

Committee	Date	Classification	Report No.
Overview and Scrutiny Committee	22 July 2014	Unrestricted	
Report of: Service Head, Democratic Services		Title: Appointments to Inner North East London Standing Joint Health Overview and Scrutiny Committee 2014/15	
Originating Officer(s): Antonella Burgio		Ward(s) affected: All	

1. Summary

- 1.1 This report provides a background to the establishment of Inner North East London Standing Joint Health Overview and Scrutiny Committee and asks the Committee to appoint 3 Members for the duration of the municipal year.

2. Recommendations

- 2.1 That Overview and Scrutiny Committee appoint 3 Members drawn from its membership or that of the Health Scrutiny Panel to represent the authority on the Inner North East London Standing Joint Health Overview and Scrutiny Committee (INEL SJHOSC) to respond to consultations and represent the interests of the Borough on health matters.
- 2.2 That the appointments be made according to political proportionality rules as set out in INEL JHOSC Terms of Reference. In accordance with current proportionality, two Members are to be appointed from the largest Political Group (Labour) and one from the next largest Group (Tower Hamlets First).
- 2.3 That these appointments be for the duration of the 2014/15 municipal year or until successors are appointed.
- 2.4 That the Members appointed participate to represent the interests of the Borough on health matters.
- 2.5 That the terms of reference of the Standing Joint Health Scrutiny Committee as circulated by the host/coordinating authority (London Borough of Hackney) be noted

3. Background

- 3.1 Local Authority (Overview and Scrutiny Committee Health Scrutiny Functions) Regulations 2002 provides that local authorities may establish joint overview and scrutiny committees with general or specific health-related functions. Under Regulation 10 of these provisions, the Secretary of State may also make a direction requiring that local authorities establish a Joint Overview and Scrutiny Committee in those areas where a substantial variation or development to health services affects more than one area. Only the joint committee may then report back and the NHS need only report to and attend the joint committee.

- 3.2 Since a direction was issued under these powers, on 27th July 2003 by the Secretary of State, Tower Hamlets has participated in a number of ad hoc Joint Health Overview and Scrutiny Committees to consider a particular NHS service change consultations.
- 3.3 The Healthcare for London Strategy of healthcare reform has been discontinued following the change of government in May 2010; however a number of pan-London NHS programmes remain, which under the terms of the regulations would each require the establishment of a JHOSC. 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.
- 3.4 At its meeting on 21st September 2011, the Council established a standing joint health overview and scrutiny committee to consider health matters where there are substantial variations or development to health services affecting more than one local authority area. The joint committee comprises representatives from the London Boroughs of Tower Hamlets, Newham, Hackney and the City of London.

4. Matters for Consideration

- 4.1 The Healthcare for London Strategy of healthcare reform was discontinued after the change of government in May 2010; however some pan-London NHS programmes continue. Appointments to the Standing Joint Health Overview and Scrutiny Committee enables the interests of the Authority and its residents to continue to be represented and its Members have served in this capacity in past NHS consultations such as those concerned with changes to mental health in-patient services, London cancer services and IVF services.
- 4.2 If these arrangements were not in place, such consultations could each require the establishment of a JOSOC under the 2003 Secretary of State Regulation 10 Direction mentioned above, therefore the Primary Care Trusts requested that the Inner North-East London authorities establish a standing joint committee that would meet as required to consider sector based proposals for service changes or developments.
- 4.3 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 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.
- 4.4 Under current legislation the Secretary of State may also require local authorities to meet jointly to consider consultations which substantially change services. The Standing Joint Overview and Scrutiny Committee is well placed to consider such consultations alongside any other work programme areas that participating boroughs consider appropriate.
- 4.5 Appendices A and B set out respectively the Terms of Reference and Procedure Rules for the Joint Committee.

5. Standing Joint Health Scrutiny Committee

- 5.1 The Standing Joint Health Overview and Scrutiny Committee (INEL SJHOSC) comprising the London Boroughs of Tower Hamlets, Newham, Hackney and City of London will meet as required to consider and respond to reviews and consultations on healthcare matters and services.
- 5.2 The appointment of representatives to INEL SJHOSC permits the healthcare interests of the borough to be represented therefore it is important that Tower Hamlets continues to participate in the work of this body.
- 5.3 The terms of reference for this body have been drawn up by London Borough of Hackney and are attached for information.

6. Legal Comments

- 6.1 Sections 190 and 191 of the Health and Social Care Act made various changes to the system of review and scrutiny of the health service. Under the 2012 Act, health scrutiny functions were conferred upon the Council itself. Health scrutiny became a statutory function of the council (as opposed to an overview and scrutiny committee of the local authority). Health scrutiny functions are not functions of the executive under executive arrangements. Under Section 244 of the NHS Act 2006, local authorities are no longer required to have a Health Overview and Scrutiny Committee to discharge health functions. The Council chose to continue its existing Health Scrutiny Panel upon the setting up of the Health and Wellbeing Board.
- 6.2 Under the Local Authority (Public Health, Health and Wellbeing Boards and Health Scrutiny) Regulations 2013, the Council may be required to form a Joint Health Scrutiny Committee with other boroughs being consulted by local health providers that are planning changes to the way they deliver services which could be considered to be a substantial and arrange for the Joint Health Scrutiny Committee to review and scrutinise matters relating to the health services and make reports and recommendations on such matters.
- 6.3 The arrangements for the Joint Health Overview and Scrutiny Committee must comply with the relevant provisions of the Local Authority (Public Health, Health and Wellbeing Boards and Health Scrutiny) Regulations 2013. The Joint Health Overview and Scrutiny Committee is established under Regulation 30(1), which enables two or more local authorities to appoint a joint overview and scrutiny committee and arrange for health scrutiny functions to be exercisable by the joint committee, subject to such terms and conditions as the authorities consider appropriate. Under Regulation 30(6) the Joint Health and Overview and Scrutiny Committee may not discharge any functions other than health scrutiny (relevant functions) in accordance with Regulation 30.
- 6.4 The joint committee is subject to Section 9FA 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 1 of Schedule 12A to 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.

6.5 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 and is specifically permitted by Section 102(2) of the Local Government Act 1972.

6.6 At its meeting on 21st September 2011 the Council delegated to the 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 Comments of the Chief Financial Officer

7.1 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.

8 One Tower Hamlets Considerations

8.1 Participation in 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.

LOCAL GOVERNMENT ACT 1972 (AS AMENDED) SECTION 100D LIST OF "BACKGROUND PAPERS" USED IN THE PREPARATION OF THIS REPORT

Background paper

**Name and telephone number of and address where
open to inspection**

**Establishment Of Inner North East London Standing
Joint Overview And Scrutiny Committee (Council 21st
September 2011)**

Democratic Services 0207 364 4881