

HAMPSHIRE COUNTY COUNCIL

Decision Report

Decision Maker:	Cabinet
Date:	7 February 2022
Title:	Constitutional Update
Report From:	Director of People and Organisation

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Purpose of this Report

1. The purpose of this report is to seek Cabinet's endorsement regarding a proposed change to Standing Order 13 to enable Chief Officers to answer technical questions on reports to full Council for decision, on matters which fall within their respective areas of responsibility.
2. This report also sets out proposed changes to the Health and Wellbeing Board Terms of Reference, at Part 1, Chapter 10 of the County Council's Constitution, to take into account new responsibilities for the Board.

Recommendations

3. Cabinet is asked to recommend to the County Council that Standing Order 13 be revised as set out at **Appendix 1** to this report to enable Chief Officers to answer technical questions on reports to full Council for decision or information, on matters which fall within their respective areas of responsibility.
4. That Cabinet recommend to County Council that a section be added to the existing Health and Wellbeing Board Terms of Reference as new paragraphs at 9.12 and 9.13 as below:

'To receive updates and reports from the Hampshire Health and Social Care Place Board including all matters pertaining to the Better Care Fund, delivery of Better Care Fund savings and governance of the Better Care Fund plan.'

‘That the Health and Wellbeing Board contributes to the Integrated Care Partnership Strategy for both Hampshire and Isle of Wight Integrated Care Board and that of Frimley Integrated Care Board.’

Amendment to Standing Orders

Executive Summary

5. Proceedings governing the conduct of business at meetings of the full Council are set out in Standing Orders, contained at Part 3 Chapter 1 of the Constitution.
6. Full Council approval is required to any amendment to Standing Orders.

Contextual information

7. The procedure regarding the presentation of reports of the Leader, Executive Members and Committees for decision (Part I items), or for information (Part II items) is contained at Standing Order 13, attached at **Appendix 2**. Presently, all questions on reports are required to be answered by the Leader, Executive Member, or Chairman / Vice-Chairman of a Committee (as the case may be). It is however considered sensible in certain cases where a question relates purely to a technical matter that provision be included in Standing Order 13 to enable the relevant Chief Officer to answer the question. Members should be aware that if they have detailed questions for Chief Officers on any section of a Report, these should be asked in advance of the meeting.
8. This would be at the discretion, where appropriate, of the Leader, Executive Member, or Chairman / Vice-Chairman of a Committee (as the case may be), with the agreement of the Chairman of the full Council meeting. Otherwise, the Leader, Executive Member, or Chairman / Vice-Chairman of a Committee (as the case may be) will continue to answer any questions or remaining questions on reports, as per current procedure.
9. Attached at **Appendix 1** is a draft revision of Standing Order 13, reflecting the proposed change referred to above.

Update to Terms of Reference for the Health and Wellbeing Board for Hampshire

Executive Summary

10. The Health and Wellbeing Board brings together key leaders from the local health and care system to improve the health and wellbeing of their population and reduce health inequalities through developing a shared understanding of the health and wellbeing needs in Hampshire. The Board has agreed a [Joint Health and Wellbeing Strategy for 2019-24](#) and a more detailed business plan sits alongside the strategy to support and monitor progress.
11. The Health and Wellbeing Board reviewed the Terms of Reference at their meeting on 15 December 2022 and made the proposals included in the recommendations above for inclusion.
12. Following the establishment of the Hampshire Health and Social Care Place Board, a joint body comprising of County Council and Integrated Care Board representatives, and the reporting of matters pertaining to the Better Care Fund to the Health and Wellbeing Board, it is proposed that new Paragraphs be added into the Terms of Reference as set out in the Constitution as per Paragraph 4 above. As a Committee of the County Council, the approval of full Council is required for amendment to the terms of reference of the Health and Wellbeing Board.

Consultation and Equalities

13. It is considered that this Report will have no adverse impact or cause no disadvantage to groups with protected characteristics.

REQUIRED CORPORATE AND LEGAL INFORMATION:

Links to the Strategic Plan

This proposal does not link to the Strategic Plan but, nevertheless, requires a decision for the good governance of the County Council.

Section 100 D - Local Government Act 1972 - background documents

The following documents discuss facts or matters on which this report, or an important part of it, is based and have been relied upon to a material extent in the preparation of this report. (NB: the list excludes published works and any documents which disclose exempt or confidential information as defined in the Act.)

Document

Location

None

EQUALITIES IMPACT ASSESSMENT:

1. Equality Duty

The County Council has a duty under Section 149 of the Equality Act 2010 ('the Act') to have due regard in the exercise of its functions to the need to:

- Eliminate discrimination, harassment and victimisation and any other conduct prohibited by or under the Act with regard to the protected characteristics as set out in section 4 of the Act (age, disability, gender reassignment, marriage and civil partnership, pregnancy and maternity, race, religion or belief, sex and sexual orientation);
- Advance equality of opportunity between persons who share a relevant protected characteristic within section 149(7) of the Act (age, disability, gender reassignment, pregnancy and maternity, race, religion or belief, sex and sexual orientation) and those who do not share it;
- Foster good relations between persons who share a relevant protected characteristic within section 149(7) of the Act (see above) and persons who do not share it.

Due regard in this context involves having due regard in particular to:

- The need to remove or minimise disadvantages suffered by persons sharing a relevant protected characteristic that are connected to that characteristic;
- Take steps to meet the needs of persons sharing a relevant protected characteristic that are different from the needs of persons who do not share it;
- Encourage persons sharing a relevant protected characteristic to participate in public life or in any other activity in which participation by such persons is disproportionately low.

2. Equalities Impact Assessment:

See guidance at <https://hants.sharepoint.com/sites/ID/SitePages/Equality-Impact-Assessments.aspx?web=1>

Insert in full your **Equality Statement** which will either state:

- (a) *why you consider that the project/proposal will have a low or no impact on groups with protected characteristics or*
- (b) *will give details of the identified impacts and potential mitigating actions*