



**To: All Members of the Constitutional Sub Committee**

Professor Steven Broomhead  
Chief Executive  
Town Hall  
Sankey Street  
Warrington  
WA1 1UH

Councillors:  
Chair – C Fitzsimmons

B Axcell, B Maher, S Woodyatt  
1 Vacancy

**Constitution Sub Committee**

Date: Tuesday, 07 June 2016

Time: 14:00

Venue: Tea Room, Town Hall, Sankey Street, Warrington, WA1 1UH

---

Contact Adam Kellock, Democratic & Member Services, Tel: 01925 442144,  
Email: [akellock@warrington.gov.uk](mailto:akellock@warrington.gov.uk)

**AGENDA**

**Part 1**

Items during the consideration of which the meeting is expected to be open to members of the public (including the press) subject to any statutory right of exclusion.

**1 Apologies**

To record any apologies received.

**2 Code of Conduct - Declarations of Interest**

**Relevant Authorities (Disclosable Pecuniary Interests) Regulation 2012**

Members are reminded of their responsibility to declare any disclosable pecuniary or non-pecuniary interest which they have in any item of business on the agenda no later than when the item is reached.

**3 Minutes**

**3 - 4**

To confirm the minutes of the meeting held on 18 April 2016.

**4 Constitutional Amendments - Health Scrutiny**

**5 - 10**

Report of the Solicitor to the Council and Assistant Director of Corporate Governance.

## 5 Response to Leaders Announcements

Discussion Item.

### Part 2

Items of a “confidential or other special nature” during which it is likely that the meeting will not be open to the public and press as there would be a disclosure of exempt information as defined in Section 100I of the Local Government Act 1972.

Nil.

***If you would like this information provided in another language or format, including large print, Braille, audio or British Sign Language, please call 01925 443322 or ask at the reception desk in Contact Warrington, Horsemarket Street, Warrington***

## Constitution Sub Committee 18 April 2016

**Present:** Councillors C Fitzsimmons and B Maher.

### **CSC 6 Apologies**

Apologies were received from Councillor B Axcell and P Kennedy.

### **CSC 7 Code of Conduct – Declarations of Interest**

There were no declarations of interest received.

### **CSC 9 Minutes**

The Minutes of the meeting held on 27 January 2016 were signed and agreed as a correct record.

### **CSC 9 Member Code of Conduct**

The Solicitor to the Council introduced the report which outlined proposed changes to the Members Code of Conduct that had previously been considered by the Standards Committee.

It was noted that there was a perceived weakness in the code in relation to non-pecuniary interests. The proposed changes included new guidance for declaring such interests. Members would be advised to continue to declare interests on their forms as was the current practice but would also be advised to declare any relevant interests at meetings and then it would be up to the individual members how they wished to act e.g. to leave the meeting, remain in the meeting and not vote etc.

Members agreed that the proposed changes were sensible and represented a common sense approach to the issue of declaring non-pecuniary interests.

### **CSC 10 Constitutional Amendments – Health Scrutiny**

The Solicitor to the Council introduced the report which noted that there were currently five committees discharging the overview and scrutiny functions split between four policy committees and one scrutiny committee.

It was noted that the Scrutiny Committee had within its terms of reference the function to discharge health scrutiny but there had been some suggestions that this would be best carried out by a separate committee focused on this issue.

It was felt that the issue could not be fully resolved until the new Council is in place following the elections in May 2016 but the Constitution Sub Committee supported a Health Scrutiny Committee in principle and felt one should be established.

### **CSC 11 Civic Handbook 2016/17**

The Civic Handbook for 2016/17 was presented to the sub-committee and noted.

**CSC 12 Licensing Update**

The Solicitor to the Council provided a verbal update with regards to issues relating to licensing. There had been professional question raised regarding the terms of reference of the Licensing Committee, particularly with regards to appointments of sub-committees.

It was noted that some minor amendments may need to be made in relation to the wording of the constitution under the power of the Monitoring Officer to make amendments to reflect technical or legislative changes.

**CSC 13 Date and Time of Next Meeting**

The date of the next meeting was to be confirmed.

Signed .....

Dated.....

**WARRINGTON BOROUGH COUNCIL  
CONSTITUTION SUB COMMITTEE  
7 JUNE 2016**

**Report of the:** Solicitor to the Council and Assistant Director of Corporate Governance, Timothy Date

**Report Author:** Solicitor to the Council and Assistant Director of Corporate Governance, Timothy Date

**Contact Details:** **Email Address:**  
tdate1@warrington.gov.uk

**Telephone:**  
**01925 442150**

**Ward Members:** All

**TITLE OF REPORT: CONSTITUTIONAL AMENDMENTS - HEALTH SCRUTINY**

**1. PURPOSE OF THE REPORT**

- 1.1 To consider and confirm the arrangements, including terms of reference for a Health Scrutiny Committee.

**2. BACKGROUND**

- 2.1 At its meeting on 25 November 2015, the Constitution Sub Committee resolved to address certain matters set out within the Constitution and to consider the case for changes for the municipal year 2016/17, including the arrangements for the scrutiny of health related functions.
- 2.2 At subsequent meetings on 27 January and 18 April 2016 the Sub Committee further discussed the matter but it was felt that the issue could not fully resolved prior to the annual meeting of the Council on 23 May 2016. It was agreed, however, that the Sub Committee supported the establishment of a Health Scrutiny Committee in principle.
- 2.3 At the Annual Meeting on 23 May 2016, the Council confirmed the establishment of a Health Scrutiny Committee, together with its membership, Chairman and Deputy Chairman.

**3. HEALTH SCRUTINY COMMITTEE**

- 3.1 Section 21 of the Local Government Act 2000 requires those local authorities operating Executive arrangements to appoint one or more committees to carry out overview and scrutiny activities
- 3.2 The overview and scrutiny activity includes that of reviewing and scrutinising decisions made in connection with the discharge of functions which are the responsibility of the Council. Relevant committees can also make reports and

recommendations to the Council on those matters coming under their terms of reference.

- 3.3 The Council's current arrangements for the discharge of its overview and scrutiny functions were agreed by Council at its meeting of 10<sup>th</sup> December 2012. At that meeting the Council resolved, amongst other things, to establish four Policy Committees and a Scrutiny Committee.
- 3.4 Under those arrangements the Scrutiny Committee was assigned three distinct and separate roles. The first of those roles is to carry out the Council's responsibilities in respect of 'call-in'. Second, the Scrutiny Committee has functions in relation to the process of setting the Council's budget. The third element is the exercise of overview and scrutiny in relation to the National Health Service Act 2006.
- 3.5. None of the Council's current Committees has exclusive or dedicated responsibility for the overview and scrutiny of health related matters. Given the significance and importance of the health agenda there is a clear case for these matters to come within the remit of one Committee with a specific health focus.
- 3.6 The proposed terms of reference for the Health Scrutiny Committee are attached at appendix A. The terms of reference are based on the terms of reference for the existing Policy Committees and the Scrutiny Committee as well as examples of good practice from other comparable authorities. Members are invited to consider the terms of reference and propose any changes as they see fit.
- 3.7 The Sub Committee is invited to consider the number of formal meetings of the Health Scrutiny Committee each civic year. It is proposed that the committee meet five times during the year in line with existing arrangements for the Scrutiny Committee and Policy Committees.

#### **4. CONFIDENTIAL OR EXEMPT**

- 4.1 There is no confidential or exempt information contained within this report.

#### **5. FINANCIAL CONSIDERATIONS**

- 5.1 The establishment of a Health Scrutiny Committee requires budget provision in relation to further Special Responsibility Allowances for the Chair and Deputy Chair consistent with the Council's established arrangements in relation to member remuneration.

#### **6. EQUALITY AND DIVERSITY/EQUALITY IMPACT ASSESSMENT**

- 6.1 There are no equalities issues arising from the proposed revisions to the Constitution.

#### **7. CONSULTATION**

- 7.1 The Sub Committee is being consulted prior to any changes being agreed by the Council.

## **8. REASONS FOR RECOMMENDATIONS**

- 8.1 To enable the Sub Committee to make recommendations to the Council meeting of 20 June 2016 and to discharge the Council's statutory duty to maintain the Constitution.

## **9. RECOMMENDATIONS**

- 9.1 That the Sub Committee recommends to Council meeting of 20<sup>th</sup> June 2016 the establishment of a Health Scrutiny Committee and the adoption of the terms of reference for that Committee as set out in appendix A;
- 9.2 That the Sub Committee further recommends to the Council meeting of 20<sup>th</sup> June 2016 that the Health Scrutiny Committee meet formally five times during the municipal year, in line with the number of meetings held by the Scrutiny Committee and the Policy Committees.;
- 9.3 That Council be requested to authorise the Solicitor to the Council and Assistant Director Corporate Governance to make the consequent changes to the constitution following the 20<sup>th</sup> June 2016 meeting.

### **Contacts for Background Papers:**

<b>Name</b>	<b>E-mail</b>	<b>Telephone</b>
Timothy Date	tdate1@warrington.gov.uk	442150



## THE HEALTH SCRUTINY COMMITTEE

**This Committee** will assist the Council in the development of policies and delivery of services in accordance with its responsibilities to act as the Council's Overview and Scrutiny Committee for the purposes of all relevant legislation including, but not limited to the Health and Social Care Act 2001, the National Health Service Act 2006 and the Health and Social Care Act 2012.

1. All health scrutiny powers provided under the Health and Social Care Act 2001 are delegated to the Health Scrutiny Committee;
2. The Health Scrutiny Committee will have the power to refer a proposed substantial variation in service delivery to the Secretary of State. If the Committee wish to exercise this power, then this must also be agreed by the Chairman of the Scrutiny Committee who will be an ex-officio member of the Health Scrutiny Committee and will hold the power of veto in respect of any proposed referral of a substantial variation to the Secretary of State.

Without prejudice to the generality of its functions the Committee shall

- Review and scrutinise decisions made or actions taken in connection with the discharge by the Council of its functions and by relevant partner authorities in relation to health and well-being issues;
- In relation to the above functions, make reports and/or recommendation to the Council, Executive Board, any joint committee or any relevant partner authority as appropriate;
- Put in place and maintain a system to ensure that referral from the Health Scrutiny Committee to the Executive Board or other Council body , either by way of report or for reconsideration, are managed efficiently and do not exceed the limits set out in the Constitution;
- To report annually to Council on its workings, set out their plans for future work programmes and amended working methods if appropriate;
- Identify the Committee's strategic priorities and determine the Overview and Scrutiny work programme to facilitate constructive evidence based critical friend challenge to policy maker and service providers within the resources available
- Receive, consider and action as appropriate requests:
  - a) from the Executive Board in relation to particular issues; and
  - b) on any matters properly referred to the Committee
- Identify areas requiring in-depth review and allocate these to an appropriate Working Group.

- The Health Scrutiny Committee shall have all delegated power to exercise the power and duties assigned to them in its terms of reference.