

COUNCIL MEETING – 20 July 2022

RECOMMENDATIONS ARISING FOLLOWING MEETINGS OF THE ADULTS AND HEALTH COMMITTEE AND SCRUTINY COMMITTEE:

ESTABLISHMENT OF A CHESHIRE & MERSEYSIDE JOINT HEALTH SCRUTINY COMMITTEE

and

CONSEQUENTIAL REVISIONS TO THE CONSTITUTION

RECOMMENDATION of the Adults and Health Committee

That Council

1. Agree to the establishment of a Cheshire and Merseyside Integrated Care System Joint Health Scrutiny Committee as set out in the Joint Committee Arrangements document at Appendix A
2. Adopt the amended 'Protocol for the establishment of Joint Health Scrutiny Arrangements in Cheshire & Merseyside' as set out in Appendix B

Further to note

3. Note that Corporate Policy Committee at its meeting on 4 November 2021 delegated the appointment of members to external scrutiny functions to the Scrutiny Committee, which may invite any member with the appropriate knowledge of health and social care, having regard to political proportionality
4. Note the constitutional changes delegated by Council to the Director of Governance and Compliance on 27 April 2022 as set out in Appendix C

Extract from the Minutes of the Adults & Health Committee meeting on 30 May 2022

The committee considered a report which noted the progress on the new governance arrangements for local Health and Care services. The committee were asked to consider and comment on the proposed joint scrutiny arrangements for Cheshire & Merseyside and approve the amended 'Protocol for the establishment of Joint Health Scrutiny Arrangements in Cheshire and Merseyside'.

The Committee heard that the joint health scrutiny arrangements would collectively take on the statutory responsibility to oversee and scrutinise the operation of the ICS at Cheshire and Merseyside level or any part of it, where more than one authority was affected.

There was extensive debate on how the figures on political balance had been arrived at, and members were advised that the Committee must be politically balanced across the whole region, which resulted in one Labour member from each Council and one Independent from Cheshire East, as this had the highest number of Independent councillors. Some members were unhappy with the political balance arrangements and a question was asked as to whether the Council could challenge the decision on political balance through the Secretary of State? It was agreed that the Director of Governance and Compliance would provide a written response to this question.

Members sought reassurance that Cheshire East would not be disadvantaged by the arrangements, and they were informed that this would not affect the ability of the Council to scrutinise health decisions which affect their area.

Members also questioned where the membership would be drawn from? Some members felt this should be from the existing Scrutiny Committee as they had expertise in this area.

RESOLVED that:

1. The progress to date on the Place Partnership Board be noted.
2. The Adults & Health Committee Recommend to Council that the establishment of a Cheshire and Merseyside Integrated Care System Joint Health Scrutiny Committee be approved.
3. That the amended 'Protocol for the establishment of Joint Health Scrutiny Arrangements in Cheshire and Merseyside' be adopted.

(Councillor J Clowes, Councillor S Gardiner and Councillor A Kolker requested it be minuted that they voted against the recommendations).

Extract from the Minutes of the Scrutiny Committee meeting held on 14 June 2022

Helen Charlesworth-May, Executive Director of Adults, Health and Integration introduced the report to the Committee, the report was considered by the Adults and Health Service Committee on 30 May, who had been asked to make decisions, detail of which was contained within the report that was for review by the Scrutiny Committee.

The report outlined progress with design and implementation and the proposed scrutiny arrangements for Cheshire East when the Integrated Care System (ICS) would be implemented across the Cheshire and Merseyside (C&M) footprint on the 1 July.

The key considerations for the report included the joint scrutiny arrangements and the political balance arrangement across the nine authorities, the Committee was advised that these did not impact on any existing stand-alone arrangements the local authority had in place for Health Scrutiny.

Deborah Upton, Senior Lawyer advised the Committee that as an example, if the Integrated Care Board (ICB) wished to implement any new policies across the C&M area, the joint committee would consider the referral. Political balance has to be calculated across all nine authorities, and would be reviewed post-elections and on an annual basis to ensure that any changes were taken into account.

The Chair noted there had been a point raised by members of the Adults and Health Committee, as to the proportionality of the joint committee, as Cheshire East had a larger population than some others and Members felt that this should have been taken into account when considering the proportionality. The Senior Lawyer advised that, the calculation of political balance had been adhered to across C&M as a collective and this did not take population numbers into consideration.

The Committee were invited to ask questions and make comments.

There were comments of concern that related to the proportionality of the joint committee.

The Senior Lawyer advised the Committee that there had been a request to write to the Secretary of State (SoS) by Members of the Adult and Health Committee. The Monitoring Officer had advised that any appeal to the SoS would require a change to legislation and therefore was unlikely to be successful.

The Committee were pleased to note that rural proofing had been retained within the report, however there was some discussion about coterminous boundaries. The Committee had a strong desire to retain co-terminosity across Cheshire. The Executive Director of Adults, Health and Integration advised that patient choice was recognised, and there are options for those requiring care into Greater Manchester, Derbyshire, or Staffordshire, however Cheshire East would be part of the wider C&M footprint and even if Cheshire East had local arrangements with Cheshire West, there were no guarantees that funding would flow from C&M equally.

The Chair asked that the specific and unique requirements of the rural borough be acknowledged, and additionally she requested further information for the Committee regarding the 2 seats allocated to Cheshire East for the Joint Scrutiny committee who was responsible for choosing/nominating Cheshire East representatives, and on what premise was the political proportionality of the Cheshire East representation to the Joint Scrutiny Committee based?

The recommendations within the report were considered, there was agreement to split the two parts of the second recommendation as the Committee were unable to reach an accord on the third recommendation.

RESOLVED THAT:-

- 1) the progress to date on the Place Partnership Board (working title) be noted;
- 2) the establishment of a Cheshire and Merseyside Integrated Care System Joint Health Scrutiny Committee (Appendix A) be recommended to Council; and
- 3) a meeting date be sought for this Committee in July to discuss in more detail the 'Protocol for the establishment of Joint Health Scrutiny Arrangements in Cheshire and Merseyside' (Appendix B).

Footnote:

As per resolution 3 in the Scrutiny Committee minutes (14.06.2022), the Scrutiny Committee met informally via Microsoft Teams (05.07.2022) to seek clarity on:

- 1) who was responsible for choosing/nominating the 2 seats allocated to Cheshire East for the Joint Scrutiny committee; and
- 2) on what premise was the political proportionality of the Cheshire East representation to the Joint Scrutiny Committee based.

Both these points were explained by the Senior Lawyer and Monitoring Officer and the Committee were satisfied with the response.

The Committee agreed with the proposal to form a Joint Committee but did not agree with the political representation. The Committee noted the decision by the Corporate Policy Committee 4 November 2021 that appointment to the Joint Committee should be decided by the Scrutiny Committee.