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**AUDIT AND GOVERNANCE COMMITTEE****12 November 2025**

Report of the Director of Governance

**Report of the Monitoring Officer on Constitutional Changes –  
Revised Public Participation Protocol****Summary**

1. To provide the updated Public Participation Protocol for the committee to note.

**Public Participation Protocol**

2. As members will be aware, under current statutory provisions from the Public Bodies (Admission to Meetings) Act 1960 and the Local Government Act 1972, members of the public have the right to attend meetings for the purpose of observation and reporting.
3. As with many other Councils, however, City of York Council has chosen to extend the ability to participate in many meetings of the Council and its committees to members of the public through the Public Participation Protocol. The current Protocol is contained at Appendix 8 of the Constitution.
4. That Protocol contains a delegation to the Monitoring Officer in the following terms:

*“The Monitoring Officer and the Head of Democratic Governance will review this protocol every six months to ensure it remains fit for purpose. Any changes to this protocol will be reported to the Audit & Governance Committee and ultimately Full Council for the purposes of updating the Council’s Constitution.” (emphasis added)*

This terms of this delegation mean that the approval of Council is not required for changes to be made.

## Protocol Changes

5. Two incremental changes have been made in mid- to late October to ensure that the Protocol remains relevant and appropriate for the meetings to be held, balancing the ability of members of the public to participate in appropriate meetings whilst ensuring that those comments are relevant to the meeting in question, but also ensuring that for staffing-related meetings are solely the purview of Elected Members as the employer.
6. To that end, on 10 October 2025, paragraph 16 of the Protocol was amended to require that public participation at Extraordinary Council meetings should solely relate to the item being discussed at that meeting. However, during consideration of that amendment, the question of public participation at HR-related Extraordinary Council Meetings came to the Monitoring Officer's mind.
7. As Members will be aware, the Council, as a body corporate, is the employer for all its staff. As such, it has responsibilities to those staff to act within employment law provisions, and in accordance with its policies and procedures. Furthermore, in the case of Chief Officers, their contracts of employment contain specific provisions relating to the right to a hearing before full Council in certain disciplinary or dismissal situations.
8. Members will note that, for committees considering the general principles of employment (such as Staffing Matters and Urgency Committee), the ability for the public to participate is retained; this is because Members are not dealing with individual employment relationships, but rather the broad principles of Council structures.
9. Where greater detail is required in relation to individuals, whether at SMUC or the Corporate Appeals Committees, those details are exempted under Paragraph 1 of Part 1 of Schedule 12A to the Local Government Act 1972, as being "*Information relating to any individual.*" None of these details are publicly available, and in the case of Corporate Appeals Committees, no public participation is permitted. This protects both the Council and the employee and maintains the integrity of the employment relationship.
10. As a consequence, on 22 October 2025 a further amendment was made to the Public Participation Protocol, to exclude public participation from Extraordinary Council meetings dealing with Staffing matters.

## 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

11. It is recommended that Members note the amended Public Participation Protocol.

## Reasons for the Recommendation

12. In accordance with the Constitution.

**Author and Chief Officer responsible for the report:** Bryn Roberts, Director of Governance and Monitoring Officer

**Report  
Approved**

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**Date** 27 October  
2025

**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 – Revised Public Participation Protocol.