

APPENDIX 1

**PROPOSED AMENDMENTS TO THE CONSTITUTION
OF LEICESTERSHIRE COUNTY COUNCIL
MARCH 2013**

<u>ITEM</u>	<u>PROPOSED AMENDMENT</u>	<u>EXPLANATION</u>
<u>PART 1 - SUMMARY AND EXPLANATION</u>	<p>Add a new paragraph 12 and renumber the remaining paragraphs accordingly:</p> <p>“12. The County Council has established a Health and Wellbeing Board as a Subcommittee of the Executive. It is responsible for producing the Joint Strategic Needs Assessment and Joint Health and Wellbeing Strategy and can also carry out such other functions as the Executive may permit.”</p> <p>Add the following sentence to the end of paragraph 14:-</p> <p>“In the case of all personal or confidential matters to be discussed, these will be included in the Forward Plan as far as can be anticipated.”</p> <p>Amend paragraph 18 to read as follows:-</p> <p>“18. The County Council may establish a joint committee with other Social Services Authorities to scrutinise any health issue or consultation which has an impact on an administrative area larger than the County Council.”</p> <p>Amend the eighth bullet point of paragraph 26 to read as follows:-</p> <ul style="list-style-type: none">• “find out, from the Forward Plan, what major decisions are to be discussed by the Executive or decided by the	<p>To reflect the requirements of the Health and Social Care Act 2012 to establish a Health and Wellbeing Board.</p> <p>To reflect changes in the regulations.</p> <p>To reflect changes in the regulations</p> <p>To reflect changes in the regulations</p>

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	<p>Executive or officers, and when (Rule 14 in Part 4B);”</p> <p>Add the following bullet points to paragraph 26:-</p> <ul style="list-style-type: none"> • “find out, from the Forward Plan, what confidential or private matters are to be discussed or decided by the Executive; • make representations to the County Council on why an exempt matter to be considered by the Cabinet should be considered in public, rather than in private.” 	
<p><u>PART 2 - ARTICLES</u></p> <p>Article 3 – Citizens and the County Council</p>	<p>Amend paragraph 3(b) to read as follows:-</p> <p>(b) Information. Citizens have the right to:</p> <ol style="list-style-type: none"> 1. attend meetings of the County Council and its committees except where confidential or exempt information is likely to be disclosed and a decision is made that in the public interest the matter is to be dealt with in private; 2. attend meetings of the Cabinet except where confidential or exempt information is likely to be disclosed and a decision is made that in the public interest the matter is to be dealt with in private. 3. challenge the decision for the Executive to consider a matter in private where this has been listed on the Forward Plan. 	<p>To reflect changes in the regulations.</p>
<p>Article 6 – Overview and Scrutiny Committees</p> <p>6.03 General role</p>	<p>Amend paragraph (e) to read as follows:-</p>	<p>To reflect changes in the regulations and practice.</p>

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<p>6.08 Health Service Functions</p> <p>(b) Process</p>	<p>(e) “exercise the right to call-in, for reconsideration, key decisions made but not yet implemented by the Executive and/or any policy or area committees.”</p> <p>Amend paragraph (c) to read as follows:-</p> <p>“(c) shall take account of relevant information available to it and in particular relevant information provided by any interested parties and the local Healthwatch organisation;”</p> <p>Amend paragraph (e) to read as follows:-</p> <p>“(e) may require the attendance of a member or officer of a relevant NHS body or relevant health service provider to answer such questions as appear to the committee to be necessary for discharging its functions, subject to providing reasonable notice to that person.”</p> <p>Amend paragraph (h) to read as follows:-</p> <p>“(h) may conduct research and undertake its own consultations.”</p>	<p>To reflect changes in the regulations.</p> <p>To provide clarity.</p>
<p>6.09 Joint Committee</p>	<p>Amend to read as follows:-</p> <p>“(a) The County Council may establish a joint committee with other Social Services Authorities to scrutinise any health issue or consultation which has an impact on an administrative area larger than the County Council. Where it is not considered appropriate or possible to establish a joint committee the Overview and Scrutiny Committee responsible for the scrutiny of health</p>	<p>To reflect changes in the legislation.</p>

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	<p>services in the area of the County will carry out this role.</p> <p>(b) The Joint Committee shall not have the power to refer any matters to the Secretary of State, the regulator or the NHS Commissioning Board. Where the Joint Committee considers a matter should be referred, it must make a report and recommendation to that effect to the appointing authorities for action as they consider appropriate.”</p>	
<p>Article 7A – The Health and Wellbeing Board</p>	<p>Insert new Article as follows:-</p> <p>“7A.01 Health and Wellbeing Board</p> <p>The County Council will appoint a Health and Wellbeing Board as a Subcommittee of the Executive to:-</p> <p>(a) Discharge directly the functions conferred on the County Council by Section 194 of the Health and Social Care Act 2012 or such other legislation as may be in force for the time being;</p> <p>(b) Carry out such other functions as the Executive may permit</p> <p><i>[Note: The Executive has yet to decide to delegate any additional functions to the Health and Wellbeing Board.]</i></p> <p>7A.02 Composition</p> <p>(a) The Health and Wellbeing Board shall have the following statutory members:-</p> <p>(i) At least one County Councillor;</p> <p>(ii) The Director of Adults and Communities;</p> <p>(iii) The Director of Children and Young People’s Service;</p>	<p>To reflect the requirements of the Health and Social Care Act 2012 to establish a Health and Wellbeing Board.</p>

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	<p>(iv) The Director of Public Health;</p> <p>(v) A representative of the Local Healthwatch organisation;</p> <p>(vi) A representative of each relevant clinical commissioning group.</p> <p>(b) The Health and Wellbeing Board shall appoint such additional persons to be members of the Board as it thinks appropriate.</p> <p>7A.03 Role and Function</p> <p>The Health and Wellbeing Board shall have the following general role and function:-</p> <p>To lead and advise on work to improve the health and wellbeing of the population of Leicestershire through the development of improved and integrated health and social care services through:-</p> <p>(a) Identifying needs and priorities across Leicestershire, and publishing and refreshing the Leicestershire Joint Strategic Needs Assessment (JSNA) so that future commissioning/policy decisions and priorities are based on evidence.</p> <p>(b) Preparing and publishing a Joint Health and Wellbeing Strategy and Plan on behalf of the County Council and its partner clinical commissioning groups so that work is done to meet the needs identified in the JSNA in a co-ordinated, planned and measurable way.</p> <p>(c) Communicating and engaging with local people in how they can achieve the best possible quality of life and be supported to exercise choice and control over their personal health and wellbeing.</p>	

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	<p>(d) Having oversight of the use of relevant public sector resources across a wide spectrum of services and interventions, with greater focus and integration across outcomes spanning health care, social care and public health.</p> <p><i>[Note: More detailed working arrangements relating to the operation of the Health and Wellbeing Board are set out on the County Council website at www.leics.gov.uk/healthwellbeingboard.]</i></p>	
<p><u>PART 3 - RESPONSIBILITY FOR FUNCTIONS</u></p> <p>Section C: Responsibility for Executive Functions</p> <p>Joint Arrangements</p>	<p>Rename as follows:-</p> <p>“Section C: Responsibility for Executive and Health and Wellbeing Functions”</p> <p>Add the following:-</p> <p>“1. The County Council has established a Health and Wellbeing Board as a Subcommittee of the Executive to carry out the functions set out in Article 7A of Part 2 of this Constitution.</p> <p>2. The Health and Wellbeing Board shall not have the power to appoint subcommittees without the consent of the County Council.”</p> <p>Add the following note under Police and Crime Panel</p> <p><i>[“Note: More detailed working arrangements relating to the operation of the Police and Crime Panel are set out on the</i></p>	<p>To reflect the requirements of the Health and Social Care Act 2012 to establish a Health and Wellbeing Board.</p> <p>To provide a link for further information</p>

<u>ITEM</u>	<u>PROPOSED AMENDMENT</u>	<u>EXPLANATION</u>
Rule 4: Conflicts of Interest	<p>Amend to read as follows:-</p> <p>(a) “Conflicts of interest for the Leader and/or other members of the Executive should be dealt with having regard to the County Council’s Code of Conduct for Members in Part 5 of this Constitution. Dispensation may be granted where appropriate in accordance with any legislation applying for the time being.</p> <p>(b) If the exercise of an Executive function has been delegated to a committee of the Executive, an individual member or officer, and should a conflict of interest arise, then the function will be exercised by the person or body by whom the delegation was made.”</p>	To reflect changes in the regulations