

BOARD TERMS OF REFERENCE, VOTING RIGHTS & MEMBERSHIP

Relevant Board Member(s)	Councillor Ray Puddifoot
Organisation	London Borough of Hillingdon
Report author	Mark Braddock, Administration Directorate
Papers with report	Appendices 1, 2 and 3

1. HEADLINE INFORMATION

Summary	Following shadow status and the subsequent Council approval on 9 May 2013 to establish a new Health & Wellbeing Board, Members are asked to note its Terms of Reference, consider arrangements for voting rights and agree the Co-Opted Members.
Contribution to plans and strategies	Joint Health & Wellbeing Strategy
Financial Cost	None.
Relevant Policy Overview & Scrutiny Committee	N/A
Ward(s) affected	N/A

2. RECOMMENDATIONS

That the Board:

- a) Note the Board's Terms of Reference and Standing Orders in Appendix 1;
- b) Consider the proposed voting arrangements as set out in the report and Terms of Reference; and
- c) Note the Statutory Board Membership and agree the Co-opted Members, as set out in Appendix 2.

3. INFORMATION

Supporting Information

Terms of Reference

The Health and Social Care Act 2012 requires the Council to establish a Health & Wellbeing Board from 1 April 2013 as a Committee of the Council to oversee the production of the Joint Health & Wellbeing Strategy, Joint Strategic Needs Assessment and to encourage integrated health working to improve the quality of life for local residents.

At the Council's AGM on 9 May 2013, the new Health and Wellbeing Board was formally approved as a Committee of the Council. Its approved Terms of Reference are attached in Appendix 1, which are broadly similar to what operated under "shadow" status. The Council's Democratic Services Team will now take responsibility for supporting the operation of the Board and the Chairman.

Whilst the Board will operate similarly to a Committee, The Local Authority (Public Health, Health and Wellbeing Boards and Health Scrutiny) Regulations 2013 brought in some unique differences in terms of membership and voting.

Membership

The Board will be chaired by the Leader of the Council. It will have **Statutory Members** as required by law (which will include officers of the Council, a representative of local Clinical Commissioning Group and a representative of the newly established Healthwatch Hillingdon).

The existing Local Trust and NHS representatives that attended the Shadow Board are now invited to attend as **Co-opted Members**. Statutory Members are allowed a single nominated substitute - Co-opted Members are not.

It is possible that during the course of the yearly cycle of meetings, different organisations will approach the Board seeking to join as Co-Opted Members. The Terms of Reference provide for the Board to agree any such appointments as and when.

Voting arrangements

Subject to Board Members' views, it is proposed that in addition to Councillors, the statutory representatives from the CCG and Healthwatch Hillingdon (and their substitutes if required) will be entitled to vote at meetings but Co-opted Members and Council officers will not.

The only exception to the above is the proposal that the Deputy Chief Executive and Corporate Director of Residents Services, as a co-opted member, will also have voting rights. This is due to her significant corporate and resident facing remit across a whole range of Borough-wide services, including public health. If agreed, the Terms of Reference will be amended accordingly.

The national regulations surrounding the Board will require all 'voting' members to sign up to the Council's Code of Conduct. This will mean that the representatives from the CCG and Healthwatch Hillingdon, should they agree to be classed as 'voting' members, will need to abide by this.

The Code of Conduct is a set of golden rules by which Elected Councillors must follow to ensure high standards in public office. It includes a public declaration of any interests. A copy of the Code of Conduct is attached as Appendix 3, showing the rules and types of interests that would need to be declared.

It should be noted that the term "Co-Opted Member" so far as the Code of Conduct is concerned is different to that of a Co-Opted Member on the Board.

Should it be agreed that voting rights apply to any non-Councillors on the Board, a briefing will be arranged with those individuals and the Head of Democratic Services and Borough Solicitor to progress the necessary actions required and within the timescale required.

Financial Implications

There are no financial implications arising from the recommendations in this report.

4. EFFECT ON RESIDENTS, SERVICE USERS & COMMUNITIES

What will be the effect of the recommendation?

N/A

Consultation Carried Out or Required

Consultation with the Chairman of the Board and relevant officers.

5. CORPORATE IMPLICATIONS

Hillingdon Council Corporate Finance comments

There are no financial implications arising from the recommendations in this report.

Hillingdon Council Legal comments

Section 194 of the Health and Social Care Act 2012 requires the Council to establish a Health and Wellbeing Board to comprise a number of Statutory Members and such other persons, or representatives of such other persons, as local authority thinks appropriate.

Sections 195 and 196 of the Health and Social Care Act 2012 specify the functions of the Board. These duties are to encourage persons engaged in the provision of any health or social care services "to work in an integrated manner" and to "provide advice, assistance or other support" to encourage joint working between local authorities and NHS bodies. Section 196 also specifies that the Board is to exercise the Council's functions under

sections 116 and 116A of the Local Government and Public Involvement in Health Act 2007 - assessment of health and social care needs in the Borough and the preparation of the Joint Health and Wellbeing Strategy.

In addition, The Local Authority (Public Health, Health and Wellbeing Boards and Health Scrutiny) Regulations 2013 set out how the Board should operate as a Committee of the Council. Regulation 6 provides that the existing legislation on voting rights need not apply unless the Council so directs. However, before making such a direction on voting rights, the Council is required to consult the Board. Regulation 7 makes there no requirement to have all political groups within the Council represented on the Board.

Section 49(7) of the Local Government Act 2000 requires any external members of a Council committee to adhere to the Members Code of Conduct if they have an entitlement to vote at meeting of the committee.

6. BACKGROUND PAPERS

9 May 2013 Council Meeting Agenda and Decisions

<http://modgov.hillingdon.gov.uk/ieListDocuments.aspx?CIId=117&MIId=1280>

Appendix 1

HEALTH AND WELLBEING BOARD TERMS OF REFERENCE

(a) Introduction

In accordance with the Health and Social Care Act 2012 and any subsequent related legislation, the Health and Wellbeing Board will seek to improve the quality of life of the local population and provide high-level collaboration between the Council, NHS and other agencies to develop and oversee the strategy and commissioning of local health services.

The Board will operate as a Committee of the Council in accordance with the Committee Standing Orders and Access to Information Procedure Rules set out in this Constitution.

The core functions of the Board are not executive functions and are not therefore subject to any scrutiny call-in procedure.

The Board will seek to comply with its duties under the Equality Act 2013, Freedom of Information Act 2000 and the Data Protection Act 1998.

(b) Membership

Statutory Members

The Chairman of the Board shall be the Leader of the Council. The Vice-Chairman of the Board shall be the Cabinet Member for Social Services, Health & Housing.

Other Statutory Members that may attend meetings are:

- 1) Cabinet Members from the London Borough of Hillingdon
- 2) A representative from the Clinical Commissioning Group covering Hillingdon
- 3) A representative from Healthwatch Hillingdon
- 4) Statutory Director of Adult Social Services
- 5) Statutory Director of Children's Services
- 6) Statutory Director of Public Health

Political Balance

There is no requirement to have all political groups within the Council represented on the Board.

Substitutes for Statutory Members

Cabinet Members may nominate any other Elected Member of the Council as a substitute. Other Statutory Members of the Board must nominate a single individual who will substitute for them and have the authority to make decisions in the event that they are unable to attend a meeting.

Co-opted Members

From time to time and upon the agreement of the Board other individuals or representatives may attend Board meetings as Co-opted Members. Co-opted Members may not send substitutes, e.g. representatives of local NHS Hospitals or Trusts.

Voting rights

Voting rights will apply to the following Statutory Members:

- All Elected Members of the Council on the Board;
- The representative from the Clinical Commissioning Group covering Hillingdon;
- The representative from Healthwatch Hillingdon.

Subject to consultation with the Board, the Council may then direct whether or not voting rights apply to any other Statutory Member or Co-opted Member.

Code of Conduct

All voting Members of the Health and Wellbeing Board will be bound by the Council's Code of Conduct for Members, as adopted.

(c) Sub-Committees

The Board may establish and appoint to sub-committees. The Board may delegate any of its functions to sub-committees or request them to undertake task and finish reviews or project work in the pursuit of the Board's goals.

Members of a sub-committee may be a Statutory or Co-opted Member of the Board or any Elected Member of the London Borough of Hillingdon.

Sub-committees will cease to exist upon a decision by the Board.

(d) Terms of Reference

1. To fulfil statutory requirements to improve the health and wellbeing of the local population, specifically to:
 - (a) Lead on the duty to assess and publish information about the needs of the local population (joint strategic needs assessment (JSNA));
 - (b) Deliver the duty to prepare and publish a Joint Health and Wellbeing strategy based on the JSNA, to consider Health and Social Care Act flexibilities in developing the strategy and involve local residents and others as appropriate;
 - (c) Promote integrated and partnership working across areas, including through the promotion of joined up commissioning plans across the NHS, social care and public health; and
 - (d) Support, be involved in and provide opinion on joint commissioning plans and the review of how well the Health and Wellbeing strategy is meeting needs.

This includes providing an opinion on how well the Clinical Commissioning Group (CCG) contributes to the delivery of the joint Health and Wellbeing strategy.

2. To be responsible for:

- (a) Providing leadership in developing a strategic approach for health and wellbeing in Hillingdon;
- (b) Developing the statutory Health and Wellbeing Strategy;
- (c) Ensuring that the Health and Wellbeing Strategy is informed and underpinned by the JSNA and is focused upon:
 - Improving the health and wellbeing of the residents of Hillingdon;
 - The continuous improvement of health and social care services;
 - The reduction of health inequalities;
 - The involvement of service users and patients in service design and monitoring and;
 - Integrated working across health and social care where this would improve quality.
- (d) Reviewing performance on delivering the Health and Wellbeing Strategy and other key strategic targets;
- (e) Holding partner agencies to account for performance on agreed priorities in conjunction with the External Services Scrutiny Committee;
- (f) Influencing and approving the Clinical Commissioning Group (CCG) commissioning plan and annual update;
- (g) Collaborative working to develop social care and health related commissioning plans to improve the health and wellbeing of residents of the Borough and monitor implementation and performance;
- (h) Monitoring the performance of Public Health and reviewing services in conjunction with the External Services Scrutiny Committee and;
- (i) Reviewing the Terms of Reference and operation of the Board regularly, making recommendations to Council as required.

HEALTH AND WELLBEING BOARD STANDING ORDERS

These Committee Standing Orders apply to the Health and Wellbeing Board set out in Article 8 of the Constitution, with the following exceptions to these rules taking precedence at any time:

1. Any speaking rights for Elected Members who are not Members of the Board do not apply to meetings of the Board or any of its sub-committees.
2. A Quorum of the Board shall be 50% of its statutory membership. This will also apply to any sub-committees of the Board.
3. Any meeting of the Board may establish and appoint to its sub-committees.
4. Upon any recommendations from the Board, Statutory Membership will be approved by full Council.
5. Upon request from an organisation, approval of any appointments to the Board as a non-statutory Co-opted Member will be agreed by the Board, in consultation with the Chairman and the Head of Democratic Services.
6. Decisions shall be made on the basis of a vote and show of hands of a majority of members present. Subject to the vote being tied, the Chairman will have a second or casting vote.
7. The Board and any sub-committees shall meet as required, with the agreement of the Chairman and/or in the circumstances where the Chairman receives a request in writing by more than 50% of the Statutory Members of the Board.

Appendix 2

HEALTH AND WELLBEING BOARD *subject to the Local Authority (Public Health, Health and Wellbeing Boards and Health Scrutiny) Regulations 2013.*

Organisation	Name of Member	Substitute
STATUTORY MEMBERS (VOTING)		
Chairman	Councillor Puddifoot	Any Elected Member
Vice-Chairman	Councillor Corthorne	Any Elected Member
Cabinet Members	Councillor Simmonds	Any Elected Member
	Councillor Mills	Any Elected Member
	Councillor Bianco	Any Elected Member
	Councillor Burrows	Any Elected Member
	Councillor Seaman-Digby	Any Elected Member
Healthwatch Hillingdon	Mr Jeff Maslen	Mr Stephen Otter
Clinical Commissioning Group	Dr Ian Goodman	Dr Tom Davies
STATUTORY MEMBERS (NON-VOTING)		
Statutory Director of Adult Social Services	Tony Zaman	TBC
Statutory Director of Children's Services	Merlin Joseph	TBC
Statutory Director of Public Health	Sharon Daye	TBC
CO-OPTED MEMBERS (VOTING)		
LBH	Jean Palmer	N/A
CO-OPTED MEMBERS (NON-VOTING)		
Hillingdon Hospitals NHS Foundation Trust	Mr Shane DeGaris	N/A
Central and North West London NHS Foundation Trust	Ms Robyn Doran	N/A
LBH	Nigel Dicker	N/A
Clinical Commissioning Group	Ceri Jacob	N/A

Appendix 3

CODE OF CONDUCT FOR MEMBERS AND CO-OPTED MEMBERS OF THE LONDON BOROUGH OF HILLINGDON

ADOPTED PURSUANT TO A RESOLUTION OF THE COUNCIL AT A MEETING ON 5 JULY 2012

Part 1

General Provisions

Introduction and interpretation

1. (1) This Code applies to you as a Member or co-opted member of the London Borough of Hillingdon ["the authority"]
- (2) Co-opted member means a person who is not a Member of the authority but who:-
 - a) is a member of any committee or sub-committee of the authority; or
 - b) is a member of, and represents the authority, on any joint committee or joint sub-committee of the authority, and who is entitled to vote on any question that falls to be decided at any meeting of that committee or sub-committee.
- (3) It is your responsibility to comply with the provisions of this Code.

Scope

2. (1) You must comply with this Code whenever you act in your official capacity as a Member or co-opted member.
- (2) For the avoidance of doubt, this Code does not apply to you in any other circumstances including your personal life.

The Nolan principles

3. This Code is consistent with the following seven principles of standards in public life:
 - selflessness;
 - integrity;
 - objectivity;
 - accountability;
 - openness;
 - honesty; and
 - leadership.

General obligations

4. (1) You must act solely in the public interest and should never improperly confer an advantage or disadvantage on any person. Conferring an advantage includes gaining financial or other material benefits for yourself, your family, a friend or close associate.
- (2) You must not place yourself under a financial or other obligation to outside individuals or organisations that might seek to influence you in the performance of your official duties.
- (3) When carrying out your public duties you must make all choices, such as making public appointments, awarding contracts or recommending individuals for rewards or benefits, on merit.
- (4) You are accountable for your decisions to the public and you must co-operate fully with whatever scrutiny is appropriate to your office.
- (5) You must be as open as possible about your decisions and actions and the decisions and actions of your authority and should be prepared to give reasons for those decisions and actions.
- (6) You must declare any private interests, both pecuniary and non-pecuniary, that relate to your public duties and must take steps to resolve any conflicts arising in a way that protects the public interest, including registering and declaring interests in a manner conforming with the procedures set out in Part 2 below.
- (7) You must, when using or authorising the use by others of the resources of your authority, ensure that such resources are not used improperly for party political purposes (especially in the period between the publication of a Notice of Election and the election date, known as the 'purdah' period). However, this paragraph will not apply in circumstances where Members pay for the use of the resources at a rate agreed by the authority. You must have regard to any applicable Local authority Code of Publicity made under the Local Government Act 1986.
- (8) You must promote and support high standards of conduct when serving in your public post, in particular as characterised by the above requirements, by leadership and example.

Part 2

Registering and declaring pecuniary and non-pecuniary interests

5. (1) In accordance with Section 30 of the Localism Act 2011, you must, within 28 days of taking office as a Member or co-opted member, notify your authority's Monitoring Officer of any disclosable pecuniary interest as defined by the Relevant Authorities (Disclosable Pecuniary Interests) Regulations 2012, where the pecuniary interest is yours, your spouse's or civil partner's, or is the pecuniary interest of somebody with whom you are living with as a husband or wife, or as if you were civil partners.

The pecuniary interests which are specified in the above regulations are as follows:

Subject:	Prescribed Description:
Employment, office, trade, profession or vocation	Any employment, office, trade, profession or vocation carried on for profit or gain.
Sponsorship	<p>Any payment or provision of any other financial benefit (other than from the relevant authority) made or provided within the relevant period in respect of any expenses incurred by a Member, or co-opted member in carrying out their duties as a Member or co-opted member, or towards the election expenses of a Member or co-opted member.</p> <p>This includes any payment or financial benefit from a trade union within the meaning of the Trade Union and Labour Relations (Consolidation) Act 1992.</p>
Contracts	<p>Any contract which is made between the relevant person (or a body in which the relevant person has a beneficial interest) and the relevant authority—</p> <p>(a) under which goods or services are to be provided or works are to be executed; and</p> <p>(b) which has not been fully discharged.</p>
Land	Any beneficial interest in land which is within the area of the relevant authority.
Licences	Any licence (alone or jointly with others) to occupy land in the area of the relevant authority for a month or longer.
Corporate tenancies	<p>Any tenancy where (to the Member's or co-opted member's knowledge)—</p> <p>(a) the landlord is the relevant authority; and</p> <p>(b) the tenant is a body in which the relevant person has</p>

Securities

a beneficial interest.

Any beneficial interest in securities of a body where—
(a) that body (to the Member's or co-opted member's knowledge) has a place of business or land in the area of the relevant authority; and

(b) either—

- (i) the total nominal value of the securities exceeds £25,000 or one hundredth of the total issued share capital of that body; or
- (ii) if the share capital of that body is of more than one class, the total nominal value of the shares of any one class in which the relevant person has a beneficial interest exceeds one hundredth of the total issued share capital of that class.

- (2) In addition, you must, within 28 days of taking office as a Member or co-opted member, notify your authority's Monitoring Officer of any disclosable pecuniary or non-pecuniary interest which the authority has decided should be included in the register.
- (3) If an interest has not been entered onto the authority's register, then the Member or co-opted member must disclose the interest to any meeting of the authority at which they are present, where they have a disclosable interest in any matter being considered and where the matter is not a 'sensitive interest'. A 'Sensitive Interest' is one where disclosure of the details of the interest could lead to the Member or co-opted member, or a person connected with the Member or co-opted member, being subject to violence or intimidation.
- (4) Following any disclosure of an interest not on the authority's register or the subject of pending notification, you must notify the Monitoring Officer of the interest within 28 days beginning with the date of disclosure.
- (5) Unless dispensation has been granted, you may not participate in any discussion of, vote on, or discharge any function related to any matter in which you have a pecuniary interest as defined by the above Regulations. Additionally, you must observe the restrictions your authority places on your involvement in matters where you have a pecuniary interest or non-pecuniary interest as defined by your authority.