

<b>Subject:</b>	<b>Arrangements for Public Participation</b>		
<b>Date of Meeting:</b>	<b>29<sup>th</sup> July 2014</b>		
<b>Report of:</b>	<b>Director of Public Health Monitoring Officer</b>		
<b>Contact Officer:</b>	<b>Name:</b>	<b>Elizabeth Culbert</b>	<b>Tel: 29-1515</b>
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<b>Ward(s) affected:</b>	<b>All</b>		

**FOR GENERAL RELEASE****1. PURPOSE OF REPORT AND POLICY CONTEXT**

- 1.1 One of the functions of the Health and Wellbeing Board is to involve stakeholders, users and the public in quality of life issues and health and wellbeing choices. This report sets out proposals to ensure that there is strong and effective public engagement in the work of the new Board.

**2. RECOMMENDATIONS: That the Board agrees:-**

- 2.1 The proposed arrangements for public questions and petitions as outlined at paragraphs 3.3 to 3.9 of the report and set out in full at Appendix 1;
- 2.2 To trial an informal 'Meet the Board' session in advance of the formal meeting, as set out at paragraph 3.10 of the report;
- 2.3 To keep the arrangements for public participation in the work of the Health and Wellbeing Board under review.

**3. CONTEXT/ BACKGROUND INFORMATION**

- 3.1 At the first meeting of the newly constituted Health & Wellbeing Board ('the Board') on 10<sup>th</sup> June 2014, it was agreed that a strategy for public participation would be an important element of the new arrangements. It is proposed that arrangements for public participation are agreed which reflect the new focus and approach of the Board.
- 3.2 The Board is formally constituted as a committee, which means that legal requirements for access to meetings, agendas and background papers apply. All decision making meetings of the Board are required to be in public unless the reports under discussion are confidential or exempt business. The Board has flexibility to decide other elements of its ways of working, such as how it communicates with and engages the public.

**Petitions**

- 3.3 Presenting a petition is a mechanism that enables members of the public to make their views known to, and seek action from, decision makers on any issue

relevant to the work of a particular Committee or Board. The nature of a petition means that it has the support of more than one individual and therefore carries the weight of opinion or concern of a group. It is proposed that the Health and Wellbeing Board will accept petitions from members of the public relating to any matter for which the Board has a responsibility.

- 3.4 Petitions can be presented at the beginning of the meeting or taken as part of the debate for a particular item, at the discretion of the Chair.
- 3.5 In order to assist with managing the agenda, it is proposed that members of the public who wish to present a petition to the Board must notify Democratic Services 10 days advance of the relevant meeting. However, the Chair will also have the discretion to take a late petition.
- 3.6 Petitions will be managed in accordance with the Council's scheme for managing petitions - available online and through the Council's Democratic Services Team. This will enable petitioners to the Health and Wellbeing Board to make use of the Council's arrangements for submitting e-petitions.
- 3.7 The Chief Executive may reject a petition, following consultation with the Monitoring Officer, if it is in her opinion:-
  - Not about a matter for which the Health and Wellbeing Board has responsibility;
  - Defamatory, frivolous or vexatious;
  - The same or substantially the same as a petition or question which has previously been put at a meeting of the Health and Wellbeing Board, the Council, a Committee or a sub-committee in the past six months;
  - Requires the disclosure of confidential or exempt information;
  - From a member of council staff or NHS staff on matters affecting their employment; or
  - Otherwise inappropriate.

### **Public Questions**

- 3.8 It is proposed that individual questions may be asked by members of the public at the Health and Wellbeing Board on matters that relate to an item on the agenda. It is proposed that those wishing to present a question to the Board about an item on the agenda must send a copy of the question to the Chief Executive not later than 3 days in advance of the relevant meeting. This will ensure that members of the public will have access to the published agenda before the deadline for submitting a question has passed.
- 3.9 The above proposals draw on best practice from both local government and health governance arrangements. The detailed procedure rules for managing petitions and public questions are set out in Appendix 1.

### **Meeting the Board**

- 3.10 In addition to the arrangements for receiving petitions and written questions, it is proposed that the Health and Wellbeing Board convenes 30 minutes prior to the start of the formal Board meeting to enable public engagement in a more informal

environment. The public and any other interested parties will be invited to attend for informal discussion with the Board outside of the decision-making meeting.

- 3.11 These informal sessions are intended to ensure that the Board is as accessible and transparent as possible. As it is a new approach, and to ensure the arrangements are working well, these sessions will be kept under review.

### **Health and Wellbeing Board Partnership**

- 3.12 Further engagement opportunities are being developed with providers and stakeholders in the form of the Health and Wellbeing Partnership, which will bring together stakeholders at regular intervals to share information, report on progress and develop a shared agenda. The progress and outcomes from the HWB Partnership meetings will be reported to the HWB. Draft Terms of Reference for the Partnership will be brought to the next meeting of the Board for approval.

### **Wider public engagement in Health and Wellbeing issues**

- 3.13 In addition to the specific arrangements described above which relate to the Health and Wellbeing Board, there are a number of other opportunities for public engagement in decisions relating to Health and Wellbeing that will continue. These include the public meetings of the CCG Governing Body, the public Health Overview and Scrutiny Meetings and the meetings of the Council's other Committees such as Policy and Resources and Children's Committees. The arrangements for public participation in these meetings continue unchanged.

## **4 ANALYSIS & CONSIDERATION OF ANY ALTERNATIVE OPTIONS**

- 4.1 In the absence of alternative arrangements being agreed, the Council's rules in relation to public engagement apply to the HWB and its meetings. It is considered important to signal the change in the partnership approach of the Board with new a new strategy for public engagement, as set out in this report.

## **5 COMMUNITY ENGAGEMENT & CONSULTATION**

- 5.1 The HWB Partnership will be developed in the coming months and there will be an opportunity for the Partnership to shape its own agenda.

## **6. CONCLUSION**

- 6.1 The Board is recommended to approve the arrangements for public participation as outlined in the report.

## **7. FINANCIAL & OTHER IMPLICATIONS:**

### Financial Implications:

- 7.1 The additional resources required to support public participation are expected to be minimal and will be funded within the existing budget. Any financial impact will be considered when the arrangements are reviewed.

*Finance Officer Consulted: Anne Silley*

*Date 21/07/14*

Legal Implications:

- 7.2 As set out in paragraph 3.2 of the report, there are mandatory legal requirements for the Board in relation to the publication of agendas and papers and the accessibility of the meeting to the public. These are set out in the Local Government Act 1972, amended by the Health and Social Care Act 2012 and subsequent Regulations. The arrangements for receiving petitions and questions are not prescribed by legislation and can be agreed by the Board.

*Lawyer Consulted: Elizabeth Culbert*

*Date: 18<sup>th</sup> July 2014*

Equalities Implications:

- 7.3 The arrangements for public participation in meetings through petitions and written questions, as well as the ability to engage informally with the Board and through the Partnership, are designed to ensure that the Health and Wellbeing Board is an open and accessible meeting.

Sustainability Implications:

- 7.4 None

Any Other Significant Implications:

None

## Appendix One

### **Annex to Health and Wellbeing Board Terms of Reference**

*Council Procedure Rules in relation to Petitions, Questions and Deputations are replaced by the 'Procedure Rules on Public Engagement at Health and Wellbeing Board' set out below. In the case of conflict, these Rules take precedence over the Council Procedure Rules.*

### **Procedure Rules on Public Engagement at Health and Wellbeing Board**

#### **Petitions**

1. At a meeting of the Board, any elected councillor or member of the public may present a petition which is submitted in accordance with the Council's Petitions Scheme.
2. The presentation of the petition shall be limited to three minutes, subject to the discretion of the Chair to allow a longer time for the presentation.
3. All petitions that members of the public or elected councillors wish to present shall be referred to democratic services 10 days in advance of the relevant meeting. The Chair will have the discretion to take a late petition.
4. The Chief Executive of the Council may reject a petition if, following consultation with the Monitoring Officer, it is in her opinion:
  - Not about a matter for which the Health and Wellbeing Board has responsibility;
  - Defamatory, frivolous or vexatious;
  - The same or substantially the same as a petition or question which has previously been put at a meeting of the Health and Wellbeing Board, the Council, a Committee or sub-committee in the past six months;
  - Requires the disclosure of confidential or exempt information;
  - From a member of council staff or NHS staff on matters affecting their employment; or
  - Otherwise inappropriate.
5. The Health and Wellbeing Board will decide how to respond to the petition and shall decide:-
  - To take the action the petition requests; or
  - Not to take the action the petition requests; or
  - To commission further investigation into the matter prior to consideration at a future meeting.

## Public Questions

1. A public question shall be put at a meeting of the Health and Wellbeing Board provided that:-
  - A copy of the question has been delivered to the office of the Chief Executive of the Council by not later than 12 noon on the third working day prior to the day of the Health and Wellbeing Board meeting at which it is to be asked;
  - The name and address of the questioner is indicated on the question;
  - The questioner is present at the time when the question is put;
  - The questioner is not presenting a petition on the same, or substantially the same, issue at the same meeting.
2. A question shall not exceed 100 words in length. The Chief Executive, after consultation with the questioner, may summarise a question to comply with this requirement.
3. A list of the questions of which notice has been given shall be circulated to members of the Board at or before the meeting at which they are to be asked.
4. The Chief Executive of the Council may reject a question if, following consultation with the Monitoring Officer, in her opinion it:
  - Does not relate to a matter on the agenda of the Health and Wellbeing Board for discussion at that meeting;
  - Is defamatory, frivolous or vexatious;
  - Is the same or substantially the same as a petition or question which has previously been put at a meeting of the Health and Wellbeing Board, the Council, a Committee or sub-committee in the past six months;
  - Requires the disclosure of confidential or exempt information;
  - Is from a member of council staff or NHS staff on matters affecting their employment; or
  - Is otherwise inappropriate
5. If the Chair considers that, by reason of a special circumstance, it is desirable that a question shall be asked at a meeting of the Board although due notice of the question has not been given, the Chair may permit the question to be asked.
6. Questions will be asked in the order notice of them was received, except that the Chair may group similar questions together.
7. The questioner may ask one relevant supplementary question.
8. Questions may be answered by the Chair or Deputy Chair or any member of the Board with their agreement.
9. An answer may take the form of:-
  - An oral answer; or
  - A written answer to the member of the public, circulated to the Board and placed on the Council's website; or

- Where the desired information is contained in a publication, a reference to that publication.
10. No questioner may submit more than one question for answer at the same meeting.