

North Yorkshire County Council

EXECUTIVE

27 March 2018

**Proposed Changes to the Constitution,
for recommendation to the Executive and County Council****Report of the Assistant Chief Executive (Legal and Democratic Services)****1.0 Purpose of Report**

- 1.1 To present to Members, for their consideration for recommendation to full Council for approval, proposed changes to the 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.

3.0 Amendments to the Constitution

- 3.1 The more substantive items for consideration are the subject of separate sections in this report and **Appendices 1 to 5**.
- 3.2 Other proposed miscellaneous changes to the Constitution are set out in the table of proposed amendments set out at **Appendix 6**.

4.0 Area Committees

- 4.1 As Members may recall, work has been undertaken looking at the structure and functions of Area Committees to ensure that all Members are involved in meaningful and constructive debate in relation to their locality. This report focuses on the necessary changes to the Constitution to enable the establishment of the Area Committees in their new format. What this report does not do is go into detail about how the Committees will operate. A separate protocol will be developed to address this. Whilst there is a strong desire not to limit the scope of the Committees and to enable them to grow into their new role and remit, it is felt that there is some benefit in outlining some of the basic roles and responsibilities and expanding on what is in the Constitution.
- 4.2 Consultation has taken place with key officers and Members and the operation and feedback regarding existing Area Committees has been reviewed. Proposals were presented to Area Committee Chairmen and Vice-Chairmen at their meeting last October and a report by County Councillors Gareth Dadd and David Chance was taken to meetings of all Area Committees, each attended by the Leader and Councillor Chance, to consider the strengthening of the Committees' role. Consultation responses were broadly in favour of the proposals. The proposals set out in that report are detailed below. Consultation has also taken place with the Members' Working Group on the Constitution, whose views are reflected in this report.

- 4.3 Currently there are seven Area Committees which are coterminous with the seven District/Borough Council areas. The population of each district varies significantly from 52,000 to 157,000 and this results in a large variation in the number of County Councillors per Area Committee (from six to 18). A map showing existing County Council Area Committee boundaries (green lines), constituencies (purple lines), and County Council Divisions (black lines) is attached at **Appendix 1**. A list of current Council Area Committees and the Council divisions within each is attached at **Appendix 2**.
- 4.4 The current Area Committee structure does not recognise the six Parliamentary constituencies in the County. Therefore to strengthen Area Committees and to involve the MPs, it is proposed to create six Area Committees that are coterminous with the six Parliamentary constituencies. The population of each constituency (and therefore Area Committee) will be similar from 96,000 to 108,000 across the board and would result in a similar number of County Councillors per Committee (around 12 to 14). A list of potential constituency committees and the Council divisions within each is attached at **Appendix 3**.
- 4.5 It is hoped that the advantage of the proposed new structure will be to encourage MPs to attend Area Committees so that there can be the best democratic representation for their communities. MPs will be invited to attend at least one Area Committee meeting a year. It may, therefore, be necessary to change the dates of some Committee meetings. It will enable the MP and County Councillors to hold each other to account and to facilitate dialogue about issues facing the locality.
- 4.6 In light of this change of focus the Area Committees could be renamed 'Area Constituency Committees' and **Members' views are sought** as to whether this is something they would wish to recommend to full Council for approval.
- 4.7 It is noted that there are some disadvantages in this arrangement in that four divisions would be split across two Area Committees, although these County Councillors could be invited to attend both Area Committees. Under current constituency boundaries it appears that there are four Councillors whose division would be split across two constituency committees:
- Boroughbridge - Cllr Robert Windass – 2 wards in Harrogate & Knaresborough and 1 ward in Skipton & Ripon
 - Hertford and Cayton - Cllr Roberta Swiers – 1 ward in Thirsk & Malton and 1 ward in Scarborough & Whitby
 - Lower Nidderdale & Bishop Monkton - Cllr Michael Harrison – 2 wards in Skipton & Ripon and 1 ward in Harrogate & Knaresborough
 - Pannal & Lower Wharfedale - Cllr Cliff Trotter – 1 ward in Harrogate & Knaresborough and 1 ward in Selby & Ainsty.

It is acknowledged that there is the potential for such dual Constituency Committee Members to have more than one vote on the same matter where it is considered in both of the Constituency Committees of which they are a member. In practical terms, this situation is unlikely to arise, as the decision being taken at each Committee should relate to its own area, so each vote would be a different decision based on area. However should the situation arise whereby the Member would be voting on the very same decision affecting the same area in both Constituency Committees, then s/he would be expected to vote at only one of the two Constituency Committees for reasons of fairness and parity.

- 4.8 At the time Area Committees were established there were very few "dual-hatted" Members; this is no longer the case as the vast majority of County Councillors are also Borough or District Councillors. It is intended, therefore, not to have separate

Borough/District Councillor representatives as the Area Committees are well represented by “dual-hatted” Councillors.

4.9 The County Council and local partners have historically used District Council areas as geographical building blocks for service delivery and performance reporting, as opposed to Parliamentary constituencies. It is recognised that this proposal would require some work to ensure that the new Area Committees are given the relevant information.

4.10 It is recommended that the refocused Area Committees should:

- a) provide meaningful scrutiny of local health issues within their area, complementing the strategic work undertaken by the Scrutiny of Health Committee;
- b) provide meaningful scrutiny of local transport issues within their area, complementing the strategic work undertaken by the Transport, Economy and Environment Overview & Scrutiny Committee;
- c) act as consultees in major decisions affecting their area;
- d) receive reports and be consulted on major educational issues affecting their locality;
- e) shortlist Innovation funding decisions referred by the Stronger Communities Team (the final decision being taken by the relevant individual Executive Member on the recommendations made by a meeting of the Area Chairs and Vice-Chairs);

Many of the Area Committees’ currently delegated powers would be covered by (a) to (e) above and could therefore be removed if (a) to (e) were approved. However, it is recognised that Area Committees’ current Terms of Reference also provide for them to make appointments to outside bodies in accordance with the Schedule of Appointments to Outside Bodies and to determine certain other specified matters, many of which link to Corporate Directors’ specific delegations. It is not proposed to alter these delegations at this time. For clarity, the current proposed amendments to the Area Committee Terms of Reference are set out by way of tracked changes on the version attached at **Appendix 4**. Specific changes will be incremental as decision making and scrutiny review functions are still being considered.

4.11 Proposed amendments to Article 10 (Area Committees) to reflect these proposals are set out by way of tracked changes on the version attached at **Appendix 5**.

4.12 Should Members be minded to recommend these proposals to full Council for approval, then it is also recommended that the Monitoring Officer be authorised to make consequential amendments throughout the Constitution to reflect the proposals.

5.0 **Other Proposed Amendments**

5.1 Other proposed changes to the Constitution are set out in the table of proposed amendments set out at **Appendix 6** to this report. They relate to:

- (a) updating the Council’s Vision and Ambitions in Article 1;
- (b) re-ordering the Policy Framework list in Article 4 to move the Council Plan to the top of the list to reflect it being the overarching corporate Policy;

- (c) updating the list of Proper Officer Functions in Article 12.06 and the specific delegations in 4.9 of the Officers' Delegation Scheme to reflect that the Assistant Director Library and Community Services is now responsible for Registration Services;
- (d) updating the Officers' Delegation Scheme to reflect changes in nomenclature (post titles, service titles) and delegations;
- (e) clarifying paragraph 16 of the Executive Members' Delegation Scheme to reflect that the Executive Member for Stronger Communities has the power to determine Locality Budget grant *recommendations* (not applications);
- (f) updating the Schedule of Appointments to Outside bodies;
- (g) updating the Contract Procedure Rules regarding EU threshold values;
- (h) updating the Protocol on Members' Attendance at Conferences to remove out of date conference listings.

6.0 **Financial Implications**

6.1 There are no significant financial implications arising out of this report.

7.0 **Legal Implications**

7.1 The legal implications are set out in the body of this report.

8.0 **Consultation**

8.1 Consultation on the proposed amendments to the Constitution set out in this report and in the Amendments Chart and other appendices, has taken place with relevant officers and with the Members' Constitution Working Group on 14 March 2018, when the Group voted on a majority to support the proposals, taking into account their views which are covered in the body of this report.

8.2 Other unsubstantive amendments arising after the Members' Constitution Working Group's meeting have been incorporated into the Amendment Chart attached to this report.

8.3 This report will go on from the Executive on 27 March 2018 to County Council on 16 May 2018.

9.0 **Reasons for Recommendations**

9.1 For the reasons set out in the Amendments Chart at **Appendix 6** and in the body of this report, it is recommended that, subject to any comments Members may have, the recommendations and changes to the Constitution set out below be proposed to the County Council for approval.

10.0 **Recommendations**

10.1 That, subject to any comments Members may have, the proposed refocussing of the Area Committees as set out in paragraphs 4.0 to 4.12 of this report be proposed to full Council for approval, including:

- (a) that Area Committees be renamed 'Area Constituency Committees';
- (b) that the proposed amendments to the Area Committees' Terms of Reference as set out by way of tracked changes on the version attached at **Appendix 4** be approved;
- (c) that the proposed amendments to Article 10 (Area Committees) as set out by way of tracked changes on the version attached at **Appendix 5** be approved;
- (d) that the Monitoring Officer make further consequential amendments throughout the Constitution to reflect the agreed amendments and proposals.

10.2 That, subject to any comments Members may have, the proposed changes to the Constitution set out in the Amendments Chart in **Appendix 6** be recommended to full Council for approval.

BARRY KHAN
Assistant Chief Executive (Legal and Democratic Services)

County Hall
NORTHALLERTON

19 March 2018

Background Documents:

- The Council's Constitution

Divisions within current NYCC Area Committees

- Seven committees – two with 6 members and one each with 7 members, 10 members, 11 members, 14 members and 18 members

Craven Area Committee (7 members)

- Airedale
- Mid-Craven
- North Craven
- Ribblesdale
- Skipton East
- Skipton West
- South Craven

County Committee for Hambleton (11 members)

- Bedale
- Easingwold
- Great Ayton
- North Hambleton
- Northallerton
- Romanby and Broomfield
- Sowerby
- Stillington
- Stokesley
- Swale
- Thirsk

County Area Committee for the Harrogate District (18 members)

- Ainsty
- Boroughbridge
- Harrogate Bilton and Nidd Gorge (two members)
- Harrogate Central (two members)
- Harrogate Harlow
- Harrogate Oatlands
- Harrogate Saltergate
- Harrogate Starbeck
- Knaresborough (two members)
- Lower Nidderdale and Bishop Monkton
- Masham and Fountains
- Pannal and Lower Wharfedale
- Pateley Bridge
- Ripon North
- Ripon South

Richmondshire Area Committee (6 members)

- Catterick Bridge

- Central Richmond
- Middle Dales
- Richmond
- Richmondshire North
- Upper Dales

Ryedale Area Committee (6 members)

- Hovingham & Sheriff Hutton
- Kirkbymoorside
- Malton
- Norton
- Pickering
- Thornton Dale & The Wolds

Yorkshire Coast and Moors County Area Committee (14 members)

- Castle
- Eastfield & Osgodby
- Esk Valley
- Falsgrave & Stepney
- Filey
- Hertford & Cayton
- Newby
- Northstead
- Scalby & the Coast
- Seamer & Derwent Valley
- Weaponness & Ramshill
- Whitby/Mayfield Cum Mulgrave
- Whitby/Streonshalh
- Woodlands

Selby Area Committee (10 members)

- Cawood & Saxton
- Escrick
- Mid Selby
- Osgoldcross
- Selby Barlby (two members)
- Selby Brayton
- Sherburn in Elmet
- South Selby
- Tadcaster

Divisions within potential Constituency Committees

- Six committees – four with 13 members and two with 12 members
- The number of members per committee assumes that the four members whose division covers two constituencies would opt to join both committees

Harrogate & Knaresborough Constituency Committee (13 members)

- Boroughbridge (part only – Boroughbridge ward and Claro ward)
- Harrogate Bilton and Nidd Gorge (two members)
- Harrogate Central (two members)
- Harrogate Harlow
- Harrogate Oatlands
- Harrogate Saltergate
- Harrogate Starbeck
- Knaresborough (two members)
- Lower Nidderdale and Bishop Monkton (part only – Killinghall ward)
- Pannal and Lower Wharfedale (part only – Pannal ward)

Richmond (Yorks) Constituency Committee (13 members)

- Bedale
- Catterick Bridge
- Central Richmond
- Great Ayton
- Middle Dales
- North Hambleton
- Northallerton
- Richmond
- Richmondshire North
- Romanby and Broomfield
- Stokesley
- Swale
- Upper Dales

Scarborough & Whitby Constituency Committee (13 members)

- Castle
- Eastfield & Osgodby
- Esk Valley
- Falsgrave & Stepney
- Hertford & Cayton (part only – Cayton ward)
- Newby
- Northstead
- Scalby & the Coast
- Seamer & Derwent Valley
- Weaponness & Ramshill
- Whitby/Mayfield Cum Mulgrave
- Whitby/Streonshalh
- Woodlands

Selby & Ainsty Constituency Committee (12 members)

- Ainsty
- Cawood & Saxton
- Escrick
- Mid Selby
- Osgoldcross
- Pannal and Lower Wharfedale (part only - Spofforth with Lower Wharfedale ward)
- Selby Barlby (two members)
- Selby Brayton
- Sherburn in Elmet
- South Selby
- Tadcaster

Skipton & Ripon Constituency Committee (13 members)

- Airedale
- Boroughbridge (part only – Newby ward)
- Lower Nidderdale and Bishop Monkton (part only – Bishop Monkton ward and Lower Nidderdale ward)
- Masham and Fountains
- Mid-Craven
- North Craven
- Pateley Bridge
- Ribblesdale
- Ripon North
- Ripon South
- Skipton East
- Skipton West
- South Craven

Thirsk & Malton Constituency Committee (12 members)

- Easingwold
- Filey
- Hertford & Cayton (part only – Herford ward)
- Hovingham & Sheriff Hutton
- Kirkbymoorside
- Malton
- Norton
- Pickering
- Sowerby
- Stillington
- Thirsk
- Thornton Dale & The Wolds

AREA CONSTITUENCY COMMITTEES

Delegated Powers

Notes: 1. In relation to ~~a~~Area Constituency Committees, see also Article 10 of the Constitution;

2. Area Constituency Committees should not make decisions which significantly affect parts of North Yorkshire outside the Committee's area.

1. To act as consultees in major decisions affecting their area.
 2. To provide meaningful scrutiny of local health issues within their area, complementing the strategic work undertaken by the Scrutiny of Health Committee.
 3. To provide meaningful scrutiny of local transport issues within their area, complementing the strategic work undertaken by the Transport, Economy and Environment Overview & Scrutiny Committee.
 4. To receive reports and be consulted on major educational issues affecting their locality.
 5. To shortlist Innovation funding decisions referred by the Council's Stronger Communities Team.
-
1. ~~To promote in their areas the development of key local strategies where the County Council should work in partnership with District Councils or others, for example on community safety, community transport, community strategies and community education, and economic development and regeneration, in furthering the County Council's duty to promote economic, social and environmental wellbeing in the County, and to work with others to achieve them.~~
 2. ~~To maintain an overview of the effectiveness of the public services provided to their local community by the Council and other agencies and to advocate the interests of their community in relation to those services.~~
 3. ~~[Not used.]~~
 4. ~~[Not used.]~~
 5. ~~To act as a consultee in the process of the setting of the County Council's annual budget and precept.~~
 6. ~~To request and/or receive reports in relation to service developments affecting their area, with power to make representations thereon to the decision making body.~~
76. To make appointments to outside bodies in accordance with paragraphs 2 and 3 of Schedule 5 to Part 3 of the Constitution.

~~8. To consider and make recommendations to the Executive on programmes of schemes for the construction and improvement of highways for which the County Council has or will become responsible as Highway Authority.~~

97. To exercise, within the approved budget and policy framework, the following powers and duties:

(a) aspects of the Private Street Works procedure for which objections have been received;

(b) the making and enforcement of new street Byelaws and Orders;

~~(c) [Not used];~~

~~(d) [Not used];~~

(~~e~~) the stopping up or diversion of highways (other than public rights of way) where an objection is received from any person or body entitled under the relevant statute;

(~~f~~) the stopping-up and provision of access to premises from highways;

(~~g~~) the promotion of road safety information, advice or training;

*(~~h~~) power to issue licences authorising the use of land as a caravan site;

*(~~i~~) power to licence the use of moveable dwellings and camping sites;

*(~~j~~) power to enter into agreements with respect to means of access to the countryside, and to provide access in the absence of agreement under sections 35 and 37 of the Countryside and Rights of Way Act 2000.

9A8. To act as a consultee on Traffic Regulation Orders where it is considered by the Corporate Director - Business and Environmental Services in consultation with the relevant Executive Member(s) that a proposed Traffic Regulation Order meets the criteria for having a wide area impact.

~~10. Being consulted on community education priorities and proposals.~~

~~11. [Not used.]~~

~~12. [Not used.]~~

~~13. [Not used.]~~

449. To respond to any consultation under the Local Government (Miscellaneous Provisions) Act 1982, Section 3.

105. To consider other matters referred to it by the Council, the Executive or overview and scrutiny committees.

NB: Items marked * are delegated to ~~a~~Area Constituency Committees by the Council; other items are delegated to ~~a~~Area Constituency Committees by the Executive.

Article 10 - Area Constituency Committees

10.01 Area Committees

(a) The Council may appoint area committees under the Local Government Act 2000 (as amended) as it sees fit, if it is satisfied that to do so will ensure improved service delivery in the context of best value and more efficient, transparent and accountable decision making.

~~(a)~~(b) Previously the Council appointed seven area committees which were coterminous with the seven District/Borough Council areas. From May 2018, the Council has appointed create six area committees (four with 13 Members and two with 12 Members) which are coterminous with the six Parliamentary constituencies and have therefore been named "Area Constituency Committees".

10.02 Form, Composition and Function

(a) **Table of area committees:** The Council will appoint the area committees as set out below. The number of Members per Committee assumes that the four Members whose division covers two constituencies would opt to join both committees:-. Should the situation arise whereby such a Member would be voting on the very same decision affecting the same area in both Constituency Committees, then s/he would be expected to vote at only one of the two Constituency Committees for reasons of fairness and parity.

NAME OF COMMITTEE	COMPOSITION
<u>Skipton & Ripon Area Constituency Committee</u> Craven Area Committee	<u>13 Members representing: All County Councillors representing electoral divisions in Craven District.</u> <ul style="list-style-type: none"> • <u>Airedale</u> • <u>Boroughbridge (part only – Newby ward)</u> • <u>Lower Nidderdale and Bishop Monkton (part only – Bishop Monkton ward and Lower Nidderdale ward)</u> • <u>Masham and Fountains</u> • <u>Mid-Craven</u> • <u>North Craven</u> • <u>Pateley Bridge</u> • <u>Ribblesdale</u> • <u>Ripon North</u> • <u>Ripon South</u> • <u>Skipton East</u> • <u>Skipton West</u> • <u>South Craven</u>

NAME OF COMMITTEE	COMPOSITION
<p><u>Richmond (Yorks) Area Constituency Committee</u> County Committee for Hambleton</p>	<p>13 Members representing: All County Councillors representing electoral divisions in Hambleton District.</p> <ul style="list-style-type: none"> • <u>Bedale</u> • <u>Catterick Bridge</u> • <u>Central Richmond</u> • <u>Great Ayton</u> • <u>Middle Dales</u> • <u>North Hambleton</u> • <u>Northallerton</u> • <u>Richmond</u> • <u>Richmondshire North</u> • <u>Romanby and Broomfield</u> • <u>Stokesley</u> • <u>Swale</u> • <u>Upper Dales</u>
<p><u>Harrogate & Knaresborough Area Constituency Committee</u> County Area Committee for the Harrogate District</p>	<p>13 Members representing: All County Councillors representing electoral divisions in Harrogate Borough.</p> <ul style="list-style-type: none"> • <u>Boroughbridge (part only – Boroughbridge ward and Claro ward)</u> • <u>Harrogate Bilton and Nidd Gorge (two Members)</u> • <u>Harrogate Central (two Members)</u> • <u>Harrogate Harlow</u> • <u>Harrogate Oatlands</u> • <u>Harrogate Saltergate</u> • <u>Harrogate Starbeck</u> • <u>Knaresborough (two Members)</u> • <u>Lower Nidderdale and Bishop Monkton (part only – Killinghall ward)</u> • <u>Pannal and Lower Wharfedale (part only – Pannal ward)</u>
<p><u>Richmondshire Area Committee</u></p>	<p>All County Councillors representing electoral divisions in Richmondshire District.</p>

NAME OF COMMITTEE	COMPOSITION
<p><u>Thirsk & Malton Area Constituency Committee</u> Ryedale Area Committee</p>	<p>12 Members representing: All County Councillors representing electoral divisions in Ryedale District.</p> <ul style="list-style-type: none"> • <u>Easingwold</u> • <u>Filey</u> • <u>Hertford & Cayton (part only – Hertford ward)</u> • <u>Hovingham & Sheriff Hutton</u> • <u>Kirkbymoorside</u> • <u>Malton</u> • <u>Norton</u> • <u>Pickering</u> • <u>Sowerby</u> • <u>Stillington</u> • <u>Thirsk</u> • <u>Thornton Dale & The Wolds</u>
<p><u>Scarborough & Whitby Area Constituency Committee</u> Yorkshire Coast and Moors County Area Committee</p>	<p>13 Members representing: All County Councillors representing electoral divisions in Scarborough Borough.</p> <ul style="list-style-type: none"> • <u>Castle</u> • <u>Eastfield & Osgodby</u> • <u>Esk Valley</u> • <u>Falsgrave & Stepney</u> • <u>Hertford & Cayton (part only – Cayton ward)</u> • <u>Newby</u> • <u>Northstead</u> • <u>Scalby & the Coast</u> • <u>Seamer & Derwent Valley</u> • <u>Weaponness & Ramshill</u> • <u>Whitby/Mayfield Cum Mulgrave</u> • <u>Whitby/Streonshall</u> • <u>Woodlands</u>

NAME OF COMMITTEE	COMPOSITION
<u>Selby & Ainsty Area Constituency Committee</u> <u>Selby Area Committee</u>	<p>12 Members representing: All County Councillors representing electoral divisions in Selby District</p> <ul style="list-style-type: none"> • <u>Ainsty</u> • <u>Cawood & Saxton</u> • <u>Escrick</u> • <u>Mid Selby</u> • <u>Osgoldcross</u> • <u>Pannal and Lower Wharfedale (part only - Spofforth with Lower Wharfedale ward)</u> • <u>Selby Barlby (two Members)</u> • <u>Selby Brayton</u> • <u>Sherburn in Elmet</u> • <u>South Selby</u> • <u>Tadcaster</u>

All aArea Constituency Committees shall have power to co-opt additional members, but no co-opted members shall have the right to vote unless the law so permits and the Aarea Constituency Committee so decides. No co-opted member who has been given the right to vote may vote on the question of whether any other co-opted member(s) should have that right or on whether they or any other co-opted member should continue to have that right.

- (b) **Terms of reference:** All aArea Constituency Committees have the same terms of references in relation to their respective areas as set out in Part 3.
- (c) **Delegations:** The Council and the Executive will include details of the delegations to aArea Constituency Committees in Part 3 of this Constitution, including the functions delegated (showing which are the responsibility of the Executive and which are not), the composition and membership of the committees, budgets and any limitations on delegation.
- (d) **Finance:** Area Constituency Committees will exercise overall responsibility for the finances made available to them.
- (e) **Liaison with Executive:** The agenda for Executive meetings shall include feedback from aArea Constituency Committees, and reports covering the major items of business at each Aarea Constituency eCommittee shall be presented under this agenda item as soon as convenient after the Aarea Constituency area Committee meeting in question.

10.03 Conflicts of interest – Membership of Area Constituency Committees and Overview and Scrutiny Committees

- (a) **Conflict of interest:** If an overview and scrutiny committee is scrutinising specific decisions or proposals in relation to the business of the aArea Constituency Committee of which an Overview and Scrutiny Committee Councillor is also a member, then the Councillor concerned may not take part in the discussion or vote at the overview and scrutiny committee meeting if s/he

was present at the Area Constituency area-Ccommittee meeting in question and took part in the decision making (except that a Councillor may provide evidence or opinion to those undertaking any scrutiny process), unless a dispensation to do so is given by the Standards Committee.

- (b) **General policy reviews:** Where an overview and scrutiny committee is reviewing policy generally the Member must declare his/her interest before the relevant agenda item is reached, but need not withdraw.

10.04 Area Constituency Area-Ccommittees – access to information

Area Constituency Ccommittees will comply with the Access to Information Rules in Part 4 of this Constitution.

Agendas and notices for Area Constituency area-Ccommittee meetings which deal with both functions of the Executive and functions which are not the responsibility of the Executive will state clearly which items are which.

10.05 Executive members on Area Constituency area-Ccommittees

A member of the Executive may serve on an Area Constituency area-eCcommittee if otherwise eligible to do so as a Councillor.

Proposed Amendments to Constitution – 2018

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)
<p>Part 2 – Articles of the Constitution</p> <p>Article 1 – The Constitution</p> <p>1.03 Purpose of the Constitution</p>	<p>...</p> <p>(i) ensure that the work of the Council promotes its vision and key objectives:-</p> <p>Our Vision</p> <p>“North Yorkshire is a place of equal opportunity where all can develop their full potential, participate in a flourishing economy, live and thrive in secure communities, see their high-quality environment and cultural assets maintained and enhanced, and receive effective support when they need it.”</p> <p>Our objectives</p> <p>Following extensive consultation the County Council has affirmed six key objectives;</p> <ul style="list-style-type: none"> • to ensure good access for all; • to help people to live in safe communities; 	<p>...</p> <p>(i) ensure that the work of the Council promotes its vision and key objectives<u>ambitions</u>:-</p> <p>Our Vision</p> <p><u>“We want North Yorkshire to be a thriving county which adapts to a changing world and remains a special place for everyone to live, work and visit.</u>North Yorkshire is a place of equal opportunity where all can develop their full potential, participate in a flourishing economy, live and thrive in secure communities, see their high-quality environment and cultural assets maintained and enhanced, and receive effective support when they need it.”</p> <p>Our objectives<u>ambitions</u></p> <ul style="list-style-type: none"> • <u>Every child and young person has the best possible start in life</u> • <u>Every adult has a longer, healthier and</u> 	<p>To bring the Constitution up to date.</p>

	<ul style="list-style-type: none"> • to help all children and young people to develop their full potential; • to promote a flourishing economy; • to maintain and enhance our environment and heritage; and • to improve health and wellbeing and give people effective support when they need it. 	<p><u>independent life</u></p> <ul style="list-style-type: none"> • <u>North Yorkshire is a place with a strong economy and a commitment to sustainable growth that enables our citizens to fulfil their ambitions and aspirations</u> • <u>We are a modern council which puts our customers at the heart of what we do</u> <p>Following extensive consultation the County Council has affirmed six key objectives;</p> <ul style="list-style-type: none"> • to ensure good access for all; • to help people to live in safe communities; • to help all children and young people to develop their full potential; • to promote a flourishing economy; • to maintain and enhance our environment and heritage; and • to improve health and wellbeing and give people effective support when they need it. 	
<p>Part 2 – Articles of the Constitution</p> <p>Article 4 – The Full Council</p> <p>4.01 Meanings</p> <p>(a) Policy Framework</p>	<p>(a) Policy Framework: The policy framework means the following plans and strategies:-</p> <ul style="list-style-type: none"> ◆ Local Transport Plan ◆ Plans and strategies which together comprise the Development Plan ◆ Youth Justice Plan (Youth Offending Team Plan) ◆ Council’s Corporate Plan (aka the Council Plan) 	<p>(a) Policy Framework: The policy framework means the following plans and strategies:-</p> <ul style="list-style-type: none"> ◆ <u>Council’s Corporate Plan (aka the Council Plan)</u> ◆ Local Transport Plan ◆ Plans and strategies which together comprise the Development Plan ◆ Youth Justice Plan (Youth Offending Team Plan) 	<p>To place the overarching Council Plan at the beginning of the Policy Framework.</p>

	<ul style="list-style-type: none"> ◆ Admissions Policy for Community and Voluntary Schools ◆ Children and Young People’s Plan ◆ Compact with the Third Sector ◆ Education Capital Local Policy Statement ◆ Equality and Diversity Policy ◆ Household Waste Recycling Centre Policies ◆ “lets talk less rubbish” (Revised Joint Municipal Waste Strategy) ◆ LMS Formula ◆ Improvement and Integration: North Yorkshire’s Strategy for Special Educational Needs and Disability ◆ Treasury Management Policy and Strategy ◆ New Look, No Shush! – Library and Information Services Strategy 2008-2023 ◆ Home to School/College Transport Policy ◆ Joint Health and Wellbeing Strategy ◆ Looked After Children Strategy 2013-2015 ◆ Corporate Risk Management Policy ◆ Highway Maintenance Plan ◆ NYCC Flood Risk Management Strategy 	<p>◆ Council’s Corporate Plan (aka the Council Plan)</p> <ul style="list-style-type: none"> ◆ Admissions Policy for Community and Voluntary Schools ◆ Children and Young People’s Plan ◆ Compact with the Third Sector ◆ Education Capital Local Policy Statement ◆ Equality and Diversity Policy ◆ Household Waste Recycling Centre Policies ◆ “lets talk less rubbish” (Revised Joint Municipal Waste Strategy) ◆ LMS Formula ◆ Improvement and Integration: North Yorkshire’s Strategy for Special Educational Needs and Disability ◆ Treasury Management Policy and Strategy ◆ New Look, No Shush! – Library and Information Services Strategy 2008-2023 ◆ Home to School/College Transport Policy ◆ Joint Health and Wellbeing Strategy ◆ Looked After Children Strategy 2013-2015 ◆ Corporate Risk Management Policy ◆ Highway Maintenance Plan ◆ NYCC Flood Risk Management Strategy 	
<p>Part 2 – Articles of the Constitution</p> <p>Article 12 – Staff</p> <p>12.06 Proper Officer Functions</p> <p>(a) <u>Local Government Act</u></p>	<p>Section</p> <p>Schedule 29 para 41(3)</p> <p>Duties</p> <p>Substitution of Proper Officer for Clerk of County Council in Section 9(1) of Registration Service Act 1953 – the determination of a deputy to become interim Superintendent Registrar or</p>	<p>Section</p> <p>Schedule 29 para 41(3)</p> <p>Duties</p> <p>Substitution of Proper Officer for Clerk of County Council in Section 9(1) of Registration Service Act 1953 – the determination of a deputy to become interim Superintendent</p>	<p>To reflect current responsibilities and keep the Constitution up to date.</p>

<p><u>1972</u></p>	<p>interim Registrar of Births and Deaths if the latter ceases to hold office.</p> <p>Proper Officer</p> <p>Head of Trading Standards and Regulatory Services.</p>	<p>Registrar or interim Registrar of Births and Deaths if the latter ceases to hold office.</p> <p>Proper Officer</p> <p>Head of Trading Standards and Regulatory Services Assistant Director Library and Community Services.</p>	
<p>Part 2 – Articles of the Constitution</p> <p>Article 12 – Staff</p> <p>12.06 Proper Officer Functions</p> <p>(a) <u>Local Government Act 1972</u></p>	<p>Section</p> <p>Schedule 29 para 41(4)</p> <p>Duties</p> <p>Substitution of Proper Officer for Clerk of County Council:</p> <ol style="list-style-type: none"> 1. In Section 9(2) of Registration Service Act 1953 – appointment of interim Superintendent Registrar or Registrar of Births and Deaths where no deputy. 2. In Section 13(2)(h) details of running of service hours-in-business Superintendent Registrars. 3. In Section 13(3)(b) general supervisory powers over administration of Registration Service Act. <p>Proper Officer</p> <p>Head of Trading Standards and Regulatory Services.</p>	<p>Section</p> <p>Schedule 29 para 41(4)</p> <p>Duties</p> <p>Substitution of Proper Officer for Clerk of County Council:</p> <ol style="list-style-type: none"> 4. In Section 9(2) of Registration Service Act 1953 – appointment of interim Superintendent Registrar or Registrar of Births and Deaths where no deputy. 2. In Section 13(2)(h) details of running of service hours-in-business Superintendent Registrars. 3. In Section 13(3)(b) general supervisory powers over administration of Registration Service Act. <p>Proper Officer</p> <p>Head of Trading Standards and Regulatory Services Assistant Director Library and Community Services.</p>	<p>To reflect current responsibilities and keep the Constitution up to date.</p>

<p>Part 2 – Articles of the Constitution</p> <p>Article 12 – Staff</p> <p>12.06 Proper Officer Functions</p> <p>(a) <u>Local Government Act 1972</u></p>	<p>Section</p> <p>Schedule 29 para 41(5)</p> <p>Duties</p> <p>Substitution of Proper Officer for Clerk of County Council in Section 20(b) of Registration Service Act 1953 – prescription of duties, in Regulations of Clerks of County Council under Registration Acts.</p> <p>Proper Officer</p> <p>Head of Trading Standards and Regulatory Services.</p>	<p>Section</p> <p>Schedule 29 para 41(5)</p> <p>Duties</p> <p>Substitution of Proper Officer for Clerk of County Council in Section 20(b) of Registration Service Act 1953 – prescription of duties, in Regulations of Clerks of County Council under Registration Acts.</p> <p>Proper Officer</p> <p>Head of Trading Standards and Regulatory Services<u>Assistant Director Library and Community Services.</u></p>	<p>To reflect current responsibilities and keep the Constitution up to date.</p>
<p>Part 3 – Responsibility for Functions</p> <p>Schedule 2 – Executive Members’ Delegation Scheme</p>	<p>Each individual member of the Executive has the following responsibilities and powers:</p> <p>...</p> <p>16.The Executive Member with responsibility for Stronger Communities (or in his/her temporary absence the Leader) has the power to determine County Councillor Locality Budget grant applications.</p>	<p>Each individual member of the Executive has the following responsibilities and powers:</p> <p>...</p> <p>16.The Executive Member with responsibility for Stronger Communities (or in his/her temporary absence the Leader) has the power to determine County Councillor Locality Budget grant applications<u>recommendations.</u></p>	<p>For absolute clarity – only councillors can make recommendations re applications they have received.</p>

<p>Part 3 – Responsibility for Functions</p> <p>Schedule 4 – Officers’ Delegation Scheme</p> <p><u>3.0 All Chief Officers</u></p> <p>3.8(c)</p>	<p>3.8 Chief Officers are authorised to take any action with respect to the:</p> <p>...</p> <p>(c) the determination of wages and salary scales, determination and application of conditions of service, and determination of the establishment of the Business Unit which they manage, subject to the Corporate Director - Financial and Central Services being satisfied that adequate provision is made in the budget of the Business Unit and to the Assistant Chief Executive (Business Support) raising no objection to proposals affecting the grading, determination of wages and salary scales, or determination and application of conditions of service.</p>	<p>3.8 Chief Officers are authorised to take any action with respect to the:</p> <p>...</p> <p>(c) the determination of wages and salary scales, determination and application of conditions of service, and determination of the establishment of the Business Unit which they manage, subject to the Corporate Director - Financial and Central Services<u>Strategic Resources</u> being satisfied that adequate provision is made in the budget of the Business Unit and to the Assistant Chief Executive (Business Support) raising no objection to proposals affecting the grading, determination of wages and salary scales, or determination and application of conditions of service.</p>	<p>Nomenclature.</p> <p>To reflect current responsibilities and correct terminology to keep the Constitution up to date.</p>
--	---	--	--

<p>Part 3 – Responsibility for Functions</p> <p>Schedule 4 – Officers’ Delegation Scheme</p> <p>4.0 Specific Delegations</p> <p><u>4.2 To the Corporate Director – Children and Young People’s Service</u></p> <p>4.2 (o) and (p)</p>	<p>(o) To negotiate and agree on behalf of North Yorkshire County Council the terms of the Memorandum of Understanding between the four Local Authorities that comprise the North and East Yorkshire Sub-regional Group for 16-19 provision.</p> <p>(p) To represent the Council at the North and East Yorkshire Sub-Regional Group and to take all decisions on behalf of the Council at meetings of and in connection with the Group (provided the decisions are consistent with the Council Budget and Policy Framework), subject to a requirement to report back to the appropriate Executive Member.</p>	<p>(o) To negotiate and agree on behalf of North Yorkshire County Council the terms of the Memorandum of Understanding between the four Local Authorities that comprise the North and East Yorkshire Sub-regional Group for 16-19 provision.</p> <p>(p) To represent the Council at the North and East Yorkshire Sub-Regional Group and to take all decisions on behalf of the Council at meetings of and in connection with the Group (provided the decisions are consistent with the Council Budget and Policy Framework), subject to a requirement to report back to the appropriate Executive Member.</p> <p><i>Then insert new (o) as follows:</i></p> <p><u>(o) To progress the more detailed implementation work required to establish the Regional Adoption Agency be delegated to the Director of Children and Young People’s Service in consultation with the Executive Member for Children Services.</u></p>	<p>No longer required.</p> <p>No longer required.</p> <p>To reflect current delegation from Executive to Director and ensure Constitution is up to date.</p>
--	---	---	--

<p>Part 3 – Responsibility for Functions</p> <p>Schedule 4 – Officers’ Delegation Scheme</p> <p>4.0 Specific Delegations</p> <p><u>4.2 To the Corporate Director – Children and Young People’s Service</u></p> <p>Exclusions from delegations section</p>	<p>...</p> <p>(iv) Determining priorities for the community education service.</p>	<p>...</p> <p>(iv) Determining priorities for the <u>Adult Learning & Skills Service</u>community education service.</p>	<p>To reflect current terminology, to keep the Constitution up to date.</p>
<p>Part 3 – Responsibility for Functions</p> <p>Schedule 4 – Officers’ Delegation Scheme</p> <p>4.0 Specific Delegations</p> <p>4.9 To the Assistant Chief Executive (Customer Services)</p>	<p><u>4.9 To the Assistant Chief Executive (Customer Services)</u></p> <p>(a) To undertake the Council’s functions in relation to Library, Customer and Community Services.</p> <p>(b) To exercise the functions of the Council in relation to public libraries, the County Archives and the provision of schools library services, except for the withdrawal or modification of public facilities.</p> <p>(c) To exercise all functions of the Coroner’s Service.</p> <p>(d) To approve premises for the solemnisation of marriages and to exercise all functions of the</p>	<p><u>4.9 To the Assistant Chief ExecutiveDirector (Customer Library and Community Services)</u></p> <p>(a) To undertake the Council’s functions in relation to Library, Customer and Community Services <u>and Registration, Coroners and Archives</u>.</p> <p>(b) To exercise the functions of the Council in relation to public libraries, the County Archives and the provision of schools library services, except for the withdrawal or modification of public facilities.</p> <p>(c) To exercise all functions of the Coroner’s Service.</p>	<p>To reflect current responsibilities and keep the Constitution up to date.</p>

	<p>County Council for the Registration of Births, Deaths and Marriages.</p> <p>NOTE: The following matters are excluded from this delegation</p> <p>(e) Major changes in the pattern of provision of library services, including permanent closure of libraries.</p> <p>(f) Major changes in the pattern of provision for the Registration Service or the Coroners' Service.</p>	<p>(d) To approve premises for the solemnisation of marriages and to exercise all functions of the County Council for the Registration of Births, Deaths and Marriages.</p> <p>NOTE: The following matters are excluded from this delegation</p> <p>(e) Major changes in the pattern of provision of library services, including permanent closure of libraries.</p> <p>(f) Major changes in the pattern of provision for the Registration Service or the Coroners' Service.</p>	
<p>Part 4 – Rules of Procedure</p> <p>Contract Procedure Rules</p> <p>1. INTRODUCTION</p> <p>Definitions in CPR 1.1</p>	<p>...</p> <p>EU Threshold means the current threshold above which the PCR's apply, currently £164,176 for services and supplies £589,148 for social and other specific services and £4,104,394 for works</p>	<p>...</p> <p>EU Threshold means the current threshold above which the PCR's apply, currently £181,302 164,176 for services and supplies £615,278 £589,148 for social and other specific services and £4,511,413 4,104,394 for works</p>	<p>To keep the Constitution up to date in terms of legislative requirements re EU threshold values.</p>

<p>Part 4 – Rules of Procedure</p> <p>Contract Procedure Rules</p> <p>2. GENERAL</p> <p>Table 1</p> <p>'Total Contract Value' column, rows 2 and 3</p>	<p>£25,000 up to EU Threshold (currently £164,176)</p> <p>Above EU Threshold (currently £164,176)</p>	<p>£25,000 up to EU Threshold (currently £164,176 <u>£181,302</u>)</p> <p>Above EU Threshold (currently £164,176 <u>£181,302</u>)</p>	<p>To keep the Constitution up to date in terms of legislative requirements re EU threshold values.</p>
<p>Part 4 – Rules of Procedure</p> <p>Contract Procedure Rules</p> <p>2. GENERAL</p> <p>Table 2</p> <p>'Total Contract Value' column, rows 2 and 3</p>	<p>£25,001 up to EU Threshold (currently £4,104,394 for Works)</p> <p>Above EU Threshold (currently £4,104,394 for Works)</p>	<p>£25,001 up to EU Threshold (currently £4,104,394 <u>£4,511,413</u> for Works)</p> <p>Above EU Threshold (currently £4,104,394 <u>£4,511,413</u> for Works)</p>	<p>To keep the Constitution up to date in terms of legislative requirements re EU threshold values.</p>

<p>Part 4 – Rules of Procedure</p> <p>Contract Procedure Rules</p> <p>2. GENERAL</p> <p>Table 3</p> <p>'Total Contract Value' column, rows 2 and 3</p>	<p>£25,001 up to EU Threshold (currently £589,148)</p> <p>Above EU Threshold (currently £589,148)</p>	<p>£25,001 up to EU Threshold (currently £589,148 <u>£615,278</u>)</p> <p>Above EU Threshold (currently £589,148 <u>£615,278</u>)</p>	<p>To keep the Constitution up to date in terms of legislative requirements re EU threshold values.</p>
<p>Part 4 – Rules of Procedure</p> <p>Contract Procedure Rules</p> <p>17.GATEWAY PROCESS REPORTS INCLUDING NOTIFICATION OF SECTION 151 OFFICER AND MONITORING OFFICER</p> <p>CPR 17.2</p>	<p>17.2 The whole contract financial value thresholds for the purposes of Rule 17.1 are:</p> <p>(a) Works contracts - £1m</p> <p>(b) Social and Other Specific Services Contracts - £589,148</p> <p>(c) Supplies and Services contracts - £164,176.</p>	<p>17.2 The whole contract financial value thresholds for the purposes of Rule 17.1 are:</p> <p>(a) Works contracts - £1m</p> <p>(b) Social and Other Specific Services Contracts - £589,148 <u>£615,278</u></p> <p>(c) Supplies and Services contracts - <u>£181,302</u> £164,176.</p>	<p>To keep the Constitution up to date in terms of legislative requirements re EU threshold values.</p>

<p>Part 6 Members' Allowances Scheme</p> <p>Protocol on Members' Attendance at Conferences</p>	<p>...</p> <p>6. The following conferences have been approved by the Executive for the attendance detailed below. Further authorisation from the Staff Officer to the Chief Executive is not required. In all cases, however, she will need to be informed of arrangements made. All references to Executive and Scrutiny Members should be taken to mean those Members with the relevant portfolio.</p> <ul style="list-style-type: none"> • Local Government Association Annual Conference and the CCN Annual Conference – representatives appointed at the annual meeting of the County Council, unless they are unable to attend, in which case they may appoint an alternative Member to attend in their place. • North of England Education Conference – Executive Members plus Scrutiny Chair and Vice-Chairs. • Council of Local Education Authorities – Executive Members plus Scrutiny Chair and Vice-Chairs. • Public Libraries Association Conference – Executive Member plus Scrutiny Chair and Vice-Chairs. • RTPI Conference – Executive Member and the Chairman of Planning and Regulatory Functions Committee. • Trading Standards Conference – Executive Member plus Scrutiny Chairs and Vice-Chairs. • CIPFA Conference – Leader and Deputy Leader. • Areas of Outstanding Natural Beauty Conference – attended by the Executive Member. • National Transport Conference – 	<p>...</p> <p>6. The following conferences have been approved by the Executive for the attendance detailed below. Further authorisation from the Staff Officer to the Chief Executive is not required. In all cases, however, she will need to be informed of arrangements made. All references to Executive and Scrutiny Members should be taken to mean those Members with the relevant portfolio.</p> <ul style="list-style-type: none"> • Local Government Association Annual Conference and the CCN Annual Conference – representatives appointed at the annual meeting of the County Council, unless they are unable to attend, in which case they may appoint an alternative Member to attend in their place. • North of England Education Conference – Executive Members plus Scrutiny Chair and Vice-Chairs. • Council of Local Education Authorities – Executive Members plus Scrutiny Chair and Vice-Chairs. • Public Libraries Association Conference – Executive Member plus Scrutiny Chair and Vice-Chairs. • RTPI Conference – Executive Member and the Chairman of Planning and Regulatory Functions Committee. • Trading Standards Conference – Executive Member plus Scrutiny Chairs and Vice-Chairs. • CIPFA Conference – Leader and Deputy Leader. • Areas of Outstanding Natural Beauty Conference – attended by the Executive Member. • National Transport Conference – 	<p>To keep the Protocol up to date.</p>
--	--	--	---

Executive Members and Scrutiny Chairs and Vice-Chairs.

- The National Children and Adults Services Conference – Executive Members

~~Executive Members and Scrutiny Chairs and Vice-Chairs.~~

- ~~• The National Children and Adults Services Conference – Executive Members~~
- Pension Fund conferences

[NB All copies of the Protocol in Part 6 to be amended as above – it appears the Protocol is published in Part 6 (page 360) and is also appended to the Notes of Guidance for County Councillors re the Members' Allowances Scheme in Appendix 2 (page 375/6).