

Committee: Council

Date: 27 March 2013

Agenda item: 13

Wards: All

Subject: Constitution of a Merton Health and Wellbeing Board

Lead officer: Paul Evans, Assistant Director of Corporate Governance

Lead members: Councillor Linda Kirby, Cabinet Member for Adult Social Care and Health

Forward Plan reference number: 1238

Contact officer: David Dunford, Assistant Head of Democracy Services

Recommendations:

- A. That Council constitutes a 'Health and Wellbeing Board' (the HWB) together with the terms of reference, allocation of seats and quorum arrangements detailed in the Appendix to this report.
 - B. That all councillor and organisation representative appointees to the HWB have voting rights with the exception of officers of the Council.
 - C. That the Director of Public Health is given the various delegations detailed in the appendix.
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1. PURPOSE OF REPORT AND EXECUTIVE SUMMARY

- 1.1 Council is asked to constitute a 'Health and Wellbeing Board' together with its terms of reference and membership as detailed in the appendix to this report.

2 DETAILS

- 2.1 HWBs are intended to take on a role of strategic leadership in promoting partnership working, joint commissioning and integrated provision where it helps improve health and wellbeing and address health inequalities.
- 2.2 The Health and Social Care Act 2012 made HWBs statutory committees of councils from 1 April 2013. However the HWB will differ from a standard council committee in that its membership will be founded on a partnership approach.
- 2.3 Guidance was issued by the LGA in February in respect of the Local Authority (Public Health, Health and Wellbeing Boards and Health Scrutiny) Regulations 2013 including constitution of HWBs.

- 2.4 This gives some clarity but, except for the statutory functions, it still leaves discretion to individual councils to decide what other functions to delegate to HWBs and the extent to which their decisions could be binding on the wider Council.
- 2.5 The regulations also leave to local discretion as to the final HWB membership and arrangements for how decisions are taken.
- 2.6 Statutory HWB membership includes representatives of the Council, including three Chief Officers who are statutory members of the HWB (the directors of public health, children's services and adult social services). It also includes Merton Clinical Commissioning Group (CCG) and HealthWatch (due to commence 1 April). The HWB also will also include representatives from MVSC and CEN giving the voluntary sector a stronger voice.
- 2.7 The key provisions in the 'The Local Authority (Public Health, Health and Wellbeing Boards and Health Scrutiny) Regulations 2013' relating to the constitution of the Board are:
- the disapplication of the proportionality provisions;
 - that all HWB members shall have voting rights unless the local authority that established the board directs otherwise but subject to such direction being the subject of consultation with the HWB
 - removal of the restrictions which would prevent certain local authority officers from being members of HW Boards
- 2.8 In all other respects, the HWB will be constituted as a full committee of the Council and be subject to and its proceedings regulated by existing constitutional provisions.

3. PROPOSAL FOR MERTON HWB

- 3.1 It is proposed that the HWB will operate in an inclusive and consensual way reflecting the successful partnership ethos which is so important in Merton.
- 3.2 It is proposed that the balanced membership of the Shadow HWB is retained and to allow for views by consensus for all members of the HWB, whether they are statutory HWB members or not. It is envisaged that issues will, in nearly all circumstances, be forwarded through this consensual approach. A vote by HWB members would only be taken in the instance that the HWB could not reach a consensual view.
- 3.3 It is proposed that the views of the HWB are essentially recommendations to Cabinet and to the other constituent member organisations including the CCG Board and Healthwatch.
- 3.4 Where Cabinet is involved this in turn would mean that for the Council any decisions taken by Cabinet are subject to usual scrutiny.
- 3.5 In respect of the statutory officer HWB members and their having voting rights, it is recommended that they will not have voting rights.
- 3.6 The obligation to register disclosable pecuniary interests applies to all members of the HWB.

3.7 Due consideration has been given to the terms of reference for the HWB and these are detailed in the appendix to this report.

3.8 The Director of Public Health will have a number of responsibilities and these will include various delegations as detailed in the appendix to this report.

4 ALTERNATIVE OPTIONS

4.1 None for the purpose of this report.

5 CONSULTATION UNDERTAKEN OR PROPOSED

5.1 None for the purpose of this report.

6 TIMETABLE

6.1 The Council assumes responsibility under the Act from April 2013.

7 FINANCIAL, RESOURCE AND PROPERTY IMPLICATIONS

7.1 The costs associated with administrative support for the Health and Wellbeing Board will be found from current resources.

8 LEGAL AND STATUTORY IMPLICATIONS

8.1 The Health and Wellbeing board will be a statutory body as of April 1st 2013 and will deliver the Health and Wellbeing strategy 13/14.

9 HUMAN RIGHTS, EQUALITIES AND COMMUNITY COHESION IMPLICATIONS

9.1 There are no specific human rights, equalities or community cohesion implications arising from this information report.

10 CRIME AND DISORDER IMPLICATIONS

10.1 There are no specific crime and disorder implications arising from this information report.

11 RISK MANAGEMENT AND HEALTH AND SAFETY IMPLICATIONS

11.1 There are no risk management or health and safety implications arising from this information report.

12 APPENDICES

Appendix: Membership and Terms of reference

13 BACKGROUND PAPERS

None for the purpose of this report.

Membership:

Merton Councillors

1. Labour - Cllr Linda Kirby (Chair) (appointed by the Executive Leader)
2. Labour - Cllr Maxi Martin
3. Conservative – Cllr Margaret Brierly

Council Officers (non-voting)

- Director of Community and Housing
- Director of Children, Schools and Families
- Director of Public Health

Statutory representatives

- Four representatives of Merton Clinical Commissioning Group
- Chair of Healthwatch

Non statutory representatives

- One representative of Merton Voluntary Services Council
- One representative of the Community Engagement Network

Quorum:

Any 3 of the whole number.

Voting:

- 3 (1 vote per councillor)
- 4 Merton Clinical Commissioning Group (1 vote per CCG member)
- 1 vote Chair of Healthwatch
- 1 vote Merton Voluntary Services Council
- 1 vote Community Engagement Network

N.B. A local representative of the NHS Commissioning Board will also attend the HWB as required to participate in the JSNA and Health and Wellbeing Strategy

PTO

Terms of Reference

1. To improve health and wellbeing and narrow the gaps in health inequalities.
2. To encourage health, social care and health related services to work in an integrated way and to provide support and advice on the making of arrangements under Section 75 (pooled funds, lead commissioning, integrated provision), where appropriate.
3. To ensure that the needs of Merton's population are assessed through the statutory Joint Strategic Needs Assessment (JSNA)
4. To prepare the Merton Health and Wellbeing Strategy and undertake effective monitoring, evaluation and refresh that reflects the priorities identified in the JSNA.
5. To provide strategic priorities through the Health and Wellbeing Strategy to help align commissioning intentions. Specifically
 - a. To input to and comment on the Merton Clinical Commissioning Group's (MCCG) commissioning plan to ensure that it is informed by the HWB Strategy and JSNA.
 - b. To ensure local authorities plans for commissioning are informed by the HWB Strategy and JSNA
 - c. To ensure the NHS Commissioning Board plans for commissioning services are informed by the HWB Strategy and JSNA.
6. To ensure that strategic issues arising from the Safeguarding Adults Board inform the work of the HWB
7. To request information from any individual member of the Health and Wellbeing Board that is needed to deliver on the HWB responsibilities.
8. To allow for additional functions to be added to the HWBs terms of reference by the Council at a later date.

Delegations to the Director of Public Health

The exercise by the authority of its functions under section 2B, 111 or 249 or Schedule 1, the exercise by the authority of its functions by virtue of section 6C, anything done by the authority in pursuance of arrangements under section 7A, the functions of the authority under section 325 of the Criminal Justice Act 2003, and such other functions relating to public health as may be prescribed.

The director of public health for a local authority must prepare an annual report on the health of the people in the area of the local authority. The local authority must publish the report.

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