

Table of Key Amendments to Constitution - Section 1 - Introduction

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

Appendix 1

**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

**Appendix 1**

**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.

**Appendix 1**

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	

**Appendix 1**

	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.	

Appendix 1

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.

**Appendix 1**

	<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.

## Appendix 1

Section 3D - Functions of the Chief Finance Officer, Page 123	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;  8.2(b) to be responsible for the administration of the financial affairs of the Council;	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;  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>	The full procedure for the function doesn't really need to be included, so have condensed it.  To ensure consistency with Article 13 of the Constitution
Section 3D Functions of the Chief Finance Officer, Page 123		<u>(d) To determine the commercial fees charged for use of Council property by third parties as appropriate.</u>	
Section 3D Proper Officer Functions - Local Government Act 1972, Pages 127-133	Section 42 - To receive notice in writing of a request for an election on casual vacancy occurring in the office of a Parish Councillor		Take out - repealed.
" "	Section 84 - To receive written notice of resignation from any Officer under the Local Government Act 1972.	Section 84 - To receive written notice of resignation from any <u>person elected to any</u> Officer under the Local Government Act 1972.	Changed to clarify the wording of section 84.
" "	Section 100		Section 100 - moved from bottom of list to relevant part of list so that it reads in chronological order.
" "	Section 151 - Director of Customer and Corporate Services nominated Proper Officer	Chief Finance Officer	Changed to allow constitution wording to remain even if job title changes.
" "	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.	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>	Changed for clarity.
" "	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.		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.

**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.

Appendix 1

	<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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Appendix 1

<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>

**Appendix 1**

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> 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.	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.

Appendix 1

<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>12.2</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>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>12.3</u> Every effort will be made to ensure that Members do not hear important information about the Council from other sources first. <u>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>12.4</u> The social media policies provide clear advice and guidance on the acceptable use of social media by Officers. <u>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>12.5</u> Officers and/or Members should seek advice from the <u>Council's Communications Department or the Assistant Director of Customer Services and Digital Services</u> 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>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