

COUNTY COUNCIL

Meeting date: 9 September 2020

From: Leader of the Council

CONSTITUTION REVIEW GROUP

1.0 EXECUTIVE SUMMARY

- 1.1** *This report sets out proposed changes to the membership of Cumbria Health and Wellbeing Board to reflect changes in the health organisational landscape and the need to ensure the relationship between health and wellbeing and the criminal justice systems is reflected.*
- 1.2** *This report also sets out details of changes to the Constitution made by the Chief Legal Officer under her delegated powers. These make certain temporary changes to the Constitution which apply to meetings of the Council held remotely during the coronavirus pandemic and minor changes to the terms of reference of the Cumbria Fire Local Pension Board to correct some errors.*

2.0 STRATEGIC PLANNING AND EQUALITY IMPLICATIONS

- 2.1** *The extension of the membership of Cumbria Health and Wellbeing Board will strengthen the role of the Board in providing strategic leadership and closer integration of health and care in the County at a time when this is critically important.*
- 2.2** *There are no direct implications arising under the Equality Act 2010 arising from this report.*

3.0 RECOMMENDATION

3.1 *Members are recommended to:-*

- (a)** *Approve the changes to the Terms of Reference of the Health and Wellbeing Board Part 2F as set out in Appendix 1;*
- (b)** *Note the changes to the Constitution by way of an addition of an Annex to the Constitution Part 5J to make temporary changes to the Constitution to cater for remote meetings as set out in Appendix 2;*
- (c)** *Note the changes to the Terms of Reference of the Cumbria Fire Local Pension Board Part 2Q as set out in Appendix 3.*

4.0 BACKGROUND

- 4.1 In 2018 the Health and Wellbeing Board revised its terms of reference to include providers of health care as members of the Board. Since then there has been considerable organisational change in the NHS environment. It is therefore proposed to revise the terms of reference of the Board to reflect these changes and to ensure that the current NHS providers who operate in Cumbria are represented on the Board.
- 4.2 In addition, work undertaken by the Health and Wellbeing Board has shown that there is considerable overlap between cohorts of the population who have health and wellbeing needs and are also involved in the criminal justice scheme. It is therefore proposed that the Chief Constable becomes a member of the Board to ensure there is effective co-ordination in this area.
- 4.3 As a result of Covid-19 and the introduction of new regulations allowing for meetings to be held remotely until 7 May 2021 consequential amendments were required to the Constitution to allow attendance at meetings by of members and the public to be by remote means and for the publication of notices in electronic form. These amendments are temporary and will only apply until 7 May 2021.
- 4.4 The terms of reference for the Cumbria Local Pension Board were used as a basis for drafting the terms of reference for the Cumbria Fire Local Pension Board and a reference to the Cumbria Local Government Scheme rather than the Cumbria Firefighters' Pension Scheme was incorrectly included in the summary of the functions of the board in its Terms of Reference. The amendments correct this. In addition the appointment panel for the board was appointed on the basis it would mirror the appointment panel of the Cumbria Local Pension Board which is made up of the Monitoring Officer, the Section 151 Officer and the Portfolio Holder for Finance. However it is the Chief Fire Officer and the Portfolio Holder for Fire & Rescue Services who have responsibility for the Cumbria Fire Local Pension. The amendments reflect this by amending the appointment panel so it is made up of the Monitoring Officer, the Chief Fire Officer and the Portfolio Holder for Fire & Rescue Services.

5.0 OPTIONS

- 5.1 The options are:-
- (a) for members to approve the changes to the Terms of Reference of the Health and Wellbeing Board in their entirety;
 - (b) for members to approve some but not all the changes to the Terms of Reference of the Health and Wellbeing Board;
 - (c) for members not to approve the amendments to the Terms of Reference of the Health and Wellbeing Board and send them back to the Constitution Review Group for further consideration.

6.0 RESOURCE AND VALUE FOR MONEY IMPLICATIONS

6.1 There are no specific resource and value for money implications arising from the proposals in this report.

7.0 LEGAL IMPLICATIONS

7.1 Only the full Council, as the governing body, has the power to make substantive changes to the Constitution.

7.2 The Chief Legal Officer has delegated power to make minor amendments to the Constitution, including to update the Constitution in accordance with changes to legislation, provided that the amendments do not materially change any principles previously approved by the Council.

8.0 CONCLUSION

8.1 This report sets out recommended changes to the Terms of Reference of the Health and Wellbeing Board to extend the membership of the board to ensure it can best achieve its objectives.

8.2 This report also notes certain minor changes to the Constitution which have been made by the Chief Legal Officer under her delegated powers.

Iolanda Puzio
Chief Legal Officer
1 September 2020

APPENDICES

Appendix 1 Changes to Part 2F the Terms of Reference of the Health and Wellbeing Board

Appendix 2 New Part 5J Annex to Constitution: Remote meetings

Appendix 3 Changes to Part 2Q the Terms of Reference of the Cumbria Fire Local Pension Board

Electoral Division(s): All

Executive Decision

	No
--	----

Key Decision

	No
--	----

If a Key Decision, is the proposal published in the current Forward Plan?

		N/A
--	--	-----

Is the decision exempt from call-in on grounds of urgency?

N/A	
-----	--

If exempt from call-in, has the agreement of the Chair of the relevant Overview and Scrutiny Committee been sought or obtained?

		N/A
--	--	-----

Has this matter been considered by Overview and Scrutiny?

	No
--	----

If so, give details below.

Has an environmental or sustainability impact assessment been

		N/A
--	--	-----

undertaken?

Has an equality impact assessment been undertaken?

		N/A
--	--	-----

PREVIOUS RELEVANT COUNCIL OR EXECUTIVE DECISIONS

No previous relevant decisions.

CONSIDERATION BY OVERVIEW AND SCRUTINY

Not considered by Overview and Scrutiny.

BACKGROUND PAPERS

No background papers.

RESPONSIBLE CABINET MEMBER

The Leader of the Council

REPORT AUTHOR

Contact: Liz Morgan, Senior Lawyer, 07785 400824, liz.morgan@cumbria.gov.uk.