

Report for:	Health and Wellbeing Board – 13 January 2015
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Title:	Board Member Appointment and Change to Voting Rights
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Report Authorised by:	Jeanelle de Gruchy Director of Public Health
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Lead Officer:	Stephen Lawrence-Orumwense Assistant Head of Legal Services Social Care and Contract
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1. Describe the issue under consideration

- 1.1 The Health and Wellbeing Board ('Board') is being asked to consider appointing the Chair of the Haringey Local Safeguarding Children Board as a member of the Board. Also, following the appointment by Full Council of an additional elected member to the Board, there has been an in-balance in the voting rights between Council and non-Council members of the Board. Therefore, the Board is also being asked to consider recommending to Full Council to alter the voting rights of the Lay Board Member Clinical Commissioning Group to restore the balance.

2. Cabinet Member introduction

- 2.1 This is not applicable (N/A)

3. Recommendation

- 3.1 It is recommended that:
- The Board appoint the Chair of the Haringey Local Safeguarding Children Board as a non-voting member of the Board;
 - The Board request that Full Council alter the voting rights of the Lay Board Member of the Clinical Commissioning Group to a voting member; and
 - The Board accept this report as consultation by Full Council for the purpose of altering the voting rights of the Board member.

4. Alternative options considered

N/A

5. Background information

5.1 The Board is a Committee of the Council. The Council's Constitution (at Part 3 Section B Paragraph 8) sets out the governance arrangement for the Board. The Constitution provides for the following persons to be a member of the Board:

- The Leader of the Council
- The Cabinet Member for Children and Families
- The Cabinet Member for Health and Wellbeing
- Chair, Clinical Commissioning Group (Vice Chair of HWB)
- Chair of Healthwatch
- Director of Adult and Housing Services
- Director of Children and Young People's Services
- Director of Public Health
- Chief Officer, Clinical Commissioning Group
- Lay Board Member, Clinical Commissioning Group
- GP Board Member, Clinical Commissioning Group
- HAVCO representative
- Representative for the NHSCB (when required)

The Council and the Board can appoint additional members as they deem appropriate. But the Council must consult with the Board prior to such appointment.

5.2 The Constitution restricts voting rights in the Board to the following members;

- a) Local authority councillors (Leader of the Council, Cabinet Member for Children and Families and Cabinet Member for Health and Wellbeing);
- b) Chair, Clinical Commissioning Group (Vice Chair of HWB); and
- c) Chair, Healthwatch.

Any additional member appointed to the Board by the Council or by the Board are non-voting members. However, Full Council can make a direction to alter the voting right of Board members following consultation with the Board.

5.3 The recent Ofsted Inspection of Haringey Children Services (July 2014) flagged up the need to ensure that the Board's priorities are sufficiently linked to the children social care priorities. As a consequence, the Independent Chair of the LSCB has been attending and participating in the meeting of the Board to ensure a strategic focus on the agenda for promoting and safeguarding the welfare of children. The recommendation that the Board appoint the Chair of the LSCB is intended to confirm this existing arrangement. The Chair of the LSCB will be a non-voting member.

5.4 There is an underlying principle of consensus, equality and parity in decision making in the Board. This is reflected in parts in the balance between the voting

rights of Council members and non-Council members of the Board. In the last municipal year (2013/14), there were two Council members with voting rights and two non-Council members with voting rights. In this municipal year (2014/15), this position has altered with the appointment by Full Council of an additional elected member to the Board. The recommendation to Full Council to alter the non-voting right of the Lay Board Member of the Clinical Commissioning Group is intended to restore this voting balance in decision making between Council and non-Council members of the Board.

6. Comments of the Chief Finance Officer and financial implications

N/A

7. Comments of the Assistant Director of Corporate Governance and legal implications

- 7.1 Section 194 of the Health and Social Care Act 2014 provides for the establishment and membership of the Health and Wellbeing Board. This section (*subsection (2)*) sets out that the Board's membership must include the director of children's services, the director of adult social services and the director of public health. There must be at least one elected representative, which may be the leader of the local authority and/or councillors nominated by the Leader (*subsections (3) and (4)*). The Local Healthwatch organisation and each relevant CCG must also appoint representatives (*subsections (5) and (6)*). The section (*subsection (8)*) enables the Board to appoint additional persons as members. The local authority is also able to invite other persons (other than councillors) or representatives of other persons to become members (*subsection (2)(g)*). The local authority must consult the Health and Wellbeing Board before appointing additional persons after the Board has been established (*Subsection (9)*).
- 7.2 Regulation 6 of the Local Authority (Public Health, Health and Wellbeing Boards and Health Scrutiny) Regulations 2013 provides that a person who is a member of a Health and Wellbeing Board shall not be treated as a non-voting member of that Board unless the local authority which established the Board otherwise directs. Before making such a direction, the local authority must consult the Health and Wellbeing Board. At the Full Council meeting on 20th May 2013, following consultation with the Board, it was directed that the then local authority elected members of the Board, the Chair of the Clinical Commissioning Group and the Chair of Healthwatch will have voting rights. That any additional persons appointed to the HWB either by the Local Authority or the HWB will be appointed on a non-voting basis. This direction is reflected in the Council's Constitution.
- 7.3 All voting members of the Board are required to comply both with the Members' Code of Conduct and the provisions of the Localism Act 2011 relating to Standards. In particular, voting members will be required to complete a register of interests which must be kept up to date. Voting members must also declare any disclosable pecuniary interest or prejudicial interest in any matter being considered and must not take part in any discussion or decision with respect to these items.

8. Equalities and Community Cohesion Comments

N/A

9. Head of Procurement Comments

N/A

10. Policy Implication

N/A

11. Reasons for Decision

This is dealt with above.

12. Use of Appendices

N/A

13. Local Government (Access to Information) Act 1985