

**TELFORD & WREKIN COUNCIL**

**COUNCIL CONSTITUTION COMMITTEE – 7 JULY 2014**

**UPDATES TO THE CONSTITUTION**

**REPORT OF THE ASSISTANT DIRECTOR: LAW, DEMOCRACY AND  
PEOPLE SERVICES**

**1. SUMMARY OF MAIN PROPOSALS**

The Committee is asked to consider making recommendations to full Council to approve the changes to constitution attached to this report.

**2 RECOMMENDATIONS**

2.1 That members recommend to full council :-

2.1.1 the approval of the changes to the Council constitution as attached at Appendix 1 and 2 with immediate effect.

**3 SUMMARY IMPACT ASSESSMENT**

<b>COMMUNITY IMPACT</b>	Do these proposals contribute to specific Co-Operative Council priority objective(s)?	
	Yes	
	Will the proposals impact on specific groups of people?	
	No	
<b>TARGET COMPLETION/DELIVERY DATE</b>	If this Committee is in agreement to recommend the changes to the constitution for approval by the full Council the aim is to put the matter to the full Council meeting in July.	
<b>FINANCIAL/VALUE FOR MONEY IMPACT</b>	Yes	Costs associated with the Health & Wellbeing Board meetings are met from within existing budgets. There are no other financial implications arising from this report. MLB 18.06.14
<b>LEGAL ISSUES</b>	Yes	The Local Government Act 2000 requires the Council to have a Constitution. This Committee has been established to review the Constitution and to provide advice and guidance to the Council on any

		proposed changes. Regarding the Health and Wellbeing Board proposals; section 194 of the Health and Social Care Act 2012 sets out the membership requirements of the Health and Wellbeing Board. Any changes to the membership must comply with these requirements.
<b>OTHER IMPACTS, RISKS &amp; OPPORTUNITIES</b>	No	
<b>IMPACT ON SPECIFIC WARDS</b>	No	Borough-wide impact

## **2 INFORMATION**

- 2.1 The Committee are aware of the proposal to update and renew the constitution. The existing constitution had been designed to work as a paper version and had years of partial updates and amendments. This committee agreed that a new constitution was prepared. The aims were to have a document which was simplified, easier to understand and would be better to navigate through in an electronic format.
- 2.1.1 The Committee considered initial alterations in April 2013. Those amendments were approved by full Council and have been in place since.
- 2.1.2 The Committee were updated in November 2013 to confirm that a small working group consisting of Councillor Charles Smith, Councillor Ian Fletcher, the Legal Services Manager and other officers dealing with specific sections, have continued to review the remaining sections.
- 2.1.3 The Constitution is a large document covering numerous statutes and regulations. It is taking some time to review all of the sections and the format. In the meantime other changes to the Constitution need to be made to ensure that the information and procedures contained within it are lawful and up to date. A draft of the new constitution has been prepared and is being worked on by officers at the moment. The aim is that this will be brought to this Committee before the end of the year.
- 2.1.4 This Committee is asked to consider the attachments and decide whether to make a recommendation to full Council to adopt these changes.

## 2.1.5 Outline of the proposed changes to Constitution

### Procurement

At Appendix 1 the new procurement rules are set out. These are updates aimed at bringing the rules up to date to comply with current legislation and reflect the coming changes the Public Contracts Directive 2014 will bring in December 2014. The aim is also to simplify the content as it appears in the Constitution. Guidance for officers will be available as procedural documents outside the main constitution. These changes are part of rationalising the Constitution as part of the review process and allow more expedient reviews of the officer guidance when new guidance is needed.

### Heath & Wellbeing Board

It is now more than twelve months since the Health and Wellbeing Board emerged from its 'shadow' operations and a number of developments have taken place in the meantime including the provision of public speaking and the establishment of both the Health and Wellbeing Board Strategic Commissioning Group and Better Care Fund Project Management Group. As a result the Board decided, at their meeting in May, to propose some changes to their terms of reference in particular to their membership and frequency of meetings. This is set out at Appendix 2.

### Membership of the Health & Wellbeing Board

The current membership of the HWB is made up as follows

- 6 elected members
- 3 CCG representatives
- 3 Council Officers
- 1 representative from NHS England
- 1 representative from Healthwatch

The specific titles of the current membership are set out in the terms of reference at Appendix 2 of this report (section 2 of the Terms of Reference entitled 'Membership').

The Regulations governing the membership of the HWB state that the membership should be as follows

at least one councillor of the local authority  
the director of adult social services for the local authority,  
the director of children's services for the local authority,  
the director of public health for the local authority,  
a representative of the Local Healthwatch organisation for the area of the local authority,  
a representative of each relevant clinical commissioning group, and

such other persons, or representatives of such other persons, as the local authority thinks appropriate.

The Health and Wellbeing Board have agreed that the Community Safety Partnership becomes one of the Commissioning and Transformation Partnerships that supports the Board and therefore they have agreed that the Chair of Community Safety Partnership becomes a member of the Health and Wellbeing Board. The amendment to the terms of reference to reflect that is set out at Appendix 2.

#### Frequency of Meetings

The Health and Wellbeing Board becomes more established and takes on a more strategic role, it is appropriate to address the frequency of formal Board meetings. Currently the Health and Wellbeing Board meets every couple of months with special meetings when required. The Board proposes that this should be amended to quarterly meetings. This would still allow regular updates, reviews and decision-making whilst also taking into account that the Board's work that is being undertaken via other bodies such as the Health and Wellbeing Board Strategic Commissioning Group and Better Care Fund Project Management Group.

#### Terms of reference – quorum for meetings

The quorum is a minimum attendance at Board meetings that is required for the meeting to take place. Currently the quorum is set out in the Terms of reference as stating

“Quorum of one quarter is required, cross section of partners represented, (the minimum number of members that need to be in attendance before decisions can be taken). Business shall not be transacted at a meeting of any Council Committee unless at least one quarter of the whole number of the Committee is present.”

It is recommended that the quorum requirement in relation to partners is clarified to provide some certainty as to when a meeting can proceed if one of the partners is absent. Looking at the responsibilities and nature of the business going to the Health and Wellbeing board the following quorum requirement is proposed

“Quorum of one quarter is required, with a minimum of one Councillor Board member from Telford and Wrekin Council and one Board member from the CCG required in attendance.”

### **3 IMPACT ASSESSMENT – ADDITIONAL INFORMATION**

No additional information required.

#### **4      PREVIOUS MINUTES**

Full Council – 2<sup>nd</sup> May 2013, 92  
Council Constitution Committee – 11<sup>th</sup> January 2011 CCC – 19, 4<sup>th</sup>  
September 2012 CCC - 5, 16<sup>th</sup> April 2013, CCC – 15 and 7<sup>th</sup> November  
2013  
Health and Wellbeing Board – 14<sup>th</sup> May 2014

#### **5      BACKGROUND PAPERS**

None

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