

## **Divisions Affected – All**

# **OXFORDSHIRE JOINT HEALTH OVERVIEW AND SCRUTINY COMMITTEE**

**06 March 2025**

## **Update on potential changes to the Council's Constitution relating to Joint Health Overview and Scrutiny Committee**

**Report by Director of Law and Governance and Monitoring Officer**

### **RECOMMENDATION**

1. The Committee is recommended to consider and **AGREE** its support for the proposed changes.

### **Executive Summary**

2. The Council is in the process of reviewing its constitution. Included within these changes are changes to the Constitution as it refers to the Joint Health Overview and Scrutiny Committee (HOSC). As the HOSC comprises members who are not members of the Council – district representatives and co-opted members – the Committee is being consulted on those changes that relate to the HOSC.

### **Background**

3. The Audit and Governance Committee agreed to establish a politically proportionate member Constitution Working Group to review the Council's Constitution building on earlier work. Officers began meeting with members in November 2024 on an approximately bi-weekly basis until its final meeting, which concluded on 20 February 2025. A workplan with a priority RAG (Red-Amber-Green) rating was set out. Members have reviewed all aspects of the Constitution which were rated red (mainly requiring changes to reflect changes to legislation or the efficient functioning of the Council), and amber (containing known issues which were not time-sensitive but would benefit from being addressed).
4. Since the last time the aspects of the Constitution relating to HOSC was updated, the Health and Care Act 2022 has been brought into force, significantly changing the health and social care landscape (including the establishment of Integrated Care Boards), and altering a legal power of HOSCs, the referral of

NHS changes to the Secretary of State for call-in. The proposed changes therefore have focused on:

- (a) Updating the wording of Part 6.1B of the Constitution to bring it in line with the new health and social care landscape and powers, following the passing of the Health and Care Act 2022.
- (b) Recognising the Council's participation and potential responsibility for hosting the Buckinghamshire, Oxfordshire and Berkshire West Joint Health Overview and Scrutiny Committee (BOB HOSC) in the event that an Oxfordshire member is appointed Chair at its next meeting, and including its agreed terms of reference.

In addition, a number of minor clarifications or improvements have also been proposed.

- 5. The documents submitted to the Constitution Working Group explaining the proposed changes are shared with the Committee, along with the agreed proposed amendments, and can be found in Annex 1. These changes have also been discussed with the Chair of the Committee, whose input has been incorporated into the final proposals.
- 6. The proposed changes (together with all of the recommendations from the Constitution Working Group) will be considered by the Audit and Governance Committee on 12 March 2025, and subject to agreement by the Audit and Governance Committee and any amendments approved, will be put to Council on 01 April 2025.
- 7. Members of the Constitution Working Group have been tasked throughout with liaising with their political groups about proposed changes, and Oxfordshire County Council members will have the opportunity to input their views at the Audit and Governance Committee, at the member briefing scheduled for 19 March 2025, with approval sought at Council on 01 April 2025.

## **Corporate Priorities**

- 8. Improving health and wellbeing of residents and reducing health inequalities are stated ambitions within the Council's Strategic Plan. The proposed changes support the functioning of the HOSC to contribute towards these ambitions.

## **Legal Implications**

- 9. The HOSC is a joint committee formed by Oxfordshire County Council, Cherwell District Council, Oxford City Council, South Oxfordshire District Council, Vale of the White Horse District Council and West Oxfordshire District Council under Regulation 30(1) of the Local Authority (Public Health, Health and Wellbeing Boards and Health Scrutiny) Regulations 2013.

10. Its operation and business is conducted in accordance with the relevant Regulations and government guidance and in accordance with the terms of reference referred to as the HOSC Constitution as set out in the Council's Constitution.
11. Oxfordshire County Council's Constitution outlines the framework within which the Council will exercise its powers and duties. Subject to some minor exceptions, which are reserved for the Monitoring Officer, the Constitution may only be amended by a decision of Council (Part 1.2 (2) (a)). The changes being proposed will be subject to approval by Council.
12. Committee members should be aware that the BOB HOSC terms of reference (in Annex 1) contain solely the terms of reference for that committee agreed by all constituent councils and cannot be unilaterally changed by Oxfordshire County Council. For the purposes of transparency the Committee is advised to agree that the BOB HOSC terms of reference should be included in the Council's Constitution.

Comments checked by: Anita Bradley

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## **Financial Implications**

13. There are no direct financial implications arising directly from the recommendations in this report.
14. The proposed changes to the HOSC elements of the Constitution are not expected to have any direct financial implications if agreed.

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## **Staff Implications**

15. Committee members are being consulted on potential changes to the Constitution, rather than making changes to it. Thus, there are no direct staff implications arising from the recommendations in this report. Further, the changes to the HOSC elements of the Constitution, if agreed, are not expected to have any staff implications.

## **Equality & Inclusion Implications**

16. Committee members are being consulted on potential changes to the Constitution, rather than making changes to it. Thus, there are no direct equality and inclusion implications arising from the recommendations in this report. Further, the changes to the HOSC elements of the Constitution, if agreed, are not expected to have any equality and inclusion implications.

## **Sustainability Implications**

17. Committee members are being consulted on potential changes to the Constitution, rather than making changes to it. Thus, there are no direct sustainability implications arising from the recommendations in this report. Further, the changes to the HOSC elements of the Constitution, if agreed, are not expected to have any sustainability implications.

## **Risk Management**

18. The primary driver of change within the HOSC section of the Constitution is to bring it in line with current legislation, thereby reducing risk.
19. There are no risks arising from responding to the Council's wish to consult with committee members on proposed changes.

Anita Bradley  
Director of Law and Governance and Monitoring Officer

Annex: 1. Agreed HOSC-related changes by the Constitution Working Group to the Constitution.

Background papers: None

Other Documents: None

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