

Leeds Health & Wellbeing Board

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Report of: City Solicitor/Chief Officer, Health Partnerships

Report to: Health and Wellbeing Board

Date: 24 July 2013

Subject: Confirmation of additional members and substitute voting.

Are there implications for equality and diversity and cohesion and integration?	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No
Is the decision eligible for Call-In?	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No
Does the report contain confidential or exempt information? If relevant, Access to Information Procedure Rule number: Appendix number:	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No

Summary of main issues

1. The Health and Wellbeing Board agreed at its first meeting on 22nd May 2013 to endorse the Council's direction on voting as follows:

"The council directs that all members of the Health and Wellbeing Board shall be non-voting except for:

- All Councillors appointed to the Board by full council;
- The representative directly appointed by each CCG;
- The representative directly appointed by Healthwatch Leeds; and
- The third sector representative.

Any substitute member appointed under the Council Procedure Rules who is attending a meeting in place of one of the above Members, may also vote at the meeting"

2. Members discussed the appointment of additional Members to the Board and whether any additional Members should have voting rights and resolved:
 - (1) That three additional CCG representatives and an additional representative of Healthwatch Leeds be appointed to the Board.
 - (2) That the City Solicitor be recommended to exercise her delegated authority to amend the Council Procedure Rules to provide for substitute arrangements for

voting CCG representatives and voting Healthwatch Leeds representative appointed by full Council.

(3) That consideration is given by the Third Sector and NHS England to appointing named substitutes.

3. The City Solicitor has exercised her delegated authority and amended the Council Procedure Rules to provide for substitute arrangements for voting CCG representatives and voting Healthwatch Leeds representatives appointed by full council.
4. Nominations have been received from the three additional CCG representatives and an additional representative of Healthwatch Leeds. Named substitutes have been provided for the Third Sector and NHS England.

Recommendations

The Health and Wellbeing Board is asked to:

1. Agree to those nominated by the CCGs and Healthwatch Leeds becoming additional Board members who are non voting, with substitute voting rights in the absence of the member of the Board from the same organisation who has voting rights.
2. Agree to the named substitute for NHS England being able to participate in meetings only in the absence of the member of the Board from the same organisation and to be non voting.
3. Agree to the named substitute for the Third sector being able to participate in meetings only in the absence of the member of the Board from the third sector and to vote.

1 Purpose of this report

- 1.1 The report asks the Health and Wellbeing Board to confirm the additional member and substitute member appointments and voting arrangements for the municipal year 2013/14.

2 Background information

- 2.1 The Health and Social Care Act 2012 sets out a minimum statutory membership for the Health and Wellbeing Board (to include representatives nominated by the Council Leader, appointed by each clinical commissioning group (CCG) and the Local Healthwatch organisation, and the three statutory directors of Adult Social Services, Children's Services and Public Health).
- 2.2 At its annual meeting on 20 May, full Council noted the appointments made by the CCGs and Healthwatch Leeds to the Board and made appointments to the Board. In addition to the statutory membership (including 5 councillors nominated by the Leader), full Council appointed a representative of the third sector, and a representative of NHS (England).
- 2.3 In recognition of the partnership nature of the Board, further appointments were left for the Health and Wellbeing Board to determine.
- 2.4 Full Council approved amendments to the Council Procedure Rules, to provide for **substitute arrangements** for councillors who are members of the Board, via nomination from the relevant group whip.
- 2.5 The City Solicitor was also delegated authority to amend the Council Procedure Rules, to provide for a non-voting representative to substitute for a relevant voting representative, should the Health and Wellbeing Board appoint any additional members to the Board.

3 Main issues

- 3.1 The Health and Wellbeing Board may appoint such **additional persons** to be members of the Board, as it thinks appropriate.
- 3.2 In relation to **voting arrangements**, the Health and Well being Board at its meeting on 22nd May resolved to agree the Council's direction on voting , namely: "The council directs that all members of the Health and Wellbeing Board shall be non-voting except for:
- all councillors appointed to the Board by full Council;
 - the representative directly appointed by each CCG;
 - the representative directly appointed by Healthwatch Leeds; and
 - the third sector representative.

Any substitute member appointed under the Council Procedure Rules who is attending a meeting in place of one of the above members, may also vote at that meeting.”

- 3.3 This arrangement provides for a parity of votes between the Council and its partners, to reflect the nature of the Health and Wellbeing Board as a partnership. The Chair will have a casting vote in the event of an equality of votes.
- 3.4 The direction itself may be reviewed or amended at any time. Identifying non-voting members in this way (that is, by exception) secures the parity of voting arrangements, whatever additional appointments may be made by the Board.
- 3.5 As the direction about voting arrangements has been made in the above terms additional members appointed by the Board would be **non-voting**. The parity of votes between the council and its partners would not therefore be affected by the appointment of any additional members by the Board.
- 3.6 This means that the additional members of the three CCGs and Healthwatch Leeds are non voting but can substitute and vote in place of the voting member in their absence.
- 3.7 The Third sector substitute is not an additional member but can substitute for the third sector and vote if the city solicitor alters the council procedure rules to reflect this as suggested.
- 3.8 The NHS England substitute is not an additional member but will participate in the absence of the NHS England member and both are non voting.

4 Health and Wellbeing Board Governance

4.1 Consultation and Engagement

- 4.1.1 The issue of membership was considered by the shadow Health and Wellbeing Board, as part of the consultation process before the Board was appointed.

4.2 Equality and Diversity / Cohesion and Integration

- 4.2.1 As a local authority committee, the Health and Wellbeing Board will have to meet public sector equality duties.

4.3 Resources and value for money

- 4.3.1 There are no significant resource implications arising from this report.

4.4 Legal Implications, Access to Information and Call In

- 4.4.1 This report is not open to call-in. No information in this report has been classified as exempt.

4.5 Risk Management

- 4.5.1 There are no risk management implications to this report.

5 Conclusions

- 5.1 Additional members may provide wider input and perspectives into the Board.
- 5.2 However, these potential advantages need to be reconciled with the aspiration of the shadow Health and Wellbeing Board to maintain a “lean commissioning based focus” to Board membership in order to be effective.

6 Recommendations

- 6.1 The Health and Wellbeing Board is asked to:
- Agree to those nominated by the CCGs and Healthwatch Leeds becoming additional Board members who are non voting, with substitute voting rights in the absence of the member of the Board from the same organisation who has voting rights.
 - Agree to the named substitute for NHS England being able to participate in meetings only in the absence of the member of the Board from the same organisation and to be non voting.
 - Agree to the named substitute for the Third sector being able to participate in meetings only in the absence of the member of the Board from the third sector and to vote.