



Notice of a public meeting of

Audit and Governance Committee

To:	Councillors Hollyer (Chair), J Burton (Vice-Chair), Fisher, Mason, Whitcroft, Merrett and Rose Mr Binney (Independent Member)
Date:	Monday, 14 October 2024
Time:	5.30 pm
Venue:	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 and Action Log** (Pages 3 - 28)

To approve and sign the minutes of the meetings held on 8 August 2024 and 4 September 2024.

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 Thursday, 10 October 2024.

To register to speak please visit 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.

Webcasting of Public Meetings

Please note that, subject to available resources, this meeting will be webcast including any registered public speakers who have given their permission. The meeting can be viewed live and on demand at www.york.gov.uk/webcasts.

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) for more information on meetings and decisions.

4. Report of the Monitoring Officer on Suggested Constitutional Changes (Pages 29 - 60)

To provide the first tranche of suggested constitutional changes to the committee for consideration and discussion. Annex 1 provides the clean version of the Council Procedure Rules and Annex 2 provides the consolidated comments. (Annex 2 to follow).

5. Audit and Governance Committee Work Plan (Pages 61 - 64)

To consider the committee's work plan.

6. Urgent Business

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

Democracy Officer:

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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.

Reasonable Adjustments and Alternative formats statement

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我們也用您們的語言提供這個信息 (Cantonese)

এই তথ্য আপনার নিজের ভাষায় দেয়া যেতে পারে। (Bengali)

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

Bu bilgiyi kendi dilinizde almanız mümkündür. (Turkish)

یہ معلومات آپ کی اپنی زبان (بولی) میں بھی میا کی جاسکتی ہیں۔ (Urdu)

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) OR 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) OR 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

Meeting	Audit and Governance Committee
Date	8 August 2024
Present	Councillors Hollyer (Chair), J Burton (Vice-Chair), Fisher, Whitcroft, Merrett, Rose, and Vassie (substitute for Cllr Mason)
	Mr Leigh and Mr Binney (Independent Members)
Apologies	Councillor Mason

18. **Declarations of Interest (5:32 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.

19. **Action Log (5:32 pm)**

Resolved: That the action log be noted and the completed actions for 2022 and 2023 be archived.

20. **Public Participation (5:34 pm)**

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

Charles Malarkey spoke on agenda item 4, report on the extension and subsequent termination of the Early Intervention and Prevention Contract with the Salvation Army. He confirmed the Salvation Army welcomed the update report and were in support of the consultation planned with the community sector to help shape future homelessness prevention.

Gwen Swinburn addressed various procurement and governance matters relating to the report on the extension and subsequent termination of the Early Intervention and Prevention Contract with the Salvation Army. She suggested an independent external auditor should be commissioned to undertake an internal audit to address the inaccuracies and

failings within contract management, procurement planning, forward procurement procedures and transparency.

21. Report on the Extension and Subsequent Termination of the Early Intervention and Prevention Contract with the Salvation Army (5:38 pm)

In advance of consideration of the item, the Director of Governance and Monitoring Officer made clear the purpose of the report and the committee's role in considering the matter. He noted that the report was intended to address the factual questions of how the Salvation Army contract came to an end, the process that was followed in that and what lessons could be learnt.

The Director of Housing and Communities and the Head of Legal presented the report. The Director noted that the Health, Housing and Adult Social Care Scrutiny Committee (HHASCSC) had received an update report at their meeting on 13 November 2023 on the homelessness/resettlement services where it was resolved that the Audit and Governance Committee be requested to review how the Salvation Army contract had elapsed. It was recognised that the report considered by the HHASCSC had been omitted from the agenda and that it could be viewed using the following link:

<https://democracy.york.gov.uk/ieListDocuments.aspx?CId=1056&MId=14273&Ver=4>. It was also acknowledged that contrary to paragraph two of the report, this update did not build upon the withdrawn report that Members received on 28 February 2024.

Officers highlighted the contractual processes, the decision making throughout the contract's life cycle, the significant cost savings and the lessons learnt as part of the council's ongoing corporate improvement journey, as noted within the report.

It was also noted that contract management had been identified as a weakness in the Annual Governance Statement and the council would focus on ensuring:

- contracts contained robust contract management provisions;
- contract management provisions were proactively communicated and used;
- advance planning for service remodelling and retendering included early consultation and clear communication.

During a detailed discussion, Members raised various concerns and questions to gain an exhaustive insight into the:

- internal control processes;
- contract terms and conditions;
- perceived contract management failings;
- extension and subsequent end of the contract;
- rationale for not recommissioning the service;
- principles of decision making and
- lessons learnt

Members questions also focused on receiving assurances from officers that the perceived failings would be mitigated and that the council's procurement principles, contract management processes, procedure rules and training to officers would be improved to ensure matters did not reoccur.

It was also recognised that the fundamental challenges were linked to the management of the contract, and Members raised their concerns with the lack of openness, transparency and communication between the council and the Salvation Army, particularly at the end of the contract, and they acknowledged that the parameters set for contract managers, including reprocurement of contracts, required reviewing.

Officers confirmed that the contract was originally awarded as standard, including the first contract extension that was required to ensure continuity of service, but that the communication failings began in relation to the second extension. Officers reiterated that they were committed to reviewing how contracts were managed, drawing on best practice to identify the steps to take to improve the experience of organisations who enter contractual arrangements with the council.

Questions raised continued to be answered during the discussion and it was acknowledged that:

- the contract was not included in the agenda pack due to the technical and confidential nature of the document and it was generally not common practice to distribute these in reports.
- a waiver was used to ensure a seamless transition with no lapse in service for York citizens, and it was clear on the waiver issued that the council intended to bring the service in house rather than award a further contract to the Salvation Army.

- There were multiple communication factors that contributed to the issues that played out during the months prior to the contract ending, and the council was committed to improving these failures.

In the interest of good governance, Members also discussed and raised questions regarding the function of an Executive Member, decisions taken under delegated powers, business continuity and the potential reputational damage to the council.

Members recognised that an internal audit of contract management provisions across the council was required to ensure contracts were constructed appropriately following a comprehensive procurement process, and the Director of Governance, Chair and Vice-Chair agreed to consider the feedback received around:

- procurement rules;
- waivers;
- service reviews;
- gaps in contracts and extension to service;
- transiting of services;
- ownership of the decision once approved;
- communication methods and
- training

Concerns were also noted regarding the officer reports received over the last year on this subject; although they were well written, Members felt they did not always contain adequate procurement data.

The Director of Governance stated that an internal audit report should provide assurances to the committee, and should the auditors find any fundamental problems, they were duty bound to raise this with the committee and senior officers.

Following an extensive debate, officers were thanked for their contribution and it was

Resolved:

- (i) That 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, the Director of Governance be commissioned to organise

an internal audit investigation of the council's contract management provisions.

- (ii) That an appropriate method of presenting key waiver details to the committee be considered by the Director of Governance.
- (iii) That the Constitution Working Group be requested to promptly review the Scheme of Delegation (Appendix 1 to the Constitution).

Reason: To ensure transparent scrutiny of process and assurance regarding processes followed.

22. Report of the Monitoring Officer on suggested Constitutional Changes (7:40 pm)

Members considered a report that provided the first tranche of suggested constitutional changes to the Council Procedure Rules (Appendix 3 to the Constitution).

The Director of Governance confirmed that the revised draft was presented to committee by way of early consideration, with a view that a substantial discussion would take place at the next scheduled meeting of the committee on 4 September.

Mr Leigh, Independent Member, raised some key points to promote good behaviour, culture and governance across the council, and he confirmed his resignation from the committee.

Mr Leigh was thanked for his commitment and service over the years, and in answer to a question raised, it was

Resolved:

- (i) That paragraph 4.2, particularly the Lord Mayor being granted a casting vote when they were no longer a Councillor, be reconsidered by the Director of Governance.
- (ii) That the proposed changes be considered in advance of the meeting on 4 September 2024.

Reason: To allow the committee to consider proposed Constitutional changes.

23. Audit and Governance Work Plan 2024/25 (7:46 pm)

The committee considered their work plan for the 2024/25 municipal year.

Resolved: That the work plan be revised to include the update on the Constitution Review on 4 September 2024.

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

Cllr Hollyer, Chair

[The meeting started at 5.32 pm and finished at 7.46 pm].

Meeting	Audit and Governance Committee
Date	4 September 2024
Present	Councillors Hollyer (Chair), J Burton (Vice-Chair) (from 5:33 pm), Fisher, Mason, Whitcroft, Merrett and Rose
Apologies	Mr Binney (Independent Person)
Officers in Attendance	Bryn Roberts, Director of Governance and Monitoring Officer Debbie Mitchell, Director of Finance Lorriane Lunt, Information Governance and Feedback Manager/Data Protection Officer Helen Malam, Principal Accountant, Corporate Finance
Officers in Attendance Remotely	Mark Outterside, Director, Forvis Mazars

24. Declarations of Interest (5:32 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.

25. Minutes & Action Log (5:32 pm)

Resolved:

- (i) That the minutes of the meeting held on 9 July 2024 be approved and then signed by the Chair as a correct record.
- (ii) That the minutes of the meeting held on 31 July 2024 be approved and then signed by the Chair as a correct record subject to updating the sixth bullet point in minute number 12, Draft Annual Governance Statement 2023/24 to
 - Project completion reports would be completed sooner after the substantive completion of the

project, and any minor outstanding actions would be monitored to ensure proper timely execution.

Regarding the Action log, it was noted that:

- York Open Data was not included in the corporate governance team report and the Information Governance and Feedback Manager/DPO agreed to consult with the Chair and the Head of Business Intelligence to progress action 31.
- Action 35 related to Appendix 7, Access to Information.
- The supplier communications, noted in action 50, would be issued ahead of the Audit and Governance Committee meeting on 27 November 2024.
- A target date would be included in actions 59, 65, 66, 67, 68 and 69.
- The Director of Governance would instruct Veritau to proceed with an internal audit investigation of the council's contract management provision, with a report being presented at the 27 November 2024 Audit and Governance Committee (action 68).
- Subject to the Director of Governance receiving confirmation from Mr Leigh that he had resigned from the Audit and Governance Committee, the recruitment process for a new Independent Person was to be considered by the committee.

26. Public Participation (5:39 pm)

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

Gwen Swinburn spoke on various corporate governance matters, requesting that:

- a protocol be commissioned that clearly demonstrated the permission and notification levels regarding officers accessing Councillor emails.
- the information governance list of multiple internal boards be revisited to include Terms of Reference, any delegations and lists of officer titles in attendance, as well as frequency of meetings.
- the current format and style of the disclosure log be considered to include all Freedom of Information responses in full.
- verbal updates be prohibited from all agendas.

- the recruitment of an Independent Person be urgently addressed.

27. Corporate Governance Team Report (5:42 pm)

Members considered a report that provided an update in respect of:

- New internal governance arrangements
- Corporate Governance performance
- 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.

The Information Governance and Feedback Manager/DPO noted the comments raised under public participation and referenced various sections of her report, including the annexes, and highlighted that:

- The decrease in the percentage of Subject Access Request (SAR) complaints responded to in time for quarter 1 2024/25 was an area of concern and officers had resumed work with service areas and managers to consider opportunities to make improvements.
- Officers were considering improvements to address the fall in performance for responding in time to the number of complaints received in children services and other social care legislation complaints.
- There had been no Information Commissioner’s Office decision notices since the last report to committee.
- The NHS Data Security and Protection (DSP) Toolkit self-assessment for 2023-24 had been completed.
- The Investigatory Powers Commissioner onsite inspection had been confirmed for Monday, 23 September 2024, and the committee would be updated on their findings.

- If required, officers could provide the committee with further Regulation of Investigatory Powers Act (RIPA) training, following their session in November 2023.

During discussion of the item, the Information Governance and Feedback Manager/DPO answered questions raised and it was noted that:

- Members were content that the RIPA training last offered was sufficient.
- Officers had received verbal assurances from the ICO that the enforcement notice issued had been fully complied with and they would continue to chase for a recorded response.
- The departmental budget savings had been achieved due to a half vacant post, and there will be opportunities for future service delivery due to the complaint's element transferring into the customer service centre.
- Due to complaints and feedback received in the past, the disclosure log had been updated including an advanced search function. The log enables Freedom of Information (FOI) and Environmental Information Regulation (EIR) responses to be explored for up to 12 months.
- There was no legal requirement to publish any FOI or EIR responses in full and doing this could generate a potential data breach and was manually intensive. Although officers were considering how to reduce the manual process to publish the responses, guidance was available on the disclosure log website that explained how a fuller response could be obtained.
- Officers considered repeated themes within FOI or EIR requests and would proactively publish those for information and consult with the relevant service area. The legislation still required officers to provide a legally compliant response, so publishing repeated requests did not reduce the number of EIRs/FOIs received but helped reduce the time taken to respond. The Manager agreed to provide an update on the data published within her next report to committee.
- Officers were consulting with business intelligence to align the statutory timescales to provide more accurate metrics and a better trajectory throughout the year.

- Officers would expand on the internal governance management arrangements, as highlighted within annex 1, and provide a briefing that recognised and differentiated between members and officers.

The Information Governance and Feedback Manager/DPO was thanked for her report and update.

Resolved:

- (i) That the new internal governance arrangements be noted, as highlighted in the report.
- (ii) That the performance details be noted, as highlighted in the report.

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

- (iii) That the details for the IPCO inspection be noted and the “fit for purpose” review of the covert surveillance policy and procedures and data report be considered.

Reason: So that Members were 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.

28. Monitors 1 & 2 2024/25 - Key Corporate Risks (6:20 pm)

Members considered a report that presented the Audit & Governance Committee with an update on the monitor 1 and 2 key corporate risks (KCRs) for City of York Council (CYC), which were included in Annex A to the report.

The Principal Accountant within Corporate Finance provided an update and proposed that a cycle of in-depth reviews could be presented within future reports, whereby one KCR was reviewed in detail and the risk owner attended that Audit and Governance Committee to assist with the conversation.

During discussion, officers answered questions raised, and the following feedback was noted:

- A Caldicott Guardian was a senior person responsible for protecting the confidentiality of people's health and care information and making sure it was used properly. All NHS organisations and local authorities which provided social services must have a Caldicott Guardian.
- Officers would ensure the relevant partners, including Tees, Esk and Wear Valleys NHS Foundation Trust, were included within KCR 3, Effective and Strong Partnerships.
- KCR 4, Changing Demographics was due to be reviewed and officers would consider including housing.
- That the future risks following adoption, or the possibility of judicial challenge, be considered in KCR 8, Local Plan.
- To highlight a variety of community engagement groups within KCR 9, Communities.
- That the gross likelihood and risk owners of KCR 11, External Market Conditions be considered.
- To consider including disorder in KCR 12, Major incidents.

Officers were thanked for their update.

Resolved:

- (i) That the key corporate risks, included at Annex A, and summarised at Annex B of the report, be considered.
- (ii) That the proposal at paragraph 20 of the report, to conduct an in-depth review of each KCR over the forthcoming monitors, be approved.
- (iii) That the feedback provided above, be considered.

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

29. Treasury Management 2024/25 Quarter 1 Report and Review of Prudential Indicators (6:35 pm)

Members considered a report that presented the Treasury Management 2024/25 for quarter 1 and a review of the Prudential Indicators.

The Director of Finance provided an update on treasury activity during the quarter and noted the annexed report that was due to be considered by Executive on 18 September 2024. She recognised it was still a challenging time for the UK economy

and that the council continued to invest in line with its priorities of security, liquidity, and yield.

The Director of Finance answered questions raised to enable the committee to understand the activities undertaken within the reserves, interest rates and the maturity profile.

The Director was thanked for her report, and it was

Resolved: That the Treasury Management quarter 1 report and review of Prudential Indicators 2024/25 at Annex 1 to 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.

30. External Auditor Verbal Update (6:40 pm)

Members considered an update from the council's external auditors, Forvis Mazars.

The Director responsible for City of York Council highlighted the progress made in delivering their responsibilities, noting that:

- Audit planning for 23/24 was underway despite not finalising the 22/23 audit due to the continued delay in receiving assurances from the North Yorkshire Pension Fund auditor.
- Forvis Mazars had made enquiries with council officers regarding any other statutory duties that were required to be completed and they would respond to those once they had finalised their enquiries.
- Forvis Mazars had appointed an Engagement Manager.

The committee discussed the risks and impact regarding the delay in completing the 22/23 audit and it was suggested that officers contact the council's representative on the North Yorkshire Pension Fund Local Pension Board to seek their assistance in trying to resolve the matter.

It was noted that Forvis Mazars had recently been appointed as the new North Yorkshire Pension Fund auditors, and the Director was thanked for his update.

Resolved:

- (i) That the update be noted.
- (ii) That the council's representative on the North Yorkshire Pension Fund Local Pension Board be contacted to seek their assistance in trying to resolve the delay in receiving assurances from the North Yorkshire Pension Fund.

Reason: That the committee was made aware of any emerging issues.

An adjournment took place between 6:47 pm and 6:57 pm

31. Report of the Monitoring Officer on suggested Constitutional Changes (6:57 pm)

Members considered a report that provided the first tranche of suggested constitutional changes to Appendix 3, Council Procedure Rules.

The committee held a detailed discussion regarding whether to delay the endorsement of the proposed revisions to allow all political groups the opportunity to consider the proposed changes and provide a response to the Director of Governance and Monitoring Officer to ensure endorsement to Full Council on 21 November 2024.

Having discussed the timelines, and on being put to the vote, it was

Resolved:

- i) That political groups be given the opportunity to consider the proposed changes in the clean version of Appendix 3, Council Procedure Rules and provide their submissions to the Director of Governance and Monitoring Officer by 27 September 2024.
- ii) That an extraordinary Audit and Governance Committee be arranged in consultation with the Chair, Vice Chair and Director of Governance to consider the submissions received regarding the proposed changes to Appendix 3,

Council Procedure Rules, and invite a representative from the Conservative Group and the Independent Member to the meeting to enable them to reflect their perspective ahead of onward endorsement to the meeting of Full Council on 21 November 2024.

- iii) That arrangements be made to remove the Deputy Leader report from the Council Procedure Rules and the Director of Governance and Monitoring Officer remit that amendment only to the meeting of Full Council on 19 September 2024 for approval.
- iv) That the delayed timelines and process to finalising Appendix 3 for endorsement at Full Council be raised and discussed at Group Leaders on 3 October 2024.

Reason: To ensure all Groups had the opportunity to consider the proposed Constitutional changes.

32. Audit and Governance Work Plan (7:40 pm)

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

Resolved:

- i) That an extraordinary Audit and Governance Committee be arranged to consider the Constitutional changes to Appendix 3, Council Procedure Rules.
- ii) That the covert surveillance policy be included within the corporate governance report on 29 January 2025.
- iii) That public participation guidance be provided to all Councillors ahead of the Constitution Working Group reviewing the Public Participation Protocol (Appendix 8).
- iv) That a forward plan be comprised in the work plan and to include the Councillor Code of Conduct, York Open Data, Counter Fraud Annual Review (May 2025), as well as cross referencing with the action log.
- v) That a private meeting be arranged for the committee to consult with the external Auditors, Forvis Mazars, following the closure of a suitable Audit and Governance Committee.

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

Cllr Hollyer, Chair

[The meeting started at 5.30 pm and finished at 7.48 pm].

Audit and Governance Committee 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 York 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 and report back to Committee	Chair/Lorraine Lunt	Officers and the Chair to meet to discuss	Ongoing	No
33, 35, 70	08/11/2023, 08/08/24, 4/09/24	Report of the Monitoring Officer on suggested Constitutional Changes	That the cross party constitution working group consider the Constitutional changes for onward endorsement by the Audit and Governance Committee and then Full Council, to include (i) Council Procedure Rules (Appendix 3) (ii) Access to Information (Appendix 7), particularly around Members rights to information. (iii) The Scheme of Delegation (Appendix 1) (iv) Public Participation (Appendix 8)	Bryn Roberts	This is ongoing and all political groups have been given the opportunity to comment on the Council Procedure Rule changes, Appendix 3. The next update will be provided to A&G on 27 November 2024.	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 asap.	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		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 considered, 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	Lindsay Tomlinson	The member induction programme has been handed over to Democratic Services to take forward	Ongoing	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		27/11/24	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		27/11/24	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 at the meeting on 8 August 2024 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	The Director of Governance is liaising with Veritau	Ongoing	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		27/11/24	No
71	04/09/24	Minutes and Action Log	Subject to receiving confirmation from Mr Leigh that he had resigned from the Committee, the recruitment process for a new Independent Member to be considered by the committee.	Bryn Roberts/Lindsay Tomlinson	An update will be brought to the November meeting.	27/11/24	
72	04/09/24	Corporate Governance Team Report	That an update on the repeated themes published within FOIs/EIRs and the covert surveillance policy be included within the Corporate Governance report on 29 January 2025.	Lorraine Lunt	This has been scheduled into the workplan for 29 January 2025.	29/01/25	No

73	04/09/24	Corporate Governance Team Report	To expand on the internal governance management arrangements, as highlighted within annex 1, and provide a note to Members that recognises and differentiates between councillors and officers.	Bryn Roberts/Claire Foale		27/11/24	No
74	04/09/24	Monitors 1 & 2 2024/25 - Key Corporate Risks	That an analysis of each individual KCR be provided within future monitor reports starting with KCR 1 and invite the risk owner to attend that Audit and Governance Committee to assist with the conversation	Helen Malam	An analysis of KCR 1 will come to the committee at Monitor 3 in January 2025	29/01/25	No
75	04/09/24	Monitors 1 & 2 2024/25 - Key Corporate Risks	<ul style="list-style-type: none"> · To ensure the relevant partners, including Tees, Esk and Wear Valleys NHS Foundation Trust, were included within KCR 3, Effective and Strong Partnerships. · To highlight a variety of community engagement groups within KCR 9, Communities. To consider: <ul style="list-style-type: none"> · including housing in KCR 4, Changing Demographics · the future risks following adoption, or the possibility of judicial challenge in KCR 8, Local Plan. · the gross likelihood and risk owners of KCR 11, External Market Conditions · including disorder in KCR 12, Major incidents 	Helen Malam	These updates will be made in the KCR Monitor 3 update.	29/01/25	No
79	04/09/24	Report of the Monitoring Officer on suggested Constitutional Changes	That the delayed timelines and the process undertaken to finalising Appendix 3 for endorsement to Full Council be raised and discussed at Group Leaders on 3 October 2024	Bryn Roberts		03/10/24	No

80	04/09/24	Work Plan	That a private meeting be arranged for the committee to consult with the external Auditors, Forvis Mazars, following the closure of a suitable A&G meeting.	Louise Cook/Mark Outterside	Officers are liaising with the Chair and Forvis Mazars	27/11/24	No
81	04/09/24	Work Plan	That public participation guidance be provided to Councillors	Bryn Roberts	26 September, The Head of Democratic Governance & Deputy Monitoring Officer had sent an email to all chairs/deputy chairs/Executive Members to clarify the public participation rules in respect of written representations to formal decision-making meetings and the Director of Governance is also considering this.	31/10/24	No

Audit and Governance Committee Completed Actions for 2024

Action Number	Date of Meeting	Title	Action	Action Owner	Status/ Outcome	Completed by	Completed
78	04/09/24	Report of the Monitoring Officer on suggested Constitutional Changes	That arrangements be made to remove the Deputy Leader report from the Council Procedure Rules and the Director of Governance and Monitoring Officer remit that amendment only to the meeting of Full Council on 19 September 2024 for approval	Bryn Roberts	Report has been submitted to council	19-Sep-24	Yes
77	04/09/24	Report of the Monitoring Officer on suggested Constitutional Changes	That an extraordinary Audit and Governance Committee be arranged in consultation with the Chair, Vice Chair and Director of Governance to consider the submissions received regarding the proposed changes to Appendix 3, Council Procedure Rules, and invite a representative from each Group to the meeting to reflect their perspective, ahead of onward endorsement to the meeting of Full Council on 21 November 2024.	Bryn Roberts/Chair/Vice-Chair/Louise Cook	Meeting has been arranged for 14 October 2024 and Cllr Warters and Cllr Steward have been invited to attend.	18-Sep-24	Yes
76	04/09/24	Report of the Monitoring Officer on suggested Constitutional Changes	That political groups be given the opportunity to consider the proposed changes in the clean version of Appendix 3, Council Procedure Rules and provide their submissions to the Director of Governance and Monitoring Officer by 27 September 2024.	Bryn Roberts	Completed - Email had been sent	27-Sep	Yes
75	04/09/24	External Auditor Verbal Update	Officers contact the council's representative on the North Yorkshire Pension Fund Local Pension Board to seek their assistance in trying to resolve the delay in receiving assurances from the North Yorkshire Pension Fund.	Debbie Mitchell/Mark Outterside	Completed, an email had been sent to Cllr Rowley	19-Sep-24	Yes

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
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	Update provided at the meeting on 4 September	04/09/24	Yes
63	31/07/24	Draft Statement of Accounts	Provide a narrative to Committee Members on: <ul style="list-style-type: none"> •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. 	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	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 asap.	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		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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Audit and Governance Committee
Report of the Director of Governance

14 October 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 4 September 2024, the committee resolved to seek the views of Group Leaders in respect of the proposed changes to the Constitution, as agreed by the Constitution Working Group.
3. Following that meeting, and as agreed by the Committee, the 'clean' version of the revised Council Procedure Rules was sent to all Group Leaders, and Councillor Warters (who, as an Independent, is not a member of any Group) on 9 September 2024. As agreed by the Committee, comments were requested from the recipients by the close of business on 27 September 2024.
4. Following receipt of comments from Councillor Warters and the Liberal Democrat Group, a consolidated table of the comments, together with clarifications from the Monitoring Officer, were circulated to Group Leaders and Councillor Warters on 30 September.
5. A discussion then took place at the Group Leaders meeting on 3 October 2024 as to the way forward. At that meeting, it was agreed that final points of disagreement would be provided by the close of business on 4 October 2024, for subsequent circulation to the Committee. These will be circulated on Monday, 7 October 2024.

6. The following procedure for considering the amendments therefore proposed:
 - a. The Committee notes the points of disagreement;
 - b. The Committee agrees to all proposed changes in the Council Procedure Rules other than the points of disagreement, and to endorse them to Council;
 - c. The Committee votes to refer the points of disagreement to Council for its decision.

7. 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

8. It is recommended that Members:
 - a) Consider and endorse the proposed changes to the Council Procedure Rules other than the points of contention, and remits those changes to the meeting of Full Council on 21 November 2024 for approval;
 - b) Considers and remits the points of contention to the meeting of Full Council on 21 November 2024 for decision.

Reasons for the Recommendation

9. To allow Council to determine 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** 4 October 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 – Clean Version
- Annex 2 – Consolidated Comments (to follow)

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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

- 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

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.

- 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:

- 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

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

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 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 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 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.
- 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.

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;
- 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.

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.

- 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.
- 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;
- 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.
- 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

- 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.
- 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 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.

- 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.

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 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.
- 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.

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 and 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
14 October 2024			
Governance	Update on the constitution review	<u>CYC</u> <u>Bryn Roberts</u>	Extraordinary meeting to consider the Constitutional Changes to Appendix 3, Council Procedure Rules.
27 November 2024			
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	Independent Person recruitment update	<u>CYC</u> <u>Lindsay Tomlinson</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	External Audit Plan (Audit Strategy Memorandum) 2023/24	<u>Mazars</u> <u>Mark Outterside</u>	
29 January 2025			
Risk	Key Corporate Risks monitor 3	<u>CYC</u> <u>Helen Malam</u>	Update on Key Corporate Risks (KCRs).
Finance	Final Statement of Accounts 2023/24	<u>CYC</u>	

		<u>Debbie Mitchell / Helen Malam</u>	
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. To also include data on repeated FOI/EIR requests and an update on the covert surveillance policy.
Veritau (internal audit / counter fraud)	Internal Audit Workplan Consultation	<u>Veritau</u> <u>Max Thomas/ Richard Smith</u>	
Veritau (internal audit / counter fraud)	Internal Audit & Counter Fraud Progress Report	<u>Veritau</u> <u>Max Thomas/ Richard Smith</u>	
External Audit	Audit Completion Report 2023/24	<u>Mazars</u> <u>Mark Outterside</u>	
26 March 2025			
Veritau (internal audit / counter fraud)	Internal Audit Work Programme	<u>Veritau</u> <u>Max Thomas/ Richard Smith</u>	
Veritau (internal audit / counter fraud)	Counter Fraud Risk Assessment and Workplan	<u>Veritau</u> <u>Max Thomas/ Richard Smith</u>	
Risk	Key Corporate Risks monitor 4	<u>CYC</u> <u>Helen Malam</u>	Update on Key Corporate Risks (KCRs).
May 2025			
Veritau (internal audit / counter fraud)	Annual Report of the Head of Internal Audit	<u>Veritau</u> <u>Max Thomas/ Richard Smith</u>	
Veritau (internal audit / counter fraud)	Annual Counter Fraud Report	<u>Veritau</u>	

Upcoming items:

- Councillor Code of Conduct
- York Open Data
- Community Governance Review update – Lindsay Tomlinson / Emma Calvert

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