

**6 March 2013****Agenda Item: 11****REPORT OF THE CORPORATE DIRECTOR, POLICY, PLANNING AND  
CORPORATE SERVICES****HEALTH AND WELLBEING BOARD REGULATIONS****Purpose of the Report**

1. To inform the Board of regulations recently issued by the Department of Health and of the steps being taken so that the Board can take on its statutory role on 1 April 2013.

**Information and Advice****Regulations**

2. The Health and Wellbeing Board has been meeting as a Shadow Board since May 2011 in anticipation of assuming its full statutory role from 1 April 2013.
3. The Department of Health has recently published the Local Authority (Public Health, Health and Wellbeing Boards and Health Scrutiny) Regulations 2013. Part 2 of the Regulations applies to Health and Wellbeing Boards and comes into force on 1 April 2013. Last summer, the Department of Health conducted an informal engagement exercise with stakeholders about which parts of existing legislation should be disapplied in order to allow Boards to operate effectively. The Regulations take account of responses received during that engagement exercise.
4. The effect of the Regulations is that
  - (a) a Board may delegate functions to a sub-committee of the Board or to an officer (reg. 3);
  - (b) a Board may be established as a joint committee with another local authority, and may appoint a joint sub-committee (reg. 4);
  - (c) a Board may appoint an advisory sub-committee (reg. 4);
  - (d) people who are bankrupt or who have criminal convictions may be Board members (reg. 5). This is because some authorities, when consulted, said that they did not want there to be a constraint on who might be appointed as a service user representative.
  - (e) employees of the local authority may be Board members (reg. 5); This enables the three chief officers to be full members of the Board.

- (f) all Board members will have voting rights, unless the local authority (having consulted the Board) decides otherwise (reg. 6);
  - (g) membership of the Board does not have to reflect the overall political balance of the local authority (reg. 7).
5. The Regulations are silent on whether the Councillors' Code of Conduct applies to the whole membership of the Board. Guidance is awaited at the time of writing this report.

## **Preparations for the Board becoming statutory**

6. County Council on 28 February 2013 considered a report which will enable the Health and Wellbeing Board to take on its full statutory role from 1 April. The Board's existing terms of reference, with minor changes to accord with the Health and Social Care Act, have been continued, as set out in Appendix 1.
7. This membership is in accordance with the statutory requirements and no amendments are proposed at this time other than (with the establishment of Healthwatch) the Chairman of Healthwatch replacing the LINK representative from 1 April 2013. The membership includes three County Council chief officers, and the County Councillor membership maintains political balance.
8. The Constitution has been amended to remove all references to the Shadow Board, and to make reference to the Director of Public Health where appropriate.

## **Other Options Considered**

None.

## **Reason/s for Recommendation/s**

To brief Board members on the recent Regulations and associated matters.

## **Statutory and Policy Implications**

This report has been compiled after consideration of implications in respect of finance, equal opportunities, human resources, crime and disorder and users. Where such implications are material, they have been brought out in the text of the report.

## **RECOMMENDATION/S**

That the report be noted.

**Jayne Francis-Ward**  
**Corporate Director, Policy, Planning and Corporate Services**

**For any enquiries about this report please contact:**  
Paul Davies, Democratic Services ext 73299

**Constitutional Comments**

As the report is for noting only, constitutional comments are not required.

**Financial Comments (NR 22/2/13)**

There are no financial implications arising directly from this report.

**Background Papers**

Except for previously published documents, which will be available elsewhere, the documents listed here will be available for inspection in accordance with Section 100D of the Local Government Act 1972.

- a. Local Authority (Public Health, Health and Wellbeing Boards and Health Scrutiny) Regulations 2013

**Electoral Division(s) and Member(s) Affected**

All.



(County Council Constitution 'Part 4 – Responsibility for Functions', page 4-12)

## **HEALTH AND WELLBEING BOARD**

### **TERMS OF REFERENCE**

44. To prepare and publish a joint strategic needs assessment.

45. To prepare and publish a health and wellbeing strategy based on the needs identified in the joint strategic needs assessment and to oversee the implementation of the strategy.

46. Discretion to give Nottinghamshire County Council an opinion on whether the Council is discharging its statutory duty to have due regard to the joint strategic needs assessment and the health and wellbeing strategy.

47. To promote and encourage integrated working including joint commissioning in order to deliver cost effective services and appropriate choice. This includes providing assistance and advice and other support as appropriate, and joint working with services that impact on wider health determinants.

### **MEMBERSHIP FROM 1 APRIL 2013**

- Five County Councillor members appointed at the annual meeting of Full Council (currently Councillors Reg Adair, Mrs Kay Cutts, Stan Heptinstall MBE, Alan Rhodes and Martin Suthers OBE)
- Two representatives from District Councils (currently Councillor Jenny Hollingsworth of Gedling Borough Council and Councillor Tony Roberts of Newark and Sherwood District Council)
- Corporate Director, Adult Social Care, Health and Public Protection Services – David Pearson
- Corporate Director, Children, Families and Cultural Services – Anthony May
- Director of Public Health – Chris Kenny
- Six NHS Clinical Commissioning Groups (CCGs)
  - Dr Steve Kell - Bassetlaw CCG
  - Dr Raian Shiekh - Mansfield and Ashfield CCG
  - Dr Mark Jefford – Newark and Sherwood CCG
  - Dr Guy Mansford – Nottingham West CCG
  - Dr Tony Marsh – Nottingham North & East CCG
  - Dr Jeremy Griffiths – Rushcliffe CCG
- Chairman of the Local Healthwatch
- One representative from the NHS Commissioning Board – Helen Pledger - Director of Finance, Local Area Team.