

 ST HELENS BOROUGH COUNCIL	<h2>Council</h2> <h3>15 November 2023</h3>
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Report Title	Constitutional Issues
Cabinet Portfolio	Corporate Services
Cabinet Member	Councillor Martin Bond
Exempt Report	No
Reason for Exemption	N/A
Key Decision	No
Public Notice issued	N/A
Wards Affected	All
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Borough Priorities	Ensure children and young people have a positive start in life	
	Promote good health, independence, and care across our communities.	
	Create safe and strong communities and neighbourhoods for all.	
	Support a strong, thriving, inclusive and well-connected local economy	
	Create green and vibrant places that reflect our heritage and culture.	
	Be a responsible Council.	X

1. Summary

- 1.1 Members are provided with details of proposed amendments which are considered necessary to the Council's Constitution as and when required. In some cases, these are matters for Council to note, but in other cases Council approval of the amendments is being requested.

2. Recommendation for Decision

Council is recommended to:

- i) approve the revised Terms of Reference for Audit & Governance Committee at Appendix 1;
- ii) agree that the Council becomes a member of the Cheshire & Merseyside Health & Care Partnership Board as a Joint Committee and the Leader of the Council be nominated to continue as the Council's appointed representative on the Partnership Board and the Portfolio Holder for Integrated Health & Care as their nominated substitute member, as agreed at Annual Council on 17 May 2023;
- iii) approve the Terms of Reference for the Cheshire & Merseyside Health & Care Partnership Board at Appendix 2 and authorise the Monitoring Officer to agree any minor changes to the Terms of Reference in consultation with the Portfolio Holder for Integrated Care and Health and Executive Director of People & NHS Place Director St Helens; and
- iv) authorise the Monitoring Officer to make the necessary changes to the constitution so that it accords with the decisions of Council in this regard.

3. Purpose of this report

- 3.1 The report sets out a number of issues in relation to the Constitution and the governance of the Council, which Council is asked to consider and either note or determine, as appropriate.
- 3.2 It is the responsibility of the Monitoring Officer to monitor and review the operation of the Constitution and to seek approval of any changes necessary due to changes in legislation or changes in the way the Council wishes to operate. This report sets out the proposed changes which have been identified.

4. Background / Reason for the recommendations

- 4.1 The Council has agreed a constitution which 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. Some of these processes are required by the law, while others are a matter for the Council to choose.

Revised Terms of Reference for Audit & Governance Committee

- 4.2 At its meeting on 27 September 2023, Audit & Governance Committee agreed to recommend to Council for approval the proposed revised Terms of Reference ("ToR") at Appendix 1. The Committee's ToR were last updated in May 2021. The CIPFA 2022 publication 'Audit Committees: Practical guidance for Local Authorities and Police' provides direction to ensure that core functions remain both relevant and

aligned to key governance considerations. The CIPFA guidance includes suggested terms of reference for local authorities, that set out the committee's position in the governance structure of the authority. The revised ToR will keep the committee's functions aligned to CIPFA best practice.

4.3 Suggested terms of reference for local authorities are provided in Appendix B1 in the CIPFA guidance document, and these have been compared to the current ToR for the Committee. The main changes to the Terms of Reference are the following additions:

- To provide free and unfettered access to the audit committee chair for the auditors, including the opportunity for a private meeting with the committee.
- To consider any impairments to the independence or objectivity of the Head of Internal Audit arising from additional roles or responsibilities outside of internal auditing and to approve and periodically review safeguards to limit such impairments.
- To publish an annual report on the work of the committee, including a conclusion of the compliance with the CIPFA Position Statement.

4.4 The Committee's core purpose remains to provide an independent and high-level focus on the adequacy of governance, risk, and control arrangements. Its role in ensuring there is sufficient assurance over governance, risk and control gives greater confidence to all those charged with governance that those arrangements are effective.

Terms of Reference for Cheshire & Merseyside Health & Care Partnership Board

4.5 At its meeting on 28 September 2023, People's Board agreed to recommend to Council for approval the proposed ToR for the Partnership Board at Appendix 2.

4.6 Integrated care systems (ICSs) are statutory partnerships that bring together NHS organisations, local authorities and other bodies to take collective responsibility for planning services, improving health and reducing inequalities across geographical areas.

4.7 ICSs comprise two key components:

- Integrated Care Board (ICBs): statutory bodies that are responsible for planning and funding most NHS services in the area. Locally the Board is known as NHS Cheshire and Merseyside Integrated Care Board (NHS Cheshire and Merseyside)
- Integrated Care Partnerships (ICPs): statutory committees that bring together a broad set of system partners (including local government, the voluntary, community, faith and social enterprise sector, NHS organisations and others) to develop a health and care strategy for the area.

4.8 As part of the statutory governance arrangements, the ICS is required to set up an Integrated Care Partnership for Cheshire & Merseyside, with local authority membership from each Place.

4.9 An ICP is a joint committee formed between an NHS Integrated Care Board and all upper-tier local authorities that fall within the same ICS area. The ICS for our area

covers the geographical footprint of the nine local authority areas. The ICP will play a critical role within the ICS with the intent to bring together a broad alliance of partners concerned with improving the care, health and wellbeing of the population, with membership determined locally.

- 4.10 The ICP will drive the strategic direction and plans across the C&M area, and this work needs to be aligned with other strategies and the work of the local Health and Wellbeing Boards. The ICP allows organisations to work together more closely to collectively improve the health of residents across C&M. In particular, it has responsibility for agreeing an Integrated Care Strategy across C&M to address the broad health and social care needs of the population across the region, including the wider determinants of health, such as employment, environment and housing. ICBs and local authorities will be required to have regard to the ICP strategy when making decisions, commissioning and delivering services.
- 4.11 Cheshire and Merseyside (C&M) have an established Health and Care Partnership, which has been in place in shadow form since 2020 and is the committee from which the C&M ICS' ICP will develop from. It has been proposed that the new ICP will be known as the Cheshire and Merseyside Health and Care Partnership Board (HCP).
- 4.12 The ICP will comprise of health and care partners from across the C&M area, including one councillor representative from each local authority, as well as two Directors of Adult Social Care and two Directors of Public Health from across C&M, plus representation from the Ambulance Service, Fire & Rescue, Police, Housing, Voluntary Sector, Carers, Primary Care, Social Care Providers and Provider Collaboratives.
- 4.13 At Annual Council each year, the Council has appointed the Leader of the Council as the representative on the shadow HCP Board with Councillor Marlene Quinn as the Portfolio Holder for Integrated Health & Care attending as the nominated deputy/substitute member.
- 4.14 The HCP is a joint committee where partners in the ICS will come together to deliver the aims and objectives contained within the proposed ToRs. The proposed ToRs have been developed collaboratively between health partners, Cheshire and Merseyside local authorities. They set out the purpose, membership, remit, responsibilities, and reporting arrangements of the joint committee.

5 Consideration of Alternatives

- 5.1 None.

6 Conclusions

- 6.1 The Constitution is reviewed regularly with proposed amendments recommended to Council for consideration and approval. Minor changes may be made during the year by the Monitoring Officer to ensure the document remains fit for purpose, for example changes to post titles.

7 Legal Implications

- 7.1 The recommendations within this report are lawful and comply with the

Council's Constitution. Except insofar as the Council has delegated to the Monitoring Officer power to make minor amendments to the Constitution, changes to the Constitution will only be approved by full Council after consideration of the proposal by the Monitoring Officer.

8 Equality Impact Assessment

8.1 N/A.

9 Social Value

9.1 None.

10 Net Zero and Environment

10.1 None.

11 Health and Wellbeing

11.1 None.

12 Equality and Human Rights

12.1 None.

13 Customer and Resident

13.1 None.

14 Asset and Property

14.1 None.

15 Staffing and Human Resources

15.1 None.

16 Risks

16.1 There is a risk that not keeping the Constitution up to date could be detrimental to ensuring that the aims of good governance are given full effect.

17 Finance

17.1 None.

18 Policy Framework Implications

18.1 None.

19 Impact and Opportunities on Localities

19.1 None.

20 Background Documents

- 20.1 Audit & Governance Committee Report – 27 September 2023
- 20.2 CIPFA Publication Audit Committees: Practical Guidance for Local Authorities and Police (2022 edition)
- 20.3 People’s Board Report – 28 September 2023.

21 Appendices

- 21.1 Appendix 1 – Revised Terms of Reference for Audit & Governance Committee
- 21.2 Appendix 2 – Terms of Reference for Cheshire & Merseyside Health & Care Partnership Board.