

Report Title:	Constitutional Amendments
Contains Confidential or Exempt Information?	No - Part I
Member reporting:	Councillor Targowska – Principal Member for Legal and HR and Chair of the Constitution Sub Committee.
Meeting and Date:	Council 21 February 2017
Responsible Officer(s):	David Scott – Head of Governance, Partnerships, Performance and Policy, and Monitoring Officer
Wards affected:	All



REPORT SUMMARY

1. This report sets out proposed changes to the Constitution and recommends that Council adopts the amendments as set out in Paragraphs 2.5 to 2.15 and Appendix 1, for the reasons detailed in the report.
2. These proposals have been brought forward to reflect a number of requests received and to ensure that the Constitution is up to date and fit for purpose and supports and enables the Council to conduct its business in a transparent and compliant manner. There are no key financial implications for the Council arising from these proposed amendments.

1. DETAILS OF RECOMMENDATION(S)

RECOMMENDATION: That Full Council considers and approves the amendments to the Constitution set out in paragraphs 2.5 to 2.15 and Appendix 1.

2. REASON(S) FOR RECOMMENDATION(S) AND OPTIONS CONSIDERED

- 2.1 The Constitution of the Council is the single point of reference which contains the principal operating structures and procedures of the authority. It 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.
- 2.2 The current Borough's Constitution was largely agreed in 2011, when new model constitutions were introduced linked with the changes arising from the requirements under the Localism Act. A number of relatively small amendments from this wholesale revision have been implemented over time and a new version is published each time changes are made. The changes made since that date fall into one of three categories:
 - Changes agreed by Full Council.
 - Changes agreed by the Constitution Sub Committee when specifically delegated by Full Council to consider and make amendments.

- Changes of a minor nature by the Monitoring Officer in agreement with the Chair of the Constitution Sub Committee under the delegation set out in Article 14.2.
- 2.3 Version control has been included in the published document since September 2015 and changes made are shown in the table at the very end of the document after Part 9 on pages 404 onwards. This version control shows under which authority amendments have been made as well as a summary of the changes. Version Control numbers relate to the year of change and the edition of changes made that year: eg Ver 16.4 refers to the fourth version published in 2016.
- 2.4 The changes proposed to this Full Council are set out in paragraphs 2.5 to 2.15 and detailed further in Appendix 1.

Part 2 C Omit Paragraph C15 and include a revised section in Part 7 F

- 2.5 Para C15 is included in Part 2 C in error as it specifically relates to Speeches at Development Management Panels (DMP), which are set out in more detail in Part 7 F Section 1, and not Rules of Debate for Full Council, which Part 2 of the Constitution deals with in detail. Part 7 F seeks amongst other things to ensure a balance and fairness when an item is being considered by a DMP. It is proposed that any Member, not already a Member of the DMP, wishing to speak at a Panel will be permitted to speak in favour or against any agenda item after all public speakers have spoken and prior to the Panel debating the item. Non Panel Members will be restricted to three minutes in total. A new paragraph to Part 7 F Section 1 is shown in Appendix 1, including revised numbering to aid ease of reference.

Part 2 C Revision to C17.3 Recording of Votes

- 2.6 It is proposed that the mode of voting at meetings will be via a show of hands, unless two or more Councillors specifically request a Named Vote. A revised paragraph C17.3 is shown in Appendix 1.

Part 6 F25 Visitor Management Forum renamed as Tourism Development Forum

- 2.7 The current Visitor Management Forum has requested that their title be changed to Tourism Development Forum. The existing Forum has requested the change to Tourism Development Forum to more correctly describe the focus of their work, and the revised title makes the aims and objectives of the council working alongside business partners very clear. The suggestion was discussed at the last meeting of the Visitor Management Forum held on the 5 December 2016 and unanimously agreed.

Part 6 D5 Employment Panel amendment to the Terms of Reference

- 2.8 The Employment Panel have requested at their Panel meeting held on 29 November 2016 that the current approval threshold (in excess of £5,000) be increased to a revised threshold of £25,000, which is in line with other Financial Accountabilities including Virement as set out in Part 8 C Section A 10. This will also enable timely decisions on approval of payments including pension costs, other than that stated in the contract of employment or any other employment policy to any officer of the Council. A revised paragraph D5 is shown in Appendix 1.

Part 8 B4 Appointment of Directors and Deputy Chief Officers of Services

- 2.9 At the Employment Panel meeting held on 24 January 2017 the Panel also resolved to seek Council agreement to revise the arrangements for the appointment of Directors and Deputy Chief Officers. Where there is a revised or new role proposed, this will remain as the role of the Employment Panel to recruit and appoint. Where the recruitment and appointments are on a like for like basis, the appointment will be delegated to the Managing Director and Head of HR in consultation with the relevant Service Director, the relevant Lead Member and the Chair of the Employment Panel. This is in order to enable appointments to be made in a timely manner. A revised paragraph B4 is shown in Appendix 1.

Part 6 D3 Development Management Panels – formation of a new Borough wide Development Management Panel

- 2.10 On an infrequent basis there is the need for a Borough-wide Development Management Panel to be formed that could consider applications that have borough-wide implications and impact. It is therefore proposed that to allow such whole borough implications and impacts to be taken into consideration, a Borough Wide Panel consisting of 11 Members could be called by the Leader of the Council. Group Leaders, in consultation with the Lead Member for Planning/Opposition Spokesperson for Planning as appropriate, would appoint the Members of the Panel from their respective groups on a meeting-by-meeting basis. The rules of political balance would apply to the membership. A revised Part 6 D 3 sections 3.2 - 3.7 is set out in Appendix 1.

Part 6 D3.2 b) Membership Windsor Rural Development Management Panel

- 2.11 It is proposed that the Windsor Rural Development Management Panel Membership be increased from six Members to nine Members to bring it in line with the membership number of the Windsor Urban Development Management Panel. The paragraph *D3.2 Membership* will be amended to reflect this change, a new paragraph e) will be added. This is shown in Appendix 1.

Part 6 E5 Health and Wellbeing Board – amend the Terms of Reference

- 2.12 The original Terms of Reference for the Board were agreed in May 2013 and met all of the legal and policy requirements as placed on Health and Wellbeing Boards at that time. However, the role of Health and Wellbeing Boards has increased and evolved through changes to the policy framework in which the Board operates, as has the requirements and expectations on the member organisations. The proposed updated terms of reference, see appendix 1, reflect these changes giving more clarity to the work and role of the Board as well as support its future strategic direction.

Part 6 F12 – revise the Grants Panel Terms of Reference to reflect the omission of the Cabinet Participatory Budget Sub Committee (CPBSC) and deletion of section A2.16 (reflecting previous Council decision)

- 2.13 At Full Council on 13 December 2016, Council resolved to cease the CPBSC and increase the resources distributed by the Grants Panel for community grant purposes. The final meeting the CPBSC was held on 19 December 2016. The Annual Grants Panel was held on 10 January 2017. The Grants Panel have requested that their Terms of Reference be revised to replace the delegation with respect to Quarterly Grants Panels to be replaced with an interim Grants Panel and for other applications received outside of the Annual Grants cycle to

be delegated to the Head of Strategy and Communities in consultation with the Chair of the Grants Panel and the relevant Lead Member to reflect the specific service area to which the grant relates. A revised Terms of Reference is set out in Appendix 1.

Part 6 D11 Berkshire Pension Fund Panel Sub Committee Board

- 2.14 The Berkshire Pension Fund Panel on 16 January 2017 requested that a minor amendment be made to the Terms of Reference, 11.1 Purpose 5, bullet five, to clarify those who are delegated to decide 'Emergency action to terminate a mandate, redeem a pooled holding or reduce exposure to one or more asset classes and to take any other action necessary to secure / recover/ Pension Fund Assets'. They have agreed that Council be asked to revise this so that a delegation for such emergency action be to the Chairman (or in his absence the Vice Chairman) of the Berkshire Pension Fund Panel and one other of: the Vice Chairman, Leader, Lead Member for Finance, Managing Director or a Strategic Director. This is to ensure that where emergency action is required authority can be obtained swiftly. The detail is set out in Appendix 1.

Part 2B Table 2 Responsibilities for Council Functions

- 2.15 This section of the Constitution deals with delegations the Council has made to either a committee or sub committee of Councillors, an officer of the Council or another authority. An error has been identified on Page 46 in relation to Functions relating to local government pensions as listed in Section H of schedule 1 of the Regulations. The decision making body the Council has delegated this to, is shown as the Pensions Fund Panel. However this specific section of the Regulations, is in relation to providing a pension scheme to employees, as such the correct delegated body should be the Employment Panel. It is therefore proposed to amend the table to reflect the Employment Panel as the decision making body on behalf of Council not the Pensions Fund Panel. The Terms of Reference for the Employment Panel will be amended also to reflect this correct delegation from Council for this function.

Table 1: Options

Option	Comments
1. Approve the changes to the Constitution as set out.	The updated Constitution will promote best practice and confidence in decision making. RECOMMENDED OPTION
2. Modify the changes proposed and approve modified changes	Members may wish to propose and consider minor amendments to the recommended changes.
3. Do not approve the changes and keep the current constitution	The Constitution will not promote best practice. The Council will not have complied with relevant legislation as a number of changes are required.

3. KEY IMPLICATIONS

3.1

Table 2: Outcomes to be achieved

Outcome	Unmet	Met	Exceeded	Significantly Exceeded	Date of delivery
Consider the proposals and, where agreed, amend the Constitution by the date agreed.	Do not amend the Constitution by the date set out.	Amend by the date set out.	n/a	n/a	March 2017

4. FINANCIAL DETAILS / VALUE FOR MONEY

- 4.1 There are no direct financial implications arising from these proposed constitutional changes.

5. LEGAL IMPLICATIONS

- 5.1 The Constitution must be in compliance with the terms of the Local Government Act 2000, Local Government and Public Involvement in Health Act 2007 and Local Democracy, Economic Regeneration and Construction Act 2009, Localism Act 2011 and any other relevant statutory acts or guidance.
- 5.2 The changes proposed are made to ensure the document as a whole is as accurate and up to date as possible and reflects good practice to provide a clear operating framework for the Council.

6. RISK MANAGEMENT

- 6.1 It is important that the Council has an up to date and accurate Constitution to provide a clear and unambiguous framework under which the Council can conduct its business on a day to day basis. Regular updates to the Constitution helps to ensure the framework supports decision across the Council.

Table 4: Identified Risks and Controls

Risks	Uncontrolled Risk	Controls	Controlled Risk
There is a risk of challenge if the Constitution is not legally updated.	Constitution is not updated.	Constitution is regularly reviewed and updated.	Revised Constitution available on website and is not open to challenge.

7. POTENTIAL IMPACTS

- 7.1 If the Council is operating in accordance with the Constitution this provides a clear and transparent basis for all decisions and it is clear who has authority to take which decisions and the delegations that are in place to enable day to day business to be conducted in a systematic manner. The publication of the Constitution on the Borough's website makes it accessible to Members, and the public at large, as well as our key partners.
- 7.2 If decisions are not taken in accordance with the adopted framework they are potentially open to challenge which could be damaging to the Council's reputation and/or delay operational decisions, which may in turn result in additional costs being incurred. Costs may arise from having to repeat activities, defending decisions or compensating for unlawful decisions.

8. CONSULTATION

- 8.1 Relevant Lead Members, Principal Members and Deputy Lead Members, Panels, Forums and Sub Committees of the Council have been involved in identifying or requesting the updates proposed, and asked that the changes be brought Council for consideration in accordance with the approval process outlined in paragraph 2.2 of this report.
- 8.2 The changes proposed in this report are all considered to require Full Council agreement and cannot be made under either of the other two options for amendments to be executed.

9. TIMETABLE FOR IMPLEMENTATION

9.1

Table 5: Key dates for implementation

Date	Details
21 February 2017	Full Council confirms changes to the Constitution
1 March 2017	Updated and Revised Constitution Published

10. APPENDICES

10.1 Appendix 1 – Table of revisions proposed

11. BACKGROUND DOCUMENTS

11.1 RBWM Constitution available on the RBWM Website:
https://www3.rbwm.gov.uk/info/200110/about_the_council/910/council_constitution

12. CONSULTATION (MANDATORY)

Name of consultee	Post held	Date sent	Commented & returned
Cllr Targowska	Principal Member HR and Legal	7 Feb 2017	10 Feb 2017
Alison Alexander	Managing Director and Strategic Director of Adults, Children's and Health Services.	7 Feb 2017	10 Feb 2017
Russell O'Keefe	Strategic Director Corporate and Community Services	7 Feb 2017	10 Feb 2017
Andy Jeffs	Interim Strategic Director of Operations and Customer Services	7 Feb 2017	8 Feb 2017
Rob Stubbs	Section 151 Officer	7 Feb 2017	
Terry Baldwin	Head of HR	7 Feb 2017	10 Feb 2017

REPORT HISTORY

Decision type: Non-key decision	Urgency item? No
Report Author: David Scott – Head of Governance, Partnerships, Performance and Policy, Monitoring Officer 01628 796748	

**Table of revisions proposed to the Constitution – for consideration Full Council
21 February 2017**

Report Paragraph No	Section of the Constitution Ref	Proposed Revision	Rationale
Para 2.5	Part 2 C15	Omit Paragraph C15 from the Part 2 C and include a revised section in Part 7 F. to clarify the speaking arrangements for Non Panel Members at Panel.	The current paragraph's inclusion in Part 2 of the current constitution is an error. Revising it to Part 7 F will correct this error.
	Part 7 F	<p>1. Public Speaking at Development Management Panel Meetings</p> <p>1.1 Planning applications are determined by either officers acting under delegated authority or a Development Management Panel.</p> <p>1.2 Each application is subject to a public consultation exercise which enables the public and other bodies to comment in writing on the application before it is determined.</p> <p>1.3 The Council provides the opportunity for the public and for applicants (or their agents) to speak at the planning meeting before the Council Members take their decision.</p> <p>1.4 If objectors speak at the meeting, the applicant must be allowed to speak. An applicant may speak at a meeting even where there are no objectors wishing to speak (but if the applicant is in agreement with the Officers' recommendations to the Panel the Chairman will request the applicant to restrict any comments to matters not covered, or not covered fully, in the Officer's Report).</p> <p>1.5 Anyone who has written to the Council with objections or comments to a planning application will be contacted at least one week before the relevant meeting is due to take place when the application will be considered. They will be invited to tell the Council if they wish to speak at the meeting. If anyone does wish to speak they must let Democratic Services know by 5 pm, two working days before the Development Management Panel (i.e. Monday, 5pm, if the Panel is on Wednesday). If anyone wishes to use visual material e.g. photographs, plans etc. or present documents, these should be sent to the Case Officer using the planning.maidenhead@rbwm.gov.uk address as soon as possible before the relevant meeting. The Panel Chairman will not normally allow members of the public to speak if they have failed to notify the Council as stated above, of their wish to speak or to present additional information to the panel that has not been first submitted to the Case Officer.</p>	<p>Consistent specification of the arrangements for speaking at Development Management Panel meetings throughout the constitution to eliminate current inconsistencies.</p> <p>Numbering of paragraphs for easier reference.</p>

Report Paragraph No	Section of the Constitution Ref	Proposed Revision	Rationale
		<p>1.6 Generally, applications where the public are to speak will be moved to the start of the Agenda. Any objectors will be given, together, a total of three minutes in which they can present their views. It may be convenient, if there are a number of objectors, that they agree amongst themselves to appoint one or two spokesmen for them all, to stay within the three minutes allotted. If the objectors are unable to agree amongst themselves, the Chairman shall refer to the list of notifications received from people wishing to speak and shall call them in the order the names are recorded, which shall, as far as reasonably possible, reflect the time of notification of their interest in speaking. When the end of the 3 minute period has been reached, the Chairman will not permit any more objectors to speak.</p> <p>1.7 No new documents should be circulated to the Panel at the meeting. Messages should not be passed to individual Panel Members.</p> <p>1.8 If a Parish or Town Council has made representations and a Member of that Council wishes to address the meeting, they should notify Democratic Services by 5 pm, two working days before the Development Management Panel of their intention to speak. If Democratic Services are not notified in advance, then the Chairman of the meeting has a discretion to allow Members to address the meeting.</p> <p>1.9 If any other Parish or Town Council wishes to address the meeting, they should notify Democratic Services by 5 pm, two working days before the Development Management Panel of their intention to speak. If Democratic Services are not notified in advance, then the Chairman of the meeting has a discretion to allow members to address the meeting.</p> <p>1.10 A Parish or Town Council representative will be allotted a further two minutes, in addition to the objectors' three minute period. If more than one Parish or Town Council wishes to address the meeting, no additional time will be allocated unless exceptional circumstances apply (see below).</p> <p>1.11 If a neighbourhood plan successor organisation wishes to address a Development Management Panel meeting to speak on any planning application, they should notify Democratic Services by 5 pm two working days before the Development Management Panel of their intention to speak; this will be at the discretion of the Chairman. If Democratic Services are not notified in advance, then the Chairman of the meeting has discretion to allow the organisation</p>	

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		<p>to address the meeting. The organisation must be based in the appropriate neighbourhood plan area. The organisation will be allocated two minutes to speak. If more than one group registers to speak, they will be asked to share the single two minute speaking opportunity.</p> <p>1.12 Following the adoption of a Neighbourhood plan or equivalent, should a <i>bona fide</i> representative residents' organisation wish to address a Development Management Panel meeting to speak on any planning application, they should notify Democratic Services by 5 pm two working days before the Development Management Panel of their intention to speak; this will be at the discretion of the Chairman. If Democratic Services are not notified in advance, then the Chairman of the meeting has discretion to allow the organisation to address the meeting. The organisation will share the allocated two minute opportunity to speak with any successor Neighbourhood Plan resident group.</p> <p>1.13 The applicant, his agent or any supporters will be allocated, in total three minutes in which to present their views. If in addition to the Applicant or his agent, members of the public wish to speak in favour of an application, they must notify the Council, by 5.00 pm, at least two working days before the Panel meeting. They should also contact the applicant or his agent as the total time allocated to the applicant and any supporters is a total of three minutes.</p> <p>1.14 Any Member of the Council, not already a Member of the DMP, wishing to speak at a Panel will be permitted to speak in favour or against any agenda item after all public speakers have spoken and prior to the Panel debating the item. Non Panel Members will be restricted to three minutes in total.</p> <p>1.15 The Chairman of the meeting has discretion to extend the speaking time for any party, in exceptional cases. This discretion is intended to be applied only rarely. Exceptional circumstances might arise as a result of the range of issues raised by the matter.</p> <p>2. Public Speaking at Cabinet. Please see Part 3 A2.8 of the Constitution.</p> <p>3. Public Speaking at Council. Please see Part 2 C9 of the Constitution.</p>	

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Para 2.6	Part 2 C17.3	<p>Recording of votes Paragraph will be revised to say:</p> <p>The mode of voting at meetings of the Council shall be via a show of hands, unless two or more councillors request a named vote. If a named vote is taken, the Democratic Services Manager will record the names and votes of those Members present and voting, and include them in the Minutes of the meeting. The result of the vote will be announced to the meeting.</p>	To avoid the need for a named vote unless there is specific request for a named vote on an item, when there is a clear and overwhelming support for the item.
Para 2.7	Part 6 F25	<p>Rename the Visitor Management Forum</p> <p>The forum will become:</p> <p>Tourism Development Forum.</p>	Exiting Forum considers revised name more accurately reflects their aims and objectives
Para 2.8	Part 6 D5	<p>Amend the terms of reference of the Employment Panel to be:</p> <p><i>D5.1 Purpose</i></p> <p>(i) To approve any payment of monies (other than that set out in the contract of employment) or payment under any employment policy (including pension costs) where such payment is in excess of £25,000 (whether singularly or collectively).</p> <p>(ii) To consider representations on employment relation matters from recognised Trade Unions.</p> <p>(iii) To determine overall human resources policies for all staff employed by the council.</p> <p>(iv) To approve significant revisions, in the case of five or more employees where the total redundancy costs (including pension costs), is more than £25,000, or where there are changes to the number and functions of the Council's directorates or any other significant changes of a similar magnitude, (subject where appropriate to consultation with the Trade Unions and other similar organisations involved).</p> <p>(v) To determine arrangements for the appointment and conditions of service of the Managing Director (who is appointed, on recommendation, by Council) and the Directors and Heads of Service in accordance with Part 8B.</p> <p>(vi) To determine arrangements for the conditions of service of all other Council employees.</p> <p>(vii) To monitor the cost effectiveness of Human Resources management across the Council's services.</p> <p>(viii) To determine the Council's Pay and Benefits Policy and annual pay awards under the Council's local schemes.</p> <p>(ix) To establish and monitor Corporate Health and Safety policies for the Council.</p> <p>(x) To establish and monitor Equal Opportunities</p>	Request from the Employment Panel to enable timely decision to be made.

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		<p>policies for the Council.</p> <p>(xi) To establish and monitor the Council's training and staff development policies.</p> <p>(xii) To consider employment implications arising from i-xi for alternative employment arrangements (including Local Authority Trading Company or Community Interest Company) to deliver services (including pensions) delegated from Council or Cabinet.</p>	
Para 2.9	Part 8 B 4	<p>4 APPOINTMENT OF DIRECTORS AND DEPUTY CHIEF OFFICERS OF SERVICES</p> <p>1. Under the terms of this Constitution, the Strategic Director - Adult, Children and Health Services, the Head of Finance (Section 151 officer) and Monitoring Officer are statutory chief officers, according to the terms of Section 2(6) Local Government and Housing Act 1989.</p> <p>2. The Strategic Director - Corporate and Community Services and Strategic Director - Operations and Customer Services are determined to be non statutory chief officers, according to the terms of Section 2 (7) of the Local Government and Housing Act 1989.</p> <p>3. Deputy Directors or "Heads of Service" are determined to be "Deputy Chief Officers" in accordance with Section 2 (8) of the Local Government and Housing Act 1989.</p> <p>4. Where a Director or Deputy Chief Officer is proposed to be appointed.</p> <p>a) Employment Panel will appoint Directors and Deputy Chief Officers in accordance with the provisions set out in the Local Government & Housing Act 1989.</p> <p>b) Employment Panel delegate the recruitment of a Director or Deputy Chief Officer, where it is a 'like for like' recruitment with the same grade and salary scale being used, to the Managing Director, Head of Human Resources and service Director in consultation with the relevant Lead Member, who should also be a member of cabinet, and the chair of Employment Panel.</p> <p>c) The views of the Managing Director will always be taken into account in any appointment of a Director or Deputy Chief Officer.</p>	Request from the Employment Panel to enable timely decisions to be made where a like for like recruitment and appointment of a Strategic Director of Deputy Chief Officer is proposed.
Para 2.10	Part 6 D3.2	<p>Development Management Panels -</p> <p>A new paragraph e) be added which states:</p> <p>e) Borough-wide Panel: Where an application appears likely to have significant impact which extends across the whole borough, a Borough-wide panel will be called by the Leader of the Council, consisting of 11 Members. Group Leaders, in consultation with the</p>	To be able to have a Borough-wide panel when an application is received which has in the opinion of the Leader Borough-wide impact and

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		Lead Member for Planning/Opposition Spokesperson for Planning as appropriate, would appoint the Members of the Panel from their respective groups on a meeting-by-meeting basis.	implications. Appointment to the panel would be in accordance with the rules of Political balance.
Para 2.11	Part 6 D3.2 b)	Revise the Windsor Rural Development Management Panel Membership to 9 from 6. Paragraph b) will be amended to show 9 Members.	To balance the panel membership with the Windsor Urban Panel membership number.
Para 2.12	Part 6 E5	<p>Revise the Terms of Reference for the Health and Wellbeing Board to reflect the Board's request: ToR to be as follows:</p> <p>E5.1 Purpose</p> <ul style="list-style-type: none"> • To implement the national and local requirements on Health and Wellbeing Boards to improve the life outcomes, health and wellbeing of residents in the Borough. • To act as a high level strategic partnership to agree the priorities that will improve the health and wellbeing of the residents of the Royal Borough of Windsor and Maidenhead. • To deliver the statutory functions placed on Health and Wellbeing Boards through the Health and Social Care Act 2012 and other statutory or local priorities. <p>Background</p> <p>Social policy changes from Central Government are changing the requirements for health and social care nationally in order to bring more local democracy into local services. On 12 July 2010, the NHS White Paper <i>Equity and Excellent - Liberating the NHS</i> and the accompanying consultation paper <i>Local Democratic Legitimacy in Health</i> outlined significant changes to local governance structures for health and wellbeing, to improve health outcomes for the local population.</p> <p>Each locality had a statutory requirement to create a Health and Wellbeing Board, which had specific functions for the associated area. The Board is to be hosted by the local authority and subsequent documents from Central Government have detailed and refined the requirements and functions of a HWB.</p>	<p>Reflect the evolved role of the HWB since the creation as a formal committee of the Council in April 2013, as a part of the Health and Social Care Act 2012.</p> <p>This role was clarified in the regulations issued in 2013. Since then there has been significant additional requirements placed on the Board through other policies and guidance, for example through the 'Better Care Fund'.</p>

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		<p>Requirements of Health and Wellbeing Boards</p> <ol style="list-style-type: none"> 1. Assess the needs of the local population and lead the statutory Joint Strategic Needs Assessment (JSNA). 2. Prepare a Joint Health and Wellbeing Strategy based on the needs identified in the JSNA. 3. Oversee the delivery of the Better Care Fund. 4. Promote integration and partnership, including joined up commissioning plans across the NHS, social care and public health. 5. Support joint commissioning and pooled budgets where all parties agree it makes sense. 6. Offer strategic and organisational leadership to meet local priorities. <p>Accountability</p> <p>The Board is locally accountable to the community it services, elected members through the Royal Borough's Cabinet and to the Community Partnership Forum.</p> <p>There are accountabilities for commissioning decisions and actions through the NHS England Local Area Team</p> <p>Reporting Structures</p> <p>Any deviation from these terms of reference will be agreed by the statutory partners of the Board, specifically the Royal Borough, the Berkshire NHS Cluster Board and the Clinical Commissioning Groups' governing bodies.</p> <p>Review of the Health and Wellbeing Board</p> <p>The terms of reference and membership will be reviewed annually.</p> <p>E5.2 Membership</p> <ul style="list-style-type: none"> ▪ Chair Lead Member for Adult Services and Health. ▪ Deputy-Chair Chair Windsor, Ascot and Maidenhead Clinical Commissioning Group. ▪ Lead Member for Children's Services. ▪ Principal Member for Public Health and Communications. ▪ Managing Director/Strategic Director Adult, Children and Health Services. ▪ Deputy Director Health and Adult Social Care. ▪ Director of Public Health Berkshire. ▪ Chair Bracknell and Ascot Clinical Commissioning Group. ▪ Chair Windsor and Maidenhead Healthwatch. 	

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		<p>Named substitutes will attend meetings of the Board in place of core members as required. Other partners and stakeholders may be co-opted into temporary or permanent membership to help address the identified strategic priorities.</p> <p>E5.3 Frequency of Meetings Four meetings per year. All meetings will be public unless there are confidential (Part II) items as applicable by the Local Government Act 1972.</p> <p>E5.4 Quorum Minimum representation of four members for a meeting to take place with at least two members each from the Council and the NHS.</p>	
Para 2.13	Part 6 F12	<p>Revise the Terms of Reference for the Grants Panel.</p> <p>F12.1 Purpose:</p> <p>To consider applications for Grant funding to voluntary organisations, with a view to formulating recommendations to Cabinet. The Panel will meet in early January each year to consider annual revenue grants, annual Kidwells Trust grants, annual capital grants, and to note Service Level Agreements.</p> <p>Under delegated authority to consider applications received outside of the Annual Grants cycle and agree grants awards at an interim Grants Panel meeting or to be delegated to the Head of Strategy and Communities in consultation with the Chair of the Grants Panel and the relevant Lead Member to reflect the specific service area to which the grant relates.</p> <p>Under delegated authority, to consider applications for Social Enterprise Grants</p>	To reflect the revised arrangements following Council decision to increase the role of the Grants Panel and to omit the Cabinet Participatory Sub Committee.
Para 2.14	Part 6 D11	<p>Revise the Terms of Reference for the Berkshire Pension Fund Sub Committee with respect to delegations to take emergency actions to terminate a mandate, redeem a pooled holding or reduce exposure to one or more asset classes and to take any other action necessary to secure / recover/ Pension Fund Assets.</p> <p>The Berkshire pension Fund Panel has agreed that Council be asked to revise this so that a delegation for such emergency action is to: the Chairman (or in his absence the Vice Chairman) of the Berkshire Pension Fund Panel and one other of: the Vice Chairman, Leader, and Lead Member for Finance, Managing Director or a Strategic Director.</p>	To address the request from the Berkshire Pension Fund Panel to ensure that when necessary it can ensure that where emergency action is required authority can be obtained swiftly.

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Para 2.15	Part 2 B Table 2	<p>Delegation of Council – correct the named panel to which the function has been delegated by Council, in relation to the Function relating to local government pensions as listed in Section H of schedule 1 of the Regulations.</p> <p>The Council has delegated these functions to the Employment Panel.</p>	Correct an incorrectly named panel to the correctly named panel in Table 2.