
WELSH STATUTORY INSTRUMENTS

2010 No. 288

**The Community Health Councils (Constitution,
Membership and Procedures) (Wales) Regulations 2010**

PART III

Proceedings of Councils

Election of chair and vice-chair

15.—(1) Subject to paragraphs (3), (4), (5) and (8), the members of a Council must elect—

- (a) one of their number to be chair; and
- (b) one of their number, other than the chair, to be vice-chair,

for a maximum period of two years, not being in any case a longer period than the remainder of the period of the elected member's term of office as a member; and the Chief Officer must notify the Welsh Ministers and the CHC Board immediately in writing of the names of the persons so elected.

(2) When calculating the two year period referred to in paragraph (1), all periods of service as a chair or vice chair of a Council from the 1 April 2010 must be aggregated.

(3) A member may not be appointed as a chair or vice chair of a Council if he or she is also the chair or vice chair of a local committee under regulation 17(1)(d).

(4) A member may not be appointed as a chair of a Council unless he or she is eligible for appointment or re-appointment to the CHC Board under regulations 34 and 35 respectively.

(5) A member may not be appointed as chair of a Council for a longer period than he or she is eligible to remain on the CHC Board.

(6) A chair or vice-chair may at any time resign that office by giving notice in writing to the Chief Officer, who must notify the Welsh Ministers and the CHC Board immediately in writing.

(7) Where the chair or vice chair has resigned, the members must elect another chair or vice chair in accordance with paragraph (1).

(8) In the case of continued Councils, the chair and vice chair elected under regulation 11 of the 2004 Regulations may serve out the remainder of their elected period even if that would result in a period of service of more than two years.

Application of regulations 17 to 19

16. Regulations 17 to 19 only apply to new Councils as defined in regulation 2. As such, references in regulations 17 to 19 to Council and relevant Council are to be construed accordingly.

Appointment of committees to be known as Local Committees

17.—(1) The Councils listed at numbers 1 to 6 in column 1 of Schedule 2 must—

- (a) appoint committees to be known as "local committees" of the Council for each of the relevant local authority areas, or parts thereof, specified in column 2 of that Schedule;

- (b) give the local committees responsibility for—
 - (i) monitoring and keeping under review the planning and provision of NHS services in their district;
 - (ii) working in collaboration with the other local committees of the relevant Council in order to meet the need for equitable service provision throughout the relevant Council's district; and
 - (iii) engaging in such activities throughout the relevant Council's district and carrying out such functions of the Council as the Council or the executive committee may delegate or determine, subject to such restrictions and conditions as the Council or executive committee think fit;
- (c) appoint as members of each local committee those members who are appointed under regulation 6 by the relevant local authority, and under regulations 7 and 8 in relation to the relevant local authority area;
- (d) subject to paragraph (2), ensure that the members of each local committee elect one of their number to be a chair, and one of their number, other than the chair, to be a vice chair for a period of up to two years, but not being in any case longer than the remainder of that member's term as member of the relevant Council.

(2) A member may not be appointed as a chair or vice chair of a local committee if he or she is also the chair or vice chair of the relevant Council under regulation 15(1).

(3) The executive committee of the relevant Council must determine the constitution and standing orders of the local committees, which may be varied or revoked only on the approval of the executive committee.

Appointment of committees to be known as services planning committees

18.—(1) A Council—

- (a) must appoint a services planning committee to liaise with the relevant Local Health Board regarding the planning and development of, or proposals for changes to, the delivery of health services within the Council's district;
- (b) may give the services planning committee responsibility for carrying out such other functions of the Council as the Council may determine, subject to such restrictions and conditions as the Council thinks fits;
- (c) must ensure that the membership of the services planning committee is not less than six and includes:
 - (i) the director or directors who have responsibility for the planning of services for the relevant Local Health Board;
 - (ii) at least one member from each of the local committees in its district; and
 - (iii) at least one member of the executive committee appointed under regulation 19.

(2) Subject to paragraph (1)(c), appointments to a services planning committee may include persons who are not members of a Council.

(3) The executive committee of the relevant Council must determine the constitution and standing orders of the services planning committee, which may be varied or revoked only on the approval of the executive committee.

Appointment of committees to be known as executive committees

19.—(1) A Council—

- (a) must appoint an executive committee to oversee the conduct and performance of all relevant local committees and to ensure the effective delivery of the Council's statutory duties and core functions throughout the district of the Council;
- (b) must give the executive committee responsibility for taking or delegating to another committee formed under these Regulations all final decisions on the exercise of the Council's functions, including but not limited to—
 - (i) responding to all consultations on health services within the district of a Council;
 - (ii) issuing statements or releases to the press and other media;
 - (iii) appointing committees and joint committees of the Council under regulations 20 and 21;
 - (iv) delegating functions on behalf of the Council to any committee of the Council;
 - (v) dealing with matters arising from the exercise of the Council's advocacy functions under regulation 31;
 - (vi) approving all changes to the standing orders of a Council;
 - (vii) preparing and approving reports of the Council which are required by regulation 25;
 - (viii) preparing and approving accounts of the Council which are required by regulation 41; and
 - (ix) any other matter relating to the operation of the health service within the district of the Council;
- (c) may give the executive committee responsibility for carrying out such other functions of the Council as the Council may determine, subject to such restrictions and conditions as the Council thinks fits; and
- (d) must ensure that the membership of the executive committee consists of—
 - (i) the Council chair and vice chair;
 - (ii) the chair and vice chair of each relevant local committee; and
 - (iii) the Chief Officer of the Council.

(2) The first constitution and standing orders of the executive committee is determined by the Welsh Ministers, and may be varied or revoked only if approved by the Welsh Ministers.

Appointment of other committees by a Council

20.—(1) Without prejudice to regulations 17, 18, 19 and 21, a Council may appoint one or more other committees of the Council to exercise subject to such restrictions and conditions as the Council thinks fit, some, but not all, of the Council's functions.

(2) Appointment of members of committees under this regulation is at the discretion of the appointing Council and such appointments may consist partly of persons who are not members of a Council.

(3) In the case of new Councils the executive committee must determine the constitution and standing orders of committees appointed under this regulation, which may be varied or revoked only on the approval of the executive committee.

(4) In the case of continued Councils, the members must determine the constitution and standing orders of committees appointed under this regulation, which may be varied or revoked only if a majority of members approve such variation or revocation. In this regulation, majority of members means a majority of members who are entitled to vote.

Appointment of joint committees by a Council

21.—(1) Without prejudice to regulations 17, 18, 19 and 20, a Council may, together with one or more other Councils, appoint a joint committee of those Councils, to exercise, subject to such restrictions and conditions as may be agreed between those Councils, some, but not all, of the functions of each of those Councils.

(2) Where one or more new Councils are appointing a joint committee the executive committee or, if more than one new Council is involved, executive committees of all such appointing Councils must together determine the constitution and standing orders of the joint committees which are appointed under this regulation, which may be varied or revoked only on the approval of those executive committees.

(3) Where one or more of the continued Councils are appointing a joint committee, the appointing Council or Councils must determine the constitution and standing orders of the joint committees which are appointed under this regulation, which may be varied or revoked only if a majority of the members of such a Council or Councils approve a variation or revocation. In this regulation majority of members means a majority of members who are entitled to vote.

Proceedings of Councils

22. The provisions of Schedule 3 to these Regulations have effect with respect to the meetings and proceedings of a Council.

Officers

23.—(1) The Welsh Ministers will ensure that Councils have the number of officers that Welsh Ministers consider sufficient to enable Councils to perform their functions.

(2) Welsh Ministers may direct a Welsh NHS Trust or a Local Health Board to—

- (a) employ a person acceptable to a Council to act as its Chief Officer;
- (b) consult with a Council and subject to acceptance by the Council of any individual officer identified, employ persons to act as such other officers for the Council as the Welsh NHS Trust or Local Health Board so directed considers necessary.

(3) In the case of new Councils, persons employed under this regulation may include a person to be known as a Deputy Chief Officer of a local committee established under regulation 17.

(4) The services of the persons employed in accordance with paragraphs (1), (2) and (3) must be made available to the Council by that Local Health Board or Welsh NHS Trust for the period of their employment.

Premises and other facilities

24.—(1) The Welsh Ministers may, after consultation with a Council—

- (a) provide a Council with such office and other accommodation as the Welsh Ministers consider necessary to enable a Council to perform its functions; and
- (b) secure that arrangements are made for such administration, maintenance, cleaning and other services as may, in the Welsh Minister's opinion, be necessary for such accommodation.

(2) To enable a Council to perform its functions the Welsh Ministers may make available to a Council such facilities (including use of any premises and the use of any vehicle, plant or apparatus) provided by them for any service under the Act as the Welsh Ministers consider are necessary.

(3) The Welsh Ministers may direct a Local Health Board or Boards to exercise any or all of their functions under this regulation and/or may require the Local Health Board or Boards to make available to the Council the services of such of its employees as the Welsh Ministers may direct.

Reports

25.—(1) A Council must by 1 September each year make a report in writing to the Welsh Ministers regarding the performance of its functions during the period of twelve months ending on 31 March in that year and such other matters as the Welsh Ministers may require.

(2) Any report must include, but is not limited to—

- (a) details of the performance of functions under regulations 26 and 31; and
- (b) details of the how the Council has engaged with the local population and community groups within its district, and how the Council properly reflected the views it obtained as a result of such engagement.

(3) A Council must—

- (a) furnish copies of the report to each relevant health service body and relevant local authority and to such voluntary organisations as it deems fit, or as required by the Welsh Ministers within the district of the Council; and
- (b) take such measures as the Council considers to be appropriate to secure that the contents of the report are made known to the public in its district.