

BOROUGH OF TELFORD & WREKIN

COUNCIL CONSTITUTION COMMITTEE – 18th JULY 2013

JOINT HEALTH SCRUTINY ARRANGEMENTS

REPORT OF THE SCRUTINY GROUP SPECIALIST

1.0 SUMMARY

1.1 There are two issues that require consideration to ensure that the Health Scrutiny arrangements in Telford and Wrekin have the relevant provisions for Joint Health Scrutiny Committees:

- Voting rights for co-opted members on the Telford and Wrekin and Shropshire Joint Health Overview and Scrutiny Committee
- Provisions to establish a Joint Health Overview and Scrutiny committee with other Local Authority areas if required.

1.2 If agreed, both these issues will require amendments to the Council's constitution. Agreement of all Members is necessary in order to disapply political balance requirements.

2.0 RECOMMENDATIONS

2.1 It is recommended that Council Constitution Committee make the following recommendations to Council:

- **To agree the voting Scheme for the Co-opted Members of the Joint HOSC as set out in Appendix 1 and the consequent changes to the Constitution as set out in Appendix 2**
- **To agree the procedure to establish future Joint Health Overview and Scrutiny Committees as set out in section 5 of this report and the consequent changes to the constitution set out in Appendix 2.**

3.0 MINUTES OF PREVIOUS MEETINGS

3.1 FC – 50

4.0. JOINT HEALTH SCRUTINY ARRANGEMENTS

4.1 Telford and Wrekin Council values the contribution of co-opted members on the Council's Scrutiny Committees. At Full Council on the 29th October 2009 it was decided to confer voting rights on the 3 independent co-opted Telford

and Wrekin Members of the Joint Health Overview and Scrutiny Committee with Shropshire Council. Under this Scheme co-opted members can only exercise their right to vote in respect of matters relating to the re-configuration of health services that were subject to consultation by the Telford and Wrekin PCT and Shropshire PCT during 2009. The scheme set out that when the matter of the re-configuration of health services in Shropshire and Telford & Wrekin has been finally determined, this Scheme will be revoked. Shropshire Council subsequently agreed the same scheme to confer voting rights for Shropshire Council co-optees on the Joint HOSC.

- 4.2 The Joint HOSC considered the Full Business Case for the Service reconfiguration at the meeting on 12th April 2012 and has continued to monitor the implementation of the service changes and the travel and transport plan. The Joint HOSC is developing the work programme for 2013/14 and many of the issues are outside the remit of the current voting scheme e.g. Review of accident and emergency services, 111 service and stroke services.
- 4.3 Following discussions with the co-chairs of the Joint HOSC and Members of the relevant Scrutiny Committees it is proposed that both Telford and Wrekin Council and Shropshire Council extend the voting rights of the co-optees to all matters considered by the Joint HOSC, but that the scheme is time limited and reviewed every 3 years. A draft scheme is attached for consideration by Council Constitution Committee in Appendix 1 and the consequent changes to the Constitution are set out in Appendix 2.

5.0 PROVISION FOR ESTABLISHING FUTURE JOINT HEALTH OVERVIEW AND SCRUTINY COMMITTEES

- 5.1 Telford and Wrekin has a long standing and successful Joint Health Overview and Scrutiny Committee with Shropshire Council. However the Local Authority needs to be in a position to respond to any proposed changes to NHS services that will affect a wider geographical areas than is covered by this Joint HOSC. The draft Health Scrutiny Guidance sets out that:
- The Health Scrutiny regulations require the appointment of a Joint HOSC where a health service commissioner or provider consults more than 1 local authority's health scrutiny function on substantial reconfiguration.
 - The Joint HOSC will need to reflect the political make up of the participating local authorities, unless exceptions under the Local Government and Housing Act 1989 apply.
 - Only the Joint HOSC may make comments on the proposal consulted on or require the health service commissioner or provider which has the proposal under consideration to provide information to them, or require a member or employee of that body or provider to attend before them to answer questions.

- Only the Joint HOSC can then make a report and recommendations back to the organisation proposing the change.
- The power to refer to the Secretary of State can be exercised by any of the local authorities participating in the Joint HOSC or by (and only by) the Joint HOSC where the power to refer has been delegated to it.
- Local authorities will need to consider arrangements / protocols for joint Committees with other authorities so that these can be established quickly when the need arises.

5.2 The time required to establish a Joint HOSC which is politically balanced is considerable and could result in a short time for the Joint HOSC to consider the NHS proposals, gather the evidence required and respond to the consultation.

5.3 A model adopted by several other authorities waives the requirement for political balance on any future Joint HOSC established if all the other participating authorities also agree to this. Under these circumstances the Chair of the HOSC would be the Telford and Wrekin representative on this Joint HOSC and will share and discuss documents with the health spokespeople. If any of the participating authorities do not agree to waive political balance the Membership of the Joint HOSC will be appointed by the relevant Scrutiny Committee. The arrangements adopted by Solihull MBC are attached as an example in Appendix 3. Following discussion with the Chair of the HOSC it is proposed that this model is considered by CCC and, if agreed, recommended to Full Council in September as set out in Appendix 2.

6.0 EQUAL OPPORTUNITIES

6.1 Co-opted Members on the Joint HOSC will be appointed in line with the Scrutiny policy on co-opted members.

7.0 ENVIRONMENTAL IMPACT

7.1 There are no direct environmental implications resulting from this report.

8.0 LEGAL COMMENT

8.1 The proposals in this report with regard to voting rights for co-optees accord with the requirements set out in the Local Government Act 2000 and the Local Authorities (Committee System) (England) Regulations 2012.

8.2 In accordance with section 17 Local Government and Housing Act 1989 in order for political balance requirements to be disapplied, no member present must vote against the proposal.

9.0 OPPORTUNITIES AND RISKS

9.1 There may be circumstances where the Council will need to respond quickly to a consultation on NHS service reconfiguration. Currently this would require working with other authorities to agree the political balance requirements of a Joint HOSC and Full Council appointing the Telford and Wrekin representatives. The arrangements proposed enable the Local Authority to respond appropriately with other Council's that have similar arrangements.

10.0 FINANCIAL IMPLICATIONS

10.1 There are no significant implications as the proposed changes can be accommodated within the existing base budget. However, there maybe a requirement for additional Scrutiny resource to deal with future specific and time limited consultations. Any request will be subject to resources being available at the time and with appropriate approvals being given.

11.0 WARD IMPLICATIONS

11.1 There are no ward implications resulting directly from this report.

12.0 BACKGROUND PAPERS

12.1 Health and Social Care Act 2012
Draft Health Scrutiny Guidance

Report prepared by: Fiona Bottrill Scrutiny Group Specialist and Statutory Scrutiny Officer 01952 383113