

JOINT LANCASHIRE HEALTH SCRUTINY COMMITTEE

TERMS OF REFERENCE

1. **TITLE**

The Committee to be named the Joint Lancashire Health Scrutiny Committee

2. **SCOPE**

The Committee to consider any future and proposed health service changes that will directly affect all three upper tier local authorities covering the pan Lancashire area and directly affect the citizens in the *Cumbria County Council area.

3. **MEMBERSHIP**

The Committee to be established on the following basis:

- 9 elected voting Members from Lancashire County Council.
- 3 elected voting Members from Blackburn with Darwen Borough Council
- 3 elected voting Members from Blackpool Borough Council
- 3 non-voting co-opted Members from Lancashire District Councils

- *2 Elected voting Members from Cumbria County Council to be invited to attend meetings of the Joint Committee on those occasions when consideration is given to any planned or proposed health service matter that would be likely to directly affect citizens in the Cumbria County Council area.

The Joint Committee to be appointed on an annual basis prior to its first meeting in each Municipal Year.

Any member of the Committee may be represented at a meeting of the Joint Committee by a substitute appointed by the appropriate local authority. Substitutes will have the same voting rights as the member they replace and count towards the establishment of a quorum.

It remains the responsibility of each Member on the Joint Committee to arrange for an appointed substitute to attend on their behalf if they are unable to attend a meeting.

If any Member or co-opted member ceases to be a Councillor of their local authority they shall no longer be a member of the Joint Committee.

Each meeting of the Joint Committee shall be advised by the relevant Scrutiny Officer.

4. CHAIR AND VICE CHAIR

The Chair and the Vice Chair shall be elected by the Joint Committee from among the Committee's voting membership (excluding Cumbria representatives) at the first meeting in each Municipal Year on the basis of the elected Chair and Vice Chair being Members of different local authorities.

The Chair shall preside at the meetings. In the absence of the Chair, the Vice Chair shall Chair the meeting. In the absence of both the Chair and the Vice Chair, the Joint Committee Members present shall elect a Chair for that meeting from among their number.

5. FUNCTIONS

To review and scrutinise issues around health service changes planned or provided that will affect all three upper tier local authority areas to seek health improvements and reduce health inequalities.

To exercise the statutory functions of a health overview and scrutiny committee under the provisions of the National Health Service Act 2006 and the Local Government and Public Involvement in Health Act 2007 and to make reports and recommendations to NHS bodies as appropriate.

Secretary of State Referrals

In the case of contested NHS proposals for substantial service changes or any NHS proposal which the Joint Committee feels has been the subject of inadequate consultation, by majority agreement, the Joint Committee to have delegated authority to directly refer the matter to the relevant Secretary of State.

That in relation to the function described above, any Joint Committee decision on whether or not a referral should be made to the relevant Secretary of State is not required to be approved by the individual Overview and Scrutiny Committees at those local authorities that may be directly affected by the decision. However the Joint Committee's power of referral does not remove, supersede or negate the power and authority of each individual Overview and Scrutiny Committee to make a referral to the Secretary to State should they wish to do so.

Scrutiny Arrangements

Scrutiny of approved topics should be carried out only "in meetings" of the Joint Committee. The need to establish separate working groups should only be implemented as a very last resort.

To require the Chief Executives (or their representatives) of local NHS bodies to attend the Joint Committee to answer questions and to invite the chairs and non-executive directors and officers of local NHS bodies to attend the Joint Committee to answer questions or supply evidence.

To invite to any meeting of the Joint Committee and permit to participate in discussion and debate, but not to vote, any person not an elected Member appointed to the Committee, whom the Joint Committee considers would assist it in carrying out its functions.

To co opt as and when necessary and under such terms as the Joint Committee thinks appropriate, persons with appropriate expertise in relevant health matters, without voting rights.

Review of functions, clerking arrangements and terms of reference

To review at least annually the functions of, and clerking arrangements for meetings of the Joint Committee.

To review the Joint Committee's terms of reference from time to time.

Conduct of Business Meetings

The Clerk to the Committee shall, with the agreement of the Chair and the Vice Chair, arrange meetings of the Joint Committee as and when necessary.

No meetings of the Joint Committee shall be held during the notice of election period for local authority elections

Any scheduled Joint meeting may be cancelled where the Chair and the Vice Chair of the Joint Committee both agree.

The venue for meetings of the Joint Committee shall be rotated between the local authorities and the Secretarial support for the Committee shall be rotated between each of the 3 upper tier Lancashire local authorities either annually or as necessary on an agreed basis between the respective authorities.

Agendas and Items of business

Agendas for meetings of the Joint Committee shall be circulated at least 5 working days in advance of the meetings and in accordance with the provisions of legislation relating to Access to Information.

Other than in very exceptional circumstances, the only business to be considered at any meeting will be that which has been notified.

Decisions

The Joint Committee will seek to make decisions by consensus whenever possible. In the event of any disagreement, the Chair will seek to resolve any differences. In the event any disagreement cannot be resolved, then a vote will be taken. In the case of a tied vote, the Chair will have a second or casting vote.

Declarations of Interest

Any Member having a Personal Interest within the meaning of the national Code of Conduct must disclose that fact and act accordingly.

Those Members declaring a Prejudicial Interest must leave the room and take no part the discussion or influence that particular item.

Quorum

The quorum for the Joint Committee shall be a third of the total membership on the basis of at least one voting Member from each of the local authorities of Lancashire County Council, Blackpool and Blackburn with Darwen being present.

Minutes

The minutes of each Joint meeting shall be submitted for information to the individual Overview and Scrutiny Committees at the respective local authorities.

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