

Central Bedfordshire
Council
Priory House
Monks Walk
Chicksands,
Shefford SG17 5TQ



please ask for Leslie Manning
direct line 0300 300 5132
date 22 November 2012

NOTICE OF MEETING

GENERAL PURPOSES COMMITTEE

Date & Time

Thursday, 6 December 2012 9.30 a.m.

Venue at

Room 15, Priory House, Monks Walk, Shefford

Richard Carr
Chief Executive

To: The Chairman and Members of the GENERAL PURPOSES COMMITTEE:

Clrs P Hollick (Chairman), R C Stay (Vice-Chairman), P N Aldis,
J G Jamieson, M R Jones, D J Lawrence, Mrs J G Lawrence, K C Matthews,
J Murray, B Saunders and N Warren

[Named Substitutes:

D Bowater, Mrs C F Chapman MBE, R W Johnstone, D Jones, A Shadbolt,
M A Smith and J N Young]

All other Members of the Council - on request

**MEMBERS OF THE PRESS AND PUBLIC ARE WELCOME TO ATTEND THIS
MEETING**

AGENDA

1. **Apologies for Absence**

Apologies for absence and notification of substitute Members.

2. **Minutes**

To approve as a correct record the minutes of the meeting of the General Purposes Committee held on 13 November 2012 (copy attached).

3. **Members' Interests**

To receive from Members any declarations of interest.

4. **Chairman's Announcements and Communications**

To receive any announcements from the Chairman and any matters of communication.

5. **Petitions**

To receive petitions from members of the public in accordance with the Public Participation Procedure as set out in Annex 2 of Part A4 of the Constitution.

6. **Questions, Statements or Deputations**

To receive any questions, statements or deputations from members of the public in accordance with the Public Participation Procedure as set out in Annex 1 of Part A4 of the Constitution.

Reports

Item	Subject	Page Nos.
7	Pay Policy Statement 2013/14 To consider the proposed Pay Policy Statement for 2013/14.	+ To Follow
8	Changes to Council's Constitution to Reflect Planning Reform To consider proposed amendments to the Constitution relating to development planning in order to reflect legislative changes.	* 11 - 18

To consider proposed changes to the Constitution to accommodate the transfer of public health functions to the Council.

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CENTRAL BEDFORDSHIRE COUNCIL

At a meeting of the **GENERAL PURPOSES COMMITTEE** held at Leader's Meeting Room, Ground West, Priory House, Monks Walk, Shefford on Tuesday, 13 November 2012

PRESENT

Cllr P Hollick (Chairman)
Cllr R C Stay (Vice-Chairman)

Cllrs P N Aldis
J G Jamieson
M R Jones
D J Lawrence

Cllrs Mrs J G Lawrence
J Murray
B Saunders
N Warren

Apologies for Absence: Cllrs Mrs G Clarke
K C Matthews

Substitutes: Cllrs Mrs C F Chapman MBE (In place of K C Matthews)
A Shadbolt (In place of Cllr Mrs G Clarke)

Members in Attendance: Cllr D Bowater

Officers in Attendance: Ms D Clarke – Interim Assistant Chief Executive
(People & Organisation)
Mr B Dunleavy – Democratic Services Manager
Mr L Manning – Committee Services Officer

GPC/12/18 **Minutes**

RESOLVED

that the minutes of the meeting of the General Purposes Committee held on 2 August 2012 be confirmed and signed by the Chairman as a correct record.

GPC/12/19 **Members' Interests**

None.

GPC/12/20 **Chairman's Announcements and Communications**

None.

GPC/12/21 **Petitions**

No petitions were received from members of the public in accordance with the Public Participation Procedure as set out in Annex 2 of Part A4 of the Constitution.

GPC/12/22 **Questions, Statements or Deputations**

No questions, statements or deputations were received from members of the public in accordance with the Public Participation Procedure as set out in Annex 1 of Part A4 of the Constitution.

GPC/12/23 **The 2013 Review of Parliamentary Constituencies - Eastern Region**

The Committee considered a report by the Head of Legal and Democratic Services which set out the Boundary Commission for England's revised proposals for the Parliamentary constituencies falling within the Bedfordshire and Hertfordshire Sub-Region of the Eastern Region and affecting Central Bedfordshire.

Members were aware that since the publication of the initial proposals in September 2011 there had been two consultation exercises. It was noted that, as a result of the evidence presented, the Boundary Commission had decided to amend its initial proposals and permit an additional eight week period of consultation. There would, however, be no further public hearings and no opportunity to comment on the representations of others.

The meeting of the General Purposes Committee had been called to consider the Boundary Commission's revised proposals and make recommendations to the next meeting of Council on 29 November 2012; the closing date for representations to the Boundary Commission being 10 December 2012. It was further noted that the Boundary Commission would make its final recommendations to the Government by no later than October 2013. The Government would, in turn, present draft legislation to Parliament and the approved changes would be implemented in time for the next general election, currently scheduled to be held in May 2015.

The meeting was aware that that the Boundary Commission's review was being undertaken within certain parameters that had been laid down by Parliament. These included:

- A significant reduction in the number of constituencies in England with those in the Eastern Region being reduced by two to 56;
- A requirement that every constituency, apart from two specified exceptions, must have an electorate no smaller than 72,810 and no larger than 80,473;
- The use of electorate figures that were in the version of the electoral register published on the "review date". The "review date" was defined

as the date two years and ten months before the review was required to report to the Government. For the current, 2013, review this meant the use of electoral registers published on or before 1 December 2010 and that the former Bedfordshire County Council divisions were the building blocks of the proposed constituencies rather than the current wards.

Discussion took place on possible further representations to the Boundary Commission's revised proposals.

A Member referred to the proposed North Bedfordshire constituency which would ring the town and constituency of Bedford. As an alternative to this he suggested that a Bedford North constituency and a Bedford South constituency be introduced along a roughly east-west split based on the river Ouse. Bedford North would take in that part of the town of Bedford and other communities north of the river Ouse whilst Bedford South would take in that part of the town, Kempston and those communities to the south of the river Ouse. He stated that this would create two balanced communities with a blend of urban and rural. Although some concern was expressed during discussion regarding the political advantage (or disadvantage) that could arise for political parties as a result, another Member commented that the suggested amendment was to the benefit of neighbouring local communities. The Committee as a whole expressed support for the proposal subject to it complying with the relevant legislation.

A Member suggested a possible transfer of the proposed South East Bedfordshire division, which included Caddington and Slip End, from the proposed Mid Bedfordshire and Harpenden constituency to the proposed South West Bedfordshire constituency. In response the Democratic Services Manager explained that, to compensate for the increase in the number of electors in South West Bedfordshire arising from the transfer of the South East Bedfordshire division, there would need to be a corresponding reduction in the number of electors through the transfer of a similarly sized and neighbouring electoral division from South West Bedfordshire to Mid Bedfordshire and Harpenden. He stated that, for example, whilst the Flitwick East division was of a suitable size, and could be transferred across from South West Bedfordshire to Mid Bedfordshire and Harpenden, it would result in the splitting of the town. Alternatively, whilst the Toddington division could be transferred from South West Bedfordshire to Mid Bedfordshire and Harpenden, its electoral roll exceeded that of South East Bedfordshire. Following discussion the Member acknowledged that a possible transfer of the proposed South East Bedfordshire division could not take place.

The Committee next considered the linking of Dunstable with some Luton divisions to form the proposed Luton North and Dunstable constituency. Members noted that, in determining its revised proposals, the Boundary Commission had specifically highlighted the fact that Luton was the largest town in the Sub-Region and that its electorate was too large for one constituency and too small for two. Any solution for Luton would, therefore, have a significant impact on surrounding constituencies and needed to be dealt with first. In order to meet the statutory requirement for the size of the constituency electorate, and despite earlier representations by the Council, the Boundary Commission had remained committed to its initial proposal which

would see, for electoral purposes, Dunstable joined with the existing North Luton constituency. In support of this measure the Boundary Commission had referred to the continuous urban development between Luton and Dunstable. The Council's suggested alternative of joining Harpenden with Luton had been rejected, the Boundary Commission referring to the open parkland between the two towns. Whilst remaining dissatisfied with this outcome the Committee felt that, given the Boundary Commission's stance and the numerical constraints imposed on the size of the constituencies, there was no alternative arrangement that could be proposed and that any further request for revision was likely to be counter-productive.

For the remainder of the proposals affecting Central Bedfordshire the Boundary Commission had been persuaded, in the main, by two members of the public. Their representations had, however, addressed many of the concerns raised by the Council and others as they minimised the number of cross-county boundary constituencies. Further, the Central Bedfordshire electorate would continue to be served by four MPs rather than the originally proposed six. As a result the Committee felt that some positive gains had been made.

In conclusion the Democratic Services Manager advised the meeting that, under the terms of the Local Government and Public Health Act 2007, it was his intention to undertake a governance review during 2013 to examine any electoral issues and anomalies within Central Bedfordshire.

RESOLVED

that the Democratic Services Manager undertake an analysis of the electoral impact of the proposed creation of the Bedford North and Bedford South constituencies, as set out in the preamble above, to ensure that the creation of these constituencies would comply with all statutory requirements.

RECOMMENDED TO COUNCIL

that whilst the General Purposes Committee notes the revised proposals for the new Parliamentary constituency boundaries in England it makes the following observations which the Committee wishes the Council to forward to the Boundary Commission for England:

- a) **the Committee remains fully supportive of the proposal put forward by the Leader of the Council in the first consultation to retain the wards in Dunstable in the Parliamentary constituency of South West Bedfordshire. It therefore regrets the outcome of the proposed revised boundary changes, as such affect the town of Dunstable to be joined with the present constituency of Luton North, for the following reasons:**
 - **Dunstable is a market town with its traditions and customs and Luton is an aspiring city with a very different set of traditions and customs;**

- **A market town has more in common with the rural areas of South West Bedfordshire than with Luton. A continuous urban area is itself not a valid argument for joining two disparate communities;**
 - **There is minimal support from the constituents of Dunstable to join with Luton North;**
- b) **the Committee welcomes the revised proposals in that the administrative area of Central Bedfordshire will be served by four Members of Parliament and not six as was originally proposed by the Boundary Commission for England, that there is only one cross-county boundary constituency and that the constituency of Mid Bedfordshire has been retained;**
- c) **the Committee supports the introduction of a Bedford North constituency and a Bedford South constituency to replace the proposed North Bedfordshire and Bedford Parliamentary constituencies (Bedford North taking in that part of the town of Bedford and other communities north of the river Ouse whilst Bedford South would take in that part of Bedford, Kempston and those communities to the south of the river Ouse) subject to the outcome of an analysis of the electoral impact of the two constituencies by the Democratic Services Manager which confirms that their creation would comply with all statutory requirements.**

(Note: The meeting commenced at 5.00 p.m. and concluded at 5.57 p.m.)

Chairman

Dated

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Meeting: General Purposes Committee
Date: 6 December 2012
Subject: Changes to Council's Constitution to reflect Planning Reform
Report of: Gary Alderson, Director of Sustainable Communities
Summary: The report proposes amendments to the Constitution relating to development planning following changes to legislation.

Advising Officer: Gary Alderson, Director of Sustainable Communities
Contact Officer: Sally Chapman, Development Plans Process Team Leader
Public/Exempt: Public
Wards Affected: All
Function of: Council

CORPORATE IMPLICATIONS

Council Priorities:

The changes to the constitution relate to the development plan process which fulfils the following Council priorities

- Enhancing Central Bedfordshire – creating jobs, managing growth, protecting our countryside and enabling businesses to grow.
- Better infrastructure – improved roads, broadband reach and transport.
- Great universal services – bins, leisure and libraries.

Financial:

1. None

Legal:

2. The proposals contained in this report comply with the requirements in relation to development planning contained in the Localism Act 2011, the Town and Country planning (Local Planning) England) Regulations 2012 and the Neighbourhood planning (General) Regulations 2012.

Risk Management:

3. Not applicable

Staffing (including Trades Unions):

4. Not Applicable.

Equalities/Human Rights:

5. Public Authorities must ensure that decisions are made in a way which minimises unfairness and without a disproportionately negative effect on people from different ethnic groups, disabled people, women and men. It is important that Councillors are aware of this duty before they take a decision. When decisions are made, decision makers must have the relevant data, including the results of equality impact assessment, and of consultation and involvement, to ensure they reach an informed decision.

Public Health

6. Not applicable

Community Safety:

7. Not Applicable.

Sustainability:

8. Not Applicable.

Procurement:

9. Not applicable.

Overview and Scrutiny:

10. This matter has not been considered by Overview and Scrutiny.

RECOMMENDATION:

The Committee is asked to recommend to Council that they agree changes to the Council's constitution to reflect the changes to development planning process requirements.

Background

11. The Localism Act 2011 introduced a number of reforms to planning, including changes to the development planning system, previously known as the Local Development Framework and introduced the new tier of development planning at local level, Neighbourhood Planning, which in Central Bedfordshire will be carried out by Town and Parish Councils.

Local Planning

12. The previously named 'Local Development Framework' consisted of a series of documents which could be produced according to individual timescales. One of the documents was a 'Core Strategy' which set the strategic direction for development in the area. Other documents could be produced at the discretion of each local planning authority, which had to 'flow' from the Core Strategy. For Central Bedfordshire, these included the Site Allocations Development Plan Document and supplementary planning documents such as Design in Central Bedfordshire – A Guide for Development'
13. The Localism Act replaces these with a 'local plan' and the Town and Country Planning (Local Planning) (England) Regulations 2012 sets out the processes governing the production of the different types of planning document including local plans, local development documents and supplementary planning documents. The Local Plan can consist of more than one document, but there is no differentiation between them, i.e. a 'Core Strategy' does not have to be produced first. The status of 'local plans' is that once adopted, they become part of the 'development plan' which means that they are used to determine planning applications.
14. Currently, officers are producing the Central Bedfordshire Development Strategy (which is a Local Plan) and the Gypsy and Traveller Local Plan.
15. Other planning documents being produced which are not 'local plans' include the refresh of 'Design in Central Bedfordshire – A Guide for Development' which will be a supplementary planning document. There may also be documents which can be adopted by Executive as 'technical guidance' which do not have the formal status of supplementary planning documents, but can be a consideration in the determination of planning applications. Examples of this type of document include the recently adopted Houghton Regis North Framework Plan.
16. In addition there may be technical background documents which either inform the production of local plans/ other documents or help determine planning applications which may need to be subjected to public consultation during draft stages. Examples of this type of document include the Mid Bedfordshire Landscape Character Assessment and the planned Environmental Enhancement Strategy.

Neighbourhood Planning

17. The Localism Act also introduced powers for Town and Parish Councils in Central Bedfordshire to become involved in neighbourhood planning if they wish to do so. The benefits of neighbourhood planning is that it can help communities play a greater role in shaping the future of their area and can help locally specific planning issues to be addressed, giving greater detail compared to those within the Development Strategy.

18. Neighbourhood planning includes Neighbourhood Plans and Neighbourhood Development Orders. These documents set out policies on the development and use of land and buildings in the parish or neighbourhood area. A Neighbourhood Plan is a document which will set out local policies and allocations, and a Neighbourhood Development Order deals with a specific planning proposal on a specific site, or grants planning permission for a type of development such as change of use.
19. A Community Right to Build Order is a specific type of Neighbourhood Development Order allowing a local community group to bring forward a small development. This new development could include proposals for new homes, business premises and community facilities, but it must be small scale in comparison to the size of the settlement. The process for preparing and adopting a Community Right to Build Order is broadly the same as that for a Neighbourhood Development Order.
20. Once adopted, a Neighbourhood Plan will become part of the development plan, meaning that their policies will be used to determine planning applications alongside the local plan documents. A Neighbourhood Development Order effectively grants planning permission for the specific development or type of development.
21. The statutory processes associated with neighbourhood planning are set out in The Neighbourhood Planning (General) Regulations 2012. The first step for a town or parish council is to designate their Neighbourhood Area. Members will recall that the processes associated with neighbourhood planning were set out and approved by Executive on the 2nd October 2012.

Changes to the Constitution

22. Given the changes to the development plan system in these two areas, amendments will be required to the Council's Constitution. A 'tracked change' version of the relevant pages are attached at Appendix A.

Appendices:

Appendix A – Extract from Constitution

Background Papers: None

Extract from Constitution

Part B2/Page 1

1 Policy Framework: Definition

- 1.1 The policy framework means the following plans, policies and strategies and such others as may be added by the Council. (Note: all other plans policies and strategies shall be the responsibility of the Executive)
- 1.1.1 Crime and Disorder Reduction Strategy
 - 1.1.2 Local Transport Plan
 - 1.1.3 Plans with ~~Development Plan Document~~ Local Plan status which ~~together comprise the Local Development Framework~~ includes the Development Strategy and the Waste and Minerals Local Plans ~~Development Framework~~
 - 1.1.4 Sustainable Community Strategy
 - 1.1.5 Statement of Licensing Policy under Section 5 of the Licensing Act 2003
 - 1.1.6 Statement of Licensing Authority Policy under Section 349 of the Gambling Act 2005
 - 1.1.7 Corporate Strategic Plan / Medium Term Plan
 - 1.1.8 Older People's Strategy
 - 1.1.9 Housing Strategy
 - 1.1.10 Climate Change Strategy
 - 1.1.11 Equality and Diversity Strategy
 - 1.1.12 Joint Economic Development Strategy for Bedfordshire
- 1.2 The title of the plans, policies and strategies described above may, from time to time, be varied. Notwithstanding any change in title, these plans, policies and strategies will be deemed to remain part of the policy framework until expressly removed by the Council.

Part D1 Page2

<p>Sustainable Communities Overview and Scrutiny Committee</p>	<p>Policy development and review and scrutiny of sustainable communities issues including strategic planning, <u>neighbourhood planning</u>, housing strategy, transportation and infrastructure; economic growth, regeneration and tourism; development control and building control; highways and parking; waste and recycling; community safety including public protection, trading standards, emergency planning and licensing; leisure, culture and libraries; and adult and community learning; and any other matters that fall within the remit of the Directorate. To</p>
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	exercise the functions of the crime and disorder committee in pursuance of Section 19 of the Police and Justice Act 2006, as amended by Section 126 of the Local Government and Public Involvement in Health Act 2007.
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Part H3 - Scheme of delegation by the Council

Page 38-39 Planning and Development Strategy

Paragraph Number			Notes
4.4.62	To conduct surveys under Section 13 of the Planning and Compulsory Purchase Act 2004.	In consultation with the relevant Executive Member	
4.4.63	To prepare and approve Local Development Framework <u>development planning</u> documents (including Development Plan Documents <u>local plans</u> , technical documents, background papers and the Sustainability Appraisal/Strategic Environmental Assessment) for the purposes of public consultation and to vary such documents in the light of the outcome of public consultation.	In consultation with the relevant Executive Member	<i>Changes to reflect Town and Country Planning (Local Planning)(England) Regulations 2012</i>
4.4.64	To vary Local Development Framework <u>development planning</u> documents in the light of technical advice.	In consultation with the relevant Executive Member	<i>Changes to reflect Town and Country Planning (Local Planning)(England) Regulations 2012</i>
4.4.65	To make minor inconsequential changes to all <u>development planning</u> Local Development Framework documents which do not affect the substance or meaning of those documents.	In consultation with the relevant Executive Member	<i>Changes to reflect Town and Country Planning (Local Planning)(England) Regulations 2012</i>

4.4.66	To carry out the strategic functions of the Council as Planning Authority, including such functions as are from time to time delegated to it by the Regional Planning Body.	None	<i>Regional planning authorities are no longer in existence</i>
4.4.67	To respond to the development plans local development <u>documents</u> of regional and local planning authorities outside the authority.	None	<i>Regional planning authorities are no longer in existence</i>
4.4.68	To agree the text of draft supplementary planning <u>documents and technical</u> guidance, including planning and development briefs <u>and frameworks</u> , for the purpose of public consultation.	Following consultation with the relevant Executive Member and relevant ward members (where site specific briefs produced).	<i>Changes for clarity</i>
4.4.68.1	To prepare the Authority's Monitoring Report for the purposes of consultation ; <u>publication</u>	In consultation with the relevant Executive Member	<i>Changes to reflect Town and Country Planning (Local Planning)(England) Regulations 2012 Part 8</i>
4.4.68.2	To amend the draft Report as appropriate following the consultation; and	In consultation with the relevant Executive Member	
4.4.68.3	To approve the final Report for formal submission to the Secretary of State	In consultation with the relevant Executive Member	
<u>4.4.68.2</u>	<u>To designate Neighbourhood Planning Areas for the preparation of Neighbourhood Plans and Orders.</u>	<u>In consultation with the relevant Executive Member</u>	<i>Changes to reflect Neighbourhood Planning (General) Regulations 2012</i>

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Meeting: General Purposes Committee
Date: 06 December 2012
Subject: Transfer of Public Health Functions to the Council
Report of: Head of Legal and Democratic Services
Summary: The report proposes changes that need to be made to the Council's Constitution to accommodate the transfer of public health functions to the Council.

Advising Officer: Head of Legal and Democratic Services
Contact Officer: John Atkinson
Public/Exempt: Public
Wards Affected: All
Function of: Council

CORPORATE IMPLICATIONS

Council Priorities:

The transfer of public health functions will support the following priority:

- Promote health and wellbeing and protecting the vulnerable.

Financial:

1. The proposed changes to the Constitution have no financial implications, although there are clearly financial implications arising from the transfer of public health functions to the Council.

Legal:

2. It is important to amend the Constitution so that there is clarity about the Council's new responsibilities which will apply from 1 April 2013.
3. The General Purposes Committee has oversight of the Council's constitution and may, depending on the nature of the proposed change, either submit a recommendation to Council or approve any changes that may be required on the advice of the Monitoring Officer. In this instance, the report includes recommendations to Council authorising the Monitoring Officer to amend the Constitution as necessary to take account of the Council's new responsibilities..

Risk Management:

4. Not applicable

Staffing (including Trades Unions):

5. Not Applicable.

Equalities/Human Rights:

6. To ensure that any decision does not unfairly discriminate, public authorities must be rigorous in reporting to Members the outcome of an equality impact assessment and the legal duties.
7. Public Authorities must ensure that decisions are made in a way which minimises unfairness, and without a disproportionately negative effect on people from different ethnic groups, disabled people, women and men. It is important that Councillors are aware of this duty before they take a decision.
8. The proposed changes to the Constitution will have no direct equality implications for the Council.

Public Health

9. These are described in the text of the report.

Community Safety:

10. Not Applicable.

Sustainability:

11. Not Applicable.

Procurement:

12. Not applicable.

RECOMMENDATION(S):

The Committee is asked to:

1. **Note the changes that will be required to the Council's constitution as a consequence of the transfer of public health functions to the Council under the Health and Social Care Act 2012 and to submit the following recommendations to Council:**
2. **That the Monitoring Officer be authorised:**
 - (a) **to make the changes to the Constitution outlined in this report taking into account any regulations made by the Secretary of State under the Act;**
 - (b) **to make any further changes to the Constitution that may become necessary in the light of developments that arise before the transfer of public health functions takes effect on 1 April 2013, following consultation with the Chairman of the General Purposes Committee.**

The Health and Social Care Act 2012

13. The Health and Social Care Act 2012 (the Act) transfers certain public health functions from the Secretary of State to local authorities. These changes will take effect on 1 April 2012. This report considers the changes that will be required to the Council's Constitution to accommodate the Council's new responsibility for public health and seeks authority to make the necessary amendments to the Constitution.

The Public Health Functions

14. When the Act comes into force in April 2013 the Council will have a general duty to take appropriate steps to improve the health of people resident in Central Bedfordshire. A key aspect of this will be the preparation of an assessment of relevant needs and a joint health and wellbeing strategy. The Health and Wellbeing Board (referred to below) is responsible for undertaking the needs assessment and the preparation of the health and wellbeing strategy on the Council's behalf.
15. In addition to the strategic responsibilities outlined above, the Act transfers a number of specific functions from the NHS to local authorities including: public health services relating to dental and mental health, medical inspection and treatment of pupils in schools and joint working with the Prison Service. The Secretary of State has power to make regulations to transfer additional functions to local authorities.

The Director of Public Health

16. The Council acting with the Secretary of State is required to appoint a Director of Public Health. Changes will therefore need to be made to Part H of the Constitution to make provision for the fact that the Director of Public Health will be a statutory chief officer with prescribed responsibilities which will be specified in Part H3. Part H contains a list of the various proper officer appointments and this list will require amendment to include any proper officer functions allocated to the Director of Public Health.
17. The Director of Public Health must be appointed jointly by the Council and the Secretary of State and these arrangements will need to be included in the Officer Employment Procedure Rule in Part H4 of the Constitution.

The Health and Wellbeing Board

18. The Act requires the Council to establish a Health and Wellbeing Board (HWB). Central Bedfordshire established a shadow HWB in May 2012 and the shadow HWB has met on a number of occasions since then.

19. It is anticipated that the statutory requirement to establish an HWB will come into effect from 1 April 2013. The Act provides that the HWB will be an ordinary committee of the Council appointed under section 102 of the Local Government Act 1972. However, in a number of respects the provisions covering HWBs set out in the Health and Social Care Act 2012 are incompatible with the law regulating local authority committees set out in the local Government Act 1972 and later local government legislation.
20. The Government plans to make regulations to modify the local government legislation to allow HWBs to function as envisaged in the Health and Social Care Act 2012. The Department of Health has indicated that these regulations will be made in January 2013 and will come into force on 1 April 2013.
21. Appendix A contains some draft terms of reference for the HWB based on the relevant provisions in the Health and Social Care Act. These may need to be amended in due course to take into account the regulations referred to above. The terms of reference will be inserted in Part E2 of the Constitution.
22. In certain respects the Committee Procedure Rules contained in Part E3 may need to be amended to ensure that business of the HWB is conducted in accordance with the regulations. Amendments are likely to be needed to cover the following matters: the appointment of sub-committees, voting arrangements and the rules regarding political balance.

Conclusion and Next Steps

23. It is important for changes to be made to the Council's constitution to allow for the transfer of the functions and responsibilities outlined above with effect from 1 April 2013.

Appendices:

Appendix A – Draft Terms of Reference for the Health and Wellbeing Board

Background Papers: (open to public inspection)

E2 COMMITTEE TERMS OF REFERENCE

X. The Health and Wellbeing Board

Appointed by:	The Council under Section 194 of the Health and Social Care Act 2012
No of Members:	At least 1 member of the Council and others prescribed in section 194 of the Act.
Chairman and Vice-Chairman appointed by:	The Council
Quorum	At least 50% of the membership of the Board
Frequency	Quarterly or as determined necessary by the Board
Venue	Priory House or as otherwise agreed by the Board
Co-opted Members	The Board may co-opt additional persons to be members of the Board as it thinks appropriate
Code:	Health and Social Care Act 2012

1.0 Terms of Reference

1.1 Statement of Purpose

The Health and Wellbeing Board exists to provides strategic leadership and to promote integration across health, adult social care, children’s services, safeguarding and the wider local authority to secure high quality and equitable health and wellbeing outcomes for the population of Central Bedfordshire

1.2 The Board has the following functions:

For the purpose of advancing the health and wellbeing of the people in its area, the Board must encourage persons who arrange the provision of any health or social services in that area to work in an integrated manner;

The Board must provide such advice, assistance or other support as it thinks appropriate for the purpose of encouraging the making of arrangements under section 75 of the national Health Service Act 2006;

The Board may encourage persons who arrange for the provision of any health-related services in its area to work closely with the Board;

The Board may encourage persons who arrange for the provision of any health or social services in its area and persons who arrange for the provision of any health-related services in its area to work together;

The Board shall exercise the functions of the Council and its partner commissioning groups under sections 116 (the preparation of a joint strategic needs assessment of relevant needs) and 116A (the preparation of a joint health and wellbeing strategy) of the Local Government and Public Involvement in Health Act 2007;

The Board shall ensure a joint strategic approach to commissioning and that commissioning decisions reflect local priorities and targets and deliver national and locally agreed outcomes;

The Board will seek to improve democratic accountability for the delivery of health care and health improvement outcomes for Central Bedfordshire residents;

The Board will seek to secure a strengthened patient voice through greater patient involvement and will ensure that health and social services are responsive to the needs of the local population;

The Board will maintain an overview of major service redesign impacting on Central Bedfordshire residents and make recommendations to enable improved and integrated care delivery;

The Board will have oversight of the health and care economy in Central Bedfordshire.

2.0 Membership

2.1 Core statutory membership

The Health and Social Care Act 2012 prescribes the core statutory membership of the Board as follows:

The Leader of the Council and/or a Member of the Council nominated by the Leader;
The Council's Director of Adult Social Services;
The Council's Director of Children's Services;
The Council's Director of Public Health;
A representative of the Local Healthwatch organisation for the area;
A representative of each relevant clinical commissioning group.

2.2 Other Members

The Health and Wellbeing Board may appoint such additional persons to be members of the Board as it thinks appropriate.

3.0 Limitation of Powers

Save as provided by statute or in respect of functions specifically reserved to the Council, the Board has full delegated power to exercise the functions listed in section 1.2 above on behalf of the Council.

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