

NORTH YORKSHIRE COUNTY COUNCIL

EXECUTIVE

4 July 2017

Proposed Amendments to the Constitution

Report of the Assistant Chief Executive (Legal and Democratic) Services

1.0 PURPOSE OF REPORT

- 1.1 To present to Members, for their consideration and recommendation to full Council, proposed changes to the County Council's Constitution.

2.0 BACKGROUND

- 2.1 The Constitution is maintained by the Monitoring Officer and kept under review on an ongoing basis, to keep it up to date and to record agreed working practices. This report details some proposed amendments to the Constitution for recommendation to full Council, which must approve changes to the Constitution. Many of the issues identified as changes in this report are routine updates.

3.0 AMENDMENTS TO THE CONSTITUTION

- 3.1 The more substantive items for consideration are the subject of separate reports to the Executive at today's meeting.
- 3.2 The other proposed amendments to the Constitution (and the reasons for those changes) are set out in the table of proposed amendments attached as **Appendix 1** to this report. They relate to:
- (a) updating the Constitution regarding Joint Health Scrutiny Committee membership lists;
 - (b) updating the list of Outside Bodies to which County Councillors and their nominees are appointed as set out in Schedule 5 of Part 3 of the Constitution;
 - (c) a proposed reduction in speaking times regarding Supplemental Questions/Statements, to recognise that some supplementary questions can be asked in a considerably shorter timescale but to still enable longer questions of up to one minute (or beyond as the Chairman might agree);
 - (d) amending Access to Information Procedure Rule 14.2 (Contents of the Forward Plan) to provide clarify that there does need to be some information about a private key decision included on the Forward Plan (but not the actual exempt/confidential information itself).
- 3.3 The opportunity has also been taken to undertake certain administrative functions such as improving formatting and amending typographical errors. Such proposed administrative amendments have not been shown in the table of amendments in Appendix 1 and will just be undertaken with the amendments ultimately approved by Council.

4.0 **POLICY IMPLICATIONS**

4.1 Any policy implications arising out of the proposed changes to the Constitution are addressed in the table of amendments in **Appendix 1**.

5.0 **FINANCIAL IMPLICATIONS**

5.1 There are no significant financial considerations arising from this report.

6.0 **LEGAL IMPLICATIONS**

6.1 The legal implications of the proposed amendments are set out earlier in the body of this report and in the table of amendments in **Appendix 1**.

7.0 **CONSULTATION UNDERTAKEN AND RESPONSES**

7.1 Consultation on the proposed amendments to the Constitution set out in this report and in **Appendix 1** has taken place with relevant officers and the Members' Constitution Working Group.

7.2 This report will go on to County Council on 19 July 2017.

8.0 **HUMAN RESOURCES IMPLICATIONS**

8.1 There are no significant resource considerations arising from this report.

9.0 **EQUALITIES IMPLICATIONS**

9.1 The report is compliant with the Council's equalities' responsibilities.

10.0 **HEALTH AND SAFETY IMPLICATIONS**

10.1 The report is compliant with the Council's health and safety responsibilities.

11.0 **OPTIONS**

11.1 The options in relation to the amendments required and/or proposed to the Council's Constitution are set out in the body of this report and **Appendix 1**.

12.0 **REASONS FOR RECOMMENDATIONS**

12.1 For the reasons set out in the table of amendments in **Appendix 1** and in this report, it is recommended that, subject to any comments Members may have, the proposed changes to the Constitution be recommended to the meeting of the County Council on 19 July 2017.

13.0 **RECOMMENDATIONS**

13.1 That, subject to any comments Members may have, the proposed amendments to the Constitution as set out in the table of amendments at **Appendix 1** and in this report be recommended to full Council for approval.

BARRY KHAN

Assistant Chief Executive (Legal and Democratic) Services and Monitoring Officer

COUNTY HALL
NORTHALLERTON

26 June 2017

Background Documents:

- The Council's Constitution

Proposed Amendments to Constitution – June/July 2017

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

<u>PART A: ITEMS FOR DECISION</u>			
Provision in Constitution	Current Wording	Proposed Amendment	Reason(s)
Part 3 Responsibility for Functions Schedule 3 Membership of Overview and Scrutiny Committees		<i>Make reference to the Joint Health Scrutiny Committee - West Yorkshire and Harrogate and include the membership list in Schedule 3.</i> <i>Make reference to the Joint Health Scrutiny Committee - Humber Coast and Vale and include the membership list in Schedule 3.</i>	To keep the Constitution up to date.
Part 3 Responsibility for Functions Schedule 5 Appointments to Outside Bodies 1. PARTNER BODIES	Local Government Association Rural Commission	Delete this entry from the Schedule.	To keep the Constitution up to date. <div style="border: 1px solid black; border-radius: 5px; padding: 2px; display: inline-block; margin-top: 5px;"> Deleted: Local Government Association Rural Commission ¶ </div>

<p>Part 3</p> <p>Responsibility for Functions</p> <p>Schedule 5</p> <p>Appointments to Outside Bodies</p> <p>2. PARTNER BODIES</p>	<p>Rural Action Yorkshire</p>	<p><u>Community First Yorkshire,</u></p>	<p>To reflect the change of name of the outside body, to keep the Constitution up to date.</p>	<p>Deleted: Rural Action Yorkshire</p>
<p>Part 3</p> <p>Responsibility for Functions</p> <p>Schedule 5</p> <p>Appointments to Outside Bodies</p> <p>3. LOCAL BODIES</p>		<p><i>Insert a new entry for:</i></p> <p>The Criddling Stubbs Educational Foundation</p> <p><i>and reference 1 seat, appointment by Selby Area Committee, to be either the local Member or their nominee.</i></p>	<p>To keep the Constitution up to date.</p>	
<p>Part 4 – Rules of Procedure</p> <p>Council Procedure Rules</p> <p>9. QUESTIONS AND STATEMENTS BY THE PUBLIC</p> <p>Rule 9.8</p> <p>Supplemental Question</p>	<p>9.8 Supplemental Question</p> <p>A questioner who has put a question in person may also put one supplementary question without notice to the Member who has replied to his or her original question. A supplementary question must arise directly out of the original question or the reply and is permitted solely for the purpose of clarifying the information provided in response to the original question. In these circumstances the speaking time for the questioner asking a supplemental question will be limited to one minute. The Member responding to the supplemental question has unlimited time to respond. The Chairman may reject a</p>	<p>9.8 Supplemental Question</p> <p>A questioner who has put a question in person may also put one supplementary question without notice to the Member who has replied to his or her original question. A supplementary question must arise directly out of the original question or the reply and is permitted solely for the purpose of clarifying the information provided in response to the original question. In these circumstances the speaking time for the questioner asking a supplemental question will be limited to <u>thirty seconds or such longer time as the Chairman might agree.</u> The Member responding to the supplemental question has unlimited time to</p>	<p>To recognise that some supplementary questions can be asked in a considerably shorter timescale but to still enable longer questions of up to one minute (or beyond as the Chairman might agree).</p>	<p>Deleted: one minute</p>

	supplementary question on any of the grounds in Rule 9.5 above.	respond. The Chairman may reject a supplementary question on any of the grounds in Rule 9.5 above.	
Part 4 – Rules of Procedure Council Procedure Rules 10. QUESTIONS BY MEMBERS	... (c) With the consent of the Chairman of the Council, the Member who has asked a question may ask a supplementary question arising out of the reply. In these circumstances the speaking time will be limited to one minute. (c) With the consent of the Chairman of the Council, the Member who has asked a question may ask a supplementary question arising out of the reply. In these circumstances the speaking time will be limited to <u>thirty seconds or such longer time as the Chairman might agree,</u> ...	To recognise that some supplementary questions can be asked in a considerably shorter timescale but to still enable longer questions of up to one minute (or beyond as the Chairman might agree).
Part 4 – Rules of Procedure Access to Information Procedure Rules 14.2 Contents of Forward Plan	... Exempt information need not be included in the forward plan and confidential information cannot be included.	... <u>Where, in relation to any proposed key decision, the public may be excluded from the meeting as otherwise confidential or exempt information may be disclosed, then the Forward Plan must contain particulars of the matter but not the confidential/exempt information itself.</u>	For absolute clarity that there does need to be some information about a private key decision included on the Forward Plan (but not the actual exempt/confidential information itself).

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