

<p style="text-align: center;"><b>GOVERNANCE COMMITTEE SECOND SUPPLEMENTARY AGENDA</b></p>
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**13 March 2013**

The following items were inadvertently omitted from the agenda and have now been issued along with a correction

- 9      CHANGES TO THE COUNCIL'S CONSTITUTION AS RESULT OF THE HEALTH AND SOCIAL CARE ACT 2012 (Pages 1 - 10)**

**Ian Buckmaster  
Committee Administration and  
Member Support Manager**

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Part	Section	Page	Insertion	Summary of Changes
1.	Summary	7	<p><u>New paragraph six:</u></p> <p><b>6. Health &amp; Wellbeing Board</b></p> <p>The Council's Health and Wellbeing Board is a committee that includes NHS representatives as well as councillors and officers from the Council. Havering's local Healthwatch organisation is also represented. The Board works towards ensuring people in Havering have services of the highest quality which promote their health and wellbeing and to narrow inequalities and improve outcomes for local residents.</p>	<p>This change reflects the new strategic role of the Council in shaping local health services.</p>
2.	Article 1 (Para 1.03)	11	<p><u>Under (b) add:</u></p> <p>7. Director of Public Health</p>	<p>It is a statutory requirement to have a Director of Public Health.</p>
2.	Article 8 (Para 8.01)	21	<p><u>Under (b) [Corporate Management Team] add:</u></p> <ul style="list-style-type: none"> <li>• Director of Public Health</li> </ul> <p><u>Under (c) [Statutory Officers] add (into the table):</u></p> <p><i>Post:</i> Director of Public Health, <i>Statutory Designation:</i> Director of Public Health</p>	<p>It is intended that the Corporate Management Structure will change to reflect the incorporation of public health into the Council</p>
2.	Article 9	22	<p><u>Under sub-section 9.03 [Executive Decisions] add an additional sentence, to read:</u></p> <p>9.03 Decisions made by the Health and Wellbeing Board are also Executive Decisions as this is a statutory executive committee.</p> <p><u>Under sub-section 9.05 [Referral of Decision-Making to Higher Authority] add an additional sentence, to read:</u></p>	<p>Reiterates the policy intention of the Health and Social Care Act 2012 to ensure that health and wellbeing boards are autonomous bodies, with no need to</p>

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			Certain decisions of the Health and Wellbeing Board cannot be referred to other parts of the Council, i.e. Cabinet, as the statutory decision making power rests solely with the Board.	refer decisions or have them ratified.
1.	Appendix	28	<u>Insert (into the table):</u>  <i>Committee:</i> Health & Wellbeing Board  <i>Number of Members and any Special Requirements:</i> 4 councillors, 3 council officers (Chief Executive, Group Director, Social Care & Learning and Director of Public Health), 1 statutory Healthwatch representative, 4 NHS members from Havering's Clinical Commissioning Group, 1 member from the National Commissioning Board with voting rights.	Reflects the Board's status as a part of the Council's committee structure.
3.	(Para 3)	35	<u>Under 3 [Functions Delegated to Staff] add:</u>  3.9 Director of Public Health	The Health & Social Care Act 2012 gives public health responsibility to the Council and allocates powers directly onto the Director of Public Health.
3.	Section 1.2	37	<u>In the table under 1.2 [Functions Delegated to General Council Committees] add the following under 'Governance Committee', 'Appointments and Dismissals':</u>  'Director of Public Health' after 'Group Directors' in bullet points 2 and 3 of this section.	Standard recruitment rules for CMT staff apply.
3.	Section 1.2	39	<u>In the table under 1.2 In the table under 1.2 [Functions Delegated to General Council Committees] add the following after 'Governance Committee but before</u>	These functions follow

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			<p><u>'Highways Advisory Committee':</u></p> <p><i>Council Committee:</i> Health &amp; Wellbeing Board</p> <p><i>Functions:</i> To exercise those functions prescribed under the Health and Social Care Act 2012. In particular to:</p> <p><b>Duty to encourage integrated working</b></p> <ul style="list-style-type: none"> <li>• To encourage organisations involved in the provision of any health or social care services in the borough to work in an integrated manner.</li> <li>• To advise, support and encourage (where appropriate) section 75 arrangements under the National Health Service Act 2006 in connection with the provision of health services.</li> <li>• To encourage all those involved in the provision of health-related services to work with the Board.</li> <li>• To arrange and encourage any persons involved in the provision of health-related services to work closely.</li> </ul> <p><b>Other Functions</b></p> <ul style="list-style-type: none"> <li>• To exercise those functions conferred on the Council by virtue of the Local Government and Public Involvement in Health Act 2007, namely: <ul style="list-style-type: none"> <li>– Preparation of a Joint Strategic Needs Assessment, and;</li> <li>– Preparation of a Health and Wellbeing Strategy</li> </ul> </li> <li>• To inform the Council on whether or not the Council is meeting its duties under section 116B of the Local Government and Public Involvement in Health Act 2007 (duty to have regard for strategies).</li> </ul>	<p>those conferred on the Board by the Health and Social Care Act 2012 and does not preclude any such functions as may be allocated at a later date.</p>

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			<p><b>Discharge of Functions</b></p> <ul style="list-style-type: none"> <li>If appropriate, to make arrangements for its functions to be discharged jointly with the Board of another authority and/or to be exercisable by joint sub-committees.</li> </ul> <p><b>Supply of Information</b></p> <ul style="list-style-type: none"> <li>To request, where necessary, information from any organisation represented on the Board that relates to the function of the organisation from which the information is requested and that is for the purpose of enabling or assisting the Board in fulfilling its functions.</li> </ul>	
3.	Section 1.2	41	<p><u>Under 1.2 [Sub-Committees] add:</u></p> <p><i>Committee Establishing Sub-Committee:</i> Health and Wellbeing Board</p> <p><i>Name of Sub-Committee</i> Health Protection Forum</p> <p><i>Functions</i></p> <ul style="list-style-type: none"> <li>To provide assistance and guidance to the Director of Public Health to enable them to fulfil their function with regard to health protection and emergency planning as prescribed in Section 12 of the Health and Social Care Act 2012.</li> </ul>	<p>Specific details of how this sub-committee will operate have yet to be finalised. Some discussions are underway about having a joint Forum between three boroughs. Further changes may need to be made to accommodate these arrangements.</p>
3	Section 1.4	46	<p><u>In the table [overview and scrutiny areas of responsibility] delete the existing content under 'Health' and substitute with the following:</u></p> <ul style="list-style-type: none"> <li>Scrutiny of NHS bodies including the Havering Clinical Commissioning Group, NHS trusts, NHS foundation trusts and other providers of NHS services with the borough or to residents of the borough.</li> <li>To consider and provide recommendations on any proposed substantial</li> </ul>	<p>Reflect the changes brought about in the role and processes underpinning the Council's health scrutiny</p>

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3.	Section 2.4	52	<p>development of the health service in the borough or any substantial variation of health services currently provided which are referred to it by the relevant health service commissioner or provider.</p> <p><u>Under 2.4 [Quality of Life Functions] add a point (iii) under 'Social Care and Health':</u></p> <p>(iii) all matters relating to public health and dental health as conferred onto the authority by virtue of the National Health Services Act 2003, the Health and Social Care Act 2012 and any subsequent legislation (but excluding functions that are the statutory responsibility of the Health &amp; Wellbeing Board).</p>	<p>function.</p> <p>This shows public health as a function alongside the council's other duties.</p>
3.	Section 2.6	55	<p><u>Under 2.6 [Portfolios assigned to individual Cabinet members] add:</u></p> <p>(ee) Public Health</p>	<p>Allocation of the public health portfolio will be a matter for the Leader.</p>
3.	Section 3.	59 & 108	<p><u>Under 3. [Functions Delegated to Staff] add a new sub-section, 3.9, to which add:</u></p> <p>3.9 Functions Delegated to the Director of Public Health</p> <p><u>Under 3.9 add a new section 3.9.1, to which add:</u></p> <p><b>3.9.1 DIRECTOR OF PUBLIC HEALTH</b></p> <p>(a) To take responsibility for all the Council's public health functions  (b) To oversee all services relating to the public health function  (c) To provide information and advice on public health matters  (d) To provide services and facilities designed to promote healthy living  (e) To provide services and facilities for the prevention of illnesses  (f) To provide assistance (including financial assistance) to help individuals to minimise risks to health arising from their accommodation or environment  (g) Providing or participating in the provision of training for persons working or</p>	<p>Reflects the general role of the Director of Public Health.</p>



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4.	Committee Procedure Rules	180	<p>seeking to work in the field of health improvement.</p> <p>(h) The exercise of the local authority function in the National Health Service Act 2006 as amended</p> <p>(i) The planning for and responding to emergencies including a risk to public health</p> <p>(j) The liaising with the Commissioner of the Metropolitan Police and the local probation board on assessing and managing the risks posed by sexual and violent offenders and other offenders who may cause serious harm to the public</p> <p>(k) The medical inspection and treatment of pupils in attendance at schools maintained by the Council.</p> <p>(l) The provision of advice, examination and treatment of persons seeking advice on contraception and the supply of contraceptive substances and appliances.</p> <p><u>Under Section 5 [Appointment of Chairman and Vice-Chairman of committees] amend sub-section (a) to read:</u></p> <p>(a) The Chairman and Vice-Chairman of committees and sub-committees other than the Health and Wellbeing Board shall be appointed by Council, and shall hold office until the next annual meeting of Council.</p>	Power to appoint the chairman of the Board is conferred upon the Leader of the Council.
4.	Committee Procedure Rules	186	<p><u>Under 'Rules for Specific Meetings', add a new sub-section 16, to which add:</u></p> <p><b>16. Health &amp; Wellbeing Board</b></p> <p>(a) Quorum for Board meetings shall be:</p> <ul style="list-style-type: none"> <li>- one councillor,</li> <li>- one local authority officer member of the Board, and;</li> <li>- one CCG clinical director or officer</li> </ul> <p>(b) The Chairman of the Board will be appointed by the Leader of the Council</p>	Accommodates the special arrangements for the Board. In some areas the Board will adopt ordinary procedure rules.



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			<p>along with other councillor representatives.</p> <p>(c) All Board members have equal voting rights.</p> <p>(d) In accordance with The Local Authority (Public Health, Health and Wellbeing Boards and Health Scrutiny) Regulations 2013, political proportionality rules do not apply to the Board.</p> <p>(e) Members of the public will only be entitled to speak at Board meetings at the discretion of the Chairman.</p> <p>(f) Sections 4, 5 and 7(d) of the committee procedure rules do not apply to the Board.</p>	

## APPENDIX 2

### Membership of the Health and Wellbeing Board

Member	Position	Representing
Cllr Steven Kelly	Deputy Leader of the Council and Cabinet Member for Individuals and Health	London Borough of Havering
Dr Gurdev Saini	CCG Board Member (Lead for the Local Authority)	Havering CCG
Cllr Andrew Curtin	Cabinet Member for Town and Communities, with special responsibility for Culture	London Borough of Havering
Conor Burke	Accountable Officer (Designate)	Havering CCG
Cheryl Coppell	Chief Executive	London Borough of Havering
Cllr Lesley Kelly	Cabinet Member for Housing	London Borough of Havering
Cllr Paul Rochford	Cabinet Member for Children & Learning	London Borough of Havering
Dr Atul Aggarwal	Chair	Havering CCG
Joy Hollister	Group Director, Social Care & Learning	London Borough of Havering
Mark Ansell	Acting Director of Public Health	London Borough of Havering
TBC	Chairman/Board Member	Healthwatch
<b><u>Non-Voting Member:</u></b>		
Alan Steward	Borough Director	Havering CCG

## GOVERNANCE COMMITTEE

**Subject Heading:**

CHANGES TO THE COUNCIL'S  
CONSTITUTION AS RESULT OF THE  
HEALTH AND SOCIAL CARE ACT 2012

### Corrections:

Please note the following corrections to this report and its Appendices.

A. Report: paragraph 2.3

The final line of the main text of the paragraph (i.e. before the list of duties) should read:

**“to promote the health of the public, for which it may:”**

B. Appendix 1

(1) In the entry for page 28 of the Constitution (Insert Health & Wellbeing Board membership) insert after “4 NHS members from Havering’s Clinical Commissioning Group”,

**“(one of whom is non-voting)”**

(2) In relation to the entry for pages 59 & 108 (Functions of Director of Public Health), for the avoidance of doubt please note that “maintained schools” does not include Academies (which are not maintained by the Council but funded by contract with the Secretary of State for Education).

C. Appendix 2

(1) Delete the entry for Mark Ansell and insert:

**“Dr Mary Black | Director of Public Health | London Borough Of Havering”**

(2) Amend the “position” column entry for Healthwatch to read:

**“HWB Representative”**

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