
Health and Wellbeing Board

16 November 2022

Report of the Director of Public Health

Ratification of Decisions made by the Health and Wellbeing Board outside of a Formal Meeting

Summary

1. This report asks Health and Wellbeing Board (HWBB) members to formally ratify four decisions which were made outside of a formal meeting. These decisions were purportedly made via e-mail after the cancellation of the September meeting of the board. As such decision-making has no lawful basis, the Board is required to ratify those decisions at the next available meeting.

Background

2. Health and Wellbeing Board were due to make several decisions at their September meeting; this meeting was postponed due to the death of The Queen and subsequently cancelled. An [agenda](#) for the meeting was published prior to the postponement and cancellation.

Main/Key Issues to be Considered

3. HWBB members made decisions in relation to the following items on the September agenda:
 - a. **Joint Health and Wellbeing Strategy 2022-32:** board members agreed the content of the draft strategy included within the published agenda pack for September 2022. A designed version is now available and is included at **Annex A** to this report for formal launch.
 - b. **Pharmaceutical Needs Assessment (PNA) 2022-2025:** board members approved the PNA for publication and this has now been uploaded to the [Joint Strategic Needs Assessment](#)

[website](#). Making this decision outside of a formal meeting allowed for the PNA to be published within statutory timescales.

- c. **Review of York's Health and Wellbeing Board:** board members agreed to review the York HWBB which will include reviewing the board's terms of reference including membership and functions; reviewing the current sub-structure of the HWBB and putting forward options for the structure of future HWBB meetings.
 - d. **Chairship of the Mental Health Partnership:** board members agreed to start the process of appointing a new independent chair for the Mental Health Partnership. This process will be led from within the Public Health Team.
4. All other items on the September meeting were for noting and/or for information and no decisions were required.

Consultation

5. Details of consultation are included within the individual reports on the September agenda.

Options

6. Board members are asked to ratify the decisions made by e-mail after the cancellation of their September meeting.

Analysis

7. In order to ensure the lawfulness of the decisions purportedly made by e-mail, it is essential that they are ratified at the first available HWBB meeting, so as to constitute lawful decisions.

Strategic/Operational Plans

8. Details of relevant strategic and operational plans are included within the individual reports on the September agenda.

Implications

9. **Legal:** the decisions purportedly taken by the HWBB by e-mail were so taken due to the necessity to publish information within a statutory deadline; however, since no urgency provisions applied, the decisions were not lawfully taken. In order to ensure their retrospective lawfulness, it is necessary that the HWBB formally

ratifies the decisions. Equally, it is essential that the HWBB appreciates that this situation must not be repeated.

10. There are no other implications associated with this report.

Risk Management

11. In compliance with the Council's risk management strategy, it is important that the HWBB publish an up-to-date Pharmaceutical Needs Assessment and Joint Health and Wellbeing Strategy. It is also essential, however, that the HWBB acts in compliance with the Local Government Act 1972 and the Council's Constitution.

Recommendations

12. Health and Wellbeing Board are asked to ratify the decisions made in relation to four items on the published agenda for September 2022

Reason: to ensure that the decisions made by the HWBB are lawful.

Contact Details

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**Report
Approved**



Date 04.11.2022

Specialist Implications Officer(s)

Legal: Bryn Roberts; Director of Governance

Wards Affected:

All

**For further information please contact the author of the report
Background Papers:**

[Agenda for the September 2022 Meeting of the HWBB](#)

Annexes

Annex A: Joint Health and Wellbeing Strategy