



Committee and Date  
Health and Adult Social Care  
Scrutiny Committee

2 November 2015

10.00 am

Item

**8**

Public

## **SHROPSHIRE AND TELFORD AND WREKIN JOINT HEALTH AND OVERVIEW SCRUTINY COMMITTEE- TERMS OF REFERENCE UPDATE**

### **Responsible Officer:**

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### **1. Summary**

To update the terms of reference of the Shropshire and Telford and Wrekin Joint Health Overview and Scrutiny Committee in light of Health Scrutiny Guidance published by the Department of Health in 2014.

### **2. Recommendations**

The Committee are asked to endorse the draft terms of reference attached as Appendix 1.

## **REPORT**

### **3. Risk Assessment and Opportunities Appraisal**

Rules and procedures covering the Council's public health scrutiny responsibilities are set out in the Local Government Act 1972 as amended (section 101), the National Health Act 2006 (as amended by the Health and Social Care Act 2012) and most recently The Local Authority (Public Health, Health and Wellbeing Boards and Health Scrutiny) Regulations 2013.

The legislative provisions allow for a local authority to choose how the public health scrutiny function is undertaken; a local authority can choose to discharge its functions through its own overview and scrutiny committee, that of another authority or through a joint overview and scrutiny committee with one or more other authorities.

The proposal in this report is compliant with the regulatory requirements.

### **4. Financial Implications**

The adoption of the revised terms of reference in and of itself does not give rise to any financial implications. Reference in the report to the power to refer matters to the secretary of state, which if agreed would remain with the Council, is an action which has the potential to give rise to future costs should these powers be used.

## 5. Background

The Joint Health Overview and Scrutiny Committee with Telford and Wrekin Council has worked effectively for a number of years. The proposed changes are not required by legislation but the current terms of reference are not compliant with the new guidance issued by the Department of Health, and the proposed updates have regard to this guidance

## 6. Additional Information

The Health and Social Care Act 2012 made a number of changes to health scrutiny arrangements. The Health Scrutiny Guidance published in 2014 provided greater detail on the specific powers of delegation and it is therefore necessary to update the terms of reference for the Joint Health Overview and Scrutiny Committee.

The draft terms of reference attached have been updated to clarify that both local authorities will agree to delegate scrutiny of pan-Shropshire health issues to the Joint HOSC, but that the power of referral to the Secretary of State has not been delegated to the Joint HOSC. While the Joint HOSC will consider the proposed changes and respond to a consultation, the power to refer any contested proposals remains with the individual authorities.

- 5.2 The proposed changes to the Joint HOSC Terms of Reference require changes to the Council Constitution and will be considered through the appropriate process within each local authority. It is proposed that if endorsed by the Health and Adult Social Care Committee that Group Leaders be consulted on the proposals and if they are in agreement with them, then a report be made to Council on 17 December 2015 recommending the changes. If the Group Leaders are not in agreement with the changes, the proposals will need to be considered by the Political Structures Monitoring Group before a recommendation is made to Council. The changes have already been endorsed by the Telford and Wrekin Health and Adult Social Care Scrutiny Committee and Joint Health Overview and Scrutiny Committee.

**List of Background Papers (This MUST be completed for all reports, but does not include items containing exempt or confidential information)**

Department of Health Guidance June 2014: Local Authority Health Scrutiny.  
Guidance to support local authorities and their partners to deliver health scrutiny.

**Cabinet Member (Portfolio Holder)**

Karen Calder

**Local Member**

All

**Appendices**

Appendix 1 - Draft Updated Terms of Reference