



## Notice of a public meeting of

### Audit & Governance Committee

<b>To:</b>	Councillors Pavlovic (Chair), Fisher (Vice-Chair), Lomas, Mason, D Taylor, Wann and Webb  Mr Mann and Mr Mendus (Independent Members)
<b>Date:</b>	Wednesday, 11 March 2020
<b>Time:</b>	5.30 pm
<b>Venue:</b>	The Snow Room - Ground Floor, West Offices (G035)

### AGENDA

#### 1. **Declarations of Interest**

At this point in the meeting, Members are asked to declare:

- any personal interests not included on the Register of Interests
- any prejudicial interests or
- any disclosable pecuniary interests

which they may have in respect of business on this agenda.

#### 2. **Minutes** (Pages 1 - 10)

To approve and sign the minutes of the meeting held on 5 February 2020.

#### 3. **Public Participation**

It is at this point in the meeting that members of the public who have registered their wish to speak can do so. The deadline for registering is **5:00pm on Tuesday, 10 March 2020**.

To register please contact the Democracy Officer for the meeting, on the details at the foot of this agenda.

### **Filming, Recording or Webcasting Meetings**

Please note that, subject to available resources, this meeting will be filmed and webcast, or recorded, including any registered public speakers who have given their permission. This broadcast can be viewed at: <http://www.york.gov.uk/webcasts>.

Residents are welcome to photograph, film or record Councillors and Officers at all meetings open to the press and public. This includes the use of social media reporting, i.e. tweeting. Anyone wishing to film, record or take photos at any public meeting should contact the Democracy Officer (whose contact details are at the foot of this agenda) in advance of the meeting.

The Council's protocol on Webcasting, Filming & Recording of Meetings ensures that these practices are carried out in a manner both respectful to the conduct of the meeting and all those present. It can be viewed at:

[http://www.york.gov.uk/download/downloads/id/11406/protocol\\_for\\_webcasting\\_filming\\_and\\_recording\\_of\\_council\\_meetings\\_20160809.pdf](http://www.york.gov.uk/download/downloads/id/11406/protocol_for_webcasting_filming_and_recording_of_council_meetings_20160809.pdf)

#### **4. Review of the Council's Constitution (Pages 11 - 46)**

This report sets out the proposed amendments to the City of York Council's Constitution, for consideration by the Audit & Governance Committee and recommendation to Full Council.

Note: The documents that make up Appendix 3 to the above report (Tracked Changed Constitution) have not been included in the agenda pack but are available to view with this agenda on the Council's website.

#### **5. Urgent Business**

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

Democracy Officer:

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Email: [fiona.young@york.gov.uk](mailto:fiona.young@york.gov.uk)

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.

**This information can be provided in your own language.**

**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 مہیا کی جا سکتی ہیں۔ (Urdu)**

** (01904) 551550**

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City of York Council

Committee Minutes

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Meeting	Audit & Governance Committee
Date	5 February 2020
Present	Councillors Pavlovic (Chair), Fisher (Vice-Chair), D Taylor, Wann, Webb, K Taylor (Substitute) and Mendus (Independent Member) and Webb Mr Mendus (Independent Member)
Apologies	Councillors Lomas and Mason Mr Mann (Independent Member)

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### **Chair's Opening Remarks - Monitoring Officer**

The Chair welcomed the new Monitoring Officer and Director of Governance, Janie Berry, to the meeting and invited her to say a few words about her role.

#### **42. Declarations of Interest**

Members were asked to declare any personal interests not included on the Register of Interests, any prejudicial interests or any disclosable pecuniary interests which they might have in the business on the agenda. None were declared.

#### **43. Minutes**

In response to questions from the Chair with regard to the resolutions in Minutes 38, 39 and 40, it was confirmed that:

- The review of the effectiveness of Audit & Governance Committee (Minute 38) would begin after the Annual Council meeting;
- The committee's amendments to the Whistleblowing Policy (Minute 39) had been incorporated into the approved policy;
- The information requested on blocked media accounts (Minute 40) would be provided at the April meeting.

It was then

Resolved: That the minutes of the meeting held on 4 December 2019 be approved and then signed by the Chair as a correct record.

#### **44. Public Participation**

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

Michael Hammill spoke on matters within the committee's remit, expressing concern at a lack of transparency in the council's response to his Freedom of Information (FOI) request in relation to a planning matter.

At the request of the Chair, officers responded to Mr Hammill with regard to his case and indicated they would be contacting him further.

Gwen Swinburn spoke with reference to a number of items on the agenda, querying the absence of the staff car parking audit from the internal audit plan (Item 8) and raising concerns on several issues, including the language used in the Information Governance report (Item 9) and the council's performance on FOI requests.

The Chair thanked the speakers for their contribution and for identifying areas for improvement.

#### **45. Scrutiny of the Treasury Management Strategy Statement and Prudential Indicators**

Members received a report which presented the proposed treasury management strategy and prudential indicators (PIs) report for the 2020/21 financial year, for the committee to examine prior to its consideration by Executive on 13 January.

The report to Executive was attached as Annex A. The only change proposed to the strategy was the addition of 'responsible investments', as identified in the FTSE4Good index, as the 4<sup>th</sup> criterion for investments after security, liquidity and yield. In response to Members' questions, officers confirmed that:

- The FTSE4Good index was a starting point rather than a final solution; its coverage was improving and it would be kept under review.
- All future treasury management review reports would include information on responsible investments.

- Provision for variance of authorised borrowing limits (PI 5A) had been made in the budget, which the Section 151 officer had assessed as prudent and affordable.
- The ratios of financing costs to net revenue streams (PI3) had been estimated without accounting for the income that would fund the capital expenditure.
- The term ‘bps’ in the report meant bank rate basis points.
- The council had not invested in any property funds, which were a type of money-market fund for longer term investments.

Members expressed disappointment at the current inadequacy of the FTSE4Good index and the fact that responsible investments could not be placed higher on the list of criteria. They also highlighted the need for training to ensure that all Members were equipped to scrutinise reports of this nature.

Resolved: That the treasury management strategy statement and prudential indicators at Annex A to the report be noted, and Members’ comments passed on to Executive.

Reason: To confirm that those responsible for scrutiny and governance arrangements have been properly updated and have fulfilled their responsibilities in scrutinising the strategy and policy.

#### **46. Counter Fraud Framework Update**

Members considered a report representing the third annual review of the counter fraud and corruption strategy and associated action plan approved in 2017, providing an update on progress against the actions in the strategy and adding new actions for the next financial year.

CIPFA’s latest annual Fraud and Corruption Tracker report, detailing levels of fraud detected by local authorities in 2018/19, was attached as Annex 1 to the report. This indicated that:

- adult social care fraud was one of the three largest areas of concern, with the amount of loss more than doubling;
- procurement fraud was also seen as a high risk area;
- the largest area of loss was in council tax related discounts, which had risen to £30.6m;
- levels of housing fraud had fallen, but the average loss per case remained high at £32k.

Adult social care, procurement and council tax were all areas included in the council's updated counter fraud strategy action plan at Annex 2 and counter fraud risk assessment at Annex 3. Annex 2 included an action to promote the new Whistleblowing Policy.

In York, a total amount of £190k fraud had been detected up to quarter 3 of 2019/20, of which 66% was in adult social care. Savings of £235k had been produced against a target of £200k. In response to questions from Members, officers confirmed that:

- levels of savings were variable; most local authorities set targets to assess their teams' performance;
- the amount of joint working with the DWP had been 'modest' (paragraph 5) due to it being a recent introduction;
- Campaigns had been run in recent years in relation to blue badge fraud and levels had reduced somewhat.

Resolved: (i) That the updated Counter Fraud and Corruption Strategy Action Plan at Annex 2 to the report be noted.

Reason: In accordance with the committee's responsibility to assess the effectiveness of the council's counter-fraud arrangements.

(ii) That the updated Fraud Risk Assessment and proposed priorities for counter fraud work set out in Annex 3 be noted.

Reason: To ensure that scarce audit and counter fraud resources are used effectively.

#### **47. Mazars Audit Update Report**

Members considered a report from Mazars, regarding progress in delivering their responsibilities as the council's external auditors.

The update report was attached as Annex A. Part 1 was a summary of audit progress, currently in the interim audit stage. Part 2 set out grants for 2018/19 and Part 3 provided information on publications by the National Audit Office. Officers from Mazars were in attendance to present their report and answer any questions.



Questions were raised in respect of the new Financial Management Code and Prudential Property Investment publications listed as nos. 3 and 4 in Part 3. The Chair suggested that information on these be included in the Member training mentioned earlier in the meeting (Minute 45 refers).

Resolved: That the matters set out in the report from Mazars be noted.

Reason: To confirm that Members are aware of Mazars' progress in delivering their external audit responsibilities.

#### **48. Mazars Audit Strategy Memorandum**

Members considered the Audit Strategy Memorandum from Mazars for the year ending 31 March 2020.

The Memorandum, attached as Annex A to the cover report, summarised Mazars' audit approach, highlighted significant areas of key judgements and provided details of the audit team.

In response to Members' questions, officers from Mazars confirmed that:

- The materiality threshold percentage (Section 8 of Annex A) was the same as last year
- They were working to ensure awareness of and compliance with IFRS 16 – leases (Appendix B)
- Under the rolling programme of revaluations (Section 4), some assets were re-valued annually or more frequently.

Resolved: That the matters set out in the Audit Strategy Memorandum report presented by Mazars be noted.

Reason: So that Members are aware of Mazars' progress in delivering their responsibilities as external auditors.

#### **49. Internal Audit Plan Consultation**

Members considered a report which sought their views on the priorities for internal audit in 2020/21, to inform the preparation of the annual audit plan.

Due to the budgetary and other pressures faced by the council, the planning process targeted higher risk systems as in previous years, to make the best use of limited resources. Risk areas for consideration in 2020/21, with potential work to audit in those areas, were listed in Figure 1 at paragraph 6 of the report.

During the discussion, officers advised that there must be measurable baseline data for an audit to take place. This meant that the financial implications of carbon neutrality and the new absence management policy were not currently suitable subjects for audit. Members highlighted the following as areas for prioritisation:

Corporate & cross-cutting

- Areas of the council's corporate governance framework
- Performance management and data quality
- Procurement and contract management
- Environment and waste

Information Governance

- Information security checks
- Information asset registers

Project Management

- Overall corporate arrangements and project risk management
- Support and review of specific key projects

Health, Housing & Adult Social Care

- Budget management
- Public health (and budget allocation)
- Building services / housing repairs

Economy & Place

- York Central
- Environmental health
- Contract management
- Cyber security

In response to comments made under Public Participation, officers confirmed that the staff car parking strategy audit had been issued as a consultancy report and the conclusions reported to managers.

Resolved: That officers note the priorities highlighted by Members for internal audit work in 2020/21, and any further comments that may be forwarded to them by members of the committee not present at this meeting.

Reason: To ensure that scarce audit resources are used effectively.

## **50. Information Governance and Complaints**

Members considered a report which provided an update on the council's performance on information governance performance, Information Commissioner's Officer (ICO) decision notices, publication of responses to Freedom of Information (FOI) and Environmental Information Regulations (EIR) requests, and Local Government & Social Care Ombudsman (LGSCO) complaints.

Summaries of the decision notices published by the ICO since the last update, in December, were attached as Annex 1 to the report. These related to decisions made between 15 October 2019 and 17 January 2020. Two complaints had been upheld and two partially upheld. Annex 2 set out the decisions of the LGSCO from December to date. Of the six complaints decided, one had not been upheld and the rest had been closed after initial enquiries, with no further action taken.

As detailed in paragraph 5 of the report, the current practice of publishing FOI and EIR responses to the council's website was to be discontinued and replaced by an online disclosure log in plain text. This approach, intended to provide information in a clearer format and assist compliance with Accessibility Regulations, would be implemented initially as a six-month trial.

In response to comments made under Public Participation, officers confirmed that processes were in place to ensure compliance with the 20 day time limit for responses to FOI requests.

Resolved: That the information provided in the report be noted, pending a more detailed examination of information governance and complaints procedures at the meeting on 8 April.

Reason: To maintain a proper overview of information governance and complaints processes.

**51. Changes to the Constitution**

Members received a verbal update from the Monitoring Officer (MO) on the current progress of the review of the Constitution.

Committee Chairs across the council had been invited to examine their committees' terms of reference to ensure they were up to date, not restrictive, and did not conflict with one another. Further consultation would take place in the form of a conversation, providing an opportunity to learn about the Constitution, discuss the timescales of the review, and make sure the revised version was flexible, responsive and fit for purpose.

In response to Members' questions, the MO confirmed that the new Constitution must be in place before Annual Council, so that members could be properly appointed to committees. Some work on the review had already been completed by the Joint Standards Committee, in respect of the documents within their remit.

Resolved: That the update be noted.

Reason: For information, before Members consider the review of the Constitution in detail at their next meeting, on 11 March.

**52. Audit & Governance Committee Forward Plan to December 2020**

Members considered a plan of reports expected to be presented to future meetings of the committee, up to December 2020.

The Chair proposed an alteration to the content of future meetings, in that each should focus either on audit matters or on governance matters, rather than a mixture of the two. This would mean convening an additional meeting each year, in October. Following a discussion, it was

Resolved: (i) That the proposal for future meetings to focus on either audit or governance matters be agreed.

(ii) That an additional meeting of the committee be scheduled in October of this year and future years.

Reason: To enable the committee to concentrate on fewer items in greater depth at each meeting.

(iii) That authority be delegated to the Section 151 Officer, Monitoring Officer, Chair and Vice-Chair to determine the detailed content of the forward plan, which will then be circulated to Members for their comments prior to publication.

Reason: So that the committee has a planned programme of work in place.

**53. Chair's Comments - Independent Members**

The Chair raised the issue of Independent Members of the committee, noting that the current terms of office had expired some time ago and that the process of selecting new members should be commenced as soon as possible.

Cllr M Pavlovic, Chair

[The meeting started at 5.30 pm and finished at 8.42 pm].

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Audit & Governance Committee

11 March 2020

Report of the Director of Governance and Monitoring Officer

## **Review of the Council's Constitution**

### **Summary**

1. This report sets out the proposed amendments to the Council's Constitution for consideration by the members of the Audit & Governance Committee and makes a recommendation that the draft Constitution is considered by Full Council at their Annual Council Meeting which is due to take place on 21 May 2020.

### **Recommendations**

2. The Audit and Governance Committee is asked to recommend the following:
  - 2.1 That the amendments set out in the tracked changed version of the Constitution annexed to this report be approved.
  - 2.2 That the proposed amendments to the Terms of Reference for Audit and Governance Committee at Appendix 1A be approved.
  - 2.3 That Full Council at their Annual Council Meeting, which is due to take place on 21 May 2020, consider the proposed changes to the Constitution and approve the implementation of the amended Constitution immediately after the Annual Council Meeting.
  - 2.4 That the Director of Governance liaise with the Corporate Management Team to ensure that each service area has in place a system to deliver the consistent compliance with the requirements in the Constitution that relate to delegated decisions taken and recorded by officers.

- 2.5 That the Director of Governance undertake a review of the Protocols and Procedures that support the provisions of the Constitution and the Council's overall governance framework to ensure they are comprehensive, accurate and up to date.
- 2.6 That the Director of Governance collate a central record of the Protocols and Procedures that support the provisions of the Constitution that is available electronically to all members, officers and the public.
- 2.7 That the Director of Governance in consultation with the Group Leaders and the Corporate Management Team provide training to members and officers to improve the understanding across the Council of the requirements set out in the Constitution.

## **Background**

3. On 18<sup>th</sup> September 2019 the Audit and Governance Committee considered a report from the Interim Assistant Director, Legal and Governance setting out proposals for undertaking a review of the Council's Constitution and Governance arrangements.
4. At the meeting on 18<sup>th</sup> September 2019 the Audit and Governance Committee resolved:
  - “(i) That the report and information provided be noted;
  - (ii) That the proposed constitutional review be undertaken in two parts as outlined above:
  - (iii) That the Interim Monitoring Officer review the current Constitution as a whole for accuracies, consistency of references and current working practices and report back details of any proposed changes to Committee ideally at the meeting in December 2019;
  - (iv) That the Committee establish a Working Group as and when required to assist in part (ii) above in any constitutional review, examining the potential re-introduction of a ‘Committee System’.”



5. On 26<sup>th</sup> September 2019 the Executive also considered a report from the Interim Assistant Director Legal and Governance on the proposed review of the Constitution and Governance arrangements.
6. At the meeting on 26<sup>th</sup> September 2019 the Executive resolved:
  - “(i) That the proposals to review the Council’s Constitution and Governance arrangements using a 3-stage approach, as detailed in Option2 at paragraph 9 of the report, be approved.
  - (ii) That the review of the Constitution include consideration of the provisions regarding key decisions, to ensure that the legal requirements are met.
  - (iii) That the Terms of Reference for Stage 2 of the review (governance arrangements) be agreed by the Leader and Deputy Leader, in consultation with the Chair of Audit and Governance Committee.”
7. The review of the Constitution began in October. A team of officers from legal, finance and democratic services produced a consultation questionnaire which was circulated to all members and senior officers asking for comments, concerns and issues relating to the constitution.
8. In addition officers met with members and officers to discuss specific issues that they would wish to be addressed in the review and identified amendments to a be made to the Constitution based on the information provided by officers and members.
9. Attached to this report at Appendix 1 is a list of the key changes which are proposed as a result of the exercise set out in paragraphs 7 & 8 above. This includes the proposed changes to the terms of reference of the Audit & Governance Committee at Appendix 1A. In addition there is a full copy of the tracked changes in the Constitution document which include minor amendments, formatting changes, corrections in relation to

cross references and up dates to reflect current practice. Members are asked to consider all the proposed changes in both these documents.

### **Other Issues Arising Out of the Review**

10. During the review a number of other issues which are relevant to compliance with the requirements set out in the Constitution document and to the general governance of the Council have arisen which need to be addressed. These are set out in paragraphs 11 – 14 below.
11. The provisions in the Constitution in relation to key decisions have been reviewed to ensure they are legally sound. However, in doing so it became clear that there is an issue in relation to the consistency of recording decisions taken by officers under delegated powers. To ensure transparency it is important that these are recorded appropriately and in particular that information is included to explain whether a decision is a key decision and, if not, the specific reasons for that conclusion. There is therefore a recommendation in this report to seek to improve the consistency and accuracy when recording officer decisions.
12. The review identified a need to better understand the role of scrutiny in both the decision making process and the development of policy. However the role of scrutiny is dependent on the decision making structure to be adopted by the Council in the longer term following the review of the Council's wider Governance Arrangements. The Terms of Reference for the review of Governance Arrangements are attached to this report at Appendix 2 for members' information.
13. There are a number of protocols and procedures in existence many of which have not been reviewed for a number of years. In addition there are protocols and procedures that do not exist that ought to be drafted to ensure a consistent approach to Council business and to the operation of the Council's governance framework. In addition there is not central record of protocols and procedures and no-one has responsibility for their keeping or ensuring they are accessible to members, officers and the public. These matters include, for example:
  - Compliance with Data Protection and Information Management
  - Ethics statement

- Guidance for Elected Members Appointed to Outside Bodies
- Officer and Elected Member International travel
- Elected Members Use of ICT and Council Resources
- Scrutiny Call-in Procedures
- Senior Officer Disciplinary Procedures
- Standards Complaints Procedures
- Report Writing Protocol
- Webcasting Protocol

This list is not comprehensive. Therefore there is a recommendation in this report to address the collation and review of protocols and procedures.

14. There are varying levels of understanding of the requirements set out in the Constitution across Elected Members and Officers. Compliance can be undermined if the requirements are not fully understood which is a risk that must be addressed. There is therefore a recommendation in this report to improve the understanding of the requirements of the Constitution to address this issue.

## **Analysis**

7. Not relevant for the purpose of this Report.

## **Council Plan**

8. The Council's governance framework is key to facilitating how residents engage with the decision-making process. The amendments to the Constitution are to ensure that the document enables residents to understand how decisions are taken.

## **Implications**

9. The implications of the Constitution review are set out below:

- Finance – The Financial Regulations and the Contract Procedures have been reviewed and updated to ensure they are robust and legally sound.
- Human Resources (HR) & Equalities – The relevant parts of the Constitution that relate to staffing matters and equalities have been reviewed and updated.
- Legal – The legal implications and requirements have been considered as part of the review
- This report has no Crime and Disorder, Information Technology (IT) or Property implications.

### **Risk Management Assessment**

10. The accuracy and efficiency of and the compliance with the Council's Constitution is a key element of managing areas of risk relating to the governance of the Council.

### **Recommendations**

11. The Audit and Governance Committee is asked to recommend the following:
  - 11.1 That the amendments set out in the tracked changed version of the Constitution annexed to this report be approved.
  - 11.2 That the proposed amendments to the Terms of Reference for Audit and Governance Committee at Appendix 1A be approved.
  - 11.3 That Full Council, at their Annual Council Meeting, which is due to take place on 21 May 2020, consider the proposed changes to the Constitution and approve the implementation of the amended Constitution immediately after the Annual Council Meeting.
  - 11.4 That the Director of Governance liaise with the Corporate Management Team to ensure that each service area has in place a system to deliver the consistent compliance with the requirements in the Constitution that relate to delegated decisions taken and recorded by officers.

- 11.5 That the Director of Governance undertake a review of the Protocols and Procedures that support the provisions of the Constitution and the Council's overall governance framework to ensure they are comprehensive, accurate and up to date.
- 11.6 That the Director of Governance collate a central record of the Protocols and Procedures that support the provisions of the Constitution that is available electronically to all members, officers and the public.
- 11.7 That the Director of Governance in consultation with the Group Leaders and the Corporate Management Team provide training to members and officers to improve the understanding across the Council of the requirements set out in the Constitution.

Reason for the Recommendations

To ensure that the Council's Constitution is accurate and consistent and that there is compliance with the provisions set out therein.

**Contact Details**

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**Director of Governance**  
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**Report**  **Date**  
**Approved**  03/03/20

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

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

## **Appendices**

Appendix 1 – List of Key Changes to the Constitution, including Appendix 1A  
(Draft Audit and Governance Committee Terms of Reference)

Appendix 2 – Draft Terms of Reference for the Review of Governance  
Arrangements

Appendix 3 – Tracked Changed Constitution (online only)

Table of Key Amendments to Constitution - Section 1 - Introduction

Constitution Section & Page Number	Original Wording	Tracked Changed Wording	Reason for Amendment

**Table of Key Amendments to Constitution - Section 2 - Articles - Article 1 - The Constitution**

Constitution Section & Page Number	Original Wording	Tracked Changed Wording	Reason for Amendment

**Table of Key Amendments to Constitution - Section 2 - Articles - Article 2 - Members of Council**

Constitution Section & Page Number	Original Wording	Tracked Changed Wording	Reason for Amendment

**Table of Key Amendments to Constitution - Section 2 - Articles - Article 3 - Citizens and the Council**

Constitution Section & Page Number	Original Wording	Tracked Changed Wording	Reason for Amendment

**Table of Key Amendments to Constitution - Section 2 - Articles - Article 4 - The Full Council**

Constitution Section & Page Number	Original Wording	Tracked Changed Wording	Reason for Amendment
Section 2: Articles of the Constitution. Article 4: The Full Council - Page 23-24	2.1 There are three types of Council meetings: a). the annual meeting; b). ordinary meetings; c). extraordinary meetings.	2.1 There are three types of Council meetings: a). the annual meeting; b). ordinary meetings <u>(including Budget Council)</u> ; c). extraordinary <u>or special</u> meetings.	Clarity.

**Table of Key Amendments to Constitution - Section 2 - Articles - Article 5 - The Lord Mayor of York, the Sheriff of York and Chairing Full Council**

Constitution Section & Page Number	Original Wording	Tracked Changed Wording	Reason for Amendment
Section 2: Articles of the Constitution. Article 5: The Lord Mayor of York, The Sheriff of York and Chairing the Council Section 1 – Role and Function of the Lord Mayor – page 25	The Lord Mayor will be elected by the Council at its Annual Meeting, from amongst serving Councillors. The Lord Mayor must have 5 years service as a City of York elected Councillor. Upon election, the Lord Mayor will have the following responsibilities:	The Lord Mayor will be elected by the Council at its Annual Meeting, from amongst serving Councillors. The Lord Mayor must have <u>5-4</u> years service as a City of York elected Councillor <u>and have been elected to serve a further 4 year term</u> . Upon election, the Lord Mayor will have the following responsibilities:	
Section 2: Articles of the Constitution. Article 5: The Lord	The Sheriff of York will be elected by the Council at its Annual Meeting. The Sheriff of York will have the following responsibilities, acting as an ambassador for the City locally,	The Sheriff of York will be elected by the Council at its Annual Meeting. <u>The Sheriff may appoint a Deputy</u> . The Sheriff of York will have the following responsibilities, acting as an ambassador for the City locally, nationally and	



**Appendix 1**

Mayor of York, The Sheriff of York and Chairing the Council Section 1 – Role and Function of the Sheriff of York – page 26	nationally and internationally, supporting its elected First Citizen, the Lord Mayor;	internationally, supporting its elected First Citizen, the Lord Mayor;	
Section 2: Articles of the Constitution. Article 5: The Lord Mayor of York, The Sheriff of York and Chairing the Council Section 1 – Role and Function of the Deputy Lord Mayor – page 26-27	The Deputy Lord Mayor will be elected by the Council at its Annual Meeting. The Deputy Lord Mayor is normally the outgoing Lord Mayor and fulfils the following duties, as required by the absence of the Lord Mayor or Sheriff, on occasion:  i) To support the Lord Mayor in attending civic functions when the Lord Mayor or Sheriff are unable to attend;  ii) To chair full council meeting sin the absence of the Lord Mayor;  iii) To chair the pre council seminar;  iv) To carry out all duties in a manner appropriate to the traditions and status of the office.	The Deputy Lord Mayor will be elected by the Council at its Annual Meeting. <del>The Deputy Lord Mayor is normally the outgoing Lord Mayor and fulfils the following duties, as required by the absence of the Lord Mayor or Sheriff, on occasion.:</del>  i) To support the Lord Mayor in attending civic functions when the Lord Mayor or Sheriff are unable to attend;  ii) To chair full council meeting sin the absence of the Lord Mayor;  <del>iii) To chair the pre council seminar;</del> <del>iv)iii) To carry out all duties in a manner appropriate to the traditions and status of the office.</del>	Does the Council still wish to the Deputy Lord Mayor to fulfil these duties? Consider taking out.  Remove.
	More detailed examples of day to day operational duties of the Lord Mayor and Civil Party, based on these constitutional roles, are set out in the ‘Civic Guide’, copies of which are received by the Civic Party every year.	More <del>detailed examples of day to day information on the</del> operational duties of the Lord Mayor and Civil Party, based on these constitutional roles, <del>are set out inis contained within</del> the ‘Civic Guide’, <del>copies of which are received bygiven to</del> the Civic Party every year.	

**Table of Key Amendments to Constitution - Section 2 - Articles - Article 6 - Overview and Scrutiny**

Constitution Section & Page Number	Original Wording	Tracked Changed Wording	Reason for Amendment

**Table of Key Amendments to Constitution - Section 2 - Articles - Article 7 - The Executive**

Constitution Section & Page Number	Original Wording	Tracked Changed Wording	Reason for Amendment

**Table of Key Amendments to Constitution - Section 2 - Articles - Article 8 - The Joint Standards Committee**

Constitution Section & Page Number	Original Wording	Tracked Changed Wording	Reason for Amendment

**Table of Key Amendments to Constitution - Section 2 - Articles - Article 9 - The Audit and Governance Committee**

Constitution Section & Page Number	Original Wording	Tracked Changed Wording	Reason for Amendment
Section 2 - Articles of the Constitution, Article 9 - The Audit and Governance Committee, Page 37	Please see proposed new terms of reference set out in Appendix 1 to this list.	Please see proposed new terms of reference set out in Appendix 1 to this list.	To properly reflect the role of the Committee in ensuring the effective governance of the Council.

**Table of Key Amendments to Constitution - Section 2 - Articles - Article 10 - Regulatory and Other Committees**

Constitution Section & Page Number	Original Wording	Tracked Changed Wording	Reason for Amendment

**Table of Key Amendments to Constitution - Section 2 - Articles - Article 12 - Joint Arrangements**

Constitution Section & Page Number	Original Wording	Tracked Changed Wording	Reason for Amendment

**Table of Key Amendments to Constitution - Section 2 - Articles - Article 13 - Staff**

Constitution Section & Page Number	Original Wording	Tracked Changed Wording	Reason for Amendment
Section 2 - Articles of the Constitution, Article 13 - Staff, Page 46	3.3 The functions of the Head of Paid Service are: (a) overall corporate management and operational responsibility including overall management responsibility for the Council's Directorates.	3.3 The functions of the Head of Paid Service are: (a) overall corporate management and operational responsibility including overall management responsibility for the Council's Directorates. <u>The Head of Paid Service is responsible for deploying the Council's resources in accordance with the strategic objectives as set by the Executive and Council.</u>	The additional wording is to reflect the role of the Head of Paid Service in delivering the strategic objectives of the Council.
Section 2 - Articles of the Constitution, Article 13 - Staff, Page 46-47	The powers and functions of the Monitoring Officer are: c). to contribute to the corporate management of the Council, in particular by providing professional legal advice.	The powers and functions of the Monitoring Officer are: c). to contribute to the corporate management of the Council, in particular by providing professional legal advice <u>on the scope of powers and authority to take decisions.</u>  <u>h). to ensure that executive decisions are required under this Constitution, together with the reasons for those decisions and relevant Officer Reports and background papers are made publicly available as soon as possible.</u>	The additional wording is to reflect the role of Monitoring Officer.

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Section 2 - Articles of the Constitution, Article 13 - Staff, Page 47	The functions of the Chief Finance Officer are:  (b). to be responsible for the administration of the financial affairs of the Council.	The functions of the Chief Finance Officer are:  (b). to be responsible for the administration of the financial affairs of the Council. <u>This involves providing effective financial management of arrangements and systems, an effective internal audit function and internal controls arrangements, effective treasury management arrangements, safeguarding assets and probity.</u>	The additional wording is to reflect the role of the Chief Finance Officer
Section 2 - Articles of the Constitution, Article 13 - Staff, Page 47	5.1 The functions of the Chief Finance Officer are: (b) to be responsible for the administration of the financial affairs of the Council.	5.1 The functions of the Chief Finance Officer are:(b) to be responsible for the administration of the financial affairs of the Council. <u>This involves providing effective financial management arrangements and systems, an effective internal audit function and internal controls arrangements, effective treasury management arrangements, safeguarding assets and probity</u>	The additional wording clarifies the specific obligations of the section 151 officer in relation to the financial governance of the Council.
Section 2 - Articles of the Constitution, Article 13 - Staff, Page 55		<u>7.2 The Chief Executive, Corporate Directors, Director of Governance and Assistant Directors will undertake all other proper officer functions within their area of responsibility.</u>	

**Table of Key Amendments to Constitution - Section 2 - Articles - Article 14 - Decision Making**

Constitution Section & Page Number	Original Wording	Tracked Changed Wording	Reason for Amendment
Section 2: Articles of the Constitution, Article 14: Decision Making, page 57	2.1 All decisions made by or on behalf of the Council will be made in accordance with the following principles:	2.1 All decisions made by or on behalf of the Council will be made in accordance with the following principles:  <u>j). consideration of relevant implications.</u>	
Section 2: Articles of the Constitution, Article 14: Decision Making, page 58	6.1 The Executive will follow the Executive procedure rules as set out in Part 4 of the Constitution when considering any matter.	6.1 The Executive will follow the <u>Standing Orders relating to</u> Executive <del>procedure rules</del> as set out in Part 4 of the Constitution when considering any matter.	To reflect the Rules of Procedure within the Constitution.
Section 2: Articles of the Constitution, Article 14: Decision Making, page 59	9.1 Where decisions are delegated to individual Councillors or Officers under the Council's Scheme of Delegation they will observe the procedure rules for such delegations as set out in Part 4 Rules of Procedure.	9.1 Where decisions are delegated to individual Councillors or Officers under the Council's Scheme of Delegation they will observe the <del>procedure</del> rules for such delegations as set out in <u>Part 4 Rules of ProcedureSection 3 of this Constitution..</u>	Change in Section number.
Section 2: Articles of the Constitution, Article 14: Decision Making, page 59	10.1 No Councillor or Officer will take, or participate in a decision in which he or she has a prejudicial interest (as defined by the Members' Code of Conduct and/or the Officers' Code of Conduct). Where an individual Executive Member has delegated power to take a decision but has a	10.1 No Councillor or Officer will take, or participate in a decision in which he or she has a prejudicial interest (as defined by the Members' Code of Conduct and/or the Officers' Code of Conduct). Where an individual Executive Member has delegated power to take a decision but has a prejudicial interest the matter will be referred to the	

	prejudicial interest the matter will be referred to the Executive for a decision.	Executive for a decision <u>or the matter may be determined by another Executive Member.</u>	
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**Table of Key Amendments to Constitution - Section 2 - Articles - Article 15 - Finances, Contracts and Legal Matters**

Constitution Section & Page Number	Original Wording	Tracked Changed Wording	Reason for Amendment

**Table of Key Amendments to Constitution - Section 2 - Articles - Article 16 - Review and Revision of the Constitution**

Constitution Section & Page Number	Original Wording	Tracked Changed Wording	Reason for Amendment
Section 2 - Articles of the Constitution, Article 16 - Review and Revision of the Constitution, Page 63	1.1 The Monitoring Officer will monitor and review the operation of the Constitution to ensure that the aims and principles of the Constitution are given full effect. The monitoring Officer will undertake a formal review of the whole Constitution (including the Executive arrangements) every six years and report to the Audit & Governance Committee for recommendation to Full Council as appropriate including any proposed revisions to the Constitution and the Executive arrangements.	1.1 The Monitoring Officer will monitor and review the operation of the Constitution to ensure that the aims and principles of the Constitution are given full effect. The monitoring Officer will undertake a formal review of the whole Constitution (including the Executive arrangements) <b>every six years</b> and report to the Audit & Governance Committee for recommendation to Full Council as appropriate including any proposed revisions to the Constitution and the Executive arrangements.	
Section 2 - Articles of the Constitution, Article 16 - Review and Revision of the Constitution, Page 64	2.7 Any such changes made to the Constitution must be reported to the Executive, circulated to all Council Members and incorporated into an up to date version of the Constitution, which should be accessible via the Council's website.	2.7 Any <b>such</b> changes made to the Constitution <b>under paragraph 2.6</b> must be <b>reported to the Executive, circulated to all Council Members and</b> incorporated into an up to date version of the Constitution, which should be accessible via the Council's website.	Changes under 2.6 are defined as minor drafting changes or non contentious amendments and do not need to be reported and circulated.

**Table of Key Amendments to Constitution - Section 2 - Articles - Article 17 - Suspension, Interpretation and Publication of the Constitution**

Constitution Section & Page Number	Original Wording	Tracked Changed Wording	Reason for Amendment
Section 2: Articles of the Constitution, Article 17: Suspension, Interpretation and Publication of the Constitution, page 66	3.2 The Monitoring Officer will ensure that copies are available for inspection at Council offices, libraries and other appropriate locations, and can be purchased by Members of the local press and public on payment of a reasonable fee.	3.2 The Monitoring Officer will ensure that copies are available for inspection at Council offices, <del>libraries and other appropriate locations</del> <b>an up to date version of the Constitution is accessible via the Council's website</b> , and can be purchased by Members of the local press and public on payment of a reasonable fee.	

## Table of Key Amendments to Constitution - Section 3 - Section 3A - Responsibility for Functions

Constitution Section & Page Number	Original Wording	Tracked Changed Wording	Reason for Amendment
Section 3A – Introduction			Moved around some of the paragraphs just to make it easier to read.

## Table of Key Amendments to Constitution - Section 3 - Section 3B - Executive Members

Constitution Section & Page Number	Original Wording	Tracked Changed Wording	Reason for Amendment

## Table of Key Amendments to Constitution - Section 3 - Section 3BA - Shareholder Committee

Constitution Section & Page Number	Original Wording	Tracked Changed Wording	Reason for Amendment

## Table of Key Amendments to Constitution - Section 3 - Section 3C - Council Committees and Other Bodies

Constitution Section & Page Number	Original Wording	Tracked Changed Wording	Reason for Amendment
Section 3C - Responsibility for Functions - Council Committees and Other Bodies, Pages 96 – 97	To determine appeals in relation to the following matters: (a) To resolve final appeals on disciplinary and grievance cases (b) To determine appeals against dismissal	To determine appeals in relation to the following matters: (c) To resolve final appeals on disciplinary and grievance cases <u>in relation to those officers whose appointment is approved by Members.</u> (d) To determine appeals against dismissal <u>in relation to those officers whose appointment is approved by Members.</u>	This is in line with good practice in Local Authorities.
Section 3C – Responsibility for Functions – Council Committees and Other Bodies, Page 103-104	For the avoidance of doubt this shall include the following: (a) To arrange for the conduct of, or, conduct the recruitment and selection process in respect of: (i) The Head of Paid Service. <b>NB this appointment is subject to Full Council approval.</b> (ii) Directors (iii) Assistant Directors  (b) In conducting its recruitment functions the Committee may establish Chief Officer appointment sub-committees of no less than three elected Members including at least one Member of the Executive.  (c) To arrange for the conduct of, or conduct disciplinary proceedings in respect of:	For the avoidance of doubt this shall include the following: (a) To arrange for the conduct of, or, conduct the recruitment and selection process in respect of: <u>(i) The Head of Paid Service. NB this appointment is subject to Full Council approval.</u> <u>(ii) The Section 151 Officer</u> <u>(iii) The Monitoring Officer</u> <u>(iv) Directors</u> <u>(v) Assistant Directors</u>  (b) In conducting its recruitment functions the Committee may establish Chief Officer appointment sub-committees of no less than three elected Members including at least one Member of the Executive.  (c) To arrange for the conduct of, or conduct disciplinary proceedings in respect of:	Reflects the changes brought about by amendment to the Local Authorities (Standing Orders) (England) Regulations 2001.

	<p>(i) The Head of Paid Service, Section 151 Officer, Monitoring Officer. <b>NB any decision to dismiss is subject to Full Council approval</b></p> <p>(ii) Directors</p> <p>(iii) Assistant Directors</p> <p>(d) In conducting its disciplinary functions the Committee may establish a Disciplinary Sub Committee of no less than three elected Members including at least one Member of the Executive and may in respect of proposed disciplinary action against the Head of Paid Service, Section 151 Officer or Monitoring Officer establish the Panel required by Schedule 3 of the Local Authorities (Standing Orders)(England) Regulations 2001.</p>	<p>(i) The Head of Paid Service, Section 151 Officer, Monitoring Officer. <b>NB any decision to dismiss is subject to Full Council approval</b></p> <p>(ii) Directors</p> <p>(iii) Assistant Directors</p> <p><u>Where the disciplinary action is on the grounds of conduct, proposals to dismiss on the grounds of misconduct or other reasons such as capability or for another substantial reason. In accordance with the Disciplinary Procedure for Chief Officers, the Head of HR will consider the allegation to ensure that it is not unfounded or trivial in nature and that such action is necessary.</u></p> <p>(d) In conducting its disciplinary functions the Committee may establish a Disciplinary Sub Committee of no less than three elected Members including at least one Member of the Executive and may in respect of proposed disciplinary action against the Head of Paid Service, Section 151 Officer or Monitoring Officer establish the Panel required by Schedule 3 of the Local Authorities (Standing Orders)(England) Regulations 2001.</p>	
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**Table of Key Amendments to Constitution - Section 3 - Section 3D - Officers' Delegation Scheme**

Constitution Section & Page Number	Original Wording	Tracked Changed Wording	Reason for Amendment
Section 3D - Deputy Chief Executive, Page 119	3.1 The Council will designate one of the Directors as the Deputy Chief Executive for the time being.	3.1 The Council may designate a Deputy Chief Executive, which, if designated, will be one of the Directors.	Allows for amendment to the role.
Section 3D - Powers of the Directors, Page 119	4.1 Details of the Council's Directors, indicating their general areas of responsibility will be recorded in this Constitution.	Remove	
Section 3D - Powers of Officers, Page 120	5.2( c) Exercise all functions delegated under the Officer Employment Procedure Rules		HR area looking at whether this needs to be included or whether the Rules are incorporated in other documents held by the Council.
Section 3D – Functions of the Monitoring Officer, Page 122		<u>h). to ensure that executive decisions as required under this Constitution, together with the reasons for those decisions and relevant Officer Reports and background papers are made publicly available as soon as possible.</u>	Additional function of the Monitoring Officer.
Section 3D – Powers of Officers Page 122	Additional power for Monitoring Officer	<u>(j) To undertake the recruitment and selection, and to appoint Independent members to the Audit and Governance and the Joint Standards Committees.</u>	To facilitate the regular review and appointment of Independent members to ensure independent oversight of the Council's governance arrangements.
Section 3D - Functions of the Chief Finance Officer, Page 122	8.1 The Council has appointed the Director of Customer and Corporate Services as the Chief Finance Officer.	8.1 The Council has appointed a Chief Finance Officer, who is the statutory S151 Officer.	This allows for changes in job titles/roles.

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<p>Section 3D - Functions of the Chief Finance Officer, Page 123</p>	<p>8.2(a) To report to the Full Council (or to the Executive in relation to a Executive function) after consulting with the Head Paid of Service and the Monitoring Officer and send a copy of the report to all Members of the Council and to the Council's external auditor if he/she considers that any proposal, decision or course of action will involve incurring unalwful expenditure or is unlawful and is likely to cause a loss or deficiency or if the Council (or the Executive) is about to enter an item of account unlawfully;</p> <p>8.2(b) to be responsible for the administration of the financial affairs of the Council;</p>	<p>8.2(a) <del>To reporting</del> to the Full Council (or to the Executive in relation to a Executive function) after consulting with the Head Paid of Service and the Monitoring Officer <del>and send a copy of the report to all Members of the Council and to the Council's external auditor</del> if he/she considers that any proposal, decision or course of action will involve incurring unalwful expenditure or is unlawful and is likely to cause a loss or deficiency or if the Council (or the Executive) is about to enter an item of account unlawfully;</p> <p>8.2(b) to be responsible for the administration of the financial affairs of the Council. <u>This involves providing effective financial management arrangements and systems, an effective internal audit function and internal controls arrangements, effective treasury managements, safeguarding assets and probity;</u></p>	<p>The full procedure for the function doesn't really need to be included, so have condensed it.</p> <p>To ensure consistency with Article 13 of the Constitution</p>
<p>Section 3D Functions of the Chief Finance Officer, Page 123</p>		<p><u>(d) To determine the commercial fees charged for use of Council property by third parties as appropriate.</u></p>	
<p>Section 3D Proper Officer Functions - Local Government Act 1972, Pages 127-133</p>	<p>Section 42 - To receive notice in writing of a request for an election on casual vacancy occurring in the office of a Parish Councillor</p>		<p>Take out - repealed.</p>
<p>" "</p>	<p>Section 84 - To receive written notice of resignation from any Officer under the Local Government Act 1972.</p>	<p>Section 84 - To receive written notice of resignation from any <u>person elected to any</u> Officer under the Local Government Act 1972.</p>	<p>Changed to clarify the wording of section 84.</p>
<p>" "</p>	<p>Section 100</p>		<p>Section 100 - moved from bottom of list to relevant part of list so that it reads in chronological order.</p>
<p>" "</p>	<p>Section 151 - Director of Customer and Corporate Services nominated Proper Officer</p>	<p>Chief Finance Officer</p>	<p>Changed to allow constitution wording to remain even if job title changes.</p>
<p>" "</p>	<p>Section 225(1) - To receive and retain such documents as are specified by the Standing Orders of the House of Commons, or any enactment or instrument, in the manner and for the purpose directed and to make such notes and endorsements thereon and to give such acknowledgements and receipts in respect thereof as may be so directed.</p>	<p>Section 225(1) - To receive and retain such documents <del>as are specified by</del> <u>deposited with the Local Authority pursuant to the Standing Orders of either the House of CommonsParliament. , or any enactment or instrument, in the manner and for the purpose directed and to make such notes and endorsements thereon and to give such acknowledgements and receipts in respect thereof as may be so directed.</u></p>	<p>Changed for clarity.</p>
<p>" "</p>	<p>Schedule 12, Para 4 - To receive written notice from a Member that the summons to a meeting of the Council shall be sent to some other address than his/her place of residence.</p>		<p>The words "in Wales" was inserted into para 4(3) by the Local Government (Electronic Communications) (England) Order 2015/5. Para 4(1B)(b)(ii) substitutes the same wording but for England, so if the relevant section of the LGA is Schedule 12, para 4 it is within 1B.</p>

**Appendix 1**

" "	Schedule 16, Para 28 - To receive on deposit lists of buildings or special architectural or historic interest under section 54(4) of the Town and Country Planning Act.		Take out - repealed.
" "	Schedules 29, Para 41 - Functions relating to Registration Service		The Paragraphs within the Schedule of the LGA made amendments to the Registration Service Act 1953, therefore, the Proper Officer delegations shouldn't be within the section marked LGA, moved to section marked Registration Service Act 1953.
Section 3D - Responsibility for Functions - Officer Scheme of Delegations, Page 133	1.3 The Chief Executive shall act as proper officer in any other circumstance.	1.3 The Chief Executive, <u>Corporate Directors, Director of Governance and Assistant Directors will undertake all other proper officer functions within their area of responsibility shall</u> <del>act as proper officer in any other circumstance.</del>	This amendment ensures proper officer functions not otherwise allocated are undertaken by the officer with the appropriate expertise.

**Table of Key Amendments to Constitution - Section 3 - Section 3E - Appointments to Outside Bodies**

Constitution Section & Page Number	Original Wording	Tracked Changed Wording	Reason for Amendment



Table of Key Amendments to Constitution - Section 4 - Section 4A - Council Procedure Rules

Constitution Section & Page Number	Original Wording	Tracked Changed Wording	Reason for Amendment
Section 4: Rules of Procedure Section 4A: Council Procedure Rules – page 143	11.1 All ordinary meetings (including Budget Council) will finish three hours and forty minutes after the start time of the meeting, unless extended by agreement of the Council.	11.1 All ordinary meetings (including Budget Council) will finish three hours and forty minutes after the start time of the meeting, unless extended by agreement of the Council. <u>The Lord Mayor will remind Council when three hours and 30 minutes has elapsed.</u>	

Table of Key Amendments to Constitution - Section 4 - Section 4B - Standing Orders Relating to Executive and Other Committees

Constitution Section & Page Number	Original Wording	Tracked Changed Wording	Reason for Amendment
Section 4: Rules of Procedure. Section 4B: Standing Orders Relating to Executive and Other Committees – Page 159	Section 4B: Standing Orders relating to the Executive, the Joint Standards Committee, Policy and Scrutiny Committees and other Non-executive Committees and Sub-Committees and Groups Specified in the Council's Constitution	Section 4B: Standing Orders relating to the Executive, the <del>Joint Standards Committee</del> <u>York Health and Wellbeing Board</u> , Policy and Scrutiny Committees and other Non-executive Committees and Sub-Committees and Groups Specified in the Council's Constitution	
Section 4: Rules of Procedure: Section 4B: Standing Orders Relating to the Executive and Other Committees – Page 162	6.5.1(c)(i) "Where no named substitute is available a political group may instruct the Chief Executive or the Monitoring Officer to replace for the duration of a particular meeting, an existing Member with another substitute identified by the political group"	.5.1(c)(i) "Where no named substitute is available a political group may instruct the Chief Executive or the Monitoring Officer to replace for the duration of a particular meeting, an existing Member with another substitute identified by the political group, <u>provided always that this provision 6.5.1(c)(i) will not apply to Planning, Licensing and Regulatory or Joint Standards Committees or any sub-committees thereof</u> "	

Table of Key Amendments to Constitution - Section 4 - Section 4C - General Matters

Constitution Section & Page Number	Original Wording	Tracked Changed Wording	Reason for Amendment

Table of Key Amendments to Constitution - Section 4 - Section 4D - Appointment and Dismissal of Staff

Constitution Section & Page Number	Original Wording	Tracked Changed Wording	Reason for Amendment
Section 4D - Dismissal and Disciplinary action in respect of Head Of Paid Service - Page 173	<p><b>4 Appointment, dismissal and disciplinary action in respect of Head of Paid Service</b></p> <p>4.1 Full Council will approve the appointment of the Head of Paid Service following a recommendation made by the Chief Officer Appointments Sub Committee.</p> <p>4.2 Disciplinary action against the Head of Paid Service will be conducted in accordance with the Council's disciplinary procedures for the Chief Executive.</p>	<p><b>4 Appointment, dismissal and disciplinary action in respect of Head of Paid Service</b></p> <p><u>Appointment of Head of Paid Service</u></p> <p>4.1 Full Council will approve the appointment of the Head of Paid Service following a recommendation made by the Chief Officer Appointments Sub Committee.</p> <p><u>Dismissal and Disciplinary Action in respect of the Head of Paid Service</u></p>	Amended to reflect a change in procedure.

	<p>4.3 A Committee or Sub Committee (including at least one Member of the Executive) will hear disciplinary proceedings against the Head of Paid Service but Full Council must approve any decision to dismiss him or her before notice is given.</p> <p>4.4 Before making a decision to dismiss the Head of Paid Service Council must consider a recommendation from the Disciplinary Committee and take into account:</p> <p>(a) any advice, views or recommendations of a Panel appointed in accordance with schedule 3 of the Local Authorities (Standing Orders) (England) Regulations 2001 and whose membership includes independent persons;</p> <p>(b) the conclusions of any investigation into the proposed dismissal; and</p> <p>(c) any representations from the Head of Paid Service</p>	<p>4.2 Disciplinary action against the Head of Paid Service will be conducted in accordance with the Council's disciplinary procedures for <del>the Chief Executive</del> <u>Statutory Officers, which applies to disciplinary action on the grounds of conduct, proposals to dismiss on the grounds of misconduct and other reasons such as capability and other substantial reasons.</u></p> <p>4.3 <del>A</del> <u>The Staffing Matters and Urgency</u> Committee or a Sub Committee (including at least one Member of the Executive) will hear disciplinary proceedings against the Head of Paid Service but Full Council must approve any decision to dismiss him or her before notice is given.</p> <p>4.4 Before making a decision to dismiss the Head of Paid Service, <del>Full</del> Council must consider a recommendation from the <del>Disciplinary Staffing Matters and Urgency</del> <u>Committee or sub committee</u> and take into account:</p> <p>(a) any advice, views or recommendations of an <u>Independent</u> Panel appointed in accordance with schedule 3 of the Local Authorities (Standing Orders) (England) Regulations 2001 and whose membership includes independent persons;</p> <p>(b) the conclusions of any investigation into the proposed dismissal; and</p> <p>(c) any representations from the Head of Paid Service.</p>	
<p>Section 4D - Appointment, dismissal and disciplinary action in respect of Chief and Deputy Chief Officers - Pages 173-174</p>	<p>5 Appointment, dismissal and disciplinary action in respect of Chief and Deputy Chief Officers</p> <p>5.1 These provisions apply in respect of statutory and non statutory Chief and Deputy Chief Officers. In York these posts are:</p> <p>a) Directors b) Assistant Directors and are referred to in these rules as "Chief Officers"</p> <p>5.2 A Chief Officer Appointments Sub Committee will appoint Chief Officers.</p> <p>5.3 Disciplinary action against a Chief Officer will be conducted in accordance with the Council's disciplinary procedures for Chief Officers.</p>	<p>5 Appointment, dismissal and disciplinary action in respect of Chief and Deputy Chief Officers <u>(Statutory and Non Statutory)</u></p> <p>5.1 These provisions apply in respect of statutory and non statutory Chief and Deputy Chief Officers. In York these posts are:</p> <p><u>Statutory</u></p> <p>a) <u>Section 151 Officer</u> b) <u>Monitoring Officer</u></p> <p><u>Non Statutory</u></p> <p>a) Directors b) Assistant Directors — and are referred to in these rules as "Chief Officers"</p> <p><u>Appointment of Chief Officers</u></p>	<p>Section 5 has been amended to reflect a change in legislation and procedure.</p>

	<p>5.4 A Committee or Sub Committee (including at least one Member of the Executive) will hear and will have delegated powers to conclude disciplinary proceedings against a Chief Officer. However, additional rules apply in respect of any proposed dismissal of the Section 151 Officer or the Monitoring Officer. Full Council must approve any decision to dismiss either of these Officers.</p> <p>5.5 Before making a decision to approve the dismissal of the Section 151 Officer or the Monitoring Officer for disciplinary reasons Full Council must consider a recommendation from the Disciplinary Committee and take into account:</p> <p>(a) any advice, views or recommendations of a Panel appointed in accordance with schedule 3 of the Local Authorities (Standing Orders) (England) Regulations 2001 and whose membership includes independent persons;</p> <p>(b) the conclusions of any investigation into the proposed dismissal; and</p> <p>(c) any representations from the relevant Officer</p>	<p>5.2- A Chief Officer Appointments Sub Committee will appoint <u>all</u> Chief Officers.</p> <p><b><u>Dismissal and Disciplinary action in respect of non statutory Chief Officers</u></b></p> <p>5.3 –Disciplinary action against a <u>non statutory</u> Chief Officers will be conducted in accordance with the Council’s disciplinary procedures for <u>non statutory</u> Chief Officers.</p> <p><b><u>5.4 –A Committee or Sub Committee (including at least one Member of the Executive) will hear and will have delegated powers to conclude disciplinary proceedings against a <u>non statutory</u> Chief Officer.</u></b></p> <p><b><u>Dismissal and Disciplinary action in respect of statutory Chief Officers</u></b></p> <p><b><u>5.45.5 Disciplinary action against a Statutory Chief Officer will be conducted in accordance with the Council’s disciplinary procedures for Statutory Officers, which applies to disciplinary action on the grounds of conduct, proposals to dismiss on the grounds of misconduct and other reasons such as capability and other substantial reasons. However, Additional rules apply in respect of any proposed dismissal of the Section 151 Officer or the Monitoring Officer. Full Council must approve any decision to dismiss either of these Officers.</u></b></p> <p><b><u>5.55.6 –Before making a decision to approve the dismissal of the Section 151 Officer or the Monitoring Officer for disciplinary reasons, Full Council must consider a recommendation from the <u>Disciplinary Staffing Matters and Urgency</u> Committee <u>or sub committee</u> and take into account:</u></b></p> <p>(a) –any advice, views or recommendations of an <u>Independent</u> Panel appointed in accordance with schedule 3 of the Local Authorities (Standing Orders) (England) Regulations 2001 and whose membership includes independent persons;</p> <p>(b) – the conclusions of any investigation into the proposed dismissal; and</p> <p>(c) any representations from the <u>relevant Statutory Officer</u>.</p>	
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<p>Section 4D - 6. Consultation with Executive Members, Pages 174-175</p>	<p>6. Consultation with Executive Members</p> <p>6.1 No offer of an appointment or notice of dismissal in relation to the appointment or dismissal of the Head of Paid Service or a Chief Officer or shall be given by the appointor or dismissor (as defined in the Local Authorities (Standing Orders) (England) Regulations 2001) until:</p> <p>(a) the appointer or dismissor has notified the proper officer of the name of the person to whom the appointer wishes to make the offer and any other particulars which the appointer considers are relevant to the appointment;</p> <p>(b) the proper officer has notified every member of the Executive of –</p> <p>i. the name of the person to whom the appointer wishes to make the offer or who the dismissor wishes to dismiss;</p> <p>ii. any other particulars relevant to the appointment or dismissal which the appointer or dismissor has notified to the proper officer; and</p> <p>iii. the period within which any objection to the making of the offer or to the dismissal is to be made by the Leader on behalf of the Executive to the proper officer; and</p> <p>either –</p> <p>(i) the Leader has, notified the appointer or dismissor that neither he nor any other member of the Executive has any objection to the making of the offer or;</p> <p>(ii) the proper officer has notified the appointer or dismissor that no objection was received by him within that period from the Leader; or</p> <p>(iii) the appointer or dismissor is satisfied that any objection received from the Leader within that period is not material or is not well-founded.</p>	<p>6. Consultation with Executive Members</p> <p>6.1 No offer of an appointment or notice of dismissal in relation to the appointment or dismissal of the Head of Paid Service or a <u>Statutory or non-Statutory</u> Chief Officer <del>or</del> shall be given by the appointor or dismissor (as defined in the Local Authorities (Standing Orders) (England) Regulations 2001) until:</p> <p>(c) the appoint<del>or</del>er or dismissor has notified the proper officer of the name of the person to whom the appoint<del>or</del>er wishes to make the offer and any other particulars which the appointer considers are relevant to the appointment;</p> <p>(d) the proper officer has notified every member of the Executive of –</p> <p>i. the name of the person to whom the appoint<del>or</del>er wishes to make the offer or who the dismissor wishes to dismiss;</p> <p>ii. any other particulars relevant to the appointment or dismissal which the appoint<del>or</del>er or dismissor has notified to the proper officer; and</p> <p>iv. the period within which any objection to the making of the offer or to the dismissal is to be made by the Leader on behalf of the Executive to the proper officer; and</p> <p>either –</p> <p>(iii) the Leader has, notified the appoint<del>or</del>er or dismissor that neither he nor any other member of the Executive has any objection to the making of the offer or;</p> <p>(iv) the proper officer has notified the appoint<del>or</del>er or dismissor that no objection was received by him within that period from the Leader; or</p> <p>(iii) the appoint<del>or</del>er or dismissor is satisfied that any objection received from the Leader within that period is not material or is not well-founded.</p>	<p>Changed to reflect change in legislation and procedure.</p>
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**Appendix 1**

Section 4D - Disciplinary Procedure for Statutory officers			A Disciplinary Procedure for the Head of Paid Service, Statutory Chief Officers and non Statutory Chief Officers is currently being drafted. This will be included within the Protocols of the Council's Constitution.
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**Table of Key Amendments to Constitution - Section 4 - Section 4E - Approval of Budget and Policy Work**

Constitution Section & Page Number	Original Wording	Tracked Changed Wording	Reason for Amendment

**Table of Key Amendments to Constitution - Section 4 - Section 4F - Scrutiny Review Procedure Rules**

Constitution Section & Page Number	Original Wording	Tracked Changed Wording	Reason for Amendment
Section 4: Rules of Procedure. 4F: Scrutiny Review Procedure Rules – Page 177	<p>1 Registration of New Scrutiny Topics</p> <p>1.1 In order for a scrutiny review to be carried out Councillors must complete a topic registration form outlining the reasons behind the need for the review. For example, it may be as a result of an unresolved Councillor Call for Action (CCfA). For guidance on CCfA see Annex A. Councillors can do this in writing or online through their 'Work to Do' area on the Council intranet.</p>	<p>1 <del>Registration of</del>Agreeing New Scrutiny Topics</p> <p>1.1 In order for a scrutiny review to be carried out Councillors <del>who are not Members of the responsible Scrutiny Committee</del> must complete a topic registration form outlining the reasons behind the need for the review. <del>For example, it may be as a result of an unresolved Councillor Call for Action (CCfA). For guidance on CCfA see Annex A.</del> Councillors can do this in writing or online through their 'Work to Do' area on the Council intranet.</p>	

**Table of Key Amendments to Constitution - Section 4 - Section 4G Annex - Contract Procedure Rules**

Constitution Section & Page Number	Original Wording	Tracked Changed Wording	Reason for Amendment

**Appendix 1**

<p>Section 4G - Contract Procedure Rules section 22, page 277</p>	<p>Any Officer who has a direct or indirect pecuniary interest in any Contract or proposed Contract (in accordance with the Local Government Act 1972 section 117) shall declare their interest in writing to their Director and will not be allowed any involvement in relation to the procurement or management of the relevant Contract.</p>	<p>To ensure that persons involved in the procurement process are aware of and adhere to the principles of impartiality and professional standards when dealing with, and completing commercial undertakings, a Conflict of Interest and Confidentiality Undertaking Declaration form is required to be completed for all procurement processes which identifies actual and potential conflicts of interest. This must be completed by all Officers involved in the procurement process prior to commencement of the procurement process. If an actual or potential conflict of interest arises during the procurement process a new Conflict of Interest and Confidentiality Undertaking Declaration form shall be immediately completed and submitted by the Officer concerned and the Monitoring Officer and the S151 Officer shall be notified in accordance with Rule 23.2.</p> <p>If it comes to the attention of a Member, Authorised Officer or other Officer that a Contract in which they have an interest (determined in accordance with the Members' and/or Officers' Code of Conduct as appropriate) has been or is proposed to be entered into by the Council, they shall immediately give written notice to the Monitoring Officer and the S151 Officer.</p>	<p>to reflect revised CYC policy and process</p>
<p>Section 4G - Contract Procedure Rules section 25 (waivers), pages 277-280</p>	<p>none</p>	<p>in relation to external grant funding that has been awarded on the basis that a specific Provider be appointed by the Council;</p>	<p>new exemption where grant funding dictates provider to be used</p>
<p>Section 4G - Contract Procedure Rules section 25 (waivers), pages 277-280</p>	<p>none</p>	<p>Where there is a significant risk to the statutory functions of the Council, or to its governance, audit or finances, a significant safeguarding risk, or a significant risk of failure in the case of an immediate statutory inspection, if the Provider is not engaged (such confirmation in all cases to be confirmed in writing by the relevant Chief Officer).</p>	<p>new exemption for significant risk / safeguarding issues</p>
<p>Section 4G - Contract Procedure Rules section 25 (waivers), pages 277-280</p>	<p>none</p>	<p>for the renewal of licences or contracts for goods or services where:</p> <ul style="list-style-type: none"> <li>a) the supply is restricted to either the original Provider or their selected re-sellers; and</li> <li>b) competition does not affect the price paid owing to the way the market operates and/or the need for compatibility; and</li> <li>c) the value of three years' aggregated renewals has not exceeded, or will not exceed, £150,000; and</li> <li>d) the relevant Chief Officer has agreed to the renewal.</li> </ul>	<p>new exemption for ICT contracts where can only be provided by software system owner</p>

Section 4G - Contract Procedure Rules	none	<p>Where a Contract involves data processing by the Provider on behalf of the Council then sufficient due diligence must be undertaken to ensure that the Council only uses Providers who provide guarantees to implement appropriate technical and organisational measures in such a manner as to meet the requirements of the General Data Protection Regulation and protect the rights of individuals.</p> <p>Every written Contract that involves the processing of personal data by a Provider on behalf of the Council must set out the subject matter and duration of the processing, the nature and purpose of the processing, the types of personal data and categories of data subjects and obligations and rights of the Council. In particular the Contract must contain clauses that meet the requirements of Article 28(3) of the General Data Protection Regulations.</p> <p>Authorised Officers should consult with the Information Governance team to establish whether a Data Protection Impact Assessment is required in relation to any proposed Contract involving the processing of Personal Data.</p>	new paragraph on data protection
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**Table of Key Amendments to Constitution - Section 5 - Section 5A - Members' Code of Conduct**

Constitution Section & Page Number	Original Wording	Tracked Changed Wording	Reason for Amendment
Section 5A - General Duties as to Conduct, Pages 288-289	3.1 You must treat others with respect.	3.1 You must treat others with respect, <u>including Council Officers and other elected Members.</u>	JSC resolved this addition to the existing Code to include conduct towards Officers and other Members.
" "	3.3 You must not bully or intimidate, or attempt to intimidate them.	<p>3.3 You must not bully or <u>harass any person (including specifically any Council Officer) and you must not</u> intimidate, <u>or improperly influence,</u> or attempt to intimidate <u>or improperly influence any person who is involved in any complaint about any alleged breach of this Code of Conduct</u> <del>them.</del></p> <p><u>NOTE: Bullying may be characterised as:</u></p> <ul style="list-style-type: none"> <li>• <u>Offensive, intimidating, malicious or insulting behaviour, or,</u></li> <li>• <u>An abuse or misuse of power in a way that intends to undermine, humiliate, criticise unfairly or injure someone.</u></li> </ul> <p><u>Harassment may be characterised as unwanted conduct which has the purpose or effect of violating an individual's dignity or creating an intimidating, hostile, degrading, humiliating or offensive environment for an individual.</u></p>	JSC resolved this addition to the existing Code to reflect the Committee on Standards in Public Life Best Practice Recommendation 1 which recommends that the Code should include prohibitions on bullying and harassment which should include a definition of bullying and harassment and a list of examples of the sort of behaviour which would be covered by the definition.

**Appendix 1**

		<p><u>Bullying and/or harassment may take many forms and may relate to:</u></p> <ul style="list-style-type: none"> <li>• <u>Age;</u></li> <li>• <u>Disability;</u></li> <li>• <u>Gender reassignment;</u></li> <li>• <u>Race;</u></li> <li>• <u>Religion;</u></li> <li>• <u>Belief;</u></li> <li>• <u>Sex;</u></li> <li>• <u>Sexual orientation.</u></li> </ul> <p><u>However, this list is not exhaustive and any form of bullying or harassment is prohibited by this Code of Conduct.</u></p>	
" "	3.5 You must not disclose information which is confidential, unless:	3.5 You must not disclose information which is <u>given to you in confidence, or information which you believe or ought reasonably to be aware is of a confidential nature</u> , unless:	JSC resolution to clarify further rules around confidentiality.
" "	3(11) New wording inserted	(11) You must comply with any Protocol adopted by the Council which seeks to regulate the conduct of its elected Members of co-opted Members and which the Council has specifically declared should fall within the provisions of this Code of Conduct. This includes the Protocol on Officer/Member Relations and the Code of Good Practice for Councillors involved in the Planning Process.	JSC resolution to expand on expectations.
" "	3(12) New wording inserted.	(12) In the event of a complaint being made alleging a breach of this Code of Conduct, you must co-operate fully and honestly with any formal standards investigation carried out by the Council. You should not instigate complaints under this Code which are politically motivated, malicious or trivial in nature where further action would be disproportionate or not in the public interest.	JSC resolved this addition to the existing Code to reflect the Committee on Standards in Public Life Best Practice Recommendation 2 which recommends that Council's should include provisions within their Code requiring Councillors to comply with any formal standards investigation and that Code should also prohibit trivial or malicious allegations by Councillors.

**Table of Key Amendments to Constitution - Section 5 - Section 5B - Officers' Code of Conduct**

Constitution Section & Page Number	Original Wording	Tracked Changed Wording	Reason for Amendment
Section 3.5 - Disclosure of Information, Page 298	Employees should ensure that disclosure of personal data conforms to the principles of the Data Protection Act 1998.	Employees should ensure that disclosure of personal data conforms to the principles of the Data Protection Act <del>1998</del> <u>2018</u> , <u>supplemented by the General Data Protection Regulations and any related guidance and codes of practice relating to the processing of personal data and privacy.</u>	Update in legislation.



**Appendix 1**

Section 6.1 - Relationships with Councillors, Page 299	The Council recognises that the relationship between Members and Officers may change following the implementation of the Executive decision making system. In response to this, a Protocol on Officer/Member Relations has been developed to provide guidance on issues such as dealing with scrutiny. This is available from Democratic Services.	<del>The Council recognises that the relationship between Members and Officers may change following the implementation of the Executive decision making system.</del> <del>In response to this,</del> a Protocol on Officer/Member Relations has been developed to provide guidance on issues such as dealing with scrutiny. This is available from Democratic Services.	Minor re-word to bring it up to date.
Section 7 - Employment Matters, Page 300	7.1 It is unlawful to discriminate in recruitment on the grounds of sex, race or disability. To avoid accusations of bias, employees should avoid being involved in an appointment if they are related to, or the partner of, an applicant.  7.3 All employees graded above spinal column point 28 of the National Joint Council scheme of conditions of service need Chief Officer approval to take outside employment.	7.1 It is unlawful to discriminate in recruitment on the grounds of <u>age, gender reassignment, being married or in a civil partnership, being pregnant or on maternity leave,</u> sex, race, <u>religion or belief</u> or disability. To avoid accusations of bias, <del>employees</del> <u>Officers</u> should <del>avoid</del> <u>avoid-not</u> being involved in an appointment if they are related to, or the partner of, an applicant. <u>Officers should consider the Recruitment and Selection Guidelines regarding avoiding discrimination.</u>  7.3 All <del>employees</del> <u>Officers</u> graded above <del>spinal column point 28 of the National Joint Council scheme of conditions of service</del> <u>grade 7 or equivalent</u> need Chief Officer approval to take outside employment.	Update in legislation.  Addition of recruitment and selection guidelines.  Change in grade structure.
Section 8 - Personal Interests, page 301	8.1 It is important that employees are protected from accusations of impropriety. Employees should declare in writing to their Chief Officer any financial or non-financial interests which they consider could conflict with the interests of the Council or adversely affect the performance of their duties.	8.1 It is important that Officers are protected from accusations of impropriety. In accordance with the Council's Declaration of Interest Policy, employees should declare in writing (using the Declaration of Interest form) to their Chief Officer any financial or non-financial interests which they consider could conflict with the interests of the Council or adversely affect the performance of their duties.	Inclusion of Council Declaration of Interest Policy.
Section 8 - Personal Interests, page 301		For detailed guidance on financial and non-financial information that should be declared Officers should refer to the Declaration of Interests policy.	Reference to Declaration of Interests Policy.
Annex 1 - Politically Restricted Posts, Pages 304-305			New addition to most of Annex 1 to reflect the newly updated Employee Code of Conduct which is in force.

**Table of Key Amendments to Constitution - Section 5 - Section 5C - Protocol on Officer Member Relations**

Constitution Section & Page Number	Original Wording	Tracked Changed Wording	Reason for Amendment
Section 5C - When Things Go Wrong - Procedure for Officers, Page 310	5.3 New wording inserted.	If the Officer continues to have concerns then he/she may wish to make a complaint to the Council's Monitoring Officer, if the conduct falls within the remit of the Members' Code of Conduct (see Section 5A of the Council's Constitution).	JSC resolution to give recourse to Member Code of Conduct for Officers.

<p>Section 5C - Publicity and Press Releases - Pages 316-317</p>	<p>12 Publicity and Press Releases</p> <p>12.1 Local Authorities are accountable to their electorate. Accountability requires local understanding. This will be promoted by the Council, explaining its objectives and policies to the electors and customers. Local Authorities use publicity to keep the public informed and to encourage public participation. The Council needs to tell the public about the services it provides. Good effective publicity should aim to improve public awareness of the Council’s activities. Publicity is a sensitive matter in any political environment because of the impact it can have. Expenditure on publicity can be significant. It is essential to ensure that decisions on publicity are properly made in accordance with the Code of recommended Practice on Local Authority Publicity and the Council’s Media Protocol.</p> <p>12.2 Officers and/or Members should seek advice from the Assistant Director Customer Services and Digital when making decisions on publicity, and particular care should be paid to any publicity used by the Council around the time of an election.</p>	<p>12 <del>Publicity and Press Releases</del> <u>Media and Communications</u></p> <p><del>12.1 Local Authorities are</del> <u>The Council is</u> accountable to their electorate. Accountability <del>requires local understanding. This</del> will be promoted by the Council, explaining its objectives and policies to the electors and customers. <del>Local Authorities</del> <u>The Council will</u> use publicity to keep the public informed and to encourage public participation. <del>The Council needs to tell the public about the services it provides. Good effective publicity should aim to improve public awareness of the Council’s activities.</del></p> <p><del>12.2</del> <u>Publicity is a sensitive matter in any political environment because of the impact it can have. Expenditure on publicity can be significant. It is essential to ensure that decisions on publicity are properly made in accordance with the Code of recommended Practice on Local Authority Publicity and the Council’s Media Protocol</u> <u>which outlines the principles and processes governing communications with media outlets. The Protocol applies to all Members and Officers and has been produced to provide guidance and clarify good practice relating to the effective management of media relations at the Council. Press releases or other communications are not issued by the Council on behalf of other political groups.</u></p> <p><del>12.3</del> <u>Every effort will be made to ensure that Members do not hear important information about the Council from other sources first. Members of Officers quoted or named in a news article will be provided with a copy before it is published, so that they are able to digest and consider the issue prior to any media enquiry.</u></p> <p><del>12.4</del> <u>The social media policies provide clear advice and guidance on the acceptable use of social media by Officers. Members should consult the Local Government Association’s social media best practice guidelines and refer to the Members’ Code of Conduct. The Council’s electronic communications policy applies to Officers and Members to ensure that all electronic forms of communication are used appropriately within the workplace, whether that be in a Council office, or remotely.</u></p> <p><del>12.5</del> <u>Officers and/or Members should seek advice from the Council’s Communications Department or the Assistant Director of Customer Services and Digital Services when making decisions on publicity, and particular care should be paid to any publicity used by the Council around the time of an election.</u></p>	<p>JSC resolution to consider social media in Constitution.</p>
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Table of Key Amendments to Constitution - Section 5 - Section 5D - Access to Information Procedure Rules

Constitution Section & Page Number	Original Wording	Tracked Changed Wording	Reason for Amendment
Section 5D - Codes and Protocols Getting Information and Getting Involved: Access to Information Procedure Rules, Page 333.	1.15.1 As soon as reasonably practicable after an officer has made a decision which is an executive decision, the officer must produce a written statement which must include:	1.15.1 As soon as reasonably practicable after an officer has made a decision which is an executive decision, the officer must produce a written statement which must include: <u>(f) if appropriate, a statement of the reason why the decision is not regarded as a "key decision " as defined in this Constitution.</u>	This additional wording is to ensure that executive decisions taken by officers are recorded with greater clarity.
Section 5D - Codes and Protocols Getting Information and Getting Involved: Access to Information Procedure Rules, Page 334.	1.15.1 As soon as reasonably practicable after an officer has made a decision covered by this rule, the officer must produce a written record including:	1.15.1 As soon as reasonably practicable after an officer has made a decision covered by this rule, the officer must produce a written record including: <u>(e) if appropriate, a statement of the reason why the decision is not regarded as a "key decision " as defined in this Constitution.</u>	This additional wording is to ensure that non-executive decisions taken by officers are recorded with greater clarity.

Table of Key Amendments to Constitution - Section 5 - Section 5E - Code of Good Practice for Councillors involved in the Planning Process

Constitution Section & Page Number	Original Wording	Tracked Changed Wording	Reason for Amendment
Section 5E - Summary, page 337	2nd bullet point in 1.2: themselves at risk of being the subject of a standards complaint,	Themselves at risk of being the subject of a standards complaint; <u>or; if the failure is also likely to be a breach of the Localism Act 2011, a complaint being made to the Police to consider criminal proceedings.</u>	Setting out the full implications of the Localism Act 2011.
Section 5E - Site Visits, Page 345	8.6 It is not good practice for a member of a Planning Committee to do so as this can lead to a perception that the Councillor is no longer impartial.	8.6 It is not good practice for a member of a Planning Committee to do so as this <del>can lead to a perception that the Councillor is no longer impartial</del> <u>may give the impression of bias.</u>	
Section 5E - Decision Making, Page 346	10.3 Adequate reasons must be given for any decision. It is particularly important to ensure that these are fully articulated and recorded where a decision is made contrary to an officer recommendation or contrary to established policy.	10.3 Adequate <u>planning</u> reasons must be given for any decision/ <u>conclusion</u> . It is particularly important to ensure that these are fully articulated and recorded <u>prior to the vote and must be recorded</u> where a decision is made contrary to an officer recommendation or contrary to established policy.	Further detail given as to the decision making in planning matters.
Section 5E - Decision Making, Page 347	10.4 Members must come to a decision after proper consideration of all the information reasonably required.	10.4 Members must come to a decision after <del>proper due</del> <u>consideration of all the information reasonably required, upon which to base a decision.</u>	Further detail given as to the decision making in planning matters.

Table of Key Amendments to Constitution- Section 6 - Members' Scheme of Allowances

Constitution Section & Page Number	Original Wording	Tracked Changed Wording	Reason for Amendment
Section 6: Members' Scheme of Allowances – Page 352	2.1 ( e) Group Leader (Minority Party)	2.1 ( e) Group Leader (Minority Party <u>– minimum 4 Members</u> )	
Section 6: Members' Scheme of Allowances – Page 353	3.3.5 Claims for dependent carers allowance should be submitted to Democratic Services by the date notified and must be supported by receipts.	3.3.5 Claims for dependent carers allowance should be submitted <del>to Democratic Services</del> <u>via Trent for approval by the Head of Civic, Democratic &amp; Scrutiny Services</u> by the date notified and <u>, where possible, must-should</u> be supported by receipts.	
Section 6: Members' Scheme of Allowances – Page 353	New section	<u>3.4 Welfare Support</u> <u>3.4.1 In recognition of the effects of work related and personal stress related to their role, Members will be able to access, in principle, a similar level of Welfare Support to that of a City of York Council employee, where deemed appropriate in consultation with the Head of Human Resources.</u>	
	New section	<u>3.5.2 The Council will pay or reimburse approved travel or subsistence expenses for Members in accordance with HMRC recommended rates or such other national guidance as may be applicable.</u>	

Table of Key Amendments to Constitution - Section 7 - Management Structure

Constitution Section & Page Number	Original Wording	Tracked Changed Wording	Reason for Amendment

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## APPENDIX 1A

### DRAFT

#### Audit & Governance Committee

The Council will establish the Audit & Governance Committee.

#### **Composition**

The Audit Committee will comprise X members, but shall not include in its membership any member of the Executive.

#### **Role and Function**

The Committee is a key component of the Council's corporate governance arrangements. It provides independent assurance on the Council's arrangements for governance, risk management and internal control and oversees the financial reporting and annual governance processes.

The Committee oversees the Council's arrangements for internal and external audit and assists in ensuring that efficient and effective assurance arrangements are in place.

The Committee will be responsible for functions set out below:

#### Audit

- Approving the Annual Audit Plan of the Council
- Monitoring progress against the Annual Audit Plan
- Considering the Head of Audit's annual report and opinion
- Contributing to the Quality Assurance and Improvement Programme, including the external assessment of internal audit
- Approving the Annual Statement of Accounts
- Considering the Annual Governance Statement and monitoring any necessary actions
- Reviewing the Strategic Risk Register and considering risk management arrangements
- Monitoring the Council's expenditure against Budget
- Considering the Council's Treasury Management activities
- Considering the Annual Review of the Council's Regulatory Framework
- Receiving the Report of the Monitoring Officer
- Consider any relevant issues referred to it by the Head of Paid Service, S151 Officer, Monitoring Officer Head of Internal Audit and any other council body.
- Considering the external auditor's reports and letters addressed to those charged with governance

#### Governance

- The Committee will be responsible for the overview of the Confidential Reporting Code.
- To advise the Council on the monitoring, amendments to and overall operation of the Constitution.

- The Chairman of the Audit & Governance Committee will provide an annual report to Full Council.
- Oversight of activity and compliance in respect of the Regulation of Investigatory Powers Act.



Appendix 2

**Review of Governance 2020 – 2021**

**DRAFT Terms of Reference**

The Governance Review Working Group is to consist of:

- Member Representatives - 7 in total (4 Lib Dem, 2 Labour, 1 minority group rep) from:
  - Member(s) of the Executive
  - Chair and Member(s) of Governance and Audit Committee
  - Scrutiny Chair(s)
  
- Officers
  - Director of Governance & Monitoring Officer
  - Head of Democratic Services
  - Section 151 Officer

The Governance Review Working Group is tasked to conduct an assessment and review of the Council's governance structure to:

- Consider the available structures and how they would minimise unnecessary delays in decision-making.
  
- Consider the views of councillors, officers, stakeholders, partners, business, residents and community and voluntary groups and in particular how to achieve greater engagement in decision-making.
  
- Identify those aspects of the council's governance that works well and opportunities to enhance councillor and other stakeholder participation in the local democratic process.
  
- Identify the resource and cost implications for all participants of any proposals.
  
- Consider the officer scheme of delegation to ensure it is fit for purpose.
  
- Ensure proposals achieve robust and transparent decision-making within the Council as a whole.

The Working Group will be able to make recommendations to Full Council and/or Executive during the course of the assessment and review. In addition, the Working Group can report to Audit and Governance if they require involvement of a particular Scrutiny Committee if necessary.

The Review will be concluded prior to the Annual Council Meeting in 2022.

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