

## **Part 3 – B**

### **RESPONSIBILITY FOR NON-EXECUTIVE COUNCIL FUNCTIONS**

- 1** The Council has delegated the responsibilities and functions to the Committees and Sub-Committees named below. These Committees may consider and decide any matter of relevant non-executive business referred to the Committee by a Sub-Committee or a Director.

Meetings will commence at 7.15pm and end at 10.15pm with the exception of the Development and Planning Applications Committee and Licensing Sub-Committee meetings, which are not subject to the three hour guillotine.

Except for matters reserved to councillors, or other decision makers, all other matters relating to the Council's non-executive functions are delegated to officers in accordance with the scheme of delegation set out in Part 3E of this constitution.

#### **1.1 Standards and General Purposes Committee**

##### **a) Membership**

12 councillors, excluding the Mayor and Leader.

Independent Persons are invited to attend in an advisory or non-voting capacity.

##### **b) Role and functions**

#### **Promotion and maintenance of high standards of conduct and probity within the Council:**

- To promote and maintain high standards of conduct and probity by councillors and co-opted members
- To receive reports from the Monitoring Officer on dispensations granted to councillors and co-opted members.
- To hear appeals from councillors and co-opted members where a dispensation has been refused by the Monitoring Officer.

#### **Assistance to councillors and co-opted members**

- To receive reports upon, monitor, manage and advise the Council on the implementation of the Council's Member Development Strategy and Member Development Programme, including training on the Member Code of Conduct.

## **Enforcement of the Code of Conduct**

- To oversee the arrangements for the enforcement of the Council's Member Code of Conduct, including amendments to the procedure and assessment criteria.
- To oversee the maintenance of the Register of Members' interests, including approval of the form of declaration and guidance to members.
- To hear complaints made against Members when an investigation concludes that there may have been a breach of the code of conduct and to decide what action, if any, to take, in consultation with the Independent Person.
- To establish a Hearings Subcommittee for the purposes of considering cases where an investigation concludes that there may have been a breach of the code of conduct and for deciding what action, if any, to take, in consultation with the Independent Person.

## **Financial Governance and Audit Matters**

- To approve the Council's statement of accounts, and to consider any reports produced by the Chief Finance Officer, in accordance with the duty to make arrangements for the proper administration of the Council's financial affairs,
- To consider reports and receive recommendations from External Audit.
- To consider reports and receive recommendations from Internal Audit and the shared fraud partnership.
- To monitor the effectiveness, development and operation of risk management and governance.
- To formally agree the Annual Governance Statement and review the improvement plans.

## **Other functions**

- To monitor and review the operation of the Council's Constitution as required by Article 15.1 of the Constitution, including the Financial Regulations, and to make appropriate recommendations to the Council in relation thereto.
- To monitor and receive regular reports on the operation of the Regulation of Investigatory Powers Act 1998 (RIPA).
- To maintain an overview of complaints handling and Local Government Ombudsman investigations, including receiving reports of payments exceeding £1000 to persons adversely affected by any maladministration on the part of the Council, as identified in a report by the Local Government Ombudsman.

- To determine (under Section 3A of the Local Government and Housing Act 1989) applications by Council employees for exemption from political restriction.
- To monitor amendments to and the operation of the Staff Code of Conduct.
- To assist in the appointment of independent persons.
- To discharge the Council's functions in relation to elections.
- To consider any issues, which in the professional opinion of the Chief Executive or Chief Officers, should be referred to the Committee, and to report back decisions and recommendations.
- Except for matters reserved by statute for consideration by Full Council, to determine any matter which has been specifically referred to the Committee for consideration.
- To determine all other matters which are non-executive functions and which are not otherwise reserved to Council are not within the terms of reference of any other committee and which are not delegated to an officer.
- To exercise the function, powers and duties of the Council as trustee of trusts for which the Council is Corporate Trustee except insofar as those functions that have been delegated to Chief Officers of the Council.

## **1.2 Appointments Committee**

### **(a) Membership**

09 Members

### **(b) Functions**

(i) to recommend the appointment of a Chief Executive and Head of Paid Service and the Monitoring Officer to the Council

(ii) To interview and appoint Chief Officers as defined by the Officer Employment Procedure Rules and if requested to carry out the following preparatory activity;

- to approve statements specifying: the duties of the officer concerned and any qualifications or qualities to be sought in the person to be appointed;
- to make arrangements for the post to be advertised in such a way as is likely to bring it to the attention of persons who are qualified to apply for it;
- to make arrangements for a copy of the statements mentioned in sub paragraph (ii) to be sent to any person on request; and
- to make arrangements to shortlist applicants for these posts and agree the assessments to be taken by shortlisted applicants.

(iii) To determine the terms and conditions on which officers hold office (including the terms of dismissals), restructures, exits, statutory discretion relating to termination payments, reorganisations involving changes to staff responsibilities at Deputy Chief Officer level and above.

(iv) Without prejudice to the generality of paragraph (iii) above:

- to agree any termination payment outside of an officer's contractual and statutory entitlement, the value of which is less than £100,000,
- to recommend to full Council any termination payment outside of an officer's contractual and statutory entitlement, the value of which is £100,000 or more, provided that if in the view of the Chief Executive it is more appropriate for the decision to be taken solely by full Council without prior consideration or approval by the Appointments Committee, s/he may choose to put the matter straight to full Council. If the decision in question relates to the Chief Executive him or herself, then the Monitoring Officer shall have the authority to exercise the discretion to refer the matter straight to Council.

(iv) To deal with disciplinary matters in relation to the Head of Paid Service, Section 151 Officer and the Monitoring Officer

(v) All other staffing matters that have not been delegated to any other decision maker

(vi) To establish a sub-committee to perform any of these functions as appropriate.

### 1.3 Development and Planning Applications Committee

**a) Membership:** 10 Members (10 seats plus 1 Independent non-voting co-opted member to be appointed by the Planning Committee)

**b) Functions:**

- (i) To hear and determine all applications received under the Town and Country Planning Acts, including heads of terms of any ancillary agreements;
- (ii) To hear and determine objections to new Tree Preservations Orders;
- (iii) To exercise the Council's functions in relation to planning control and building control;
- (iv) To consider the implications of changes in legislation and powers relating to control over development and building control, and related enforcement matters;
- (v) To develop an annual work programme, set targets and a review mechanism through the year;
- (vi) To ensure all the work of the committee promotes the Council's commitment to equality of opportunity for councillors, staff and the local community;

- (vii) To ensure the work of the committee meets the needs and aspirations of the local community and is responsive to the wishes of the community at large;
  - (viii) To arrange for the discharge of any of its functions by the Director of Housing and Sustainable Development
- c) All matters relating to the exercise of this committee's functions set out above are delegated to the Director of Housing and Sustainable Development in consultation with the Chair of Development and Planning applications Committee except the following which are reserved to Committee:
- (i) Where a written request is received to the Chair on planning grounds from a Council Member that\*:
    1. a particular application should be determined by Committee;
    2. an approved application's conditions are not being followed and therefore should not be discharged;
  - (ii) Where in the view of the Head of Development Management and Building Control material objections have been received which cannot be overcome by conditions but where the application is considered to be in accordance with the Development Plan and so recommended for approval (minor developments or changes of use may be excluded from this exception);
  - (iii) Where the proposal is significantly contrary to the Development Plan Policy, unless recommended for refusal;
  - (iv) Proposals which are subject to a Section 106 agreement that would contain any heads of terms or contributions that are not a standard requirement of the Development Plan or (for proposals where a standard requirement has been subject to modification through negotiation or otherwise) depart significantly from the standard requirement of the Development Plan; or applications for release or significant modification/variation from such obligations;
  - (v) Where conflict arises between the officer's recommendation and the advice issued by Historic England, the Environment Agency or other body with similar statutory status;

- (vi) Determinations in cases where an appeal has been lodged against non-determination which is subject to or may go to a Public Inquiry or Informal Hearing;
- (vii) Revocation/ modification of planning permission and discontinuance orders;
- (viii) Where the Council may be involved in compensation or service of a purchase notice (except in relation to stop notices);
- (ix) Where proposals accord with the Development Plan but are recommended for refusal;
- (x) Where the proposal involves the council as an applicant or landowner. This includes all residential and commercial schemes and their amendments but excludes minor works e.g. fence painting, gate moving, boundary wall fixing, drain digging, school window replacing etc.)
- (xi) Where enforcement action will follow on from a refusal of planning permission;
- (xii) Where an Environmental Impact Assessment has been provided or requested;
- (xiii) Where the applicant is a Councillor or a Council officer or their partner\*\*or child living with them; or the application relates to land owned by one of those people;
- (xiv) Where officers consider the application should be determined by the Committee\*;
- (xv) Where the application relates to major hazardous substances;

#### **d) Advisory Functions**

To advise on the Council's responsibilities contained in the Local Government Act 2000 and Planning and Compulsory Purchase Act 2004 (as amended) with respect to the Merton Local Plan and specifically:

- (i) to make recommendations as appropriate to the Cabinet and Council on matters relating to the Council's planning policy and guidance, Statement of Community Involvement, Development Plan Documents, Supplementary Planning Documents, Neighbourhood Plans] Local Development Orders; Conservation Area appraisals;

- (ii) To consider and advise the Cabinet and Council on the Inspector's report conducting the Independent Examination of Development Plan Documents of Merton's Local Plan;
- (iii) To advise the Cabinet and Council on the preparation of Development Plans, including those prepared with other Local Planning Authorities, e.g. Joint Waste Development Plan Document ;
- (iv) To advise the Cabinet and Council on other Strategic/London-wide spatial planning and transport planning matters;
- (v) To consider the need for information, research, studies and investigations further to the preparation of the Merton Local Plan and to advise the Council on the resources required to prepare and review the Merton Development Plan;
- (vi) To consider new and emerging legislation and resident or commercial need relevant to the preparation and review of the Merton Development Plan;
- (vii) To consider and advise Cabinet and Council on buildings and structures to be included in the Local List, considering officer recommendations and consultation feedback.

\* The Chair of the Committee will develop a protocol for dealing with requests by councillors and officers for matters to be referred to committee in order to ensure the efficient use of the committee's time.

\*\* For these purposes "partner" means spouse, civil partner or person living with someone as though they were their spouse or civil partner.

#### **1.4 Licensing Committee 2003 and Licensing Committee (Miscellaneous)**

1.4.1 These committees will consist of the same membership and be scheduled to meet one after the other to deal with:

- (a) Licensing Committee (2003)
  - (i) All matters which can be dealt with by the Licensing Committee established by the Licensing Act 2003
- (b) Licensing Committee (miscellaneous)
  - (i) Licensing matters which cannot be dealt with by the Licensing committee established under the Licensing Act 2003

#### **1.4.2 Membership**

12 Members

### 1.4.3 Functions – Licensing Committee (2003):

- (a) To discharge on behalf of the Council all of its licensing functions which are not reserved to full Council or another decision maker, pursuant to the provisions of:
- (i) the [Licensing Act 2003](#)
  - (ii) the [Gambling Act 2005](#)
- (b) To advise the Council on its Statements of Policy with respect to the exercise of its licensing functions relating to
- (i) the [Licensing Act 2003](#)
  - (ii) the [Gambling Act 2005](#)
- (c) To review the Statements of Policy at such times as it considers appropriate and report to Council when required.
- (d) To delegate functions to sub-committee(s) or officers as appropriate, having regard to guidance issued by the Secretary of State. The following delegations are in place in relation to Licensing Act 2003 functions:

<b>Matter to be Dealt with</b>	<b>Full Committee</b>	<b>Sub Committee</b>	<b>Officers</b>
Application for personal licence		If a police objection	If no objection made
Application for personal licence with unspent convictions		If a police objection	If no objection made
Application for premises licence / club premises certificate		If relevant representations made	If no relevant representations made
Application for provisional statement		If relevant representations made	If no relevant representations made
Application to vary premises licence / club premises certificate		If relevant representations made	If no relevant representations made
Application to vary a designated premises supervisor		If a police objection	All other cases
Request to be removed as a designated premises supervisor			All cases
Application for transfer of premises licence		If a police objection	All other cases
Application for interim authority		If a police objection	All other cases



Application to review premises licence / club premises certificate		All cases	
Decision on whether a complaint is irrelevant, frivolous, vexatious etc.			All cases
Decision to object when local authority is a consultee and not the relevant authority considering the application		All cases	
Determination of an objection to a temporary event notice		All cases	
Determination of application to vary premises licence at community premises to include alternative licence condition		If a police objection	All other cases
Decision on whether to consult other responsible authorities on minor variation application			All cases
Determination of a minor variation			All cases
To raise representations on behalf of the Licensing Authority as a Responsible Authority			All cases

Delegation of licensing decisions and functions (Gambling Act 2005)

<b>MATTER TO BE DEALT WITH</b>	<b>FULL COUNCIL</b>	<b>SUB-COMMITTEE</b>	<b>OFFICERS</b>	<b>DEMOCRATIC SERVICES &amp; LEGAL SERVICES</b>
Three year Licensing Policy	X			
Policy not to Permit Casinos	X			
Validity of Applications or Representations			x	
Representations made by Licensing Authority			x	
Determination of Applications		x	When no hearing is required	
Dispensing with Hearings		Where all parties agree		Where all parties agree prior to

				hearing
Extending Times Limits		x		Where there is a need prior to hearing (consult with Licensing Committee Chair)
Consideration of Representations (opposing or supporting) and Notices (temporary use / occasional use)		x	x	
Procedure and Conduct of Hearings		x		
Issue of Notice of Hearing				x
Determining Relevance of Information		x		

#### 1.4.4 Functions – Licensing Committee (miscellaneous)

- (a) To deal with any other licensing matter which must be dealt with by a committee of the council and cannot be dealt with by the Licensing Committee (2003) including but not limited to, matters under the London Local Authorities Act 1990 (as amended), London Local Authorities Act 1991, Scrap Metal Dealers Act 2013, Local Government (Miscellaneous Provisions Act 1982), Animal Welfare Act 2006 (including its Regulations), Animal Boarding Establishments Act 1963, Zoo Licensing Act 1981, Riding Establishments Act 1964 and 1970, Breeding of Dogs Act 1973.
- (b) To review the Statements of Policy on any other licensing matter at such times as it considers appropriate and report to Council when required.
- (c) To review the fees for any other licensing matter at such times as it considers appropriate and report to Council when required.
- (d) To deal with any matter which the Director of Environment, Civic Pride and Climate considers appropriate to be referred to the Licensing Committee (miscellaneous)

#### 1.5 Overview and Scrutiny Commission and Overview and Scrutiny Panels

- (a) **Membership of the Commission:** Membership 15, consisting of 4 statutory co-opted Members, 1 non-voting co-opted Member and 10 Councillors.
- (b) **Functions:** The functions of the Overview and Scrutiny Commission and Panels are set out in Article 6 of Part 1 of the Constitution and should be read in conjunction with the Overview and Scrutiny Commission Procedure Rules in Part 4-E.
- (c) Scrutiny panels and joint scrutiny panels membership and details are found within Overview and Scrutiny Commission Procedure Rules in Part 4-E

## 1.6 Pensions Committee.

- (a) **Membership:** 3 Councillors who shall be voting members plus two non-voting members comprising one staff representative and one pensioner representative to be appointed at the discretion of the Council
- (b) **Functions:**
  - (i) To review and approve all aspects of investment policy relating to the Pensions Fund, including agreeing the strategic asset and review the Investment Strategy Statement and amend it when necessary. This includes the authority to do the following:
  - (ii) To agree benchmarks and performance targets for the investment of the Fund's assets and review periodically
  - (iii) To agree to transfer funds into mandates managed by the London Collective Investment Vehicle (CIV) as soon as appropriate opportunities become available;
  - (iv) To receive regular reports from the London CIV and to agree any resultant actions from a review of the investments held with the London CIV;
  - (v) To keep the performance of the investment managers under regular review and extend or terminate their contracts as required. To appoint new managers when necessary.
  - (vi) To agree policy guidelines for the exercise of voting rights attached to the Fund's shares;
  - (vii) To review the appointment of specialist advisors and service providers and make new appointments as necessary.

- (viii) To consider the overall implications of the Council's policies for employment and benefits issues and their impact on the Pension Fund and agree any strategic changes;
  - (ix) To agree the Pension fund's sustainable investment policy and consider the impact of the Environment, Social and Governance on each investment decision
- c) To review and approve the Pension fund's annual statement of accounts and the annual report
- d) The Executive Director of Finance and Digital is authorised to take urgent decisions in relation to the pensions fund and investment strategy on behalf of the Committee, reporting back to the next scheduled meeting of the Pensions Committee on any exercise of these powers.
- e) **Knowledge and understanding (including Training)**

Committee members are expected to attend/complete training arranged by the Fund in order to meet and maintain the Merton Pension Fund and the Local Government Pension Scheme knowledge and skills requirements.

f) **Non-Voting Members**

- i. The non-voting members of the Committee shall be appointed until the date of the next 'all-council' elections.
- ii. Non-voting members shall not be entitled to send substitutes in their absence
- iii. If a non-voting member does not attend for 2 consecutive meetings then unless that non attendance is for a reason approved in advance by the Committee, their membership of the Committee shall automatically cease and the Executive Director of Finance and Digital shall be entitled to appoint replacement members.
- iv. If a non-voting member resigns or is otherwise unable to continue as member, the Executive Director of Finance and Digital shall be entitled to appoint a replacement member.

## **1.7 Merton Health and Wellbeing Board**

### 1.1 Purpose

Merton Health and Wellbeing Board works in partnership to provide strategic leadership to improve health and wellbeing and reduce health inequalities. It promotes an integrated approach to delivery of priorities and engages on strategy development and service delivery. It focuses on prevention and the achievement of positive outcomes across the

determinants of health. The vision of Merton Health and Wellbeing Board is:

- i. A fair share of opportunities for health and wellbeing for all Merton residents
- ii. This means the Health and Wellbeing Board will work to halt the rise in the gap in life expectancy between areas of Merton.

## 1.2 Context

The Health and Social Care Act required each local authority to establish a Health and Wellbeing Board from April 2013. It gave Boards statutory duties to encourage integrated working and to develop Joint Strategic Needs Assessments (JSNAs) and Joint Health and Wellbeing Strategies. The Act permits the local authority to arrange for Health and Wellbeing Boards to exercise any functions that are exercisable by the authority. Health and Wellbeing Boards are also now required to produce and maintain Pharmaceutical Needs Assessments and to agree the Better Care Fund Plan

## 1.3 Core Principles

Merton Health and Wellbeing Board agreed a set of core principles that underpin the work of the Board:

- Supporting everyone to take greater responsibility for their health and wellbeing
- Encouraging everyone to make a personal contribution
- Raising aspirations
- Recognising mental health as a cross cutting issue
- Focus on tackling the worst inequalities in health and wellbeing
- Promoting equalities and diversity
- Working in partnership to achieve more

## 2. Responsibilities

The responsibilities of the Health and Wellbeing Board are to:

2.1 Improve health and wellbeing and narrow the gapes in health inequalities

2.2 Encourage health, social care and health related services to work in an integrated way working with partners to identify opportunities for future joint commissioning.

2.3 Lead on signing off the Better Care Fund Plan

2.4 Assess the needs of Merton's population through the Joint Strategic Needs Assessment (JSNA)

2.5 Agree the Merton Health and Wellbeing Strategy (that reflects the priorities identified in the JSNA) and undertake strategic monitoring, evaluation and refresh

2.6 Provide strategic priorities through the Health and Wellbeing Strategy to help align commissioning intentions. Specifically, Merton Council plans for commissioning and Merton Clinical Commissioning Groups' Commissioning Plan are informed by the Health and Wellbeing Strategy and JSNA.

2.7 Ensure that strategic issues arising from the Safeguarding Adults Board and Merton Safeguarding Children Board and ensure partners respond to issues pertinent to the Board.

2.8 Receive the annual report of the Safeguarding Adults Board and Merton Safeguarding Children Board and ensure partners respond to issues pertinent to the Board.

2.9 Request information from any individual member of the Health and Wellbeing Board that is needed to deliver on the Health and Wellbeing Board responsibilities.

2.10 Publish and maintain a Pharmaceutical Needs Assessment for Merton.

2.11 Comply with further statutory and other agreed responsibilities as required.

## **b) Membership**

- Cabinet Member for Adult Social Care and Health (Chair)
- Cabinet Member for Children's Services
- Member of the Opposition

Under the governing legislation, the Leader of the Council is responsible for nominating the elected member representatives on the Board

- Merton Clinical Commissioning Group Chair (Vice Chair)
- Merton Clinical Commissioning Group Chief Officer
- Merton Clinical Commissioning Group Director of Commissioning
- Merton Clinical Commissioning Group GP
- Executive Director Adult Social Care, Integrated Care & Public Health (non-voting)
- Executive Director of Children, Lifelong Learning and Families (non-voting)
- Executive Director Environment, Civic Pride & Climate (non-voting)
- Director of Public Health (non-voting)
- Chief Executive of Merton Voluntary Service Council

- Representative of Healthwatch
- Community Engagement Network representative

(All members have a vote except where specified as non-voting)

#### c) Merton Health and Wellbeing Board HWBB Community Sub-Group

The Health and Wellbeing Board has established a HWBB Community Sub-Group which will support the implementation of Merton's Local Outbreak Control Plan and to have oversight of work on the impact of Covid-19 on vulnerable communities

### **1.8 South West London and Surrey Joint Health Overview And Scrutiny Committee (JHOSC)**

#### **TERMS OF REFERENCE**

1.1 The South West London and Surrey Joint Health Overview and Scrutiny Committee is established by the Local Authorities of **London Borough of Croydon, London Borough of Merton, London Borough of Richmond upon Thames, Surrey County Council, London Borough of Sutton, London Borough of Wandsworth**, and the **Royal Borough of Kingston upon Thames (constituent areas)** in accordance with s.245 of the NHS Act 2006 and the Local Authority (Public Health, Health and Wellbeing Boards and Health Scrutiny) Regulations 2013.

1.2 It will be a standing Joint Overview and Scrutiny Committee or a sub-committee thereof which will undertake scrutiny activity in response to a particular reconfiguration proposal or strategic issue affecting some, or all of the constituent areas.

1.3 The length of time a specific matter / proposal will be scrutinised for will be determined by the Joint Committee or Sub Committee.

1.4 The purpose of the Standing Joint Committee is to act as a full committee or commission sub-committees to consider the following matters and carry out detailed scrutiny work as below:

(a) To engage with Providers and Commissioners on strategic sector wide *proposals* in respect of the *configuration* of health services affecting some or all of the area of Croydon, Merton, Richmond upon Thames, Surrey County Council, Sutton, Wandsworth, and the Royal Borough of Kingston upon Thames (constituent area).

(b) Scrutinise and respond to the consultation process (including stakeholder engagement) and final decision in respect of any reconfiguration proposals affecting some, or all of the constituent areas.

(c) Scrutinise in particular, the adequacy of any consultation process in respect of any reconfiguration proposals (including content or time allowed) and provide reasons for any view reached.

(d) Consider whether the proposal is in the best interests of the health service across the affected area.

(e) Consider as part of its scrutiny work, the potential impact of proposed options on residents of the reconfiguration area, whether proposals will deliver sustainable service change and the impact on any existing or potential health inequalities.

(f) Assess the degree to which any proposals scrutinised will deliver sustainable service improvement and deliver improved patient outcomes.

(g) Agree whether to use the joint powers of the local authorities to refer either the consultation or final decision in respect of any proposal for reconfiguration to the Secretary of State for Health.

(h) As appropriate, review the formal response of the NHS to the Committees consultation response.

1.5. The Joint Committee will consist of 2 Councillors nominated by each of the constituent areas and appointed in accordance with local procedure rules. Each Council can appoint named substitutes in line with their local practices.

1.6 Appointments to the Joint Committee will be made annually by each constituent area with in-year changes in membership confirmed by the relevant authority as soon as they know.

1.7 A Chair and Vice Chair of the Joint Committee will be elected by the Committee at its first meeting for a period of one year and annually thereafter.

1.8 The life of the Joint Committee will be for a maximum of four years from its formation in May 2022.

1.9 For each specific piece of scrutiny work undertaken relating to consultations on reconfiguration or substantial variation proposals affecting all or some of the constituent areas, the Joint Committee will either choose to act as a full Committee or can agree to commission a sub-committee to undertake the detailed work and define its terms of reference and timescales. This will provide for flexibility and best use of resource by the Joint Committee.

1.10 In determining how a matter will be scrutinised, the Joint Committee can choose to retain decision making power or delegate it to a sub-committee.

1.11 The overall size of each sub-committee will be determined by the main Committee and must include a minimum of 1 representative per affected constituent area.

1.12 Where a proposal for reconfiguration or substantial variation covers some but not all of the constituent areas, in establishing a sub-committee, formal membership will only include those affected constituent areas. Non affected constituent areas will be able to nominate members who can act as 'observers' but will be non-voting.



1.13 The Committee and any sub-Committees will form and hold public meetings, unless the public is excluded by resolution under section 100a (4) Local Government Act 1972 / 2000, in accordance with a timetable agreed upon by all constituent areas and subject to the statutory public meeting notice period.

## **JHOSC RULES OF PROCEDURE**

### **1. Membership of Committee and Sub-Committees**

- 1.1 The London Boroughs of Croydon, Merton, Richmond upon Thames, Sutton, Wandsworth and the Royal Borough of Kingston upon Thames and Surrey County Council will each nominate, 2 members to the JHOSC, appointed in accordance with local procedure rules.
- 1.2 Appointments will be reconfirmed annually by each relevant authority.
- 1.3 Individual authorities may change appointees in accordance with the rules for the original nomination.
- 1.4 Individual authorities will be strongly encouraged to nominate substitutes in accordance with local practice.
- 1.5 In commissioning Sub-Committees, membership will be confirmed by the JHOSC and can be drawn from the main Committee or to enable use of local expertise and skill, from non-Executive members of an affected constituent area.
- 1.6 The membership of a sub-committee will include at least one member from each affected constituent areas. An affected constituent area is a council area where the proposals will impact on residents. Non affected areas can appoint 'observer' members to sub-committees but they will be non-voting.
- 1.7 The JHOSC, may as appropriate review its membership to include authorities outside the South West London area whom are equally affected by a proposal for reconfiguration or substantial variation who can be appointed to serve as members of relevant sub-committees.

### **2. Chairman**

- 2.1 The JHOSC will elect the Chairman and Vice Chairman at the first formal meeting. A vote will be taken (by show of hands) and the results will be collated by the supporting Officer.
- 2.2 The appointments of Chairman and Vice Chairman will be reconfirmed annually.
- 2.3 If the JHOSC wishes to, or is required to change the appointed Chairman or Vice Chairman, an agenda item should be requested supported by four of the seven constituent areas following which the appointments will be put to a vote.
- 2.4 Where a sub-committee is commissioned, at its first meeting a Chairman and Vice-Chairman will be appointed for the life of the sub-committee.

### **3. Substitutions**

- 3.1 Named substitutes may attend Committee meetings and sub-committee meetings in lieu of nominated members. Continuity of attendance is strongly encouraged.
- 3.2 It will be the responsibility of individual committee members and their local authorities to arrange substitutions and to ensure the supporting officer is informed of any changes prior to the meeting.
- 3.3 Where a named substitute is attending the meeting, it will be the responsibility of the nominated member to brief them in advance of the meeting.

### **4. Quorum**

- 4.1 The quorum of a meeting of the JHOSC will be the presence of one member from any five of the seven participating constituent areas.
- 4.2 The quorum of a meeting of a Sub Committee of the JHOSC will be three quarters of the total membership of the sub-committee to include a minimum of two members.

### **5. Voting**

- 5.1 Members of the JHOSC and its sub Committees should endeavour to reach a consensus of views and produce a single final report, agreed by consensus and reflecting the views of all the local authority committees involved.
- 5.2 In the event that a vote is required, each member present will have one vote. In the event of there being an equality of votes the Chairman of the JHOSC or its sub-committee will have the casting vote.

### **6. JHOSC Role, Powers and Function**

- 6.1 The JHOSC will have the same statutory scrutiny powers as an individual health overview and scrutiny committee that is:
- accessing information requested
  - requiring members, officers or partners to attend and answer questions
  - Referral to the Secretary of State for Health if the Committee is of the opinion that the consultation has been inadequate or the proposals are not 'in the interests' of the NHS
- 6.2 The JHOSC can choose to retain the powers of referral to the Secretary of State for Health for a particular scrutiny matter or delegate them to an established sub-committee.

## **7. Support**

- 7.1 The lead governance and administrative support for the JHOSC will be provided by constituent areas on an annual rotating basis.
- 7.2 The lead scrutiny support for sub-committees will be provided by constituent areas on a per issue basis to be agreed by the sub-committee.
- 7.3 Meetings of the JHOSC and its sub-committees will be rotated between participating areas.
- 7.4 The host constituent area for each meeting of the JHOSC will be responsible for arranging appropriate meeting rooms and ensuring that refreshments are available.
- 7.5 Each constituent area will identify a key point of contact for all arrangements and Statutory Scrutiny Officers will be kept abreast of arrangements for the JHOSC.

## **8. Meetings**

- 8.1 Meetings of the JHOSC and its sub-committees will be held in public unless the public is excluded by resolution under section 100a (4) Local Government Act 1972 / 2000 and will take place at venues in one of the seven constituent areas.
- 8.2 Meetings will not last longer than 3 hours from commencement, unless agreed by majority vote at the meeting.

## **9. Agenda**

- 9.1 The agenda will be drafted by the officers supporting the JHOSC or its sub-committees and agreed by the appropriate Chairman. The officer will send, by email, the agenda to all members of the JHOSC, the Statutory Scrutiny Officers and their support officers.
- 9.2 It will then be the responsibility of each borough to:
- publish official notice of the meeting
  - put the agenda on public deposit
  - make the agenda available on their Council website; and
  - make copies of the agenda papers available locally to other Members and officers of that Authority and stakeholder groups as they feel appropriate.

## **10. Local Overview and Scrutiny Committees**

- 10.1 The JHOSC or its sub-committees will invite participating constituent areas health overview and scrutiny committees and other partners to make known their views on the review being conducted.
- 10.2 The JHOSC or its sub-committees will consider those views in making its conclusions and comments on the proposals outlined or reviews.

10.3 Individual Overview and Scrutiny Committees will make representations to any NHS Body where a consensus at the JHOSC cannot be reached.

## **11. Representations**

11.1 The JHOSC or its sub-committees will identify and invite witnesses to address the committee and may wish to undertake consultation with a range of stakeholders.

11.2 As far as practically possible the committee or sub-committee will consider any written representations from individual members of the public and interest groups that represent geographical areas in South West London and Surrey that are contained within one of the participating local authority areas.

11.3 The main Committee and any established sub-committees will consider up to 3 verbal representations per agenda item from individual members of the public and interest groups that represent geographical areas in South West London and Surrey that are contained within one of the participating local authority areas. Individuals must register to speak before 12pm on the day before the meeting takes place and will be given three minutes to make their representations to the committee.

11.4 The Chairman of any committee or sub-committee will have the discretion to accept more or late speakers where s/he feels it is appropriate.