APPENDIX 4A

Proposed amendments to whole Constitution re "clear" days' notice requirements

The parts of the Constitution to be amended for clarification are as follows:

Part	Page	Amendment required
Part 1 SUMMARY AND EXPLANATION	5	**The Executive** 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 and must be published at least 28 clear calendar days before a Key Decision is made. Urgency procedures allow for Key Decisions still to be taken if these timescales cannot be met.
Part 2 - ARTICLES Article 3 – Citizens and the Council Article 3.01 Citizens' rights	15	(b) **Information**: Citizens have the right to: … (ii) find out from the Forward Plan what key decisions will be taken by the Executive and other decision takers and when. Also, subject to urgency procedures, to have at least 28 clear calendar days' prior notice of a private meeting of an executive decision making body;
Part 3 - RESPONSIBILITY FOR FUNCTIONS Schedule 1 North Yorkshire Health and Wellbeing Board Terms of Reference 3 Governance and Accountability	146	3.4 Subject to 3.5 below, decisions within the Terms of Reference will be taken at meetings and will not normally be subject to ratification or a formal decision process by partner organisations (provided that at least 10 clear calendar days' notice of forthcoming decisions has been given). However, where decisions are not within the delegated authority of the Board Members, these will be subject to ratification by constituent bodies.

Part 3 - RESPONSIBILITY FOR FUNCTIONS Schedule 1 North Yorkshire Health and Wellbeing Board Terms of Reference 4. Conduct of Meetings of the Board	147	4.6 Each meeting will have an open forum session where members of the public may ask questions. In accordance with the Council's Constitution, notice of these questions will normally be required three clear working days prior to the meeting.
Part 4 - RULES OF PROCEDURE **Council Procedure Rules** 2. ORDINARY MEETINGS	224	2.2 **Notice of Meetings** Five clear working days* at least before a meeting of the Council notice of the time and place will be published at the Council's offices. Where the meeting is called by Members of the Council, the notice will be signed by those Members and will specify the business to be transacted. A summons to attend a meeting of the Council, specifying the business proposed to be transacted and signed by the Chief Executive Officer and Assistant Chief Executive Legal and Democratic Services, will be sent by post to the usual place of residence of every Member of the Council, or to such other place specified in writing by the Member to the Assistant Chief Executive Legal and Democratic Services. ~~* "Five clear days" – as defined in Access to Information Procedure Rule 4.~~
Part 4 - RULES OF PROCEDURE **Council Procedure Rules** 2.3 Order of Business	225	**2.3 Order of Business** (a) Save as expressly provided otherwise elsewhere in these Council Procedure Rules the order of business at Council meetings shall be: … (vii) any questions or statements from members of the public who are residents of North Yorkshire relating to Council business, subject to: ♦ notice having been given of the question or statement and the Member to whom it is addressed at least three clear working days before the meeting; and ♦ no member of the public being entitled to speak for more than three minutes.
Part 4 - RULES OF PROCEDURE	227	**3.1 Calling extraordinary meetings**

Council Procedure Rules 3. EXTRAORDINARY MEETINGS		Those listed below may request the Assistant Chief Executive Legal and Democratic Services to call Council meetings in addition to ordinary meetings: (a) the Council by resolution; (b) the Chair of the Council; (c) the Monitoring Officer or the Chief Finance Officer; and (d) any five members of the Council if they have signed a requisition presented to the Chair of the Council and they have refused to call a meeting or has failed to call a meeting within seven clear calendar days of the presentation of the requisition; and any such request shall specify one or more items of business to be transacted at the meeting.
Part 4 - RULES OF PROCEDURE **Council Procedure Rules**	228	**6. NOTICE OF AND SUMMONS TO MEETINGS** The Assistant Chief Executive Legal and Democratic Services will give notice to the public of the time and place of any meeting in accordance with the Access to Information Rules. At least five clear working days* before a meeting, the Assistant Chief Executive Legal and Democratic Services will send a summons signed by them by post to every member of the Council or leave it at their usual place of residence. The summons will give the date, time and place of each meeting and specify the business to be transacted and will be accompanied by such reports as are available. … ~~* "Five clear days" – as defined in Access to Information Procedure Rule 4~~
Part 4 - RULES OF PROCEDURE **Council Procedure Rules** 9. QUESTIONS AND STATEMENTS BY THE PUBLIC	232	**9.3 Notice of Questions/Statements** (a) A question may only be asked (or statement made) if notice including the full text of the question or statement has been given by delivering it in writing or by electronic mail to the Assistant Chief Executive Legal and Democratic Services no later than midday three clear working days before the day of the meeting. Each question must give the name of the questioner. The question will be put to the relevant executive portfolio holder or committee Chair. Each statement must give the name of the person by whom it is to be made.

Part 4 - RULES OF PROCEDURE **Council Procedure Rules** 10. QUESTIONS BY MEMBERS	234	**10.1 Written Questions and Written Responses Addressed Outside of Meetings** (a) Members may at any time ask a question of the Leader, Executive Member or the Chair of any Committee or sub-committee by providing written notice of the question to the Assistant Chief Executive Legal and Democratic Services. (b) The Leader, Executive Member, Committee or sub-committee Chair concerned must provide a written response within 10 clear working days. …
	236	**10.6 Notice and Order of Questions and Supplementary Questions** (a) This Rule applies to questions and statements under 10.2-10.5 above. (b) Questions for which 3 clear working days' written notice have been given to the Assistant Chief Executive Legal and Democratic Services (to be received no later than midday three clear working days before the meeting), will be dealt with under the relevant agenda item first. Thereafter, the Chair will determine the order of questioning and statements and at their discretion will, as far as possible, invite the questions and/or statements in the order indicated by Members raising their hand but subject to the need to ensure a reasonable balance across the political groups and independent Members of the Council. …
	236	**10.7 Discretion of the Chair in relation to Member Questions and Statements** (a) This Rule applies to questions and statements under 10.2-10.5 above. (b) The Chair may reject any Member question or statement if it does not pertain to a matter for which the Council has a responsibility or which directly affects the County. (c) The Chair may reject a Member question or statement if it relates to a matter which is purely of personal concern to an individual Member's division. In such instances the Chair will ask that the relevant Executive Member, committee Chair or Officer respond to the question in writing within 10 clear working days of the meeting.
Part 4 - RULES OF PROCEDURE **Access to Information Procedure Rules**	247/248	4.1 The Council will give notice of the time and place of any public meeting by posting details of the meeting at County Hall and at the venue for the meeting (if different) and on the Council's

4. NOTICES OF MEETING **Public Meetings**		website. At least five clear working days before the meeting or, where the meeting is convened at shorter notice, at the time that the meeting is convened. 4.2 Any reference to "c~~C~~lear 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), except as expressly stated otherwise in this Constitution. **Private Meetings** 4.3 At least 28 clear calendar 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. 4.4 At least five clear working days before a private meeting, the executive decision making body must give further notice of its intention to hold the meeting in private including: ♦ a statement of the reasons for holding it in private; ♦ details of any representations received about why the meeting should be open to the public; and ♦ a statement of its response to any such representations 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.
Part 4 - RULES OF PROCEDURE **Access to Information Procedure Rules** 5. ACCESS TO AGENDA AND REPORTS BEFORE THE MEETING	248	5.1 The Council will make copies of the agenda, and reports which are open to the public, available for inspection at County Hall and on the Council's website at least five clear working days before the meeting. If an item is added to the agenda copies of which are open to inspection by the public, the Assistant Chief Executive Legal and Democratic Services shall make the revised agenda and the report concerning the item available to the public as soon as the report is completed and sent to Members) and subject to the report containing no confidential or exempt information as described in Rule 10.
Part 4 - RULES OF PROCEDURE **Access to Information Procedure Rules**	253	12.3 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 working days in advance of the decision, and will be copied by the Chief Executive Officer or

12. APPLICATION OF RULES TO THE EXECUTIVE		the relevant Corporate Director to the Chair and Vice-Chair of the relevant Overview and Scrutiny Committee(s).
Part 4 - RULES OF PROCEDURE **Access to Information Procedure Rules** 13. PROCEDURE BEFORE TAKING KEY DECISIONS	253	13.2 At least 28 clear calendar days before a key decision is made, the Forward Plan must be made available for inspection by the public at County Hall and on the Council's website.
Part 4 - RULES OF PROCEDURE **Access to Information Procedure Rules** 15. GENERAL EXCEPTION	255	15.1 If the publication of the intention to make a key decision is impracticable and a matter which is likely to be a key decision has not been included in the Forward Plan for the requisite period as set out in Rule 13.2, then subject to Rule 16 (special urgency), the decision may still be taken if: (a) the Assistant Chief Executive Legal and Democratic Services has informed the Chair of a relevant Overview and Scrutiny Committee, or if there is no such person, each Member of that committee by notice in writing, of the matter about which the decision is to be made; (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; and (c) at least five clear working days have elapsed following the day on which the Assistant Chief Executive Legal and Democratic Services complied with (a) and (b).
Part 4 - RULES OF PROCEDURE **Access to Information Procedure Rules** 17. REPORT TO COUNCIL	256	**17.2 Executive's report to Council** 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 clear calendar days of receipt of the written notice, or the resolution of the Committee, then the report may be submitted to the meeting after that
Part 4 - RULES OF PROCEDURE **Access to Information Procedure Rules** 18. RECORD OF DECISIONS	256	**18.1 Executive Decisions Made Collectively at Meetings** As soon as reasonably practicable 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 clear working 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 by any Member of the decision making body and any dispensations granted by the Standards and Governance Committee or Monitoring Officer in respect of such conflict.
Part 4 - RULES OF PROCEDURE **Access to Information Procedure Rules** 19. EXECUTIVE DECISIONS BY INDIVIDUAL OFFICERS OR INDIVIDUAL MEMBERS OF THE EXECUTIVE	256/257	19.1 Reports intended to be taken into account Where: (a) an individual Member of the Executive receives a report which they intend to take into account in making any executive decision; or (b) an Officer (either alone or in consultation with an Executive Member) receives a report which they intend to take into account in making any key decision, then (subject to Rule 16) they will not make the decision until at least five clear working days after receipt of that report. Please also see Rule 19.3(e) regarding the inspection of reports and documents following individual executive decisions.
Part 4 - RULES OF PROCEDURE **Access to Information Procedure Rules** 20. OVERVIEW AND SCRUTINY COMMITTEES ACCESS TO DOCUMENTS	261	**20.1 Rights to copies** 20.1.1 Subject to Rule 20.2 below, an Overview and Scrutiny Committee (including its sub-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: (a) any business transacted at a public or private meeting of the Executive or its committees or other executive decision making body; or (b) any executive decision taken by an individual Member of the Executive; or (c) any executive decision taken by an Officer. 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 calendar days after the Executive receives the request.
Part 4 - RULES OF PROCEDURE	262/263	(b) 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 business to be transacted at a public

Access to Information Procedure Rules 21. ADDITIONAL RIGHTS OF ACCESS FOR MEMBERS		meeting. Such a document must be available for inspection for at least five clear working 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.
Part 4 - RULES OF PROCEDURE **Budget and Policy Framework Procedure Rules** 3. Determining the Budget and Policy Framework	270/271	(c) Where the Council gives instructions in accordance with paragraph (b), it must specify a period of at least five clear working days beginning on the day after the date on which the Leader receives the instructions on behalf of the Executive within which the Leader may:– (1) submit a revision of the draft plan or strategy as amended by the Executive (the "revised draft plan or strategy"), with the Executive's reasons for any amendments made to the draft plan or strategy, to the Council for the Council's consideration; or (2) inform the Council of any disagreement that the Executive has with any of the Council's objections and the Executive's reasons for any such disagreement. … (g) Where the Council gives instructions in accordance with paragraph (f), it must specify a period of at least five clear working days beginning on the day after the date on which the Leader receives the instructions on behalf of the Executive within which the Leader may:– (1) submit a revision of the estimates or amounts as amended by the Executive ("revised estimates or amounts"), which have been reconsidered in accordance with the Council's requirements, with the Executive's reasons for any amendments made to the estimates or amounts, to the Council for the Council's consideration; or
Part 4 - RULES OF PROCEDURE **Budget and Policy Framework Procedure Rules** 8. Review of decisions outside the Budget or Policy Framework	274	(c) If the decision has yet to be made, or has been made but not yet implemented, and the advice from the Monitoring Officer and/or the Chief Finance Officer is that the decision is or would be contrary to the Policy Framework or contrary to or not wholly in accordance with the Budget, and the Executive has not rescinded the decision, no further action will be taken in respect of the decision or its implementation until the Council has met and considered the matter. The Council shall meet within 15 clear working days of the meeting of the Executive. At the meeting the Council will receive a report of the decision or proposals and the advice of the Monitoring Officer and/or the Chief Finance Officer….

Part 4 - RULES OF PROCEDURE **Overview and Scrutiny Procedure Rules** 14. Members and Officers giving account	286	(b) Where any Member or Officer is required to attend an Overview and Scrutiny Committee under this provision, the Chair of that Committee will inform the Assistant Chief Executive Legal and Democratic Services. The Assistant Chief Executive Legal and Democratic Services shall inform the Member or Officer in writing giving at least five clear working days' notice of the meeting at which they are required to attend. The notice will state the nature of the item on which they are required to attend to give account and whether any papers are required to be produced for the Committee. Where the account to be given to the Committee will require the production of a report, then the Member or Officer concerned will be given sufficient notice to allow for preparation of that documentation.
Part 4 - RULES OF PROCEDURE **Overview and Scrutiny Procedure Rules** 16. Call-in	287	(a) When a decision is made by the Executive, an individual Member of the Executive or a committee of the Executive, or an executive decision is made by an Area Committee or under joint arrangements or a key decision is made by an Officer, the decision shall be published, including where possible by electronic means, and shall be available at the main offices of the Council normally within 2 clear working days of being made. Chairs and Vice-Chairs of all Overview and Scrutiny Committees will be sent copies of the records of all such decisions as relate to the terms of reference of their Committee within the same timescale, by the person responsible for publishing the decision. (b) That notice will bear the date on which it is published and will specify that the decision will come into force, and may then be implemented, on the expiry of five clear working days after the publication of the decision, unless any six Members of the Council object to it and call it in by notice in writing to the Assistant Chief Executive Legal and Democratic Services, setting out their reasons for calling in the Executive decision for consideration. (Note: this means ~~five clear days, i.e.~~ five working days not including the day the notice of the decision is given.) (c) Upon receipt of such a notice, the Assistant Chief Executive Legal and Democratic Services shall notify the decision-taker and the Head of Democratic Services and Scrutiny and all Members of the Council, by email, of the call-in. The Assistant Chief Executive Legal and Democratic Services shall call a meeting of the Committee on such date as they may determine, where possible after consultation with the Chair of the Committee, and in any case within 10 clear working days of the decision to call-in, or such later date as the Leader may agree to, subject to it being practicable for any reference back under paragraph (d) to be included, for reconsideration, on the agenda for the second meeting of the Executive, in the Council Diary of meetings, following receipt of the call-in request.

Part 4 - RULES OF PROCEDURE **Staff Employment Procedure Rules** **6. Disciplinary Action and Dismissal**	363	(b) Where a Committee, Sub-Committee or officer is discharging, on behalf of the Council, the function of dismissing the Head of Paid Service, the Monitoring Officer or the Section 151 Officer, the Council must approve that dismissal before notice of dismissal is given after taking into account, in particular: (a) any advice, views or recommendations of the Chief Officers Disciplinary Panel; (b) the conclusions of any investigation into the proposed dismissal; and (c) any representations from the Head of Paid Service, the Monitoring Officer or the Section 151 Officer. The Chief Officers Disciplinary Panel must include at least two independent persons appointed under section 28(7) of the Localism Act 2011. Appointments to the Panel must be made at least 20 clear working days before the relevant Council meeting.
Part 5 – CODES AND PROTOCOLS **Code of Practice for Councillors and Officers Dealing with Planning Matters** **12. Public Speaking at Planning Committee**		12.6 Persons wishing to speak on an application, which is to be considered at a Planning Committee and who have previously made representations on the application, should contact Democratic Services by 12 noon 3 clear working days before the Planning Committee meeting. Contact details will be provided on the relevant Planning Committee agenda.