

TO: COUNCIL
19 March 2024

**Establishment of a Joint Health Overview and Scrutiny Committee (JHOSC)
(Statutory Scrutiny Officer)**

1 PURPOSE OF REPORT

- 1.1 This report seeks agreement to establish a Joint Health Overview and Scrutiny Committee (JHOSC).

2 RECOMMENDATIONS

- 2.1 **That the Council approves the establishment of a Joint Health Overview and Scrutiny Committee, jointly with Hampshire County Council and Surrey County Council, to scrutinise the relocation of Frimley Park Hospital.**
- 2.2 **That the Council approves the Overview and Scrutiny Commission's (O&S) recommendation to agree the Draft Terms of Reference for the JHOSC which are attached as Appendix A.**
- 2.3 **That the Council approves the O&S Commission's recommendation to appoint Councillors Egglestone and Virgo to sit on the JHOSC in accordance with political balance requirements and the wishes of the political groups.**

3 REASONS FOR RECOMMENDATIONS

- 3.1 Frimley Park Hospital needs to be replaced by 2030 because it was built in the 1970s using Reinforced Autoclaved Aerated Concrete (RAAC), which makes up around 65 per cent of the current hospital.
- 3.2 Health Services are required to consult a local authority's Health Overview and Scrutiny Committee about any proposals they have for a substantial development or variation in the provision of health services in their area under Regulation 30 (5) Local Authority (Public Health, Health and Well-being Boards and Health Scrutiny) Regulations 2013. When these substantial developments or variations affect a geographical area that covers more than one local authority (according to patient flow), the local authorities are required to appoint a Joint Health Overview and Scrutiny Committee (JHOSC) for the purposes of the consultation.
- 3.3 Setting up a JHOSC will fulfil the legislative requirements for health scrutiny that covers more than one geographical area.
- 3.4 The draft Terms of Reference sets out the guiding principles and governance structure for the JHOSC.
- 3.5 As proposed in the draft Terms of Reference, Bracknell Forest Council is invited to appoint two councillors as representatives on the JHOSC. The number of

Unrestricted

representatives was determined by the number of residents using the hospital, across the three local authorities.

- 3.6 The O&S Commission considered this item at its meeting on 29 February and its recommendations from the basis of this report. The Commission sought two nominations, one each from the Labour and Conservative Groups in accordance with political balance requirements, drawn from the overview and scrutiny membership. The proposed nominations are Councillors Egglestone and Virgo.
- 3.7 The draft Terms of Reference state that observers would be welcome at meetings of the JHOSC, as well as the use of time-limited working groups, which may require additional representation from each authority. The Chair of the Health and Care O&S Panel has committed to updating the O&S Commission on the progress of the JHOSC quarterly.

4 ALTERNATIVE OPTIONS CONSIDERED

- 4.1 None

5 SUPPORTING INFORMATION

- 5.1 The JHOSC will operate formally as a statutory committee. The purpose of the JHOSC and its proposed operating procedures are outlined in **Appendix A** 'Joint Health Overview and Scrutiny Committee (Frimley Park) Draft Terms of Reference.'
- 5.2 A new set of health scrutiny regulations came into force in January 2024. These included statutory guidance for health scrutiny guidance, updated to reflect amendments to the local authority scrutiny function following the introduction of the [Health and Care Act 2022](#) ('the 2022 Act'), which inserted schedule 10A into the [National Health Service Act 2006](#) ('the NHS Act 2006'). It also allowed for the Secretary of State to intervene on commissioning arrangements. Given the consultation process for Frimley Park Hospital has already begun it could be assumed it will be carried out under the old regulations, which gives more weight to health scrutiny than the new regulations are likely to do so. [BLOG: DHSC confirms new health scrutiny arrangements to start in January - Centre for Governance and Scrutiny \(cfqs.org.uk\)](#)
[Local authority health scrutiny - GOV.UK \(www.gov.uk\)](#)
- 5.3 Guidance on what constitutes a substantial variation to current service provision can be found in this document by NHS England. However, it should be noted there is no single, accepted definition of substantial service change, although it usually involves a change to the geographical location where services are delivered. [NHS England » Planning, assuring and delivering service change for patients](#)

6. Borough Solicitor's comments

- 6.1 There are potential legal implications if a JHOSC is not established.

7. Borough Treasurer's comments

- 7.1 Any proposals would need to be delivered within existing budgets.

8. Equalities Impact Assessment

None.

9. Strategic Risk Management Issues

- 9.1 Not being part of the JHOSC means the Council will not fulfil its legislative requirements for health scrutiny that covers more than one geographical area.
- 9.2 Having representation on the JHOSC will mean Bracknell Forest residents will have their views represented during the building of the new hospital.

10. Background Papers

- 10.1 A link is provided to the Overview & Scrutiny Commission meeting held on 29 February 2024. Representatives from Frimley Park Hospital attended the meeting and informed members of the Overview & Scrutiny Commission about plans for the hospital. The O&S Commission also discussed the draft Terms of Reference and representation on the JHOSC. [Agenda for Overview and Scrutiny Commission on Thursday, 29 February 2024, 6.30 pm | Bracknell Forest Council \(bracknell-forest.gov.uk\)](#)

11. Contact for further information

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