

COUNCIL CONSTITUTION COMMITTEE

Minutes of a meeting of the Council Constitution Committee held on Thursday, 7th November, 2013 at Addenbrooke House, Ironmasters Way, Telford

PRESENT: Councillors C.F. Smith (Vice-Chair in the chair), R.C. Evans, I.T.W. Fletcher and G.M. Green

The Vice-Chair reported that the Chair (Councillor M.J. Smith) had been involved in a car accident earlier that afternoon and, while he and his wife were not injured, he was clearly unable to attend the meeting.

CCC-5 MINUTES

RESOLVED – that the minutes of the meeting of the Council Constitution Committee held on 18 July, 2013 be confirmed and signed by the Chair.

CCC-6 APOLOGIES FOR ABSENCE

Councillors K.R. Guy and M.J. Smith

CCC-7 DECLARATIONS OF INTEREST

Councillor G.M. Green advised that, as a member of the Health & Wellbeing Board, she had been involved in consideration of the proposed amendments to the Board's terms of reference, and therefore she would not vote on that particular matter.

CCC-8 PROPOSED CHANGES TO THE CONSTITUTION AND CONSTITUTION REVIEW UPDATE

The report of the Assistant Director: Law, Democracy & Public Protection was presented by the Legal Services Manager and the Audit & Information Governance Manager.

Appendix 1A of the report detailed proposed changes to the terms of reference of the Health & Wellbeing Board. The Board had agreed (subject to the approval of this Committee and full Council) to amend its procedure rules and allow public speaking for individuals and local community groups/volunteers to ask questions or raise issues for discussions. This was reflected in paragraph 13 of the Procedure rules of the amended terms of reference. A copy of the draft public speaking procedure for use at Health & Wellbeing Board meetings was also appended to the report for information, although this would not form part of the Constitution. There were a number of other changes to update the terms of reference following the Board moving out of its "shadow" form in April 2013. A further minor amendment at paragraph 2.11 of the Procedure rules (relating to Membership) was reported so that, following advice from the Clinical Commissioning Group, the words "Chief Operating" should be deleted. During consideration of the amended terms of reference, a couple of points of clarification were sought:

- Paragraph 2.1 of the Procedure rules (Membership) - it was suggested that the wording “Cabinet Member responsible for wider Health Services and Deputy Leader TWC” could be open to mis-interpretation;
- Paragraph 23 of the Procedure rules (Scrutiny) – whether the wording reflected the true situation regarding delegation of powers of referral to the Secretary of State.

Appendix 2 of the report was a proposed update to the Audit Committee’s terms of reference to reflect the role of the Audit Committee under its governance responsibilities in respect to the oversight of the Commercial Board.

Appendix 3 of the report set out proposed changes to the Functions of the Chief Financial Officer (Article 12); the Policy Framework and Budget Procedure Rules (Part 4 – Rules of Procedure); and the Financial Regulations. The amendments had been made in order to reflect changes in budget timescales, new limits for approval of grants, tax implications and other updates. The Vice-Chair stated that the Working Group of Councillor I. Fletcher and himself had examined these parts of the Constitution, and a lot of effort had gone into simplifying and clarifying the wording in order to make it more understandable.

The Legal Services Manager reported that further meetings of the working group were being set-up with the aim of ensuring that the Constitution would have been reviewed in full, with a new complete draft for consideration, by September 2014. This was a sizeable task, particularly the work around the scheme of delegation. Some amendments might be required before then, but the aim was to provide a ‘new’ Constitution as a complete document.

RESOLVED – to RECOMMEND to COUNCIL

- (a) **that the terms of reference of the Health and Wellbeing Board, as shown at Appendix 1a of the report, be approved, subject to the following amendments to the Procedure:**

Membership

2.1 deleting the words ‘Deputy Leader TWC’, so that now reads ‘Cabinet Member responsible for wider Health Services (Chair HWB)’

2.11 deleting the words ‘Chief Operating’, so now reads ‘Accountable Officer Clinical Commissioning Group’

Scrutiny

23. adding the words ‘the relevant’ before the words ‘Scrutiny Committee’, so now reads ‘Health scrutiny function and powers will be delegated by full Council to the relevant Scrutiny Committee and the power of referral to the Secretary of State is also delegated to the relevant Scrutiny Committee. The relevant Scrutiny Committee will notify Full Council of an intention to refer a matter to the Secretary of State before a referral is made.

(NB: Councillor Green did not vote on the above recommendation)

- (b) that the amendment to the terms of reference of the Audit Committee, as shown at Appendix 2 of the report, be approved;
- (c) that the Functions of the Chief Financial Officer, the Policy Framework and Budget Procedure Rules, and the Financial Regulations be approved;

RESOLVED – that progress on the full review of the Constitution, as set out at paragraph 4.4 of the report, be noted.

The meeting ended at 5.55 p.m.

Chairman:

Date: