

Council Report

13 September 2023

Joint Health Overview Scrutiny Committee – Terms of Reference

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Exempt / confidential / not for publication	No
Council Plan reference	Not in Council Plan
Wards affected	All wards

Executive summary

This report sets out a proposal for the Council to agree to re-establish a Joint Health Overview and Scrutiny Committee (JHOSC) which will scrutinise health matters across the Bedfordshire, Luton and Milton Keynes Integrated Care System (BLMK ICS).

Whilst existing JHOSC arrangements and cyclical appointments were still maintained, JHOSC had not met for some years and new health governance structures have prompted a need to revise joint arrangements and re-establish meetings and arrangements.

1. Proposed Decisions

- 1.1 That Council agree the Terms of Reference at Annex A.
- 1.2 That authority be delegated to the Director of Law and Governance to approve any variations to the Terms of Reference following further discussion with the other constituent authorities, subject to consultation with Group Leaders in respect of any proposed significant variations.
- 1.3 To waive the requirement of the Joint Committee to be politically proportionate across the constituent authorities.
- 1.4 To note the prior appointments of Councillors Hall, N Khan and Oguntola to the Committee.

2. Why is the decision needed?

- 2.1 The Local Authority (Public Health, Health and Wellbeing Boards and Health Scrutiny) Regulations 2013 permit local authorities to appoint joint health and scrutiny committees to scrutinise proposals relating to health services that impact on more than one local authority.
- 2.2 Where an NHS body or health service consults more than one local authority pursuant to regulation 23 (a proposal for a substantial development of the health service) those local authorities must appoint a joint overview and scrutiny committee for the purposes of the consultation.
- 2.3 In October 2017, the Council agreed the establishment of a JHOSC to scrutinise the Sustainable Transformation Partnership (STP) for Bedford, Bedfordshire, Luton and Milton Keynes.
- 2.4 The JHOSC STP met up until February 2020 when firstly the impact of Covid-19 and then changes to health structures meant that meetings ceased.
- 2.5 The Health and Care Act 2022 introduced Integrated Care Systems (ICSs). An ICS is the local Integrated Care Board and the Integrated Care Partnership (ICP). The ICP includes local authorities and a range of health partners. For Milton Keynes the relevant ICS is NHS Bedfordshire, Luton and Milton Keynes (BLMK). The BLMK ICS also includes a small area of Buckinghamshire Council.
- 2.6 Due to the introduction of the BLMK ICS, the previous arrangements are no longer fit for purpose although it is still necessary to have a JHOSC to scrutinise strategic issues that cover two or more local authority areas.
- 2.7 A revised Terms of Reference has been drafted taking into account the new ICS arrangements. They reflect that the JHOSC will focus on 'system' wide issues and that the MKCC Health and Adult Social Care Scrutiny Committee will focus on 'place' issues (ie those matters that directly impact on Milton Keynes). The exception to this is any issue that affects two or more local authority areas which will be shared with the JHOSC for formal comments.
- 2.8 The Terms of Reference have been, or are in the process of being, agreed by Luton Borough Council, Bedford Borough Council, Central Bedfordshire Council and Buckinghamshire Council.
- 2.9 The following Councillors were appointed to the Joint Health Overview and Scrutiny Committee: Councillors Hall; N Khan; Oguntola; Conservative substitute (tbc); Long (substitute) and Adewale (substitute).

3. Implications of the decision

Financial	N	Human rights, equalities, diversity	N
Legal	Y	Policies or Council Plan	N
Communication	N	Procurement	N
Energy Efficiency	N	Workforce	N

a) Financial implications

Constituent authorities have agreed rotational arrangements for hosting and clerking meetings. Any costs arising from administering the JHOSC can therefore be met from existing budgets.

b) Legal implications

The Local Authority (Public Health, Health and Wellbeing Boards and Health Scrutiny) Regulation 2013 set out the health scrutiny powers of local authorities in relation to health services delivered to residents in their area. This includes a requirement that, where a council health scrutiny function wishes to be formally consulted on a change to health services and that the proposal affects other councils who also consider the proposal to be substantial, a joint health scrutiny committee is established. Without a joint committee, the health scrutiny functions cannot separately be consulted or exercised with regard to that proposal. Councils may appoint a discretionary joint health scrutiny committee (Regulation 30) to carry out all or specified health scrutiny functions in relation to health issues that cross council boundaries. Establishing a JHOSC doesn't prevent each individual appointing council from separately scrutinising health issues and it's sensible that they continue to do so for local matters.

4. Alternatives

4.1 The Council could chose not to enter into a joint health scrutiny arrangement but if there was a proposal on health services across two or more council areas that was considered to be substantial then it would not be able to effectively exercise its statutory powers in respect of that proposal and there is a risk that the Council may not be able to properly represent the impact of the proposal on its residents and services.

5. Timetable for implementation

5.1 The first meeting of the Joint Health Overview Committee is scheduled for the autumn of 2023 and at that point the Terms of Reference will be formally endorsed by the Committee.

List of annexes

Annex A – Joint Health Overview Scrutiny Committee Terms of Reference

List of background papers

None