



FOR PUBLICATION

DERBYSHIRE COUNTY COUNCIL

**REPORT TO THE MONITORING OFFICER AND DIRECTOR OF LEGAL
AND DEMOCRATIC SERVICES**

28TH NOVEMBER 2022

Report of the Principal Solicitor

**Minor change to the Constitution: ICP Joint Committee and the Health
and Wellbeing Board**

1. Purpose

- 1.1 To seek approval to include in the Constitution reference to the new Integrated Care Partnership (ICP) joint committee and their terms of reference which have been approved by Cabinet and an amended terms of reference for the Health and Wellbeing Board (HWB) which have been revised in light of the creation of the ICP and which also have been approved by Cabinet.

2. Information and Analysis

- 2.1 On 13th October 2022, Cabinet approved the establishment of the ICP as a Joint Committee, together with terms of reference. The ICP is an executive joint committee and as a result, its creation and the approval of the terms of reference fall within the remit of Cabinet. The ICP is to enable appropriate decision-making to meet the new obligations for every area in England to have an integrated Care System to ensure closer collaboration between NHS and local government partners.
- 2.2 It is therefore proposed to add the Terms of Reference attached at Appendix 2 for the ICP within Article 18 – Other Joint Committees as item 18.4.

- 2.3 The revised terms of reference for the Health and Wellbeing Board which reflect the role of the ICP are attached at Appendix 3 will replace those currently at Article 14. The HWB is also joint executive committee and so consideration of the revision of the terms of reference falls to Cabinet.
- 2.4 In accordance with paragraph 2 of Article 22 of the Constitution – Review and Revision of the Constitution, the Monitoring Officer is authorised to make changes to the Constitution which are required to be made so as to put into effect any decision of the Cabinet, Cabinet Member, Committee, sub-Committee or officer exercising delegated powers.
- 2.5 Any such amendments must be reported retrospectively to the Governance, Ethics and Standards Committee and to Full Council for noting.

3. Consultation

- 3.1 Not applicable as this is an administrative decision to ensure that the Constitution remains up to date.

4. Alternative Options Considered

- 4.1 Not to include the reference to the ICP, the terms of reference and the revised terms of reference for the HWB would not reflect the decisions made by Cabinet. Therefore, not amending the Constitution to include these would not be appropriate.

5. Implications

- 5.1 Appendix 1 sets out the relevant implications considered in the preparation of the report.

6. Background Papers

- 6.1 Report to Cabinet of 13th October - Establishment of ICP Joint Committee and nominations
<https://democracy.derbyshire.gov.uk/documents/s16824/ICP%20Joint%20Committee.pdf>

7. Appendices

- 7.1 Appendix 1 – Implications
7.2 Appendix 2 – Terms of Reference for the ICP
7.3 Appendix 3 – Revised Terms of Reference for the HWB

7.4 Appendix 4 – Proposed Officer Decision

8. Recommendation(s)

That the Monitoring Officer and Director of Legal and Democratic Services agrees to:

- a) include in the Constitution reference to the new Integrated Care Partnership (ICP) joint committee and their terms of reference as approved by Cabinet at Article 18;
- b) include the revised terms of reference for the HWB as approved by Cabinet at Article 14; and
- c) report the amendment to the Governance, Ethics and Standards Committee and full Council for noting.

9. Reasons for Recommendation(s)

- 9.1 To ensure that the relevant part of the Council's Constitution remains accurate and current.
- 9.2 To ensure that a decision of Cabinet is implemented.

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Implications

Financial

- 1.1 There are no significant implications for the Council as this does not involve any expenditure or budgetary changes.

Legal

- 2.1 As described within the report.

Human Resources

- 3.1 This is an administrative decision and as such, there are no Human Resources implications

Information Technology

- 4.1 This is an administrative decision and as such, there are no Information Technology implications

Equalities Impact

- 5.1 This is an administrative decision and as such, there are no equalities implications

Corporate objectives and priorities for change

- 6.1 This links to the Council Priority of High Performing Value for Money and Resident Focused Services. The changes proposed will enable efficient and up to date functioning of the Council as a corporate body.

Other (for example, Health and Safety, Environmental Sustainability, Property and Asset Management, Risk Management and Safeguarding)

- 7.1 None

**DERBYSHIRE COUNTY COUNCIL
OFFICER DECISION AND DECISION REVIEW RECORD**

Officer: Helen Barrington <i>*For emergency powers, this would be the Executive Director</i>		Service: Legal & Democratic Services
Delegated Power Being Exercised: Director of Legal and Democratic Services - delegated Power <i>*The delegation detailed in the Constitution to the specified officer or emergency powers</i>		
Subject of Decision: (i.e. services affected)	Minor change to the Constitution to include reference to, and the terms of reference for, the Integrated Care Partnership (ICP) and to include the amended terms of reference for the Health and Wellbeing Board	
Is this a review of a decision? If so, what was the date of the original decision?	No	
Key decision? If so have Democratic Services been notified?	This is not a key decision	
Decision Taken (specify precise details, including the period over which the decision will be in place and when it will be (further) reviewed):	That the Monitoring Officer and Director of Legal and Democratic Services agrees to: <ul style="list-style-type: none"> d) include in the Constitution reference to the new Integrated Care Partnership (ICP) joint committee and their terms of reference as agreed by Cabinet on 13th October 2022 at Article 18; e) include the revised terms of reference for the HWB as approved by Cabinet on 13th October 2022 at Article 14; and f) report the amendment to the Governance, Ethics and Standards Committee and full Council for noting. 	
Reasons for the Decision (specify all reasons for taking the decisions including where necessary reference to Council policy and anticipated impact of the decision) Where the decision is subject to statutory guidance please state how this has been taken into consideration.	To ensure that the relevant part of the Council's Constitution remains accurate and current. To ensure that a decision of Cabinet is implemented.	

Alternative Options Considered (if appropriate) and reasons for rejection of other options	Not to include the reference to the ICP, the terms of reference and the revised terms of reference for the HWB would not reflect the decisions made by Cabinet. Therefore, not amending the Constitution to include these would not be appropriate.
Has a risk assessment been conducted? - if so what are the potential adverse impacts identified and how will these be mitigated?	No – this is an administrative decision and a risk assessment is not required
Would the decision normally have been the subject of consultation with service users and the public? If so, explain why this is not practicable and the steps that have or will be taken to communicate the decision	No, this is an administrative decision.
Has any adverse impact on groups with protected characteristics been identified and if so, how will these be mitigated?	This is an administrative decision and as such, there are no equalities implications
Background/Reports/Information considered and attached (including Legal, HR, Financial, Equality and other considerations as required))	As set out in the report to the Director of Legal & Democratic Services dated 28th November 2022.
Consultation with relevant Cabinet Member (s) – please note this is obligatory.	The decisions to establish the ICP Joint Committee, approve its terms of reference and approve revised the Terms of Reference for the Health and Wellbeing Board were made by Cabinet following a report on 13 th October 2022.
Approval of Chair of appropriate Improvement and Scrutiny Committee where call in is intended to be waived – please	Not applicable.

note this is obligatory in those circumstances

Decision:

Approved by Helen Barrington, Director of Legal & Democratic Services

Signature and Date:

Helen E. Barrington

22nd December 2022