

Meeting	Joint Committee, Corporate Services, Climate Change and Scrutiny Management Committee and Audit and Governance Committee
Date	15 January 2024
Present	Councillors Ayre (until 8.05 pm), Baxter, J Burton, Fenton, Healey, Hollyer,(until 8.15 pm) Kelly (until 8.04 pm), Mason, Melly, Merrett, D Myers (until 9.30 pm), Rose, Rowley, Steels-Walshaw, K Taylor, Waller, Whitcroft and Widdowson (until 8.04 pm)
	M Binney (Independent Person)
Apologies	Councillor Fisher and Leigh (Independent Person)
In Attendance:	Cllr Douglas (Leader)
External Attendees	Suzan Harrington, Interim Monitoring Officer, Combined Authority Rachel Antonelli, Incoming Monitoring Officer, Combined Authority
Officers Present:	Bryn Roberts, Director of Governance and Monitoring Officer Dawn Steel, Head of Democratic and Scrutiny Services

1. Election of Chair

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

2. Declarations of Interest

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

None were declared.

3. Public Participation

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

Flick Williams, joined the meeting remotely via Zoom, and spoke about the importance of public access, and the right to speak at meetings. She highlighted the unique perspective offered by the public and paid tribute to the arrangements at CYC in relation public participation and remote attendance as this enabled the participation of many residents. She noted that the live webcast of meetings promoted transparency and cautioned against the requirement to submit a written speech in advance as being not inclusive and anti-democratic. She raised concerns about the effectiveness of the Combined Authority and urged members to ensure that public participation was enshrined in the new constitution.

Gwen Swinburn requested that the Audit and Governance Committee be given oversight of amendments to the constitution, the authority to evaluate the operation of the constitution, the scheme of delegations and to audit the Police and Fire authorities. She raised concerns regarding the voting rights of independent persons, the location of the offices, the lack of public participation rights and the role of the statutory finance officer. She stated that all meetings should be webcast and retained for six years

4. Combined Authority Governance: Development of the Constitution for the Combined Authority

The Interim Monitoring Officer of the York and North Yorkshire Mayoral Combined Authority introduced the updated draft Constitution for the Combined Authority. She noted that changes would continue to be made post May, following the election of Mayor. She also noted that the integration of the Police and Crime aspects was complex due to the operational differences.

The Monitoring Officer confirmed that the current registered office for the Combined Authority was Northallerton, However, the final decision as to the location of the office had not been made.

Members proceeded to review the draft constitution raising concerns and amendments, as they went through the document by section.

The following was agreed:

Part 1 – Introduction and articles

- Para 1.13 – amend to read “Deputy Mayor for Policing and Crime’ means a person appointed by the Mayor who may exercise Policing and Crime **and/or** Fire and Rescue functions of the Mayor where delegated.”
- Para 5.1 – amend to read “The Y&NYCA ~~usually~~ **ordinarily** meets every month, but additional meetings may take place within the monthly period should the need arise.”
- Para 10.2 (c) – amend to read “**The advancement of** Respect for human rights **and equalities**”
- Para 10.2 (d) - amend to read “Presumption in favour of **public accountability and** openness”
- Para 10.2 - insert new point (g) to read as follows: “**Due consideration to be given to environmental sustainability and the climate crisis**”
- Para 11.3 (b) – amend to read: “Any contract **with a value exceeding £50,000** entered into by the Y&NYCA shall be made in writing.”
- Para 12.2 – amend to read “Changes to the Constitution will only be approved by the full Y&NYCA after consideration of the proposal by the Monitoring Officer **and the Audit & Governance Committee** and in accordance with the Y&NYCA Rules of Procedure in Part 5 of this Constitution, provided that such delegations made by the Mayor as are included in Part 3, 4 and 9 of this Constitution appear for information only and may be revised by the Mayor following consultation with, and having given written notice to, the Monitoring Officer.”

Part 2 – Functions of the Y&NYCA

- B. Transport, para 1.1 (c) – amend to read “The Y&NYCA must develop policies for the promotion and encouragement of safe, integrated, efficient, **sustainable** and economic transport to, from and within their area, and must prepare and publish a local transport plan containing its policies and proposals for their implementation.”

[7.04 – 7.12 pm, the meeting adjourned to allow Members to take a comfort break.]

Part 3 – Responsibility for Functions

- In relation to paras 4.2 (c) and para 4.3 below, members felt there was an inconsistency in the wording highlighted in relation to the agreement of, or rejection of, a MDA.

“4.2 A proposal by the Mayor to:

(a) Designate any area of land as an MDA;

(b) Alter the boundaries of an MDA to exclude an area of land;

*(c) Decide that a Mayoral Development Corporation (MDC) should be the local planning authority (LPA) for the purposes set out in section 202 (2) to (4) of the Localism Act 2011, **requires the consent of all members of the Y&NYCA (or substitute members acting in their place) whose local government area contains any part of the area to be designated or excluded** or in respect of which the Mayor wishes to decide that the MDC should be the LPA such consent to be provided at a meeting of the Y&NYCA.*

*4.3 A proposal of the Mayor under paragraph 4.2 above may be rejected by the Y&NYCA in accordance with the provisions of section 197 of the Localism Act 2011 as modified by the 2023 Order, but only if a motion to reject has been considered at a meeting of the Y&NYCA and **agreed to by two-thirds of the Y&NYCA members** (or substitute members acting in their place) present and voting on that motion.”*

- Para 6.10 (a), in relation to Fire & Rescue, members felt that the wording should be amended to reflect the expectation that the Mayor themselves would not be undertaking the calculation.
- Section E (Scheme of Delegations) , para 1.6, amend to read “Before exercising delegated powers, particularly on matters involving the reputation of the Y&NYCA, officers should ~~consider the advisability of~~ **ordinarily** consulting the Head of Paid Service and/or the Chair of the Y&NYCA.”
- Section E (Scheme of delegations) para 4.24, members felt that these responsibilities should sit with the Monitoring Officer, rather than the Section 73 officer.

Part 4 - Committees

- Ensure that quorum requirements are consistent across all committees, including sub-committees to which matters may be delegated.

- Section A (Audit & Governance Committee), para 1.1 – amend to read “The Audit and Governance Committee is a key component of corporate governance providing an independent, high-level focus on the audit, assurance and reporting framework underpinning financial management and governance arrangements **and is to be consulted on any proposed revisions to the Y&NYCA Constitution.**”
- Para 2.1 – there are thirteen members of the committee, not nine.
- Para 2.1 third bullet – amend to read “four co-opted members, who are Independent Persons, **and shall have no voting rights on the committee.**”
- Para 2.4 – amend to read “The Y&NYCA will appoint the Chair of the Committee **who must be a member of one of the constituent councils.**”
- Para 9.1 – amend to read “Report the Committee’s findings, conclusions and recommendations to the Y&NYCA and the Mayor, ~~as appropriate,~~ on the effectiveness of governance, risk management and internal controls, financial reporting and internal and external audit functions.”
- Section B (Business Committee), para 4.9, amend the wording to support representation on the committee from employees and Trades Unions.
- Section C (Overview & Scrutiny), para 2.1, delete “The overview and scrutiny committee will have a least one member from each Constituent Council” as this is unnecessary; there will be six members from each constituent authority.
- Para 3 – add a new point (n) to read “**To invite members of the public to propose topics for the committee to consider at its meetings.**”

[8.42-8.48 pm, the meeting adjourned to allow Members to take a comfort break]

Part 5 – Procedure Rules

- All public meetings of the Y&NYCA and its committees are to be webcast, and the recordings to remain available for six years.

- At all public meetings of the Y&NYCA and its committees there must be a standing agenda item for public participation under which members of the public can register to speak on matters relevant to the matters to be considered at the meeting. There must be the facility for public speakers to address the meeting remotely, such as via a Zoom or phone link. There must be no requirement for public speakers to share their remarks in advance of the meeting.
- All public meetings of the Y&NYCA and its committees must be held in fully accessible venues.
- Where meeting papers are restricted and not publicly available, a description of the contents of the papers must be published as part of the agenda.
- Section A (Y&NYCA Procedure Rules), para 4.3 – add new point (f) to read **“There must be at least one Vice Chair from each constituent local authority.”**
- Para 11.4 is not needed and can be removed.
- Para 15.1 – amend to read “Except where a Committee or any Committee or Sub-Committee of the Y&NYCA, is acting under delegated authority, the Minutes of any Committee or Sub-Committee of the Y&NYCA, shall be submitted to the Y&NYCA for **information confirmation**. ~~Confirmation by the Y&NYCA of those Minutes shall constitute approval of any Committee or Sub-Committee of the Y&NYCA.~~
- Section B (Access to Information Procedure Rules), para 23 – consider how the wording could be amended to enshrine the right of members of the CA and its committees to have access to information.
- Section C (Overview & Scrutiny Committee Procedure Rules), paras 2.3 & 2.3 – there are twelve members, not twenty, and the text “the committee will have at least one member from each constituent council” to be removed.
- Para 15 – there needs to be a provision for the same decision to be subject to multiple separate call-ins.

[9.08 – 9.11 pm, Cllr Rowley left the meeting.]

Due to time constraints, Members were asked to highlight any significant concerns in the remaining sections of the constitution, before proceeding to

Part 8. A general discussion took place on the value of gifts; officers were requested to evaluate the value at which gifts should be declared.

Part 8 – Members allowances

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

There were also a number of wording / formatting comments made on the document as a whole:

- Replace all references to 'he' and 'she' with 'they'
- Each Part of the constitution should adopt a consistent approach to numbering
- Duplication within the document and issues such as the same principles or procedures being explained in slightly different ways in different parts of the document should be resolved.
- Remove references to 'strategic spatial planning' where appropriate.

Resolved: That a summary of the proposed amendments, as outlined above, be presented at the meeting of the Combined Authority on 22 January 2024.

Reason: To ensure that the proposed amendments are considered for inclusion in the final version of the Combined Authority Constitution.

Cllr S Fenton, Chair

[The meeting started at 5.33 pm and finished at 9.44 pm].

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