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| DECISION-MAKER: | GOVERNANCE COMMITTEE FULL COUNCIL |
| SUBJECT: | ANNUAL REVIEW OF THE CONSTITUTION |
| DATE OF DECISION: | 25 TH APRIL 2022 (GOVERNANCE COMMITTEE) 18 TH MAY 2022 (COUNCIL) |
| REPORT OF: | SERVICE DIRECTOR: LEGAL & BUSINESS OPERATIONS & MONITORING OFFICER |

| <u>CONTACT DETAILS</u> | | | |
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| Executive Director | Title | Acting Chief Executive | |
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| Author: | Title | Service Director: Legal & Business Operations | |
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| STATEMENT OF CONFIDENTIALITY | |
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| N/A | |
| BRIEF SUMMARY | |
| This report sets out the annual review of the Constitution. This will be considered and initially discussed by Governance Committee on 25 th April 2022. The recommendations to both the Governance Committee and Council are included below. | |
| As ever, the Constitution is a document that changes regularly and, therefore, further revisions may be proposed prior to or at Council. | |
| RECOMMENDATIONS: | |
| <u>Governance Committee</u> | |
| | (i) To consider and recommend the changes to the Constitution to Council for adoption. |
| <u>Council</u> | |
| | (ii) To agree the minor changes to the Constitution and associated arrangements as set out in this report; |
| | (iii) To authorise the Service Director: Legal & Business Operations to finalise the arrangements as approved by Full Council and make any further consequential or minor changes arising from the decision; |
| | (iv) To approve the City Council's Constitution, as amended, including the Officer Scheme of Delegation, for the Municipal Year 2022-23. |
| REASONS FOR REPORT RECOMMENDATIONS | |
| 1. | It is appropriate as a core tenet of good governance for the Council to keep its Constitution under regular review and to amend it, both to reflect experience |

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| | and changing circumstances. No additions to the comprehensive Officer Scheme of Delegation are proposed. |
| ALTERNATIVE OPTIONS CONSIDERED AND REJECTED | |
| 2. | The Council has previously resolved to review its Constitution annually. Therefore, it is appropriate that this report is considered by Members. There are a range of recommendations set out within the report, none of which are substantial changes. Members have a range of options about various changes not least of which is to amend or reject some or all of them. |
| DETAIL (Including consultation carried out) | |
| <u>Contract Procedure Rules (CPRs)</u> | |
| 3. | Minor changes are proposed to the CPRs as indicated below. Additional wording is proposed to the exemption section to require a contract award notice is published for all approved exemptions that fall within the High Value Transaction Procedure. This will clarify that all approved exemptions above £25k will be required to have a notice published on the web via Contracts Finder/Find A Tender. |
| 4. | Amendment of wording to make clear that the Medium Value Transaction Procedure and the Low Value Transaction Procedure threshold values will remain exclusive of VAT. This will clarify the application of the Public Procurement (Agreement on Government Procurement) (Threshold) (Amendment) Regulations 2021 and PPN 10/21 – Thresholds and Inclusion of VAT in respect of the CPRs and make the assessment of Contract Value at this value clearer for users. |
| 5. | Amendment of wording to make clear that in respect of procurements with a Contract Value of or in excess of the PCR Thresholds, the value must now be calculated inclusive of VAT. This is to apply the Public Procurement (Agreement on Government Procurement) (Threshold) (Amendment) Regulations 2021 and PPN 10/21 – Thresholds and Inclusion of VAT to PCR Procedure procurements. |
| 6. | Updates to the following PCR Thresholds to reflect legislative threshold changes applicable between 1 st January 2022 and 31 st December 2023: <ul style="list-style-type: none"> • Works Contracts £5,336,937 • Supply and Service Contracts £213,477 This is to reflect changes to legislative thresholds which are amended every two years in line with the Public Procurement (Agreement on Government Procurement) (Threshold) (Amendment) Regulations 2021 and PPN 10/21 – Thresholds and Inclusion of VAT. |
| 7. | Update to the Concession Contract Procedure to include reflect legislative threshold changes which increase the relevant threshold to £5,336,937. This is to reflect changes to legislative thresholds which are amended every two years in line with the Public Procurement (Agreement on Government Procurement) (Threshold) (Amendment) Regulations 2021 and PPN 10/21 – Thresholds and Inclusion of VAT. |
| 8. | Addition of wording to provide clarity that Rule 15.7 applies when a variation to a contract is not explicit within the terms and conditions of the contract. To clarify that Executive Directors can approve variations and extensions where |

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| | they are envisaged under the contract and the approach for approving them when this is not the case. |
| <u>Health & Wellbeing Board</u> | |
| 9. | As members will be aware Health and Wellbeing Boards (HWBs) were established under the Health and Social Care Act 2012 to act as a forum in which key leaders from the local health and care system could work together to improve the health and wellbeing of their local population. HWB have limited formal powers; these being to deliver a joint strategic needs assessment and a health and wellbeing strategy. They are constituted as a partnership forum rather than an executive decision-making body. Southampton's HWB is accountable to Cabinet. |
| 10. | <p><i>Membership</i></p> <p>The Board's current voting membership is:</p> <ul style="list-style-type: none"> • Elected member lead for Health & Social Care (Chair) – Cllr Ivan White • Clinical Director for Southampton (representative of Hampshire, Southampton and Isle of Wight Clinical Commissioning Group) – Dr Sarah Young (Deputy Chair) • Opposition member lead for Health & Social Care – Cllr Lorna Fielker • Three additional Councillors appointed by Council under the rule of proportionality – Cllr Peter Baillie, Cllr Terry Streets, Cllr Robert Stead • Executive Director Wellbeing (Children & Learning) – Rob Henderson • Executive Director Wellbeing (Adults & Health) – Guy Van Dichele • Director of Public Health – Dr Debbie Chase • Healthwatch representative – Rob Kurn |
| 11. | The Board previously also included a voting representative from NHS England (Dr Shahed Ahmed), but this membership responsibility has recently been discharged to CCGs, so the Board has reduced in number by one, and there is now only one representative from a health organisation (Dr Young). In addition, the Chief Medical Officer at University Hospital Southampton and the Council's Clinical Director for Quality and Integration receive Board papers and regularly join as invited guests. |
| 12. | At its meeting of 18 January 2022, the Board reviewed its membership and discussed whether or not to expand it to include representatives from additional health and wellbeing organisations. Members noted that it was important to ensure the right expertise was available to the Board when needed. However, it was recognised that retaining a smaller Board may enable it to remain more agile. When considering the addition of members to represent organisations from the wider health and wellbeing sector it was also felt that it may not be the most efficient use of representatives' limited time to join every meeting of the Board. |
| 13. | Members instead proposed that individual expertise and representation be sought on a per case basis. Individuals could be invited to contribute to and attend HWB meetings according to need. |
| 14. | However, the Board's current small membership may put its meetings at risk of not being quorate. The quorum required is for at least one Councillor, one member of Healthwatch and one representative from health to be present. It may be sensible to invite Healthwatch to either appoint an additional member |

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| | <p>or to nominate a deputy who could attend if needed. The number of members from the health sector could also be increased to include representatives who could add value, vision and skills in areas of crucial importance to the HWB, for example in children and young people and in mental health. The contributions of the Chief Medical Officer at University Hospital Southampton and the Council's Clinical Director for Quality and Integration could also be formalised by inviting them to join as full Board members. Amendments to the HWB terms of reference must be approved by Council.</p> |
| 15. | <p>It is was therefore resolved by HWB to recommend to Council that:</p> <ul style="list-style-type: none"> • For agenda items requiring additional expertise, the Chair, in discussion with the relevant Executive Directors, invite contributions from and attendance of additional individuals on a per case basis • The HWB terms of reference are amended: <ul style="list-style-type: none"> ○ to remove the seat previously allocated to NHS England; and ○ to include additional members with a focus on strategic system working <ul style="list-style-type: none"> ▪ a local mental health clinician ▪ a local community paediatrician; and ○ to include deputy HSIOW CCG and Healthwatch representatives; and <p>to formalise as full voting members the inclusion of the Chief Medical Officer at University Hospital Southampton and the SCC Clinical Director for Quality and Integration.</p> |
| 16. | <p>The Southampton Health and Wellbeing Board voting membership would therefore comprise:</p> <ul style="list-style-type: none"> • Elected member lead for Health & Social Care (Chair); • Clinical Director for Southampton (representative of Hampshire, Southampton and Isle of Wight Clinical Commissioning Group), or nominated deputy; • Opposition member lead for Health & Social Care; • Three additional councillors appointed by Council under the rule of proportionality; • Executive Director Wellbeing (Children & Learning); • Executive Director Wellbeing (Adults & Health); • Director of Public Health; • Healthwatch representative, or nominated deputy; • Local mental health clinician; • Local community paediatrician; • Chief Medical Officer at University Hospital Southampton NHS Foundation Trust; • SCC Clinical Director for Quality and Integration. <p>The quorum will comprise at least one Councillor, one member of Healthwatch and one representative from health (to include HSIOW CCG, a mental health clinician, a community paediatrician, and University Hospital Southampton).</p> |

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| RESOURCE IMPLICATIONS | |
| <u>Capital/Revenue</u> | |
| | None |
| <u>Property/Other</u> | |
| | None |
| LEGAL IMPLICATIONS | |
| <u>Statutory power to undertake proposals in the report:</u> | |
| | An up to date Constitution is a requirement under the Local Government Act 2000 |
| <u>Other Legal Implications:</u> | |
| | None |
| RISK MANAGEMENT IMPLICATIONS | |
| | None |
| POLICY FRAMEWORK IMPLICATIONS | |
| | None |

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| KEY DECISION? | No |
| WARDS/COMMUNITIES AFFECTED: | None |
| <u>SUPPORTING DOCUMENTATION</u> | |
| Appendices | |
| 1. | Link to tracked changes Constitution - Constitutional Review 2022 |

Documents In Members' Rooms

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| 1. | None |
| Equality Impact Assessment | |
| Do the implications/subject of the report require an Equality and Safety Impact Assessment (ESIA) to be carried out. | No |
| Data Protection Impact Assessment | |
| Do the implications/subject of the report require a Data Protection Impact Assessment (DPIA) to be carried out. | No |
| Other Background Documents | |
| Other Background documents available for inspection at: | |
| Title of Background Paper(s) | Relevant Paragraph of the Access to Information Procedure Rules / Schedule 12A allowing document to be Exempt/Confidential (if applicable) |
| 1. | None |