

HEALTH AND WELLBEING BOARD		AGENDA ITEM No. 4
6 JUNE 2013		PUBLIC REPORT
Contact Officer(s):	Kim Sawyer, Head of Legal Services	Tel. 01733 452533

REGISTER OF INTERESTS AND CODE OF CONDUCT

R E C O M M E N D A T I O N S	
FROM: Kim Sawyer, Head of Legal Services	Deadline date : N/A
Board Members are recommended to:	
<ol style="list-style-type: none"> 1. Note the regulations and requirements concerning Registering Interests and abiding by the City Council's Code of Conduct; and 2. Complete and submit a Register of Interests form for publication on the City Council's website. 	

1. ORIGIN OF REPORT

- 1.1 This report is submitted to Board following guidance from the Local Government Association concerning governance and constitutional issues for Health and Wellbeing Boards.

2. PURPOSE AND REASON FOR REPORT

- 2.1 The purpose of this report is to advise non-Councillor Board Members of their obligations to abide by the City Council's Code of Conduct when carrying out duties as a Member of the Health and Wellbeing Board and to request submission of a register of interests form accordingly.
- 2.2 This report is for Board Members to consider under its Terms of Reference No. 5.1, The meetings of the Board and its decision-making will be subject to the provisions of the City Council's Constitution including the Council Procedure Rules and the Access to Information Rules, insofar as these are applicable to the Board in its shadow form.

3. CODE OF CONDUCT AND CONFLICTS OF INTEREST

- 3.1 All councillors and co-opted members of council committees are required to comply with a code of conduct. Under the Localism Act 2011(section 27 (4)), all non-councillor members of health and wellbeing boards who are entitled to vote on any question that falls to be decided at any meeting of the board would be 'co-opted members' for these purposes. This means that all voting members of health and wellbeing boards will be governed by the local authority's code of conduct (attached at Appendix A). The code of conduct for each council sets out the conduct expected of members and co-opted members when they are acting in that capacity.
- 3.2 It is for individual councils to decide what their codes of conduct say. The legislation requires councils (other than parish councils) to have in place arrangements to investigate, and take decisions on, allegations of a failure to comply with the authority's code of conduct.
- 3.3 Section 31 of the Act requires a member or co-opted member of a relevant council to disclose a disclosable pecuniary interest that they are aware of (apart from a sensitive interest — see section 32 of the Act), at a meeting or if acting alone, where any matter to

be considered relates to their interest. It prohibits a member from participating in discussion or voting on any matter relating to their interest or, if acting alone, from taking any steps in relation to the matter (subject to any dispensations — see section 33 of the Act).

- 3.4 This will apply to members of health and wellbeing boards and might, for example be relevant in relation to members' financial interests in matters on which the boards will be deliberating, such as contracts with providers of services.
- 3.5 The principles of these requirements are consistent with the requirement on Clinical Commissioning Groups (CCGs) in relation to conflicts of interest. CCGs are under duties in relation to registers of interests and conflicts of interest. The NHS Commissioning Board is under a duty to issue guidance to CCGs on the exercise of their functions in relation to conflicts of interests and CCGs must have regard to such guidance.
- 3.6 It should also be noted that the public law notions of predetermination and bias will also apply.

Which Members Does this Apply to?

- 3.7 This report applies to all Members of the Board as listed in the Terms of Reference.
- 3.8 Elected Members of Peterborough City Council have already completed the relevant documentation as part of their role as a city councillor and should be familiar with the procedures for declaring pecuniary interests.
- 3.9 All other members of the Board need to become familiar with the Code of Conduct and the process for registering and declaring interests.

4. ANTICIPATED OUTCOMES

It is anticipated that Members will be aware of their responsibilities in relation to Interests and declarations arising from the local Government Act 2011 and submit the relevant Register of Interests form for publication.

5. REASONS FOR RECOMMENDATIONS

Section 34 of the Localism Act makes it a criminal offence if a member or co-opted member fails, without reasonable excuse, to comply with requirements under section 30 or 31 to register or declare disclosable pecuniary interests, or take part in the local authority's business at meetings or when acting alone when prevented from doing so.

6. ALTERNATIVE OPTIONS CONSIDERED

If Members do not complete a relevant register of interests form and do not declare those interests when required, they may be liable to criminal investigations and may not be a member of the Health and Wellbeing Board.

7. IMPLICATIONS

Legal – it is a requirement for all Members to be covered by the City Council's Code of Conduct and register any pecuniary interests accordingly.

8. BACKGROUND DOCUMENTS

Used to prepare this report, in accordance with the Local Government (Access to Information) Act 1985)

[Localism Act 2011.](#)

[Local Government Association, Health and Wellbeing Boards: a practical guide to governance and constitutional issues.](#)