

From: Paul Bartlett – Vice-Chair of Health Overview Scrutiny Committee

To: County Council – 17 December 2019

Subject: Bexley and Kent Urgent Care Joint Health Overview and Scrutiny Committee (JHOSC)

Summary: This report seeks approval for the establishment of a new Joint Health Overview and Scrutiny Committee of Kent County Council and Bexley Council to meet the requirements of health scrutiny legislation in relation to consultation by the NHS with these local authorities on proposed changes to Urgent Care Services in Dartford, Gravesham and Swanley.

1. Introduction

- 1.1 The NHS has a duty to consult the relevant local authority (or authorities) whenever it is proposing a substantial development of, or variation to, the local health services.¹
- 1.2 Where a local authority deems a proposal to be a substantial variation of service, it has the power to refer the contested reconfigurations to the Secretary of State for Health and Social Care.
- 1.3 Dartford, Gravesham and Swanley Clinical Commissioning Group (DGS CCG) have been consulting on their Urgent Care Review programme. The CCG proposes to bring urgent care services, currently located across a number of centres, together under one Urgent Treatment Centre (UTC). The two options for the location of the UTC are:
- Gravesham Community Hospital; or
 - Darent Valley Hospital.

2 Establishing a Joint Committee

- 2.1 Where the relevant Overview and Scrutiny Committee of more than one authority has determined the same proposal(s) to be a substantial variation of service, this will entail the establishment of a Joint Health Overview and Scrutiny Committee (JHOSC).

¹ (Regulation 23 of the Local Authority (Public Health, Health and Wellbeing Boards and Health Scrutiny) Regulations 2013)

- 2.2 Where a JHOSC has been established, the Kent HOSC is deemed to have delegated its function to scrutinise the specific proposal(s) to the JHOSC until it has concluded its consideration and made any recommendations to the authorities represented on the JHOSC. These recommendations will be reported to a meeting of the Kent HOSC. The Kent HOSC is not required to accept these recommendations but may do so.
- 2.3 The Kent HOSC at no time delegates the power of referral to any JHOSC. The establishment of committees, the determination of their size and terms of reference, the allocation of seats to political groups and the appointment of Members to serve on committees is a matter for decision by the full Council.
- 2.4 The establishment of a Joint Committee involving more than one local authority has to be approved by each of the participating Councils.
- 2.5 DGS CCG first made the Kent HOSC aware of their Urgent Care Review programme in 2014. Since then, the CCG has attended a number of HOSC meetings with updates.
- 2.6 In January 2019 (once proposals become more defined), KCC's HOSC determined that the proposed changes amounted to a substantial variation of service.
- 2.7 In October 2019, Bexley Council's Communities Overview and Scrutiny Committee also deemed the proposed changes to be a substantial variation of service for their residents.
- 2.8 As per the regulations set out in paragraph 2.1, KCC and Bexley Council must now establish a JHOSC to scrutinise the DGS Urgent Care Review proposals. Only the JHOSC can make comments, require the provision of information and the attendance at meetings by the relevant NHS bodies.
- 2.9 The proposed Terms of Reference for the joint committee are set out in Appendix 1 to this report.
- 2.10 Under the Terms of Reference, both local authorities will reserve the right of referral to the Secretary of State to themselves rather than confer this power on the JHOSC.
- 2.11 It has been agreed by the Chairs of Kent's HOSC and Bexley's Communities Overview and Scrutiny Committee to recommend that the new Joint Committee should comprise 6 Members with a composition of four members from Kent and two from Bexley. This reflects the relatively smaller population affected by the DGS Urgent Care review in Bexley.

2.12 In line with proportionality requirements², the allocation of the four Kent seats on the new Joint HOSC would therefore be three seats for the Conservative Group and one for the Liberal Democrat Group. This does not generate a need to make any other changes to the overall allocation of seats across other Council Committees.

3. Recommendation

The County Council is asked to:

- a) **approve** the establishment of a new Bexley and Kent Urgent Care Joint Health Overview and Scrutiny Committee for the duration of the review; and
- b) **approve** the Terms of Reference.

4. Background Documents:

Appendix 1 - Draft Terms of Reference: Kent and Bexley Urgent Care Joint Health Overview and Scrutiny Committee

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² As set out in the Local Government and Housing Act 1989 Council's must allocate seats on committees to political groups in accordance with the size of each group on the Council as a whole