
Meeting: Council

Date: 16 September 2010

Subject: Establishment of a Joint Health Overview and Scrutiny Committee

Report of: Cllr Carol Hegley, Portfolio Holder for Social Care and Health

Summary: This report invites the Council to appoint four members of the Social Care Health and Housing Overview & Scrutiny Committee to scrutinise a consultation on Mental Health services which is to be undertaken by NHS Bedfordshire for people in the Central Bedfordshire, Bedford Borough and Luton areas.

Advising Officers: Ian Porter, Assistant Director Strategy and Performance

Contact Officer: Cheryl Powell, Overview and Scrutiny Officer

Public/Exempt: Public

Wards Affected: All

Function of: Council

CORPORATE IMPLICATIONS

Council Priorities:

It is of great importance that members are mindful of the Council's priorities

Financial:

Any costs arising from the establishment and running of the Joint Committee can be met from existing Bedford Borough Council budgets.

Legal:

The Local Authority (Overview and Scrutiny of Health Function) Regulations 2001 require that NHS bodies consult the relevant Overview and Scrutiny Committee where there is a proposed substantial variation or development of health services in the area. Overview and Scrutiny Committees are statutory consultees. The Overview and Scrutiny Committee can decide whether or not it wishes to respond to the consultation.

Under Section 7 of the Health and Social Care Act 2001, Social Services authorities are required to appoint an Overview and Scrutiny Committee to review health services within the local authority area. In Central Bedfordshire Council, this function is carried out by the Social Care, Health and Housing Overview & Scrutiny Committee.

Further to this, the Secretary of State issued a Direction in 2003 with regard to NHS consultations that cover several local authorities. Where this is the case, those authorities' Overview and Scrutiny committees that wish to be involved in the consultation must form a Joint Committee. Councils' Overview and Scrutiny Committees cannot choose to be consulted separately.

Under current legislation, a joint committee of this nature is required to be politically proportionate unless the Councils involved agree to waive that requirement. In the Eastern Region, Joint Health Scrutiny Committees usually waive the proportionality requirement. In this case, if the membership numbers are satisfactory, it is felt that Council would be able to appoint from across the political groups without the need for the committee to be formally proportionate.

Risk Management: None

Staffing (including Trades Unions): None

Equalities/Human Rights:

The aim of equality legislation is to ensure that resources invested in public services actually benefit all those they are aimed at or who need them.

When developing proposals and making decisions, the Council has a requirement to comply with its statutory equality duties by ensuring that decisions are made in such a way as to minimise unfairness, and that they do not have a disproportionately negative effect on people from different ethnic groups, disabled people, and men and women. The effect of any proposed variation of health service will be considered as part of the Equality Impact Assessments particularly in identified high risk areas.

Community Safety: None

Sustainability: None

RECOMMENDATIONS:

That Council:

- 1. approve the establishment of a Joint Health Overview and Scrutiny Committee with Central Bedfordshire Council, Bedford Borough Council and Luton Borough Council to scrutinise the forthcoming consultation on Mental Health Services to be undertaken by NHS Bedfordshire.**
- 2. approve the nomination of four members to serve on the above Committee.**

Reason for Recommendation(s): To enable the Council to participate in this review.

Background

1. NHS Bedfordshire has informed the Council that, following the transfer of Mental Health Services to the South Essex Partnership University NHS Foundation Trust, there will be a consultation on the development of services for people in Central Bedfordshire, Bedford Borough and Luton Borough Council localities. This consultation is planned to take place from September 2010, after which the NHS Bedfordshire Board will take a decision about services.
2. It is understood that this consultation on service transformation will cover three areas:
 - Reconfiguration of inpatient services for adults and older people
 - Reconfiguration of community services
 - Management of long term and continuing care
3. The scope of this consultation will qualify it as a 'substantial variation or development' of local services under the Health and Social Care Act 2001. Given that the services delivered cover more than one local authority area, those councils wishing to respond to the consultation are required to establish a joint health overview and scrutiny committee (JHOSC). If a JHOSC is established, it will include Central Bedfordshire Council, Bedford Borough Council and Luton Borough Council. The legislation recommends that JHOSCs are politically proportionate, unless the Councils taking part agree to waive that requirement.
4. In this case, with three councils, it is recommended that the JHOSC comprise four members from each council, on the basis that this Council's representation consists of three members from the Conservative Group and one member of the Liberal Democrat Group. The nominations from Central Bedfordshire are:

Councillor Susan Goodchild
Councillor John Kane
Councillor Andrew Turner
Councillor Ann Sparrow

Next Steps

5. The Joint Health Overview and Scrutiny Committee will agree its terms of reference at its first meeting at a date to be arranged.
6. It is anticipated that the Committee will be able to complete its work between *September 2010 and March 2011* although the schedule will depend on the start of the 12 week consultation period.

Appendices: None

Background Papers: None

Location of papers: N/A