

PART 2B

SCHEME OF DELEGATION TO COMMITTEES AND SUB-COMMITTEES

Contents

INTRODUCTION AND GENERAL DELEGATIONS 3

 A. Introduction..... 3

 B. General Delegated Powers 4

 C. General Advisory Powers 5

PART 2 B COMMITTEES – TERMS OF REFERENCE 6

AUDIT, STANDARDS & GENERAL PURPOSES COMMITTEE 6

 Explanatory Note..... 6

 General Audit and Standards Delegated Functions 6

 Delegated Audit Functions 7

 Delegated Standards Functions 8

 Members’ Allowances 9

 Non-Executive Functions 9

STANDARDS HEARING SUB-COMMITTEE 10

 Explanatory Note..... 10

 Delegated Functions 10

EMPLOYMENT SUB-COMMITTEE 11

 Explanatory Note..... 11

 Delegated functions..... 11

PLANNING COMMITTEE 13

 Explanatory Note..... 13

 Delegated functions..... 13

LICENSING COMMITTEE 14

 Explanatory Note..... 14

 Delegated Functions 14

 Referred Functions..... 15

LICENSING PANEL 16

 Explanatory Note..... 16

 Delegated functions..... 16

HEALTH AND WELLBEING BOARD 18

 Explanatory Note..... 18

 General..... 18

 Purpose 18

 Composition 18

 Quorum 19

 Chair and Deputy Chairs and Substitutes 19

Voting arrangements	20
Delegated Functions	20
Meeting arrangements	22
Annex to Health and Wellbeing Board Terms of Reference.....	23
Procedure Rules on Public Engagement at Health and Wellbeing Board.....	23
Petitions.....	23
Public Questions	24

Introduction and General Delegations

A. Introduction

- 1.1 This scheme of delegations sets out the functions of the Council discharged by the its Committees and Sub-Committees.
- 1.2 The functions delegated to Committees and Sub-Committees under this scheme are subject to the Council's Procedure Rules.
- 1.3 None of the Council's Committees have delegated powers to sign up to charters, alliances or pledges on behalf of the Council. All such requests must instead be referred to Full Council.
- 1.4 Where a function is delegated to a Committee, that Committee may delegate the function to its Sub-Committee(s) or an Officer and the Sub-Committee(s) may delegate the function to an Officer.
- 1.5 Where a function is delegated to more than one Committee or Sub-Committee, any one of those Committees or Sub-Committees may exercise the function.
- 1.6 All such matters as may be regarded as included by inference shall be comprised with the delegated functions of the Committee or Sub-Committee, and delegated functions shall include all consequential or ancillary matters as necessary.
- 1.7 In this scheme a reference to an Act of Parliament shall be deemed to include a reference to any Act by which it is applied, extended, amended, consolidated or replaced. It shall also be deemed to refer to any statutory instrument, regulations, orders, byelaws or the like made or having effect as if made under such Act.
- 1.8 Where any legislation (including statutory instruments) referred to in this scheme has been superseded by changes derived from the European (Withdrawal Agreement) Act 2019-20 ("the Act"), and/or by any subordinate legislation introduced as a result of the UK exiting the European Union, then this scheme is to be interpreted inclusively, as incorporating those legislative changes.
- 1.9 Any interpretation of this scheme shall be in accordance with the Council's wishes that the scheme shall not be construed restrictively.
- 1.10 The explanatory note at the beginning of the terms of delegations of each Committee and Sub-Committee which follows this Introduction is for information only and shall not be construed as part of the terms of reference themselves.

- 1.11 In this scheme of delegations the “Full Council” means Brighton & Hove City Council sitting as the Council (as opposed to acting through Cabinet, Committees, Sub-Committees or officers) and “Council” means Brighton & Hove City Council as a Local Authority.

B. General Delegated Powers

- 2.1 Each Committee or Sub-Committee shall have the following powers and duties in relation to its functions in addition to those set out under each Committee and Sub-Committee’s terms of reference:
- 2.2 To implement best value in relation to its functions;
- 2.3 To approve bids for funding for schemes in relation its functions;
- 2.4 To control and manage such resources (finance, IT, property etc.) as may from time to time be assigned to it and to authorise the acquisition or disposal of property (other than land) for the purposes of its functions;
- 2.5 To declare land surplus to the requirements of the Committee’s area of service.
- 2.6 Subject to the Council’s employment policies and procedures, to determine all employment matters within its service area;
- 2.7 To be responsible for quality and equalities matters in relation to its functions
- 2.8 To have due regard in the exercise of its functions to the need to prevent people from being drawn into terrorism.
- 2.9 To appoint task and finish member working groups which are time-limited (six months, with the option to extend for a further six months), in order to carry out focused pieces of work, reporting back regularly to their parent body.

C. General Advisory Powers

- 3.1 Each Committee and Sub-Committee shall have the following advisory functions:
- 3.2 To consider and make recommendations to Full Council or Cabinet on matters relating to or affecting the Committee or Sub-Committee's functions, including developing plans and strategies forming part of the policy framework for adoption by Full Council, where the power to make decisions is reserved to Full Council by law, Standing Orders or this Scheme of Delegations to Committees and Sub-Committees;
- 3.3 To consider and make recommendations to another Committee or Sub-Committee on matters related to or affecting its functions;
- 3.4 To consider and make recommendations to any body of the Council where it is considered desirable to do so.

PART 2 B COMMITTEES – TERMS OF REFERENCE

AUDIT, STANDARDS & GENERAL PURPOSES COMMITTEE

Explanatory Note

The audit functions of this Committee relate to the Council's arrangements for the discharge of its powers and duties in connection with financial governance and stewardship, risk management and audit. It plays a key role in acting as a critical friend to the Council and in helping to build trust in the Council's arrangements. The Committee receives referrals from and makes recommendations to the Council, from/to Cabinet, to Officers or to other relevant body within the Council.

The Standards functions of this Committee seek to ensure that the Members, Co-opted Members and Officers of the Council observe high ethical standards in performing their duties. These functions include advising the Council on its Codes of Conduct and administering related complaints and dispensation procedures.

The Committee is also empowered to act in relation to all non-executive functions which are not expressly delegated to another Committee or Sub-Committee.

The Committee through its Employment Sub-Committee discharges those personnel functions which by virtue of The Local Authorities (Standing Orders) (England) Regulations 2001 cannot be discharged by the Head of Paid Service.

In addition to the Members who serve on the Audit, Standards & General Purposes Committee, the Committee includes at least two independent persons who are not Members. They are appointed under Chapter 7 of the Localism Act, or otherwise co-opted, and act in an advisory capacity with no voting powers.

In the terms of reference of this Committee, a "Member" is an elected Member and a "Co-opted Member" is a person co-opted by the Council, for example to advise or assist a Committee or Sub-Committee of the Council.

General Audit and Standards Delegated Functions

- 1.1 To review such parts of the Constitution as may be referred to the Committee and to make recommendations to the Council.

- 1.2 To appoint, co-opt or (in any case where only the Council has power) to recommend the appointment or co-option of a minimum of two independent persons:
 - to give general assistance to the Committee in the exercise of its functions; and
 - to give views on allegations of failure to comply with a Code of Conduct as required by Chapter 7 of the Localism Act 2011.
- 1.3 To review and agree the Council's whistleblowing policy;
- 1.4 To have an overview of complaints handling and Local Ombudsman investigations;
- 1.5 To review and agree activity, policy and guidance in relation to the Regulation of Investigatory Powers Act 2000.
- 1.6 To deal with any audit or ethical standards issues which may arise in relation to partnership working, Joint Committees and other Local Authorities or bodies.
- 1.7 To oversee the Council's information governance arrangements*. This will include oversight of those of the Council's policies, procedures and processes which concern information governance and which operate across the Council's internal and external-facing activities.
- 1.8 To ensure arrangements are made for the training and development of Members, Co-opted Members and Officers on audit, ethical and probity matters, including Code of Conduct issues.
- 1.9 To support and advise the Chief Finance Officer and the Monitoring Officer in their statutory roles.

Delegated Audit Functions

- 1.10 To carry out independent scrutiny and examination of the Council's financial and non-financial processes, procedures and practices to the extent that they affect the Council's control environment and exposure to risk, with a view to providing assurance on the adequacy and effectiveness of:
 - the work of internal and external audit;
 - the governance arrangements of the Council and its services;
 - the risk management and performance management frameworks and the associated control environment;
 - the arrangements to secure value for money;

- the financial management process;
 - arrangements for the prevention and detection of fraud and corruption.
- 1.11 To meet the requirements of the Accounts and Audit Regulations 2015 in respect of:
- conducting an annual review of the effectiveness of the system of internal control;
 - conducting an annual review of the effectiveness of internal audit;
 - reviewing the outcome of annual review of governance arrangements and approving the Annual Governance Statement, ensuring it contains any actions for improvement; and
 - considering and approving the Council's annual Statement of Accounts.
- 1.12 To consider the External Auditor's Annual Audit Plan, Audit Results Report, Annual Audit Letter and other relevant reports.
- 1.13 To consider and agree the Internal Strategy and Annual Audit Plan, Head of Internal Audit's Annual Internal Audit Report including Opinion, periodic progress reports and other relevant internal audit reports.
- 1.14 To consider and agree the Head of Internal Audit's Annual Fraud & Corruption Report and consider and approve the Council's Counter Fraud Strategy.

Delegated Standards Functions

- 1.15 To advise the Council on the adoption, revision or replacement of Codes of Conduct for (a) Members and Co-opted Members and (b) Officers;
- 1.16 To exercise all other functions of the Council in relation to ethical standards, in particular those under Chapter 7 of the Localism Act, including the following:
- promoting and maintaining high standards of conduct within the Council and monitoring the operations of the Council's Codes of Conduct and registers of interests;
 - in relation to allegations that a Member or Co-opted Member has failed to comply with the Member's Code of Conduct, putting in place arrangements to investigate and make decisions;
 - supporting the Monitoring Officer in the exercise of the Monitoring Officer's ethical standards functions, in particular the duty to establish and maintain registers of interests for the Council and for Rottingdean Parish Council;

- in relation to Members or Co-opted Members with pecuniary interests, putting in place arrangements to grant dispensations, in appropriate cases, from the restrictions on speaking and/or voting.

NOTE: With the exception of the adoption, revision or replacement of the Codes of Conduct referred to above, the Audit, Standards & General Purposes Committee may develop and adopt its own procedures and protocols.

Members' Allowances

- 1.17 To consider the recommendations of the Independent Remuneration Panel and advise the Council as appropriate

Non-Executive Functions

- 1.18 To exercise all non-executive functions that are not specifically delegated to another Committee or Sub-Committee of the Council.

STANDARDS HEARING SUB-COMMITTEE

Explanatory Note

The Standards Hearings Sub-Committee is a Sub-Committee of the Audit, Standards & General Purposes Committee. The main role of the Standards Hearing Sub-Committee is to carry out any functions delegated to it by the Audit, Standards & General Purposes Committee in relation to (a) allegations that Members or Co-opted Members have breached the Code of Conduct for Members and (b) the granting of dispensations to Members or Co-opted Members with pecuniary interests. Panel membership is determined in accordance with procedures approved by the Audit, Standards & General Purposes Committee.

Delegated Functions

In accordance with procedures approved by the Audit, Standards & General Purposes Committee:-

- 1.1 To carry out any arrangements delegated to the Panel by the Audit, Standards & General Purposes Committee in connection with investigating and making decisions on allegations that a Member or Co-opted Member has failed to comply with the Code of Conduct.
- 1.2 To hear and determine applications from Members or Co-opted Members with pecuniary interests and in appropriate cases to grant dispensations from the restrictions on speaking and/or voting at meetings of the Council, the Cabinet, Committees, Sub-Committees, Joint Committees or Joint Sub-Committees.
- 1.3 To discharge any of other functions of the Audit, Standards and General Purposes Committee which the Committee delegates to the Standards Hearing Sub-Committee.

EMPLOYMENT SUB-COMMITTEE

Explanatory Note

The Audit, Standards and General Purposes Committee through its Employment Sub-Committee discharges those personnel functions which by virtue of The Local Authorities (Standing Orders) (England) Regulations 2001 cannot be discharged by the Head of Paid Service.

Delegated functions

The Sub-Committee will comprise 3 Members of Audit, Standards and General Purposes Committee and 1 Cabinet Member, together with such other independent members as are required to satisfy the requirements of the 2001 Regulations.

To discharge the following functions:-

- 1.1 To determine the dismissal of any non-statutory Chief Officer;
- 1.2 To consider whether to impose a disciplinary sanction on a non-statutory Chief Officer;
- 1.3 To make recommendations to the Council on matters relating to the dismissal of the chief finance officer, head of the authority's paid service or monitoring officer except in cases of redundancy, permanent ill health or the expiry of a fixed term contract;
- 1.4 To consider matters and take action as required or permitted under the Model Disciplinary Procedure for the Head of Paid Service, Chief Finance Officer and Monitoring Officer including:
 - to suspend such an officer and to review such suspension
 - to appoint an independent investigator, agree terms of remuneration and working methods
 - to appoint external advisers
 - to consider the report of an independent investigator and in relation to that report:
 - to hold a hearing if appropriate to consider the report
 - to impose action short of dismissal on an officer
 - to decide to take no further action
 - to recommend informal resolution or other appropriate procedures

- to refer back to the independent investigator for further investigation and report to propose dismissal of an officer to Council (in which case the matter should be referred to an Independent Panel prior to referral to Council)
- 1.5 To consider grievances by the Head of Paid Service, and appeals by a Chief Officer against decisions made by the Head of Paid Service in relation to a grievance made by the officer;
- 1.6 Such other functions as are required to be discharged by a Committee of the Authority pursuant to the 2001 Regulations.

PLANNING COMMITTEE

Explanatory Note

This Committee exercises the Council's functions in relation to development control and highways matters.

Delegated functions

- 1.1 To consider and determine applications submitted under the Planning Acts for planning permission, permission in principle, technical details consent, listed building consent, and reserved matters pursuant to major planning applications.
- 1.2 To consider and determine applications for the display of advertisements submitted under the Town and Country Planning (Control of Advertisements) (England) Regulations 2007.
- 1.3 To determine whether prior approval applications for the construction, installation, alteration or replacement of telecommunications masts submitted under Part 24 Schedule 2 of the Town and Country Planning (General Permitted Development) Order 1995 should be granted or refused.
- 1.4 To exercise any other function of the Council under the Planning Acts whether as a local planning authority or otherwise which may be referred to it by the Corporate Director City Services or other officer authorised by them.
- 1.5 To determine any highways matter under the Highways Act 1980 which may be referred to it by the Corporate Director City Services.
- 1.6 To determine any other matter of fact or law relating to a right of way or the Council's Definitive Map and Statement under the Wildlife and Countryside Act 1981 referred to it by the Corporate Director City Services.

NOTE: The Council may approve a restricted pool of Members to serve as members or substitute members of the Committee, all of whom have undergone basic training and continue to undergo the mandatory training for such Members. The mandatory training will take place at least twice a year. Where such a pool has been approved, any meeting of the Committee must comprise only Members from the pool; no substitution by non-pool Members will be allowed.

LICENSING COMMITTEE

Explanatory Note

The Licensing Committee is responsible for discharging the Council's functions under the Licensing Act 2003 and Gambling Act 2005. The day to day decisions on individual applications are dealt with by the Licensing Panel.

Delegated Functions

1. Licensing Act 2003

- (a) To discharge all functions which, under the Act, stand referred to a Licensing Committee, including, but not limited to the following:
 - (i) Applications for a personal licences;
 - (ii) Applications for premises licence/club premises certificate;
 - (iii) Applications for provisional statement;
 - (iv) Applications for Interim Authorities.
- (b) The powers of the Committee under 1(a) shall include the power to deal with all applicants for the grant, renewal, variation or revocation of any licence or consent or any actions which a Licensing Committee is required or authorised to take under the Licensing Act 2003.
- (c) The delegated powers of the Committee shall not include the adoption or review of the Statement of Licensing Policy (which are functions of Full Council).

2. Gambling Act 2005

- (a) To discharge all functions which, under the Gambling Act 2005, stand referred to the Licensing Committee, including but not limited to the following:
 - (i) applications for premises licences;
 - (ii) applications for provisional statements;
 - (iii) applications for club gaming / club machine permits.
- (b) The powers of the Committee under 2(a) shall include the power to deal with all applications for the grant, renewal, variation, cancellation or revocation of any licence or consent or any actions which a Licensing Committee is required or authorised to take under the Gambling Act 2005.
- (c) The powers of the Committee shall also include the power to set fees pursuant to section 212 of the Gambling Act 2005, but shall not include the power to adopt or review the Statement of Licensing Policy, which is a function of Full Council.

3. Other Licensing and Registration Functions

To discharge all the Council's functions regarding licensing and registration and any associated or connected functions.

Referred Functions

1. To advise Full Council regarding the Statement of Licensing Policy under the Gambling Act 2005.
2. To advise Full Council regarding the Statement of Licensing Policy under the Licensing Act 2003.
3. To advise the Council, Cabinet and other Committees on matters related to functions under the Licensing Act 2003 and the Gambling Act 2005, but are not themselves Licensing Act or Gambling Act functions.

LICENSING PANEL

Explanatory Note

The Licensing Panel is a Sub-Committee of the Licensing Committee. Its functions are to:-

- Hear applications under the Licensing Act 2003 and the Gambling Act 2005 where the matter is authorised or required to be dealt with by a Committee. These are usually, but not necessarily, cases where Officers do not have delegated powers or a hearing is required;
- Deal with appeals against licensing and registration decisions and cases where officers do not have the power to make determinations
- Serve as the appellate Committee where there is a right of appeal from a decision of an Officer and no other arrangements have been made under the Constitution; and
- Determine any other matter of a quasi-judicial nature which may be referred to it.

Delegated functions

1. Licensing Act Functions

- (a) To deal with applications under the Licensing Act 2003 and make determinations on all matters required or authorised by the Act to be dealt with by a Committee.
- (b) The powers under (a) above shall not include the adoption of the Statement of Licensing Policy.
- (c) Where, in the opinion of the Corporate Director City Services or other officer authorised by them, after consultation with the Chair of the Licensing Committee, an application is a major application having regard to the licensing objectives, the Director or other authorised officer may refer the matter to the Licensing Committee.

2. Gambling Act 2005 Functions

- (a) To deal with applications under the Gambling Act 2005 and make determinations on all matters required or authorised by the Act to be dealt with by a Committee.
- (b) Where, in the opinion of the Corporate Director City Services or other Officer authorised by them, after consultation with the Chair

of the Licensing Committee, an application is a major application having regard to the licensing objectives, the Director or authorised Officer may refer the matter to the Licensing Committee.

3. Other Licensing and Registration Functions

Within the policy framework set by the Council or the Licensing Committee, to exercise the Council's functions in relation to licensing and registration providing that the power shall not include the adoption, revocation or amendments of policies.

4. Determinations and Appeals

To hear and determine cases:

- (a) where there is a right (under the Human Rights Act 1998 or otherwise) to be given the opportunity to appear before and be heard by a Committee or Sub-Committee of the Council and no other arrangements have been made under the Council's Constitution, or
- (b) where the case is referred to the Licensing Panel as it is considered to be a suitable forum for the determination of matters of fact and/or law, for example determinations relating to rights of way or the Council's definitive map of rights of way.

5. General

For the avoidance of doubt and without prejudice to the generality of 1 to 3 above, the powers of the Panel under those provisions shall include the power to deal with all applications for the grant, renewal, variation or revocation of any licence or consent or any actions (other than the adoption or review of a Licensing Policy) which a Licensing Committee is required or authorised to take under the Licensing Act 2003 or the Gambling Act 2005.

NOTE: Only Members who are members of the Licensing Committee may serve as members or substitute members of the Licensing Panel.

HEALTH AND WELLBEING BOARD

Explanatory Note

1. General

- 1.1 The Health and Wellbeing Board (HWB) is established as a Committee of the Council pursuant to Section 194 of the Health and Social Care Act 2012 and the Local Authority (Public Health, Health and Wellbeing Board and Health Scrutiny) Regulations 2013.

2. Purpose

- 2.1 The Brighton & Hove Health and Wellbeing Board brings together key local leaders to improve the health and wellbeing of the population of Brighton & Hove and reduce health inequalities through:

- Developing a shared understanding of the health and wellbeing needs of its communities from pre-birth to end of life including the health inequalities within and between communities;
- Developing a shared focus on the most vulnerable local residents, including Black and racially minoritised communities, people with disabilities, LBGTQ communities, people experiencing mental health problems and older people;
- Providing system leadership to secure collaboration to meet these needs;
- Having strategic influence over commissioning decisions across health, public health and social care encouraging integration where appropriate;
- Recognising the impact of the wider determinants of health on health and wellbeing;
- Involving patient and service user representatives and councillors in commissioning decisions.

3. Composition

- 3.1 3 Members of the Council, plus other voting members determined having regard to the requirements of the Health and Social Care Act 2012, as well as other non-voting co-optees. Additional non-voting co-optees include such other persons, or representatives of such other persons, as is deemed appropriate.

- 3.2 The current membership is

- 3 elected Members of the Council (voting members)

- 2 representatives of the Sussex Integrated Care Board
- 1 representative of Sussex Community NHS Foundation Trust
- 1 representative of Sussex Partnership NHS Foundation Trust
- 1 representative of University Hospitals Sussex NHS Foundation Trust

(3 of the above NHS members will be voting members)

- 1 representative of Healthwatch Brighton & Hove (non-voting member)
- 2 representatives of the local Community & Voluntary Sector (non-voting member)
- 1 representative of Sussex Police (non-voting member)
- 1 representative of the East Sussex Fire & Rescue Authority (non-voting member)
- 1 representative of the University of Brighton (non-voting member)
- 1 representative of the University of Sussex (non-voting member)
- Brighton & Hove Director of Public Health (non-voting member)
- Brighton & Hove City Council Chief Executive (non-voting member)
- Brighton & Hove City Council Director of Adult Social Services (non-voting member)
- Brighton & Hove Director of Childrens Services (non-voting member)

4. Quorum

- 4.1 At each meeting, the quorum requirement is at least one voting member from the NHS and one voting member from the Council.

5. Chair and Deputy Chairs and Substitutes

- 5.1 The Board will be chaired by a member of the Council. One Deputy Chair will be appointed by the Integrated Care Board ('the ICB') and one by the Council.
- 5.2 Council Procedure Rules in relation to the appointment of substitutes will apply to the voting Council members of the Board.
- 5.3 For non-Council members of the Board, each Board member can nominate up to 3 substitutes and any one of those named substitutes can attend a Board meeting in their place. Substitutes must be from the same organisation/ sector as the Board member and be of sufficient seniority and empowered by the relevant organisation/sector to represent its views; to contribute to decision making in line with the Board's Terms of Reference and to commit resources to the Board's business.

6. Voting arrangements

- 6.1 It is expected that most decisions will be agreed by consensus but, where this is not the case, then only those members listed as voting members may vote. The Chair of the Board shall have a second or casting vote.

7. Delegated Functions

General

- 7.1 To provide system leadership relating to the health and wellbeing of the people who live, work and/or visit Brighton & Hove;
- 7.2 To promote integration and joint working in health and social care services across the City in order to improve the health and wellbeing of the people of Brighton & Hove;
- 7.3 To lead health & care recovery responses in the event of a health & care emergency.
- 7.4 To oversee local Outbreak Control Planning, including acting as the Local Engagement Group for local outbreak communications.
- 7.5 To work in partnership with the Sussex Integrated Care System and the Brighton & Hove Integrated Care Partnership to deliver the Integrated Care System Shared Delivery Plan and the NHS Long Term Plan via the Sussex and Brighton & Hove Health & Care Plans.
- 7.6 To approve and publish the Joint Strategic Needs Assessment (JSNA) and the Pharmaceutical Needs Assessment for the City;
- 7.7 To approve and publish a Joint Health & Wellbeing Strategy (JHWS) for the City, monitoring the outcomes goals set out in the JHWS and using its authority to develop Health and Wellbeing Board joint commissioning priorities which support the delivery of the Health and Wellbeing Strategy.
- 7.8 To consider NHS Sussex's draft annual commissioning plan and to respond with its opinion as to whether the draft commissioning plan takes proper account of the relevant Joint Health and Wellbeing Strategy;
- 7.9 Where considered appropriate by the HWB, to refer its opinion on the Integrated Care System Shared Delivery Plan to the National Health

Service Commissioning Board and to provide the Brighton & Hove Integrated Care Partnership with a copy of this referral;

- 7.10 To monitor the Integrated Care System Shared Delivery Plan and any HWB joint commissioning priorities;
- 7.11 To oversee and performance manage the planning and delivery of the Better Care Fund.
- 7.12 To receive the Local Safeguarding Children's Board's Annual Report for comment; and the Adults Annual Safeguarding Report;
- 7.13 To involve stakeholders, users and the public in quality of life issues and health and wellbeing choices, by
 - communicating and explaining the JHW Strategy;
 - developing and implementing a Communications and Engagement Strategy;
- 7.14 To represent Brighton & Hove on health and wellbeing issues at all levels, influencing and negotiating on behalf of the members of the Board and working closely with the local HealthWatch;
- 7.15 To appoint members to the Board in compliance with relevant legislation and guidance;
- 7.16 To operate in accordance with the Local Authority (Public Health, Health and Wellbeing Board and Health Scrutiny) Regulations 2013;
- 7.17 To receive and approve any other plans or strategies that are required either as a matter of law or policy to be approved by the Health and Wellbeing Board;
- 7.18 To establish one or more sub-committees to carry out any functions delegated to it by the Board;
- 7.19 To establish one or more time limited task and finish groups to carry out work on behalf of the Board.

Better Care Fund

- 7.20 To discharge all functions relating to the better care fund that are required or permitted by law to be exercised by the Health and Wellbeing Board, including

- (a) to agree the strategic planning;
- (b) manage the pooled budget;
- (c) oversee and performance manage the planning as well as the practical and financial implementation of the fund.

Referred functions

- 7.21 The Board shall have referred functions relating to any matter that has implications for the health and wellbeing of the City.

Reserved matters

- 7.22 The following matters will be reserved from the delegations to the Board or its Sub-Committees:
- Final decisions on any matters that are reserved to full Council or the ICB by law and cannot be delegated;
 - Final decisions on matters reserved to full Council under the Council's Budget and Policy framework
 - Matters that have corporate budgetary or policy implications that go beyond health and wellbeing

8. Meeting arrangements

- 8.1 It is expected that the Board will meet up to 4 times per annum.
- 8.2 The Chair of the Board, following consultation with the Deputy Chairs, can convene special meetings of the Board as appropriate.
- 8.3 All business of the Board shall be conducted in public in accordance with Section 100A of the Local Government Act 1972 (as amended).
- 8.4 When the Board considers exempt information and/or confidential information is provided to Board members in their capacity as members of the Board all Board members agree to respect the confidentiality of the information received and not disclose it to third parties unless required to do so by law or where there is a clear and over-riding public interest in doing so.
- 8.5 To the extent that these Terms of Reference conflict with or differ from Council Procedure Rules, these Terms of Reference set out above shall apply.

Annex to Health and Wellbeing Board Terms of Reference

Committee 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 Committee Procedure Rules.

Procedure Rules on Public Engagement at Health and Wellbeing Board

1. Petitions

- 1.1 At a meeting of the Board, any elected Member or member of the public may present a petition which is submitted in accordance with the Council's Petitions Scheme.
- 1.2 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.
- 1.3 All petitions that members of the public or elected Members wish to present shall be referred to Democratic Services 10 working days in advance of the relevant meeting. The Chair will have the discretion to take a late petition.
- 1.4 The Chief Executive of the Council may reject a petition if, following consultation with the Monitoring Officer, it is in their 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, the Cabinet, 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.
- 1.5 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; or
 - To note the petition.

2. Public Questions

- 2.1 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 8 working days 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 not presenting a petition or deputation on the same, or substantially the same, issue at the same meeting.
- 2.2 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.
- 2.3 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.
- 2.4 The Chief Executive of the Council may reject a question if, following consultation with the Monitoring Officer, in their 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
- 2.5 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 Health and Wellbeing Board although due notice of the question has not been given, the Chair may permit the question to be asked.
- 2.6 Questions will be asked in the order notice of them was received, except that the Chair may group similar questions together.
- 2.7 The questioner may ask one relevant supplementary question.

- 2.8 Questions may be answered by the Chair or Deputy Chair or any member of the Health and Wellbeing Board with their agreement.
- 2.9 An answer may take the form of:-
- An oral answer; or
 - A written answer to the member of the public, circulated to the Health and Wellbeing Board and placed on the Council's website; or
 - Where the desired information is contained in a publication, a reference to that publication.
- 2.10 No questioner may submit more than one question for answer at the same meeting.