

Constitution Review 2022

| Part/Article | Revision(s) | Reason |
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| Index | <p>A. Access to Information include:-</p> <ul style="list-style-type: none"> Elected Members | New section inserted detailing the member/officer protocol and member access to information. |
| Part 2 – Articles of the Constitution | | |
| Article 2 – Members of the Council 2.03 (b)(i) | Reference to the Member Officer Protocol removed. | New section for Members created under Access to Information to provide clarity. |
| Article 4 – The Council 4.05 | Delete word 'Development Control' and replace with 'Planning and Licensing'. | Updated wording. |
| Article 5 – Chairing the Council 5.01 (5 & 6) | <p>References to Scrutiny and Performance Panels deleted and replaced with:-</p> <p>'Overview and Scrutiny Committee'</p> | Name of committees has changed |
| Article 7 –The Executive 7.04 | An 's' added to the word 'resolve' so it reads 'resolves'. | Typo corrected |
| Article 7 –The Executive 7.05 (2) Other Executive Members | List updated to reflect current structure of the Executive | Updated following the elections |
| Article 8 – Regulatory and Other Committees | Additional wording in italics:- | |

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| <p>8.04 (a & b)</p> | <p>a) If an Overview and Scrutiny Committee is reviewing a decision of a Committee, of which the Councillor was a member when the decision was made, then the Councillor will have a significant interest, which she/he must disclose, before the agenda item is reached. <i>The Councillor should leave the room and not participate in the debate or decision.</i></p> <p>(b) If the interest is a disclosable pecuniary interest then the Councillor may not speak or vote on the matter and should leave the room or chamber where the meeting is being held. <i>Where a matter arises at a meeting which directly relates to an Other Registerable Interests, Councillors must disclose the interest. Councillors may speak on the that matter only if members of the public are also allowed to speak at the meeting but otherwise must not take part in any discussion or vote on the matter and must not remain in the room unless they have been granted a dispensation.</i></p> | <p>Rewritten to provide more clarity over dealing with interests</p> |
| <p>Article 12 – Finance, Contracts and legal matters</p> <p>12.03</p> <p>12.04 and 12.05</p> | <p>Insert word in <i>italics</i> and replace ‘Head of Legal and Democratic Services’ with ‘Director of Governance’:-</p> <p>The Director of Governance is authorised to institute, defend, <i>settle</i>, or participate in any legal proceedings in any case where such action is necessary to give effect to decisions of the Council or in any case where the Director of Governance considers that such action is necessary to protect the Council’s interests.</p> <p>Delete ‘Head of Legal and Democratic Services’ and insert ‘Director of Governance’</p> | <p>Change of 12.03 to reflect job title and power to settle proceedings</p> <p>Change of 12.03 to reflect job title</p> |

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| PART 3 - RESPONSIBILITY FOR LOCAL CHOICE FUNCTIONS TABLE 2 - RESPONSIBILITY FOR COUNCIL FUNCTIONS | | |
| 7. Health and Wellbeing Board | <p>Revised Remit, frequency and start time:-</p> <p>To meet quarterly at 4.00.</p> <p>Remit:</p> <p>Remit</p> <p>(1) To deliver the Health and Wellbeing Board's statutory functions (under the Health and Social Care Act 2012), namely:</p> <ul style="list-style-type: none"> a) A duty to encourage integrated working between commissioners of NHS, public health and social care services, including arrangements under Section 75 of the NHS Act 2006. b) A duty to exercise the functions of Clinical Commissioning Groups (CCGs) and local authorities (conferred in Sections 192 and 193) to prepare and have regard to Joint Strategic Needs Assessments and joint Health and Wellbeing Strategies. c) A requirement to develop, publish and update Pharmaceutical Needs Assessments in a 3 year cycle. d) A right to be consulted by each Clinical Commissioning Group on its Commissioning plan, | <p>Decision of the H & WBB</p> |

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| | <p>Annual report and Performance Assessments and to give an opinion whether its plan takes proper account of the joint Health and Wellbeing Strategy.</p> <p>e) To support joint commissioning and pooled budget arrangements as a means of delivering service priorities; to seek assurance from respective organisations through regular reports on associated activity; and to approve plans accordingly.</p> <p>f) To require upon request, reports from other partnership bodies to assist the Board to perform its functions.</p> <p>g) To make arrangements for Joint Health and Wellbeing Board's as necessary.</p> <p>(2) To set strategic objectives across the health and social care system informed by the Joint Strategic Needs Assessment, with wider partners, in Walsall to advance the health and wellbeing of the people of Walsall</p> <p>(3) To gain assurance that strategic objectives are being fulfilled by the health and social care system in Walsall.</p> <p>(4) To gain assurance from partnership bodies in relation to plans for dealing with national and local public health crises.</p> | |
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| 11. Standards Committee | <p>Include the following:-</p> <p>14) to consider the annual report of the Local Government and Social Care Ombudsman;</p> <p>15) to consider reports from the Local Government and Social Care Ombudsman in relation to investigations into complaints against the Council, in accordance with Section 31(2) of the Local Government Act 1974.</p> | <p>Lawful requirement</p> <p>Lawful requirement</p> |
| Part 4.0 Rules of Procedure | <p>Insertion of new section at paragraph 25 entitled:-</p> <p>‘Members access to information and to Council Documents’</p> <p>See attached – appendix 1(a).</p> | <p>New section inserted to assist members</p> |
| <p>Part 4.7 Financial Rules</p> <p>Removal of ‘Assistant Directors’</p> <p>Paragraphs 2.3.2 C (i) & (ii); D (i) & (ii), 2.4.2, 2.4.3, 3.6, 8.3, 8.5, 8.6, 8.8(a) & 9 (c), 9.2.10, 9.4.2 (a).</p> <p>Paragraph 6.2.3.</p> | <p>That all references to Assistant Directors be removed from the Financial Rules and replace with ‘Directors’.</p> <p>Insertion of the Director of Finance, Corporate Landlord and Performance in the paragraphs listed.</p> <p>Replace Head of Legal and Democratic Services with ‘Director of Governance’</p> | <p>Change in structure.</p> <p>Change in structure.</p> <p>Change in structure.</p> |
| PART 5 – CODES AND PROTOCOLS | | |
| 1. Members Code of Conduct | <p>Member Code of Conduct updated.</p> <p>See appendix 1b.</p> | <p>Revised Code of Conduct approved by Standards Committee</p> |

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| Part 6 – Members Allowances Scheme | Updated following Council to reflect current figures. | Council decision February, 2021 |
| Part 10 – List of members of the Council | To be updated after the Elections in May. | To ensure that the list is current. |