

DECISION RECORD

Decision Title:	Constitutional Amendment
Decision Maker:	Interim Monitoring Officer
Date of Decision:	11/04/2024
Status:	Implemented
Key Decision:	No
Subject to Call-In:	No

1. The following decision has been taken:

- a) That the Interim Monitoring Officer makes the amendments to the Constitution, namely Part 4 (Committees), section A (Audit and Governance), paragraphs 2.1 to 2.6 in order that the Committee can be constituted in a safe and legal manner.
- b) That the decision is brought to the next Meeting of the Combined Authority.

2. Reasons for decision:

The York and North Yorkshire Combined Authority needs to ensure that it is safe and legal as it evolves over the coming weeks and months. This amendment allows for the Audit and Governance Committee to be constituted in such a manner.

3. Details of any alternative options considered and rejected:

If the Audit and Governance Committee are not legally quorate or properly constituted then they cannot conduct business. The Combined Authority needs to ensure that every Committee can conduct lawful business in a timely manner.

4. Conflicts of Interest and Dispensations:

None.

5. Accompanying Documents:

- *Officer's Report – 20240411 – Urgent Decision – Constitutional Amendment*
- *Appendices - None*
- *Background Documents – None*

Contact(s):	governance@yorknorthyorks-ca.gov.uk
Publication Date:	12/4/2024

York and North Yorkshire Combined Authority

URGENT POWERS

11 APRIL 2024

**TITLE OF DECISION: CONSTITUTIONAL AMENDMENT – URGENT
DECISION**

**OFFICER REQUESTING: RACHEL ANTONELLI,
INTERIM DEPUTY MONITORING OFFICER**

1.0 PURPOSE OF REPORT

- 1.1 An amendment to the Constitution of the Combined Authority is required in order to ensure that the Audit and Governance Committee is properly constituted.

2.0 BACKGROUND

- 2.1 At the meeting of the Combined Authority which took place on 18 March 2024, Members resolved that until the next Combined Authority Meeting, which is due to take place in May/June 2024, that the Interim Monitoring Officer had the ability to make amendments to the constitution to ensure that the Combined Authority could operate in a safe and legal manner. Such amendments could be made after the Interim Monitoring Officer had consulted with the Lead Members of the Combined Authority and also have to be reported back to the next meeting of the Combined Authority.
- 2.2 The proposed amendment relates to the composition of the Audit and Governance Committee, the wording is set out below, with proposed changes tracked on the wording:

2. *Composition and Procedure*

2.1 *Membership*

The Audit and Governance Committee shall be appointed by the Y&NYCA and shall have a total of ~~thirteen~~nine members, comprising:

- ~~Four~~ Four co-opted elected members from each of the Constituent Councils of the Y&NYCA (who are not also Members or Substitute Members of the Y&NYCA or Assistant Portfolio Holders);
- One co-opted Member, who is the Independent Member and shall have no voting rights on the Committee;
- The Y&NYCA will also appoint two substitute co-opted elected members, one from each constituent council, who may be invited to attend as full members of the Audit and Governance Committee when apologies have been received. Substitute members will be appointed from the nominations received from constituent councils following their annual meetings and will be politically inclusive.
- ~~One co-opted member, who is the Independent Person and shall have no voting rights on the Committee.~~
- ~~One co-opted~~ The Combined Authority's Independent Standards Person ~~to~~may attend the Committee to deal with matters relating to member conduct and ethical standards, who shall have no voting rights on the Committee.-

All members of the Committee save the Independent Member and the Independent Standards Member/Person will have voting rights.

2.2 Independent Member/Person

For the purposes of paragraph 2.1 above an individual is an Independent Member/Person if that person:

- (i) is not a member, substitute member, co-opted member or officer of the Y&NYCA or the Constituent Councils;
- (ii) is not a relative, or close friend, of a person within (i) above; and
- (iii) was not at any time during the 5 years ending with their appointment to the Audit and Governance Committee a member, substitute member, co-opted member or officer of the Y&NYCA.

[For the purposes of paragraph 2.2(ii) above 'relative' has the meaning contained in Article 2(2) of the Combined Authorities (Overview and Scrutiny Committees, Access to Information and Audit Committees) Order 2017.]

2.3 Political Balance

In appointing co-opted elected members to the Audit & Governance Committee the Y&NYCA must ensure that the members of the committee taken as a whole reflect so far as reasonably practicable the balance of political parties for the time being prevailing among members of the Constituent Councils when taken together, in accordance with Rule 15.3 of the Y&NYCA Procedure Rules set out in Section A of Part 5 of this Constitution.

2.4 Chairing the Committee

The Y&NYCA will appoint the Chair of the Committee. In the absence of the appointed Chair, the Committee will be chaired as determined by the Committee.

2.5 Quorum

At least two-thirds of the total number of members of the Audit & Governance Committee (i.e., 9-6 members) must be present at a meeting of the Committee before any business may be transacted, ~~except in relation to the matters referred to in paragraphs 10.1(f) to (i) below where at least one member must be the Co-opted Independent Standards Person (provided that the Co-opted Independent Member is not prevented or restricted from participating by virtue of the Y&NYCA's Code of Conduct).~~

2.6 Voting

Each member to have one vote, no member is to have a casting vote. ~~The co-opted Independent Standards member has no vote.~~

2.3 The proposed amendments are required in order that the composition reflects the position in relation to both voting and non-voting members. There will be nine members of the committee, not thirteen; there will be four members from each constituent council and one Independent Member of Audit and Governance Committee, with one Independent Standards Person.

2.4 Two substitutes from the constituent councils will be allowed in total, in order to meet the spirit of the composition, it is proposed that it is clear that this will be one substitute from each constituent council for the avoidance of any doubt.

2.5 The Combined Authority at their March Meeting resolved that there would be one co-opted Audit and Governance Independent Member, not four. They also resolved that this Member would not have any voting rights on the Committee. It is proposed that an amendment to the bullet points within 2.1 be made to make this clear.

2.6 At paragraph 2.5 of the constitution, which deals with quorum, it is proposed that the quorum should be all members, therefore if the total number of members on the Committee is nine, then two-thirds of this total membership

would be six members. If these amendments to the constitution are made, then the final part of paragraph 2.5 will no longer be required.

- 2.7 Finally, in relation to paragraph 2.6, which relates to voting, it is proposed that the final part of this sentence is removed, as it is already outlined within this section of the constitution.

3.0 FINANCIAL IMPLICATIONS

- 3.1 There are no financial implications arising from the decision.

4.0 LEGAL IMPLICATIONS

- 4.1 The Constitution of the York and North Yorkshire Combined Authority must remain fit for purpose and ensure that the Authority can conduct their business in a safe and legal manner. The proposed amendments to the Constitution contained within this report is required in order to ensure that the Audit and Governance Committee is properly constituted and meets the requirements of the York and North Yorkshire Combined Authority Order 2023 and the Combined Authorities (Overview and Scrutiny Committees, Access to Information and Audit Committees) Order 2017. The urgent decision will be published at the offices of both Constituent Authorities (City of York and North Yorkshire Councils) and will be brought to the next Meeting of the Combined Authority.

- 4.2 This decision would be a Combined Authority decision under business as usual. The Co-Chairs of the Authority should be consulted on this decision.

5.0 EQUALITIES IMPLICATIONS

- 5.1 There are no additional direct implications arising from the recommended changes.

6.0 COMBINED AUTHORITY AREA IMPACTED

- 6.1 York and North Yorkshire.

7.0 RECOMMENDATIONS

- 7.1 It is recommended that the Interim Monitoring Officer makes the amendments to the constitution, namely Part 4 (Committees), section A (Audit and Governance), paragraphs 2.1 to 2.6, as set out at paragraph 2.2 of this report.

- 7.2 That the decision is brought to the next Meeting of the Combined Authority.

8.0 REASONS FOR RECOMMENDATIONS

- 8.1 The York and North Yorkshire Combined Authority needs to ensure that it is safe and legal as it evolves over the coming weeks and months. This

amendment allows for the Audit and Governance Committee to be constituted in such a manner.

9.0 CONSULTATION RECORD

9.1 The Combined Authority, at their Meeting on 18 March 2024, resolved that the Interim Monitoring Officer was delegated the ability to make amendments to the constitution which may arise from the 18 March 2024, until the Combined Authority's next meeting in May/June 2024 to ensure that the Combined Authority could operate in a safe and legal manner. Such amendments to be made after the Interim Monitoring Officer had consulted with the Lead Members of the Combined Authority, and the Mayor, if such an amendment is required after 7 May 2024, and then reported back to the next Combined Authority Meeting.

9.2 The appropriate elected Members are:

- The Leader of City of York Council and North Yorkshire Council as Co-Chairs of the Combined Authority.

Name of consultee	Councillor Claire Douglas –Co-Chair of the York and North Yorkshire Combined Authority
This is urgently required in order to ensure that the Combined Authority's constitution remains safe and legal.	
Date consultation completed	11/04/2024

Name of consultee	Councillor Carl Les –Co-Chair of the York and North Yorkshire Combined Authority
This is urgently required in order to ensure that the Combined Authority's constitution remains safe and legal.	
Date consultation completed	11/04/2024

10.0 DECISION

Decision of Interim Monitoring Officer based on consultation	The recommendations are approved.
Date	11/04/2024