

REPORT FOR: **COUNCIL**

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| Date of Meeting: | 29 November 2018 |
| Subject: | Constitutional amendments – terms of reference of Joint Health Overview and Scrutiny Committee and Committee Procedure Rules in relation to the Planning Committee |
| Responsible Officer: | Hugh Peart Director of Legal and Governance Services |
| Exempt: | No |
| Wards affected: | All |
| Enclosures: | Appendix 1 – Terms of Reference of North West London Joint Health Overview and Scrutiny Committee |

Section 1 – Summary and Recommendations

This report sets out proposed terms of reference of the North West London Joint Health Overview and Scrutiny Committee (NWLJHOSC) and proposed new wording to be inserted into the Committee Procedure Rules.

Recommendations:

Council is requested to agree:

- (1) the proposed terms of reference for the NWLJHOSC attached at Appendix 1 for inclusion in the Constitution; and
- (2) the proposed new wording for the Committee Procedure Rules in relation to the Planning Committee set out at paragraph 8.

Section 2 – Report

Terms of reference for the NWLJHOSC

1. Article 11 of the constitution allows the Council to make arrangements for functions to be administered jointly with other local authorities.
2. The North West London Joint Health Overview and Scrutiny Committee (NWLJHOSC) was established in 2012 at the request of NHS North West London as part of the statutory consultation process for Shaping a Healthier Future (SaHF).
3. The matter came to Council on 24 May 2012 as a recommendation from the Overview and Scrutiny Committee. It was agreed that Harrow should participate in the Committee and that authority be delegated to the Overview and Scrutiny Committee to determine membership and issues relating to the Committee.
4. This role in relation to the statutory consultation process ended in November 2012 but the Committee has continued to meet to provide a forum to discuss cross boundary issues regarding SaHF. The local authorities represented are Harrow, Brent, Ealing, Hounslow, Kensington and Chelsea, Westminster, Hammersmith and Richmond.
5. Changes to this Committee's terms of reference have been agreed by the NWLJHOSC and the terms of reference should now be agreed by Council and inserted in the Constitution as a joint arrangement as permitted by Article 11.
6. The revised terms are designed to provide a clear understanding for all stakeholders of the role and remit of the Committee. The terms are also guided by Department of Health's guidance that the primary aim of health scrutiny is to strengthen the voice of local people, ensuring that their needs and experiences are considered as an integral part of the commissioning and delivery of health services and that those services are effective and safe.

New Committee Procedure Rule

7. The Portfolio Holder for Regeneration, Planning and Employment is also the Chair of the Planning Committee.
8. It is proposed that the following wording be added as Rule 30 of the Committee Procedure Rules to avoid any perception of bias or predetermination, along with the accompanying footnote.

Any major¹ planning application by or on behalf of the Council, or involving Council-owned land, where the Portfolio Holder for Planning, Regeneration and Employment has been involved, must be considered at a special meeting. This meeting must not be chaired or attended by the Portfolio Holder.

¹ Minor development is defined as one which does not fall within the category of 'major'. Major development is defined as development of 10 or more dwellings or residential development on sites of 0.5ha or more, or in the case of non-residential, floorspace of 1000m² or more, or with a site area of 1ha or more. Minor developments are dealt with by officers under the current planning delegations.

Legal comments

9. The NWLJHOSC was originally set up under the Local Authority (Public Health, Health and Wellbeing Boards and Health Scrutiny) Regulations 2013 for the specific purpose of responding to the consultation on SaHF. As explained above the Committee has continued to have a role in health scrutiny.

Financial Implications

10. There are no financial implications arising from this report.

Risk Management Implications

Risk included on Directorate risk register? No

Separate risk register in place? No

Equalities implications

Was an Equality Impact Assessment carried out? No.

There are no equalities implications arising from this report.

Council Priorities

An up to date and effective constitution is important in facilitating proper decision-making in the Council so that it can work together to make a difference for Harrow.

Section 3 - Statutory Officer Clearance

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| Name: Sharon Daniels | <input checked="" type="checkbox"/> | On behalf of the Chief Financial Officer |
| Date: 20.11.2018 | | |
| Name: Caroline Eccles | <input checked="" type="checkbox"/> | on behalf of the Monitoring Officer |
| Date: 20.11.2018 | | |

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| Ward Councillors notified: | NO |
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Section 4 - Contact Details and Background Papers

Contact: Caroline Eccles, Senior Lawyer, Employment and Governance, tel: 0208 424 7580.

Background Papers:

None.

If appropriate, does the report include the following considerations?

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| 1. | Consultation | NO |
| 2. | Priorities | YES |

NORTH WEST LONDON JOINT HEALTH OVERVIEW AND SCRUTINY COMMITTEE

Membership

One nominated voting member from each Council participating in the North West London Joint Health Overview and Scrutiny Committee plus one alternate member who can vote in the voting member's absence. In addition, one non-voting co-opted member of the London Borough of Richmond. The committee will require at least six voting members in attendance to be quorate.

Chair and Vice Chair

The North West London Joint Health Overview and Scrutiny Committee will elect its own chair and vice chair. Elections will take place on an annual basis each May, or as soon as practical thereafter, such as to allow for any annual changes to the committee's membership.

Terms of Reference

1. To scrutinise the 'Shaping a Healthier Future' reconfiguration of health services in North West London and the Sustainability and Transformation Plan for North West London; in particular the implementation plans and actions by the North West London Collaboration of Clinical Commissioning Groups ('NWL CCGs') and its Joint Committee, focusing on aspects affecting the whole of North West London.
2. To review and scrutinise decisions made or actions taken by NWL CCGs and/or other NHS service providers, in relation to the 'Shaping a Healthier Future' reconfiguration and the Sustainability and Transformation Plan for North West London, where appropriate.
3. To make recommendations to NWL CCGs, NHS England, or any other appropriate outside body in relation to the 'Shaping a Healthier Future' plans for North West London and the Sustainability and Transformation Plan for North West London; and to monitor the outcomes of these recommendations where appropriate.
4. To require the provision of information from, and attendance before the committee by, any such person or organisation under a statutory duty to comply with the scrutiny function of health services in North West London.

The stated purpose of the North West London Joint Health Overview and Scrutiny Committee is to consider issues arising as a result of the Shaping a Healthier Future reconfiguration of health services and the Sustainability and Transformation Plan for North West London, taking a wider view across North West London than might normally be taken by individual Local Authorities. Individual local authority members of the North West London Joint Health Overview and Scrutiny Committee will continue their own scrutiny of health services in, or affecting, their individual areas (including those under 'Shaping a Healthier Future' and the Sustainability and Transformation Plan for North West London).

Participation in the Joint Health Overview and Scrutiny Committee will not preclude any scrutiny or right of response by individual boroughs. In particular, and for the sake of clarity, this joint committee is not appointed for and nor does it have delegated to it any of the functions or powers of the local authorities, either individually or jointly, under Section 23 of the local authority (Public Health, Health and Wellbeing Boards and Health Scrutiny) Regulations 2013.

Duration

The Joint Health Overview and Scrutiny Committee will continue until all participating authorities decide otherwise. This does not preclude individual authorities from leaving the Committee

beforehand. The Committee will keep under review whether it has fulfilled its remit and any recommendation of the Committee will be reported to a Full Council meeting of each participating authority.