

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, procedure rules and its 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 13th September 2018.

Recommendation(s)

- 2.1 To note the Terms of Reference as detailed in Appendix 1.
- 2.2 To note the council's established rules relating to committee procedures, detailed in full in Appendix 2.
- 2.3 To note the waivers/amendments to the Committee Procedure Rules incorporated within the ToR detailed in 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 13th September 2018. At this meeting the ToR were, with agreed amendments, approved. The amended ToR are attached at Appendix 1.

- 4.2 All Council Committees must follow established committee procedure as set out in the Committee Procedure Rules, attached in Appendix 2.
- 4.3 There are, however, a number of anomalies between existing council procedures and the Health and Social Care Act 2012. To ensure the spirit of the Health and Social Care Act 2012 is implemented, there are a number of Committee Procedure Rules that are waived or amended to reflect the requirements of the HWB. For these particular rules, the procedures set out in the ToR are to be applied instead of those set out in the Committee 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 strictly applied to the HWB and 3.5 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 strictly be applied to the HWB. As set out in 5.1 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 Clinical Commissioning Group 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 Derbyshire CCGs. This is set out in 5.4 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, attached at Appendix 3. As part of this, committee 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, attached at Appendix 4, and a declaration form confirming compliance with the Code of Conduct, attached at Appendix 5.

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

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.

Other significant implications

- 9.1 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	17.07.19

Background papers:

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List of appendices:

Appendix 1- Terms of Reference

Appendix 3 – Committee Procedure Rules

Appendix 4 – Members' Code of Conduct

Appendix 5 – Disposable Pecuniary Interests – Declaration Form

Appendix 6 – Code of Conduce – Compliance Declaration Form