



## London Borough of Hammersmith & Fulham

COUNCIL

29 JANUARY 2014

### HEALTH AND WELLBEING BOARD: GOVERNANCE ARRANGEMENTS

Report of the Cabinet Member for Community Care: Councillor Marcus Ginn

Open Report

Classification - For Decision

Key Decision: No

Wards Affected: All

Accountable Executive Director: Jane West, Executive Director of Finance and Corporate Governance

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## 1. EXECUTIVE SUMMARY

- 1.1 At the 29 May 2013 Annual Council a statutory Health and Wellbeing Board (HWB) for the London Borough of Hammersmith & Fulham was established and the terms of reference, membership and other governance arrangements were agreed.
- 1.2 At its meeting on 3 July 2013, the Council, having consulted the HWB and having regard to the recommendation of the HWB, directed that the Clinical Commissioning Group (CCG) representative and the local Healthwatch representative are entitled to vote, but that Council officers on the HWB are not entitled to vote.
- 1.3 At its meeting on 4 November 2013, the HWB recommended that the Council makes a direction that two additional representatives of the CCG are appointed to the HWB and that all members, including Council officers are entitled to vote.

## 2. RECOMMENDATIONS

- 2.1 That two additional representatives of the Clinical Commissioning Group be appointed to the Health and Wellbeing Board and that all members of the Health and Wellbeing Board, including Council officers are entitled to vote.

### 3. REASONS FOR DECISION

- 3.1 At its meeting on 4 November 2013, the HWB recommended that the Council appoints two additional representatives of the CCG to the HWB and that all members, including Council officers are entitled to vote.

### 4. INTRODUCTION AND BACKGROUND

- 4.1 The Health and Social Care Act 2012 requires that every upper-tier local authority (or London Borough) establish a HWB. The Act establishes and treats HWBs as though they are committees appointed by the Council in accordance with s102 of the Local Government Act 1972.

- 4.2 The Act enables regulations to be made to provide that any enactment relating to a committee appointed under S.102 of the 1972 Act does not apply in relation to an HWB or applies in relation to it with such modifications as may be prescribed in the regulations.

- 4.3 The Local Authority (Public Health, Health and Wellbeing Boards and Health Scrutiny) Regulations 2013 (the Regulations) makes the following key change to the normal requirements regulating the operation of Council committees which will apply to the HWB:

The disapplication of S.13 of the Local Government and Housing 1989 Act, to provide that non-Councillor members of the HWB **can** vote alongside the Councillors on the Board unless the Council, having consulted the Board, directs otherwise.

- 4.4 At the Annual Council a statutory HWB for the London Borough of Hammersmith & Fulham was established and the terms of reference, membership and other governance arrangements were agreed.

- 4.5 The Council consulted the HWB on the proposal to make a direction on the Council's non-Councillor representatives to vote. At its first meeting on 17 June 2013, the HWB recommended that the Council made a direction that the members of the Board who are entitled to vote alongside the Councillors are the representative of Local Healthwatch and the CCG representative but not the Council officers on the Board.

- 4.6 The Council, at its meeting on 3 July 2013, directed that the CCG representative and the local Healthwatch representative are entitled to vote, but that Council officers on the HWB are not entitled to vote.

- 4.7 At a workshop held on 8 October 2013, the HWB reviewed its membership and, at its meeting on 4 November 2013, the HWB recommended that, in order to achieve a better balance between local authority numbers and the NHS, the Council appoints two additional representatives of the CCG to the HWB.

- 4.8 In order for all members to be equal partners, the Health and Wellbeing Board recommends that, in line with the Regulations, all members, including Council officers are entitled to vote.

**5. EQUALITY IMPLICATIONS**

5.1 Not applicable.

**6. LEGAL IMPLICATIONS**

6.1 The legal implications for this report are contained in the body of the report.

**7. FINANCIAL AND RESOURCES IMPLICATIONS**

7.1 There are no financial implication arising.

**8. RISK MANAGEMENT**

8.1 Not applicable.

**LOCAL GOVERNMENT ACT 2000**  
**LIST OF BACKGROUND PAPERS USED IN PREPARING THIS REPORT**

No.	Description of Background Papers	Name/Ext of holder of file/copy	Department/ Location
1.	None		