

Changes to the Council's Constitution to update Article 6 (Scrutiny Boards) and Scrutiny Board Procedure Rules.

Date: 23rd May 2024

Report of: Head of Democratic Services

Report to: City Solicitor

Will the decision be open for call in? Yes No

Does the report contain confidential or exempt information? Yes No

Brief summary

Pursuant to Article 15.2.3 of the Constitution, this report sets out amendments to the Council's Constitution in relation to Article 6 (Scrutiny Boards) and the Scrutiny Board Procedure Rules for the approval of the City Solicitor, in her role as Monitoring Officer.

Recommendations

- a) The City Solicitor, in her role as Monitoring Officer, is recommended to approve amendments to the Constitution relating to Article 6 (Scrutiny Boards) and the Scrutiny Board Procedure Rules, as set out in Appendix A and Appendix B of this report.

What is this report about?

- 1 The Powers for the Secretary of State to intervene in reconfiguration of NHS services were introduced by the Health and Care Act 2022. However, the new provisions only came into force on 31 January 2024 with the publication of 'The National Health Service (Notifiable Reconfigurations and Transitional Provision) Regulations 2024. Linked to this, local authorities' powers of referral to the Secretary of State has now been removed, which is reflected in The Local Authority (Public Health, Health and Wellbeing Boards and Health Scrutiny) (Amendment and Saving Provision) Regulations 2024 and new guidance: "Local Authority Health Scrutiny: Guidance to support local authorities and their partners to deliver effective health scrutiny" (DHSC, 2024). Annex 3 of Article 6 (Scrutiny Boards) and the Scrutiny Board Procedure Rules have therefore been updated to reflect the new changes.
- 2 Annex 2 of Article 6 (Scrutiny Boards) has also been updated to give effect to the revised alignment of Officer Delegated Functions agreed by Full Council on 23rd May 2024.
- 3 Other amendments to Article 6 (Scrutiny Boards) and the Scrutiny Board Procedure Rules include further points of clarification and grammatical and formatting updates.

- 4 The amendments to Article 6 are set out in Appendix A and the amendments to the Scrutiny Board Procedure Rules are set out in Appendix B.

What impact will this proposal have?

- 5 Pursuant to Article 15.2.3 of the Constitution, the City Solicitor, in her role as Monitoring Officer, is recommended to approve amendments to the Constitution relating to Article 6 (Scrutiny Boards) and the Scrutiny Board Procedure Rules, as set out in Appendix A and Appendix B of this report, for the purposes of clarification and as a result of legislative change and decisions of the Council, to enable her to maintain it up to date.

How does this proposal impact the three pillars of the Best City Ambition?

- Health and Wellbeing Inclusive Growth Zero Carbon

What consultation and engagement has taken place?

Wards affected:

Have ward members been consulted? Yes No

- 6 A review and refresh of Article 6 (Scrutiny Boards) and the Scrutiny Board Procedure Rules was undertaken by the Council's Principal Scrutiny Advisers and Head of Democratic Services to ensure that recent legislative changes are reflected. The review also identified a need for further points of clarification and grammatical and formatting updates.
- 7 The amendments to Annex 2 of Article 6 (Scrutiny Boards) give effect to the revised alignment of Officer Delegated Functions that were agreed by Full Council on 23rd May 2024.

What are the resource implications?

- 8 This report has no specific resource implications.

What are the key risks and how are they being managed?

- 9 There are no risk management implications relevant to this report.

What are the legal implications?

- 10 In accordance with Article 15.2.3 of the Constitution, the Monitoring Officer is authorised to make any changes to any Part of the Constitution for the purposes of clarification and as a result of legislative change or decisions of the Council or Executive to enable her to maintain it up to date.

Options, timescales and measuring success

What other options were considered?

- 11 None. The amendments are in accordance with Article 15.2.3.

How will success be measured?

- 12 N/A

What is the timetable and who will be responsible for implementation?

13 The City Solicitor, in her role as Monitoring Officer, is recommended to approve and implement the amendments set out in Appendix A and Appendix B with immediate effect.

Appendices

14 The amendments to Article 6 are set out in Appendix A and the amendments to the Scrutiny Board Procedure Rules are set out in Appendix B.

Background papers

- None