

OXFORDSHIRE JOINT HEALTH OVERVIEW & SCRUTINY COMMITTEE

MINUTES of the meeting held on Friday, 12 March 2021 commencing at 4.00 pm and finishing at 5.00 pm

Present:

Voting Members: Councillor Arash Fatemian – in the Chair

City Councillor Nadine Bely-Summers (Deputy Chairman)
Councillor Kevin Bulmer
Councillor Mark Cherry
Councillor Susanna Pressel
Councillor Alison Rooke
District Councillor Paul Barrow
District Councillor Phil Chapman
Councillor Mike Fox-Davies
Councillor Susanna Pressel
Councillor Alison Rooke
District Councillor Paul Barrow
District Councillor Phil Chapman

Co-opted Members: Jean Bradlow
Dr Alan Cohen
Barbara Shaw

Officers:

Whole of meeting Anita Bradley, Director for Law & Governance and Monitoring Officer; Steven Fairhurst Jones, Senior Policy Officer; Colm Ó Caomhánaigh

The Scrutiny Committee considered the matters, reports and recommendations contained or referred to in the agenda for the meeting, together with a schedule of addenda tabled at the meeting and agreed as set out below. Copies of the agenda and reports are attached to the signed Minutes.

9/21 **APOLOGIES FOR ABSENCE AND TEMPORARY APPOINTMENTS** (Agenda No. 1)

Apologies were received from District Councillors Jill Bull and Jo Robb.

The Chairman welcomed Councillor Mike Fox-Davies, who had replaced Councillor Jeannette Matelot and District Councillor Phil Chapman who had replaced Councillor Kieron Mallon as representative for Cherwell District Council since the last meeting.

10/21 DECLARATIONS OF INTEREST - SEE GUIDANCE NOTE ON THE BACK PAGE

(Agenda No. 2)

Dr Alan Cohen is a Trustee of Oxfordshire Mind.

11/21 SPEAKING TO OR PETITIONING THE COMMITTEE

(Agenda No. 3)

The Chairman had accepted the following request to speak:

Item 4: Councillor Jane Hanna.

12/21 JOINT HEALTH OVERVIEW AND SCRUTINY COMMITTEE (BUCKINGHAMSHIRE, OXFORDSHIRE, READING, WEST BERKSHIRE, WOKINGHAM) TERMS OF REFERENCE

(Agenda No. 4)

The Committee had before it revisions to the Terms of Reference for a health scrutiny committee for health system-wide issues across the Buckinghamshire, Oxfordshire and Berkshire West (BOB) area. The Committee was asked to consider the revisions, recommend to Council to agree the revisions and provide for a delegation to make any further minor amendments.

The Chairman had agreed to the following request to speak:

Councillor Jane Hanna stated that she believed that there were risks to consider in relation to a lack of clarity in governance and public accountability surrounding the decision structures for shared services in the region. She was concerned that the toolkit for deciding which issues should be taken to the BOB JHOSC had not yet been agreed.

Councillor Hanna added that the terms of reference stated that meetings would be conducted under the standing orders of the host authority but it was unclear if their Constitution would be used to decide on any issues around conduct or gaps in the rules. She was concerned that the new committee would have no co-opted members which were a requirement for the Oxfordshire committee.

Councillor Hanna asked Members to reject the revisions. She was concerned that there was no definition in the delegation of authority as to what constituted a minor amendment. She believed that there should be a review required given that HOSC at the regional level was a new development.

The Chairman introduced the item. He stated that there had been a meeting between the Chairs of the five HOSCs and that it was clear there that they had a common goal in a robust scrutiny of health and care developments at the BOB level.

The Chairman described a number of changes as being necessary to accommodate the fourth "locality" tier of health scrutiny in West Berkshire which did not exist in the other authorities. There was also a change to allow substitutes to help ensure that

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there would be at least one representative present from each authority which is required for a meeting to be quorate.

The specification that Healthwatch will be a recognised stakeholder with a standing agenda item to report, rather than being represented on BOB JHOSC, was in line with the approach taken in Oxfordshire. The provision to allow for temporary co-opted members would provide an opportunity to demonstrate the value of having co-opted members which has been the experience in Oxfordshire.

With regard to the concern expressed that the toolkit had not been finalised, the Chairman noted that the Oxfordshire JHOSC toolkit was not in its Constitution. He added that it was felt to be better to have two meetings each year in the diary for BOB JHOSC given how difficult it would be to arrange a date at short notice across five authorities. If there was nothing to discuss then the dates could be cancelled.

Anita Bradley, Director for Law & Governance and Monitoring Officer, confirmed that councillors could only be held accountable to the Constitution and Code of Conduct of their own authority.

The Chairman noted that it had been agreed previously and minuted that the terms 'Chair' and 'Vice-Chair' should be used instead of 'Chairman' and 'Vice-Chairman'. He asked that that change be made before the text goes to Council.

Councillor Alison Rooke stated that she was unhappy that the papers were only circulated a couple of days before the meeting – especially given that members of the public had to submit any requests to speak four days before the meeting. She was also disappointed that the provision for co-opted members was only that BOB JHOSC might have them some at some point. She noted that Oxfordshire members of BOB JHOSC could be outvoted on this by the other members.

Councillor Rooke asked if the Chair, coming from the host authority, would be voted for by that authority or would they be appointed. She noted that the Vice-Chair would be elected every 24 months but asked if that would be a rolling appointment like the Vice-Chair of Oxfordshire JHOSC which rotated between the city and district council.

Councillor Rooke supported the points made by Councillor Hanna regarding the need for the toolkit to be agreed, the definition of 'minor' amendments and the need for a review. She also asked that meetings of BOB JHOSC be broadcast and that members of the public should be able to participate remotely given the distances that would be involved in travelling across the region to a physical meeting. She concluded by requesting a vote on the recommendations.

The Chairman apologised for the lateness of the papers and accepted responsibility for that. He stated that he had always been flexible in relation to the deadline for requests to speak at meetings.

In response to Councillor Rooke's points he noted that the term for Chair was defined as 24 months in paragraph 15 and it would be up to each authority how it selected its Chair. The practice of rotating the Vice-Chairman position on Oxfordshire JHOSC

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was an informal agreement and something similar could be worked out for BOB JHOSC.

The Chairman agreed to a review of BOB JHOSC after 12 months. He also stated that he would push for the provision of remote participation in the meetings if they are to be held as physical meetings but that was unknown at this point.

District Councillor Paul Barrow agreed with other councillors that the toolkit was very important and should be part of the Terms of Reference. He noted that one of the areas to be covered by BOB-ICS was the avoidance of variations in services across the region. If that were the case, then he believed that more than 20% of issues could well be taken at BOB level.

The Chairman responded that 20% was just an estimate. The only issue that had come up over the last few years that he believed would have covered the BOB level was the PET CT Scanner.

Dr Alan Cohen supported the call for a review especially given that a recent government white paper could change the nature of scrutiny if implemented in a Bill.

Councillor Mark Cherry stated that he supported the amendments and agreed with what had been said about the importance of the toolkit.

The Chairman addressed the issue that had been raised regarding the word 'minor'. He asked Members to put their trust in him and the Monitoring Officer. In his view, a minor amendment would be one which did not change the substantive meaning – changing from 'Chairman' to 'Chair' would be an example.

Anita Bradley added that she had a responsibility to the Council as Monitoring Officer. She would view a minor amendment as being one which did not change the operation of the function. Typographical or language changes would be examples of minor amendments but if there were changes to the number of members or the issue of co-option, that would be major.

Councillor Mike Fox-Davies supported the amendments. However, he was concerned that anyone reading the Terms of Reference in isolation would not see what the relationship was between BOB JHOSC and Oxfordshire JHOSC and where it fitted into the hierarchy. The Chairman accepted that point and asked officers to make that clear in the covering report to Council.

Barbara Shaw welcomed the fact that the debate was still open in having co-optees. She also felt that they were important to provide for on task and finish groups as well. The Chairman noted that individual terms of reference were drawn up each time a task and finish group was formed and could address the issue of co-optees.

The Chairman accepted that Members were being asked to make a leap of faith. Nobody was quite sure of the future for health scrutiny. This was about ensuring that there was appropriate scrutiny at all levels. He committed to working hard to ensure that the principles of this Committee were upheld in the new arrangements and he

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believed that the same principles were shared by the other authorities. He put the proposal to a vote as had been requested.

The recommendations were carried by 6 votes to 2.

It was agreed that, in paragraph 27 of the Terms of Reference the word 'by' should be inserted between 'approved' and 'all'.

RESOLVED:

The Committee is RECOMMENDED to

- a) SUPPORT the revisions to the draft Terms of Reference for a health scrutiny committee for health system-wide issues across the Buckinghamshire, Oxfordshire and Berkshire West (BOB) area.**
- b) RECOMMEND that the revisions to the Terms of Reference are approved by Council.**
- c) RECOMMEND that a delegation is sought from Council to enable the Monitoring Officer, in consultation with the Chairman and Deputy Chairman of the Oxfordshire Joint Health Overview Scrutiny Committee, to make minor changes to the Terms of Reference after 23 March 2021 should other BOB councils request them as part of their own approval process.**

..... in the Chair

Date of signing