

NOTE OF MINOR AMENDMENTS MADE BY THE MONITORING OFFICER

[These are set out in the order they appear in the Constitution.]

A. Health Scrutiny regulations – section 2.15.2

From January 2024, the Council's health scrutiny power of referral to the Secretary of State on substantial development/variations was removed. Up until this point, this power featured in the Constitution under 2.15.2 'Provisions of the Health Scrutiny Regulations' bullet point 4 (see below);

“NHS bodies must consult the designated health scrutiny function of the council about proposals for substantial development or variation of NHS services in the area. The designated health scrutiny function can refer a matter to the Secretary of State for Health, if the local authority is not satisfied of the merits for change or if it considers there has been inadequate consultation on the proposals.”

The Monitoring Officer approved amended wording so this section now reads;

“NHS bodies must consult the designated health scrutiny function of the council about proposals for substantial development or variation of NHS services in the area. Health overview and scrutiny committees and other interested parties can write to request (via a call-in request form) that the Secretary of State consider calling in a proposal if the local authority is not satisfied of the merits for change or if it considers there has been inadequate consultation on the proposals. DHSC expects requests only to be used in exceptional situations where local resolution has not been reached.”

B. Receiving reports of committees at Council meetings – rule 3.1.6

An addition was made to rule 3.1.6 “Business at Ordinary Meetings” to receive reports of committees. The old Constitution covered reports from Cabinet, Scrutiny and Committee. Rules have been brought into the new Constitution for Cabinet and Scrutiny but not expressly for committee reports so this enables such a referral.

C. Dates and times of meetings – rule 3.1.10

Clarification was needed to rule 3.1.10 regarding dates and times of meetings and who is to be consulted regarding postponing or cancelling a meeting. This makes existing arrangements clearer and is not a change in process. The additional wording is shown underlined and bold below;

*The time and place of all Member meetings will be determined by the Monitoring Officer and notified in the summons. The Chief Executive, in consultation with Political Group Leaders, is responsible for determining whether a programmed meeting **of the full Council** should be postponed or cancelled. **For committees and panels, this decision is taken in consultation with the Chair.***

D. Order of items at Council meetings – rule 3.1.23

The order of items at Ordinary Council meetings is set out at rule 3.1.6 and point (vii) states that items from Councillors (statements etc) will be taken “at the end of the published order of business”. This is the rule currently operated in practice. When the new Constitution was produced, previously separate speaking rules for public and councillors were combined into one rule for speaking arrangements at Council, panels and committees, but this has meant that an anomaly was created as the public have the option to choose to speak immediately before the item is debated, whereas this is not the case for Councillors, at Council meetings. A small clarification was therefore made to the public speaking rule 3.1.23 to make this clearer, as set out below;

[For Councillor items to Council, these are taken at the end of the agenda in accordance with rule 3.1.6.]

E. Electronic voting – rule 3.1.37

Now that the Chamber microphone/AV system offers the option of electronic voting, a small addition was needed to rule 3.1.37 to cover this, as set out in the underlined, bold section below;

*“The Chair shall ensure that that the proposal to be voted on is clear. Voting will proceed by a show of hands **or by means of an electronic voting system** – first those voting “for” the proposal and then those voting “against” the proposal. This will be followed by a show of hands from those who are abstaining from voting.”*

F. Adding items to a PDS agenda – rule 3.3.11

An addition was needed to cover the rights of any member to request an item be added to a Policy Development & Scrutiny Panel agenda. This is a statutory requirement (S.21A LGA 2000) and the text is imported from the old Constitution. This was an oversight created when drafting the new version. The new text is included below and was added after 3.3.11.

“ITEMS ON THE AGENDA

Any member of the Council may submit to the Statutory Scrutiny Officer a relevant item for the agenda of the next available meeting of a Policy Development and Scrutiny Panel. Written notice of every item, signed by or on behalf of the Member(s) giving notice, with the name of the political group shown after the Member’s name (unless the item is to stand in the name of the Member only), must be delivered to the Statutory Scrutiny Officer (on behalf of the Chief Executive) not later than 7 clear working days before the date of the meeting.

The Chair following consultation with the Vice Chair of the relevant Panel will determine whether or not to include the item on the agenda and their decision shall be final.

In considering this matter, the Chair will take into account the views of the Statutory Scrutiny Officer (on behalf of the Chief Executive) who shall also give advice about the implications of the request on the delivery of the Overview and Scrutiny work programme.

If the item is accepted, the member will have the right to attend and, at the discretion of the Chair, to speak on the matter.

The meeting has the right to determine with advice from Officers whether it wishes to defer the matter to a future meeting for further Officer report/advice.”