

URGENT DECISION FORM

Date: 30th July 2003		Ref No:	
Type of Decision			
Executive Decision		Council Decision Yes	
Key		Non Key	
Subject matter: Delegation of the health scrutiny function to the North West Joint Committee – Cleft Lip and Palate Services			
Reason for Urgency (must be completed):			
To provide authority for the North West Joint committee to respond to a Department of Health consultation on the proposed reconfiguration of Cleft Lip and Palate services in the North West.			
Decision taken (must include options considered and reasons for decision):			
Background			
<ol style="list-style-type: none"> 1. The Council have recently been informed that the Department of Health will shortly be commencing a consultation exercise over proposals to reconfigure the existing provision of Cleft Lip and Palate services in the North West. The current service provided by three centres covers the areas of Cheshire, Lancashire, Greater Manchester, Merseyside and South Cumbria. 2. Under the terms of the Health and Social Care Act 2001 and subsequent regulations there is a requirement to consult local health overview and scrutiny committees, where changes in service are proposed. Where the changes affect more than one area, the authorities affected are required to form a joint committee to respond to the consultation. Formal directions to this effect were approved by the Secretary of State on 17th July 2003. 3. In this instance because the Cleft Lip and Palate service covers virtually the whole of the North West it will mean the establishment of a joint committee comprising twenty two Social Services authorities across the North West. Scrutiny of health services is, of course, a function of Social Services Authorities. 4. In view of their regional role and involvement in overview and scrutiny, the North West Employers Association has been asked to co-ordinate the creation of the joint committee. The Council have been invited to nominate one person to sit on the committee. Following consultation with the Leader, it has been agreed that this should be Councillor John Smith, the Chair of the Council's Healthier and Safer Communities Commission 			

5. Below is a provisional outline of the programme for consultation
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| End July | Publication of consultation paper requiring response within 3 months |
| September | Initial meeting of Joint Committee to appoint a Chair, to determine terms of reference to scope the exercise. A briefing will also be provided around the proposals and with assistance from DoH appropriate sources identified. |
| October | Possibly two to three meetings to hear evidence from interested parties |
| November | Formulate and agree response to consultation |
6. Legally the Council's scrutiny function has to be set out in the Council's Constitution and this would have to be amended to reflect the new delegation to the North West Joint Committee
7. The decision to appoint Councillor Smith to the North West Joint Committee needs to be formally approved.
8. Once the Joint Committee has been established for the Cleft Lip and Palate consultation across the North West the NHS will have fulfilled its duty to provide information to all scrutiny and overview committees in the twenty two authorities by providing it to the Joint Committee.
9. Section 102 (1) (b) of the Local Government Act 1972 enables two or more authorities to appoint a Joint Committee for the purposes of discharging any function. Under Regulation 7 of the Local Authority (Overview and Scrutiny Committees Health Scrutiny Functions) Regulations 2002 two or more local authorities may appoint a joint committee (a "joint overview and scrutiny committee") of those authorities and arrange for relevant functions in relation to any (or all) of those authorities decided to be exercisable by the joint committee subject to terms and conditions as the authorities may consider appropriate.
10. Whilst Overview and Scrutiny Committees and Joint Committees generally fall within the political balance requirements of the Local Government and Housing Act 1989, in this particular case where only one member is to be appointed, schedule 1 (1c) of that Act provides for the political balance rules not to be applied in respect of a body where under three seats fall to be filled by the Authority Options

Options

In view of the proximity of the consultation it has not been possible to obtain a decision through the normal process of report to the Council which will not meet again until November.

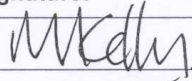
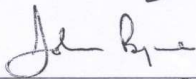
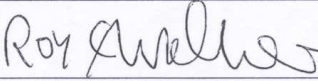
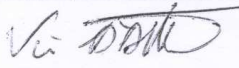
Reasons for Urgency

The reasons for urgency can be summarised as :-

1. To enable the health scrutiny function in respect of the Cleft Lip and Palate consultation to be delegated to the North West Joint Committee and the appointment of Councillor John Smith to represent the Council on the Joint Committee in advance of the next Council meeting.

Decision

1. That in accordance with Regulation 7 of the Local Authority (Overview and Scrutiny Committees Health Scrutiny Functions) Regulations the Council agrees to a joint committee being established with the 22 other Social Services authorities in the North West to consider the DOH consultation on the Cleft Lip and Palate Service.
2. That, in accordance with Section 7 of the Health and Social Care Act 2001 and Regulations under that section the Joint Committee referred to in (1) above be authorised to scrutinise the Cleft Lip and Palate service in terms of its planning, provision and operation across the North West and respond to the DoH consultation on behalf of the Council.
3. That the Council's constitution be amended accordingly to reflect the decision in (1) and (2) above and
4. That Councillor John Smith be appointed to serve on the North West Joint Committee.

Decision taken by:	Signature:	Date:
Deputy Chief Executive		30.7.03
After consultation with:		
Leader of the Council (Councillor John Byrne)		
Leader of the largest opposition group (Councillor R. E. Walker.)		30/7/2003
Leader of the Second Largest Opposition Group.(Councillor V.. D'Albert)		18/8/03

A signed copy of the form must be sent to the Democratic Services Manager.

Copies should also be sent to Head of Legal Services/Directors Finance and E-Government/Directors of Personnel as appropriate