

Appendix 1 – Proposed Kent and Medway NHS Joint Overview and Scrutiny Committee (JHOSC) Terms of Reference (section 3)

(NB: The proposed changes set out in the report require paragraph 3 below replacing the paragraph set out in bold in Appendix 2. Paragraph 4 below would be an additional / new section to the JHOSC terms of reference).

3. To consider whether any proposal for a substantial development of, or variation to, the health service affecting the areas covered by Kent and Medway should be referred for a call in to the Secretary of State under regulation 23(9) of the 2013 Regulations. The JHOSC has delegated powers to request such a call in.

NEW 4. Where the Secretary of State makes contact with the JHOSC to make representations about the call in of a reconfiguration proposal that has been under the previous scrutiny of the Committee, the JHOSC can respond to the request directly.

Appendix 2 – Current Kent and Medway NHS Joint Overview and Scrutiny Committee (JHOSC) Terms of Reference

(NB: Paragraph 3, set out in bold, will need to be removed to bring it in line with legislative changes. The proposed change replaces this with paragraph 3 and 4 from Appendix 1).

Membership

Membership: 8 Members: - Kent County Council Members: 4; Medway Council representatives: 4.

Terms of Reference

1. To receive evidence in relation to proposals for a substantial development of, or variation to, the health service which affect both Kent and Medway under consideration by a relevant NHS body or relevant health service provider where both the relevant Overview and Scrutiny Committees of Medway Council and Kent County Council have determined proposals to be a substantial development of, or variation to, the health service.

2. To exercise the right to make comments under regulations 23(4) and 30(5) of the Local Authority (Public Health, Health and Wellbeing Boards and Health Scrutiny) Regulations 2013 (the 2013 Regulations) on behalf of the relevant Overview and Scrutiny Committees of Medway Council and Kent County Council on any such proposals under the consideration by the relevant NHS body or relevant health service provider.

3. To consider whether any proposal for a substantial development of, or variation to, the health service affecting the areas covered by Kent and Medway should be referred to the Secretary of State under regulation 23(9) of the 2013 Regulations and to recommend this course of action, if deemed as appropriate by the relevant Overview and Scrutiny Committees of both Medway Council and Kent County Council in line with their respective Constitutions. (Note: the exercise of the power to make a referral to the Secretary of State has not been delegated to the JHOSC).

4. To undertake other scrutiny reviews of health services if requested to do so by the relevant Overview and Scrutiny Committees of both Medway Council and Kent County Council.

5. To report on such other scrutiny reviews to the relevant Overview and Scrutiny Committees of Medway Council and Kent County Council.

Rules

6. Regulation 30 of the 2013 Regulations states that where a relevant NHS body or a relevant health service provider consults more than one local authority on any proposal which they have under consideration for a substantial development of, or variation to, the provision of a health service in the local authorities' areas, those local authorities must appoint a Joint Overview and Scrutiny Committee (JHOSC) for the purposes of the review.

7. There will be a Kent and Medway NHS Joint Overview and Scrutiny Committee comprising of members appointed by Medway Council and Kent County Council. These rules apply to the JHOSC and any Sub-Committee established by it.

8. The JHOSC will appoint a Chair at its first meeting in each municipal year, and that Chair will normally be drawn in rotation from Kent County Council and Medway Council members. Where a review is unfinished at the end of a municipal year, members may agree that the previous year's Chair (if still a member of the Committee) may continue to preside over consideration of matters relating to that review.

9. The formal response of the JHOSC will be decided by a majority vote. If the JHOSC cannot agree a single response to a proposal under consideration for a substantial development of, or variation to, the provision of a health service by an NHS body or a relevant health service provider, then a minority response which is supported by the largest minority, but at least three members, may be prepared and submitted for consideration by the NHS body or a relevant health service provider with the majority response. The names of those who dissent may, at a member's request, be recorded on the main response.