

BLMK Integrated Care System Joint Health Overview and Scrutiny Committee Draft Terms of Reference (“TOR”)

1. The Member Authorities

Bedford Borough Council, Borough Hall, Cauldwell Street, Bedford, MK42 9AP

Buckinghamshire Council, Walton Street, Aylesbury, HP20 1UA

Central Bedfordshire Council, Priory House, Monks Walk, Chicksands, Shefford, Bedfordshire, SG17 5TQ

Luton Council, Second Floor, Town Hall, George St., Luton, LU1 2BQ

Milton Keynes City Council, Civic Offices, 1 Saxon Gate East, Central Milton Keynes, MK9 3EJ

(hereinafter called the "**Joint Authorities**")

2. Preamble to the establishment of the BLMK Joint Health Overview and Scrutiny Committee (“JHOSC”)

2.1 Regulation 30(1) of The Local Authority (Public Health, Health and Wellbeing Boards and Health Scrutiny) Regulations 2013 (the “**2013 Regulations**”), provides that two or more local authorities may appoint a joint committee and arrange for "relevant functions in relation to any (or all) of those authorities to be exercisable by the joint committee subject to such terms and conditions as the authorities may consider appropriate", “relevant functions” being the review and scrutiny of matters relating to the planning, provision and operation of the health service in the local authority area. The same statutory instrument defines a 'responsible person' as "a relevant NHS body or a relevant health service provider", and provides at Regulation 30(5) that "Where a responsible person consults more than one local authority pursuant to regulation 23 (a proposal for a substantial development of the health service) those local authorities must appoint a joint overview and scrutiny committee for the purposes of the consultation".

2.2 The Joint Authorities each have their own independent established health overview and scrutiny functions, but recognise that there may from time to time arise certain matters where it will be to the individual and collective interest of all or some of the Joint Authorities to exercise their overview and scrutiny functions through a joint health overview and scrutiny committee, comprised of representatives of the constituent Local Authorities. In pursuance of this the Joint Authorities, by way of their joint agreement of this TOR, convene the JHOSC pursuant to Regulation 30(1) of the 2013 Regulations. Further, in the event that a ‘responsible person’ refers a proposal pursuant to Regulation 30(5) of the 2013 Regulations, the JHOSC will convene pursuant to that regulation in accordance with the terms of this TOR. The functions of the JHOSC and the exercise of those functions are as set out here.

3. Purpose of the JHOSC

3.1 To undertake statutory scrutiny functions of the Joint Authorities including but not limited to those specified by Regulation 30 of the 2013 Regulations as required by the Joint Authorities. To the extent that such functions may or may not be devolved to JHOSC, the decision whether to devolve those functions is at the discretion of the constituent local authorities on a case by case basis. Statutory powers to report to the Secretary of State to be retained by the constituent local authorities unless delegated to JHOSC under express written authority.

3.2 To scrutinise such other matters which the Joint Authorities reasonably consider effects, or may effect or may come to effect, the system-level strategic direction and delivery of health and care services to residents living within the local authority boundary of two or more of their number.

4. Membership

4.1 JHOSC will be comprised of thirteen Councillors with three Councillors appointed by Bedford Borough Council, Central Bedfordshire Council, Luton Council and Milton Keynes City Council and one appointed by Buckinghamshire Council, such councillors not to be members of that authority's executive body. The requirement for political proportionality is waived, although each local authority may apply the requirement in their own appointment process at their individual discretion.

4.2 Meetings must be held in person and only members attending in person will be allowed to vote on any matter put to the meeting, with each individual member present having one vote. Members may attend online at the discretion of the Chair, but will not be allowed to vote at the meeting. The Chair will have a casting vote in the event of a tie.

4.3 The quorum will be at least four members attending in person, including members representing at least three of the five constituent local authorities.

4.4 JHOSC may co-opt up additional members in a non-voting capacity where such persons contribute to the knowledge, expertise or experience of the membership. Co-opted members may, at the discretion of the JHOSC, be appointed for a fixed term, or for the purpose of considering a specific topic or proposal, as the case may be.

5. Chair and Vice Chair, Standing Orders and Meetings

5.1 The JHOSC Chair will be elected at the first meeting of JHOSC, and thereafter annually at the first meeting of each Council Year, by those present in person voting at the meeting. Following the appointment of the Chair the meeting will move immediately to appoint a Vice Chair on the same basis. The Vice Chair will Chair individual meetings of JHOSC in the absence of the Chair. In the absence of the Chair and Vice-Chair the meeting shall elect a Chair as the first item of business.

5.2 Standing orders will be as dictated by law, or in accordance with the standing orders of the Chair's local authority. Where there is a conflict between this TOR and local authority standing orders, this TOR will take precedence.

5.3 The JHOSC will meet for a minimum of two meetings per annum at approximately six month intervals, at a date and time set by the Chair in consultation with the Vice Chair and JHOSC members. It is anticipated that the annual report, and similar plans and reports, of the BLMK Integrated Care Board will be considered and discussed at each of these meetings. Further meetings may be called at the discretion of the Chair in consultation with the Vice Chair, individual members of JHOSC and the Joint Authorities and in accordance with the terms below.

5.4 Meetings will be hosted on a rotational basis at each of the Joint Authorities or as agreed by members of JHOSC in consultation with the Joint Authorities.

6. Referrals to JHOSC

6.1 Any of the constituent local authorities or individual members of JHOSC may refer any health or care related matter effecting two or more of the Joint Authorities to the Chair of the JHOSC with a request for that matter to be considered. Any reference should include details of the matter(s) to be considered by the JHOSC. The tabling of any such reference is at the discretion of the Chair in consultation with the Vice Chair and other JHOSC members, and the Chair may table the matter at a future planned meeting or call an additional meeting as required.

6.2 Where a proposal is brought to JHOSC in pursuance of Regulation 30(5) of the 2013 Regulations the Chair in consultation with the Vice Chair, JHOSC members and the Joint Authorities shall take such action as required to meet the statutory obligations of the Joint Authorities.

6.3 In the case of 6.1 or 6.2 above and where the matter or proposal is one that does not effect all of the Joint Authorities, the Chair in consultation with the Vice Chair and other JHOSC members may convene a subcommittee of JHOSC that includes members of the effected local authorities only. This subcommittee shall be the relevant Joint Overview and Scrutiny Committee for the purposes of Regulation 30 of the 2013 Regulations, and any reference in that Statutory Instrument to a "Joint Overview and Scrutiny Committee" shall be taken to refer to that subcommittee. References in this TOR to JHOSC shall be taken to refer to such a subcommittee where relevant and applicable and should be interpreted to give effect to this intention.

7. JHOSC Reports

7.1 Where a report is required to be produced by JHOSC, whether in pursuance of a statutory obligation or otherwise, individual members will endeavour to produce a report that reflects the views of all members and with unanimous agreement on conclusions, comments and recommendations. If unavoidable, a dissenting minority report may be

prepared by an individual member or members and submitted alongside the majority report.

7.2 Draft reports will be subject to prior consideration by the Joint Authorities, and finalised only following consideration and approval by JHOSC.

8. Secretarial and Administrative Support, Sharing of Resources and Costs

8.1 JHOSC will not be provisioned with a budget, but will be resourced and financed as required on a shared cost basis by the Joint Authorities. No Special Responsibility Allowance or similar payment will be made by JHOSC to any member of the committee, although individual local authorities may elect to make such a payment at their individual discretion, without obligation on the other authorities.

8.2 Secretarial and Administrative Support associated with meetings of the JHOSC will be borne by the local authority hosting the meeting.

8.3 Direct costs, such as travel and subsistence costs for witnesses, will be shared by the Joint Authorities, subject to the advance written authorisation of the authority, such authorisation not to be unreasonably withheld. Direct costs of members of JHOSC, including the Chair and Vice Chair, such as travel and equipment costs, to be borne by their home authority.

8.4 Indirect costs, such as research and administration carried out by officers in connection with the business of JHOSC, to be agreed by the Joint Authorities on an ad-hoc basis. The governing principle being that the Joint Authorities will contribute equally to the indirect costs of JHOSC over time.

8.5 Where a subcommittee is convened, whether in pursuance of Regulation 30(1) or Regulation 30(5) of the 2013 Regulations. the overriding principle is that the direct and indirect costs will be borne by those constituent local authorities represented on the subcommittee.

9. Press and Media

9.1 Press and Media enquiries to be managed by the current host authority in consultation with the other Joint Authorities.

10. Amendments to Terms of Reference

10.1 Amendments to these terms of reference to be made only by a full meeting of JHOSC by majority agreement, following prior consultation with the Joint Authorities.

11. Local Authority Health Scrutiny Committees

11.1 Nothing in this TOR varies the function or powers of any Scrutiny Committee convened at the level of individual constituent local authorities, expecting where such

functions or powers are delegated to JHOSC by operation of statute including but not limited to the 2013 Regulations, or by the prior written agreement of the Joint Authorities.

12. Duration of the JHOSC

12.1 JHOSC shall continue in existence until such time as the Joint Authorities decide otherwise.