

REPORT OF THE LEADER OF THE COUNCIL

AMENDMENTS TO THE COUNCIL'S CONSTITUTION

Purpose of the Report

1. To seek Council's approval to update the Constitution in respect of new legal requirements for budget meetings, revised terms of reference for the Health and Wellbeing Board, and an additional requirement in relation to County Council meeting minutes.

Information and Advice

2. Regulations that came into effect on 25 February 2014 require local authorities to take a recorded vote each time a budget decision is taken, confirming the names of voters and how they voted.
3. It is established practice in Nottinghamshire for a recorded vote to be taken at the Annual Budget Meeting. The revisions will however extend to votes on amendments as this is required by the regulations.
4. The proposed revisions to the Council's Procedure Rules for Meetings are set out at **Appendix 1**.
5. The Health and Wellbeing Board assumed its full statutory role on 1 April 2013. Officers have found that the terms of reference have sometimes been restrictive; in particular where the Department of Health has issued guidance requiring the Board to undertake specific tasks. In light of this it is proposed to add provision to allow for the Board to discuss issues that are relevant to its overall responsibilities and to perform duties allocated to it by the Department of Health. The proposed revisions are set out in **Appendix 2**.
6. Council is asked to approve that with immediate effect any Councillor's absence from a Council meeting for more than 10 minutes will be recorded in the minutes. This is to ensure the minutes accurately and transparently reflect participation in meetings, as well as matters considered and decisions made. Councillor absence due to declarations of interest will continue to be recorded in the normal way. The proposed revisions are set out in **Appendix 3**.

Other Options Considered

7. It is a statutory requirement to amend the procedure rules for meetings therefore no other options have been considered. Council may wish to consider leaving the terms of reference

for the Health and Wellbeing Board and the requirements for meeting minutes unchanged but the revisions have been proposed for the reasons set out below.

Reason/s for Recommendation/s

8. To comply with statutory requirements, to remove uncertainty regarding the Health and Wellbeing Board's authority to deal with matters allocated by the Department of Health, and to ensure County Council meeting minutes contribute to the Council's commitment to openness and accountability.

Statutory and Policy Implications

9. This report has been compiled after consideration of implications in respect of crime and disorder, finance, human resources, human rights, the NHS Constitution (Public Health only), the public sector equality duty, safeguarding of children and vulnerable adults, service users, sustainability and the environment and ways of working and where such implications are material they are described below. Appropriate consultation has been undertaken and advice sought on these issues as required.

RECOMMENDATION/S

- 1) To amend the Procedure Rules for meetings of Full Council as set out in Appendix 1.
- 2) To amend the terms of reference for the Health and Wellbeing Board as set out in Appendix 2.
- 3) To amend Part Three of the Constitution, Transparency - Access to Information and Meetings, as set out in Appendix 3.

Councillor Alan Rhodes
Leader of the Council

For any enquiries about this report please contact:

Jayne Francis-Ward
Corporate Director Policy Planning and Corporate Services and Monitoring Officer
0115 9773478

Constitutional Comments (SG 17/03/14)

10. Council is the appropriate body to decide the issues set out in this report. Under Council's Terms of Reference, Council has responsibility for changing the Constitution and deciding a committee's terms of reference.

Financial Comments (SEM 17/03/14)

11. There are no specific financial implications arising directly from this report.

Background Papers and Published Documents

Except for previously published documents, which will be available elsewhere, the documents listed here will be available for inspection in accordance with Section 100D of the Local Government Act 1972.

- The Council's Constitution is published
- The Local Authorities (Standing Orders) (England) (Amendment) Regulations 2014 are published
- The Health and Social Care Act 2012 is published

Electoral Division(s) and Member(s) Affected

- All