

**TERMS OF REFERENCE FOR
WHIPPS CROSS
JOINT HEALTH OVERVIEW AND SCRUTINY COMMITTEE**

Establishment of the JHOSC

Legislation

1. The National Health Act 2006 as amended by the Health and Social Care Act 2012 sets out the regulation powers in relation to health scrutiny. The relevant regulations are the Local Authority (Public Health, Health and Wellbeing Board and Health Scrutiny) Regulations 2013 (“the Local Authority Regulations 2013”).
2. Regulation 30 (1) of the Local Authority Regulations 2013 states that two or more local authorities may appoint a joint health scrutiny committee and arrange for relevant health scrutiny functions in relation to all of those authorities to be excisable by the joint committee, subject to such terms and conditions as the authorities may consider appropriate.
3. The Whipps Cross Joint Health Overview and Scrutiny Committee (the JHOSC) is established on a ‘task and finish’ basis by the Overview and Scrutiny Committees having health responsibilities of the London Borough Councils of Waltham Forest and Redbridge and Essex County Council (“the OSCs”) in accordance with s.190-191 of the Health and Social Care Act 2012 and consequential amendments and the Local Authority Regulations 2013.

Membership

4. The JHOSC will consist of seven Members, four from Waltham Forest, two from Redbridge and one from Essex County Council as nominated by their respective Health Scrutiny Committees.
5. In accordance with section 21(9) of the Local Government Act 2000, Executive Members may not be members of an Overview and Scrutiny Committee.
6. The Council of the District of Epping Forest may also nominate one observing Member.
7. Appointments made to the JHOSC by each participating OSC or Council will reflect the political balance of that Council, unless a participating Council agrees to waive the requirement in accordance with legal requirements and with its own constitutional arrangements.

Attendance of Substitute Members

8. If a Member is unable to attend a particular meeting, they may arrange for any appropriate Member of the Council to attend as substitute, provided that a Member having executive responsibilities may not act as a substitute. Notice of substitution shall be given to the clerk before the commencement of the meeting.

Role and Function of the JHOSC

9. The JHOSC shall have the remit to review and scrutinise any matter, including substantial variations, relating to the planning, provision and operation of health services at Whipps Cross Hospital during and after its development. The JHOSC will have the right to respond in its own right to all consultations on such matters, both formal and informal.
10. The JHOSC will not be able to scrutinise any matter relating to the Whipps Cross Hospital development that does not pertain to health services. Only health services are in the remit of the JHOSC.
11. In fulfilling its defined role, as well as reviewing documentation, the JHOSC will have the right to do any or all of the following:
 - a. Request information or to hold direct discussions with appropriate officers of any NHS Trust or other body whose actions impact on the development.
 - b. Co-operate with any other Joint Health Overview and Scrutiny Committee or Committees established by two or more other local authorities, whether within or without the Greater London area;
 - c. Make reports or recommendations to any of the NHS bodies listed above and expect full, written responses to these;
 - d. Require an NHS or relevant officer to attend before it to answer such questions as appear to it to be necessary for the discharge of its functions in connection with a consultation;
 - e. Consider the NHS bodies' responses to its recommendations;
 - f. Such other functions, ancillary to those listed in a to e above, as the JHOSC considers necessary and appropriate in order to fully perform its role.

Although efforts will be made to avoid duplication, any work undertaken by the JHOSC does not preclude any individual constituent borough Overview and Scrutiny Committee from undertaking work on the same or similar subjects.

Co-optees

12. The JHOSC shall be entitled to co-opt any non-voting person as it thinks fit or appropriate to assist in its debate on any relevant topic. Each Healthwatch organisation for Waltham Forest, Redbridge and Essex shall be entitled to nominate one co-opted (non-voting) member of the JHOSC.

Meetings of the JHOSC

13. The JHOSC shall meet formally at such times, at such places and on such dates as may be mutually agreed, provided that five clear days' notice is given of the meeting. The Committee may also meet informally as and when necessary for

purposes including, but not limited to, visiting appropriate sites within the boroughs or elsewhere.

The JHOSC will meet a minimum of four times per annum. Meetings will normally be held at Waltham Forest Council. Any change to the venue will be communicated by the clerk at least five clear days before the meeting. Meetings shall be open to the public and press in accordance with the Access to Information requirements.

Attendance at Meetings

14. Where any NHS officer is required to attend the JHOSC, the officer shall be given reasonable notice in advance of the meeting at which they are required to attend. The notice will state the nature of the item on which they are required to attend to give account and whether any papers are required to be produced for the JHOSC. Where the account to be given to the JHOSC will require the production of a report, then the officer concerned will be given reasonable notice to allow for preparation of that documentation.
15. Where, in exceptional circumstances, the officer is unable to attend on the required date, and is unable to provide a substitute acceptable to the JHOSC, the JHOSC shall in consultation with the officer arrange an alternative date for attendance.
16. The JHOSC may invite other people (including expert witnesses) to address it, to discuss issues of local concern and/or to answer questions. It may for example wish to hear from residents, stakeholders and members and officers in other parts of the public sector and shall invite such people to attend.
17. The JHOSC shall permit a representative of any other authority or organisation to attend meetings as an observer.

Quorum

18. The quorum for the JHOSC shall be the larger of either one third, or three of the total voting members, provided there is at least one Member present from both of the London borough OSCs.

Chair and Vice Chair

19. The Chair and Vice Chair will be elected at the first meeting.

Notice and Summons to Meetings

20. The Clerk of the Joint Committee will give notice of meetings to all members. At least five clear working days before a meeting the relevant officer will send an agenda to every member specifying the date, time and place of each meeting and the business to be transacted, and this will be accompanied by such reports as are available.
21. Any such notice may be given validity by e-mail.

22. The proper officer of each Council shall ensure that public notice of the meeting is displayed in accordance with the customary arrangements of that Council for giving notice of Committee etc. meetings.

Reports from the JHOSC

23. The formal response of the JHOSC will be reached as far as is reasonably practicable by consensus and decided by a majority vote if necessary.

24. In undertaking its role the JHOSC should do this from the perspective of all those affected or potentially affected by any particular proposal, plan, decision or other action under consideration.

Formal Consultations and Referrals to Secretary of State

25. Under guidance on Local Authority Health Scrutiny issued by the Department of Health in June 2014, only the JHOSC may respond to a formal consultation on substantial variation proposals covering health services in at Whipps Cross Hospital.

26. The JHOSC may only refer matters directly to the Secretary of State on behalf of Councils who have formally agreed to delegate this power to it.

Procedure at JHOSC meetings

27. The JHOSC shall consider the following items of business:

- minutes of the last meeting;
- declarations of interest;
- any urgent item of business which is not included on an agenda but the Chair, after consultation with the relevant officer, agrees should be raised;
- the business otherwise set out on the agenda for the meeting.

Conduct of Meetings

28. The conduct of JHOSC meetings shall be regulated by the Chair (or other person chairing the meeting) in accordance with the general principles and conventions which apply to the conduct of local authority committee meetings.

29. Where any person other than a full or co-opted member of the JHOSC has been invited to address the meeting, the Chair may specify a time limit for their contribution in advance of its commencement which shall not be less than three minutes. The total amount of time allocated to public speaking time will not be more than fifteen minutes.

30. The Chair (or other person chairing the meeting) may also structure a discussion and limit the time allowed for questioning by members of the JHOSC.

Officer Administration of the JHOSC

31. The London Borough of Waltham Forest will be the Lead Authority for clerking and administering the JHOSC. Costs of supporting the JHOSC will be shared, in

proportion to their representation on the Committee, by the London Boroughs of Waltham Forest and Redbridge and Essex County Council.

Voting

32. Any matter requiring a vote will be decided by a simple majority of those members voting and present at the time the motion was put. This will be by a show of hands or, if no dissent, by the affirmation of the meeting. If there are equal votes for and against, the Chair or other person chairing the meeting will have a second or casting vote. There will be no restriction on how the Chair chooses to exercise a casting vote. Co-opted members will not have a vote.

Public and Press

33. All meetings of the JHOSC shall be open to the public and press unless an appropriate resolution is passed in accordance with the provisions of Schedule 17 of the National Health Service Act 2006.

34. All agendas and papers considered by the JHOSC shall be made available for inspection on the relevant web sites.

Code of Conduct

35. Members of the JHOSC must comply with the Code of Conduct or equivalent applicable to Councillors of each constituent Local Authority.