place planning strategy to ensure adequate supply of school places</p> <p>DfE returns and school population reported every 6 months</p> <p>Local area working structures in frontline services, including Early intervention initiatives and better self-care</p> <p>Assessment and Care management review complete, to better manage adult social care demand on CYC based on community led support</p> <p>Advice and Information Strategy complete, to provide residents with direct access to support and services, to better manage adult social care demand on CYC, resulting in the launch of Livewell York</p> <p>Investment in support brokerage work with NHS integrated commissioning</p> <p>Stakeholder and officer group, to create a more connected and integrated health and social care system.</p> <p>Officer caseload monitoring</p>	Possible	Major (19)	No change	<p><b>RISK OWNER: SARA STOREY</b></p> <p>No current actions, ongoing monitoring of current controls</p>

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Risk Detail (cause)	Implications (consequence)	Gross Likelihood	Gross Impact	Controls	Net Likelihood	Net Impact	Direction of Travel	Risk Owner and Actions
<p>Demographic of workforce supply unable to meet workforce demand</p> <p>Failure to plan for the impact of a rapid change in demographics to front line service provision</p> <p>The impact of the cost of living crisis may disproportionately affect certain demographics; eg BAME and the older community are more likely to suffer health issues, younger people by job losses</p>	<p>To ensure that decisions made in relation to cost of living support are taken with a recognition of the different impacts on certain demographics</p>			<p>Internal co-ordination such as Creating Resilient Communities Working Group (CRCWG)</p> <p>Establishing a “preparing for adulthood and LD/Autism lead” to ensure smooth transition</p> <p>York Skills Plan</p> <p>The Education Planning Team have completed a review of demographic data to determine the impact on schools</p> <p>Community Impact Assessments are carried out before decision making</p> <p>Redesign and implementation of new arrangements for early help and prevention</p> <p>Ongoing analysis of the Local Plan and Major development projects demographic data to determine the impact on all CYC services.</p> <p>The Covid 19 review ensures that lessons are learned, links to the population hub providing access to the right data ensure services and support is delivered across localities to reduce inequalities</p>				



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Risk Detail (cause)	Implications (consequence)	Gross Likelihood	Gross Impact	Controls	Net Likelihood	Net Impact	Direction of Travel	Risk Owner and Actions
				Financial Inclusion Strategy monitored by the Financial Inclusion Steering Group  CYC specific Anti Racism Strategy, Action Plan and Pledge  Support early intervention through the frailty hub, working alongside health colleagues  New Transition Strategy established				

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**KCR 5 SAFEGUARDING: A vulnerable child or adult with care and support needs is not protected from harm.** Ensuring that vulnerable adults and children in the city are safe and protected is a key priority for the council. The individual, organizational and reputational implications of ineffective safeguarding practice are acute.

Risk Detail (cause)	Implications (consequence)	Gross Likelihood	Gross Impact	Controls	Net Likelihood	Net Impact	Direction of Travel	Risk Owner and Actions
<p>Failure to protect a child or vulnerable adult from death or serious harm (where service failure is a factor)</p> <p>Potential for an increased demand on Children's and Adult services following the pandemic</p> <p>Failed statutory inspection (CQC/Ofsted)</p> <p>Supply failure within the national care market for children's placements following OFSTED introduction for ages 16-17</p>	<p>Vulnerable person not protected</p> <p>Children's serious case review or lessons learned exercise</p> <p>Safeguarding adults review</p> <p>Reputational damage</p> <p>Serious security risk</p> <p>Financial implications, such as compensation payments</p> <p>Financial and resource implications of an increase in demand as a result of shortage in supply of placements</p> <p>Financial investment required as a result of a failed inspection</p>	Probable	Major (20)	<p>Safeguarding sub groups</p> <p>Multi agency policies and procedures</p> <p>Specialist safeguarding cross sector training</p> <p>Quantitative and qualitative performance management</p> <p>Reporting and governance to lead Member, Chief Executive and Scrutiny</p> <p>Annual self assessment, peer challenge and regulation</p> <p>Audit by Veritau of Safeguarding Adults processes</p> <p>Children's and Adults Safeguarding Boards (LSCB &amp; ASB)</p> <p>Ongoing inspection preparation &amp; peer challenge</p> <p>Local and Regional Data analysis</p> <p>National Prevent process</p> <p>DBS checks and re-checks</p>	Possible	Major (19)	No change	<p><b>RISK OWNERS:</b> <b>Sara Storey &amp; Martin Kelly</b></p> <p>No current actions – ongoing monitoring of current controls</p>

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Risk Detail (cause)	Implications (consequence)	Gross Likelihood	Gross Impact	Controls	Net Likelihood	Net Impact	Direction of Travel	Risk Owner and Actions
				<p>Effectively resourced and well managed service, supported by robust workforce strategy and clear practice model</p> <p>Effective recruitment to senior roles with expert assessment contributing to the process</p> <p>Annual Safeguarding Board annual plan</p> <p>Controls implemented from peer review action plan</p> <p>Chief Officer Group which brings together Chief Officers from relevant organisations in relation to safeguarding eg police, CYC</p> <p><b>REVISED</b> Children's Social Care records system is upgraded. This is monitored by a project board.</p> <p>Ongoing work to ensure capacity is assured to enable any increase in demand to be met after introduction of new OFSTED requirements in children's care homes</p> <p>Use of different methods of contact methods for vulnerable children, such as facetime, alongside working with the DoE and Ofsted</p>				

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Risk Detail (cause)	Implications (consequence)	Gross Likelihood	Gross Impact	Controls	Net Likelihood	Net Impact	Direction of Travel	Risk Owner and Actions
				<p>Improvement Plan for Children's social care in place since 2020</p> <p>Improvement Plan for Adult Social Care to address current budget pressures in place May 2021</p> <p>Increasing internal placement options with York by developing LA operated residential care</p> <p>Increasing targeted advertising to attract Foster Carers and increase capacity</p> <p><b>NEW</b> Adults Safeguarding Board Manager is in post</p>				

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**KEY CORPORATE RISK REGISTER AT SEPTEMBER 2024**

**KCR 6 HEALTH AND WELLBEING:** Failure to protect the health of the local population from preventable health threats through preventable control measures.

Risk Detail (cause)	Implications (consequence)	Gross Likelihood	Gross Impact	Controls	Net Likelihood	Net Impact	Direction of Travel	Risk Owner and Actions
<p>Failure to protect the health of citizens against preventable disease by ensuring appropriate levels of vaccination, immunisation and screening.</p> <p>Failure to ensure there are plans in place to respond to wide-scale impacts on the health of citizens from future pandemics, infectious diseases, new and emerging drug trends, environmental hazards and the health impacts of adverse weather impacts</p> <p>The impact of the non or late diagnosis of health issues due to the impact of Covid-19 and cost of living increases, healthcare service pressures e.g. waiting lists or wider societal changes.</p> <p>Failure to protect citizens from the adverse health impacts of climate change</p>	<p>Likelihood of mass disease outbreaks</p> <p>Risk to life of chemical, biological or radiological hazard</p> <p>Late diagnosis &amp; delay in treatment of health conditions that could be prevented through eg healthier lifestyles, healthier living conditions eg housing, or identified earlier through routine screening e.g. breast &amp; cervical cancer, diabetic sight loss</p> <p>Reduction in life expectancy and quality of life</p> <p>Increase in health inequalities between population groups in the city</p>	Probable	Major (20)	<p>York Health Protection Committee is established with good engagement with partners locally and regionally.</p> <p>The Health Protection Committee will produce an Annual Health Protection Report for CYC Executive to approve</p> <p>Health protection governance arrangements are subject to regular inspection through the internal audit cycle.</p> <p>Emergency Preparedness arrangements including NYLRF arrangements, plans and exercises</p> <p>Mass vaccination programme for flu and Covid 19</p> <p>The 2022-2032 Health and Wellbeing Strategy sets 10 clear population health goals to improve health and the conditions which create health</p> <p>Climate change mitigation and adaptation programme</p>	Probable	Moderate (15)	No change	<p><b>RISK OWNER: PETER RODERICK</b></p> <p>No current actions, continuous monitoring of controls.</p>

**ANNEX A**  
**KEY CORPORATE RISK REGISTER AT SEPTEMBER 2024**

Risk Detail (cause)	Implications (consequence)	Gross Likelihood	Gross Impact	Controls	Net Likelihood	Net Impact	Direction of Travel	Risk Owner and Actions
Budget for PH services, such as sexual health service, is insufficient to cope with rising demand.	Sexual health service is overwhelmed leading to poor sexual health and increasing infections across the local authority							

**ANNEX A**  
**KEY CORPORATE RISK REGISTER AT SEPTEMBER 2024**

**KCR 7 CAPITAL PROGRAMME: Failure to deliver the Capital Programme, which includes high profile projects.** The capital programme currently has a budget of £395m from 2024/25 to 2028/29. The schemes range in size and complexity but are currently looking to deliver two very high profile projects, Castle Gateway and York Central, which are key developments for the city.

Risk Detail (cause)	Implications (consequence)	Gross Likelihood	Gross Impact	Controls	Net Likelihood	Net Impact	Direction of Travel	Risk Owner and Actions
<p>Complex projects with inherent risks</p> <p>Large capital programme being managed with reduced resources across the Council</p> <p>Increase in scale of the capital programme, due to major projects and lifting of borrowing cap for Housing</p> <p>Cost pressures due to increasing inflation rate (particularly in Construction where 20-30% increases in costs are being seen)</p> <p>UK Bank of England interest rate expected to remain high until late 2024</p>	<p>Additional costs and delays to delivery of projects</p> <p>The benefits to the community are not realised</p> <p>Reputational Damage</p> <p>Pausing or stopping projects because of the economic climate may create some compliance issues and may mean that existing projects require extensions</p> <p>Increased interest rates and the continued impact of inflation will reduce the overall funding available to the Council and may therefore lead to reductions in service levels in some areas.</p>	Probable	Major (20)	<p>Project boards and project plans</p> <p>Regular monitoring of schemes</p> <p>Capital programme reporting to Executive and CMT</p> <p>Financial, legal and procurement support included within the capital budget for specialist support skills</p> <p>Project Management Framework</p> <p>Additional resource to support project management</p> <p>Capital Strategy 2024/25 to 2028/29 approved in Feb 2024</p> <p>Capital Programmes are sufficiently staffed to deliver to timescales</p> <p>Internal Audit Report gave reasonable assurance on project management arrangements</p>	Possible	Moderate (14)	No change	<p><b>RISK OWNER: Debbie Mitchell</b></p> <p>Development of capital strategy for 2025/26 (Debbie Mitchell, 31/01/2025)</p>

**ANNEX A**  
**KEY CORPORATE RISK REGISTER AT SEPTEMBER 2024**

**KCR 8 LOCAL PLAN: Failure to develop a Local Plan could result in York losing its power to make planning decisions and potential loss of funding.** The council has a statutory duty to develop a Local Plan, a city wide plan, which helps shape the future development in York over the next 20 years. It sets out the opportunities and policies on what will or will not be permitted and where, including new homes and businesses. The Local Plan is a critical part of helping to grow York’s economy, create more job opportunities and address our increasing population needs.

Risk Detail (cause)	Implications (consequence)	Gross Likelihood	Gross Impact	Controls	Net Likelihood	Net Impact	Direction of Travel	Risk Owner and Actions
Failure to agree and adopt a Local Plan for the City.	<p>The Local Plan Examination process continues and the policies in draft Local Plan is a “material planning consideration” in the consideration and determination of planning applications. Development proposals which are not in accordance with the Draft Plan may continue to be submitted as planning applications, resulting in refusals of planning permission and an increase in planning appeals. An “adopted” Local Plan following the Examination by the Planning Inspectors would carry greater weight than the draft Plan.</p> <p>There may be a negative impact on the council’s strategic economic goals and may have an adverse impact on investment in the city until there is an adopted Local Plan which provides greater direction through land use</p>	Probable	Major (20)	<p>The Plan has completed examination in public phases 1 (in 2019) and 2-4 (in 2022) as well as its Main Modifications (regulation 19 compliant) Consultation in Spring 2023.</p> <p>Correspondence as to the latest local plan position is regularly published on the Councils website to ensure all parties are kept abreast of the Planning Inspector and CYC dialogue.</p> <p>The plan following national guidance, good practice and specialist legal advice.</p> <p>Continued close liaison with:</p> <ul style="list-style-type: none"> <li>• MHCLG,</li> <li>• Planning Advisory Services</li> <li>• Planning Inspectorate</li> <li>• The appointed planning Inspectors.</li> </ul> <p>The Local Plan Working Group (LPWG) , the Executive and full Council have all been engaged in the plan making process at appropriate stages and before submission of Draft Local Plan for Examination.</p>	Unlikely	Major (18)	<b>Action progress</b>	<p><b>RISK OWNER:</b> <b>Ian Floyd</b></p> <p><b>REVISED DATE</b> Ongoing action: Monitoring of controls (Ian Floyd, 30/09/2024)</p> <p><b>REVISED DATE</b> The intention now is for the local plan to be adopted by the end of 2024. After that the KCR will be considered for removal from the risk register. (Ian Floyd , 31/12/2024)</p> <p><b>LATEST UPDATE</b> The final 6 week consultation on the revised Gypsy and Traveller Policy wording. This was delayed due to the General Election</p>



**ANNEX A**  
**KEY CORPORATE RISK REGISTER AT SEPTEMBER 2024**

Risk Detail (cause)	Implications (consequence)	Gross Likelihood	Gross Impact	Controls	Net Likelihood	Net Impact	Direction of Travel	Risk Owner and Actions
	<p>allocations and policies which guide and direct development.</p> <p>For some major planning applications which may be supported by the Council the development processes and decision making is slowed down by need to refer application to the Secretary of State for Levelling Up, Housing and Communities for consideration as to whether a Public Inquiry should be held or not.</p> <p>Central government (DLUHC) have already identified York as a high priority to produce a Local Plan. The failure to prepare and produce a Local Plan in accordance with the timescale accepted by central government could possibly result in action from the Secretary of State for Levelling Up, Housing and Communities to directly intervene in the plan making process.</p>			<p>Corporate Director for Place weekly monitoring / management of the process</p> <p>Additional resources to ensure delivery within timescales</p>				<p>standstill period, however consultation will conclude on 30<sup>th</sup> August and a final report from the Inspectors subject to the consultation outcomes is anticipated in autumn 2024. However as noted previously the timetable is controlled by the planning Inspectors.</p>

**ANNEX A**  
**KEY CORPORATE RISK REGISTER AT SEPTEMBER 2024**

**KCR 9 COMMUNITIES: Failure to ensure we have resilient, cohesive, communities who are empowered and able to shape and deliver services.** The council needs to engage in meaningful consultation with communities to ensure decisions taken reflect the needs of residents, whilst encouraging them to be empowered to deliver services that the council is no longer able to do. Failing to do this effectively would mean that services are not delivered to the benefit of those communities or in partnership.

Risk Detail (cause)	Implications (consequence)	Gross Likelihood	Gross Impact	Controls	Net Likelihood	Net Impact	Direction of Travel	Risk Owner and Actions
Failure to effectively engage with the communities we serve	Lack of buy in and understanding from stakeholders	Probable	Major (20)	CMT working collegiately on joint initiatives around Early Intervention and prevention	Possible	Major (19)	<b>Revised date for action</b>	<b>RISK OWNER: Pauline Stuchfield</b>  <b>REVISED DATE</b> Team being established to cover equalities, access & inclusion.  Updated JD now approved, ready for recruitment.  (Pauline Stuchfield 31/12/2024)  Approval of Community Safety Strategy for 2024/25  (Pauline Stuchfield, 30/11/2024)
Failure to contribute to the delivery of safe communities	Alienation and disengagement of the community			New early help and prevention community based service delivery models in Housing& Communities				
Failure to effectively engage stakeholders (including Members and CYC staff) in the decision making process	Relationships with strategic partners damaged Impact on community wellbeing			Revised Community Safety Plan Devolved budgets to Ward Committees and delivery of local action plans through ward teams				
Failure to manage expectations	Services brought back under council provision – reputational and financial implications			Improved information and advice, Customer Strategy and ICT support to facilitate self service				
Communities are not willing/able to fill gaps following withdrawal of CYC services	Budget overspend Create inefficiencies			CYC Staff and Member training and development				
Lack of cohesion in the planning and use of CYC and partner community based assets in the city	Services not provided			Community Safety Strategy in place for 2023/24				
Failure to mitigate wider determinants of health/deprivation impacts such as world conflicts and the cost of living increases	Poor quality provision not focused on need, potential duplication, ineffective use of resources, difficulty in commissioning community services e.g. Library services			Community Hubs set up to support residents				
				Roll-out of the Community hubs model as agreed in Oct 2020				
				<b>UPDATED</b>				

**ANNEX A**  
**KEY CORPORATE RISK REGISTER AT SEPTEMBER 2024**

Risk Detail (cause)	Implications (consequence)	Gross Likelihood	Gross Impact	Controls	Net Likelihood	Net Impact	Direction of Travel	Risk Owner and Actions
	Increase in cost of living and in deprivation			<p>Management structure 2024 bringing Communities and Housing together.</p> <p>Volunteer Centre established through York CVS. 'People Helping People Strategy' being reviewed.</p> <p>Financial Inclusion Steering Group</p> <p>Establishment of Food roles in Communities Team</p> <p>Support for Anti-Racism group provided</p> <p>Maintaining strong relationships with parish councils</p> <p>Access Officer role has been established in Communities</p> <p>Interim Financial Inclusion Strategy monitored by the Financial Inclusion Steering Group</p>				

**ANNEX A**  
**KEY CORPORATE RISK REGISTER AT SEPTEMBER 2024**

**KCR 10 WORKFORCE/ CAPACITY: Reduction in workforce/ capacity may lead to a risk in service delivery.** It is crucial that the council remains able to retain essential skills and also to be able to recruit to posts where necessary, during the current periods of uncertainty caused by the current financial climate and transformational change. The health, wellbeing and motivation of the workforce is therefore key in addition to skills and capacity to deliver. In addition, the council must ensure that its key governance frameworks are strong particularly those around statutory compliance for Health & Safety.

Risk Detail (cause)	Implications (consequence)	Gross Likelihood	Gross Impact	Controls	Net Likelihood	Net Impact	Direction of Travel	Risk Owner and Actions
<p>The necessity to deliver savings has resulted in a reduced workforce requiring new and specialist skills</p> <p>Recruitment and retention difficulties as the council may be seen as a less attractive option than the private sector</p> <p>Lack of succession planning</p> <p>HR Policies may not be consistent with new ways of working (eg remuneration policy)</p> <p>Uncertainty around long term funding from central government.</p> <p>Lack of long term funding announcements from central government may impact on staff retention as it creates uncertainty for temporary posts funded by external funding</p>	<p>Increased workloads for staff</p> <p>Impact on morale and as a result, staff turnover in key services impacting on business continuity and performance</p> <p>Inability to maintain service standards</p> <p>Impact on vulnerable customer groups</p> <p>Reputational damage as a current and prospective employer.</p> <p>Single points of failure throughout the business</p> <p>Impact on the health &amp; wellbeing of staff has been and will be significant and may increase early retirements and leavers. Due to</p> <ul style="list-style-type: none"> <li>• Remote working (working from home)</li> </ul>	Probable	Major (20)	<p>Organisational Development Plan (replaces Workforce Strategy/ People Plan)</p> <p>Stress Risk Assessments</p> <p>Annual PDRs</p> <p>Comprehensive Occupational Health provision including counselling.</p> <p>HR policies e.g. whistleblowing, dignity at work</p> <p>Development of coaching/ mentoring culture to improve engagement with staff</p> <p>Corporate Cost Control Group monitoring of absence and performance reporting</p> <p>Apprenticeship task group</p> <p>Agency and Interim Staffing Policies</p> <p>Absence Management Policies</p> <p>Substance Misuse Policy</p> <p>A Workplace Health &amp; Wellbeing Group has been established with staff</p>	Possible	Moderate (14)	Revised dates for ongoing actions; New action	<p><b>RISK OWNER: Helen Whiting</b></p> <p><b>REVISED DATE</b> Ongoing action: Review of HR policies to ensure they complement the diverse ways in which our workforce deliver services (Helen Whiting, 30/09/2024)</p> <p><b>NEW</b> Implementation of the new Workforce Strategy and Action plan resulting from the Corporate Improvement Framework  (Helen Whiting, 31/01/25)</p> <p><b>REVISED DATE</b> Ongoing action: Review of employee T&amp;Cs. Progress has</p>

**ANNEX A**  
**KEY CORPORATE RISK REGISTER AT SEPTEMBER 2024**

Risk Detail (cause)	Implications (consequence)	Gross Likelihood	Gross Impact	Controls	Net Likelihood	Net Impact	Direction of Travel	Risk Owner and Actions
<p>Reduction in posts due to restructures required to achieve budget savings</p> <p>Potential strike action impacting on delivery of services. Ongoing school strikes and wider transport strikes also implicate on workforce availability.</p> <p>Lack of qualified workforce (e.g. care staff, HGV drivers)</p> <p>Ongoing national skills shortage</p> <p>Pay structure issues causing pressure at lower end having knock on impact on middle grades and especially supervisory roles around Grade 5</p> <p>Sickness absence levels remain high.</p> <p>Stress sickness absence remains the highest absence reason, importance of managing stress and potential burnout of staff.</p>	<p>can have a negative impact on wellbeing.</p> <ul style="list-style-type: none"> <li>• Work life balance – unable to separate work from home due to work being carried out within the home</li> <li>• Ongoing vacancies and volume of work in hard to recruit roles</li> </ul> <p>However many staff may see an increase in their Health &amp; Well Being due to more agile working. Having greater flexibility between work and home life.</p> <p>More agile and flexible working may also result in increased retention of staff and increase the attraction of candidates for vacant positions.</p> <p>Reduction in agency spend is a positive however, a reduced spend will impact on Teckal arrangements for City of York Trading (operating as Work With York)</p> <p>Financial &amp; reputational impact of successful challenges to T&amp;Cs and claims for equal pay</p>			<p>&amp; trade union representation which is chaired by the Head of HR.</p> <p>A staff health &amp; wellbeing survey has been undertaken &amp; this is being followed up by staff focus groups.</p> <p>Increase in regulatory compliance to protect the workforce e.g. Health and Safety regulations, working time directives</p> <p>Annual increase in Living wage is applied (although there is no control over this rate and conflicts with NJC rates)</p> <p>Joint Health and Safety Board and regular review of support for staff</p> <p>Improved frequency of informal and formal meetings with Trade Unions to improve communications and relationships</p> <p><b>NEW</b> Employer benefits package is well established</p> <p><b>NEW</b> Annual reminders and voucher provision for flu and covid vaccinations</p> <p>Increased help and awareness of staff wellbeing and mental health; monthly</p>				<p>started with costing options ahead of discussions with CMT and Trade Unions. (Helen Whiting, 30/09/2024)</p> <p><b>REVISED DATE</b> Ongoing action - Implementation of creative recruitment initiatives.  (Helen Whiting, 30/09/2024)</p> <p>Implementation of 2024/25 national pay award once negotiations have been concluded.  (Helen Whiting, 31/12/2024)</p>

**ANNEX A**  
**KEY CORPORATE RISK REGISTER AT SEPTEMBER 2024**

Risk Detail (cause)	Implications (consequence)	Gross Likelihood	Gross Impact	Controls	Net Likelihood	Net Impact	Direction of Travel	Risk Owner and Actions
<p>All LA's have a heightened awareness of the risk of equal pay claims, following events at Birmingham</p> <p>Serious breach of health and safety legislation</p> <p>Failure to comply with statutory obligations in respect of public safety</p>	<p>Public and staff safety may be put at risk</p> <p>Possible investigation by HSE</p> <p>Prohibition notices might be served preventing delivery of some services</p> <p>Prosecution with potential for imprisonment if Corporate Manslaughter</p>			<p>'make a difference communications' which focuses on wellbeing</p> <p>Business Continuity Planning to assist with redeployment of staff or reduction of service during times of shortage eg HGV drivers</p> <p>Managers being equipped with the right training to manage and lead teams and workforce plan</p> <p>Review of job descriptions and not one size fits all</p> <p>Retention payments and market supplements agreed for key posts</p> <p>HR Advisory circulars now being issued to managers</p> <p>HR representatives on a number of regional task force groups, including for social care workforce promotion and addressing and considering changing terms and practices to mitigate challenges to equal pay. Corporate Governance Board reviewing EP risk progress on regular basis.</p> <p>Health and Safety monitoring in place</p> <p>Ongoing Health and Safety Training programmes at all levels</p>				

**ANNEX A**  
**KEY CORPORATE RISK REGISTER AT SEPTEMBER 2024**

**KCR 11 EXTERNAL MARKET CONDITIONS: Failure to deliver commissioned services due to external market conditions.** The financial pressures experienced by contracted services (in particular Adult Social Care providers) as a result of increases due to the cost of living crisis could put the continued operation of some providers at risk. The Council has a duty to ensure that there is a stable/diverse market for social care services delivery to meet the assessed needs of vulnerable adults/children. Some services provided by the Council cannot be provided internally (eg Park and Ride) and must be commissioned. External market conditions such as the number of providers willing to tender for services may affect the Council's ability to deliver the service within budget constraints.

Risk Detail (cause)	Implications (consequence)	Gross Likelihood	Gross Impact	Controls	Net Likelihood	Net Impact	Direction of Travel	Risk Owner and Actions
<p>Increases to the national living wage and wage inflation in general.</p> <p>Recruitment and retention of staff</p> <p>If failure occurs, the Council may remain responsible for ensuring the needs of those receiving the service continue uninterrupted.</p> <p>Providers may go out of business as a result of the cumulative effects of the pandemic and the cost of living crisis</p> <p>Many sectors under financial pressure due to cost of living crisis (reductions in income or increase in expenditure)</p> <p>Costs and cost of living pressures due to increasing inflation rate</p> <p>Cost pressures due to conflict in Ukraine</p>	<p>Vulnerable people do not get the services required or experience disruption in service provision</p> <p>Safeguarding risks</p> <p>Financial implications: Increased cost of alternative provider Increased cost if number of providers are limited</p> <p>Reputational damage</p> <p>Providers may face short to medium term recruitment issues due to current market conditions, or face an increase in costs which is passed on to the Council</p>	Unlikely	Major (18)	<p>Clear contract and procurement measures in place and have been further updated</p> <p>A clear progression process is now in place together with changes to JDs and HoS posts. Retention and recruitment drives in place to support staff within the council and potential new employees</p> <p>Ongoing review of operating and business models of all key providers and putting further mitigation in place, such as more robust contract monitoring and commissioning some 'enhanced' credit checks. Enhanced contract and quality team in place to work with providers reducing the potential for failure</p> <p>CYC investment in extra care OPHs has reduced recruitment pressure</p> <p>Revised SLA with independent care group and quarterly monitoring meetings with portfolio holders</p> <p>Ongoing work with providers to set a York cost of care</p>	Unlikely	Moderate (13)	No change	<p><b>RISK OWNER: SARA STOREY</b></p> <p><b>ONGOING ACTION</b> Increase joint working with NHS commissioners to manage market effectively and get best value.</p> <p>(Director of Adults &amp; Integration, 30/09/2024)</p>

**ANNEX A**  
**KEY CORPORATE RISK REGISTER AT SEPTEMBER 2024**

Risk Detail (cause)	Implications (consequence)	Gross Likelihood	Gross Impact	Controls	Net Likelihood	Net Impact	Direction of Travel	Risk Owner and Actions
				<p>Local policies in place for provider failure</p> <p>Ongoing attendance at Independent Care Group Provider Conference</p> <p>DASS will have oversight of market sustainability. The appointment of a Head of Commissioning starting in Jan 2023 will co-produce a market position statement with health colleagues and providers</p> <p>Focus on prevention and early support to ensure residents are supported to stay at home for longer</p> <p>Co-producing model of care with people using services and their carers</p> <p>The Council's market position statement is regularly reviewed</p>				



**ANNEX A**  
**KEY CORPORATE RISK REGISTER AT SEPTEMBER 2024**

**KCR 12 MAJOR INCIDENTS: Failure to respond appropriately to major incidents.** Local Authorities are required by law to make preparations to deal with emergencies. Local Authorities have four main responsibilities in an emergency 1. to support the Emergency Services, 2. to co-ordinate non-emergency organisations, 3. to maintain their own services through a robust Business Continuity Management process, 4. to facilitate the recovery of the community and 5. since 2013 the council also has a statutory duty to protect the health of the population under the Health and Social Care Act 2012 and the transfer of public health responsibilities to local authorities. The Council must ensure that its resources are used to best effect in providing relief and mitigating the effects of a major peacetime emergency on the population, infrastructure and environment coming under it's administration. This will be done either alone or in conjunction with the Emergency Services and other involved agencies, including neighbouring authorities.

Risk Detail (cause)	Implications (consequence)	Gross Likelihood	Gross Impact	Controls	Net Likelihood	Net Impact	Direction of Travel	Risk Owner and Actions
<p>An uncoordinated or poor response to a major incident such as:</p> <ul style="list-style-type: none"> <li>• Flood</li> <li>• Major Fire</li> <li>• Terrorist Attack</li> <li>• Pandemic</li> </ul> <p>Failure to protect citizens from the adverse impacts of climate change</p> <p>Potential for rolling commercial power outages over winter</p> <p>Increasing frequency of extreme weather events</p>	<p>Serious death or injury</p> <p>Damage to property</p> <p>Reputational damage</p> <p>Potential for litigation</p> <p>Potential for corporate manslaughter charges if risks are identified and proposed actions not implemented</p> <p>Reduction in life expectancy and quality of life</p>	<b>Probable</b>	<b>Catastrophic (24)</b>	<p>Emergency planning and Business Continuity Plans in place and regularly reviewed along with regional risk registers</p> <p>Strong partnerships with Police, Fire, Environment Agency and other agencies with principles such as JESIP and METHANE built into the way we work together</p> <p>Support to Regional Resilience forums</p> <p>Support and work in partnership with North Yorkshire local resilience forums</p> <p>Investment in Community Resilience (re Flooding)</p> <p>Work with partners across the city to minimise the risk of a terrorist attack through Protect and Prepare Group and Hostile Vehicle Management projects</p>	<b>Possible</b>	<b>Major (19)</b>	<b>No change</b>	<p><b>RISK OWNER: James Gilchrist</b></p> <p>The Government published a new resilience framework on 19th December 2022. The Terrorism (Protection of Premises) draft bill also known as Martyn's Law, is expected to be passed during 2024. This KCR will need to be reviewed in light of new obligations after that. (James Gilchrist , 31/12/ 2024)</p>

**ANNEX A**  
**KEY CORPORATE RISK REGISTER AT SEPTEMBER 2024**

Risk Detail (cause)	Implications (consequence)	Gross Likelihood	Gross Impact	Controls	Net Likelihood	Net Impact	Direction of Travel	Risk Owner and Actions
				<p>Development of the local outbreak control plan and a variety of internal recovery strategies</p> <p>Local outbreak prevention, management and response in place</p> <p>Climate change mitigation and adaptation program</p> <p>Regular review and reporting of carbon emissions</p> <p>Carbon reduction and climate change action plan regular updates to Executive/CMT</p> <p>Communications to citizens about steps they can take to reduce impact of climate change</p> <p>Sustainability leads group to encourage city partners to work together to reduce impact of Climate change</p> <p>Communications incident management plans, including outbreak</p> <p>Regular review of emergency and business continuity plans</p> <p><b>NEW</b></p>				

**ANNEX A**  
**KEY CORPORATE RISK REGISTER AT SEPTEMBER 2024**

Risk Detail (cause)	Implications (consequence)	Gross Likelihood	Gross Impact	Controls	Net Likelihood	Net Impact	Direction of Travel	Risk Owner and Actions
				Directorate risk registers will include relevant climate change risks				

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## KEY CORPORATE RISK REGISTER SUMMARY

Key Corporate Risk	Gross Likelihood	Gross Impact	Gross Score	Net Likelihood	Net Impact	Net Score
KCR1 Financial Pressures	Highly Probable	Major	21	Probable	Major	20
KCR2 Governance	Probable	Major	20	Possible	Major	19
KCR3 Effective and Strong Partnerships	Probable	Major	20	Possible	Moderate	14
KCR4 Changing Demographics	Probable	Major	20	Possible	Major	19
KCR5 Safeguarding	Probable	Major	20	Possible	Major	19
KCR6 Health and Wellbeing	Probable	Major	20	Probable	Moderate	15
KCR7 Capital Programme	Probable	Major	20	Possible	Moderate	14
KCR8 Local Plan	Probable	Major	20	Unlikely	Major	18
KCR9 Communities	Probable	Major	20	Possible	Major	19
KCR10 Workforce/ Capacity	Probable	Major	20	Possible	Moderate	14
KCR11 External Market Conditions	Unlikely	Major	18	Unlikely	Moderate	13
KCR12 Major Incidents	Probable	Catastrophic	24	Possible	Major	19

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Annex C- Risk Matrix

		<b>Impact</b>					<b>Likelihood</b>																
		<b>Catastrophic</b>	<b>Major</b>	<b>Moderate</b>	<b>Minor</b>	<b>Insignificant</b>						<b>Remote</b>	<b>Unlikely</b>	<b>Possible</b>	<b>Probable</b>	<b>Highly Probable</b>							
<b>17</b>	<b>12</b>	<b>6</b>	<b>2</b>	<b>1</b>	<b>25</b>	<b>24</b>	<b>23</b>	<b>22</b>	<b>21</b>	<b>20</b>	<b>19</b>	<b>18</b>	<b>17</b>	<b>16</b>	<b>15</b>	<b>14</b>	<b>13</b>	<b>12</b>	<b>11</b>	<b>10</b>	<b>9</b>	<b>8</b>	<b>7</b>

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<b>Meeting:</b>	Audit & Governance Committee
<b>Meeting date:</b>	04/09/2024
<b>Report of:</b>	Debbie Mitchell, Director of Finance
<b>Portfolio of:</b>	Cllrs Katie Lomas & Anna Baxter, Executive Members for Finance, Performance, Major Projects, Human Rights, Equality, and Inclusion

## **Audit and Governance Committee Report:** Treasury Management 2024/25 Quarter 1 report and review of Prudential Indicators

### **Subject of Report**

1. Audit & Governance Committee are responsible for ensuring effective scrutiny of the treasury management strategy and policies, as stated in the Treasury Management Strategy 2024/25 approved by Full Council on 22 February 2024.
2. Attached at Annex 1 is the Treasury Management Quarter 1 report and Review of Prudential Indicators 2024/25, which provides an update on treasury activity during the quarter and is due to be considered by Executive on 18 September 2024.

### **Policy Basis**

3. The CIPFA (Chartered Institute of Public Finance and Accountancy) Code of Practice for Treasury Management 2021 requires that Council be updated with, review and approve, as a minimum three reports annually. These reports are the Treasury Management Strategy Statement setting out policy for the forthcoming year, a mid-year review report, and an annual report detailing the treasury activities and performance for the previous year. Quarterly reports are also required to provide an update on treasury management activities and can be assigned to a designated committee or member as deemed appropriate.

4. This report is the Treasury Management Quarter 1 update report detailing the activities undertaken and performance in the first quarter of the financial year 2024/25, highlighting compliance with the Council’s policies previously approved by members, and the monitoring of the Prudential Indicators. The Council is required through legislation to have this report and Prudential Indicators approved by members; therefore, this report ensures this Council is implementing best practice in accordance with the Code.

## Recommendation and Reasons

5. Audit & Governance Committee are asked to note and scrutinise the Treasury Management Quarter 1 Report and Review of Prudential Indicators 2024/25 at Annex 1

Reason: That those responsible for scrutiny and governance arrangements are updated on a regular basis to ensure that those implementing policies and executing transactions have properly fulfilled their responsibilities with regard to delegation and reporting.

## Contact details

For further information please contact the authors of this Report.

### Author

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<b>Email:</b>	debbie.mitchell@york.gov.uk
<b>Report approved:</b>	Yes
<b>Date:</b>	05/08/2024

### Annexes

Annex 1 - Treasury Management Quarter 1 Report and Review of Prudential Indicators 2024/25

Annex A - to above report – Prudential Indicators 2024/25



<b>Meeting:</b>	Executive
<b>Meeting date:</b>	12/09/2024
<b>Report of:</b>	Debbie Mitchell Chief Finance Officer
<b>Portfolio of:</b>	Councillor Katie Lomas Executive Member for Finance, Performance, Major Projects, Human Rights, Equality & Inclusion

## **Decision Report:** Treasury Management 2024/25 Quarter 1 report and review of Prudential Indicators.

### **Subject of Report**

1. The purpose of this report is to provide a regular update to the Executive Member for Finance on treasury management activity for the first quarter of the 2024/25 financial year and to provide the latest update of the prudential indicators which are included at Annex A to this report.

### **Benefits and Challenges**

2. Treasury Management is the effective management of the Council's cash flow. Doing this effectively protects the Council from risks and ensures the ability to meet spending commitments as they fall due.

### **Policy Basis for Decision**

3. The CIPFA (Chartered Institute of Public Finance and Accountancy) Code of Practice for Treasury Management 2021 requires that full Council be updated with, review and approve, as a minimum three reports annually. These reports are the Treasury Management Strategy Statement setting out policy for the forthcoming year, a mid-year review report, and an annual report detailing the treasury activities and performance for the previous year. Quarterly reports are also required to provide an update on treasury management activities and can be assigned to a designated committee or member as deemed appropriate.

4. This report is the Treasury Management quarterly report detailing the activities undertaken so far, performance, and monitoring of the Prudential Indicators. It provides an update on activity for the period 1<sup>st</sup> April 2024 to 30<sup>th</sup> June 2023. This report ensures this Council is implementing best practice in accordance with the Code.

## **Financial Strategy Implications**

5. The Treasury Management function is responsible for the effective management of the Council's investments, cash flows, banking, and money market transactions. It also considers the effective control of the risks associated with those activities and ensures optimum performance within those risk parameters.

## **Recommendation and Reasons**

6. Executive is asked to note:
  - The 2024/25 treasury management activity up to the first quarter date ending 30<sup>th</sup> June 2024.
  - The Prudential Indicators outlined in Annex A (updated where applicable) and note the compliance with all indicators.

Reason: To ensure the continued effective operation and performance of the Council's Treasury Management function and ensure that all Council treasury activity is prudent, affordable and sustainable and complies with policies set.

7. It is a statutory duty for the Council to determine and keep under review the affordable borrowing limits. During the first quarter of the 2024/25 financial year, the Council has operated within the Treasury and Prudential Indicators set out in the Council's Treasury Management Strategy Statement for 2024/25.
8. There are no policy changes to the Treasury Management Strategy Statement 2024/25 for members to agree and approve; the details in this report update the Treasury Management position and Prudential Indicators in the light of the updated economic position and budgetary changes already approved.

## **Background**

9. This quarterly treasury management report has been prepared in compliance with the Chartered Institute of Public Finance and Accountancy's (CIPFA) Code of Practice on Treasury Management, and covers the following:
  - A brief economic update for the first quarter of the 2024/25 financial year.

- A review of the Treasury Management Strategy Statement and Annual Investment Strategy.
- A review of the treasury position as at 30<sup>th</sup> June 2024.
- A review of the Council's investment portfolio.
- A review of the Council's borrowing strategy.
- A review of compliance with the Treasury and Prudential Limits.
- An update to the prudential indicators (set out at Annex A).

## Economic Update

10. The first quarter of the 2024/25 financial year saw:
  - The Bank of England base rate maintained at 5.25% in May and June.
  - CPI inflation falling from 2.3% in April to 2.0% in May. (In line with the Bank's 2% target for the first time since July 2021).
  - Core CPI inflation decreasing from 3.9% in April to 3.5% in May.
  - UK GDP flatlining in April following positive growth of 0.7% in quarter 4 2023/24.
  - A stalling of downward trend in wage growth.
  - A degree of volatility in the gilt market, 10 year gilt yields climbing to 4.35% in April, before closing out at 4.15% in June.
  - On 1<sup>st</sup> August 2024 the Bank of England's Monetary Policy Committee (MPC) announced it had voted by a majority of 5–4 to cut the base rate by 0.25% from 5.25% to 5.00%.
11. In its latest monetary policy meeting ending on 31<sup>st</sup> July 2024, the Bank of England's Monetary Policy Committee (MPC) voted by a majority of 5–4 to cut the base rate by 0.25% from 5.25% to 5.00%. Previous to this cut, the Bank of England had left interest rates unchanged at 5.25% (since 3<sup>rd</sup> August 2023). Guidance from the Bank of England since August 2023 had been that Monetary policy would need to remain restrictive for sufficiently long to return inflation to the 2% target sustainably in the medium term to ensure that inflation does not become embedded above the 2% target in line with the MPC's remit reflecting the primacy of price stability in the UK monetary policy framework.
12. A summary of the MPC meeting from 1<sup>st</sup> August 2024 said that while inflation forecasts are expected to fall in the next two years, there remains a risk that inflationary pressures may prove more enduring in the medium term such as stronger than expected demand and structural factors including unemployment which could affect domestic wage and price-setting more persistently. The vote was finely balanced, but it was felt appropriate to reduce the degree of policy restrictiveness as the impact from past external shocks had abated and there had been progress in moderating risks of persistence in inflation. It was reiterated that Monetary policy will need to continue to remain restrictive for sufficiently long until the risks to inflation returning sustainably to the 2% target in the medium term have dissipated further.

## Interest Rate Forecast

13. Current interest rates and the future direction of both long term and short term interest rates have a major influence on the overall treasury management strategy and affects both investment and borrowing decisions.
14. Table 1 is Link Groups Interest Rate forecast for both the bank base rate and long-term Public Works Loans Board (PWLB) Certainty borrowing rates (gilt yields plus 80 bps). This forecast was as at 28<sup>th</sup> May 2024. It was updated following the announcement of the Bank of England's 0.25% rate cut on 1<sup>st</sup> August 2024, however no changes were made to forecasts from September 2024 through to March 2027 and these forecasts are still current.

	Bank rate %	PWLB borrowing rates % (including certainty rate adjustment)			
		5 year	10 year	25 year	50 year
Jun 2024	5.25	4.90	5.00	5.30	5.10
Sep 2024	5.00	4.70	4.80	5.20	5.00
Dec 2024	4.50	4.50	4.60	5.00	4.80
Mar 2025	4.00	4.30	4.40	4.80	4.60
Jun 2025	3.50	4.10	4.30	4.70	4.50
Sep 2025	3.25	4.00	4.10	4.50	4.30
Dec 2025	3.25	3.90	4.10	4.50	4.20
Mar 2026	3.25	3.90	4.10	4.40	4.20
Jun 2026	3.25	3.90	4.00	4.40	4.20
Sep 2026	3.00	3.90	4.00	4.40	4.20
Dec 2026	3.00	3.90	4.00	4.30	4.10
Mar 2027	3.00	3.80	3.90	4.30	4.10

**Table 1 – Link's interest rate forecast as at 28<sup>th</sup> May 2024 (no changes to forecasts following 1<sup>st</sup> August 2024 MPC decision)**

15. Market expectations in quarter 1 were that Bank Rate had reached its peak at 5.25% and the Bank of England Monetary Policy Committee (MPC) had held rates at 5.25% at the two meetings (9<sup>th</sup> May 2024 and 20<sup>th</sup> June 2024) during this quarterly report period. Inflation had fallen in the first quarter of 2024/25 but both inflation and labour data had proven sticky and Markets expectation of several rate cuts throughout 2024 gradually reduced. Markets views are that Bank Rate will start to decrease from 5.25% in the second half of 2024.

## Treasury Management Strategy Statement 2024/25

16. Full Council approved the Treasury Management Strategy Statement for 2023/24 on 22<sup>nd</sup> February 2024. Details can be viewed here

<https://democracy.york.gov.uk/ieListDocuments.aspx?CId=331&MID=13928#A167008> and here  
<https://democracy.york.gov.uk/ieListDocuments.aspx?CId=733&MId=13934&Ver=4>.

17. There are no investment policy changes and the details in this report do not amend the Statement.

## Overall Treasury position at 30<sup>th</sup> June 2024

18. Table 2 shows the Councils net Treasury debt and investment position for the quarter end as at the 30<sup>th</sup> June 2024, shown with the financial year end 2023/24 position.

	30/06/24	30/06/24	31/03/2024	31/03/2024
	Principal	Average Rate	Principal	Average Rate
General Fund Borrowing	£185.79m	3.51%	£175.79m	3.42%
Housing Revenue Account (HRA) Borrowing	£149.26m	3.32%	£149.26m	3.31%
<b>Total Borrowing</b>	<b>£335.05m</b>	<b>3.43%</b>	<b>£325.05m</b>	<b>3.37%</b>
Other Long-term Liabilities	£43.29m		£41.74m	
<b>Total External Debt</b>	<b>£378.34m</b>		<b>£366.79m</b>	
Investment balance	£23.88m	5.06%	£5.04m	4.86%
<b>Debt less Investments</b>	<b>£354.46m</b>		<b>£361.75m</b>	

**Table 2 Summary of the current treasury position as at 30<sup>th</sup> June 2024**

## Investment Portfolio

19. The Treasury Management Strategy Statement includes the Council's Annual Investment Strategy outlining the Council's investment priorities as follows:

- Security of capital
- Liquidity
- Yield

Environmental, Social & Governance (ESG) criteria, will be considered as a fourth criteria after the fulfilment of the three core investment priorities.

20. The Council's investment policy is governed by DLUHC guidance and sets out the approach for choosing investment counterparties based on credit ratings provided by the three main credit rating agencies, supplemented by additional market data, (such as rating outlooks, credit default swaps, bank share prices etc.). The Council will also consider environmental, social and

governance factors when placing investments after the core investment priorities of security, liquidity and yield have been assessed.

21. The Council continues to aim to achieve the optimum return (yield) on investments commensurate with the proper levels of security and liquidity and the Councils risk appetite. The Council had no liquidity difficulties during the first quarter of the 2024/25 financial year.
22. Investment returns the Council earns on its surplus cash is dependent on the level of cash held for investment purposes, cash backed reserves and cash flow requirements which is due to the timing of precept payments, receipt of grants, receipt of developer contributions, borrowing for capital purposes, payments to its suppliers of goods and services and spend progress on the Capital Programme. Cash balances are therefore only available on a temporary basis depending on cash flow movement.
23. The average level of cash balances available for investment purposes in the first quarter up to 30<sup>th</sup> June 2024 was £23.88m (£31.15m for quarter ending 30<sup>th</sup> June 2023). The average rate of return earned on cash balances in this period was 5.06% (4.29% for quarter ending 30<sup>th</sup> June 2023).
24. The Council uses a benchmark indicator to assess the Councils investment performance, and this is the average Sterling Overnight Index Average (SONIA). SONIA is based on actual transactions reflecting the average of the interest rates that banks pay to borrow sterling overnight.
25. The Council's average rate of return for the quarter ending 30<sup>th</sup> June 2024 in table 3.

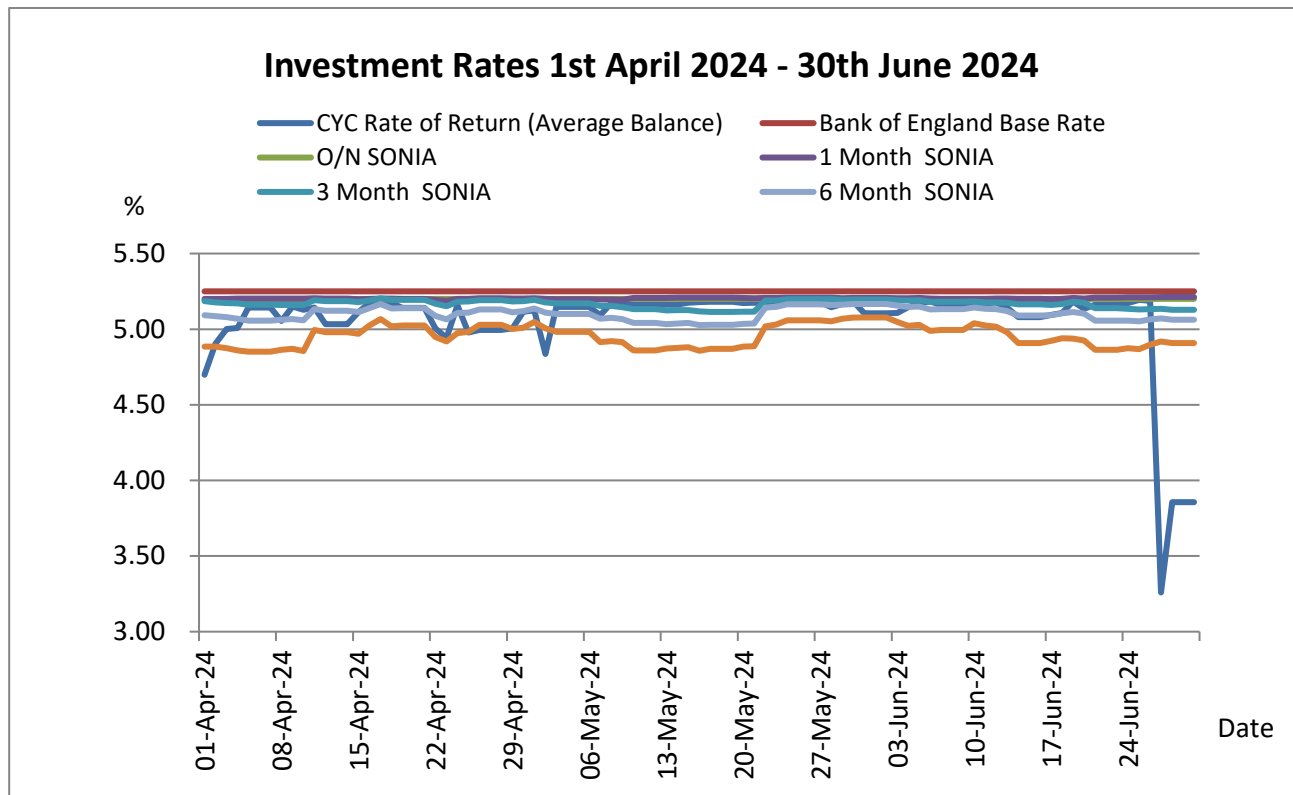
	<b>2024/25 (Quarter 1)</b>	<b>2023/24 (Quarter 1)</b>	<b>2023/24 (Full year)</b>
Average CYC Rate of Return	5.06%	4.29%	4.86%
<b><u>Benchmarks</u></b>			
Average Overnight SONIA	5.20%	4.37%	4.96%

**Table 3: CYCs investment rate of return performance vs. SONIA benchmark**

26. The average rate of return achieved for invested cash during the first quarter of 2024/25 has remained below the average overnight SONIA rate due to the Council keeping cash in highly liquid Money Market Funds which provide instant access to cash.
27. Figure 1 shows the average SONIA rates for a number of investment durations compared with the Bank of England base rate and the Council's



rate of return achieved in the first quarter of 2024/25. It shows that the Councils average rate of return is tracking lower than, but broadly in line with, both Bank base rate and overnight SONIA rate. This is expected as cash has been held in liquid funds.



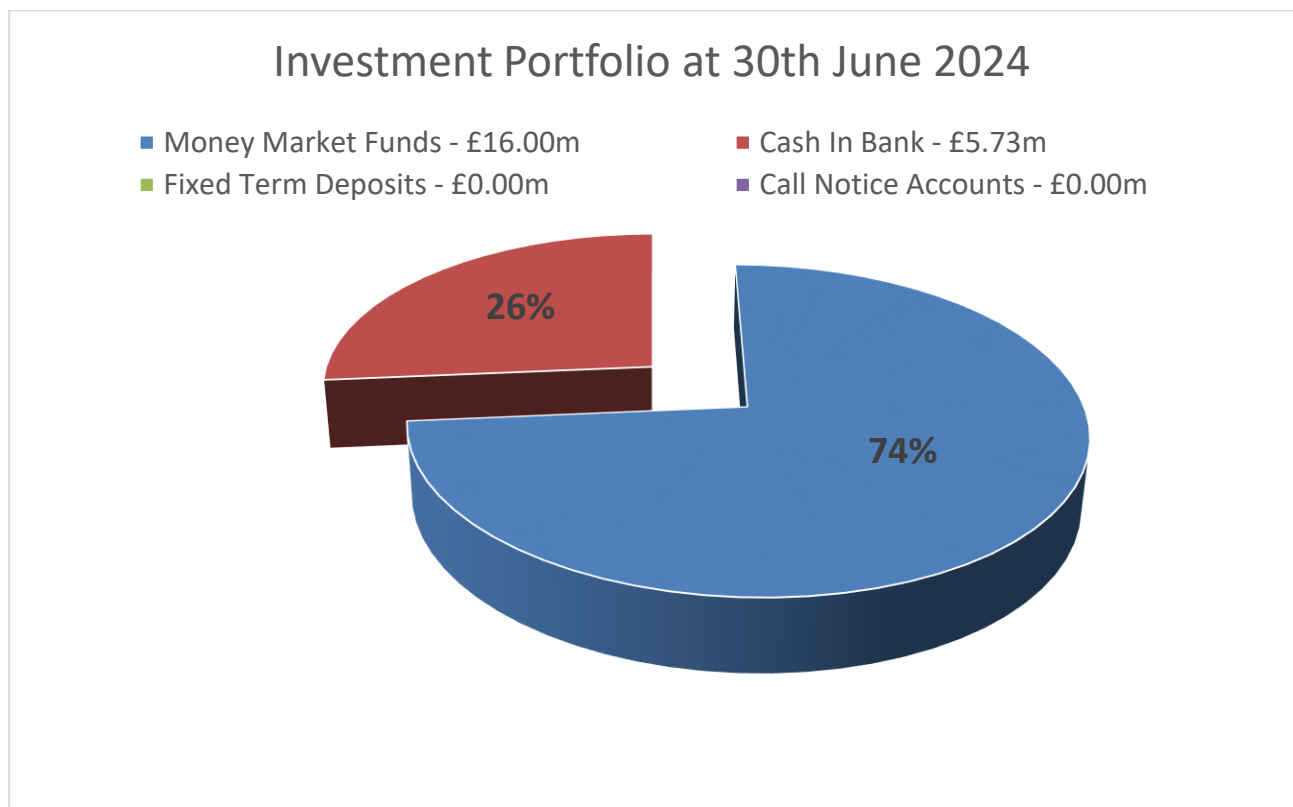
**Figure 1 CYC Investments vs Bank of England base rate and SONIA up to 30<sup>th</sup> June 2024**

28. Table 4 shows the current fixed term investments at 30<sup>th</sup> June 2024.

Institution Type	Principal Balance 31/03/24	Average Principal Balance	Average Rate
Fixed Term Deposits	£0.00m	£0.00m	0.00%
Call / Notice	£0.00m	£0.00m	0.00%
Money Market Funds	£16.00m	£23.17m	5.23%
Cash in bank	£5.73m	£0.70m	0.00%
<b>Total Investments</b>	<b>£21.73m</b>	<b>£23.34m</b>	<b>5.06%</b>

**Table 4: Investment Portfolio by type at 30<sup>th</sup> June 2024**

29. Figure 2 shows the investments portfolio split by cash in bank, deposits in short term call accounts, fixed term investments and Money Market Funds. Money Market Funds used have an AA<sup>Am</sup> credit rating and the cash bank account is AA<sup>-</sup> credit rating.



**Figure 2 Investment Portfolio by type at 30<sup>th</sup> June 2024**

30. The Council is using its cash balances to delay taking on long-term borrowing. The overall effect of using cash balances to support the Council's under borrowed CFR position is that as cash balances are used there is less cash available for longer term investment and cash balances are held in more liquid funds meaning lower interest returns.
31. Opportunities that arise for notice and fixed investments which could generate higher yields are considered in terms of the Council's short to medium term cash flow requirement and it's under borrowed CFR position.

### **Borrowing requirement and debt at 30<sup>th</sup> June 2024**

32. The Council undertakes long-term borrowing in accordance with the investment requirements of the capital programme and all borrowing is therefore secured for the purpose of its asset base.
33. Under regulation, the Council can borrow in advance of need and Markets are therefore constantly monitored and analysed to ensure that advantage is taken of favourable rates and the increased borrowing requirement is not as dependant on interest rates in any one year.
34. The level of borrowing taken by the Council is determined by the Capital Financing Requirement (the Council's underlying need to borrow for capital expenditure purposes). Borrowing needs to be affordable, sustainable and prudent.

35. On the reverse side, the Council's level of borrowing can also be below the Capital Financing Requirement. This would mean that instead of increasing the Council's level of borrowing, surplus funds held for investment purposes would be utilised.
36. Table 5 shows the Council's underlying need to borrow to finance capital expenditure and is termed the Capital Financing Requirement (CFR).

	<b>31 March 2025 Projected (30<sup>th</sup> Jun 2024)</b>	<b>31 March 2025 Budget (As at TMSS)</b>	<b>31 March 2024 Actual (As at Outturn)</b>
CFR General Fund	£348.10m	£399.76m	£313.16m
CFR HRA	£149.33m	£149.33m	£147.34m
PFI	£43.29m	£43.21m	£41.74m
Total CFR	£540.72m	£592.30m	£502.24m

**Table 5 Capital Financing Requirement as at 30<sup>th</sup> June 2024**

37. The borrowing strategy takes into account the borrowing requirement, the current economic and market environments and is also influenced by the interest rate forecasts.
38. During the first quarter of 2024/25, the Council has maintained its under-borrowed position. This meant that the capital borrowing need, (the Capital Financing Requirement), has not been fully funded with loan debt, and cash supporting the Council's reserves, balances and cash flow has continued to be used as an interim measure to fund the capital programme. The under-borrowed position can be seen on the Councils Liability Benchmark graph as shown by the gap between the loans outstanding and CFR.
39. While this strategy is still prudent in 2024/25 as long-term borrowing rates have remained elevated across the curve, where debt is required to finance the capital programme the Treasury team will look at temporary and short-term borrowing options if internal borrowing cannot be maintained. Where there are opportunities to draw down long term debt at more favourable rates, through either PWLB or market borrowing, these will be considered in order to try to minimise the longer-term impact of debt costs.
40. In the first quarter of 2024/25 the Council has taken new debt to replace used cash balances. Short term debt was taken from the PWLB which will require refinancing in early 0225/26 (see Table 7). This has increased the Council's refinancing interest rate risk as a greater proportion of its overall debt will mature in late 2024/25 and early 2025/26 but this is still within the approved maturity limits set as part of Prudential Indicator 8. The decision to take short term debt from PWLB was felt prudent in the current climate as forecasts for longer term borrowing rates show a decrease in the second half of 2024/25. If

this occurs, then borrowing rates should be cheaper when refinancing this short-term debt.

## Borrowing Portfolio

41. The Councils long-term borrowing started the year at a level of £325.05m. The current borrowing portfolio position as at 30<sup>th</sup> June 2024 is £335.05m.

Institution Type	30 <sup>th</sup> June 2024			31 <sup>st</sup> March 2024		
	No. of Loans	Principal	Average Rate	No. of Loans	Principal	Average Rate
<b><u>Public Works Loan Board</u></b> PWLB – Money borrowed from the Debt Management Office (HM Treasury)	60	£327.70m	3.44%	59	£317.70m	3.38%
<b><u>Market Loans</u></b> LOBO Loans – Lender Option Borrower Option	1	£5.00m	3.88%	1	£5.00m	3.88%
<b><u>West Yorkshire Combined Authority</u></b> WYCA – Zero interest loans the purpose of which are to help to fund York Central infrastructure projects.	4	£2.35m	0.00%	4	£2.35m	0.00%
<b>Total Borrowing (GF &amp; HRA)</b>	<b>65</b>	<b>£335.05m</b>	<b>3.43%</b>	<b>64</b>	<b>£325.05m</b>	<b>3.37%</b>

**Table 6 Current borrowing position at 30<sup>th</sup> June 2024**

42. During the first quarter of 2024/25 financial year one new loan was taken totalling £10.00m. This is detailed in Table 7 below. This borrowing was anticipated because of continued capital expenditure, the increasing CFR requirement and the decrease in cash balances as a result of internal borrowing.

Lender	Issue Date	Repayment Date	Amount	Rate	Duration (years)
PWLB	30/04/2024	30/04/2025	£10.00m	5.39%	1.00
			<b>£10.00m</b>		

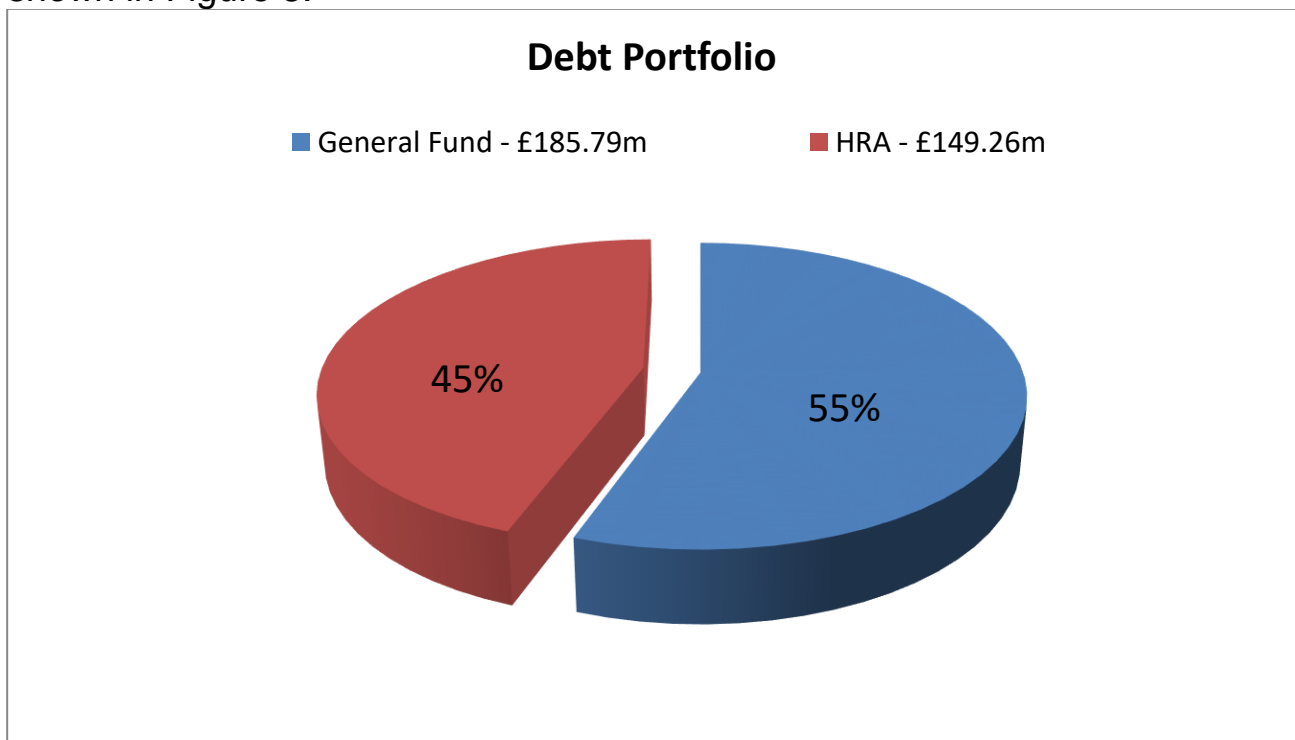
**Table 7 New loans up to 30<sup>th</sup> June 2024**

43. During the first quarter of 2024/25 financial year no existing loans have matured.
44. There are 9 scheduled repayments of long-term borrowing that will occur this financial year totalling £43.40m. These are detailed in Table 8 below.

Lender	Issue Date	Repayment Date	Amount	Rate	Duration (years)
PWLB	13/10/2009	13/10/2024	£3.00m	3.910%	15.00
PWLB	23/11/2000	05/11/2024	£1.00m	4.750%	23.95
PWLB	03/04/2001	05/11/2024	£1.00m	4.750%	23.59
PWLB	29/01/2024	29/01/2025	£10.00m	5.350%	1.00
PWLB	28/02/2024	28/02/2025	£10.00m	5.460%	1.00
PWLB	27/03/2024	27/03/2025	£5.20m	5.390%	1.00
PWLB	27/03/2024	27/03/2025	£4.80m	4.990%	1.00
PWLB	28/03/2012	31/03/2025	£4.00m	2.870%	13.01
PWLB	28/03/2012	31/03/2025	£4.40m	2.870%	13.01
			<b>£43.40m</b>		

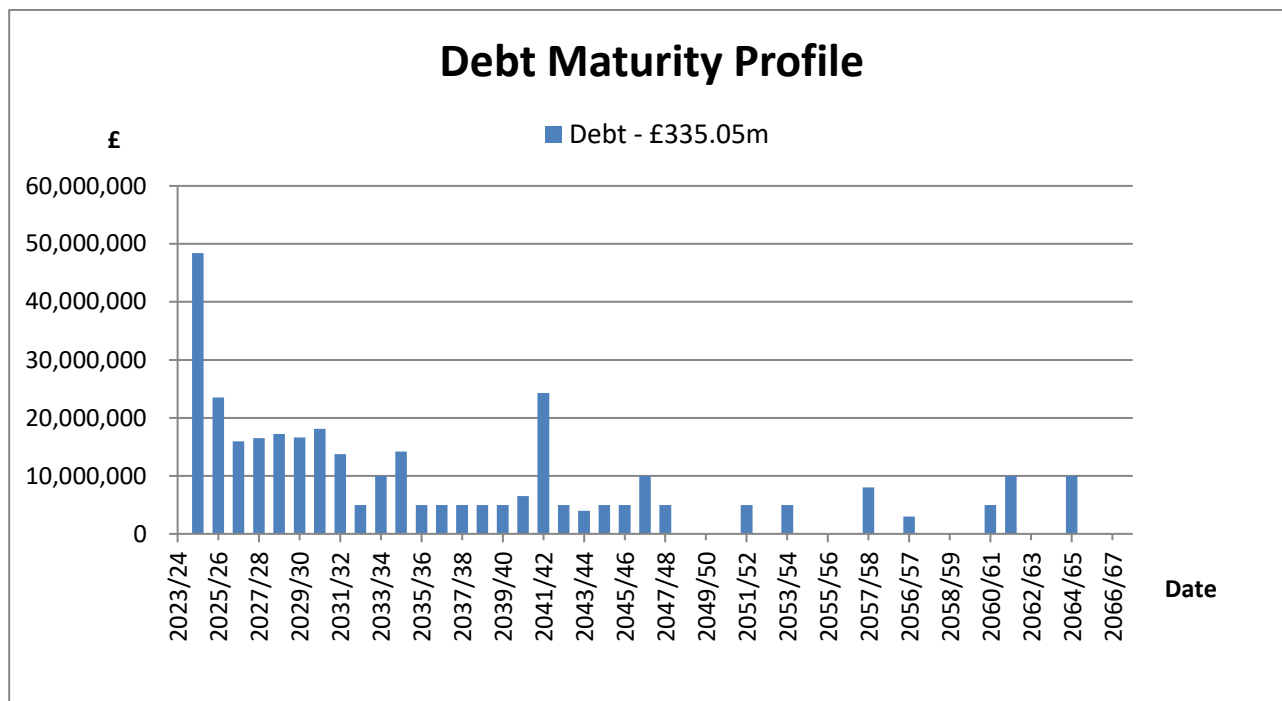
**Table 8 Maturing loans in 2024/25**

45. No loan rescheduling was done during the first quarter of the 2024/25 financial year.
46. The Councils £335.05m of fixed interest rate debt, is split between £149.26m for HRA (£119.65m self-financing debt) and £185.79m for General Fund as shown in Figure 3.



**Figure 3 General Fund and HRA debt at 30<sup>th</sup> June 2024**

47. Figure 4 illustrates the 2024/25 maturity profile of the Council's debt portfolio at 30<sup>th</sup> June 2024. The maturity profile, aside from a total of £40,000,000.00 PWLB debt taken all with 1 year maturities taken in 2023/24 and the first quarter of 2024/25, shows that there is no large concentration of loan maturity in any one year, thereby spreading the interest rate risk dependency.



**Figure 4 – Debt Maturity Profile at 30<sup>th</sup> June 2024**

48. The timing of when that debt is drawn down depends on the progress of the capital programme. Where greater value can be obtained in borrowing for shorter maturity periods the Council will assess its risk appetite in conjunction with budgetary pressures to minimise total interest costs. Temporary borrowing, including inter authority borrowing, is another borrowing option. Longer-term borrowing could also be undertaken for the purpose of certainty, where that is desirable, or for smoothing the maturity profile of debt repayments.

49. Table 9 shows PWLB Certainty borrowing rates available for selected loan durations between 1st April 2024 and 30<sup>th</sup> June 2024 at the highest, lowest and average rates.

	<b>PWLB Certainty borrowing rates by duration of loan</b>				
	<b>1 Year</b>	<b>5 Year</b>	<b>10 Year</b>	<b>25 Year</b>	<b>50 Year</b>
High	5.61%	5.14%	5.18%	5.61%	5.40%
Low	5.27%	4.70%	4.80%	5.28%	5.06%
Average	5.43%	4.92%	4.98%	5.42%	5.20%

**Table 9 – PWLB Borrowing Rates 1<sup>st</sup> April 2024 to 30<sup>th</sup> June 2024**

## Compliance with Treasury policy Prudential Indicators

50. The Prudential Indicators for 2024/25 included in the Treasury Management Strategy Statement (TMSS) are based on the requirements of the Council's capital programme and approved at Budget Council on 22<sup>nd</sup> February 2024 and can be viewed here <https://democracy.york.gov.uk/ieListDocuments.aspx?CId=733&MId=13934&Ver=4>.
51. The Treasury Management budget was set in light of the council's expenditure plans and the wider economic market conditions, based on advice from Link Group.
52. It is a statutory duty for the Council to determine and keep under review the "Affordable Borrowing Limits" included in the Prudential Indicators. During the first quarter of financial year 2024/25 the Council has operated within the treasury limits and Prudential Indicators set out in the TMSS for 2024/25.
53. An update of the Prudential Indicators is shown in Annex A.

## Consultation Analysis

54. Treasury Management Strategy and activity is influenced by the capital investment and revenue spending decisions made by the Council. Both the revenue and capital budgets have been through a corporate process of consultation and consideration by the elected politicians.

## Options Analysis and Evidential Basis

55. The Treasury Management quarterly report and Prudential Indicators details the treasury management portfolio at 30<sup>th</sup> June 2024 and is for the review of the Executive Member for Finance to show compliance with treasury policy and ensure the continued performance of the treasury management function.

## Organisational Impact and Implications

56. The Treasury Management function aims to achieve the optimum return on investments commensurate with the proper levels of security, and to minimise the interest payable by the Council on its debt structure. It thereby contributes to all Council Plan priorities.
- **Financial** - The financial details of the Treasury Management quarterly report are contained in the body of the report.
  - **Human Resources (HR)** - n/a

- **Legal** – Treasury Management activities have to conform to the Local Government Act 2003, the Local Authorities (Capital; Finance and Accounting) (England) Regulations 2003 (SI 2003/3146), which specifies that the Council is required to have regard to the CIPFA Prudential Code and the CIPFA Treasury Management Code of Practice and also the Local Authorities (Capital Finance and Accounting) (England) (Amendment) Regulations 2008 (SI 2008/414), which clarifies the requirements of the Minimum Revenue Provision guidance.
- **Procurement** - n/a
- **Health and Wellbeing** - n/a
- **Environment and Climate action** - n/a
- **Affordability** - The financial implications of the Treasury Management Strategy are contained in the body of the report and set out in the Financial Strategy and Capital Strategy reports also on this agenda.
- **Equalities and Human Rights** - n/a
- **Data Protection and Privacy** - n/a
- **Communications** - n/a
- **Economy** - n/a.
- **Specialist Implications Officers** - n/a

## Risks and Mitigations

57. The Treasury Management function is a high-risk area because of the volume and level of large money transactions. As a result, there are procedures set out for day-to-day Treasury Management operations that aim to reduce the risk associated with high volume high value transactions as set out as part within the Treasury Management Strategy Statement at the start of each financial year. As a result of this the Local Government Act 2003 (as amended), supporting regulations, the CIPFA Prudential Code and the CIPFA Treasury Management in the Public Services Code of Practice (the code) are all adhered to as required.

## Wards Impacted

All



## Contact details

For further information please contact the authors of this Decision Report.

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<b>Date:</b>	06/08/24

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<b>Report approved:</b>	Yes
<b>Date:</b>	06/08/24

## Background papers

- Treasury Management Strategy Statement and Prudential Indicators for 2024/25 to 2028/29 and Annexes A, B, C and D to that report.  
<https://democracy.york.gov.uk/ieListDocuments.aspx?CId=733&MId=13934&Ver=4>.

## Annexes

- Annex A – Prudential Indicators 2024/25 Quarter 1 (30.06.24)

## Glossary of Abbreviations used in the report

CIPFA	Chartered Institute of Public Finance & Accountancy
CFR	Capital Financing Requirement
CYC	City of York Council
DLUHC	Department for Levelling Up, Housing and Communities
GF	General Fund
HRA	Housing Revenue Account
MPC	Monetary Policy Committee
MRP	Minimum Revenue Provision

PWLB	Public Works Loan Board
SONIA	Sterling Overnight Index Average

## Prudential Indicators 2024/25 Mon 1 (30.06.24)

	Prudential Indicator		2024/25	2025/26	2026/27	2027/28	2028/29	
1	<b>Capital Expenditure</b> To allow the authority to plan for capital financing as a result of the capital programme and enable the monitoring of capital budgets.	GF	£92.1m	£84.2m	£58.3m	£49.2m	£33.4m	
		HRA	£42.0m	£25.7m	£12.7m	£12.1m	£12.3m	
		Other LT	£3.3m	£0.5m	£0.5m	£0.5m	£0.5m	
		<u>Total</u>	<u>£137.4m</u>	<u>£110.4m</u>	<u>£71.5m</u>	<u>£61.8m</u>	<u>£46.2m</u>	
2	<b>CFR</b> Indicates the Council's underlying need to borrow money for capital purposes. The majority of the capital programme is funded through government support, government grant or the use of capital receipts. The use of borrowing increases the CFR.	GF	£348.1m	£390.8m	£407.4m	£419.7m	£432.6m	
		HRA	£149.3m	£149.3m	£149.3m	£149.3m	£149.3m	
		Other LT	£43.3m	£41.9m	£40.6m	£39.3m	£38.0m	
		<u>Total</u>	<u>£540.7m</u>	<u>£582.0m</u>	<u>£597.2m</u>	<u>£608.3m</u>	<u>£619.9m</u>	
3	<b>Liability Benchmark</b> The Liability Benchmark is based on current capital plans and cash flow assumptions, therefore giving the Council an indication of how much it needs to borrow, when it is likely to need to borrow, and where to match maturities to its planned borrowing needs. The liability benchmark makes no assumption about the level of future prudential borrowing in unknown capital budgets.	<p style="text-align: center;"><b>Liability Benchmark</b></p>						
4	<b>Ratio of Financing Costs to Net Revenue Stream</b> An estimate of the cost of borrowing in relation to the net cost of Council services to be met from government grant and council taxpayers. In the case of the HRA the net	GF	15.12%	15.66%	16.59%	16.92%	17.20%	
		HRA	13.48%	13.05%	12.59%	12.28%	11.97%	
		<u>Total</u>	<u>14.79%</u>	<u>15.15%</u>	<u>15.81%</u>	<u>16.03%</u>	<u>16.21%</u>	

	Prudential Indicator		2024/25	2025/26	2026/27	2027/28	2028/29	
	revenue stream is the income from rents. <i>Note that financing costs include debt and other long-term liabilities such as PFI and Leases.</i>							
5	<b>External Debt</b> To ensure that borrowing levels are prudent over the medium term the Council's external borrowing, net of investments, must only be for a capital purpose and so not exceed the CFR.	Gross Debt  Invest  Net Debt	£410.3m  £5.0m <hr/> £405.3m	£460.0m  £5.0m <hr/> £455.0m	£482.3m  £5.0m <hr/> £477.3m	£504.0m  £5.0m <hr/> £499.0m	£527.7m  £5.0m <hr/> £522.7m	
6 a	<b>Authorised Limit for External Debt</b> The authorised limit is a level set above the operational boundary in acceptance that the operational boundary may well be breached because of cash flows. It represents an absolute maximum level of debt that could be sustained for only a short period of time. The council sets an operational boundary for its total external debt, gross of investments, separately identifying borrowing from other long-term liabilities.	Borrowing CFR / Other long-term liabilities	£602.3m  £30.0m <hr/> £632.3m  (£632.3m set at 2024/25 Strategy)	£592.0m  £30.0m <hr/> £622.0m  (Based on current CFR projection)	£607.2m  £30.0m <hr/> £637.2m  (Based on current CFR projection)	£618.3m  £30.0m <hr/> £648.3m  (Based on current CFR projection)	£629.9m  £30.0m <hr/> £659.9m  (Based on current CFR projection)	

	Prudential Indicator		2024/25	2025/26	2026/27	2027/28	2028/29	
6 b	<p><b>Operational Boundary for External Debt</b></p> <p>The operational boundary is a measure of the most likely, prudent, level of debt. It takes account of risk management and analysis to arrive at the maximum level of debt projected as part of this prudent assessment. It is a means by which the authority manages its external debt to ensure that it remains within the self-imposed authority limit. It is a direct link between the Council's plans for capital expenditure; our estimates of the capital financing requirement; and estimated operational cash flow for the year.</p>	Borrowing CFR / Short Term Liquidity Requirement	<p>£540.7m</p> <p>£61.6m</p> <hr/> <p>£602.3m</p> <p>(£602.3m set at 2024/25 Strategy)</p>	<p>£582.0m</p> <p>£10.0m</p> <hr/> <p>£592.0m</p> <p>(Based on current CFR projection)</p>	<p>£597.2m</p> <p>£10.0m</p> <hr/> <p>£607.2m</p> <p>(Based on current CFR projection)</p>	<p>£608.3m</p> <p>£10.0m</p> <hr/> <p>£618.3m</p> <p>(Based on current CFR projection)</p>	<p>£619.9m</p> <p>£10.0m</p> <hr/> <p>£629.9m</p> <p>(Based on current CFR projection)</p>	

	Prudential Indicator		2021/22	2022/23	2023/24	2024/25	2025/26	
7	<b>Maturity Structure of Borrowing</b> To minimise the impact of debt maturity on the cash flow of the Council. Over exposure to debt maturity in any one year could mean that the Council has insufficient liquidity to meet its repayment liabilities, and as a result could be exposed to risk of interest rate fluctuations in the future where loans are maturing. The Council therefore sets limits whereby long-term loans mature in different periods thus spreading the risk.	Maturity profile of debt against approved limits	<b>Maturity Profile</b>	<b>Debt (£)</b>	<b>Debt (%)</b>	<b>Approved Minimum Limit</b>	<b>Approved Maximum Limit</b>	
			Less than 1 yr	£61.4m	18%	0%	30%	In line with the TMSS Lobo loans are shown as due at their next call date as this is the date the lender could require payment.
			1 to 2 yrs	£10.5m	3%	0%	30%	
			2 to 5 yrs	£49.7m	15%	0%	40%	
			5 to 10 yrs	£70.3m	21%	0%	40%	
			10 yrs and above	£143.2m	43%	30%	90%	
			Total	£335.1m	100%	-	-	
7	<b>Upper Limit for Total Principal Sums Invested for Over 364 Days</b> The Council sets an upper limit for each forward financial year period for the level of investments that mature in over 364 days. These limits reduce the liquidity and interest rate risk associated with investing for more than one year.	Limit / (Current investments greater than 364 days maturing in year)	£15.0m (£0.0m)	£15.0m (£0.0m)	£15.0m (£0.0m)	£15.0m (£0.0m)	£15.0m (£0.0m)	



<b>Meeting:</b>	Audit & Governance Committee
<b>Meeting date:</b>	04/09/2024
<b>Report of:</b>	Debbie Mitchell, Director of Finance
<b>Portfolio of:</b>	Cllrs Katie Lomas & Anna Baxter, Executive Members for Finance, Performance, Major Projects, Human Rights, Equality, and Inclusion

## **Audit and Governance Committee Report:**

### External Auditor Verbal Update

### **Subject of Report**

1. The Council's External Auditors are Forvis Mazars and they have a standing item on the Committees work plan to provide Members with regular updates.
2. The Director responsible for York will present a verbal update to the meeting. This update will cover progress in delivering their responsibilities as the Council's external auditors, along with any national issues.

### **Recommendation and Reasons**

3. Audit & Governance Committee are asked to note the verbal update provided at the meeting.

Reason: That the Committee is made aware of any emerging issues.

### **Contact details**

For further information please contact the author of this report.

**Author**

<b>Name:</b>	Debbie Mitchell
<b>Job Title:</b>	Director of Finance
<b>Email:</b>	debbie.mitchell@york.gov.uk
<b>Report approved:</b>	Yes
<b>Date:</b>	20/08/2024

**Annexes:** None





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**Audit and Governance Committee**  
Report of the Director of Governance

**4 September 2024**

**Report of the Monitoring Officer on Suggested Constitutional Changes**

**Summary**

1. To provide the first tranche of suggested constitutional changes to the committee for consideration and discussion.

**Background**

2. Members will recall that, at its meeting on 8 August 2024, the committee received early sight of the proposed changes to the Constitution, as agreed by the Constitution Working Group.
3. Following that early sight, the revised draft Council Procedure Rules (Appendix 3 to the Constitution), which are attached at Annex 1 in tracked form and Annex 2 in clean form, are presented to the committee for discussion and agreement.
4. Members may recall that, at the meeting of 8 August, Councillor Merrett indicated he had some minor queries on the documents then presented, and following consideration of those queries, Members' attention is drawn to the changes at paragraphs 4.2, A4 (2), and the new paragraph B23.
5. Should the Committee choose to endorse the proposed revisions, it is proposed that the revised Council Procedure Rules be presented to Full Council at its meeting on 19 September for agreement and implementation.
6. **Implications**

**Financial** – None directly arising from this report.

**Human Resources (HR)** – None directly arising from this report.

**Equalities** – None directly arising from this report.

**Legal** – None directly arising from this report.

**Crime and Disorder, Information Technology and Property** – None directly arising from this report.

### Recommendations

7. It is recommended that Members:
- a) Consider and endorse the proposed changes to the Council Procedure Rules; and
  - b) Remit those changes to the meeting of Full Council on 19 September 2024 for approval.

### Reasons for the Recommendation

8. To allow the Committee to consider the proposed Constitutional changes.

**Author and Chief Officer responsible for the report:** Bryn Roberts, Director of Governance and Monitoring Officer  
bryn.roberts@york.gov.uk

**Report Approved**  **Date** 15 August 2024

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

**For further information please contact the author of the report**

### Background Papers:

- None

### Annexes:

- Annex 1 – Council Procedure Rules – Tracked Version
- Annex 2 – Council Procedure Rules – Clean Version

## Appendix 3 – Full Council Procedure Rules

### Introduction

#### 1 Full Council

1.1 The Full Council (~~“the Full Council”~~) is a formal meeting of all Councillors. The Full Council is required by law to take certain important decisions including setting the Council’s budget and Council Tax and approving a number of key plans and strategies (“The Policy Framework”). In law, all functions of the authority are deemed to be Executive functions unless reserved to the Full Council is responsible for all of the functions which are not the responsibility of the Executive. It will carry out some functions itself, but others will be delegated to Committees or named Officers. Further details of the functions which Full Council has delegated are set out in Appendix 1 of this ~~Constitution~~Constitution.

1.2 In addition to the legal functions referred to at paragraph 3.1 below, the Full Council may also carry out other business, including consideration of motions, receipt of petitions, and hear representations from individuals and businesses.

1.3 In this Annex, references to the Head of Paid Service shall be taken to include references to any Deputy Head of Paid Service, or (in the absence of the Head of Paid Service and any Deputy Head of Paid Service) shall include the Monitoring Officer.

#### 2 The Policy Framework

2.1 The Policy Framework means the following plans and strategies:

Partnership and Community Plans:

- a) 10 Year City Plan
- b) Health and Wellbeing Strategy
- c) Children and Young People’s Plan
- d) Corporate Parenting Strategy
- e) Youth Justice Plan
- f) Community Safety Strategy
- g) Joint Waste Strategy

- h) Climate Change Strategy
- i) Annual Library Plan
- j) Food Law Enforcement Service Plan

Full Council:

- a) Council Plan or its equivalent
- b) Local Plan documents
- c) Local Transport Plan
- d) Statement of Licensing Policy under Licensing Act 2003
- e) Gambling Act Licensing policy
- f) Medium Term Financial Strategy
- g) Treasury Management Plan

### 3 Functions of the Full Council

3.1 The following functions can only be discharged by reserved to Full Council ~~are~~:

- a) To approve, adopt amend, monitor and/or review the plans, strategies and policies which together make up the Council's Policy Framework
- b) Determine and amend the Council's Revenue and Capital budgets, including the initial allocations of financial resources to different services and projects, proposed contingency funds, proposed precepts, setting the Council Tax and decisions relating to the Council's borrowing requirement and the control of its capital expenditure.
- c) Approve the Treasury Management Strategy.
- d) Approve expenditure that falls outside the Council's total annual budget.
- e) Take any decision, which is contrary to the approved Policy Framework and/or the approved Budget.
- f) Appoint and remove the Leader.

City of York Council

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Appendix 3: Full Council Procedure Rules

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- g) Decide the composition of Committees and sub-committees of Full Council and ~~make approve the appointments allocation of places~~ including co-opted members to them and other non-Executive bodies (except in the case of ~~ad ad~~-hoc scrutiny ~~sub~~Sub-committees-Committees which will be determined by the ~~Customer & Corporate Services, Climate Change and Scrutiny Management Committee~~)-~~respectively~~.
- h) Appoint representatives to outside bodies, unless the appointment is one that must by law be made by the Executive in relation to its functions or has been delegated by ~~the~~ Full Council.
- i) Make and, ~~subject to the provisions of Article 25 of this Constitution,~~ amend ~~this Constitution,~~ Standing Orders, Financial Regulations, and Contract Procedure R~~ules in relation to contracts~~.
- j) Change the name of the City or of a Parish.
- k) Elect a Lord Mayor, Deputy Lord Mayor, and Sheriff, and exercise related functions.
- l) Confer the title of the Honorary Alderman, Honorary Alderwoman, Honorary Recorder, and Honorary Freeman, Honorary Freewoman, and grant the Freedom of the City.
- m) Promote or oppose local or personal bills.
- n) Where it is the function of the Council, divide Parliamentary Constituencies and local government electoral divisions into polling districts.
- o) Make, amend, revoke or re-enact Byelaws.
- p) Make orders for grouping parishes, dissolving groups of parishes, and separating parishes from groups.
- q) Dissolve small parishes.

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Appendix 3: Full Council Procedure Rules

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- r) Carry out functions in relation to parishes and Parish Councils under Part 11 of the Local Government and Rating Act 1997 and subordinate legislation under that Part.
  - s) Fill Council or Parish Council vacancies in the event of insufficient nominations.
  - t) Submit proposals to the Secretary of State for an Order under Section 10 of the Representation of the People Act 2000 (pilot schemes for local elections).
  - u) Appoint the ~~Chief Operating Officer (or equivalent)~~ (Head of Paid Service<sub>2</sub>) and designate officers or roles as the Monitoring Officer, the Chief Finance Officer<sub>1</sub> and Proper Officers under the relevant legislation, except to the extent that the power to designate Proper Officers has been otherwise delegated in this ~~Constitution~~Constitution.
  - v) Make a scheme for the payment of allowances to Members and determine the amount of all allowances payable to Members of the Council, its Committees, ~~sub-Sub-~~Committees and other bodies.
  - w) Take decisions and/or give advice on matters brought to ~~the~~ Full Council by the Executive and other bodies or persons.
  - x) Carry out any other functions reserved by law or by this ~~Constitution~~Constitution to Full Council, including those "local choice" functions reserved to Full Council under this part of the ~~Constitution~~Constitution.

#### **4 Chairing the Full Council**

- 4.1 The Lord Mayor will preside at meetings of the Full Council. In the absence of the Lord Mayor<sub>1</sub>, the Deputy Lord Mayor will preside. In the absence of both, ~~then~~ the Full Council will elect a Member to preside for that meeting. Any powers or duties of the Lord Mayor, as Chair, in relation to the conduct of a meeting may be exercised by the person presiding at the meeting.

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Appendix 3: Council Procedure Rules

Reviewed: ~~May-November 2022~~2023

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4.2 The Lord Mayor will cease to be Lord Mayor if they resign, ~~is-are~~ dismissed by a vote of Full Council, ceases to be a Member of the Council, or ~~is-are~~ unable to act as a Member of the Council. They will continue to act as Lord Mayor (whether or not remaining a Councillor) after an election until their successor has been appointed. ~~If the Lord Mayor is no longer a Councillor they may not vote other than to exercise a casting vote.~~

Commented [RB1]: Query raised by Councillor Merrett - as I cannot find a justification to retain this, it is suggested that it be removed.

4.3 The Lord Mayor shall:

- a) uphold and promote the purpose of the ~~Constitution~~Constitution, and interpret the ~~Constitution~~Constitution when necessary, in consultation with the Monitoring Officer;
- b) preside over meetings of the Council so that its business can be carried out fairly and efficiently and with regard to the rights of Councillors and the interests of the local community;
- c) ensure that ~~the Full~~ Council meetings ~~is-are~~ a forum for the debate of matters of concern to the local community and the place at which Members who are not on the Executive are able to hold the ~~Executive-Executive~~ and Committee Chairs to account;
- d) promote public involvement in the Council's activities.

4.4 The ruling of the Lord Mayor, as to the construction or application of any of these Rules, will be final. In the event that a circumstance arises that is not covered by the Council Procedure Rules, the ruling of the Lord Mayor shall be final. In the event that circumstances arise outside the meeting which would ordinarily require a decision of, or action by, the Lord Mayor, the Lord Mayor is enabled to take such action as they consider appropriate.

## 5 Full Council Meetings

5.1 Meetings of Full Council are business meetings, where the Full Council transacts its essential business. Whilst there are three 'types' of Full Council meeting, this ~~C~~onstitution will list "Budget Council" as

Appendix 3: Council Procedure Rules

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a fourth meeting type due to the different Procedure Rules to be followed:

- a) The Annual Meeting;
- b) The Budget Council;
- c) Ordinary Meetings;
- d) Extraordinary Meetings.

## 6 Rules of Procedure and Debate

- 6.1 These Council Procedure Rules will apply to all meetings of the Full Council unless expressly stated otherwise. All time limits for speeches are subject to any required reasonable adjustments, which shall be determined by the Lord Mayor upon request.

## 7 Notice of and Summons to Meetings

- 7.1 The ~~Chief Operating Officer~~Head of Paid Service will give notice to the public of the time and place of any meeting in accordance with the Access to Information Procedure Rules in Appendix 7 of this ~~Constitution~~Constitution.
- 7.2 At least five working days before a meeting, the ~~Chief Operating Officer~~Head of Paid Service will send a summons signed by them to every Member of the Council. The summons will give the date, time and place of each meeting and specify the business to be transacted, and will be accompanied by such reports as are available.

## 8 Quorum

- 8.1 The quorum for all meetings of the Full Council is one quarter half of the whole number of Members of the Council.
- 8.2 If at any time during the meeting of the Full Council, the Lord Mayor declares there is not a quorum present, the meeting stands adjourned. The consideration of any business not transacted will be deferred to a time fixed by the Lord Mayor at the time the meeting is adjourned, or if the Lord Mayor does not fix a time, to the next ordinary meeting of the Full Council.



## 9 Duration of Meetings

- 9.1 All Ordinary Meetings, Budget Council and Extraordinary Meetings will finish no later than 3-2 hours and 40-30 minutes after the start time of the meeting, unless extended by agreement of the Council. The 3-2 hours and 40-30 minutes will not include any periods of adjournment and/or breaks taken by the Lord Mayor. For clarity, this rule does not apply to Annual Council ~~and Extraordinary meetings of Council.~~
- 9.2 The Lord Mayor will remind Council ~~when if three-2~~ hours and 30-20 minutes has ve elapsed ("the guillotine warning").
- 9.3 A motion to extend the meeting which has been duly proposed and seconded, before the allocated time has elapsed shall be put to the vote without debate, and if approved by Council the meeting shall continue for no more than 30 additional minutes.
- 9.4 Once the guillotine warning is reached, aAll outstanding items of business will be deemed to have been proposed and seconded and will be voted on individually per agenda item without debate prior to the expiry of the meeting time.

## 10 Public Participation

- 10.1 The Public Participation ~~Rules/Protocol~~ is set out at Appendix 8 of this ~~Constitution~~Constitution.
- 10.2 The time spent on this item shall not, except at the discretion of the Lord Mayor, exceed 30 minutes.
- 10.3 The right to pPublic participation applies to all meetings of Full Council~~Ordinary M~~meetings, ~~B~~udget ~~C~~council and ~~E~~extraordinary ~~M~~meetings ~~only~~.~~except the Annual Meeting.~~
- 10.4 Any member of the public shall be entitled to address-make a statement to the Council ~~for up to 3 minutes~~ or to ask-question any Member of the Council's Leader, or any Executive Member, -for up to 3 minutes~~a question. The time for asking sa~~

**Commented [BR2]:** In the public participation protocol, include separate provisions for Councillors to participate.

**Commented [RB3R2]:** This is for when we review the public participation protocol, so I won't take any further action at this stage.

City of York Council

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Appendix 3: Full Council Procedure Rules

10.5 In order to exercise this right prior notice must be given to the Head of Democratic Governance before 5:00 pm 2 working days before the meeting.

10.6 At an Ordinary Meeting any ~~address or statement or~~ question(s) from a member of the public may only be on any matter for which the council has a direct responsibility or which affect the city.

10.7 In the case of the Budget Council meeting, any public participants must address business on the agenda in so far as it may relate to the setting of the budget for the coming financial year, or any other item included on the agenda of the Budget Council meeting. In the case of an extraordinary meeting public participants must only address the business on the agenda.

10.8 ~~In the case of an extraordinary meeting public participants must only address the business on the agenda. No person may register to make a statement or ask a question at a meeting before the publication of the Agenda for that meeting, and no person may register to make more than one statement or ask more than one question at any meeting.~~

~~10.9 In the light of the special nature of the annual meeting the public participation rights given by this Rule will not apply.~~

10.490 ~~In exercising their public participation rights~~ making a statement or asking a question, a member of the public is entitled to express views, positive or negative, about the performance of the Council but must not:

- a) Say anything which is defamatory or discriminatory;
- b) Make any personal attack on any Officer and/or Member; or
- c) Disclose confidential or exempt information including personal information.

10.4410 ~~Any questions to Council~~ shall be put and answered without discussion, either by a direct answer or, on questions which could not reasonably be dealt with at the meeting, by a written answer which will be passed on to Members to answer within ten working days.

10.112 ~~The Lord Mayor shall determine the order of Public Participants for each meeting, following the closure of registrations for Public~~

Appendix 3: Council Procedure Rules

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~~Participation. In the event that the Public Participation item at any given meeting is oversubscribed, the Lord Mayor shall have absolute discretion as to which ten Public Participants shall be permitted to make a statement or ask a question. Those persons who are consequently unable to participate shall be entitled to submit their comments or question(s) in writing, and these will be circulated to the Council after the meeting. No other discussion will take place on any matter raised by a member of the public when addressing the Council. When the speaker has finished, the Lord Mayor will announce how the issues raised by the participant will be dealt with. The options most usually being:~~

~~to note the comments made;~~

~~to refer the issues to the Executive or another appropriate Committee for consideration; or~~

~~to take into account the comments made as part of any debate on related decisions to be made later on the agenda.~~

## **11 ~~Removing Election and Term of the Leader of the Council and Members of the Executive~~**

11.1 The Leader of the Council will be elected by Council and will hold office ~~until the next whole-Council elections for a period of four years unless they resign, are removed as Leader of their Group, or are removed under the provisions of this Constitution or until the next all out city council election,~~ and can only be removed during the period of office by resolution of Council in the circumstances below.

11.2 Members of the Executive are appointed directly by the Leader of the Council and therefore their position as members of the Executive falls if the Leader is removed from Office by Council. ~~In all cases, if the motion to remove the Leader is successful the Leader and Executive Members continue to be City of York Councillors until either the next council elections or they chose to resign their position as councillor.~~

11.3 If Council resolves to remove the Leader of the Council, and in turn the members of the Executive, it shall elect a new Leader of the Council at the same Full Council meeting as its next item of business. ~~If Council is, for any reason, unable to elect a new Leader of the~~

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Council, the Lord Mayor shall convene an Extraordinary Meeting of the Council for the purpose of electing a new Leader as soon as is practicable. In the interim, the Head of Paid Service shall be empowered to utilise their urgency powers as required.

11.4 If whole-Council elections give rise to a likely change in leadership, the Leader-elect shall be empowered to act as Leader pending the decision of Annual Council; if whole-Council elections do not give rise to a likely change in leadership, the existing Leader or, in the event of their non-return, any successor appointed by their Group, shall be empowered to act as Leader pending the decision of Annual Council. In the event that, in the opinion of the Head of Paid Service, whole-Council elections result in no clear Leader, the Lord Mayor/Head of Paid Service shall act as Leader of the Council/ be empowered to utilise their urgency powers as required until the Annual Council meeting.

## **12 Removing the Leader of the Council ~~and Members of the Executive~~**

### Notice of Motion to remove the Leader of the Council

~~112.41~~ 12.41 Notice of motion to remove the Leader of the Council shall be:

- a) Given in writing; and
- b) Signed by a proposer and a seconder who are both City of York Councillors; and
- c) Received by the ~~Chief Operating Officer~~Head of Paid Service; and
- d) State why the signatories consider that the Leader of the Council should be removed

~~112.52~~ 12.52 If the ~~Chief Operating Officer~~Head of Paid Service receives the notice of motion less than 15 working days but not less than ~~65~~ clear working days, before the next scheduled Full Council meeting, the motion will be considered at that Council meeting. If notice is received less than 6 clear working days before the next scheduled Full Council meeting, an Extraordinary Meeting of Full Council will be convened to consider the motion.

~~124.36~~ 12.36 If the notice of motion is received more than 15 clear working days before the next scheduled Full Council meeting, the ~~Chief~~

Appendix 3: Council Procedure Rules

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~~Operating Officer~~Head of Paid Service shall within 5 working days of receipt, summon an Extraordinary ~~M~~meeting of Council for the purposes of considering the motion. Unless required by law, no other business shall be conducted at that meeting, other than election of a new Leader of the Council, should the motion succeed. The Extraordinary meeting shall take place within 10 working days of the summons.

#### Duties of a newly Elected Leader of the Council

- ~~11.2.47~~ 47 A new Leader of the Council elected under these provisions shall, within 5 working days of their election:
- a) appoint a Deputy Leader;
  - b) ensure that areas of responsibility are allocated by the Executive to each member of the Executive; and
  - c) inform the ~~Chief Operating Officer~~Head of Paid Service of the names of the Deputy Leader and the areas of responsibility of Members of the Executive.

### 13 Budget Amendments

13.1 From time to time it may be considered necessary or desirable to amend the budget agreed at the Budget Council by way of a Budget Amendment. In the event of such an amendment, a report shall be prepared and submitted to an Ordinary Council meeting or an Extraordinary Council meeting by the Chief Finance Officer, setting out the details of the proposed Budget Amendment.

13.2 Once submitted to Council, the proposed Budget Amendment will be subject to amendment in accordance with the rules set out in Procedure Rule B12 below and shall be debated in accordance with the rules on debates for motions, set out in Procedure Rules B13 to B21 below, save that all votes on the budget amendment shall be carried out as named votes.

#### Procedure rules for Annual ~~M~~meeting of the Council

##### **A1 Annual Meeting of the Council.**

- 1 ~~1~~—The date and time of the Annual Meeting will be determined by the ~~Chief Operating Officer~~Head of Paid Service following

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consultation with the Lord Mayor Elect and the Leader of the Executive and Political Group Leaders.

- 2 In a year when there is an ordinary election of councillors, the Annual Meeting will take place within 21 days of the retirement of the outgoing councillors. In any other year, the annual meeting will take place in March, April, or May.

## A2 Agenda for the Annual Meeting

- 1 At the Annual Meeting of the Council, the order of business shall be as follows:
- a) apologies for absence
  - ~~a)~~b) declarations of interest;
  - c) to:
    - i) elect the Lord Mayor for the ensuing municipal year;
    - ~~e) — ii) to —~~ appoint a Deputy Lord Mayor for the ensuing municipal year; and
    - ~~e) —~~ iii) to — appoint a Sheriff for the ensuing municipal year;
  - ~~b)~~d) at the first Annual Meeting following local elections to appoint a Member as the Executive Leader;
  - ~~e)~~e) to approve the number and size of the Council Committees, including any consequent changes to the  
~~Constitution~~Constitution;
  - ~~e)~~f) to approve the ~~membership-allocation of places~~ of the Council Committees in accordance with the political balance rules, to receive and note Group nominations for those places, and to elect Members to any spare places (where applicable);
  - ~~e)~~g) to approve any new terms of reference for those committees;
  - ~~f)~~h) to ~~approve the allocation of appoint~~ Chairs ~~and Vice-Chairs (where appropriate)~~ of the Council's Committees for the ensuing municipal year;
  - ~~g)~~i) to approve ~~the allocation of places appointments~~ of Council ~~appointments for~~ representatives on outside bodies for the ensuing municipal year, to receive and note Group nominations for those places, and to receive and note nominations for places year except where these allocation is the a function of the Executive or is delegated to another person or body under the Council's ~~Constitution~~Constitution; and
  - ~~h)~~j) to agree a schedule for the allocation of motions for Ordinary Meetings during the forthcoming Municipal year; and

**Commented [RB4]:** How would the groups want committee chair political allocations to work? Politically balanced? Scrutiny for opposition and non-scrutiny for ruling party?

**Commented [BR5R4]:** I have no clear steer on this, and our current practice varies from both of these. It may be better to leave this question to the ruling party of the day.

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~~i)~~ to consider any business brought before the Council by the Lord Mayor on grounds of urgency in accordance with Section 100B(4)(b) and ~~paragraph~~ 4 (5) of schedule 12 of the Local Government Act 1972.

~~k)~~

~~h)~~

### A3 Rules for the conduct of the meeting

- 1 ~~4~~ Unless otherwise directed by the Lord Mayor, the following rules for Ordinary ~~M~~meetings of Council apply to Annual Council:
- Points of order;
  - Personal explanation;
  - Voting;
  - Minutes;
  - Exclusion of the public;
  - Misconduct by Members;
  - Disturbance by the public; and
  - Filming and use of social media during meetings.

### A4 Voting on Appointments

- 1 ~~4~~ If there are more than two people nominated for any position to be filled and there is not a clear majority of votes in favour of one person, then the name of the person with the least number of votes will be taken off the list and a new vote taken. The process will continue until there is a majority of votes for one person.
- 2 In the event of a tie, the Lord Mayor would exercise a casting vote, unless they have ceased to be a Councillor.

Commented [RB6]: See note to paragraph 4.2 above.

### ~~A5~~ Duration of meetings

- ~~1~~ The time limit of 3 hours and 40 minutes does not apply to Annual meetings of the Council.

## Procedure rules for Ordinary Meetings of the Council

### **B1 Ordinary Meetings**

- 1 ~~1~~—The Council will hold Ordinary Meetings for the transaction of general business. The arrangements for these meetings, including the venue and time of such meetings, shall be determined by the ~~Chief Operating Officer~~Head of Paid Service, ~~following in~~ consultation with the Leaders of Political Groups.
- 2 ~~Normally~~ Ordinary Meetings of the Council will be held in an accessible venue. They will commence at 6.30 pm ~~at the Guildhall~~, unless different suitable alternative arrangements may have been made, in which case such arrangements will be notified to all Members ten clear days before the meeting, with the agreement of the Lord Mayor.

### **B2 Duration of Meetings**

- 1 ~~1~~—All Ordinary Meetings will finish no later than 23 hours and ~~40~~ 30 minutes after the start time of the meeting, unless extended by agreement of the Council. The 23 hours and ~~40-30~~ minutes will not include any periods of adjournment and ~~-/~~ or breaks taken by the Lord Mayor.
- 2 The Lord Mayor will issue the guillotine warning to remind Council ~~when if three-2~~ hours and ~~30-20~~ minutes has lapsed.
- 3 A motion without notice to extend the duration of the meeting, which has been duly proposed and seconded, before the ~~allocated time~~guillotine warning has elapsed, shall be put to the vote without debate.
- 4 Once the guillotine warning is reached, aAll outstanding items of business will be deemed to have been proposed and seconded and will be voted on individually per agenda item without debate prior to the expiry of the meeting time.

### **B3 Agenda for Ordinary Meetings**



- 1 The order of business at every Ordinary Meeting of the Council shall ~~be~~include the following items:
- a) to choose a person to preside if the Lord Mayor ~~or~~ and Deputy Lord Mayor ~~is~~ are absent;
  - a)b) to receive apologies for absence;
  - c) Public Participation;
  - b)d) declarations of interest;
  - e)e) to approve as a correct record and sign the minutes of the last meeting or meetings of the Council;
  - e)f) Lord Mayor's Business;
  - g) to receive without discussion petitions which Members wish to present to Full Council;
  - e) ~~Public Participation;~~
  - f) ~~to dispose of any business standing adjourned from any previous meeting of the Council;~~
  - g) ~~to receive without discussion petitions which Members wish to present to Council;~~
  - h) ~~to receive and consider a written report from the Leader on the work of the Executive, and to ask ~~them~~ questions in respect of any matter thereon;~~
  - i)h) ~~to receive and consider a written report from the Deputy Leader on the work of the Executive, to ask them questions thereon;~~
  - f)i) to debate such- recommendations requiring Full Council approval as may have been made by the Executive;
  - k) ~~to consider motions;~~
  - l) ~~to ask questions of the Leader, Deputy Leader or Executive members in respect of any matter for which they have responsibility;~~
  - m) ~~to receive and consider a written report from Executive Members in an agreed rotation as set out in Rule B5 and to question such Members thereon;~~
  - n)j) alternately to receive and consider a written report from either the Chair of ~~Customer &~~ Corporate Services, Climate Change, and Scrutiny Management Committee, or from the Audit and Governance Committee, including such recommendations for approval as may have been made by that Committee under Rule B8;
  - e)k) to receive and consider and report on recommendations of other Scrutiny Bodies;
  - l) to receive and consider recommendations of Committees (other than Scrutiny Bodies) under Rule B8;

- ~~p)m)~~ to consider any other business reports from Officers or the Executive set out in the notice convening the meeting;  
~~q)~~ to make any changes in the membership of the Executive, Committees and outside bodies, together with changes to relevant Chairs and Vice Chairs;  
~~r)~~ to consider any other business set out in the notice convening the meeting;  
~~n)~~ ~~s)~~ to consider any business, brought before the Full Council by the Lord Mayor on the grounds of urgency in accordance with Section 100B(4)(b) of the Local Government Act 1972; and.  
~~o)~~ to consider motions on notice and urgent motions.

- 2 The order of business may be ~~varied~~determined in advance by the Head of Paid Service; or may be varied at the Lord Mayor's discretion, ~~;~~ or by resolution passed on a motion duly moved, seconded, ~~;~~ and decided without discussion.

#### **B4 Public Participation**

- 1 The Public Participation Protocol is contained in Appendix 8 of this Constitution, and the rules are set out at section 10 of the Introduction above.

~~Of or which the council has a responsibility or which affect the city~~<sup>1</sup> ~~The time spent on this item shall not, except at the discretion of the Lord Mayor, exceed 30 minutes.~~

~~2 Any member of the public shall be entitled to address the Council for up to 3 minutes or to ask any Member of the Council a question.~~

~~3 In order to exercise this right prior notice must be given to the Head of Democratic Governance before 5:00 pm 2 working days before the meeting.~~

~~4 At an ordinary meeting any address or question from a member of the public may be on any matter directly relevant to the business of Council or the City.~~

~~5 In exercising their public participation rights a member of the public is entitled to express views positive or negative about the performance of the Council but must not:~~

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- ~~a) Say anything which is defamatory or discriminatory~~
- ~~b) Make any personal attack on any Officer and / or Member~~
- ~~c) Disclose confidential or exempt information including personal information.~~

~~6 Any questions to Council shall be put and answered without discussion, either by a direct answer or, on questions which could not reasonably be dealt with at the meeting, by a written answer which will be passed on to Members to answer within ten working days.~~

~~7 No other discussion will take place on any matter raised by a member of the public when addressing the Council. When the speaker has finished, the Lord Mayor will announce how the issues raised by the participant will be dealt with. The options most usually being:~~

- ~~a) to note the comments made;~~
- ~~b) to refer the issues to the Executive or another appropriate Committee for consideration; or~~
- ~~c) to take into account the comments made as part of any debate on related decisions to be made later on the agenda.~~

#### **B5 Lord Mayor's Business**

~~1 The time for the presentation of the report of Lord Mayor's Business shall be no longer than five minutes.~~

#### **B6 Petitions presented by Members**

- 1 A Member may submit a petition for inclusion on the Full Council agenda by giving notice of the petition to the Head of Democratic Governance not later than midday on the eighth working day before the day of the Full Council meeting at which it is to be received. Members will be permitted to speak for up to one minute to present a petition.
- 2 Petitions will be formally received without discussion and will stand referred to ~~Customer & Corporate Services Scrutiny Management & Policy Committee~~ and the appropriate decision maker, and t-he Member submitting the petition will be informed of any meeting considering the petition.

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### **B76 Report of the Leader and Executive**

- 1 The Leader will present a written report on the work of the Executive. In the absence of the Leader, the Deputy Leader will present the report. In the absence of both the Leader and Deputy Leader, an Executive Member will present the report. The maximum time limits for this item are as follows:
- a) The presentation of the Leader's report will not exceed 5-3 minutes; and
  - b) Leaders of Opposition groups on the Council will have up to 5-3 minutes each to respond;
  - a) The Leader will have 5 minutes to respond thereafter.

~~2 The Leader will present a written report on the work of the Executive. In the absence of the Leader, the Deputy Leader will present the report. In the absence of both the Leader and Deputy Leader, an Executive Member will present the report.~~

### **B78 Questions and comments on the Leader and Executive's report**

- 1 A maximum of 10-30 minutes will be permitted for questions and comments on the Leader and Executive's report and/or the work of the Executive.
  - 2 A Member of the Council may ask any question or make any comments, together with one supplementary question or comment directly arising from an item of the Leader's report; related to the work of the Executive.
  - 3 A maximum of two-one other Members of the Council may each ask one further supplementary question or make one supplementary comment. All supplementary questions or comments must arise from the response of the Leader or Executive Member.
- 43 The Leader or relevant Executive Member may respond directly to any question asked or comment made or may agree to submit a written answer to be circulated to all Members of the Council within five working days.

### **B8 Report of Deputy Leader**

- ~~1— A maximum of 10 minutes will be permitted for questions and comments on the Deputy Leader's report. —~~
- ~~2— The Deputy Leader will present a written report on the work of the Executive. They will formally move receipt of the report but will not otherwise speak to it.~~
- ~~3— A Member of the Council may ask any question or make any comments together with one supplementary question or comment directly arising from an item of the Deputy Leader's report.~~
- ~~4— A maximum of two other Members of the Council may each ask one further supplementary question or make one supplementary comment. All supplementary questions or comments must arise from the response of the Deputy Leader.~~
- ~~5— The Deputy Leader may respond directly to any question asked or comment made or may agree to submit a written answer to be circulated to all Members of the Council within five working days.~~

#### **~~B9— Report of Executive Member~~**

- ~~1— At each Council meeting an Executive Member, decided by rotation, will submit a written report. The Executive Member will formally move their report but will not deliver a speech in support of it.~~

#### **~~B10— Questions and comments on the Executive Member's report~~**

- ~~1— A maximum of 10 minutes will be permitted for questions and comments on the Executive Member's report.—~~
- ~~2— A Member of the Council may ask any question or make any comments together with one supplementary question or comment directly arising from an item of the Executive Member's report.~~
- ~~3— A maximum of two other Members of the Council may each ask one further supplementary question or make one supplementary comment. All supplementary questions or comments must arise from the response of the Executive Member.~~

~~4— The Executive Member may respond directly to any question asked or comment made or may agree to submit a written answer to be circulated to all Members of the Council within 5 working days.~~

#### ~~B11~~ **General Questions to Leader and Executive Members**

~~1— A maximum of 15 minutes will be permitted for questions under this Rule.~~

~~2— A Member of the Council may ask the Leader or any Executive Member any question together with one supplementary question on any matter within their portfolio responsibility.~~

~~3— A maximum of two other Members of the Council may each ask one further supplementary question. All supplementary questions must arise from the response of the Leader or Executive Member.~~

~~4— The Leader or Executive Member may respond directly to any question asked or may agree to submit a written answer to be circulated to all Members of the Council within 5 working days.~~

#### ~~B129~~ **Committees of Council**

1 The Chair of a Committee will present any recommendations of that Committee requiring confirmation to Full Council and move that they be received and approved. In the absence of the Chair, the Vice Chair ~~may move the recommendation,~~ and only in the absence of both the Chair and Vice Chair following that may another Member of the Committee ~~may~~ move the recommendation.

- a) When the recommendations of a Committee requiring confirmation have been presented to Full Council and duly moved and seconded, they will be open to debate;
- b) Any Member may without notice move references back of any item requiring confirmation by Full Council.

2 The Chair of the Committee has the final right of reply to any amendment or motion moved under this Rule.

#### ~~B13~~B10 **Motions on Notice**

### Scope

- 1 ~~Unless otherwise agreed by the Lord Mayor, m~~Motions must be about matters for which the council has a direct responsibility, and/or which affect the ~~city~~City. For functions which can be only carried out by the Executive, Full Council cannot take decisions but can recommend a course of action for the Executive to consider. Notices of motions must also contain detailsan indication of the financial and legal impact of the motion, and, wherever possible, advice must be sought from the Chief Finance Officer, the Monitoring Officer, and wherever possible from the relevant Director(s), in advance of the submission of the Motion.
- 2 Notice of every motion to be considered by Full Council, must be given in writing to the Head of Democratic Governance no later than midday on the ~~eighth-eleventh~~ working day before the day of the Full Council meeting at which it is to be considered. This Rule does not apply to motions which may be moved without notice under Rule B10 or to recommendations brought before the Full Council by the Executive or a Committee.
- 3 No Council meeting will receive more than ~~4-2~~ Motions on notice at any ~~one~~-single meeting. Motions shall be limited to no more than 500 words.
- 4 Motions may only be submitted in accordance with the schedule for allocation of motions approved at Annual Council, or any subsequent variation agreed by Council or between Groups and/or Independent Members.
- 5 Motions will be considered in the order determined by the Lord Mayor based on an appropriate order for the effective conduct of business.
- 6 If notice is given of any original motion that, in the sole opinion of the Head of Paid Service (acting in the capacity as proper officer) is unacceptable, the Head of Paid Service shall immediately inform the Lord Mayor, and the motion shall not be accepted or placed on the agenda, and the Head of Paid Service shall inform the Member Group who submitted the notice and retain a formal record of the rejected notice. If notice is given of any original motion that, in the

**Commented [RB7]:** Refer question to A&G

**Commented [RB8R7]:** This will be referred to in the covering report.

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~~opinion of the Chief Operating Officer (acting in the capacity as proper officer) is~~

**Commented [RB9]:** Match this list with the public participation list.

**Commented [RB10R9]:** Done.

~~out of order, illegal, irregular or improper, the Chief Operating Officer shall immediately submit such notice to the Lord Mayor and it shall not be accepted and placed on the agenda without the Lord Mayor's sanction. In the event of non-acceptance, the Chief Operating Officer shall inform the Member who submitted the notice.~~

7 ~~A motion shall be considered unacceptable if it is defamatory or discriminatory, makes any personal attack on any Officer and/or Member, discloses confidential or exempt information including personal information, requires the Council to do something which it cannot, seeks action that is ultra vires, or if the Head of Paid Service considers the motion unacceptable for other appropriate reasons. A notice of motion would be deemed out of order if it required the Council to do something which it patently cannot.~~

8 ~~A notice of motion would be deemed illegal if it sought action that was ultra vires.~~

9 ~~A notice of motion would be deemed irregular or improper if for example it was offensive or defamatory.~~

10 ~~In all of the above circumstances or in other such circumstance whereby a notice of motion is rejected, the Chief Operating Officer will retain a formal record of the rejected notice.~~

~~Motion to rescind a previous decision~~

11 ~~A motion or amendment to rescind a decision made at a meeting of Council within the past six months cannot be moved unless the notice of motion is signed by at least one third of the Members of the Council.~~

~~Motion similar to one previously rejected~~

12 ~~A motion or amendment in similar terms to one that has been rejected at a meeting of Council in the past six months cannot be moved unless the notice of motion or amendment is signed by at least one third of the Members of Council. Once the motion or amendment is dealt with, no Member can propose a similar motion or amendment for six months.~~



### **B141** Motions without Notice

- 1 All motions and amendments not requiring prior notice must, if the Lord Mayor so requests, be put in writing and handed to the Lord Mayor, before they are discussed or put to the meeting.
- 2 The following motions may be moved without notice:
  - a) to appoint a Chair of the meeting at which the motion is moved;
  - b) in relation to the accuracy of the minutes;
  - c) to change the order of business in the agenda;
  - d) to refer something to an appropriate body or individual;
  - e) to appoint a committee or Member arising from an item on the summons for the meeting;
  - f) to receive reports or adopt recommendations of the Executive, committees or Officers and any resolutions following from them;
  - g) that leave be given to withdraw a motion;
  - h) to proceed to the next business (such a motion may only be moved by a Member who has not already participated in the debate);
  - ~~i) to adjourn a meeting (such a motion may only be moved by a Member who has not already participated in the debate);~~
  - ~~j) to suspend a particular Council Procedure Rule;~~
  - ~~k) to exclude the public and press in accordance with the Access to Information Procedure Rules;~~
  - ~~l) to not hear further a Member named under Rule B28 or to exclude them from the meeting;~~
  - ~~m) to give the consent of the Full Council where its consent is required by this ~~Constitution~~Constitution-;~~
  - ~~n) to extend the duration of the meeting by 30 minutes, such a motion may only be moved once during any meeting, and must be moved and seconded before the Lord Mayor announces that the guillotine has fallen and delivers the guillotine warning, and will have the effect of suspending the relevant standing order-;~~
  - ~~o) to extend any other time limit set out in these Rules; and~~
  - ~~p) to suspend any other particular Council Procedure Rule, except ~~Rule B21(3)~~.~~

### **B152** Notice of amendments

Commented [RB11]: Reference those rules which can't be suspended.

Commented [BR12R11]: Done.

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- 1 Written notice of every amendment, must be delivered to the Head of Democratic Governance no later than midday on the third working day before the day of Council meeting at which it is to be considered and must also contain details an indication of the financial and legal impact of the amendment. Wherever possible the amendment will be circulated to all Members in advance of the Council meeting.
- 2 An amendment must be relevant to the motion and must propose leaving out words and/or inserting or adding others, and must not negate the effect of the original motion or otherwise fail to adhere to the rules governing the validity of motions.:
  - a) ~~propose leaving out words, or~~
  - b) ~~propose leaving out words and inserting or adding others, or~~
  - c) ~~propose inserting or adding words.~~
- ~~3 The effect of an amendment must not be to negate the effect of the motion before Council.~~
- 3 In the event that an amendment fails to adhere to the above, the Head of Paid Service shall immediately inform the Lord Mayor and the Member who submitted the amendment, and the amendment shall not be accepted.

### **B16B13 Rules of Debate**

#### **General**

- 1 The decision of the Lord Mayor, in consultation with the Monitoring Officer, is final on all matters of order or personal explanation ~~in consultation with the Monitoring Officer.~~
- ~~2 When speaking, a Member is to stand, if able to, and address the Lord Mayor as Lord Mayor.~~
- ~~3 When the Lord Mayor speaks or rises to speak during a debate, any Member then speaking or seeking to speak is to sit down.~~
- 42 If two or more Members indicate that they wish to speak, the Lord Mayor will call one and the other(s) will wait until called by the Lord Mayor. ~~When a Member is speaking, the others are to remain sitting unless rising to make a point of order or a personal explanation.~~

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- 53** Members may speak ~~once only~~ on the matter under discussion ~~except for the following reasons~~ in the following circumstances:
- ~~to move an amendment to speak once on an amendment moved by another Member;~~
  - ~~to move a new amendment if the motion has been amended since they last spoke~~ to speak once on any amendment moved by another Member;
  - to speak once on the ~~main issues~~ substantive motion, ~~if the Member first spoke on an amendment moved by another Member (whether or not it was carried);~~
  - as the mover of ~~the substantive~~ a motion ~~(but not of an amendment)~~, to exercise their right to reply at the end of the debate on the motion or any amendment before it is put to the vote;
  - as the seconder of a motion or amendment, having reserved (when seconding the motion or amendment) the right to speak until later in the debate;
  - to make a point Point of order Order ~~(any point of order must refer to the relevant Standing Order or statutory provision)~~ or personal Personal explanation Explanation.

#### **B174** Content and Time Limits

- Speeches must be directed to the question under discussion or to a personal Personal explanation Explanation or point Point of order Order.
- When moving a motion, a Member may speak for a maximum of 5 minutes.
- No other speeches ~~(including the moving of amendments and the right to reply)~~ may take more than 3 minutes without the consent of the Council, ~~(which will be determined by a vote on a motion without discussion)~~; unless otherwise provided in this Constitution.

#### **B185** Altering and wWithdrawal ingand Alteration of motions

- A motion or amendment may be withdrawn by the mover with the consent of the seconder and of the Council (indicated without discussion). No Member may speak after the mover has asked

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~~permission for its withdrawal, unless permission to withdraw the motion or amendment is refused. With the consent of the Council, indicated without discussion, a Member may alter a motion or amendment of which they have given notice.~~

- 2 ~~A motion or amendment may be withdrawn by the mover with the consent of the seconder and of the Council (indicated without discussion). No Member may speak after the mover has asked permission for its withdrawal, unless permission to withdraw the motion or amendment is refused. With the consent of the Council, indicated without discussion, the mover may make minor alterations to a motion or amendment, such alteration to be provided in writing by the mover to ensure clarity, if requested by the Lord Mayor. Only alterations which could be made as an amendment may be made.~~

### **B196** Order of debate

- 1 No speeches may be made after the mover has moved a proposal and explained the purpose of it, and until the motion has been seconded.
- 2 When seconding a motion or amendment, a Member may reserve their speech until later in the debate.
- 3 When a motion is under debate no other motion may be moved except:
  - a) to amend the motion;
  - b) to proceed to the next business (such a motion may only be moved by a Member who has not already participated in the debate);
  - c) that the question now be put (such a motion may only be moved by a Member who has not already participated in the debate);
  - d) that a Member be no longer heard;
  - e) that a Member leave the meeting;
  - f) to exclude the public and press from the meeting under the terms of the Local Government Act 1972;
  - g) to extend the time of the meeting or the time for the agenda item.

- 4 No Member may move more than one amendment to any motion or substantive question before ~~the Full~~ Council unless the further amendment comprises new material which is not related to the subject of the previous amendment.
- 5 Only one amendment may be moved and discussed at a time unless the Lord Mayor rules otherwise, and no further amendment is to be moved until the Council has reached a decision on the amendment under discussion.
- 6 When the Council has reached a decision on a motion or amendment, the Lord Mayor will refuse to put at the same meeting any subsequent motion or amendment which, if carried, would substantially contradict, override, or repeat the former one.
- 7 If an amendment is lost, other amendments may be moved on the original motion.
- 8 If an amendment is carried, the amended motion replaces the original motion on which any further amendments are moved.

### **B1720 Right of reply**

- 1 ~~4~~—The mover of a motion has a right of reply at the end of the debate on the motion immediately before it is put to the vote.
  - ~~4~~ 2 If an amendment has been moved, the mover of the original motion ~~also may choose to exercise has~~ a right of reply at the close of the debate on the amendment, or may speak during the debate on the amendment, but may ~~not otherwise~~ only speak once speak on the amendment. The mover of the amendment will have a final right of reply at the close of the debate on the amendment. ~~The mover of the amendment has no right of reply to the debate on their amendment.~~

### **B218 Closure motions**

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- 1 A Member who has not spoken on the substantive issue may move without comment at the end of another Member's speech one of the following:
  - a) "That the Council proceed to the next business"
  - b) "That the question be now put" or "Move to the vote"
  - c) "That the Council now adjourn"
  
- 2 If the motion is seconded, the Lord Mayor may do one of the following:
  - a) on a motion to proceed to the next business, unless in the Lord Mayor's opinion the matter has not been sufficiently discussed, they may put to the vote the motion to proceed to the next business. If that vote is carried the Lord Mayor shall give the mover of the original motion the right of reply before putting that motion to the vote;
  - b) on a motion that the question be now put, unless in the Lord Mayor's opinion the matter has not been sufficiently discussed, they may put to the vote the motion that the question be now put. If that vote is carried, the Lord Mayor shall give the mover of the original motion the right of reply before putting that motion to the vote;
  - c) on a motion to adjourn the meeting, the Lord Mayor may put the adjournment motion to the vote without giving the mover of the original motion their right of reply on that occasion.

### **B1922 Points of Order**

- 1 A member who believes that there is some irregularity in the ~~interpretation of the constitution~~Constitution or conduct of the meeting may rise on a Point of Order. Such irregularities may include:
  - a) discussion of a question not before the Council;
  - b) the use of improper or "~~unparliamentary~~"~~offensive~~ language;
  - c) interjection of remarks while a Member is speaking;
  - d) that a quorum is not present; or
  - e) breach of any other Procedure Rule or law.
  
- 2 When a Member rises on a Point of Order, they must ~~state outline~~ at the outset the rule or law which they consider to have been breached. The Member raising the Point of Order must then sit down immediately while the Lord Mayor gives a ruling.

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- 3 A Member against whom a Point of Order is being raised must ~~sit down~~stop speaking until the Lord Mayor has ruled on the matter.
- 4 If the Lord Mayor rules that the language used by a Member is improper, it is the duty of the Member to withdraw it.

### **B2023 Personal Explanation**

- 1 A Member may make a personal explanation at any time. A personal explanation may only relate to some material part of an earlier speech by the member which appears to have been misunderstood or is being misquoted in the present debate. The ruling of the Lord Mayor on the admissibility of a personal explanation will be final.

### **B241 Voting**

- 1 All matters will be determined by a show of hands, or use of the electronic voting system if available, unless at least three Members of the Council ~~demand request~~ that ~~the a named vote~~ names be ~~recorded conducted~~. In that event, the Monitoring Officer will ensure that the names and votes of the Members present are recorded and included in the Minutes of the meeting.
- ~~2 If the Lord Mayor indicates that electronic voting is not available then votes may be taken by a show of hands~~
- ~~32~~ If there are equal numbers of votes for and against, the Lord Mayor will have a second or casting vote. There will be no restriction on how the Lord Mayor chooses to exercise a casting vote.
- ~~43~~ Any Member is entitled to have their own vote recorded in the Minutes whether or not a full recorded vote is taken.
- ~~54~~ Details of all motions and amendments that are lost will be duly recorded in the published minutes of the meeting.

### **B225 Voting on Appointments**

- 1 If there are more than ~~2~~two people nominated for any position to be filled and there is not a clear majority of votes in favour of one person,

then the name of the person with the least number of votes will be taken off the list and a new vote taken. The process will continue until there is a majority of votes for one person.

- 2 In the event of a tie, the Lord Mayor would exercise a casting vote.

### ~~B26~~**B23** Minutes

- 1 The Lord Mayor will sign the minutes of the proceedings at the next suitable ~~Ordinary~~ ~~Mm~~ meeting of the Council. The Lord Mayor will move that the minutes of the previous meeting be signed as a correct record. The only ~~part-aspect~~ of the minutes that can be discussed is their accuracy.

Commented [RB13]: Suggested amendment by Councillor Merrett, which appears correct.

### ~~B27~~**B24** Exclusion of Public

- 1 Members of the public and press may only be excluded either in accordance with the Access to Information Procedure Rules in Appendix 7 of this ~~Constitution~~Constitution or Rule ~~B25-B26~~ (Disturbance by Public).
- 2 If any question arises at any meeting of the Council relating to the appointment, dismissal, promotion, conduct, remuneration or conditions of service of any member of the Council's staff no discussion shall take place until the meeting has considered whether or not to exclude the public and press in accordance with the Access to Information Procedure Rules.

### ~~B28~~**B25** Misconduct by Members

- 1 If any Member at a meeting of the Council disregards the authority of the Lord Mayor or is guilty of obstructive or offensive conduct the meeting may, on a motion ~~without notice~~ being duly moved, seconded, and carried, resolve that the Member should not be heard and should leave the meeting. Such a motion need not be in writing and is put without discussion. If the motion is carried, the Member must leave the meeting immediately. If the Member refuses to leave the meeting, the Lord Mayor shall adjourn the meeting to allow for the removal of the Member, and may if necessary relocate the meeting to a suitable alternative venue.



### **B269** Disturbance by Public

- 1 If a member of the public interrupts the proceedings of any Council meeting, they will be warned by the Lord Mayor. If the disruption continues, the Lord Mayor may order them to leave the meeting. In the event of general disturbance in any part of the ~~Council Chamber~~Council meeting, the Lord Mayor may order that part to be cleared.
- 2 ~~2~~—In the event of general disturbance which in the opinion of the Lord Mayor makes the orderly conduct of business impossible, the Lord Mayor may suspend the meeting for as long as necessary, or may relocate the meeting to an alternative venue, or may abandon the meeting in which case all remaining business will be considered at a time and date fixed by the Lord Mayor. If they do not fix a date, the remaining business will be considered at the next ~~Ordinary~~ Meeting. -

### **B2730** Filming and Use of Social Media during Meetings

- 1 Filming and use of social media is permitted during meetings in accordance with a protocol approved by the Council so long as there is no disturbance to the conduct of the meeting.

### **B2831** Suspension of Council Procedure Rules

- 1 All of these Council Rules of Procedure except ~~B24-B21~~ (43) (the right for an individual Member to have their vote recorded) may be suspended by motion on notice identifying the Procedure Rule which is to be suspended. Such a motion may only be moved without notice if at least 24 Councillors are present in the room at the time. Suspension can only be for the duration of the meeting.

### **Procedure rules for Budget Council**

#### **C1—        Budget Council**

- 1 The ~~order of~~ business to be conducted at Budget Council shall be:
- a) to consider any business raised by the Lord Mayor;
  - b) to hear any public participants in ~~relation to business associated with setting the Council's budget for the coming financial year~~ accordance with paragraph 10 above and C3 (1) below;
  - c) to receive any petitions presented by Members in relation to business associated with setting the Council's budget for the coming financial year;
  - d) to consider and determine the Executive's recommendations on setting the following budgets ~~for the coming financial year~~;
    - i) ~~revenue~~ Revenue budget ~~Budget~~ (including fees and charges and Housing Revenue Account estimates); for the coming financial year; and
    - ii) ~~capital~~ Capital programme ~~Programme~~;
  - e) to agree a Council Tax resolution for the coming year based on the above agreed budget; ~~and~~
  - f) to consider and determine the Executive's recommendations in relation to the Treasury Management Statement and Prudential Indicators, as necessary;
  - g) to consider any other ~~business~~ set out in the notice convening the meeting; and
  - h) to consider any business, brought before the Council by the Lord Mayor on the grounds of urgency in accordance with Section 100B(4)(b) of the Local Government Act 1972.

#### **C2—       —Duration of Meetings**

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- 1 All Budget Meetings will finish no later than 3 ~~two~~2 hours and 40-30 minutes after the start time of the meeting, unless extended by

agreement of the Council. The ~~3 two2~~ hours and ~~40-30~~ minutes will not include any periods of adjournment and / or breaks taken by the Lord Mayor.

- 2 The Lord Mayor will remind the Council ~~when if three two2~~ hours and ~~30-20~~ minutes has lapsed.
- 3 A motion to extend the meeting which has been duly proposed and seconded, before the allocated time has elapsed shall be put to the vote without debate.
- 4 All outstanding items of business will be deemed to have been proposed and seconded and will be voted on individually per agenda item without debate prior to the expiry of the meeting time.

### **C3 Public Participation**

- 1 The time spent on this item shall not, except at the discretion of the Lord Mayor, exceed 30 minutes. The Public Participation Protocol is contained in Appendix 8 of this Constitution, and the rules are set out at section 10 of the Introduction above.
- ~~2 Any member of the public shall be entitled to address the Council for up to 3 minutes or to ask any Member of the Council a question.~~
- ~~3 In order to exercise this right prior notice must be given to the Head of Democratic Governance before 5:00 pm 2 working days before the meeting.~~
- ~~4 Any public participants must address business on the agenda in so far as it may relate to the setting of the budget for the coming financial year.~~
- ~~5 In exercising their public participation rights a member of the public is entitled to express views positive or negative about the performance of the Council but must not:
 
  - ~~a) Say anything which is defamatory or discriminatory~~
  - ~~b) Make any personal attack on any Officer and / or Member~~
  - ~~c) Disclose confidential or exempt information including personal information.~~~~
- ~~6 Any questions to Council shall be put and answered without discussion, either by a direct answer or, on questions which could not reasonably be dealt with at the meeting, by a written answer which~~

~~will be passed on to Members to answer within ten working days.~~

- ~~7—No other discussion will take place on any matter raised by a member of the public when addressing the Council. When the speaker has finished, the Lord Mayor will announce how the issues raised by the participant will be dealt with. The options most usually being:~~
- ~~a) to note the comments made;~~
  - ~~b) to refer the issues to the Executive or another appropriate Committee for consideration; or~~
  - ~~c) to take into account the comments made as part of any debate on related decisions to be made later on the agenda.~~

#### **C44** Petitions presented by Members

- 1 The rules of Petitions as detailed at B1 apply to Budget Council, but subject to the following amendment:
  - petitions presented by Members must be in relation to business associated with setting the Council's budget.

#### ~~C55~~ **Content and Time Limits**

- 1 ~~4~~—The Leader of the Council and the Leaders of other Groups on the Council ~~are not time limited~~ may speak when they are proposing a motion or an amendment at Budget Council, in relation to the setting of the budget, but each Leader's speech will not exceed 15 minutes in doing so.
- 2 ~~2~~—No other speeches (including the moving of amendments and the right to reply) may take more than three minutes without the consent of the Council, which will be determined by a vote on a motion without discussion.
- 3 ~~3~~—Speeches must be directed to the question under discussion or to a personal explanation or point of order.

## ~~C66~~ Voting

- 1 ~~1~~ All votes relating to the setting of the annual budget must be named votes and elected Members will be required to vote for, against or abstain. All matters will be determined by use of the electronic voting system unless at least three Members of the Council demand that the names be recorded. In that event, the Monitoring Officer will ensure that the names and votes of the Members present are recorded and included in the Minutes of the meeting.
- ~~2~~ If the Lord Mayor indicates that the electronic voting system is not operating then votes may be taken by a show of hands.
- ~~32~~ Any votes not relating to the setting of the budget will be determined by a show of hands, or use of the electronic voting system if available, unless three Members or more of the Council request that a named vote be conducted. In that event, the Monitoring Officer will ensure that the names and votes of the Members present are recorded and included in the Minutes of the meeting. Any Member is entitled to have their own vote recorded in the Minutes whether or not a full recorded vote is taken. Unless otherwise directed by the Lord Mayor, all votes taken at Budget Council will be named votes and elected Members will be required to vote for, against or abstain.
- ~~43~~ If there are equal numbers of votes for and against, the Lord Mayor will have a second or casting vote. There will be no restriction on how the Lord Mayor chooses to exercise a casting vote.
- ~~54~~ Details of all motions and amendments that are lost will be duly recorded in the published minutes of the meeting.

## **C7 Rules for the conduct of the meeting**

- 1 All of the rules relating to Ordinary Meetings shall apply to Budget Council unless otherwise directed by the Lord Mayor, subject to it addressing the business on the agenda. This includes application of the rules to suspend Council Procedure Rules as detailed at ~~B34~~B28.

### **Procedure rules for Extraordinary meetings of the Council**

#### **D1 Extraordinary Meetings**

- 1 Schedule 12 of the Local Government Act 1972 allows extraordinary meetings of the Council to be called by the Lord Mayor. In addition, any five Members of the Council may sign and present to the Lord Mayor a requisition calling for an extraordinary meeting. If the Lord Mayor refuses to call a meeting or does not call for one within seven days of being presented with the requisition, then any five Members of the Council may call an extraordinary meeting of the Council.
- 2 Extraordinary Mmeetings of the Council will only deal with the business for which the meeting has been called.

#### **D2 Rules for the conduct of the meeting**

- 1 All of the rules relating to Ordinary Meetings shall apply to Extraordinary Meetings unless otherwise directed by the Lord Mayor, subject to it addressing the business on the agenda.

#### **~~D4~~D3Duration of Meetings**

- 1 All Extraordinary Meetings will finish no later than 2 hours and 30 minutes after the start time of the meeting, unless extended by agreement of the Council. The 2 hours and 30 minutes will not include any periods of adjournment and/or breaks taken by the Lord Mayor.
- 2 The Lord Mayor will issue the guillotine warning to remind the Council if 2 hours and 20 minutes has lapsed.
- 3 A motion without notice to extend the duration of the meeting by a maximum of 30 minutes, which has been duly proposed and

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Appendix 3: Full Council Procedure Rules

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seconded before the guillotine warning, shall be put to the vote without debate.

- 4 Once the guillotine warning is reached, any remaining business will be deemed to have been proposed and seconded and will be voted on individually per agenda item without debate prior to the expiry of the meeting time.

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## **Appendix 3 – Full Council Procedure Rules**

### **Introduction**

#### **1 Full Council**

- 1.1 The Full Council (“Full Council”) is a formal meeting of all Councillors. The Full Council is required by law to take certain important decisions including setting the Council’s budget and Council Tax and approving a number of key plans and strategies (“The Policy Framework”). In law, all functions of the authority are deemed to be Executive functions unless reserved to the Full Council. It will carry out some functions itself, but others will be delegated to Committees or named Officers. Further details of the functions which Full Council has delegated are set out in Appendix 1 of this Constitution.
- 1.2 In addition to the legal functions referred to at paragraph 3.1 below, the Full Council may also carry out other business, including consideration of motions, receipt of petitions, and hear representations from individuals and businesses.
- 1.3 In this Annex, references to the Head of Paid Service shall be taken to include references to any Deputy Head of Paid Service, or (in the absence of the Head of Paid Service and any Deputy Head of Paid Service) shall include the Monitoring Officer.

#### **2 The Policy Framework**

- 2.1 The Policy Framework means the following plans and strategies:

Partnership and Community Plans:

- a) 10 Year City Plan
- b) Health and Wellbeing Strategy
- c) Children and Young People’s Plan
- d) Corporate Parenting Strategy
- e) Youth Justice Plan
- f) Community Safety Strategy
- g) Joint Waste Strategy
- h) Climate Change Strategy
- i) Annual Library Plan

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j) Food Law Enforcement Service Plan

Full Council:

- a) Council Plan or its equivalent
- b) Local Plan documents
- c) Local Transport Plan
- d) Statement of Licensing Policy under Licensing Act 2003
- e) Gambling Act Licensing policy
- f) Medium Term Financial Strategy
- g) Treasury Management Plan

### **3 Functions of the Full Council**

3.1 The following functions can only be discharged by Full Council:

- a) To approve, adopt amend, monitor and/or review the plans, strategies and policies which together make up the Council's Policy Framework
- b) Determine and amend the Council's Revenue and Capital budgets, including the initial allocations of financial resources to different services and projects, proposed contingency funds, proposed precepts, setting the Council Tax and decisions relating to the Council's borrowing requirement and the control of its capital expenditure.
- c) Approve the Treasury Management Strategy.
- d) Approve expenditure that falls outside the Council's total annual budget.
- e) Take any decision, which is contrary to the approved Policy Framework and/or the approved Budget.
- f) Appoint and remove the Leader.
- g) Decide the composition of Committees and sub-committees of Full Council and approve the allocation of places including co-opted members to them and other non-Executive bodies (except in the case of ad-hoc scrutiny Sub-Committees which

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will be determined by the Corporate Services, Climate Change and Scrutiny Management Committee).

- h) Appoint representatives to outside bodies, unless the appointment is one that must by law be made by the Executive in relation to its functions or has been delegated by Full Council.
- i) Make and amend this Constitution, Standing Orders, Financial Regulations, and Contract Procedure Rules.
- j) Change the name of the City or of a Parish.
- k) Elect a Lord Mayor, Deputy Lord Mayor, and Sheriff, and exercise related functions.
- l) Confer the title of the Honorary Alderman, Honorary Alderwoman, Honorary Recorder, and Honorary Freeman, Honorary Freewoman, and grant the Freedom of the City.
- m) Promote or oppose local or personal bills.
- n) Where it is the function of the Council, divide Parliamentary Constituencies and local government electoral divisions into polling districts.
- o) Make, amend, revoke or re-enact Byelaws.
- p) Make orders for grouping parishes, dissolving groups of parishes, and separating parishes from groups.
- q) Dissolve small parishes.
- r) Carry out functions in relation to parishes and Parish Councils under Part 11 of the Local Government and Rating Act 1997 and subordinate legislation under that Part.
- s) Fill Council or Parish Council vacancies in the event of insufficient nominations.

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- t) Submit proposals to the Secretary of State for an Order under Section 10 of the Representation of the People Act 2000 (pilot schemes for local elections).
  - u) Appoint the Head of Paid Service, and designate officers or roles as the Monitoring Officer, the Chief Finance Officer, and Proper Officers under the relevant legislation, except to the extent that the power to designate Proper Officers has been otherwise delegated in this Constitution.
  - v) Make a scheme for the payment of allowances to Members and determine the amount of all allowances payable to Members of the Council, its Committees, Sub-Committees and other bodies.
  - w) Take decisions and/or give advice on matters brought to Full Council by the Executive and other bodies or persons.
  - x) Carry out any other functions reserved by law or by this Constitution to Full Council, including those “local choice” functions reserved to Full Council under this part of the Constitution.

#### **4 Chairing the Full Council**

- 4.1 The Lord Mayor will preside at meetings of the Full Council. In the absence of the Lord Mayor, the Deputy Lord Mayor will preside. In the absence of both, the Full Council will elect a Member to preside for that meeting. Any powers or duties of the Lord Mayor, as Chair, in relation to the conduct of a meeting may be exercised by the person presiding at the meeting.
- 4.2 The Lord Mayor will cease to be Lord Mayor if they resign, are dismissed by a vote of Full Council, cease to be a Member of the Council, or are unable to act as a Member of the Council. They will continue to act as Lord Mayor (whether or not remaining a Councillor) after an election until their successor has been appointed.
- 4.3 The Lord Mayor shall:

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- a) uphold and promote the purpose of the Constitution, and interpret the Constitution when necessary, in consultation with the Monitoring Officer;
  - b) preside over meetings of the Council so that its business can be carried out fairly and efficiently and with regard to the rights of Councillors and the interests of the local community;
  - c) ensure that Full Council meetings are a forum for the debate of matters of concern to the local community and the place at which Members who are not on the Executive are able to hold the Executive and Committee Chairs to account;
  - d) promote public involvement in the Council's activities.
- 4.4 The ruling of the Lord Mayor, as to the construction or application of any of these Rules, will be final. In the event that a circumstance arises that is not covered by the Council Procedure Rules, the ruling of the Lord Mayor shall be final. In the event that circumstances arise outside the meeting which would ordinarily require a decision of, or action by, the Lord Mayor, the Lord Mayor is enabled to take such action as they consider appropriate.

## **5 Full Council Meetings**

- 5.1 Meetings of Full Council are business meetings, where the Full Council transacts its essential business. Whilst there are three 'types' of Full Council meeting, this Constitution will list "Budget Council" as a fourth meeting type due to the different Procedure Rules to be followed:
- a) The Annual Meeting;
  - b) The Budget Council;
  - c) Ordinary Meetings;
  - d) Extraordinary Meetings.

## **6 Rules of Procedure and Debate**

- 6.1 These Council Procedure Rules will apply to all meetings of the Full Council unless expressly stated otherwise. All time limits for speeches are subject to any required reasonable adjustments, which

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shall be determined by the Lord Mayor upon request.

## **7 Notice of and Summons to Meetings**

- 7.1 The Head of Paid Service will give notice to the public of the time and place of any meeting in accordance with the Access to Information Procedure Rules in Appendix 7 of this Constitution.
- 7.2 At least five working days before a meeting, the Head of Paid Service will send a summons signed by them to every Member of the Council. The summons will give the date, time and place of each meeting and specify the business to be transacted, and will be accompanied by such reports as are available.

## **8 Quorum**

- 8.1 The quorum for all meetings of the Full Council is one half of the whole number of Members of the Council.
- 8.2 If at any time during the meeting of the Full Council, the Lord Mayor declares there is not a quorum present, the meeting stands adjourned. The consideration of any business not transacted will be deferred to a time fixed by the Lord Mayor at the time the meeting is adjourned, or if the Lord Mayor does not fix a time, to the next ordinary meeting of the Full Council.

## **9 Duration of Meetings**

- 9.1 All Ordinary Meetings, Budget Council and Extraordinary Meetings will finish no later than 2 hours and 30 minutes after the start time of the meeting, unless extended by agreement of the Council. The 2 hours and 30 minutes will not include any periods of adjournment and/or breaks taken by the Lord Mayor. For clarity, this rule does not apply to Annual Council meetings.
- 9.2 The Lord Mayor will remind Council if 2 hours and 20 minutes have elapsed (“the guillotine warning”).
- 9.3 A motion to extend the meeting which has been duly proposed and seconded, before the allocated time has elapsed shall be put to the

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vote without debate, and if approved by Council the meeting shall continue for no more than 30 additional minutes.

- 9.4 Once the guillotine warning is reached, all outstanding items of business will be deemed to have been proposed and seconded and will be voted on individually per agenda item without debate prior to the expiry of the meeting time.

## **10 Public Participation**

- 10.1 The Public Participation Protocol is set out at Appendix 8 of this Constitution.
- 10.2 The time spent on this item shall not, except at the discretion of the Lord Mayor, exceed 30 minutes.
- 10.3 The right to public participation applies to all meetings of Full Council except the Annual Meeting.
- 10.4 Any member of the public shall be entitled to make a statement to the Council or to question the Council's Leader, or any Executive Member, for up to 3 minutes.
- 10.5 In order to exercise this right prior notice must be given to the Head of Democratic Governance before 5:00 pm 2 working days before the meeting.
- 10.6 At an Ordinary Meeting any statement or question(s) from a member of the public may only be on any matter for which the council has a direct responsibility or which affect the city.
- 10.7 In the case of the Budget Council meeting, any public participants must address business on the agenda in so far as it may relate to the setting of the budget for the coming financial year, or any other item included on the agenda of the Budget Council meeting. In the case of an extraordinary meeting public participants must only address the business on the agenda.
- 10.8 No person may register to make a statement or ask a question at a meeting before the publication of the Agenda for that meeting, and no

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person may register to make more than one statement or ask more than one question at any meeting.

- 10.9 In making a statement or asking a question, a member of the public is entitled to express views, positive or negative, about the performance of the Council but must not:
- a) Say anything which is defamatory or discriminatory;
  - b) Make any personal attack on any Officer and/or Member; or
  - c) Disclose confidential or exempt information including personal information.
- 10.10 Any questions shall be put and answered without discussion, either by a direct answer or, on questions which could not reasonably be dealt with at the meeting, by a written answer which will be passed on to Members to answer within ten working days.
- 10.11 The Lord Mayor shall determine the order of Public Participants for each meeting, following the closure of registrations for Public Participation. In the event that the Public Participation item at any given meeting is oversubscribed, the Lord Mayor shall have absolute discretion as to which ten Public Participants shall be permitted to make a statement or ask a question. Those persons who are consequently unable to participate shall be entitled to submit their comments or question(s) in writing, and these will be circulated to the Council after the meeting.

## **11 Election and Term of the Leader of the Council and Members of the Executive**

- 11.1 The Leader of the Council will be elected by Council and will hold office until the next whole-Council elections unless they resign, are removed as Leader of their Group, or are removed under the provisions of this Constitution, by resolution of Council in the circumstances below.
- 11.2 Members of the Executive are appointed directly by the Leader of the Council and therefore their position as members of the Executive falls if the Leader is removed from Office by Council.
- 11.3 If Council resolves to remove the Leader of the Council, and in turn the members of the Executive, it shall elect a new Leader of the



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Council at the same Full Council meeting as its next item of business. If Council is, for any reason, unable to elect a new Leader of the Council, the Lord Mayor shall convene an Extraordinary Meeting of the Council for the purpose of electing a new Leader as soon as is practicable. In the interim, the Head of Paid Service shall be empowered to utilise their urgency powers as required.

- 11.4 If whole-Council elections give rise to a likely change in leadership, the Leader-elect shall be empowered to act as Leader pending the decision of Annual Council; if whole-Council elections do not give rise to a likely change in leadership, the existing Leader or, in the event of their non-return, any successor appointed by their Group, shall be empowered to act as Leader pending the decision of Annual Council. In the event that, in the opinion of the Head of Paid Service, whole-Council elections result in no clear Leader, the Head of Paid Service shall be empowered to utilise their urgency powers as required until the Annual Council meeting.

## **12 Removing the Leader of the Council**

### Notice of Motion to remove the Leader of the Council

- 12.1 Notice of motion to remove the Leader of the Council shall be:
- a) Given in writing; and
  - b) Signed by a proposer and a seconder who are both City of York Councillors; and
  - c) Received by the Head of Paid Service; and
  - d) State why the signatories consider that the Leader of the Council should be removed
- 12.2 If the Head of Paid Service receives the notice of motion less than 15 working days but not less than 6 clear working days, before the next scheduled Full Council meeting, the motion will be considered at that Council meeting. If notice is received less than 6 clear working days before the next scheduled Full Council meeting, an Extraordinary Meeting of Full Council will be convened to consider the motion.
- 12.3 If the notice of motion is received more than 15 clear working days before the next scheduled Full Council meeting, the Head of Paid Service shall within 5 working days of receipt, summon an Extraordinary Meeting of Council for the purposes of considering the

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motion. Unless required by law, no other business shall be conducted at that meeting, other than election of a new Leader of the Council, should the motion succeed. The Extraordinary meeting shall take place within 10 working days of the summons.

#### Duties of a newly Elected Leader of the Council

- 12.4 A new Leader of the Council elected under these provisions shall, within 5 working days of their election:
- a) appoint a Deputy Leader;
  - b) ensure that areas of responsibility are allocated by the Executive to each member of the Executive; and
  - c) inform the Head of Paid Service of the names of the Deputy Leader and the areas of responsibility of Members of the Executive.

### **13 Budget Amendments**

- 13.1 From time to time it may be considered necessary or desirable to amend the budget agreed at the Budget Council by way of a Budget Amendment. In the event of such an amendment, a report shall be prepared and submitted to an Ordinary Council meeting or an Extraordinary Council meeting by the Chief Finance Officer, setting out the details of the proposed Budget Amendment.
- 13.2 Once submitted to Council, the proposed Budget Amendment will be subject to amendment in accordance with the rules set out in Procedure Rule B12 below and shall be debated in accordance with the rules on debates for motions, set out in Procedure Rules B13 to B21 below, save that all votes on the budget amendment shall be carried out as named votes.

#### Procedure rules for Annual Meeting of the Council

### **A1 Annual Meeting of the Council.**

- 1 The date and time of the Annual Meeting will be determined by the Head of Paid Service following consultation with the Lord Mayor Elect and the Leader of the Executive and Political Group Leaders.

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- 2 In a year when there is an ordinary election of councillors, the Annual Meeting will take place within 21 days of the retirement of the outgoing councillors. In any other year, the annual meeting will take place in March, April, or May.

## **A2 Agenda for the Annual Meeting**

- 1 At the Annual Meeting of the Council, the order of business shall be as follows:
- a) apologies for absence
  - b) declarations of interest;
  - c) to:
    - i) elect the Lord Mayor for the ensuing municipal year;
    - ii) appoint a Deputy Lord Mayor for the ensuing municipal year; and
    - iii) appoint a Sheriff for the ensuing municipal year;
  - d) at the first Annual Meeting following local elections to appoint a Member as the Executive Leader;
  - e) to approve the number and size of the Council Committees, including any consequent changes to the Constitution;
  - f) to approve the allocation of places of the Council Committees in accordance with the political balance rules, to receive and note Group nominations for those places, and to elect Members to any spare places (where applicable);
  - g) to approve any new terms of reference for those committees;
  - h) to approve the allocation of Chairs of the Council's Committees for the ensuing municipal year;
  - i) to approve the allocation of places of Council appointments for representatives on outside bodies for the ensuing municipal year, to receive and note Group nominations for those places, and to receive and note nominations for places where the allocation is a function of the Executive or is delegated to another person or body under the Council's Constitution;
  - j) to agree a schedule for the allocation of motions for Ordinary Meetings during the forthcoming Municipal year; and
  - k) to consider any business brought before the Council by the Lord Mayor on grounds of urgency in accordance with Section 100B(4)(b) and paragraph 4 (5) of schedule 12 of the Local Government Act 1972.

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**A3 Rules for the conduct of the meeting**

- 1 Unless otherwise directed by the Lord Mayor, the following rules for Ordinary Meetings of Council apply to Annual Council:
  - a) Points of order;
  - b) Personal explanation;
  - c) Voting;
  - d) Minutes;
  - e) Exclusion of the public;
  - f) Misconduct by Members;
  - g) Disturbance by the public; and
  - h) Filming and use of social media during meetings.

**A4 Voting on Appointments**

- 1 If there are more than two people nominated for any position to be filled and there is not a clear majority of votes in favour of one person, then the name of the person with the least number of votes will be taken off the list and a new vote taken. The process will continue until there is a majority of votes for one person.
- 2 In the event of a tie, the Lord Mayor would exercise a casting vote, unless they have ceased to be a Councillor.

**Procedure rules for Ordinary Meetings of the Council****B1 Ordinary Meetings**

- 1 The Council will hold Ordinary Meetings for the transaction of general business. The arrangements for these meetings, including the venue and time of such meetings, shall be determined by the Head of Paid Service, following consultation with the Leaders of Political Groups.
- 2 Ordinary Meetings of the Council will be held in an accessible venue. They will commence at 6.30 pm, unless suitable alternative arrangements have been made, in which case such arrangements will be notified to all Members ten clear days before the meeting.

**B2 Duration of Meetings**

- 1 All Ordinary Meetings will finish no later than 2 hours and 30 minutes after the start time of the meeting, unless extended by agreement of the Council. The 2 hours and 30 minutes will not include any periods of adjournment and/or breaks taken by the Lord Mayor.
- 2 The Lord Mayor will issue the guillotine warning to remind Council if 2 hours and 20 minutes has lapsed.
- 3 A motion without notice to extend the duration of the meeting, which has been duly proposed and seconded before the guillotine warning, shall be put to the vote without debate.
- 4 Once the guillotine warning is reached, all outstanding items of business will be deemed to have been proposed and seconded and will be voted on individually per agenda item without debate prior to the expiry of the meeting time.

### **B3 Agenda for Ordinary Meetings**

- 1 The order of business at every Ordinary Meeting of the Council shall include the following items:
  - a) to choose a person to preside if the Lord Mayor and Deputy Lord Mayor are absent;
  - b) to receive apologies for absence;
  - c) Public Participation;
  - d) declarations of interest;
  - e) to approve as a correct record and sign the minutes of the last meeting or meetings of the Council;
  - f) Lord Mayor's Business;
  - g) to receive without discussion petitions which Members wish to present to Full Council;
  - h) to receive and consider a written report from the Leader on the work of the Executive, and to ask questions in respect of any matter;
  - i) to debate such recommendations requiring Full Council approval as may have been made by the Executive;
  - j) alternately to receive and consider a written report from either the Chair of Corporate Services, Climate Change, and Scrutiny Management Committee, or from the Audit and Governance Committee, including such recommendations for approval as may have been made by that Committee under Rule B8;

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- k) to receive and consider and report on recommendations of other Scrutiny Bodies;
  - l) to receive and consider recommendations of Committees (other than Scrutiny Bodies) under Rule B8;
  - m) to consider any other business reports from Officers or the Executive set out in the notice convening the meeting;
  - n) to consider any business, brought before Full Council by the Lord Mayor on the grounds of urgency in accordance with Section 100B(4)(b) of the Local Government Act 1972; and
  - o) to consider motions on notice and urgent motions.

- 2 The order of business may be determined in advance by the Head of Paid Service; or may be varied at the Lord Mayor's discretion; or by resolution passed on a motion duly moved, seconded, and decided without discussion.

#### **B4 Public Participation**

- 1 The Public Participation Protocol is contained in Appendix 8 of this Constitution, and the rules are set out at section 10 of the Introduction above.

#### **B5 Lord Mayor's Business**

- 1 The time for the presentation of the report of Lord Mayor's Business shall be no longer than five minutes.

#### **B6 Petitions presented by Members**

- 1 A Member may submit a petition for inclusion on the Full Council agenda by giving notice of the petition to the Head of Democratic Governance no later than midday on the eighth working day before the day of the Full Council meeting at which it is to be received. Members will be permitted to speak for up to one minute to present a petition.
- 2 Petitions will be formally received without discussion and will stand referred to the appropriate decision maker, and the Member submitting the petition will be informed of any meeting considering the petition.

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**B7 Report of the Leader and Executive**

- 1 The Leader will present a written report on the work of the Executive. In the absence of the Leader, the Deputy Leader will present the report. In the absence of both the Leader and Deputy Leader, an Executive Member will present the report. The maximum time limits for this item are as follows:
  - a) The presentation of the Leader's report will not exceed 3 minutes; and
  - b) Leaders of Opposition groups on the Council will have up to 3 minutes each to respond;

**B8 Questions and comments on the Leader and Executive's report**

- 1 A maximum of 30 minutes will be permitted for questions and comments on the Leader and Executive's report and/or the work of the Executive.
- 2 A Member of the Council may ask any question or make any comments, together with one supplementary question or comment directly related to the work of the Executive.
- 3 A maximum of one other Member of the Council may ask one further supplementary question or make one supplementary comment. All supplementary questions or comments must arise from the response of the Leader or Executive Member.
- 3 The Leader or relevant Executive Member may respond directly to any question asked or comment made or may agree to submit a written answer to be circulated to all Members of the Council within five working days.

**B9 Committees of Council**

- 1 The Chair of a Committee will present any recommendations of that Committee requiring confirmation to Full Council and move that they be received and approved. In the absence of the Chair, the Vice Chair may move the recommendation, and only in the absence of both the Chair and Vice Chair may another Member of the Committee move the recommendation.

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- a) When the recommendations of a Committee requiring confirmation have been presented to Full Council and duly moved and seconded, they will be open to debate;
  - b) Any Member may without notice move references back of any item requiring confirmation by Full Council.
- 2 The Chair of the Committee has the final right of reply to any amendment or motion moved under this Rule.

## **B10 Motions on Notice**

### Scope

- 1 Unless otherwise agreed by the Lord Mayor, motions must be about matters for which the council has a direct responsibility, and/or which affect the City. For functions which can be only carried out by the Executive, Full Council cannot take decisions but can recommend a course of action for the Executive to consider. Notices of motions must also contain an indication of the financial and legal impact of the motion, and, wherever possible, advice must be sought from the Chief Finance Officer, the Monitoring Officer, and from the relevant Director(s), in advance of the submission of the Motion.
- 2 Notice of every motion to be considered by Full Council, must be given in writing to the Head of Democratic Governance no later than midday on the eleventh working day before the day of the Full Council meeting at which it is to be considered. This Rule does not apply to motions which may be moved without notice under Rule B10 or to recommendations brought before the Full Council by the Executive or a Committee.
- 3 No Council meeting will receive more than 2 Motions on notice at any single meeting. Motions shall be limited to no more than 500 words.
- 4 Motions may only be submitted in accordance with the schedule for allocation of motions approved at Annual Council, or any subsequent variation agreed by Council or between Groups and/or Independent Members.
- 5 Motions will be considered in the order determined by the Lord Mayor based on an appropriate order for the effective conduct of business.



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- 6 If notice is given of any original motion that, in the sole opinion of the Head of Paid Service (acting in the capacity as proper officer) is unacceptable, the Head of Paid Service shall immediately inform the Lord Mayor, and the motion shall not be accepted or placed on the agenda, and the Head of Paid Service shall inform the Member Group who submitted the notice and retain a formal record of the rejected notice.
- 7 A motion shall be considered unacceptable if it is defamatory or discriminatory, makes any personal attack on any Officer and/or Member, discloses confidential or exempt information including personal information, requires the Council to do something which it cannot, seeks action that is ultra vires, or if the Head of Paid Service considers the motion unacceptable for other appropriate reasons.

### **B11 Motions without Notice**

- 1 All motions and amendments not requiring prior notice must, if the Lord Mayor so requests, be put in writing and handed to the Lord Mayor, before they are discussed or put to the meeting.
- 2 The following motions may be moved without notice:
- a) to appoint a Chair of the meeting at which the motion is moved;
  - b) in relation to the accuracy of the minutes;
  - c) to change the order of business in the agenda;
  - d) to refer something to an appropriate body or individual;
  - e) to appoint a committee or Member arising from an item on the summons for the meeting;
  - f) to receive reports or adopt recommendations of the Executive, committees or Officers and any resolutions following from them;
  - g) that leave be given to withdraw a motion;
  - h) to proceed to the next business (such a motion may only be moved by a Member who has not already participated in the debate);
  - i) to adjourn a meeting (such a motion may only be moved by a Member who has not already participated in the debate);
  - j) to exclude the public and press in accordance with the Access to Information Procedure Rules;
  - k) to not hear further a Member or to exclude them from the meeting;

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- l) to give the consent of Full Council where its consent is required by this Constitution;
  - m) to extend the duration of the meeting by 30 minutes, such a motion may only be moved once during any meeting, and must be moved and seconded before the Lord Mayor delivers the guillotine warning, and will have the effect of suspending the relevant standing order;
  - n) to extend any other time limit set out in these Rules; and
  - o) to suspend any other particular Council Procedure Rule, except Rule B21(3).

## **B12 Notice of amendments**

- 1 Written notice of every amendment must be delivered to the Head of Democratic Governance no later than midday on the third working day before the day of Council meeting at which it is to be considered and must also contain an indication of the financial and legal impact of the amendment. Wherever possible the amendment will be circulated to all Members in advance of the Council meeting.
- 2 An amendment must be relevant to the motion and must propose leaving out words and/or inserting or adding others, and must not negate the effect of the original motion or otherwise fail to adhere to the rules governing the validity of motions.
- 3 In the event that an amendment fails to adhere to the above, the Head of Paid Service shall immediately inform the Lord Mayor and the Member who submitted the amendment, and the amendment shall not be accepted.

## **B13 Rules of Debate**

### **General**

- 1 The decision of the Lord Mayor, in consultation with the Monitoring Officer, is final on all matters of order or personal explanation.
- 2 If two or more Members indicate that they wish to speak, the Lord Mayor will call one and the other(s) will wait until called by the Lord Mayor.

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- 3 Members may speak on the matter under discussion in the following circumstances:
- a) to move an amendment;
  - b) to speak once on any amendment moved by another Member;
  - c) to speak once on the substantive motion;
  - d) as the mover of the substantive motion to exercise their right to reply at the end of the debate on the motion or any amendment before it is put to the vote;
  - e) as the seconder of a motion or amendment, having reserved (when seconding the motion or amendment) the right to speak until later in the debate;
  - f) to make a Point of Order or Personal Explanation.

#### **B14 Content and Time Limits**

- 1 Speeches must be directed to the question under discussion or to a Personal Explanation or Point of Order.
- 2 When moving a motion, a Member may speak for a maximum of 5 minutes.
- 3 No other speeches may take more than 3 minutes without the consent of the Council (which will be determined by a vote on a motion without discussion) unless otherwise provided in this Constitution.

#### **B15 Withdrawal and Alteration of motions**

- 1 A motion or amendment may be withdrawn by the mover with the consent of the seconder and of the Council (indicated without discussion). No Member may speak after the mover has asked permission for its withdrawal, unless permission to withdraw the motion or amendment is refused.
- 2 With the consent of the Council, indicated without discussion, the mover may make minor alterations to a motion or amendment, such alteration to be provided in writing by the mover to ensure clarity, if requested by the Lord Mayor. Only alterations which could be made as an amendment may be made.

#### **B16 Order of debate**

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- 1 No speeches may be made after the mover has moved a proposal and explained the purpose of it, and until the motion has been seconded.
  - 2 When seconding a motion or amendment, a Member may reserve their speech until later in the debate.
  - 3 When a motion is under debate no other motion may be moved except:
    - a) to amend the motion;
    - b) to proceed to the next business (such a motion may only be moved by a Member who has not already participated in the debate);
    - c) that the question now be put (such a motion may only be moved by a Member who has not already participated in the debate);
    - d) that a Member be no longer heard;
    - e) that a Member leave the meeting;
    - f) to exclude the public and press from the meeting under the terms of the Local Government Act 1972;
    - g) to extend the time of the meeting or the time for the agenda item.
  - 4 No Member may move more than one amendment to any motion or substantive question before Full Council unless the further amendment comprises new material which is not related to the subject of the previous amendment.
  - 5 Only one amendment may be moved and discussed at a time unless the Lord Mayor rules otherwise, and no further amendment is to be moved until the Council has reached a decision on the amendment under discussion.
  - 6 When the Council has reached a decision on a motion or amendment, the Lord Mayor will refuse to put at the same meeting any subsequent motion or amendment which, if carried, would substantially contradict, override, or repeat the former one.
  - 7 If an amendment is lost, other amendments may be moved on the original motion.

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- 8 If an amendment is carried, the amended motion replaces the original motion on which any further amendments are moved.

### **B17 Right of reply**

- 1 The mover of a motion has a right of reply at the end of the debate on the motion immediately before it is put to the vote.
- 2 If an amendment has been moved, the mover of the original motion may choose to exercise a right of reply at the close of the debate on the amendment, or may speak during the debate on the amendment, but may only speak once on the amendment. The mover of the amendment will have a final right of reply at the close of the debate on the amendment.

### **B18 Closure motions**

- 1 A Member who has not spoken on the substantive issue may move without comment at the end of another Member's speech one of the following:
- a) "That the Council proceed to the next business"
  - b) "That the question be now put" or "Move to the vote"
  - c) "That the Council now adjourn"
- 2 If the motion is seconded, the Lord Mayor may do one of the following:
- a) on a motion to proceed to the next business, unless in the Lord Mayor's opinion the matter has not been sufficiently discussed, they may put to the vote the motion to proceed to the next business. If that vote is carried the Lord Mayor shall give the mover of the original motion the right of reply before putting that motion to the vote;
  - b) on a motion that the question be now put, unless in the Lord Mayor's opinion the matter has not been sufficiently discussed, they may put to the vote the motion that the question be now put. If that vote is carried, the Lord Mayor shall give the mover of the original motion the right of reply before putting that motion to the vote;
  - c) on a motion to adjourn the meeting, the Lord Mayor may put the adjournment motion to the vote without giving the mover of the

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original motion their right of reply on that occasion.

### **B19 Points of Order**

- 1 A member who believes that there is some irregularity in the interpretation of the Constitution or conduct of the meeting may rise on a Point of Order. Such irregularities may include:
  - a) discussion of a question not before the Council;
  - b) the use of improper or offensive language;
  - c) interjection of remarks while a Member is speaking;
  - d) that a quorum is not present; or
  - e) breach of any other Procedure Rule or law.
- 2 When a Member rises on a Point of Order, they must outline at the outset the rule or law which they consider to have been breached. The Member raising the Point of Order must then sit down immediately while the Lord Mayor gives a ruling.
- 3 A Member against whom a Point of Order is being raised must stop speaking until the Lord Mayor has ruled on the matter.
- 4 If the Lord Mayor rules that the language used by a Member is improper, it is the duty of the Member to withdraw it.

### **B20 Personal Explanation**

- 1 A Member may make a personal explanation at any time. A personal explanation may only relate to some material part of an earlier speech by the member which appears to have been misunderstood or is being misquoted in the present debate. The ruling of the Lord Mayor on the admissibility of a personal explanation will be final.

### **B21 Voting**

- 1 All matters will be determined by a show of hands, or use of the electronic voting system if available, unless at least three Members of the Council request that a named vote be conducted. In that event, the Monitoring Officer will ensure that the names and votes of the Members present are recorded and included in the Minutes of the meeting.

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- 2 If there are equal numbers of votes for and against, the Lord Mayor will have a second or casting vote. There will be no restriction on how the Lord Mayor chooses to exercise a casting vote.
  - 3 Any Member is entitled to have their own vote recorded in the Minutes whether or not a full recorded vote is taken.
  - 4 Details of all motions and amendments that are lost will be duly recorded in the published minutes of the meeting.

## **B22 Voting on Appointments**

- 1 If there are more than two people nominated for any position to be filled and there is not a clear majority of votes in favour of one person, then the name of the person with the least number of votes will be taken off the list and a new vote taken. The process will continue until there is a majority of votes for one person.
- 2 In the event of a tie, the Lord Mayor would exercise a casting vote.

## **B23 Minutes**

- 1 The Lord Mayor will sign the minutes of the proceedings at the next suitable Ordinary Meeting of the Council. The Lord Mayor will move that the minutes of the previous meeting be signed as a correct record. The only aspect of the minutes that can be discussed is their accuracy.

## **B24 Exclusion of Public**

- 1 Members of the public and press may only be excluded either in accordance with the Access to Information Procedure Rules in Appendix 7 of this Constitution or Rule B26 (Disturbance by Public).
- 2 If any question arises at any meeting of the Council relating to the appointment, dismissal, promotion, conduct, remuneration or conditions of service of any member of the Council's staff no discussion shall take place until the meeting has considered whether or not to exclude the public and press in accordance with the Access to Information Procedure Rules.

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**B25 Misconduct by Members**

- 1 If any Member at a meeting of the Council disregards the authority of the Lord Mayor or is guilty of obstructive or offensive conduct the meeting may, on a motion without notice being duly moved, seconded, and carried, resolve that the Member should not be heard and should leave the meeting. Such a motion need not be in writing and is put without discussion. If the motion is carried, the Member must leave the meeting immediately. If the Member refuses to leave the meeting, the Lord Mayor shall adjourn the meeting to allow for the removal of the Member, and may if necessary relocate the meeting to a suitable alternative venue.

**B26 Disturbance by Public**

- 1 If a member of the public interrupts the proceedings of any Council meeting, they will be warned by the Lord Mayor. If the disruption continues, the Lord Mayor may order them to leave the meeting. In the event of general disturbance in any part of the Council meeting, the Lord Mayor may order that part to be cleared.
- 2 In the event of general disturbance which in the opinion of the Lord Mayor makes the orderly conduct of business impossible, the Lord Mayor may suspend the meeting for as long as necessary, or may relocate the meeting to an alternative venue, or may abandon the meeting in which case all remaining business will be considered at a time and date fixed by the Lord Mayor. If they do not fix a date, the remaining business will be considered at the next Ordinary Meeting.

**B27 Filming and Use of Social Media during Meetings**

- 1 Filming and use of social media is permitted during meetings in accordance with a protocol approved by the Council so long as there is no disturbance to the conduct of the meeting.

**B28 Suspension of Council Procedure Rules**

- 1 All of these Council Rules of Procedure except B21 (3) (the right for an individual Member to have their vote recorded) may be suspended by motion on notice identifying the Procedure Rule which is to be suspended. Such a motion may only be moved without notice if at



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least 24 Councillors are present in the room at the time. Suspension can only be for the duration of the meeting.

### **Procedure rules for Budget Council**

#### **C1 Budget Council**

- 1 The business to be conducted at Budget Council shall be:
  - a) to consider any business raised by the Lord Mayor;
  - b) to hear any public participants in accordance with paragraph 10 above and C3 (1) below;
  - c) to receive any petitions presented by Members in relation to business associated with setting the Council's budget for the coming financial year;
  - d) to consider and determine the Executive's recommendations on setting the following budgets;
    - i) Revenue Budget (including fees and charges and Housing Revenue Account estimates) for the coming financial year; and
    - ii) Capital Programme;
  - e) to agree a Council Tax resolution for the coming year based on the above agreed budget;
  - f) to consider and determine the Executive's recommendations in relation to the Treasury Management Statement and Prudential Indicators, as necessary;
  - g) to consider any other business set out in the notice convening the meeting; and
  - h) to consider any business, brought before the Council by the Lord Mayor on the grounds of urgency in accordance with Section 100B(4)(b) of the Local Government Act 1972.

#### **C2 Duration of Meetings**

- 1 All Budget Meetings will finish no later than 2 hours and 30 minutes after the start time of the meeting, unless extended by agreement of the Council. The 2 hours and 30 minutes will not include any periods of adjournment and / or breaks taken by the Lord Mayor.
- 2 The Lord Mayor will remind the Council if 2 hours and 20 minutes has lapsed.

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- 3 A motion to extend the meeting which has been duly proposed and seconded, before the allocated time has elapsed shall be put to the vote without debate.
  - 4 All outstanding items of business will be deemed to have been proposed and seconded and will be voted on individually per agenda item without debate prior to the expiry of the meeting time.

### **C3 Public Participation**

- 1 The time spent on this item shall not, except at the discretion of the Lord Mayor, exceed 30 minutes. The Public Participation Protocol is contained in Appendix 8 of this Constitution, and the rules are set out at section 10 of the Introduction above.

### **C4 Petitions presented by Members**

- 1 The rules of Petitions as detailed at B1 apply to Budget Council, but subject to the following amendment:
  - petitions presented by Members must be in relation to business associated with setting the Council's budget.

### **C5 Content and Time Limits**

- 1 The Leader of the Council and the Leaders of other Groups on the Council may speak when they are proposing a motion or an amendment at Budget Council, in relation to the setting of the budget, but each Leader's speech will not exceed 15 minutes in doing so.
- 2 No other speeches (including the moving of amendments and the right to reply) may take more than three minutes without the consent of the Council, which will be determined by a vote on a motion without discussion.
- 3 Speeches must be directed to the question under discussion or to a personal explanation or point of order.

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**C6 Voting**

- 1 All votes relating to the setting of the annual budget must be named votes and elected Members will be required to vote for, against or abstain.
- 2 Any votes not relating to the setting of the budget will be determined by a show of hands, or use of the electronic voting system if available, unless three Members or more of the Council request that a named vote be conducted. In that event, the Monitoring Officer will ensure that the names and votes of the Members present are recorded and included in the Minutes of the meeting. Any Member is entitled to have their own vote recorded in the Minutes whether or not a full recorded vote is taken.
- 3 If there are equal numbers of votes for and against, the Lord Mayor will have a second or casting vote. There will be no restriction on how the Lord Mayor chooses to exercise a casting vote.
- 4 Details of all motions and amendments that are lost will be duly recorded in the published minutes of the meeting.

**C7 Rules for the conduct of the meeting**

- 1 All of the rules relating to Ordinary Meetings shall apply to Budget Council unless otherwise directed by the Lord Mayor, subject to it addressing the business on the agenda. This includes application of the rules to suspend Council Procedure Rules as detailed at B28.

**Procedure rules for Extraordinary meetings of the Council****D1 Extraordinary Meetings**

- 1 Schedule 12 of the Local Government Act 1972 allows extraordinary meetings of the Council to be called by the Lord Mayor. In addition, any five Members of the Council may sign and present to the Lord Mayor a requisition calling for an extraordinary meeting. If the Lord Mayor refuses to call a meeting or does not call for one within seven days of being presented with the requisition, then any five Members of the Council may call an extraordinary meeting of the Council.

- 2 Extraordinary Meetings of the Council will only deal with the business for which the meeting has been called.

## **D2 Rules for the conduct of the meeting**

- 1 All of the rules relating to Ordinary Meetings shall apply to Extraordinary Meetings unless otherwise directed by the Lord Mayor, subject to it addressing the business on the agenda.

## **D3 Duration of Meetings**

- 1 All Extraordinary Meetings will finish no later than 2 hours and 30 minutes after the start time of the meeting, unless extended by agreement of the Council. The 2 hours and 30 minutes will not include any periods of adjournment and/or breaks taken by the Lord Mayor.
- 2 The Lord Mayor will issue the guillotine warning to remind the Council if 2 hours and 20 minutes has lapsed.
- 3 A motion without notice to extend the duration of the meeting by a maximum of 30 minutes, which has been duly proposed and seconded before the guillotine warning, shall be put to the vote without debate.
- 4 Once the guillotine warning is reached, any remaining business will be deemed to have been proposed and seconded and will be voted on individually per agenda item without debate prior to the expiry of the meeting time.

## Audit & Governance Committee – work plan

Training/briefing events will be held at appropriate points in the year to support members in their role on the Committee.

Theme	Item	Lead officers	Scope
<b>4 September 2024</b>			
Finance	Treasury Management Monitor 1	<u>CYC</u> <u>Debbie Mitchell</u>	
Risk	Key Corporate Risks monitor 1 & 2	<u>CYC</u> <u>Helen Malam</u>	Update on Key Corporate Risks (KCRs).
Governance	Corporate Governance Report	<u>CYC</u> <u>Lorraine Lunt</u>	To provide Members with an update on corporate governance including issues. To also include York Open Data update.
Governance	Update on the Constitution review	<u>CYC</u> <u>Bryn Roberts</u>	
External Audit	Audit Progress Report (verbal update)	<u>Mazars</u> <u>Mark Outterside</u>	
<b>27 November 2024</b>			
Finance	Final Statement of Accounts 2023/24	<u>CYC</u> <u>Debbie Mitchell / Helen Malam</u>	
Finance	Treasury Management Monitor 2	<u>CYC</u> <u>Debbie Mitchell</u>	
Finance	No Purchase Order No Pay	<u>CYC</u> <u>Debbie Mitchell / Helen Malam</u>	
Governance	Community Governance Review update	<u>CYC</u> <u>Lindsay Tomlinson / Emma Calvert</u>	

Veritau (internal audit / counter fraud)	Internal Audit Progress Report	<u>Veritau</u> <u>Max Thomas / Richard Smith</u>	
Veritau (internal audit / counter fraud)	Audit Committee Self-Assessment	<u>Veritau</u> <u>Max Thomas / Richard Smith</u>	To share the results of the self-assessment undertaken.
External Audit	Audit Completion Report 2023/24	<u>Mazars</u> <u>Mark Outterside</u>	
<b>29 January 2025</b>			
Risk	Key Corporate Risks monitor 3	<u>CYC</u> <u>Helen Malam</u>	Update on Key Corporate Risks (KCRs).
Finance	Treasury Management Monitor 3	<u>CYC</u> <u>Debbie Mitchell</u>	
Finance	Treasury Management Strategy	<u>CYC</u> <u>Debbie Mitchell</u>	
Governance	Corporate Governance report	<u>CYC</u> <u>Lorraine Lunt</u>	To provide Members with an update on corporate governance including issues.
<b>26 March 2025</b>			