

15 June 2021		ITEM: 6
General Services Committee		
Constitutional Change – Thurrock Health and Wellbeing Board		
Wards and communities affected: All	Key Decision: No	
Report of: Councillor Rob Gledhill, Leader of the Council		
Accountable Assistant Director: Ian Hunt, Assistant Director Law and Governance		
Accountable Director: Lyn Carpenter, Chief Executive		
This report is Public		

Executive Summary

This report details a change to the terms of reference of the Thurrock Health and Wellbeing Board to allow greater flexibility in the membership of the committee.

The Board is a statutory committee of the Council set up under the auspices of the Health and Social Care Act 2012 and the Local Authority (Public Health, Health and Wellbeing Boards and Health Scrutiny) Regulations 2013.

The membership of the committee is in part prescribed in the regulations, including Members, Officers and partners. Currently of the 5 Member positions 4 of these are reserved to the Leader and Members of Cabinet, with a separate position allocated to the Labour Group. The chairmanship of the committee is also defined as a portfolio holder.

The proposal is that the Elected Members of the committee is moved from being specifically prescribed by the Constitution to appointed by the Leader in line with the national guidelines and that the Chair of the Board is appointed by the Council.

1. Recommendation(s)

1.1 That the General Services Committee recommends to Council that the Constitution of the Council be changed to:

1.1.1 Permit the Leader of the Council to appoint up to 5 elected Members to the Health and Wellbeing Board.

1.1.2 Permit the Chair of the Board to be appointed by the Council

2. Introduction and Background

- 2.1 The Council is required under the terms of the Health and Social Care Act 2012 to form a Health and Wellbeing Board which fulfils the statutory requirements. The ambition behind the introduction of health and wellbeing boards is to build strong and effective partnerships, which improve the commissioning and delivery of services across NHS and local government, leading in turn to improved health and wellbeing for local people.
- 2.2 This report reviews the provisions for the appointment of Councillor Board members to allow for greater flexibility in the appointment of suitable Councillors.
- 2.3 The appointment of elected Members to the Board is determined by s194 of the Health and Social Care Act 2012. It prescribes that where the Council uses executive arrangements (as is the case in Thurrock) the appointment of Members to the Board is the decision of the Leader.
- 2.4 The Council sets a framework through the Constitution for the number of Members and the appointment of the Chair of the committee. The current arrangement specifies that this will be the Leader and specific portfolio holders, together with a Councillor Member of the opposition group. This prescription does not reflect the underlying statutory provision, in that the Membership could be any Members of the Council appointed by the Leader, and need not include the Leader.
- 2.5 It is therefore recommended that the constitution is updated to reflect the statutory position that the Leader is able to appoint Members to the Board without prescription.
- 2.6 The provisions of the Local Government and Housing Act 1989 requiring political balance on committees has been excluded from the operation of the Board.

3. Issues, Options and Analysis of Options

- 3.1 The Council is obliged to operate a Health and Wellbeing Board, and accordingly to set its terms of reference within the constitution.
- 3.2 The Health and Social Care Act 2012 prescribes that the appointment of elected Member members of the board is the function of the Leader of the Council.
- 3.3 Whilst it could be seen as promoting a diversity of views and thought that there remains a political balance on the Board there is no legal power to require this or fetter the Leaders discretion in the appointment of members of the Board.

4. Reasons for Recommendation

4.1 Further to the Leaders request the current restrictions on the exercise of his power to appoint the Board are proposed to be removed, the underlying statutory framework supports this proposal.

5. Consultation (including Overview and Scrutiny, if applicable)

5.1 This proposal is before the General Services Committee for consultation and consideration prior to being taken to Council in line with the Councils constitution.

6. Impact on corporate policies, priorities, performance and community impact

6.1 The Membership of the Board is important to ensuring that the Board is able to effectively and efficiently discharge its functions however this change does not fundamentally impact on the board's outcomes.

7. Implications

7.1 Financial

Implications verified by: **Jonathan Wilson**
Assistant Director - Finance

The proposals do not alter the cost profile of the Board, and are therefore within existing budgets.

7.2 Legal

Implications verified by: **Ian Hunt**
Assistant Director Law and Governance

The legal implications are detailed in the report.

7.3 Diversity and Equality

Implications verified by: **Roxanne Scanlon**
Community Engagement and Project Monitoring Officer

The Council is under a statutory duty to ensure that equality and diversity is a key part of the decision making process of the Council. Therefore, attention is drawn to the importance of ensuring that appointments to committees are underpinned by appropriate training on the statutory equality framework. The introduction of essential member training provides the assurance that members of committees will be able to fulfil their obligations with a full understanding of equality and diversity issues. This is fundamental to the

Council being able to meet its statutory responsibilities. However, consideration must be given to members not completing the training or not attending, and the steps to be taken in these circumstances, once the member has been appointed.

7.4 **Other implications** (where significant) – i.e. Staff, Health, Sustainability, Crime and Disorder)

None

8. **Background papers used in preparing the report** (including their location on the Council's website or identification whether any are exempt or protected by copyright):

- None

9. **Appendices to the report**

- None

Report Author:

Ian Hunt

Assistant Director Law and Governance