

## AUDIT AND GOVERNANCE MEETING

16 JULY 2024

### CHANGE TO COMPOSITION AND QUORUM OF AUDIT AND GOVERNANCE

#### Report of the Interim Deputy Monitoring Officer

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#### **1.0 Purpose of the Report**

- 1.1 This report sets out an amendment to the Combined Authority's Constitution relating to the composition and quoracy of the Audit and Governance Committee.

#### **2.0 Recommendations**

- 2.1 Members are asked to note this report.

#### **3.0 Background**

- 3.1 The York and North Yorkshire Combined Authority was created by way of Order in December 2023. A Constitution was drafted, with input from various sources, including Officers of the Combined Authority, Officers of departments transitioning into the Combined Authority, and Constituent Authority Members.
- 3.2 The Combined Authority approved the first iteration of the Constitution in January 2024 and since then have approved further amendments, the changes to the composition and quorum of the Audit and Governance Committee being one of these amendments.

#### **4.0 Constitutional Amendments**

- 4.1 An amendment to the Constitution was required in order that the composition of the Committee reflected the position in relation to both voting and non-voting Members. There are nine Members of the Committee, not thirteen, there are four Members from each Constituent Council and one Independent Member of Audit and Governance Committee, with one Independent Standards Person.
- 4.2 Two substitutes from the Constituent Councils would be appointed in total, one from each Constituent Council.
- 4.3 The Combined Authority also approved that there would be one co-opted Audit and Governance Independent member, not four and that this Member would not have any voting rights on the Committee.

- 4.4 An amendment has been made to quoracy of the Committee, the quorum includes all Members, therefore if the total number of Members on the Committee is nine, then two-thirds of this total membership is six Members.

## **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 nine members, comprising:*

- *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.*
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- *The Combined Authority's Independent Standards Person 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 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., 6 members) must be present at a meeting of the Committee before any business may be transacted.*

### 2.6 *Voting*

*Each member to have one vote, no member is to have a casting vote.*

## **5.0 Financial Implications**

- 5.1 There are no financial implications arising from this report.

## **6.0 Legal Implications**

- 6.1 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 amendment to the Constitution is

required 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 Combined Authority have approved this amendment, such approval in accordance with the Constitution.

## **7.0 Equalities Implications**

7.1 There are no additional direct implications arising from the amendment.

## **8.0 Environmental Implications**

8.1 There are no environmental implications arising from this report.

## **9.0 Combined Authority Areas Impacted (Council Areas/Wards/Divisions)**

9.1 York and North Yorkshire.

## **10.0 Recommendations**

10.1 Members are asked to note this report.

## **11.0 Reasons For Recommendations**

11.1 The 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.

## **12.0 Contact Details**

For further information please contact the author of this Report.

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**Background papers - None**

**Appendices – None**