

REPORT TO:	CABINET 11 MARCH 2013
AGENDA ITEM:	14
SUBJECT:	ESTABLISHING A CROYDON HEALTH AND WELLBEING BOARD
LEAD OFFICER:	HANNAH MILLER EXECUTIVE DIRECTOR ADULT SERVICES, HEALTH AND HOUSING
CABINET MEMBER:	<i>COUNCILLOR MARGARET MEAD CABINET MEMBER FOR ADULT SERVICES AND HEALTH</i>
WARDS:	ALL
CORPORATE PRIORITY/POLICY CONTEXT: It is statutory requirement to establish a Health and Wellbeing Board	
FINANCIAL IMPACT None for the purposes of this report.	
KEY DECISION REFERENCE NO: n/a	

1. RECOMMENDATIONS

Having regard to the Public Sector Equality Duty

Cabinet is recommended to recommend to Council to:-

1. Establish a Health and Wellbeing Board (HWB) as a Committee with the terms of reference and membership as set out in paragraph 5 of the rules of procedure at Appendix 1 and authorise the Director of Democratic and Legal Services to notify, as relevant, the specified organisations of the intention to invite them to appoint representatives; each representative to be appointed for a period of up to one year
2. Agree the draft HWB Rules of procedure– attached at Appendix 1
3. Direct (having consulted with the HWB) that the Board shall initially consist of no more than 28 members in total at any one time - 18 voting members and 10 Non voting

The Leader is recommended to nominate five Councillors (3 Majority Group and 2 Minority Group) for the Council to appoint to the HWB for a period of up to one year

2. EXECUTIVE SUMMARY

- 2.1 This report recommends the establishment of a Health and Wellbeing Board as a section 102 of the Local Government Act 1972, Committee. The report also recommends a set of stand alone rules of procedure, based on Council procedure rules and including the terms of reference and membership (draft procedure rules) which will make it easier for those not familiar with Council procedures to have all the rules in one place.
- 2.2 The Local Authority (Public Health, Health and Wellbeing Boards and Health Scrutiny) Regulations 2013 (the Regulations) have confirmed in relation to HWB's:
- the disapplication of political proportionality requirements;
 - modifications or disapplication of voting restrictions;
 - the application of the new ethical framework in relation to declaration and disclosure of interests;
 - the continued application of the transparency provisions in relation to public admission to meetings and access to papers.
- 2.3 A number of the new arrangements are provided for by the Regulations which make amendments to primary legislation that apply specifically in relation to HWB's.

3. DETAIL

- 3.1 The Health and Social Care Act 2012 ("The HSCA 2012"/ "The Act") received Royal Assent on 27 March 2012. The Act sets out the ambition for the NHS to become 'democratically accountable' through changes in the way health services are commissioned and delivered.
- 3.2 One of the key aspects of the reform is that local authorities in England will take over the responsibility for health improvement of local populations. Primary care – that is, the responsibility for treating illness – will remain with the NHS. The new duties which local authorities are taking on include the appointment of a Director of Public Health (already appointed), the transfer of Public Health functions to the Council (in progress) the commissioning of a local HealthWatch group [the equivalent of what is currently known as LINK](in progress) and the setting up of a HWB to provide collective leadership to improve health and wellbeing for the local area. This is the subject of this report.
- 3.3 With the abolition of Primary Care Trusts (PCTs) in April 2013, it will fall on the HWB to provide a means of integrating all aspects of health and social care in the Croydon area. It is to be noted that the HWB is not a delivery committee. It is a strategic planning board.

3.4 Membership

3.4.1 The table below sets out the categories and statutory framework for membership of the Board. The maximum number proposed for the Board is 28 (twenty eight of which 10 (ten will be non voting). The proposal is that the Board members are appointed for a period of up to one year at a time

Category	Statutory source	Status or description of representative	How many proposed
1	Croydon Council 194(2)(a) and 194(4) - Leader	The Leader of the Council and/or at least one other Councillor as Council nominee	5 Councillors. 3 Majority party and 2 Minority party.
2	Croydon Council 194(2)(b) – ex officio	The Director Of Children Services for the LA	One(1)
3	Croydon Council 194(2)(c) –ex officio	The Director of Adult Social Services for the LA	One (1)
4	Croydon Council 194(2)(d) – ex officio	The Director of Public Health for the LA	One (1)
5	Healthwatch 194(2)(e)	A representative of the Local Healthwatch organisation for the area of the local authority	One(1)
6	Clinical Commissioning Groups 194(2)(f)	A representative of each relevant Clinical Commissioning Group	Two (2)
7	Other persons or representatives of such other persons as the local authority think fit 194(2)(g)	After the Board is established appointments under this category must be in consultation with the Health and Wellbeing Board 194(9)	None, for the time being (0)
8	Such additional persons as the Health and Wellbeing Board think appropriate 194(8)	They do not have to be representatives of any organisation but could be	Eighteen(18) – ten non voting
9	National Commissioning Board appointments 197(2) and 197(4).	NCB must appoint a representative to participate in preparation of JSNA or strategy and a representative on request of HWBB and on its own volition	One (1)

Notes

Under category 1(5 Councillors) – the Leader of the Council will nominate **5 Councillors** (3 Majority and 2 minority) Councillors. The Leader himself will not be a member of the Board

Under category 2,3,4 and 6(5 members) - these are statutory ex officio posts. The proposal is that the Clinical Commissioning Group (CCG) should have two representatives one of which will be a clinical lead

Under category 5(Healthwatch) – **one** representative

Under category 7(Nil members) – the proposal is that the Council should not appoint any persons under this category for the time being

Under category 8(total 17 members – 9 non voting) – It is proposed that the Board itself invites Croydon Healthcare NHS Trust and South London and Maudsley Hospital Trust each to appoint one representative as they are the key health providers in the Borough (**2 members**). It is proposed that the Board invites each of CVA and Croydon Charity Services Delivery Group to appoint one member each to represent their network of voluntary sector providers - (**2 members**). Finally that the Board invites the Croydon Voluntary Sector Alliance (CSVA) to nominate two other persons to represent the public and community voice (**2 members**).

Although currently not on the shadow Board it is proposed that consideration be given to inviting other groups to appoint non voting representatives as follows; one each from Police Service, Croydon College, London Ambulance Service, London Fire and Rescue Service, London Probation Service, Chairs of Partnership Groups(x3) Faiths Together in Croydon and a pharmaceutical representative as non voting members (**10 non voting members**).

Category 9 (one member) – National Commissioning Board

3.5 Voting

3.5.1 Regulation 6 provides that a person who is a member of a HWB, a sub-committee of such a Board, or a joint sub-committee of two or more such Boards, shall not be treated as a non-voting member of that Board or sub-committee unless the local authority which established the Board otherwise directs. Before making such a direction the local authority must consult the HWB.

3.5.2 As that consultation cannot take place until the board is formed the shadow board was asked to express a view at its meeting on 13 February 2013. The shadow board was in agreement but at its first meeting the Board will be asked to express their consent.

3.5.3 The Regulations resolve whether Council Officers will have a vote separate from Councillors by allowing the Council to decide (in consultation with the Board) who will and who will not have a vote.

3.5.4 The Act also makes a distinction between those who are appointed as

representatives of other persons, and those who are appointed in their own right as individuals.

3.6 Political proportionality

3.6.1 Regulations 7 provides that the rules relating to political proportionality are disapplied. There is discretion to decide whether to appoint only from one party or from as many parties as are represented on the Council.

3.7 Disclosure of Interests

3.7.1 The DoH intends that the rules relating to disclosures of interest should remain. However the further intention is to find a way of modifying the rules so that CCG representatives who are also providers (e.g. GPs) can vote on matters on which they are providers. The DoH does not say whether the modification is intended to apply to any other providers on the Board, for instance the Croydon University Hospital Trust, SLAM, and CSVA.

3.8 Rules of procedure

3.8.1 The proposed rules are intended to correspond in style to the Council Procedure Rules and Scrutiny Procedure Rules and Cabinet Procedure Rules in that they will form a separate part of the Council Constitution. It is however intended to make them as self contained as possible in order to avoid unnecessary cross referencing to the main constitutional document.

3.9 Access to Information Rules

3.9.1 The DoH proposes that the Access to Information Rules which apply to council committees should apply to the Board. This will require that meetings are held in public, public notice is given of the time and place of the meetings and that the agenda and reports for the meeting are dispatched five clear working days before the meeting.

3.10 Time of meeting and place of Meetings and Annual number of meetings

3.10.1 The shadow HWB currently meets in the daytime in the afternoon, in the Town Hall. It meets six times a year. It is intended to include this in the procedure rules but to allow the Board to vary time and venue. The numbers of meetings may also need consideration, but it is suggested to keep to six meetings in a municipal year (May to April).

3.11 Reference of matters to the HWWB

3.11.1 The draft procedure rules make provision for any board member of the HWB to refer a matter to the Board via the Chair. In other words, to enable the board member to ensure that the matter (where relevant and has been cleared by the Chair as being appropriate) is included in an agenda for and discussed at a meeting of the Board or a sub committee of the Board.

3.12 Public questions

3.12.1 It is intended to incorporate provision for the public to ask questions orally at the board meeting and also in writing in advance of a board meeting. It is proposed that the deadline for submitting written questions is fixed at noon 2 days before the meeting

3.13 The Executive Group

3.13.1 Currently, there is an Executive Group which plans and progress chases the work of the Board and proposes a work plan for the Board. This group will continue as is.

3.14 Work Plan

3.14.1 It would be good practice to require the Board to have a work plan. Its first meeting in a municipal year is proposed to be held in June (after annual Council in May where councillor Memberships may change).

3.14.2 This transparent work plan, of when items are expected at the Board for discussion, will allow members of the Board to suggest items for discussion.

3.14.3 The number and timing of meetings and business to be conducted per year would be reflected in the work plan. There are significant decisions which the Board needs to make in a calendar year including

- Adopting the JSNA
- Adopting the HWB Strategy
- Comments on the CCG Commissioning Plans
- Comments on the Council's Commissioning plans
- Comments on Annual performance of the CCG on the invitation of the NCB
- An opinion on whether Council and CCG have complied with the HWB strategy in implementing their commissioning plans.

The number of meetings should synchronise with the timings of when these activities are required to be performed.

4. CONSULTATION

4.1 This draft of the report and draft procedure rules is intended for consultation with the Shadow Board members' key stakeholders.

5. FINANCIAL AND RISK ASSESSMENT CONSIDERATIONS

5.1 The cost of facilitating the meetings will depend on the number of meetings held per year, whether the venue will be the Town Hall or alternative venues for hire and level of public attendance which may require additional staff including stewards and the cost of any additional security.

6. COMMENTS OF THE COUNCIL SOLICITOR AND MONITORING OFFICER

- 6.1 The Council Solicitor comments that in accordance with s.194 of the Health and Social Care Act 2012, every local authority has a duty to establish a Health and Wellbeing Board. The overarching aims of HWBs are set out in section 195:-
- a. To provide collective leadership to encourage integrated working between NHS commissioners, public health and social care services for the advancement of local health and wellbeing;
 - b. To provide advice assistance and support to encourage partnership arrangements (e.g. budget pooling arrangements);
 - c. To encourage providers of “health related services” (e.g. Housing) to work closely with the Board, Social Care Services and Health Service Commissioners.
- 6.2 In particular, HWBs will have to undertake a Joint Strategic Needs Assessment (JSNA) and develop a Joint Health and Wellbeing Strategy for Croydon (s.192-193).
- 6.3 The requirement of s.194 (11) of the Health and Social Care Act 2012 is that the HWB must be *“a committee of the local authority which established it and, for the purposes of any enactment, is to be treated as if it were a committee appointed by that authority under section 102 of the Local Government Act 1972”*. To comply with the statutory provision the Health and Wellbeing Board must become a committee in its own right rather than a sub-committee, or its work being absorbed by another existing committee.

7. HUMAN RESOURCES IMPACT

- 7.1 None for the purposes of this report

8. EQUALITIES IMPACT

- 8.1 Under section 149 of the Equality Act 2010 a public authority must, in the exercise of its functions, have due regard to the need to advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it. In the context of establishing a Board this involves having due regard, in particular, to the need to encourage persons who share a relevant protected characteristic to participate in public life or in any other activity in which participation by such persons is disproportionately low. Where the Board takes the view that the Board membership does not sufficiently encourage participation in decision making by protected groups, then the board may use the discretionary powers mentioned above to appoint a Board which is more representative.

9. CRIME AND DISORDER REDUCTION IMPACT

- 9.1 There is an emerging link between crime and disorder and mental health, so consideration could be given to how the Council’s Community Safety partnership could be involved in the work of the Board. The recommendation to co opt police and probation representatives as non voting members is designed to help the Council meet its obligation under the Crime and Disorder Act

10. REASONS FOR RECOMMENDATIONS/PROPOSED DECISION

10.1 It is a statutory requirement to establish a Board.

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Documents referred to in the preparation of this report

1. <http://www.nhsconfed.org/Publications/reports/Pages/Operating-principles.aspx>
2. Draft HWBB Procedure Rules – Appendix 1

BACKGROUND PAPERS - LOCAL GOVERNMENT ACT 1972

No unpublished document was used for the preparation of this report.

CONSTITUTION OF THE LONDON BOROUGH OF CROYDON

DRAFT RULES OF PROCEDURE OF THE CROYDON HEALTH AND WELLBEING BOARD

1.0 TITLE AND LEGAL POWERS TO CONSTITUTE

- 1.1 The Croydon Health and Wellbeing Board is a committee of the Council .The full title of the Committee shall be known as the “**CROYDON HEALTH AND WELLBEING BOARD**” and referred to in these rules as the “Board”.
- 1.2 By virtue of the provisions of Sections 101 and 102 of the Local Government Act 1972 (“the 1972 Act”), section 194 -199 of the Health and Social Care Act 2012 and any other enabling legislation, the Council has resolved establish the Board with effect from the Commencement Date of 1 April 2013

2.0 INTERPRETATION

In these rules:-

- 2.1 References to any statute or statutory provision shall include a reference to that statute or statutory provision as from time to time amended, extended or re-enacted;
- 2.2 Words importing the singular include the plural; words importing any gender include every gender; words importing persons include bodies corporate and unincorporated; and (in each case) vice versa;
- 2.3 References to sections and paragraphs are references to sections and paragraphs of these rules and any reference to a sub provision is, unless otherwise stated, a reference to a sub provision of the provision in which the reference appears; and
- 2.4 The section and paragraph headings and titles appearing in these rules are for reference only and shall not affect its construction or interpretation
- 2.5 These rules of procedure shall be interpreted so that they are consistent with the current version of the Croydon Council constitution.

3.0 **OBJECTIVES.** Section 195 of the Health and Social Care Act 2012 provides that the purpose of the Health and Wellbeing Board is to *“advance the health and well being of the people in its area”*

4.0 **FUNCTIONS OF THE CROYDON HEALTH AND WELLBEING BOARD**

The Health and Wellbeing Board’s terms of reference are, without prejudice to any statutory provisions, to

- Advance and improve the health and wellbeing of the people of Croydon by promoting integration and partnership working between the NHS, social care, children’s services, public health, independent, voluntary and community sector and any other local health and social care providers and commissioners,
- Provide such advice, assistance or other support as it thinks appropriate for the purpose of encouraging the making of arrangements under section 75 of the National Health Service Act 2006 in connection with the provision of health and social care services
- Exercise the functions of a local authority and its partner commissioning consortia under sections 116 and 116A of the Local Government and Public Involvement in Health Act 2007 (“the 2007 Act”) [*Note these refer to the duties to prepare a Joint Strategic Needs Assessment and a Joint Health and Wellbeing Strategy.*]
- Give the Council its opinion on whether the Council is discharging its duty under section 116B of the 2007 Act (*“in exercising any function the council is to have regard to the Health and Wellbeing Strategy”* –[*Note the role of the Board is to consider whether to give the Council an opinion on whether the Council has had regard to the strategy in exercising its functions*]
- Any other functions of the authority as the Council may arrange (excluding the functions of the Council by virtue of section 244 of the National Health Service Act 2006 – *note; Health scrutiny is excluded from the functions of the Board*).

5.0 MEMBERSHIP, VOTING RIGHTS AND MEETING PROCEDURES

Membership

5.1 The Board shall initially consist of no more than 28 members at any one time comprising of 18 Voting members and 10 non voting members as follows:-

Croydon Council elected members	<p>Cabinet member for adult services and health x1</p> <p>Cabinet member for children's services & adult learning x1</p> <p>A majority group Councillor x1</p> <p>Shadow cabinet member for health & adult social care x1</p> <p>A minority group Councillor x1</p>
Statutory Officers	<p>Lead Officer for Adult Services x1</p> <p>Lead Officer for Children's Services 1x1</p> <p>Croydon Director of Public Health x1</p>
Healthwatch	<p>Healthwatch representative x 1</p>
NHS Commissioners	<p>Croydon Clinical Commissioning Group representatives x 2</p> <p>National Commissioning Board x 1</p>
NHS providers	<p>Croydon University Healthcare NHS Trust x1</p> <p>South London & the Maudsley NHS Trust x1</p>
Public and Community	<p>Croydon Voluntary Sector Alliance x2</p>
Voluntary sector providers	<p>Croydon Charity Services Delivery Group x1</p> <p>Croydon Voluntary Action x1</p>
Non voting co optees	<p>Police Service x1</p> <p>Croydon College x 1</p> <p>London Ambulance Service x1</p> <p>London Fire and Rescue Service x1</p> <p>London Probation Service x1</p> <p>Chairs of Partnership Groups x3</p> <p>Faiths Together in Croydon x1</p> <p>Pharmacist Representative x1</p>

- 5.2 Each of the Board members shall (through their appointed representative or substitute representative) have one vote, with the Chair having a second or casting vote.
- 5.3 The term of office of Board Members, other than ex officio members (and any Substitutes) shall be normally one year from the date of appointment (or reappointment), provided that for the duration of that period they remain a Member or duly nominated representative of their appointing body and have been appointed by that body to be or remain a member of the Board.
- 5.4 Except where a person is appointed or nominated as an individual each appointing or nominating body shall notify the Clerk of the Board of the name and contact details of their appointed or nominated members (and substitute members) of the Board.
- 5.5 Bodies in membership of the Board may change their appointed or nominated Board members (or substitutes) at any time provided that written notice of any such change is given to the Clerk, taking effect upon receipt.
- 5.6 Each appointing and nominating body shall, as far as possible, ensure that the persons appointed as members and substitutes have the skills and qualities required to fulfil the role of a Board member.
- 5.7 Each appointing or nominating body may send appropriate officer(s) to meetings of the Board (or any Sub-Board/ Working Groups) to support their Board Members

Voting Rights and Voting Procedures

- 5.8 In relation to voting, each of the Board voting members shall have one vote on any issue before the Board for determination and with all decisions being made through simple majority of those voting members present.
- 5.9 Each Board member shall be entitled to appoint one named substitutive.
- 5.10 All voting shall be by a show of hands but recorded votes shall be taken if requested by any Voting member, and any such Voting member shall have the right to have the way he/ she voted (or abstained) recorded in the minutes.

6. Putting items on the agenda

- 6.1 Any member may request through the Chair that any matter relevant to the work of the Board is placed on the board agenda. The Chair to the Board will refer such requests to the Executive Group for consideration.
- 6.2 Any member of the Executive may require the Chair to make sure that an item is placed on the agenda of the next available meeting of the Executive for consideration. If he/she receives such a request the Clerk will ensure the item is on the agenda.

- 6.3 Where a relevant overview and scrutiny committee have resolved that an item be considered by the Board. The Clerk will make sure that an item is placed on the agenda of the next available meeting of the Board
- 6.4 The monitoring officer and/or the chief financial officer of the local authority may include an item for consideration on the agenda of a Board meeting and may require the Chair to call such a meeting in pursuance of their statutory duties.

7. Procedures at Meetings

- 7.1 The Board will be governed by the following procedure rules.

8. MEETINGS AND CHAIRING OF MEETINGS

- 8.1 The Board shall normally meet six times in a municipal year.
- 8.2 Other meetings may be called as necessary by the Chair. The Chair shall also have the authority to cancel/ rearrange a meeting if there is insufficient business to justify this being held or if other circumstances make it appropriate for this to be held at a different date or time.
- 8.3 The first meeting of the Board after the Annual Meeting of the Council shall be the Annual Meeting at which the Executive Group and any Sub-committees of the Board shall be appointed, but nothing in this paragraph prevents the Board establishing a Sub-committee or Working Party at any other time
- 8.4 The Chair may summon a Special Meeting of the Board at any time.
- 8.5 A Special Meeting shall also be summoned on the requisition in writing of not less than three Voting Members, which requisition shall be delivered to the Chair and shall specify the business to be considered at the Special Meeting.
- 8.6 The Clerk shall, within five working days of receipt of such a request, arrange for the Special Meeting to be held
- 8.7 The member appointed to the office of Chair or Vice-Chair shall always be a voting member of the Board and a Croydon Councillor from the ranks of councillors nominated by the Leader for appointment to the Board.
- 8.8 The quorum for a valid meeting of the Board shall be six voting members, but for the avoidance of doubt, this shall not be regarded as a requirement for the presence of at least one elected Member
- 8.9 A copy of the summons, the agenda for each meeting and the minutes of the previous meeting, shall be despatched by the Clerk, at least five clear working days before such meeting to each Board Member.
- 8.10 At the same time, such papers will also be despatched to the Chair of the Council's Scrutiny Committee with responsibility for scrutiny in respect of health.

- 8.11 The summons shall contain notice of all business, except urgent business, which is required to be brought before the Board either in the ordinary course of business, or which is brought by the Chair or the Clerk.
- 8.12 In the case of a matter requiring urgent attention the Chair at his/ her absolute discretion may agree to a meeting of the Board being convened with less than five clear days notice.
- 8.13 Meetings of the Board will be open to the public and press except during consideration of items containing confidential or exempt information within the meaning of the Local Government Act 1972 (as amended).
- 8.14 Minutes of the Board shall be available to the public and press as though they were minutes of a meeting of a Principal Council.
- 8.15 The Chair may invite any person to attend a meeting of the Board for the purpose of making a presentation, or participating in discussion, on any item relevant to the Board's functions where that person is able to provide a professional or user viewpoint, which the Chair considers would be of assistance to the Board.

9. Clerk

- 9.1 The Director of Democratic and Legal Services of Croydon Council shall provide an officer who will act as clerk to the Board.

10. EXECUTIVE GROUP

- 10.1 The Board shall also be supported by an Executive Group ("EG") which shall consist of, the statutory Director of Children Services (Executive Director of Children Families and Learning), The statutory Director of Adult Social Services (Executive Director of Adult Services, Health and Housing Services , the Chief Operating Officer of the Clinical Commissioning Group and the Director of Public Health. Appropriate officers from organisations represented on the Board may apply for the opportunity to attend and participate as observers at meetings of the Executive Group. The decision on whether or not to grant rights of attendance being in the absolute discretion of the Executive Group, but such officers shall not be entitled to vote.
- 10.2 The Executive Group may also invite other bodies or organisations to attend and participate (but not vote) at its meetings if it considers this to be beneficial to meeting the Objectives.
- 10.3 The primary purpose of Executive Group is to prepare reports and recommendations for consideration by the Board, including recommending the strategic direction for the Board and the context within which projects are developed and managed.
- 10.4 The Executive Group may agree to the setting up of other Working Groups on a "Task and Finish" basis (e.g. a Technical Officer Working Group) to discuss and take forward (or make recommendations to the Executive Group to take

forward) any particular issues with particular emphasis on Joint Working, such working groups to be accountable to the Board through Executive Group.

- 10.5 The Board may, by applying resources delegated to it, employ staff through the Council (e.g. a Project Officer) or use Consultants to advance the aims and objectives of the Board.
- 10.6 The work programme for any staff and/or the use of Consultants will be determined by the Board and monitored by the Board and the Executive Group.
- 10.7 The Executive Group shall also have the additional responsibilities of:-
 - Monitoring and controlling the progress of the Business and Action Plans at a strategic level to ensure the projects continue to fulfil business needs;
 - Advising the Board generally on progress in delivering the Business and Action Plans and the Objectives;
 - Considering and making recommendations on health and well-being issues to Central Government and other agencies (whether locally, nationally and internationally) where this is felt to be consistent with the Objectives; and
 - Ensuring that all constituent Board members are making sufficient progress to meet their respective obligations and commitments and identifying remedial actions where that is not the case

11. ROLE OF A BOARD MEMBER

The responsibilities of a Board Member are as follows:-

- 11.1 To be committed to, and act as a champion for the achievement, of the Objectives;
- 11.2 To be a good ambassador for the Board;
- 11.3 To attend Board meetings regularly, vote on items of business (as required) and make a positive contribution to the achievement of the Objectives;
- 11.4 To be and to remain acquainted with key current issues in the area of health and social care locally and nationally.
- 11.5 To act as an advocate for the Board in seeking any necessary approval of their nominating body to the Draft Business Plan and Annual Action Plan.
- 11.6 To report back to the appointing body after every meeting and to ensure that the views of the appointing body are made known to the Board in respect of any matter under consideration by the Board or under consultation by the Board.
- 11.7 To suggest items of business for the consideration of the Board via the Chair.

12. ROLLING WORK PLAN AND ANNUAL WORK PLAN

- 12.1 The Board shall consider and agree a two or three year (as it may from time to time decide) Rolling Work Plan with an Annual Work Plan. This should be based on SMART (Specific, Measurable, Achievable, Realistic and Timely) targets with the responsibilities of each Board Member (as appropriate) being clearly identified
- 12.2 The draft Rolling Work Plan would usually be prepared by 30th November each year at the latest and shall set out in the draft Annual Work Plan (i.e. the strategy for the achievement of the Objectives over the following full twelve month period commencing on 1st April next).
- 12.3 The Plans will specify the subject matter for discussion at each meeting activities to be undertaken, and arrangements to be entered into, in support of that strategy, together with a full assessment of the short and long term financial, resource, service, legal and contractual implications for the Board, and each Nominating Body.

13. DELEGATION TO SUB-COMMITTEES AND OFFICERS

- 13.1 As far as is allowed by law the Board may arrange for any of its functions to be discharged by a Sub-Committee or by an Officer of one of the statutory Board members, provided that any such arrangements do not include delegation of any decision which creates a contractual commitment which responsibility shall remain the sole responsibility of the full Board.
- 13.2 The Board may appoint working groups of Members and/ or Officers to consider specific matters and report back to the Board with recommendations.

14. SCRUTINY ARRANGEMENTS

- 14.1 The decisions, actions and activities of the Board shall be subject to the Scrutiny Arrangements of the Council.
- 14.2 Decisions (which phrase includes recommendations) of the Board shall be notified to all those to whom agenda papers etc are despatched within seven working days of the decision being reached.
- 14.3 The Board, its Members and its Officer advisors, shall fully co-operate with the Scrutiny and Strategic Overview Committee of the Council.
- 14.4 The Overview and Scrutiny Procedural Rules set out in the Council constitution shall apply.

15. URGENT MATTERS

- 15.1 This section applies where the best interests of the Board require that action should be taken, or a decision made, on a matter which would normally fall to be considered by the Board in the exercise of its functions, but where such

best interests would be compromised by the action, or decision, being deferred until the next meeting of the Board.

15.2 In such cases the Chair is authorised to take such action or decision, following such consultation as the Chair deems necessary.

15.3 Any such action taken shall be reported to the next meeting of the Board.

16. CONDUCT AND EXPENSES OF MEMBERS

16.1 All Board Members shall observe at all times the provisions of the Code of Conduct adopted by the Council.

16.2 Each appointing or nominating member shall be responsible for meeting any expenses to which any Board member (or their Substitute member) or Officer appointed by them, as their representative, is entitled as a result of their attendance at duly authorised meetings in accordance with each appointing or nominating organisations own rules regarding such matters.

17. PRESS AND PUBLIC RELATIONS

17.1 The Board through the Chair shall have power to issue such press releases and carry out such further publicity as it deems necessary for the furtherance of the Objectives, including the dissemination of information relating to the Key Principles, Objectives, Functions and workings of the Board, and any action taken or proposed to be taken for the benefit of the residents and/ or businesses of Croydon and other stakeholders.

17.2 Unless otherwise agreed by the Board or by the Chair only the Chair is authorised to speak to the press and media on behalf of the Board. All requests to speak on behalf of the Board shall be directed to the Chair.

18. HEALTH AND WELLBEING CONFERENCE

18.1 Once a year the Board will usually arrange for a meeting of persons interested in the development of Health and Wellbeing to be known as the Health and Wellbeing Conference.

18.2 The purpose of the Health and Wellbeing Conference is to seek a broad range of views on the future development of Strategy and policy on integration.

18.3 Each Board member shall be invited to be represented at the Conference by such persons and Officers, as it considers appropriate, to speak and discuss issues under review.

ACCESS TO INFORMATION RULES

These rules apply to all meetings of the Board and its sub committees.

Additional Rights to Information

These rules do not affect any more specific rights to information contained elsewhere in the Council Constitution or in law.

RIGHTS TO ATTEND MEETINGS

Members of the public and press may attend all meetings of the Board, and Sub-Committees subject only to the exceptions in these rules.

NOTICE OF MEETINGS

The Council Solicitor, Director of Democratic and Legal Services shall, on behalf of the Authority give at least five clear working days' notice of any meeting (unless called at a later time) by posting details of the meeting at its principal offices and on the Council's website.

ACCESS TO AGENDA AND REPORTS BEFORE THE MEETING

The Council Solicitor, Director of Democratic and Legal Services shall, on behalf of the Council, make copies of the agenda and reports open to the public and press available for inspection at Taberner House, Park Lane, Croydon at least five clear working days before the meeting or as soon as available if later. These documents will also be posted on the Council's website (www.croydon.gov.uk).

If an item is added to the agenda later, as an item of urgent business at the direction of the Chair, the Council Solicitor, Director of Democratic and Legal Services shall make each such report available to the public and press and open to inspection as soon as the report is available to Members attending the meeting.

SUPPLY OF COPIES

The Authority shall supply copies of:

Any agenda and reports which are open to public inspection;

Any background documents identified in the report;

To any person on payment of a charge for postage and any other costs.

Addendum to Agenda item 14 **Cabinet 11 March 2013**

Revised paragraph 4 of the Cabinet Report – Establishing a Croydon Health and Wellbeing Board

4.0 Consultation

- 4.1 The proposals contained in this report were first taken to the shadow Health and Wellbeing Board on 13 February 2013 for consultation. The Council's initial view is that apart from the core membership (those ex officio appointments and the appointments required to be nominated by the Leader of the Council), the Board itself should make additional appointments to the Board.
- 4.2 At that meeting on 13 February the Board authorised further consultation. Comments were received from a number of respondents set out below
- 4.3 BME Forum – making representation following concerns that the HWB in its shadow form had inadequate structures to engage the BME communities and this structure is being replicated. Given that the BME community forms 47% of the Borough the BME forum is asking for a place on the Board.
- 4.4 Pharmacist – requested a place on the Board as they are an important element of the Health economy
- 4.5 CSVA –
- No rationale has been given for non voting members- divisive and creates second class status
 - How does the Board intend to ensure that membership reflects the diversity of the community
 - Why does Croydon College have a place rather than Croydon Schools
 - Concern about officers having votes as well as elected members
 - How is Executive Group composed
 - Prefer one representative from the emergency services rather than a one for each service
 - The status of the Board vis a vis CCG and Scrutiny
- 4.6 Croydon Museum and Archives highlighted that the Museum of Croydon galleries, Riesco Gallery of Chinese Ceramics and Local Studies Library & Archives at the Croydon Clock tower offer a range of health benefits for local people.
- 4.7 These benefits include increasing visitors' quality of life and confidence in learning. Individuals, families, groups and pairs of adults engage with the galleries, enjoying a shared experience which also stimulates conversation. They asked to meet to discuss their role in improving health and wellbeing

4.8 Council takes the view that it would be premature to make firm decisions at this early stage before the Board is legally in existence. This report recommends, consistent with the decision to allow the Board to influence its own membership, that the membership of the Board and its structures be reviewed in six months time after the Board has experience of the working with the proposed initial memberships.

Voting/non voting

4.9 The default position is that all members of the board are entitled to vote and are thus voting members. However, the Council may direct that some members be non-voting. The council is required to consult the HWB before making a direction. As the HWB is not yet legally in existence there can be no valid consultation. It is therefore proposed to consult the first meeting of the Board. The Board will be asked to comment on whether the council should direct that the following if appointed to the Board should be non voting. The views of the CVSA will be fully considered at that meeting

- Police Service x1
- Croydon College x 1
- London Ambulance Service x1
- London Fire and Rescue Service x1
- London Probation Service x1
- Chairs of Partnership Groups x3
- Faiths Together in Croydon x1
- Pharmacist Representative x1

Equality Act

4.10 Under section 149 of the Equality Act 2010 a public authority must, in the exercise of its functions, have due regard to the need to advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it. In the context of establishing a Board this involves both the Council and the Board in having due regard, in particular, to the need to encourage persons who share a relevant protected characteristic to participate in public life or in any other activity in which participation by such persons is disproportionately low. Where the Board takes the view that the Board membership does not sufficiently encourage participation in decision making by protected groups, then the board may use the discretionary powers mentioned above to appoint a Board which is more representative.

4.11 The first meeting of the Board on 24 April 2013 will be asked to appoint additional members beyond the core membership. The invitations issued to those organisations may well result in a board that broadly meets the requirements of the public sector equality duty. The outcome of these appointments will be monitored at the six month review period and any necessary actions taken at the time. It is therefore proposed that at the six month review one of the matters to be reviewed is the composition of the Board by reference to demographic representation .