

 Overview and Scrutiny Committee 10 June 2014		Agenda Item No. 9
Title	Formation of the Health Scrutiny Sub-Committee	
For further information about this report please contact	Lesley Dury – Committee Services Officer	
Wards of the District directly affected	All	
Is the report private and confidential and not for publication by virtue of a paragraph of schedule 12A of the Local Government Act 1972, following the Local Government (Access to Information) (Variation) Order 2006?	No	
Date and meeting when issue was last considered and relevant minute number	Overview and Scrutiny Committee 11 March 2014	
Background Papers	Excerpt from the O & S Minutes 15/4/14	

Contrary to the policy framework:	No
Contrary to the budgetary framework:	No
Key Decision?	No
Included within the Forward Plan? (If yes include reference number)	No
Equality and Sustainability Impact Assessment Undertaken	No (If No state why below)
Only the decisions and recommendations of the sub-committee would be subject to such an assessment, not the formation of the sub-committee itself.	

Officer/Councillor Approval		
Officer Approval	Date	Name
Chief Executive/Deputy Chief Executive	2 June 2014	Chris Elliot
Head of Service		Richard Hall
CMT		
Section 151 Officer		
Monitoring Officer	2 June 2014	Andrew Jones
Finance	29 May 2014	Mike Snow
Portfolio Holder(s)	2 June 2014	Councillor Coker
Consultation & Community Engagement		
Health Scrutiny Working Party: Councillors Coker, Mrs Falp, Mrs Knight, Weber and Wreford-Bush. Democratic Services Manager & Deputy Monitoring Officer.		
Final Decision?	Yes	
Suggested next steps (if not final decision please set out below)		

1. **SUMMARY**

- 1.1 This report provides guidance to Members of the Overview and Scrutiny Committee (O&S) to help them make decisions on:
- Membership of the Health Scrutiny Sub-Committee;
 - The sub-committee's Constitution; and
 - The sub-committee's delegated powers.

It should be noted that the report is for guidance purposes only. Where there are statutory rules governing sub-committees that must be followed, this has been stated in the report. O & S will have no flexibility in respect of these, but where this is not the case, O & S has full power to make change.

2. **RECOMMENDATIONS**

- 2.1 The Health Scrutiny Sub-Committee membership is not politically proportionate.
- 2.2 A minimum of four members and up to a maximum of seven members of Overview & Scrutiny are appointed to the Health Scrutiny Sub-Committee.
- 2.3 All other members of Overview & Scrutiny Committee are appointed as substitute members of the Health Scrutiny Sub-Committee.
- 2.4 The Health Scrutiny Sub-Committee comes into force with immediate effect and will run only for the municipal year 2014/2015.
- 2.5 The Health Scrutiny Sub-Committee will present a report to the Overview & Scrutiny Committee in March 2015 on its recommendations for the future of Health Scrutiny at Warwick District Council.
- 2.6 The Overview & Scrutiny Committee agree the procedures for the Health Scrutiny Sub-Committee as laid out in Appendix 1, to the report.

3. **REASONS FOR THE RECOMMENDATION**

- 3.1 Recommendation 2.1
The Overview & Scrutiny Committee is not politically proportionate¹. This is an automatic right that this transfers to any sub-committee of O & S and would seem appropriate for any Scrutiny function where the Executive is being held to account.

(O & S does have the right to direct that its sub-committees are politically proportionate.)

- 3.2 Recommendation 2.2
At the O & S meeting 15 April 2014, it was resolved that the minimum number of members of the Sub-Committee was four. These councillors must be members of Overview & Scrutiny.

Officers recommend that the Health Scrutiny Sub-Committee (HSSC) has a maximum membership of seven members.

¹ Section 17(1)(b) Local Government & Housing Act 1989 allows Authorities to dispense with the requirements of political balance.

O & S Members can decide to appoint anywhere between four members to the full membership of O & S. It is accepted practice that a sub-committee should not be the same size as the parent committee.

It is suggested that O & S appoint five councillors to the HSSC. If the HSSC were made up of five members, the quorum would be three members. This would remain the quorum for any number of members up to 12. Past 12 members, the quorum would be four.

3.4 Recommendation 2.3

It is an absolute rule governing sub-committees that substitute members can only be councillors who sit on the parent committee.

O & S members can choose to appoint specific named members on the Committee as substitute members or simply decide that any councillor who sits on O & S can act as a substitute on the HSSC.

Recommendation 2.3 is made simply on the basis of convenience to ensure a quorum. If the decision has been made that the HSSC will be politically neutral, then any councillor may substitute for another, as is the case with Licensing Panel members. If this is not the case, then HSSC councillors will need to ensure that they find a substitute from the same political party when they are unable to attend a meeting of the HSSC.

3.5 Recommendation 2.4

It would seem sensible to allow the HSSC to start its work immediately given that it is operating for one municipal year until the position on Health Scrutiny is reviewed. At the O & S Committee's meeting in April 2014, it was resolved that the future of Health Scrutiny at Warwick District Council would be reviewed in March 2015 in anticipation of the newly formed Council in May 2015.

The recommendation is specific in stating that the HSSC will run for one municipal year. If it becomes evident that additional time is required, six months following the initiation of the HSSC, O & S has the power to amend the timescale without the need for a request to come from multiple councillors.

3.6 Recommendation 2.5

On 15 April 2014, it was resolved that a review of the way health scrutiny is handled by the HSSC and O & S would take place in March 2015. It is suggested that a report is presented to O & S by the HSSC, but O & S does have the power to delegate this task elsewhere, for example, to a Task & Finish Group.

3.7 Recommendation 2.6

It was resolved on 15 April that the Constitution and delegated powers of the HSSC would be decided by O & S in June 2014.

Under Council procedure rule 35 each Committee is entitled to produce its own procedure rules and job roles that build upon and enhance the Council Procedure Rules and these will be annexed to, but not form part of, the Constitution.

4. **POLICY FRAMEWORK**

4.1 **Policy Framework** – The report does not impact on the Policy Framework.

4.2 **Fit for the Future**

Health scrutiny will ensure that in every decision the Council takes and within all the services it operates, health is a key consideration which can only bring benefit to the residents of the District and the Council's staff. Fit for the Future focusses on "Service, People and Money" and health is fundamental to all of these.

One of the Council's Sustainable Community Strategy's five main themes is 'to enable and encourage the people of Warwick District to have an equal access to a healthy life and sense of wellbeing, ensuring that our actions are aligned with the Warwickshire Health & Wellbeing Board's Strategy'. A properly functioning HSSC will help ensure this.

5. **BUDGETARY FRAMEWORK**

5.1 The report does not impact upon the budgetary framework.

6. **RISKS**

6.1 The main risk associated with health scrutiny is that if the Council does not handle it effectively, it will get left behind by the other organisations involved in the process and it will not ensure that its residents and staff benefit from the process. Ensuring that the HSSC has a reasonable membership, and clearly defined delegated powers and constitution will help ensure that the Council is able to carry out its scrutiny role in health matters.

7. **ALTERNATIVE OPTION(S) CONSIDERED**

7.1 No other alternative options have been considered. This report is the result of decisions made by O & S on 15 April 2014.

8. **BACKGROUND**

8.1 On 15 April 2014, O & S were presented with a report from the Health Scrutiny Working Party which presented the Working Party's recommendations on the way forward for health scrutiny at Warwick District Council.

Following on from the report, at that meeting, O & S made the following resolutions:

RESOLVED that:

- (1) Health Scrutiny be dealt with by a sub-committee of the Overview and Scrutiny Committee consisting of at least four members of the Overview and Scrutiny Committee;
- (2) the membership of the sub-committee and delegated powers be determined by the Overview and Scrutiny

Committee at the first meeting of the 2014/2015 municipal year;

- (3) the terms of reference of the sub-committee be framed by the Council's Health and Wellbeing Strategy, viz
 - promoting Health & Wellbeing in its community;
 - promoting Health & Wellbeing in its workforce; and
 - as a scrutiny body for the local activities and performance of NHS bodies located within the District of Warwick and in other areas of Warwickshire, in liaison with the County Adult Health & Social Care Overview and Scrutiny Committee.
- (4) in order to assist the sub-committee in its scrutiny arrangements, the powers will include the capability of inviting individuals and organisations to present evidence on particular health issues. Every meeting agenda will make provision for the involvement of the Voluntary Sector, and of Public Health Warwickshire, representatives of which will be called upon to attend and to speak;
- (5) the sub-committee be provided support from Committee Services for constitutional and administrative support; and
- (6) the way health scrutiny is handled by the sub-committee and Overview and Scrutiny Committee be reviewed in March 2015 to see if it is working efficiently or if an alternative option should be considered with the formation of the newly elected Council in May 2015.

8.2 This report makes recommendations for the decisions that were deferred until the first meeting of the municipal year 2014/2015.

Appendix 1 – Health Scrutiny Sub-Committee Procedure Rules

1. Who may sit on the Health Scrutiny Sub-Committee?

All Councillors who are members of the Overview & Scrutiny Committee may be members of the Health Scrutiny Sub-Committee. However, no member may be involved in scrutinising a decision in which they have been directly involved. (Council Procedure Rule 18(b)).

Substitute members of the Overview and Scrutiny Committee may not be members of the Health Scrutiny Sub-Committee.

2. How many councillors may sit on the Health Scrutiny Sub-Committee?

There must be a minimum of four members on the Health Scrutiny Sub-Committee.

(Resolution O & S meeting 15/4/2014)

The Overview & Scrutiny Committee can determine the maximum number of members subject to the constraints of its own membership.

3. Who may act as substitute members on the Health Scrutiny Sub-Committee?

Only Councillors who are members of the Overview & Scrutiny Committee may act as substitute members of the Health Scrutiny Sub-Committee. However, no substitute member may be involved in scrutinising a decision in which they have been directly involved.

4. Co-optees

The Health Scrutiny Sub-Committee will have the discretion to appoint Councillors who are not members of the Overview & Scrutiny Committee to sit on their Sub-Committee, but those councillors will have no power to vote. However, no councillor acting as a co-optee may be involved in scrutinising a decision in which they have been directly involved.

The Health Scrutiny Sub-Committee will have the discretion to appoint non-Councillors to sit on their Sub-Committee, but those persons will have no power to vote.

(Council Procedure Rule 18(d)).

5. Meetings of the Health Scrutiny Sub-Committee

All Health Scrutiny Sub-Committee meetings shall meet in accordance with the approved timetable of meetings.

It will not meet at the same time as the Overview & Scrutiny Committee.

Special meetings of the Health Scrutiny Sub-Committee may be called in accordance with Council procedure rule 26.

6. Quorum

The quorum for Health Scrutiny Sub-Committee shall be a quarter of the membership subject to a minimum of 3.
(Council Procedure Rule 3.)

7. Who chairs the Health Scrutiny Sub-Committee?

The Chairman of the Health Scrutiny Sub-Committee will be drawn from among the Councillors sitting on the Sub-Committee and subject to this requirement, the Sub-Committee may appoint such a person as it considers appropriate as Chairman.

8. Work Programme

The Health Scrutiny Sub-Committee will be responsible for drafting its work programme which must then be approved by the Overview & Scrutiny Committee before any work on the programme can take place.

In so doing, the Health Scrutiny Sub-Committee shall take into account:

- wishes of Members of the Health Scrutiny Sub-Committee who are not Members of the largest group on the Council;
- wishes of the Overview & Scrutiny Committee;
- promoting Health & Wellbeing in the community;
- promoting Health & Wellbeing in the Council's workforce; and
- acting as a scrutiny body for the local activities and performance of NHS bodies located within the District of Warwick and in other areas of Warwickshire in liaison with the County Adult Health & Social Care Overview & Scrutiny Committee.
- the Council's Health & Wellbeing Strategy.

9. Agenda Items

Any member of the Council may place an item on the agenda in accordance with Council Procedure Rule 6.

10. Consultation and Questionnaires from Warwickshire County Council and other outside bodies in the Health Sector

The Health Scrutiny Sub-Committee has full delegated authority to respond to consultation papers and questionnaires on behalf of the Overview & Scrutiny Committee that are received from Warwickshire County Council and other outside bodies in the Health Sector.

11. Policy Review and Development

- (i) The Health Scrutiny Sub-Committee shall only act on these matters on receipt of instruction from the Overview & Scrutiny Committee and that instruction will contain either authorisation to act on behalf of the Committee or to report back to the Committee.
- (ii) The Health Scrutiny Sub-Committee's remit cannot exceed that of the Overview & Scrutiny Committee.
- (iii) Where the Overview & Scrutiny Committee authorise the Health Scrutiny Sub-Committee to handle work on its behalf, then the Sub-Committee is bound by the same rules as the Overview & Scrutiny Committee.
(Overview & Scrutiny Committee Procedure Rule 9.)

12. Reports from the Health Scrutiny Sub-Committee

- (i) Once the Sub-Committee has formed recommendations on proposals for policy development, the Health Scrutiny Sub-Committee will prepare a formal report and submit it to:
 - a. Where the Overview & Scrutiny Committee authorised the Sub-Committee to act on its behalf:
 - i. To the Chief Executive for consideration by the Executive (if the proposals are consistent with the existing budgetary and policy framework), or to the Council as appropriate (e.g. if the recommendation would require a departure from or a change to the agreed budget and policy framework.)
 - b. Where the Overview & Scrutiny Committee instructed the Sub-Committee to report back:
 - i. To the Overview & Scrutiny Committee which will determine what action to take according to its powers.
- (ii) If the Health Scrutiny Sub-Committee has been instructed to act on behalf of the Overview & Scrutiny Committee but cannot agree on one single final report to the Council or Executive as appropriate, then it must report back to the Overview & Scrutiny Committee which will decide the course of action.
- (iii) The Council or Executive shall consider the report of the Health Scrutiny Sub-Committee within one month of it being submitted to the Chief Executive.
- (iv) The Health Scrutiny Sub-Committee will submit its minutes to the Overview & Scrutiny Committee following each of its meetings. These minutes can be "unapproved" and providing no significant amendments are made when they are approved, there is no need to re-submit them once approved. If there are significant amendments, then these amendments must be reported as soon as possible.
- (v) The Health Scrutiny Sub-Committee will submit an annual report of its activities to the Overview & Scrutiny Committee in April so that it may be included in the Overview & Scrutiny's annual report made in May.

13. When the Health Scrutiny Sub-Committee submits a report to the Executive

Where individual reports are made by the Health Scrutiny Sub-Committee to the Executive, the Chairman of the Health Scrutiny Sub-Committee will normally be expected to attend the Executive in order to address the Executive and answer questions.

14. Members and Officers giving Account

The Health Scrutiny Sub-Committee has the same rights as the Overview & Scrutiny Committee. (Overview & Scrutiny Committee Procedure Rule 13.)

15. Attendance by Portfolio Holder

The Health Scrutiny Sub-Committee has the same rights as the Overview & Scrutiny Committee. (Overview & Scrutiny Committee Procedure Rule 14.)

16. Attendance by Others

The Health Scrutiny Sub-Committee has the same rights as the Overview & Scrutiny Committee. (Overview & Scrutiny Committee Procedure Rule 15.)

17. Call-In

This is outside the remit of the Health Scrutiny Sub-Committee and will be dealt with by the Overview & Scrutiny Committee as laid out in its procedures.

18. The Party Whip

When considering any matter in respect of which a member of the Health Scrutiny Sub-Committee is subject to a party whip, the member must declare the existence of the whip, and the nature of it before the commencement of the Sub-Committee's deliberation on the matter. The declaration, and the detail of the whipping arrangements, shall be recorded in the minutes of the meeting.

19. Orders of Business at Health Scrutiny Sub-Committee Meetings

- (a) The Health Scrutiny Sub-Committee shall consider the following business:
- (i) Substitute Members (if relevant)
 - (ii) Minutes of the last meeting
 - (iii) Presentations
 - (iv) Questions from Members
 - (v) Policy framework/consultation investigation – reports from Officers covering:
 - Consultation papers
 - Executive consultation on Policy and budget
 - Investigations requested by the Overview & Scrutiny Committee
 - (vi) Scrutiny of Performance Decisions – reports from Officers covering
 - Service performance
 - Investigations requested by the Overview & Scrutiny Committee on the effect of decisions taken

- (vii) Consultation papers and questionnaires from Warwickshire County Council and other bodies and voluntary organisations in the Health Sector.
 - (viii) Date and time of the next meeting
- (b) Where the Health Scrutiny Sub-Committee conducts investigations (e.g. with a view to policy development) the Sub-Committee may also ask people to attend to give evidence at its meetings which are to be conducted in accordance with the following principles:
- (i) that the investigation be conducted fairly and all members of the Sub-Committee be given the opportunity to ask questions of attendees, and to contribute and speak;
 - (ii) that those assisting the Committee by giving evidence be treated with respect and courtesy; and
 - (iii) that the investigation be conducted so as to maximise the efficiency of the investigation or analysis
- (c) Following any investigation or review, the Sub-Committee shall prepare a report, for submission to either the Overview & Scrutiny Committee if that was the instruction or to the Executive and/or Council as appropriate and shall make its report and finding public.

20. Excluded Matters

The Sub-Committee will not be permitted to consider any matter that the Overview & Scrutiny Committee is not allowed to consider and it cannot consider any matter that does not have a health and wellbeing implication.

The function of examining and making comments and recommendations on reports going to the Executive the following day will remain the province of the Overview & Scrutiny Committees. The Health Scrutiny Sub-Committee will not participate in this process. If instructed by the Overview & Scrutiny Committee, it can advise upon reports to the officers ahead of their inclusion on the Executive agenda and following discussion by the Executive.

21. Overriding Principles

The Health Scrutiny Sub-Committee is bound by the same rules as the Overview & Scrutiny Committee and can only act differently insofar as the statutory regulations allow a sub-committee to act differently to a committee, e.g. quorum.

The Health Scrutiny Sub-Committee cannot have greater power than the Overview & Scrutiny Committee and must respond to instruction from that Committee.

The Overview & Scrutiny Committee has power to dissolve the sub-committee and change the way it operates. Even where the Sub-Committee has full delegated power to act on certain matters, the Overview & Scrutiny Committee has full power to handle that work itself if it so decides.