

TELFORD & WREKIN COUNCIL

**HEALTH AND ADULT CARE SCRUTINY
COMMITTEE**

2ND JULY 2015

**REVIEW OF THE TERMS OF REFERENCE OF THE SHROPSHIRE AND
TELFORD & WREKIN JOINT HEALTH OVERVIEW AND SCRUTINY
COMMITTEE**

REPORT OF SCRUTINY GROUP SPECIALIST

1.0 PURPOSE

- 1.1 To update the terms of reference of the Shropshire and Telford and Wrekin Joint Health Overview and Scrutiny Committee.

2.0 RECOMMENDATIONS

- 2.1 The Committee considers the draft terms of reference attached as Appendix 1 and recommends the proposed changes to Scrutiny Management Board for consideration by Council Constitution Committee.

3.0 PREVIOUS MINUTES

- 3.1 CCC – 4 13th July 2013

4.0 BACKGROUND INFORMATION

- 4.1 The Joint Health Overview and Scrutiny Committee with Shropshire Council has worked effectively for a number of years. However, following the publication of the Health Scrutiny guidance by the Department of Health the existing terms of reference need to be updated.

**5.0 TEERMS OF REFERENCE FOR THE SHROPSHIRE AND TELFORD
& WREKIN JOINT HEALTH OVERVIEW AND SCRUTINY
COMMITTEE.**

- 5.1 The Health and Social Care Act 2012 made a number of changes to

health scrutiny arrangements. The Telford and Wrekin Council's constitution was amended in 2013 to reflect these changes and it was agreed that the health scrutiny powers conferred on the Local Authority would be delegated to the Health and Adult Care Scrutiny Committee.

- 5.2 The Health Scrutiny Guidance published in 2014 provided greater detail on the specific powers of delegation and it is therefore necessary to update the terms of reference for the Joint Health Overview and Scrutiny Committee. The draft terms of reference attached have been updated to clarify that both local authorities agreed to delegate scrutiny of pan-shropshire health issues to the Joint HOSC, but that the power of referral to the Secretary of State has not been delegated to the Joint HOSC. While the Joint HOSC will consider the proposed changes and respond to the consultation, the power to refer any contested proposals remains with the individual authorities.

6.0 EQUAL OPPORTUNITIES

- 6.1 The recommendations set out in the report aim to ensure all service users and their family are fully engaged in assessing and planning their care.

7.0 ENVIRONMENTAL IMPACT

- 7.1 There is no direct environmental impact resulting from this report.

8.0. LEGAL COMMENT

- 8.1 Rules and procedures covering the Council's public health scrutiny responsibilities are set out in the Local Government Act 1972 as amended (section 101), the National Health Act 2006 (as amended by the Health and Social Care Act 2012) and most recently The Local Authority (Public Health, Health and Wellbeing Boards and Health Scrutiny) Regulations 2013.

The legislative provisions allow for a local authority to choose how the public health scrutiny function is undertaken; a local authority can choose to discharge its functions through its own overview and scrutiny committee, that of another authority or through a joint overview and scrutiny committee with one or more other authorities.

The proposal in this report is compliant with the regulatory requirements.

9.1 LINKS WITH CORPORATE PRIORITIES

- 9.1 The role of the Joint HOSC contributes to the Council's priority to improve the health and wellbeing of our communities and address health inequalities

10.0 OPPORTUNITIES AND RISKS

- 10.1 The changes to the terms of reference for the Joint HOSC will need to be agreed through the correct processes by both local authorities. Any changes to the draft terms of reference will need to be agreed by both authorities.

11.0 FINANCIAL IMPLICATIONS

- 11.1 The adoption of the revised terms of reference in and of itself does not give rise to any financial implications. Reference in the report to the power to refer matters to the secretary of state, which if agreed would remain with the Council is an action which has the potential to give rise to future costs should these powers be used.

RP 23/6/15.

12.0 WARD IMPLICATIONS

- 12.1 There are no specific ward issues resulting from this report.

13.0 BACKGROUND PAPERS

- 13.1 None

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Background Report: Department of Health Guidance June 2014: Local Authority Health Scrutiny. Guidance to support local authorities and their partners to deliver effective health scrutiny.