

## LOCAL GOVERNMENT NORTH YORKSHIRE AND YORK

24 JUNE 2011

### AMENDMENTS TO CONSTITUTION

#### REPORT OF THE HONORARY SECRETARY

#### **1.0** PURPOSE OF THE REPORT

- 1.1 To seek approval of amendments to LGNYY's Constitution to reflect decisions made at LGNYY's last meeting.

#### **2.0** BACKGROUND

- 2.1 LGNYY, at its last meeting, considered a report of the Honorary Secretary entitled "Review of LGNYY Thematic Boards and Other Partnership Structures". LGNYY's decisions arising out of consideration of that report are at Minute 78. This is included in the Minutes which are circulated as item 3 on today's Agenda. LGNYY decisions at Minute 78 included the following:-

- "(i) That the Honorary Secretary be requested to draft amendments to the LGNYY Constitution to implement the agreed principles and recommendations with regard to its structure, for approval by LGNYY at its meeting on 24 June 2011."

#### **3.0** AMENDMENTS FOR CONSIDERATION

- 3.1 Amendments to the Constitution, to implement the agreed principles and recommendations agreed at the last meeting with regard to LGNYY's structure, have been drafted. The draft amendments and are shown as tracked changes in the Appendix to this report.

#### **4.0** RECOMMENDATION

- 4.1 That the draft amendments to LGNYY's Constitution, as set out in the Appendix to this report, be approved.

RICHARD FLINTON  
Honorary Secretary to Local Government North Yorkshire and York

County Hall  
NORTHALLERTON

16 June 2011  
RAG

# Local Government North Yorkshire and York

## LOCAL GOVERNMENT NORTH YORKSHIRE AND YORK

### CONSTITUTION AND RULES

#### 1. TITLE

The name of the organisation shall be Local Government North Yorkshire and York (LGNYY).

#### 2. OBJECTS

The objects of the LGNYY are to promote effective working between local authorities and to ensure wider local authority representation, collaboration and co-operation on a sub-regional basis and effective sub-regional representation at regional and national levels.

In support of those objects the LGNYY will have power to:

- (a) represent the interests of member authorities (both individually and collectively), establishing common approaches and best practice on emerging issues of concern and interest to member authorities;
- (b) represent (wherever possible by consensus) the interests of member authorities to regional groups and institutions as well as national government, Parliament, the LGA and other bodies and to negotiate on behalf of member authorities;
- (c) establish Thematic Boards;
- (d) establish task and finish groups to deal with particular issues and any other groups considered necessary to discharge the interests of the sub-region;
- (e) make appointments to outside bodies as and when required;
- (f) receive regular reports:-
  - (i) concerning the work of the Thematic Boards established by the LGNYY and to consider the recommendations of those Boards; and
  - (ii) from the representatives appointed by the LGNYY to serve on outside bodies;
- (g) receive reports:-
  - (i) concerning the work of the Strategic Partnerships; and
  - (ii) from any task and finish groups;

Deleted: and

Formatted: Tabs: Not at 125 pt

Deleted: (iii) .

(h) undertake such other activities as may be conducive or incidental to the objects of the LGNYY.

Deleted: g

### 3. MEMBERSHIP

3.1 All principal councils in the North Yorkshire and York sub-region, together with the North York Moors and Yorkshire Dales National Park Authorities, shall be eligible for membership of the LGNYY. The geographical area of the LGNYY comprises the county area of North Yorkshire and the City of York.

*(Note: LGNYY, on 28 January 2011, agreed:-*

- That a decision be deferred on whether a directly elected Police and Crime Commissioner should be invited to become a member of LGNYY or be invited to participate in some or all LGNYY's discussions on a regular basis.*
- That a report be submitted to a future meeting, once the situation is clarified, concerning LGNYY's engagement with GP Consortia.)*

3.2 Each authority shall continue in membership of the LGNYY unless it notifies the secretary to the contrary, in writing.

3.3 Representation on the LGNYY shall comprise the Leaders of the 9 constituent local authorities and the Chairmen of the North York Moors and Yorkshire Dales National Park Authorities, appointed by notice in writing from the appointing authority to the Secretary of the LGNYY. Each representative shall continue to be that authority's representative unless they cease to hold office as the Leader of their Council, or as the Chairman in the case of the two National Park Authorities. Where they cease to hold such office, they shall automatically cease to represent their authority on the LGNYY.

3.4 Any constituent authority may be represented at a meeting of the LGNYY by a named-substitute who shall be entitled to exercise full powers, provided that such named-substitute has been duly appointed by that constituent authority.

3.5 When a casual vacancy arises on the LGNYY, the Member appointed subsequently to be the Leader of the relevant constituent Council, or Chairman in the case of the two National Park Authorities, shall also be appointed by that authority as its representative on the LGNYY.

### 4. CHAIR AND VICE-CHAIRS

4.1 At the Annual Meeting of the LGNYY a Chair and two Vice-Chairs shall be appointed. The Chair shall rotate annually between a Member of the County Council, a Member of the District Councils, and a Member of the City of York Council. The Vice-Chair(s) shall also rotate annually, being drawn from the Members of the two types of Council not represented by the Chair for that year.

- 4.2 Should a vacancy arise in the office of Chair or Vice-Chair, any appointment to fill the vacancy shall be made at the next ordinary meeting of the LGNYY held after the date on which the vacancy occurs.
- 4.3 The Chair, if present, and in the absence of the Chair, one of the Vice-Chairs shall preside at a meeting of the LGNYY. If the Chair and both Vice-Chairs are absent from a meeting of the LGNYY such representative as the meeting determines shall preside at that meeting.
- 4.4 The Chair of the LGNYY or his/her nominee shall be authorised to carry out any necessary duties (including attendance at meetings with officers) which are related to the discharge of the powers or duties of the LGNYY.

## 5. **MEETINGS OF THE LGNYY**

- 5.1 The Annual Meeting of the LGNYY shall be held, normally either at the end of May or during the beginning of June each year. At the Annual Meeting, the Secretary shall submit a statement of representatives appointed for the succeeding year. The Annual Meeting shall:-
- (a) appoint a Chair and two Vice-Chairs;
  - (b) make appointments to outside bodies on behalf of the LGNYY; and
  - (c) review the work of the Thematic Boards and determine any changes to their membership or working arrangements.

Each constituent authority shall have votes in accordance with the voting scheme at paragraph 10.2.

- 5.2 The LGNYY will meet at least four times per year.
- 5.3 The Secretary shall be responsible, following consultation with the Chair and any other Member or officer considered necessary by the Secretary, for determining dates, times and venues for meetings. The Secretary shall immediately notify such arrangements to all LGNYY Members and the Chief Executives of all constituent authorities.

## 6. **SECRETARY**

- 6.1 The Secretary to the LGNYY shall be the Chief Executive of North Yorkshire County Council.
- 6.2 The Secretary shall be responsible for administration associated with the business.

## 7. **THEMATIC BOARDS**

- 7.1 The LGNYY may appoint such Thematic Boards as may be considered necessary or expedient for the discharge of the LGNYY's functions, with such powers and responsibilities as may be specified in creating the Board.

7.2 The following Thematic Boards shall report to the LGNYY from the adoption of the LGNYY's Constitution and Rules:-

- (a) Planning Board, the secretariat for which shall be provided by the City of York Council;
- (b) Housing Board, the secretariat for which shall be provided by Harrogate Borough Council;
- (c) Transport Board, the secretariat for which shall be provided by North Yorkshire County Council; and
- (d) Development/Skills Board, the secretariat for which shall be provided by the York and North Yorkshire Partnership Unit.

8. **OTHER GROUPS**

8.1 The LGNYY shall receive reports and determine actions from any [task and finish group](#) or any other group it establishes to discharge the interests of the sub-region.

8.2 The LGNYY may call for reports from any other sub-regional group, as required.

9. **FINANCE**

9.1 LGNYY meeting venues shall rotate between the constituent authorities and the authority hosting each meeting shall be responsible for the costs of that meeting.

9.2 North Yorkshire County Council shall be responsible for the costs of the Secretary to the LGNYY.

10. **VOTING**

10.1 Voting at meetings shall be by show of hands. The LGNYY will, wherever possible, act by consensus. However, should a recorded vote be requested, the voting scheme for the LGNYY set out at paragraph 10.2 will be adopted.

10.2 Each constituent authority shall have votes in accordance with the following voting scheme:-

	Votes
Craven	1
Hambleton	1
Harrogate	1
North York Moors National Park Authority	1
Richmondshire	1
Ryedale	1
Scarborough	1
Selby	1
North Yorkshire CC	7
York	4
Yorkshire Dales National Park Authority	1

10.3 At meetings of LGNYY to which the Chairmen and Chief Executives of NHS North Yorkshire and York, North Yorkshire Police Authority, and North Yorkshire Fire and Rescue Authority are invited, the Chairman of each of those three organisations (or his/her Substitute in the Chairman's absence) shall be entitled to cast one vote on business which impacts on all the organisations present.

10.4 In the event of an equality of votes on any issue, the Chair shall have a casting vote.

## 11. CONDUCT OF BUSINESS

11.1 An agenda specifying the business to be transacted shall be circulated by the Secretary not less than 5 clear working days before a meeting of the LGNYY.

11.2 Notices of motions to be moved at meetings of the LGNYY shall be received by the Secretary not less than 10 clear working days before the meeting. Any matter may be raised without notice on a motion of urgency, subject to agreement of the LGNYY, as demonstrated by a simple majority of votes cast in accordance with paragraph 10.2.

11.3 NHS North Yorkshire and York, North Yorkshire Police Authority, and North Yorkshire Fire and Rescue Authority shall be entitled to put items of business on the Agendas for meetings of LGNYY.

11.4 The Secretary shall determine the content of the agenda for any relevant meeting of the LGNYY following consultation with the relevant Chair (or in their absence the relevant Vice-Chair) for the meeting.

11.5 The Secretary shall be responsible for making the minutes of every meeting of the LGNYY available to every constituent authority.

11.6 No provision of this Constitution may be waived at any meeting of the LGNYY, other than on the vote of a majority of the representatives present and entitled to vote

11.7 An Extraordinary Meeting of the LGNYY shall be called by the Secretary upon receipt a requisition from not less than one third of the authorities in membership of the LGNYY. No other business shall be considered at an extraordinary meeting, except that which is specified in the notice of the meeting.

## 12. QUORUM

12.1 The quorum for any meeting of the LGNYY shall be 6 persons entitled to attend and vote.

## 13. ADVISERS

13.1 There shall be a Chief Executives' Group – North Yorkshire and York comprising the Chief Executives (or equivalents) of the nine Councils, National Park Authorities, PCT, Police, Fire and Rescue, plus an appropriate representative of the Voluntary and Community Sector and the Business Sector to:-

- provide leadership and coordination across sub-regional partnership structures and public services generally; and

**Deleted:** of each constituent authority in the sub-region, or such other structures as they choose to adopt, whose role shall be to offer advice.

- [advise LGNYY.](#)

13.2 The Chief Executive of each constituent authority shall be entitled to attend, but not vote at, each meeting of the LGNYY, as may any other authorised officer from any constituent authority.

#### 14. **URGENT BUSINESS**

14.1 The Chair and Vice-Chairs may, in cases of urgency, act on behalf of the LGNYY in pursuance of its objectives and current policies. Such action may be authorised by telephone or correspondence and shall be the subject of consultation with such member authorities as may be reasonable according to the circumstances of the case. Decisions made must be reported to the next meeting of the LGNYY.

14.2 The Secretary shall be authorised to take any action in relation to the day to day administration of the LGNYY in case of urgency in consultation with the Chair (or a Vice-Chair in the absence of the Chair). Decisions made must be reported to the next meeting of the LGNYY.

#### 15. **CORPORATE RESPONSIBILITIES**

15.1 Members of the LGNYY shall observe the requirements of their own constituent authority's Members' Code of Conduct when engaged in LGNYY business.

15.2 The LGNYY is fully committed to equality and opposes all forms of discrimination. It will work positively to promote inclusivity within its membership and the wider community.

15.3 The LGNYY shall act, wherever possible, on the basis of consensus. Any dissenting views may be recorded in the minutes.

15.4 In making appointments to other bodies, the LGNYY shall seek to ensure balance in relation to the composition of the LGNYY and in relation to the diversity of the sub-region.

#### 16. **AMENDMENTS TO THE CONSTITUTION**

16.1 Minor amendments which do not affect the principles and provisions of the constitution may be made by the Secretary in consultation with the Chair and Vice-Chairs. Any other amendment of this constitution shall only be made by the LGNYY at the Annual Meeting or at an Extraordinary Meeting convened for that purpose. No amendment shall be made except after 5 clear working days' notice has been given to each constituent member and the proposed amendment circulated on the agenda of the meeting at which it is to be considered.

17. **PUBLICITY**

17.1 Any publicity issued in the name of Local Government North Yorkshire and York shall be issued only by the Honorary Secretary who shall only do so following consultation and agreement with the Chair and two Vice-Chairs of the organisation.

18. **DISSOLUTION**

18.1 A motion for dissolution of the LGNY Y must be considered at an Extraordinary Meeting of the LGNY Y called for the purpose, in accordance with the constitution. Any decision shall require a two thirds majority of constituent authorities present and represented at the meeting.

24.6.2011

Deleted: 26.4.10