

Report sponsor: Report of the Strategic Director  
of Corporate Resources  
Report author: Democratic Services Officer

## **Rules and procedures of the Health and Wellbeing Board**

### **Purpose**

- 1.1 The membership, process and procedures of the Health and Wellbeing Board (HWB) are governed by legislation, the Council Procedure Rules and its own terms of reference.
- 1.2 This report seeks to clarify the procedure rules applicable to the HWB and its members.
- 1.3 This report provides an update on the report received by the Health and Wellbeing Board on 25 July 2019.

### **Recommendation(s)**

- 2.1 To note the Terms of Reference as detailed in Appendix 1.
- 2.2 To note the Council's established Committee Procedure Rules detailed at Appendix 2.
- 2.3 To note the waivers/amendments to the Committee Procedure Rules incorporated within the Terms of Reference of the Health and Wellbeing Board, detailed in paragraph 4.4.
- 2.4 To note paragraphs 4.5 to 4.7, detailing the Council's Code of Conduct for members of committees and the requirement for all members of the Health and Wellbeing Board, including officers and representatives of external organisations, to comply with it and declare any Disclosable Pecuniary Interests (DPIs).

### **Reason(s)**

- 3.1 To ensure all members of the Board are aware of the rules, procedures and requirements of members governing the HWB.

### **Supporting information**

- 4.1 The Terms of Reference (ToR) of the Health and Wellbeing Board (HWB) were reviewed and discussed at the meeting held on 12 May 2022. At this meeting the ToR were recommended to Council for approval. Council accepted the recommendation of the Board, and the amended ToR are attached at Appendix 1.

- 4.2 All Council Committees must follow the requirements detailed in the Committee Procedure Rules, attached in Appendix 2.
- 4.3 There are several anomalies between existing council procedures and the Health and Social Care Act 2012. To ensure the smooth operation of the Board in accordance with the spirit of the Act, there are circumstances where the ToR take precedence over the Council Procedure Rules.
- 4.4 Waivers/ amendment to the Committee Procedure Rules incorporated within the ToR are detailed below:
- Under Rule CP101 of the Council Constitution, members who are unable to attend a meeting cannot send substitutes. This rule shall not be applied to the HWB and 4.5 of the ToR sets out the process if a member cannot attend.
  - Under Rule CP90 the Council may appoint the Chair and Vice Chair. This rule shall not be applied to the HWB. As set out in 6.2 of the ToR, the Chair of the Board shall be the designated statutory councillor member – Leader of the Council. The Vice Chair of the Board shall be the Integrated Care System statutory member. Should neither the Chair nor Vice Chair be able to attend a meeting, the Chair shall designate another statutory member of the Board as Chair for this meeting. Where this is not possible, a Chair shall be elected at the start of the meeting.
  - Under Rule CP93 three members form a quorum. To ensure appropriate breadth of membership further requirements are necessary for the HWB – the three members must be statutory members and must include at least one representative of Derby City Council and one of either Healthwatch or Joined Up Care Derbyshire. This is set out in 6.5 of the ToR.

## **Code of Conduct**

- 4.5 Under the Localism Act 2011, all councillors and co-opted members of council committees are required to comply with a Code of Conduct. The Derby City Council Councillors' Code of Conduct is attached at Appendix 3. As part of this, Board members are required to declare Disposable Pecuniary Interests (DPIs) affecting them and their partners, and the council is required to publish this information.
- 4.6 There is no provision in the Health and Social Care Act which disapply this requirement to those appointed to the Health and Wellbeing Board, even if they are from outside organisations or are council officers.
- 4.7 To comply with the Localism Act, all members of the Health and Wellbeing Board are also required to complete and return a DPI form, and a declaration form confirming compliance with the Code of Conduct. These will be circulated to Board members separately.

## Scrutiny

- 4.8 There is an established path for the council's overview and scrutiny boards to make recommendations to other committees, Council Cabinet or member of the Council Cabinet. The Health and Wellbeing Board is part of that family of council committees to which matters can be referred.

## Public/stakeholder engagement

- 5.1 None.

## Other options

- 6.1 Not applicable.

## Financial and value for money issues

- 7.1 None

## Legal implications

- 8.1 The Health and Social Care Act 2012 formally established Health and Wellbeing Boards as committees of the council. It sets out the statutory responsibilities and membership of the Board. Under the Localism Act 2011, all councillors and co-opted members of council committees are required to comply with a Code of Conduct.

## Climate implications

- 9.1 None.

## Other significant implications

- 10.1 None.

This report has been approved by the following people:

Role	Name	Date of sign-off
Legal Finance Service Director(s) Report sponsor Other(s)	Alex Hough – Head of Democracy Alison Wynn 01332 643106 alison.wynn@derby.gov.uk	19.07.2022
Background papers: List of appendices:	Appendix 1- Terms of Reference Appendix 2 – Members' Code of Conduct	