

# Full Council

10<sup>th</sup> September 2019



**Report of:** Monitoring Officer

**Title:** Amendments to the Constitution

**Ward:** City Wide

**Member Presenting Report:** TBC – Cllr Brain, Chair of the Audit Committee

## Recommendation

It is recommended that Full Council;

- i) Approve the updated Terms of Reference for the Audit Committee (Appendix A)
- ii) Adopt the Terms of Reference for the Health Scrutiny Sub Committee of the People Scrutiny Commission. (Appendix B)

## Summary

Responsibility for reviewing the Council's Constitution and making recommendations in respect of amendments to Full Council was delegated to the Audit Committee in December 2018.

### The significant issues in the report are:

The Audit Committee has previously agreed that Party Group Leaders should not be eligible to sit on the Committee and therefore the necessary amendment is recommended to Full Council for debate/approval.

The Terms of Reference for the Health Sub Committee of the People Scrutiny Commission were approved by the Overview and Scrutiny Management Board on 17th July 2019 and are now referred to Full Council for adoption.

## Policy

1. The Monitoring Officer has a duty to keep the Constitution under review and maintain an up-to-date version, ensuring that it is widely available for Councillors, staff and the public.
2. Full Council has a duty to agree and / or amend the Terms of Reference for Committees
3. The Audit Committee is a key component of the Council’s governance framework. In December 2018, responsibility for reviewing the Council’s Constitution and making recommendations to Full Council was delegated to the Audit Committee.
4. Local Authorities have powers to scrutinise the NHS or relevant bodies under the Health and Social Care Act 2012. As the Committee with overall responsibility for Scrutiny, the Overview and Scrutiny Management Board will receive the Health Scrutiny Work Programme as a standing item at each meeting.

## Consultation

5. **Internal**  
Change to Audit Committee Terms of Reference – Audit Committee  
Health Scrutiny Sub-committee of the People Scrutiny Commission Terms of Reference – Overview and Scrutiny Management Board (OSMB)
6. **External**  
Not applicable.

## Context

7. Amended Audit Committee Terms of Reference

Audit Committee confirmed at their meeting of the 29<sup>th</sup> July 2019, that Party Group Leaders should not be eligible to sit on the Audit Committee and therefore recommended that the Audit Committee Terms of Reference and Constitution be amended accordingly.

8. New Health Scrutiny Sub Committee of the People Scrutiny Commission Terms of Reference

The Terms of Reference of the Health Scrutiny Sub-committee of the People Scrutiny Commission were approved by the Overview and Scrutiny Management Board on 17<sup>th</sup> July 19 and noted by the Audit committee on 29<sup>th</sup> July 2019.

The role of the Health Scrutiny Sub Committee is to undertake the scrutiny of local Health Service provision in accordance with Section 7 of the Health and Social Care Act 2001, the Health and Social Care Act 2012 and Local Authority (Public Health, Health and Wellbeing Boards and Health Scrutiny) Regulations 2013.

## Proposal

9. Full Council are asked to approve the updated Terms of Reference for the Audit Committee, to adopt the Terms of Reference for the Health Scrutiny Sub Committee and to authorise the Monitoring Officer to amend the Council’s constitution accordingly.

## Other Options Considered

10. None necessary

## Risk Assessment

11. None necessary

## Public Sector Equality Duties

12a. Before making a decision, section 149 Equality Act 2010 requires that each decision-maker considers the need to promote equality for persons with the following “protected characteristics”: age, disability, gender reassignment, pregnancy and maternity, race, religion or belief, sex, sexual orientation. Each decision-maker must, therefore, have due regard to the need to:

- i) Eliminate discrimination, harassment, victimisation and any other conduct prohibited under the Equality Act 2010.
- ii) Advance equality of opportunity between persons who share a relevant protected characteristic and those who do not share it. This involves having due regard, in particular, to the need to --
  - remove or minimise disadvantage suffered by persons who share a relevant protected characteristic;
  - take steps to meet the needs of persons who share a relevant protected characteristic that are different from the needs of people who do not share it (in relation to disabled people, this includes, in particular, steps to take account of disabled persons' disabilities);
  - encourage persons who share a protected characteristic to participate in public life or in any other activity in which participation by such persons is disproportionately low.
- iii) Foster good relations between persons who share a relevant protected characteristic and those who do not share it. This involves having due regard, in particular, to the need to –
  - tackle prejudice; and
  - promote understanding.

12b. The Scrutiny function plays an important part in assisting the Council in meeting its public sector equality duties and ensuring that the views of different communities and members of the public are taken into account in the development and delivery of services. Scrutiny work streams need to ensure that assessments of equalities impacts are an integral part of their work both in terms of scoping topics, gathering evidence and formulating recommendations.

## Legal and Resource Implications

### 13. Legal

The Council has a statutory duty to keep the Constitution up to date. (s.9P Local Government Act 2000). The Constitution provides that the Monitoring Officer will maintain an up-to-date version of the Constitution and will monitor and review the operation of the Constitution. Changes to the Constitution will only be approved by Full Council after consideration of proposals made by the Monitoring Officer.

### Legal advice provided by Nancy Rollason, Head of Legal Services

### 14. Financial

#### (a) Revenue

Not applicable.

**(b) Capital**

Not applicable.

**15. Land**

Not applicable.

**16. Personnel**

Not applicable.

**Appendices:**

Appendix A – Updated Terms of Reference for the Audit Committee

Appendix B – New Terms of Reference for the Health Scrutiny Sub Committee of the People Scrutiny Commission.

**LOCAL GOVERNMENT (ACCESS TO INFORMATION) ACT 1985**

**Background Papers:**

None.