

Date: 25 August  
2015

Agenda Item: **8**

# Shadow Integration Joint Board

## STANDING ORDERS

## REPORT BY DIRECTOR

### **A PURPOSE OF REPORT**

To provide for discussion draft Standing Orders to regulate the Board's meetings and proceedings and a proposed approach to minutes of Board meetings, with a view to finalising both for presentation to the first formal meeting of the Board in October 2015.

### **B RECOMMENDATION**

1. To note the draft Standing Orders, as contained in Appendix 1 to the report, and to consider them and provide comment and suggestion for adoption or change
2. To note the suggested approach to the preparation and agreement of minutes of Board meetings, as contained in Appendix 2 to the Report, and provide comment and suggestion for adoption or change
3. To note that both Standing Orders and the approach to minutes of Board meeting will require to be formally approved by the Board when constituted

### **C TERMS OF REPORT**

#### **Introduction**

In terms of statutory rules made under the Public Bodies (Joint Working) (Scotland) Act 2014 ("the 2014 Act") the Board requires to make Standing Orders regulating its proceedings. Those rules also set out certain minimum requirements to be included in such Standing Orders whilst leaving other matters for inclusion at the Board's discretion. In some areas they stipulate the particular terms which must be included, and in others they leave the detail for local decision.

In addition to the statutory rules, there are other provisions which experience shows are necessary elements of Standing Orders to ensure sound decisions are taken, not in the sense of the merits of the decisions, but in the relation to lawfulness, efficiency, speed, promptness, accuracy and on the basis of all relevant information.

At the meeting of the Shadow Board on 2 June 2015, it was agreed that a draft set of Standing Orders should be brought to the next meeting for consideration and discussion, with a view to finalising a raft for submission to the Board at its first formal meeting after adoption. The draft Standing Orders are in Appendix 1. They have been prepared to ensure compliance with the statutory requirements and general rules of good governance and orderly conduct of business. They follow the structure and pattern of a draft set of Standing Orders prepared through the health board for recommendation, with local variations where desired, for adoption by each of the four Lothian IJBs. Some variations have been made in the proposed version for this IJB.

### **Points to note**

Members are particularly asked to note the following provisions:-

- a) Suspension of Standing Orders has been expressly prohibited, on the basis that if a rule is put in place then it should be applied and not set aside to suit a particular issue or a particular meeting (1.5)
- b) In the absence of the Chair and Vice-Chair, another voting member has to be appointed to chair the meeting, and it has been expressly stated that the resolution of a tied vote for that purpose will be by lot. The regulations prohibit the use of a casting vote, but in order for the later provisions about resolving a deadlock to be brought into effect there must first be a mechanism to ensure a chair is appointed (3.4)
- c) The meeting arrangements guarantee a fixed number of ordinary meetings each year, but allow the flexibility of changing dates, and calling special meetings (4)
- d) Agendas and reports will be made available five clear days before the meeting (5.2)
- e) It is presumed that the agenda will be approved by the Chair and that items of business will consist of reports from officers and not written motions submitted in advance of a meeting by voting members (5.3)
- f) Reports and meetings will be open to the public unless the Board resolves to deal with an item of business in private (6.1)
- g) The categories of “private information” have been modelled on the rules on access to meetings in local government legislation, and do not provide for an item to be taken in private for other reasons, good or otherwise. Other versions of IJB Standing Orders are more relaxed, and, for instance, allow a meeting to proceed in private where the Board decides it needs some private time to consider a developing or emerging proposal (6.1 and Appendix 2 to the Standing Orders)

- h) Only business on the agenda can be transacted unless an additional item is ruled “urgent” by the Chair (5.8)
- i) Rules are included about the powers and duties of the Chair (8) and conduct of members (9). In relation to a member withdrawing from a meeting, the draft reflects an expected amendment to the regulations which will mean each member has personal responsibility for deciding to withdraw, rather than being forced to do so by the other members
- j) The process for debate and voting is set out in some detail (11)
- k) A list of significant matters to be determined by the Board itself is provided (15)
- l) The power is given to the Board to establish committees and in particular the Board will require to appoint an Audit, Risk and Governance Committee (17). The remit of such a committee is being developed through the health board to be recommended for adoption by each of the four Lothian IJBs and will be presented to the Board for approval in due course
- m) Provision has been made for the Chief Officer to take action in an emergency where a decision cannot wait until the Board meets (16)

The roles and responsibilities of the Chair, Vice-Chair and Board members are being developed through the health board and shall be presented to a future meeting of the Board for noting. They will also feature in the training/induction sessions scheduled to take place in August and September.

## **Minutes**

The Board will have the ability to adopt its own preferred style of minutes. A note is attached in Appendix 2 of the different considerations to take into account, the different approaches that may be taken, and recommending a practical and proportionate approach which will ensure proper record-keeping and accurate records of decisions, and allow the public to understand the business of the Board.

## **D CONSULTATION**

Relevant officers in council and health board in relation to form and content of proposed Standing Orders.

## **E IMPLICATIONS**

**Equality/Health** No assessment has been carried out in relation to this report, since it is not felt to be relevant or required to the subject-matter and proposed decisions.

**Resource** No impact

<b>Policy/Legal</b>	Adoption of Standing Orders will ensure compliance with the 2014 Act and relevant subordinate legislation
<b>Risk</b>	Failure to adopt Standing Orders puts at risk the administration of the Board and competent decision-making

## **F REFERENCES/BACKGROUND**

Public Bodies (Joint Working) ( Scotland) Act 2014

Public Bodies (Joint Working) (Integration Joint Boards) (Scotland) Order 2014

Meeting of Shadow IJB, 2 June 2015

## **G APPENDICES**

1. Draft Standing Orders
2. Approach to minutes of meetings

## **H CONTACT**

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