

Standards and Governance Committee

Minutes of a meeting held at County Hall,
Colliton Park, Dorchester on 15 April 2013.

Present:-

County Councillors

Les Ames
David Crowhurst
Howard Legg
John Wilson (Chairman)

Independent Members

Judith Anstice
Elizabeth Bird

Officers attending: Jonathan Mair (Head of Legal and Democratic Services and Monitoring Officer), Mark Taylor (Head of Internal Audit, Insurance and Risk Management), Peter Illsley (Head of Corporate Finance) and Fiona King (Senior Democratic Services Officer).

(**RECOMMENDED** in this type denotes that approval of the County Council is required.)

Apology for Absence

26. Apologies for absence were received from Janet Dover (Vice-Chairman), David Jones and Ronald Manley.

Code of Conduct

27. There were no declarations by members of any disclosable pecuniary interests under the Code of Conduct.

Minutes

28. The minutes of the meeting of the Standards and Governance Committee held on 31 January 2013 were confirmed and signed.

Matters Arising

Minute 16.1 - Public Health Changes

29. The Monitoring Officer informed members that the recommendations had been agreed by members of the County Council at their meeting on 14 February 2013 and that the new shared arrangements had been in place since 1 April 2013.

Minute 19 - Constitutional Changes

30. The Monitoring Officer informed members that members of the County Council had agreed that the Leader would be appointed for a period of four years.

Code of Conduct Update

31.1 The Monitoring Officer advised members that a complaint about an elected member had recently been received. This was the first complaint received under the new arrangements and he would shortly be reviewing the complaint with the Chairman to determine if an investigation was necessary. He undertook to report back to members at the next meeting of the Committee in July.

31.2 In response to a question about the action taken if the complaint was about a member that did not return after the elections, the Monitoring Officer advised that he would need to undertake further checks but it was unlikely to be taken further if the member was not re-elected. He confirmed that the nature of the complaint was not a matter for the Police but was concerned with conduct.

31.3 One member asked if it would affect a member's strength of standing in the forthcoming elections. The Monitoring Officer responded that the County Council was unable to prevent the complainant from publicising their complaint but that the County Council would be dealing with the complaint on a confidential basis at the present time.

31.4 The Monitoring Officer advised members that there were a number of co-opted members that the Code of Conduct now applied to. As well as co-opted members within the Children's Services Overview Committee, the introduction of the Health and Well-Being Board as a statutory Committee of the County Council and the Dorset Police and Crime Panel has seen the number of co-opted members increase. There were now around 60 people who were regulated by the Code of Conduct.

Noted

Corporate Governance Framework – Annual Compliance Assessment

32.1 The Committee considered a report from the Chief Financial Officer which outlined the areas of partial compliance within the Annual Compliance Assessment, and gave the reasons for the assessment and the actions being taken to improve the position. Members noted that there were no areas of non-compliance

32.2 The Head of Corporate Finance advised members that the governance framework against which the assessment has been carried out was unchanged from 2011/12. There were nine aspects (11% of the total of eighty two) in the current assessment where the County Council was only partially compliant, the same as in 2011/12.

32.3 One member highlighted the importance of communication and stressed the importance for members to keep making enquiries. He also commented on the career structure for member's principle and felt that this was dependent on how a particular member's political group managed their council life.

32.4 In response to a question from a member concerning complicated management information, the Head of Internal Audit, Insurance and Risk Management advised that work was on-going to make reports for managers easier to access.

32.5 A member expressed concern about a failure to follow professional advice and to comply with Financial Regulations that had been identified. The Head of Internal Audit, Insurance and Risk Management explained that the draft Internal Audit report on the issue was being discussed with managers and the findings were scheduled to be presented to the Cabinet at their meeting on 5 June 2013. He added that it was vital to get the processes right as there was such a lot of change happening within the authority at the present time.

32.6 Following a question from the Chairman concerning member development and whether it would be better sited as a single issue within the framework, the Monitoring Officer advised against changing the framework/assessment questions. The Head of Internal Audit, Insurance and Risk Management advised that when the Statement was published it would highlight the key items and not several instances.

32.7 Members noted that there was a whole range of skills that were present amongst all of the members but it was still important to highlight any opportunities.

Noted

Constitutional Changes

33.1 The Committee considered a report by the Monitoring Officer which proposed a number of changes which had arisen and would need to be considered by the County Council at its meeting on 16 May 2013.

33.2 One member commented on the proposed change to the terms of reference for the Adult and Community Services Overview Committee, in respect of the Supporting People Partnership, and noted that as the Partnership was managed and serviced by officers from within that Directorate he felt that the change would be worthwhile.

33.3 The Monitoring Officer noted that one of the aims of the Health and Well-Being Board was to enable the NHS and the County Council to work better together.

33.4 One member felt the change to the Public Health Overview Committee's terms of reference would provide further clarity on statutory and non-statutory functions.

33.5 In reporting on proposed changes to the terms of reference of the new Public Health Overview Committee the Monitoring Officer updated members on the transfer of public health functions and staff to the County Council and commented that the funding for Public Health had now been confirmed for three years providing greater budget certainty.

RECOMMENDED

34. That the County Council be asked to approve the following changes to the Constitution (attached as an Annexure to these minutes):-

- (i) Dorset Councils Working Together Joint Committee – Designation of executive duties.
- (ii) Dorset Health Scrutiny Committee and the Adult and Community Services Overview Committee - Changes to the terms of reference.
- (iii) Dorset Shadow Health and Well-being Board -Amendment of the terms of reference.
- (iv) Dorset Approved Premises Scheme - Amendment to the terms of reference of the Cabinet, Licensing and Registration Committee, Adult and Community Services Overview Committee, and Scheme of Delegation of the powers delegated to the Head of Community Services.
- (v) Public Health Overview Committee – Amendment to the terms of reference to be clear about those programmes that sit primarily within the remit of Public Health and within the Local Authority and those programmes and outcomes that are mandatory and non-mandatory.

Reason for recommendation

35. To contribute to the corporate aim to 'provide innovative and value for money services'.

Questions

36. No questions were asked by members under Standing Order 20 (2).

Meeting duration: 10.00am – 11.00am

Standards and Governance Committee

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Dorset County Council



Date of Meeting	15 April 2013
Officer	Monitoring Officer
Subject of Report	Constitutional Changes
Executive Summary	<p>The Constitution is a living document and is updated from time to time. The Standards and Governance Committee has a specific role in commenting upon proposed changes to the Constitution prior to consideration by the full Council.</p> <p>This report proposes a number of changes which have arisen and will need to be considered by the County Council at its meeting on 16 May 2013.</p>
Impact Assessment	n/a
Recommendations	<p>That the Standards and Governance Committee recommend the following proposed changes to the Constitution to the County Council:-</p> <ul style="list-style-type: none"> (i) Dorset Councils Working Together Joint Committee – Designation of executive duties. (ii) Dorset Health Scrutiny Committee and the Adult and Community Services Overview Committee - Changes to the terms of reference. (iii) Dorset Shadow Health and Well-being Board -Amendment of the terms of reference. (iv) Dorset Approved Premises Scheme - Amendment to the

	<p>terms of reference of the Cabinet, Licensing and Registration Committee, Adult and Community Services Overview Committee, and Scheme of Delegation of the powers delegated to the Head of Community Services.</p>
Reason for Recommendation	<p>To contribute to the corporate aim to 'provide innovative and value for money services'.</p>
Appendices	<p>Appendix 1 – Report of the Dorset Councils Working Together Joint Committee – 29 January 2013</p> <p>Appendix 2 – Extract from the Constitution – Article 6a and 6b of Part 2 - Terms of Reference of the Dorset Health Scrutiny Committee and the Adult and Community Services Overview Committee</p> <p>Appendix 3 – Extract from the Constitution – Article 11 of Part 2 - Terms of Reference of the Dorset Shadow Health and Well-being Board</p> <p>Appendix 4 – Dorset Approved Premises Scheme - Appendix 1 - Report to the Adult and Community Services Overview Committee – 18 March 2013</p>
Background Papers	<p>None</p>
Report Originator and Contact	<p>Name: Lee Gallagher, Democratic Services Manager Tel: (01305) 224191 Email: l.d.gallagher@dorsetcc.gov.uk</p>

The Constitution is a living document and is updated from time to time. The Standards and Governance Committee has a specific role in commenting upon proposed changes to the Constitution prior to consideration by the full Council.

This report proposes three changes which have arisen and will need to be considered by the County Council at its meeting on 16 May 2013. These are set out below:

Dorset Councils Working Together Joint Committee – Reallocation of Duties

- 1.1 The Dorset Leaders and Chief Executives met on 18 January 2013 to consider the future of the Dorset Councils Working Together Joint Committee, which subsequently recommended the suspension of the Committee for the foreseeable future. This proposal was considered by the Joint Committee at its meeting held on 29 January 2013, and was then recommended to partner authorities. The County Council agreed to the proposal at its meeting held on 14 February 2013.
- 1.2 The Committee had executive decision making powers for the three service areas below:
 - The Dorsetforyou.com Partnership (joint website);
 - The Dorset Procurement Partnership; and,
 - Superfast Broadband in Dorset
- 1.3 Following the decision to suspend the Joint Committee, partner authorities have also decided to cease the Dorset Procurement Partnership in its current form.
- 1.4 In the absence of a joint Committee it is to be recommended that governance for the remaining two shared service areas should move to the Leaders and Chief Executive's Group.
- 1.5 It is therefore proposed that the Chief Executive, after consultation with the Leader of the Council, should decide the budget provision and service priorities in respect of the County Council's contribution to the Dorsetforyou.com partnership, and the Superfast Broadband project.
- 1.6 For reference, the report considered by the Dorset Councils Working Together joint Committee is attached as Appendix 1 of this report.

Terms of Reference – Dorset Health Scrutiny Committee and Adult and Community Services Overview Committee

- 2.1 The Dorset Health Scrutiny Committee, at its meeting held on 11 March 2013, considered the responsibility for the overview of the Supporting People Programme following the introduction of service-based committees.
- 2.2 It was recognised that when the Supporting People Programme was originally set up the responsibility for overview was placed with the Dorset Health Scrutiny Committee because the Committee had representation from both the County Council and the district and borough councils. The Supporting People Programme was administered as a partnership arrangement between the County Council and the district and borough councils in Dorset with a ring-fenced and defined funding stream.
- 2.3 Since that time the Supporting People Commissioning Group has been established which has elected member representation from each district / borough council as well as two Dorset County Council members who currently serve as Chair and Vice-

Chair. This body meets twice a year to consider the Supporting People Programme and receive reports on performance, budgets and services.

- 2.4 There is no longer any defined Supporting People grant and the County Council now has complete discretion over funding. The County Council has retained the Supporting People brand within Adult Social Care. However, partner bodies do make contributions to some of the programmes.
- 2.5 It was suggested that the future overview of the Programme would be more appropriately served by the Adult and Community Services Overview Committee which would allow the Programme to be considered within the wider context of Adult Social Care, whilst the outcomes achieved through the Programme could be reported to the Health and Wellbeing Board, particularly in terms of how these are delivering against the priorities set out within the Joint Health and Wellbeing Strategy. Such a change would also enable the work of the Health Scrutiny Committee to focus exclusively upon local authority scrutiny of health.
- 2.6 As this will necessitate a change to the Constitution, the Standards and Governance Committee are invited to comment upon the following recommendation:-
- “16. That the County Council be recommended, subject to consideration by the Standards and Governance Committee, to remove the Supporting People Programme from the Terms of Reference of Dorset Health Scrutiny Committee and that this responsibility be transferred to the Terms of Reference of the Adult and Community Services Overview Committee.”*
- 2.7 The proposed terms of reference for both Committees are attached as Appendix 2 of this report.

Further Development of the Shadow Health and Wellbeing Board

- 3.1 The Dorset Shadow Health and Well-being Board at its meeting on 27 February 2013 considered a report which set out revised terms of reference which reflected that the shadow period for the Board was drawing to a close and from 1 April the Board takes on its formal status as a committee of the County Council.
- 3.2 The change to the terms of reference related to the statement of purpose of the board. The additional text is detailed below, and is also included in a proposed terms of reference provided as Appendix 3 to this report:
- “The agreed purpose of the Dorset Health and Wellbeing Board is to improve health and wellbeing, reduce health inequalities and promote closer integration between social care and health services. It is recognised that this will require: shared leadership; systems integration; and the mobilisation of both local and county-wide action”.*
- 3.3 As this will necessitate a change to the Constitution, the Standards and Governance Committee are invited to comment upon the following recommendation:-
- “9. That the County Council agree that:*
(i) the composition of the Statutory Board should be that of the existing Shadow Board but should be reviewed after six months with a view to recommendations to reduce the size of the Board being presented to the County Council in late 2013.

- (ii) *the statement of purpose set out in paragraph 4.1 of the joint report be included in the terms of reference for the statutory Board.”*

Dorset County Council Approved Premises Scheme for the Granting of Approval of Premises as Venues for Civil Marriage and Civil Partnership, and Citizenship

- 4.1 Dorset County Council is currently responsible for granting approval to secular premises as venues at which civil marriage and civil partnership registrations may be conducted and this is undertaken in accordance with the ‘Dorset Approved Premises Scheme’.
- 4.2 Recent legislative changes came into effect with the introduction of the Equalities Act 2010 and The Marriages and Civil Partnerships (Approved Premises) (Amendment) Regulations 2011. These changes now permit secular civil partnership registrations to be conducted on religious premises that have been approved for that purpose.
- 4.3 Approval of a revised ‘Dorset Approved Premises Scheme’ which takes into account these changes was considered by the Adult and Community Services Overview Committee at its meeting on 18 March 2013 and has subsequently been recommended to the Cabinet for approval. As a result this will also require amendments to be made to the Council’s constitution.
- 4.4 Whilst proposing amendments to the constitution in respect of the Scheme the opportunity has been taken to propose further amendments to include the statutory duties of citizenship as required by the Nationality, Immigration and Asylum Act 2002.
- 4.5 As this will necessitate a change to the Constitution, the Standards and Governance Committee are invited to comment upon the following recommendation:-
- “53. That the County Council be asked to make the following changes to the constitution of the County Council (as set out in Appendix 1 of the Acting Director’s report), subject to the views of the Standards and Governance Committee:*
- (i) an amendment of the terms of reference for the Cabinet.*
- (ii) an amendment of the terms of reference for the Licensing and Registration Committee.*
- (iii) an amendment of the terms of reference for the Adult and Community Services Overview Committee.*
- (iv) an amendment of the Scheme of Delegation of the powers delegated to the Head of Community Services.”*
- 4.6 The proposed changes to each terms of reference are attached as Appendix 4 of this report.

Jonathan Mair
Monitoring Officer
April 2013

Dorset Councils Working Together Joint Committee



Date of Meeting	18 January 2013
Officer	Liz Goodall Chief Executive, North Dorset District Council
Subject of Report	Joint Member Governance - Closure of the Dorset Councils Working Together Joint Committee
Executive Summary	<p>This report is intended to enable the Joint Committee to consider the appropriateness of the current joint member governance arrangements, in the light of experience and in the context of the direction of travel towards the termination of the current partnership for joint procurement.</p> <p>Governance of joint working has grown up over a period of time to serve specific and general purposes. Decision-making is currently exercised in three places:</p> <ul style="list-style-type: none">• Dorset Leaders and Chief Executives Group• Dorset Councils Working Together Joint Committee• Dorset Waste Partnership Joint Committee. <p>In all three governance arrangements, major decisions are recommended to each constituent council.</p> <p>In addition the local authorities work together with health sector representatives on the Dorset Health and Well-Being Board but this is a statutory arrangement under the Health and Social Care Act.</p> <p>The Dorset Councils Working Together Joint Committee was formed primarily to provide compliant governance to the Procurement Partnership. A joint committee formed under the Local Government Act is the best means of evidencing a genuine partnership and provides a governance framework within which all authorities can be confident that they have a say in how shared services are to be delivered.</p> <p>As members will be aware, a review of the future of the Dorset Procurement Partnership has been undertaken, concluding that partner</p>

	<p>authorities should each make their own arrangements for procurement but use Dorset Procurement contracts on a call-off basis. A formal recommendation to the Dorset Councils Working Together Joint Committee to disband the Dorset Procurement Partnership appears elsewhere on this agenda.</p> <p>The joint committee was constituted in such a way as to permit other services to benefit from the joint governance arrangement, which to date has included dorsetforyou.com, the Superfast Broadband project and an overview of other projects being managed jointly, for example property management. However, the likely removal of the main part of its business, the procurement partnership, means that its future viability comes into question. Officers are mindful of the significant call on members' time in attending and contributing to joint committees and wish to seek the right level of necessary governance and process.</p> <p>Appropriate governance arrangements will need to be in place to support continuing joint services such as dorsetforyou.com and for the Dorset Superfast Broadband project and any future joint projects.</p> <p>Dorset Leaders and Chief Executives considered the issue at its meeting on 29 November 2012 and recommended that the Dorset Councils Working Together Joint Committee be mothballed, and that on-going governance is managed through the Dorset Leaders and Chief Executives' Group, with terms of reference amended as required.</p> <p>The Dorset Waste Partnership Joint Committee will continue unchanged to provide the governance for the Dorset Waste Partnership.</p>
<p>Recommendations</p>	<p>That the joint committee consider joint governance issues, and recommend to partner councils that the Dorset Councils Working Together Joint Committee is mothballed, with on-going joint governance exercised through the Dorset Leaders and Chief Executives' Group.</p>
<p>Reason for Recommendation</p>	<p>To provide the proportionate level of joint governance to support continuing joint services and current and future joint projects.</p>
<p>Appendices</p>	<p>Appendix 1 - Current terms of reference of Dorset Leaders and Chief Executives' Group Appendix 2 - Current constitution of Dorset Councils Working Together Joint Committee</p>
<p>Background Papers</p>	<p>Dorset Leaders and Chief Executives Group, 29 November 2012, Joint Member Governance</p>
<p>Report Originator and Contact</p>	<p>Name: Dugald Lockhart, Policy Officer to the Dorset Chief Executives' Group Tel 01305 224207 d.a.lockhart@dorsetcc.gov.uk</p>

Dorset Leaders and Chief Executives

Terms of reference

Purpose

To provide vision and leadership for Dorset, in partnership with others

- Provide a means for facilitating co-operation between Dorset local authorities and resolve barriers and blockages
- Promote the interests of local government in Dorset
- Pursue issues of common concern to local authorities in Dorset
- Achieve efficiencies through joint improvement initiatives and to agree the application of any resource available to support joint improvement
- Agree collective direction and make recommendations to constituent councils, where appropriate.

Meetings

Meetings will be held on a quarterly basis throughout the year, including an annual meeting with partners.

Meetings are not held in public; however notes of meeting will be publicly available. Partner authorities are asked to report the proceedings of meetings of Leaders and Chief Executives to their respective councils, through circulation of the notes.

Membership

Leader, Christchurch Borough Council
Chief Executive, Christchurch Borough Council
Leader, Dorset County Council
Chief Executive, Dorset County Council
Leader, East Dorset District Council
Chief Executive, East Dorset District Council
Leader, North Dorset District Council
Chief Executive, North Dorset District Council
Leader, Purbeck District Council
Chief Executive, Purbeck District Council
Leader, West Dorset District Council
Chief Executive, West Dorset District Council
Chair of Management Committee, Weymouth & Portland Borough Council
Chief Executive, Weymouth & Portland Borough Council

Substitutes may be nominated for meetings.

Also in attendance: DCEG Policy Officer

Chairman

Meeting venues are rotated between all 7 authorities. The host authority's Leader (or Head of Management Committee in the case of Weymouth and Portland BC) chairs the meeting in rotation.

The Annual Stakeholder Forum is chaired by the Leader of Dorset County Council

Annual meeting with partners and Annual Stakeholder Forum

To take stock of delivery of the Sustainable Community Strategy for Dorset
To provide the proportionate framework within which other partnerships operate.
To improve relationships between key organisations and facilitate joint working across a range of initiatives.
To monitor delivery of the Dorset Sustainable Community Strategy

Attendees at annual meeting (in addition to Leaders and Chief Executives)

Chair of Dorset Association of Parish & Town Councils
Representative from the Community Groups Forum
Representative from the Police Authority
Representative from the Fire Authority
Representative from the PCT Board
Representative of the British Army

SCHEDULE 1

- The Constitution

1. DEFINITIONS AND INTERPRETATION

1.1 Definitions

Definitions used in this Constitution shall be the same as those set out in the Agreement, unless the context otherwise requires.

2 FUNCTIONS AND ACTIVITIES TO BE UNDERTAKEN BY THE JOINT COMMITTEE ON BEHALF OF THE PARTNER AUTHORITIES

2.1 The Partner Authorities have each agreed and resolved that the Joint Committee should discharge the Functions.

2.3 The Partner Authorities acknowledge that the Contracts have been entered into in furtherance of the Aims and Objectives and they further acknowledge that the Joint Committee shall endorse and adopt the Contracts.

2.5 The Joint Committee shall not make any decisions the effect of which would be to put any Partner Authority in breach of any contract (including the Contracts).

2.6 The Partner Authorities acknowledge that any decision taken by a Host Authority that puts a Partner Authority in breach of any contract (including the Contracts) shall not be implemented and any costs or losses incurred by a Partner Authority arising from any such decision shall be apportioned equally between the Partner Authorities in accordance with the cost sharing principles set out in the relevant Delegated Function Proforma.

3. COMPOSITION OF THE JOINT COMMITTEE

3.1 Each Partner Authority shall appoint two of its elected members to be its representatives on the Joint Committee.

3.2 Each DCWTJC Member shall have one vote at meetings of the Joint Committee.

3.3 Each DCWTJC Member shall remain in office until removed or replaced by his appointing Partner Authority, or in the case of a DCWTJC Member who is a member of an Executive until he ceases to be a member of the Executive of his appointing Partner Authority. Notice of the removal or replacement of a DCWTJC Member shall be given to the Clerk.

3.4 The proceedings of the Joint Committee shall not be invalidated by any vacancy or any defect or purported defect in the appointment of any DCWTJC Member.

3.5 Any Partner Authority may, by giving written notice thereof to the Clerk, nominate a Substitute Member to attend a meeting of the Joint Committee.

3.6 Where a Substitute Member takes the place of a DCWTJC Member who is a member of his appointing Partner Authority's Executive then such Substitute Member must also be a member of his appointing Partner Authority's Executive.

- 3.7 A Substitute Member shall have the same rights of speaking and voting at meetings of the Joint Committee as the DCWTJC Member for whom he is substituting.
- 3.8 Members of the Management Board and the Strategic Management Team, together with the Treasurer, Legal Advisor and the Clerk, shall be entitled to attend meetings of the Joint Committee to advise the Joint Committee on matters relevant to the functions and activities of the Joint Committee but shall have no voting rights.
- 3.9 Each Partner Authority may send any of its officers (as it considers to be appropriate) to meetings of the Joint Committee, or any sub-committee thereof, to support its DCWTJC Members or those invited to observe the meetings.

4. ROLE OF DCWTJC MEMBERS

- 4.1 The responsibilities of a DCWTJC Member shall be as follows:
- 4.1.1 to act in the interests of the Joint Committee as a whole except where this would result in a breach of statutory or other duty to their Partner Authority or would be in breach of their Partner Authority's adopted code of conduct for elected members;
- 4.1.2 to be committed to, and act as a champion for, the achievement of the Aims and Objectives;
- 4.1.3 to be a good ambassador for the Joint Committee;
- 4.1.4 to attend Joint Committee meetings regularly, vote on items of business and make a positive contribution to the achievement of the Aims and Objectives;
- 4.1.5 to act as an advocate for the Joint Committee in seeking any necessary approval from their Partner Authority to any draft Business Plan, any Service Plan and decisions of the Joint Committee requiring ratification from their Partner Authority (provided always that the DCWTJC Member approves the relevant document or decision subject to ratification).

5. RESPONSIBILITIES OF THE CHAIRMAN AND VICE-CHAIRMAN

- 5.1 The responsibilities of the Chairman are as follows:
- 5.1.1 to act as an ambassador for the Joint Committee and to represent the views of the Joint Committee to the general public and other organisations;
- 5.1.2 to ensure that the meetings of the Joint Committee are conducted efficiently and in accordance with the Standing Orders and Rules of Procedure;
- 5.1.3 to encourage the Joint Committee to delegate sufficient authority to the appropriate Senior Manager and to other officers of the Management Board or the Accountable Body to enable the Joint Committee's functions and activities to be carried out efficiently between meetings of the Joint Committee;

- 5.1.4 together with the Management Board to monitor the performance of the appropriate Senior Manager;
 - 5.1.5 to establish a constructive working relationship with, and to provide support for any subcommittees and a Host Authority or any other officers to whom the Joint Committee have delegated any of its powers and functions;
 - 5.1.6 to ensure that the Joint Committee monitors and controls the use of delegated powers; and
 - 5.1.7 to liaise with the Accountable Body regarding the Joint Committee's meetings and the conduct of its business.
- 5.2 The role of the Vice-Chairman is to deputise for the Chairman during any period of the Chairman's absence or at other times as appropriate and his responsibilities shall be the same as those of the Chairman.
- 5.3 Except as provided by this Constitution, neither the Chairman nor the Vice-Chairman has any authority or powers beyond those of any other DCWTJC Member.

6. MEETINGS OF THE JOINT COMMITTEE

- 6.1 Part I of Schedule 12 of the LGA 1972 shall apply to meetings of the Joint Committee.
- 6.2. At its first meeting and at each Annual General Meeting thereafter the Joint Committee shall:
- 6.2.1 elect from among the DCWTJC Members the first Chairman and Vice-Chairman by a simple majority of votes provided that if a deadlock occurs between two or more DCWTJC Members a second secret ballot shall immediately be conducted for the election of the Chairman and Vice-Chairman;
 - 6.2.2 adopt a Scheme of Delegation; and
 - 6.2.3 approve the schedule of meetings for the remainder of the year.
- 6.3 Subject to paragraph 6.5 below, and the need exceptionally to call additional meetings, the Joint Committee shall meet at least four times each year. The Chairman shall decide the venue, date and time of all meetings of the Joint Committee. Wherever practicable, at least 10 Business Days' notice of such meetings shall be given to each DCWTJC Member, the Senior Managers, the Treasurer, the Legal Advisor and to each of the Partner Authorities by the Clerk.
- 6.4. Meetings of the Joint Committee shall be open to the public and press except during consideration of items containing confidential or exempt information in accordance with the provisions of sections 100 to 100K of the LGA 1972; and reports to and the minutes of the Joint Committee shall (subject to the provisions of sections 100 to 100K of the LGA 1972) be available to the public and press as though they were the reports or minutes of a meeting of a Partner Authority.

- 6.5 Any DCWTJC Member may requisition a meeting of the Joint Committee by giving notice of such requisition to the Chairman and to the Clerk. Immediately upon receipt of such requisition, the Chairman shall call a meeting of the Joint Committee in accordance with paragraph 6.3 which shall be no later than 10 Business Days after the receipt by the Clerk of the notice of requisition.
- 6.6 The Standing Orders and Rules of Procedure shall be applicable to meetings of the Joint Committee. The Standing Orders and Rules of Procedure may only be amended or replaced if the amendment or replacement is agreed by not less than three-quarters of the DCWTJC Members.
- 6.7. The quorum for a meeting of the Joint Committee shall be at least one DCWTJC Member (or Substitute Member if appropriate) appointed by each Partner Authority; no business may be transacted at a meeting of the Joint Committee unless a quorum is present.
- 6.8. If a quorum is not present within 30 minutes of the time set for the commencement of a meeting of the Joint Committee (or a quorum ceases to be present during a meeting) the meeting shall be adjourned to the same time and venue five Business Days later or to such other date, time and venue as the Chairman (or other person who is chairing the meeting) shall determine.
- 6.9 The Chairman or Vice-Chairman may be removed by a majority vote of all of the DCWTJC Members present at a meeting of the Joint Committee subject to the Chairman or the Vice-Chairman being given the opportunity to address the meeting before the vote is taken to put his case as to why he should not be removed.
- 6.10 If the Chairman or the Vice-Chairman is removed by a majority vote of the Joint Committee or resigns or is otherwise unable to continue as Chairman or Vice-Chairman he may be replaced by the election of an DCWTJC Member as Chairman or Vice-Chairman as the case may be by a majority vote of the Joint Committee (in accordance with the provisions of paragraph 6.2).
- 6.11 The Chairman shall normally preside at all meetings of the Joint Committee. If the Chairman is not present within 15 minutes of the time for the commencement of a meeting, or being present does not wish to preside or is unable to do so, then the Vice-Chairman shall preside at that meeting. If (in the event of the absence or non-availability of the Chairman) the Vice-Chairman is not present within 15 minutes of the time for the commencement of the meeting or does not wish to preside or is unable to do so, the meeting shall appoint another DCWTJC Member to chair the meeting.

7. DELEGATION TO SUB-COMMITTEES AND OFFICERS

- 7.1 The Joint Committee may arrange for any of its functions to be discharged in accordance with the provisions of the Scheme of Delegation.
- 7.2 The Joint Committee may appoint working groups consisting of DCWTJC Members, officers from a Host Authority (including of the Management Board) and officers of any of the Partner Authorities to consider specific matters and report back to the Joint Committee or any sub-committee with recommendations.

8. SCRUTINY ARRANGEMENTS

- 8.1 Subject as set out in this paragraph 8 the decisions made by the Joint Committee

shall for the time being be subject to the Scrutiny Arrangements of each Partner Authority and each Partner Authority acknowledges the requirements in paragraph 8.8 below for cooperation between the respective Scrutiny Committees of each Partner Authority. The potential for the establishment of formal joint scrutiny arrangements once permissible under legislation will be investigated by the Clerk for consideration by the Joint Committee and adoption following consultation with the Partner Authorities.

- 8.2 Any decision of the Joint Committee, except those agreed as urgent in accordance with paragraph 8.3 shall not be implemented until the Scrutiny Arrangements of the Partner Authority whose membership has called in the decision or action has been completed.
- 8.3 Where the Joint Committee decides that a decision must be implemented without delay and as a matter of urgency it shall record the reasons for such urgency in the minutes of the meeting and any subsequent 'call in' of that decision should normally relate only to the process leading to the decision and not to the decision itself.
- 8.4 A summary record of decisions made by the Joint Committee will be made available to the public via the website of the Host Authority within five Business Days of the decision being made. At the same time the Host Authority will notify the summary record of decisions to all Partner Authorities for them to make available to their members as they see fit. The summary record will indicate which of the decisions are subject to the urgency provision and therefore are not available to be 'called in' prior to implementation.
- 8.5 All decisions of the Joint Committee (unless urgency is specified in accordance with paragraph 8.3) to be subject to call-in within five Business Days of publication. If not called in during that period any decision shall then be available for implementation.
- 8.6 All the Partner Authorities agree that their Scrutiny Procedure Rules shall be varied insofar as they relate to the call in of a decision of the Joint Committee so that any such decision may only be on the basis that the Joint Committee has exceeded its powers or the decision relates to the cost-sharing budget and in either case the decision directly affects the Partner Authority whose membership wishes to call it in.
- 8.7 The DCWTJC Members and the relevant officers from each Partner Authority (including the officers of the Management Board) shall fully cooperate with the relevant Scrutiny Committee of any of the Partner Authorities. The DCWTJC Chairman may nominate the DCWTJC Member(s).
- 8.8 Where a decision is called in by more than one Partner Authority, each of the Scrutiny Committees of each of the Partner Authorities calling in the decision will be invited to meet jointly to hear evidence, views, options considered, reasons for decision and to ask questions of appropriate DCWTJC Member(s) and officers of a Host Authority (including of the Management Board) and others invited to participate.
- 8.9 After these "hearings", each relevant Scrutiny Committee will meet separately to decide on what comment, view or recommendations (if any) it wishes to make to the Joint Committee.
- 8.10 Where the account to be given to the Scrutiny Committee requires the production of a report, then the DCWTJC Member or officer concerned will be given sufficient notice to prepare the documentation.

- 8.11 A DCWTJC member who is also a member of a Scrutiny Committee or a sub-committee of such a committee should regard himself as having a personal and a prejudicial interest if a Scrutiny Committee consideration relates to a decision made, or action taken, by the Joint Committee or any sub-committee of the Joint Committee.
- 8.12 Any other DCWTJC Member attending a scrutiny meeting for the purpose of answering questions or otherwise giving evidence relating to that decision or action should declare a personal interest.
- 8.13 Once it has formed recommendations on a call-in (or proposals for development in accordance with paragraph 8.16) a Scrutiny Committee shall prepare a formal report and submit it for consideration by the Joint Committee.
- 8.14 The Joint Committee shall consider the report of a Scrutiny Committee at its next suitable meeting and shall issue a formal response to such a report.
- 8.15 The Clerk shall monitor the operation of the provisions relating to call-in and urgency annually, and submit a report to the Joint Committee with proposals for review if necessary.
- 8.16 A Scrutiny Committee should notify one of the DCWTJC Members for his Partner Authority if it includes in its work programme any aspect of policy development or review relating to the work or functions of the Joint Committee.

9. BUSINESS PLAN

- 9.1 No later than 1 June in each year the Senior Manager shall submit a draft Business Plan for the Function for which they are responsible to the Management Board in respect of the next ensuing five Financial Years (covering that Financial Year and the following four Financial Years) (which draft Business Plan shall include a draft Service Plan for the next Financial Year).
- 9.2 The Management Board shall within 20 Business Days of receipt of the draft Business Plan consider and provide comments on or suggest amendments to the Senior Manager to be included in a revised draft Business Plan and/or draft Service Plan.
- 9.3 Subject to having considered any comments or suggested amendments from the Management Board by no later than 31 July in each year the Senior Manager shall submit to the Joint Committee the draft Business Plan in respect of the next ensuing five Financial Years (covering that Financial Year and the following four Financial Years) (which draft Business Plan shall include a draft Service Plan for the next Financial Year).
- 9.4 The Joint Committee shall consider the suitability of the draft Business Plan and draft Service Plan for the performance during the next five Financial Years of the Function and activities delegated to it by the Partner Authorities (together with the contractual commitments of the Partner Authorities under any relevant contracts including the Contracts) in accordance with the Aims and Objectives and shall use its reasonable endeavours to approve the draft Business Plan and draft Service Plan (subject to such amendments as the Joint Committee may require) by no later than 30 November in each year.

- 9.5 The Joint Committee shall perform the statutory functions delegated to it by the Partner Authorities and the activities referred to in paragraph 2 in conformity with the approved Business Plan (including the Service Plan).
- 9.6 At any time within a Financial Year the Joint Committee may agree by a majority vote of the DCWTJC Members a proposal to amend the Business Plan (including the Service Plan) for that Financial Year to accommodate any unforeseen circumstances and to assist the Joint Committee in achieving the Aims and Objectives.
- 9.7 Where the Joint Committee is to consider amendments to the Business Plan (including the Service Plan) in accordance with paragraph 9.6 above, the Senior Manager shall forthwith notify the Chief Executive of each of the Partner Authorities of the proposed amendments. Each Partner Authority shall have a period of 20 Business Days from receipt of the proposed amendments in which to consider them and where a Partner Authority (acting reasonably) considers the proposed amendments to be a Material Change that Partner Authority shall forthwith (and in any event within five Business Days of expiry of the 20 Business Day notice period) notify the Senior Manager that such amendments constitute a Material Change that requires the approval of the Partner Authority.
- 9.8 Where no Partner Authorities serve notice (in accordance with paragraph 9.7) on the Senior Manager, the Joint Committee may implement such proposed amendments.
- 9.9 Where one or more of the Partner Authorities has notified the Senior Manager that it considers the proposed amendments to be a Material Change, the Joint Committee shall not implement such proposed amendment unless and until the notifying Partner Authority has approved the proposed amendments and informed the Senior Manager that it has approved such proposed amendments. Until such time as the proposed amendments have been approved, the current approved Business Plan (as may have been amended from time to time in accordance with this Constitution) shall apply.

10. ANNUAL BUDGET

- 10.1 The Joint Committee and the Partner Authorities will prepare the Annual Budget for future Financial Years in accordance with the following deadlines:
- 10.2.1 No later than 31 October in each Financial Year the Joint Committee will approve the draft Annual Budget;
- 10.2.2 No later than 30 November in each Financial Year each Partner Authority will submit a report to its elected members to obtain approval for the draft Annual Budget and consider whether the draft Annual Budget should be included in its medium term financial plan;
- 10.2.3 No later than 7 December in each Financial Year each Partner Authority will provide any comments or proposed amendments to the draft Annual Budget to the Treasurer, the Management Board and the Joint Committee;
- 10.2.4 No later than 20 December in each Financial Year each Partner Authority will provide confirmation of the actual number of additional

residential properties included in the Council Tax base in its administrative area as at 1 December in that Financial Year to the Treasurer, the Management Board and a Host Authority;

- 10.2.5 No later than 15 January in each Financial Year the Treasurer will insert the actual changes in costs to the Joint Committee into the draft Annual Budget and circulate it to the section 151 officer and Management Board member of each Partner Authority and to the Joint Committee;
- 10.2.6 No later than 15 February in each Financial Year each Partner Authority will approve any amendments to the draft Annual Budget; and
- 10.2.7 The Joint Committee will approve the Annual Budget by no later than 26 February in each Financial Year.
- 10.3 If the Partner Authorities or the Joint Committee are unable to approve the draft Annual Budget for a Financial Year before 26 February in any year, the Joint Committee shall perform its delegated functions and activities set out in paragraph 2 in conformity with the approved Annual Budget for the previous Financial Year subject to such adjustment for inflation as required under the terms of the Contracts until such time as an Annual Budget is approved in accordance with this Paragraph 10.
- 10.4 At any time within a Financial Year the Joint Committee may agree by a majority vote amendments to the Annual Budget for that Financial Year to accommodate any unforeseen change in circumstances and to assist the Joint Committee in achieving the performance of its statutory functions and other activities in accordance with the Aims and Objectives.
- 10.5 Where the Joint Committee is to consider amendments in accordance with paragraph 10.4 above, the Senior Manager shall forthwith notify the Chief Executive of each of the Partner Authorities of the proposed amendments to the Annual Budget. Each Partner Authority shall have a period of 20 Business Days from receipt of the proposed amendments in which to consider them and to notify the Senior Manager that such amendments require the approval of the Partner Authority.
- 10.6 Where no Partner Authorities serve notice (in accordance with paragraph 10.5) on the Senior Manager the Joint Committee may implement such proposed amendment.
- 10.7 Where one or more of the Partner Authorities has notified the Senior Manager that it needs to approve the proposed amendments, the Joint Committee shall not implement such proposed amendments unless and until the notifying Partner Authority has approved the proposed amendments and informed the Senior Manager that it has approved such proposed amendments.
- 10.8 The Partner Authorities shall each pay their contribution of the Annual Budget to a Host Authority in accordance with clause 32 and schedule 6 of the Agreement.
- 11. CONDUCT AND EXPENSES OF DCWTJC MEMBERS**
- 11.1 DCWTJC Members shall be subject to the code of conduct for elected members adopted by the Partner Authority that nominated them to be a DCWTJC Member.

- 11.2 DCWTJC Members shall be entitled to receive payment of their attendance expenses as a DCWTJC Member in accordance with the LGA 1972 and their Partner Authority shall be responsible for making such payments. Any attendance expenses paid by any Partner Authority shall be recharged to the DCWTJC.
- 11.3 The Chairman's entitlement to receive a Special Responsibility Allowance shall be determined in accordance with the Members' Allowances Scheme for the Partner Authority appointing the member to the DCWTJC and that Partner Authority shall be responsible for making such payments. Any Special Responsibility Allowance paid by any Partner Authority shall be recharged to the DCWTJC.

12. LIABILITY OF JOINT COMMITTEE MEMBERS

A DCWTJC Member shall have the same responsibilities and liabilities as those that apply when sitting on other committees and bodies as an appointed representative of his nominating Partner Authority.

13. DISSOLUTION AND RE-FORMING OF JOINT COMMITTEE ON ANOTHER LOCAL AUTHORITY JOINING

- 13.1 If it is agreed by all the Partner Authorities that another local authority should be permitted to join the Joint Committee, then pursuant to regulation 11(2)(c) of the 2000 Regulations the Joint Committee shall be dissolved with a view to a new joint committee being established, the constitution of which being on similar terms to this Constitution (as varied by the proposed Partner Authorities).

6.1.1 **Adult and Community Services Overview Committee**

Terms of Reference:

In respect of the powers and duties of the County Council:-

- as local Social Services Authority for adults (people aged 18 or over)
 - the powers and duties that relate to further education, higher education and adult education
 - the powers and duties of the County Council in respect of community safety, public health and well-being
 - in relation to the Council's reserve powers in respect of housing and establishing housing needs subject to the consent of the Secretary of State
 - in relation to the Council's reserve powers in respect of the allocation of parking concessions for disabled and blind people
 - libraries
 - the arts and sports development
 - archives and museums
 - trading standards and animal health
 - registration of births, deaths and marriages
 - emergency planning
- (a) To review and develop policy at the Committee's own initiative or at the request of the Cabinet and make recommendations to the Cabinet or the full Council.
 - (b) To oversee major consultations and make recommendations to the Cabinet or the full Council.
 - (c) To monitor performance of services in accordance with the targets in the Corporate Plan.
 - (d) To provide a clear focus on finding efficiency savings in accordance with requirements in the Council's financial strategy.
 - (e) To monitor expenditure against available budgets and make recommendations to the Cabinet.
 - (f) To give advice on any matters as requested by the Cabinet.
 - (g) To make reports and recommendations to the full Council or the Cabinet on matters which affect the authority's area or its inhabitants.
 - (h) To consider proposed budget plans, service plans and any other major planning or strategic statements and to make recommendations to the Cabinet.

Inserted: <#>the Supporting People Programme, including the Housing and Support Strategy and the submission of commissioning plans as required¶

Membership: 12 members of the County Council not being members of the Cabinet or the Audit and Scrutiny Committee.

6.3.2 Dorset Health Scrutiny Committee

(See also Article 11 of this Constitution)

Terms of Reference:-

In relation to the Committee's work on the Supporting People Programme:-

- (a) To consider and make recommendations to the Cabinet on the Housing and Support Strategy, including the submission of commissioning plans as required;
- (b) To give notice to require the Cabinet or the County Council to consider and respond to any reports or recommendations arising from the Committee's work within two months of receipt.
- (c) To scrutinise the implementation of the programme, including the effect which this has on different groups of vulnerable people;
- (d) To monitor and review the pattern of provision across the area of the County Council and the arrangements for consultation and the involvement of the public.

In relation to the Committee's work on Local Authority Overview and Scrutiny of Health:-

- (a) To review and scrutinise matters relating to the planning, provision and operation of health services in the area of the County Council;
- (b) To make reports and recommendations to local NHS bodies and to the Cabinet and other relevant Committees on any matter reviewed or scrutinised;
- (c) To give notice to require the Cabinet or the County Council to consider and respond to any reports or recommendations arising from the Committee's work within two months of receipt.
- (d) To receive reports from local NHS bodies where they have under consideration any proposal for a substantial development of the health service in the area of the County Council or for a substantial variation in the provision of such service;
- (e) In accordance with Regulation 7 of the Local Authority (Overview and Scrutiny Committees Health Scrutiny Functions) Regulations 2002 and directions issued by the Secretary of State under Regulation 10, to establish joint committees with other Councils with Social Services responsibilities to exercise the above functions;
- (f) To arrange for the above functions to be exercisable by an Overview and Scrutiny Committee of another local authority where that authority would be better placed to undertake them and the authority in question agrees;
- (g) From time to time, as appropriate, to appoint a panel of members of the Committee to consider specific local issues relating to the overview and scrutiny of health.

Membership: 6 members of the County Council, or such higher minimum number which is necessary to achieve representation from the three main political groups based on the political balance rules. Every effort being made so that each

representing an area of the county which coincides with the district/borough council area in which their County Council electoral division is located, i.e. one County Council member to represent each of the following areas:-

APPENDIX 2

Christchurch, East Dorset, North Dorset, Purbeck, West Dorset and Weymouth and Portland.

1 member representing each of the 6 District/Borough Councils in Dorset.

Dorset Shadow Health and Wellbeing Board

Terms of Reference

1. The Purpose of the Shadow Health and Wellbeing Board (HWB)

1.1 The creation of a Health and Wellbeing Board presents an opportunity to join up local services, create new partnerships across health and social care and deliver greater democratic accountability.

Inserted: ¶

¶

¶

1.2

1. There is recognition that the role and functioning of the Shadow HWB is evolving and will be subject to regular review during the shadow period. Restrictions in local government law mean that during the shadow period the Shadow Board must operate as a less formal partnership body and not as a committee of the County Council.

Inserted: ¶

The agreed purpose of the Dorset Health and Wellbeing Board is to improve health and wellbeing, reduce health inequalities and promote closer integration between social care and health services. It is recognised that this will require: shared leadership; systems integration; and the mobilisation of both local and county-wide action. ¶

Inserted: 3

1. The Shadow HWB is to be the integrated governing board through which senior representatives of key partner organisations will:

- **Give strategic leadership** and direction through the agreement of outcomes for health and wellbeing across Dorset, based on the Joint Strategic Needs Assessment and make recommendations for prioritising investment across organisations to deliver these outcomes through the publication of the Joint Health and Wellbeing Strategy.
- **Drive change** through an outcomes based approach to improve health and wellbeing and reduce health inequalities for residents of Dorset recognising that many health gains come from work done outside of the NHS. The responsibility for health improvement falls to all partners. An example would be a local planning policy that supports home insulation, renewable energy initiatives, carbon reduction, the local economy and active travel schemes.
- **Be accountable** and responsible for better outcomes for people's health and wellbeing in Dorset by facilitating collaboration and promoting integrated commissioning to support the delivery of cost effective services.
- **Develop** to assume the responsibilities of the statutory Health and Wellbeing Board for Dorset when statutory powers are conferred in April 2013.

Inserted: 4

2. Key areas of responsibility

2.1 Be responsible for overseeing the development of the fully constituted statutory Health and Wellbeing Board for Dorset, which will succeed the Shadow Board in April 2013.

2.2 Identify health and wellbeing needs and priorities, and coordinate the development of the Joint Strategic Needs Assessments (JSNAs) for Dorset and make recommendations on the development of services based on evidence from the JSNA and in accordance with the Joint Health and Wellbeing Strategy.

2.3 Co-ordinate and develop effective partnership working to ensure that commissioning crosses organisational boundaries and promotes health and

wellbeing.

2.4 The Shadow HWB will:

- Identify outcome and investment priorities from the key groups that report to the Shadow HWB.
- Hold partners to account for achieving improved outcomes by monitoring the implementation of the Joint Health and Wellbeing Strategy.
- Ensure that the patient / service user voice, including that of seldom heard groups and children and young people, is intrinsic to the commissioning cycle and commissioning decisions.
- Develop a strategic approach to tackling health inequalities in Dorset and support communities to achieve wellbeing.
- Provide an effective link to the NHS Commissioning Board.
- Provide an effective link to various parts of NHS commissioning.
- Consider Equality and Diversity issues and deliver its public sector equalities duties under the Equality Act 2010.
- Work cooperatively with the Bournemouth and Poole shadow HWB and develop opportunities to share views and expertise in the development and delivery of common goals and priorities.
- Contribute to the authorisation of the Dorset Clinical Commissioning Group.
- Make timely and effective decisions.

2.5 The Shadow HWB will **not**:

- Take the place of any statutory commissioning body.
- Exercise the functions of the Dorset Health Scrutiny Committee.
- Hold any budgets.
- Duplicate the role of the existing Children and Adult Safeguarding Boards.

3. Membership

3.1 The membership of the Shadow HWB shall be:

Elected Members (9 in total) :

- The Leader of the County Council
- Portfolio holder for Adult and Community Services
- Portfolio holder for Children's Services
- District / Borough Council – 1x member representative from each authority (6 in total)

Local Authority Officers (4 in total)

- Director of Adult Services DCC
- Director of Children's Services DCC
- Director of Public Health DCC / NHS
- District / Borough Council – officer representative x1 to represent all

NHS Representatives (10 in total)

- GP Clinical Commissioning Groups
 - 1 x Chair of each Locality Executive (7 in total)
 - 1 x Chair of Dorset CCG Board
- Commissioning Support Organisation x1
- NHS Commissioning Board representative

Other (3 in total)

- Healthwatch representative (LINK representative in interim)
- Voluntary Sector representatives – 1 x Children’s
- 1x Adults

Total 26

3.2 **Substitute members:** Each board member should nominate a substitute who can attend in their place. Only Board members or their named substitutes can attend Shadow HWB meetings.

3.3 **Quorum:** The quorum for meetings of the Shadow **HWB** shall be 7.

3.4 **Review of Membership:** It is proposed that during the Shadow phase the membership is kept under review to ensure that the group is fit for purpose in readiness for assuming statutory responsibility.

4. **Peer-Groups and Sub-Groups**

4.1 Alongside the shadow HWB are a number of other partnerships to and from which information must flow to align strategies. It is also recognised that there will be a number of groups whose work will be intrinsic to the functioning of the HWB because of their focus on delivery in key areas.

4.2 The nature of the interrelationships between the HWB and these various groups will need to be established during the shadow phase and appropriate links will need to be established.

5.. **Accountability**

5.1 The main focus of the Shadow HWB is the improvement of health and wellbeing with a reduction in health inequalities.

5.2 Those stakeholders with statutory responsibilities will retain responsibility for meeting their individual statutory duties and responsibilities.

5.3 **Decisions and recommendations:**

- Recommendations of the Shadow HWB will be referred to the relevant statutory decision making bodies for approval where appropriate.
- There is an expectation that the Shadow HWB recommendations will be endorsed as all key stakeholders will have been involved in the development process.
- Decisions and recommendations will be agreed through consensus. Board members can ask for a vote if they wish. If this happens then decisions or recommendations will be agreed on the basis of a majority vote. In the event of an equality of votes the Chairman will have a second (casting) vote.

6. **Meetings of the Shadow HWB**

- 6.1
- **Frequency of Meetings:** The Shadow HWB will meet quarterly.
 - **Chair and Vice-Chair:** The Chair of the Shadow HWB will be the Dorset Clinical Commissioning Group Chair (this will be reviewed when the statutory board comes into being). The Vice-Chair will be drawn from the membership.
 - **Public participation:** Meetings of the Shadow Board will be held in public and the County Council's Standing Orders shall apply (as if the Shadow Board was a committee of the County Council) in readiness for the introduction of the statutory board. For public meetings reports and agendas will be published on www.dorsetforyou.com . Public participation in meetings will be in accordance with the requirement of Dorset County Council's Standing Orders.
 - **Conduct of meetings:** Meetings will be open but this will be subject to review if sensitive items are under discussion. Meetings may involve workshop style methods such as small group work to promote discussion and debate.
 - **Secretariat:** Meetings will be serviced by the Chief Executive of Dorset County Council or his/her representative.
 - **Circulation of papers:** Agendas and related papers will be circulated in line with the County Council's Standing Orders for meetings held in public

7. Responsibilities of Shadow HWB Members

- 7.1 The Members of the Board will be expected to subscribe to the seven principles of public life in their work and decision making. The principles are selflessness, integrity, objectivity, accountability, openness, honesty and leadership.
- 7.2 The organisations that are members of this partnership are expected to:
- Be Accountable**
 - Be accountable to their organisation / sector for their participation in the Shadow HWB and ensure that there is in place a robust route for two way communication.
 - Observe Good Governance**
 - Uphold and support the Shadow HWB decisions and be prepared to follow through on actions and decisions including observing necessary financial approval from their organisation for HWB proposals and declaring any conflict of interest should it arise.
 - Represent and make decisions**
 - Be prepared to make difficult decisions based on evidence about priorities at a time when resources will be limited; and represent the HWB at events and support the agreed majority view when speaking on behalf of the Shadow HWB to other parties.

- Be willing to learn more about issues and the work of others and lead on pieces of work and act as a “champion”.

8. Review of the Terms of Reference

- 8.1 It is understood that the Terms of Reference for the Shadow Health and Wellbeing Board will evolve over time, and will require regular review. In addition, the Terms of Reference will be reviewed in readiness for the statutory Health and Wellbeing Board when statutory powers are conferred.
- 8.2 The Dorset Shadow Health and Wellbeing Board will meet the obligations for Health and Wellbeing Boards set out in the Health and Social Care Act 2012.

Changes required to the County Council's Constitution

1. Article 7.8.21 (Terms of Reference and membership for Cabinet)

Except for those functions delegated to the quasi-judicial/appellate Committees.

- (a) The powers and duties of the County Council in relation to:-
- (i) Archives and Museums
 - (ii) Coroners
 - (iii) Data Protection
 - (iv) Civil Contingencies
 - (v) Food Safety
 - (vi) Registration of Births, Deaths and Marriages**
 - (vii) Trading Standards and Animal Health
 - (viii) Libraries
 - (ix) The Arts
 - (x) Charities

To be amended to read:

(vi) Registration of Births, Deaths, Marriages and Civil Partnership, and Citizenship.

2. Article 8.1 (Quasi-judicial, Regulatory and Other Committees)

Licensing and Registration Committee
Terms of Reference

1. Power to issue, amend or replace safety certificates (whether general or special) for sports grounds.
2. Power to issue, cancel, amend or replace safety certificates for regulated stands at sports grounds.
3. Power to licence the employment of children.
- 4. *To hear and determine appeals from applicants for or existing holders of 'approved premises' licenses in accordance with the Marriage Act 1949 (as amended).***
5. To determine applications made under Section 7 of the Explosives Act 1875 for the establishment of a factory or magazine.
6. The functions of the County Council in relation to elections.

To be amended to read:

4. To hear and determine appeals from applicants for or existing holders of 'approved premises' licenses in accordance with the Marriage Act 1949 (as amended) and the Civil Partnership Act 2004 (as amended).

3. **Article 6A: 6.1.1 (Adult and Community Services Overview Committee Terms of Reference)**

In respect of the powers and duties of the County Council:-

- as local Social Services Authority for adults (people aged 18 or over)
- the powers and duties that relate to further education, higher education and adult education
- the powers and duties of the County Council in respect of community safety, public health and well-being
- in relation to the Council's reserve powers in respect of housing and establishing housing needs subject to the consent of the Secretary of State
- in relation to the Council's reserve powers in respect of the allocation of parking concessions for disabled and blind people
- libraries
- the arts and sports development
- archives and museums
- trading standards and animal health
- **registration of births, deaths and marriages**
- emergency planning

To be amended to read:

Registration of births, deaths, marriages and civil partnerships, and citizenship.

4. **Appendix to Schedule 4 Scheme of Delegation to Officers**

Powers delegated to the Head of Community Services

1. Proper Officer for Registration Matters
2. Authorised to make arrangements for the implementation of Civil Partnership legislation under the Civil Partnership Act.

To be amended to read:

Powers delegated to the Head of Community Services

1. Proper Officer for Registration Matters
2. Authorised to make arrangements for the implementation of Civil Partnership legislation under the Civil Partnership Act.
3. **Authorised to make arrangements for the implementation of citizenship ceremonies under the Nationality, Immigration and Asylum Act 2002.**