

**County Council – 13 November 2014****Recommendation from the Standards and Governance Committee meeting held on 21 October 2014****Draft Revised Terms of Reference for the Dorset Health Scrutiny Committee**

83.1 The Committee considered a report by the Director of Corporate Resources on the draft Terms of Reference for the Dorset Health Scrutiny Committee.

83.2 The Monitoring Officer advised that changes had been made to the Terms of Reference in order to reflect a new responsibility to consult the County Council on changes and that the council could make representation to the Secretary of State who could intervene on proposals.

83.3 A request was made for officers to use track changes in order to identify the changes that had been made in one document.

**RECOMMENDED**

84. That the County Council approve the draft revised Terms of Reference.

**Reason for Recommendations**

85. The work of the Committee contributed to the County Council's aim to protect and enrich the health and wellbeing of Dorset's most vulnerable adults and children.

*Note: The report relating to this recommendation is attached.*

## **Standards and Governance Committee – 21 October 2014**

### **Recommendation from the Dorset Health Scrutiny Committee meeting held on 10 September 2014**

#### **Draft Revised Terms of Reference for the Dorset Health Scrutiny Committee**

62.1 The Committee considered a report by the Director for Corporate Resources which set out draft revised Terms of Reference which reflected the Committee's overarching powers and the terminology reflected in the Local Authority (Public Health, Health and Wellbeing Boards and Health Scrutiny) Regulations 2013.

62.2 Regarding the wording of paragraph (a) in the draft revised Terms of Reference, one member asked if "commissioning" could be added to the list of areas to be reviewed and scrutinised by the Committee. The Principal Solicitor commented that the draft revised Terms of Reference as set out in the report exactly reflected the wording of the new regulations. Following discussion members agreed that paragraph (a) should be amended to read "to review and scrutinise matters pertaining to the planning, commissioning, provision and operation of health services in the area of the County Council."

#### **RECOMMENDED**

63. That the draft revised Dorset Health Scrutiny Committee Terms of Reference, as amended and included in Annexure 1 to these minutes, be recommended for approval by the County Council following consideration by the Standards and Governance Committee.

Agenda Item:



# Dorset Health Scrutiny Committee

**Dorset County Council**



Date of Meeting	10 September 2014
Officer	Director for Corporate Resources
<b>Subject of Report</b>	<b>Draft Revised Terms of Reference for the Dorset Health Scrutiny Committee</b>
Executive Summary	<p>Members of the Committee have previously been advised that the Local Authority (Overview and Scrutiny Committees Health Scrutiny Functions) Regulations 2002 have been revoked and that the Committee's Terms of Reference require revision.</p> <p>The existing terms of reference are attached at Appendix 1. Members will find at Appendix 2 revised terms of reference, drafted to reflect the Committee's overarching powers and the terminology set out in the Local Authority (Public Health, Health and Wellbeing Boards and Health Scrutiny) Regulations 2013 which are in force.</p> <p>Members need to be aware that the Committee's powers under the 2013 Regulations extend to the planning, provision and operation of health services by NHS bodies and by relevant health service providers. This means that <u>all</u> commissioners and providers of publicly funded healthcare and social care will be covered by the Committee's powers and can be required to provide information requested by the Committee.</p> <p>Department of Health Guidance to support Local Authorities and their partners to deliver effective health scrutiny was published in June 2014 and is available to members at <a href="https://www.gov.uk/government/publications/advice-to-local-authorities-on-scrutinising-health-services">https://www.gov.uk/government/publications/advice-to-local-authorities-on-scrutinising-health-services</a>. The Guidance (and the Regulations) will inform the revision of the Committee's existing protocols and any future training which members receive.</p>

Impact Assessment:	Equalities Impact Assessment: Not applicable.
	Use of Evidence: The 2013 Regulations and the Department of Health Guidance were considered.
	Budget: Not applicable.
	<p>Risk Assessment:</p> <p>Having considered the risks associated with this decision using the County Council's approved risk management methodology, the level of risk has been identified as:                      Current Risk: LOW                      Residual Risk LOW</p>
	Other Implications: Not applicable.
Recommendation	The Committee is asked to note and comment on the draft revised Terms of Reference and to recommend their approval by the County Council following consideration by the Standards and Governance Committee.
Reason for Recommendation	The work of the Committee contributes to the County Council's aim to protect and enrich the health and wellbeing of Dorset's most vulnerable adults and children.
Appendices	Appendix 1 - Existing Terms of Reference Appendix 2 - Draft Revised Terms of Reference
Background Papers	The Local Authority (Public Health, Health and Wellbeing Boards and Health Scrutiny) Regulations 2013 and Department of Health Local Authority Health Scrutiny - Guidance to support Local Authorities and their partners to deliver effective health scrutiny (June 2014).
Report Originator and Contact	Name: Dan Menaldino Tel: 01305 224184 Email: d.menaldino@dorsetcc.gcsx.gov.uk

**Paul Kent**  
**Director for Corporate Resources**  
 September 2014

Existing DHSC Terms of Reference

**“6.2.2 Dorset Health Scrutiny Committee**

(See also Article 11.19 of this Constitution)

In relation to the Committee’s work on Local Authority Overview and Scrutiny of Health:-

- (a) To review and scrutinise matters relating to the planning, provision and operation of health services in the area of the County Council;
- (b) To make reports and recommendations to local NHS bodies and to the Cabinet and other relevant Committees on any matter reviewed or scrutinised;
- (c) To give notice to require the Cabinet or the County Council to consider and respond to any reports or recommendations arising from the Committee’s work within two months of receipt.
- (d) To receive reports from local NHS bodies where they have under consideration any proposal for a substantial development of the health service in the area of the County Council or for a substantial variation in the provision of such service;
- (e) In accordance with Regulation 7 of the Local Authority (Overview and Scrutiny Committees Health Scrutiny Functions) Regulations 2002 and directions issued by the Secretary of State under Regulation 10, to establish joint committees with other Councils with Social Services responsibilities to exercise the above functions;
- (f) To arrange for the above functions to be exercisable by an Overview and Scrutiny Committee of another local authority where that authority would be better placed to undertake them and the authority in question agrees;
- (g) From time to time, as appropriate, to appoint a panel of members of the Committee to consider specific local issues relating to the overview and scrutiny of health.

Membership: 6 members of the County Council, or such higher minimum number which is necessary to achieve representation from the three main political groups based on the political balance rules. Every effort being made so that each represents an area of the county which coincides with the district/borough council area in which their County Council electoral division is located, i.e. one County Council member to represent each of the following areas:-

Christchurch, East Dorset, North Dorset, Purbeck, West Dorset and Weymouth and Portland. 1 member representing each of the 6 District/Borough Councils in Dorset.”

Draft Revised DHSC Terms of Reference

**Dorset Health Scrutiny Committee**

(see also Article 11.19 of this Constitution)

Terms of Reference

- (a) To review and scrutinise matters pertaining to the planning, commissioning, provision and operation of health services in the area of the County Council.
- (b) To make reports and recommendations to relevant NHS Bodies and/or relevant health service providers and also to the Cabinet and other relevant committees of the County Council on any matter which is reviewed or scrutinised.
- (c) To give notice to require the Cabinet or the County Council to consider and respond to any reports or recommendations arising from the committee's work within two months of receipt.
- (d) Where relevant NHS Bodies and/or relevant health service providers have under consideration any proposal for a substantial development of the health service in the area of the County Council or for a substantial variation in the provision of such service:
  - (i) to receive reports from the relevant NHS Bodies and/or relevant health service providers;
  - (ii) to comment on the proposal(s); and
  - (iii) to report in writing to the Secretary of State where any of the circumstances set out in paragraph 23(9) of the Local Authority (Public Health, Health and Wellbeing Boards and Health Scrutiny) Regulations 2013 apply.
- (e) To arrange for its functions under the 2013 Regulations to be discharged by an Overview and Scrutiny Committee of another local authority where that Overview and Scrutiny Committee would be better placed to undertake the functions and the other authority agrees.
- (f) In accordance with regulation 30 of the Local Authority (Public Health, Health and Wellbeing Boards and Health Scrutiny) Regulations 2013, to appoint joint committees with other local authorities to exercise relevant functions under the said Regulations.
- (g) From time to time, as appropriate, to appoint a task and finish group consisting of members of the Committee to consider specific local issues relating to the overview and scrutiny of health.

**Membership:** 6 members of the County Council, or such higher minimum number which is necessary to achieve representation from the three main political groups based on the political balance rules. Every effort being made so that each represents an area of the county which coincides with the district/borough council area in which their County Council electoral division is located, ie one County Council member to represent each of the following areas:

Christchurch, East Dorset, North Dorset, Purbeck, West Dorset and Weymouth and Portland.

1 member representing each of the 6 District/Borough Councils in Dorset.