

## The Report of the Executive

The Executive met on Tuesday, 16 October 2012. County Councillor John Weighell in the Chair. County Councillors Arthur Barker, Gareth Dadd, Tony Hall and Carl Les.

Also in attendance: County Councillors Keith Barnes and John Batt.

The Executive met on Tuesday, 6 November 2012. Present: County Councillor John Weighell in the Chair. County Councillors Arthur Barker, Gareth Dadd, Tony Hall, Carl Les, Chris Metcalfe, John Watson OBE, and Clare Wood.

Also in attendance: County Councillors John Blackie, Tony Clark, Managing Director of Richmondshire District Council, Carl Sugden, Chairman of Schools Forum.

The Executive met on Tuesday, 20 November 2012. Present: County Councillor John Weighell in the Chair. County Councillors Arthur Barker, Gareth Dadd, Tony Hall, Carl Les, Chris Metcalfe, John Watson OBE, and Clare Wood.

Also in attendance: County Councillors Keith Barnes, John Blackburn, Jim Clark, Liz Casling, David Jeffels and Don MacKenzie and Ryedale District Councillor Linda Cowling.

The Executive met on Tuesday, 27 November 2012. Present: County Councillor John Weighell in the Chair. County Councillors Gareth Dadd, Tony Hall, Carl Les, Chris Metcalfe and Clare Wood.

Also in attendance: County Councillor Geoff Webber.

**1. School Funding Reform – LMS Formula.** This report sets out a summary of work undertaken on school funding reform by the Children and Young People's Service Directorate and the Schools Forum and recommends proposals to be adopted by the Council, in order to meet the Department for Education's (DfE) deadline for implementation in April 2013. The Council is asked to agree that the DfE be notified of the Council's intended school funding formula for 2013-14; that technical modifications be sought for 2013/14; and that permission be sought to apply a 0% Medium Funding Guarantee in 2013/14, if the technical modifications are not granted.

Following the meeting of the Schools Forum on September 19<sup>th</sup>, a consultation on the DfE's proposals for school funding changes was held with all schools in North Yorkshire. The consultation looked at two main issues; what is to be delegated and how it is to be delegated through changes to the Local Management of Schools (LMS) Formula. Consultation papers were published to all schools on 20<sup>th</sup> September and a number of consultation meetings were held throughout the county. In total there were over 275 attendees at these, from all sectors – primary, secondary and special, LA-maintained and Academy. At the end of the process, 83 responses were received, which accounts for around 22% of schools. This equates to 22% primary schools, 18% local authority secondary schools and 50% Academy secondary schools. In addition, a number of schools, whilst not making a direct response to the consultation, have contacted or met with Members of Parliament to express their concerns.

Many have provided us with copies of their written presentations to MPs.

The DfE has stated that it wishes to implement a national funding formula for all schools. The main principles for this are to be simplicity and transparency rather than equity or need. However, at least for the time being, there is to be no change in funding between LAs. The DfE's original reason for carrying out a national review - that schools sometimes ask why in one local authority area they are funded £x per pupil, but in another the figure is £y, - will continue to exist after implementation. In practical terms, this means that each local authority is being given a restricted menu of options with which to construct a formula. While some of those menu choices appear, at first glance, to be similar to our current formula components, the further restrictions then imposed on how we can use them – including the DfE-produced data which must be used – mean, in fact, that schools will still face significant changes.

Following substantial work over the summer, a “least worst” model (Z4.A.25) was constructed. This would lead to 1/3<sup>rd</sup> of schools losing funding, by a figure approaching £7m. The schools affected include those responsible for about 49% of North Yorkshire primary pupils. While we would all welcome additional funding for schools, the Schools Forum and Executive Members felt this was unjustified if that funding were to be taken from other schools – especially when there was no rationale for this, other than the “simplicity” pioneered by the Department. The Schools Forum and Executive Members, therefore, took the view that even this “least worst” option was unacceptable and did not feel able to recommend it to schools.

There are a number of reasons for the turbulence, which result in 20% losses for some schools. Key issues are:

- one lump sum for all schools, which takes no account of size
- inability to target funding at need, as the Council currently does in its formula. This is particularly true for deprivation, pupil mobility and English as an Additional Language. Although the DfE model does contain these as funding factors, the restrictions placed on how they can be used means that resources are, in practice, removed from the schools where these issues impact most. This is surely an unintended consequence which is the result of lack of understanding and practical experience on the part of officials and officers of the Council have repeatedly offered to help the Department to broaden its understanding
- removal of premises-funding
- changes in allocation of grants that were mainstreamed in 2011-12

In addition there are concerns about the proposed transitional funding arrangement, to “smooth out” the changes in the first 2 years of implementation. This transitional funding takes the form of a Minimum Funding Guarantee of -1.5%, meaning that no school will lose more than 1.5% of its funding per pupil. The Department has not yet been able to say what will happen at the end of those 2 years.

The consultation, therefore, asked schools for their views on how that “least worst” model has been built. It also asked for schools’ support in continuing to lobby MPs and the Department for small technical concessions, to enable a closer fit with current funding levels. The result of the consultation showed a general recognition that we have gone as far as we can in producing a formula which comes closest to our current carefully-constricted needs-led model, which was implemented in 2009. There is also, however, overwhelming recognition that the outcome was unacceptable, and unanimous support for attempts to persuade central government of the inadequacy of the DfE proposals.

Schools have, individually and collectively, made their views known to MPs. Executive Members are aware of at least 12 such letters to MPs and ministers on behalf of around 30 schools and are aware that at least 3 meetings have taken place between schools and their local MPs. There may well be more. This Council is also sharing information with other local authorities and national organisations, such as the Local Government Association, the Society of County Treasurers and the F40 Group of lowest funded authorities. At Council level we have had, or are to have, meetings with two of the MPs with constituencies in the County, and have written to all of them. Most have been supportive and appear to have understood our concerns. A meeting is being planned in London with all six MPs for the County. We have also written to the Schools Minister and will follow this up with further representations following the meeting of the Schools Forum on 24 October.

Of course the changes do not solely impact on North Yorkshire schools. Similar local authorities (LA's) are seeing the same or, in some cases, more turbulence and a number have taken the same approach as this Council in offering a technical solution to the problems caused by the "one size fits all" view of central government. Discussions with other LAs suggest that the model works best with smaller, fairly uniform LAs, although even this is by no means consistent. The Executive's preferred solution is to allow LAs some "minor technical modifications" to the proposals, some local flexibility, while the DfE comes to terms with its own proposals and the impact they will have. This is a solution also offered by Councils in Staffordshire, Lancashire, Cumbria and Norfolk, to name but a few.

In its most recent letter, the DfE has responded to the concern from schools, MPs and Local Authorities by recognising that there are issues. Councils are still being told, however, that they need to implement the proposals from next April. The DfE has stated that, should the changes prove "unacceptable" to them, then they will make adjustments for 2014. Therefore a review will take place during 2013-14. The point has been made to the DfE that it does not appear reasonable for them to acknowledge, before implementation, that there are problems of a magnitude to justify review, and yet to press on with implementation. This will cause concern and uncertainty to schools, both of which adversely affect the planning and confidence which are fundamental to school autonomy. Some schools will lose funding unjustifiably. The DfE has said that schools will "only" lose 1.5% of their budget. For some schools, that is more than the cost of a teacher and it appears perverse that this should be necessary while local authorities wait for a review, which may conclude that this should not have happened. The DfE will be reminded that schools have suffered real terms decreases in funding for 2 years now, and which will almost certainly continue, and that falling pupil numbers and reduced sixth form funding, in the secondary sector, have added to the financial stress. For that reason it has been proposed to the DfE that, if the Council is compelled to make changes before the review takes place, the Council should be able to guarantee that no schools lose out financially by being allowed to set the Minimum Funding Guarantee (MFG) at 0 per cent. The Schools Forum supported this approach. This would mean that, during the first year, no school would gain or lose as a result of the formula changes though schools will continue to see their budgets increase or decrease due to factors such as changes in pupil numbers.

In summary the Schools Forum:

- a) Agreed that officers had developed a "least worst" model for schools in North Yorkshire.
- b) Could not endorse implementation of the "least worst" model.

- c) Recognised that the Council may be obliged by the DfE to implement the “least worst” option, in order to exercise its statutory duties in respect of school budgets in a lawful manner.
- d) Agreed that the Secretary of State should continue to be pressed to allow the small technical adjustments needed to avoid turbulence and uncertainty.
- e) Agreed that, in the event of the technical adjustments not being authorised by DfE, the Authority seek agreement to apply a Minimum Funding Guarantee of 0% pending further formula review by the DfE.

North Yorkshire is a high delegator of funding and responsibilities to schools – it is one of the reasons why the LACSEG (the share of such central services which Academies receive) is one of the lowest in the country. This Council currently delegates 97% of the new Schools Block to schools. The Council does not, however, delegate everything and there are specific reasons for this - for example, where schools agree that it makes better sense to manage economies of scale on a County-wide basis, or where they agree to targeting particular funding to need. These are known as the centrally managed budgets.

To allow the Council to continue to use DSG funds to support centrally-managed budgets or contingencies, the Schools Forum must give approval. During the consultation process, and based on work with Headteachers, it was proposed that the majority of these budgets should continue to be funded and managed as they are now, for the time being. The LA and Forum will work together on a series of reviews to look at this approach over the next 12-18 months, and in preparation for further school funding changes which may come into play from April 2015. This will safeguard funding of over £6.5m per year over this period, which would otherwise have caused a mixture of budget pressures for the schools and Council and cessation of services. In responding to the Authority’s proposals, the Schools Forum took into account the views expressed in responses to the consultation. Some budgets were proposed for delegation at this time and this was also agreed. There were three areas where the Forum felt that the service should become a fully-traded one with schools and, therefore, the funding should be delegated from next April. Recognising, however, that there was a need for careful planning and implementation of the fully-traded service, the Forum agreed to provide some transitional funding for a maximum of two years for these areas. A summary of the decisions is set out below.

Services to be delegated (total £2.65m)

<b>Service</b>	<b>Decision</b>
Rural Education*	Delegate funding by pupil numbers
Other Contingencies*	Delegate funding by pupil numbers
School Meals*	Delegate funding by mix of pupil numbers, lump sum and deprivation
Carbon Reduction Charge	Delegate funding by pupil numbers
Joint Use Insurance	Delegate funding by pupil numbers
Secondary Sports Association	Delegate funding by pupil numbers
Minor Works	Delegate funding by pupil numbers
Transport of furniture, etc	Delegate funding by pupil numbers
School Library Services	Delegate funding by pupil numbers
Schools CRC officer	Delegate funding by pupil numbers
Display Energy Certificate Service	Delegate funding by pupil numbers

For the services marked with a \* there is no option to continue as now and they must be delegated in 2013-14

Services to continue to be managed centrally/de-delegated (total £6.56m)

<b>Service</b>
Schools in Financial Difficulty
Unreasonable School Expenditure
Behaviour Support Services
Ethnic Minority Support
Free School Meals Eligibility
School Admissions and Strategic Planning
Trade Union Costs
Commissioning of Services
Strategic Support
Outdoor Learning
CYPFT Schools Block
Parent Support Advisors
Education Social Work
Home/School Support Workers
Grounds Maintenance Contingency
Schools Forum
Asbestos Removal
Legionella
Temporary Classrooms
Broadband
IMPULSE System
Corporate Landlord Unit
School Leader Training Programme (agreed for one year only)

The Executive noted the decisions taken by the Schools Forum on the central budgets and funding and thanked the Forum for its continuing contribution to achieving a sound financial strategy for schools in the County.

**The Executive RECOMMENDS:**

That the County Council ratifies the decisions of the Executive that:

- i. Option Z4.A.25 represents the least worst way forward if the Local Authority is unable to secure technical modifications from the DfE before 2013/14.
- ii. The DfE be advised by its deadline of 31 October that Option Z4.A.25 has been identified as the least worst option, but that it is not endorsed by the Schools Forum and is submitted only because the Local Authority recognises that it must comply with the DfE process in order to have a lawful basis for school budget setting in 2013/14.
- iii. The Secretary of State be urged to authorise his civil servants to agree the limited technical adjustments requested by the Authority in relation to lump sums and needs-based targeted funding in time for 2013/14, in order to remove the threat of excessive budget cuts in North Yorkshire schools.

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| <p>iv. That, in the event of (iii) not being agreed by the Secretary of State, permission is sought from the DfE to have a Minimum Funding Guarantee of 0% in 2013/14 in order to protect schools against unjustified budget reductions prior to further formula review in 2013/14.</p> |
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**2. Changes to Constitution.** The Monitoring Officer conducts a routine, light touch review of the Constitution periodically and an in depth review at least every four years. The latter was last undertaken in 2010. Many of the issues identified as changes in this report are routine updates as a result of legislative changes, but some others are more significant, such as the proposed reduction in frequency of meetings of the Council and some Committees.

Updates required as a result of legislative changes and related matters are set out in detail in Appendix A – Parts A, B and C. These reflect the major changes which are required, although further minor alterations may be required, in future, as these arrangements become embedded. These changes can be summarised as follows:

- a. Changes required as a consequence of the new ethical framework and the repeal of former arrangements; the establishment of the Standards Committee Hearings Panel as a formal sub-committee of the new Standards Committee, as agreed by the Committee; and the appointment of a second Independent Person for Standards. These changes are set out in Appendix A – Part A
- b. Cessation of police authorities in accordance with the Police Reform and Social Responsibility Act 2011.
- c. Access to Information Procedure Rule changes in response to the Local Authorities (Executive Arrangements) (Meetings and Access to Information) (England) Regulations 2012. Proposed amendments summarising the main legislative changes are set out in Appendix A – Part B.
- d. RIPA legislative changes - amendments are required to the Officers' Delegation Scheme to reflect changes to the RIPA regime, set out in Appendix A – Part C.

The outside bodies to which the County Council, the Executive and Committees make appointments are set out in Schedule 5 of Part 3 of the County Council's Constitution. 169 outside bodies are currently listed in the first 3 categories within that Schedule. Many of the smaller outside bodies are registered charities, whose Schemes, made by the Charity Commissioners, require a certain number of trustees to be appointed by the County Council. New appointments to outside bodies in Schedule 5 are due to be made immediately following the County Council elections in 2013. During recent months, a questionnaire has been emailed or posted to each outside body to confirm that the outside body continues to operate; the name of the outside body; and the number of seats to which the County Council is entitled to make appointments. Most outside bodies have now returned their questionnaires. Various changes have been identified, including:-

- 18 outside bodies have either ceased to exist, have been amalgamated, or have undergone recent membership change, resulting in it no longer being necessary for the County Council to make appointments;

- 12 outside bodies have changed the number of seats to which the County Council makes appointments; and
- 6 outside bodies have changed their names.

To reflect the above changes, various amendments are now recommended to Schedule 5 of Part 3 of the Constitution. Those amendments are shown as tracked changes in Appendix B to this report. Information about each outside body, to assist in the new appointments to be made following the County Council elections, has also been obtained via the questionnaire. This includes the purpose of each outside body; the frequency/time/venue of meetings; website addresses; and a set of recent minutes. 20 outside bodies, which are set out in Appendix C, have not yet responded to the questionnaire. No deletions in relation to those 20 bodies are, therefore, included within the recommended changes shown in Appendix B. It is recognised that the future of some of those 20 outside bodies is currently uncertain and is being considered. Some may, however, have ceased to exist already, or the Secretariats to those outside bodies may have changed and the County Council has not been informed. Further enquiries will, therefore, be made during forthcoming months to ascertain the situation regarding these 20 outside bodies and any further suggested amendments to Schedule 5 will be recommended to a future meeting.

At the most recent meeting of Area Committee Chairmen and Vice Chairmen, on 4 October 2012, and the Members' Working on the Constitution, on 14 November 2012, overall support was expressed for reducing the frequency of Area Committees meetings from 5 to 4 per year, therefore 1 per quarter. It is proposed that the reduction in the frequency of meetings would be implemented from May 2013, with the proviso that any Area Committee Chairman may exercise their discretion and call an additional meeting where the volume of business merits this. It is proposed to hold an annual summit following, or preceding, as appropriate, one of these meetings, enabling all members of the Area Committee to meet informally, in private, to debate, candidly, key policy issues, with a view to improving mutual understanding and partnership working. An Executive member could attend each summit to support the discussions. Officer presence would be kept to a minimum, and simple notes of the discussions would be maintained by an officer. The issues and ideas raised would then be fed back to each respective authority. The summits are to be Member driven, with County and District Councillors chairing meetings alternately. If the concept is adopted, it is proposed to pilot these arrangements across all Area Committees under the new administration, following the County Council election.

At the most recent meeting of Scrutiny Board, on 4 October 2012, support was expressed for a proposal to reduce the frequency of Overview and Scrutiny Committees' meetings from 5 to 4 per year for:

- Care and Independence Overview and Scrutiny Committee;
- Corporate and Partnerships Overview and Scrutiny Committee;
- Transport, Economy and Environment Overview and Scrutiny Committee
- and Young People Overview and Scrutiny Committee.

At this time it is not proposed to reduce the frequency of meetings of the Scrutiny of Health Committee, due to the volume of business being regularly transacted by that Committee.

At the briefing for the Chairman of the County Council, on 8 October, 2012, the Leader raised the question of a possible reduction in the frequency of County Council meetings from 5 to 4 per year. This might be achieved by removing the October meeting and moving the

December meeting forward to the second week of November, which would reinstate the pattern of Council meetings in use some years ago. This could be implemented from 2013, after the County Council election.

Because the North Yorkshire Police Authority has ceased to exist, it is necessary to delete reference to that body from Council Procedure Rule 10, which refers to questions by Members to the Chairman, or other representative, of the North Yorkshire Police Authority, the North Yorkshire Fire and Rescue Authority, the North York Moors National Park Authority and the Yorkshire Dales National Park Authority, as well as the County Council's Committees. It is also proposed to delete reference to the two National Park Authorities from this Council Procedure Rule, as they have been very rarely called upon in the past, and not at all in recent times.

Subject to the County Council approving the changes set out in this report, any consequential changes required to the Constitution would be made by the Assistant Chief Executive (Legal and Democratic Services) under her delegated powers.

**The Executive RECOMMENDS:**

That the proposed changes to the Constitution set out in the report and in Appendix A, Parts A, B and C, and Appendix B, including reducing the number of scheduled meetings of the County Council, Area Committees and Overview and Scrutiny Committees, other than the Scrutiny of Health Committee, from 5 to 4 per annum, be approved and that reference in the Constitution to meetings of the County Council in October and December be deleted and a meeting of the Council on the second Wednesday in November be added in their place

**3. Appointments to Committees and Outside Bodies.** The Executive makes below the usual recommendation that any proposals for the re-allocation of seats, if necessary to achieve political proportionality, or for changes to memberships or substitute memberships of committees, or other bodies to which the Council makes appointments, put forward by the relevant political group, prior to or at the meeting of the Council, be agreed.

**The Executive RECOMMENDS:**

That any proposals for the re-allocation of seats, if necessary to achieve political proportionality, or for changes to memberships or substitute memberships of committees, or other bodies to which the Council makes appointments, put forward by the relevant political group, prior to or at the meeting of the Council, be agreed.

JOHN WEIGHELL  
Chairman

# APPENDIX A – PART A

## Proposed Amendments to Constitution 2012/13

November 2012

The items listed in this amendments chart are consequential amendments arising out of legislative changes.

Where amendments are suggested to part of a paragraph, only the relevant part is replicated in the amendment chart below.

Provision in Constitution	Current Wording	Proposed Amendment	Reason(s)
Index	Interests – <a href="#">conflicts of interests on Executive</a> – Members - personal - prejudicial - overview and scrutiny	Interests – <a href="#">conflicts of interests on Executive</a> – Members - overview and scrutiny	To reflect the new ethical framework adopted by the Authority under the <a href="#">Localism Act 2011</a> and subordinate legislation.
Index	Members - <a href="#">allowances scheme</a>	Members - <a href="#">allowances scheme</a>	To reflect the new ethical framework adopted by the Authority under the

Deleted: - personal

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Provision in Constitution	Current Wording	Proposed Amendment	Reason(s)
	<ul style="list-style-type: none"> <li>- attendance at conferences</li> <li>- code of conduct</li> <li>- conduct</li> <li>- disclosure of exempt information</li> <li>- giving account at Overview and Scrutiny Committee</li> <li>- Interests</li> <li>- personal</li> <li>- prejudicial</li> <li>- right to speak at meetings</li> </ul>	<ul style="list-style-type: none"> <li>- attendance at conferences</li> <li>- code of conduct</li> <li>- conduct</li> <li>- disclosure of exempt information</li> <li>- giving account at Overview and Scrutiny Committee</li> <li>- Interests</li> <li>-</li> </ul>	<p>Localism Act 2011 and subordinate legislation.</p> <p>Deleted: personal[] - prejudicial[] - right to speak at meetings</p>
Index	Personal interests – Member	Interests – Member	<p>To reflect the new ethical framework adopted by the Authority under the Localism Act 2011 and subordinate legislation.</p> <p>Deleted: Personal i</p>
Part 1 (SUMMARY AND EXPLANATION), 'Citizen's Rights' section	<p>....</p> <ul style="list-style-type: none"> <li>• complain to the Council's Standards Committee if they have evidence which they think shows that a Councillor has not followed the Council's Code of Conduct for Members;</li> <li>...</li> </ul>	<p>...</p> <ul style="list-style-type: none"> <li>• complain to the Council's <u>Monitoring Officer</u> if they have evidence which they think shows that a Councillor has not followed the Council's Code of Conduct for Members; ...</li> </ul>	<p>To reflect the new ethical framework adopted by the Authority under the Localism Act 2011 and subordinate legislation.</p> <p>Deleted: Standards Committee</p>
Article 3 – Citizens and the Council  Article 3.01(d)(iii)	<p>(d) <b>Comments and Complaints:</b> Citizens have the right to comment on the Council's services and/or its performance. Good performance can be praised; constructive suggestions for improvement are always welcome. Where citizens feel something has gone wrong they may complain to:</p> <ul style="list-style-type: none"> <li>(i) the Council itself under its complaints scheme;</li> <li>(ii) the Local Government Ombudsman after using the Council's own complaints scheme;</li> </ul>	<p>(d) <b>Comments and Complaints:</b> Citizens have the right to comment on the Council's services and/or its performance. Good performance can be praised; constructive suggestions for improvement are always welcome. Where citizens feel something has gone wrong they may complain to:</p> <ul style="list-style-type: none"> <li>(iv) the Council itself under its complaints scheme;</li> <li>(v) the Local Government Ombudsman after using the Council's own complaints scheme;</li> </ul>	<p>To reflect the new ethical framework adopted by the Authority under the Localism Act 2011 and subordinate legislation.</p>

Provision in Constitution	Current Wording	Proposed Amendment	Reason(s)
	(iii) the Council's Standards Committee about a breach of the Councillor's Code of Conduct.	(vi) the Council's <u>Monitoring Officer</u> about a breach of the <u>Members'</u> Code of Conduct.	<div data-bbox="1921 181 2204 233" style="border: 1px solid blue; padding: 2px;">Deleted: Standards Committee</div> <div data-bbox="1921 240 2204 272" style="border: 1px solid blue; padding: 2px;">Deleted: Councillor's</div>
<p>Article 7 – The Executive</p> <p>Article 7.03 (b)</p>	<p><b>7.03 Leader</b></p> <p>The Leader will be a Councillor elected to the position of Leader by the Council. The Leader will hold office until:</p> <p>(a) he/she resigns from the office; or</p> <p>(b) he/she is suspended from being a Councillor under Part III of the Local Government Act 2000 (although he/she may resume office at the end of the period of suspension); or ...</p>	<p><b>7.03 Leader</b></p> <p>The Leader will be a Councillor elected to the position of Leader by the Council. The Leader will hold office until:</p> <p>(a) he/she resigns from the office; or</p> <p>(b) he/she is <u>disqualified</u> from being a Councillor under Part <u>Chapter 7</u> of the <u>Localism Act 2011</u>; or ...</p>	<p>To reflect the new ethical framework adopted by the Authority under the Localism Act 2011 and subordinate legislation and to reflect the repeal of the former legislative framework set out in the Local Government Act 2000.</p>
<p>Article 7.04 (b)</p>	<p><b>7.04 Other Executive Members</b></p> <p>Other Executive Members shall hold office until:</p> <p>(a) they resign from office; or</p> <p>(b) they are suspended from being Councillors under Part III of the Local Government Act 2000 (although they may resume office at the end of the period of suspension); or ...</p>	<p><b>7.04 Other Executive Members</b></p> <p>Other Executive Members shall hold office until:</p> <p>(a) they resign from office; or</p> <p><i>Delete (b) and re-number following paragraphs.</i></p>	<p>To reflect the new ethical framework adopted by the Authority under the Localism Act 2011 and subordinate legislation and to reflect the repeal of the former legislative framework set out in the Local Government Act 2000.</p>
<p>Article 9 - The Standards Committee</p> <p>Article 9.01 Standards Committee</p>	<p><b>9.01 Standards Committee</b></p> <p>The Council has established a Standards Committee.</p> <p>The responsibility for receiving and considering complaints that a Member may have breached the Members' Code of Conduct lies with the <b>standards committees</b> of local and other relevant public authorities (NOT Standards for</p>	<p><b>9.01 Standards Committee</b></p> <p>The Council has established a Standards Committee <u>to promote and maintain high standards of conduct within the authority and to determine any complaints against Members and voting co-opted Members referred to it by the Monitoring Officer.</u></p> <p>The responsibility for receiving and <u>assessing</u></p>	<p>To reflect the new ethical framework adopted by the Authority under the Localism Act 2011 and subordinate legislation.</p>

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Deleted: (although he/she may resume office at the end of the period of suspension)

Deleted: (b) they are suspended from being Councillors under Part III of the Local Government Act 2000 (although they may resume office at the end of the period of suspension); or ...¶

Deleted: considering

Provision in Constitution	Current Wording	Proposed Amendment	Reason(s)
	<p>England anymore).</p> <p>What this means is that if a person wishes to complain about the conduct of a Member of North Yorkshire County Council, s/he must submit his/her complaint, in writing, to:</p> <p>The Standards Committee c/o The Monitoring Officer North Yorkshire County Council County Hall NORTHALLERTON North Yorkshire DL8 2AD</p> <p>Standards Committee can only deal with complaints about the behaviour of a Member and cannot deal with complaints about things that are not covered by the Members' Code of Conduct. If a complaint is made to the Committee it must be about why the complainant thinks a Member has <b>not followed the Code</b> of Conduct.</p> <p>The Standards for England (an independent, national body) is a key part of the ethical framework, providing advice and guidance to authorities on the framework and acting as a 'light touch' regulator. Standards for England may still investigate more serious complaints in particular, limited circumstances.</p> <p>If a complaint against a Member does <b>not</b> involve an alleged breach of the Council's Code of Conduct for Members, then such a complaint should be made to the Chief Executive Officer of North Yorkshire County Council at the address above.</p>	<p>complaints that a Member may have breached the Members' Code of Conduct lies with the <u>Monitoring Officer, after consultation with the Independent Person for standards.</u></p> <p>What this means is that if a person wishes to complain <u>that</u> the conduct of a Member of North Yorkshire County Council <u>or a voting co-opted Member on one of its committees has breached the Members' Code of Conduct</u>, s/he must submit his/her complaint, in writing, to:</p> <p><u>The Monitoring Officer</u> <u>Legal and Democratic Services</u> North Yorkshire County Council County Hall NORTHALLERTON North Yorkshire DL8 2AD</p> <p><u>Setting out full details of the alleged behaviour and linking this to specific paragraphs of the Code where possible.</u></p> <p><u>The</u> Standards Committee can only deal with complaints about the behaviour of a Member <u>within the remit of the Code</u> and cannot deal with complaints about things that are not covered by the Members' Code of Conduct. <u>A complaint to the Monitoring Officer under the Code</u>, must be about why the complainant thinks a Member has <b>not followed the Code</b> of Conduct.</p> <p>If a complaint against a Member does <b>not</b> involve an alleged breach of the Council's Code of Conduct for Members, then such a complaint should be made to the Chief Executive Officer of North Yorkshire County Council at the address above.</p>	<p><b>Deleted: standards committees</b> of local and other relevant public authorities (NOT Standards for England anymore).</p> <p><b>Deleted: about</b></p> <p><b>Deleted: The Standards Committee</b> c/o</p> <p><b>Deleted: If a</b></p> <p><b>Deleted: is made</b></p> <p><b>Deleted: Committee</b></p> <p><b>Deleted: it</b></p> <p><b>Deleted: The Standards for England</b> (an independent, national body) is a key part of the ethical framework, providing advice and guidance to authorities on the framework and acting as a 'light touch' regulator. Standards for England may still investigate more serious complaints in particular, limited circumstances.</p>

Provision in Constitution	Current Wording	Proposed Amendment	Reason(s)	
<p>Article 9.02 Composition</p>	<p><b>9.02 Composition</b></p> <p>The Standards Committee will be composed of six Councillors (who may not include the Leader) and four persons who are not Councillors or Officers of the Council or any other body having a standards committee (the independent members). The independent members will be entitled to vote at meetings and the Committee will be chaired by one of the independent members.</p>	<p><b>9.02 Composition</b></p> <p>The Standards Committee will be composed of <u>not more than five county councillors and will be subject to the rules in relation to proportionality.</u> <u>The Council's independent persons for standards are invited to attend Standards Committee meetings.</u></p>	<p>To reflect the new ethical framework adopted by the Authority under the Localism Act 2011 and subordinate legislation</p>	<p><b>Deleted:</b> six Councillors (who may not include the Leader) and four persons who are not Councillors or Officers of the Council or any other body having a standards committee (the independent members).</p> <p><b>Deleted:</b> members</p> <p><b>Deleted:</b> will be entitled to vote at</p> <p><b>Deleted:</b> and the Committee will be chaired by one of the independent members.</p> <p><b>Deleted:</b> (a)</p> <p><b>Formatted:</b> Bullets and Numbering</p> <p><b>Formatted:</b> Indent: Left: 3 pt</p>
<p>Article 9.03 Roles, Terms of Reference and Functions</p>	<p><b>9.03 Roles, Terms of Reference and Functions</b></p> <p>The Standards Committee will have as its terms of reference, exercising the following roles and functions:</p> <p>(a) promoting and maintaining high standards of conduct by Councillors, co-opted members and church and parent governor representatives;</p> <p>(b) assisting the Councillors, co-opted members and church and parent governor representatives to observe the Members' Code of Conduct;</p> <p>(c) advising the Council on the adoption or revision of the Members' Code of Conduct;</p> <p>(d) monitoring the operation and effectiveness of the Members' Code of Conduct;</p> <p>(e) advising, training or arranging to train Councillors, co-opted members and church and parent governor representatives on</p>	<p><b>9.03 Roles, Terms of Reference and Functions</b></p> <p>The Standards Committee will have as its terms of reference, exercising the following roles and functions:</p> <p><u>(a) all functions of the Council under the Localism Act 2011 relating to ethical standards including;</u></p> <p><u>l.</u></p>	<p>To reflect the new ethical framework adopted by the Authority under the Localism Act 2011 and subordinate legislation.</p>	<p><b>Deleted:</b> &lt;#&gt;promoting and maintaining high standards of conduct by Councillors, co-opted members and church and parent governor representatives;¶</p> <p>¶</p> <p><b>Deleted:</b> &lt;#&gt;assisting the Councillors, co-opted members and church and parent governor representatives to observe the Members' Code of Conduct;¶</p> <p>¶</p> <p><b>Formatted:</b> Bullets and Numbering</p> <p><b>Deleted:</b> &lt;#&gt;(c)</p> <p><b>Deleted:</b> &lt;#&gt;advising the Council on the adoption or revision of the Members' Code of Conduct;¶</p> <p>¶</p> <p><b>Deleted:</b> (d)</p> <p><b>Deleted:</b> monitoring the operation and effectiveness of the Members' Code of Conduct;(e) advising, training or arranging to train Councillors, co-opted members and church and parent governor representative{ ... [1]</p>

Provision in Constitution	Current Wording	Proposed Amendment	Reason(s)
	<p>matters relating to the Members' Code of Conduct;</p> <p>(f) granting dispensations to Councillors, co-opted members and church and parent governor representatives from requirements relating to private and personal interests set out in the Members' Code of Conduct;</p> <p>(g) receiving and assessing complaints that Councillors, co-opted members and church and parent governor representatives may have breached the Code of Conduct for Members;</p> <p>(h) reviewing Standards Committee decisions to take no action on a complaint that the Code has been breached, where such review is requested by the complainant;</p> <p>(i) determining complaints (other than those being determined by Standards for England/the First Tier Tribunal (Local Government Standards in England) that Councillors, co-opted members and church and parent governor representatives may have breached the Code of Conduct for Members;</p> <p>(j) dealing with any reports from a case tribunal or interim case tribunal, any reports to the Committee by an Ethical Standards Officer, and any report from the Monitoring Officer on any matter which is referred by an Ethical Standards Officer (<i>see 12.03 (d)</i>) to the Monitoring Officer;</p> <p>(k) a general overview of ethical issues in relation to the Authority, including in particular any investigations undertaken, and reports issued, by the Local Government</p>	<p>II.</p> <p>III.</p>	<p>Deleted: &lt;#&gt;(f) .</p> <p>Deleted: (g) .</p> <p>Formatted: Bullets and Numbering</p> <p>Deleted: &lt;#&gt;granting dispensations to Councillors, co-opted members and church and parent governor representatives from requirements relating to private and personal interests set out in the Members' Code of Conduct;¶¶</p> <p>Deleted: receiving and assessing complaints that Councillors, co-opted members and church and parent governor representatives may have breached the Code of Conduct for Members;</p> <p>Deleted: ¶¶</p> <p>Deleted: &lt;#&gt;(h) .</p> <p>Deleted: &lt;#&gt;reviewing Standards Committee decisions to take no action on a complaint that the Code has been breached, where such review is requested by the complainant;¶¶</p> <p>Deleted: &lt;#&gt;(i) .</p> <p>Deleted: &lt;#&gt;determining complaints (other than those being determined by Standards for England/tr ... [2]</p> <p>Deleted: &lt;#&gt;(j) .</p> <p>Deleted: &lt;#&gt;dealing with any reports from a case tribu ... [3]</p> <p>Formatted: Indent: First line: 0 pt</p> <p>Deleted: (k)</p> <p>Deleted: a general overview of ethical issues in relati ... [4]</p> <p>Formatted: Bullets and Numbering</p>

Provision in Constitution	Current Wording	Proposed Amendment	Reason(s)
	<p>Ombudsman;</p> <p>(l) advising the Council on any amendments to its Constitution which might be desirable in the light of issues concerned with ethics and conduct;</p> <p>(m) dealing with any other complaints about Councillors' conduct, unrelated to the Code of Conduct, referred by the Chief Executive Officer. In such circumstances the Standards Committee may investigate, afford the Member a hearing, and may then advise the Member as to what action they should take. Should the member subsequently fail to take such action, they may be censured by the Standards Committee;</p> <p>(n) granting exemptions to officers in politically restricted posts to allow them to engage in political activities;</p> <p>(o) exercising all functions in respect of the publication of Standards Committee independent Member vacancies;</p> <p>(p) assisting in the recruitment of independent members to the Standards Committee (but not approving individual appointments);</p> <p>(q) taking decisions on withholding Members' allowances or requesting repayment of allowances in relation to Members suspended under Part III of the Local Government Act 2000, in the circumstances indicated below:</p> <p>i. The Standards Committee shall have the ability to withhold any part of a Member's basic allowance, special responsibility</p>	<p>IV.</p> <p>(b) exercising all functions in respect of the publication of Independent Person for standards; vacancies (sub-delegated to the Monitoring Officer, in consultation with the Chair of the Committee);</p> <p>(c) assisting in the recruitment of Independent Persons for standards (but not approving individual appointments);</p> <p>(d) assisting where requested in the designation and handling of persistent and/or vexatious complaints and complainants.</p>	<p>Deleted: &lt;#&gt;(l).</p> <p>Deleted: &lt;#&gt;advising the Council on any amendments to its Constitution which might be desirable in the light of issues concerned with ethics and conduct; ¶</p> <p>Formatted: Bullets and Numbering</p> <p>Deleted: (m).</p> <p>Deleted: dealing with any other complaints about Councillors' conduct, unrelated to the Code of Conduct, referred by the Chief Executive Officer. In such circumstances the Standards Committee may investigate, afford the M(... [5]</p> <p>Deleted: (n).</p> <p>Deleted: granting exemptions to officers in politically (... [6]</p> <p>Formatted: Indent: Left: 39 pt</p> <p>Deleted: all functions in respect of the publicatio(... [7]</p> <p>Deleted: ;</p> <p>Formatted: Indent: Left: 4.65 pt</p> <p>Formatted: Bullets and Numbering</p> <p>Formatted: Indent: Left: 4.65 pt</p> <p>Formatted: Bullets and Numbering</p> <p>Deleted: i</p> <p>Deleted: members</p> <p>Deleted: to the Standards Committee</p> <p>Deleted: iii. That the withholding of the specif (... [8]</p> <p>Deleted: ¶</p> <p>(q) taking decisions on (... [9]</p>

Provision in Constitution	Current Wording	Proposed Amendment	Reason(s)
	<p>allowance, co-optees' allowance or travel and subsistence allowance payable for any period where, or in respect of duties from which, s/he is suspended or partially suspended under Part III of the Local Government Act 2000;</p> <p>ii. The Standards Committee shall have the ability to require repayment of any allowance (or part thereof) already paid in respect of any period during which the Member concerned is suspended or partially suspended under Part III, ceases to be a Member of the authority or is in any other way not entitled to receive the allowance in respect of that period; and</p> <p>iii. That the withholding of the specified allowances or the requirement to repay any allowance in the circumstances set out above should continue during any period of appeal by the Member concerned under Part III of the Local Government Act 2000 and associated legislation. In the event of any appeal being successful in removing the suspension or partial suspension, then any withheld or repaid amount may be reimbursed to the Member where appropriate.</p> <p><i>Note: (a) – (j) and (n) above are compulsory. All other terms of reference are included through local choice.</i></p>		
Article 10 - Area Committees	<b>10.03 Conflicts of interest – Membership of Area Committees and Overview and Scrutiny Committees</b>	<b>10.03 Conflicts of interest – Membership of Area Committees and Overview and Scrutiny Committees</b>	To reflect the new ethical framework adopted by the Authority under the Localism Act 2011 and subordinate

Provision in Constitution	Current Wording	Proposed Amendment	Reason(s)
Article 10.03 Conflicts of Interest	<p>(a) <b>Conflict of interest:</b> If an overview and scrutiny committee is scrutinising specific decisions or proposals in relation to the business of the area committee of which an Overview and Scrutiny Committee Councillor is also a member, then the Councillor concerned may not vote at the overview and scrutiny committee meeting if s/he was present at the area committee meeting in question, unless a dispensation to do so is given by the Standards Committee. Such a councillor may have a right to speak at the overview and scrutiny meeting if permitted under the Members' Code of Conduct..</p> <p>(b) <b>General policy reviews.</b> Where an overview and scrutiny committee is reviewing policy generally the Member must declare his/her interest before the relevant agenda item is reached, but need not withdraw.</p>	<p>(a) <b>Conflict of interest:</b> If an overview and scrutiny committee is scrutinising specific decisions or proposals in relation to the business of the area committee of which an Overview and Scrutiny Committee Councillor is also a member, then the Councillor concerned may not <u>take part in the discussion or</u> vote at the overview and scrutiny committee meeting if s/he was present at the area committee meeting in question <u>and took part in the decision making (except that a Councillor may provide evidence or opinion to those undertaking any scrutiny process)</u>, unless a dispensation to do so is given by the Standards Committee.</p> <p>(b) <b>General policy reviews.</b> Where an overview and scrutiny committee is reviewing policy generally the Member must declare his/her interest before the relevant agenda item is reached, but need not withdraw.</p>	legislation.
Article 12 Staff Article 12.03 (d) Functions of the Monitoring Officer	<p>(d) <b>Receiving reports:</b> The Monitoring Officer will receive and act on complaint referrals made by the Standards Committee and any reports made by Ethical Standards Officers and decisions of the case tribunals. <i>(Note: Ethical Standards Officers are persons appointed by Standards for England ("SFE") to investigate cases of alleged breaches of the Members' Code of Conduct, where these are referred to the SFE by local standards committees. Case tribunals are bodies appointed by the First Tier Tribunal (Local Government Standards in England) to adjudicate on cases referred to them by standards committees or Ethical Standards Officers).</i></p> <p>(e) <b>Conducting investigations:</b> The Monitoring Officer will conduct investigations into matters referred by the Standards Committee or by Ethical Standards Officers and make reports or</p>	<p>(d) <b>Receiving <u>complaints and reports:</u></b> The Monitoring Officer will receive and act on complaints <u>that Members may have breached the Members' Code of Conduct</u> and any reports made by <u>Investigating Officers appointed by him/her</u> and <u>any determination</u> decisions of the <u>Standards Committee and/or its Hearings Panel.</u></p> <p>(e) <b><u>Assessment of complaints and conducting investigations:</u></b> <u>The Monitoring Officer will assess complaints made, in consultation with the Independent Person for standards, and will decide whether a complaint merits formal investigation or other action. Where there is a difference of opinion between the Monitoring Officer and the Independent Person, then the allegation will be investigated by an officer nominated by the Monitoring Officer.</u></p>	To reflect the new ethical framework adopted by the Authority under the Localism Act 2011 and subordinate legislation.

**Deleted:** Such a councillor may have a right to speak at the overview and scrutiny meeting if permitted under the Members' Code of Conduct..

**Deleted:** referrals made by the Standards Committee

**Deleted:** Ethical Standards

**Deleted:** case tribunals

**Deleted:** *(Note: Ethical Standards Officers are persons appointed by Standards for England ("SFE") to investigate cases of alleged breaches of the Members' Code of Conduct, where these are referred to the SFE by local standards committees. Case tribunals are bodies appointed by the First Tier Tribunal (Local Government Standards in England) to adjudicate on cases referred to them by standards committees or Ethical Standards Officers).*

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**Deleted:** The Monitoring Officer will conduct investigations into matters referred by the Standards Committee or by Ethical Standards Officers and make reports or recommendations in respect of them to the Standards Committee.

Provision in Constitution	Current Wording	Proposed Amendment	Reason(s)						
	recommendations in respect of them to the Standards Committee.								
Article 12.06 Proper Officer Functions		<p><i>Insert a new section (e) after the existing section (d) as follows:</i></p> <p>(e) <u>Localism Act 2011</u></p> <table border="1" data-bbox="958 470 1469 1002"> <thead> <tr> <th data-bbox="958 470 1111 584">SECTION</th> <th data-bbox="1111 470 1323 584">DUTIES</th> <th data-bbox="1323 470 1469 584">PROPER OFFICER</th> </tr> </thead> <tbody> <tr> <td data-bbox="958 584 1111 1002">33(1)</td> <td data-bbox="1111 584 1323 1002">To be the Proper Officer for receiving written requests for dispensations from Members and voting co-opted Members from either or both of the restrictions in section 31(4) of the Act.</td> <td data-bbox="1323 584 1469 1002">Assistant Chief Executive (Legal and Democratic Services) and Monitoring Officer.</td> </tr> </tbody> </table>	SECTION	DUTIES	PROPER OFFICER	33(1)	To be the Proper Officer for receiving written requests for dispensations from Members and voting co-opted Members from either or both of the restrictions in section 31(4) of the Act.	Assistant Chief Executive (Legal and Democratic Services) and Monitoring Officer.	To reflect the new ethical framework adopted by the Authority under the Localism Act 2011 and subordinate legislation.
SECTION	DUTIES	PROPER OFFICER							
33(1)	To be the Proper Officer for receiving written requests for dispensations from Members and voting co-opted Members from either or both of the restrictions in section 31(4) of the Act.	Assistant Chief Executive (Legal and Democratic Services) and Monitoring Officer.							
4. TABLE: RESPONSIBILITY FOR LOCAL CHOICE FUNCTIONS  Entry number 6 re NYPA	<table border="1" data-bbox="394 1046 891 1311"> <tr> <td data-bbox="394 1046 696 1311">6. Making arrangements for questions to be put on the discharge of the functions of the North Yorkshire Police Authority</td> <td data-bbox="696 1046 891 1311">Full Council</td> </tr> </table>	6. Making arrangements for questions to be put on the discharge of the functions of the North Yorkshire Police Authority	Full Council	<i>Delete number 6 and corresponding entries.</i>	To reflect the changes which are being made in relation to police accountability under the Police Reform and Social Responsibility Act 2011 under which police authorities will cease to exist very shortly.				
6. Making arrangements for questions to be put on the discharge of the functions of the North Yorkshire Police Authority	Full Council								

Provision in Constitution	Current Wording	Proposed Amendment	Reason(s)		
<p>4. TABLE: RESPONSIBILITY FOR LOCAL CHOICE FUNCTIONS</p> <p>Entry number 7 re NYPA</p>	<table border="1"> <tr> <td data-bbox="394 217 696 419">7. The making of appointments of Members to the North Yorkshire Police Authority.</td> <td data-bbox="696 217 891 419">Full Council</td> </tr> </table>	7. The making of appointments of Members to the North Yorkshire Police Authority.	Full Council	<p><i>Delete number 7 and corresponding entries.</i></p>	<p>To reflect the changes which are being made in relation to police accountability under the Police Reform and Social Responsibility Act 2011 under which police authorities will cease to exist very shortly.</p>
7. The making of appointments of Members to the North Yorkshire Police Authority.	Full Council				
<p><b>Article 15 - Review and Revision of the Constitution</b></p> <p><b>15.02 Changes to the Constitution</b></p>	<p>(b) <b>Standards Committee.</b> The Standards Committee may advise the Council on any amendments to the Constitution which might be desirable in the light of issues concerned with ethics and conduct.</p>	<p><i>Delete Article 15.02(b)</i></p> <p>(b) <b>Standards Committee.</b> The Standards Committee may advise the Council on any amendments to the Constitution which might be desirable in the light of issues concerned with ethics and conduct.</p> <p><i>and re-number following sub-paragraphs and cross references.</i></p>	<p>To reflect the new ethical framework adopted by the Authority under the Localism Act 2011 and subordinate legislation. The current Article 15.02(b) relates to the terms of reference of the former Standards Committee under the old ethical framework and is no longer relevant.</p>		
<p>Part 3 Responsibility for Functions</p> <p>Schedule 1</p> <p>Index Page</p>	<p>Council Committees: their membership and their powers</p> <ol style="list-style-type: none"> <li>1. <a href="#">Planning and Regulatory Functions Committee</a></li> <li>2. <a href="#">Planning and Regulatory Functions Sub-Committee</a></li> <li>3. <a href="#">Standards Committee</a></li> <li>4. <a href="#">Audit Committee</a></li> <li>5. <a href="#">Appeals Committee</a></li> <li>6. <a href="#">Employment Appeals Committee</a></li> </ol>	<p>Council Committees: their membership and their powers</p> <ol style="list-style-type: none"> <li>1. <a href="#">Planning and Regulatory Functions Committee</a></li> <li>2. <a href="#">Planning and Regulatory Functions Sub-Committee</a></li> <li>3. <a href="#">Standards Committee</a></li> <li>4. <a href="#">Standards Committee Hearings Panel</a></li> <li>5. <a href="#">Audit Committee</a></li> <li>6. <a href="#">Appeals Committee</a></li> </ol>	<p>To reflect the new ethical framework adopted by the Authority under the Localism Act 2011 and subordinate legislation and the establishment of the Standards Committee Hearings Panel as a formal sub-committee of the new Standards Committee, as agreed by the Committee.</p>		

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Provision in Constitution	Current Wording	Proposed Amendment	Reason(s)
	7. <a href="#">Chief Officers Appointments and Disciplinary Committee</a> 8. <a href="#">Pension Fund Committee</a> 9. <a href="#">Area Committees</a> 10. <a href="#">Governors Committee</a> 11. North Yorkshire Police and Crime Panel	7. <a href="#">Employment Appeals Committee</a> 8. <a href="#">Chief Officers Appointments and Disciplinary Committee</a> 9. <a href="#">Pension Fund Committee</a> 10. <a href="#">Area Committees</a> 11. <a href="#">Governors Committee</a> 12. North Yorkshire Police and Crime Panel	← Formatted: Bullets and Numbering ← Formatted: Bullets and Numbering ← Formatted: Bullets and Numbering ← Formatted: Bullets and Numbering ← Formatted: Bullets and Numbering ← Formatted: Bullets and Numbering
Part 3 Responsibility for Functions Schedule 1 Standards Committee membership page Note ii	... (ii) The Independent Persons for Standards are Hilary Gilbertson plus one to be appointed.	... (ii) The Independent Persons for Standards are Hilary Gilbertson <a href="#">MBE and Louise Holroyd</a> .	To reflect that the second appointment has now been approved by the Authority. Deleted: plus one to be appointed
Part 3 Responsibility for Functions Schedule 1		<i>Insert after the existing Standards Committee membership page, a membership page for 'The Standards Committee Hearings Panel' with the following Terms of Reference:</i> "To undertake all functions of the Standards Committee, in consultation with the Independent Person for standards, in relation to the consideration of complaint investigation reports	It was agreed by Standards Committee at its meeting on 29 October 2012 that the Hearings Panel under the new Complaint Handling Arrangements should be a formal Sub-Committee of the Standards Committee, and that all Members of the Committee should be appointed to the Sub-Committee and that the Sub-Committee have a quorum of three Members. The Chair of the

Provision in Constitution	Current Wording	Proposed Amendment	Reason(s)
		and the holding of complaint determination hearings regarding matters referred by the Monitoring Officer, including (but not limited to) the making of findings and the imposition of sanctions (if appropriate) in respect of complaints that Members have breached the Authority's Code of Conduct for Members, as set out in the Localism Act 2011 as amended and associated legislation."	Panel will be determined at each Panel meeting.
Part 3 Responsibility for Functions  Schedule 1  RYEDALE AREA COMMITTEE membership page  Italicised note at end	<i>Only persons who have been appointed by the Committee as Substitute Members and have agreed to comply with the County Council's requirements regarding completion of the necessary standards documentation (including registering their interests in the Register of Members' Interests, where necessary), may attend a meeting in place of a Co-opted Member. Notice that a Substitute is to attend a meeting must be given to The Assistant Chief Executive (Legal and Democratic Services), either in writing (<b>democratic.services@northyorks.gov.uk</b>) or orally, prior to the commencement of the meeting.</i>	<i>Only persons who have been appointed by the Committee as Substitute Members may attend a meeting in place of a Co-opted Member. Notice that a Substitute is to attend a meeting must be given to The Assistant Chief Executive (Legal and Democratic Services), either in writing (<b>democratic.services@northyorks.gov.uk</b>) or orally, prior to the commencement of the meeting.</i>	To reflect the new ethical framework adopted by the Authority under the Localism Act 2011 and subordinate legislation. Under the new regime only voting co-opted Members and substitute co-opted Members would need to sign an undertaking to comply with the Members' Code of Conduct and register their interests in the Register of Members' Interests.
Part 3 Responsibility for Functions  Schedule 1  YORKSHIRE COAST AND MOORS COUNTY AREA COMMITTEE	<i>Only persons who have been appointed by the Committee as Substitute Members and have agreed to comply with the County Council's requirements regarding completion of the necessary standards documentation (including registering their interests in the Register of Members' Interests, where necessary), may attend a meeting in place of a Co-opted Member. Notice that a Substitute is to attend a meeting must be given to The Assistant Chief Executive (Legal and Democratic Services), either in writing</i>	<i>Only persons who have been appointed by the Committee as Substitute Members may attend a meeting in place of a Co-opted Member. Notice that a Substitute is to attend a meeting must be given to The Assistant Chief Executive (Legal and Democratic Services), either in writing (<b>democratic.services@northyorks.gov.uk</b>) or orally, prior to the commencement of the meeting.</i>	To reflect the new ethical framework adopted by the Authority under the Localism Act 2011 and subordinate legislation. Under the new regime only voting co-opted Members and substitute co-opted Members would need to sign an undertaking to comply with the Members' Code of Conduct and register their interests in the Register of Members' Interests.

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Provision in Constitution	Current Wording	Proposed Amendment	Reason(s)
membership page  Italicised note at end	<i>(democratic.services@northyorks.gov.uk) or orally, prior to the commencement of the meeting.</i>		
Part 3 Responsibility for Functions  Schedule 4  Officers' Delegation Scheme  4.6 (f)	<p><b>4.6 <u>To the Assistant Chief Executive (Legal and Democratic Services)</u></b></p> <p>....</p> <p>(f) To arrange temporary appointments of other Authorities' Standards Committees' Independent Members to the Standards Committee.</p>	<i>Delete para 4.6 (f)</i>	To reflect the new ethical framework adopted by the Authority under the Localism Act 2011 and subordinate legislation. The legislation previously allowing the Monitoring Officer to make such arrangements has been repealed by the Localism Act.
Part 3 Responsibility for Functions  Schedule 4  Officers' Delegation Scheme  4.6		<p><i>Insert a new sub-paragraphs 4.6 (i) and (j) as follows:</i></p> <p>(i) To exercise all functions in respect of the publication of Standards Committee Independent Person vacancies in consultation with the Chair of the Standards Committee.</p> <p>(j) To grant dispensations to Members and voting co-opted Members, after consultation with the Independent Person, where the timescales are such that a Standards Committee meeting cannot be convened and where the Monitoring Officer has consulted every available Member of the Standards Committee, all of whom consent to the granting of the dispensation.</p>	To reflect the new ethical framework adopted by the Authority under the Localism Act 2011 and subordinate legislation.
Council Procedure	(m) Each named substitute co-opted Member shall, as soon as possible after nomination and in any event not later than the date of the first	(m) Each named substitute co-opted Member shall, as soon as possible after nomination and in any event not later than the date of the first	To reflect the new ethical framework adopted by the Authority under the Localism Act 2011 and subordinate

Provision in Constitution	Current Wording	Proposed Amendment	Reason(s)
Rules 4. APPOINTMENT OF SUBSTITUTE MEMBERS OF COMMITTEES AND SUB-COMMITTEES	committee meeting he/she proposes to attend in place of a co-opted Member, agree to comply with all aspects of the County Council's Code of Conduct for Members, including registering their interests in the Register of Members' Interests.	committee meeting he/she proposes to attend in place of a co-opted Member, agree to comply with all aspects of the County Council's Code of Conduct for Members, including registering their interests in the Register of Members' Interests, <a href="#">where this is required under the ethical framework.</a>	legislation. Under the new regime only voting co-opted Members and substitute co-opted Members would need to sign an undertaking to comply with the Members' Code of Conduct and register their interests in the Register of Members' Interests
Council Procedure Rules 10. QUESTIONS BY MEMBERS	(a) In addition to his/her right under Council Procedure Rule 2.4 to put questions or statements to the Leader or a portfolio holder or Chairman of an overview and scrutiny committee or in any report, a Member may ask the Chairman of any committee, other than an overview and scrutiny committee, any questions relating to the business of the Council or may ask the Chairman or nominated member of the North Yorkshire Police Authority, the North Yorkshire Fire and Rescue Authority, the North York Moors National Park Authority or the Yorkshire Dales National Park Authority, a question on the discharge of the functions of such Authority.	a) In addition to his/her right under Council Procedure Rule 2.4 to put questions or statements to the Leader or a portfolio holder or Chairman of an overview and scrutiny committee or in any report, a Member may ask the Chairman of any committee, other than an overview and scrutiny committee, any questions relating to the business of the Council or may ask the Chairman or nominated member of the North Yorkshire Fire and Rescue Authority, a question on the discharge of the functions of such Authority.	To reflect the changes which are being made in relation to police accountability under the Police Reform and Social Responsibility Act 2011 under which police authorities will cease to exist very shortly.  <b>Formatted:</b> Font: 10 pt, Not Bold  <b>Deleted:</b> North Yorkshire Police Authority, the  <b>Deleted:</b> ,  <b>Deleted:</b> the North York Moors National Park Authority or the Yorkshire Dales National Park Authority,
Council Procedure Rules 10. QUESTIONS BY MEMBERS	(g) The time limit for questions under this Council Procedure Rule for each respondent will be 5 minutes. Once the time allocated for any respondent has expired at any meeting, the Chairman shall not permit any further questions to be asked of that respondent under this Council Procedure Rule but, if a question or response has been started it may be completed, irrespective of the time limit, as may any response to any question being asked when the time limit is reached.  <u>Order of questions</u>  (i) to the Chairman of the Standards Committee;	(g) The time limit for questions under this Council Procedure Rule for each respondent will be 5 minutes. Once the time allocated for any respondent has expired at any meeting, the Chairman shall not permit any further questions to be asked of that respondent under this Council Procedure Rule but, if a question or response has been started it may be completed, irrespective of the time limit, as may any response to any question being asked when the time limit is reached.  <u>Order of questions</u>  (i) to the Chairman of the Standards Committee;	To reflect the changes which are being made in relation to police accountability under the Police Reform and Social Responsibility Act 2011 under which police authorities will cease to exist very shortly. References to North York Moors National Park Authority and Yorkshire Dales National Park Authority are also recommended to be removed as historically these provisions have only very rarely been used, and have not been relied upon in recent times.  <b>Formatted:</b> Font: 10 pt, Not Bold

Provision in Constitution	Current Wording	Proposed Amendment	Reason(s)
	<p>(ii) to the Chairman of an area committee;</p> <p>(iii) to the Chairman of any other of the Council's committees;</p> <p>(iv) to the Chairman or other representative of:-</p> <ul style="list-style-type: none"> <li>▪ North Yorkshire Fire and Rescue Authority</li> <li>▪ North Yorkshire Police Authority</li> <li>▪ North York Moors National Park Authority</li> <li>▪ Yorkshire Dales National Park Authority</li> </ul>	<p>(ii) to the Chairman of an area committee;</p> <p>(iii) to the Chairman of any other of the Council's committees;</p> <p>(iv) to the Chairman or other representative of:-</p> <ul style="list-style-type: none"> <li>▪ North Yorkshire Fire and Rescue Authority</li> <li>▪ <del>North Yorkshire Police Authority</del></li> <li>▪ <del>North York Moors National Park Authority</del></li> <li>▪ <del>Yorkshire Dales National Park Authority</del></li> </ul>	
<p>Access to Information Procedure Rules</p> <p><b>1. SCOPE</b></p>	<p><b>1.1</b> These rules apply to all meetings of the Council, its committees and sub-committees and formal meetings of the Executive and any Committees of the Executive (together called meetings). These rules do not apply to the Assessment and Review Sub- Committees of the Standards Committee.</p>	<p><b>1.1</b> These rules apply to all meetings of the Council, its committees and sub-committees and formal meetings of the Executive and any Committees of the Executive (together called meetings).</p>	<p>To reflect the new ethical framework adopted by the Authority under the Localism Act 2011 and subordinate legislation. The legislation previously dis-applying the access to information legislation to assessment and review meetings has been repealed by the Localism Act.</p>
<p>Access to Information Procedure Rules</p> <p><b>PART 1 DESCRIPTIONS OF EXEMPT INFORMATION</b></p> <p>Para 7</p>	<p>7. Information relating to any action taken or to be taken in connection with the prevention, investigation or prosecution of crime.</p> <p>Where a meeting of a <b>standards committee</b>, or <b>sub-committee of a standards committee</b>, is convened to consider a matter under regulations 13 or 16 to 20 of the Standards Committee (England) Regulations 2008 or referred under section 58(1)(c) of the Local Government Act 2000, the provisions of paragraphs 1 to 7 above</p>	<p>7. Information relating to any action taken or to be taken in connection with the prevention, investigation or prosecution of crime.</p>	<p>To reflect the new ethical framework adopted by the Authority under the Localism Act 2011 and subordinate legislation. The previous legislative framework has been repealed by the Localism Act.</p>

**Deleted:** North Yorkshire Police Authority

**Deleted:** <#>North York Moors National Park Authority ¶  
 ¶ Yorkshire Dales National Park Authority

**Deleted:** These rules do not apply to the Assessment and Review Sub- Committees of the Standards Committee.

**Deleted:** Where a meeting of a **standards committee**, or **sub-committee of a standards committee**, is convened to consider a matter under regulations 13 or 16 to 20 of the Standards Committee (England) Regulations 2008 or referred under section 58(1)(c) of the Local Government Act 2000, the provisions of paragraphs 1 to 7 above shall apply as if, after paragraph 7, the following descriptions of exempt information were inserted: -¶  
 ¶ 7A. Information which is subject to any obligation of confidentiality.¶  
 ¶ 7B. Information which relates in any way to matters concerning national security.¶  
 ¶ 7C. Information presented to a standards committee, or to a sub-committee of a standards committee, set up to consider any matter under regulations 13 or 16 to 20 of the Standards Committee (England) Regulations 2008, or referred under section 58(1)(c) of the Local Government Act 2000.¶

Provision in Constitution	Current Wording	Proposed Amendment	Reason(s)
	<p>shall apply as if, after paragraph 7, the following descriptions of exempt information were inserted:-</p> <p>7A. Information which is subject to any obligation of confidentiality.</p> <p>7B. Information which relates in any way to matters concerning national security.</p> <p>7C. Information presented to a standards committee, or to a sub-committee of a standards committee, set up to consider any matter under regulations 13 or 16 to 20 of the Standards Committee (England) Regulations 2008, or referred under section 58(1)(c) of the Local Government Act 2000.</p>		
<p>Access to Information Procedure Rules</p> <p><b>18. RECORD OF DECISIONS</b></p>	<p><b>18.1 Executive Decisions Made Collectively at Meetings</b></p> <p>After any meeting of the Executive or any of its committees, or any meeting of any other decision making body at which an executive decision has been made, whether held in public or private, the Assistant Chief Executive (Legal and Democratic Services) or, where no Officer was present, the person presiding at the meeting, will produce a record of every executive decision taken at that meeting usually within two days of the meeting (usually in the form of minutes of the meeting). The record will include a statement of the reasons for each decision and any alternative options considered and rejected at that meeting, along with details of any conflict of interest declared and any dispensations granted by the Standards Committee in respect of such conflict.</p>	<p><b>18.1 Executive Decisions Made Collectively at Meetings</b></p> <p>After any meeting of the Executive or any of its committees, or any meeting of any other decision making body at which an executive decision has been made, whether held in public or private, the Assistant Chief Executive (Legal and Democratic Services) or, where no Officer was present, the person presiding at the meeting, will produce a record of every executive decision taken at that meeting usually within two days of the meeting (usually in the form of minutes of the meeting). The record will include a statement of the reasons for each decision and any alternative options considered and rejected at that meeting, along with details of any conflict of interest declared and any dispensations granted by the Standards Committee <u>or Monitoring Officer</u> in respect of such conflict.</p>	<p>To reflect the new ethical framework adopted by the Authority under the Localism Act 2011 and subordinate legislation, including the new default delegation to the Monitoring Officer to grant dispensations where impractical for the Standards Committee to do so.</p>

Provision in Constitution	Current Wording	Proposed Amendment	Reason(s)
<p>Access to Information Procedure Rules</p> <p><b>19.3 Record of individual decision</b></p>	<p>(c) Copies of the decision record will be sent electronically, as soon as possible, to:</p> <ul style="list-style-type: none"> <li>➤ all Members of the Council</li> <li>➤ All Group Research and Communications Officers</li> <li>➤ Assistant Chief Executive (Legal and Democratic Services) and Monitoring Officer</li> <li>➤ Principal Officer Democracy and Governance</li> <li>➤ Corporate Director - Strategic Resources</li> <li>➤ Head of Scrutiny and Corporate Performance</li> <li>➤ Staff Officer to the Chief Executive Officer</li> <li>➤ Scrutiny and Corporate Performance Officers</li> <li>➤ Scrutiny Support Officers</li> </ul>	<p>(d) Copies of the decision record will be sent electronically, as soon as possible, to:</p> <ul style="list-style-type: none"> <li>➤ <a href="#">All Members of the Council</a></li> <li>➤ <a href="#">All Management Board</a></li> <li>➤ <a href="#">All Management Board Secretaries</a></li> <li>➤ <a href="#">All Senior Managers</a></li> <li>➤ <a href="#">Principal Officer Democracy and Governance</a></li> <li>➤ <a href="#">All Democratic Services Officers</a></li> <li>➤ <a href="#">All Corporate Development Officers</a></li> <li>➤ <a href="#">Senior Press Officer</a></li> <li>➤ <a href="#">Communications Officer</a></li> </ul>	<p>To reflect NYCC structure changes.</p>
<p>Access to Information Procedure Rules</p> <p>Decision Record proforma, page 2</p>	<p><b><u>Conflicts of Interest</u></b> Please record below details of any conflict of interest declared by a Member or Officer regarding the decision and any dispensation granted by the Standards Committee in respect of that conflict.</p>	<p><i>Amend top of second page of proforma Decision Record in Appendix to Access to Information Procedure Rules as follows:</i></p> <p><b><u>Conflicts of Interest</u></b> Please record below details of any conflict of interest declared by a Member or Officer regarding the decision and any dispensation granted by the Standards Committee <u>or Monitoring Officer</u> in respect of that conflict.</p>	<p>To reflect the new ethical framework adopted by the Authority under the Localism Act 2011 and subordinate legislation.</p>
<p>Executive Procedure Rules</p> <p><b>1.5 Conflicts of</b></p>	<p><b>1.5 Conflicts of Interest</b></p> <p>(a) Where the Leader or any other member of the Executive has an interest in a matter this should</p>	<p><b>1.5 Conflicts of Interest</b></p> <p>(a) Where the Leader or any other member of the Executive has an interest in a matter this</p>	<p>To reflect the new ethical framework adopted by the Authority under the Localism Act 2011 and subordinate legislation.</p>

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Deleted: <#>all Members of the Council¶  
<#>All Group Research and Communications Officers¶  
<#>Assistant Chief Executive (Legal and Democratic Services) and Monitoring Officer¶  
<#>Principal Officer Democracy and Governance¶  
<#>Corporate Director - Strategic Resources¶  
<#>Head of Scrutiny and Corporate Performance¶  
<#>Staff Officer to the Chief Executive Officer¶  
<#>Scrutiny and Corporate Performance Officers ¶  
<#>Scrutiny Support Officers

Provision in Constitution	Current Wording	Proposed Amendment	Reason(s)
Interest	<p>be dealt with as set out in the Council's Code of Conduct for Members in Part 5 of this Constitution.</p> <p>(b) If so great a proportion (so as to impede the transaction of business) at least half of the members of the Executive have a disclosable pecuniary interest as set out in the Council's Code of Conduct for Members in Part 5 of this Constitution, the Standards Committee or Monitoring Officer may give a dispensation to allow those Members to participate in consideration and determination of the business.</p> <p>(c) If the exercise of an executive function has been delegated to a committee of the Executive, an individual Member or an Officer, and should a disclosable pecuniary interest arise, then the function will be exercised in the first instance by the person or body by whom the delegation was made and otherwise as set out in the Council's Code of Conduct for Members in Part 5 of this Constitution.</p>	<p>should be dealt with as set out in the Council's Code of Conduct for Members in Part 5 of this Constitution.</p> <p>(b) If so great a proportion (so as to impede the transaction of business) of the members of the Executive have a disclosable pecuniary interest as set out in the Council's Code of Conduct for Members in Part 5 of this Constitution, the Standards Committee or Monitoring Officer may give a dispensation to allow those Members to participate in consideration and determination of the business. <u>Dispensations may also be granted where each member of the Executive would be prohibited from participation in any particular business to be transacted by the Executive.</u></p> <p>(c) If the exercise of an executive function has been delegated to a committee of the Executive, an individual Member or an Officer, and should a disclosable pecuniary interest arise, then the function will be exercised in the first instance by the person or body by whom the delegation was made and otherwise as set out in the Council's Code of Conduct for Members in Part 5 of this Constitution.</p>	<p>Deleted: at least half</p>
<p>Overview and Scrutiny Procedure Rules</p> <p><b>9. Agenda items</b></p>	<p><b>9.1</b> Any member of the Council shall be entitled to give notice to the Head of Scrutiny and Corporate Performance that he/she wishes an item relevant to the functions of any overview and scrutiny committee or sub-committee to be included on the agenda for the next available meeting of that committee or sub-committee for consideration for inclusion into the committee's work programme. On receipt of such a request the Head of Scrutiny and Corporate Performance will ensure that it is included on the next available agenda.</p>	<p><b>9.1</b> Any member of the Council shall be entitled to give notice to the <u>Scrutiny Team Leader</u> that he/she wishes an item relevant to the functions of any overview and scrutiny committee or sub-committee to be included on the agenda for the next available meeting of that committee or sub-committee for consideration for inclusion into the committee's work programme. On receipt of such a request the <u>Scrutiny Team Leader</u> will ensure that it is included on the next available agenda.</p>	<p>To reflect NYCC structure changes.</p> <p>Deleted: Head of Scrutiny and Corporate Performance</p> <p>Deleted: Head of Scrutiny and Corporate Performance</p>

Provision in Constitution	Current Wording	Proposed Amendment	Reason(s)
<p>Overview and Scrutiny Procedure Rules</p> <p><b>14. Members and Officers giving account</b></p>	<p>...</p> <p>(e) The power of the Standards Committee to consider allegations that Members have not performed their duties under the Constitution shall apply in any case where a member of the Executive refuses to attend an overview and scrutiny committee meeting after having been properly required to do so.</p>	<p>Delete sub-paragraph (e).</p>	<p>This is not relevant to the role of the new Standards Committee under the new ethical framework under the Localism Act 2011.</p>
<p><b>Part 5</b></p> <p><b>Codes and Protocols</b></p> <p><b>CONTENTS</b></p>	<ul style="list-style-type: none"> <li>◆ Members' Code of Conduct <ul style="list-style-type: none"> <li>Part 1 – General Provisions</li> <li>Part 2 – Interests</li> <li>Part 3 – Register of Members' Interests</li> </ul> </li> <li>◆ Protocol for Members' Guidance re Members' Code of Conduct</li> <li>◆ Protocol - The role of the Leader and Chief Executive Officer in the Ethical Framework</li> <li>◆ Officers' Code of Conduct</li> <li>◆ Protocol on Member/Officer Relations</li> <li>◆ Protocol on Official Press Releases</li> <li>◆ Protocol on working with Group Research &amp; Communications Officers</li> <li>◆ Guidance Note for Councillors and Officers on Outside Bodies</li> </ul>	<ul style="list-style-type: none"> <li>◆ Members' Code of Conduct</li> <li>◆ Protocol - The role of the Leader and Chief Executive Officer in the Ethical Framework</li> <li>◆ Officers' Code of Conduct</li> <li>◆ Protocol on Member/Officer Relations</li> <li>◆ Protocol on Official Press Releases</li> <li>◆ Guidance Note for Councillors and Officers on Outside Bodies</li> </ul>	<p>To reflect the new ethical framework adopted by the Authority under the Localism Act 2011 and subordinate legislation:</p> <ul style="list-style-type: none"> <li>• The new Code of Conduct is no longer divided into Parts.</li> <li>• The existing Protocol for Member Guidance re Members' Code of Conduct was out of date and therefore withdrawn from the Constitution. New Guidance will be drawn up for Members and published in the Constitution in the future.</li> <li>• The Protocol on working with Group Research &amp; Communications Officers was previously taken out of the Constitution therefore this reference in the Contents needs to be removed.</li> </ul>
<p><b>Part 5</b></p> <p><b>Codes and</b></p>	<p><b>Officers' Code of Conduct</b></p> <p><i>Under Section 82 of the Local Government Act 2000, the Secretary of State has power to issue a</i></p>	<p><b>Officers' Code of Conduct</b></p> <p><i>Meanwhile, officers should observe NYCC's Code of Conduct for Officers, available on the</i></p>	<p>Section 82 LGA 2000 was repealed in the Localism Act 2011 in relation to English authorities – it now only applies to Welsh authorities.</p>

**Deleted:** e) The power of the Standards Committee to consider allegations that Members have not performed their duties under the Constitution shall apply in any case where a member of the Executive refuses to attend an overview and scrutiny committee meeting after having been properly required to do so.

**Deleted:** Part 1 – General Provisions  
Part 2 – Interests  
Part 3 – Register of Members' Interests

**Deleted:** Protocol for Members' Guidance re Members' Code of Conduct

**Deleted:** Executive

**Deleted:** Protocol on working with Group Research & Communications Officers

**Deleted:** Under Section 82 of the Local Government Act 2000, the Secretary of State has power to issue a code of conduct for local government employees. That Code will be included here, when it is issued.

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Provision in Constitution	Current Wording	Proposed Amendment	Reason(s)
<b>Protocols</b>  Officers' Code of Conduct	<i>code of conduct for local government employees. That Code will be included here, when it is issued. Meanwhile, officers should observe NYCC's Code of Conduct for Officers.</i>	<a href="#">Council's Intranet.</a>	Formatted: Font: Not Italic
<b>Part 5</b>  <b>Codes and Protocols</b>  A Protocol for Member/Officer Relations  <b>2 General Points</b>	(e) Where an Officer feels that s/he has not been properly treated with respect and courtesy by a Member, s/he should raise the matter with his/her Business Unit Head, Director/Chief Officer or the Chief Executive Officer as appropriate, especially if they do not feel able to discuss it directly with the Member concerned. In these circumstances the Business Unit Head, Director/Chief Officer or Chief Executive Officer will take appropriate action either by approaching the individual Member and/or group leader or by referring the matter to the Monitoring Officer in the context of the Standards Committee considering the complaint.	(e) Where an Officer feels that s/he has not been properly treated with respect and courtesy by a Member, s/he should raise the matter with his/her Business Unit Head, Director/Chief Officer or the Chief Executive Officer as appropriate, especially if they do not feel able to discuss it directly with the Member concerned. In these circumstances the Business Unit Head, Director/Chief Officer or Chief Executive Officer will take appropriate action either by approaching the individual Member and/or group leader or by referring the matter to the Monitoring Officer in the context of the Standards Committee <a href="#">complaint handling regime.</a>	To reflect the new ethical framework adopted by the Authority under the Localism Act 2011 and subordinate legislation. The amendment reflects that it may not be necessary for the matter to be considered by the Standards Committee itself but could be considered under the new complaint handling arrangements under the Localism Act.  Deleted: considering the
<b>Part 5</b>  <b>Codes and Protocols</b>  A Protocol for Member/Officer Relations  <b>3. The Relationship: Officer Support to Members: General Points</b>	(h) Members and Officers should take account of any relationship or connection they have with any other Member or Officer when considering whether or not they need to register or declare a personal interest.	(h) Members and Officers should take account of any relationship or connection they have with any other Member or Officer when considering whether or not they need to register or declare <a href="#">an interest.</a>	To reflect the new ethical framework adopted by the Authority under the Localism Act 2011 and subordinate legislation: "personal interests" are no more.  Deleted: personal

Provision in Constitution	Current Wording	Proposed Amendment	Reason(s)
<p><b>Part 5</b></p> <p><b>Codes and Protocols</b></p> <p>A Protocol for Member/Officer Relations</p> <p><b>5. Officer Support: Overview and Scrutiny Committees</b></p>	<p>(e) Overview and Scrutiny should not act as a 'court of appeal' against decisions or to pursue complaints by individuals (Members, Officers or members of the public) which are the subject of other procedures, e.g. the Corporate Complaints Procedure, Social Services Complaints Procedure, the Local Government Ombudsman, complaints to the Standards Board for England or appeal to the Courts.</p>	<p>(e) Overview and Scrutiny should not act as a 'court of appeal' against decisions or to pursue complaints by individuals (Members, Officers or members of the public) which are the subject of other procedures, e.g. the Corporate Complaints Procedure, Social Services Complaints Procedure, the Local Government Ombudsman, complaints <u>under the Standards Committee complaint handling regime</u> or appeal to the Courts.</p>	<p>To reflect the new ethical framework adopted by the Authority under the Localism Act 2011 and subordinate legislation: the Standards Board for England (also latterly known as Standards for England), the independent national regulator of the ethical framework, was abolished by the Localism Act.</p>

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Provision in Constitution	Current Wording	Proposed Amendment	Reason(s)
<p><b>Part 5</b></p> <p><b>Codes and Protocols</b></p> <p>A Protocol for Member/Officer Relations</p> <p><b>8. Members' Access to Information and to Council Documents</b></p>	<p>(j) Finally, any Council information provided to a Member must only be used by the Member for the purpose for which it was provided, i.e. in connection with the proper performance of the Member's duties as a Member of the Council. Therefore, for example, early drafts of Committee reports/briefing papers are not suitable for public disclosure and should not be used other than for the purpose for which they were supplied. This point is emphasised in paragraph 4 of the Code of Conduct:</p> <p>A Member must not:</p> <p>(i) disclose information given to him/her in confidence by anyone or information acquired which him/her believes he/she believes, or ought reasonably to be aware, except where:</p> <p>(i.1.1) s/he has the consent of a person authorised to give it, or</p> <p>(i.1.2) s/he is required by law to disclose it; or</p> <p>(i.1.3) the disclosure is made to a third party for the purpose of obtaining professional advice and the third party agrees not to disclose the information to any other person; or</p> <p>(i.1.4) the disclosure is reasonable and in the public interest and it is made in good faith and in compliance with the reasonable requirements of the Council. In this case, and if in doubt, it is advisable to seek the advice of the Monitoring Officer before making any disclosure to ensure it will fall within the exceptions.</p> <p>(ii) prevent another person from gaining access to information to which that person is entitled by law'.</p>	<p>(j) Finally, any Council information provided to a Member must only be used by the Member for the purpose for which it was provided, i.e. in connection with the proper performance of the Member's duties as a Member of the Council. Therefore, for example, early drafts of Committee reports/briefing papers are not suitable for public disclosure and should not be used other than for the purpose for which they were supplied. This point is emphasised in paragraphs <u>5 and 6</u> of the Code of Conduct:</p>	<p>To reflect the new Code of Conduct for Members adopted under the new ethical framework established under the Localism Act 2011.</p>

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(i) disclose information given to him/her in confidence by anyone or information acquired which him/her believes he/she believes, or ought reasonably to be aware, except where:¶

¶

(i.1.1) s/he has the consent of a person authorised to give it, or¶

¶

(i.1.2) s/he is required by law to disclose it; or¶

¶

(i.1.3) the disclosure is made to a third party for the purpose of obtaining professional advice and the third party agrees not to disclose the information to any other person; or¶

¶

(i.1.4) the disclosure is reasonable and in the public interest and it is made in good faith and in compliance with the reasonable requirements of the Council. In this case, and if in doubt, it is advisable to seek the advice of the Monitoring Officer before making any disclosure to ensure it will fall within the exceptions.¶

¶

(ii) prevent another person from gaining access to information to which that person is entitled by law'.

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Provision in Constitution	Current Wording	Proposed Amendment	Reason(s)
		<p><u>'5. You must not disclose information which is given to you in confidence or which you believe is of a confidential nature, or ought reasonably to be aware is of a confidential nature, unless:</u></p> <ul style="list-style-type: none"> <li><u>• You have the permission of a person authorised to give it; or</u></li> <li><u>• You are required by law to disclose the information; or</u></li> <li><u>• You disclose it to a third party for the purpose of obtaining professional advice, provided that the third party agrees not to disclose the information to any other person; or</u></li> <li><u>• The disclosure is reasonable; and is in the public interest; and is made in good faith; and is only made after having complied with any reasonable requirements of the Council to delay disclosure or to maintain confidentiality.</u></li> </ul> <p><u>Before disclosing any information under this paragraph, you must consult the Monitoring Officer and/or the Chief Executive Officer.</u></p> <p><u>6. You must not prevent another person gaining access to information which that person is entitled to by law.'</u></p>	
<p><b>Part 5</b></p> <p><b>Codes and Protocols</b></p> <p>A Protocol for Member/Officer Relations</p> <p><b><u>13. Arbitration</u></b></p>	<p><b><u>13. Arbitration</u></b></p> <p>When necessary, the Monitoring Officer will arbitrate on the interpretation of this Protocol following consultation with the Chairman of the Standards Committee and the Chief Executive Officer.</p>	<p><b><u>13. Arbitration</u></b></p> <p>When necessary, the Monitoring Officer will arbitrate on the interpretation of this Protocol following consultation with the Chairman of the Standards Committee, <u>the Independent Person for standards</u> and the Chief Executive Officer.</p>	<p>To reflect the new ethical framework adopted by the Authority under the Localism Act 2011 and subordinate legislation. Under the new framework the Chairman of the Standards Committee is no longer an independent member as independent members are no longer part of the Committee, although the Authority has appointed two Independent Persons for standards who are invited to all Standards Committee meetings and consulted on all key standards matters.</p>

Provision in Constitution	Current Wording	Proposed Amendment	Reason(s)
<p><b>Part 5</b></p> <p><b>Codes and Protocols</b></p> <p><b>GUIDANCE NOTE FOR COUNCILLORS AND OFFICERS ON OUTSIDE BODIES</b></p> <p><b>2. What sort of roles does this apply to?</b></p>	<p>2.1 You may be appointed to an outside body by the Council, or by the Executive, or an Area Committee. It can involve being a director of a company in which the Council has an interest, being a member of another authority such as the Police Authority, or the National Park Authority, or a trustee of a charity, a member of the management board for an unincorporated body, or a school governor.</p>	<p>2.1 You may be appointed to an outside body by the Council, or by the Executive, or an Area Committee. It can involve being a director of a company in which the Council has an interest, being a member of another authority such as the National Park Authority, or a trustee of a charity, a member of the management board for an unincorporated body, or a school governor.</p>	<p>To reflect the changes which are being made in relation to police accountability under the Police Reform and Social Responsibility Act 2011 under which <del>police authorities will cease to exist very</del> shortly.</p>
<p><b>Part 5</b></p> <p><b>Codes and Protocols</b></p> <p><b>GUIDANCE NOTE FOR COUNCILLORS AND OFFICERS ON OUTSIDE BODIES</b></p> <p><b>2. What sort of roles does this apply to?</b></p>	<p>2.3</p> <p>...</p> <p><b>d) Statutory Corporations:</b> These are bodies which are set up under statute. They include, for example Police Authorities and Fire Authorities, universities, and some quangoes. The membership and powers of a statutory corporation, and how they are appointed are set out in the statute. The statute will also set out the responsibilities and liabilities of members of the corporation.</p>	<p>2.3</p> <p>...</p> <p><b>d) Statutory Corporations:</b> These are bodies which are set up under statute. They include, for example <del>Fire Authorities, universities, and some</del> quangoes. The membership and powers of a statutory corporation, and how they are appointed are set out in the statute. The statute will also set out the responsibilities and liabilities of members of the corporation.</p>	<p>To reflect the changes which are being made in relation to police accountability under the Police Reform and Social Responsibility Act 2011 under which <del>police authorities will cease to exist very</del> shortly.</p>

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Provision in Constitution	Current Wording	Proposed Amendment	Reason(s)
<p><b>Part 5</b></p> <p><b>Codes and Protocols</b></p> <p><b>GUIDANCE NOTE FOR COUNCILLORS AND OFFICERS ON OUTSIDE BODIES</b></p> <p><b>3. Some other key points to consider at the outset</b></p>	<p>3.2 Being on an outside body can bring many benefits to the Council, the organisation and the community, but it will sometimes create conflicts with your work as a Councillor or officer. For Council Members, it will have to be included as one of your interests in the Members' Register of Interests. You will have a personal interest in Council business referring to it, and sometimes a prejudicial interest where finances or regulatory matters are concerned. You will need to be sure that involvement with the organisation will not prevent you from fully participating in your work as a Councillor or officer, particularly in areas that interest you, or, where you need to represent the community who elected you. This will depend on the nature of the body and type of involvement.</p>	<p>3.2 Being on an outside body can bring many benefits to the Council, the organisation and the community, but it will sometimes create conflicts with your work as a Councillor or officer. For Council Members, it <u>may</u> have to be included as one of your interests in the Members' Register of Interests, <u>and you may have a disclosable pecuniary</u> interest in Council business referring to it. You will need to be sure that involvement with the organisation will not prevent you from fully participating in your work as a Councillor or officer, particularly in areas that interest you, or, where you need to represent the community who elected you. This will depend on the nature of the body and type of involvement.</p>	<p>To reflect the new ethical framework adopted by the Authority under the Localism Act 2011 and subordinate legislation.</p>
<p><b>Part 5</b></p> <p><b>Codes and Protocols</b></p> <p><b>GUIDANCE NOTE FOR COUNCILLORS AND OFFICERS ON OUTSIDE BODIES</b></p> <p><b>10. Code of Conduct – Councillors' Interests</b></p>	<p>10.1 <b>Code of Conduct:</b> All Councillors are subject to the Council's Code of Conduct for Members. You will find a copy of the full Code in the Constitution. When Councillors act as representatives of the Council on another <i>authority</i>, they must comply with the other authority's Code of Conduct. However, when Councillors act as the Council's representative on any other sort of outside body, they must comply with the County Council's Code of Conduct unless it conflicts with the lawful obligations of the other body.</p>	<p>10.1 <b>Code of Conduct:</b> All Councillors are subject to the Council's Code of Conduct for Members. You will find a copy of the full Code in the Constitution. <u>The Code sets out the standards of behaviour required of you whenever you are acting in your official capacity as a Councillor.</u> When Councillors act as the Council's representative on any other sort of outside body, they must comply with the County Council's Code of Conduct unless it conflicts with the lawful obligations of the other body.</p>	<p>To reflect the new ethical framework adopted by the Authority under the Localism Act 2011 and subordinate legislation.</p>

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Provision in Constitution	Current Wording	Proposed Amendment	Reason(s)
	<p>10.2 Councillors have to include their appointment to outside bodies in their register of interests, and advise the Monitoring Officer of any change to those interests within 28 days. Councillors will have a <i>personal interest</i> in any business of the Council that relates to or is likely to affect the outside body.</p>	<p>10.2 Councillors <u>may</u> have to include their appointment to outside bodies in their register of interests, and <u>must</u> advise the Monitoring Officer of any changes to <u>registered</u> interests within 28 days. Councillors <u>may</u> have a <u>disclosable pecuniary interest</u> in any <u>matter to be considered at a meeting arising out of such registered interests</u>.</p>	<p>To reflect the new ethical framework adopted by the Authority under the Localism Act 2011 and subordinate legislation.</p>
	<p>10.3 This means that if you are present at a meeting when an item of business arises which relates to or affects an outside body to which you have been appointed, you must declare that you have a personal interest, and the nature of that interest, before the matter is discussed or as soon as it becomes apparent to you.</p>	<p>10.3 This means that if you are present at a meeting when <u>a matter is to be considered or is being considered, in which you have a disclosable pecuniary interest</u>, you must declare that you have <u>an interest (if the interest is not already registered in the Register of Members' Interests), not participate in the discussion or vote and leave the meeting room (subject to the granting of a dispensation by the Standards Committee or Monitoring Officer)</u>.</p>	<p>To reflect the new ethical framework adopted by the Authority under the Localism Act 2011 and subordinate legislation.</p>
	<p>10.4 An exemption applies where your interest arises solely from your membership of, or position of control or management on:</p> <ul style="list-style-type: none"> <li>- any other body to which you were appointed or nominated by the authority</li> <li>- any other body exercising functions of a public nature (for example another local authority).</li> </ul> <p>In these exceptional cases, provided that you do not have a prejudicial interest, you only need to declare your interest if and when you speak on the matter.</p>	<p><i>Delete para 10.4 and renumber subsequent paragraphs.</i></p>	<p>To reflect the new ethical framework adopted by the Authority under the Localism Act 2011 and subordinate legislation. The current 10.4 provisions relate to the old Code of Conduct and former LGA 2000 legislative framework.</p>

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 - any other body to which you were appointed or nominated by the authority¶  
 - any other body exercising functions of a public nature (for example another local authority).¶  
 ¶  
 In these exceptional cases, provided that you do not have a prejudicial interest, you only need to declare your interest if and when you speak on the matter.

Provision in Constitution	Current Wording	Proposed Amendment	Reason(s)
	<p>10.5 You will also have a <i>prejudicial interest</i> in Council business affecting the outside body if:</p> <ul style="list-style-type: none"> <li>- the matter being considered affects the financial position of the outside body; or</li> <li>- relates to an approval, consent, licence, permission or registration affecting the outside body e.g. an application for planning permission.</li> </ul>	<p><i>Delete para 10.5 and renumber subsequent paragraphs.</i></p>	<p>To reflect the new ethical framework adopted by the Authority under the Localism Act 2011 and subordinate legislation. The current 10.5 provisions relate to the old Code of Conduct and former LGA 2000 legislative framework</p>
	<p>10.6 If you have a prejudicial interest in a matter under discussion you must declare it. You must then leave the meeting room, unless members of the public are allowed to make representations, answer questions or give evidence about the matter. If that is the case, you can make your representations etc., but must leave the room immediately after doing so. The Code of Conduct supports your role as a community advocate and enables you, even with a prejudicial interest, to represent your community and speak on issues that are important to them and to you.</p>	<p><i>Delete para 10.6 and renumber subsequent paragraphs</i></p>	<p>To reflect the new ethical framework adopted by the Authority under the Localism Act 2011 and subordinate legislation. The current 10.6 provisions relate to the old Code of Conduct and former LGA 2000 legislative framework</p>
	<p>10.7 <b>Bias:</b> Where you might be inclined to the view that you have no prejudicial interest, your duties as a director, or trustee, or member of a management committee may well be regarded, on an objective appraisal, as giving rise to a legitimate fear of lack of impartiality, especially having regard to the desirability of maintaining public confidence. Participation in the decision making at a Council committee meeting by a Councillor who is biased potentially invalidates the decision.</p>	<p><i>Re-number as appropriate:</i></p> <p><b>10.4 Bias:</b> Where you might be inclined to the view that you have no <u>disclosable pecuniary</u> interest, your duties as a director, or trustee, or member of a management committee may well be regarded, on an objective appraisal, as giving rise to a legitimate fear of lack of impartiality, especially having regard to the desirability of maintaining public confidence. Participation in the decision making at a Council committee meeting by a Councillor who is biased potentially invalidates the decision.</p>	<p>To reflect the new ethical framework adopted by the Authority under the Localism Act 2011 and subordinate legislation.</p>

**Deleted:** 10.5 You will also have a *prejudicial interest* in Council business affecting the outside body if:

- the matter being considered affects the financial position of the outside body; or  
- relates to an approval, consent, licence, permission or registration affecting the outside body e.g. an application for planning permission.

**Deleted:** 10.6 If you have a prejudicial interest in a matter under discussion you must declare it. You must then leave the meeting room, unless members of the public are allowed to make representations, answer questions or give evidence about the matter. If that is the case, you can make your representations etc., but must leave the room immediately after doing so. The Code of Conduct supports your role as a community advocate and enables you, even with a prejudicial interest, to represent your community and speak on issues that are important to them and to you.

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Provision in Constitution	Current Wording	Proposed Amendment	Reason(s)
	<p>10.8 Where membership of the outside body is on an advisory or consultative basis, bias will not be assumed from mere membership. However, once the outside body has a line which is being advocated by you, this could potentially be viewed as bias, and the Council's decision on the issue could be vulnerable to challenge if you participate in those circumstances. It will depend on the facts, and in such circumstances advice should be sought from the Assistant Chief Executive (Legal and Democratic Services).</p>	<p><i>Re-number as appropriate:</i></p> <p>10.5 Where membership of the outside body is on an advisory or consultative basis, bias will not be assumed from mere membership. However, once the outside body has a line which is being advocated by you, this could potentially be viewed as bias, and the Council's decision on the issue could be vulnerable to challenge if you participate in those circumstances. It will depend on the facts, and in such circumstances advice should be sought from the Assistant Chief Executive (Legal and Democratic Services).</p>	<p>To reflect the new ethical framework adopted by the Authority under the Localism Act 2011 and subordinate legislation.</p>
<p><b>Part 5</b></p> <p><b>Codes and Protocols</b></p> <p><b>GUIDANCE NOTE FOR COUNCILLORS AND OFFICERS ON OUTSIDE BODIES</b></p> <p><b>12. Gifts and Hospitality</b></p>	<p>12.2 Members are required by the Code of Conduct for Members to include in their register of interests any gift or hospitality received because of their office with a value of £25 or more. Every Business Unit holds a similar register of Gifts and Hospitality for Officers.</p>	<p>12.2 Members are required to register any gift or hospitality received <u>by/offered to them</u> because of their office with a value of £25 or more. <u>This Register of Members' Gifts and Hospitality is held and maintained by the Monitoring Officer.</u> Every Business Unit holds a similar register of Gifts and Hospitality for Officers, <u>and the Monitoring Officer maintains a central Register of Officers' Gifts and Hospitality.</u></p>	<p>To reflect the new ethical framework adopted by the Authority under the Localism Act 2011 and subordinate legislation.</p>
		<p><i>Insert a new paragraph 12.4 as follows:</i></p> <p><u>12.4 A revised legal framework to deal with bribery was introduced in The Bribery Act 2010 which introduced new bribery offences, the main offences relating to bribing another person, being bribed, bribing a foreign official and the failure of commercial organisations to prevent bribery.</u></p>	<p>To reflect the new corruption legislative framework.</p>

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Provision in Constitution	Current Wording	Proposed Amendment	Reason(s)
<b><u>ITEMS FOR INFORMATION</u></b>			
<p><b>Part 5</b></p> <p><b>Codes and Protocols</b></p>		<p>The Protocol Role of Leader and Chief Executive Officer in Ethical Framework</p>	<p>On 29 October 2012, the Standards Committee agreed (subject to consultation with the Leader and Chief Executive Officer) various amendments to the Protocol re the roles of the Leader and Chief Executive Officer in relation to the ethical framework for recommendation to full Council for approval (as the Protocol is published in the Constitution). The amendments arose out of the changes to the ethical framework brought about by the Localism Act 2011.</p> <p>Members are fully aware of such legislative changes and in the spirit of keeping the ethical framework 'light touch', officers believe that a proportionate approach is to substitute the amended Protocol, once agreed with the Leader and Chief Executive Officer, as a 'housekeeping' change to the Constitution under the Monitoring Officer's powers in Article 15.02 (d) of the Constitution.</p>
<p>Part 6</p> <p>Members' Allowances Scheme</p>		<p><i>The Members' Allowances Scheme will also be affected by the changes to the standards regime under the Localism Act 2011.</i></p> <p><i>The following paragraphs of the Scheme will need to be considered for amendment HOWEVER the Members' Allowances Regulations are prescriptive as to how and when an authority's allowances scheme can be</i></p>	<p>To reflect the new ethical framework adopted by the Authority under the Localism Act 2011 and subordinate legislation.</p> <p><b>These areas for potential amendment of the Scheme will need to be raised firstly with the Independent Panel on Members' Remuneration.</b></p>

Provision in Constitution	Current Wording	Proposed Amendment	Reason(s)	
	<p><b>7. Payments to Co-optees</b></p> <p>A “Co-optee” is defined as a person who is not an elected member of the County Council, but who has been appointed to serve on one or more of the County Council Committees.</p> <p><b>Co-optees Allowance</b></p> <p>For each year a co-optees allowance will be paid to the Chairman and Independent Members of the Standards Committee in accordance with paragraph 2 of Schedule 1.</p>	<p><i>changed.</i></p> <p><b>7. Payments to Co-optees</b></p> <p>A “Co-optee” is defined as a person who is not an elected member of the County Council, but who has been appointed to serve on one or more of the County Council Committees.</p>	<p>Under the new ethical framework under the Localism Act, the new Standards Committee no longer has independent members co-opted on to it. The Independent Persons for standards are not co-opted on to the Committee but are invited to its meetings and consulted on all key standards matters.</p>	<p><b>Deleted: Co-optees Allowance</b></p> <p>¶ For each year a co-optees allowance will be paid to the Chairman and Independent Members of the Standards Committee in accordance with paragraph 2 of Schedule 1.¶</p> <p><b>Formatted:</b> Don't adjust space between Latin and Asian text, Don't adjust space between Asian text and numbers</p> <p><b>Deleted: 11. Withholding of Allowances for Members under Suspension</b></p> <p>¶ a) The Standards Committee shall have the ability to withhold any part of a Member's basic allowance, special responsibility allowance, co-optees allowance or travel and subsistence allowance payable for any period where, or in respect of duties from which, s/he is suspended or partially suspended under Part III of the Local Government Act 2000;¶</p> <p>¶ b) The Standards Committee shall have the ability to require repayment of any allowance (or part thereof) already paid in respect of any period during which the Member concerned is suspended or partially suspended under Part III, ceases to be a Member of the authority or is in any other way not entitled to receive the allowance in respect of that period; and¶</p> <p>¶ c) That the withholding of the specified allowances or the requirement to repay any allowance in the circumstances set out above should continue during any period of appeal by the Member concerned under Part III of the Local</p>
	<p><b>11. Withholding of Allowances for Members under Suspension</b></p> <p>a) The Standards Committee shall have the ability to withhold any part of a Member's basic allowance, special responsibility allowance, co-optees allowance or travel and subsistence allowance payable for any period where, or in respect of duties from which, s/he is suspended or partially suspended under Part III of the Local Government Act 2000;</p> <p>b) The Standards Committee shall have the ability to require repayment of any allowance (or part thereof) already paid in respect of any period during which the Member concerned is suspended or partially suspended under Part III, ceases to be a Member of the authority or is in any other way not entitled to receive the allowance in respect of that period; and</p>	<p><i>Delete section 11</i></p>	<p>Under the new ethical framework under the Localism Act 2011, the previous legislative framework under the LG Act 2000 and subordinate legislation has been repealed. The Standards Committee no longer has power to withhold allowances.</p>	<p>¶ b) The Standards Committee shall have the ability to require repayment of any allowance (or part thereof) already paid in respect of any period during which the Member concerned is suspended or partially suspended under Part III, ceases to be a Member of the authority or is in any other way not entitled to receive the allowance in respect of that period; and¶</p> <p>¶ c) That the withholding of the specified allowances or the requirement to repay any allowance in the circumstances set out above should continue during any period of appeal by the Member concerned under Part III of the Local</p>

Provision in Constitution	Current Wording	Proposed Amendment	Reason(s)				
	<p>c) That the withholding of the specified allowances or the requirement to repay any allowance in the circumstances set out above should continue during any period of appeal by the Member concerned under Part III of the Local Government Act 2000 and associated legislation. In the event of any appeal being successful in removing the suspension or partial suspension, then any withheld or repaid amount may be reimbursed to the Member where appropriate.</p>						
<p>Part 6 Members' Allowances Scheme SCHEDULE 1</p>	<p>SCHEDULE 1</p> <p><b>These allowances are payable in addition to the basic allowance.</b></p> <p>2. The following is specified as the co-optee allowance payable, and the amount of that allowance:</p> <table border="0" data-bbox="504 767 898 906"> <tr> <td>Chairman of the Standards Committee</td> <td>3,088</td> </tr> <tr> <td>Independent Members of the Standards Committee (3)</td> <td>772</td> </tr> </table>	Chairman of the Standards Committee	3,088	Independent Members of the Standards Committee (3)	772		
Chairman of the Standards Committee	3,088						
Independent Members of the Standards Committee (3)	772						
<p>Not published in Constitution: Authority ethical statement re stakeholders</p>	<p><u>Council's ethical statement for stakeholders</u></p> <p><b>North Yorkshire County Council believes in a strong ethical culture. The conduct of its members and officers in fulfilling their roles is regulated by national Codes of Conduct and a comprehensive complaints framework.</b></p> <p><b>Standards of behaviour within the Council are generally excellent: the Council continues, however, to promote the ethical agenda to ensure the existing high standards are maintained; and the Leader</b></p>	<p><u>Council's ethical statement for stakeholders</u></p> <p><b>North Yorkshire County Council believes in a strong ethical culture. The conduct of its members and officers in fulfilling their roles is regulated by Codes of Conduct and the ethical framework introduced under the Localism Act 2011.</b></p> <p><b>Standards of behaviour within the Council are generally excellent: the Council continues, however, to promote the ethical agenda to ensure the existing high standards are maintained; and the Leader</b></p>	<p>On 29 October 2012, the Standards Committee agreed that the revised Authority statement re stakeholders, set out in the previous column, be recommended to full Council for adoption. The amendments arose out of the changes to the ethical framework brought about by the Localism Act 2011.</p> <p>Members are fully aware of such legislative changes and in the spirit of keeping the ethical framework 'light touch', officers believe that a proportionate approach is to substitute</p>				

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Provision in Constitution	Current Wording	Proposed Amendment	Reason(s)
	<p>and Chief Executive Officer are committed to working together to lead by example and to uphold the ethical wellbeing and effective governance of the Council.</p> <p>In working with partners and service providers on Council business, the Council requires similarly high standards from those with whom it works.</p>	<p>and Chief Executive Officer are committed to working together to lead by example and to uphold the ethical wellbeing and effective governance of the Council.</p> <p>In working with partners and service providers on Council business, the Council requires similarly high standards from those with whom it works.</p>	<p>the amended Protocol, once agreed with the Leader and Chief Executive Officer, as a 'housekeeping' change to the Constitution under the Monitoring Officer's powers in Article 15.02 (d) of the Constitution.</p>

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monitoring the operation and effectiveness of the Members' Code of Conduct;(e) advising, training or arranging to train Councillors, co-opted members and church and parent governor representatives on matters relating to the Members' Code of Conduct;		
<b>Page 6: [2] Deleted</b>	<b>mbeighto</b>	<b>07/11/2012 11:23:00</b>
determining complaints (other than those being determined by Standards for England/the First Tier Tribunal (Local Government Standards in England) that Councillors, co-opted members and church and parent governor representatives may have breached the Code of Conduct for Members;		
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dealing with any reports from a case tribunal or interim case tribunal, any reports to the Committee by an Ethical Standards Officer, and any report from the Monitoring Officer on any matter which is referred by an Ethical Standards Officer ( <i>see 12.03 (d)</i> ) to the Monitoring Officer;		
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a general overview of ethical issues in relation to the Authority, including in particular any investigations undertaken, and reports issued, by the Local Government Ombudsman;		
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dealing with any other complaints about Councillors' conduct, unrelated to the Code of Conduct, referred by the Chief Executive Officer. In such circumstances the Standards Committee may investigate, afford the Member a hearing, and may then advise the Member as to what action they should take. Should the member subsequently fail to take such action, they may be censured by the Standards Committee;		
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granting exemptions to officers in politically restricted posts to allow them to engage in political activities;		
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all functions in respect of the publication of Standards Committee independent Member vacancies		
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iii. That the withholding of the specified allowances or the requirement to repay any allowance in the circumstances set out above should continue during any period of appeal by the Member concerned under Part III of the Local Government Act 2000 and associated legislation. In the event of any appeal being successful in removing the suspension or partial suspension, then any withheld or repaid amount may be reimbursed to the Member where appropriate.		

*Note: (a) – (j) and (n) above are compulsory.  
All other terms of reference are included through local choice.*

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(q) taking decisions on withholding Members' allowances or requesting repayment of allowances in relation to Members suspended under Part III of the Local Government Act 2000, in the circumstances indicated below:		
i. The Standards Committee shall have the ability to withhold any part of a Member's basic allowance, special responsibility allowance, co-optees' allowance or travel and subsistence allowance payable for any period where, or in respect of duties from		

which, s/he is suspended or partially suspended under Part III of the Local Government Act 2000;

- ii. The Standards Committee shall have the ability to require repayment of any allowance (or part thereof) already paid in respect of any period during which the Member concerned is suspended or partially suspended under Part III, ceases to be a Member of the authority or is in any other way not entitled to receive the allowance in respect of that period; and

#### **11. Withholding of Allowances for Members under Suspension**

a) The Standards Committee shall have the ability to withhold any part of a Member's basic allowance, special responsibility allowance, co-optees allowance or travel and subsistence allowance payable for any period where, or in respect of duties from which, s/he is suspended or partially suspended under Part III of the Local Government Act 2000;

b) The Standards Committee shall have the ability to require repayment of any allowance (or part thereof) already paid in respect of any period during which the Member concerned is suspended or partially suspended under Part III, ceases to be a Member of the authority or is in any other way not entitled to receive the allowance in respect of that period; and

c) That the withholding of the specified allowances or the requirement to repay any allowance in the circumstances set out above should continue during any period of appeal by the Member concerned under Part III of the Local Government Act 2000 and associated legislation. In the event of any appeal being successful in removing the suspension or partial suspension, then any withheld or repaid amount may be reimbursed to the Member where appropriate.

# APPENDIX A – PART B

## Proposed Amendments to Constitution 2012/13

November 2012

### PART B – Consequential amendments arising out of Access to Information legislative changes

The items listed in this Part of the amendments chart are consequential amendments arising out of legislative changes. The Local Authorities (Executive Arrangements) (Meetings and Access to Information) (England) Regulations 2012 came into force on 10 September 2012 and change the access to information requirements in so far as they apply to meetings of the Executive, Executive Committees, joint committees (and sub-committees of them) where the members are Executive members, and Executive Area Committees.

Where amendments are suggested to part of a paragraph, only the relevant part is replicated in the amendment chart below.

Provision in Constitution	Current Wording	Proposed Amendment	Reason(s)
<p><b>Part 1 SUMMARY AND EXPLANATION</b></p>	<p><b>How decisions are made</b></p> <p>The Executive is the part of the Council which is responsible for most day-to-day decisions. When major decisions are to be discussed or made, these are published in the Executive's forward plan in so far as they can be anticipated. If these major decisions are to be discussed at a meeting of the Executive, this will generally be open for the public to attend except where personal or confidential matters are being discussed. The Executive has to make decisions which are in line with the Council's overall policies and budget. If it wishes to make a decision which is outside the budget or policy framework, this must be referred to the Council as a whole to decide. Citizens have a right to have a say about decisions which affect them, and to be able to understand what decisions have been taken and</p>	<p><b>How decisions are made</b></p> <p>The Executive is the part of the Council which is responsible for most day-to-day decisions. When major decisions are to be discussed or made, these are published in the Executive's forward plan in so far as they can be anticipated, <u>and must be published at least 28 days before a key decision is made. Urgency procedures allow for key decisions still to be taken if these timescales cannot be met.</u> If these major decisions are to be discussed at a meeting of the Executive, this will generally be open for the public to attend except where personal or confidential matters are being discussed. The Executive has to make decisions which are in line with the Council's overall policies and budget. If it wishes to make a decision which is outside the budget or policy framework, this</p>	<p>A decision-maker who intends to make a key decision must publish a document publicising this (which generally replicates the required content for the current Forward Plan with some expansion – see later), which must be made available for public inspection at the Council's offices and on the website at least 28 days before a key decision is made.</p> <p>The expression 'forward plan' is no longer used in the Regulations, although it is recommended that the Authority continue with that name. The consequential amendments arising out of these regulations have been drafted on that basis.</p>

Provision in Constitution	Current Wording	Proposed Amendment	Reason(s)
	why.	must be referred to the Council as a whole to decide. Citizens have a right to have a say about decisions which affect them, and to be able to understand what decisions have been taken and why.	
<b>Article 3 – Citizens and the Council</b>  <b>3.01 Citizens’ rights</b>	<p>(b) <b>Information:</b> Citizens have the right to:</p> <p>(a) attend meetings of the Council and its committees and of the Executive, except where confidential or exempt information (as defined in the Access to Information Procedure Rules contained in Part 4 of this Constitution) is likely to be disclosed, and the meeting is therefore held in private;</p> <p>(ii) find out from the forward plan what key decisions will be taken by the Executive and when;</p> <p>(iii) see reports and background papers (except where these contain confidential or exempt information), and any records of decisions made by the Council and the Executive; and</p> <p>(iv) inspect the Council’s accounts and make their views known to the external auditor.</p>	<p>(b) <b>Information:</b> Citizens have the right to:</p> <p>(b) attend meetings of the Council and its committees and of the Executive, except where confidential or exempt information (as defined in the Access to Information Procedure Rules contained in Part 4 of this Constitution) is likely to be disclosed, and the meeting is therefore held in private;</p> <p>(ii) find out from the forward plan what key decisions will be taken by the Executive and <u>other decision takers and when. Also, subject to urgency procedures, to have at least 28 days’ prior notice of a private meeting of an executive decision making body;</u></p> <p>(iii) see reports and background papers (except where these contain confidential or exempt information), and any records of decisions made by the Council and the Executive; and</p> <p>(iv) inspect the Council’s accounts and make their views known to the external auditor.</p>	<p>To reflect that not only the Executive takes executive decisions and other decision takers are listed in the Forward Plan.</p> <p>To reflect the new legislative requirement that where the intention is to take a matter in private, then at least 28 clear days’ notice has to be given of the private meeting.</p>
<b>Article 7 – The Executive</b>  <b>7.05 Proceedings of the Executive</b>	<p><b>7.05 Proceedings of the Executive</b></p> <p>Proceedings of the Executive shall take place in accordance with the Executive Procedure Rules set out in Part 4 of this Constitution.</p>	<p><b>7.05 Proceedings of the Executive</b></p> <p><u>(c)</u> Proceedings of the Executive shall take place in accordance with the Executive Procedure Rules set out in Part 4 of this Constitution.</p>	<p>To highlight that there are additional requirements in relation to decision making re executive decisions (eg prior notice to be given of a private meeting).</p>

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Provision in Constitution	Current Wording	Proposed Amendment	Reason(s)
		<p><u>(d) Access to information legislation sets out additional requirements upon local authority decision-making in relation to executive matters. These are incorporated in the Council's Access to Information Procedure Rules set out in Part 4 of the Constitution.</u></p>	
<p><b>Article 13 – Decision Making</b></p> <p><b>13.03 Types of Decision</b></p> <p>(e) Key decisions.</p>		<p><i>Insert the following paragraph at the end of Article 13.03 (b)(iii):</i></p> <p><u>Access to information legislation sets out additional requirements upon local authority decision-making in relation to key decisions. These are incorporated in the Council's Access to Information Procedure Rules in Part 4 of the Constitution.</u></p>	<p>To highlight that there are additional requirements in relation to decision making re key decisions (eg prior publication on forward plan).</p>
<p><b>Part 4</b></p> <p><b>Rules of Procedure</b></p> <p><b>Access to Information Procedure Rules</b></p> <p>Italicised Note at beginning of Rules</p>	<p><b>Access to Information Procedure Rules</b></p> <p><i>North Yorkshire County Council believes in public access to information in order to ensure that citizens can exercise their rights to have a say about decisions, and can understand what decisions have been taken and why. Although some information has to remain private, for example to respect personal privacy, commercial confidentiality or for legal reasons, the County Council has adopted a presumption of openness that information will be available unless there is a substantial lawful reason why not.</i></p>	<p><b>Access to Information Procedure Rules</b></p> <p><i>North Yorkshire County Council believes in public access to information in order to ensure that citizens can exercise their rights to have a say about decisions, and can understand what decisions have been taken and why. Although some information has to remain private, for example to respect personal privacy, commercial confidentiality or for legal reasons, the County Council has adopted a presumption of openness that information will be available unless there is a substantial lawful reason why not. <u>This is consistent with access to information legislation.</u></i></p> <p><u><i>These Access to Information Procedure Rules are based on current access to information legislation: should any provision conflict with the legislation, the latter will prevail.</i></u></p>	<p>For absolute clarity over the application and precedence of the new access to information regulations.</p>

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Provision in Constitution	Current Wording	Proposed Amendment	Reason(s)
<p><b>Part 4</b></p> <p><b>Rules of Procedure</b></p> <p><b>Access to Information Procedure Rules</b></p>	<p><b>1. SCOPE</b></p> <p>1.1 These rules apply to all meetings of the Council, its committees and sub-committees and formal meetings of the Executive and any Committees of the Executive (together called meetings). These rules do not apply to the Assessment and Review Sub- Committees of the Standards Committee.</p> <p>1.2 Certain parts of these Rules apply to decisions by individual Members of the Executive and to decisions by individual officers. Further information is given in Rules 19 and 19A.</p>	<p><b>1. SCOPE</b></p> <p>1.1 <u>Except where indicated,</u> these rules apply to all meetings of the Council, its committees and sub-committees and formal meetings of the Executive and any Committees of the Executive (together called meetings).</p> <p>1.2 Certain parts of these Rules apply to decisions by individual Members of the Executive and to decisions by individual officers. Further information is given in Rules 19 and 19A.</p>	<p>To pick up that the Assessment Sub-Committee and Review Sub-Committee of the former Standards Committee no longer exist under the new ethical framework adopted under the Localism Act 2011. This proposed amendment has also been highlighted in the Part 4 Amendments Chart.</p> <p>To highlight that not all the new requirements arising out of the new Access to Information Regulations apply to all committees – it's only executive decision making bodies.</p>
<p><b>Part 4</b></p> <p><b>Rules of Procedure</b></p> <p><b>Access to Information Procedure Rules</b></p>	<p><b>3. RIGHTS TO ATTEND MEETINGS</b></p> <p>Members of the public may attend all meetings subject only to the exceptions in these rules.</p>	<p><b>3. RIGHTS TO ATTEND MEETINGS</b></p> <p><u>3.1</u> Members of the public may attend all meetings subject only to the exceptions in these rules.</p> <p><u>3.2 While a meeting is open to the public, any person attending the meeting for the purpose of reporting the proceedings is, so far as practicable, to be afforded reasonable facilities for taking their report.</u></p>	<p>To reflect Regulation 4(6) of the new Regulations. If a meeting is open to the public, any person attending the meeting to report on the meeting must be provided with reasonable facilities for their reporting.</p> <p>There is a clear indication that the Government does not expect local authorities to prevent or restrict the use of social media in the reporting of public meetings.</p>

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Provision in Constitution	Current Wording	Proposed Amendment	Reason(s)
<p><b>Part 4</b></p> <p><b>Rules of Procedure</b></p> <p><b>Access to Information Procedure Rules</b></p>	<p><b>4. NOTICES OF MEETING</b></p> <p>The Council will give at least five clear days notice of any meeting by posting details of the meeting at County Hall and at the venue for the meeting (if different) and/or on the Council's website. "Clear days" means all days the notice is available for public inspection (not including the day of the notice or the day of the meeting/decision).</p>	<p><b>4. NOTICES OF MEETING</b></p> <p><b><u>Public Meetings</u></b></p> <p><u>4.1</u> The Council will give <u>notice of the time and place</u> of any <u>public</u> meeting by posting details of the meeting at County Hall and at the venue for the meeting (if different) and on the Council's website. <u>At least five clear days before the meeting or, where the meeting is convened at shorter notice, at the time that the meeting is convened.</u></p> <p><u>4.2</u> "Clear days" means all days the notice is available for public inspection (not including the day of the notice or the day of the meeting/decision).</p> <p><b><u>Private Meetings</u></b></p> <p><u>4.3</u> <u>At least 28 clear days before a private meeting (a meeting, or part of a meeting, of the executive decision-making body during which the public are excluded) the executive decision making body must give notice of its intention to hold the meeting in private (including a statement of the reasons for holding it in private) by making the notice available at County Hall and at the venue for the meeting (if different) and publishing it on the Council's website.</u></p> <p><u>4.4</u> <u>At least five clear days before a private meeting, the executive decision making body must give further notice of its intention to hold the meeting in private including:</u></p> <ul style="list-style-type: none"> <li><u>a statement of the reasons for holding it in private;</u></li> </ul>	<p>To reflect additional requirements set out in the new access to information legislation regarding public meetings.</p> <p>It is now a statutory requirement for the notice of the time and place of a public meeting to also be published on a authority's website (if it has one).</p> <p>If a meeting is convened at shorter notice, the notice of the time and place must be given at the time that the meeting is convened. The Regulations do not specify how meetings are to be convened at shorter notice, other than making provision for urgent key decisions to be taken without complying with the usual publicity requirements.</p> <p>To reflect the new legislative procedures around the new requirement that where the intention is to take a matter in private, then at least 28 clear days' notice has to be given of the private meeting.</p>

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Provision in Constitution	Current Wording	Proposed Amendment	Reason(s)
		<ul style="list-style-type: none"> <li>• <u>details of any representations received about why the meeting should be open to the public; and</u></li> <li>• <u>a statement of its response to any such representations</u></li> </ul> <p><u>by making the notice available at County Hall and at the venue for the meeting (if different) and publishing it on the Council's website.</u></p> <p><u>Urgent Private Meetings</u></p> <p><u>4.5 Where the date by which a meeting must be held makes compliance with Rules 4.3 and 4.4 impracticable, the meeting may only be held in private where the executive decision-making body has obtained agreement that the meeting is urgent and cannot reasonably be deferred from the chairman of the relevant overview and scrutiny committee; or, if there is no such person, or if s/he is unable to act, the chairman of the Authority; or where there is no chairman of either, the vice-chairman of the Authority.</u></p> <p><u>4.6 As soon as reasonably practicable after agreement is given under Rule 4.5 to hold a private meeting, the executive decision making body must give notice setting out the reasons why the meeting is urgent and cannot reasonably be deferred by making the notice available at County Hall and at the venue for the meeting (if different) and publishing it on the Council's website.</u></p>	<div data-bbox="1917 432 2204 464" style="border: 1px solid red; border-radius: 5px; padding: 2px; margin-bottom: 10px;">Formatted: Underline</div> <div data-bbox="1917 879 2204 911" style="border: 1px solid red; border-radius: 5px; padding: 2px; margin-bottom: 5px;">Formatted: Font: Arial</div> <div data-bbox="1917 922 2204 995" style="border: 1px solid red; border-radius: 5px; padding: 2px; margin-bottom: 10px;">Formatted: Justified, Indent: Left: 0 pt, Tabs: 215.4 pt, Left</div> <div data-bbox="1917 1134 2204 1187" style="border: 1px solid red; border-radius: 5px; padding: 2px;">Formatted: Justified, Indent: Left: 0 pt</div>

Provision in Constitution	Current Wording	Proposed Amendment	Reason(s)
<p><b>Part 4</b></p> <p><b>Rules of Procedure</b></p> <p><b>Access to Information Procedure Rules</b></p> <p><b>6. SUPPLY OF COPIES</b></p>	<p><b>6. SUPPLY OF COPIES</b></p> <p>The Council will supply copies of:</p> <p>(a) any agenda and reports which are open to public inspection;</p> <p>(b) any further statements or particulars necessary to indicate the nature of the items in the agenda; and</p> <p>© if The Assistant Chief Executive (Legal and Democratic Services) thinks fit, copies of any other documents supplied to Councillors in connection with an item to any person on payment of a charge for postage and any other costs.</p>	<p><b>6. SUPPLY OF COPIES</b></p> <p><u>6.1</u> The Council will supply copies of:</p> <p>(a) any agenda and reports which are open to public inspection;</p> <p>(b) any further statements or particulars necessary to indicate the nature of the items in the agenda; and</p> <p>© if The Assistant Chief Executive (Legal and Democratic Services) thinks fit, copies of any other documents supplied to Councillors in connection with an item to any person on payment of a charge for postage and any other costs.</p> <p><u>6.2 Subject to Rule 6.3, any member of the public may, in any publicly available medium, reproduce, or provide commentary in relation to, any document supplied to that person or made available for inspection by members of the public under these Rules.</u></p> <p><u>6.3 Rule 6.2 does not require or authorise the doing of any act which infringes the copyright in any work except that, where the owner of the copyright is the County Council, nothing done pursuant to that paragraph constitutes an infringement of the copyright.</u></p>	<p>To ensure compliance with Reg 21 of the new access to information Regulations.</p>

Provision in Constitution	Current Wording	Proposed Amendment	Reason(s)
<p><b>Part 4</b></p> <p><b>Rules of Procedure</b></p> <p><b>Access to Information Procedure Rules</b></p> <p><b>7. ACCESS TO MINUTES ETC AFTER THE MEETING</b></p>	<p>The Council will make available copies of the following for six years after a meeting:</p> <p>(a) the minutes of the meeting (or records of decisions taken, together with reasons), excluding any part of the minutes of proceedings when the meeting was not open to the public or which disclose exempt or confidential information;</p> <p>(b) a summary of any proceedings not open to the public where the minutes open to inspection would not provide a reasonably fair and coherent record;</p> <p>© the agenda for the meeting; and</p> <p>(d) reports relating to items when the meeting was open to the public.</p>	<p><u>7.1</u>The Council will make available <u>for public inspection (at County Hall and on the Council's website)</u> copies of the following for six years after a meeting:</p> <p>(a) the minutes of the meeting (or records of decisions taken, together with reasons), excluding any part of the minutes of proceedings when the meeting was not open to the public or which disclose exempt or confidential information;</p> <p>(b) a summary of any proceedings not open to the public where the minutes open to inspection would not provide a reasonably fair and coherent record;</p> <p>© the agenda for the meeting; and</p> <p>(d) reports relating to items when the meeting was open to the public.</p> <p><u>7.2 Where a request on behalf of a newspaper is made for a copy of any of the documents available for public inspection under 7.1 above, those documents must be supplied for the benefit of the newspaper by the Council on payment by the newspaper to the Council of postage, copying or other necessary charge for transmission.</u></p>	
<p><b>Part 4</b></p> <p><b>Rules of Procedure</b></p> <p><b>Access to Information</b></p>	<p><b>8.2 Public inspection of background papers</b></p> <p>The Council will make available for public inspection, both from the date from which the relevant report was made available for public inspection, and for four years after the date of the meeting, one copy of each of the documents</p>	<p><b>8.2 Public inspection of background papers</b></p> <p>The Council will make available for public inspection <u>(at County Hall and on the Council's website)</u>, both from the date from which the relevant report was made available for public inspection, and for four years after the date of the meeting, one copy of each of the documents</p>	<p>To reflect the statutory requirement to publish background papers on the website (Regulation 15, new access to information Regulations).</p>

Provision in Constitution	Current Wording	Proposed Amendment	Reason(s)
<b>Procedure Rules</b>  <b>8. BACKGROUND PAPERS</b>	on the list of background papers.	on the list of background papers.	
<b>Part 4</b>  <b>Rules of Procedure</b>  <b>Access to Information Procedure Rules</b>  <b>10. EXCLUSION OF ACCESS BY THE PUBLIC TO MEETINGS</b>	<b>10.2 Exempt information – discretion to exclude public</b>  The public may be excluded from meetings whenever it is likely, in view of the nature of the business to be transacted or the nature of the proceedings, that confidential or exempt information (see 10.4 and 10.5) would be disclosed. The public may also be excluded from a meeting where an executive decision is being taken, where it is likely in view of the nature of the item, that the advice of a political adviser or assistant would be disclosed.	<b>10.2 Exempt information – discretion to exclude public</b>  <u>10.2.1</u> The public may be excluded from meetings whenever it is likely, in view of the nature of the business to be transacted or the nature of the proceedings, that exempt information (see 10.5) would be disclosed.  <u>10.2.2</u> <u>The public may only be excluded under 10.1 and 10.2 for the part or parts of the meeting during which it is likely that confidential information or exempt information would be disclosed.</u>	To reflect the wording of the new access to information regulations.
<b>Part 4</b>  <b>Rules of Procedure</b>  <b>Access to Information Procedure Rules</b>  <b>10.5 Meaning of exempt information</b>  <b>PART 1 DESCRIPTIONS OF EXEMPT INFORMATION</b>	...  7. Information relating to any action taken or to be taken in connection with the prevention, investigation or prosecution of crime.  Where a meeting of a <b>standards committee</b> , or <b>sub-committee of a standards committee</b> , is convened to consider a matter under regulations 13 or 16 to 20 of the Standards Committee (England) Regulations 2008 or referred under section 58(1)© of the Local Government Act 2000, the provisions of paragraphs 1 to 7 above shall apply as if, after paragraph 7, the following descriptions of exempt information were inserted:-  7A. Information which is subject to any obligation	...  7. Information relating to any action taken or to be taken in connection with the prevention, investigation or prosecution of crime.  ©©	As per Amendments Chart Part A.

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7A. Information which is subject to any obligation of confidentiality.¶  
7B. Information which relates in any way to matters concerning national security.¶  
7C. Information presented to a standards committee, or to a sub-committee of a standards committee, set up to consider any matter under regulations 13 or 16 to 20 of the Standards Committee (England) Regulations 2008, or referred under section 58(1)

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Provision in Constitution	Current Wording	Proposed Amendment	Reason(s)
	<p>of confidentiality.</p> <p>7B. Information which relates in any way to matters concerning national security.</p> <p>7C. Information presented to a standards committee, or to a sub-committee of a standards committee, set up to consider any matter under regulations 13 or 16 to 20 of the Standards Committee (England) Regulations 2008, or referred under section 58(1)© of the Local Government Act 2000.</p>		
<p><b>Part 4</b></p> <p><b>Rules of Procedure</b></p> <p><b>Access to Information Procedure Rules</b></p> <p><b>10.5 Meaning of exempt information</b></p> <p><b>PART 2 QUALIFICATIONS: ENGLAND</b></p>	<p>...</p> <p>10. Information which –</p> <p>(a) falls within any of paragraphs 1 to 7 above; and</p> <p>(b) is not prevented from being exempt by virtue of paragraph 8 or 9 above, is exempt information if and so long, as in all the circumstances of the case, the public interest in maintaining the exemption outweighs the public interest in disclosing the information.</p>	<p>...</p> <p>10. Information which –</p> <p>(a) falls within any of paragraphs 1 to 7 above; and</p> <p>(b) is not prevented from being exempt by virtue of paragraph 8 or 9 above, is exempt information if and so long, as in all the circumstances of the case, the public interest in maintaining the exemption outweighs the public interest in disclosing the information.</p>	<p>A change in layout to sub-paragraph (b) for clarity.</p>
<p><b>Part 4</b></p> <p><b>Rules of Procedure</b></p> <p><b>Access to Information</b></p>	<p><b>12.1</b> These Access to Information Procedure Rules apply to meetings of the Executive and any Committees it may establish.</p> <p><b>12.2</b> Rules 13, 14, 15 and 16 also apply to decisions by individual Executive Members.</p> <p><b>12.3</b> Subject to Rules 15 and 16, any report on</p>	<p><b>12.1</b> These Access to Information Procedure Rules apply to meetings of the Executive, any Committees it may establish, <u>and joint committees (and their sub-committees) where all the members of the joint committee are members of a local authority executive.</u></p> <p><b>12.2</b> Rules 13, 14, 15 and 16 also apply to</p>	<p>To reflect the wording of the new access to information regulations.</p> <p>Deleted: and</p> <p>Formatted: Not Highlight</p>

Provision in Constitution	Current Wording	Proposed Amendment	Reason(s)
<p><b>Procedure Rules</b></p> <p><b>12. APPLICATION OF RULES TO THE EXECUTIVE</b></p>	<p>which a decision by the Executive, a Committee of the Executive, or an individual Executive Member, is to be based will be available five clear days in advance of the decision, and will be copied by the Chief Executive or the relevant Corporate Director to the Chairman and Vice-Chairman of the relevant Overview and Scrutiny Committee(s).</p>	<p>decisions by individual Executive Members.</p> <p><b>12.3</b> Subject to Rules 15 and 16, any report on which a decision by the Executive, a Committee of the Executive, or an individual Executive Member, is to be based will be available five clear days in advance of the decision, and will be copied by the Chief Executive or the relevant Corporate Director to the Chairman and Vice-Chairman of the relevant Overview and Scrutiny Committee(s).</p>	
<p><b>Part 4</b></p> <p><b>Rules of Procedure</b></p> <p><b>Access to Information Procedure Rules</b></p> <p><b>13. PROCEDURE BEFORE TAKING KEY DECISIONS</b></p>	<p>Subject to Rule 15 (general exception) and Rule 16 (special urgency), a key decision (as defined in Article 13) may not be taken unless:</p> <p>(a) a notice (called here a forward plan) has been published in connection with the matter in question;</p> <p>(b) at least five clear days have elapsed since the publication of the forward plan;</p> <p>and</p> <p>© where the decision is to be taken at a meeting of the Executive or its committees or by an Area Committee, notice of the meeting has been given in accordance with Rule 4 (notice of meetings).</p>	<p><b>13.1</b> Subject to Rule 15 (general exception) and Rule 16 (special urgency), a key decision (as defined in Article 13) may not be <u>made until a document</u> (called here a forward plan) has been published in connection with the matter in question.</p> <p><b>13.2</b> <u>At least 28 clear days before a key decision is made, the Forward Plan document must be made available for inspection by the public at County Hall and on the Council's website.</u></p> <p><b>13.3</b> <u>Where</u> the decision is to be taken at a meeting of the Executive or its committees or by an Area Committee, notice of the meeting has been given in accordance with Rule 4 (notice of meetings).</p>	<p>To reflect the wording of the new access to information regulations.</p> <p>The expression 'forward plan' is no longer used in the new Regulation though Authorities may decide to continue with that name. It is recommended that the Council continue with calling the document 'Forward Plan' as it is a well known process which works well within the authority and there is no identifiable benefit to changing the name.</p>
<p><b>Part 4</b></p> <p><b>Rules of Procedure</b></p> <p><b>Access to Information</b></p>	<p><b>14.1 Period of forward plan</b></p> <p>(a) Forward plans will be prepared by the Assistant Chief Executive (Legal and Democratic Services) on behalf of the Leader and published by the middle of each month. Each Plan will cover a period of 12 months, beginning with the</p>	<p><b>14.1 Period of forward plan</b></p> <p>(a) Forward plans will be prepared by the Assistant Chief Executive (Legal and Democratic Services) and published by the middle of each month. Each Plan will cover a period of 12 months, beginning with the first day</p>	<p>There is now no requirement in the new access to information regulations for there to be a statutory forward plan for which the Leader is responsible.</p>

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Provision in Constitution	Current Wording	Proposed Amendment	Reason(s)
<p><b>Procedure Rules</b></p> <p><b>14. THE FORWARD PLAN</b></p>	<p>first day of the following month. The Forward Plan must be published at least 14 days before the start of the period covered. The Plan will be updated on a rolling basis.</p> <p>(b) On the day of publication of the Plan, the Assistant Chief Executive (Legal and Democratic Services) will send the Plan to all Members by e-mail.</p> <p>© A form to be used for notifying the Legal and Democratic Services Unit of new items for the Forward Plan can be found on the Council's Intranet. The Forward Plan itself is included on the Intranet and Internet websites.</p> <p><b>14.2 Contents of forward plan</b></p> <p>(a) The forward plan will be in the format contained in the Appendix to these Rules and will contain matters which the Leader has reason to believe will be the subject of a key decision to be taken by the Executive, a committee of the Executive, individual members of the Executive, Officers, area committees or under joint arrangements in the course of the discharge of an executive function during the period covered by the plan.</p> <p>(b) Other important (but non-Executive) decisions should also be included on the Plan, even if they are not 'key' decisions as defined in Article 13.03(b).</p> <p>© The Forward Plan will describe the following particulars in so far as the information is available or might reasonably be obtained:</p> <p>(i) the date on which, or the period within which,</p>	<p>of the following month. The Forward Plan must be published at least 14 days before the start of the period covered. The Plan will be updated on a rolling basis.</p> <p>(b) On the day of publication of the Plan, the Assistant Chief Executive (Legal and Democratic Services) will send the Plan to all Members by e-mail.</p> <p>© A form to be used for notifying the Legal and Democratic Services Unit of new items for the Forward Plan can be found on the Council's Intranet. The Forward Plan itself is included on the Intranet and Internet websites.</p> <p><b>14.2 Contents of forward plan</b></p> <p>(a) The forward plan will be in the format contained in the Appendix to these Rules and will contain matters which will be the subject of a key decision to be taken by the Executive, a committee of the Executive, individual members of the Executive, Officers, area committees or under joint arrangements in the course of the discharge of an executive function during the period covered by the plan.</p> <p>(b) Other important (but non-Executive) decisions should also be included on the Plan, even if they are not 'key' decisions as defined in Article 13.03(b).</p> <p>© The Forward Plan will describe the following particulars in so far as the information is available or might reasonably be obtained:</p> <p>(i) <u>that a key decision is to be made on behalf of the authority;</u></p>	<p>Deleted: the Leader has reason to believe</p> <p>To reflect the wording of the</p>

Provision in Constitution	Current Wording	Proposed Amendment	Reason(s)
	<p>the decision will be taken;</p> <p>(ii) where the decision taker is an individual, his/her name and title, if any, and where the decision taker is a body, its name and details of membership;</p> <p>(iii) the matter in respect of which a decision is to be made;</p> <p>(iv) the identity of the principal groups whom the decision taker proposes to consult before taking the decision;</p> <p>(v) the means by which any such consultation is proposed to be undertaken;</p> <p>(vi) the steps any person might take who wishes to make representations to the Executive or decision taker about the matter in respect of which the decision is to be made, and the date by which those steps must be taken; and</p> <p>(vii) a list of the documents submitted to the decision taker for consideration in relation to the matter.</p> <p>Exempt information need not be included in the forward plan and confidential information cannot be included.</p>	<p><del>(ii) the matter in respect of which the decision is to be made;</del></p> <p><del>(iii) where the decision maker is an individual, his/her name and title, if any, and where the decision maker is a body, its name and a list of its members;</del></p> <p><del>(iv) the date on which, or the period within which, the decision is to be made;</del></p> <p><del>(v) a list of the documents submitted to the decision maker for consideration in relation to the matter;</del></p> <p><del>(vi) © address from which, subject to any prohibition or restriction on their disclosure, copies of, or extracts from, any document listed is available;</del></p> <p><del>(vii) that other documents relevant to those matters may be submitted to the decision maker; and</del></p> <p><del>(viii) the procedure for requesting details of those documents (if any) as they become available.</del></p> <p>Exempt information need not be included in the forward plan and confidential information cannot be included.</p>	<p>requirements of the new access to information legislation.</p> <p><b>Deleted:</b> the date on which, or the period within which, the decision will be taken;¶</p> <p><b>Deleted:</b> t</p> <p><b>Deleted:</b> t</p> <p><b>Deleted:</b> details of membership</p> <p><b>Deleted:</b> ¶ (iii) the matter in respect of which a decision is to be made;</p> <p><b>Deleted:</b> (iv) the identity of the principal groups whom the decision taker proposes to consult before taking the decision;¶ (v) the means by which any such consultation is proposed to be undertaken;¶</p> <p><b>Deleted:</b> the steps any person might take who wishes to make representations to the Executive or decision taker about the matter in respect of which the decision is to be made, and the date by which those steps must be taken;</p> <p><b>Deleted:</b> (vii) a list of the documents submitted to the decision taker for consideration in relation to the matter.¶</p>

Provision in Constitution	Current Wording	Proposed Amendment	Reason(s)
	<p><b>14.3</b> The Assistant Chief Executive (Legal and Democratic Services) will publish once a year (at the end of December) a notice in at least one newspaper circulating in the area, stating:</p> <p>(a) that key decisions are to be taken on behalf of the Council;</p> <p>(b) that a forward plan containing particulars of the matters on which decisions are to be taken will be prepared on a monthly basis;</p> <p>© that the plan will contain details of the key decisions to be made for the 12 month period following its publication;</p> <p>(d) that each plan will be available for inspection at reasonable hours free of charge at the Council's offices;</p> <p>(e) that each plan will contain a list of the documents submitted to the decision takers for consideration in relation to the key decisions on the plan;</p> <p>(f) the address from which, subject to any prohibition or restriction on their disclosure, copies of, or extracts from, any document listed in the forward plan is available;</p> <p>(g) that other documents may be submitted to decision takers;</p> <p>(h) the procedure for requesting details of documents (if any) as they become available; and</p> <p>(i) the dates on each month in the following year on which each forward plan will be published and</p>	<p>There is no requirement in the new access to information regulations for a annual Forward Plan notice.</p>	<p><b>Deleted: 14.3</b> The Assistant Chief Executive (Legal and Democratic Services) will publish once a year (at the end of December) a notice in at least one newspaper circulating in the area, stating:¶  (a) that key decisions are to be taken on behalf of the Council;¶  (b) that a forward plan containing particulars of the matters on which decisions are to be taken will be prepared on a monthly basis;¶  (c) that the plan will contain details of the key decisions to be made for the 12 month period following its publication;¶  (d) that each plan will be available for inspection at reasonable hours free of charge at the Council's offices;¶  (e) that each plan will contain a list of the documents submitted to the decision takers for consideration in relation to the key decisions on the plan;¶  (f) the address from which, subject to any prohibition or restriction on their disclosure, copies of, or extracts from, any document listed in the forward plan is available;¶  (g) that other documents may be submitted to decision takers;¶  (h) the procedure for requesting details of documents (if any) as they become available; and¶  (i) the dates on each month in the following year on which each forward plan will be published and available to the public at the Council's offices.</p>

Provision in Constitution	Current Wording	Proposed Amendment	Reason(s)
	available to the public at the Council's offices.		
<p><b>Part 4</b></p> <p><b>Rules of Procedure</b></p> <p><b>Access to Information Procedure Rules</b></p> <p><b>15. GENERAL EXCEPTION</b></p>	<p><b>15. GENERAL EXCEPTION</b></p> <p>If a matter which is likely to be a key decision has not been included in the forward plan, then subject to Rule 16 (special urgency), the decision may still be taken if:</p> <p>(a) the decision must be taken by such a date that it is impracticable to defer the decision until it has been included in the next forward plan and until the start of the first month to which the next forward plan relates;</p> <p>(b) the Assistant Chief Executive (Legal and Democratic Services) has informed the Chairman of a relevant overview and scrutiny committee, or if there is no such person, each member of that committee in writing, by notice, of the matter to which the decision is to be made;</p> <p>© the Assistant Chief Executive (Legal and Democratic Services) has made copies of that notice available to the public at the offices of the Council; and</p> <p>(d) at least five clear days have elapsed since the Assistant Chief Executive (Legal and Democratic Services) complied with (a) and (b).</p> <p>Where such a decision is taken collectively, it must be taken in public, subject to any confidential or exempt information not being made available to the public..</p>	<p><b>15. GENERAL EXCEPTION</b></p> <p><u>15.1 If the publication of the intention to make a key decision is impracticable and</u> a matter which is likely to be a key decision has not been included in the forward plan <u>for the requisite period as set out in Rule 13.2</u>, then subject to Rule 16 (special urgency), the decision may still be taken if:</p> <p><u>(a) the Assistant Chief Executive (Legal and Democratic Services) has informed the Chairman of a relevant overview and scrutiny committee, or if there is no such person, each member of that committee by notice</u> in writing, of the matter <u>about</u> which the decision is to be made;</p> <p><u>(b) the Assistant Chief Executive (Legal and Democratic Services) has made copies of that notice available to the public at the offices of the Council and on the Council's website;</u> and</p> <p><u>(c) at least five clear days have elapsed following the day on which</u> the Assistant Chief Executive (Legal and Democratic Services) complied with (a) and (b).</p> <p><u>15.2 As soon as reasonably practicable after the the Assistant Chief Executive (Legal and Democratic Services) has complied with (a) to (c) above, s/he must make available at the Council's offices a notice setting out the reasons why compliance with Rule 13.2 is impracticable and publish that notice on the Council's website.</u></p>	<p>To reflect the provisions and wording of the new access to information regulations.</p> <p><b>Deleted:</b> (a) the decision must be taken by such a date that it is impracticable to defer the decision until it has been included in the next forward plan and until the start of the first month to which the next forward plan relates;</p> <p><b>Deleted:</b> b</p> <p><b>Deleted:</b> by notice,</p> <p><b>Deleted:</b> to</p> <p><b>Deleted:</b> c</p> <p><b>Deleted:</b> d</p> <p><b>Deleted:</b> since</p>

Provision in Constitution	Current Wording	Proposed Amendment	Reason(s)
		<p><u>15.3</u> Where such a decision is taken collectively, it must be taken in public, subject to any confidential or exempt information not being made available to the public.</p>	
<p><b>Part 4</b></p> <p><b>Rules of Procedure</b></p> <p><b>Access to Information Procedure Rules</b></p> <p><b>16. SPECIAL URGENCY</b></p>	<p><b>16. SPECIAL URGENCY</b></p> <p>If by virtue of the date by which a decision must be taken Rule 15 (general exception) cannot be followed, then the decision can only be taken if the decision taker (if an individual) or the Chairman of the body making the decision, obtains the written agreement of the Chairman of a relevant overview and scrutiny committee that the taking of the decision cannot be reasonably deferred. If there is no Chairman of a relevant overview and scrutiny committee, or if the Chairman of each relevant overview and scrutiny committee is unable to act, then the agreement of the Chairman of the Council, or in his/her absence the Vice-Chairman will suffice.</p>	<p><b>16. SPECIAL URGENCY</b></p> <p><u>16.1</u> <del>Where</del> the date by which a decision must be <del>made</del> <u>makes compliance with</u> Rule 15 (general exception) <del>impracticable</del>, then the decision can only be <del>made</del> if the decision <del>maker</del> (if an individual) or the Chairman of the body making the decision, obtains the written agreement of the Chairman of a relevant overview and scrutiny committee that the <del>making of the decision is urgent and</del> cannot <del>reasonably be</del> deferred. If there is no Chairman of a relevant overview and scrutiny committee, or if the Chairman of <del>the</del> relevant overview and scrutiny committee is unable to act, then the agreement of the Chairman of the Council, or in his/her absence the Vice-Chairman will suffice.</p> <p><u>16.2</u> <del>As soon as reasonably practicable after the the decision maker has obtained agreement under Rule 16.1 above, s/he must make available at the Council's offices a notice setting out the reasons why the meeting is urgent and cannot reasonably be deferred and publish that notice on the Council's website.</del></p>	<p>To reflect the provisions and wording of the new access to information regulations.</p> <p>Deleted: .</p> <p>Deleted: If</p> <p>Deleted: by virtue of</p> <p>Deleted: taken</p> <p>Deleted: cannot be followed</p> <p>Deleted: taken</p> <p>Deleted: t</p> <p>Deleted: t</p> <p>Deleted: be</p> <p>Deleted: each</p> <p><b>Formatted Table</b></p> <p>Deleted: If an overview and scrutiny committee thinks that a key decision has been taken by a decision making body or individual which was not:¶ (a) included in the forward plan; or¶ (b) the subject of the general exception procedure; or¶ (c) the subject of an agreement with a relevant overview and scrutiny committee Chairman, or the Chairman/Vice-Chairman of the Council under Rule 16;</p>
<p><b>Part 4</b></p> <p><b>Rules of Procedure</b></p> <p><b>Access to Information</b></p>	<p><b>17.1 When an overview and scrutiny committee can require a report</b></p> <p>If an overview and scrutiny committee thinks that a key decision has been taken by a decision making body or individual which was not:</p>	<p><b>17.1 When an overview and scrutiny committee can require a report</b></p> <p><u>17.1.1</u> <del>Where an executive decision has been made and was not treated as a key decision and a relevant overview and scrutiny committee is of</del></p>	

Provision in Constitution	Current Wording	Proposed Amendment	Reason(s)
<p><b>Procedure Rules</b></p> <p><b>17. REPORT TO COUNCIL</b></p>	<p>(a) included in the forward plan; or</p> <p>(b) the subject of the general exception procedure; or</p> <p>© the subject of an agreement with a relevant overview and scrutiny committee Chairman, or the Chairman/Vice-Chairman of the Council under Rule 16;</p> <p>the committee may require the Executive to submit a report to the Council within such reasonable time as the committee specifies.</p> <p><b>17.2 Executive's report to Council</b></p> <p>The Executive will prepare a report for submission to the next available meeting of the Council. However, if the next meeting of the Council is within 7 days of receipt of the written notice, or the resolution of the committee, then the report may be submitted to the meeting after that. The report to Council will set out particulars of the decision, the individual or body making the decision, and if the Leader is of the opinion that it was not a key decision the reasons for that opinion.</p> <p><b>17.3 Quarterly reports on special urgency decisions</b></p> <p>In any event the Leader will submit to the next meeting of the Council a report on any executive decisions taken in the circumstances set out in</p>	<p><del>the opinion that the decision should have been treated as a key decision, then the committee may require the Executive to submit a report to the Council within such reasonable period as the committee specifies.</del></p> <p><del>17.1.2 A report under 17.1.1 must include details of—</del></p> <p><del>(a) the decision and the reasons for the decision;</del></p> <p><del>(b) the decision maker by which the decision was made; and</del></p> <p><del>© if the Executive is of the opinion that the decision was not a key decision, the reasons for that opinion.</del></p> <p><b>17.2 Executive's report to Council</b></p> <p>The Executive will prepare a report for submission to the next available meeting of the Council. However, if the next meeting of the Council is within 7 days of receipt of the written notice, or the resolution of the committee, then the report may be submitted to the meeting after that.</p> <p><b>17.3 Reports on special urgency decisions</b></p> <p><del>17.3.1</del> © Leader will submit to the next meeting of the Council a report on any executive decisions taken in the circumstances set out in Rule 16 (special urgency). The report <del>must</del></p>	<p>The deleted paragraph is covered in the amended Rule 17.1.2 above.</p> <p>Under the new access to information regulations, the Leader must, at intervals to be determined by the Council, report to the Council details of each executive decision taken since the submission of the last report where the</p>

**Deleted:** ¶ the committee may require the Executive to submit a report to the Council within such reasonable time as the committee specifies.

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Provision in Constitution	Current Wording	Proposed Amendment	Reason(s)
	<p>Rule 16 (special urgency). The report will include particulars of the decision, the reasons for it and the reasons for use of the special urgency procedure.</p>	<p>include particulars of the decision, <u>a summary of the matters in respect of which the decision was made,</u> the reasons for it and the reasons for use of the special urgency procedure.</p> <p><u>17.3.2 The Leader must submit at least one report under 17.3.1 annually to Council.</u></p>	<p>making of the decision was agreed as urgent. The report must include particulars of each decision made and a summary of the matters in respect of which each decision was made. The Leader must report at least annually.</p> <p>It is recommended that the Leader continues to report to the following Council meeting as currently prescribed in the Council's Rules, and that the report continues to also include the reasons for the decision and reasons for the use of the special urgency provisions - this goes beyond the minimum statutory requirements set out in the new access to information regulations.</p>
<p><b>Part 4</b></p> <p><b>Rules of Procedure</b></p> <p><b>Access to Information Procedure Rules</b></p> <p><b>18. RECORD OF DECISIONS</b></p>	<p><b>18.1 Executive Decisions Made Collectively at Meetings</b></p> <p>After any meeting of the Executive or any of its committees, or any meeting of any other decision making body at which an executive decision has been made, whether held in public or private, the Assistant Chief Executive (Legal and Democratic Services) or, where no Officer was present, the person presiding at the meeting, will produce a record of every executive decision taken at that meeting usually within two days of the meeting (usually in the form of minutes of the meeting). The record will include a statement of the reasons for each decision and any alternative options considered and rejected at that meeting, along with details of any conflict of interest declared and any dispensations granted by the Standards Committee in respect of such conflict.</p>	<p><b>18.1 Executive Decisions Made Collectively at Meetings</b></p> <p><u>As soon as reasonably practicable</u> after any meeting of the Executive or any of its committees, or any meeting of any other decision making body at which an executive decision has been made, whether held in public or private, the Assistant Chief Executive (Legal and Democratic Services) or, where no Officer was present, the person presiding at the meeting, will produce a record of every executive decision taken at that meeting usually within two days of the meeting (usually in the form of minutes of the meeting). The record will include a statement of the reasons for each decision and any alternative options considered and rejected at that meeting, along with details of any conflict of interest declared <u>by any member of the decision making body</u> and any</p>	<p>To reflect the new access to information regulations.</p>

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Provision in Constitution	Current Wording	Proposed Amendment	Reason(s)
	<p><b>18.2</b> Copies of those Minutes/Decision Records will then be circulated, by e-mail, to:</p> <ul style="list-style-type: none"> <li>• the Assistant Chief Executive (Legal and Democratic Services)</li> <li>• the Staff Officer to the Chief Executive</li> <li>• all Members of the Council</li> <li>• the Monitoring Officer</li> <li>• the Chief Finance Officer</li> <li>• the Head of Scrutiny and Corporate Performance</li> </ul>	<p>dispensations granted in respect of such conflict.</p> <p><b>18.2</b> Copies of those Minutes/Decision Records will then be circulated, by e-mail, to:</p> <ul style="list-style-type: none"> <li>➤ <u>All Members of the Council</u></li> <li>➤ <u>All Management Board</u></li> <li>➤ <u>All Management Board Secretaries</u></li> <li>➤ <u>All Senior Managers</u></li> <li>➤ <u>Principal Officer Democracy and Governance</u></li> <li>➤ <u>All Democratic Services Officers</u></li> <li>➤ <u>All Corporate Development Officers</u></li> <li>➤ <u>Senior Press Officer</u></li> <li>➤ <u>Communications Officer</u></li> </ul>	<p>Deleted: by the Standards Committee</p> <p>To bring the circulation list in line with that of the Decision Record proforma for individual decision takers.</p> <p>Formatted: Bullets and Numbering</p> <p>Deleted: the Assistant Chief Executive (Legal and Democratic Services)¶          • the Staff Officer to the Chief Executive¶          • all Members of the Council¶          • the Monitoring Officer¶          • the Chief Finance Officer¶          • the Head of Scrutiny and Corporate Performance</p>
<p><b>Part 4</b></p> <p><b>Rules of Procedure</b></p> <p><b>Access to Information Procedure Rules</b></p> <p><b>19. DECISIONS BY INDIVIDUAL OFFICERS OR INDIVIDUAL MEMBERS OF THE EXECUTIVE</b></p>	<p><b>19.1 Reports intended to be taken into account</b></p> <p>Where an individual member of the Executive or Officer (either alone or in consultation with an Executive Member) receives a report which he/she intends to take into account in making any key decision, then (subject to Rule 16) he/she will not make the decision until at least five clear days after receipt of that report.</p> <p><b>19.2 Provision of copies of reports to</b></p>	<p><b>19.1 Reports intended to be taken into account</b></p> <p>Where an individual member of the Executive or Officer (either alone or in consultation with an Executive Member) receives a report which he/she intends to take into account in making any key decision, then (subject to Rule 16) he/she will not make the decision until at least five clear days after receipt of that report.</p> <p><b>19.2 Provision of copies of reports to</b></p>	

Provision in Constitution	Current Wording	Proposed Amendment	Reason(s)
	<p><b>Overview and Scrutiny Committees</b></p> <p>On the giving of such a report to an individual decision maker, the person who prepared the report will give a copy of it to the Chairman of every relevant overview and scrutiny committee as soon as reasonably practicable, and make it publicly available at the same time.</p> <p><b>19.3 Record of individual decision</b></p> <p>(a) As soon as reasonably practicable after an executive decision has been taken by an individual member of the Executive or a key decision has been taken by an Officer, (either alone or in consultation with an Executive Member) he/she will prepare a record of the decision, a statement of the reasons for it and any alternative options considered and rejected in the format contained in the Appendix to these Rules.</p> <p>...</p> <p>(e) The provisions of Rules 7 and 8 (inspection of documents after meetings) will also apply to the making of decisions by individual members of the Executive. This does not require the disclosure of exempt or confidential information.</p>	<p><b>Overview and Scrutiny Committees</b></p> <p>On the giving of such a report to an individual decision maker, the person who prepared the report will give a copy of it to the Chairman of every relevant overview and scrutiny committee as soon as reasonably practicable, and make it publicly available at the same time.</p> <p><b>19.3 Record of individual decision</b></p> <p>(a) As soon as reasonably practicable after an executive decision has been taken by an individual member of the Executive or by an Officer, (either alone or in consultation with an Executive Member) he/she will prepare a record of the decision <u>including the date it was made</u>, a statement of the reasons for it and any alternative options considered and rejected, <u>a record of any conflict of interest declared by any executive member who is consulted in relation to the decision, and a note of any dispensation granted in respect of any declared conflict of interest</u>, in the format contained in the Appendix to these Rules.</p> <p>...</p> <p>(e) The provisions of Rules 7 and 8 (inspection of documents after meetings) will also apply to the making of <u>executive</u> decisions by individual members of the Executive <u>and officers</u>. This does not require the disclosure of exempt or confidential information.</p>	<p><b>Deleted:</b> a key decision has been taken</p>
<p><b>Part 4</b></p> <p><b>Rules of</b></p>	<p><b>20.1 Rights to copies</b></p> <p>Subject to Rule 20.2 below, an overview and scrutiny committee (including its subcommittees)</p>	<p><b>20.1 Rights to copies</b></p> <p><u>20.1.1</u> Subject to Rule 20.2 below, an overview and scrutiny committee (including its sub-</p>	<p>To ensure compliance with Reg 17 of the new access to information Regulations.</p>

Provision in Constitution	Current Wording	Proposed Amendment	Reason(s)
<p><b>Procedure</b></p> <p><b>Access to Information Procedure Rules</b></p> <p><b>20. OVERVIEW AND SCRUTINY COMMITTEES ACCESS TO DOCUMENTS</b></p>	<p>will be entitled to copies of any document which is in the possession or control of the Executive or its committees and which contains material relating to:</p> <p>(a) any business transacted at a public or private meeting of the Executive or its committees; or</p> <p>(b) any decision taken by an individual member of the Executive; or</p> <p>© any key decision taken by an Officer.</p> <p><b>20.2 Limit on Rights</b></p> <p>An overview and scrutiny committee will not be entitled to:</p> <p>(a) any document that is in draft form;</p> <p>(b) any part of a document that contains exempt or confidential information, unless that information is relevant to an action or decision they are reviewing or scrutinising or intend to scrutinise; or</p> <p>© the advice of a political adviser.</p>	<p>committees) will be entitled to copies of any document which is in the possession or control of the Executive or its committees and which contains material relating to:</p> <p>(a) any business transacted at a public or private meeting of the Executive or its committees <u>or other executive decision making body</u>; or</p> <p>(b) any <u>executive</u> decision taken by an individual member of the Executive; or</p> <p>© any <u>executive</u> decision taken by an Officer.</p> <p><u>20.1.2 Subject to Rule 20.2, where a member of an overview and scrutiny committee requests a document which falls within Rule 20.1.1, the Executive must provide that document as soon as reasonably practicable and in any case no later than 10 clear days after the Executive receives the request</u></p> <p><b>20.2 Limit on Rights</b></p> <p><u>20.2.1</u> An overview and scrutiny committee <u>Member</u> will not be entitled to <u>a copy of</u>:</p> <p>(a) any document that is in draft form;</p> <p>(b) any part of a document that contains exempt or confidential information, unless that information is relevant to an action or decision <u>that Member is reviewing or scrutinising; or relevant to any review contained in any programme of work of such a committee or sub-committee of such a committee;</u></p> <p>© the advice of a political adviser.</p> <p><u>20.2.2 Where the Executive determines that a</u></p>	<p>Deleted: key</p> <p>New requirement under the Regulations.</p> <p>Deleted: they are</p> <p>Deleted: or intend to scrutinise</p>

Provision in Constitution	Current Wording	Proposed Amendment	Reason(s)
		<p><u>member of an overview and scrutiny committee is not entitled to a copy of a document or part of any such document for a reason set out above. it must provide the overview and scrutiny committee with a written statement setting out its reasons for that decision.</u></p>	<p>New requirement under the Regulations.</p>
<p><b>Part 4</b></p> <p><b>Rules of Procedure</b></p> <p><b>Access to Information Procedure Rules</b></p> <p><b>21. ADDITIONAL RIGHTS OF ACCESS FOR MEMBERS</b></p>	<p><b>21.1 General provisions</b></p> <p>(a) A Member may inspect any document (other than a document containing confidential information as defined in Rule 10.4 above, which will be provided to Members on a need to know basis only) which has been considered by the Council, a committee or sub-committee, including any reports, correspondence or other document which is circulated after the agenda or at the meeting, and if copies are available shall on request be supplied with a copy of such document, in electronic form if practicable, provided that a Member shall not knowingly inspect, and shall not call for a copy of, any document relating to a matter in which he or she has a disclosable pecuniary interest within the meaning of the members' code of conduct. This does not affect:</p> <p>(i) the right of inspection given by section 228 of the Local Government Act 1972;</p> <p>(ii) the right to inspect and make or be supplied with copies of documents given by Part VA of the Local Government Act 1972;</p> <p>(iii) such additional rights in regard to the making available of minutes of meetings to members of the Council who are not members of the body in question;</p> <p>(iv) the right of The Assistant Chief Executive</p>	<p><b>21.1 General provisions</b></p> <p>(a) A Member may inspect any document (other than a document containing confidential information as defined in Rule 10.4 above, which will be provided to Members on a need to know basis only) which has been considered by the Council, a committee or sub-committee, including any reports, correspondence or other document which is circulated after the agenda or at the meeting, and if copies are available shall on request be supplied with a copy of such document, in electronic form if practicable, provided that a Member shall not knowingly inspect, and shall not call for a copy of, any document relating to a matter in which he or she has a disclosable pecuniary interest within the meaning of the <del>Members' Code of Conduct</del>. This does not affect:</p> <p>(i) the right of inspection given by section 228 of the Local Government Act 1972;</p> <p>(ii) the right to inspect and make or be supplied with copies of documents given by Part VA of the Local Government Act 1972;</p> <p>(iii) such additional rights in regard to the making available of minutes of meetings to members of the Council who are not members of the body in question;</p> <p>(iv) the right of The Assistant Chief Executive</p>	<p></p>

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Provision in Constitution	Current Wording	Proposed Amendment	Reason(s)
	(Legal and Democratic Services) to decline to allow inspection of any document which is, or in the event of legal proceedings would be, protected by privilege arising from the relationship of solicitor and client.	(Legal and Democratic Services) to decline to allow inspection of any document which is, or in the event of legal proceedings would be, protected by privilege arising from the relationship of solicitor and client.	
	<p>(b) Any Member is also entitled to have access to any document under the control of the Executive which is relevant:</p> <p>(1) to business to be transacted at a public meeting; or</p> <p>(2) to business to be transacted at a private meeting; or</p> <p>(3) to any decision to be made by an individual Executive Member; or</p> <p>(4) to any key decision made by an Officer;</p> <p>and in the case of (2), (3) and (4), such document shall be available for inspection by any Member when the meeting concludes or the decision has been taken by the individual Member or Officer as the case may be, unless the document contains certain categories of exempt information or discloses advice from a political adviser or assistant.</p>	<p>(b) Any Member is also entitled to <del>inspect</del> any document <del>in the possession of or</del> under the control of the Executive which <del>contains material relating to any</del> business to be transacted at a public meeting. <del>Such a document must be available for inspection for at least five clear days before the meeting, except that where the meeting is convened at shorter notice, the document must be available for inspection when the meeting is convened; and where an item is added to the agenda at shorter notice, a document which would be required to be available in relation to that item, must be available for inspection when the item is added to the agenda.</del></p> <p>© <del>Any Member is also entitled to inspect any document in the possession of or under the control of the Executive which contains material relating to any</del> business transacted at a private meeting; or <del>to any executive</del> decision made by an individual Executive Member, or <del>Officer.</del> <del>Such a document must be available for inspection</del> when the meeting concludes or <del>immediately after</del> the decision has been taken by the individual Member or Officer as the case may be, <del>and in any event within 24 hours of the conclusion of the meeting or the individual decision being made. Such documents do not have to be available for inspection where they contain</del> certain categories of exempt information or disclose advice from a political adviser or assistant.</p>	<p>To ensure compliance with Reg 16 of the new access to information Regulations.</p> <p>New requirement under the Regulations.</p>

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- Deleted: to be
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- Deleted: to be
- Deleted: ;
- Deleted: ¶ (4) to any key decision made by an Officer
- Deleted: ;
- Deleted: ¶ and in the case of (2), (3) and (4), such document shall be available for inspection by any Member
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Provision in Constitution	Current Wording	Proposed Amendment	Reason(s)
<b>Part 4</b>  <b>Rules of Procedure</b>  <b>Access to Information Procedure Rules</b>  <b>Appendix</b>		<i>Please see documents attached for proposed amendments to proforma documents.</i>	

Reference Number:

**NORTH YORKSHIRE COUNTY COUNCIL**

**DECISION RECORD**

**Re: [insert title of record]**

This record is produced in accordance with the Local Authorities (Executive Arrangements) (Meetings and Access to Information)(England) Regulations 2012

**This form should be used to record:**

- **EXECUTIVE decisions (key or otherwise) taken by an individual Executive MEMBER; and**
- **EXECUTIVE decisions (key or otherwise) taken by an OFFICER (either alone or in consultation with an Executive Member)**

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**(One form per decision)**

*The following executive decision has been taken: -*

*By whom: .....*  
*(insert name of Meeting, Member or Officer)*

**On:** .....  
*(insert date decision taken)*

*Reasons for decision: -*

*Details of any alternative options considered and rejected: -*

**Conflicts of Interest**

Please record below details of any conflict of interest declared by a Member or Officer regarding the decision and any dispensation granted in respect of that conflict.

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Conflict	Dispensation?

Signed  
.....

Publication Date: *[to be inserted by Jackie Dawson/Alison Jones/Julie Robinson]*

(Name)  
.....

***Note: This decision will come into force, and may then be implemented, on the expiry of 5 clear working days after publication, unless any 6 members of the Council object to it and call it in by notice in writing (including email) to The Assistant Chief Executive (Legal and Democratic Services).***

Directorate  
.....

**Contact for further information: ...(insert email address if possible)**

**Contact for copy of report considered ...(insert email address if possible)**

To: The Senior Legal and Democratic Technical Support Officer, Legal and Democratic Services – for onward circulation to:

- ◆ All Members of the Council
- ◆ All Management Board
- ◆ All Management Board Secretaries
- ◆ All Senior Managers
- ◆ Principal Officer Democracy and Governance
- ◆ All Democratic Services Officers
- ◆ All Corporate Development Officers
- ◆ Senior Press Officer
- ◆ Communications Officer

**NORTH YORKSHIRE COUNTY COUNCIL**

**FORWARD PLAN**

*[Prepared in accordance with the Local Authorities (Executive Arrangements)(Meetings and Access to Information)(England) Regulations 2012]*

The key decisions likely to be taken by North Yorkshire County Council in the following 12 months are set out below:

Publication Date: ..... (nearest working day to 14<sup>th</sup> of month) (Last updated .....

Plan Effective From: ..... Period covered by Plan: up to .....

Other documents relevant to the matters listed in this Plan may be submitted to the decision maker. The procedure for requesting details of any such documents will be as set out below.

Any item marked with an asterisk contains confidential or exempt information and will be considered in private.

*Deleted: [Prepared in accordance with the Local Authorities (Executive Arrangements)(Meetings and Access to Information)(England) Regulations 2012]*

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FUTURE KEY DECISIONS								
Likely Date of Decision	Decision Taker <i>(including name and title where applicable)</i>	Description of Matter	Key Decision  YES/NO	Decision Required	Consultees  (ie the identity of the principal groups whom the decision-taker proposes to consult)	Consultation Process  (ie the means by which any such consultation is to be undertaken)	<u>The address from which any document listed is available</u>  <u>County Hall, Northallerton, North Yorkshire</u> unless specified otherwise)	Deleted: How representations may be made and details of Contact Person  Formatted: Font: 8 pt  Deleted: (Tel: 0845 034 9494)
<b>THE COUNTY COUNCIL</b>								

**FUTURE KEY DECISIONS**

Likely Date of Decision	Decision Taker <u>(including name and title where applicable)</u>  (a full list of the membership of the Council and all its Committees is set out in Part 3 of the Constitution)	Description of Matter	Key Decision  YES/NO	Decision Required	Consultees  (ie the identity of the principal groups whom the decision-taker proposes to consult)	Consultation Process  (ie the means by which any such consultation is to be undertaken)	<u>The address from which any document listed is available</u>  <u>County Hall, Northallerton, North Yorkshire</u> unless specified otherwise)	Deleted: How representations may be made and details of Contact Person  Formatted: Font: 8 pt  Deleted: (Tel: 0845 034 9494)
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**THE EXECUTIVE**

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**INDIVIDUAL EXECUTIVE MEMBERS**

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**OFFICERS (DECISIONS TAKEN EITHER ALONE OR IN CONSULTATION WITH EXECUTIVE MEMBERS)**

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**AREA COMMITTEES**

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- **Items for the Forward Plan marked with an \* contain confidential/exempt information as described in the box**

**ABBREVIATIONS**

ACPC Area Child Protection Committee  
 EAL English as an Additional Language  
 EDP Educational Development Plan  
 EGG E-Government Group  
 JDP Joint Development Planning with Schools  
 LMS Local Management of Schools  
 NSF National Service Framework  
 NYHA North Yorkshire Health Authority

PAS Public Access Strategy Group  
 PCTs Primary Care Trusts  
 SBAT School Based Additional Tuition  
 SEN Special Educational Needs  
 SNIP Special Needs Improvement Programme  
 SSA Standard Spending Assessment  
 CSCI Commission for Social Care Inspection  
 SHA Strategic Health Authority  
 ADSS Association of Directors of Social Services

# APPENDIX A – PART C

## PART C – amendments arising out of RIPA legislative changes

The items listed in this Part of the amendments chart arise mainly out of legislative changes to the Regulation for Investigatory Powers Act 2000 (RIPA) regime. On 1 November 2012, Chapter 2 of Part 2 of the [Protection of Freedoms Act 2012](#) (sections 37 and 38) came into force and changed the authorisation procedure for local authority covert surveillance under RIPA: all local authority surveillance now has to be approved by a Magistrate.

Where amendments are suggested to part of a paragraph, only the relevant part is replicated in the amendment chart below.

Provision in Constitution	Current Wording	Proposed Amendment	Reason(s)
<p><b>Part 3</b> <b>Responsibility for Functions</b></p> <p><b>Schedule 4</b></p> <p><b>Officers' Delegation Scheme</b></p>	<p><b>1.2 The Monitoring Officer – The Assistant Chief Executive (Legal and Democratic Services)</b></p> <p>(s5 Local Government and Housing Act 1989)</p> <p>(a) Duty to prepare a report if it appears to her that any proposal, decision or omission has or would give rise to any contravention of law or has caused any maladministration or injustice.</p> <p>(b) Duty to investigate a complaint against a Member of the authority where the complaint has been referred to her under section 60 Local Government Act 2000.</p> <p>(c) Duty to arrange for the determination of a complaint against a Member of the authority referred to her under section s64 Local Government Act 2000.</p>	<p><b>1.2 The Monitoring Officer – The Assistant Chief Executive (Legal and Democratic Services)</b></p> <p>(s5 Local Government and Housing Act 1989)</p> <p>(a) Duty to prepare a report if it appears to her that any proposal, decision or omission has or would give rise to any contravention of law or has caused any maladministration or injustice.</p>	<p>To reflect the new ethical framework adopted by the Authority under the Localism Act 2011 and subordinate legislation.</p> <p>The previous legislative framework under the Local Government Act 2000 has been repealed by the Localism Act.</p>
<p><b>Part 3</b> <b>Responsibility for Functions</b></p> <p><b>Schedule 4</b></p>		<p><i>Insert a new sub paragraph (i) in 4.6 as follows:</i></p> <p>(i) To provide internal authorisations and renewal authorisations for covert investigations by Veritau Ltd and all directorate departments</p>	<p>To reflect the statutory changes to the authorisation procedure for local authority covert surveillance under RIPA.</p>

**Deleted:** (b) Duty to investigate a complaint against a Member of the authority where the complaint has been referred to her under section 60 Local Government Act 2000.¶

¶

(c) Duty to arrange for the determination of a complaint against a Member of the authority referred to her under section s64 Local Government Act 2000.¶

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Provision in Constitution	Current Wording	Proposed Amendment	Reason(s)
<b>Officers' Delegation Scheme</b>  <b>4.6 To The Assistant Chief Executive (Legal and Democratic Services)</b>		(with the exception of Trading Standards) under the Regulation for Investigatory Powers Act 2000 as amended, and to represent the Council in respect of such authorisations when seeking judicial approval of them before the Magistrates' Court.	

# APPENDIX B

## Text extracted from the Constitution with recommended amendments shown as tracked changes

### 1. PARTNER BODIES

Those appointed to these bodies should be Members of the Council.

- Appointments will be made corporately.
- Some officer briefing or other support will be provided.
- There will be a requirement to report back, perhaps to an officer who may report onwards.
- Expenses will be paid to County Councillors unless they are payable by the body appointed to.

A	B	C	D
Outside Body	No of Seats	Appointed By	Report back by/to
Airedale NHS Foundation Trust	1	Executive	
Adoption Panel (Harrogate)	1	Executive	
Adoption Panel (Northallerton)	1	Executive	
Breckenbrough School Limited	2 + Sub	Executive	Member/CD-CYPS
Chain Lane Social Enterprise Ltd Knaresborough – Board	1	Executive	
County Councils Network	4	Executive	
Drax Power Station Consultative Committee*	Up to 9 + Subs	Executive	CD-BES
Durham Tees Valley Airport Consultative Committee	1 + Sub	Executive	
Eggborough Power Limited Consultative Committee	2 + Subs	Executive	CD-BES
Yorkshire Regional Flood and Coastal Committee	1 + Sub (+1=CY)	Executive	Member/CD-SR
Central Fostering Panel	1	Executive	
Foster Panel (East)	2	Executive	
Fostering Panel (Western)	1	Executive	
Groundwork North Yorkshire	1 + Sub	Executive	
Harrogate and District NHS Foundation Trust	1	Executive	
Harrogate (White Rose) Theatre Trust Ltd	1 + Sub	Executive	Member/CD-SR
Harrogate District Community Transport	1 + Sub	Executive	
Leeds Bradford International Airport Cons Committee	1 + Sub	Executive	Member/CD-BES
Leeds City Region Leaders' Board	1 + Sub	Executive	
Local Government Association Rural Commission	1 + Sub	Executive	
Local Government Yorkshire and Humber - Council	1 (Leader) + Sub	Executive (+3 to attend annual meeting)	
Local Government Yorkshire and Humber Employers' Committee	1 (+ subs)	Executive	
Local Government Association (LGA)	4	Executive	Member/Executive
Local Government North Yorkshire and York	1 (Leader) + Sub	Executive	Member/Executive
North Eastern Inshore Fisheries and Conservation Authority	2	Council	Member/CD-BES
North York Moors Historical Railway Trust Limited	2	Executive	
North York Moors National Park Authority	5	Council	Member/Council
North York Moors National Park Local Access Forum	1	Executive	
North Yorkshire Admissions Forum	2 + Subs	Executive	
North Yorkshire County Catering Board	3	Executive	
North Yorkshire Fire and Rescue Authority	12 + Subs	Council	Chairman/Council

Deleted: Area Tourism Partnership – East ... [1]

Deleted: Askham Bryan College Corporation ... [2]

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Deleted: National Association of Areas of Outstanding Natural Beauty ... [3]

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Deleted: North Yorkshire Forum for Voluntary Organisations ... [4]

\*In making appointments to Drax Power Station Consultative Committee, the Executive should ensure that the Chairman or Vice-Chairman and at least three Members of the Planning and Regulatory Functions Committee be nominated to serve, and that there is representation from the local area.

Deleted: the two bodies marked\*

**Text extracted from the Constitution  
with recommended amendments shown as tracked changes**

A	B	C	D
Outside Body	No of Seats	Appointed By	Report back by/to
North Yorkshire Local Access Forum	3	Executive	
North Yorkshire Youth <del>Ltd – Board of Trustees</del>	1 + Sub	Executive	Member/CD-CYPS
NYNet <del>Ltd Board</del>	1 + <u>1 observe</u>	Executive	
Outdoor Learning Service Consultative Committee	4	Executive	
Reserve Forces and Cadets Association for Yorkshire and the Humber	2 (not over 64 years)	Executive	
Greater Ripon Improvement Partnership	<u>1</u>	Executive	
Robin Hood Airport Consultative Committee	1 + Sub	Executive	
Rural Action Yorkshire	1 + Sub	Executive	Member/CD-SR
Scarborough <del>Theatre Trust</del>	1 (+ 1 observer)	Executive	
South Tees Hospitals NHS Foundation Trust	1	Executive	
SPARSE Rural Services Network	1 + Sub	Executive	
Standing Advisory Council on Religious Education	5	Executive	Member/CD-CYPS
Scarborough Theatre Trust	1 (+1 observer)	Executive	
Tees, Esk and Wear Valleys NHS Foundation Trust	1	Executive	
Council of Governors			
University of Hull – Court	2	Executive	Member/CD-CYPS/ CD-BES
University of Leeds – Court	1	Executive	Member/CD-CYPS/ CD-BES
University of York – Court	2 ( <u>Chairman of NYCC + Ex Member for Ed</u> )	Executive	Member/CD-CYPS/ CD-BES
Veritau Ltd (shared Internal Audit Service) Board of Directors	1 (Executive Member for <u>Financial Services</u> )	Executive	
York and North Yorkshire Playing Fields Association	2	Executive	
York and North Yorkshire Safer Communities Forum	1 (Executive Member for Community Safety) <u>+ Sub</u>	Executive	
York Archaeological Trust for Excavation and Research Limited	1	Executive	
York Teaching Hospitals NHS Foundation Trust	<u>1</u>	Executive	
Yorkshire and Humberside Regional Broadband Joint Committee	1	Executive	
Yorkshire Dales National Park Authority	5	Council	Member/Council
Yorkshire Libraries and Information	1	Executive	Member/CD-SR
Yorkshire Purchasing Organisation Management Committee	2 + Sub	Executive	Member/CD-SR
Welcome to Yorkshire	1 + Sub	Executive	
Yorventure Management Group	1 + Sub	Executive	
Yorwaste Limited	1	Executive	Member/Executive

**Deleted:** North Yorkshire Police Authority ... [5]

**Deleted:** Regional Rural Affairs Forum for Yorkshire and the Humber ... [6]

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**Deleted:** Selby Coalfield Joint Consultative Committee ... [7]

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**Deleted:** York and North Yorkshire Development Board (trading as york-england) ... [8]

**Deleted:** York and North Yorkshire Inward Investment Board ... [9]

**Deleted:** York and North Yorkshire Waste Partne ... [10]

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**Deleted:** York St John University Governing Body (nominated) ... [11]

**Text extracted from the Constitution  
with recommended amendments shown as tracked changes**

**2. LOCAL BODIES (appointments by Area Committees)**

- Those appointed to these bodies should be County Councillors.
- The appointments will be made by the Area Committee(s) concerned.
- Some officer briefing or other support may be provided.
- Any report back will be to the Area Committee (which may report to the Executive on it, if appropriate).
- Expenses will be paid to County Councillors unless they are payable by the body appointed to.

	<b>No of seats</b>	
Craven Citizens Advice Bureau	1	
Citizens Advice Bureau Harrogate	1	
<u>Hambleton and Richmondshire</u> Citizens Advice Bureau	<del>2</del> (1) <u>Ham +</u> <u>1</u> <u>Richsh)</u>	<div style="border: 1px solid red; padding: 2px; display: inline-block;"> <b>Deleted:</b> Citizens Advice Bureau Hambleton ... [12]         </div> <div style="border: 1px solid red; padding: 2px; display: inline-block;"> <b>Deleted:</b> 1         </div>
Ripon and District Citizens Advice Bureau	1	
Ryedale Citizens Advice Bureau	1 + <u>Sub</u>	
Scarborough and District Citizens Advice Bureau	1 + <u>Sub</u>	
Selby and District Citizens Advice Bureau	1	
Craven Community Safety Partnership	1 + <u>Sub</u>	<div style="border: 1px solid red; padding: 2px; display: inline-block;"> <b>Deleted:</b> Craven Local Strategic Partnership ... [13]         </div>
Craven Transport Forum	1	
Forest of Bowland AONB Joint Advisory Committee	1 + <u>Sub</u>	<div style="border: 1px solid red; padding: 2px; display: inline-block;"> <b>Deleted:</b> Fairburn Ings Nature Reserve Management Committee ... [14]         </div>
Gouthwaite Reservoir Board of Management	3	
Hambleton and Richmondshire Community Safety Partnership	<del>2</del> (1) <u>Ham +</u> <u>1</u> <u>Richsh)</u>	<div style="border: 1px solid red; padding: 2px; display: inline-block;"> <b>Deleted:</b> 1         </div>
Hambleton <u>and Richmondshire</u> Strategic Forum	1	<div style="border: 1px solid red; padding: 2px; display: inline-block;"> <b>Deleted:</b> Local         </div>
Harrogate and District Deaf Society	1	<div style="border: 1px solid red; padding: 2px; display: inline-block;"> <b>Deleted:</b> Partnership         </div>
Harrogate and District Safer Communities Partnership	1	
Harrogate District Action for the Environment Group	1 (+1 sub)	<div style="border: 1px solid red; padding: 2px; display: inline-block;"> <b>Deleted:</b> Harrogate District Cultural Partnership ... [15]         </div>
Harrogate District Local Strategic Partnership	1 (+1 sub)	
Harrogate District Sports Council	1 (+1 sub)	
Hartlepool Power Station Local Community Liaison Committee	1 (+1 sub)	
Howardian Hills AONB Joint Advisory Committee	<del>2</del> + <u>Subs</u>	
Knaresborough Community Centre Committee	1	
Knaresborough Links Youth Club Charity	1	<div style="border: 1px solid red; padding: 2px; display: inline-block;"> <b>Deleted:</b> (+1 sub)         </div>
National Coal Mining Museum for England Liaison Committee	1 (+1 sub)	
Nidderdale AONB Joint Advisory Committee	<del>3</del> + <u>Subs</u>	
Nidderdale Pool and Leisure Centre Joint Management Board	1	
North Yorkshire and Cleveland Coastal Forum	3	<div style="border: 1px solid red; padding: 2px; display: inline-block;"> <b>Deleted:</b> (+ subs)         </div>
North Yorkshire Coast Community Partnership	1 + <u>Sub</u>	
North Yorkshire Moors and Coast Safer Communities Partnership	1	
Northallerton and District Voluntary Service Association	1	
Renaissance Knaresborough Management Committee	1	
Richmond Swale Valley Community Initiative	1	
Safer Ryedale Community Safety Partnership	1	
Safer Craven Community Partnership	1	
Scarborough United Scholarships Foundation with the John Kendal Trust	1 + <u>Sub</u>	
Selby District Association for Voluntary Services	<del>1</del>	<div style="border: 1px solid red; padding: 2px; display: inline-block;"> <b>Deleted:</b> 2         </div>
Selby District Community Safety Partnership (LSP)	1	<div style="border: 1px solid red; padding: 2px; display: inline-block;"> <b>Deleted:</b> \$ + Subs         </div>

**Text extracted from the Constitution  
with recommended amendments shown as tracked changes**

**3. LOCAL BODIES (appointee expected to be a member of the local community (but may be the local Member) nominated by the local Member)**

- The person appointed is expected to be a member of the local community, but may be the local Member.
- The local Member will make a nomination to the relevant Area Committee.
- The relevant Area Committee will make the appointment.
- There will be no officer support.
- There will be no report back (unless the local Member deems it necessary). Any report back will be to the Corporate Director - Strategic Resources.
- Expenses will not be paid by the County Council.

**NB: The following outside bodies are not Partnerships for the purpose of Partnership Governance as they do not meet the relevant criteria.**

	No of Seats	
Amotherby Educational Foundation	1	
Appleton Wiske Educational Foundation	1	
Atkinson and Clarke Educational Foundation (Newton-le-Willows/Patrick Brompton)	1	
Bellerby School Foundation	1	
Boyle and Petyt Foundation (Bolton Abbey)	1	
Captain Cook Schoolroom Museum	1	
Carleton Endowed School Trust (Skipton)	2	
Castle Bolton and Redmire Education Foundation	1	
Christopher Wharton Educational Foundation	1	
Clark's Old School Foundation Wigglesworth	1	
Constance Elizabeth Beckwith Bequest (Easingwold and Husthwaite)	1	
Coulthurst <span style="color: red;">Sandylands</span> Sports Centre Management Committee	1	<b>Deleted:</b> Craven
Edward Atkinson Charity (Camblesforth)	1	
Elizabeth Barnett Charity (East Witton)	1	
▼ Eskdaleside-cum-Ugglebarnby Educational Foundation	1	<b>Deleted:</b> Flaxby Free School Trust <span style="float: right;">... [16]</span>
Hargraves and Green Educational Foundation (Giggleswick/Austwick)	1	
Hartley Education Foundation (Long Preston/Hellifield)	1	
Heber Charity (Thornton-le-Beans)	1	
Horsehouse School Charity (Carlton Highdale)	1	
Horton-in-Ribblesdale Exhibition Foundation Governors	2	
▼ Horton-in-Ribblesdale Foundation Governors	1	<b>Deleted:</b> Jepsens Educational Foundation (Ripon Nort <span style="float: right;">... [17]</span>
John Dakyn Trust, East Cowton Fund	1	
John Dakyn's Educational Charity at Kirby Hill	2	
John Stockton Education Foundation (Kirbymoorside)	3	
King James's Foundation at Knaresborough	1	
Kirkby Overblow Educational Foundation	1	
Lady Lumley's Educational Foundation (Pickering)	1	
Langcliffe Educational Foundation	1	
Longstaffes Educational Foundation, High Bentham	1	
Lupton Foundation (High and Low Bishopside)	2	
Malton School Endowment	5	
▼ Mary Waud Foundation (Cliffe School Charity)	1	<b>Deleted:</b> Masham Town Hall Charity <span style="float: right;">... [18]</span>
Middleton School Foundation	1	

**Text extracted from the Constitution  
with recommended amendments shown as tracked changes**

	<b>No of Seats</b>	
Oglethorpe and Dawson Educational Foundation	3 (at least 1 women)	
Old Meeting House Trust, Helmsley	1	
Oswaldkirk and Ampleforth Education Foundation	1	
Poad's Educational Foundation (Newton upon Rawcliffe)	1	
Preston Education Foundation (Stokesley)	2	
Prowde's Educational Charity	1	
Raikes Foundation (Pateley Bridge)	<del>1</del>	Deleted: 2
Rev James Graves' Foundation at Thorpe Bassett	1	
Rev Michael Sydall Educational Foundation (Catterick)	1	
Richard Taylor Educational Foundation (Bilton)	1	
Richmond School Trust	5	
Ripon Grammar School Foundation Governors	4	
Settle Area Swimming Pool Committee	2	
Sir John Horsfall Exhibition Foundation (Glusburn and Sutton-in-Craven)	1	
St John's Catholic School for the Deaf, Boston Spa	1	
Staintondale Educational Charity	1	
Sylvester Petyt's Foundation (Skipton)	1	
Thirsk and Sowerby Swimming Baths Charity Management Committee	1	
William Cockin Educational Foundation (Melsonby)	1	
William Hardcastle Charity	2	
Wistow Church of England School Charity	1	
Yorebridge Education Foundation	5	
	<hr style="width: 50px; margin-left: auto; margin-right: 0;"/>	
	<del>5</del>	Deleted: 5

<b>Page 1: [1] Deleted</b>	<b>ragladst</b>	<b>05/11/2012 13:17:00</b>	
Area Tourism Partnership – East	1	Executive	
<b>Page 1: [2] Deleted</b>	<b>ragladst</b>	<b>05/11/2012 13:18:00</b>	
Askham Bryan College Corporation	1	Executive	
<b>Page 1: [3] Deleted</b>	<b>ragladst</b>	<b>05/11/2012 13:22:00</b>	
National Association of Areas of Outstanding Natural Beauty	1	Executive	
<b>Page 1: [4] Deleted</b>	<b>ragladst</b>	<b>05/11/2012 13:56:00</b>	
North Yorkshire Forum for Voluntary Organisations	3	Executive	Member/CD-HAS
<b>Page 2: [5] Deleted</b>	<b>ragladst</b>	<b>05/11/2012 13:23:00</b>	
North Yorkshire Police Authority	7	Council	Chairman/Council
<b>Page 2: [6] Deleted</b>	<b>ragladst</b>	<b>05/11/2012 13:23:00</b>	
Regional Rural Affairs Forum for Yorkshire and the Humber	1	Executive	
<b>Page 2: [7] Deleted</b>	<b>ragladst</b>	<b>05/11/2012 13:24:00</b>	
Selby Coalfield Joint Consultative Committee	9	Executive	
<b>Page 2: [8] Deleted</b>	<b>ragladst</b>	<b>05/11/2012 13:27:00</b>	
York and North Yorkshire Development Board (trading as york-england.com)	1 + Sub	Executive	
York and North Yorkshire Inward Investment Board	1	Executive	
<b>Page 2: [9] Deleted</b>	<b>ragladst</b>	<b>05/11/2012 13:29:00</b>	
York and North Yorkshire Inward Investment Board	1	Executive	
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York and North Yorkshire Waste Partnership	1	Executive	
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York St John University Governing Body (nominated)	1	Executive	Member/CD-CYPS
<b>Page 3: [12] Deleted</b>	<b>ragladst</b>	<b>05/11/2012 13:32:00</b>	
Citizens Advice Bureau Hambleton			1
<b>Page 3: [13] Deleted</b>	<b>ragladst</b>	<b>05/11/2012 13:34:00</b>	
Craven Local Strategic Partnership			1
<b>Page 3: [14] Deleted</b>	<b>ragladst</b>	<b>05/11/2012 13:34:00</b>	
Fairburn Ings Nature Reserve Management Committee			2
<b>Page 3: [15] Deleted</b>	<b>ragladst</b>	<b>05/11/2012 13:36:00</b>	
Harrogate District Cultural Partnership			1 (+1 sub)
<b>Page 4: [16] Deleted</b>	<b>ragladst</b>	<b>05/11/2012 13:38:00</b>	
Flaxby Free School Trust			1
<b>Page 4: [17] Deleted</b>	<b>ragladst</b>	<b>05/11/2012 13:38:00</b>	
Jepsons Educational Foundation (Ripon North)			1
<b>Page 4: [18] Deleted</b>	<b>ragladst</b>	<b>05/11/2012 13:39:00</b>	
Masham Town Hall Charity			1

## **Outside bodies which have not responded to 2012 survey as at 2 November 2012:-**

Reserve Forces and Cadets Association for Yorkshire and the Humber

University of Hull - Court

York and North Yorkshire Playing Fields Association

Citizens Advice Bureau Harrogate

Craven Transport Forum

Gouthwaite Reservoir Board of Management

Hambleton and Richmondshire Strategic Forum

Harrogate and District Deaf Society

Carleton Endowed School Trust (Skipton)

Clark's Old School Foundation Wigglesworth

Langcliffe Education Foundation

Lupton Foundation (High and Low Bishopside)

Mary Waud Foundation (Cliffe School Charity)

Middleton School Foundation

Ripon Grammar School Foundation Governors

William Hardcastle Charity

Wistow Church of England School Charity

3 Community Safety Partnerships