

# Health and Wellbeing Board Procedure Rules

## 1. Application of these Rules

- 1.1 These rules apply to the Harrow Health and Wellbeing Board which was set up in accordance with S102 Local Government Act 1972 and S194 Health and Social Care Act 2012.

## 2. Appointment of Reserves

Members of the Board shall each have a named Reserve who will have the authority to make decisions in the event that they are unable to attend a meeting. The Reserve will not be able to exercise any special powers or duties exercisable by the person for whom they are reserving.

### 2.1 Reserving

2.1.1 Reserve Members may attend meetings in that capacity only:

2.1.1.1 to take the place of an ordinary Member for whom they are a reserve;

2.1.1.2 where the ordinary Member will be absent for the whole of the meeting;

2.1.1.3 where the meeting notes at the start of the meeting at the item 'Reserves' that the Reserve Member is or will be attending as a reserve; and

2.1.1.4 if a Reserve Member whose intention to attend has been noted arrives after the commencement of the meeting, then that Reserve Member can only act as a Member from the start of the next item of business on the agenda after his/her arrival.

2.1.2 For the purposes of section 2.1.1.2 only, a meeting adjourned to another day shall be treated as a new meeting.

2.1.3 If a Reserve Member is in attendance at a meeting the ordinary member for whom they are substituting shall not be entitled to attend that meeting and take part as an ordinary member of that body.

### **3. Attendance of Members at Committees**

#### **3.1 No right to speak**

3.1.1 Any Member of the Council may attend meetings of the Board or its sub-committees and panels. Subject to 3.2 below, Councillors who are not ordinary members or attending Reserve Members of the Board or its sub-committees may not speak at meetings unless the Board or sub-committee agrees that the Member concerned may speak, or, the Member has been invited to the Board or sub-committee to speak.

#### **4.2 Motions referred to the Board or its sub-committees.**

4.2.1 A Member of the Council who has proposed a motion which has been referred to the Board or sub-committee, shall be given at least three clear working days notice of the meeting at which the motion will be considered, by the Monitoring Officer. If the Member attends the meeting but is not an ordinary Member or attending Reserve member of the Board or sub-committee, he or she shall have an opportunity to explain the motion to the Board or sub-committee.

### **4. Appointment of Sub-Committees**

The Board may establish sub-committees with such terms as they consider necessary for the proper discharge of the functions of the Board.

### **5. Chairing Board Meetings**

The Chair will be nominated by the Leader of the Council and appointed by Harrow Council and is currently the Portfolio Holder for Adult Social Care, Health and Wellbeing.

#### **5.1 Vice Chair of the Board**

The Vice-Chair will be appointed by the Clinical Commissioning Group.

#### **5.2 Absence of Chair at Meetings of the Board**

5.2.1 In the absence of the Chair, the Vice-Chair shall preside.

5.2.2 If after 15 minutes since the identified start time neither the Chair or Vice-Chair are present then the meeting shall elect a Chair for that

meeting as its first order of business after the noting of Reserve Members.

- 5.2.3 Where the Chair and Vice-Chair have both submitted apologies in advance of the meeting to the Monitoring Officer then the first order of business shall be to elect a Chair for the meeting after the noting of Reserve Members.

## **6. Business not on the Agenda**

6.1 Business not on the agenda may only be considered where:

6.1.1 the Access to Information Procedure Rules in Part 4G of the Constitution have been complied with; or

6.1.2 the Chairman makes an announcement that does not require a decision to be taken; or

6.1.3 a member of the Board or any Statutory Officer has requested that an item be placed on the agenda for the meeting at any time before the start of the meeting and the Chair agrees to the item being included on the grounds of urgency and the Board agreeing to consider that item of business. The grounds of urgency and the circumstances giving rise to the request must be recorded in the minutes of the meeting.

6.1.4 If there is a request to add an agenda item to an agenda after the statutory deadline for publication, that item may only be considered if the Chair agrees, subject to consultation with the Vice-Chair (if reasonably practicable), and the Board agreeing to consider that item of business, by virtue of the special circumstances set out either in the report or on the supplemental agenda, that the item should be considered as a matter of urgency and specified in the minutes of the meeting.

## **7. Time and Place of Meetings**

7.1 Meetings of the Board shall take place at the Harrow Civic Centre. Following consultation with the Vice-Chair and subject to compliance with the Local Government (Access to Information) Act 1985, the Chair shall have the power to alter the venue, day and time if he/she believes it to be appropriate for the conduct of the business of the Board.

## **8. Cancellation of Meetings**

- 8.1 The Head of Paid Service and or the Monitoring Officer may cancel a meeting of the Board either before or after the agenda for the meeting has been issued provided that reasons for the cancellation are given.

## **9. Calling of Special Meetings**

- 9.1 Those listed below may request the Monitoring Officer to call committee, sub-committee or panel meetings in addition to ordinary scheduled meetings:

9.1.1 the Board by resolution;

9.1.2 the Chair of the Board. The Chair must, before requesting the Monitoring Officer to call a special meeting, consult with the Vice-Chair;

9.1.3 at least one-third of the members of the Board, if they have signed a requisition presented to the Chair of the Board and he/she has refused to call a meeting or has failed to call a meeting within five clear working days of the presentation of the requisition;

## **10. Business**

- 10.1 Business at special meetings of the Board shall be restricted to:

10.1.1 the election of a person to preside if the Chair and Vice Chair are absent;

10.1.2 any item of business specified by the Board, Chair or Monitoring Officer or Statutory Officer when calling the meeting;

10.1.3 any deputations relating to items of business on the agenda which the Chair agrees to hear.

## **11. Notice of and Summons to Meetings**

- 11.1 The Monitoring Officer will give notice to the public of the time and place of any meeting in accordance with the Access to Information Procedure Rules set out in Part 4G of the Constitution. At least five clear working days before a meeting, the Monitoring Officer will send an agenda front sheet by post to every member of the Board. The agenda will give the date, time and place of

the meeting and specify the business to be transacted and will be accompanied by all relevant reports.

## **Quorum**

- 11.2 The quorum of a meeting will be 50% of the voting membership. However at least one voting member from both the Council and the Clinical Commissioning Group must be in attendance. Should the quorum not be secured the meeting will not take place.
- 11.3 If, after 15 minutes from the advertised time of the start of the meeting, or such other longer period as the Chair may decide, a quorum is not present, the meeting will not take place. Nor will there be an informal meeting. The Chair may announce the time and date that the meeting will be convened.
- 11.4 During any meeting, if the Chair counts the number present and declares there is not a quorum present, then the meeting will adjourn immediately. Remaining business will be considered at a time and date fixed by the Chair. If he/she does not fix a date, the remaining business will be considered at the next ordinary meeting of the Board.

## **12. Duration of Meetings**

### **12.1 Commencement and Closure**

Meetings of the Board will commence at 3.00 pm and close at 5.00 pm unless it resolves to extend the meeting beyond that time.

### **12.2 Determining Business Upon Closure**

12.3.1 At the time of closure the Chair will advise the Board that:

12.3.1.1 any speech commenced and then in progress shall be concluded;

12.3.1.2 the Chair will put any motion or recommendation then under consideration to the vote without further discussion;

12.3.1.3 any remaining business before the Board shall be put to the vote without discussion or further amendment.

## **13. Petitions**

### **13.1 Presentation of Petitions**

13.1.1 Petitions relating to a function of the Board shall be presented to the appropriate meeting of the Board. If the petitioners request that the petition be presented at a meeting of the Board this can be done in the following ways:

13.1.1.1 a representative of the petitioners may attend, at the time stated for the start of the Board meeting, and request to read the petition to the meeting;

13.1.1.2 the petitioners may approach a Member of the Board and ask them to read the petition on their behalf;

13.1.1.3 the petitioners may send the petition to the Monitoring Officer who will arrange for the Chair to read the petition.

13.1.2 The person presenting the petition may only read the terms of the petition and may not make any further comments. That person will have one minute to read the terms of the petition unless the Chair determines that this time limit should be extended or reduced.

### **Deputations**

13.2 The Board may receive a deputation on any matter appearing on the relevant agenda.

13.3 Requests for deputations must be in writing and supported by the signatures of at least 10 residents or representatives of local organisations or businesses in Harrow. The signatories must clearly state their names and addresses/qualifying business address. The request must explain why a deputation is required.

13.4 The request must be given to the Monitoring Officer at least two clear working days before the day of the meeting, although the Board can waive this requirement on the grounds of urgency.

13.5 The deputation to the meeting must consist of not more than four people. Those persons nominated to speak should also be signatories to the original

written request to make a deputation. All may speak but the total length of the speeches from the deputation must not exceed 10 minutes.

- 13.6 The time allowed for questioning of the deputation by Members of the Board will be 10 minutes.
- 13.7 The deputation shall be heard immediately before the relevant item on the agenda. The Chair has complete discretion to move any items that are subject to a deputation on the agenda.
- 13.8 The Board shall receive no more than two deputations per meeting.
- 13.9 No deputation shall be received by the Board within 6 months after a deputation has appeared before it on the same or a similar subject.
- 13.10 Members of the Board and advisers (in that capacity) shall not be signatories to, lead or form part of any deputation.
- 13.11 Members of staff may lead or join deputations only in their capacity as local electors and on issues other than those affecting their employment with the Council or Clinical Commissioning Group.

## **14. Public Questions**

### **14.1 General**

14.1.1 Members of the public may question the Chair of the Board at meetings. Questioners will not be allowed to address the Board generally on a matter, they may only ask questions relating to matters within the terms of reference of the Board. Questions relating to individual cases and/or matters relating to staffing and conditions of service will not be permitted.

### **14.2 Time Limit for Questions**

14.2.1 There will be a total limit of 15 minutes for the asking and answering of public questions. Once this time limit has been reached, no further questions can be asked but a questioner can complete a question or a supplemental question and the respondent can complete a reply. Unless the Chair permits otherwise, a reply to a question shall not exceed three minutes. If the Board member answering believes that a longer response is

necessary an oral summary will be given and a full reply shall be completed in writing.

### **14.3 Order and Notice of Questions**

- 14.3.1 Questions will be asked in the order notice of them was received, except that the Chair may group together similar questions.
- 14.3.2 A question may only be asked if notice has been given in writing, by fax or by electronic mail to the Monitoring Officer at [publicquestions@harrow.gov.uk](mailto:publicquestions@harrow.gov.uk) no later than 3.00 pm two clear working days before the day of the meeting. Each question must be submitted by the questioner, identifying their name, address, and where appropriate email address, and state that the question is to the Chair of the Board.
- 14.3.3 Without prejudicing 14.3.2 above, where a report is circulated after the normal Board despatch by supplemental agenda a question may be asked, if notice has been given in writing, by fax or by electronic mail to the Monitoring Officer at [publicquestions@harrow.gov.uk](mailto:publicquestions@harrow.gov.uk) no later than 3.00 pm ONE clear working day before the day of the meeting. Each question must be emailed from the questioner's email address, give the name and address of the questioner and state that the question is to the Chair of the Board.
- 14.3.4 The Chair of the Board may arrange for another Member of the Board to answer on his or her behalf.
- 14.3.5 The Council takes no responsibility for questions which are sent and fail to reach the correct e-mail address, postal address or fax number.

### **14.4 Number of Questions**

- 14.4.1 At any one meeting no person may submit more than one question. A questioner will be allowed to ask a supplementary question directly relating to the content of the answer given to the written question. The Chair may reject a supplemental question if it falls within any of the categories in paragraph 14.5 below.



## **14.5 Scope of Questions**

14.5.1 The Monitoring Officer may reject a written question if it:

14.5.1.1 would risk defamation of an individual or is frivolous or offensive; or

14.5.1.2 does not relate to a matter to which the Council has powers or duties; or

14.5.1.3 does not relate to a matter which affects the London Borough of Harrow; or

14.5.1.4 would require the disclosure of confidential or exempt information; or

14.5.1.5 is substantially the same as a question which has been put at any meeting of the Board in the last six months.

14.5.1.6 is within the invalid categories referred to at 14.1 above.

No invalid questions will be circulated.

## **14.6 Record of Public Questions**

14.6.1 The Monitoring Officer will make written questions available for public inspection and will immediately send a copy of the written question to the person to whom it is to be put. If a question is rejected, reasons for rejection will be given to the questioner by the Monitoring Officer.

14.6.2 Copies of all valid questions will be circulated to all Members of the Board and made available to the public at the meeting.

## **14.7 Asking the Question at the Meeting**

14.7.1 The Chair will invite the questioner to put the question and will respond to the question unless another Member has been nominated to answer on his or her behalf.

14.7.2 If a questioner, who has submitted a written question, is unable to be present, they may ask the Chair to put the question on their behalf.

14.7.3 The Chair may either:

14.7.3.1 ask the question on the questioner's behalf; or

14.7.3.2 indicate that a written reply will be given; or

14.7.3.3 decide, in the absence of the questioner, that the question will not be dealt with.

## 14.8 **Written Answers**

14.8.1 Any written question, which cannot be dealt with during public question time because of lack of time, will be dealt with by written answer. A copy of any written answer shall be given to the Monitoring Officer who will send it to the questioner and all Members of the Board.

## 14.9 **Reference of a Question to another Body**

14.9.1 Unless the Chair decides otherwise, no discussion will take place on any question, but any Member may propose that a matter raised by a question be referred to the appropriate body of Harrow Council or the Clinical Commissioning Group. Such a proposal will be voted on without discussion.

## 15. **Confidential Business**

15.1 All reports, other documents, information, discussions and proceedings of the Board which are marked Exempt under Schedule 12A of the Local Government Act 1972, or Confidential must be treated as such by all Members of the Board. Members of the public will not have access to these papers and discussions. Confidential or exempt items will be marked as such and the relevant part of Schedule 12A will be specified on the document. Confidential and/or exempt items will be discussed in 'Part II' of the Board meeting following a resolution to exclude the press and public.

## **16. Voting**

### **16.1 Majority**

16.1.1 Any matter will be decided by a simple majority of those Members of the Board voting and seated in the room at the time the question was put. Voting shall be by a show of hands.

### **16.2 Chair's Casting Vote**

16.2.1 If there is an equal number of 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.

### **16.3 Individual Recorded Vote and Explanation for Vote**

16.3.1 If, immediately before the vote is taken, any Member of the Board present at the meeting requests that his or her vote be recorded as voting for or against or not voting, it shall be so recorded in the minutes.

16.3.2 A recording of a vote or abstention in the minutes of the meeting shall be made without explanation save that in cases where it is necessary for the avoidance of ambiguity a brief note may be added at the Member's request explaining that Member of the Board's reason for voting or not voting.

### **16.4 Voting on Appointments**

16.4.1 If there are more than two people nominated for any position to be filled by the Board and of the votes given there is not a majority in favour of one person, the name of the person having the least numbers of votes shall be disregarded and a fresh vote shall be taken and so on until a majority of votes is given to one person.

## **17. Minutes**

### **17.1 Signing the Minutes of the Board**

17.1.1 The Chair will sign the minutes of the proceedings at the next meeting. The Chair will move that the minutes of the previous meeting be signed as a correct record. The only aspect of the minutes that may be discussed is their accuracy.

## **17.2 Minutes of Decisions of the Board**

17.2.1 Minutes of the Board shall be published on the Council's intranet and website.

## **18. Record of Attendance**

18.1 All Members of the Board present during the whole or part of a meeting must, before the conclusion of every meeting, sign their names in the attendance document provided.

## **19. Exclusion of the Public**

19.1 Members of the public and press may only be excluded either in accordance with the Access to Information Procedure Rules in Part 4G of the Constitution of London Borough of Harrow or under Rule 24 of Part 4B of the Constitution (Disturbance by the Public).

## **20. Members' Conduct**

### **20.1 Precedence of Chair**

20.1.1 When the Chair speaks during a debate, any Member of the Board speaking at the time must stop speaking. The meeting must be silent.

### **20.2 Member not to be heard further**

20.2.1 If a Member of the Board persistently disregards the ruling of the Chair by behaving improperly or offensively or deliberately obstructs business, the Chair may move that the Member be not heard further during the consideration of that item of business. If seconded, the motion will be voted on without discussion.

### **20.3 Member of the Board to leave the Meeting**

20.3.1 If the Member of the Board continues to behave improperly after such a motion is carried, the Chair may move that either the Member leave the meeting or that the meeting is adjourned for a specified period. If seconded, the motion will be voted on without discussion.

## **20.4 General Disturbance**

20.4.1 If there is a general disturbance, making business impossible, the Chair may adjourn the meeting for as long as he/she thinks necessary.

## **21. Disturbance by the Public**

### **21.1 Removal of Member of the Public**

21.1.1 If a member of the public interrupts proceedings, the Chair will warn the person concerned. If they continue to interrupt, the Chair will order their removal from the meeting room.

### **21.2 Clearance of Part of a Meeting Room**

21.2.1 If there is a general disturbance in any part of the meeting room open to the public, the Chair may call for that part to be cleared.

### **21.3 Adjournment**

21.3.1 Following an order by the Chair for one or more members of the public to leave the meeting room, if he/she deems it necessary in the interests of public safety and for the safety of Members and officers present, the Chair may adjourn the meeting for as long as he/she thinks necessary.

21.3.2 If it is considered expedient so to do, the Chair with the agreement of the Members of the Board present may adjourn the meeting for such duration as is considered appropriate.

## **22. Suspension and Amendment of Board Procedure Rules**

### **22.1 Suspension**

22.1.1 All of these Board Procedure Rules except the Rules on Reserving (2), Individual Recorded Vote and Explanation for Vote (16.3), Exclusion of the Public (21), Suspension and amendment of Board Procedure Rules (22), may be suspended by motion on notice or without notice if at least one half of all members of the Board are present and where such a motion is carried by a majority of those present. Suspension may be for one or more items of business

during the course of the meeting when the suspension is agreed but may not extend beyond that meeting.

## **22.2 Amendment**

22.2.1 The Board Procedure Rules may only be changed by the Council.

## **23. Ruling of the Chair on Interpretation of these Rules**

23.1 The Chair's ruling on the interpretation or application of any of the Board Procedure Rules is final.