

Part D – Constitution & Governance Committee Terms of Reference

General

The purpose of the Constitution and Governance Committee is to:

- (a) Maintain an effective, up to date and legally compliant Constitution.
- (b) Consider proposals from Council committees for changes to the constitutional arrangements of the Council.
- (c) Submit an annual report to the Council recommending a revised Constitution for approval to the Council's Annual General Meeting. See notes below.
- (d) Receive assurance from the Returning Officer regarding the administration of any elections;
- (e) Oversee the Council's input and response to boundary or electoral reviews as required by the Boundary Commission.

Notes: The functions of the Committee exclude approval of:

- Any changes to the operational arrangements of the Council including the Committee structure – which will be referred to Council for approval as a recommendation
- The Scheme of Members' Allowances which is approved by the Council on the recommendation of the Independent Remuneration Panel;
- The Council's executive arrangements, which are the responsibility of the Leader of Council;
- Any change to the Council's model of democratic governance under the Localism Act 2011.

Membership, Chair and Quorum

Number of Members	13
Substitute Members Permitted	Yes
Political Balance Rules apply	Yes
Appointments/Removals from Office	By resolution of full Council
Restrictions on Membership	None
Restrictions on Chair/Vice- Chair	None
Quorum	5 members
Number of ordinary meetings per Council Year	At least 3 per year

Terms of

Reference

- 1.1. Maintain an overview of all aspects of the Council's Constitution not otherwise reserved to the Standards Committee including but not limited to decision-making, Contract Procedure Rules and Financial Procedure Rules. Any proposed changes to the Council's Constitution are to be recommended to Council for approval.
- 1.2. Review any issue referred to it within these Terms of Reference by the Chief Executive, Monitoring Officer, Section 151 Officer or any Body of the Council.
- 1.3. Consider the Council's corporate governance arrangements and make recommendations to ensure compliance best practice.
- 1.4. Such other matters as required by law or guidance to be the proper remit of the Constitution and Governance Committee.

Somerset Health and Wellbeing Board - Constitution

Introduction

Under the Health and Social Care Act 2012 Somerset Council must establish a Health and Wellbeing Board.

This constitution will cover the operation of the Somerset Health and Wellbeing Board. It will be revised if necessary, in accordance with the legislative requirements.

1. Aim

- 1.1 The Somerset Health and Wellbeing Board (SHWBB) will provide strategic leadership to improve the health and wellbeing of the residents of Somerset through the development of improved and integrated health, public health and adults and children's social care services

2. Functions

- 2.1. The Board, on behalf of Somerset Council and NHS Somerset shall identify and agree health and wellbeing needs and priorities across Somerset through:
 - a) providing a structure for strategic local planning and challenge to the provision of health and wellbeing related services across a range of sectors and providers;
 - b) assessing the needs of the local population and lead the statutory Joint Strategic Needs Assessment ('JSNA') with an annual refresh and publication of the Joint Strategic Needs Assessment (JSNA) to support evidence-based prioritisation, commissioning and policy decisions;
 - c) ensuring that the JSNA drives the development of the Health and Wellbeing Strategy (Improving Lives) and influences other key plans and strategies across the county;
 - d) To undertake the Pharmaceutical Needs Assessment every 5 years or sooner if required;
 - e) The preparation, agreement and publication of the Somerset Health and Wellbeing Strategy (SHWBS). The SHWBS will set a high level joint strategic vision for health and wellbeing, taking into account the JSNA and the Annual Public Health Report, as well as national policy developments and legislation. Organisations represented on the Board have a duty to take heed of the strategy and will be held to account for their contribution to delivery of outcomes;
 - f) actively engaging with the other key partnerships to ensure achievement of outcomes in all agreed areas and to extend the reach of the Improving Lives Strategy by ensuring alignment with other strategies and plans;
 - g) discharging all functions relating to the Better Care Fund that are required or permitted by law to be exercised by the Board including: Agreeing the Better Care Fund; and overseeing the delivery of the Better Care Fund and Improved Better Care

Fund. This includes providing a regular written progress report on each of the schemes under the fund to the Board;

- h) responsible for overseeing the implementation of the statutory requirement within the Children and Families Act 2014, for local services to work together providing care and support for children and young people with special educational needs and disabilities (SEND), ensuring that local services are fulfilling their role and that children are getting the care they need;
- i) ensuring that the Local Integrated Care Partnerships, Local Authorities, Clinical Commissioning Groups and NHS England, Police demonstrate how the JSNA has driven decision-making;
- j) In order to undertake the system leadership role, the Board will receive reports in conjunction with the delivery of the Improving Lives Strategy and outcomes from:
 - STP
 - Somerset Growth Board
 - Safer Somerset Partnership
 - Somerset Childrens Trust
 - Somerset Strategic Housing Group
 - Neighbourhoods Group
 - Children's and Adults Safeguarding Boards
 - Information Governance Panel;
- k) providing challenge and encouragement to put prevention central to everything we do in Somerset, with a relentless focus on issues that drive inequalities;
- l) providing a forum for cross-system learning and support through the Health and Wellbeing Board development sessions and workshops.

2.2 The Board shall:

- a) Oversee, where appropriate, the use of resources across a wide spectrum of services and interventions, to ensure that the SHWBS and priority outcomes are achieved and to drive a genuinely collaborative approach to commissioning, including the co-ordination of agreed joint strategies.
- b) Support the inclusion of the public, patients and communities in the setting of strategic priorities, including (but not solely) through the involvement of local Healthwatch.
- c) Communicate and engage with local people in how they can achieve the best possible quality of life and be supported to exercise choice and control over their own health and wellbeing and that of the people living around them.

Each board member has a responsibility to report and act upon the group or organisation they represent in order to maximise the impact they can make in terms of improving lives (promoting and delivering the health and wellbeing strategy).

In line with the Health & Social Care Act 2012, the work of the Board will be scrutinised through appropriate SCC Scrutiny Committees.

3. Membership

- 3.1 Membership of the Board shall reflect the principle that at least 50% of its voting membership shall comprise elected local councillors. Representation on the Board reflects the statutory membership as required by the Health and Social Care Act.
- 3.2 The full members of the Board (i.e. with voting rights) shall comprise the following:
- Up to 5 members of Somerset Council including the relevant Executive Members for Public Health, Equalities and Diversity, Adult Social Care and Children and Families; 1 member of the Opposition; and 1 other Council member – all to be chosen by the Leader of the Council
 - 3 x NHS Somerset (Integrated Care Board) representatives
 - Director of Public Health
 - Director for Adult Social Services
 - Director for Children’s Services
 - NHS England representative
 - Healthwatch Somerset nominated volunteer representative
 - Avon and Somerset Police representative
 - Somerset NHS Foundation Trust representative
 - Primary Care representative
 - VCSE representative
 - Registered Care Provider representative

Total: 18

- 3.3 Other members may be co-opted by the Board as required but will not have full voting membership.

4. Chairing Arrangements

- 4.1 The Leader of Somerset Council shall appoint the Chair of the Board annually from within the Somerset Council’s representation on the Board. The Leader shall appoint up to 2 Vice-Chairs on an annual basis at least one of which shall come from within the health service representation on the Board.
- 4.2 In the event that the Chair is not present but the meeting is quorate the voting members present at the meeting shall choose which Vice-Chair is to chair that meeting.

5. Quorum

- 5.1 To ensure that sufficient members are present at all meetings for the effective conduct of business the quorum for the Board will comprise eight members (over 50%) and must include at least two voting Members from Somerset Council and one voting member of the SCCG. If a quorum is not present, matters may be discussed, and recommendations made but no decisions taken.

6. Substitutes

- 6.1 No substitutes shall be allowed for members of the Board.

7. Appointments

- 7.1 If the Council wishes to change the voting membership of the Board, then the Council must consult the Board on the proposal. Council nominations must be in accordance with the legislation.

8. Governance and Accountability

- 8.1 In accordance with section 194 of the Health and Social Care Act, the Board shall be a committee of the Council and is to be treated as if it were a committee appointed by the Council under section 102 of the Local Government Act 1972.
- 8.1 The regulations relating to the Board are published as Statutory Instrument 2013 No. 218 entitled, The Local Authority (Public Health, Health and Wellbeing Boards and Health Scrutiny) Regulations 2013.
- 8.3 The Regulations modify and disapply certain legislative requirements as they apply to the Board. The provisions which are modified or disappplied are in the Local Government Act 1972 and the Local Government Housing Act 1989.
- 8.4 The Board shall produce an annual report, which will be presented to meetings of both Somerset Council and the SCCG. It shall also report as necessary to the Council's Executive, Full Council and the SCCG as the business dictates.

9. Decisions

- 9.1 The Board shall be accountable for its actions to its individual member organisations for decisions in respect of the JSNA and the SHWBS.
- 9.2 It is expected that Members of the Board will have delegated authority from their organisations to take a full part in the business of the Board.

- 9.3 It is expected that decisions or recommendations shall be reached by consensus. In exceptional circumstances where consensus cannot be achieved and a formal vote is required, the matter shall be decided by a simple majority of those members voting and present in the room at the time the proposal is considered. The vote shall be by a show of hands. If there are equal votes for and against, the Chair will have a second or casting vote. There will be no restriction on how the Chair chooses to exercise a casting vote.
- 9.4 Decisions within the terms of reference will be taken at Board meetings and are not subject to ratification or a formal decision process by partner organisations. However, where decisions are not within the delegated authority of the Board, these will be subject to ratification by constituent bodies.

10. Procedural Rules to Apply to Board Meetings

- 10.1 Detailed procedural rules for Board meetings are attached as an appendix.

11. Establishment of Sub-Committees

- 11.1 The Board shall be responsible for the appointment of any sub-committees or working groups to assist with the fulfilment of its functions in accordance with any legislative requirements in relation to their establishment.
- 11.1 The Board shall also be responsible for accepting reports as necessary from partnerships whose business relates to the functions of the Board.

12. Board Members' Conduct

- 12.1 All voting members of the Board must comply with Somerset Council's Code of Conduct including the registration of disclosable pecuniary interests and personal interests.
- 12.2 The Monitoring Officer for Somerset Council will maintain and publish a register of interests of Board members.
- 12.3 The principles of these requirements are consistent with the requirement on SCCG's in relation to conflicts of interest.

13 Work Programme for the Board

- 13.1 The Board shall be responsible for establishing and maintaining its work programme.

14. Review of the Constitution

- 14.1 This constitution will be reviewed as and when required but at least annually by the Council in consultation with other constituent bodies and the Board.

15. Administration of Meetings

- 15.1 Meetings of the Board will be convened by Somerset Council, who will also arrange the clerking and recording of meetings (a member of the Council's Democratic Services Team will act as Clerk).

PROCEDURAL RULES FOR HEALTH & WELL-BEING BOARD MEETINGS

1. Introduction

- 1.1 These rules also detail the rights of the public to be notified of meetings of the Board, to attend and participate in those meetings, and access agendas and papers before and after meetings of the Board.
- 1.2 The term 'clear days' in these rules excludes any Saturday, Sunday, Bank Holiday, Christmas Day or Good Friday, the day that an agenda is sent to the Members of the Board and the day of the meeting.

2. Rights of the Public to Attend Board Meetings

- 2.1 Members of the public may attend Board meetings subject only to the exceptions in these rules.

3. Notice of Board Meetings

- 3.1 The Council shall give at least five clear days' notice of any public meeting of the Board via it's website, the public notice board at County Hall, Taunton and at the venue for the meeting if held elsewhere.

4 Access to Agendas and Reports Before Board Meetings

- 4.1 Copies of agendas and reports are made available for public inspection at County Hall (contact Democratic Services - 01823 357628 at least five clear days before a meeting of Board. If an item is added to the agenda later, the revised agenda and any additional report (s) will be made available for public inspection as soon as they have been sent to members.
- 12.2 Board agendas and papers will also be available to access on the Council's website.

5. Exclusion of Access by the Public to Board Meetings

5.1 Confidential information - requirement to exclude public

- 5.1.1 The Board **must** by resolution, exclude press and public from meetings whenever it is likely that **confidential** information would be disclosed.
- 5.1.2 Confidential information means information given to the Council by a Government Department on terms forbidding its public disclosure or information which is prevented from being publicly disclosed by Court Order.

5.2 Exempt information - discretion to exclude public

- 5.2.1 The Board **may** by resolution exclude press and public from meetings whenever it is likely that exempt information would be disclosed.
- 5.2.2 Exempt information means information falling within the following categories

Category	Qualifications
<p>1. Information relating to any individual.</p> <p>2. Information which is likely to reveal the identity of an individual</p> <p>3. Information relating to the financial or business affairs of any particular person (including the authority holding that information).</p> <p>4. Information relating to any consultations or negotiations, or contemplated consultations or negotiations, in connection with any labour relations matter arising between the Authority or a Minister of the Crown and employees of, or office holders under, the Authority.</p> <p>5. Information in respect of which a claim to legal professional privilege could be maintained in legal proceedings.</p> <p>6. Information which reveals that the Authority proposes –</p> <p>(a) to give under any enactment notice under or by virtue of which requirements are imposed on a person; or</p> <p>(b) to make order or direction under any enactment.</p> <p>7. Information relating to any action taken or to be taken in connection with the prevention, investigation or prosecution of crime.</p>	<p>1. Information is not exempt information if it is required to be registered under the Companies Act, Charities Act etc.</p> <p>2. Information is not exempt information if it relates to proposed development for which the Council may grant itself planning permission.</p> <p>3. Subject to paragraphs 1 and 2 above, information which falls within paragraphs 1 to 7 opposite is exempt information if and so long as the public interest in maintaining the exemption outweighs the public interest in disclosing the information.</p>

6. Exclusion of Access by the Public to Reports and Any Other Relevant Documents

- 6.1 Reports containing confidential information will not be made available to the public in any circumstances. Such reports will be marked "Not for publication – Confidential Information".
- 6.2 Reports and documents containing exempt information will not normally be made available to the public. They will be marked "Not for publication" and will include the description of the category of exempt information applicable.
- 6.3 The Board has the option, when the report or documents described at paragraph 6.2 above come to a meeting of the Board, to make them available to the press and public and/or consider the report with the public present, in which case the report can at that stage be made available to the public present and for public inspection beyond the meeting.

7. **Public Question Time**

7.1 The following rules relate to public question time at public meetings of the Board.

(a) "Public question" is defined as the asking of any question or making of a statement in relation to any item on an agenda.

(b) Petitions may be presented on any matter within the overall remit of the Board, whether or not there is a relevant item on the agenda.

(c) Each Board agenda shall include an item to allow public questions to be taken early in the meeting. However, the Chair has discretion to take public questions when the relevant item is reached on the agenda.

(d) A person wishing to raise a matter under public question time is asked to inform the meeting administrator by 5pm three clear working days before the meeting.

(e) The Chair will invite those who have given prior notice to introduce their question / or make their statement. The individual may speak for up to three minutes or longer with the Chair's discretion.

(f) There will be no debate on any question or statement made. They will be answered at the time or noted for consideration when the relevant agenda item is reached. The Chair has discretion to allow a supplementary question.

(g) The time allowed for public question time will not normally exceed twenty minutes unless the Chair directs otherwise.

(h) Where there are a large number of questioners on the same subject, the Chair may ask those concerned to nominate one or more of their number to pose the appropriate question(s).

(i) In exceptional circumstances the Chair may adjourn the meeting temporarily to allow views to be expressed more freely.

8. **Media Attendance and Reporting at Public Meetings**

8.1 Media are welcome to attend public meetings of the Board and report on proceedings. In addition, social media journalists are welcome to record and transmit business at these meetings. This permission is subject to the activity not disrupting the business of the meeting. In the event that the meeting considers confidential or exempt business, then all members of the public and press must leave the room as requested for the consideration of such business.