

Report to:	Audit and Governance Committee	Date of Meeting:	10 September 2014
	Council		25 September 2014
Subject:	Proposed Amendments to the Constitution	Wards Affected:	All Wards
Report of:	Director of Corporate Services		
Is this a Key Decision?	No	Is it included in the Forward Plan?	No
Exempt/Confidential	No		

Purpose/Summary

To advise on two key amendments to the Council's Constitution, submitted by the Overview and Scrutiny Committee (Health and Social Care) and Audit and Governance Committee

Recommendation(s)

That the Council be requested to approve the following additional amendments to the Council's Constitution:

1. The text attached at Appendix A to the report to be added to the terms of reference for the Overview and Scrutiny Committee (Health and Social Care) in Chapter 6 of the Council's Constitution.
2. The function to allow the full Council to formally respond to consultations by relevant NHS bodies and relevant service health providers on substantial reconfiguration proposals.
3. The text set out in paragraph 4.5 be added to Chapter 4 in the constitution in light of the Openness of Local Government Bodies Regulations 2014/2095.

How does the decision contribute to the Council's Corporate Objectives?

	<u>Corporate Objective</u>	<u>Positive Impact</u>	<u>Neutral Impact</u>	<u>Negative Impact</u>
1	Creating a Learning Community		√	
2	Jobs and Prosperity		√	
3	Environmental Sustainability		√	
4	Health and Well-Being	√		

5	Children and Young People		√	
6	Creating Safe Communities		√	
7	Creating Inclusive Communities		√	
8	Improving the Quality of Council Services and Strengthening Local Democracy	√		

Reasons for the Recommendation:

To report on proposed amendments to the Council’s Constitution and to ensure that it is up to date.

Alternative Options Considered and Rejected: The report sets out legislative amendments and government guidance that need to be reflected in the Council’s constitution

What will it cost and how will it be financed? N/A

(A) Revenue Costs None

(B) Capital Costs None

Implications:

The following implications of this proposal have been considered and where there are specific implications, these are set out below:

Financial	
None arising from the contents of this report	
Legal	
Set out in the report	
Human Resources	
Equality	
1. No Equality Implication	<input checked="" type="checkbox"/>
2. Equality Implications identified and mitigated	<input type="checkbox"/>
3. Equality Implication identified and risk remains	<input type="checkbox"/>

Impact of the Proposals on Service Delivery:

Not applicable

What consultations have taken place on the proposals and when?

The Head of Corporate Finance and ICT (FD.3125/14) has been consulted and any comments have been incorporated into the report.

The Head of Corporate Legal Services (LD 2417/14) has been consulted and any comments have been incorporated into the report.

Implementation Date for the Decision

Immediately following the Council meeting.

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Background Papers:

There are no background papers available for inspection

1. Introduction/Background

- 1.1 The Overview and Scrutiny Committee (Health and Social Care) at its meeting on 2 September 2014 considered a report by the Director of Corporate Services on the new Health Scrutiny Guidance and agreed that recommendations for amendments to be made to the Council's Constitution be submitted to the Audit and Governance Committee and Council.

2. Overview and Scrutiny Committee (Health and Social Care) – Terms of Reference

- 2.1 The new Health Scrutiny Guidance contains a number of key messages and it is deemed necessary to amend the Terms of Reference of the Overview and Scrutiny Committee (Health and Social Care), in order to reflect those key messages.
- 2.2 The additional Terms of Reference are attached to this report at **Appendix A** and the Council is requested to approve their inclusion in Chapter 6 of the Council's Constitution

3. Consultations on Substantial Variations/Reconfigurations

- 3.1 In addition, mechanisms for responding to any future consultations by relevant NHS bodies and health providers on substantial reconfiguration proposals need to be considered and put in place.
- 3.2 At present this function is not included within the Council's Constitution. The Constitution will require amending to allow the full Council to respond to consultations by relevant NHS bodies and relevant service health providers on substantial reconfiguration proposals.
- 3.3 The Council is requested to approve an addition to the Council's Constitution to allow the full Council to formally respond to consultations by relevant NHS bodies and relevant service health providers on substantial reconfiguration proposals.

4. Reporting of Meetings

- 4.1 On the 6 August 2014, the Openness of Local Government Bodies Regulations 2014/2095 came into force. The regulations provide that whilst a meeting of a local authority is open to the public any person attending is to be permitted to report on the meeting. The regulations further provide that a person attending a local authority meeting for the purpose of reporting on the meeting must, so far as practicable, be afforded reasonable facilities for doing so. Further, any person who attends a local authority meeting for the purpose of reporting on the meeting may use any communication method, including the internet, to publish, post or otherwise share the results of the person's reporting activities. Publication and dissemination may take place at the time of the meeting or occur after the meeting.
- 4.2 "Reporting" is defined in the regulations as:

- (a) filming, photographing or making an audio recording of proceedings at a meeting;
- (b) using any other means for enabling persons not present to see or hear proceedings at a meeting as it takes place or later; or
- (c) reporting or providing commentary on proceedings at a meeting, orally or in writing, so that the report or commentary is available as the meeting takes place or later to persons not present

4.3 There is no requirement for a local authority to permit oral reporting or oral commentary on a meeting as it takes place if the person reporting or providing the commentary is present at the meeting.

4.4 However, should a person cause a disturbance at a meeting whilst reporting on them, for example by:

- moving to areas outside the areas designated for the public without the consent of the Chairman,
- making excessive noise in recording or setting up or re-siting equipment during the debate/discussion,
- intrusive lighting and use of flash photography; or
- asking for people to repeat statements for the purposes of recording

then the provisions within the Council's Rules of Procedure allowing the public and Members to be removed from a meeting for causing a disturbance shall apply.

4.5 It is accordingly recommended that the Rules of Procedure (Chapter 4) be amended so as to incorporate the following:

- (1) While a meeting of the Council, Cabinet, a Committee or Sub Committee is open to the public, any person attending is permitted to report on the meeting by filming, photographing or making an audio recording of proceedings at the meeting. They may also use any other means for enabling persons not present to see or hear proceedings at such a meeting as it takes place or later and may use any communication method, including the internet, to publish, post or otherwise share the results of the person's reporting activities.
- (2) Should a person cause a disturbance at a meeting whilst reporting on the proceedings, for example by:
 - moving to areas outside the areas designated for the public without the consent of the Chairman,
 - making excessive noise in recording or setting up or re-siting equipment during the debate/discussion,
 - intrusive lighting and use of flash photography; or
 - asking for people to repeat statements for the purposes of recordingthen the provisions of rules 103 to 106 (Chapter 4) (Members' conduct and disturbance by the public) shall apply.

- (3) Nothing in this rule shall allow any person to report on any part of a meeting, without the consent of the meeting, whilst the public is excluded to allow it to debate confidential or exempt matters.