



**Haringey Council**

<b>Report for:</b>	<b>HEALTH AND WELLBEING BOARD</b> <b>9 APRIL 2013</b>	<b>Item Number:</b>	
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<b>Title:</b>	<b>Reference from Full Council 18 March 2013 consulting the Board in respect of voting rights of Board Members</b>
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<b>Report Authorised by:</b>	<b>Director of Public Health</b>
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<b>Lead Officer:</b>	<b>Jeanelle De Gruchy – Director of Public Health</b>
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<b>Ward(s) affected:</b>	<b>Report for: Non Key Decision</b>
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## **1. Describe the issue under consideration**

- 1.1 The Haringey Health and Wellbeing Board was formally established by Full Council on 18 March 2013 (see appendix A attached).
- 1.2 In establishing the Health and Wellbeing Board (HWB), Full Council was recommended to consult with the HWB pursuant to regulation 6 of the Local Authority (Public Health, Health and Wellbeing Boards and Health Scrutiny) Regulations 2013, on a direction in respect of members of the HWB who will have voting rights.
- 1.3 The HWB is being asked to consider the Full Council's voting proposal.

## **2. Cabinet Member introduction**

n/a



### **3. Recommendations**

- (i) That, pursuant to regulation 6 of the Local Authority (Public Health, Health and Wellbeing Boards and Health Scrutiny) Regulations 2013, the Board be consulted on and consider the proposed direction of the Full Council that:

(a) Only the following members of the HWB will have voting rights:

- Cabinet Member for Health and Adult Services (Chair of HWB)
- Cabinet Member for Children
- Chair, Clinical Commissioning Group (Vice Chair of HWB)
- Chair, Healthwatch

And

(b) Any additional persons appointed to the HWB either by the local authority or the HWB will be appointed on a non-voting basis.

- (ii) That the Board note that Full Council at its Annual meeting on 20 May 2013 be requested to consider the views and comments of the Board in respect of (i) above, if any, when resolving to make its direction on HWB members' voting rights.

### **4. Alternative options considered**

- 4.1 Full Council intends to make a resolution on voting rights of members of the HWB at its Annual meeting on 20 May 2013, pursuant to Regulation 6 of the Local Authority (Public Health, Health and Wellbeing Boards and Health Scrutiny) Regulations 2013.
- 4.2 Under Regulation 6, where a Local Authority intends to make a direction as to voting rights of members of the Board it must first consult the HWB. No other options for the Board are considered.

### **5. Background information**

- 5.1 The Haringey Health and Wellbeing Board was formally established by Full Council on 18 March 2013 (see appendix A) as a Committee of the Council under s102 of the Local Government Act 1972, in accordance with the Health and Social Care Act 2012.
- 5.2 The Local Authority (Public Health, Health and Wellbeing Board and Health Scrutiny) Regulations 2013 allow for certain elements of the exercise of governance arrangements and discharge of functions as set out in various Local Government Acts, that would otherwise apply to a s102 Committee, to be disapplied to support the operation of the new HWB. In particular, the Regulations allow for different



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categories of membership and voting rights, including permitting all members of the HWB, including non Councillors, to participate as full members of the Board and to exercise voting rights if the local authority deems appropriate.

- 5.3 In line with current practice, and to facilitate the partnership status of the HWB, Full Council is proposing to direct that only elected members and statutory health representatives on the HWB exercise voting rights. All voting members of the HWB, including any substitutes, will be required to comply with the Members' Code of Conduct and Localism Act provisions relating to standards and the declaration of disclosable pecuniary interests. Under this direction, officers of the Council, additional health representatives and any further persons nominated to the HWB would be members of the board in a non-voting capacity, and as such would not be subject to these additional liabilities and responsibilities.
- 5.4 Any such direction on voting requires consultation with the HWB in order for the matter to be referred back to Annual Council in May 2013 for determination.

## **6. Comments of the Chief Finance Officer and financial implications**

The Chief Financial Officer has no additional comments to make.

## **7. Head of Legal Services and legal implications**

- 7.1 The Local Authority (Public Health, Health and Wellbeing Board and Health Scrutiny) Regulations 2013 allow for certain elements of the exercise of governance arrangements and discharge of functions as set out in various Local Government Acts to be disapplied to support the operation of the new HWB.
- 7.2 Regulation 6 modifies s13(1) of the Local Government and Housing Act 1989 to enable all members of HWB to vote unless the local authority directs otherwise. It is being proposed that four members of the HWB have voting rights and the remaining members are non-voting, including members whom are appointed to the HWB by the HWB or the local authority at a later date. Of the four voting members, the CCG statutory representative and the Heathwatch statutory representative will be permitted to have a substitute. All voting members and their substitutes will be required to comply with the Council's Members' Code of Conduct. In accordance with regulation 6 (1B), before making such a direction the Council is required to consult with the HWB.

## **8. Equalities and Community Cohesion Comments**

N/A

## **9. Head of Procurement Comments**



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N/A

**10. Policy Implication**

N/A

**11. Reasons for Decision**

11.1 It is a requirement under regulation 6 of the Local Authority (Public Health, Health and Wellbeing Board and Health Scrutiny) Regulations 2013 that the Full Council consult the HWB before it makes any direction as to voting rights of members of the Board. Full Council will make a decision on the voting direction at its Annual meeting on 20 May 2013.

**12. Use of Appendices**

Appendix A – report to Full Council 18 March 2013 establishing the HWB

**13. Local Government (Access to Information) Act 1985**