

## Constitution Changes

Constitutional Reference	Proposed Changes	Comment
Part 2 – Article 2: Members of the Council (p11)	<ul style="list-style-type: none"> <li>To remove the reference to the date of the next elections.</li> </ul>	To ensure revisions to constitution are not required to merely reflect time passing.
Part 2 – Article 4: Full Council para 4.1(a) (p15)	<ul style="list-style-type: none"> <li>To remove the Food Law Enforcement Plan from the Policy Framework;</li> <li>To amend the Licensing Policy/Statement to read “Licensing Policy”;</li> <li>To add “Gambling Act 2005 – Statement of Licensing Principles”.</li> </ul>	<p>Will still remain as a policy, but not part of policy framework</p> <p>To reflect legislation - information</p> <p>Statement of Licensing Principles required to be adopted by Council</p>
Part 2 – Article 4: Full Council para 4.2(b) (p15)	<ul style="list-style-type: none"> <li>To add the words “where possible” so the paragraph reads: “Approving the strategic financing of the Council, upon recommendations from the Policy &amp; Resources Committee <i>where possible</i> including: <ul style="list-style-type: none"> <li>- Determination of the Financial Strategy</li> <li>- Approval of the Revenue Budget</li> <li>- Approval of the Capital Programme</li> <li>- Setting the Council Tax</li> <li>- Determination of fees and charges where authority to set these has not been delegated</li> <li>- Determination of borrowing limits”</li> </ul> </li> </ul>	There may be occasions where Council will need to consider the issues but, for whatever reason a recommendation from the Policy and Resources Committee has not been possible. There are no plans to take such issues direct to Council and avoid the Policy and Resources Committee considering the issue first.
Part 2 – Article 4: Full Council para 4.2(h) (p16)	<ul style="list-style-type: none"> <li>To add the words “for a term of up to 4 years” so the paragraph reads: “Appointing representatives to outside bodies, <i>for a term of up to 4 years</i>, unless the appointment has been delegated by the Council.”</li> </ul>	To expressly give Council the option to extend appointments to outside bodies for up to 4 years. By extending the term this provides members with the opportunity to become more involved in the outside body and provides continuity for the outside body.
Part 3 – Responsibility for Council Functions para 1.0(a)	<ul style="list-style-type: none"> <li>To add the words “where possible” so the paragraph reads:</li> </ul>	There may be occasions where Council will need to consider the issues but, for whatever reason a

Page 43	<p>“Approving the strategic financing of the Council, upon recommendations from the Policy &amp; Resources Committee <i>where possible</i> including:</p> <ul style="list-style-type: none"> <li>- Determination of the Financial Strategy</li> <li>- Approval of the Revenue Budget</li> <li>- Approval of the Capital Programme</li> <li>- Setting the Council Tax</li> <li>- Determination of fees and charges where authority to set these has not been delegated</li> <li>- Determination of borrowing limits”</li> </ul>	<p>recommendation from the Policy and Resources Committee has not been possible. There are no plans to take such issues direct to Council and avoid the Policy and Resources Committee considering the issue first.</p>
Part 3 – Terms of Reference (p45-58)	<ul style="list-style-type: none"> <li>• To remove the specific references to numbers of Members on each committee and replace with wording saying that the numbers of Members will be determined by Council.</li> <li>• To update job titles in the delegation of functions paragraphs set out in each of the terms of reference;</li> <li>• To include terms of reference for the Community Investment Fund Panel.</li> </ul>	<p>To ensure constitution revisions are not required if Council changes Committee numbers.</p> <p>New Management Structure</p> <p>New Committee</p>
Part 3 – Terms of Reference: Planning Committee (p45)	<ul style="list-style-type: none"> <li>• To delete the words “for approval” from the condition so it reads: “Where the Planning Committee indicates that it is minded not to accept the officers’ recommendations, the application be deferred to the next Planning Committee where so requested by the Head of Planning.”</li> </ul>	<p>To allow deferral of all decisions where the Planning Committee does not accept the officers recommendation whether that is approval or refusal.</p>
Part 3 – Terms of Reference: Commissioning Board section C (p52)	<ul style="list-style-type: none"> <li>• To add “taxi licensing” to the list of Streetscene functions;</li> <li>• To remove food and drink from the general Environmental Health bullet point, in the list of Health &amp; Environmental Services functions, and replace it with “food safety” as a separate bullet point;</li> <li>• To replace the reference to the Community Services Committee, under Section E (Other Functions), with the Commissioning Board;</li> <li>• To update the public health paragraphs under the</li> </ul>	<p>To update services</p>

	<p>delegation of functions.</p> <ul style="list-style-type: none"> <li>• (does this need a different reference ie. Delegation of functions P 53)</li> </ul>	
Part 4 – Overview & Scrutiny Procedure Rules para 11 (p116)	<ul style="list-style-type: none"> <li>• To remove the cross-reference to the Access to Information Procedure Rules.</li> </ul>	As Access to information for Overview and Scrutiny Committee Members is not specifically mentioned in the Access to Procedure Rules.
Part 4 – Overview & Scrutiny Procedure Rules para 14 (p117)	<ul style="list-style-type: none"> <li>• To reword the second paragraph as follows: Current wording – “In any event, call-in will not apply to quasi-judicial decisions eg: development control and licensing.” Proposed wording – “In any event, call-in will not apply to administrative/quasi-judicial decisions eg: development control and licensing decisions.”</li> </ul>	Case law has established that planning decisions are administrative decisions as opposed to quasi-judicial decisions.
Part 4 – Financial Standing Orders and Financial Regulations para 19 (p142)	<ul style="list-style-type: none"> <li>• To delete this paragraph relating to the now abolished Car Loans Scheme and renumber the following paragraphs.</li> </ul>	Scheme abolished.
Part 4 – Financial Standing Orders and Financial Regulations (p145)	<ul style="list-style-type: none"> <li>• To amend so that Heads of Service can authorise costs not exceeding £25,000.</li> </ul>	To reflect update to limits for operational convenience.
Part 5 – Protocol on Attendance and Questions at Overview and Scrutiny Committees para 2 (p231)	<ul style="list-style-type: none"> <li>• To amend the written notice required to be given for attendance at meetings to at least 5 working days, in line with the Overview and Scrutiny Procedure Rules.</li> </ul>	No further comment.
Part 5 – Planning Protocol (p289)	<ul style="list-style-type: none"> <li>• To remove the Planning Protocol from Part 5 of the Constitution as it also appears in Part 3.</li> </ul>	No further comment.

## ANNEX B

### Other changes for information

Part 1 – How Decisions Are Made (p4)	<ul style="list-style-type: none"> <li>To add reference to the Community Investment Fund Panel.</li> </ul>	Ensure new Committee is included in constitution
Part 1 – Citizens’ Rights (p6)	<ul style="list-style-type: none"> <li>To remove the bullet point referring to the Standards Board for England.</li> </ul>	No longer relevant.
Part 2 – Article 3: Citizens and the Council (p14)	<ul style="list-style-type: none"> <li>To delete para (c) (iii) referring to the Standards Board for England.</li> </ul>	No longer relevant.
Part 2 – Article 4: Full Council para 4.2 (p17)	<ul style="list-style-type: none"> <li>To add an additional paragraph after para 4.2(n) to read as follows: “Approving, prior to an offer of employment, any salary package for any post that is in excess of £100k.”</li> <li>To renumber the remaining paragraphs.</li> </ul>	To reflect the Council’s approved pay policy
Part 2 – Article 7: The Policy & Resources Committee, Commissioning Board, Planning Committee and Licensing Committee (p21)	<ul style="list-style-type: none"> <li>To add a paragraph on the Community Investment Fund Panel and amend the title of the article to reflect this.</li> </ul>	To reflect the new Committee.
Part 2 – Article 8: The Standards Committee para 8.3 (p23)	<ul style="list-style-type: none"> <li>To amend the final bullet point to remove references to the Standards Board for England.</li> </ul>	No longer relevant.
Part 3 – Responsibility for Council Functions para 1.0 (p 44)	<ul style="list-style-type: none"> <li>To add an additional paragraph after para 4.2(n) to read as follows: “Approving, prior to an offer of employment, any salary package for any post that is in excess of £100k.”</li> <li>To renumber the remaining paragraphs.</li> </ul>	To reflect the Council’s approved pay policy
Part 3 – Terms of Reference: Licensing Committee para 2 (p46)	<ul style="list-style-type: none"> <li>To add the words “including taxi licensing, licensing under the Gambling Act 2005 and the setting of fees under the Gambling Act 2005”.</li> </ul>	To reflect legislative changes

Part 3 – Terms of Reference: Licensing Committee (p47)	<ul style="list-style-type: none"> <li>• To add a Schedule of Functions delegated under the Gambling Act 2005 (excluding the delegation relating to setting of fees, which was subsequently allocated to the Licensing Committee);</li> <li>• To add a delegation of the determination of all new, renewal and variation applications for sexual Entertainment Venue Licences;</li> <li>• To add a delegation of new applications for licensed Sex Establishments.</li> </ul>	To reflect legislative changes
Part 3 – Insert Terms of Reference for Community Investment Fund Committee (P60)	<ul style="list-style-type: none"> <li>• Add terms of reference for CIF Committee following agreement by Policy and Resources Committee 4/4/12</li> </ul>	New Committee
Part 3 – Terms of Reference: The North Yorkshire Audit Partnership Joint Committee (p61)	<ul style="list-style-type: none"> <li>• To delete the terms of reference.</li> </ul>	Audit Partnership ends on 31/3/12
Part 3 – Scheme of Officer Delegation para 1.2.11 (p64)	<ul style="list-style-type: none"> <li>• To replace the Head of Economy &amp; Housing with the Head of Planning &amp; Housing in the table of proper officer functions;</li> <li>• To correct the paragraph numbering.</li> </ul>	New Management Structure
Part 3 – Planning Committee Protocol (p66)	<ul style="list-style-type: none"> <li>• To update the Planning Committee Protocol to reflect legislative changes.</li> </ul>	To reflect legislative changes