



REPORT OF:	THE LEADER
TO:	ANNUAL COUNCIL
ON:	4TH JUNE 2020

SUBJECT: ESTABLISHMENT OF A JOINT HEALTH OVERVIEW AND SCRUTINY COMMITTEE - BLACKBURN WITH DARWEN, LANCASHIRE SOUTH CUMBRIA AND BLACKPOOL .

1. PURPOSE OF THE REPORT.

1. To ask the Annual Council to-

- Note the report and the requirement to appoint a mandatory joint committee for responding to consultations relating to “substantial reconfiguration” proposals for health services affecting more than one local authority area.
- Agree :
 - to the establishment of the joint committee and nominate 3 voting members to it from the Council’s People Overview and Scrutiny Committee , as referred to in the report;
 - not to delegate to the joint committee and retain the power to allow the Council to make its own referrals to the Secretary of State, and request that the Terms of Reference be amended accordingly.

2. BACKGROUND

2. Members will be aware of the work of the Lancashire and South Cumbria Integrated Care System which is working on the reconfigurations of health provision in the region. These reconfigurations aim to improve health outcomes for residents in the area and will lead to changes in the way that services are delivered both in hospitals and in the community.

3. The establishment of the Joint Committee is a requirement of the National Health Service Act 2006 (amended by the Health and Social Care Act 2012) where a relevant Health Authority consults more than one local authority’s health scrutiny function about substantial reconfiguration proposals. Regulation 30 sets out the following requirements:-

- Only the Joint Committee may respond to the consultation (rather than each individual local authority responding separately)

- Only the Joint Committee may exercise the power to require the provision of information by the relevant NHS body or Health Service Provider about the proposals.
 - Only joint committee's may exercise the power to require members or employees of the relevant NHS body or Health Service Provider to attend before the committee to answer questions in connection with the consultation.
3. The draft terms of reference for the proposed Joint Health Scrutiny Committee was considered by the Executive Board on 12 March 2020 and noted the following key points: :
- There will be three members from each of the 4 upper tier local authorities' relevant overview and scrutiny committee will be appointed to form the joint committee. For Blackburn with Darwen Borough Council (BwD), three members of the People Overview and Scrutiny Committee would be appointed to the joint committee – two from the administration and one from the opposition group. Substitutes may be nominated to attend when their primary representatives are unable to and will have the same voting rights.
 - The Chair and Vice Chair will be elected by the joint committee from among its voting membership each year and rotate annually. The elected Chair and Vice Chair are to be from different local authorities.
 - The Chair and Vice Chair will agree to arrange meetings of the Joint Committee as and when necessary or for the purposes of responding to consultations relating to “substantial reconfiguration” proposals for health services. The Joint committee meetings will be held in public but there will be no public speaking rights. No meetings will be held during election periods for any elections.
 - Quorum – 5 voting members from at least three of the affected upper tier local authorities being present.
 - Although the current draft ToRs (as drafted) provide for delegated authority to refer contested NHS proposals to the Secretary of State, BwD will seek amendment to this provision and retain the power to make such referrals independently.
 - Task and finish groups may be established by the Joint Committee.

1. POLICY IMPLICATIONS.

The Council would need to respond to consultations on “substantial reconfiguration” proposals in relation to health services, after considering the impact on the wider council services and the residents of Blackburn with Darwen. For any contested proposals, the Council must be able to directly make referrals to the Secretary of State.

LEGAL IMPLICATIONS.

The National Health Service Act 2006 (amended by the Health and Social Care Act 2012) confers health scrutiny functions on the local authority. The full Council of the Local Authority determines the arrangement for health scrutiny to be adopted. The Local Authority (Public Health, Health and Wellbeing Board and Health Scrutiny)

Regulations 2013 enable health scrutiny functions to be delegated to a joint health overview and scrutiny committee. Regulation 30 of the Local Authority (Public Health, Health and Wellbeing Boards and Health Scrutiny) Regulations 2013 requires local authorities to appoint “mandatory” joint committees where a relevant NHS body or health service provider consults more than one local authority’s health scrutiny function about “substantial reconfiguration” proposals. In such circumstances, Regulation 30 sets out the following requirements:

- Only the joint committee may respond to the consultation (i.e. rather than each individual local authority responding separately)
- only the joint committee may exercise the power to require the provision of information by the relevant NHS body or health service provider about the proposal;
- Only the joint committee may exercise the power to require members or employees of the relevant NHS body or health service.

There is also a provision for a Local Authority to refer proposals for substantial development or variations to health services to the Secretary of State in certain specified circumstances. Where a Local Authority is participating in a joint committee the power to refer to the Secretary of State can be delegated to the joint committee or retained by the Council. This report does not seek approval to delegate the power of referral to the Secretary of State to the joint committee and would therefore be retained by the Council for all matters. Note, the Regulations state that if a local authority has delegated this power, then it may not subsequently exercise the power of referral. Consultations are taking place with each of the relevant constituent authorities within the area covered by the Integrated Care System footprint

RESOURCE IMPLICATIONS

There will be support required from the Governance team

CONSULTATIONS

The four constituent Councils, are being consulted on the establishment of the Joint Committee.

EQUALITY IMPLICATIONS

There are no direct Equality implications from this decision.

CONTACT OFFICER

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Background Documents

Draft Joint Terms of Reference of the Joint Health Overview and Scrutiny Committee.