

**TELFORD & WREKIN COUNCIL****COUNCIL – 19 JANUARY 2017****UPDATE TO THE COUNCIL'S CONSTITUTION AND POLITICAL  
BALANCE****REPORT OF ASSISTANT DIRECTOR: GOVERNANCE, PROCUREMENT  
AND COMMISSIONING****LEAD CABINET MEMBERS –  
CLLR LEE CARTER AND CLLR SHAUN DAVIES****1. SUMMARY OF MAIN PROPOSALS**

- 1.1 To consider the options relating to the power of referral to the Secretary of State following the Joint Shropshire and Telford & Wrekin Health Scrutiny Committee's consideration of a substantial variation or development in health services.
- 1.2 To inform Members of changes in the Council's political balance and the to agree resulting changes to the allocation of seats on Committees and Boards.

**2. RECOMMENDATIONS**

- 2.1 **That the Constitution be amended to the effect that Telford & Wrekin Council retains the power of referral following consideration of a substantial variation or development in health service by the Joint Shropshire and Telford & Wrekin Health Overview and Scrutiny Committee as set out in the Terms of Reference for the Joint Shropshire and Telford & Wrekin Health Overview and Scrutiny Committee.**
- 2.2 **That following the consideration of a contested substantial variation or development in health service that the Health and Adult Care Scrutiny Committee has the power to recommend to Full Council that the contested change in service is referred to the Secretary of State. Any referral to the Secretary of State will be made by Full Council.**
- 2.3 **That the change to the Council's political balance be noted;**
- 2.4 **That the corresponding changes in the number and allocation of seats on the Council's Committees/Boards be endorsed; and**
- 2.5 **That Council appoints the Committees/Boards and membership thereof, as shown at Appendix 1 of this report, for the remainder of the 2016/17 Municipal Year.**

### 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>	The change will become effective upon the end of the Council meeting.	
<b>FINANCIAL/VALUE FOR MONEY IMPACT</b>		<p>The adoption of the recommended change to the Constitution in and of itself does not give rise to any financial implications. The power to refer matters to the Secretary of State as set out in section 2.2, which, if agreed, would remain with Full Council is an action which has the potential to give rise to future costs should these powers be used.</p> <p>TAS 9.01.17</p>
<b>LEGAL ISSUES</b>	Yes	<p>The Health and Social Care Act 2012 gave local authorities greater power and discretion over how to exercise the health scrutiny function, being conferred directly on the local authority, including the health scrutiny power of referral.</p> <p>The Council has express powers to be able to delegate the health scrutiny function to an overview and scrutiny committee of the Council either completely or under defined conditions. The health scrutiny function has been delegated by Council to the Health and Adult Care Scrutiny Committee including the power of referral to the Secretary of State for Health.</p> <p>It is therefore recommended that should Council wish to retain the power of referral in the circumstances outlined within this report then the delegation of the health scrutiny function, and as a consequence the relevant section(s) of the Constitution, should be amended by resolution of full Council.</p> <p>Approval of the allocation of seats on Committees/Boards is a function</p>

		exercisable by the Council.
<b>OTHER IMPACTS, RISKS &amp; OPPORTUNITIES</b>	Yes	The opportunities and risks associated with these proposals have been identified and assessed. Arrangements will be put in place to manage the risks and maximise the opportunities that have been identified.
<b>IMPACT ON SPECIFIC WARDS</b>	No	Borough-wide impact

#### **4. INFORMATION**

##### Power of referral to the Secretary of State

- 4.1 The Health and Social Care Act (2012) updated the legislation regarding local authority health scrutiny and the health scrutiny power was given to the local authority rather than the Health Overview and Scrutiny Committee.
- 4.2 In September 2013 Full Council delegated the health scrutiny power to the Health and Adult Care Scrutiny Committee including the power of referral to the Secretary of State for Health. The health scrutiny power of referral may be used where the health scrutiny body:
- Is not satisfied with the adequacy of the content of the consultation.
  - It is not satisfied that sufficient time has been allowed for consultation.
  - It considers that the proposal would not be in the interest of the local health service in its area.
  - It has not been consulted, and it is not satisfied that the reasons given for not carrying out consultation were adequate.
- 4.3 The guidance published by the Department of Health in 2014 clarified that the authorities participating in the Joint Health Overview and Scrutiny Committee (Joint HOSC) will have to decide if the power to make a referral is delegated to the Joint JHOSC OR if this will be retained by the local authority or Scrutiny Committee to which the power has been delegated. (Previously any local authority participating in a Joint HOSC could make a referral to the Secretary of State through the Joint HOSC or independently after the Joint HOSC had fulfilled its statutory function, under the new guidance)
- 4.4 While the power of referral relating to the planning or provision of health services in Telford and Wrekin has been delegated to the Health and Adult Care Scrutiny Committee, it is proposed that where this is a contested reconfiguration of NHS services that has been considered by a Joint HOSC, the importance of the decision is so crucial to residents in the Borough that it is only right that this decision is retained by Full Council. Under these circumstances the Health and Adult Care

Scrutiny Committee would advise Full Council on any referral to the Secretary of State. It should be noted that Health Scrutiny Guidance sets out the information that should be included in any referral and that local parties must take such steps as are reasonably practicable to try to reach agreement.

### Political Balance

4.5 Following the Horsehay and Lightmoor by-election on 8 December 2017, the Council's political balance has been recalculated as follows:

Labour	28 seats	(51.85%)
Conservative	21 seats	(38.89%)
Lib Dem/Independent	4 seats	(7.41%)
Non-Aligned	1 seat	( 1.85%)

4.6 The Regulations require main Committees/Boards to be balanced overall, subject to the majority of seats being allocated to the political group with the majority of the Council's membership.

4.7 The main Committees/Boards currently have an even number of seats and it is, therefore, proposed to increase the seats on each Committee to allow for a fairer representation of the political balance. Given the current structure of the Council, the revised allocation of seats is proposed as follows:

	Total Seats	Labour		Cons		Lib Dem/Ind	
		No.	%	No.	%	No.	%
<b>GOVERNANCE</b>							
Standards	9	5	55.56%	3	33.33%	1	11.11%
Audit	9	5	55.56%	3	33.33%	1	11.11%
Constitution Committee	9	5	55.56%	3	33.33%	1	11.11%
Boundary Review Committee	9	5	55.56%	3	33.33%	1	11.11%
Appeals	9	5	55.56%	3	33.33%	1	11.11%
Personnel Committee	9	5	50.00%	3	33.33%	1	11.11%
<b>REGULATORY</b>							
Planning	9	5	55.56%	3	33.33%	1	11.11%
Licensing	11	6	54.55%	5	45.45%	0	0.00%
<b>SCRUTINY</b>							
Scrutiny Management Board	9	5	55.56%	4	44.44%	0	0.00%
Scrutiny Finance & Enterprise	9	5	55.56%	4	44.44%	0	0.00%
Scrutiny Children & Young People	9	5	55.56%	3	33.33%	1	11.11%
Scrutiny Customer, Community & Partnership	9	5	55.56%	3	33.33%	1	11.11%
Scrutiny Health & Adult Social Care	9	5	55.56%	4	44.44%	0	0.00%
<b>Total</b>	<b>119</b>	<b>66</b>	<b>55.46%</b>	<b>44</b>	<b>36.97%</b>	<b>9</b>	<b>7.56%</b>

4.8 The application of the recalculation of the political balance will, also result in a change in the Council's membership of the Combined Fire Authority:-

	Total Seats	Labour		Cons		LibDem/Ind	
		No.	%	No.	%	No.	%
Fire Authority	6	4	66.67	2	36.97	0	0.00

4.9 Political Balance regulations do not apply to bodies not listed in legislation or where legislation specifically states that the requirement does not apply. It is proposed that the membership of the following Boards and Committees will, therefore, remain unchanged:

	Total Seats	Labour	Cons	LibDem/Ind
		No.	No.	No.
Health & Wellbeing Board	6	4	1	1
Joint Health Overview & Scrutiny Committee	3	2	1	0
West Mercia Energy Joint Committee	2	2	0	0
WMCA Board	1	1	0	0
WMCA Overview & Scrutiny Committee	1	1	0	0
WMCA Audit Committee	1	1	0	0

4.10 The various Committees and Boards to be appointed for 2016/17 are shown at **Appendix 1**.

## **5. IMPACT ASSESSMENT – ADDITIONAL INFORMATION**

No further information required.

## **6. PREVIOUS MINUTES**

Council Constitution Committee – 18 July 2013

Full Council – 12 September 2013

Joint HOSC – 28 September 2015

Annual Council – 26 May 2016

Council Constitution Committee – 6 July 2016

Full Council – 14 July 2016

## **7. BACKGROUND PAPERS**

None

**Report prepared by Deborah Moseley, Democratic & Scrutiny Services  
Team Leader, Telephone: 01952 383215**

**GOVERNANCE**

<b>Standards Committee – 9 Seats</b>	
Cllr S Barnes (Con) Cllr A R H England (Lab) Cllr N A M England (Lab) Cllr R T Kiernan (Con) Cllr R J Sloan (Lab) <b>Cllr K S Sahota (Lab) – Chair</b> Cllr P J Scott (Lib Dem/Ind) <b>Cllr M J Smith (Lab) – Vice Chair</b> Vacancy (Con)	

<b>Audit Committee – 9 Seats</b>	
Cllr I T W Fletcher (Con) Cllr K R Guy (Lab) Cllr A Lawrence (Con) Cllr R Mehta (Lab) Cllr K S Sahota (Lab) <b>Cllr R J Sloan (Lab) – Chair</b> <b>Cllr C F Smith (Lab) – Vice Chair</b> Cllr W L Tomlinson (Lib Dem/Ind) Cllr D G Wright (Con)	

<b>Council Constitution Committee – 9 Seats</b>	
Cllr A G J Eade (Con) Cllr I T W Fletcher (Con) Cllr R A Overton (Lab) Cllr K S Sahota (Lab) Cllr R J Sloan (Lab) <b>Cllr C F Smith (Lab) – Vice Chair</b> <b>Cllr M J Smith (Lab) – Chair</b> Cllr B D Tillotson (Con) Cllr W L Tomlinson (Lib Dem/Ind)	

<b>Boundary Review Committee – 9 Seats</b>	
Cllr K T Blundell (Lib Dem/Ind) Cllr N A Dugmore (Con) Cllr A J Eade (Con) Cllr I T W Fletcher (Con) Cllr K R Guy (Lab) Cllr A D McClements (Lab) <b>Cllr R A Overton (Lab) – Vice Chair</b> Cllr G C W Reynolds (Lab) <b>Cllr R J Sloan (Lab) – Chair</b>	

## REGULATORY

<b>Planning Committee – 9 Seats</b>	
Cllr N A Dugmore (Con) Cllr I T W Fletcher (Con) Cllr J Loveridge (Lab) Cllr N C Lowery (Con) <b>Cllr J C Minor (Lab) – Chair</b> Cllr L A Murray (Lab) Cllr S J Reynolds (Lab) Cllr P J Scott (Lib Dem/Ind) <b>Cllr C R Turley (Lab) – Vice-Chair</b>	<b><u>Labour Subs</u></b> Cllr G H Cook Cllr R Mehta Cllr C F Smith Cllr M J Smith  <b><u>Conservative Subs</u></b> Cllr J A Francis Cllr R T Kiernan Cllr E J Greenaway  <b><u>Lib Dem/Ind Sub</u></b> Cllr K T Blundell

<b>Licensing Committee –11 Seats</b>	
Cllr M Boylan (Con) Cllr G H Cook (Lab) Cllr I T W Fletcher (Con) Cllr J A Francis (Con) Cllr M B Hosken (Con) <b>Cllr C N Mason (Lab) – Chair</b> Cllr S J Reynolds (Lab) Cllr J M Seymour (Con) Cllr C F Smith (Lab) Cllr M J Smith (Lab) <b>Cllr C R Turley (Lab) – Vice Chair</b>	<b><u>Labour Subs</u></b> Cllr K R Guy Cllr J Jones Cllr J C Minor Cllr J A Pinter  <b><u>Conservative Subs</u></b> Cllr J C Ashford Cllr S P Burrell Cllr R T Kiernan Cllr N C Lowery Vacant

## SCRUTINY

<b>Scrutiny Management Board – 9 Seats</b>	
Cllr S Bentley (Con) Cllr A J Burford (Lab) Cllr N A M England (Lab) Cllr V A Fletcher (Con) Cllr E J Greenaway (Con) Cllr K R Guy (Lab) <b>Cllr S A W Reynolds (Lab) - Chair</b> Cllr J M Seymour (Con) Cllr C R Turley (Lab)	

<b>Scrutiny Committee – Finance &amp; Enterprise – 9 Seats</b>	
Cllr S Bentley (Con) Cllr S P Burrell (Con) Cllr A J Burford (Lab) Cllr N A Dugmore (Con) Cllr R Mehta (Lab) <b>Cllr S A W Reynolds (Lab) – Chair</b> Cllr R J Sloan (Lab) Cllr C F Smith (Lab) Cllr D G Wright (Con)	

<b>Scrutiny Committee – Children &amp; Young People – 9 Seats</b>	
Cllr S Barnes (Con) Cllr J A Francis (Con) <b>Cllr K R Guy (Lab) – Chair</b> Cllr J Jones (Lab) Cllr N C Lowery (Con) Cllr S A W Reynolds (Lab) Cllr K S Sahota (Lab) Cllr J A Pinter (Lab) Cllr K L Tomlinson (Lib Dem/Ind)	

<b>Scrutiny Committee – Customer, Community &amp; Partnership – 9 Seats</b>	
Cllr J C Ashford (Con) <b>Cllr N A M England (Lab) - Chair</b> Cllr K R Guy (Lab) Cllr L A Murray (Lab) Cllr S J Reynolds (Lab) Cllr P J Scott (Lib Dem/I) Cllr J M Seymour (Con) Cllr B D Tillotson (Con) Cllr C R Turley (Lab)	

<b>Scrutiny Committee – Health &amp; Adult Care – 9 Seats</b>	
Cllr M Boylan (Con) <b>Cllr A J Burford (Lab) – Chair</b> Cllr V A Fletcher (Con) Cllr R Mehta (Lab) Cllr L A Murray (Lab) Cllr T Nelson (Con) Cllr J A Pinter (Lab) Cllr R J Sloan (Lab) Vacancy (Con)	

<b>Joint Health &amp; Overview Scrutiny Committee – 3 Seats</b>	
<b>Cllr A J Burford (Lab) – Chair</b> Cllr V A Fletcher (Con) Cllr R J Sloan (Lab)	

**PERSONNEL**

<b>Appeals Committee – 9 Seats</b>	
Cllr J C Ashford (Con) Cllr K T Blundell (Lib Dem/Ind) Cllr J A Francis (Con) <b>Cllr K R Guy (Lab) – Vice Chair</b> <b>Cllr M J Smith (Lab) – Chair</b> Cllr C N Mason (Lab) Cllr A A Meredith (Con) Cllr R J Sloan (Lab) Cllr C F Smith (Lab)	<b><u>Labour Subs</u></b> Cllr K S Sahota Vacant Vacant Vacant  <b><u>Conservative Subs</u></b> Cllr S P Burrell Cllr N A Dugmore Cllr D G Wright

<b>Personnel Committee – 9 Seats</b>	
Cllr S Bentley (Con) Cllr A J Burford (Lab) Cllr L Carter (Lab) <b>Cllr S Davies (Lab) – Chair</b> Cllr N A Dugmore (Con) Cllr A J Eade (Con) <b>Cllr R A Overton (Lab) – Vice Chair</b> Cllr P R Watling (Lab) Cllr W L Tomlinson (Lib Dem/Ind)	

## OTHER

<b>Health &amp; Wellbeing Board – 14 Seats</b>	
Cllr E A Clare	Cabinet Member – Culture, Parks, Events & Green Spaces
Cllr A R H England	Cabinet Member – Adult Social Care & Older People
<b>Cllr R A Overton – Chair</b>	Cabinet Member - Housing, Leisure & Health
Cllr K L Tomlinson	Lib Dem/Independent Group
Cllr J M Seymour	Conservative Group Chief Operating Officer,
Cllr P R Watling	Cabinet Member – Children, Young People & Communities
D Evans	Chief Operating Officer, Telford & Wrekin CCG
D Harrison	Non-Executive Director, Telford & Wrekin CCG
<b>Dr J Leahy – Vice Chair</b>	Chair, Telford & Wrekin CCG
C Jones	Director of Adult and Children’s Services, TWC
R Woods	NHS England
E Noakes	Director of Public Health, TWC
J Chaplin	Healthwatch
J Tozer	Community Safety Partnership

<b>Combined Fire Authority – 6 Seats</b>	
Cllr E J Carter (Con)	
Cllr M B Hosken (Con)	
Cllr L A Murray (Lab)	
Cllr J Pinter (Lab)	
Cllr K S Sahota (Lab)	
Cllr C R Turley (Lab)	

<b>West Mercia Energy Joint Committee</b>	
Cllr L D Carter (Lab)	<b><u>Substitutes</u></b>
Cllr H Rhodes (Lab)	Cllr R A Overton (Lab)
	Cllr P R Watling (Lab)

<b>WMCA Board</b>	
Cllr S Davies (Lab)	<b><u>Substitute</u></b>
	Cllr R A Overton (Lab)

<b>WMCA Overview &amp; Scrutiny Committee</b>	
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Cllr N A M England (Lab)	
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	<b><u>Substitute</u></b>
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	Cllr S A W Reynolds (Lab)
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<b>WMCA Audit Committee</b>	
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Cllr R J Sloan (Lab)	
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	<b><u>Substitute</u></b>
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	Cllr C F Smith (Lab)
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