

# Draft Y&NYCA Constitution – Recommended changes agreed by the City of York Council’s Audit & Governance Committee and Corporate Services, Climate Change & Scrutiny Management Committee at a joint public meeting held on 15 January 2024

## General points

- Replace all references to ‘he’ and ‘she’ with ‘they’
- Each Part of the constitution should adopt a consistent approach to numbering
- Typos / presentational issues flagged up at the meeting to be resolved
- Address duplication within the document and issues such as the same principles or procedures being explained in slightly different ways in different parts of the document
- Remove references to ‘strategic spatial planning’ where appropriate

Text recommended for removal is in strikethrough, text recommended for addition is in red.

## Part 1 – Introduction and articles

- Para 1.13 – amend to read “Deputy Mayor for Policing and Crime’ means a person appointed by the Mayor who may exercise Policing and Crime ~~and~~/or Fire and Rescue functions of the Mayor where delegated.”
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- Para 5.1 – amend to read “The Y&NYCA ~~usually~~**ordinarily** meets every month, but additional meetings may take place within the monthly period should the need arise.”
- Para 10.2 (c) – amend to read “**The advancement of** ~~Respect for~~ human rights **and equalities**”
- Para 10.2 (d) - amend to read “Presumption in favour of **public accountability and** openness”
- Para 10.2 - insert new point (g) to read as follows: “**Due consideration to be given to environmental sustainability and the climate crisis**”
- Para 11.3 (b) – amend to read: “Any contract ~~with a value exceeding~~ £50,000 entered into by the Y&NYCA shall be made in writing.”
- Para 12.2 – amend to read “Changes to the Constitution will only be approved by the full Y&NYCA after consideration of the proposal by the Monitoring Officer **and the Audit & Governance Committee** and in

accordance with the Y&NYCA Rules of Procedure in Part 5 of this Constitution, provided that such delegations made by the Mayor as are included in Part 3, 4 and 9 of this Constitution appear for information only and may be revised by the Mayor following consultation with, and having given written notice to, the Monitoring Officer.”

## Part 2 – Functions of the Y&NYCA

- B. Transport, para 1.1 (c) – amend to read “The Y&NYCA must develop policies for the promotion and encouragement of safe, integrated, efficient, **sustainable** and economic transport to, from and within their area, and must prepare and publish a local transport plan containing its policies and proposals for their implementation..”

## Part 3 – Responsibility for Functions

- In relation to paras 4.2 (c) and para 4.3 below, members felt there was an inconsistency in the wording highlighted in relation to the agreement of, or rejection of, a MDA.

*“4.2 A proposal by the Mayor to:*

*(a) Designate any area of land as an MDA;*

*(b) Alter the boundaries of an MDA to exclude an area of land;*

*(c) Decide that a Mayoral Development Corporation (MDC) should be the local planning authority (LPA) for the purposes set out in section 202 (2) to (4) of the Localism Act 2011, **requires the consent of all members of the Y&NYCA (or substitute members acting in their place) whose local government area contains any part of the area to be designated or excluded or in respect of which the Mayor wishes to decide that the MDC should be the LPA such consent to be provided at a meeting of the Y&NYCA.***

*4.3 A proposal of the Mayor under paragraph 4.2 above may be rejected by the Y&NYCA in accordance with the provisions of section 197 of the Localism Act 2011 as modified by the 2023 Order, but only if a motion to reject has been considered at a meeting of the Y&NYCA and **agreed to by two-thirds of the Y&NYCA members** (or substitute members acting in their place) present and voting on that motion.”*

- Para 6.10 (a), in relation to Fire & Rescue, members felt that the wording (copied below) should be amended to reflect the expectation that the Mayor themselves would not be undertaking the calculation.

*6.10 The following functions are assigned as the responsibility of the Mayor and cannot be delegated:*

*(a) The function of calculating a council tax requirement (see section 42A of the Local Government Finance Act 1992)*

- Section E (Scheme of Delegations) , para 1.6, amend to read “Before exercising delegated powers, particularly on matters involving the reputation of the Y&NYCA, officers should consider the advisability of **ordinarily** consulting the Head of Paid Service and/or the Chair of the Y&NYCA.”
- Section E (Scheme of delegations) para 4.24 (current wording copied below) – members felt that these responsibilities should sit with the Monitoring Officer, rather than the Section 73 officer.

*“To act as the Y&NYCA’s Senior Information Risk Owner and to arrange for the determination of requests under the Freedom of Information Act 2000, the Environmental Information Regulations 2004 and data protection legislation, including dealing with internal reviews, complaints and data sharing or data processing.”*

#### **Part 4 - Committees**

- General point – ensure that quorum requirements are consistent across all committees, including sub-committees to which matters may be delegated.
- Section A (Audit & Governance Committee), para 1.1 – amend to read “The Audit and Governance Committee is a key component of corporate governance providing an independent, high-level focus on the audit, assurance and reporting framework underpinning financial management and governance arrangements **and is to be consulted on any proposed revisions to the Y&NYCA Constitution via a report to the committee.**”
- Para 2.1 – there are thirteen members of the committee, not nine.
- Para 2.1 third bullet – amend to read “four co-opted members, who are Independent Persons, **and shall have no voting rights on the committee.**”
- Para 2.4 – amend to read “The Y&NYCA will appoint the Chair of the Committee **who must be a member of one of the constituent councils.**”
- Para 9.1 – amend to read “Report the Committee’s findings, conclusions and recommendations to the Y&NYCA and the Mayor, ~~as appropriate,~~ on the effectiveness of governance, risk management and

internal controls, financial reporting and internal and external audit functions.”

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- Section B (Business Committee), para 4.9 – request to amend the wording to support representation on the committee from employees and Trades Unions.
- Section C (Overview & Scrutiny), para 2.1 – delete “The overview and scrutiny committee will have a least one member from each Constituent Council” as this is unnecessary as there will be six members from each constituent authority.
- Para 3 – add a new point (n) to read “**To invite members of the public to propose topics for the committee to consider at its meetings.**”

## **Part 5 – Procedure Rules**

- General point – All public meetings of the Y&NYCA, its committees and sub-committees are to be webcast, and the recordings to remain available for six years.
- General point – At all public meetings of the Y&NYCA and its committees there is to be a standing agenda item for public participation under which members of the public can register to speak on matters relevant to the matters to be considered at the meeting or on any matter within the committee’s remit. There is to be the facility for public speakers to address the meeting remotely, such as via a Zoom or phone link. There is to be no requirement for public speakers to share their remarks in advance of the meeting.
- General point - All public meetings of the Y&NYCA and its committees are to be held in fully accessible venues.
- General point - All statutory notices including the calendar to be posted at the registered offices of both constituent local authorities.
- Where meeting papers are restricted and not publicly available, a description of the contents of the papers must be published as part of the agenda.
- Section A (Y&NYCA Procedure Rules), para 4.3 – add new point (f) to read “**There must be at least one Vice Chair from each constituent local authority.**”

- Para 11.4 (copied below) – suggest that this is not needed and can be removed.  
*“If all of Mayor, Deputy Mayor and Vice-Chairs of the Y&NYCA are absent from a meeting of the Y&NYCA, the Secretary shall invite the Members present to elect a Member to preside for the duration of the meeting or until such time as the Mayor, Deputy Mayor or a Vice-Chair joins the meeting.”*
- Para 15.1 – amend to read “Except where a Committee or any Committee or Sub-Committee of the Y&NYCA, is acting under delegated authority, the Minutes of any Committee or Sub-Committee of the Y&NYCA, shall be submitted to the Y&NYCA for **information** confirmation. ~~Confirmation by the Y&NYCA of those Minutes shall constitute approval of any Committee or Sub-Committee of the Y&NYCA.~~”
- Section B (Access to Information Procedure Rules), para 23 – members do not support the proposal that officers can withhold information from members without providing a justification. This para needs to be amended so as to enshrine the right of members of the CA and its committees to have access to information.
- Section C (Overview & Scrutiny Committee Procedure Rules), paras 2.3 & 2.3 – there are twelve members, not twenty, and the text “the committee will have at least one member from each constituent council” can be removed.
- Para 15 – there needs to be a provision for the same decision to be subject to multiple separate call-ins.

## **Part 8 – Members allowances**

- General point - allowances to be considered, as appropriate, by an independent review panel, given the additional workloads to be placed on those appointed to the CA and its committees.