

**REPORT TO EXECUTIVE****PORTFOLIO AREA: HEALTH & WELLBEING**

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**Date of Meeting:** 19th December 2002

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**Public**

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**Key Decision:** No**Recorded in Forward Plan:**No

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**Inside Policy Framework**

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**Title:** HEALTH SCRUTINY  
**Report of:** Policy & Performance Manager  
**Report reference:** SP01/02

**Summary:**

The report outlines the background to Health Scrutiny proposals and recommends that the City Council nominates a representative to sit on the County wide Health Scrutiny Committee.

**Recommendations:**

The Executive is asked to recommend to Council a nomination to represent the City Council on the Health Scrutiny committee together with two named substitutes.

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**Note:** in compliance with section 100d of the Local Government (Access to Information) Act 1985 the report has been prepared in part from the following papers: None

## **1. BACKGROUND INFORMATION AND OPTIONS**

As members will be aware the Health and Social Care Act 2002 gave English Authorities with Social Services responsibilities, the power to undertake Overview and Scrutiny on matters relating to the local health service.

In two tier areas responsibility for the Health Scrutiny function lies with the County Council, however the legislation and proposed regulations give opportunities for joint arrangements with District Councils.

Health Scrutiny committees can require local NHS representatives to attend meetings and answer questions.

The County Council has drawn up a draft terms of reference for the Committee (see attached).

Membership of the committee would be as follows:

- 7 members of the County Council
- 6 District Council members with up to two named substitutes for each member

The Executive is asked to recommend to Council a nomination to represent the City Council on the Health Scrutiny committee together with two named substitutes.

## **2. CONSULTATION**

2.1 Consultation to Date.

2.2 Consultation proposed.

## **3. STAFFING/RESOURCES COMMENTS**

None

## **4. CITY TREASURER'S COMMENTS**

None

## **5. LEGAL COMMENTS**

Function number 17, part 3 of the City Council's constitution (page 50) precludes the Executive from making appointments to a joint committee of two or more

authorities. It is considered that the proposed Health Scrutiny Committee would fall within such a definition.

**6. CORPORATE COMMENTS**

None

**7. RISK MANAGEMENT ASSESSMENT**

None

**8. EQUALITY ISSUES**

Health Scrutiny may play an important role in ensuring equality of access to health care.

**9. ENVIRONMENTAL IMPLICATIONS**

None

**10. CRIME AND DISORDER IMPLICATIONS**

None

**11. RECOMMENDATIONS**

The Executive is asked to recommend to Council a nomination to represent the City Council on the Health Scrutiny committee together with two named substitutes.

**12. REASONS FOR RECOMMENDATIONS**

To ensure that the City Council has representation on Health Scrutiny.

#### Status

An Overview and Scrutiny Committee appointed by the County Council.

#### Membership and voting

7 members from the County Council. *(There to be up to two name substitutes for each member)*

6 District Council members, 1 co-opted from each District Council in Cumbria. *(Each District Council to nominate one member and two named substitutes for that member).*

All the above members to be entitled to vote.

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.

~~There will be a Vice Chair to be drawn in alternate years only from the body of District Council members, or County Council members, respectively. On the election of the Vice Chair, only members of the relevant group from which the Vice Chair can be drawn for that year (ie either District Council members or County Council members) shall be entitled to vote.~~



*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.*

### 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) *The Committee must 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."

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