

# COUNCIL

## SUPPLEMENTARY AGENDA ITEM(S)

**Monday 11 July 2011**

The following agenda item has not been provided for on the agenda front sheet. The Chair will be asked to accept this report as a matter of urgency for the reasons set out in the reports.

**1. Establishment of a Standing Inner North East London Joint Overview and Scrutiny Committee (Pages 1 - 12)**

Report of the Head of Democratic Services

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## LONDON BOROUGH OF NEWHAM

### COUNCIL

11 JULY 2011

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**Subject:** Establishment of and Appointment to a Standing Inner North East London Joint Overview and Scrutiny Meeting

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**Source:** Head of Overview and Scrutiny

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**Wards Affected:** All

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#### **Purpose of Report**

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 Newham, Tower Hamlets, Hackney and the City of London and proposes that Council make appointments to this Committee.

#### **Reason for Urgency**

The first meeting of the JOSC is scheduled for 15 July 2011 and consideration of this proposal at the Council meeting on 11 July 2011 would enable this meeting to go ahead.

#### **Reason for Lateness**

Fully completing the consultation process across the Inner North East London has taken longer than anticipated.

#### **Recommendations**

Council is asked to agree:

1. the establishment of a Standing Inner North East London Joint Overview and Scrutiny Committee, comprising the London Boroughs of Newham, Hackney, Tower Hamlets and the City of London;
2. that the Committee consider health matters as stipulated in the Terms of Reference - **Appendix A** - and operate in accordance with the Rules of Procedure stipulated in **Appendix B**, both of which are to be formally adopted at the first meeting of the JOSC. All other elements of this Committee's work programme will be discretionary and will not impact on the Council's health

scrutiny powers which will continue to be discharged via the Health and Social Care Scrutiny Commission;

3. to appoint three Members onto this Committee; and
4. that the Monitoring Officer make any appropriate changes to the constitution in recognition of the establishment of this Committee.

### **Reasons for the Recommendations**

Council is required to establish the Joint Overview and Scrutiny Committee and appoint membership if the Committee is to meet. It is proposed that the Committee will hold its first meeting in July 2011 and Council is asked to approve the establishment of the Committee so that this meeting may take place.

### **Consultation**

- Overview and Scrutiny Committee
- Executive Member for Health
- Executive Member for Adults and Older People

**NAME OF LEAD OFFICER:** Clive Mentzel

**POSITION:** Head of Overview and Scrutiny

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### **Local Government (Access to Information) Act 1985**

#### **Background papers used in preparing this report:**

- None

#### **List of enclosures / Appendices:**

- Appendix A – Draft Terms of Reference
- Appendix B – Draft Rules of Procedure

## Report

### **1. Introduction and Background to the Establishment of Joint Overview and Scrutiny Arrangements**

- 1.1 Legislation gives local authorities the power to establish joint committees with general or specific functions provided that they are health related (under the Local Authority (Overview and Scrutiny Committee Health Scrutiny Functions Regulations 20021).
- 1.2 In some cases local authorities maybe required to establish a joint committee where the Secretary of State makes a Regulation 10 direction. Regulation 10 directions require the establishment of a joint committee to respond to consultations that substantially develop or vary services where those services are provided to areas that span more than one Overview and Scrutiny Committee.
- 1.3 The 17 July 2003 Secretary of State Regulation 10 Direction requires that local authorities of those areas where a substantial variation or development to 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. Political proportionality rules apply to the membership of the Joint Committee unless all participating authorities agree it will not.

### **2. Newham's Past Experience with Joint Arrangements**

- 2.1 In the past, Newham has periodically been involved in Joint Overview and Scrutiny Committees which have come together to consider NHS service change consultations. For example, Newham's most recent experience has been with an Inner North East London (INEL) Joint Overview and Scrutiny Committee (JOSC) which looked at the Health for North East London proposals for change to acute services. Newham was also involved in a pan London Joint Overview and Scrutiny Committee looking at Stroke and Trauma services.

### **3. Current Issues**

- 3.1 There are a number of current issues affecting the sub-region:
  - 3.1.1 Currently there are NHS consultations around proposed mental health inpatient service changes as well as proposed London Cancer services changes. Additionally, a consultation is proposed on changes to IVF services. The PCT has requested that INEL consider forming a standing joint committee that would meet as required to consider sector based proposals for service changes or developments. These consultations could require the establishment of a JOSC under the 17 July 2003 Secretary of State Regulation 10 Direction (see paragraph 1.3 above).

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<sup>1</sup> <http://www.legislation.gov.uk/uksi/2002/3048/contents/made>

- 3.1.2 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.
- 3.1.3 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.
- 3.1.4 There is a trend of centralising highly specialised health services in fewer centres which means that Newham residents are being treated away from their local acute or primary care providers more frequently. This will increasingly mean that local authorities across the region will feel the need to come together and look collectively at health issues. The establishment of a standing 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.
- 3.2 Under current legislation the Secretary of State may require local authorities to meet jointly to consider consultations which substantially change services (see comments of the legal officer for further details). A standing Inner North East London Joint Overview and Scrutiny Committee could consider such consultations alongside any other work programme areas that participating boroughs considered appropriate.
- 3.3 Appendices 1 and 2 set out the proposed draft terms of reference and procedure rules for this Committee.

#### **4. Comments of the Finance Officer**

- 4.1 Financial costs relating to hosting the INEL JOSOC are minimal and can be met from the existing Overview and Scrutiny Budget.

#### **5. Comments of the Legal Officer**

- 5.1 Legislation provides a power to local authorities to establish joint scrutiny committees. In some cases local authorities maybe required to establish a joint committee where the Secretary of State makes a Regulation 10 direction. Regulation 10 directions require the establishment of a joint committee to respond to consultations that substantially develop or vary services where those services are provided to areas that span more than one Overview and Scrutiny Committee.
- 5.2 The 17 July 2003 Direction requires that local authorities of those areas where a substantial variation or development to 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. Political proportionality rules apply to the membership of the Joint Committee unless all participating authorities agree it will not.

5.3 This report proposes that a joint O&S committee is set up for the purposes of considering any matters falling within the general Direction referred to above as and when they arise. Should the Council consider that any other matter ordinarily considered by Newham's O&S committee be referred to the standing JOSC it would be necessary for the Authority to specifically delegate that to the joint committee at the time. It is Legal Services view at the moment that this would need to be referred back to Full Council for delegation to the JOSC rather than O&S agreeing it under their constitutional and statutory framework. If Full Council is minded to permit the O&S committee having the power to do this then Legal Services would need to carry out further investigation as the current statutory framework may not permit this thus requiring reference back to Full Council for additional matters to be considered by the JOSC.

## **6. Comments of the Corporate Risk Manager**

6.1 The recommendations within this report pose little risk to the Council. The establishment of a JOSO will ensure the requirements of the direction are fulfilled and will act as a mitigation measure to the risk that the Council does not have sufficient time to respond and react to health developments.

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**JOINT HEALTH OVERVIEW AND SCRUTINY COMMITTEE  
PROPOSED STANDING INNER NORTH EAST LONDON JOINT  
OVERVIEW AND SCRUTINY COMMITTEE**

**PROPOSED TERMS OF REFERENCE**

1. Consider and respond to any health matter which:
  - Impacts on two or more participating boroughs 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, or
  - All 4 participating local authorities agree to consider as an INEL JOSC
  
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.

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**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 City of London. 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 boroughs.
- 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 Boroughs 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 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 Boroughs. In an instance where only three boroughs choose to participate in responding to a consultation, quorum will be the presence of a member from two of the three participating boroughs. Where only two boroughs 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 local authority 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 boroughs 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 Boroughs as agreed by the JOSC. The host Borough 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 borough 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 boroughs. Accessibility issues may mean that locations in the Borough's 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 Borough's health overview and scrutiny committees and other partners to make known their views on the proposals or reviews 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 boroughs. It may be dissolved upon agreement of the participating boroughs.