

Appendix B – Joint Health Overview and Scrutiny Committee for the purpose of jointly scrutinising the Bristol, North Somerset and South Gloucestershire Sustainability and Transformation Plans:

The Council is asked to agree the establishment of a statutory Joint Health Overview and Scrutiny Committee (JHOSC) for the purpose of jointly scrutinising the Bristol, North Somerset and South Gloucestershire Sustainability Transformation Plans (BNSSG STP). The JHOSC's proposed terms of reference and working arrangements (as set out at appendices 1 and 2 respectively) have been considered by the Chairs of the North Somerset and South Gloucestershire Health Overview and Scrutiny Committees and Bristol People Scrutiny Committee. Having considered the relevant regulations, it is the views of the Chairs that a new joint committee be recommended to be established specifically to scrutinise the STP.

Sustainability and Transformation Plans (STPs)

STPs are a new approach to planning health and care services across England over the next five years. Local organisations are required to work together to develop a shared understanding of the challenges and to agree joint plans for addressing these.

The principal aims are to:

- Improve the health and wellbeing of local people;
- Improve the quality of local health and care services;
- Deliver financial stability and balance throughout the local health care system.

Locally, Bristol, North Somerset and South Gloucestershire (BNSSG) are working together.

Statutory joint health scrutiny arrangements

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.

Regulation 30 of the Local Authority also provides that local authorities may appoint a "discretionary" joint health overview and scrutiny committee to carry out all or specified health scrutiny functions. Establishing a joint committee of this kind does not prevent individual Councils from separately scrutinising health issues (ie non mandatory). There are likely to be occasions when consideration of a non-mandatory item of the STP is best dealt with by a discretionary joint committee.

A flexible approach to joint BNSSG STP scrutiny

The majority of projects which will form part of the BNSSG STP will have significant cross-BNSSG implications and some of these will lead to proposals deemed to be “substantial service reconfigurations”.

A flexible approach is proposed which will enable the JHOSC to fulfil the “mandatory” Regulation 30 requirements and act as a “discretionary” Joint Committee where appropriate for the purpose of maintaining joint oversight of the overarching STP process and the scrutiny of any cross-boundary projects or proposals arising from the process that are not classed as “substantial”.

There will be a small number of specific projects which affect individual BNSSG local authorities without having significant cross-boundary implications elsewhere in BNSSG (such as the North Somerset Programme for Sustainable Services). In such cases, the affected local authority will not be bound by the BNSSG joint arrangements and can choose to scrutinise the project independently or, in the case of a project that may have cross-boundary implications with another neighbouring local authority outside the BNSSG area, may enter separate joint scrutiny arrangements with that neighbouring local authority.

Although the Regulations require that individual local authorities/Health Overview and Scrutiny Committees (within the BNSSG joint arrangement) devolve the specified scrutiny powers to the JHOSC in respect of its mandatory “substantial reconfiguration” function (as set out above), Members should note that this requirement does not extend to the power to refer a “substantial reconfiguration” to the Secretary of State. It is recommended that the power of referral is retained by each individual authority/HOSCs within this joint arrangement.

Joint Committee Arrangement and Proportionality

The proposal is for a joint committee with a total membership of 21, made up of 7 members from each participating authority. The Local Government Act 2000 requires overview and scrutiny committees must generally reflect the political make-up of the full Council save for when political proportionality is waived. This proposal does not recommend that political proportionality is waived in this instance.

Each council shall make appointments which reflect the political proportionality of its council.

In relation to [South Gloucestershire Council the membership appointments shall be 4 conservatives, 2 Liberal Democrats and 1 Labour]

RECOMMENDATIONS

- (1) That the Council enters into joint arrangements with [Bristol City Council and North Somerset Council] by establishing a Joint Health Overview and Scrutiny Committee (JHOSC) of 21 members for the purpose of jointly scrutinising:-

- (a) the Bristol, North Somerset and South Gloucestershire (BNSSG) Sustainability and Transformation Plan (STP); and
 - (b) specific projects and proposals emerging from the STP which have cross-boundary implications (within the BNSSG);
- (2) that the Council agrees the appointment of 7 members on the basis of political proportionality of 4:2:1
- (3) the Council approves the terms of reference of the JHOSC as set out in Appendix 1 of this report;
- (4) that the Council notes the working arrangements of the JHOSC as set out in Appendix 2, and agree that the working arrangements may be further negotiated and finalised by officers without the need to return to Council unless significant changes are proposed; and
- (5) that the Council retains the power of referral to the Secretary of State of any proposed “substantial variation” of service.

**Sustainability and Transformation Plan Joint Health Scrutiny
Committee: Terms of Reference**

- 1) Bristol City Council, North Somerset Council and South Gloucestershire Council to collectively review and scrutinise the Bristol, North Somerset and South Gloucestershire (BNSSG) Sustainability and Transformation Plan (STP) pursuant to Regulation 30 of the Local Authority (Public Health, Health and Wellbeing Boards and Health Scrutiny) Regulations 2013.(Regulation 30)
- 2) To collectively review and scrutinise any proposals within the STP that are a substantial development of the health service or the substantial variation of such service where more than one local authority is consulted by the relevant NHS body pursuant to Regulation 30
- 3) To collectively consider whether a specific proposal within the STP that's is not a substantial development or variation is only relevant for one authority and therefore should be referred to that authority's Health Scrutiny Committee for scrutiny.
- 4) In the event that a participating council considers that it may wish to consider a discretionary matter itself rather than have it dealt with by the joint committee it shall give notice to the other participating councils and the joint committee shall then not take any decision on the discretionary matter (other than a decision which would not affect the council giving notice) until after the next full Council meeting of the council giving notice in order that the council giving notice may have the opportunity to withdraw delegation of powers in respect of that discretionary matter.
- 5) To require the relevant local NHS body to provide information about the proposals under consideration and where appropriate to require the attendance of a representative of the NHS body to answer such questions as appear to it to be necessary for the discharge of its function
- 6) Make reports or recommendations to the relevant health bodies as appropriate and/or the constituent authorities' respective Overview and Scrutiny committees or equivalent
- 7) Each Council to retain the power of referral to the Secretary of State of any proposed "substantial variation" of service, so this power is not delegated to the JHOSC.

Sustainability and Transformation Plan Joint Health Scrutiny Committee Working Arrangements

Membership

The joint committee will be a committee established by Bristol City Council, North Somerset Council and South Gloucestershire Council in accordance with section 101(5) of the Local Government 1972

The membership shall be made up of 7 members from each participating council with each council's membership being politically proportionate. Non-executive councillors will make up the membership.

Substitutions will be accepted if a councillor is not able to attend a meeting of the committee.

Co-options are a possibility and can be considered by the joint committee at its first meeting. The Guidance suggests that co-opting people is one method of ensuring involvement of key stakeholders with an interest in, or knowledge of, the issue being scrutinised. This is already a power of overview and scrutiny committees by virtue of the Local Government Act 2000. However, the Guidance also recommends other ways of involving stakeholders by, for example, giving evidence or by acting as advisers to the committee. A chair (from the host authority) will be appointed by the joint committee at each meeting

Quorum

The quorum for meetings will be 7 members from at least two local Authorities. During any meeting if the chair counts the number of councillors present and declares there is not a quorum present, then the meeting will adjourn immediately. Remaining business will be considered at a time and date fixed by the chair. If a date is not fixed, the remaining business will be considered at the next meeting.

Reporting Arrangements

Prior to the agenda for each meeting of the joint committee being finalised officers will convene a planning / pre-meeting with the Chairs of the individual HOSC's or their nominee

In terms of the joint committee's conclusions and recommendations the Guidance says that one report has to be produced on behalf of the joint committee. The final report shall reflect the views of all local authority

committees involved in the joint committee. it will aim to be a consensual report. In the event there is a failure to agree a consensual report the report will record any minority report recommendations. At least 7 members of the joint committee must support the inclusion of any separate minority report in the committee's final report. Any report produced by the committee will be submitted to the local authority's council meetings for information.

The NHS body or bodies receiving the report must respond in writing to any requests for responses to the report or recommendations, within 28 days of receipt of the request.

In the event that any Council exercises its right to refer a substantial variation to the Secretary of State, it shall notify the other Councils of the action it has taken.

Financial and Administrative Support

Meetings will usually be led by each authority alternately. The Chair of the lead authority will Chair the meeting.

- The lead authority will be responsible for the servicing of the committee. Suitable officer resources (Legal, Democratic) will be provided to meet the requirements of the committee. This includes (but is not restricted to):
 - providing legal advice
 - liaising with health colleagues ahead of the meeting
 - updating action sheets from previous meetings
 - producing agenda papers and co-ordinating public forum
 - creating formal minutes and actions sheets
- If there is a specific reason, for example, if the issue to be discussed relates to a proposal specific to the locality of one Local Authority area the meeting venue can change to a more appropriate venue. The lead Local Authority would remain the same, even if the venue changes.
- Any changes to the host authority must be agreed by the committee

Petitions Statements and questions

- Members of the public and members of council, provided they give notice in writing or by electronic mail to the proper officer of the host authority (and include their name and address and details of the wording of the petition, and in the case of a statement or question a copy of the submission), by no later than 12 noon of the working day

before the meeting, may present a petition, submit a statement or ask a question at meetings of the committee. The petition, statement or question must relate to the terms of reference and role and responsibility of the committee.

- The total time allowed for dealing with petitions, statements and questions at each meeting is thirty minutes.
- Statements and written questions, provided they are of reasonable length, will be copied and circulated to all members and will be made available to the public at the meeting
- There will be no debate in relation to any petitions, statements and questions raised at the meeting but the committee will resolve;
(1) “that the petition / statement be noted”; or
(2) if the content relates to a matter on the agenda for the meeting: “that the contents of the petition / statement be considered when the item is debated”;
- **Response to Questions**
Questions will be directed to the appropriate Director or organisation to provide a written response directly to the questioner. Appropriately redacted copies of responses will be published on the host authority’s website within 28 days.
- Details of the questions and answers will be included on the following agenda.