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| Meeting | Constitution, Ethics and Probity Committee |
| Date | 14 January 2014 |
| Subject | Amendment to Overview & Scrutiny Procedure Rules – Health Overview & Scrutiny Committee |
| Report of Summary | Overview and Scrutiny Manager <p>This report seeks the Committee's recommendation to Council on 21 January 2014 to amend the terms of reference of the Health Overview & Scrutiny Committee. The amendment will enable the Health and Overview & Scrutiny Committee to appoint Members, if required, to a 15-borough joint Health Overview & Scrutiny Committee to consider proposed changes to cancer and cardiac services in: North Central London; Inner North East London; and Outer North East London.</p> |

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| Officer Contributors | Andrew Charlwood, Overview & Scrutiny Manager |
| Status (public or exempt) | Public |
| Wards Affected | All |
| Key Decision | No |
| Reason for urgency / exemption from call-in | Not applicable |
| Function of | Council |
| Enclosures | None |
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1. RECOMMENDATIONS

- 1.1 That the Committee endorse the proposed amendment of the Overview & Scrutiny Procedure Rules as set out in the report for adoption by full Council at the 21 January 2014 meeting.**

2. RELEVANT PREVIOUS DECISIONS

- 2.1 Annual Council, 19 May 2009, Report of the Special Committee Constitution Review – approved the terms of reference of the Health Overview & Scrutiny Committee which included making recommendations as necessary to the Council for the formation of Joint Overview and Scrutiny Committees in accordance with the provisions of the section 21 of the Local Government Act 2000 as amended by the Health and Social Care Act 2001.
- 2.2 North Central London Sector Joint Health Overview & Scrutiny Committee, 29 November 2013, Cancer and Cardiovascular Services Reconfigurations

3. CORPORATE PRIORITIES AND POLICY CONSIDERATIONS

- 3.1 The overriding purpose of a Governance System review is to ensure that the Council's decision making structures operate in a way that best enables the Council to deliver its objectives set out in the Corporate Plan.
- 3.2 The Overview and Scrutiny Committees must ensure that the work of Scrutiny is reflective of the Council's priorities.

4. RISK MANAGEMENT ISSUES

- 4.1 Failure to approve the proposed amendment to the terms of reference of the Health Overview & Scrutiny Committee could limit the council's ability to participate in the scrutiny of a major service change in the NHS and therefore undermine the ability of elected Members to represent the views of their constituents in this regard.

5. EQUALITIES AND DIVERSITY ISSUES

- 5.1 Overview and Scrutiny Committees must undertake their role giving due regard to:
- The Council's leadership role in relation to diversity and inclusiveness; and
 - The Council's requirements to give due regard to its public sector equality duties as set out in the Equality Act 2010.

6. USE OF RESOURCES IMPLICATIONS (Finance, Procurement, Performance & Value for Money, Staffing, IT, Property, Sustainability)

6.1 None in the context of this report.

7. LEGAL ISSUES

7.1 Section 244 of the National Health Service Act 2006 and Local Authority (Public Health, Health and Wellbeing Boards and Health Scrutiny) Regulations 2013/218; Part 4 Health Scrutiny by Local Authorities provides for the establishment of Health Overview and Scrutiny Committees by local authorities.

7.2 Health and Social Care Act 2012, Section 12 – introduces section 2B to the NHS Act 2006 which imposes a new target duty on the local authority to take such steps as it considers appropriate for improving the health of people in its area.

7.3 As set out in section 9 below.

8. CONSTITUTIONAL POWERS (Relevant section from the Constitution, Key/Non-Key Decision)

8.1 Council Constitution, Part 3, Section 3 – details the functions of the Constitution, Ethics and Probity Committee, which are to “proactively to review and keep under review all aspects of the Council’s Constitution so as to ensure that it remains current and fit for purpose, and to make recommendations thereon to the Council”.

8.2 Council Constitution, Overview & Scrutiny Procedure Rules – the terms of reference of the Health Overview & Scrutiny Committee which includes “To make recommendations as necessary to the Council for the formation of Joint Overview and Scrutiny Committees in accordance with the provisions of the Section 21 of the Local Government Act 2000 as amended by the Health and Social Care Act 2001 and Health and Social Care Act 2012.”

9. BACKGROUND INFORMATION

9.1 NHS England are proposing changes to the cancer and cardiovascular services in north and east London and west Essex which will impact on services provided to Barnet residents. NHS England and the Commissioning Support Unit are currently consulting on the proposed service changes across North Central, East and North London. This initial period of consultation took place between October and December 2013.

9.2 NHS England have been considering with the existing Joint Health Overview and Scrutiny Committees (Inner North East, Outer North East and North Central London) which recommendations, if any, constitute a substantial variation of services, and the extent of involvement under section 242 of the Health Act 2006. If a formal consultation is required then in the new Local Authority (Public Health, Health and Wellbeing Board and Health Scrutiny)

Regulations 2013, provide that where an NHS body / health service provider service change impacts on more than one local authority's area and it has to consult more than one local authority, those local authorities must appoint a single joint overview and scrutiny committee for the purposes of the consultation for the area affected.

- 9.3 If a formal consultation is required, NHS England have indicated that they will request the formation of a single joint overview and scrutiny committee which will include London Boroughs in North and East London plus Westminster, West Essex and Hertfordshire. A decision regarding the extent and duration of any formal consultation process is likely to be taken early in the new year and as such the Council need to have arrangements in place to appoint to a joint committee should that be required.
- 9.4 At present, the Health Overview & Scrutiny Committee has the ability to make recommendations as necessary to the Council for the formation of Joint Overview and Scrutiny Committees. It does not, however, have the delegated authority to make appointments to joint committees. On that basis, officers are recommending that the terms of reference of the Health Overview & Scrutiny Committee be amended as follows:

Delete existing section 6 as follows:

“To make recommendations as necessary to the Council for the formation of Joint Overview and Scrutiny Committees in accordance with the provisions of the Section 21 of the Local Government Act 2000 as amended by the Health and Social Care Act 2001 and Health and Social Care Act 2012.”

and replace with:

“The Health Overview & Scrutiny Committee is authorised pursuant to Regulation 30 Local Authority (Public Health, Health and Wellbeing Boards and Health Scrutiny) Regulations 2013/218 to establish together with the health overview & scrutiny committees of one or more other local authorities a joint overview & scrutiny committee. Any such joint overview & scrutiny committee shall have such terms of reference, and shall exist for so long, as the appointing Overview & Scrutiny Committees may agree.”

- 9.5 Approval of this amendment will enable the Health Overview & Scrutiny Committee to make appointments to and be represented on a joint health overview & scrutiny committee comprising London Boroughs in North and East London plus Westminster, West Essex and Hertfordshire to consider changes in cancer and cardiovascular services. Adoption of this change will also retain an element of flexibility regarding making appointments to other joint health overview & scrutiny committees in the future.

10. LIST OF BACKGROUND PAPERS

- 10.1 NHS England, Improving Specialist Cancer and Cardiovascular Services: The Case for Change:
<http://www.england.nhs.uk/london/wp-content/uploads/sites/8/2013/10/case-chge.pdf> .

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| Cleared by Finance (Officer's initials) | JH |
| Cleared by Legal (Officer's initials) | LC |