



Notice of a public meeting of

Audit and Governance Committee

To:	Councillors J Burton (Vice-Chair), Hollyer (Chair), Fisher, Mason, Melly, Rose and Whitcroft Mr Binney (Independent Member) Mr Leigh (Independent Member)
Date:	Wednesday, 20 March 2024
Time:	5.30 pm
Venue:	The Snow Room - Ground Floor, West Offices (G035)

AGENDA

1. **Declarations of Interest** (Pages 1 - 2)

At this point in the meeting, Members and co-opted members are asked to declare any disclosable pecuniary interest, or other registerable interest, they might have in respect of business on this agenda, if they have not already done so in advance on the Register of Interests. The disclosure must include the nature of the interest.

An interest must also be disclosed in the meeting when it becomes apparent to the member during the meeting.

[Please see attached sheet for further guidance for Members].

2. **Public Participation**

At this point in the meeting members of the public who have registered to speak can do so. Members of the public may speak on agenda items or on matters within the remit of the Committee.

Please note that our registration deadlines are set as 2 working days before the meeting, in order to facilitate the management of public participation at our meetings. The deadline for registering at this meeting is 5:00pm on Monday, 18 March 2024.

To register to speak please visit www.york.gov.uk/AttendCouncilMeetings to fill in an online registration form. If you have any questions about the registration form or the meeting, please contact Democratic Services. Contact details can be found at the foot of this agenda.

Webcasting of Public Meetings

Please note that, subject to available resources, this meeting will be webcast including any registered public speakers who have given their permission. The meeting can be viewed live and on demand at www.york.gov.uk/webcasts.

During coronavirus, we made some changes to how we ran council meetings, including facilitating remote participation by public speakers. See our updates (www.york.gov.uk/COVIDDemocracy) for more information on meetings and decisions.

3. Proposed Changes to the Composition and Quorum of Staffing Matters and Urgency Committee (Pages 3 - 6)

The report asks Members to agree the proposed addition of wording into Article 11 of the Constitution.

4. Urgent Business

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

Democracy Officer:

Name: Louise Cook
Telephone: (01904) 551031
Email: louise.cook@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 جاسکتی ہیں۔ (Urdu)

 (01904) 551550

This page is intentionally left blank

Declarations of Interest – guidance for Members

- (1) Members must consider their interests, and act according to the following:

Type of Interest	You must
Disclosable Pecuniary Interests	Disclose the interest, not participate in the discussion or vote, and leave the meeting <u>unless</u> you have a dispensation.
Other Registrable Interests (Directly Related) OR Non-Registrable Interests (Directly Related)	Disclose the interest; speak on the item <u>only if</u> the public are also allowed to speak, but otherwise not participate in the discussion or vote, and leave the meeting <u>unless</u> you have a dispensation.
Other Registrable Interests (Affects) OR Non-Registrable Interests (Affects)	Disclose the interest; remain in the meeting, participate and vote <u>unless</u> the matter affects the financial interest or well-being: (a) to a greater extent than it affects the financial interest or well-being of a majority of inhabitants of the affected ward; and (b) a reasonable member of the public knowing all the facts would believe that it would affect your view of the wider public interest. In which case, speak on the item <u>only if</u> the public are also allowed to speak, but otherwise do not participate in the discussion or vote, and leave the meeting <u>unless</u> you have a dispensation.

- (2) Disclosable pecuniary interests relate to the Member concerned or their spouse/partner.
- (3) Members in arrears of Council Tax by more than two months must not vote in decisions on, or which might affect, budget calculations,

and must disclose at the meeting that this restriction applies to them. A failure to comply with these requirements is a criminal offence under section 106 of the Local Government Finance Act 1992.



Audit and Governance Committee
Report of the Director of Governance

20 March 2024

Proposed Changes to the Composition and Quorum of Staffing Matters and Urgency Committee

Summary

1. To agree the proposed addition of wording into Article 11 of the Constitution.

Background

2. Recent difficulties in organising a meeting of the Staffing Matters and Urgency Committee (“SMUC”) have highlighted a significant flaw in the Council’s Constitution insofar as it relates to the Committee and its quoracy.
3. Presently, the committee is comprised of four members (which, in and of itself, is not ideal as it is preferable for committees to be comprised of odd numbers of members, to minimise the need for Chair’s casting votes). Unfortunately, however, the Constitution presently states, at Paragraph 4.1 d) of Appendix 6, that *“Any other Committee of the Council, including Planning Committee A and Planning Committee B will not transact any business unless at least four Members are present”*.
4. Since SMUC is not one of the committees referenced in paragraphs 4.1 a) to c), and Article 11 of the Constitution is silent on the issue of quorum, the provisions of Paragraph 4.1 d) apply. This means that the quorum for SMUC is its entire membership. This stands wholly contrary the ordinary concept of a “quorum”, i.e., one quarter of the members, or the common proportion for a quorum of one third of the members.
5. This position has led to significant challenges in arranging urgent SMUC meetings, due to lack of member availability, impacting on the ability of the Council to conduct its business in a lawful and timely manner.

6. In order to remedy this, it is proposed that Article 11 be further amended by the introduction of the following paragraph:

“1.3 The Committee shall comprise five members and shall have a quorum of three members.”

7. If Members are minded to endorse this addition, the matter will then be considered by Council on Thursday, 21 March 2024.

Implications

- 8.

Financial – None directly arising from this report.

Human Resources (HR) – None directly arising from this report.

Equalities – None directly arising from this report.

Legal – The amendment proposed by this report will ensure that the Council is able to lawfully and expeditiously discharge its decision-making obligations, and will remedy an error in the current Constitution which has left the SMUC in a position where its quorum is the same as its membership, which is sub-optimal and highly unusual.

Crime and Disorder, Information Technology and Property – None directly arising from this report.

Recommendations

9. It is recommended that Members endorse the proposed additional wording as set out in paragraph 6 above, and remit the matter for consideration at the Council meeting to be held on Thursday, 21 March 2024.

Reason: In order to remedy an error in the Constitution, to ensure that the Council can lawfully and expeditiously carry on its business.

Options

10. Members may choose to endorse or not endorse the recommended additional wording.

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

Report Approved **Date** 11 March 2024

Specialist Implications Officer(s):
None

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

For further information please contact the author of the report

Background Papers:

- None.

Annexes:

- None

This page is intentionally left blank