

**REPORT OF THE DEPUTY LEADER OF THE COUNTY COUNCIL  
HEALTH AND WELLBEING BOARD ARRANGEMENTS**

**Purpose of the Report**

1. To finalise arrangements for the Health and Wellbeing Board, which takes on its statutory role from 1 April 2013.

**Information and Advice**

2. The Health and Wellbeing Board (the Board) has been meeting as a Shadow Board since March 2011 in anticipation of assuming its full statutory role from 1 April 2013.
3. Proposed terms of reference for the Board, to take effect from 1 April 2013, are attached at **Appendix 1** to this report. These are based on the terms of reference the Shadow Board has been working to, with minor amendments in accordance with the final legislation.
4. The Department of Health has recently published the Local Authority (Public Health and Wellbeing Board and Health Scrutiny) Regulations 2013. The Regulations include various provisions regarding membership and voting rights on health and wellbeing boards. 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 current membership of the Health and Wellbeing Board is: -

- 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.

6. This membership is in accordance with the statutory requirements and no amendments are proposed at this time. The membership includes three County Council chief officers, and the County Councillor membership maintains political balance.

7. The Regulations are silent on whether the Councillor's Code of Conduct applies to the whole membership of the Board. Guidance is awaited at the time of writing this report.

8. The Council has appointed a Director of Public Health as required by the legislation. The Constitution needs to be updated to include provision for this statutory officer, and the amendments are attached at **Appendix 2** to this report.

9. The Constitution will also need to be amended to remove all references to the Shadow Board. It is proposed that County Council authorises the Monitoring Officer to make these amendments.

### **Other Options Considered**

10. It is a requirement for the County Council to establish a Health and Wellbeing Board by 1 April 2013. The proposed terms of reference are in accordance with the legislation. Full Council has discretion in relation to the County Councillor membership of the Board.

### **Reason for Recommendations**

11. To ensure the Council has a Health and Wellbeing Board that is in a position to take on its statutory role from 1 April 2013.

## **Statutory and Policy Implications**

12. This report has been compiled after consideration of implications in respect of finance, the public sector equality duty, human resources, crime and disorder, human rights, the safeguarding of children, sustainability and the environment and those using the service and where such implications are material they are described below. Appropriate consultation has been undertaken and advice sought on these issues as required.

## **RECOMMENDATIONS**

- 1) To adopt the terms of reference for the Health and Wellbeing Board set out in **Appendix 1** to the report from 1 April 2013.
- 2) To note and approve the current membership of the Board; in particular that the Corporate Director Adult Social Care Health and Public Protection, the Corporate Director Children Families and Cultural Services and the Director of Public Health are included in the membership notwithstanding that they are employees of Nottinghamshire County Council; and also that the County Councillor representation reflects the political balance of the Authority.
- 3) To approve the amendments to the Council's Constitution set out in **Appendix 2** to the report.
- 4) To authorise the Monitoring Officer to make consequential amendments to the Constitution.

**Councillor Martin Suthers OBE**  
**Deputy Leader of the County Council**

**For any enquiries about this report please contact:**

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## **Constitutional Comments (SG 19/02/2013)**

13. Full Council is the appropriate body to decide the issues referred to in this Report.

## **Financial Comments (MB 20/02/2013)**

14. There are no financial implications.

## **Background Papers and Published Documents**

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.

- The Councillor Code of Conduct is published in the Council's Constitution (<http://www.nottinghamshire.gov.uk/dms/Constitution/tabid/105/FolderID/5/Constitution-2012-Current-Version.aspx>)
- The Health and Social Care Act 2012 is published (<http://www.legislation.gov.uk/ukpga/2012/7/contents/enacted>)
- The Local Authority (Public Health, Health and Wellbeing Boards and Health Scrutiny) Regulations 2013 are published (<http://www.legislation.gov.uk/uksi/2013/218/made>)
- The County Council report of 19 May 2011 is published (<http://www.nottinghamshire.gov.uk/DMS/Document.ashx?czJKcaeAi5tUFL1DTL2UE4zNRBcoShgo=%2fPUObFao503TZ%2fKhWXoVmL%2bSvlctFu33zQx9C6PpHd4SGOv%2fMlbW8Q%3d%3d&mCTIbCubSFfXsDGW9IXnlq%3d%3d=hFfIUdN3100%3d&kCx1AnS9%2fpWZQ40DXFvdEw%3d%3d=hFfIUdN3100%3d&uJovDxwdjMPoYv%2bAJvYtyA%3d%3d=ctNJFf55vVA%3d&FgPIIEJYlotS%2bYGoBi5oIA%3d%3d=NHdURQburHA%3d&d9Qjj0ag1Pd993jsyOJqFvmyB7X0CSQK=ctNJFf55vVA%3d&WGewmoAfeNR9xqBux0r1Q8Za60lavYmz=ctNJFf55vVA%3d&WGewmoAfeNQ16B2MHuCpMRKZMwaG1PaO=ctNJFf55vVA%3d>)
- The County Council report of 31 March 2011 is published (<http://www.nottinghamshire.gov.uk/DMS/Document.ashx?czJKcaeAi5tUFL1DTL2UE4zNRBcoShgo=85SFLogP7aYDBQHoBA%2fB%2fD4ckOeHKuccoLBq81EfQkSHeBn4LRk0KA%3d%3d&mCTIbCubSFfXsDGW9IXnlq%3d%3d=hFfIUdN3100%3d&kCx1AnS9%2fpWZQ40DXFvdEw%3d%3d=hFfIUdN3100%3d&uJovDxwdjMPoYv%2bAJvYtyA%3d%3d=ctNJFf55vVA%3d&FgPIIEJYlotS%2bYGoBi5oIA%3d%3d=NHdURQburHA%3d&d9Qjj0ag1Pd993jsyOJqFvmyB7X0CSQK=ctNJFf55vVA%3d&WGewmoAfeNR9xqBux0r1Q8Za60lavYmz=ctNJFf55vVA%3d&WGewmoAfeNQ16B2MHuCpMRKZMwaG1PaO=ctNJFf55vVA%3d>)

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

All

## **Appendix 1**

(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.

## **Appendix 2**

(County Council Constitution 'Part 4 – Responsibility for Functions', page 4-24)

### **PART B – SCHEME OF DELEGATION TO OFFICERS**

1. This Scheme sets out the delegated powers of officers of the County Council. For the purposes of the Scheme of Delegation the term 'Corporate Director' includes the Chief Executive and the Director of Public Health.

#### **DIRECTOR OF PUBLIC HEALTH**

23. To be the designated Director of Public Health in accordance with Section 30 of the Health and Social Care Act 2012.

24. The exercise of the responsibilities set out below are delegated by the County Council:

a. Taking all operational decisions necessary to secure the provision of service and/or the discharge of statutory functions, including the power to enter into contracts, in accordance with approved policies and Financial Regulations in relation to the following areas:

- Public Health

b. Holding officers to account for the performance of their service areas.