

CHANGES TO THE COUNTY COUNCIL'S CONSTITUTION

Report of the Chief Legal Officer

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Executive Member: Robert Gordon, Leader of the Council

1. Purpose of report

- 1.1 To seek Council's approval to revisions to the County Council's Constitution set out in the Report
- 1.2 To inform County Council of changes made to the County Council's Constitution by me as Chief Legal Officer under my delegated power in Section 12 of the Constitution.

2. Summary and Background

Health & Well Being Board

- 2.1 Under the relevant provisions in the Health and Social Care Act 2012 the '2012 Act') any "relevant clinical commissioning group" ("relevant" being defined in the regulations as a "clinical commissioning group whose area coincides with or falls wholly or partly within the area of the local authority") should be a member of the Health and Wellbeing Board for that area. The Cambridgeshire & Peterborough CCG (C&PCCG) includes GP practices in Royston and so should formally be a member of the Health and Wellbeing Board.
- 2.2 The membership of the Health & Wellbeing Board is set out in paragraph 4 of the Health & Wellbeing Board's Constitution (which is annexed as Annex 11A to the County Council's Constitution). Using the power delegated to the Chief Legal Officer in Section 12 of the Constitution to make changes to the Constitution in order to comply with the law I have amended paragraph 4.1.2 of the Health & Wellbeing Board's Constitution to provide that C&PCCG is a mandatory member of the Health & Wellbeing Board.

Overview & Scrutiny and Health Scrutiny Sub-Committees

- 2.3 At their meetings on 21 June and 15 June Overview & Scrutiny Committee and Health Scrutiny Committee respectively agreed to establish a sub-committee to oversee and review recommendations from scrutiny topic

groups (the 'Impact of Scrutiny (OSC) Sub-Committee' and the 'Impact of Scrutiny (HSC) Sub-Committee'). OSC and HSC each agreed that standing orders for the sub-committees would be as per the standing orders for committees of the Council. These standing orders are set out in Annex 11 to the Council's Constitution and Council's approval is required to amend the Constitution to refer to the Impact of Scrutiny (OSC) Sub-Committee and the 'Impact of Scrutiny (HSC) Sub-Committee in Annex 11.

Whistleblowing Procedure

- 2.4 The Council's Whistleblowing Procedure which was last updated in May 2013 has been refreshed during the course of the year. The revised Whistleblowing Procedure is annexed to this Report. The Whistleblowing Procedure is included as an annex to the Council's Constitution and so Council's approval is required to include the revised procedure in the Constitution.
- 2.5 The key changes to the Whistleblowing Procedure are:
- a) Inclusion of a section which advises on the approach to be taken by school based staff when raising a concern in their workplace
 - b) Updating the details of the Reporting Officers (i.e. the officers responsible for operating the Whistleblowing Procedure)
 - c) Updating the procedure concerning how the Reporting Officers consider whistleblowing allegations when first made
 - d) The inclusion of a section identifying those external bodies to whom a worker can raise concerns and still obtain protection under the Public Interest Disclosure Act 1998
 - e) Inclusion of specific provision for feedback from the person making the whistleblowing allegation on the process
- 2.6 Audit Committee are to consider the revised Whistleblowing Procedure at their meeting on 7 July and their recommendation/s to County Council will be set out in the County Council Order of Business.

Generally

- 2.7 There are no legal requirements that need to be met or consultation undertaken before the changes referred to paragraph 2.3 or 2.4 above can be made.

3. Recommendation

- 3.1 That Council:
- (a) agrees the changes to the Council's Constitution as set out in paragraph 2.3 the Report;
 - (b) notes the changes made to the Council's Constitution by the Chief Legal Officer as set out in paragraph 2.2 of the Report;

- (c) authorises the Chief Legal Officer to make any consequential amendments as may be necessary to the Constitution to give effect to the decisions at (a) and (b) above.

The recommendation from Audit Committee will be included in the Order paper for County Council

4. Financial Implications

- 4.1 None arising directly from this report.

Background Information

Health and Social Care Act 2012

<http://cc.bingj.com/cache.aspx?q=health+and+social+care+act+2012&d=4603235976151470&mkt=en-GB&setlang=en-GB&w=Qfl0KsrtnCwtTxLzBniY7e-6VBq2Sn-u>