

CHESHIRE EAST COUNCIL

Constitution Committee

Date of Meeting:	5 th July 2012
Report of:	Democratic and Registration Services Manager
Subject/Title:	The Cheshire and Wirral Councils Joint Scrutiny Committee

1.0 Report Summary

- 1.1 This report proposes the withdrawal by the Council from the Joint Scrutiny Committee with immediate effect.

2.0 Recommendation

- 2.1 That this Council's nominations to the Cheshire and Wirral Councils' Joint Scrutiny Committee be formally withdrawn with immediate effect.

3.0 Reasons for Recommendations

- 3.1 Cheshire West and Chester Council has not made nominations to the Joint Scrutiny Committee which means that, under the current procedural rules, it will not be able to hold legally constituted meetings (because the quorum requires representatives of all 3 constituent Councils). It is an opportune time to consider the Joint Committee's future.

4.0 Wards Affected

- 4.1 All

5.0 Local Ward Members

- 5.1 N/A

6.0 Policy Implications

- 6.1 The disbanding of the Joint Scrutiny Committee will mean that any scrutiny role will need to be undertaken by the Council's own Scrutiny Committees.

7.0 Financial Implications (Authorised by the Director of Finance and Business Services)

- 7.1 None

8.0 Legal Implications (Authorised by the Borough Solicitor)

- 8.1 None.

9.0 Risk Management

9.1 None known

10.0 Background and Options

10.1 The Cheshire and Wirral Councils Joint Scrutiny Committee is a Joint Committee of Cheshire East Council, Cheshire West and Chester Council and Wirral MB Council. Each Authority appoints 6 Members on a proportional basis; there is also one co-opted Member (representing patients/carers). The Committee has 4 scheduled meetings a year. The Chairmanship rotates around the 3 Authorities and the Authority that holds the Chair, also provides secretariat support.

10.2 The Committee's Terms of Reference are below:

1. to undertake the Scrutiny of, and report on, any matter relating to the planning, provision and operation of services provided by the Cheshire and Wirral Partnership NHS Foundation Trust (including commenting on the annual "Quality Account" of the performance of the Trust) within the areas of Cheshire East Council, Cheshire West & Chester Council and Wirral Metropolitan Borough Council;
2. to consider and comment upon any proposals submitted by the Trust for substantial development or variation in the provision of its services;
3. to consider any matters referred to the Joint Committee by Cheshire East Council Health & Wellbeing or Adult Social Care Scrutiny Committees, or Cheshire West & Chester Health and Wellbeing Select Panel, or the Metropolitan Borough of Wirral's Social Care, Health and Inclusion Overview and Scrutiny Committee; and
4. to consider any matters referred to the Joint Committee by the appropriate Local Involvement Network (LINK).

10.3 The Cheshire and Wirral Partnership NHS Foundation Trust (CWP) provides mental health, learning disability and drug and alcohol services. These services are provided by CWP in Cheshire and Wirral but also in other areas. CWP provides both in-patient services and services in the community. It also provides community services in Western Cheshire. As local authorities can commission services from various providers, not all mental health, learning disability and drug and alcohol services in Cheshire East are necessarily going to be provided by CWP, either now or in the future.

10.4 As CWP is a provider of services, this is where the Joint Committee has focused its work. However, if Members of the Joint Committee had questions on wider commissioning issues, these could not be answered at the Joint Committee (because representatives of commissioners do not attend) and were probably more appropriately addressed at the local Scrutiny Committees.

- 10.5 At the full Council meeting of Cheshire West and Chester Council (CWAC) on 17 May, the Council did not appoint Members to the Joint Scrutiny Committee; it was felt that the regular scrutiny of a single, all be it important, provider of Mental Health and Learning Disability Services was not the most efficient use of Councillor time.
- 10.6 This withdrawal from the arrangements by CWAC has implications for the Joint Committee in that the current procedural rules require that to meet the quorum representatives of all three Councils must be present.
- 10.7 The future role of the Joint Committee has been discussed by both the Health and Wellbeing Scrutiny Committee (which supported disbanding it) and the Adult Social Care Scrutiny Committee, which was in favour of its retention. Scrutiny Chairmen's Group has also discussed the future of the Joint Committee and has been keeping it under review. In light of the decision of CWAC, the Group at its meeting on 1 June felt it would not be possible for the Committee to continue under the circumstances and that the Council should now concentrate on how it could best influence mental health provision locally and that the Council should now focus on successor arrangements. The Group therefore recommends that the Constitution Committee be requested to formally withdraw this Council's nominations from the Cheshire and Wirral Councils' Joint Scrutiny Committee.
- 10.8 If the Joint Committee is disbanded there will still be a need to scrutinise the provision of mental health, learning disability and drug and alcohol services. There will also remain a statutory requirement that CWP consult Scrutiny if it is proposing to make any major changes to services. This can be accommodated within the existing Scrutiny arrangements.

11.0 Access to Information

The background papers relating to this report can be inspected by contacting the report writer:

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