

Local Government North Yorkshire and York

12 July 2012

Proposed Amendments to LGNYY's Constitution

Report of the Honorary Secretary

1.0 Purpose of the Report

- 1.1 To recommend amendments to LGNYY's Constitution concerning:- the month when LGNYY's Annual Meeting is held; amendments arising from the recent reviews of LGNYY Thematic Boards and other partnership structures; and arrangements for amending LGNYY's Constitution in future.

2.0 Background

- 2.1 Proposed amendments to LGNYY's Constitution, except those of a minor nature, are submitted, for LGNYY's approval, to either an Annual Meeting or an Extraordinary Meeting convened for that purpose (source: LGNYY Constitution paragraph 16.1).
- 2.2 Sections 3.0 to 7.0 below set out proposals to amend LGNYY's Constitution. The proposals address issues which have arisen during the past year.

3.0 Month when LGNYY Annual Meeting is held

- 3.1 LGNYY's Constitution currently provides that its Annual Meeting "shall be held normally either at the end of May or during the beginning of June each year".
- 3.2 The above provision was adopted at a time when each sub-region had to submit nominations to serve on regional bodies by a deadline, specified by LGYH, which was in mid June in each year. Such deadlines are no longer set.
- 3.3 Authorities might prefer, especially in an election year, for LGNYY normally to hold its Annual Meeting either at the end of June or during the beginning of July. If Members support that suggestion, LGNYY is asked to approve the amendment to its Constitution which is shown as a tracked change at paragraph 5.1 of the Appendix to this report.

4.0 Amendments Arising from Review of LGNYY Thematic Boards

- 4.1 LGNYY recently reviewed its Thematic Boards. The review resulted in the disestablishment of the Development and Skills Board and combining, into a single Board, the former Transport Board and the former Planning Board. LGNYY's Constitution requires updating to reflect those decisions. Proposed

amendments are shown at paragraph 7.2 of the Appendix for LGNYY's consideration.

5.0 NHS North Yorkshire and York, North Yorkshire Police Authority and North Yorkshire Fire and Rescue Authority

5.1 Between early 2010 and early 2011, the Chairmen of the above three bodies were routinely invited to attend two LGNYY meetings per year and the arrangements described at (a) and (b) below were added within LGNYY's Constitution. On 28 January 2011, LGNYY set up the Chief Executives' Group – North Yorkshire and York whose membership included the Chief Executives (or equivalents) of the PCT, Police and Fire and Rescue. The role of that Group includes providing advice to LGNYY. Following the Group's establishment, the Chairmen of the above three bodies were no longer routinely invited to attend LGNYY's meetings. Instead, representatives now attend LGNYY meetings as appropriate.

5.2 The recommended amendments to the Constitution, as set out at (a) and (b) below, do not preclude LGNYY discussions with a wider range of partners than those in membership of LGNYY. It is intended that partners will continue to be invited to participate at LGNYY meetings as appropriate. The recommendations at (a) and (b) seek only to update the Constitution to reflect current practice.

(a) Voting Rights of Chairmen of the above three Bodies

5.3 Paragraph 10.3 of LGNYY's Constitution states the following:- "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".

5.4 As the Chairmen of the above three bodies no longer routinely attend LGNYY meetings, it is suggested that the provision within LGNYY's Constitution, which extends voting rights to those three Chairmen, is no longer relevant. If Members support that suggestion, LGNYY is asked to approve the deletion of the existing paragraph numbered 10.3 from its Constitution. The paragraph currently numbered 10.4 would then be re-numbered as 10.3.

(b) Entitlement of the above three Bodies to put Items on LGNYY Agendas

5.5 Paragraph 11.3 of LGNYY's Constitution currently states: "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".

5.6 Now that the above three bodies no longer routinely attend LGNYY meetings, it appears to be no longer relevant to specify that they have an entitlement to put items on LGNYY Agendas. They are welcome, of course, at any time to suggest, to LGNYY's Honorary Secretary, business which LGNYY might wish

to consider. If Members support these views, LGNYY is asked to approve the deletion of the existing paragraph numbered 11.3 from its Constitution. Subsequent paragraphs within section 11 would then be re-numbered.

6.0 Police and Crime Commissioner and GP Consortia

- 6.1 A note currently appears, in italic font below paragraph 3.1 within the “Membership” section of the Constitution, to provide a reminder that LGNYY has previously agreed to consider, in future, whether the Police and Crime Commissioner should become a member of LGNYY, and LGNYY’s future engagement with GP Consortia.
- 6.2 In view of the proposals set out in section 5 of this report relating to the PCT, Police, and Fire and Rescue, and the focus of LGNYY now being on Council Leaders and Chairs of the National Park Authorities, it would appear to be inconsistent to add the Police and Crime Commissioner and the Chairs of Clinical Commissioning Groups to LGNYY’s membership. Invitations to attend LGNYY meetings will be issued to such partners as appropriate. However, it is suggested that the reminder note, which is in italic front below paragraph 3.1 of the Constitution, can be deleted.

7.0 Arrangements for Amending LGNYY’s Constitution

- 7.1 Currently LGNYY’s Constitution states that amendments to the Constitution, other than those of a minor nature, can be made only at an Annual or Extraordinary Meeting of LGNYY.
- 7.2 Proposed amendments to LGNYY’s Constitution can arise at any time of the year. To ensure LGNYY’s Constitution is up-to-date at all times, it is suggested that LGNYY should be able to approve amendments at any of its meetings, subject to 5 clear working days’ notice of the proposed amendment being given to each constituent member and subject also to the proposed amendment being listed as an item of business on the Agenda.
- 7.3 If Members support the suggestion at 7.2, LGNYY is asked to approve the amendments shown at paragraph 16.1 of the Appendix.

8.0 Recommendation

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

Richard Flinton

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4 July 2012

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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;

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

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.

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.

*Deleted: (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.¶*

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 ~~June~~ or during the beginning of ~~July~~ each year. ~~At the Annual Meeting, the Secretary shall submit a statement of representatives appointed for the succeeding year. The Annual Meeting shall:-~~

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- (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:-

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(a) ~~Housing Board, the secretariat for which shall be provided by Harrogate Borough Council; and~~

Deleted: Planning Board, the secretariat for which shall be provided by the City of York Council; (b)

(b) ~~Transport and Spatial Planning Board, the secretariat for which shall be provided by the City of York Council.~~

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Deleted: (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~~ In the event of an equality of votes on any issue, the Chair shall have a casting vote.

Deleted: 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.¶

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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~~ 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.

Deleted: 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 be responsible for making the minutes of every meeting of the LGNYY available to every constituent authority.

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~~11.5~~ 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

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~~11.6~~ 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.

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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
- 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, ~~subject to 5 clear working days' notice of the proposed amendment being given to each constituent member and the proposed amendment being listed as an item of business on the~~

Deleted: at the Annual Meeting or at an Extraordinary Meeting convened for that purpose. No amendment shall be made except after

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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 LGNYY must be considered at an Extraordinary Meeting of the LGNYY 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.

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12.7.12