

## **REPORT OF THE CHIEF EXECUTIVE**

### **ESTABLISHMENT OF JOINT COMMITTEE – NOTTINGHAM AND NOTTINGHAMSHIRE INTEGRATED CARE PARTNERSHIP**

#### **Purpose of the Report**

1. To agree the establishment of the Nottingham and Nottinghamshire Integrated Care Partnership (ICP) as a joint committee between Nottinghamshire County Council, Nottingham City Council and the Nottingham and Nottinghamshire NHS Integrated Care Board (ICB).

#### **Information**

2. A significant change to the local NHS landscape is underway as a result of the Health and Care Act 2022. Clinical commissioning groups, which have been the primary budget holders for NHS services since 2013, have been abolished. In their place, Integrated Care Boards (ICB) will perform this role from the 1<sup>st</sup> July 2022 as Integrated Care Systems are put on a statutory footing. This means the establishment of a new Integrated Care Board (ICB) for Nottingham and Nottinghamshire. This change will bring health and care organisations together in new ways, with a greater emphasis on collaboration and aligning the work of system partners to achieve a shared purpose to improve health outcomes and tackle inequalities, enhance productivity, make best use of resources and support social and economic development.
3. A report will be considered by Cabinet on 14 July 2022 to agree the inclusion of the ICB in the Council's formal Outside Bodies Register.
4. In addition to the ICB, the Integrated Care System is legally required to establish an ICP, which is a joint committee between the local upper tier Councils in its area, that is, the County Council and Nottingham City Council and the ICB (as a minimum). The proposed Nottingham and Nottinghamshire ICP will be a joint committee of NHS Nottingham and Nottinghamshire Integrated Care Board, Nottingham City Council and Nottinghamshire County Council, established in accordance with Section 116ZA of the Local Government and Public Involvement in Health Act 2007 (as amended by the Health and Care Act 2022). In line with legal advice, the ICP is being established as a joint committee of Council but further guidance and regulation from NHS England may change that position.
5. Attached at **Appendix A** is a report which has been developed jointly by chief officers from all three organisations. Approval is sought from the relevant decision-making bodies for the ICP to be established on the basis outlined in the report, including the initial Terms of Reference

for the ICP (attached at **Appendix B**) which it is anticipated will be reviewed during the first year of operation.

6. The ICP will operate on a very similar basis to that of other purely local government joint committees, observing the relevant access to information rules laid out in the Local Government Act 1972. As such, meetings of the ICP will be held in public with agenda packs available five clear working days in advance.
7. The Council has sought external legal advice on the statutory regime surrounding the ICP and the legal advisors have confirmed that the draft Terms of Reference attached to this report are adequate to meet statutory requirements taking into account the uncertainties, referred to below, in relation to voting rights.
8. Whilst it is envisaged that each member of the ICP would be entitled to have voting rights, the legislation as it stands does not specify this. The operation of local government law may restrict the Council's voting member to just the elected member but as it is anticipated that most decisions will be reached by consensus it is not expected to create difficulties in the initial phases of operation. Furthermore we are hoping guidance will provide greater clarity on this point and we will also seek further advice as appropriate.
9. Draft Terms of Reference have been developed based on current legislation and guidance but it is hoped that these can be further refined once further information, guidance and advice has been received, particularly about the issues of membership and voting. It is therefore proposed that the Council agree to the establishment of the ICP on the basis of the Terms of Reference as they stand with a further report to be submitted to a future meeting of Full Council to seek approval for the finalised version of the Terms of Reference. In the meantime, it is proposed that the Monitoring Officer be authorised to agree any minor amendments to the Terms of Reference such as correcting typing or drafting errors, that do not impact on the Council's roles and representation on the ICP except those set out in this report.
10. In line with the Terms of Reference, the County Council will be entitled to nominate five members to the ICP. These are in the following categories:-
  - a. Elected Member Representative – Chairman of Health and Wellbeing Board – this representative will be one of two Vice-Chairs on the ICP in the initial year, with the chairing arrangements being one of the issues that will be reviewed as part of any ongoing review of the Terms of Reference;
  - b. Corporate Director, Adult Social Care and Health
  - c. Director of Public Health
  - d. County Partner
  - e. County Partner

11. In relation to the two County Partner places, discussions are ongoing with the City Council to ensure a collaborative approach to enable the most appropriate and effective representation via the two City Partner and two County Partner places. These appointments will be progressed in consultation with relevant Members, ahead of the first meeting of the ICP and it is proposed that the Team Manager, Democratic Services use his ongoing delegations to finalise the appointments once agreed.
12. The Terms of Reference envisage a register of interests to be established for the ICP. All members of the ICP will be required to register interests. Members are also required to comply with their own organisations' Codes of Conduct. In the case of County Council representatives that means either the Councillor's Code of Conduct for elected Members and the Officer's Code for Officers. At this stage it is suggested that any County Partners appointed to the ICP should make their declarations to the ICP and follow any further codes of conduct or other professional code in line with relevant advice from the Council's Monitoring Officer.

### **Other Options Considered**

13. The Council is legally required to assist in the establishment of this joint committee.
14. An alternative approach could have been taken to establish the joint committee as a committee of Cabinet. Legal advice recommends that treating the ICP as a committee of Council is more consistent with the approach taken with other Council committees such as the Health and Wellbeing Board. The City Council will establish the ICP as a committee of Council also, thereby ensuring a consistent approach.
15. Approval for the establishment of the ICP could have been sought once further clarification of the above issues had been obtained and the Terms of Reference were finalised. However, such an approach would jeopardise the ability of the ICP to develop the Integrated Care Strategy in line with the required timescales and therefore a pragmatic approach has been taken.
16. The Council's officers have assisted in the development of the planned arrangements and initial Terms of Reference. Alternative options for operating the ICP going forward will be considered as part of the subsequent review of those Terms of Reference taking into account any further guidance and regulation from NHS England.

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

17. To ensure that the establishment of this new joint committee is formally agreed in line with due process and legal requirements and to enable the timescales for developing the Integrated Care Strategy to be met.

### **Statutory and Policy Implications**

18. This report has been compiled after consideration of implications in respect of crime and disorder, data protection and information governance finance, human resources, human rights, the NHS Constitution (public health services), the public sector equality duty,

safeguarding of children and adults at risk, service users, smarter working, sustainability and the environment and where such implications are material they are described below. Appropriate consultation has been undertaken and advice sought on these issues as required.

## **Financial Implications**

19. As the Chair of the Council's Health and Wellbeing Board is specified within the Terms of Reference as the Council's elected member representative, and Vice-Chair, on the ICP, then no additional costs will be incurred (based on the rule that Members can only claim one Special Responsibility Allowance).

## **RECOMMENDATIONS**

It is recommended:-

- 1) That the Council approves the establishment of the Nottingham and Nottinghamshire Integrated Care Partnership, as a joint committee between Nottinghamshire County Council, Nottingham City Council and the Nottingham and Nottinghamshire NHS Integrated Care Board in accordance with Section 116ZA of the Local Government and Public Involvement in Health Act 2007 (as amended by the Health and Care Act 2022) on the basis of the arrangements described in the appendix, including the initial Terms of Reference.
- 2) That authority be delegated to the Monitoring Officer to make consequential changes to the Council's Constitution to reference this new joint committee and the Council's representation upon it as appropriate and to agree any minor amendments to the Terms of Reference.
- 3) That the appointment of the five County Council representatives on the ICP be undertaken by the Team Manager, Democratic Services on behalf of the Chief Executive (the Proper Officer).
- 4) That a further report be submitted to a meeting of Full Council to approve the finalised Terms of Reference.

**Anthony May**  
**Chief Executive**

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

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### **Constitutional Comments (LW 24/06/2022)**

20. Full Council is the appropriate body to consider the content of the report.

### **Financial Comments (SES 27/06/2022)**

21. There are no specific financial implications arising directly from this report.

### **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.

- Report to Cabinet – Outside Bodies Register Update - 14 July 2022 (published)

#### **Electoral Divisions and Members Affected**

- All