

C

**Bradford and Airedale
Shadow Health and Wellbeing Board**

**PROCEDURES AND
PROTOCOLS**

2011/12

CONTENTS

PART 1 MEMBER INFORMATION

- 1.1 Membership of the Bradford and Airedale Shadow Health and Wellbeing Board
- 1.2 Timetable of Meetings
- 1.3 The Bradford and Airedale Shadow Health and Wellbeing Board Contact Officers

PART 2 GOVERNANCE ARRANGEMENTS

- 2.1 Procedure Rules of the Bradford and Airedale Shadow Health and Wellbeing Board
- 2.2 Access to Information Procedure Rules

PART 3 TERMS OF REFERENCE

- 3.1 Terms of Reference of the Bradford and Airedale Shadow Health and Wellbeing Board

PART 4 STANDARDS

- 4.1 Members' Code of Conduct
- 4.2 Statutory Officers

PART 1

MEMBER INFORMATION

DRAFT

PART 1.1

MEMBERSHIP OF THE BRADFORD AND AIRESDALE SHADOW HEALTH AND WELLBEING BOARD:

City of Bradford Metropolitan District Council

Officer Contact:

e-mail:

Councillor Ian Greenwood
Leader
City of Bradford MDC
City Hall
Centenary Square
BRADFORD
BD1 1HY

01274 432084

ian.greenwood@bradford.gov.uk

4 Elected Members

Tony Reeves
Chief Executive
City of Bradford MDC
City Hall
Centenary Square
BRADFORD
BD1 1HY

01274 432001

tony.reeves@bradford.gov.uk

Moira Wilson
Strategic Director
Adult and Community Services
5th Floor
Olicana House
Chapel Street
BRADFORD
BD1 1RE

01274 432900

moira.wilson@bradford.gov.uk

Kath Tunstall
Strategic Director
Children's Services
2nd Floor
City Hall
Centenary Square
BRADFORD
BD1 1HY

01274 431266
kath.tunstall@bradford.gov.uk

Local Clinical Commissioning Groups

4 Members

Chief Executive of the NHS Cluster

The Chair of the NHS Cluster

Anita Parkin
Director of Public Health
NHS Bradford and Airedale
Douglas Mill
Bowling Old Lane
Bradford
West Yorkshire
BD5 7JR

01274 237334
anita.parkin@bradford.nhs.uk

Bradford Link Representative

[To be succeeded by a representative from
Healthwatch]

Voluntary, Community and Faith Sector Representative

PART 1.2

TIMETABLE OF MEETINGS

**BRADFORD AND AIREDALE
SHADOW HEALTH AND WELLBEING BOARD**

[Set out list of proposed meetings to April 2012]

DRAFT

PART 1.3

BRADFORD AND AIREDALE SHADOW HEALTH AND WELLBEING BOARD CONTACT OFFICERS

| Officer Title | Board Support Role | Name | Contact Address | Contact e-mail/tel no. |
|----------------------------|---------------------------|-----------------------|-------------------------------------------------------------------------------------------------------|------------------------------------------------------------------------------------------------------|
| City Solicitor | MONITORING OFFICER | Suzan Hemingway | City of Bradford MDC 3 rd Floor City Hall Centenary Square Bradford BD1 1HY | suzan.hemingway@bradford.go.vuk 01274 432496 |
| Director of Finance | CHIEF FINANCIAL OFFICER | Stuart McKinnon-Evans | City of Bradford MDC 5 th Floor Britannia House Bradford BD1 1HX | |
| Committee Services Manager | SECRETARIAT | Adrian Tumber | City of Bradford MDC 1 st Floor City Hall Centenary Square Bradford BD1 1HY | |
| | | | | |
| | | | | |
| | | | | |
| | | | | |
| | | | | |

[List contact officer details who provide support to the Health and Wellbeing Board (but are not actually on it)]

DRAFT

PART 2

GOVERNANCE ARRANGEMENTS

DRAFT

PART 2.1

PROCEDURE RULES OF THE BRADFORD AND AIREDALE SHADOW HEALTH AND WELLBEING BOARD

1. GENERAL TERMS

(1) The following shall apply to these Procedure Rules as well as the Access to Information Rules in Part 2.2

(2) The following terms shall mean respectively:

“The Bradford and Airedale Shadow Health and Wellbeing Board” (hereinafter referred to as the “Board”) comprises the members listed in part 1.1. The Board is constituted as a Committee of the Council.

“The Council” shall mean the City of Bradford Metropolitan District Council.

“Sub-Committees” are committees with delegated authority from the Board to undertake responsibilities of behalf of the Board.

The “Chief Officer” shall mean the Chief Executive of the Council.

The “Monitoring Officer” shall mean the City Solicitor of the Council currently responsible to the Board for providing legal and administrative services for the Board (other than where such services are undertaken by the Chief Officer in pursuance of arrangements made by him/her).

The “Chief Financial Officer” shall mean the Director of Finance of the Council currently responsible to the Board for providing financial advice and services for the Board (other than where such services performed by the Chief Officer in pursuant to arrangement made by him/her). In fulfilling this role the Chief Financial Officer will be able to rely on the Monitoring Officer to keep him/her informed on all aspects of his/her role relating to the Board under section 151 of the Local Government Act 1972 including compliance with the rules forming the Financial Procedure Rules and Contracts Procedure Rules of the Organisation.

2. INTERPRETATION

(1) The ruling of the Chair of the meeting as to the interpretation of any Procedure Rule or on any question of procedure not provided for by Procedure Rules shall be final.

3. MEETINGS

(1) The Board shall hold an Annual Meeting which shall be the first meeting after the annual meetings of the Council.

(2) The Annual Meeting will include:

- (a) electing the Chair and appoint the Deputy Chairs;
- (b) establishing such Sub-Committees and their Chairs and Deputy Chairs as it considers appropriate to deal with matters of the Board;
- (c) No appointments under Rule 3(2) shall be for a period beyond the next Annual Meeting of the Board but they may be altered at any meeting of the Board; and
- (d) selecting representatives on Regional Boards and other Outside Bodies.

- (1) The Board shall, between each Annual Meeting, hold ordinary meetings on such day and at such time and place as they may determine.
- (2) With the exception of the Annual Meeting the Chief Officer, with the agreement of the Chair, may cancel any of such meetings if in his/her opinion insufficient business has arisen for consideration.
- (3) A Special Meeting of the Board shall be convened at any time by the Chief Officer upon the instructions of the Chair or upon a requisition addressed to him/her for that purpose by any [three] Members of the Board. Any such requisition shall be in writing signed by the persons making the same and shall specify the business to be transacted at the meeting to be convened in pursuance thereof and no other business shall be transacted at the meeting so convened.

4. NOTICE OF MEETINGS

- (1) The Chief Officer will give notice to the public of the time and place of any meeting in accordance with the Access to Information Procedure Rules. At least five clear calendar days before a meeting, the Chief Officer shall send notice of the meeting to every Board Member. The notice shall give the date, time and place of each meeting and specify the business to be transacted, and shall be accompanied by such reports as are available. Lack of service on a Member of the Board of the summons of any meeting shall not affect the validity of a meeting of the Board.
- (2) The notices for all meetings of Sub-Committees established under Procedure Rule 3(2)(b) shall be issued from the office of the Chief Officer and no matter shall be considered at such meeting without the prior agreement of the Chief Officer who shall first have been furnished with any written report or with full details of any intended verbal report.

5. CONDUCT OF BUSINESS

- (1) A Member of the Board may require a particular item of business which is relevant to the powers and duties of the Board, to be discussed at an ordinary meeting of the Board subject to at least 10 clear working days' Notice of such intention being given to the Chief Officer in writing, signed by the Member concerned and specifying the business to be discussed. The Chief Officer shall set out in the Notice of every meeting of the Board the items of business requested by Members in the order in which they have been received unless the Member or Members concerned have indicated in writing that an item should be discussed at a later meeting or has since withdrawn the item.
- (2) If the Member concerned or his/her substitute is not present at the meeting when an item of business or motion of which he/she has given notice comes up for discussion, this item shall, unless the Board decides otherwise, be treated as withdrawn and shall not be raised again without fresh notice.
- (3) Except in the case of business required by this Procedure Rule to be transacted at a meeting of the Board and other business brought before the meeting as a matter of urgency and of which the Chair and the Chief Officer shall have prior Notice and which the Chair considers should be discussed at the meeting, no business shall be transacted at a meeting of the Board other than that specified in the summons relating thereto.
- (4) The Monitoring Officer and/or the Chief Financial Officer may, in liaison with the Chief Officer include an item for consideration on the agenda of the Board meeting and may require the Chief Officer to call such a meeting in pursuance of their statutory duties.

6. ELECTION OF CHAIR AND APPOINTMENT OF DEPUTY CHAIRS

- (1) At its Annual Meeting, or other meeting in the year 2010/11, the Board shall elect until the date fixed for the next following Annual Meeting a Chair and [appoint the Deputy Chair].
- (2) On a vacancy arising in the office of Chair [or Deputy Chair] for whatever reason, the Board shall elect a new Chair [or appoint a new Deputy Chair] as soon as possible.

7. MEMBERSHIP OF THE BRADFORD AND AIREDALE SHADOW HEALTH AND WELLBEING BOARD AND ITS SUB-COMITTEES

- (1) Each Member of the Board shall continue to hold office unless the Council or other representative body appointing him/her ceases to be a party to the Board arrangements or he/she resigns his/her membership of the Board.
- (2) The Board shall be empowered to appoint Sub-Committees and to settle the terms of reference of each Sub-Committee.
- (3) Members of the Board shall be entitled to be accompanied by appropriate officers.
- (4) The Council shall make all the necessary administrative arrangements in connection with meetings of Sub-Committees. The Sub-Committees are required to report their activities on an ongoing basis to the Board.

8. CHAIR OF MEETING

- (1) At each meeting of the Board the Chair, if present, shall preside.
- (2) If the Chair is absent from a meeting of the Members of the Board present shall elect a Deputy Chair, to preside.

9. QUORUM

- (1) No business shall be transacted at any meeting of the Board unless at least one third of Board members are present, with at least [two] Elected Members from the Council, one Council Officer, one representative from the Clinical Commissioning Group and one representative from the NHS cluster.
- (2) If during any meeting of the Board the Chair, after counting the number of Members present, declares that there is not a quorum present the meeting shall stand adjourned to a date and time fixed by the Chair. If there is no quorum and the Chair does not fix a date and time for the reconvened meeting, the meeting shall stand adjourned to the next ordinary meeting of the Board to which the consideration of any business not transacted shall be referred.

10. ORDER OF BUSINESS

- (1) At every meeting of the Board the order of business shall be to elect a person to preside if the Chair [or Deputy Chair] are absent and thereafter shall be in accordance with the order specified in the notice of the meeting, except that such order may be varied:
 - (a) by the Chair at his/her discretion, or
 - (b) on a request agreed to by the Board.

11. MINUTES

- (1) The Chair shall move "That the Minutes of the meeting of the Board held on.....be signed as a correct record". If the accuracy is not questioned the Chair shall sign the Minutes.
- (2) Where, in relation to any meeting of the Board, the next such meeting is a meeting called under paragraph 3 (extraordinary meetings) of Schedule 12 to the Local Government Act 1972, the next following meeting of the Board (being a meeting called otherwise than under that paragraph) shall be treated as a suitable meeting for the purposes of paragraph 41 (1) and (2) (signing of Minutes) of that Schedule.

12. RULES OF DEBATE

- (1) The decision of the Chair of the Board is Final on all matters of order or personal explanation.
- (2) If two or more Members indicate they wish to speak, the Chair will call one and the other(s) will wait until called by the Chair.
- (3) The following are recognised as breaches of order:
 - Discussion of a matter not before the Board
 - Use of improper language
 - Breach of any Standing Order
 - Interjection of remarks while a Member is speaking
- (4) A Member may raise a point of order during a debate provided that they do nothing more than call attention to the alleged breach or order. The point of order must be briefly stated to the Chair in the form of question. All debate will cease until the Chair gives a ruling on the alleged breach of order.
- (5) If the Chair rules that the language used by a Member is improper it is the duty of the Member to withdraw it.
- (6) If a Member believes they have been injured by a misrepresentation made in a debate then they may make a personal explanation provided that such explanation is a brief statement of fact and not further argument of the question before the Board.

13. VOTING

- (1) Voting will be on a one member one vote basis, and any matter shall be decided by a simple majority of those Members voting and present in the room at the time the question is put. The mode of voting at meetings shall be by show of hands unless the Board decide in any particular case to vote by ballot.
- [(2) In the case of an equal division of votes the Chair of the meeting shall have a second or casting vote.]
- (3) Any two Members may demand that a recorded vote be taken.
- (4) Where, immediately after a vote is taken at a meeting, any Member so requires, there shall be recorded in the Minutes of the proceedings of that meeting whether the person cast his/her vote for the question or against the question or whether he/she abstained from voting.

14. DISTURBANCES AT MEETINGS

- (1) If a member of the public interrupts the proceedings of any meeting the Chair shall warn that person. If the interruption continues the Chair shall order the person's removal from the Meeting Room. In case of general disturbance in any part of the Meeting Room open to the public the Chair shall order that part to be cleared.
- (2) If at any meeting any Member in the opinion of the Chair, indulges in misconduct by persistently disregarding the ruling of the Chair, or by behaving irregularly, improperly, offensively, or by wilfully obstructing the business of the Board, the Chair or any other Member may move "That the Member named be not further heard", and the motion if seconded will be put and voted on without discussion.
- (3) If the Member named continues the misconduct after a motion under the foregoing paragraph has been carried, the Chair shall either move "That the Member named do leave the meeting" (in which case the motion shall be put and determined without seconding or discussion) or adjourn the meeting of the Board for such period as the Chair shall consider expedient.

15. PROCEDURE RULES TO APPLY TO SUB-COMMITTEES

- (1) Procedure Rules nos 4, 8, 10, 11, 13 and 14 shall apply to meetings of Sub-Committees appointed by the Board.

PART 2.2

ACCESS TO INFORMATION PROCEDURE RULES

1. SCOPE

- (1) These rules apply to all meetings of the Board and Sub-Committees.
- (2) These rules also cover public rights of access to informational under the Freedom of Information Act 2000, and Members' rights of access to information.

2. ADDITIONAL RIGHTS TO INFORMATION

- (1) These rules do not affect any more specific rights to information contained elsewhere.

3. RIGHTS TO ATTEND MEETINGS

- (1) Subject to any statutory prohibitions and to Access to Information Rule 3(2), meetings of the Board and any Sub-Committees established under Procedure Rule 3(2)(b) shall be open to the public. This shall be without prejudice to any power of exclusion to suppress or prevent disorderly conduct or other misbehaviour at a meeting.
- (2) The Board and any Sub-Committees established under Procedure Rule 3(2)(b) may by resolution exclude the press and public from a meeting (whether during the whole part or part only of the proceedings) in accordance with the Access to Information Procedure Rule 10.

4. NOTICE OF MEETINGS

- (1) The Chief Officer will give at least five clear days notice of any meeting by posting details of the meeting at the offices of the constituent Councils and such other place as is fixed for the meeting of the Board.
- (2) At least five days before a meeting a summons to attend the meeting specifying the business proposed to be transacted thereat shall be left at or sent by post to the last address given for that purpose by each Member of the Board and to each Chief Executive of the constituent Councils by the Chief Officer.

5. ACCESS TO AGENDA AND REPORTS BEFORE THE MEETING

- (1) Copies of the agenda and reports open to the public will be available for inspection at the Chief Executive's offices of the Council at least five clear days before the meeting, except that where a meeting is convened at shorter notice, the copies of the agenda and reports shall be open to inspection from the time the meeting is convened.
- (2) Where an item is added to the agenda, and the report is open to the public, copies of any report for the meeting relating to the item, and the revised agenda shall be available for inspection from the time the item is added to the agenda.
- (3) Where copies of the agenda and reports open to the public are not made available for inspection in this way, an item of business will not be considered unless by reason of special circumstances, which shall be specified in the minutes, the chair of the meeting is of the opinion that the item should be considered at the meeting as a matter of urgency

6. SUPPLY OF COPIES

- (1) The Chief Officer will supply copies of:
 - (a) any agenda and reports which are open to public inspection;
 - (b) any further statements or particulars necessary to indicate the nature of the items in the agenda; and
 - (c) if the Chief Officer thinks fit, copies of any other documents supplied to Members in connection with an item to any person on payment of a charge for postage and any other costs.

7. ACCESS TO MINUTES ETC AFTER THE MEETING

- (1) The Chief Officer will make available copies of the following for six years after a meeting:
 - (a) the minutes of the meeting or records of decisions taken, excluding any part of the minutes of proceedings when the meeting was not open to the public or which disclose exempt or confidential information;
 - (b) a summary of any proceedings not open to the public where the minutes open to inspection would not provide a reasonably fair and coherent record;
 - (c) the agenda for the meeting; and
 - (d) reports relating to items when the meeting was open to the public.

8. BACKGROUND PAPERS

List of background papers

- (1) Every report will set out a list of those documents (called background papers) relating to the subject matter of the report which:
 - (a) disclose any facts or matters on which the report or an important part of the report is based; and
 - (b) have been relied on to a material extent in preparing the report but does not include published works or those which disclose exempt or confidential information (as defined in the Access to Information Rule 10).

Public inspection of background papers

- (2) The Chief Officer will make available for public inspection for four years after the date of the meeting one copy of each of the documents on the list of background papers.

9. SUMMARY OF THE PUBLIC'S RIGHTS

- (1) A written summary of the public's rights to attend meetings and to inspect and copy documents must be kept at and available to the public at the Chief Executive's offices of the Council.

10. EXCLUSION OF ACCESS BY THE PUBLIC TO MEETINGS

Confidential information - requirement to exclude the public

- (1) The public must be excluded from meetings whenever it is likely in view of the nature of the business to be transacted or the nature of the proceedings that confidential information would be disclosed.

Exempt information - discretion to exclude the public

- (2) The public may be excluded from meetings whenever it is likely in view of the nature of the business to be transacted or the nature of the proceedings that exempt information would be disclosed. Reasons should be given in a relevant report that in all circumstances of the case, the public interest in maintaining the exemption outweighs the public interest in disclosing the information. Where the meeting will determine any person's civil rights or obligations, or adversely affect their possessions, Article 6 of the Human Rights Act 1998 establishes a presumption that the meeting will be held in public unless a private hearing is necessary for one of the reasons specified in Article 6.

Meaning of confidential information

- (3) Confidential information means information given by a Government Department on terms which forbid its public disclosure or information which cannot be publicly disclosed by Court Order.

Meaning of exempt information

- (4) Exempt information means information falling within the following categories.

| | |
|-------------------------------------------------------------------------------------------------------------------------------------------|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| 1. Information relating to any individual | Information is exempt if and so long, as in all the circumstances of the case, the public interest in maintaining the exemption outweighs the public interest in disclosing the information |
| 2. Information which is likely to reveal the identity of an individual | Information is exempt if and so long, as in all the circumstances of the case, the public interest in maintaining the exemption outweighs the public interest in disclosing the information |
| 3. Information relating to the financial or business affairs of any particular person (including the authority holding that information). | Information is exempt if and so long, as in all the circumstances of the case, the public interest in maintaining the exemption outweighs the public interest in disclosing the information Information is not exempt if it must be registered under various statutes, such as the Companies Act 1985 or the Charities Act 1993. "Financial or business affairs" includes contemplated, as well as past or current, activities |

| | |
|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <p>4. Information relating to any consultations or negotiations, or contemplated consultations or negotiations, in connection with any labour relations matter arising between the authority or a Minister of the Crown and employees of, or officer-holders under the authority</p> | <p>Information is exempt if and so long, as in all the circumstances of the case, the public interest in maintaining the exemption outweighs the public interest in disclosing the information</p> <p>“Labour relations matter” are as specified in paragraphs (a) to (g) of section 218(1) of the Trade Unions and Labour Relations (Consolidation) Act 1992, i.e. matters which may be the subject of a trade dispute within the meaning of that Act or any dispute about any such matter</p> |
| <p>5. Information in respect of which a claim to legal professional privilege could be maintained in legal proceedings.</p> | <p>Information is exempt if and so long, as in all the circumstances of the case, the public interest in maintaining the exemption outweighs the public interest in disclosing the information</p> |
| <p>6. Information which reveals that the authority proposes – (a) to give under any enactment a notice under or by virtue of which requirements are imposed on a person; or (b) to make an order or direction under any enactment</p> | <p>Information is exempt if and so long, as in all the circumstances of the case, the public interest in maintaining the exemption outweighs the public interest in disclosing the information</p> |
| <p>7. Information relating to any action taken or to be taken in connection with the prevention, investigation or prosecution of crime</p> | <p>Information is exempt if and so long, as in all the circumstances of the case, the public interest in maintaining the exemption outweighs the public interest in disclosing the information</p> |
| <p>7A. Information which is subject to any obligation of confidentiality.</p> | <p>Information is exempt if and so long, as in all the circumstances of the case, the public interest in maintaining the exemption outweighs the public interest in disclosing the information</p> |
| <p>7B. Information which relates in any way to matters concerning national security.</p> | <p>Information is exempt if and so long, as in all the circumstances of the case, the public interest in maintaining the exemption outweighs the public interest in disclosing the information</p> |
| <p>7C. The deliberations of a Standards Committee or subcommittee in reaching any finding on a matter referred under the provisions of section 60(2) or (3), 64(2), 70(4), or (5) or 71(2) of the Local Government Act 2000</p> | <p>Information is exempt if and so long, as in all the circumstances of the case, the public interest in maintaining the exemption outweighs the public interest in disclosing the information</p> |

11. EXCLUSION OF ACCESS BY THE PUBLIC TO REPORTS

- (1) If the Chief Officer thinks fit, the Board may exclude access by the public to reports which in his or her opinion relate to items during which, in accordance with the Access to Information Rule 10, the meeting is likely not to be open to the public. Such reports will be marked “Not for Publication” together with the category of information likely to be disclosed.

12. FREEDOM OF INFORMATION REQUESTS

- (1) All Freedom of Information requests received by any of the constituent Councils shall be transferred to the Support Services Authority for action. Responses will be prepared in liaison with the receiving authority, where appropriate.

DRAFT

DRAFT

DRAFT

PART 3

TERMS OF REFERENCE

PART 3.1

TERMS OF REFERENCE OF THE BRADFORD AND AIREDALE SHADOW HEALTH AND WELLBEING BOARD

1. Name

The name of the Partnership is “Bradford and Airedale Shadow Health and Wellbeing Board”, referred to as The Board

2. Principal Purpose

To enable and drive the integration of health, and social care and wellbeing in order to create more effective pathways for both service users and those who need to access services, thereby significantly reducing health and social inequalities providing objective scrutiny of local commissioning plans, creating a whole systems approach to improving health and wellbeing and maximising value for money

3. Principal Duties

- 3.1. To oversee and implement the establishment of a Bradford and Airedale Health and Wellbeing Board in readiness to assume its statutory responsibilities from April 2013
- 3.2. To provide local accountability for the use of public resources to improve health and wellbeing and reduce health and social inequalities
- 3.3. To promote collaborative working in the commissioning and provision of health and social care services across the District
- 3.4. To take a formal role in the authorisation of Clinical Commissioning Groups
- 3.5. To engage with Clinical Commissioning Groups in the development and oversight of local commissioning plans
- 3.6. To oversee the production of the Joint Strategic Needs Assessment, Pharmacy Needs Assessment and Joint Health and Wellbeing Strategy
- 3.7. To provide a local interface for both planning and governance through engagement with the NHS Commissioning Board, Public Health England, Local Partnerships and Providers including the Voluntary, Community and Faith Sector, and the Clinical Senate designated for Bradford District, giving due regard to the NHS Equality Delivery System

4. Membership

4.1. The Board shall consist of:

- a) The Leader of the Council.
- b) An additional four Elected Members from Bradford District, reflecting the political balance of the district. Alternate Elected Members should be available to deputise.
- c) Four Board members from local Clinical Commissioning Groups providing geographical representation across the District.
- d) The Chief Executive of the Council.
- e) The Chief Executive of the NHS Cluster.
- f) The Chair of the NHS Cluster.
- g) The Director of Public Health.
- h) The Strategic Director of Adult Social Services.
- i) The Strategic Director of Children and Young Peoples Services.
- j) One member from Bradford LINK until its cessation when they will be succeeded by a member of Healthwatch.
- k) One member from the Voluntary, Community and Faith Sector, elected through Bradford Assembly.

4.2. The Board will be able to co opt further members, as required, from provider organisations.

5. Meetings of the Board

5.1. The Board will have a chair who is the leader of Bradford Council.

5.2. Provision will be made for a Deputy Chair who will be an Elected Member.

5.3. Meetings will be held in public

6. Quorum

6.1. One third of Board members will form a quorum, with at least two Elected Members representative from the Council, one Council Officer, one representative from Clinical Commissioning Group and one representative from NHS Cluster

PART 4
STANDARDS

DRAFT

PART 4.1

MEMBERS' CODE OF CONDUCT

1 General Provisions

1. This Code applies to you as a member of the Board.
2. You should read this Code together with the general principles prescribed by the Secretary of State.
3. It is your responsibility to comply with the provisions of this Code.
4. In this Code;
 - 4.1 "Meeting" means any meeting of
 - 4.1.1 The Board.
 - 4.1.2 Any of the Board's committees or sub-committees.
 - 4.2 "Member" includes a co-opted member and an appointed Member.

Scope

5. Subject to paragraphs 6 to 9 you must comply with this Code whenever you
 - 5.1 Conduct the business of the Board (which, in this Code, includes the business of the office to which you are elected or appointed, or
 - 5.2 Act, claim to act or give the impression you are acting as a representative of the Board.And references to your official capacity are construed accordingly.
6. Subject to paragraphs 7 and 8 this Code does not have effect in relation to your conduct other than where it is in your official capacity.
7. In addition to having effect in relation to conduct in your official capacity, paragraphs 11c, 13 and 14 also have effect, at any other time, where that conduct constitutes a criminal offence for which you have been convicted.

8. Conduct to which this Code applies (whether that is conduct in your official capacity or conduct mentioned in paragraph 7 includes a criminal offence for which you were committed before the date you took office, but for which you are convicted after that date.
9. Where you act as a representative of the Board.
 - 9.1 On another relevant Body, you must, when acting for that other Body, comply with that other Body's code of conduct, or,
 - 9.2 On any other Body, you must, when acting for that Body, comply with the Board's code of conduct, except and insofar as it conflicts with any other lawful obligations to which that other body may be subject.

General Obligations

10. You must treat others with respect.
11. You must not;
 - 11.1 Do anything which may cause the Board to breach any of the equality enactments (as defined in section 33 of the Equality Act 2006).
 - 11.2 Bully any person.
 - 11.3 Intimidate or attempt to intimidate any person who is or is likely to be;
 - 11.3.1 A complainant
 - 11.3.2 A witness
 - 11.3.3 Involved in the administration of any investigation or proceedings
In relation to any allegation that a member (including yourself) has failed to comply with the Board's code of conduct, or

Do anything which compromises or is likely to compromise the impartiality of those who work for, or on behalf of, the Board.
 - 11.4 In relation to police authorities and the Metropolitan Police Authority, for the purposes of paragraph 11.3.3 those who work for, or on behalf of, an authority are deemed to include a police officer.
12. You must not;
 - 12.1 Disclose information given to you in confidence by anyone, or information acquired by you which you believe, or ought reasonably to be aware, is of a confident nature, except where;
 - 12.1.1 You have the consent of a person authorised to give it
 - 12.1.2 You are required by law to do so

- 12.1.3 The disclosure is made to a third party for the purpose of obtaining professional advice provided that the third party agrees not to disclose the information to any other person, or
- 12.1.4 The disclosure is
 - 12.1.4.1 Reasonable and in the public interest, and
 - 12.1.4.2 Made in good faith and in compliance with the reasonable requirements of the Board, or
- 12.2 Prevent another person from gaining access to information to which that person is entitled by law.
- 13. You must not conduct yourself in a manner which could reasonably be regarded as bringing your office or the Board into disrepute.
- 14. You;
 - 14.1 Must not use or attempt to use your position as a member improperly to confer on or secure for yourself or any other person, an advantage or disadvantage; and
 - 14.2 Must, when using or authorising the use by others of the resources of the Board.
 - 14.2.1 Act in accordance with the Board's reasonable requirements
 - 14.2.2 Ensure that such resources are not used improperly for personal or political purposes (including party political purposes) and
 - 14.3 Must have regard to any applicable Local Authority Code of Publicity made under the Local Government Act
- 15. When reaching decisions on any matter you must have regard to any relevant advice provided to you by;
 - 16.1 The Council's chief finance officer, or
 - 16.2 The Council's monitoring officerwhere that officer is acting pursuant to his or her statutory duties.
- 16. You must give reasons for all decisions in accordance with any statutory requirements and any reasonable additional requirements imposed by the Board.

2. Interests

Personal Interests

17. You have a personal interest in any business of the Board where either

17.1 It relates to or is likely to affect

17.1.1 Any body of which you are a member or in a position of General control or management and to which you are Appointed or nominated by the Board

17.1.2 Any body;

17.1.2.1 Exercising functions of a public nature

17.1.2.2 Directed to charitable purposes, or

17.1.2.3 One of whose principal purposes includes The influence of public opinion or policy (Including any political party or trade union)

Of which you are a member or in a position of general control or management.

17.1.3 Any employment or business carried on by you

17.1.4 Any person or body who employs or has appointed you

17.1.5 Any person or body, other than a relevant authority, who has made a payment to you in respect of any expenses incurred by you in carrying out your duties

17.1.6 Any person or body who has a place of business or land in the Board's area, and in whom you have a beneficial interest in a class of securities of that person or body that exceeds the nominal value of £25,000 or one hundredth of the total issued share capital (whichever is the lower)

17.1.7 Any contract for goods, services or works made between the Board or Council and you or a firm in which you are a partner, a company of which you are a Remunerated director, or a person or body of the description specified in paragraph 17.1.6

17.1.8 The interests of any person from whom you have received a gift or hospitality with an estimated value of at least £25

17.1.9 Any land in the Board's area in which you have a beneficial interest

17.1.10 Any land where the landlord is the Council or the Board and you are, or a firm in which you are a partner, a company of which you are a remunerated director, or a person or body of the description specified in paragraph 17.1.6 is, the tenant

17.1.11 Any land in the Boards' area for which you have a licence (alone or jointly with others) to occupy for 28 days or longer, or

17.2 A decision in relation to that business might reasonably be regarded as affecting your well-being or financial position or the well-being or financial position of a relevant person to a greater extent than the majority of council tax payers, ratepayers or inhabitants of the Board's area.

18 In paragraph 17.2, a relevant person is

18.1 A member of your family or any person with whom you have a close association, or

18.2 Any person or body who employs or has appointed such persons, any firm in which they are a partner or any company of which they are directors

18.3 Any person or body in whom such persons have a beneficial interest in a class of securities exceeding the nominal value of £25,000, or

18.4 Any body of a type described in paragraphs 17.1.1 or 17.1.2.

Personal Interests

19 Subject to paragraphs 20 to 26, where you have a personal interest in any business of the Board and you attend a meeting of the Board at which the business is considered, you must disclose to that meeting the existence and nature of that interest at the commencement of that consideration, or when the interest becomes apparent.

20 Where you have a personal interest in any business of the Board which relates to or is likely to affect a person described in paragraphs 17.1.1 or 17.1.2.1, you need only disclose to the meeting the existence and nature of that interest when you address the meeting on that business.

21 Where you have a personal interest in any business of the Board of the type mentioned in paragraph 17.1.8, you need not disclose the nature or existence of that interest to the meeting if the interest was registered more than three years before the date of the meeting.

22 Paragraph 19 only applies where you are aware or ought reasonably to be aware of the existence of the personal interest.

23 Where you have a personal interest but, by virtue of paragraphs 32 to 34, sensitive information relating to it is not registered in the Board's register of member's interests, you must indicate to the meeting that you have a personal interest, but need not disclose the sensitive information to the meeting.

- 24 Where you have a personal interest in any business of the Board and you have made a decision in relation to that business, you must ensure that any written statement of that decision records the existence and nature of that interest.

Prejudicial Interest General

- 25 Subject to paragraph 26, where you have a personal interest in any business of the Board you also have a prejudicial interest in that business where the interest is one which a member of the public with knowledge of the relevant facts would reasonably regard as so significant that it is likely to prejudice your judgement of the public interest.
- 26 You do not have a prejudicial interest in any business of the Board where that business;
- 26.1 Does not affect your financial position or the financial position of a person or body described in paragraph 17.
- 26.2 Does not relate to the determining of any approval, consent, licence, permission or registration in relation to you or any person or body described in paragraph 17; or

Prejudicial interests arising in relation to an Overview and Scrutiny committee

- 27 You also have a prejudicial interest in any business before an Overview and Scrutiny committee of the Board (or of a sub-committee of such a committee) where
- 27.1 That business relates to a decision made (whether implemented or not) or action taken by your Board or another of the Board's sub-committees and
- 27.2 At the time the decision was made or action was taken, you were a member of the Board or sub-committee mentioned in paragraph 27.1 and you were present when that decision was made or action was taken

Effect of prejudicial interests on participation

- 28 Subject to paragraph 29, where you have a prejudicial interest in any business of your Board.
- 28.1 You must withdraw from the room or chamber where a meeting considering the business is being held,
- 28.1.1 In a case where paragraph 29 applies, immediately after making representations, answering questions or giving evidence
- 28.1.2 In any other case, whenever it becomes apparent that the business is being considered at that meeting
- 28.2 You must not seek improperly to influence a decision about that business

- 29 Where you have a prejudicial interest in any business of the Board, you may attend a meeting (including a meeting of an Overview and Scrutiny committee of the Board or of a sub-committee of such a committee) but only for the purpose of making representations, answering questions or giving evidence relating to the business, provided that the public are also allowed to attend the meeting for the same purpose, whether under a statutory right or otherwise.

3.0 Registration of Members' Interests

- 30 Subject to paragraphs 32 to 34, you must, within 28 days of:

30.1 This Code being adopted by or applied to the Board, or

30.2 Your election or appointment to office (where that is later)

register in the Board's Register of Members' Interests (maintained under section 81 (1) of the Local Government Act 2000) details of your personal interests where they fall within a category mentioned in paragraph 18 by providing written notification to the Council's Monitoring Officer.

- 31 Subject to paragraphs 32 and 34 you must, within 28 days of becoming aware of any new personal interest or change to any personal interest registered under paragraph 30, register details of that new personal interest or change by providing written notification to the Council's Monitoring Officer.

Sensitive Information

- 32 Where you consider that the information relating to any of your personal interests is sensitive information, and the Council's Monitoring Officer agrees, you need not include that information when registering that interest, or, as the case may be, a change to that interest under paragraphs 30 to 31.

- 33 You must, within 28 days of becoming aware of any change of circumstances which means that information excluded under paragraphs 30 to 31 is no longer sensitive information, notify the Council's Monitoring Officer asking that the information be included in the Board's Register of Members' Interests.

- 34 In this Code, "sensitive information" means information whose availability for inspection by the public creates, or is likely to create, a serious risk that you or a person who lives with you may be subjected to violence or intimidation.

PART 4.2

STATUTORY OFFICERS

- (1) The shadow arrangements make provision for the Council to provide officer support to the Board. As part of this arrangement Bradford's three statutory officers support the work of the Board.
- (2) The three statutory officers are:

Chief Officer – Chief Executive

Chief Financial Officer – Director of Finance

Monitoring Officer – City Solicitor.
- (3) The Chief Officer has overall responsibility for managing the Council and also responsibility for providing advice on staffing and the decision making process. The Chief Officer will also work closely with the Monitoring Officer to secure high ethical standards.
- (4) The Monitoring Officer has defined responsibilities in respect of matters of legality and ethical standards. If the Monitoring Officer considers any proposal, decision or omission would give rise to unlawfulness, or if any decision or omission has given rise to maladministration, then action can be taken to stop the proposal or decision being implemented until a report of the Monitoring Officer has been considered.
- (5) The Chief Financial Officer has defined responsibilities in respect of the proper administration of the financial affairs of the Board, in particular provision will be made for professional support and advice as appropriate. He/she will also provide advice, among other things, on the scope of powers and authority to take decisions; on issues relating to maladministration, financial impropriety, probity, value for money, performance; and on the financial strategies and policy framework issues. The Chief Financial Officer is empowered to deal with any proposal or decision or course of action that will involve incurring unlawful expenditure or is unlawful.
- (6) In return for these responsibilities, the statutory officers have certain legal protections. In summary these protections mean that the Council cannot suspend a statutory officer for more than two months, for the purpose of investigating misconduct, unless that is recommended by an independent person appointed by the officer and the Council
- (7) It is acknowledged that while Bradford's three statutory officers will provide the main support to the Board there may be occasions when the officers of other bodies have an interest in a particular matter affecting the Board. Where such a situation arises the officer concerned will be expected to contact the Chief Officer of the Board and inform the relevant statutory officer at Leeds of his/her interest.