

Audit and Governance Committee

11 April 2022

Meeting Arrangements and the Health and Wellbeing Board

For Recommendation to Council

Portfolio Holder: Cllr S Flower, Leader of the Council

Local Councillor(s): All Councillors

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Report Status: Public

Brief Summary:

In April 2020, as part of the response to the coronavirus pandemic, the Government made regulations ([the Flexibility Regulations](#)) to enable local authorities to meet remotely.

The Flexibility Regulations expired on 6 May 2021 and were not capable of being extended due to a “sunset clause” contained in the Coronavirus Act 2020 under the provisions of which the Flexibility Regulations had been made. The Government has consulted on the introduction of new legislation to give authorities the flexibility to choose whether to meet remotely but there has been no indication when or if any change will be introduced.

In April 2021 the High Court confirmed that without a change in legislation, there is no legal basis for authorities to hold formal, remote meetings at which members make decision. Instead formal decision-making meetings must take place in person, with members physically present in the same room.

Between May 2021 when the Flexibility Regulations expired and Full Council on 15 February 2022 the Council’s meetings took place informally online. Members

did not make decisions and instead, where a decision was needed, an officer made the decision after having consulted members through the informal meeting.

Following the lifting of all Covid restrictions the Council has made a welcome return to in person decision making meetings. However, the Pandemic has shown us that formal in person meetings do not suit all circumstances and all committees and that sometimes an informal online meeting can provide necessary flexibility. The Health and Wellbeing Board is an example of this.

The [Dorset Health and Wellbeing Board](#) was formed in 2012 by the Health and Social Care Act. It is a statutory forum in which key leaders from the health and care system work together to improve the health and wellbeing of the population. Although the formal legal status of the Board is that it is a committee of the council its membership includes a mix of elected members, council officers and representatives of partners. Unusually a change was made to the law to give officers voting rights on Health and Wellbeing Boards.

In Dorset the Board has a membership of 18, only 3 of whom are elected members. The remainder are council officers (4) representatives of NHS bodies (7) and other bodies (4). The diversity of membership makes it difficult for all members of the board to attend meetings in person. At the request of the Chair of the Health and Wellbeing Board this report recommends changes to the Constitution to enable the Board to continue to meet informally online so that this becomes its usual way of working.

The report also recommends a wider change to the Constitution to make it explicit that in exceptional circumstances the Chief Executive, after consulting the relevant committee chair, may convene informal online meetings of the Full Council, the Cabinet, a Committee or Sub-Committee. Whilst in a declared emergency the Chief Executive has wide ranging powers there may also be one off, exceptional circumstances warranting a move to an informal online meeting and the proposed delegation provides for this.

Recommendation:

That the Full Council should be asked to agree:

1. That the Health and Wellbeing Board should meet informally online as its usual way of doing business.
2. That as a matter of course and for the duration of their appointment the co-opted members of the Health and Wellbeing Board should be given a dispensation from attending meetings in person.
3. That delegated authority be given to the Director of Public Health, after consultation with the Health and Wellbeing Board at informal online meetings, to make all decisions within the terms of reference of the Board.
4. That the Chief Executive be given delegated authority:

- (a) In exceptional circumstances and after consultation with the relevant chair, to convene informal online meetings of the Full Council, the Cabinet or any committee or sub-committee.
- (b) After consulting members at informal online meetings to make any decision (save those that cannot by law be exercised by an officer) taking into account the views expressed by Members about the decision that they would have been minded to make had it been possible to hold a formal decision making meeting in person.

Reason for Recommendation:

The Health and Wellbeing Board is formally a committee of the Council but is different from ordinary committees in that its membership includes officers and representatives of partner bodies as well as councillors. The Board benefitted from online working during the Covid-19 pandemic resulting from the convenience of remote attendance. The Chair believes that the Board would work more efficiently and effectively if it was to continue to meet online. Recommendations 1, 2 and 3 provide for this.

The Chief Executive has wide ranging authority to act in an emergency. This power was exercised to enable councillors to continue to meet (informally) online after the lapse of the Coronavirus flexibility regulations. The proposed delegations in recommendation 4 would make explicit in the scheme of delegation the ability of the Chief Executive, in exceptional circumstances, to convene informal online meetings and for the Chief Executive to make decisions taking account of views expressed at those online meetings.

1. Financial Implications

Online meetings result in a reduced cost of travel.

2. Climate Implications

As with cost, climate impacts are reduced when there is no need to travel to meetings.

3. Well-being and Health Implications

The Health and Wellbeing Board plays a central role in improving the health and wellbeing of the population and recommendations in this report will make it easier for all members of the board to contribute to its work.

4. Other Implications

None.

5. Risk Assessment

5.1 **HAVING CONSIDERED:** the risks associated with this decision; the level of risk has been identified as:

Current Risk: Low

Residual Risk: Low

6. **Equalities Impact Assessment**

There are no equalities implications associated with this report.

7. **Appendices**

None

8. **Background Papers**

[The Local Authorities and Police and Crime Panels \(Coronavirus\) \(Flexibility of Local Authority and Police and Crime Panel Meetings\) \(England and Wales\) Regulations 2020](#)