

# **HEALTH SCRUTINY COMMITTEE TERMS OF REFERENCE**

## **1. INTRODUCTION**

The Local Government Act 2000 introduced a new political management system for local councils in England and Wales, requiring them to have a separate 'executive' in the form of a leader, or elected mayor, and cabinet. To provide a counterweight for this, the Act also introduced the concept of 'overview and scrutiny', whereby every council with an executive management structure is required to have an overview and scrutiny committee. This enables the rest of the council to scrutinise the executive by investigating their decisions, policies and issuing reports and recommendations where any shortcomings are identified.

## **2. THE ROLE OF HEALTH SCRUTINY**

Scrutiny is a statutory role fulfilled by Councillors who are not members of the cabinet. The role of the overview and scrutiny committees is to help develop policy, to carry out reviews of council and other local services, and to hold decision makers to account for their actions and decisions.

The Council has decided that it will have three overview and scrutiny committees (an Overview and Scrutiny Committee, a Health Scrutiny Committee and a Children and Young People Scrutiny Committee) which will have responsibility for all the overview and scrutiny functions on behalf of the Council as set out in part

## **3. MEMBERSHIP**

The Health Scrutiny Committee will comprise of eleven members of the council. The membership is politically balanced, which means the number of places given to a political group is proportionate to the number of councillors the group has on the Council. Cabinet Members are not to be members of the Committee. Deputy Cabinet Members are not to be a Member of a Committee dealing with an area in which they have an involvement or an interest. All councillors will have full voting rights.

The Chair of each committee is also a councillor. The council will appoint the Chair of the Committee. The Chair has the job of managing the meeting, in the event that the number of votes for and against a proposal are the same, the Chair can take a second vote or deciding vote.

The Health Scrutiny Committee may appoint Overview Project Groups to undertake reviews.

#### **4. FUNCTION**

To initiate public inquiries into matters of local concern. These can lead to reports and recommendations which advise the Leader / Cabinet Members and the Council as a whole on its policies, budget and service delivery.

Monitor the decisions of the Leader/Cabinet members. A decision that has been made by the Leader / Cabinet Member and not yet implemented can be 'called in'. This enables the Committee to consider whether the decision is appropriate. The Scrutiny Committee may recommend that the Leader / Cabinet Member reconsider the decision considering findings and comments made.

Be consulted by the Leader / Cabinet Member or the Council on forthcoming decisions and the development of policy.

#### **5. KEY RESPONSIBILITIES OF THE COMMITTEE**

- To carry out the Council's statutory obligations in relation to reviewing and scrutinising any matters relating to the planning, provision and operation of health services in the area of the Council.
- To oversee the health and well-being of the borough's population
- To scrutinise the provision, planning and management of Adult Care Services
- To monitor the implementation of any scrutiny recommendations accepted by the Cabinet.

#### **6. MEETINGS**

The Health Committee is a Committee of the Local Authority. The Committee will meet six times per municipal year. The date and timings of the meetings will be fixed in advance by the Council, as part of the agreed schedule of meetings.

Additional meetings may be convened at the request of the Chair, and with the agreement of the Council Leader.

The meeting will be Chaired by a Member of the Overview and Scrutiny Committee duly appointed by the Council. The Chair would be appointed annually; the appointments would be ratified by Council. In the absence of the Chair - A replacement Chair will be elected for the duration of the meeting from the Core Membership.

## **7. POST-DECISION SCRUTINY AND CALL-IN**

Post-decision scrutiny takes place in response to decisions that have already been made. This is particularly useful for influencing policy changes in the medium to long term. For decisions that have been made but not implemented, scrutiny has the power to call-in the executive to revisit a decision and delay its implementation. This applies only to 'key decisions', which are predominantly decisions made by the executive, either as individuals or as a whole.

A **quorum** of three will apply for meetings of the Health Scrutiny Committee.

Members will adhere to the agreed principles of the Council's Code of Conduct.

## **8. DECLARATIONS OF INTEREST**

Any personal, prejudicial or pecuniary interests held by members should be declared in accordance with the Council's Code of Conduct on any item of business at a meeting, either before it is discussed or as soon as it becomes apparent. Interests which appear in the Council Register of Interests should still be declared at meetings, where appropriate.

Decisions are to be taken by **consensus**. Where it is not possible to reach consensus, a decision will be reached by a simple majority of those present at the meeting. Where there are equal votes the Chair of the meeting will have the casting vote, there will be no restriction on how the Chair chooses to exercise his/her casting vote.

The Executive Director of Strategic Commissioning, One commissioning Organisation will act as the **lead officer**. Lead officer responsibilities will include ensuring that agendas are appropriate to the work programme of the Health Scrutiny Committee

## **9. WORKLOAD**

Work Programme to be determined annually by the Committee.

The agenda and supporting **papers** shall be in a standard format and circulated at least five clear working days in advance of meetings. The minutes of decisions taken at the meeting will be kept and circulated to members as soon as possible. Minutes will be published on the Council web site.

## **10. ACCESS TO INFORMATION**

It is important to ensure that all councillors are kept aware of the work of the Committee and a copy of the minutes will be circulated to all Bury Councillors. The Committee is regarded as a Council Committee for Access to Information Act purposes. Freedom of Information Act provisions shall apply to all business.

All meetings will be held in **public** with specific time allocated for public and member question time.

The Committee will retain the ability to **exclude representatives** of the press and other members of the public from a defined section of the meeting having regard to the confidential nature of the business to be transacted, publicly on which would be prejudicial to the public interest (Part 5A and Schedule 12A, Local Government Act, as amended).

**Non members** of the Health Scrutiny Committee may be co-opted onto the Board as a non-voting member, with speaking rights, with the agreement of the Chair.

Meetings will be **clerked** by a representative of Democratic Services.

The Board will oversee and receive reports from a set of subgroups which will focus on the delivery of key targeted areas of work.