

Manchester City Council Report for Resolution

Report to: Constitutional and Nomination Committee – 10 October 2012

Subject: Establishment of a Joint Health Scrutiny Committee with Trafford Council

Report of: The Governance and Scrutiny Support Unit

Summary

The Council has received a formal request from Trafford Council pursuant to the general direction from the Secretary of State to establish a joint health scrutiny committee to respond to the New Health Deal for Trafford NHS consultation. This report sets out the legal background and obligations for Manchester City Council.

Recommendations

1. To recommend that the Council agree to establish a joint health scrutiny committee with Trafford Council for the purposes of responding to the New Health Deal for Trafford consultation.
 2. To recommend that the Council appoint five Councillors to the joint committee (4 Labour, 1 Liberal Democrat).
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Wards affected:

All

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Background documents:

Local Authority (Overview and Scrutiny Committees Health Scrutiny Functions) Regulations 2002 at <http://www.legislation.gov.uk/ukSI/2002/3048/contents/made>

Directions to Local Authorities (Overview and Scrutiny Committee Health Scrutiny Functions) 2003 at http://www.dh.gov.uk/prod_consum_dh/groups/dh_digitalassets/@dh/@en/document_s/digitalasset/dh_4066609.pdf

Background

1. Central Manchester University Hospital Foundation Trust (CMFT) acquired the former Trafford Healthcare NHS Trust in April 2012. This has resulted in a redesign of clinical health services that will affect both Manchester and Trafford. The NHS is currently undertaking an official consultation on these changes and how they will affect both local authority areas. The consultation period ends on 31 October 2012.
2. The City Solicitor has received a formal request from Trafford Council pursuant to the general direction from the Secretary of State to establish a joint health scrutiny committee for the purposes of responding to the “New Health Deal for Trafford” consultation. The Constitution and Nomination Committee asked to recommend that the Council establish this joint committee, and appoint members to it.
3. Under the Directions to Local Authorities (Overview and Scrutiny Committee Health Scrutiny Functions) 2003, local authorities are required to establish joint health scrutiny committees for the purposes of responding to consultations about significant changes to health services that affect more than one local authority area. For the purposes of individual consultations, the Direction from the Secretary of State for Health states that, once appointed, only these joint committees have the legal power to:
 - Make comments on the proposal consulted on to the local NHS body;
 - Require the local NHS body to provide information about the proposal;
 - Require an officer of the local NHS body to attend meetings to answer questions in connection with the consultation;
 - Refer proposals to the Secretary of State for Health.
4. According to the definition in the Local Authority (Overview and Scrutiny Committees Health Scrutiny Functions) Regulations 2002, both Trafford and Manchester health scrutiny committees are both classed as statutory consultees. Consequently, the Council is legally obliged to establish a Joint Health Scrutiny Committee in order to respond to the consultation.

Conclusion

5. The Constitution and Nomination Committee is requested to recommend that the Council agree to establish the joint health scrutiny committee for the purposes of responding to the “New Health Deal for Trafford Consultation”. This means that the joint committee must agree a joint response to the consultation, and has the power to refer the changes to the Secretary of State for Health, subject to the conditions in the health scrutiny regulations.
6. The Constitution and Nomination Committee is also requested to recommend that the Council appoint up to five councillors to the joint committee, in accordance with the principle of political balance. Although membership of the joint committee can be taken from across the Council, the Health Scrutiny Committee has recommended that the Chair of the Committee be appointed and that preference for membership should be given to members of the Health Scrutiny Committee.