

# Constitution Committee

## Agenda

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**Date:** Thursday, 20th March, 2014  
**Time:** 2.00 pm  
**Venue:** Committee Suite 1, 2 & 3, Westfields, Middlewich Road,  
Sandbach CW11 1HZ

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The agenda is divided into 2 parts. Part 1 is taken in the presence of the public and press. Part 2 items will be considered in the absence of the public and press for the reasons indicated on the agenda and at the foot of each report.

### **PART 1 – MATTERS TO BE CONSIDERED WITH THE PUBLIC AND PRESS PRESENT**

1. **Apologies for Absence**

2. **Declarations of Interest**

To provide an opportunity for Members and Officers to declare any disclosable pecuniary and non-pecuniary interests in any item on the agenda.

3. **Public Speaking Time/Open Session**

In accordance with Procedure Rules Nos.11 and 35 a period of 10 minutes is allocated for members of the public to address the meeting on any matter relevant to the work of the meeting. Individual members of the public may speak for up to 5 minutes but the Chairman or person presiding will decide how the period of time allocated for public speaking will be apportioned where there are a number of speakers. Members of the public are not required to give notice to use this facility. However, as a matter of courtesy, a period of 24 hours' notice is encouraged.

Members of the public wishing to ask a question at the meeting should provide at least three clear working days' notice in writing and should include the question with that notice. This will enable an informed answer to be given.

4. **Minutes of Previous meeting** (Pages 1 - 6)

To approve the minutes of the meeting held on 23<sup>rd</sup> January 2014.

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**Contact:** Paul Mountford, Democratic Services Officer  
**Tel:** 01270 686472  
**E-Mail:** paul.mountford@cheshireeast.gov.uk

5. **Health and Wellbeing Board's Terms of Reference** (Pages 7 - 20)

To consider amended Terms of Reference for the Health and Wellbeing Board.

6. **Work Programme** (Pages 21 - 24)

To review the Committee's work programme.

**THERE ARE NO PART 2 ITEMS**

**CHESHIRE EAST COUNCIL**

Minutes of a meeting of the **Constitution Committee**  
held on Thursday, 23rd January, 2014 at Committee Suite 1,2 & 3, Westfields,  
Middlewich Road, Sandbach CW11 1HZ

**PRESENT**

Councillor A Martin (Chairman)  
Councillor D Marren (Vice-Chairman)

Councillors C Andrew, G Baxendale, P Groves, S Hogben, W Livesley,  
A Moran, B Murphy, D Newton, G Wait and P Whiteley

**Officers**

Brian Reed, Head of Governance and Democratic Services  
Suki Binjal, Interim Head of Legal Services and Monitoring Officer  
Paul Mountford, Democratic Services Officer

**Apologies**

Councillors S Jones and R Menlove and H Davenport

**24 DECLARATIONS OF INTEREST**

There were no declarations of interest.

**25 PUBLIC SPEAKING TIME/OPEN SESSION**

There were no members of the public wishing to speak.

**26 MINUTES OF PREVIOUS MEETING****RESOLVED**

That the minutes of the meeting held on 21<sup>st</sup> November 2013 be approved  
as a correct record.

**27 SCHEME OF MEMBERS' ALLOWANCES: REPORT OF THE  
INDEPENDENT REMUNERATION PANEL**

The Committee considered the report of the Independent Remuneration  
Panel on its review of Members' allowances.

The Chairman of the Panel, Mrs. Janet Rushbrooke, attended the meeting  
and presented the report. She then responded to Members' questions  
regarding the Panel's report and the process the Panel had adopted in  
carrying out its review.

At the conclusion of the discussion, the Chairman thanked Mrs Rushbrooke for attending the meeting and addressing Members' questions.

**RESOLVED**

That the report of the Independent Remuneration Panel be noted and referred to Council for consideration, together with a summary of the questions asked by Members and answers provided by the Chairman of the Panel at the meeting.

**28 CALENDAR OF MEETINGS FOR 2014-15**

The Committee considered the draft Calendar of Meetings for 2014-15.

Whilst the Constitution Committee would be undertaking further work to establish whether changes should be made to the scheduling of meetings and other matters relating to meeting arrangements, the proposed frequency of meetings had followed the practice previously adopted. Dates had been included for financial briefing/budget engagement events. August 2014 had been retained as a recess period except for planning meetings.

Those consulted over the production of the Calendar had included the Corporate Leadership Board, Cabinet, Committee Chairmen, Group Leaders and Group Whips.

**RESOLVED**

That the draft Calendar of Public Meetings for Cheshire East Council 2014-2015 be recommended to Council for approval.

**29 VENUE FOR MEETINGS OF THE STRATEGIC PLANNING BOARD**

The Committee considered a report reviewing the arrangements for determining the venue for meetings of the Strategic Planning Board following consideration of the matter by the Constitution Member Working Group.

Council at its meeting on 11<sup>th</sup> October 2012 had approved the following recommendation of the Constitution Committee:

“That the Capesthorne Room, Macclesfield Town Hall and the Council Chamber, Municipal Buildings, Crewe be reserved in advance for every scheduled meeting of the Strategic Planning Board, with the room that is not required for a particular meeting being released at the appropriate time, the choice of venue to be at the discretion of the Chairman of the Strategic Planning Board in consultation with officers.”

Since then, the Committee had asked the Constitution Member Working Group to review the arrangements following concern expressed by some members about the choice of venue for a particular meeting of the Board. The Working Group had also been asked to undertake a more general review of the planning arrangements in Cheshire East to determine whether they were fit for purpose or whether alternative arrangements should be explored.

As set out in paragraph 4.9 of the report, the Working Group had concluded its review and had recommended the following revised arrangements:

“That the Capesthorpe Room, Macclesfield Town Hall and the Council Chamber, Municipal Buildings, Crewe be reserved in advance for every scheduled meeting of the Strategic Planning Board, with the room that is not required for a particular meeting being released at the appropriate time, the choice of venue to be at the discretion of the Chairman of the Strategic Planning Board in consultation with the Vice-Chairman of the Board and officers, provided that in exercising such discretion, the Chairman will have regard to the following considerations:

- § the number of planning matters which are to be considered at the meeting in question and the proximity of the development sites to the two meeting venues;
- § the scale of the proposed development associated with the applications to be dealt with at the meeting in question; the complexity of issues associated with, or the controversial nature of, the proposed development, and the likely consequential public interest;

and that, once the Chairman has chosen a venue for the meeting, the Chairman’s full reasons in support of that choice shall be summarised and communicated to all members of the Council via the notification email for the meeting.”

The Chairman of the Strategic Planning Board had been invited to the meeting but had been unable to attend. He had, however, submitted the following comments which were read out at the meeting:

“I am pleased to see your Working Group has recommended the choice of venue for SPB meetings is at the discretion of myself, in consultation with my vice chairman and officers. I feel this is the most acceptable solution.”

The Member Working Group was currently reviewing the terms of reference of the Strategic Planning Board and the Council’s wider planning arrangements and a further report would be submitted to a future meeting of the Committee.

**RESOLVED**

That

1. Council be recommended to approve that
  - a. the revised arrangements for determining the venue for meetings of the Strategic Planning Board as recommended by the Constitution Member Working Group and set out in paragraph 4.9 of the report be approved; and
  - b. the Constitution be amended to incorporate the arrangements into the Committee Procedure Rules and to allow any consequential amendments.
2. the Committee note that the Constitution Member Working Group will report to a future meeting on the outcome of its review of the terms of reference of the Strategic Planning Board and the planning arrangements in general.

**30 WORK PROGRAMME**

The Committee considered progress with its work programme as detailed in the report.

At the Committee's request, the Constitution Member Working Group had reviewed the terms of reference of the Civic Sub-Committee. The Group at its meeting on 25<sup>th</sup> November 2013 had resolved to advise the Committee that:

1. the existing terms of reference of the Civic Sub-Committee are considered fit for purpose and do not require amendment; and
2. the Civic Sub-Committee should be asked to review the Mayoralty Code of Practice.

**RESOLVED**

That

1. the current progress with the work programme be noted; and
2. the recommendations of the Constitution Member Working Group with regard to the Civic Sub-Committee be endorsed and accordingly the Civic Sub-Committee be asked to review the Mayoralty Code of Practice.

The meeting commenced at 2.00 pm and concluded at 4.00 pm

Councillor A Martin (Chairman)

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# CHESHIRE EAST COUNCIL

## Constitution Committee

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<b>Date of Meeting:</b>	20 <sup>th</sup> March 2014
<b>Report of:</b>	Executive Director of Strategic Commissioning Head of Legal Services and Monitoring Officer
<b>Subject/Title:</b>	Health and Wellbeing Board's Terms of Reference
<b>Portfolio Holder:</b>	Cllr. Janet Clowes - Portfolio Holder for Health and Adult Care

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### 1.0 Report Summary

- 1.1 The Health and Wellbeing Board came into existence on 1 April 2013. Its current Terms of Reference were approved by Council on 28<sup>th</sup> February 2013. The Board has had a fruitful first year, overseeing the process of submitting to the Department of Health the successful bid to be a Health and Social Care Pioneer authority (in conjunction with the Cheshire West and Chester Health and Wellbeing Board) and supporting the ongoing integration programmes with the Clinical Commissioning Groups. In addition, the Board has been monitoring the progress of key initiatives such as the Learning Disability Lifecourse Review, the Dementia Strategy and Implementation Review and the work of the Joint Commissioning Leadership Team.
- 1.2 This report makes proposals for some amendments to the existing Terms of Reference. The proposed amendments are highlighted in the Appendix.

### 2.0 Recommendation

- 2.1 That the draft amended Terms of Reference for the Health and Wellbeing Board be recommended to Council for approval.

### 3.0 Reasons for Recommendations

- 3.1 To ensure that the Health and Wellbeing Board's Terms of Reference align with the Council's Constitution and Statutory Guidance and that the Council is compliant with the Local Authority (Public Health, Health and Wellbeing Boards and Health Scrutiny) Regulations 2013.

### 4.0 Wards affected

N/A

## **5.0 Local Ward Members**

N/A

## **6.0 Policy Implications**

6.1 The collaborative decision-making approach of the Board is essential to achieving whole system accountability for the improvement of the health and wellbeing of Cheshire East citizens. The amendments suggested to the Terms of Reference by this report will enable the Board to function effectively.

## **7.0 Financial Implications**

7.1 None to note in respect of the Terms of Reference themselves.

7.2 The Health and Wellbeing Board has no formal delegated authority from any of the statutory bodies in respect of resource decision-making. Therefore, the process for making decisions around resource allocation remains within Board members' respective individual organisations' governance, powers and duties.

## **8.0 Legal Implications**

8.1 The Health and Social Care Act 2012 requires the Local Authority to establish a Health and Wellbeing Board for its area. Core membership includes at least one local Councillor (nominated by the Council's Leader) the Directors of Adult Social Services, Children's Services and Public Health, a representative of the Local Healthwatch Organisation and a representative of each Clinical Commissioning Group and the NHS Commissioning Board. The Local Authority, through its other statutory roles, may also nominate such other individuals as they consider appropriate.

8.2 The Board was established in April 2013 and is a Committee of the Local Authority under S102 of the Local Government Act 1972. However, the Local Authority (Public Health, Health and Wellbeing Boards and Health Scrutiny) Regulations 2013 modify some of the normal requirements of the Local Government Act 1972 and the Local Government and Housing Act 1989 and the Board is therefore different in its make up to other Committees.

8.3 The Terms of Reference for all Committees are included in Cheshire East Council's Constitution. Any amendment therefore to the Terms of Reference is an amendment to the Constitution and requires a referral to the Constitution Committee and the approval of Council.

## **9.0 Risk Management**

9.1 Corporate risks have been determined in respect of Health Partnerships, and this is reported to the Corporate Risk Management Group. Failure to enable the Board to modify its vision and objectives in line with current thinking and the needs of the population could impact negatively on the health and wellbeing of Cheshire East

citizens and indeed on the Council's own objectives as set out in the Sustainable Communities Plan and Business Plan for 2013-2016.

- 9.2 The Health and Wellbeing Board has established an initial Risk Register which the Board reviews quarterly.

## **10.0 Background and Options**

- 10.1 The Health and Social Care Act 2012 initiated a number of significant changes that affected the local health and social care landscape. This included the establishment of the Cheshire East Health and Wellbeing Board, the Clinical Commissioning Groups and the transfer of Public Health responsibilities from the Primary Care Trust to the Local Authority. As a result of this legislation, the Authority has a greater role to play now in setting policy, providing system leadership and connecting commissioning activity that will contribute to improved health outcomes for the population of Cheshire East.
- 10.2 The Health and Wellbeing Board was established on 1 April 2013.
- 10.3 The existing Terms of Reference for the Health and Wellbeing Board were drafted in preparation for the Board coming into existence. There was therefore no history or comparator to look to for guidance as to the most appropriate wording for the Terms of Reference. The Terms of Reference as previously approved are therefore comprehensive and provide a sound remit to a new Committee.
- 10.3 The Board will shortly have been in existence for twelve months and has now established itself and begun to identify projects for the future. For the Board to be able to be dynamic and responsive to emerging research and thinking on innovative and effective methods of delivering services to the citizens of Cheshire East it needs to have the flexibility to regularly review its vision and objectives to ensure that they remain relevant.
- 10.4 The Board's Vision and Key Objectives are included in the Terms of Reference which form part of Cheshire East Council's Constitution. Therefore any changes to the Terms of Reference require approval by Council. Vision and objectives are not ordinarily included in a Committee's Terms of Reference and the proposal in this report is that those aspects of the Terms of Reference be deleted.
- 10.4 The Purpose of the Board has been expanded to clarify the functions required of the Board by the legislation. The purpose is set out in statute and captures the essence of what the Board needs to achieve.
- 10.5 Other amendments have been made to update the Terms of Reference in the light of the restructuring of the Council over the last year, the publication of the Statutory Guidance and to incorporate additional wording to ensure the alignment of the Terms of Reference with the Council's Constitution and Committee Procedure Rules.

- 10.6 Paragraph 14.2 has been amended to read 'majority vote' rather than 'unanimous vote'. The requirement of an unanimous vote could cause issues in enabling necessary changes and 'majority' is therefore more appropriate.
- 10.7 The original Appendix 1 has now been deleted as the Draft Governance Model illustrated within it is no longer current.

#### **11.0 Access to Information**

The background papers relating to this report can be inspected by contacting the report writer:

**Name:** Guy Kilminster

**Designation:** Corporate Manager Health Improvement

**Tel No:** 01270 686560

**Email:** [guy.kilminster@cheshireeast.gov.uk](mailto:guy.kilminster@cheshireeast.gov.uk)

#### **Appendix 1**

***Statutory Terms of Reference for the Cheshire East Health and Wellbeing Board***

## Cheshire East Statutory Health and Wellbeing Board

### Terms of Reference:

#### 1. Context

- 1.1 The full name shall be the Cheshire East Health and Wellbeing Board.
- 1.2 The Board assumes statutory responsibility from April 2013.
- 1.3 The Health and Social Care Act 2012 and subsequent regulations provide the statutory framework for Health and Wellbeing Boards (HWB).

#### ~~2. The Board's Vision~~

~~Cheshire East Health & Wellbeing Board will work together to make a positive difference to people's lives through a partnership that understands and responds to the needs of the population now and in the future. The Board will do this by:~~

- ~~• Engaging effectively with the public.~~
- ~~• Enabling people to be happier, healthier, and independent for longer.~~
- ~~• Supporting people to take personal responsibility and make good lifestyle choices.~~
- ~~• Achieving improved evidence-based outcomes within a holistic vision of health and wellbeing.~~

#### 2.4 Purpose

- To prepare Joint Strategic Needs Assessments (JSNAs) and Joint Health and Wellbeing Strategies (JHWSs), which is a duty of local authorities and clinical commissioning groups (CCGs).
- To encourage integrated working between health and social care commissioners, including providing advice, assistance or other support to encourage arrangements under section 75 of the National Health Service Act 2006 (ie lead commissioning, pooled budgets and/or integrated provision) in connection with the provision of health and social care services.
- To encourage close working between commissioners of health-related services and the board itself.
- To encourage close working between commissioners of health-related services (such as housing and many other local government services) and commissioners of health and social care services

- **Any other functions that may be delegated by the council under section 196(2) of the Health and Social Care Act 2012. Such delegated functions need not be confined to public health and social care.**
- To provide advice assistance and support for the purpose of encouraging the making of arrangements under section 75 of the National Health Service Act 2006 in connection with the provision of such services.

~~The Board may encourage those involved in arranging the provision of Health-Related Services to work closely with the Board.~~

~~The Board may encourage those involved in arranging for the provision of any Health or Social Care services or Health Related services to work closely together.~~

## ~~2.2 Key objectives (The efforts or actions we intend to attain or accomplish that contribute to achieving our vision)~~

- ~~1. Provide strategic leadership across commissioning organisations enabling the transition from separate, fragmented commissioning to aligned, joint and or integrated commissioning.~~
- ~~2. To work differently and effectively together in order to achieve appropriately:
  - ~~a. Aligned, Pooled, or Integrate Services and or Resources.~~
  - ~~b. Understand need and demand more clearly and develop from this health and social care intelligence that informs commissioning.~~
  - ~~c. Specify, agree and achieve shared outcomes.~~
  - ~~d. Engage the public in a true spirit of partnership.~~~~
- ~~3. Develop, use and share the Joint Strategic Needs Assessment to enable evidenced-based commissioning decisions to be made.~~
- ~~4. Produce a Joint Health and Wellbeing Strategy as the overarching framework from which commissioning intentions can be aligned by health services, social care, public health and other services [where the Board agrees] contributing to the achievement of collective health improvement within the Borough.~~

## **3. Roles and Responsibilities**

- 3.1 To work together effectively to ensure the delivery of the Joint Strategic Needs Assessment and Joint Health and Wellbeing Strategy.
- 3.2 To work within the Board to build a collaborative partnership to key decision making that embeds health and wellbeing challenge, issue resolution and provides strategic system leadership.
- 3.3 To participate in Board discussions to reflect the views of their partner organisations, being sufficiently briefed to be able to make recommendations about future policy developments and service delivery.

- 3.4 To champion the work of the Board in their wider work and networks and in all individual community engagement activities.
- 3.5 To ensure that there are communication mechanisms in place within partner organisation[s] to enable information about the Health and Wellbeing Boards priorities and recommendations to be effectively disseminated.
- 3.6 To share any, changes to strategy, policy, and the system consequences of such on budgets and service delivery within their own partner organisations with the Board to consider the wider system implications.

#### **4. Accountability**

- 4.1 The Board carries no formal delegated authority from any of the individual statutory bodies.
- 4.2 Core Members of the board have responsibility and accountability to their individual duties and to their role on the Board.
- 4.3 The Board will discharge its responsibilities by means of recommendations to the relevant partner organisations, who will act in accordance with their respective powers and duties.
- 4.4 The Council's Core Members will ensure that they keep Cabinet and wider Council advised of the work of the Board.
- 4.5 The Board will report to Full Council and to both NHS Clinical Commissioning Groups (CCG's) Governing Bodies by ensuring access to meeting minutes and presenting papers as required.
- 4.6 The Board will not exercise scrutiny duties around health or adult social care services directly. This will remain the role of the Cheshire East Health and Wellbeing ~~Overview &~~ Scrutiny Committee. Decisions taken and work progressed by the Board will be subject to scrutiny by this committee.
- 4.7 The Board will provide information to the public through publications, local media, and wider public activities by publishing the minutes of its meetings on the Council's website. The Board is supported by an Engagement and Communications Network across Board organisation to ensure this function can operate successfully.
- 4.8 ~~The Board has produced an initial governance structure at Appendix 1 which highlights statutory and advisory functions to the Board and its members.~~

#### **5. Membership**

- 5.1 The core membership of the Board will comprise the following:
  - Portfolio Holder – Health & Adult Social Care [Board Chairman],
  - Portfolio Holder – Children & Families,
  - **Major** Opposition Party Member
  - The Director of Public Health,

- The Director of Children's Services, ~~Families and Adults (+1)~~
- **The Director of Adult's Social Care and Independent Living**
- The Chief Executive of the Council (**Associate Non Voting Member**)
- Accountable Officer of the South Cheshire Clinical Commissioning Group
- Chair. GP Lead of the South Cheshire Clinical Commissioning Group
- Accountable Officer of the Eastern Cheshire Clinical Commissioning Group
- Chair. GP Lead of the Eastern Cheshire Clinical Commissioning Group
- A designated representative from Local HealthWatch
- Member of ~~the National Health Commissioning Board (NHCB)~~ **NHS England Local Area Team** (Associate Non Voting Member)

**5.2 The Core Members will keep under review the Membership of the Board and if appropriate will make recommendations to Council on any changes to the Core Membership.**

**5.3** The above Core Members <sup>1</sup> through a majority vote have the authority to **appoint** individuals as **Non Voting Associate Members of the Board. (Committee Procedure Rule 20.1 refers)**. The length of their membership will be for up to one year and will be subject to re-selection at the next Annual General Meeting "AGM". Associate Members will assist the board in achieving the priorities agreed within the Joint Health and Wellbeing Strategy and may indeed be chairs of sub structure forums where they are not actual Core Members of the Board.

**5.4 The above Core Members <sup>2</sup> through a majority vote have the authority to recommend to Council that individuals be appointed as Voting Associate Members of the Board. The length of their membership will be for up to one year and will be subject to re-selection at the next Annual General Meeting "AGM".**

**5.53** Each Core Member has the power to nominate a single named substitute. Should a Substitute Member be required, advance notice of not less than 2 working days should be given to the Council. The Substitute Members shall have the same powers and responsibilities as the Core Members.

## **6. Frequency of Meetings**

6.1 There will be no less than six meetings per year including an AGM. Usually once every two months as a formal Board. The Board will also hold development sessions throughout the year where all members are expected to attend and these will be private sessions.

6.2 Additional meetings of the Board may be convened with agreement of the Board's Chairman.

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<sup>1</sup> **Regulation 5(1) removes this restriction in relation to health and wellbeing boards by disapplying section 104(1) of the 1972 Act to enable the local authority directors specified in the 2012 Act to become members of health and wellbeing boards**

<sup>2</sup> Regulation 5(1) removes this restriction in relation to health and wellbeing boards by disapplying section 104(1) of the 1972 Act to enable the local authority directors specified in the 2012 Act to become members of health and wellbeing boards

## 7. Agenda and Notice of Meetings

7.1 Any agenda items or reports to be tabled at the meeting should be submitted to the Council's Democratic Services no later than seven working days in advance of the next meeting. No business will be conducted that is not on the agenda.

7.2 **In accordance with the Access to Information Rules of the Constitution** Democratic Services will circulate and publish the agenda and reports at least five working days prior to the next meeting. Exempt or Confidential Information shall only be circulated to Core Members.

7.3 For development or informal meetings a formal agenda will not be necessary and will therefore not be sent out by ~~democratic~~ **Democratic services** **Services**.

## 8. Annual General Meeting

8.1 The Board shall elect the Chairman and Vice Chairman at each AGM, the appointment will be by majority vote of all Core Members present at the meeting.

8.2 The Board will approve the representative nominations by the partner organisations as Core Members.

## 9. Quorum

9.1 Any full meeting of the Board shall be quorate if the following are represented –Eastern CCG, South CCG, Local Health Watch, a Portfolio Holder, an Officer of Cheshire East Council.

9.2 Failure to achieve a quorum within thirty minutes of the scheduled start of the meeting, or should the meeting become inquorate after it has started, shall render the meeting adjourned until the next scheduled meeting of the Board. This will also be the case when attending development or informal Board meetings.

## 10. Procedure at Meetings

10.1 General meetings of the Board are open to the public **and in accordance with the Council's Committee Procedure Rules will include a Public Question Time Session**. Papers, agendas and minutes will be published on the Cheshire East Health and Wellbeing website.

**10.2 The Council's Committee Procedure Rules will apply in respect of formal meetings subject to the following:-**

10.23 The Board will also hold development/informal sessions throughout the year where all members are expected to attend and partake as the agenda suggests.

10.34 Core Members are entitled to speak through the Chairman. Associate Members are entitled to speak at the invitation of the Chairman.

10.45 With the agreement of the Board, subgroups can be set up to consider distinct areas of work. These will be identified through the governance structure at appendix 1 where possible. The subgroup will be responsible for arranging the frequency and venue of their meetings. **The membership of the subgroups will be approved by the Board.**

10.56 Any recommendations of the subgroup will be made to the Board who will consider them in accordance with these terms of reference and their relevance to the priorities within the Joint Health and Wellbeing Strategy and its delivery plan.

**10.7 Whenever possible decisions will be reached by consensus.**

## 11. Expenses

11.1 The partnership organisations are responsible for meeting the expenses of their own representatives.

11.2 A modest Board Budget will be agreed annually to support Engagement and Communication and the Business of the Board.

## 12. Conflict of Interest

12.1 **In accordance with the Council's Committee Procedure Rules**, at the commencement of all meetings all **Core Board** Members shall declare **disclosable pecuniary or non-pecuniary interests and** any conflicts of interest.

12.2 ~~Following the declaration of a Conflict of Interest the Member with the Boards~~  
~~Chair can decide to:~~ **In the case of non pecuniary matters Members may remain for all or part of the meeting, participate and vote at the meeting on the item in question**

**12.3 In the case of pecuniary matters Members must leave the meeting during consideration of that item.**

~~Remain for all or part of the meeting,  
Participate in the meeting and,  
Vote at the meeting on the item in question~~

~~In the case of pecuniary matters Members must~~

~~• Leave the meeting during consideration of that item.~~

## 13. Conduct of Core Members at Meetings

13.1 Board members will agree to adhere to the seven principles outlined in the Board Code of Conduct when carrying out their duties as a Board member [appendix 12].

## 14. Review

14.1 The above terms of reference will be reviewed annually at the AGM.

14.2 Any amendments shall only be included by ~~unanimous~~ majority vote.

March 2014~~3~~

### **Definition**

#### **Exempt Information**

*Which is information falling within any of the descriptions set out in Part I of Schedule 12A to the Local Government Act 1972 subject to the qualifications set out in Part II and the interpretation provisions set out in Part III of the said Schedule in each case read as if references therein to “the authority” were references to “Board” or any of the partner organisations.*

#### **Confidential Information**

*Information furnished to, partner organisations or the Board by a government department upon terms (however expressed) which forbid the disclosure of the information to the public; and information the disclosure of which to the public is prohibited by or under any enactment or by the order of a court are to be discussed.*

#### **Conflict of Interest**

*You have a Conflict of interest if the issue being discussed in the meeting affects you, your family or your close associates in the following ways;*

- *The issue affects their well being more than most other people who live in the area.*
- *The issue affect their finances or any regulatory functions and*
- *A reasonable member of the public with knowledge of the facts would believe it likely to harm or impair your ability to judge the public interest.*

#### **Associate Members**

*Associate Member status is appropriate for those who are requested to chair sub groups of the board.*

#### **Health Services**

*Means services that are provided as part of the health service.*

**Health-Related Services** *means services that may have an effect on the health of individuals but are not health services or social care services.*

#### **Social Care Services**

*Means services that are provided in pursuance of the social services functions of local authorities (within the meaning of the Local Authority Social Services Act 1970*

**Appendix 1**  
~~Governance Model~~



System Diagram April  
2013 for ToR version.

**Appendix 21**

## **Cheshire East Shadow Health and Wellbeing Board Member Code of Conduct**

### **1. Selflessness**

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Members of the Cheshire East Health and Wellbeing Board should act solely in terms of the interest of and benefit to the public/patients of Cheshire East. They should not do so in order to gain financial or other benefits for themselves, their family or their friends

### **2. Integrity**

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Members of the Cheshire East Health and Wellbeing Board should not place themselves under any financial or other obligation to outside individuals or organisations that might seek to influence them in the performance of their duties and responsibilities as a Board member

### **3. Objectivity**

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In carrying out their duties and responsibilities members of the Cheshire East Health and Wellbeing Board should make choices based on merit and informed by a sound evidence base

### **4. Accountability**

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Members of the Cheshire East Health and Wellbeing Board are accountable for their decisions and actions to the public/patients of Cheshire East and must submit themselves to whatever scrutiny is appropriate

### **5. Openness**

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Members of the Cheshire East Health and Wellbeing Board should be as transparent as possible about all the decisions and actions that they take as part of or on behalf of the Board. They should give reasons for their decisions and restrict information only when the wider public interest clearly demands

### **6. Honesty**

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Members of the Cheshire East Health and Wellbeing Board have a duty to declare any private interests relating to their responsibilities and duties as Board members and to take steps to resolve any conflicts arising in a way that protects the public interest and integrity of the Cheshire East Health and Wellbeing Board

## **7. Leadership**

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Members of the Cheshire East Health and Wellbeing Board should promote and support these principles by leadership and example

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# CHESHIRE EAST COUNCIL

## Constitution Committee

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**Date of Meeting:** 20<sup>th</sup> March 2014  
**Report of:** Head of Governance and Democratic Services  
**Subject/Title:** Work Programme

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### 1.0 Report Summary

1.1 This report reviews the Committee's work programme which is attached.

1.2 The Constitution Member Working Group will be meeting in early to mid April with the aim of concluding a number of reviews and agreeing recommendations to the Constitution Committee. The Scrutiny/PDG Member Working Group will also be aiming to conclude its review by mid to late April. As the next scheduled meeting of the Constitution Committee is not until mid June, the Chairman has agreed that a special meeting of the Committee should be held in late April. This will enable the Committee to consider the outcomes of a number of reviews and make recommendations to Council on 14<sup>th</sup> May. A date for the special meeting will be identified before the Committee's meeting.

### 2.0 Recommendations

2.1 That the Committee consider its work programme and note the proposal to hold a special meeting toward the end of April.

### 3.0 Reasons for Recommendations

3.1 To enable the Committee to monitor progress with the work programme and make any desired changes.

### 4.0 Wards Affected

4.1 N/A

### 5.0 Local Ward Members

5.1 N/A

### 6.0 Policy Implications

6.1 None identified

**7.0 Financial Implications**

7.1 None identified

**8.0 Legal Implications**

8.1 None identified

**9.0 Risk Management**

9.1 None identified

**10.0 Access to Information**

The background papers relating to this report can be inspected by contacting the report writer:

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## CONSTITUTION WORK PROGRAMME

Item under review	Progress
Civic Sub-Committee Terms of Reference	Review complete. Terms of reference found to be fit for purpose. Civic Sub-Committee to review the Mayoralty Code of Practice.
Strategic Planning Board terms of reference	Review ongoing.
Size of Committees	The Constitution Working Group has asked for a report to its next meeting in April with a view to determining the feasibility of reducing the size of committees.
Transparency	Review ongoing. The Council's publications scheme to be included in the Constitution. The Constitution Working Group has asked for details of the content of the publications scheme for its next meeting in April.
Review of Policy Development Groups and Scrutiny Committees	Review underway by the PDG/Scrutiny Member Working Group. To report to the Constitution Committee in April.
Officer Scheme of Delegation	The Head of Legal Services and Monitoring Officer, subject to the agreement of the Chairman of the Constitution Committee and the Committee's confirmation, to incorporate the new management structure into the scheme of delegation when all necessary aspects of the structure has been settled.
Staffing Committee Terms of Reference	Revised terms of reference to be considered by the Constitution Working Group in April, to include new HR policies, HR procedures, appeals (subject to appropriate filtering procedures), recruitment, selection and appraisal of CLB members.
Officer Code of Conduct	Review largely complete; certain minor amendments required. Report to the Constitution Committee in April.
Audit and Governance Committee Terms of Reference	The Constitution Working Group has agreed to recommend that revised terms of reference based on advice from CIPFA be incorporated into the Constitution subject to a number of amendments. The Group has also asked the Head of Legal Services to review the arrangements for reviewing breaches of the Member Code of Conduct to introduce an initial filtering stage.
General Review of the Content, Size and Structure of the Constitution	Work continuing in consultation with the Vice-Chairman of the Constitution Committee. Head of Legal Services considering a model structure in conjunction with Democratic Services.
Finance and Contract Procedure Rules	Officer review underway. Will report direct to Constitution Committee.
Local Ward Member Protocol	Review concluded. Head of Legal Services asked to review the position regarding the involvement of local ward members with pre-planning applications.

**CONSTITUTION WORK PROGRAMME**

Terms of Reference of Committees	Review planned
Procedure Rules	Review planned
Frequency of Meetings	Review planned
Content and Process of Council Meetings	Review planned
Length of Committee Meetings	New item. To include the feasibility of time limits for meetings and/or agenda items.