

REPORT OF THE HEAD OF DEMOCRATIC SERVICES

Reporting Officer: Head of Democratic Services

(i) URGENT IMPLEMENTATION OF DECISIONS

RECOMMENDATION: That the Urgency decisions detailed below be noted.

Information

1. The Constitution allows a Cabinet or Cabinet Member decision to be implemented before the expiry of the 5-day scrutiny call-in period, provided the decision is deemed urgent and agreement is given from the Chairman of the relevant Select Committee to waive the scrutiny call-in period. All such decisions are to be reported for information only to the next full Council meeting.
2. Since those noted at the 25 February 2021 Council meeting, the following decisions have been made using urgency procedures:

Date of Decision	Decision Type / Nature of Decision	Decision-Maker
8 April 2021	Contract Award for the Provision of Food Waste Vehicles	Leader of the Council
24 June 2021	Award of Contract: Care and Wellbeing Service in Supported Living for People with Learning Disabilities.	Deputy Leader of the Council / Cabinet Member for Health & Social Care.

Background Papers: Decision Notices

ii) WAIVER OF 6 MONTH COUNCILLOR ATTENDANCE RULE.

Introduction

1. Section 85 (1) of the Local Government Act 1972 requires a Member of a Local Authority to attend at least one meeting of that Authority within a six-month consecutive period, to avoid being disqualified as a Councillor. This requirement can be waived, and the time limit extended if any failure to attend was due to a reason approved by the Authority, in advance of the six-month period expiring.
2. Unfortunately, due to illness, Councillor Brian Stead has not been able to attend any Council or Committee meetings since the meeting of Full Council on 25 February 2021. A formal request has therefore been made for an extension to the six-month rule to be approved in his respect.

RECOMMENDATION: That, pursuant to Section 85(1) of the Local Government Act 1972, Councillor Stead's non-attendance at meetings of the authority due to ill health, be approved for a period ending on 5 May 2022.

Background

3. The Head of Democratic Services has received a request for the Council to consider approving an extension to the usual six-month attendance rule enabling Councillor Stead to remain in office until he is able to resume normal duties.
4. Council can only consider approval of any reasons for non-attendance before the end of the relevant six-month period, which will be 25 July 2021. This is the final Council meeting at which approval could be sought for an extension of the time limit. If approval to any extension is not therefore agreed at this meeting, Councillor Stead would, under Section 85 (1) of the Local Government Act 1972 be disqualified from office as a councillor.
5. Once a Member loses office, through failure to attend for the six-month period, the disqualification cannot be overcome by the Member subsequently resuming attendance nor can retrospective approval of the Council be sought for an extension in time.
6. Councillor Stead was elected to the Council in May 2006 and represents Brunel Ward.

FINANCIAL IMPLICATIONS

None associated with this report.

LEGAL IMPLICATIONS

Section 85 (1) of the Local Government Act 1972 states that, *“if a Member of a Local Authority fails, throughout a period of six consecutive months from the date of their last attendance, to attend any meeting of the Authority they will, unless the failure was due to some good reason approved by the Authority before the expiry of that period, cease to be a Member of the Authority.”*

BACKGROUND PAPERS: None

iii) CHANGES TO COMMITTEE MEMBERSHIPS

RECOMMENDATION: That the following change to committee memberships for 2020/2021, as proposed by the Conservative Group, be approved:

- **Pensions Committee** – Councillor Hensley to replace Councillor Melvin (with Cllr Melvin to become a substitute member).

iv) **AMENDMENT TO TERMS OF REFERENCE - PENSIONS BOARD & HEALTH AND WELLBEING BOARD**

1. The Constitution of the London Borough of Hillingdon sets out how the Council operates, how decisions are made and the procedures which are followed to ensure that these are efficient, transparent and accountable to residents
2. The Constitution is reviewed on a regular basis to keep it up to date with legislative changes, best practice and that it continues to meet the needs of the political interface, which is integral to the efficient running of the Council.

RECOMMENDATION: That the changes to the Terms of Reference of both the Pensions Board and the Health & Wellbeing Board as set out in Appendices A&B, be approved.

Pensions Board

3. Following on from changes to the Pensions Committee's Terms of Reference at the May Council meeting, the Pensions Board has also undertaken a review of its Terms of Reference as set out in the Council's Constitution. The Board has put forward some minor changes to full Council to consider. These are:
 - Updating the term '*employee representative*' to '*scheme member representative*' to make it consistent.
 - Amending the term of office for members of the Board to 4 years, rather than indefinite. This may provide further opportunities for new people to join and contribute.
 - Adding a new Term of Reference, No.7, to give the ability to adopt further detailed guidelines on how the Pensions Board operates. This would be through the adoption of local code of practice.

The proposed changes to the Constitution relating to the Pensions Board are set out in **Appendix A** in ~~strikethrough~~ / underlined.

Health and Wellbeing Board

4. Consideration has been given by the Health and Wellbeing Board to reviewing how the Board works, its priorities and its future role. This process recognised the substantial changes faced by partners in responding to the Covid pandemic and its recovery, as well the need to respond to the ambition of the NHS long term plan and what this means for Hillingdon as a "place" in the emerging North West London Integrated Care System.
5. It has been recognised there is an opportunity to influence the forthcoming NWL ICS System Development Plan and a need to offer reassurance that in Hillingdon, through Hillingdon Health and Care Partners, there is a plan and track record of delivery and joint working. It is important, therefore, that Hillingdon as a place is able to build on its strong partnerships so far. That, through examples such as discharge from hospital and in managing the Covid pandemic, organisation at place level has brought pace and direction to tackling problems, enabled innovation and provided agility to respond, and that this should be made clear to the ICS and that the full level of delegation possible be sought from the NWL ICS.
6. To interact meaningfully with the NHS in the emerging ICS, it is suggested that,

to be most effective, the Board needs to be:

- A forum to discuss openly and honestly challenges and opportunities: to assert the view of place;
- A true partnership of equals;
- A Board with commitment from partners who view it as part of their governance; and
- Focussed on strategy rather than detail, with strong supporting governance to provide reassurance.

7. To this end, it is proposed that the membership of the Health and Wellbeing Board be revised and all members of the Board be entitled to vote (although it is not expected that the Board will operate in a way where formal voting is generally required). Currently, voting is restricted to Cabinet Members and the statutory Healthwatch and CCG members.
8. In addition, the Board should be able to take advantage of its ability to co-opt attendees at any time, for example to present issues to the Board as subject matter experts or where wider partners' views on topics may be helpful. Others, including the voluntary sector, would also be key partners in taking forward delivery plans as part of the supporting governance.
9. The Board is keen to embrace a more collaborative and open style of working. As such, it is proposed that the Board be co-chaired by the Cabinet Member for Health and Social Care and the Hillingdon Health and Care Partners Managing Director.

The proposed changes to the Constitution relating to the Health and Wellbeing Board are set out in **Appendix B** in ~~strikethrough~~ / underlined.

FINANCIAL IMPLICATIONS

None associated with this report.

LEGAL IMPLICATIONS

The Borough Solicitor has checked the proposed updates to the Constitution contained in Appendices A & B and confirms that they are compliant with relevant legislation. Under the terms of the Constitution it is for full Council to decide whether or not to approve the proposed amendments.

The Public Service Pensions Act 2013 require pension boards to be established for the public service pension schemes. The terms of reference have been updated to incorporate best practice as outlined by the Scheme Advisory Board.

BACKGROUND PAPERS: None

8.07 Pensions Board

(a) Information

The Pensions Board is not a decision making body, rather it has a compliance and scrutiny role to ensure the Pensions Committee effectively and efficiently complies with the code of practice on the governance and administration of public service pension schemes issued by the Pensions Regulator. Additionally, the Pension Board will help ensure that the London Borough of Hillingdon Pension Fund is managed and administered effectively and efficiently and complies with the code of practice on the governance and administration of public service pension schemes issued by the Pension Regulator.

(b) Membership

The membership of the Board must be equally split between employer and scheme member representatives with relevant experience and the capacity to represent.

Council has determined that membership shall be 2 employer and 2 **employee scheme member** representatives with no Councillors automatically appointed to sit on the Board. Applications for the employer representatives will be invited from a) the Council (Members will be entitled to apply for this position should they so wish) and b) all other employer bodies contributing to the fund - and then selected at interview by the Chairman and one other Member of the Pensions Committee and a Senior Officer, on the basis of capacity and/or experience. Term of Office to be **four years indefinite**.

(c) Terms of Reference

1. The Pensions Board will meet at a frequency determined by the Board.
2. Reports to the Board will either reflect decisions taken by Pensions Committee or be reports for noting already seen by Pensions Committee.
3. The role of the Board will be to assist London Borough of Hillingdon Administering Authority as Scheme Manager: to secure compliance with the LGPS regulations and any other legislation relating to the governance and administration of the LGPS;
4. To secure compliance with requirements imposed in relation to the LGPS by the Pensions Regulator; and in such other matters as the LGPS regulations may specify.
5. To secure the effective and efficient governance and administration of the LGPS for the London Borough of Hillingdon Pension Fund.
6. To provide the Scheme Manager with such information as it requires to ensure that any member of the Pension Board or person to be appointed to the Pension Board does not have a conflict of interest. NB: Being a member of the LGPS is not seen as a conflict of interest.
7. **The Board may agree a more detailed code of practice within the parameters of these Terms of Reference, as to how it operates to comply with other relevant guidelines.**

8.09 Health and Wellbeing Board

(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 membership~~ of the Board shall ~~comprise~~:

- 1) ~~Cabinet Member for Health and Social Care - Co-Chairman~~
- 2) ~~Cabinet Member for Families, Education and Wellbeing~~
- 3) ~~LBH Chief Executive~~
- 4) ~~LBH Corporate Director, Social Care and Health~~
- 5) ~~LBH Director, Public Health~~
- 6) ~~Hillingdon Health and Care Partners Managing Director - Co-Chairman~~
- 7) ~~NWL CCG - Hillingdon Board representative~~
- 8) ~~NWL CCG - nominated lead~~
- 9) ~~Central and North West London NHS Foundation Trust - nominated lead~~
- 10) ~~The Hillingdon Hospitals NHS Foundation Trust Chief Executive~~
- 11) ~~Healthwatch Hillingdon - nominated lead~~
- 12) ~~Royal Brompton and Harefield NHS Foundation Trust - nominated lead~~
- 13) ~~Hillingdon GP Confederation - nominated lead~~

~~Co-Chairmen~~

~~The Board shall be co-chaired by the Cabinet Member for Health and Social Care and the Managing Director of Hillingdon Health and Care Partners. The Vice Chairman of the Board shall be the Cabinet Member for Families, Education and Wellbeing. Only one Co-Chairman may chair a meeting and this will be determined at the start of each meeting. Should both Co-Chairmen be unavailable to chair, the meeting will be chaired by the Vice Chairman.~~

~~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~~

~~In the event that they are unable to attend the meeting, members~~ of the Board must ~~advise the Co-Chairmen in advance of the meeting and~~ nominate a single individual ~~who will have the authority to~~ substitute for them and make decisions ~~in the event that they are unable to attend a meeting on their behalf.~~

Co-opted Members

Other Attendees

From time to time, and upon the agreement of the ~~Board Co-Chairmen~~, other individuals, ~~such as subject matter experts, may be invited to attend Board meetings. In addition, individuals~~ or representatives may attend Board meetings as co-opted members ~~where agreed by the Board. Co-opted members may nominate a single, named individual who may substitute for them in the event that they are unable to attend a meeting e.g. representatives of local NHS hospitals or trusts.~~

Voting rights

~~Voting~~ Should a formal vote be required, voting rights will apply to those set out in the list above. ~~The following Statutory members:~~

- ~~• All elected Members of the Council on the Board~~
- ~~• The representatives from the Clinical Commissioning Group covering Hillingdon and representatives from Healthwatch Hillingdon.~~

~~Subject to consultation with the Board, the Council may then direct whether or not voting rights apply to other Statutory members or~~

Co-opted members will not be permitted to vote.

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 and Working Groups

The Board may establish and appoint to sub-committees *and working groups*. The Board may delegate any of its functions to sub-committees *or working groups* 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 or working group may be ~~a Statutory or Co-opted member of the Board or any elected Member of the London Borough of Hillingdon~~ any member of the Board. Additional members of a sub-committee or working group will be agreed by the Board.

Sub-committees and working groups 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 Select 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 its services in conjunction with the External Services Families, Health and Wellbeing Select Committee; and
- (i) Reviewing the Terms of Reference and operation of the Board regularly, making recommendations to Council as required.

18. HEALTH AND WELLBEING BOARD

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 or working groups.
2. A Quorum of the Board shall be 50% of its statutory membership. A Quorum of any sub-committees or working groups of the Board shall be 50% of their membership or 3 members (whichever is the greater).
3. Any meeting of the Board may establish and appoint to its sub-committees or working groups.
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 Co-Chairmen 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 Co-Chairman chairing that meeting will have a second or casting vote.
7. The Board and any sub-committees or working groups shall meet as required, with the agreement of the Co-Chairman and/or in the circumstances where the Co-Chairman receives a request in writing by more than 50% of the statutory members of the Board.