

Cherwell District Council

Council

20 July 2015

Notification of Urgent Action
Appointment of Outside Body Representative to the
Oxfordshire Health Overview and Scrutiny Committee

Report of Chief Executive

This report is public

Purpose of report

To notify Council of urgent action taken by the Chief Executive to change the appointed Cherwell District Council representative on the Oxfordshire Health Overview and Scrutiny Committee.

1.0 Recommendations

The meeting is recommended:

- 1.1 To note the urgent taken by the Chief Executive to appoint Councillor Nigel Randall as Cherwell District Council's representative to the Oxfordshire Health Overview and Scrutiny Committee.

2.0 Introduction

- 2.1 The Chief Executive, in consultation with the Chairman of the Council, used her urgency powers to appoint Councillor Nigel Randall as Cherwell District Council's representative to the Oxfordshire Health Overview and Scrutiny Committee.

3.0 Report Details

- 3.1 At the 19 May 2015 Annual Meeting of Council, Members resolved to appoint Councillor Kieron Mallon as the council's representative on the Oxfordshire Health Overview and Scrutiny Committee.
- 3.2 Upon notifying Oxfordshire County Council about the appointment, the Council was alerted to Part 2 of Article 7A of the Joint Committee's Constitution relating to its membership (relevant parts highlighted):

The Oxfordshire Joint Health Overview & Scrutiny Committee Constitution, Operating Procedures and Protocols

1. The Committee

Oxfordshire County Council, Cherwell District Council, Oxford City Council, South Oxfordshire District Council, The Vale of White Horse District Council and West Oxfordshire District Council (“the Constituent Councils”) have under powers in Section 8(2)(a) of the Health and Social Care Act 2001 and associated Regulations, formed a joint committee between the Councils to discharge the functions of Oxfordshire County Council given to it under that Act. Except as set out in paragraph 5, the Committee will operate within the administrative County of Oxfordshire and will be geographically co-terminus with the boundary of the Oxfordshire Primary Care Trust in so far as it serves the County of Oxfordshire:-

The Committee will conduct all of its proceedings in accordance with the relevant Regulations and government guidance and shall operate in accordance with this Constitution and the procedures set out herein. In any case of doubt where any matter is not covered by this Constitution then the Constitution of Oxfordshire County Council shall apply, modified as appropriate.

2. Membership

The membership of the Committee and the Councils from which members are appointed (“the Appointing Councils”) is set out in Section 1. Members should normally serve for a period of 4 years unless they resign or are replaced by the Appointing Council.

Councillors will not be eligible to serve on the Committee if:-

(1) they become a member of an Executive of one of the Appointing Councils or

(2) they cease to be a member of the authority which appointed them

In the event of either of these occurring, that Councillor’s membership of the Committee will be terminated accordingly.

- 3.3 In November last year, when the new Health & Social Care Act 2012 Regulations of the Local Authority (Public Health, Health & Wellbeing Boards and Health Scrutiny) came out, the Lead Officer for the Joint Committee had sought clarification from the Department of Health on the matter of Executive members from partner authorities sitting on the Joint Committee with regard to the Department’s recent Guidance on Local Authority Health Scrutiny. They had responded as follows:

‘As set out in paragraph 3.1.11 (of the Guidance), executive members of councils operating executive governance arrangements may not be members of local authority health overview and scrutiny committees (HOSCs), their sub-committees or of joint overview and scrutiny committees. Therefore, your decision to exclude executive members of district councils from Oxfordshire joint HOSC is correct.

- 3.4 In light of the above, as a member of the Cherwell District Council Executive, Councillor Mallon is unable to represent the Council on the Oxfordshire Health Overview and Scrutiny Committee.
- 3.5 The appointment of a representative to the Oxfordshire Health Overview and Scrutiny Committee is reserved to Full Council. To avoid a delay in making a new appointment, the Chief Executive, in consultation with the Chairman and Leader, used urgency powers to appoint Councillor Nigel Randall as Cherwell District

Council's representative on the Oxfordshire Health Overview and Scrutiny Committee.

4.0 Conclusion and Reasons for Recommendations

4.1 In line with the constitution this report is informing full council of a decision that was taken under urgency powers in relation to the granting of a councillor dispensation.

5.0 Consultation

Chairman of the Council, Councillor Melanie Magee
Leader of the Council, Councillor Barry Wood

6.0 Alternative Options and Reasons for Rejection

6.1 The following alternative option has been identified and rejected for the reasons as set out below.

Option 1: Not to note the report. This is not recommended as the urgent action has been taken and it is a constitutional requirement for it to be reported to Council.

7.0 Implications

Financial and Resource Implications

7.1 There are no financial implications arising directly from this report as it is reporting urgent action already taken.

Comments checked by: Paul Sutton, Head of Finance and Procurement, 0300 003 0106, paul.sutton@cherwellandsouthnorthants.gov.uk

Legal Implications

7.2 There are no legal implications arising directly from this report as it is reporting urgent action already taken.

Comments checked by: James Doble, Democratic and Elections Manager, 01295 221587, james.doble@cherwellandsouthnorthants.gov.uk

8.0 Decision Information

Wards Affected

N/A

Links to Corporate Plan and Policy Framework

N/A

Lead Councillor

N/A

Document Information

Appendix No	Title
None	
Background Papers	
None	
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