

LONDON BOROUGH OF TOWER HAMLETS

COUNCIL MEETING

WEDNESDAY 21ST SEPTEMBER 2011

**ESTABLISHMENT OF INNER NORTH EAST LONDON
STANDING JOINT OVERVIEW AND SCRUTINY COMMITTEE**

**REPORT OF THE SERVICE HEAD,
DEMOCRATIC SERVICES**

1. Summary

- 1.1 This report sets out proposals to establish a Standing Inner North East London Joint Overview and Scrutiny Committee (JOSC) comprising of the London Borough of Tower Hamlets, Newham, Hackney and the City of London; and proposes that the Council agree the establishment of the JOSC and delegate to the Overview and Scrutiny Committee authority to appoint Tower Hamlets' representatives to the Joint Committee.

2. Recommendations

- 2.1 That the Council agree the establishment of a Standing Inner North East London Joint Overview and Scrutiny Committee, comprising the London Boroughs of Tower Hamlets, Newham, Hackney and the City of London to consider those health matters where a substantial variation or development to health services covers more than one local authority area, in accordance with the attached Terms of Reference (Appendix A) and Procedure Rules (Appendix B).
- 2.2 That Tower Hamlets appoint three Members to serve on the Joint Overview and Scrutiny Committee and the Overview and Scrutiny Committee be delegated authority to make those appointments from amongst the members of the Overview and Scrutiny Committee and the Health Scrutiny Panel in accordance with the required political proportionality on behalf of the Council.
- 2.3 That the Monitoring Officer be authorised to make any necessary amendments to the Council's Constitution pursuant to the establishment of the Standing Joint Overview and Scrutiny Committee.

3. Background

- 3.1 The Local Authority (Overview and Scrutiny Committee Health Scrutiny Functions) Regulations 2002 give local authorities the power to establish joint overview and scrutiny committees with general or specific health-related functions. The Secretary of State may make a direction under Regulation 10 requiring local authorities in certain circumstances to establish such a joint committee.
- 3.2 On 27th July 2003 the Secretary of State issued a Regulation 10 Direction requiring that local authorities of those areas where a substantial variation or development to health services covers more than one area establish a Joint Overview and Scrutiny Committee. Only the joint committee may then report back and the NHS need only report to and attend the joint committee.
- 3.3 There are a number of NHS consultations currently affecting the Inner North-East London sub-region which could require the establishment of a Joint Overview and Scrutiny Committee (JOSC) under the 17th July 2003 Regulation 10 Direction a standing JOSC is therefore proposed to undertake scrutiny and respond to these as required.

4. Previous ad hoc Joint O&S Committees

- 4.1 Tower Hamlets has previously participated in a number of ad hoc Joint Overview and Scrutiny Committees which have been established to consider particular NHS service change consultations, most recently the Inner North East London (INEL) Joint Overview and Scrutiny Committee which looked at the Health for North East London proposals for change to acute services. The Council was also previously involved in a pan-London Joint Overview and Scrutiny Committee looking at Stroke and Trauma services.

5. Current and forthcoming issues

- 5.1 There are a number of current issues affecting the Inner North-East London sub-region. At present there are NHS consultations around proposed changes to mental health in-patient services and to London cancer services. In addition a consultation is proposed on changes to IVF services.
- 5.2 These consultations could each require the establishment of a JOSC under the 2003 Secretary of State Regulation 10 Direction mentioned above, and the Primary Care Trusts have requested that the Inner North-East London authorities consider forming a standing joint committee that would meet as required to consider sector based proposals for service changes or developments.

- 5.3 In April 2011, the 3 Primary Care Trusts covering inner north east London (NHS Newham, NHS Tower Hamlets and NHS City and Hackney) joined together in order to achieve the significant savings in management costs that the Government required them to make.
- 5.4 There are currently proposals to merge three of the four acute trusts within the East London region (Newham, Whipps Cross and Barts and the Royal London), with this merger due to take place in early 2012.
- 5.5 There is a trend of centralising highly specialised health services in fewer centres which means that residents may be treated away from their local acute or primary care providers more frequently. This will increasingly mean that local authorities across the region will need to come together and look collectively at health issues. The establishment of a standing joint committee will ensure that they are able to respond quickly to developments without having to formally establish a new Committee every time an issue arises.
- 5.6 Under current legislation the Secretary of State may require local authorities to meet jointly to consider consultations which substantially change services. A standing Inner North East London Joint Overview and Scrutiny Committee could consider such consultations alongside any other work programme areas that participating boroughs consider appropriate.
- 5.7 Appendices A and B set out respectively the proposed draft Terms of Reference and Procedure Rules for the Joint Committee.

6. Comments of the Chief Finance Officer

- 6.1 Any costs arising from the establishment of the INEL JOSC, including occasional hosting by Tower Hamlets of meetings of the Joint Committee, are minimal and can be met from the existing budgets for Overview and Scrutiny and Democratic Services.

7. Concurrent report of the Chief Legal Officer

- 7.1 The report correctly refers to the power in the Local Authority (Overview and Scrutiny Committees Health Scrutiny Functions) Regulations 2002 for one or more local authorities to appoint a joint committee and arrange for that committee to exercise their functions to review and scrutinise matters relating to the planning, provision and operation of health services in the area of each local authority. The authorities may make the exercise of functions by the joint committee subject to such terms and conditions as they consider appropriate. A joint committee may not discharge any other functions than the health scrutiny functions the subject of the arrangements made by the authorities.

- 7.2 The joint committee will be subject to sections 21(6) to 21(15) of the Local Government Act 2000, in the same way as is the Council's own Overview and Scrutiny Committee. In this way, the joint committee may not include any member of the executive of one of the participating authorities. Those provisions also deal with: (1) the power to appointment sub-committees and the exercise of functions by those sub-committees; (2) the power to co-opt non-voting members; (3) the requirement to comply with the access to information provisions of Part VA of the Local Government Act 1972; (4) the duty to allocate seats according to the requirement for political balance; and (5) the power to require members and officers to attend and answer questions.
- 7.3 It is proposed that the Council should appoint 3 members to the joint committee and that each of the participating authorities should appoint up to this number. The setting of the number of members of the committee is a matter falling within the arrangements that the authorities may make (as specified in 7.1 above), but is also specifically permitted by section 102(2) of the Local Government Act 1972.
- 7.4 It is proposed that the Council delegate to the Council's own Overview and Scrutiny Committee its power to make appointments to the joint committee. This delegation is permissible pursuant to the power in section 101(1)(a) of the Local Government Act 1972.
- 7.5 Before establishing the joint committee, the Council is required under the Equality Act 2010 to have due regard to the need to avoid unlawful conduct under the Act, such as discrimination, the need to promote equality of opportunity and the need to promote good relations between those who share protected characteristics and those who do not. The Council may take the view that joint scrutiny of health functions will have a positive effect when judged against these requirements.

8. Implications for One Tower Hamlets

- 8.1 The proposed establishment of the Joint O&S Committee will ensure efficient scrutiny of any NHS consultations affecting the four Inner North-east London authorities to the benefit of all local communities.

9. Risk Management implications

- 9.1 There are no direct risk management implications arising from the recommendations in this report. The establishment of a JOSOC will ensure the requirements of the 2003 Direction are fulfilled and will mitigate any risk that the Council does not have sufficient time to respond and react to health developments.

10. Sustainable Action for a Greener Environment (SAGE)

10.1 There are no direct SAGE implications arising from the recommendations in this report.

11. Crime and Disorder Reduction Implications

11.1 There are no direct crime and disorder reduction implications arising from the recommendations in this report.

**Local Government Act, 1972 Section 100D (As amended)
List of “Background Papers” used in the preparation of this report**

Brief description of “background papers”	Name and telephone number of holder and address where open to inspection.
Health and Social Care Act 2001 - Directions to Local Authorities (Overview And Scrutiny Committees, Health Scrutiny Functions), issued 17 th July 2003.	John S. Williams Tel: 020 7364 4204 Mulberry Place, E14 2BG

APPENDIX A

JOINT HEALTH OVERVIEW AND SCRUTINY COMMITTEE

PROPOSED STANDING INNER NORTH EAST LONDON JOINT OVERVIEW AND SCRUTINY COMMITTEE

DRAFT TERMS OF REFERENCE

1. Consider and respond to any health matter which:
 - *Impacts on two or more participating authorities or on the sub region as a whole, and for which a response has been requested by NHS organisations under Section 244 of the NHS Act 2006, and*
 - *All 4 participating authorities agree to consider as an INEL JOSOC*
2. To constitute and meet as a Committee as and when participant boroughs agree to do so subject to the statutory public meeting notice period.

**Inner North East London Joint Health Overview and Scrutiny Committee
(INEL JOSC)**

Proposed Committee Procedure Rules

1. Establishment

- 1.1. The establishment of the committee is for London boroughs: London Borough of Hackney, London Borough of Newham, London Borough of Tower Hamlets and the City of London Corporation. This is in accordance with s.245 of the NHS Act 2006 and the Local Authority (Overview and Scrutiny Committees Healthy Scrutiny Functions) Regulations 2002.

2. Chair

- 2.1. The INEL JOSC will elect the Chair and Vice Chair at the first formal meeting of the INEL JOSC. The preference is the Chair and the Vice Chair will be drawn from different participating authorities.
- 2.2. Members of the Committee interested in either post will provide a written submission to the Committee support officer a week before the first meeting.
- 2.3. The written submissions will be circulated to all the Members of the INEL JOSC and at the first meeting one Member will nominate for the position of Chair / Vice Chair and a second Member will second the nomination.
- 2.4. A vote (by show of hands) will follow and the results will be collated by the supporting Officer.
- 2.5. It is assumed that in addition to Chairing the meetings of the INEL JOSC the Chair and Vice Chair will act as the member steering group for the INEL JOSC.
- 2.6. The appointments of Chair and Vice Chair will be for a period of two municipal years, following which the JOSC will again elect a Chair and Vice-chair on the basis of the provisions contained in clauses 2.1 to 2.5 above. If the INEL JOSC wishes to or is required to change the appointed Chair or Vice Chair, an agenda item should be requested supported by three of the four constituent Authorities following which the appointments will be put to a vote.

3. Membership of Committee

- 3.1. London Borough of Hackney, London Borough of Newham and London Borough of Tower Hamlets will each nominate up to 3 members of the INEL JOSC. The City of London Corporation will nominate up to two members. Appointments will be until further notice. Individual boroughs may change appointees at any time (providing they have acted in accordance with their own procedure rules) but should inform the supporting officers of any such changes.
- 3.2. Political proportionality rules apply to this Committee and each participating Borough's nomination should represent the political proportionality of their Borough.

4. Co-optees

- 4.1. If the Committee chooses it can co-opt non-voting persons as it deems appropriate to the Committee.
- 4.2. Confirmed appointments of co-optees will be for a duration as determined by the JOSC.

5. Substitutions

- 5.1. Named substitutes may attend Committee meetings in lieu of nominated members. Continuity of attendance is strongly encouraged.
- 5.2. It will be the responsibility of individual committee members and their local authorities to arrange substitutions and to ensure the supporting officer is informed of any changes prior to the meeting.
- 5.3. Where a named substitute is attending the meeting, it will be the responsibility of the nominated member to brief them in advance of the meeting.

6. Quorum

- 6.1. The quorum of a meeting of the INEL JOSC will be the presence of a member from each of three of the four participating authorities. In an instance where only three authorities choose to participate in responding to a consultation, quorum will be the presence of a member from two of the three participating authorities. Where only two authorities choose to participate in a consultation, quorum will be the presence of a member from both authorities.

7. Voting

- 7.1. Members of the INEL JOSC should endeavour to reach a consensus of views. In the event that a vote is required, each member present will have one vote. In the event of there being an equality of votes the Chair of the meeting will have the casting vote.
- 7.2. Where the Committee has reviewed a topic or proposed service change and it wishes to make recommendations to a statutory health body, the Committee shall produce a single final report, agreed by consensus and reflecting the views of all the scrutiny committees involved.

8. INEL JOSC Role, Powers and Function

- 8.1. The INEL JOSC can co-operate with any other Health Overview and Scrutiny Committee, joint health overview and scrutiny committee or committee established by two or more local authorities within the greater London area.
- 8.2. INEL JOSC will have the same statutory scrutiny powers as an individual health overview and scrutiny committee that is:
 - accessing information requested
 - requiring members, officers or partners to attend and answer questions
 - making reports or recommendations to any NHS body or unitary authority with social care responsibility.
- 8.3. Efforts will be made to avoid duplication. The individual health overview and scrutiny committees of individual authorities shall endeavour not to replicate any work undertaken by the INEL JOSC. All scrutiny statutory powers for that topic being reviewed will be transferred to the INEL JOSC.

9. Support

- 9.1. The lead administrative and research support will be provided by the Health Scrutiny officer from the London Borough of Hackney with assistance as required from the officers of the participating borough.
- 9.2. Meetings of the JOSC will be rotated between participating authorities as agreed by the JOSC. The host authority for each meeting of the INEL JOSC will be responsible for arranging appropriate meeting rooms; ensuring that refreshments are available providing spare copies of agenda papers on the day of the meeting; and producing minutes of the meeting within five working days.

- 9.3. Each authority will identify a key point of contact for all arrangements and Statutory Scrutiny Officers are at all times to be kept abreast of arrangements for the JOSC.

10. Meetings

- 10.1. Meetings of the INEL JOSC will be held in public unless the public is excluded by resolution under section 100a (4) Local Government Act 1972 / 2000 and will take place at venues in one of the four INEL authorities. Accessibility issues may mean that locations in the authorities main Council Office i.e. Council Chamber would be the preferred option.
- 10.2. However, there may be occasions on which the INEL JOSC may need to hold site visits outside of the formal Committee meeting setting. Arrangements for these site visits will be made by the officers nominated to support the INEL JOSC with assistance from the officers of the borough being visited.
- 10.3. A written record of information from any site visit undertaken will be made for noting purposes for the INEL JOSC.

11. Agenda

- 11.1. The agenda will be prepared by the officer supporting the INEL JOSC guided by the Chair. The officer will send, by email, the agenda to all members of the INEL JOSC, the Statutory Scrutiny Officers and their support officers.
- 11.2. It will then be the responsibility of each borough to:
- publish official notice of the meeting
 - put the agenda on public deposit
 - make the agenda available on their Council website; and
 - make copies of the agenda papers available locally to other Members and officers of that Authority and stakeholder groups as they feel appropriate.

12. Local Overview and Scrutiny Committees

- 12.1. The INEL JOSC will invite participating authority's health overview and scrutiny committees and other partners to make known their views on the proposal(s) or review(s) being conducted.
- 12.2. The INEL JOSC will consider those views in making its conclusions and comments on the proposals outlined or reviews

13. Representations

- 13.1. The INEL JOSC will identify and invite witnesses to address the committee and may wish to undertake consultation with a range of stakeholders. However as a general principle the committee will consider any written or verbal submissions from individual members of the public and interest groups that represent geographical areas in Inner North East London that are contained within one of the participating local authority areas.
- 13.2. The INEL JOSC will specifically request that the NHS bodies conducting consultations consider reviews undertaken by participating Borough's Overview and Scrutiny Committees. Summaries of the key points from these submissions will be appended to the INEL JOSC's final report for submission to the consulting NHS body decision making board.

14. Timescale

- 14.1. This Inner North East London Health Overview and Scrutiny Committee (INEL JOSC) is constituted until further notice and insofar as it continues to have the support of the constituent participating authorities. It may be dissolved upon agreement of the participating authorities.