

WEST NORTHAMPTONSHIRE COUNCIL

DEMOCRACY AND STANDARDS COMMITTEE

11 MARCH 2024

Report Title	Updates to the Constitution
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List of Appendices

Appendix A – Draft revised Constitution (available on request from democraticservices@westnorthants.gov.uk)

1. Purpose of Report

- 1.1 The purpose of this report is to enable the committee to consider proposed recommendations in relation to updates to the Constitution.

2. Executive Summary

- 2.1 The Council's Constitution sets out how the Council operates, how decisions are made and the procedures which are followed to ensure that these are efficient, transparent and accountable to local people. Some of these processes are required by the law, while others are a matter for the Council to choose. The Council must operate in accordance with its Constitution and the rules set out in it. The Constitution is divided into different parts which set out the basic rules governing the Council's business as well as some of the detailed rules.

- 2.2 A combination of changes to the law and changes to operational practice have resulted in a requirement to make changes to the Terms of Reference of the Health and Wellbeing Board, as set out in the Council's Constitution. The proposed changes are set out in Section 5 below.

3. Recommendations

- 3.1 It is recommended that the Committee notes and approves the recommendations to Council relating to updates to the Constitution as set out in Section 5.

4. Reason for Recommendations

Keeping the Constitution under regular review will help ensure that it is legally compliant, complete, reflects the character and culture of the authority and supports effective and efficient decision making.

5. Report Background

- 1.1 The proposed changes to the Terms of Reference to the Health and Wellbeing Board are as follows:

- 1.2 Change Paragraph 4.9.2.2 c)

From: Holding the Integrated Care System to account through monitoring and assurance.

To: By reviewing its terms of reference every six months to ensure appropriate and timely alignment and/or integration with the emergent governance structure of the Integrated Care System (ICS) for Northamptonshire. Reviews will consider the national direction of travel for ICS legislation, as outlined in Integration and Innovation: working together to improve health and social care for all (DHSC, February 2021), and any subsequent relevant publications and/or legislative change.

- 1.3 The reason for this change is due to the frequently changing landscape within Integrated Care Systems, to ensure the Board can adapt to any legislative changes and is equipped encourage integrated delivery of health, social care and other services relating to wellbeing.

- 1.4 Change Paragraph 4.9.3.1 b)

From: The preparation of the Health and Wellbeing Strategy (HWS).

To: The preparation of the Health and Wellbeing Strategy (HWS). The preparation of a Joint Health and Wellbeing Strategy (JHWS), ensuring its outcomes are contained within the Integrated Care Strategy

- 1.5 Reason for this change is that the Health Care Act 2022 (116ZA) requires Integrated Care Boards and Local Authorities form an Integrated Care Partnership, this partnership must develop an Integrated Care Strategy (116ZB) The Joint Health and Wellbeing Strategy (JHWBS) needs to

take into account the outcomes contained with the Integrated Care Strategy, with the JHWBS being the delivery mechanism for these outcomes at a PLACE level.

1.6 Change Paragraph 4.9.3.1 f)

From: Endorse and oversee the successful implementation of local arrangements for the Better Care Fund (BCF), Improved Better Care Fund (IBCF) and Disabled Facilities Grant (DFG).

To: Endorse and oversee the successful implementation of Better Care Fund (BCF), Improved Better Care Fund (IBCF) and Disabled Facilities Grant (DFG) arrangements locally.

The following to be added under paragraph 4.9.3.1

- (k) To provide the Integrated Care Partnership (ICP) with oversight of the development of the place-based partnerships.
- (l) To oversee the development and implementation of West Northamptonshire Place to support the delivery of the Joint Health and Wellbeing Strategy.

1.7 Reason for change: to reference agreed governance routes for the how the Integrated Care Partnership will overview of how West Northants PLACE Operating model (Health and Wellbeing Forums & Local Area Partnerships) will aid delivery against outcomes contained with the Integrated Care Strategy, which feeds into the Joint Health and Wellbeing Strategy.

(m) To review NHS Northamptonshire Integrated Care Board (ICB) 5 Year Plan to ensure it takes proper account of the Joint Health and Wellbeing Strategy.

(n) To review the ICB Joint Capital Resource Plan

(o) To consult with the ICB for the ICB Annual Report on performance of any steps taken by the ICB to implement the Joint Health and Wellbeing Strategy.

1.8 Reason for change: The Health Care Act 2022 required Health and Wellbeing Boards to have the additional duties listed above (14Z50) (14Z53) (14Z54) (14Z55) (14Z56).

1.9 Change Paragraph. 4.9.6.1 f)

From: A representative of each relevant clinical commissioning group (a person may, with the agreement of the Health and Wellbeing Board, represent more than one clinical commissioning group on the Board).

To: A representative from NHS Northamptonshire Integrated Care Board.

and

1.10 Change Paragraph 4.9.8.1 to Clinical Commissioning Group to NHS Northamptonshire Integrated Care Board

1.11 Reason for change: Health Care Act 2022 changed Clinical Commissioning Groups to Integrated Care Boards

1.12 Remove Paragraph 4.9.9.1 'or join virtually so that the right to vote is obvious'.

Change to: **If a Board member joins the meeting virtually, they will not be counted as being in attendance or be permitted to vote.**

1.13 Reason for change: is to clarify voting rules if a Board member wishes to join virtually in line with other WNC statutory committees.

1.14 Change Paragraph 4.9.10.1 from: The Board shall meet on a quarterly basis.

To: The Board shall meet on a bi-monthly basis, but this may change if there is a change in the frequency of work the Board needs to address.

1.15 Reason for change: is due to the amount of business the Board needs to conduct, the Board agreed to meet bi-monthly, with the added caveat that frequency could change if work increases or decreases.

1.16 Change the following numbers in Paragraph 4.9.12.5 to read the Local Area Partnerships name.

N1 – Northampton East
N2 - Northampton South
N3 – Northampton West
N4 - Northampton Central
N5 – Northampton North
DSN1 – Rural North
DSN2 – Rural West
DSN3 – Rural South
DSN4 – Rural East

1.17 Reasons for change: The names of the LAPs changed from numbers to names to be more identifiable to local communities.

6. Issues and Choices

6.1 The issues and choices insofar as they relate to the operation of the Constitution are set out in section 5 above.

7. Implications (including financial implications)

7.1 Resources and Financial

7.1.1 There are no financial implications arising directly because of the Constitution review process.

7.2 **Legal**

7.2.1 Every local authority is under a legal duty to prepare and keep up to date its Constitution (see Appendix B). In particular, section 9P of the Local Government Act 2000 requires the Constitution to contain:

- a) a copy of the authority's standing orders;
- b) a copy of the authority's code of conduct;
- c) such information as the Secretary of State may direct; and
- d) such other information (if any) as the authority considers appropriate.

7.2.2 Regular review of the Constitution helps to ensure these legal requirements are met. The amendment set out above will assist in ensuring the Council is able to operate in a lawful manner.

7.3 **Risk**

7.3.1 There are no significant risks arising from this report. Reviewing the Constitution helps to reduce any risks that could arise as a result of the Constitution not properly supporting decision making and delivery of Council services.

7.4 **Consultation**

7.4.1 Consultation has been undertaken with the Democracy and Standards Committee and officers in relevant services prior to recommendations being submitted to Council.

7.5 **Consideration by Overview and Scrutiny**

7.5.1 Not applicable to this report.

7.6 **Climate Impact**

7.6.1 There is no climate impact to consider in relation to the recommendation.

7.7 **Community Impact**

7.7.1 None specific.

8. **Background Papers**

8.1 None