

**Proposed Amendments to Constitution – for full Council in November 2024**

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

<b><u>PART A: ITEMS FOR DECISION</u></b>			
<b>Provision in Constitution</b>	<b>Current Wording</b>	<b>Proposed Amendment</b>	<b>Reason(s)</b>
Part 3 – Responsibility for Functions  Schedule 1 – Council Committees, their membership and their powers  Area Committees  Terms of Reference	...  4. The Area Committees shall act as a forum for local issues to be raised by the public and/or Community Networks through questions and statements.  5. The Area Committees shall empower and enable delivery of Community Area Action Plans and other local priorities brought to its attention by Division Members, Town and Parish Councils, Community Networks and members of the public.  ...	...  4. The Area Committees shall act as a forum for local issues to be raised by the public and/or Community <del>Networks</del> <u>Partnerships</u> through questions and statements.  5. The Area Committees shall empower and enable delivery of Community Area Action Plans and other local priorities brought to its attention by Division Members, Town and Parish Councils, Community <del>Networks</del> <u>Partnerships</u> and members of the public.  ...	To update the reference to Community Networks to Community Partnerships as they are now known (as previously agreed by Executive in May 2023).
Part 3 – Responsibility for Functions  Schedule 4 – Officers’ Delegation Scheme  8 Delegation to the Corporate Director of Environment	...  (v) In relation to harbour powers and duties <b>The Assistant Director Integrated Passenger Transport, Licensing, Public Rights of Way and Harbours</b> has been appointed to act as the Council’s Designated Person under the Port Marine Safety Code, in relation to: Scarborough Harbour, Whitby Harbour and Filey Coble Landing and to exercise the	...  (v) In relation to harbour powers and duties <b>The <u>Assistant Director Regulatory Services, Registration, Bereavement and Coroners</u></b> <del>Assistant Director Integrated Passenger Transport, Licensing, Public Rights of Way and Harbours</del> has been appointed to act as the Council’s Designated Person under the Port Marine Safety Code, in relation to: Scarborough Harbour, Whitby	To reflect changes to the arrangements for the distribution of responsibilities and delegation of powers in relation to harbours by the Corporate Director.

<p>(g) Harbours</p>	<p>following Designated Person functions including, but not limited to:</p> <ul style="list-style-type: none"> <li>• monitoring and auditing the thoroughness of the risk assessment process and the validity of the assessment conclusions;</li> <li>• monitoring and auditing the thoroughness of the incident investigation process and the validity of the investigation conclusions;</li> <li>• monitoring the application of lessons learnt from individual and industry experience and incident investigation;</li> <li>• assessing and auditing the validity and effectiveness of indicators used to measure performance against the requirements and standards in the Port Marine Safety Code;</li> <li>• assessing the validity and effectiveness of consultation processes used; consulting with external marine consultants to supplement their capabilities and qualities as necessary</li> </ul> <p>...</p>	<p>Harbour and Filey Coble Landing_ and to exercise the following Designated Person functions including, but not limited to:</p> <ul style="list-style-type: none"> <li>• monitoring and auditing the thoroughness of the risk assessment process and the validity of the assessment conclusions;</li> <li>• monitoring and auditing the thoroughness of the incident investigation process and the validity of the investigation conclusions;</li> <li>• monitoring the application of lessons learnt from individual and industry experience and incident investigation;</li> <li>• assessing and auditing the validity and effectiveness of indicators used to measure performance against the requirements and standards in the Port Marine Safety Code;</li> <li>• assessing the validity and effectiveness of consultation processes used; consulting with external marine consultants to supplement their capabilities and qualities as necessary</li> </ul> <p>...</p>	
<p>Part 4 – Rules of Procedure</p> <p>Access to Information Procedure Rules</p> <p>19. EXECUTIVE DECISIONS BY INDIVIDUAL OFFICERS OR INDIVIDUAL</p>	<p>19.3 Record of individual decision</p> <p>...</p> <p>(b) 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 Management Board</li> <li>• All Management Board Personal Assistants</li> <li>• All Senior Managers</li> <li>• All Democratic Services</li> </ul>	<p>19.3 Record of individual decision</p> <p>...</p> <p>(b) 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 Management Board</li> <li>• All Management Board Personal Assistants</li> <li>• All Senior Managers</li> <li>• All Democratic Services Officers</li> <li>• <del>All Corporate Development Officers</del></li> </ul>	<p>To update the circulation list for decision records by removing reference to an obsolete post title in order to keep the Constitution up to date.</p>

MEMBERS OF THE EXECUTIVE	<p>Officers</p> <ul style="list-style-type: none"> <li>All Corporate Development Officers</li> <li>Senior Press Officer</li> <li>Communications Officer</li> </ul>	<ul style="list-style-type: none"> <li>Senior Press Officer</li> <li>Communications Officer</li> </ul>	
<b><u>PART B: ITEMS FOR INFORMATION</u></b>			
<p>Part 3 – Responsibility for Functions</p> <p>Schedule 4 - Officers' Delegation Scheme</p> <p><b><u>11 Delegation to the Assistant Chief Executive Legal and Democratic Services</u></b></p> <p>11.3 Specific Delegations</p>		<p><i>Insert new paragraphs (u) and (v) as follows:</i></p> <p><u>(u) To determine, in consultation with the Executive Member for Corporate Services, if requests for Community Governance Reviews should be treated as urgent and brought forward to the Standards and Governance Committee to recommend approval of terms of reference to the Council.</u></p> <p><u>(v) To make temporary appointments to parish and town councils in North Yorkshire under section 91 Local Government Act 1972.</u></p>	<p>Under the Assistant Chief Executive Legal and Democratic Services delegated powers in Article 15.02 (c) (iii) of the Constitution “to reflect changes to arrangements for the distribution of responsibilities and the delegation of powers in accordance with decisions taken by the person(s) or body with authority to take such action”.</p> <p>On 15 September 2023, the Standards and Governance Committee agreed the Protocol re Requests for Community Governance Reviews covering the period up to the scheduled May 2027 elections, setting out how the Council will respond to such requests. The Committee also granted authority to the Assistant Chief Executive Legal and Democratic Services, in consultation with the Executive Member for Corporate Services, to determine if requests for Community Governance Reviews should be treated as urgent and brought forward to the Standards and Governance Committee to recommend approval of terms of reference to the Council.</p> <p>On 6 September 2024, the Standards and Governance Committee agreed that the power to make temporary appointments to parish and town councils be permanently delegated to the Monitoring Officer and that the Assistant Chief Executive Legal and Democratic Services be requested to make consequential amendments to the Constitution under his delegated powers in Article 15 (c) (iii) of the Constitution.</p>

Whole Constitution		<i>Minor formatting/typographical/administrative errors have been corrected in the Constitution under the Monitoring Officer's delegated powers as set out in Article 15.02(c)(i) of the Constitution to correct administrative issues.</i>	To ensure that the Constitution is accurate and up to date.
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