

Health and Wellbeing Board: Operating Principles

Role of the Board

The Health and Wellbeing Board is a Statutory Committee of the County Council appointed to:-

- (a) Discharge directly the functions conferred on the County Council by Sections 195 and 196 of the Health and Social Care Act 2012 or such other legislation as may be in force for the time being;
- (b) Carry out such other functions as the Executive may permit*.

The functions conferred by Sections 195 and 196 of the Health and Social Care Act are as follows:-

- (a) duty to encourage integrated working;
- (b) prepare and publish a Joint Strategic Needs Assessment;
- (c) prepare and publish a Joint Health and Wellbeing Strategy.

*[Note: The County Council's Executive has decided not to delegate any additional functions to the Health and Wellbeing Board.]

All other functions carried out by the Health and Wellbeing Board are advisory and the formal decision making power rests with the constituent bodies, not the Health and Wellbeing Board itself.

As a Committee of the County Council, the County Council's Meeting Procedure Rules voting will apply to the operation of the Board.

Membership

The membership of the Health and Wellbeing Board is set out in the Health and Social Care Act 2012 and comprises elected members, County Council officers and representatives of partner organisations. The members required by statute are:-

- (i) At least one County Councillor;
- (ii) The Director of Adults and Communities;
- (iii) The Director of Children and Young People's Service;
- (iv) The Director of Public Health;
- (v) A representative of the Local Healthwatch organisation;
- (vi) A representative of each relevant clinical commissioning group.

Other members are determined by the Health and Wellbeing Board itself and in Leicestershire these are:-

- (i) Two District Council Representatives
- (ii) Leicestershire Police Representative
- (iii) NHS Commissioning Board Local Area Team Representative.

This is a unique arrangement. The provisions of the Local Government Act 1972 which do not allow officers to serve on Committees are disapplied. All members of the Health and Wellbeing Board are entitled to vote.

Status of Non-County Council Members of the Board

The Localism Act 2011 states that a co-opted member is someone who is “not a member of the authority, but a person who

- (a) is a member of any committee or subcommittee of the authority, or
- (b) is a member of, and represents the authority on, any joint committee or joint subcommittee of the authority

and is entitled to vote on any question that falls to be decided at any meeting of that committee or sub-committee.”

Therefore, members of the Health and Wellbeing Board who are not County Councillors fall into the category of co-opted members of the County Council.

Implications of being a Co-opted Member

Recognising the unique arrangements that apply to the membership of the Board and the need to comply with the requirements of the Localism Act, the existing County Council Code has been adapted to recognise the particular circumstances that apply to officers and representatives of other bodies.

Members of the Health and Wellbeing Board will be required to complete a register of interests. Not all interests have to be registered. Those that must be registered are:

- (a) All Disclosable Pecuniary Interests (i.e. the financial interests of you, your spouse/civil partner (or someone with whom you are living with as husband and wife or as civil partners) which are defined in the Regulations attached to the Code of Conduct);
- (b) Personal Interests which relate to your membership of or a position of control or management in a body:
 - To which you have been appointed/nominated by the County Council;
 - Exercising functions of a public nature;
 - Directed to charitable purposes;
 - Whose principal purpose includes influencing public opinion/policy;
- (c) The receipt of any gift or hospitality with an estimated value of at least £50 and received within the last 12 months;

All interests must be registered within 28 days* of:

- (a) Your election / appointment;
- (b) Your re-election/re-appointment;
- (c) You becoming aware of a new interest;

- (d) A new interest coming into existence;
- (e) A change of an interest that has already been registered;
- (f) Declaring a Disclosable Pecuniary Interest at a meeting which is not on the register.

*[For these purposes the working assumption is that all interests must be registered within 28 days of the approval of this Code of Conduct.]

The County Council is required to make your register of interests available for inspection by the public and publish it on its website.

Declarations of Interest

The Code of Conduct defines and requires members to declare the following types of interests at meetings:-

- (a) Disclosable Pecuniary Interests (those specified by the Regulations);
- (b) Personal Interests (other interests covered by the County Council's own Code);
- (c) Personal Interests that might lead to bias (those in category (b) which are interests "where a member of the public with knowledge of the relevant facts would regard as so significant that it is likely to prejudice your judgement of the public interest).

Members declaring either Personal Interests that might lead to bias or a Disclosable Pecuniary Interest will be required to leave the room prior to the matter being discussed/voted upon, or immediately after you have made representations, answered questions or given evidence where this is allowed;

Guidance on the Code of Conduct which will help members to identify when they have an interest is currently being developed and will be circulated to all members of the Health and Wellbeing Board.

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