

**FORWARD TIMETABLE OF CONSULTATION AND MEETINGS:**

Full Council

29<sup>th</sup> May 2014

---

**THE LEICESTER CITY HEALTH AND WELLBEING BOARD**

---

**Report of the Monitoring Officer**

**1. PURPOSE OF REPORT**

To seek the agreement of Full Council to some changes to the organisation of the Leicester City Health and Wellbeing Board.

**2. SUMMARY**

As part of our Constitutional arrangements (Rule 35 Council Procedure Rules) Full Council needs to agree certain matters in respect of Committees established by it. These cover:

- i. The Terms of Reference.
- ii. The shape of its membership.
- iii. Appointment of the Elected Member contingent, as nominated by the City Mayor.
- iv. Agreement of its first meeting date and cycle of meetings thereafter.
- v. Decisions in respect of voting rights.

By virtue of a report endorsed by Full Council in March 2013 the Board was lawfully set-up and all of the above matters were agreed. It is proposed however to increase the total size of the Board from 12 to 16 members, whilst retaining the proportionate balance of representation from each of the four groups represented ((Elected Members; NHS representatives; Council Officers; 'Others')). It is also proposed to increase the cycle of meetings from four times per year to six times per year. Appendix 1 sets out the proposals.

### 3. RECOMMENDATIONS (OR OPTIONS)

- 3.1 That in accordance with Council Procedure Rule 35, the terms of reference (to include date and time of the first meeting and subsequent cycle of meetings; the Board make-up of membership; the functions and responsibilities) be agreed as per Appendix 1.
- 3.2 To disapply Section 13(1A) of the Local Government and Housing Act 1989 such that the four local authority officers on the Board will not exercise voting rights

### 4. REPORT

#### Membership

Section 194 of the Health and Social Care 2012 Act prescribes that three local authority officer places will be represented on the Board (Director of Adult Social Services, Director of Children's Services, Director of Public Health) and it also prescribes a minimum number of Councillors (being one). In respect of the local authority officer places, as two of these three statutory places are occupied by one individual (we have a combined DPH and DASS), the Council has appointed a third officer under the "other" category afforded under section 194 (2)(g) of the 2012 Act. The Board have been consulted, and have agreed to, the nomination of a fourth Council officer place under this same provision for the 2014/15 municipal year and thereafter.

There is no restriction on additional Elected Member places being made. The task of Full Council extends to appointing the Chair (as nominated by the City Mayor) and to agreeing the total size of Elected Member make-up of the Board.

Other prescribed representatives are a representative of the Local Health Watch organisation, a representative of each of the relevant Clinical Commissioning Group, and any more "other" places as the local authority thinks appropriate. If the Council approves the enlargement of the size of membership to 16 places, then under the provisions of s.194(8) of the Act the Board has the power to add the extra NHS place and the extra "other place" at its next meeting.

#### Voting rights

Regulations passed in 2013 disapply the traditional bar on granting voting rights to members of Committees who are not Elected Members and leave it to the local authority to determine whether co-optee members will have voting rights on the Health and Wellbeing Board. There are strong reasons why it would be appropriate not to confer voting rights upon the local authority officer members of the Health and Wellbeing Board, whilst choosing to confer voting rights upon the other non-Elected Member co-optees. The conferring of voting rights upon local authority officers potentially compromises their primary role, which is to provide impartial, professional

advice to Councillors. Voting against an Elected Member may be thought to compromise officers' professional detachment. However, there is an underlying principle of parity in respect of the setting up of Health and Wellbeing Boards, and it is not proposed that the Council removes voting rights from any of the other non-Elected Member places. This is in accordance with the provisions made in the March 2013 report endorsed by Full Council.

**5. FINANCIAL, LEGAL AND OTHER IMPLICATIONS**

**5.1. Financial Implications**

None

**5.2 Legal Implications**

The report is concerned with legal implications throughout.

**6. OTHER IMPLICATIONS**

OTHER IMPLICATIONS	YES/NO	Paragraph Within the Report	References
Equal Opportunities			
Policy			
Sustainable and Environmental			
Crime and Disorder			
Human Rights Act			
Elderly/People on Low Income			
Corporate Parenting			

**7. BACKGROUND PAPERS – LOCAL GOVERNMENT ACT 1972**

**8. CONSULTATIONS**

**9. REPORT AUTHOR**

Kamal Adatia, Monitoring Officer, Tel 0116 2526302