

CABINET ITEM COVERING SHEET PROFORMA

AGENDA ITEM

REPORT TO CABINET

7 MARCH 2013

**REPORT OF CORPORATE
MANAGEMENT TEAM**

COUNCIL DECISION

Adult Services and Health – Lead Cabinet Member – Councillor Jim Beall

HEALTH AND WELLBEING BOARD AND PARTNERSHIP – GOVERNANCE ARRANGEMENTS

1. Summary

The purpose of this report is to agree arrangements for the operation of the Council's Health and Wellbeing Board and the Health and Wellbeing Partnership. The Health and Wellbeing Board will be a Committee of the Council from 1st April 2013 and the Partnership will support the Board in its work.

2. Recommendations

1. That the Health and Wellbeing Board be constituted as a Committee of the Council.
2. That the Terms of Reference of the Board and Partnership, as detailed at Appendix 1 and 2 be approved.
3. That authority be delegated to HWB to make any necessary amendments to the JSNA, that it considers necessary, and that it and the JHWS be presented to Cabinet and Council on an annual basis for review and approval.
4. That the Rules of Procedure of the Board and Partnership, as detailed at Appendix 3 and 4, be approved.
5. That the outline processes, as detailed at paragraphs 16 – 22, be noted.
6. That the Council's Cabinet Member for Adult Services and Health be appointed as Chairman of the Board and the Council's Cabinet Member for Children and Young People be appointed Vice Chairman of the Board.
7. That arrangements relating to the appointment of the Chair and Vice Chairman of the Partnership, as detailed in paragraphs 26, be approved.
8. That elected member representation on the Board be established, as detailed in paragraph 23.
9. That the DPH's statutory responsibilities be noted.
10. That the Director of Law and Democracy make all necessary amendments to the Council's Constitution.
11. That the arrangements be reviewed after 12 months' operation.

3. Reasons for the Recommendations/Decision(s)

To agree arrangements for the constitution of the Health and Wellbeing Board.
To agree revised arrangements for the Health and Wellbeing Partnership.

4. Members' Interests

Members (including co-opted Members) should consider whether they have a personal interest in any item, as defined in paragraphs 9 and 11 of the Council's code of conduct and, if so, declare the existence and nature of that interest in accordance with and/or taking account of paragraphs 12 - 17 of the code.

Where a Member regards him/herself as having a personal interest, as described in paragraph 16 of the code, in any business of the Council he/she must then, in accordance with paragraph 18 of the code, consider whether that interest is one which a member of the public, with knowledge of the relevant facts, would reasonably regard as so significant that it is likely to prejudice the Member's judgement of the public interest and the business:-

- affects the members financial position or the financial position of a person or body described in **paragraph 17** of the code, or
- relates to the determining of any approval, consent, licence, permission or registration in relation to the member or any person or body described in **paragraph 17** of the code.

A Member with a personal interest, as described in **paragraph 18** of the code, may attend the meeting but must not take part in the consideration and voting upon the relevant item of business. However, a member with such an interest may make representations, answer questions or give evidence relating to that business before the business is considered or voted on, provided the public are also allowed to attend the meeting for the same purpose whether under a statutory right or otherwise (**paragraph 19** of the code)

Members may participate in any discussion and vote on a matter in which they have an interest, as described in **paragraph 18** of the code, where that interest relates to functions of the Council detailed in **paragraph 20** of the code.

Disclosable Pecuniary Interests

It is a criminal offence for a member to participate in any discussion or vote on a matter in which he/she has a disclosable pecuniary interest (and where an appropriate dispensation has not been granted) **paragraph 21** of the code.

Members are required to comply with any procedural rule adopted by the Council which requires a member to leave the meeting room whilst the meeting is discussing a matter in which that member has a disclosable pecuniary interest (**paragraph 22** of the code).

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HEALTH AND WELLBEING BOARD AND PARTNERSHIP – GOVERNANCE ISSUES

SUMMARY

The purpose of this report is to agree arrangements for the operation of the Council's Health and Wellbeing Board and the Health and Wellbeing Partnership. The Health and Wellbeing Board will be a Committee of the Council from 1st April 2013 and the Partnership will support the Board in its work.

RECOMMENDATIONS

1. That the Health and Wellbeing Board be constituted as a Committee of the Council.
2. That the Terms of Reference of the Board and Partnership, as detailed at Appendix 1 and 2 be approved.
3. That authority be delegated to HWB to make any necessary amendments to the JSNA, that it considers necessary, and that it and the JHWS be presented to Cabinet and Council on an annual basis for review and approval.
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10. That the Director of Law and Democracy make all necessary amendments to the Council's Constitution.
11. That the arrangements be reviewed after 12 months' operation.

BACKGROUND

1. The Equity and Excellence :Liberating the NHS white paper and the Health and Social Care Bill proposed the establishment of Health and Wellbeing Board. In response to this the Council, in June 2011, agreed a report proposing the establishment of a Health and Wellbeing Board that would operate in shadow form, ahead of any statutory requirements.
2. Part of the proposals related to governance issues such as objectives, membership, frequency of meetings, chairmanship, member conduct issues etc. The report also contained proposals regarding the operation of the Health and Wellbeing Partnership which would support the Board's work.
3. Subsequently, the Health and Social Care Act ('the Act') received Royal Assent in March 2012. As expected one of its requirements was that each upper tier local authority must establish a Health and Wellbeing Board ('HWB'), as one of its committees, under section 102 of the Local Government Act 1972.
4. HWBs need to be established by 1 April 2013 and it is therefore considered appropriate to revisit the governance arrangements for Stockton's HWB and to submit them to Cabinet and Council for approval. These proposed arrangements reflect the legal framework in which the Board will exist and draw on good practice within this authority, particularly the experience gained during the operation of the shadow HWB.
5. Given the close relationship between the HWB and the Partnership it is appropriate that governance arrangements for the Partnership reflect, as far as possible, those of the HWB.

DETAIL

6. An important feature of the HWB will be its governance arrangements. These are the arrangements under which it will carry out its work and they will provide an important reference for members, officers and the public, providing clarity and transparency in relation to its operation. Such arrangements should include a number of important documents and good working practices, these include:

Terms of Reference

7. The Act places a general duty on the HWB to encourage integrated working and within that it:
 - must, for the purpose of advancing the health and wellbeing of the people in its area, encourage persons who arrange for the provision of any health or social care services in its area to work in an integrated manner.
 - must, in particular, provide such advice, assistance or other support as it thinks appropriate for the purpose of encouraging arrangements between the NHS and the Council, in connection with the provision of services.
 - May encourage persons who arrange for the provision of any health related services in its area to work closely with the HWB
 - may encourage persons who arrange for the provision of any health or social care services in its area, and persons who arrange for the provision of any health related services in its area, to work closely together.
8. The Act prescribes that the HWB will be responsible for:

- preparing and publishing a Joint Strategic Needs Assessment (JSNA) for its area.
 - preparing and publishing a Joint Health and Wellbeing Strategy (JHWS) for its area.
9. The approved JSNA will be reviewed constantly by the Board and Partnership to ensure that it remains fit for purpose. Given this it is suggested that authority be delegated to the Board to make any amendments to the JSNA that may be necessary from time to time. The JHWS will be refreshed each year and it is intended that it and JSNA be presented to Cabinet and Council, on an annual basis, to allow a review by all members and obtain Council approval of the documents as they stand at that time.
 10. The Terms of Reference of the Board should set out its remit and, specifically, the functions, powers and duties with which it is charged by statute and by the Council.
 11. The Terms of Reference of the Health and Wellbeing Partnership should reflect its role as 'work horse' to the HWB.
 12. Terms of Reference for the Shadow HWB and the Partnership were agreed in June 2011 and were refreshed in June 2012. Copies of those Terms of Reference are set out at Appendix 1 and 2.

Rules of Procedure

13. Though procedure rules for Council, Committees and Cabinet are detailed in the Council's Constitution, the HWB will require a slightly different approach. Many of the rules of procedure within the Constitution will still apply, however, the HWB is unique and some of the requirements of the Act, such as the Board's membership and voting rights appear to be at odds with other longstanding legislation and principles e.g. unelected officers can sit on the Board with full voting rights
14. Draft Rules of Procedure have been prepared that take account of these differences and provide clarity around how the Board will operate procedurally. Draft Rules of Procedure for the HWB and Partnership are at Appendix 3 and 4.

Board Members' Code of Conduct

15. The Localism Act provisions allow for the non-elected members of the Board to be treated as co-opted members of the Council in terms of the Council's Code of Conduct. Therefore, all members of the Board will be subject to the same requirements as the elected members in terms of registering interests, disclosable pecuniary interests and declaring those interests etc.

Forward Plan/Work Programme

16. Maintaining an up to date Forward Plan/Work Programme provides focus to a Committee and officers supporting the Committee's work. It is essential in planning ahead and achieving desired outcomes.
17. Cabinet and the majority of the Council's Committees use a Forward Plan/Work Programme, and this has proved to be extremely successful.
18. A facility within the e genda system has been developed to assist the Board and Partnership in this regard.
19. A proposed Forward Plan will be presented to each meeting of the Board and Partnership. The Plan will need to remain flexible and will be maintained in consultation with the Chairman.

20. Following discussions with the Director of Public Health, draft Forward Plans have been developed and are provided at Appendix 5

Pre agendas/pre meetings

21. These are also well established mechanisms, which are used by the Council's Committees and which have proved to be of significant benefit. Cabinet holds a pre agenda involving all executive members but the majority of committees just involve their Chairman and Vice Chairman, and this is the proposed approach for the HWB and Partnership.
22. Pre agendas provide an opportunity for members to familiarize themselves with an issue and ask for additional information that may assist with consideration of a matter.

Membership

23. Details of the proposed membership are contained within the Rules of Procedure (Rule 6). Most of the membership is prescribed by the Act (Section 194(2)). In terms of elected member representation it is suggested that the Cabinet Member for Adult Services and Health and the Cabinet Member for Children and Young People serve on the Board, together with 3 other elected members, in line with political balance rules. Political representation, based on 5 members is 2 Labour, 1 Conservative, 1 IBIS, 1 TIA. It is proposed that the names of the elected members be agreed at the Council's Annual Meeting on 17 April 2013.
24. It is intended that all member organisations of the Board and Partnership will be contacted and requested to provide the name of their representative(s). Draft Procedure Rules will allow representatives to appoint a substitute to attend on their behalf, however, they will be expected to only send substitutes with sufficient seniority to adequately represent the views of their organisation. This will be monitored by the Director of Public Health who will raise any concerns with an organisation, following consultation with the Chairman.

Chairman/Vice Chairman

25. It is proposed that the Chairman of the Board will be the Council's Cabinet Member for Adult Services and Health and the Vice Chairman will be the Council's Cabinet Member for Children and Young People
26. The Chairman and Vice Chairman of the Partnership will be appointed by the Partnership, at the beginning of each Municipal Year, from amongst its members.

Sub Boards

27. The HWB, like other Council Committees, will be able to establish Sub Boards and it has been suggested that a Children and Young People's Health and Wellbeing Group Sub Board would be of assistance in the HWB's work in the future. The Group will maintain a strategic overview of, and ensure delivery on, the elements of the JHWS pertinent to children and young people. It will provide a multi-agency forum for broad consideration of these issues – such a forum has been unavailable at strategic level since the Children's Trust Board ceased to exist. The JSNA and JHWS identified 'giving every child and best start in life' as one of the three key priorities for Stockton, through the Health and Wellbeing Board.
28. Equally, with regard to the Partnership, it has been suggested that a Domestic Violence Sub Group would be appropriate.

Director of Public Health – Roles and Responsibilities

29. The Director of Public Health (DPH) has a number of statutory responsibilities and will be a statutory chief officer of the Council. The DPH's statutory responsibilities are detailed below:

- to write a report on the health of the local population (the Council has a duty to publish it)
- to take steps to improve public health.
- undertake any of the Secretary of State's public health protection or health improvement functions that they delegate to local authorities, either by arrangement or regulation.
- to exercise the Council's function in planning for a, and responding to, emergencies that present a risk to public health.
- to exercise the Council's role in co-operating with the police, the probation service and the prison service to assess the risks posed by violent or sexual offenders
- such other public health functions as the Secretary of State specifies in regulation
- the Council's public health response as a responsible authority under the Licensing Act 2003
- responsibilities under the Healthy Start and Welfare Food Regulations 2005.
- to sit on the Council's Health and Wellbeing Board

30. It is proposed that following 12 months of operation the Health and Wellbeing Board and Partnership arrangements will be reviewed.

FINANCIAL IMPLICATIONS

31. The resources for the arrangements will come from existing budgets

LEGAL IMPLICATIONS

32. Establishment of the Board fulfils a number of the requirements of the Health and Social Care Act 2012 and related regulations

RISK ASSESSMENT

33. The Establishment of the Board and associated governance arrangements is categorised as a low to medium risk. Existing management systems and daily routine activities are considered sufficient to control and reduce risk

SUSTAINABLE COMMUNITY STRATEGY IMPLICATIONS

34. It is considered that the establishment of the Board will have a positive impact on all the Sustainable Community Strategy themes.

EQUALITIES IMPACT ASSESSMENT

35. An assessment has not been considered necessary

CONSULTATION INCLUDING WARD/COUNCILLORS

36. CMT and Relevant Cabinet Members

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Name of Contact Officer: Margaret Waggott
Post Title: Head of Democratic Services
Telephone No: 01642 527064
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Education related?

No

Background Papers

None

Ward(s) and Ward Councillors:

Not ward Specific

Property

Not affected.