



# Health and Social Care Act 2012

## 2012 CHAPTER 7

### PART 5

#### PUBLIC INVOLVEMENT AND LOCAL GOVERNMENT

### CHAPTER 2

#### LOCAL GOVERNMENT

#### *Health and Wellbeing Boards: establishment*

#### **194 Establishment of Health and Wellbeing Boards**

- (1) A local authority must establish a Health and Wellbeing Board for its area.
- (2) The Health and Wellbeing Board is to consist of—
  - (a) subject to subsection (4), at least one councillor of the local authority, nominated in accordance with subsection (3),
  - (b) the director of adult social services for the local authority,
  - (c) the director of children’s services for the local authority,
  - (d) the director of public health for the local authority,
  - (e) a representative of the Local Healthwatch organisation for the area of the local authority,
  - (f) a representative of each relevant clinical commissioning group, and
  - (g) such other persons, or representatives of such other persons, as the local authority thinks appropriate.
- (3) A nomination for the purposes of subsection (2)(a) must be made—
  - (a) in the case of a local authority operating executive arrangements, by the elected mayor or the executive leader of the local authority;
  - (b) in any other case, by the local authority.

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*Status: This is the original version (as it was originally enacted).*

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- (4) In the case of a local authority operating executive arrangements, the elected mayor or the executive leader of the local authority may, instead of or in addition to making a nomination under subsection (2)(a), be a member of the Board.
- (5) The Local Healthwatch organisation for the area of the local authority must appoint one person to represent it on the Health and Wellbeing Board.
- (6) A relevant clinical commissioning group must appoint a person to represent it on the Health and Wellbeing Board.
- (7) A person may, with the agreement of the Health and Wellbeing Board, represent more than one clinical commissioning group on the Board.
- (8) The Health and Wellbeing Board may appoint such additional persons to be members of the Board as it thinks appropriate.
- (9) At any time after a Health and Wellbeing Board is established, a local authority must, before appointing another person to be a member of the Board under subsection (2)(g), consult the Health and Wellbeing Board.
- (10) A relevant clinical commissioning group must co-operate with the Health and Wellbeing Board in the exercise of the functions of the Board.
- (11) A Health and Wellbeing Board is a committee of the local authority which established it and, for the purposes of any enactment, is to be treated as if it were a committee appointed by that authority under section 102 of the Local Government Act 1972.
- (12) But regulations may provide that any enactment relating to a committee appointed under section 102 of that Act of 1972—
  - (a) does not apply in relation to a Health and Wellbeing Board, or
  - (b) applies in relation to it with such modifications as may be prescribed in the regulations.
- (13) In this section—
  - (a) “enactment” includes an enactment contained in subordinate legislation (within the meaning of the Interpretation Act 1978);
  - (b) “elected mayor”, “executive arrangements” and “executive leader”, in relation to a local authority, have the same meaning as in Part 1A of the Local Government Act 2000;
  - (c) “relevant clinical commissioning group”, in relation to a local authority, means any clinical commissioning group whose area coincides with or falls wholly or partly within the area of the local authority.
- (14) In this section and in sections 195 to 199, “local authority” means—
  - (a) a county council in England;
  - (b) a district council in England, other than a council for a district in a county for which there is a county council;
  - (c) a London borough council;
  - (d) the Council of the Isles of Scilly;
  - (e) the Common Council of the City of London in its capacity as a local authority.