



Date of Meeting: 14th January 2003

Public

Key Decision: No

Recorded in Forward Plan: No

Inside Policy Framework

Title: CUMBRIA HEALTH AND WELL-BEING COMMITTEE-
NOMINATION

Report of: Overview and Scrutiny Manager

Report reference: ME 1/03

Summary:

The report summarises a new statutory scrutiny role relating to health services. It outlines the approach being introduced locally by the County Council. It also seeks nominations to represent the City Council within those arrangements.

Recommendations:

Council nominate a Member and 2 named substitutes to serve on the Cumbria Health And Well-Being Committee.

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1. BACKGROUND INFORMATION

- 1.1 As a result of the Local Government Act 2000 and the Health and Social Care Act 2001 the County Council ('the responsible authority') has a duty to scrutinise matters relating to health services in the county. This duty commences on 1st January 2003.
- 1.2 Regulations under the latter Act 'enable members of district council overview and scrutiny committees to be co-opted as voting members onto the committees of responsible authorities'.
- 1.3 At the County Council's invitation a joint group of county and district members and officers has met to discuss how this new duty may best be taken forward here in Cumbria. As a result, a broad degree of consensus has emerged and the County Council has prepared draft Terms of Reference (attached as Appendix 1) which is in course of approval by the County Council.
- 1.4 Briefly a County Council Overview and Scrutiny Committee will be established (the Cumbria Health And Well-Being Committee). It will have 7 County Council Members and 6 co-opted District Council Members (one from each district). The Chair will be a County Council Member whilst the Vice-chair will be a District Council Member. The committee will have the power to appoint sub-committees if it wishes.
- 1.5 The City Council needs to nominate an Overview and Scrutiny Member and 2 named Overview and Scrutiny Members as substitutes. Under the City Council's Constitution the Community Overview and Scrutiny Committee have responsibility for scrutiny of health matters.

2. CONSULTATION

- 2.1 The County Council has consulted through an invited joint member and officer group; on which the City Council has been represented by the Chairman of Community Overview and Scrutiny Committee and the Overview and Scrutiny Manager. The Portfolio Holder for Health and Well-being has also been kept informed.

3. STAFFING/RESOURCES COMMENTS

- 3.1 The Housing Services and Health Partnerships Manager in the Environmental Protection Services Business Unit will provide specialist support to the Council's nominated representative/substitutes and this is allowed for in that officer's duties.

4. CITY TREASURER'S COMMENTS

N/A

5. LEGAL COMMENTS

N/A

6. CORPORATE COMMENTS

N/A

7. RISK MANAGEMENT ASSESSMENT

N/A

8. EQUALITY ISSUES

N/A

9. ENVIRONMENTAL IMPLICATIONS

N/A

10. CRIME AND DISORDER IMPLICATIONS

N/A

11. RECOMMENDATIONS

11.1 Council nominates a Member and 2 named substitutes to serve on the Cumbria Health And Well-Being Committee.

12. REASONS FOR RECOMMENDATIONS

12.1 To secure participation in this important new area of scrutiny.

CUMBRIA HEALTH AND WELL-BEING SCRUTINY COMMITTEE

Status

An Overview and Scrutiny Committee appointed by the County Council.

Membership, voting and substitutions

The County Council will appoint:-

7 members from the County Council. (Each political group to name a pool of additional members any of whom may substitute for an appointed member from the same group. The number of members in the pool to be twice the number of that group's proportional allocation of members on the Committee)

6 District Council members, 1 co-opted from each District Council in Cumbria. (Each District Council to nominate one of its members for appointment and name two other members either of whom may act as a substitute for the appointed member).

All the above appointed members or a member substituting for an appointed member at a meeting, to be entitled to vote. No member may act as a substitute unless he has been named in accordance with the above arrangements.

The Committee shall be entitled to co-opt non-members as non-voting co-optees as it thinks fit for a particular matter that is subject to scrutiny.

Chairmanship

The Chair to be drawn from the County Council members and to be elected annually only by those members.

The Vice Chair to be drawn from the District Council members and to be elected annually only by those members.

Nothing in the above prevents the election of a Chair for a meeting by all members present in the absence of the Chair and Vice Chair.

Sub-Committees

The Committee may appoint one or more Sub-Committees and may arrange for the discharge of its functions by any such Sub-Committee, provided that the scope of the Sub-Committee's remit is clearly defined. This may be appropriate for single issues affecting the county as a whole or a more local issue affecting only a part of the county. In any such case the Committee will require a report from the Sub-Committee at the conclusion of its work. The Committee will determine the appropriateness and extent of co-option of non-local authority members to Sub-Committees when it defines the Sub-Committee's remit.

The arrangements as to voting and Chairmanship that apply to the main Committee shall apply to any Sub-Committee. Potential substitute members named for the purpose of the main Committee may substitute for an appointed member of any Sub-Committee.

Terms of reference

- 1) To discharge the functions conferred by Section 21(f) of the Local Government Act 2000 of reviewing and scrutinising, in accordance with regulations under Section 7 of the Health and Social Care Act 2001, matters relating to the health service in Cumbria.*
- 2) To make reports and recommendations on matters relating to the health service in Cumbria to local NHS bodies.
- 3) To act as consultee as required by the relevant regulations in respect of those matters on which local NHS bodies must consult the Committee.
- 4) To report annually on its work to the County Council and all the District Councils.

(* at present the Government are proposing that regulations to be made shortly will provide that the following matters may be scrutinised:-

- a) arrangements made by local NHS bodies to secure hospital and community health services to the inhabitants of the authority's area;
- b) the provision of such services to those inhabitants;

- c) the provision of services under Part II of the 1977 Act or under arrangements made under Section 28(c) of that Act;
- d) the provision of piloted services under pilot schemes established under Section 28 of the 2001 Act and of LP services under the LPS scheme established under Schedule 8A to the 1977 Act;
- e) arrangements made by local NHS bodies for public health in the authority's area;
- f) the planning of health services by local NHS bodies, including plans made in co-operation with local authorities setting out a strategy for improving both the health of the local population and the provision of health care to that population;
- g) the arrangements made by local NHS bodies for consulting and involving patients and the public under the duty placed on them by Section 11 of the 2001 Act; and
- h) any matter referred to the Committee by a Patient's Forum by virtue of powers under the NHS Reform and Health Care Professions Act 2002.

(the above includes health services provided from a body outside the area of the local authority to inhabitants within it))

Operating Rules

The County Council's Overview and Scrutiny Procedure Rules to apply with any necessary amendments.

Review

These arrangements and Terms of Reference to be reviewed at the end of the first year in the light of experience. It may be appropriate at that point to add as a further term of reference:-

- "5) To produce an annual health scrutiny plan in consultation with local health bodies."