

COUNCIL
24 SEPTEMBER 2003

**PROPOSED AMENDMENT TO THE CONSTITUTION:
OVERVIEW AND SCRUTINY ARRANGEMENTS FOR HEALTH
(Acting Director of Corporate Services – Democratic Services)**

1. INTRODUCTION

- 1.1 The Public Scrutiny Commission at its meeting on 11 September 2003 has agreed to request an amendment both to the name of Social Care and Housing Scrutiny Panel and to its terms of reference (Article 6.05 of the Constitution) to reflect the statutory functions that the Council is required to undertake in relation to health scrutiny.

2. RECOMMENDATION

- 2.1 **That the *Social Care and Housing Scrutiny Panel* be redesignated the *Health, Social Care and Housing Scrutiny Panel* and Article 6 of the Constitution be amended accordingly to reflect this.**

- 2.2 **That the following additional provision be inserted into Article 6.05 of the Constitution, under the terms of reference of the above Panel:**

“(ii) To undertake all the statutory functions of a scrutiny committee in accordance with Section 7 (and regulations made under that section) of the Health and Social Care Act 2001, relating to reviewing and scrutinising health service matters.”

3. ADVICE RECEIVED FROM STATUTORY AND OTHER OFFICERS

Section 151 Officer

- 3.1 There are no direct financial implications arising from this report.

Borough Solicitor

- 3.2 Nothing to add to the report.

Access Implications

- 3.3 There are no direct access implications.

4. SUPPORTING INFORMATION

- 4.1 Section 7 of the Health and Social Care Act 2001 inserted provisions into the Local Government Act 2000, which requires local authorities (with social services responsibilities) to undertake the role of reviewing health service matters and making reports and recommendations to local NHS bodies. Health trusts are under a duty to consult health overview and scrutiny committees on substantial developments and changes to services. They are also required to provide such

committees with information about the planning, the provision and the operation of health services in their area. In addition, officers of health trusts may be required to attend the relevant overview and scrutiny committee, when requested, to give oral evidence on service developments. Government guidance (issued in May 2003) states that arrangements for the overview and scrutiny of health should be clearly set out in a local authority's constitution and should clearly indicate the committee with responsibility with the principal responsibility for the scrutiny of local health services.

- 4.2 As the above provisions are not explicitly reflected in the Council's Constitution, the Public Scrutiny Commission on 11 September has agreed that the existing Social Care and Housing Scrutiny Panel's terms of reference should be expanded to reflect health scrutiny and its name amended accordingly.
- 4.3 Subject to the Council agreeing to this proposed amendment, the Chairman of the Scrutiny Panel will write to all the Council's health partners to advise them of this development. Arrangements will also be made to involve health partners in future meetings of the Panel.

Background Papers

None

Contacts for Further Information

Jan Haunton, Democratic Services, 01344 352009