



# INTRODUCTION TO THE CONSTITUTION

**2023**

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## **1. Introduction**

### **1.1 City of York Council has a constitution which sets out:**

- how the Council operates
- how decisions are made and
- the procedures which are followed to make sure these are efficient, transparent and accountable to local people.

Some of these processes are required by law, and others are processes which the Council has chosen.

*[N.B This introduction reflects the Constitution as it stands in May 2023, and which is subject to change at any time.]*

### **1.2 The purpose of this introduction is to assist the public, Elected Members (City of York Councillors) and Officers (paid staff) by outlining how the Constitution works, and to focus on some of the practical consequences, both in relation to the role of Members of the Council, and that of officers. The terms 'Member' and 'Councillor' are interchangeable.**

### **1.3 The introduction has to simplify the complexities of the Constitution and in some instances what it says will be a general rule rather than explain all the exceptions to the rule. So if the reader is in any doubt, look up the Constitution itself on the website or take advice from the Director of Governance or their staff, who are here to help Members and officers with constitutional advice.**

### **1.4 Agendas, reports and minutes for meetings of Council, Executive and Committees are accessible from West Offices, York and online at <https://democracy.york.gov.uk/ieDocHome.aspx?bcr=1>**

## **2. What's in the constitution?**

### **2.1 The Constitution is divided into Articles which set out the broad overview of the Constitution. More detailed procedures and codes are contained in the Appendices.**

### **2.2 Article 1 of the Constitution explains the purpose of the Constitution and commits the Council to exercise all its powers and duties in accordance with the law and the Constitution.**

2.3 Articles 2 to 24 explain how the key parts of the Council operate and the rights of citizens. They are:

- Members (elected Councillors) of the Council (Article 2)
- Citizens and the Council (Article 3)
- The Full Council (Article 4)
- The Lord Mayor of York, The Sheriff of York and chairing the Council (Article 5)
- The Leader of the Council and the Executive (Article 6)
- Decision-Making (Article 7)
- Scrutiny (Article 8)
- The Audit & Governance Committee (Article 9)
- The Joint Standards Committee (Article 10)
- Staffing Matters and Urgency Committee (Article 11)
- Shareholder Committee (Article 12)
- Planning Major committee and Planning Minor Committee (Article 13)
- The Council's Licensing Functions (Article 14)
- Corporate Appeals Committee (Article 15A)
- Investigating And Disciplinary Committee & Appeals Committee (Article 15B)
- York Health and Wellbeing Board (Article 16)
- Standing Advisory Council for Religious Education (Article 17)
- Corporate Parenting Board (Article 18)
- Joint Arrangements (Article 19)
- Independent Remuneration Panel (Article 20)
- Officers (Article 21)
- Finance, Contracts and Legal Matters (Article 22)
- Review and Revision of the Constitution (Article 23)
- Suspension, Interpretation and Publication of the Constitution (Article 24)

2.4 Citizens have a number of rights in their dealings with the Council. These are set out and referred to in Article 3. Some of these are legal rights, whilst others depend on the Council's own processes.

2.5 Where members of the public use specific Council services, for example as a recipient of social care, they may have additional rights which are not covered in this Constitution or introduction.

2.6 Citizens have the right to:

- vote at local elections if they are registered

- contact their local councillor about any matters of concern to them
- view the Council's constitution (or obtain a copy of it for a fee)
- attend formal meetings of the Council, the Executive and Committees of the Council except where, for example, personal or confidential matters are being discussed
- participate at formal meetings of the Council, the Executive and Committees of the Council in accordance with the Constitution
- find out, from the Forward Plan, what Key Decisions are to be discussed by the Executive or considered by Executive Members, and when
- see agendas, reports and background papers of matters discussed in public, and any record of decisions made by the Council, the Executive, Executive Members and Committees of the Council
- complain to the Council about the services which it provides, or actions or lack of action by the Council or its staff
- complain to the Ombudsman about maladministration if they think the Council has not followed its procedures properly. However, they should only do this after using the Council's own published procedure
- complain to the Council's Director of Governance if they have evidence which they think shows that a councillor has not followed the Council's Code of Conduct for Members, and
- inspect the Council's accounts and make their views known to the external auditor.

2.7 The Council welcomes participation by its citizens in its work. For further information on your rights and limitations as a citizen under the Constitution, please see Appendices 2, 3 and 8 or contact the Director of Governance.

2.8 The Constitution has been written to include gender neutral pronouns. Gender pronouns are the terms people choose to refer to themselves that reflect their gender identity. These might be he/him, she/her or gender-neutral pronouns such as they/them. Knowing and using a person's correct pronoun fosters inclusion, makes people feel respected and valued, and affirms their gender identity. We have chosen to use they/their throughout the

Constitution as we continue to promote inclusion and avoid inappropriate gender bias. This reflects our trans-friendly city status and also shows how the council values equality and diversity.

- 2.9 Information about our services, our councillors and our meetings or how to complain can be found on our website  
<https://www.york.gov.uk/>

### **3. How the Council Operates**

#### **3.1 Composition and Role**

3.1.1 The Council comprises 47 Councillors elected at the same time every 4 years. They are democratically accountable to residents of their Wards 'through the ballot box'. They are often referred to as "Members". The Council operates executive arrangements under the 'Leader and Executive' model. A fundamental legal concept is the split in political responsibility between executive (Leader and Executive) and non-executive (Council and Committees) functions. Officers (paid staff) of the Council may exercise both executive and non-executive functions as long as they have been delegated to them.

3.1.2 "Full Council" (meetings of all 47 Councillors) take place around 6 times a year. The job of the full Council is to approve the Council's Corporate Plan and main policies (the policy framework as set out in Article 4 and Appendix 1) and the Annual Budget (both revenue and capital) and hold the Executive (Leader and Executive) to account. There are other matters reserved to the Full Council to decide. These are set out in the Responsibility for Functions/ Scheme of Delegation (Appendix 1), and include the appointment of the Leader of the Council, adopting and making changes to the Members' Code of Conduct, and approving the Members' Allowances Scheme. Appendix 1 also details those functions which can only be undertaken by the Executive and others for which the council has a "local choice" as to how the appropriate decision maker should be.

3.1.3 The Council is also responsible for electing its Lord Mayor of York (who is the Chair of Full Council) and Sheriff of York (for the civic leadership of the Council), the Leader of the Council

(for political leadership), and for establishing certain other committees and member bodies and appointing their chairs and vice-chairs. Some of these are responsible for assisting in policy development, scrutinizing and reviewing the decisions of the Executive (such as the Scrutiny Committees), while others have statutory non-executive responsibilities to discharge (such as Planning and Licensing Committees).

3.1.4 The Executive is chaired by the Leader of the Council, who has responsibility for political decisions which are the responsibility of the Executive and are taken by the Executive collectively or by individual Executive Members.

3.1.5 The Council receives regular reports from the Executive, which may make recommendations on Council matters (for example, the Budget), and will also report on decisions already made. The Council and its committees cannot take decisions which are the responsibility of the Executive (which we call the 'Executive'). The Executive cannot take decisions which are the responsibility of the Council and its committees (non-Executive functions) but makes recommendations to Council on the Budget and Policy framework.

3.1.6 The Council also receives reports from its other Committees and Executive Members.

3.1.7 The Chief Operating Officer (as Head of Paid Service), the Director of Governance (as Monitoring Officer) and the Chief Finance Officer (as s151 Officer) all have the right as statutory officers to submit reports directly to the Full Council.

3.1.8 As a result of executive arrangements, unless the matter is one which:

- is for the Full Council or its Committees to determine (as set out in the Constitution, particularly the Responsibility for Functions/ Scheme of Delegation in Appendix 1)
- is contrary to the policy framework or not wholly in accordance with the Council's budget
- cannot in law be the responsibility of the Executive

then the Council or its other Committees cannot take a decision about that matter (or overturn a decision of Executive

or Executive Member). That responsibility rests with the Leader and Executive. Similarly, the Executive or Executive Member cannot take a decision which is the responsibility of the Council or its Committees.

3.1.9 Responsibility for some matters remains with Full Council, either because the law requires this or because it has chosen to retain responsibility as allowed by the law. The Responsibility for Functions/Scheme of Delegation sets out the position in Appendix 1.

## 3.2 The Lord Mayor and Sheriff

3.2.1 York has had a mayor since before 1217, with the status subsequently being elevated to that of Lord Mayor and traditionally recognised as such by Richard II in 1389. The office of Sheriff is the oldest in England dating back to 1396.

3.2.2 The Lord Mayor is a councillor formally elected by their fellow councillors at the Annual Meeting of the Council. Traditionally this takes place in the ancient Guildhall in mid to late May. To be eligible to be nominated for Lord Mayor a Councillor must, by tradition, have 5 years' service. For some years the Council has operated an arrangement whereby points are awarded to political groups based on the number of serving councillors they have at the time of the annual meeting. The group with the most points is given the honour of nominating a councillor to serve as the next Lord Mayor. Having done so they lose 47 points the following year.

3.2.3 The Sheriff is nominated by the Lord Mayor and appointed by Council at the annual meeting. The Sheriff may but need not be a City of York Councillor.

3.2.4 In the past these posts exercised significant political power. Nowadays the role of Lord Mayor largely involves acting as *First Citizen* promoting York and representing the City at civic and ceremonial events, although they also chair the meetings of the full Council. Traditionally the Lord Mayor avoids political activity during their term of office and although they are entitled to vote on business at Council, the Lord Mayor will often abstain from doing so. The Lord Mayor does though have the right to exercise a second or casting vote at Council meetings if there are an equal number of votes for or against a proposal.



3.2.5 Article 5 of the Council's Constitution sets out in more detail the Council's expectation of its Lord Mayor and Sheriff.

### 3.3 Meetings of the Council

3.3.1 Meetings of the Council are relatively formal. The Council's Procedure Rules (also known as Standing Orders) (Appendix 3 of the Constitution) govern how a meeting of the Council is conducted and its agenda items. Many Council Procedure Rules also apply to the other Committees. The Executive may choose and does apply them or parts of them to its own proceedings. Meetings are presided over by the relevant Chair.

3.3.2 The report of the Executive to the Council will be presented by the Leader of the Council. The Leader may respond on behalf of the Executive to questions, or they may arrange for a question to be answered by an Executive Member.

3.3.3 At each meeting of the Council there is an allotted time available for members to ask questions of the Leader of the Council and Executive Members. The Leader of the Council and Executive Members (on a rolling basis), present a report to the Council outlining current issues and principal developments within their area. Council has decided that the Chair of the Corporate Scrutiny Committee and the Chairs of the Audit & Governance Committee and the Joint Standards Committee will report annually. Council will also receive an annual report from the Corporate Parenting Board.

3.3.4 The Council will also receive reports from the Chair (or representative) of the Independent Remuneration Panel.

3.3.5 Members of the public may participate at each meeting of the Council via the Public Participation Protocol (Appendices 3 and 8) by presenting a petition, asking a question or making a comment in accordance with the Standing Orders and at the discretion of the Chair. They need to notify the Director of Governance via Democratic Services of the nature and content of their proposed participation by no later than 5pm two working day before the meeting in question.

## 4. The Executive

## 4.1 Composition and Role

- 4.1.1 The Council has chosen to retain executive arrangements and therefore is required by law to have an 'Executive', and has chosen the "Leader and Executive" model from the options available. The Leader is appointed by Full Council and who is then responsible for making arrangements to discharge executive functions, whether through the Leader personally, Executive collectively, individual Executive Members, or Officers.
- 4.1.2 The Executive is not a Committee and is not required to be politically balanced. Its formal meetings are open to the public unless an item qualifies to be dealt with in private (we call it exempt session') in accordance with the Access to Information Rules (Appendix 7).
- 4.1.3 The Council appoints the Leader at the first Annual Meeting of the Council after elections for a 4 year term (but can subsequently remove the Leader and appoint another).
- 4.1.4 The Leader is responsible for appointing a Deputy Leader and other members of the Executive. The Executive comprises the Leader of the Council and up to 9 other Executive Members. The Executive cannot have less than 2 members. Council does not appoint individual Executive Members.
- 4.1.5 The Leader presides at meetings of the Executive with the Deputy Leader presiding in the Leader's absence. There are no substitutes allowed on Executive.
- 4.1.6 The Leader determines the number of areas of political responsibility and their allocation to members of the Executive; these are known as portfolios. The Leader has decided that 7 members, other than the Leader (who also has responsibility for Corporate Services, Policy, Strategy and Partnerships), shall be Executive Members, leading on the matters within the following remits:
- Deputy Leader and Economy
  - Children, Young People and Education
  - Health, Wellbeing and Adult Social Care
  - Environment and Climate Emergency
  - Finance, Performance, Major Projects and Equalities

- Housing, Planning and Safer Communities
- Transport

4.1.7 The Leader (or Executive) may authorise individual Executive Members to take decisions relating to Executive functions either generally or in respect of particular decisions.

4.1.8 The Executive (or individual Executive Members as delegated) can take decisions on all matters relating to the executive functions of the Council but not those matters which are non-executive functions which:

- are reserved to the full Council (e.g. Budget and Policy Framework, Members' Allowances and Code of Conduct)
- are ones which by law the Executive cannot take (e.g. deciding Planning applications and Standards and Ethics matters)
- by choice have not been allocated to the Executive.

4.1.9 In general terms, as most functions are the responsibility of the Executive, it is the Executive or its Executive Members who will take the main 'political' decisions in relation to nearly all Council services, as long as they are in line with the Council's Budget and Policy Framework.

4.1.10 Many decision-making powers are delegated to professional Officers to allow the day to day operation of services to continue, or the implementation of political policy. The standing delegations are wide-ranging but there are limitations e.g. officers will not generally be taking 'Key Decisions' (see below). The Responsibility for Functions/Scheme of Delegation contains the scheme of delegation to Officers which allows the Chief Operating Officer, Corporate Directors and Directors (collectively known as Chief Officers) to sub-delegate further (Appendix 1).

4.1.11 Collectively and individually the Executive are subject to the scrutiny arrangements which the Council has established (Section 5 below) as part of the checks and balances for executive arrangements.

## 4.2 Key Decisions

4.2.1 Certain types of decision which are the responsibility of the Leader and Executive are called 'Key Decisions'. Only the Executive take Key Decisions; and (generally) 28 days advance notice has to be given of them in a public document known the Forward Plan (see 4.3 below).

4.2.2 Key decisions are ones discharging executive functions which are likely to:

- Have a financial impact of £500k or above; and / or
- Have a significant impact on two or more elected wards in York (Article 7 of the Constitution).

### 4.3 The Forward Plan

4.3.1 A Forward Plan provides notice of anticipated Key Decisions to be taken by the Executive. It is prepared on a rolling basis and contains information about the matter for decision, when the decision is likely to be taken and by whom. For transparency, our Forward Plan also includes, as far as practicable, non-Key Decisions going to Executive and Executive Members.

4.3.2 The purpose of the Forward Plan is to alert the public and members to when Key Decisions are to be taken so that they are aware of the topic to be considered and can comment to their local Councillor or the Executive Members, or attend or view the meeting of Executive on webcast.

4.3.3 The Forward Plan is updated on a rolling basis so that as more details become available, more information can be included in the Plan. It is available on the Council's website here:  
<https://democracy.york.gov.uk/mgListPlans.aspx?RPId=733&RD=0&bcr=1>

4.3.4 The details in relation to the Forward Plan are set out in Article 7.

4.3.5 The Forward Plan will describe the following (so far as available):

- the matter in respect of which the Key Decision is to be taken

- whether the decision is to be made in public or private
- the date or period for the taking of the decision

4.3.6 There are detailed procedures in Article 7 of the Constitution about taking Key Decisions which for some reason have not been included in the Forward Plan in time or which are very urgent. The Corporate Scrutiny Committee also has a right to require the Executive to report to the Council on Key Decisions which they believe to have been taken otherwise than in accordance with the required procedures.

#### 4.4 Meetings of the Executive

4.4.1 The Executive will meet regularly (usually monthly) during the year, in public unless the matter to be discussed is confidential or exempt and the law allows the meeting in private (e.g. to protect commercial confidentiality). The Leader and Executive have agreed to the same public participation rights at public meetings of the Executive as for the Council.

4.4.2 The Constitution allows the Leader (or the nominated substitute) of the main political opposition group to attend and speak at meetings of the Executive but not to vote. The Chief Officers (or their representatives) will be entitled to be present at all meetings of the Executive.

4.4.3 The Executive will consider reports usually from Executive Members, containing recommendations for Executive to consider. In addition to notification in the Forward Plan, the reports will normally be publicly accessible at least 5 clear working days before the proposed decision, unless the topic is confidential or exempt

4.4.4 As part of the 'checks and balances', decisions taken by the Executive and Executive Members are subject to the 'call-in' procedures referred to in Section 5 below. Save in the limited circumstances referred to, decisions will not take effect until the fifth working day after publication of the decision to allow the possibility of call-in. The public notice of the decision must say whether implementation is so urgent that it cannot await the outcome of possible call-in and why. Urgency of implementation should be specifically addressed in reports.

4.4.5 The Leader or Executive can delegate Executive Members to

take decisions, which are not taken in public. However, notice of the topics to be considered by an Executive Member is published in the Forward Plan, and reports published in advance of the decision.

4.4.6 A formal record of decisions of the Executive and of Executive Members is published and every member notified to commence the potential call-in period; a copy will also be publicly available for inspection on the website and at West Offices. These decisions will be published within three working days of the decision (normally circulated on the day of decision) and are the formal record of decisions which acts as the “trigger” for the 'call-in' procedure (see 5.2 below and Appendix 5). They will also indicate which items (if any) are urgent so that they are not subject to 'call-in' but fall to be dealt with under the urgency procedures of paragraph 15 of Appendix 7 of the Constitution, summarised in 4.4.7 below.

4.4.7 Urgent implementation cases will be those where delay likely to be caused by the call-in process could seriously prejudice the Council's or the public's interests, or the interests of any person to whom the decision relates, and the Chair (or in their absence Vice-Chair) of the Corporate Scrutiny Committee agrees that the decision is urgent and cannot reasonably be deferred. These provisions allow a 'check and balance' allowing a person outside the Executive to decide whether or not there should be urgent implementation without the risk of call-in suspending the decision.

4.4.8 The Executive's own procedures are governed by Appendix 4 of the Constitution. The Executive is not a Committee of the Council and can largely govern its own procedure.

#### 4.5 Consultation with others

4.5.1 Reports to the Executive and or Executive Members and or Officers about proposals relating to the Council's Policy and Budget Framework must contain details of the nature and extent, and outcome, of consultation with stakeholders and the relevant Scrutiny Committee as and where appropriate. Reports on other matters will set out the details and outcome of consultation where appropriate.

4.5.2 The Executive and individual Executive Members may make

arrangements for consultation about matters for which they are responsible.

## **5. Scrutiny Arrangements**

### **5.1 Composition and Role**

5.1.1 The Council operates executive arrangements and as part of the 'checks and balances' is required by law to have arrangements for Scrutiny which help develop policies and service delivery, and monitor the performance of the Council and can scrutinise decisions of the Executive etc.

5.1.2 Any bodies established to carry out Scrutiny functions have no delegated powers to take decisions on behalf of the Council or overturn decisions of Executive or Executive Members.

5.1.3 The Council has established an over-arching Corporate Scrutiny Committee, and 2 Standing Scrutiny Committees all of which must be politically balanced. These Committees can establish, as required, specific Scrutiny Task Groups to conduct specific scrutiny tasks e.g. in depth scrutiny issues.

5.1.4 The size of any informal Scrutiny Task Group will vary according to the purpose for which it is established. Task Groups need not be politically balanced, so as to allow Members with a particular knowledge or interest or commitment to take part, and are not formal committees.

5.1.5 The People Scrutiny Committee or a Scrutiny Task Group when dealing with education matters will co-opt in a voting capacity non- Councillors as required by law (church and parent governor representatives). Scrutiny Task Groups invite other non-Councillors to serve in a non-voting capacity to assist in their work.

5.1.6 Executive Members cannot serve on the Scrutiny committees or any other scrutiny body.

5.1.7 The main responsibilities of the Corporate Scrutiny Committee include agreeing the Scrutiny Work Programme, co-ordinating

the work for the other scrutiny Committees. It also deals with the call-in of decisions made by the Executive. The People Scrutiny Committee scrutinises matters relating to health services in York and responds to consultation from Health Partners on substantial proposed developments.

5.1.8 The Scrutiny Committees have extensive powers to conduct research, carry out consultations, investigate, undertake visits, encourage community participation, liaise with other organisations, gather evidence, invite advisers and experts to assist them and question Executive Members and (in some circumstances) Chief and senior officers about their decisions and performance.

5.1.9 As part of the scrutiny role Members have certain additional rights to documents set out in Appendix 7.

5.1.10 Decisions taken by Officers under delegated powers cannot be called-in. This does not however prevent a questioning of a Chief or Senior Officer as part of a wider scrutiny exercise.

5.1.11 Scrutiny arrangements are governed by the Scrutiny Procedure Rules in Appendix 5 of the Constitution.

## 5.2 Call-in

5.2.1 In monitoring the decisions of Executive or of individual Executive Members, a specified number of members who are not on the Executive can "call-in" a non-urgent decision which has been made but not yet implemented. The right of call-in should only be used in exceptional circumstances when there is evidence to suggest that the Executive or Executive Member has departed from the principles of decision-making set out in the Articles. It is not there to be used just because other members do not agree with the decision.

5.2.2 All members will receive an electronic link to the decisions of Executive within five working days (usually earlier) and, unless it is identified as urgent, the decision which the Executive has taken will not take effect until the sixth working day after the publication of the decision. During the intervening period:

5.2.3 No fewer than 3 Members of the Council



may “call-in” (with reasons) the Executive decision. It will then be referred to a meeting of the Corporate Scrutiny Committee which will decide on the most appropriate way of dealing with the call-in.

5.2.4 The called-in Executive decision is then not implemented until either:

- the Corporate Scrutiny Committee has accepted the decision (with or without comment), or
- the Corporate Scrutiny Committee has referred the decision back to the Executive for reconsideration, and it has been reconsidered by Executive.

5.2.5 The right of call-in is an important 'check and balance' in enabling members who are not Executive members to challenge Executive decisions before they are implemented. The procedure by which call-ins are considered is detailed at Appendix 5 of the constitution.

5.2.6 Reference to the Full Council would only be appropriate if the decision called-in is one which the Corporate Scrutiny Committee believes:

- the Executive cannot in law take, or
- is reserved to the full Council, or
- raises issues of such exceptional significance and public interest to justify reference to the full Council, although the final decision rests with the Executive, or
- is contrary to the policy framework or contrary or not wholly in accordance with the budget.

5.2.7 The operation of call-in is monitored and the Council may change the arrangements as part of its review of the constitution if the arrangements are being abused.

## **6. Other Committees etc.**

### **6.1 Composition and Roles**

6.1.1 Certain 'non-executive' matters cannot by law be dealt with by the Executive. Apart from those reserved to the Full Council, these are in the main planning and regulatory functions, though there are some others.

6.1.2 The Planning and Licensing Committees carry out the planning, and other licensing and regulatory functions which cannot be the responsibility of the Executive.

6.1.3 The Audit and Governance Committee's main role is to consider and approve the Council's annual statement of accounts, to assure the Council about the objectivity and fairness of the financial reporting and performance of the Council, the adequacy of the risk management framework and associated controls within the Council, and that any issues arising from the drawing up, auditing and certifying of the Council's accounts are properly dealt with.

6.1.4 The Council has a number of appeals committees to carry out various appellate functions.

6.1.5 The Joint Standards Committee is responsible for the ethical framework for members within the Council and for promoting and maintaining high standards of conduct by members and co-opted members. It can establish sub-committees to deal with complaints about alleged breaches by a member of the Code of Conduct. Nominated Parish Councillors are members of this committee under agreed joint arrangements and are able to vote.

6.1.6 Details relating to all the above Committees are contained within the relevant Articles in the constitution.

## **7. Members**

### **7.1 Service on the Executive**

7.1.1 Every member of the Council, except the Lord Mayor of York, is eligible to serve on the Executive.

### **7.2 Service on the Scrutiny Committees**

7.2.1 Every member is eligible to serve on the Scrutiny Committees and Task Groups, except Executive Members.

7.2.2 Members also have the opportunity of questioning the Leader of the Council and Executive Members at meetings of the

Council.

### 7.3 Service on Other Committees, etc.

7.3.1 All members of the Council, save for the Lord Mayor of York, are eligible to serve on the Planning and Licensing Committees. However Executive Members and the Lord Mayor are not permitted to serve on the Audit and Governance Committee.

7.3.2. All members of the Council are eligible to serve on the Joint Standards Committee.

7.3.3 Members may be nominated to some outside or other bodies.

### 7.4 Substitution

7.4.1 There can be no substitution for members of the Executive.

7.4.2 Information about substitutes to the various committees is detailed at Article 7, Appendix 4 and Appendix 6 of the constitution.

### 7.5 Involvement in Budget and Policy Framework

7.5.1 Budget and Policy Framework Procedure Rules are set out in Appendix 9. These set out the procedure by which the Executive will draw up proposals for the budget and policy framework of the Council. It includes provision for situations in which the Council does not accept the proposals of the Executive.

### 7.6 Members' Allowances

7.6.1 Members may receive the allowances contained in the Members Allowances Scheme (Appendix 20 of the Constitution). These are set by Council having regard to any recommendations made by an Independent Remuneration Panel.

### 7.7 Ethical Framework

7.7.1 Appendix 14 sets out the Members' Code of Conduct. The Council also has a Member Planning Code of Conduct (Appendix 17) and Guidance to Councillors and Officers appointed to Outside Bodies (Appendix 18). The Council,

other members, Officers and the public are entitled to expect high standards of conduct from members.

7.7.2 The Officer Code of Conduct is included at Appendix 15, an Ethical Statement at Appendix 13 and a protocol for member/officer relationships is included at Appendix 16 of the Constitution.

## 7.8 Access to Information

7.8.1 The Constitution sets out in Appendix 7 (Access to Information Procedure Rules) arrangements for public access to information linked to the democratic process.

7.8.2 The Rules also prescribe other information available in connection with scrutiny arrangements and additional rights of access for members.

## 8. Officers

The Council has paid staff working for it ("Officers") to give advice, implement decisions taken by Councillors and manage and take operational or professional day to day decisions in the delivery of the Council's services.

### 8.1 Designations

8.1.1 Some Officers have, by law, a specific duty to ensure that the Council acts within the law and e.g. uses its resources wisely. The following Officers have been designated to hold four Statutory Officers:

- Head of Paid Service – Chief Operating Officer
- Monitoring Officer – Director of Governance
- S151 Officer - Chief Finance Officer
- Statutory Scrutiny Officer – Head of Democratic Services, Scrutiny and Civic Support.

8.1.2 Officers are organised into a number of Directorates, some of which are led by a Corporate Director reporting to the Chief Operating Officer.

- Corporate Services
- Corporate Director of Adults and Integration
- Corporate Director of Children and Education

8.1.3 The Chief Operating Officer, Corporate Directors, Directors and Assistant Directors are collectively known as Chief Officers at City of York Council and each has Officers to undertake the tasks of delivering the Council's services and supporting the corporate management of the Council.

## 8.2 Delegations

8.2.1 Chief Officers have delegated powers to take a range of decisions on behalf of the Executive and the other Committees etc. with decision-making powers. In turn Chief Officers can delegate to other officers. The Responsibility for Functions/Scheme of Delegation (Appendix 1) sets out the scheme of delegation to Officers; local schemes of sub-delegation will be held by Directorates.

8.2.2 The scheme sets out general delegations and responsibilities which all Chief Officers have, such as the need to act within the policies and budget of the Council, its constitution, the taking of decisions in connection with staff employment and establishment matters, the management of assets allocated to the respective service and the entering into of partnership or contractual arrangements. It also sets out functions and responsibilities specifically delegated to a particular Chief Officer.

8.2.3 It also contains restrictions on the way Officers carry out their functions and reminds Officers that whilst day to day operational decisions will mainly be taken without consultation with Members, there is a need in certain circumstances to consult with relevant Members before deciding whether to exercise delegated powers.

8.2.4 It is the duty of any Chief Officer or other Officer exercising delegated powers to keep relevant Members including Ward Members properly informed of activity arising within the scope of delegated powers in accordance with the Constitution. Significant decisions which affect the public or a locality, made by an Officer, will normally be recorded and published on the website.

## 8.3 Financial Regulations

8.3.1 Financial Regulations are set out in Appendix 10 and 10A and establish a framework for the proper administration and control of the Council's financial affairs.

8.3.2 In essence, the Financial Regulations set out the frameworks for:

- Financial Administration
- Accounting Systems / Accounting Records
- Audit
- Budget Responsibilities
- Budget Preparation
- Procurement of Works, Goods, Materials and Services
- Payment for Works, Goods, Materials and Services
- Payments to Employees and Former Employees
- Income
- Banking
- Borrowings, Other Capital Financing and Investments
- Trustees, Receivers, Appointees and Agents
- Assets
- Insurance
- Ex Gratia Payments
- Preparation of Statutory Financial Statements
- Applications and Claims for Grant or Subsidy.

8.3.3 To supplement these framework provisions, the Chief Finance Officer will issue detailed Financial Procedures which must be complied with as if they were Financial Regulations.

#### 8.4 Contract Procedure Rules

8.4.1 Appendix 11 includes the Council's Current Contract Procedure Rules which set the framework for the acquisition and disposal of goods, works and services.

#### 8.5 Employment Procedures

8.5.1 Appendix 12 of the Constitution sets out the Officer Employment Procedure Rules.

8.5.2 In essence, all appointments other than:

- Chief Operating Officer
- Corporate Directors
- Directors and

- Assistant Directors

must be made by Officers and cannot be made by Members.

8.5.3 The power delegated to Directors to take decisions about staffing and personnel matters is set out in Appendix 1.

## 8.6 Employee Code of Conduct

8.6.1 The Council's Employee Code of Conduct is contained in Appendix 15.

## 9. Conclusion

9.1 This Guide seeks to simplify some of the complexities of the Constitution but is not a substitute - reference should be made to the Constitution for the detailed provisions applicable in any situation or circumstance under discussion or ask for advice from the Director of Governance and or Head of Legal Services and or Head of Democratic Governance. A printed copy of the Constitution is available at West Offices, and it is available on the Council's website.

9.2 The Director of Governance and their Officers will always try to assist on any point of interpretation of the Constitution, or on what is said in this Guide.

**Bryn Roberts**  
**Director of Governance & Monitoring Officer**  
**2023 (Reviewed May 2025)**