

## **ARTICLE 8 – REGULATORY AND OTHER COMMITTEES**

- 8.1 The Council will appoint committees with the terms of reference set out in Part 3 of this Constitution and these committees will follow Parts 2 and 3 of Standing Orders as apply to them.

## **ARTICLE 8A – HEALTH & WELLBEING BOARD**

The Council will appoint a Health and Wellbeing Board to discharge the functions conferred by the Health and Social Care Act 2012 and in accordance with regulations as set out below.

### **8A.1 Membership**

In accordance with section 194 of the Health and Social Care Act 2012 the membership of the Health and Wellbeing Board is to consist of—

- (a) at least one councillor of the local authority, nominated by the executive leader of the local authority. The executive leader of the local authority may, instead of or in addition to making a nomination, be a member of the Board,
- (b) the director of adult social services for the local authority,
- (c) the director of children’s services for the local authority,
- (d) the director of public health for the local authority,
- (e) a representative of the local Healthwatch organisation for the area of the local authority,
- (f) a representative of each relevant clinical commissioning group,
- (g) such other persons, or representatives of such other persons, as the local authority thinks appropriate. At any time after a Health and Wellbeing Board is established, a local authority must, before appointing another person to be a member of the Board under subsection (g), consult the Health and Wellbeing Board,
- (h) such additional persons as the Health and Wellbeing Board think appropriate.

### **8A.2 Functions**

The Health and Wellbeing Board has the following functions under the Health and Social Care Act 2012:

1. a duty to encourage integrated working (section 195 of the Act) and:

- (i) must, for the purpose of advancing the health and wellbeing of the people in its area, encourage persons who arrange for the provision of any health or social care services in that area to work in an integrated manner;
  - (ii) must, in particular, 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 such services;
  - (iii) may encourage persons who arrange for the provision of any health-related services in its area to work closely with the Health and Wellbeing Board; and
  - (iv) may encourage persons who arrange for the provision of any health or social care services in its area and persons who arrange for the provision of any health-related services in its area to work closely together.
2. The exercise of the functions of the local authority and its partner clinical commissioning groups under sections 116 (joint strategic needs assessments) and 116A of the Local Government and Public Involvement in Health Act 2007 (joint health and wellbeing strategies). (section 196(1) of the Act)
  3. By arrangement of the local authority, the exercise of any functions that are exercisable by the authority (this power does not apply to the functions of the authority by virtue of section 244 of the National Health Service Act 2006). (section 196(2) of the Act)
  4. The Health and Wellbeing Board may give the local authority that established it its opinion on whether the authority is discharging its duty under section 116B of the 2007 Act (duty to have regard to assessments and strategies). (section 196(3) of the Act)

### 8A.3 Terms of Reference

In accordance with section 194(11) of the Health and Social Care Act 2012, the Health and Wellbeing Board is a committee of the local authority and, for the purposes of any enactment, is to be treated as if it were a committee appointed by the authority under section 102 of the Local Government Act 1972.

Regulations may provide that any enactment relating to a committee appointed under section 102 of that Act of 1972—

- (a) does not apply in relation to a Health and Wellbeing Board, or

- (b) applies in relation to it with such modifications as may be prescribed in the regulations.

The Local Authority (Public Health, Health and Wellbeing Boards and Health Scrutiny) Regulations 2013 modifies provisions in primary legislation relating to a committee appointed under section 102 of the Local Government Act 1972 (c.70) (“the 1972 Act”) in so far as those provisions relate to Health and Wellbeing Boards and provides that certain provisions do not apply to Health and Wellbeing Boards. The following enactments therefore do not apply or are modified as prescribed:

1. Section 101(2) of the 1972 Act modified to enable certain functions of Health and Wellbeing Boards to be carried out by a sub-committee of a Health and Wellbeing Board and for functions of Health and Wellbeing Boards under section 196(2) of the 2012 Act to be carried out by a sub-committee of the Board or an officer of the local authority. The modification will also enable a sub-committee of the Board to arrange for functions under section 196(2) of the 2012 Act to be carried out by an officer of the authority. (Regulation 3)
2. Provision for section 102(2) of the 1972 Act to apply subject to section 194(2) to (9) of the 2012 Act and modifies section 102 to allow a Health and Wellbeing Board to appoint a sub-committee to advise the Board. (Regulation 4)
3. Section 104(1) of the 1972 Act in so far as that provision relates to Health and Wellbeing Boards, a sub-committee of such a Board, or a joint sub-committee of two 18 or more such Boards so as to remove the restrictions which would prevent certain local authority officers from being members of Health and Wellbeing Boards. This does not apply in so far as it relates to section 80(1)(b) and (d) of the 1972 Act. (Regulation 5)
4. Section 13(1) of the Local Government and Housing Act 1989 (c.42) (“the 1989 Act”) modified so as to enable all members of Health and Wellbeing Boards to vote in a section 102 committee meeting unless the local authority directs otherwise. (Regulation 6)
5. Political balance requirements disapplied as set out in sections 15 and 16 of, and Schedule 1 to the 1989 Act, which apply to local authorities in relation to appointments to committees and sub-committees under section 102 of the 1972 Act in so far as those provisions relate to Health and Wellbeing Boards, a sub-committee of such a Board or a joint sub-committee of two or more such Boards. (Regulation 7)

The modification and disapplication provisions above also apply to sub-committees of Health and Wellbeing Boards and joint sub-committees of such boards.

The terms of reference and working arrangements for the Health and Wellbeing Board not set out in this article are to be determined by the Health and Wellbeing Board in accordance with applicable legislation and regulations at its first meeting and subject to review and revision by the Board as may be necessary.